



COUNCIL
102nd session
Agenda item 9

C 102/9/Add.1
15 June 2009
Original: ENGLISH

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 eighty-sixth session of the Maritime Safety Committee
<i>Strategic direction:</i>	4
<i>High-level action:</i>	4.3.1
<i>Planned output:</i>	4.3.1.1
<i>Action to be taken:</i>	Paragraph 76
<i>Related documents:</i>	MSC 86/26 and addenda

EIGHTY-SIXTH SESSION OF THE MARITIME SAFETY COMMITTEE

INTRODUCTION

1 The report of the eighty-sixth session of the Maritime Safety Committee (MSC 86/26 and addenda) is submitted to the 102nd session of the Council in accordance with the provisions of Article 29 of the IMO Convention.

2 The eighty-sixth session of the Committee was held from 27 May to 5 June 2009 under the chairmanship of Mr. N. Ferrer (Philippines) and was attended by 103 Member States, two Associate Members, two United Nations specialized agencies, eight intergovernmental organizations and 38 non-governmental organizations in consultative status.

3 Decisions taken by the Committee during the session under review are summarized in the ensuing paragraphs, with reference to the approved draft Assembly resolutions, guidelines and other recommendations related to maritime safety and security being made in paragraphs 72 and 73.

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ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

4 In separate expanded sessions, the Committee considered and adopted:

- .1 by resolution MSC.282(86), amendments to chapters II-1, V and VI of, and the appendix to the Annex to, the 1974 SOLAS Convention; and
- .2 by resolution MSC.283(86), amendments to the 1988 SOLAS Protocol.

5 The Committee determined that the amendments to chapters II-1, V and VI of, and the appendix to the Annex to, the 1974 SOLAS Convention and to the 1988 SOLAS Protocol, should enter into force on 1 January 2011, provided that they are deemed to have been accepted on 1 July 2010.

MEASURES TO ENHANCE MARITIME SECURITY**Port facility security audits**

6 The Committee agreed that there was no need to develop, at this stage, guidance on port facility security audits to supplement the guidance provided in MSC.1/Circ.1192 on Guidance on voluntary self-assessment by SOLAS Contracting Governments and by port facilities and MSC.1/Circ.1194 on Effective implementation of SOLAS chapter XI-2 and the ISPS Code. However, the Committee urged SOLAS Contracting Governments to undertake the necessary assessments with a view to verifying and ensuring that the requirements of SOLAS chapter XI-2 and of the ISPS Code were complied with and, to that end, to make use of the guidance provided in MSC.1/Circ.1192, MSC.1/Circ.1193 and MSC.1/Circ.1194. The Committee also urged SOLAS Contracting Governments and organizations concerned to bring to the attention of the Committee, at the earliest opportunity, the results of the experience gained from the use of the aforementioned circulars, for further consideration of action to be taken.

Handling of failures identified during verifications

7 The Committee urged SOLAS Contracting Governments and organizations concerned to bring to its attention:

- .1 the results of the experience gained when handling defects identified during verifications of compliance with the provisions of SOLAS chapter XI-2 and the ISPS Code and when resolving conflicts between safety and security; and
- .2 issues which needed to be resolved in relation to the implementation of the requirements of SOLAS chapter XI-2 and of the ISPS Code, taking into account the guidance issued since MSC 77,

for further consideration of action to be taken.

Issue of Continuous Synopsis Records

8 The Committee, noting the problems and difficulties encountered by SOLAS Contracting Governments with the issue of Continuous Synopsis Records, urged all SOLAS Contracting Governments to strictly adhere to the provisions of SOLAS regulation XI-1/5 and of the Guidelines for the maintenance of the Continuous Synopsis Record.

Communication of information to the Organization

9 The Committee urged SOLAS Contracting Governments to meet their obligations under the provisions of SOLAS regulation XI-2/13 and to communicate the relevant information to the Organization and to update these as and when changes occur. The Committee also agreed that SOLAS Contracting Governments could meet their obligations pursuant to the provisions of SOLAS regulation XI-2/13.4 by either providing in writing to the Organization the information required or by updating or amending accordingly the entries which they had already made in the Maritime Security Module or by making new ones, if necessary.

10 In this context, the Committee requested the Secretariat to prepare, for MSC 87, a list showing SOLAS Contracting Governments which had met their obligations under the provisions of SOLAS regulation XI-2/13, in general and SOLAS regulation XI-2/13.4, in particular.

GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS

11 The Committee continued work on the prescriptive approach for goal-based standards (GBS) for bulk carriers and oil tankers and, as reflected in paragraphs 5.1 to 5.65 of document MSC 86/26:

- .1 approved the draft MSC resolution on Adoption of amendments to the SOLAS Convention, for adoption at MSC 87, to introduce GBS and to make the International goal-based ship construction standards for bulk carriers and oil tankers mandatory;
- .2 approved the draft MSC resolution on Adoption of the International goal-based ship construction standards for bulk carriers and oil tankers, for adoption at MSC 87;
- .3 approved, in principle, the draft MSC resolution on Adoption of the Guidelines for verification of conformity with goal-based ship construction standards for bulk carriers and oil tankers, for adoption at MSC 87 in conjunction with the aforementioned amendments to the SOLAS Convention;
- .4 with regard to resource implications of the verification process, agreed that the expenditure required for the verification exercise should be covered by the entity requesting verification of their rules; and
- .5 noted that implementation of the Verification Guidelines would require additional staff for the Secretariat, including a permanent secretary and staff to carry out the contracting functions.

12 In respect of further work on GBS, the Committee agreed to re-establish the GBS Working Group at MSC 87 to finalize the draft Guidelines for the information to be included in a Ship Construction File; prepare any consequential changes to the Verification Guidelines; and further consider proposals regarding the financial aspects of verification and, having noted the progress made with the development of the generic guidelines for developing IMO goal-based standards, agreed to have a principal debate at MSC 87 on how to proceed with the work on the item.

LONG-RANGE IDENTIFICATION AND TRACKING (LRIT)

13 The Committee reviewed the progress made in connection with the completion of the establishment of the LRIT system and took action on a number of issues relating to the implementation of the provisions of SOLAS regulation V/19-1. In particular, the Committee, *inter alia*, approved amendments to the technical specifications for the LRIT system; amendments to the guidelines on survey and certification of shipborne equipment and in relation to the provision of LRIT information to search and rescue services; explanatory notes and guidance for the testing of LRIT Data Centres (DCs).

- 14 Having considered the report of the working group on LRIT-related matters, the Committee:
- .1 urged Contracting Governments to forthwith provide to the Organization all information they were obliged to communicate pursuant to the provisions of SOLAS regulation V/19-1, the Revised performance standards or other related decisions of the Committee and to promptly update these as and when changes occur;
 - .2 authorized the continuation of the arrangements which MSC 85 had put in place pending the development and adoption of a continuity of service plan for the LRIT system, namely that, in case the system faced an emergency situation or a malicious attack, those which faced or encountered such situations first, in consultation with the chairman of the *Ad Hoc* LRIT Group; the United States acting on behalf of the International LRIT Data Exchange (IDE); and the Secretariat acting on behalf of the Organization for matters relating to the LRIT Data Distribution Plan (DDP) and the Public Key Infrastructure (PKI), should determine the actions to be taken so as to best protect the system; contain the propagation of the problem(s) to other components of the system; ensure continuity of service; and restore normal operations;
 - .3 approved the Principles and guidelines relating to the review and audit of the performance of LRIT DCs and the IDE;
 - .4 requested the LRIT Coordinator to issue, as soon as possible, requests for the submission of proposals for the establishment and operation of the IDE as from a date to be decided by the Committee provided that such a date is not earlier than 1 September 2010 and not later than 31 December 2011;
 - .5 requested the Secretary-General to convene, following consultations with the Chairman of the Committee and the chairman of the *Ad Hoc* LRIT Group, further meeting(s) of the Group when such meeting(s) were warranted as a result of emerging situations or developments, which adversely affected the implementation of the provisions of regulation V/19-1 or the functioning of the LRIT system or needed to be resolved and could not be deferred for consideration by MSC 87; and
 - .6 for the period between MSC 86 and MSC 87, authorized the Secretariat, in consultation with the chairman of the *Ad Hoc* LRIT Group and/or the United States as provider of the IDE and subject to the approval of the Secretary-General, to initiate or take any action(s) which might be warranted with a view to advancing the completion of the establishment of the LRIT system or resolving any problems or difficulties which might transpire in connection with the implementation of the provisions of regulation V/19-1 or the functioning of the LRIT system.

15 The Committee also had extensive discussions on the fees and charges to be levied by IMSO, acting as LRIT Coordinator, in connection with the interim authorization for the integration of DCs into the production environment of the LRIT system and for the annual review and audit of the performance of DCs and the IDE. SOLAS Contracting Governments expressed serious concerns regarding this matter and indicated that they expected IMSO to seriously consider these concerns and to bring its charges down to affordable levels and apportion them in a fair and reasonable manner amongst those having to bear the burden.

SUB-COMMITTEES' REPORTS

16 The Committee approved, in general, the reports of DSC 13, COMSAR 13, STW 40, FP 53 and BLG 13, and also dealt with urgent matters emanating from DE 52 and FSI 17. Decisions on important issues emanating from these reports of the Sub-Committees are provided hereunder.

DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS

Procedure for the adoption of future amendments to the IMSBC Code

17 The Committee approved the procedure for the adoption of future amendments to the International Maritime Solid Bulk Cargoes (IMSBC) Code, as specified in paragraph 7.2 of document MSC 86/26, similar to the procedure for adoption of amendments to the IMDG Code.

RADIOCOMMUNICATIONS AND SEARCH AND RESCUE

18 The Committee endorsed the Sub-Committee's action in conveying relevant IMO liaison statements to:

- .1 ITU and CIRM on Proposed new "DSC Class H" of DSC portable radio intended primarily for distress alerts and communication;
- .2 ITU, IALA, IEC and CIRM on Automatic Identification System (AIS) Search and Rescue Transmitter (AIS-SART); and
- .3 ITU on the Regulatory status of AIS frequencies for the ITU World Radiocommunication Conference 2011 (WRC-11),

and endorsed the Sub-Committee's action in requesting the Secretariat to issue COMSAR.1/Circ.44 on List of NAVAREA Coordinators; COMSAR.1/Circ.45 on Guidance on distress alerts; COMSAR.1/Circ.46 on AIS safety-related messaging; COMSAR.1/Circ.47 on List of Rescue Coordination Centres (RCCs) associated with Inmarsat land earth stations (LEs); and SAR.7/Circ.9 on List of IMO documents and publications which should be held by a Maritime Rescue Coordination Centre (MRCC).

TRAINING AND WATCHKEEPING

Comprehensive review of the STCW Convention and the STCW Code

19 The Committee noted the progress of work relating to the comprehensive review of the STCW Convention and the STCW Code and, having approved the convening of an *ad hoc* intersessional meeting of the Working Group on the Comprehensive review of the STCW Convention and Code, authorized STW 41 to finalize the draft revised text of amendments.

20 The Committee, having noted the consultations of the Secretary-General with the Director-General of ILO and the latter's concurrence thereto, requested the Secretary-General to take appropriate action to convene the diplomatic conference in the Philippines in June 2010 to adopt the amendments to the STCW Convention and Code, pending decisions by the Council and Assembly on the budget for the biennium 2010-2011. The Committee also requested the Secretary-General to circulate the text of the proposed amendments, after finalization by STW 41, for consideration by the Conference and to issue, at the appropriate time, all other relevant documentation.

Secretary-General's reports pursuant to STCW regulation I/7, paragraph 2 and STCW regulation I/8

21 The Committee, having considered the report submitted by the Secretary-General upon recommendations of the panels of competent persons:

- .1 confirmed that the procedures for the assessment of information provided, pursuant to STCW regulation I/7, paragraph 2, had been correctly followed in respect of two STCW Parties; and approved the relevant circular; and
- .2 confirmed that the procedures for the assessment of information provided, pursuant to STCW regulation I/8, had been correctly followed in respect of eight STCW Parties and approved the relevant circular.

Approval of competent persons

22 The Committee approved additional competent persons nominated by Governments and instructed the Secretariat to update MSC/Circ.797/Rev.17 accordingly and issue the updated circular as MSC.1/Circ.797/Rev.18.

Launch of the 'Go to sea!' campaign to attract new entrants to the shipping industry

23 The Committee, having noted the information provided by the Secretariat relating to the launch of a campaign to attract new entrants to the shipping industry and retain existing seafarers in the maritime profession and the efforts of the Secretary-General, in co-operation with ILO, the round table of shipping organizations and ITF to address the present shortage of seafarers, urged Member States and international organizations to provide information about any activities they had undertaken or might propose to undertake in support of the goals of the campaign with a view to transferring elements of best practice, positive examples and useful experience gained in one part of the world to benefit the activities of others elsewhere.

FIRE PROTECTION

24 The Committee approved a number of MSC circulars regarding performance and testing criteria, application and interpretation of requirements of SOLAS and the FSS Code, as appropriate, approval of fire-extinguishing systems and, in particular:

- .1 guidance on the drainage of fire-fighting water from closed vehicle and ro-ro spaces and special category spaces of passenger and cargo ships, to assist Administrations in the implementation of the amendments to SOLAS regulation II-2/20, adopted in response to the tragic loss of life caused by the sinking of the passenger ferry **Al-Salam Boccaccio 98**; and

- .2 adopted amendments to the Revised Guidelines for approval of sprinkler systems equivalent to that referred to in SOLAS regulation II-2/12 (resolution A.800(19)), by resolution MSC.284(86).

Amendments to mandatory instruments

25 The Committee approved:

- .1 the draft amendments to SOLAS chapter II-2 to make the 2010 FTP Code mandatory, with a view to adoption at MSC 88; and
- .2 the draft amendments to chapters 1, 10 and 16 of the FSS Code, with a view to adoption at MSC 87.

BULK LIQUIDS AND GASES

Safety for natural gas-fuelled engine installations in ships

26 The Committee adopted resolution MSC.285(86) on Interim Guidelines on safety for natural gas-fuelled engine installations in ships, having noted that the Sub-Committee commenced work on the development of the International Code of Safety for Gas-fuelled Ships (IGF Code).

Recommendations for MSDS for MARPOL Annex I oil cargo and oil fuel

27 The Committee adopted resolution MSC.286(86) on Recommendations for material safety data sheets (MSDS) for MARPOL Annex I oil cargo and oil fuel.

SHIP DESIGN AND EQUIPMENT

Amendments to SOLAS and SOLAS-related instruments

28 The Committee approved, for adoption at MSC 87, draft amendments to SOLAS chapters II-1 and III, concerning corrosion protection of cargo oil tanks of crude oil tankers and on-load release mechanisms; to the LSA Code, concerning load release mechanisms and assumed weight of persons; and to the Revised recommendation on testing of life-saving appliances, for adoption in conjunction with the aforementioned draft amendments to the LSA Code.

Status of measures to prevent accidents with lifeboats

29 In considering the status of MSC.1/Circ.1206 on Measures to prevent accidents with lifeboats, the Committee instructed the DE Sub-Committee to develop a schedule and outline of measures to make all or parts of the circular mandatory, inviting submissions to DE 53 addressing the issues which were hindering a mandatory application of the provisions of the circular.

Safety of ships operating in polar waters

30 The Committee, following its approval of the draft Assembly resolution on Adoption of the Guidelines for ships operating in polar waters, subject to MEPC 59's concurrent decision, agreed to include, in the Sub-Committee's work programme and provisional agenda to DE 53, an item on "Development of a mandatory Code for ships operating in polar waters".

FLAG STATE IMPLEMENTATION**EU regulation on common rules and standards for ship inspection and survey organizations**

31 Having noted the information provided by the Secretariat on the response received from the appropriate authority of the European Union (EU) in reply to the Secretary-General's letter conveying the concern expressed by several IMO Member States on the implications of Article 10 of the proposed European Parliament and Council Regulation on common rules and standards for ship inspection and survey organizations, and the various interventions and statements expressing further views and concerns, the Committee invited interested Member States to submit information on developments relevant to this issue, to MSC 87.

Code for the Implementation of Mandatory IMO Instruments

32 The Committee agreed not to include in the Code the proposed amendments incorporating ISPS Code-related provisions and decided that any proposals to expand the scope of the Code should be, first, submitted to the Committees for consideration.

33 While approving a draft Assembly resolution on Amendments to the Code for the Implementation of Mandatory IMO Instruments, 2007, the Committee, with a view to reducing the volume of paper, adopted the regime that, at every uneven session of the Assembly, the whole of the revised Code incorporating all amendments should be adopted in a consolidated version but, at every even session of the Assembly, only amendments to the Code should be adopted with the proviso that a consolidated working version of the Code be prepared by the Secretariat and posted to IMODOCS. The Committee invited the Council to note the above developments.

Code for recognized organizations

34 The Committee requested the Secretariat to prepare a consolidated document containing all existing requirements and recommendations of IMO instruments regarding recognized organizations and invited Member States and international organizations to carry out a gap analysis to identify areas that are not, or not adequately, covered by the existing requirements and recommendations for consideration by FSI 18.

TECHNICAL ASSISTANCE SUB-PROGRAMME IN MARITIME SAFETY AND SECURITY**Developments concerning technical co-operation activities**

35 The Committee noted the information on the safety-, security- and facilitation-related activities in the last quarter (October to December) of 2008 and those implemented between January and February 2009 with other planned activities for the rest of the year under the Integrated Technical Co-operation Programme (ITCP) for the biennium 2008-2009 and was advised by the Secretariat of additional information on technical co-operation activities.

Search and rescue

36 The Committee noted the progress made on the implementation of the resolutions of the Florence Conference on Maritime Search and Rescue and the GMDSS and urged Governments and industry to contribute to the technical co-operation programme, with special donations to the International SAR Fund to enable the project to be completed successfully, and requested the Secretariat to continue providing the Committee with updated information on the programme.

CAPACITY-BUILDING FOR THE IMPLEMENTATION OF NEW MEASURES

37 The Committee, in the context of resolution A.998(25) on Need for capacity-building for the development and implementation of new, and amendments to existing, instruments, approved the Procedures for the assessment of implications of capacity-building requirements when developing new or amending existing mandatory instruments and approved, subject to MEPC 59's concurrent decision, relevant amendments to the Guidelines on the organization and method of work, incorporating the aforementioned Procedures.

ROLE OF THE HUMAN ELEMENT

Joint IMO/ILO Working Group on areas of common interest

38 The Committee, in the context of the request from ILO proposing that the Secretariats of IMO and ILO should hold inter-secretariat consultations on possible common areas relating to the human element, noted that representatives of the ILO and IMO Secretariats, having met at IMO Headquarters on 21 and 22 January 2009, had identified areas of common interest to both Organizations and prepared a proposal to address them.

39 Following consideration of the outcome of the meeting, the Committee agreed that:

- .1 whilst there was general support for the establishment of the joint IMO/ILO Working Group to discuss issues of common interest for both Organizations, such a body should not be a standing group but could be established on an *ad hoc* basis with specific terms of reference; and
- .2 the joint MSC/MEPC Working Group on Human Element, scheduled to meet during MEPC 59, should also consider the suggestion and advise the Committees on the composition of a proposed joint Working Group; priorities to be assigned to the issues identified; terms of reference and the frequency of its meetings.

FORMAL SAFETY ASSESSMENT

40 The Committee agreed to the list of experts, with suitable qualifications, nominated by Member Governments and non-governmental organizations and, having established the FSA Experts Group, referred FSA studies on LNG carriers, containerships, cruise ships and RoPax to the Experts Group for review.

41 Following consideration of the group's report, the Committee, having noted the developments, in particular noted that more time was needed to complete the review by the group, and approved intersessional arrangements through correspondence among the nominated experts and an intersessional meeting of the FSA Experts Group in November 2009.

PIRACY AND ARMED ROBBERY AGAINST SHIPS

General

42 A number of delegations outlined the actions taken by their Governments to deploy ships and patrol aircraft to the western Indian Ocean region to assist in the protection of merchant shipping. In this context, the Committee welcomed the significant strategic co-operation between States and noted the importance of the weekly meetings of the shared awareness and deconfliction (SHADE) mechanism in coordinating the activities of participating navies.

43 Delegations stressed the importance of full implementation, by shipowners and operators, of IMO and national guidance, and industry best practice on the suppression of piracy. Some delegations stressed the need for anti-piracy measures to be incorporated into ship security plans and/or ship ISM procedures.

44 The Secretary-General expressed regret that, despite all of the good work of the Organization on a multitude of topics, the first thing that he was regularly asked about was piracy. He paid tribute to the work of the Committee in a wide range of areas before addressing specific points.

Reporting and investigation of acts of piracy and armed robbery against ships

45 Given the statistical data, as reported in MSC 86/26, paragraphs 18.14 to 18.19, the Committee expressed deep concern that in many of the reports received, the crews had been violently attacked by groups of five to ten people carrying knives or guns and concluded by urging, once again, all Governments and the industry to intensify and coordinate their efforts to eradicate piracy and armed robbery against ships.

46 The Committee also urged Member States to provide to the Organization information on action taken with regard to incidents reported to have occurred in their territorial waters.

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

47 The Committee condemned the dramatic increased of piracy incidents in waters off the coast of Somalia and noted that the United Nations Security Council had adopted, since its last session, two resolutions on piracy off the coast of Somalia: United Nations Security Council resolution 1846 (2008), adopted on 2 December 2008, which, *inter alia*, extended the validity of resolution 1816 (2008) by 12 months; and resolution 1851 (2008), adopted on 16 December 2008.

48 The Committee noted also that pursuant to resolution 1851 (2008), the Contact Group on piracy off the coast of Somalia (the Contact Group) had been established and had held its inaugural meeting on 14 January 2009 to facilitate discussion and coordination of actions among States and organizations to suppress piracy off the coast of Somalia. It was intended that the Contact Group would report its progress to the Security Council. The participants in the Contact Group, *inter alia*, had established four working groups in which members of the Contact Group could participate, to address the following focus areas:

- .1 activities related to military and operational coordination and information sharing and the establishment of the regional coordination centre;
- .2 judicial aspects of piracy;
- .3 strengthening of shipping self-awareness and other capabilities; and
- .4 improving diplomatic and public information on all aspects of piracy.

49 The Committee noted that the Secretariat had actively participated in the meetings of the Contact Group and its working groups.

50 In considering the activities of the Contact Group, the Committee noted that it had scheduled a meeting in New York on Friday, 29 May 2009. Some delegations expressed concern at its non-inclusive nature, the apparent lack of coordination between the Contact Group and the Committee, and the potential for duplication of effort. In this regard, some delegations sought

assurance that the Organization and, in particular, the Committee, was the main body to set standards and measures for the shipping industry. Notwithstanding these concerns, a number of major flag States stated their intention to affirm their commitment to work with the Contact Group at its meeting in New York.

51 The Committee received a briefing from the Secretariat on the proceedings of the meeting of the Contact Group which was held in New York on 29 May 2009, a synopsis of which was issued as document MSC 86/INF.19. The Committee further noted that the Bahamas, Liberia, the Marshall Islands and Panama signed the “New York Declaration” which, *inter alia*, committed them to promulgating the internationally recognized best management practices to reduce the risk of piracy.

52 The Committee noted, with appreciation, the announcements by Australia, Belgium, the Islamic Republic of Iran, Norway, the Republic of Korea and Sweden that their Governments had decided to send warships to assist in counter-piracy efforts in waters off the coast of Somalia. The Committee reiterated its thanks to those States which had already operated ships and aircraft in the region.

The Djibouti meeting

53 The Committee noted that, pursuant to operative paragraph 7 of resolution A.1002(25) on Piracy and armed robbery against ships in waters off the coast of Somalia, a Sub-regional meeting on maritime security, piracy and armed robbery against ships for Western Indian Ocean, Gulf of Aden and Red Sea States was held in Djibouti from 26 to 29 January 2009 (the Djibouti meeting).

54 The Committee noted also that the Djibouti meeting had, *inter alia*, adopted a Code of Conduct concerning the repression of piracy and armed robbery against ships in the Western Indian Ocean and the Gulf of Aden (the Djibouti Code of Conduct), the details of which have been reported to the Council as document C 102/14. The Djibouti Code of Conduct addresses the investigation, arrest and prosecution of suspected pirates and seizure of their equipment; the conduct of shared operations; the sharing of information, through national focal points using the Maritime Rescue Coordination Centres in Mombasa and Dar es Salaam, and the regional maritime information centre, which is being established in Sana’a, Yemen. The signatories also undertook to review their national piracy legislation.

55 Delegations welcomed the adoption of the Djibouti Code of Conduct, which had been modelled on the ReCAAP and the progress made towards the establishment of the regional maritime information centre in Sana’a, which was scheduled to be completed in September 2009. In this regard, the Committee noted with gratitude the announcement made by the Government of Japan to provide approximately USD 15 million to the Organization towards the implementation of the Djibouti Code of Conduct.

IMO/MOWCA integrated coast guard project

56 The Committee noted that the Secretariat had continued to promote the IMO/MOWCA integrated coast guard function network project in various fora, both civil and military, with a view to securing further support for the project. The progress made in the establishment of search and rescue centres in west and central Africa, pursuant to the 2000 Florence Conference, will also have a beneficial effect in this regard. It was the Secretariat’s intention to convene a donor meeting and a regional meeting to promote this important initiative. However, arrangements had been delayed due to the plethora of meetings concerning piracy off Somalia.

Review of MSC/Circ.622/Rev.1, MSC/Circ.623/Rev.3 and resolution A.922(22)

57 The Committee approved MSC circulars:

- .1 on Piracy and armed robbery against ships in waters off the coast of Somalia;
- .2 on Recommendations to Governments for preventing and suppressing piracy and armed robbery against ships; and
- .3 on Guidance to shipowners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships.

58 The Committee also approved a draft Assembly resolution on the Code of practice for investigation of crimes of piracy and armed robbery against ships, for submission to the twenty-sixth regular session of Assembly for adoption, which would revoke resolution A.922(22).

59 The Committee agreed that the investigation of offences of piracy and armed robbery against ships was a matter for States and that the existing IMO guidelines, for example, resolution A.922(22) on the Code of practice for investigation of crimes of piracy and armed robbery against ships, and its proposed replacement, were sufficient.

Best management practice (BMP)

60 The Committee approved an MSC circular on Piracy and armed robbery against ships in waters off the coast of Somalia (i.e. the Best management practice) and agreed that the guidance given in this circular should be read in conjunction with the MSC.1/Circ.1333, MSC.1/Circ.1334 and resolution A.922(22).

Fishing vessels

61 The Committee approved the specific guidance to fishing vessels on piracy and armed robbery against ships in waters off the coast of Somalia, which is attached to MSC.1/Circ.1332.

Recreational vessels

62 The Committee noted that ISAF had developed Guidance for yachts considering a passage through the Gulf of Aden and waters off the coast of Somalia (Section 1 of the guidance states that yachts are strongly recommended to avoid the area), and that this guidance could be downloaded from the ISAF website and was also expected to be displayed on the MSCHOA website in the near future.

The carriage and use of firearms and security personnel

63 The issue of the carriage of firearms was discussed, as noted in document MSC 86/26, paragraphs 18.55 to 18.65.

64 There was unanimous agreement that seafarers should not be armed. Most delegations that spoke concurred with the position agreed at MSC 85, i.e. that the Committee should continue to strongly discourage the carrying and use of firearms for personal protection or protection of a ship; and that the use of armed security teams on board merchant ships was a matter for flag States to determine in consultation with shipowners and companies, not the Organization.

The Committee noted the suggestion that, since armed security teams were, in reality, being deployed and would continue to be so in future, there could be value in the Organization developing guidance on standards for private onboard armed security personnel.

GENERAL CARGO SHIP SAFETY

65 The Committee, following discussion on the best way to proceed on the matter in light of the information received to date, agreed that the FSA study currently being carried out by IACS should be reviewed by the FSA Experts Group after the full study has been finalized and urged Member Governments and international organizations to make their casualty databases available to assist IACS with the aforementioned FSA. The Committee also invited Member Governments and international organizations to submit further information and relevant proposals on the matter to MSC 87.

IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS

Codes, recommendations, guidelines and other non-mandatory instruments

66 In considering matters related to the list of codes, recommendations, guidelines and other safety- and security-related non-mandatory instruments, the Committee requested the Secretariat to prepare a proposal on the way forward in order to achieve the following objectives, taking into account procedural aspects and associated resource implications, for consideration at the next session:

- .1 to revise the list of codes, recommendations, guidelines and other safety- and security-related non-mandatory instruments, taking into account the outcome of the consideration of relevant extracts by all the sub-committees; and
- .2 to keep the list updated, while making it available as appropriate to IMO Members by means of a circular issued on an annual basis.

APPLICATION OF THE COMMITTEE'S GUIDELINES

Guidelines on the application of the Strategic Plan and the High-level Action Plan

67 The Committee, having noted that the draft Guidelines on the application of the Strategic Plan and the High-level Action Plan and the outcome of CWGSP 9 would be considered by C 102 with a view to approval and subsequent adoption of the aforementioned Guidelines by A 26, considered the report of the Chairmen's meeting held on 30 May 2009 and agreed to forward the following views, expressed at the Chairmen's meeting, to C 102 for consideration:

- .1 with regard to the endorsement of the unplanned outputs by the Council, the responsibility of the Committees for taking actions under various Conventions should be addressed;
- .2 the unique working methods of the Legal Committee and the Technical Co-operation Committee should be taken into consideration, bearing in mind the principled nature of their work;
- .3 the issue of the resource and financial implications of both planned and unplanned outputs for both the Organization and Member Governments should be considered within the mechanism;

- .4 the Committees and sub-committees should apply the Guidelines as far as reasonably practicable after adoption by A 26, taking into account that full implementation thereof would not be possible unless the Committees have aligned their own Guidelines with the new Guidelines;
- .5 the current practice for approving new work programme items under the current Committees' Guidelines should continue until the Committees are ready to implement the new Guidelines;
- .6 views of the Chairmen of the MSC, MEPC and the sub-committees should be taken into account in the development of the migration plan by the CWGSP, detailing the practical steps required to support the effective transition from current arrangements to full implementation of the Guidelines throughout the Organization; and
- .7 the new responsibilities envisaged for the Chairmen of the Committees and sub-committees should be described in the Council's migration plan.

WORK PROGRAMME

Work programme of the sub-committees and provisional agendas for their forthcoming sessions

68 Taking into account the recommendations made by the sub-committees; various proposals for new work programme items submitted by Members and international organizations to the session under review; a preliminary assessment of such proposals undertaken by the Chairman with the support of the Secretariat, in accordance with the Guidelines on the organization and method of work and in the light of the Strategic plan for the Organization and the High-level Action Plan of the Organization and priorities for the 2008-2009 biennium; 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 the section 23 of its report.

Status of planned outputs for the 2008-2009 biennium

69 The Committee endorsed the status of planned outputs for the High-level Action Plan of the Organization and priorities for the 2008-2009 biennium.

Proposals for the High-level Action Plan of the Organization and priorities for the 2010-2011 biennium

70 The Committee endorsed the proposals for the High-level Action Plan of the Organization and priorities for the 2010-2011 biennium, set out in annex 27 to MSC 86/26. Any changes to the proposals emanating from NAV 55 and DSC 14 would be submitted to CWGSP 10 and C/ES.25.

Intersessional meetings

71 Bearing in mind the view of the Council that the number of intersessional working groups should be restricted to the minimum necessary; relevant provisions of the Guidelines on the organization and method of work, as well as the Committee's decision 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 the following intersessional meetings for the Council's endorsement:

- .1 the Joint IMO/ITU Experts Group, to meet from 23 to 25 June 2009;
- .2 the Joint ICAO/IMO Working Group, to meet from 28 September to 2 October 2009;
- .3 the Working Group on the Comprehensive Review of the STCW Convention and the STCW Code, to meet from 7 to 11 September 2009;
- .4 the ESPH Working Group, to meet from 26 to 30 October 2009;
- .5 the FSA Experts Group, to meet from 2 to 6 November 2009; and
- .6 the LRIT Working Group, to meet when warranted.

GUIDELINES AND OTHER RECOMMENDATIONS RELATED TO MARITIME SAFETY AND SECURITY

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

- .1 adoption of the Code on Alerts and Indicators, 2009;*
- .2 adoption of the Code for the Construction and Equipment of Mobile Offshore Drilling Units, 2009;
- .3 adoption of the Guidelines for ships operating in polar waters*;
- .4 adoption of amendments to the Survey Guidelines under the HSSC, 2007;*
- .5 adoption of amendments to the Code for the Implementation of Mandatory IMO Instruments, 2007;* and
- .6 Code of practice for investigation of crimes of piracy and armed robbery against ships.

73 The Committee also approved, for dissemination, guidelines and other recommendations on the following topics:

- .1 guidance on the provision for material safety data sheets (MSDS) when carrying oil or oil fuel in accordance with SOLAS regulation VI/5-1;
- .2 guidance for application of SOLAS regulation III/7, as amended by resolution MSC.201(81);
- .3 revised guidance to masters, companies and duly authorized officers on the requirements relating to the submission of security-related information prior to the entry of a ship into port;

* Subject to MEPC's concurrent decision.

- .4 guidance on the survey and certification of compliance of ships with the requirement to transmit LRIT information;
- .5 guidance to search and rescue services in relation to requesting and receiving LRIT information;
- .6 information communicated to the Organization in relation to the establishment of LRIT Data Centres and their position in relation to developmental testing or the production LRIT system;
- .7 revised Joint IMO/IHO/WMO Manual on Maritime Safety Information (MSI);
- .8 amendments to the IAMSAR Manual;
- .9 revised Guidelines for the performance and testing criteria, and surveys of foam concentrates for fixed fire-extinguishing systems;
- .10 guidance for application of chapters 4 to 7 and 9 of the FSS Code, as adopted by resolutions MSC.206(81) and MSC.217(82);
- .11 application of SOLAS regulation II-2/10 and chapter 12 of the FSS Code related to emergency fire pump capacity;
- .12 guidelines for the approval of fixed dry chemical powder fire-extinguishing systems for the protection of ships carrying liquefied gases in bulk;
- .13 guidelines on determining the no observed adverse effect level (NOAEL) and lowest observed adverse effect level (LOAEL) values for halocarbon fire-extinguishing agents;
- .14 application for existing approvals according to the Revised Guidelines for the approval of equivalent fixed gas fire-extinguishing systems, as referred to in SOLAS 74, for machinery spaces and cargo pump-rooms (MSC/Circ.848);
- .15 guidelines for maintenance and inspections of fixed carbon dioxide fire-extinguishing systems;
- .16 recommendation for the evaluation of fire performance and approval of large fire doors;
- .17 guidelines for the drainage of fire-fighting water from closed vehicle and ro-ro spaces and special category spaces of passenger and cargo ships;
- .18 guidelines for measures to prevent fires in engine-rooms and cargo pump-rooms;
- .19 unified interpretations of SOLAS chapter II-2;
- .20 prohibition of blending MARPOL cargoes on board ships at sea* ;
- .21 unified interpretations of the IBC Code;

* Subject to MEPC's concurrent decision.

- .22 amendments to the Revised Standards for the design, testing and locating of devices to prevent the passage of flame into cargo tanks in tankers (MSC/Circ.677);
- .23 missing information on apparatus groups in column i" of chapter 17 of the IBC Code;
- .24 clarification of SOLAS regulation III/19;
- .25 guidelines for the fitting and use of fall preventer devices (FPDs);
- .26 guidelines for the approval of inflatable liferafts subject to extended service intervals not exceeding 30 months;
- .27 guidelines for uniform operating limitations of high-speed craft;
- .28 guidelines for maintenance and repair of protective coatings;
- .29 guidelines for construction, installation, maintenance and inspection/survey of accommodation ladders and gangways;
- .30 general guidance on the timing of replacement of existing certificates by the certificates issued after the entry into force of amendments to certificates in IMO instruments;
- .31 piracy and armed robbery against ships in waters off the coast of Somalia;
- .32 recommendations to Governments for preventing and suppressing piracy and armed robbery against ships;
- .33 guidance to shipowners, companies, ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships;
- .34 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;
- .35 promulgation of information related to reports of independent evaluation submitted by 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 Parties are giving full and complete effect to the relevant provisions of the Convention;
- .36 list of competent persons maintained by the Secretary-General pursuant to section A-I/7 of the STCW Code;
- .37 measures to prevent accidents with lifeboats; and
- .38 amendments to the Guidance on serious structural deficiencies in containers.

ANY OTHER BUSINESS**Amendments to the Rules of procedure of the Maritime Safety Committee**

74 Having recalled that the Assembly, at its twenty-fifth session, had approved the Agreement of Co-operation between the African Union (AU), as the successor organization to the Organization of African Unity (OAU), the Committee adopted amendments to Rule 4 of the Committee's Rules of procedure, whereby the words "Organization of African Unity" were replaced with the words "African Union", and invited the Council to note the adoption of the above amendments.

IMO/IACS co-operation on the IACS Quality System Certification Scheme (QSCS)

75 In considering matters regarding IMO/IACS co-operation on the IACS QSCS, the Committee noted the information on the participation of the IMO representative in the work of the IACS QSCS Advisory Committee; the update on developments of the QSCS in the light of the information provided to MSC 85 regarding possible significant changes to the structure and manner of operation of the current IACS QSCS; and the appointment of a new IMO consultant/observer by the Secretary-General, and requested the Secretariat to continue participation in the IACS QSCS on the same basis, as in the past, that is with no financial implication for the Organization and to report to MSC 87.

ACTION REQUESTED OF THE COUNCIL

76 The Council is invited to:

- .1 consider the report of the eighty-sixth session of the Maritime Safety Committee and, in accordance with Article 21(b) of the IMO Convention, transmit it, with its comments and recommendations, to the twenty-sixth session of the Assembly (paragraph 1);
- .2 note the adoption, by the Committee, of amendments to the 1974 SOLAS Convention and the 1988 SOLAS Protocol (paragraphs 4 and 5);
- .3 note the action taken by the Committee on issues related to maritime security (paragraphs 6 to 10);
- .4 note the progress made on the issue of goal-based new ship construction standards (GBS) and, in particular, the approval of draft amendments to SOLAS '74 making the International goal-based ship construction standards for bulk carriers and oil tankers mandatory, for adoption at MSC 87 (paragraphs 11 and 12);
- .5 note the action taken by the Committee on issues related to LRIT matters (paragraphs 13 to 15);
- .6 note the Committee's decisions on issues brought to its attention by DSC 13, COMSAR 13, STW 40, FP 53, BLG 13, DE 52 and FSI 17 (paragraphs 16 to 34), in particular developments relating to the comprehensive review of the STCW Convention and Code, referred to in paragraphs 19 and 20 and to the Code for the Implementation of Mandatory IMO Instruments, referred to in paragraph 33;

- .7 note the action taken by the Committee on issues relating to the technical assistance sub-programme in maritime safety and security (paragraphs 35 and 36);
- .8 note the action taken by the Committee on issues relating to capacity-building for the implementation of new measures and consequential measures relating to the application of the Committee's Guidelines (paragraph 37);
- .9 note the action taken by the Committee on issues relating to the human element (paragraphs 38 and 39);
- .10 note the action taken by the Committee on issues relating to formal safety assessment and general cargo ship safety (paragraphs 40, 41 and 65);
- .11 note activities pertaining to the issue of piracy and armed robbery against ships (paragraphs 42 to 64);
- .12 note the action taken on issues relating to the implementation of instruments and related matters (paragraph 66);
- .13 note the views expressed at the Chairmen's meeting relating to the Guidelines on the application of the Strategic Plan and High-level Action Plan (paragraph 67);
- .14 note the Committee's endorsement of the status of planned outputs for the High-level Action Plan of the Organization and priorities for the 2008-2009 biennium (paragraph 69);
- .15 note the Committee's proposals for the High-level Action Plan of the Organization and priorities for the 2010-2011 biennium (paragraph 70);
- .16 endorse the action taken by the Committee in approving the intersessional meetings referred to in paragraph 71;
- .17 note the six draft Assembly resolutions approved by the Committee for submission to the twenty-sixth session of the Assembly for adoption; and the 38 guidelines and other recommendations approved by the Committee for dissemination (paragraphs 72 and 73); and
- .18 note the adoption of amendments to Rule 4 of the Committee's Rules of procedure (paragraph 74).
