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CONSIDERATION OF THE REPORT OF THE MARITIME SAFETY COMMITTEE

Note by the Secretary-General

SUMMARY

<i>Executive summary:</i>	This document reports on the outcome of the eighty-fifth session of the Maritime Safety Committee
<i>Strategic direction:</i>	-
<i>High-level action:</i>	-
<i>Planned output:</i>	-
<i>Action to be taken:</i>	Paragraph 79
<i>Related documents:</i>	MSC 85/26 and addenda

EIGHTY-FIFTH SESSION OF THE MARITIME SAFETY COMMITTEE

INTRODUCTION

1 The report of the eighty-fifth session of the Maritime Safety Committee (MSC 85/26 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-fifth session of the Committee was held from 26 November to 5 December 2008 under the chairmanship of Mr. N. Ferrer (Philippines) and was attended by 105 Member States, three Associate Members, one United Nations specialized agency, nine intergovernmental organizations and 32 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 guidelines and other recommendations related to maritime safety and security being made in paragraph 78.

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**ADOPTION OF AMENDMENTS TO MANDATORY AND RELATED NON-MANDATORY INSTRUMENTS
AND ADOPTION OF NEW INSTRUMENTS**

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

- .1 by resolution MSC.269(85), amendments to chapters II-1, II-2, VI and VII of the 1974 SOLAS Convention;
- .2 by resolution MSC.270(85), amendments to the 1988 Load Lines Protocol;
- .3 by resolution MSC.271(85), amendments to the 2000 HSC Code;
- .4 by resolution MSC.272(85), amendments to the LSA Code; and
- .5 by resolution MSC.273(85), amendments to the ISM Code.

5 The amendments to SOLAS chapters II-1 and II-2 (regulations 1.2.3, 9 and 10), the 1988 Load Lines Protocol and the mandatory Codes (except for the 2000 HSC Code) are expected to enter into force on 1 July 2010 provided they are deemed to have been accepted on 1 January 2010, while the amendments to SOLAS chapters II-2 (regulations 1.2.4, 16 and 19), VI and VII and the 2000 HSC Code are expected to enter into force on 1 January 2011 provided they are deemed to have been accepted on 1 July 2010.

6 The Committee also adopted:

- .1 the following new instruments:
 - .1.1 the International Code on Intact Stability, 2008 (2008 IS Code), by resolution MSC.267(85); and
 - .1.2 the International Maritime Solid Bulk Cargoes (IMSBC) Code, by resolution MSC.268(85),

which will become mandatory under SOLAS chapters II-1 and VII, respectively; and
- .2 by resolution MSC.274(85), amendments to the Revised recommendation on testing of life-saving appliances.

MEASURES TO ENHANCE MARITIME SECURITY

7 The Committee, having noted that several Member States were conducting research and development efforts to determine the feasibility of using automatic identification system (AIS) receiving capability on low earth orbit satellites and high altitude, long endurance airships or balloons and that ITU's World Radiocommunication Conference 2007 had allowed the existing two VHF frequencies for AIS to be used for the satellite detection of AIS, decided to postpone discussion issues related to satellite detection of AIS to MSC 86.

Port facility security audits

8 In considering whether the development of guidance on port facility security audits would be conducive to improving the implementation of the provisions of SOLAS chapter XI-2 and the ISPS Code, the Committee invited SOLAS Contracting Governments, international organizations and non-governmental organizations to bring to the attention of the Committee, at the earliest opportunity, the results of the experience gained from the use of MSC.1/Circ.1192 (Guidance on voluntary self-assessment by SOLAS Contracting Governments and by port facilities) and MSC.1/Circ.1194 (Effective implementation of SOLAS chapter XI-2 and the ISPS Code), for further consideration.

Development of model legislation on maritime security

9 In considering whether the development of model legislation on maritime security implementing the provisions of SOLAS chapter XI-2 and the ISPS Code should be pursued, the Committee reminded SOLAS Contracting Governments of their undertaking and obligation under SOLAS article III(c) to communicate to, and deposit with, the Secretary-General, *inter alia*, the text of laws, decrees, orders and regulations which have been promulgated on various matters within the scope of SOLAS and urged them to so, in order to facilitate further consideration of the development of model legislation on maritime security.

Failures identified during the ISPS Code verifications

10 The Committee, in considering whether the Guidance relating to the implementation of SOLAS chapter XI-2 and the ISPS Code (MSC/Circ.1097) needed to be amended to include guidance on the handling of failures identified during ISPS Code verification, and on addressing conflicts between safety and security, decided to consider proposals on the handling of failures identified during ISPS Code verification, if submitted, at MSC 86.

Security arrangements for non-SOLAS vessels

11 In approving Guidelines on security aspects of the operation of vessels which do not fall within the scope of SOLAS chapter XI-2 and the ISPS Code, the Committee reiterated that the Guidelines are recommendatory; are not intended to form the basis for a mandatory instrument; and should not in any way be interpreted as the basis for regulation of non-SOLAS vessels and related facilities.

GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS

12 The Committee continued work on the prescriptive approach for goal-based standards (GBS) for bulk carriers and oil tankers, taking into account the report of the Pilot Panel on the trial application of the Tier III verification process using IACS Common Structural Rules (CSR), and with a view to making progress on GBS at this session, the Committee, as reflected in paragraphs 5.41 to 5.71 of document MSC 85/26, in particular, agreed to:

- .1 postpone approval of the draft SOLAS amendments and the draft International goal-based ship construction standards for bulk carriers and oil tankers to MSC 86, on the understanding that the text of the draft amendments and the draft standards had been agreed by the Committee; and

- .2 re-schedule activities planned for the Verification Guidelines, the provisions for the Ship Construction File and the outcome of the discussion on resources for the verification process so that these issues could be further considered and finalized at MSC 86.

LONG-RANGE IDENTIFICATION AND TRACKING (LRIT)

General

13 As reported in paragraphs 6.1 to 6.109 of document MSC 85/26, the Committee took decisions with respect to issues having a bearing on the establishment and operation of the International LRIT Data Exchange (IDE), the LRIT Data Distribution Plan (DDP) and the complete LRIT system, taking into account that the actual establishment and integration of the majority of LRIT Data Centres (DCs) would start after MSC 85.

Reports of the *Ad Hoc* LRIT Group

- 14 Following consideration of the reports of the *Ad Hoc* LRIT Group, the Committee:
 - .1 approved the amendments to the Technical specifications for the IDE, the communications within the LRIT system and the DDP;
 - .2 approved the Protocols and arrangements for the prototype, development, integration and modification testing phases of the LRIT system and the arrangements for the prototype and developmental testing phase;
 - .3 urged Contracting Governments to provide their recognized and/or authorized organizations with appropriate instructions and guidance in relation to the implementation of SOLAS regulation V/19-1, as soon as possible; and
 - .4 agreed that the date of compliance of ships with the requirements to transmit LRIT information was not a subject for extension, and SOLAS regulation V/19-1 did not include any provisions which an Administration might invoke for granting such extensions.
- 15 With regard to the status of the implementation of the LRIT system, the Committee noted that:
 - .1 the prototype of the IDE and DDP server had been established and their correct functioning had been verified, in accordance with the report on the prototype testing phase of the LRIT system;
 - .2 some prototype DCs had satisfactorily completed the prototype testing phase;
 - .3 only 55 out of the 158 Contracting Governments and 3 of the non-metropolitan territories, to which the application of the 1974 SOLAS Convention had been extended, had provided information in relation to the DCs they contemplated to establish or use;
 - .4 a considerable number of Contracting Governments had not yet provided information to the Organization in relation to the establishment or selected DC;

- .5 it should be possible to set up and commission the testing environment, and to start the developmental testing of other DCs by mid-December 2008;
- .6 approximately six additional DCs could start developmental testing by mid-December and it was difficult to predict how long their developmental testing would take;
- .7 by 31 December 2008, the production LRIT system might include between 6 and 8 National LRIT Data Centres;
- .8 it should be possible to accelerate the developmental testing of DCs which use, and are based on, technologies and software having already satisfactorily completed the prototype or developmental tests. However, between 15 and 20 DCs using technologies and software which had not been previously tested would need to undergo developmental testing; and
- .9 the establishment of the entire LRIT system would continue after 31 December 2008 and it was possible that it could take several months during 2009 before it could be completed and, as a result, agreed certain transitional arrangements.

Performance review and audit of the LRIT system

16 In considering the issue of the performance review and audit of the LRIT system and the outcome of the twentieth session of the IMSO Assembly, the Committee noted that the IMSO Assembly had:

- .1 approved a draft standard Model LRIT Services Agreement to be used between IMSO and commercial Data Centre operators or Application Service Providers;
- .2 approved a Statement of IMSO Goals and Objectives for inclusion in any IMSO LRIT audit/review contract;
- .3 approved the Director General's Letter of Interim Authorization to Integrate a Data Centre into the Production LRIT System;
- .4 adopted arrangements for the development, endorsement and agreement of IMSO's budget separating the GMDSS and LRIT budgets; and
- .5 adopted amendments to the IMSO Convention, and decided that the above amendments should be applied provisionally from 6 October 2008, pending their formal entry into force in accordance with Article 18 of the IMSO Convention.

The Committee also adopted resolution MSC.275(85) on Appointment of the LRIT Coordinator and resolution MSC.276(85) on Operation of the International LRIT Data Exchange.

Public Key Infrastructure (PKI) certificates

17 The Committee noted that the Secretariat had completed the process for issuing, on behalf of the Organization, Public Key Infrastructure (PKI) certificates to the components of the LRIT system; would be establishing and advising on the process and procedures to be followed for obtaining, installing and using PKI certificates and the terms and conditions which would govern their use; and would be reporting to MSC 86 relevant details for the purpose of enabling the Committee to determine the actions required.

Prototype testing phase

18 The Committee, taking into account relevant information provided, agreed that the prototype-testing phase had been satisfactorily completed and the prototype components of the LRIT system should proceed with the establishment of the testing and production environments of the LRIT system. To this end, the Committee noted that the testing and production environments of the LRIT system would be using PKI certificates, issued by the Organization.

SUB-COMMITTEES' REPORTS

19 The Committee approved, in general, the reports of DE 51, STW 39, COMSAR 12, FSI 16, NAV 54, SLF 51 and DSC 13 (urgent matters). Decisions on important issues emanating from these reports of the Sub-Committees which are not reported in other paragraphs of the documents are provided hereunder.

SHIP DESIGN AND EQUIPMENT

Prohibition of all new installations of asbestos on board ships

20 The Committee approved draft amendments to SOLAS regulation II-1/3-5.2 to prohibit all new installations of asbestos on board ships without exceptions, for adoption at MSC 86.

Definition of the term "bulk carrier"

21 The Committee adopted resolution MSC.277(85) on Clarification of the term "bulk carrier" and guidance for application of regulations in SOLAS to ships which occasionally carry dry cargoes in bulk and are not determined as bulk carriers in accordance with regulation XII/1.1 and chapter II-1 and instructed the FSI Sub-Committee to include the above resolution in their guidance for port State control (PSC) officers.

TRAINING AND WATCHKEEPING

PSC guidelines on inspection of seafarers' working hours

22 In regard to the developed PSC guidelines on inspection of seafarers' working hours, the Committee endorsed the views of the Sub-Committee regarding its current review of the requirements relating to proper maintenance of records of hours of rest with a view to harmonizing them with the relevant provisions in the ILO Maritime Labour Convention (2006), while clarifying the minimum time that constituted a period of rest; that seafarers' hours of work were covered under ILO Convention No.180 (Seafarers' Hours of Work and the Manning of Ships Convention) and, as such, the appropriate PSC guidelines should be developed by ILO; and that it would not be appropriate for the PSC guidelines on inspection of seafarers' working hours to be issued as an MSC circular.

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

23 The Committee considered the report submitted by the Secretary-General upon recommendations of the panels of competent persons and, having confirmed that the procedures for the assessment of information provided had been correctly followed in respect of four STCW Parties, requested the Secretariat to update the pertinent MSC circular accordingly.

Approval of competent persons

24 The Committee approved additional competent persons nominated by Governments and requested the Secretariat to update the pertinent MSC circular accordingly.

RADIOCOMMUNICATIONS AND SEARCH AND RESCUE

World Radiocommunication Conference matters

25 The Committee endorsed the action taken by the Sub-Committee with regard to the consideration of future spectrum requirements for broadcasts of port security status in relation to the ISPS Code; the implementation of the LRIT system; and the use of AIS with regard to the preparation of the IMO position on agenda item 1.10 of the ITU World Radiocommunication Conference 2011 (WRC-11). In this context, the Committee endorsed the Secretariat's action in conveying of the liaison statement to IHO and ISO on ship and port security requirements with regard to the preparation of the IMO position on agenda item 1.10 of WRC-11.

Amendments to the IAMSAR Manual

26 The Committee adopted amendments to the IAMSAR Manual, noting the concurrent approval thereof by ICAO and decided that the adopted amendments should become applicable on 1 June 2009.

27 With regard to the issue of making amendments to the IAMSAR Manual available free of charge on the Publications part of the IMO website, the Committee, having agreed to maintain the current policy of the Organization regarding publications, decided not to make the publication of amendments to the IAMSAR Manual freely available on the Internet, noting that such amendments would be disseminated by MSC circulars and their text would be available on IMO's documents site.

WMU SAR information platform

28 The Committee endorsed the request to include on the WMU SAR information platform information of actual SAR operations in which SOLAS ships had been involved, as well as advisory information services on SAR best practice.

Basic safety guidance for oceanic voyages by non-regulated craft

29 Noting that non-regulated recreational craft engaged in oceanic adventure voyages, without notifying the authorities of the coastal State whose SAR regions they planned to cross, prevented the responsible search and rescue organizations from acting with the timeliness and speed necessary to protect life at sea and preserve the marine environment, the Committee urged Member Governments to comply with the guidelines contained in MSC/Circ.1174 on Basic safety guidance for oceanic voyages by non-regulated craft.

FLAG STATE IMPLEMENTATION

Study on the combination of casualty and port State control data

30 The Committee, having noted MEPC 58's concurrent decision, endorsed the Sub-Committee's decision to request the Secretariat to collate the proposals by interested bodies for the completion of the study on the combination of casualty and port State control data, and to identify the datasets that might be needed for combining casualty and PSC data.

Casualty-related matters

31 As reported in paragraphs 10.6 to 10.13 of document MSC 85/26, the Committee took specific action on the Sub-Committee's recommendations regarding investigation into casualties pertaining to **MSC Napoli, Punjab Senator** and **Und Adriyatik**.

PSC data exchange protocols

32 The Committee endorsed the Sub-Committee's decision to request the Secretariat to proceed with the finalization of protocols with those PSC regimes which have agreed, in principle, with the provision of reports on all PSC inspections.

Code for the Implementation of Mandatory IMO Instruments

33 The Committee agreed to add a seventh annex to the Code showing the amendments to IMO instruments not yet accepted at the date of revision of the Code, but expected to be accepted and enter into force soon thereafter and, having noted MEPC 58's concurrent decision, requested C 102 to endorse the action taken, having instructed the Sub-Committee to develop the new annex.

Applicability of IMO Conventions to FPSOs and FSUs

34 The Committee instructed FSI 17 to prepare a draft MSC-MEPC circular on the establishment of an effective safety management system and integration of the marine staff, which should contain appropriate references to the industry guidelines; the international recommendations for training personnel to carry out maritime safety and maintenance on board disconnectable FPSOs and FSUs (resolution A.891(21)); and the recommendation to apply SOLAS chapter IX and the ISM Code to self-propelled and readily disconnectable FPSOs and FSUs, whether or not they engage in international voyages; and should also address the need specific to FPSOs and FSUs-related issues to reach relevant parties outside the maritime fields.

Consolidated audit summary report

35 Having recalled that the first consolidated audit summary report had been referred to FSI 16 for consideration, the Committee requested FSI 17 to consider the second consolidated audit summary report (C 101/6/2), as referred to the MSC and the MEPC by the Council, and report to MSC 86, as appropriate.

SAFETY OF NAVIGATION

Traffic separation schemes, routing measures and ship reporting systems

36 The Committee adopted the proposed new, and amendments to the existing, traffic separation schemes, new routing measures other than traffic separation schemes, and new, and amendments to existing, ship reporting systems; and decided on their implementation dates.

37 The Committee adopted, by resolution MSC.280(85), amendments to the General Provisions on Ships' Routing, subject to confirmation by the Assembly.

Proposed amendments to SOLAS regulation V/19

38 The Committee approved the draft amendments to SOLAS regulation V/19 to reflect new carriage requirements for a bridge navigational watch alarm system and mandatory carriage requirements for ECDIS, with a view to adoption at MSC 86.

Guidelines for the installation of a shipborne automatic identification system (AIS)

39 Following the approval of amendments to SN/Circ.227 on Guidelines for the installation of AIS relating to the impact of resolution MEPC.118(52) upon existing AIS shipboard installations, the Committee approved a liaison statement to ITU, IEC and IALA informing them of the change to hazard or pollutant categories and inviting them to note this in any future revision of their documentation.

Strategy for the development and implementation of e-navigation

40 The Committee approved the Strategy for the development and implementation of e-navigation and the Framework for the implementation process for the e-navigation strategy, along with a timeframe for implementation of the proposed e-navigation strategy. In this context, the Committee decided that the Chairmen, along with the Secretaries of the COMSAR, NAV and STW Sub-Committees, should jointly develop a coordinated approach to implement the proposed e-navigation strategy.

STABILITY, LOAD LINES AND FISHING VESSEL SAFETY

Explanatory Notes to SOLAS chapter II-1

41 By resolution MSC.281(85), the Committee adopted the Explanatory Notes to SOLAS chapter II-1 subdivision and damage stability regulations.

Development of an Agreement on the implementation of the 1993 Torremolinos Protocol

42 The Committee endorsed the course of action regarding the development of an Agreement on the implementation of the 1993 Torremolinos Protocol, noting, in particular, that the Sub-Committee had agreed that the Secretariat should initiate a consultation process with States, on the basis of the questionnaire developed by the Sub-Committee, and also had agreed to the Roadmap towards entry into force of the 1993 Torremolinos Protocol. Subsequently, the Committee requested the Secretariat to enter into consultation with States, having more than 500 fishing vessels of 24 metres in length and over.

Development of options to improve effect on ship design and safety of the 1969 TM Convention

43 With regard to the Sub-Committee's consideration on development of options to improve the effect on ship design and safety of the 1969 TM Convention, the Committee, in particular, noted the outcome with regard to the incorporation, in the Convention, of the tacit acceptance procedure for amendments.

DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS

Text of the IMDG Code freely downloadable from the Internet

44 The Committee considered the merits of placing the complete text of the IMDG Code on the Internet and allowing it to be freely downloadable in the context of improving safety and prevention of pollution, taking into account the outcome of consideration by MSC 84, TC 58 and C 100, and agreed with the following merits of the proposal recommended by DSC 13:

- .1 this action would facilitate the application and the widest dissemination of the requirements of the IMDG Code and this was particularly important when considering occasional users of the Code, who may not buy it in view of its apparent high cost, small business users and countries where the Code may not be readily available;

- .2 this action would reduce the likelihood of outdated versions of the Code being used, noting the financial burden to the user of updating the Code every two years;
- .3 users and Administrations would be assisted in implementing the new mandatory training requirements; and
- .4 this action would align the practice of IMO with that of some of the other modal regulators which, subsequent to the publication of their instruments, make their texts freely downloadable after the entry into force of those instruments.

45 In this context, the Committee also noted the views expressed at DSC 13 that:

- .1 a long-term impact of this action could be to deplete the Printing Fund surplus, which could have a consequential effect on the frequency of the DSC Sub-Committee's meeting schedule, and, as a consequence, on development of safety standards;
- .2 there was no glaring evidence that the non-availability of the IMDG Code's text on the Internet is directly contributing to non-compliance with the provisions of the Code or to accidents involving packaged dangerous goods; and
- .3 some Administrations have a legal obligation to make freely available the text of national regulations and that the Code may be available in the language of country.

46 With respect to the issue of copyright surrounding the IMDG Code, the Committee noted that:

- .1 the texts of the amendments to the IMDG Code are adopted by the Maritime Safety Committee under the cover of an MSC resolution and are annexed to the respective reports of the MSC and also, as requested by the resolution, certified copies of the authentic texts of the amendments to the Code are transmitted to all IMO Members and Contracting Governments to SOLAS by the IMO Legal and External Relations Division;
- .2 the texts of the amendments to the Code under the cover of the MSC resolutions and the authentic texts of the Code are freely available for use by Member Governments which should not be restricted in their publication of this information under their responsibility of promulgation of laws and regulations to give the requirements of the Code full and complete effect under the provisions of SOLAS article I(e); and
- .3 the published version of the IMDG Code is subject to copyright protecting the value of an IMO publication including form and layout of the Code.

47 Furthermore, the Committee noted that, during DSC 13, one opinion was to suggest progressing the matter by carrying out a trial of placing the Code on the Internet over a two-year period, monitor the statistics for downloads and sales of the published Code and, on completion of the trial, decide accordingly; however, the Committee could not agree to recommend this option to the Council.

48 The Committee invited the Council to consider the outcome on this matter and, in particular, to note the merits of making the IMDG Code freely downloadable from the Internet as reflected in paragraph 44 above.

TECHNICAL ASSISTANCE SUB-PROGRAMME IN MARITIME SAFETY AND SECURITY

General

49 The Committee noted the information on the safety-, security- and facilitation-related activities executed in 2008 and those planned for 2009 under the Integrated Technical Co-operation Programme (ITCP) for 2008-2009 biennium, including the information on missions carried out through the ITCP activities and courses, seminars and workshops which were delivered at the national, regional and the global level.

Domestic ferry safety

50 The Committee noted the information provided by the Secretariat that work is progressing on the development of an electronic national database which would assist the maritime administration to monitor the domestic fleet and prepare training materials in the national language (Bengali) to enhance education and training of ferry operators, crew and other stakeholders and that these activities were expected to be completed in 2009. Having noted the information regarding development of an alert system for hazardous weather, the Committee expressed appreciation to all donors and urged Governments and industry to contribute to IMO's technical co-operation programme, and requested the Secretariat to continue providing the Committee with updated information on the programme.

Thematic priorities for the 2010-2011 ITCP

51 The Committee, taking into consideration the requests of the Assembly, the decision of MSC 84 on the Casualty Investigation Code and the request by IALA, approved the thematic priorities for the ITCP covering the 2010-2011 biennium.

IMO model course programme

52 The Committee noted the updated information on the IMO Model course project and requested the Secretariat to continue its follow-up and report developments on the project to MSC 86.

CAPACITY-BUILDING FOR THE IMPLEMENTATION OF NEW MEASURES

53 The Committee, having noted the request of the Council to all the Committees to revise their Guidelines on the organization and method of work to reflect the interpretation of operative paragraph 2 of resolution A.998(25), that the assessment of implications for capacity-building and technical co-operation of the development of new instruments and/or amendments to existing ones should be undertaken by each Committee, but that such assessment should not be a requirement for the proponent of the proposal, agreed to revise the draft amendments to the Committee's Guidelines contained in annex 2 to document MSC 84/14.

54 Having noted the progress of the correspondence group established at MSC 84 to review the draft amendments; develop criteria for the identification of capacity-building implications; and consider the minimum information required to be submitted by proponents of new work programme items, the Committee agreed that the correspondence group should continue its work and report to MSC 86.

ROLE OF THE HUMAN ELEMENT

Joint MSC/MEPC Working Group on Human Element

55 The Committee, noting that the next session of the Joint MSC/MEPC Working Group on Human Element would be held during MEPC 59 (July 2009) to consider, *inter alia*, the draft amendments to the Revised Guidelines on Implementation of the ISM Code, invited Member Governments and international organizations to submit comments and proposals to MEPC 59, so that the Revised Guidelines may be finalized with a view to submitting them to A 26 for adoption.

ILO proposal for inter-secretariat consultations on the possible common areas of the human element to be discussed by ILO and IMO

56 The Committee, having considered the request from ILO to establish a Joint IMO/ILO Working Group on Human Element, agreed that the IMO Joint MSC/MEPC Working Group on Human Element should continue its work in accordance with the Organization's strategy to address the human element; that there was no compelling need to establish a joint ILO/IMO working group at this stage to address issues which were already being addressed by the STW Sub-Committee on a regular basis; that it was not appropriate to establish the joint ILO/IMO working group with such wide and open-ended terms of reference; and that, in future, when preparing or reviewing other technical texts or proposals on matters within the technical competence of both Organizations, to establish an *ad hoc* Joint ILO/IMO working group on a case-by-case basis with specific terms of reference to properly address the human element on a tripartite basis.

57 The Committee considered that it would be advisable for the ILO and IMO Secretariats to meet and identify the common areas/issues of concern with a view to seeking the Committees' advice on the way forward, and agreed that the Secretariats should only identify the issues to be discussed, taking into account the ongoing work of the Joint MSC/MEPC Working Group on Human Element and present the outcome of the meeting (refer to document MSC 86/16) to the Committees for necessary action.

FORMAL SAFETY ASSESSMENT

58 The Committee, having considered FSA studies submitted by Denmark reporting on the FSA study on cruise ships and RoPax ships, which were carried out within the research project SAFEDOR, agreed that these studies, together with the FSA study on crude oil tankers as invited by MEPC 58, should be referred to an FSA Experts Group for review. Having agreed, in principle, to hold an FSA Experts Group at MSC 86, the Committee invited Member Governments and international organizations to nominate experts; agreed to select Chairman and Vice-Chairman of the group at MSC 86; and decided to approve the terms of reference of the group and the number of meetings at MSC 86.

PIRACY AND ARMED ROBBERY AGAINST SHIPS

Comprehensive review of guidance for preventing and suppressing piracy and armed robbery against ships

59 Pursuant to the request of A 25 to undertake a comprehensive review of the guidance provided by the Organization for preventing and suppressing piracy and armed robbery against ships, the Committee considered an interim report by the correspondence group established by MSC 84 to prepare amendments to MSC/Circ.622/Rev.1 and MSC/Circ.623/Rev.3. Following an extensive debate focusing on the problem of piracy and armed robbery against ships in the

waters off the coast of Somalia and, in particular, the carriage of firearms on board merchant ships, the Committee agreed that any proposals on practical measures to enhance the safety and security of merchant ships against attack by pirates and armed robbers should be referred to the correspondence group, so that MSC 86 would be able to consider all these issues based on the final report of the correspondence group.

Carriage of firearms on board merchant ships

- 60 In considering the issue of carriage of firearms on board merchant ships, the Committee:
- .1 instructed the aforementioned correspondence group to continue to discourage strongly the carrying and use of firearms for personal protection or protection of a ship;
 - .2 noted the view of the working group that there could be a possible escalation of violence resulting from the carriage of armed personnel on board merchant ships, but recognized that the use of armed professional security teams on board merchant ships was a matter for flag States to determine in consultation with shipowners and companies, not the Organization;
 - .3 invited flag States, in consultation with owners of ships flying their flags, to consider whether and under what circumstances such ships may be allowed to carry armed professional security teams, and take action as appropriate;
 - .4 noted that port States and coastal States should also be consulted in cases where ships carrying armed professional security teams intended to enter their territorial waters; and
 - .5 requested the Secretariat to provide a document to MSC 86 outlining the historical basis for the Organization's current position on firearms.

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

61 The Committee noted the report (MSC 85/2/1/Add.1) and the information provided orally by the Secretariat, on the deliberations at C 100 and C 101 on the issue of piracy and armed robbery against ships in waters off the coast of Somalia and in the Gulf of Aden in the context of the protection of vital shipping lanes.

62 The Committee further noted the oral report of the Secretary-General on the latest developments at the UN Security Council, including details of his intervention at its 6020th meeting, the text of which was subsequently issued as document MSC 85/INF.9. The Secretary-General highlighted the need to protect seafarers, fishermen and passengers on ships sailing off the coast of Somalia and in the Gulf of Aden; to ensure the safe delivery of humanitarian aid to Somalia effected by ships chartered by the WFP; and to preserve the integrity of the shipping lane through the Gulf of Aden given its strategic importance and significance to shipping and trade east and west of the Suez Canal.

63 During its deliberations on the subject, the Committee received a briefing on the military perspective on the issue of piracy and armed robbery against ships in waters off the coast of Somalia. A number of delegations expressed the view that naval forces should be coordinated through the United Nations or a competent international forum; and that assistance to merchant shipping should be given irrespective of the flag or the nationality of the crew.

64 The Committee recognized that the problem of piracy and armed robbery against ships in the waters off the coast of Somalia had its roots ashore and that the long-term solution was the re-establishment of stable government and the rule of law ashore. The Committee also recognized that action needed to be taken quickly before the problem spread to other areas. To this end, the Committee expressed its support for the various initiatives being undertaken including action by the United Nations Security Council; the initiatives taken by the Arab League in Cairo earlier in the month; the high-level meeting to be convened by the Special Representative to the Secretary-General of the United Nations on Somalia in Nairobi on 10 and 11 December; the IMO-led meeting in Djibouti detailed in the next paragraph; and a meeting on assistance for capacity-building suggested by the Republic of Korea as a follow-up to the Djibouti meeting.

65 The Committee noted that, pursuant to the Organization's initiative on the protection of vital shipping lanes and to the global enhancement of maritime security in general; IMO Assembly resolution A.1002(25) on Piracy and armed robbery against ships in waters off the coast of Somalia; and United Nations Security Council resolution 1816 (2008), a high level, subregional meeting for States from the Western Indian Ocean, the Gulf of Aden and Red Sea areas had been scheduled to take place in Djibouti from 26 to 29 January 2009, conducted under the auspices of IMO, with the intention of finalizing a regional agreement to prevent, deter and suppress piracy and armed robbery against ships. The report of the Djibouti meeting will be considered by the Council under agenda item 14.

66 The Committee invited the Secretariat to update and circulate, under cover of an MSC.4 circular, the information provided by the Secretary-General in annex 1 to document C/ES.23/17(a) in relation to piracy and armed robbery against ships in waters off the coast of Somalia so as to provide a consolidated record of the incidents which had been reported to the Organization since 1 January 2005; and to include in future issues of MSC.4 circulars additional and separate annexes listing incidents occurring in waters off the coast of Somalia.

IMO/MOWCA integrated coast guard project

67 The Committee noted that at the 13th General Assembly of Ministers of MOWCA, held in Dakar, Senegal on 30 July 2008, twenty Member States of MOWCA had adopted and eleven had signed, a Memorandum of Understanding on the establishment of a Subregional Coastguard Network for the West and Central African subregion (the MoU). The Committee noted also that plans were currently being developed by the IMO Secretariat to hold further meetings during 2009 with a view to coordinating the activities of States parties to the MoU, donor States, international organizations and other stakeholders in order to develop and implement detailed action plans to progress the IMO/MOWCA integrated coast guard function network project.

GENERAL CARGO SHIP SAFETY

68 The Committee, having considered the submissions to the session and following discussion on the best way to proceed on the matter in light of the information received to date, invited Member Governments and international organizations to submit further information and relevant proposals to MSC 86.

IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS

69 Having noted that, to date, DE 51, STW 39, COMSAR 12, NAV 54, FSI 16, SLF 51 and DSC 13 had considered the list prepared by the Secretariat of codes, recommendations, guidelines and other safety- and security-related non-mandatory instruments, which had been adopted by resolutions or approved in the form of circulars, the Committee confirmed its decision

at MSC 84 to consider the matter further at MSC 86 when the outcome of the consideration of this issue by the FP and BLG Sub-Committees will be available. In this context, the Committee requested the Secretariat to maintain 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, to keep the list updated and to make the list available to IMO Members by means of a circular issued on an annual basis.

RELATIONS WITH OTHER ORGANIZATIONS

General

70 The Committee's recommendations on this issue are reported under agenda item 18.

APPLICATION OF THE COMMITTEE'S GUIDELINES

71 The Committee urged Member States and the Chairmen of the MSC, MEPC and sub-committees to participate actively in the deliberations of both the Council correspondence group and the next session of the Council Working Group on the Strategic Plan; and agreed that the next Chairmen's meeting should consider the outcome of the Council working group and report to MSC 86.

72 In the context of its discussion on Guidelines for verification of damage stability requirements for tankers, the Committee agreed that the next Chairmen's Meeting should consider amending the Guidelines on the organization and method of work to emphasize that the sub-committees should focus their deliberations on the technical or operational aspects of the work assigned.

WORK PROGRAMME

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

73 Taking into account the recommendations made by the sub-committees; various proposals for new work programme items submitted by Member Governments 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 relevant section of its report.

Planned outputs of the sub-committees for the 2008-2009 biennium

74 The Committee endorsed the status of the planned outputs in the High-level Action Plan of the Organization for the 2008-2009 biennium relating to the work of the sub-committees and recalled that the Secretariat, in consultation with the Chairman, would prepare proposals for the High-level Action Plan for the 2010-2011 biennium, for consideration by MSC 86 and submission to C 102, for inclusion in the Organization's High-level Action Plan and priorities for the 2010-2011 biennium.

Activities, priorities and plan of meeting weeks needed in the biennium 2010-2011

75 Having noted that the plan for meeting weeks for the MSC, MEPC and sub-committees would have to be approved by the Council at its session in June 2009, 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 2010-2011 and that MEPC 58 had approved the planned activities and priorities during the biennium 2010-2011;
- .2 noting MEPC 58's concurrent decision, approved the proposed plan of meeting weeks of the MSC and the MEPC and their subsidiary bodies for the biennium 2010-2011, including two sessions for the DE Sub-Committee in 2010, for inclusion in the Secretary-General's relevant budget proposals; and
- .3 agreed that if, for budgetary purposes, there is a need to make economies, the total of the 26.5 meeting weeks approved by the two Committees may be reduced by one, i.e. one sub-committee should meet once during the next biennium and thereafter as early as possible during the biennium after the next.

Intersessional meetings

76 The Committee, taking into account decisions made under various agenda items, approved the following intersessional meetings:

- .1 the ESPH Working Group to meet in February 2009; and
- .2 the Editorial and Technical (E and T) Group, to meet, first in June 2009 and, then back-to-back with DSC 14.

ANY OTHER BUSINESS**IMO/IACS co-operation on the IACS Quality System Certification Scheme (QSCS)**

77 The Committee noted information on the development of IACS QSCS as far as it concerns the participation agreement between IMO and IACS and decided that the Organization should continue participation in the IACS QSCS on the same basis as in the past, that is with no financial implication to the Organization, and requested the Secretariat to report on developments to MSC 86.

GUIDELINES AND OTHER RECOMMENDATIONS RELATED TO MARITIME SAFETY AND SECURITY

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

- .1 explanatory notes to the International Code on Intact Stability, 2008;
- .2 application of the amended SOLAS regulations II-2/3, XII/12 and XII/13;
- .3 guidelines on security aspects of the operation of vessels which do not fall within the scope of SOLAS chapter XI-2 and the ISPS Code;
- .4 long-range identification and tracking system – Technical documentation (Part II);

- .5 guidance in relation to certain types of ships which are required to transmit LRIT information, on exemptions and equivalents and on certain operation matters;
- .6 guidance on the survey and certification of compliance of ships with the requirement to transmit LRIT information;
- .7 guidance to search and rescue services in relation to requesting and receiving LRIT information;
- .8 guidance on the implementation of the LRIT system;
- .9 transitional arrangements and measures for accelerating the completion of the establishment of the LRIT system;
- .10 blanking of bilge discharge piping systems in port;*
- .11 interpretation of SOLAS regulations II-1/1.3 and II-1/3-6;
- .12 interpretation of SOLAS regulation III/16.1 concerning embarkation ladders at embarkation stations;
- .13 unified interpretation of SOLAS regulation II-1/32.1 providing guidance for a relaxation of requirement for redundancy of safety valves for steam boilers and boiler feed systems;
- .14 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;
- .15 list of competent persons maintained by the Secretary-General pursuant to section A-I/7 of the STCW Code;
- .16 amendments to Promulgation of maritime safety information (resolution A.705(17));
- .17 amendments to World-Wide Navigational Warning Service (resolution A.706(17), as amended);
- .18 amendments to the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual;
- .19 reports on marine casualties and incidents – Revised harmonized reporting procedures;
- .20 unified interpretation of the application of regulations governed by the building contract date, the keel laying date and the delivery date for the requirements of the SOLAS and MARPOL Convention*;

* Approved jointly with MEPC 58.

- .21 unified interpretation of the term “first survey” referred to in SOLAS regulations;
- .22 new and amended traffic separation schemes;
- .23 routing measures other than traffic separation schemes;
- .24 mandatory ship reporting systems;
- .25 guidelines for the application of the modular concept to performance standards;
- .26 amendments to the guidelines for the installation of a shipborne Automatic Identification System (AIS);
- .27 transitioning from paper chart to electronic chart display and information systems (ECDIS) navigation;
- .28 amendments to the guidelines for the presentation of navigational-related symbols, terms and abbreviations relating to a new symbol for the presentation of an AIS search and rescue transmitter;
- .29 guidelines for flooding detection systems on passenger ships;
- .30 early application of the International Code on Intact Stability, 2008; and
- .31 participation in the WMO Voluntary Observing Ship’s (VOS) Scheme.

ACTION REQUESTED OF THE COUNCIL

79 The Council is invited to:

- .1 consider the report of the eighty-fifth 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 of amendments to the 1974 SOLAS Convention, the 1988 Load Lines Protocol and to various codes mandatory under the 1974 SOLAS Convention; and the adoption of the mandatory International Code on Intact Stability (2000 IS Code) and International Maritime Solid Bulk Cargoes (IMSBC) Code (paragraphs 4 and 6);
- .3 note the action taken by the Committee on issues related to maritime security (paragraphs 7 to 11);
- .4 note the progress made on the issue of goal-based new ship construction standards (GBS) and, in particular, with regard to the development of draft SOLAS amendments and draft International goal-based ship construction standards for bulk carriers and oil tankers (paragraph 12);
- .5 note the action taken by the Committee on the long-range identification and tracking of ships system (paragraphs 13 to 18);

- .6 note the Committee's decisions on issues brought to it by DE 51, STW 39, COMSAR 12, FSI 16, NAV 54, SLF 51 and DSC 13 (paragraphs 19 to 48) and, in particular:
 - .6.1 note that the Committee agreed not to make the publication of amendments to the IAMSAR Manual freely available on the Internet, (paragraph 27);
 - .6.2 endorse the Committee's decision to add a seventh annex to the Code for the Implementation of Mandatory IMO Instruments (paragraph 33);
 - .6.3 note the course of action taken regarding the development of an Agreement on the implementation of the 1993 Torremolinos Protocol (paragraph 42); and
 - .6.4 consider the outcome of discussions on, and, in particular, note the merit of, making the IMDG Code freely downloadable from the Internet (paragraphs 44 to 48);
- .7 note the action taken by the Committee on issues relating to the technical assistance sub-programme in maritime safety and security (paragraphs 49 to 52);
- .8 note the action taken by the Committee on issues relating to capacity-building for the implementation of new measures (paragraphs 53 and 54);
- .9 note the action taken by the Committee on issues relating to the human element and formal safety assessment (paragraphs 55 to 58);
- .10 note activities pertaining to the issue of piracy and armed robbery against ships (paragraphs 59 to 67);
- .11 note the action taken on issues relating to the application of the Committee's Guidelines (paragraphs 71 and 72);
- .12 note the action taken on issues relating to the planned outputs of the Sub-Committees for the 2008-2009 biennium (paragraph 74);
- .13 note the Committee's recommendations that 26.5 meeting weeks should be allocated to the MSC and the MEPC and their subsidiary bodies for the biennium 2010-2011, including two sessions for the DE Sub-Committee in 2010 (paragraph 75);
- .14 endorse the action taken by the Committee in approving the intersessional meetings referred to in paragraph 76; and
- .15 note the 31 guidelines and other recommendations approved by the Committee for dissemination (paragraph 78).