



COUNCIL – 102nd session

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**SUMMARY RECORD OF THE SIXTH MEETING**

**held at IMO Headquarters, 4 Albert Embankment, London SE1 7SR  
on Wednesday, 1 July 2009 at 2.30 p.m.**

Chairman: Mr. J. FRANSON (Sweden)  
Vice-Chairman: Mr. D. NTULI (South Africa)  
Secretary-General: Mr. E. E. MITROPOULOS

A list of participants is given in document C 102/INF.1.

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**AGENDA ITEM 8 – RESULTS-BASED BUDGET FOR THE TWENTY-SIXTH FINANCIAL PERIOD 2010-2011 (continued)**

Ms BAUTISTA (Philippines) cautioned against withdrawing monies from the Technical Co-operation Fund as many of the programmes it financed helped developing countries, such as hers. The budget increases were inevitable given the rises in costs that were beyond the control of IMO. However, there must be ways of avoiding an excessive increase in assessed contributions, for example, by combining judicious cost reductions with the introduction of income-generating activities. The creative proposals made by the representative of Jamaica therefore deserved consideration. The Secretariat was to be commended on the efforts made to date but should take a further look at the budget proposals taking into account the comments and recommendations made by the Council, while continuing to uphold the objectives of the Organization.

Mr. FERRER (Philippines), speaking as chairman of the MSC, said that the number of meeting-weeks allocated to the MSC and its subsidiary bodies had been discussed and unanimously endorsed by the MSC at its eighty-fifth session. He strongly supported the suggestion made by the Secretary-General at the present session of the Council, during consideration of agenda item 3, that any proposal to reduce the allocation should be reviewed by the MSC. The views of the MSC should be sought prior to consideration and a decision by the *Ad Hoc* Council Working Group in September 2009.

Mr. RATANASATHIEN (Thailand) paid tribute to the Secretariat for the efforts made in preparing the budget proposal and welcomed the transparency of the budget document. Recognizing the unavoidable cost increases, he supported the proposal in principle but looked forward to its further refinement on the basis of the comments made by the Council at the present session. It was essential to establish a long-term strategy for seeking substantial cost reductions and other sources of income; such a large rise in the assessment level as that proposed for 2010-2011 could not be afforded for each biennium. He supported the proposal made by the Bahamas that the number of meeting-weeks should be capped. He cautioned that any reduction in capacity-building as a result of taking surpluses from the Technical Co-operation Fund would have a serious impact on the implementation of IMO instruments and ultimately on the achievement of the Organization's goals.

Mr. FARGHALY (Egypt) said that the development and growth of the maritime industry relied on the presence of Member States at IMO and cooperation between them. The budget proposal was in proportion to the very important tasks IMO was being requested to perform, tasks that were increasing as the Organization faced new challenges in areas such as piracy, armed robbery, pollution, prevention of marine accidents, information technology advances and climate change, in particular rises in sea levels. Egypt had recognized the importance of those areas and, although not a rich country, had given due importance to the Arab Academy for Science, Technology and Maritime Transport, which was based in Alexandria. The academy was now a strategic partner within the United Nations system and had been praised by the United Nations Secretary General for its work on marine disaster and accident preparedness. Egypt was keen to support IMO in the area of capacity-building and was therefore making a contribution to the Technical Co-operation Fund of \$100,000.

Further consideration should be given to rationalizing the use of paper documentation through greater use of electronic technology. For example, provision of interactive screens in the conference hall and meeting rooms would enable participants to access all relevant documents electronically during the session. The system should also be designed to record sessions and make them available electronically.

Mr. VALENZUELA (Chile) expressed appreciation for the efforts made in drafting the budget proposal and recognized that many of the cost increases were beyond the control of the Organization. He endorsed the proposal in principle and joined previous speakers in requesting that further efforts be made to seek specific areas where costs might be reduced in order to reduce the assessment level. He had every confidence that the Secretary-General and his team would find the best way to reconcile the interests of IMO with those of Member States.

Mr. LACHANCE (Canada) expressed appreciation for the comprehensive budget document. The Secretariat had faced a difficult task given the circumstances, but the proposed cost increase was substantial. Member States were also facing the global financial crisis and it was therefore imperative to seek efficiencies and to adjust priorities even though there was little room for manoeuvre. Difficult times required difficult decisions. He therefore supported the proposal made by the United States.

Mr. TAWIAH (Ghana, observer) recognized the efforts made by the Secretariat in preparing the comprehensive results-based budget proposal and had listened to the discussion with great interest. He endorsed the comments made by the representatives of Italy, Malta, the Philippines, Jamaica and others on the importance of the Technical Co-operation Fund, which, as pointed out by the representative of Nigeria, had been established on the basis of an Assembly resolution. As South Africa had said, it was important to examine ways of ensuring the optimum use of the Fund.

Mr. BRUCE (Marshall Islands, observer) said that, while he commended the efforts made in drafting the budget proposal in the face of unavoidable cost increases, he was naturally concerned at the large rise in the level of assessment. Council members had made a number of interesting comments but many of them were related to long-term strategies rather than to the immediate action needed on the current budget proposal and those should be kept under review for the future. He supported the call for efficiency savings. However, it was the Member States themselves which controlled the work being requested of IMO, and it was therefore incumbent upon them to set priorities for new work, limit the number of meeting-weeks per year and try to limit the number of substantive work programmes being undertaken by the Organization at any one time. He assumed that such matters would be considered by the *Ad Hoc* Council Working Group on the Organization's Strategic Plan at its meeting in September 2009. He supported the proposals made by the Bahamas in respect of setting a limit on the number of meeting-weeks and assessing the cost of meetings but could not support any change in reporting procedures. Reports should continue to be drafted prior to the conclusion of meetings, as any delays could result in delays in the implementation of decisions.

Mr. MATTHEWS (Belize, observer) also supported the first two proposals made by the representative of the Bahamas but agreed with the previous speaker that it was not appropriate to delay the preparation of meeting reports. He would refrain from commenting on the budget proposal, which was the responsibility of Council members, other than to express support for the comments made by the representatives of Panama and the United States.

Mr. BARNES (Liberia, observer) welcomed the clear, precise and transparent presentation of IMO's first results-based budget. Although he recognized that the cost increases were largely beyond the Organization's control, the overall effect on assessed contributions was alarming and would place an undue burden on the few Member States that would shoulder responsibility for ensuring IMO's financial viability. He therefore supported the views of Panama. He also supported the proposals made by the Bahamas, and agreed with the United States that the proposed change in the preparation of meeting reports should be given a trial. Although ways should be sought to reduce the assessment level, he cautioned against the use of Technical Co-operation Fund

surpluses, drawing attention to the explanation given by the representative of Malta that such monies might in fact represent funds committed but not yet expended, and recalling resolution A.986(24), which set out the instructions to the Secretary-General regarding the transfer of surpluses in the Printing Fund to the Technical Co-operation Fund.

Ms KARIGITHU (Kenya), speaking as vice-chairman of the Technical Co-operation Committee, joined previous speakers in paying tribute to the Secretariat for the work undertaken in drafting the budget proposal. She expressed support for the views of the chairman of the Technical Co-operation Committee and other speakers who had cautioned against the use of surpluses from the Technical Co-operation Fund and would find it difficult to support the remarks made by the representatives of the United States and Panama. The Technical Co-operation Committee had been instituted in pursuance of the IMO Convention, and the Technical Co-operation Fund had been established by the Assembly to realize implementation of the committee's decisions. Moreover, while it was the developing countries that benefited directly from the ITCP, overall benefits accrued to the entire maritime industry as its ships visited the improved ports in those countries. She supported the budget proposal as presented.

Mr. CHRYSOSTOMOU (Cyprus) said that he had not previously commented on the proposals made by the Bahamas because they had been considered in the late 1990s. However, when changes had been tried then, Member States had requested a return to the current procedures. Such matters related not only to the budget but to the entire culture of the Organization – the ways in which Member States behaved – and should therefore be given renewed and specific consideration. There was no point in representatives making requests in Council only to raise contradictory demands when they were participating in committee meetings, as had been the case in respect of the number of meeting-weeks allocated to the MSC.

Mr. FINLEY (Cook Islands, observer) expressed appreciation for the work undertaken in drafting the budget proposal and the document submitted by the Bahamas. He welcomed the comments made in support of technical cooperation, in particular the reference by New Zealand to its importance in respect of the shipping needs of small island States. Technical cooperation was, of course, a fundamental part of the IMO's High-level Action Plan and was covered by a number of Assembly resolutions. He supported the comments made by the representative of the Marshall Islands.

Mr. BELL (Bahamas) thanked those delegations that had supported his proposals; in particular, the representative of Cyprus had drawn attention to the fact that similar proposals had been discussed in the past, with mixed results and in the end no real change. He supported the further proposals made by the United States, Panama and Jamaica. The Secretary-General had indicated at the previous meeting that 35 meeting-weeks had been allocated for intersessional meetings during the 2010-2011 biennium, which brought the total number of meeting-weeks up to a staggering 76.4, or 38.2 per year. That was many more than he had envisaged and only reinforced his proposal that the Council should take the decision to introduce a limit. The costs were not only a burden for IMO but also for Member States, which had to finance the attendance of their representatives.

The SECRETARY-GENERAL said that the Secretariat was highly appreciative of the Council's many positive comments on the transparency and consistency of the budget proposals set out in document C 102/8. Turning to the current financial crisis, he commended the IMO staff for their willingness to shoulder the extra burden resulting from the necessary redeployment of resources, freezing of vacancies and non-replacement of staff going into retirement. Cuts had also been made affecting staff travel, overtime and temporary assistance. It was incumbent on Members to economize also, although it was of course the Council which must decide how, and it must be

remembered that there would always be need for intersessional meetings to address particular work items.

After thanking the delegation of Norway in particular for its positive and constructive proposals for achieving savings, he said that some statistics might help illustrate better the current situation. Firstly, in four particular areas, circumstances had imposed exceptional costs arising from IMO's responsibilities. They were piracy, LRIT, the ISPS Code and climate change, for which the estimated costs were, respectively, £703,000, £550,000, £328,000 and £182,000. From another viewpoint, for the upcoming MEPC session alone the Secretariat had received 189 submissions, which had necessitated the translation and processing of 3,003 pages, or almost 1 million words.

He thanked the representative of the Netherlands for his earlier positive comments, and in particular for pointing out that, as stated in paragraph 6.2 of the budget document under review, the current planning cycle was such that the HLAP for 2010-2011 had yet to be adopted and needed to be revisited by the Council in due course. It would be necessary to align the planning and budgetary cycles in future so that the HLAP was in place before the budget was drawn up. The first results-based budget (RBB) could only be linked to the current HLAP, as the two cycles were not yet aligned. The budget proposals in the document under discussion would need to be recast in November by the Council against the HLAP for 2010-2011 which resulted from the deliberations of the *Ad Hoc* Council Working Group on the Organization's Strategic Plan in September. The preliminary distribution of resources between strategic results and high-level actions might then need to be adjusted following the Assembly's adoption of that HLAP at its forthcoming twenty-sixth regular session. Final decisions on the budget could thus not be taken by the Council until its extraordinary session in November immediately preceding the twenty-sixth Assembly.

Turning to the comments made in connection with the financial impacts of the proposed Trading Fund, he drew the Council's attention to document C 102/WP.4, which he trusted would provide answers. If not, the Secretariat was ready to help with solutions.

Concerning the establishment of an ombudsman post at IMO as recommended by the United Nations Joint Inspection Unit, he confirmed it was his intention to do so in due course.

As to the comments made about excessive staffing at IMO, he said that one only need look at document C 102/INF.2, detailing IMO's current posts and staff, to appreciate the real situation. It showed, *inter alia*, that a number of sections had only one Professional staff member. Although it was true that the Organization had more established posts than 10 or 15 years previously, that merely reflected its response to evolving needs. For example, a modern organization needed to have a fully-fledged IT section. IMO was also obliged to call on the services of professionals in aspects of marine biology and marine biodiversity, for instance, which had been unheard of at the time of its founding.

In reply to certain other questions relating to the breakdown of costs for individual meetings, he said that document C 102/WP.4 also provided answers in the form of a table entitled "Resource requirements for each meeting by cost group for 2010-2011". He thanked the delegations of the United Kingdom and the United States for bringing those matters to the Council's attention.

Concerning a question why the budget results called for a higher assessment than the level of contributions, he drew attention to the document's executive summary, which stated the situation in diagrammatic form. That matter, as well as the query by the United States about the miscellaneous income level for the 2010-2011 biennium as shown in table 12, was also addressed

in document C 102/WP.4. That document also provided explanations for the ratio of budget to expenditure in the Technical Co-operation Fund, another matter which the United States had raised.

Turning to the question of language usage, he observed that it was not always so simple for the Secretariat to navigate between the sensibilities of Members. Examples mentioned in the current session had been, on the one hand, Denmark needing to have documents translated into English to conduct its audit, and on the other the Russian Federation's strong appeal for more translators in the IMO Russian Translation Section. Some delegations had also proposed that working group reports should not be translated during meetings. On all such matters, the sensitivities of the countries involved must always be borne in mind, and the Secretariat stood to be advised on individual cases.

There was no intention to reduce the level of the Printing Fund surplus, currently not less than 75 per cent, which was paid into the Technical Co-operation Fund. Appropriate provision had already been duly made in the draft Assembly resolution contained in annex 7 of the document under review concerning the terms for the establishment of a trading fund, the intended successor of the Printing Fund.

He welcomed the comment of the representative of Panama regarding the positive effects, pointed out by the Secretariat in document C 102/8/Add.1, of the strengthening of the pound against the dollar in reducing the proposed increase needed in the regular budget from 14.9 per cent to 13 per cent, and in the proposed assessment from 22 per cent to 19.9 per cent. As matters stood, that situation might improve even more by November.

He pointed out that if the earlier result of the sharp fall in value of sterling against the dollar and the effect of the cost-of-living increase for Professional staff, both taken into account for the budget estimates contained in the document under review, were deducted from the equation, the increase he would be asking for now would be only 3.5 per cent. That compared well with the increase of slightly less than ten per cent which he had asked the Council to grant two years previously for the current biennium.

He welcomed in particular the words of those delegations that maintained that the Secretariat must be given appropriate resources to fulfil the tasks with which it was entrusted. Even when resources were granted, due caution was exercised by the Secretariat: the additional Professional post in maritime security granted by the Council and established in 2008 had not been filled until 2009, for reasons of economy.

Regarding the matter of after-service health insurance (ASHI), raised by France, he again referred to the information provided in document C 102/WP.4.

He endorsed the sentiment of the representative of Malta that the Organization should not spend for the sake of spending, and drew attention to the technical cooperation programme delivery rate which was much higher than a few years previously.

Finally he observed that, following the hard-won and necessary lengthening of committee sessions in response to increasing workloads, he believed it would be a step back to try to compress their work into fewer days simply on grounds of cost.

The CHAIRMAN invited the Council to note the information set out in documents C 102/8, its addendum and C 102/8/1 (Bahamas), as well as that provided orally by the Secretary-General.

He further invited the Council to express appreciation to the Secretary-General and his staff for the clear, transparent and thorough presentation of the document, which had aimed at aligning the Organization's first results-based budget with its existing Strategic Plan and High-level Action Plan; and commend the Secretary-General for presenting proposals which, under the circumstances imposed by the global financial crisis, had recognized the need for prudence, and for his efforts to secure efficiencies and economies in operation to respond to prevailing conditions.

Finally, he invited the Council, while generally endorsing the proposed approach and structure of the results-based budget, as presented in document C 102/8, to request the Secretary-General to undertake a review of his budget proposals, taking into account comments and proposals made by Council Members and observer delegations, as well as any recommendations that might emerge from the September session of the *Ad Hoc* Council Working Group on the Organization's Strategic Plan, in order to identify any further areas for making economies and efficiency gains, without, however, hampering the delivery of the Strategic and High-level Action Plans of the Organization. Such a revised draft budget would be presented to the Council's twenty-fifth extraordinary session for approval and submission to the twenty-sixth regular session of the Assembly for adoption.

Mr. VASSALLO (Malta) said he was in complete agreement with the chairman's summing-up. He felt, nevertheless, that it might be suggested also that the budgetary process should be kept under continuous review by the Council, and that greater emphasis should be placed on examination of cost implications by the lower committees and subcommittees of the Organization.

#### **AGENDA ITEM 9 – CONSIDERATION OF THE REPORTS OF THE MARITIME SAFETY COMMITTEE (C 102/9 and Add.1)**

Mr. FERRER (Philippines, Chairman of the Maritime Safety Committee) said that since the 101st regular session of the Council the committee had met twice, at its eighty-fifth session in November/December 2008 and at its eighty-sixth session earlier in June.

The report of the eighty-fifth session had been issued as document MSC 85/26 and addenda and a summary report was contained in document C 102/9. Since many of the items addressed at that session had been further considered at the Committee's eighty-sixth session, he would restrict his briefing to the major outcome of MSC 85, leaving other issues to be introduced in the context of the outcome of MSC 86 at a later stage.

As reflected in paragraphs 4 to 6, MSC 85 had adopted amendments to the 1974 SOLAS Convention and related mandatory and non-mandatory instruments, and had adopted two new mandatory instruments: the International Code on Intact Stability, 2008 (2008 IS Code); and the International Maritime Solid Bulk Cargoes (IMSBC) Code.

Paragraphs 7 to 11 reported on the decisions taken in relation to measures to enhance maritime security. The committee had approved guidelines on the security aspects of the operation of vessels which do not fall within the scope of SOLAS chapter XI-2 and the ISPS Code.

Paragraphs 13 to 18 reported on the decisions taken relating to Long-range identification and tracking of ships (LRIT). The committee had approved a number of guidelines and standards related to the establishment and operation of the LRIT system.



Paragraphs 19 to 48 reported on the decisions taken in the context of recommendations by subcommittees which had met prior to MSC 85. In particular, he highlighted the adoption of an MSC resolution to clarify the meaning of the term “bulk carrier”; the adoption of amendments to the IAMSAR Manual; the adoption of amendments to traffic separation schemes, routing measures and ship reporting systems, and to the *General Provisions on Ships’ Routing*, subject to confirmation by the Assembly; and the adoption of the Explanatory Notes to SOLAS chapter II-1 and the endorsement of the course of action regarding the development of an agreement on the implementation of the 1993 Torremolinos Protocol.

In considering the outcome of DSC 13, MSC 85 had 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, and had invited the Council to consider the outcome of the committee’s discussions on that matter, and in particular to note the merits.

With regard to safety- and security-related technical cooperation activities, as outlined in paragraphs 49 to 51, MSC 85, taking into consideration the requests of the Assembly, had approved the thematic priorities for the ITCP covering the 2010-2011 biennium.

Paragraph 78 listed the 31 guidelines and other recommendations approved by MSC 85 for dissemination.

Turning to the outcome of the eighty-sixth session of the committee, the report of which was contained in document MSC 86/26, with a summary report presented in document C 102/9/Add.1, he noted that MSC 86 had adopted amendments to the 1974 SOLAS Convention and to the 1988 SOLAS Protocol, including those to prohibit installation of asbestos and those relating to mandatory carriage of ECDIS. Those amendments were expected to enter into force on 1 January 2011.

During the session under review, the MSC had continued its work on measures to enhance maritime security, as reported in paragraphs 6 to 10. The committee had agreed that there was no need yet to develop guidance on port facility security audits to supplement the existing guidance on voluntary self-assessment and implementation of SOLAS chapter XI-2 and the ISPS Code. However, it had urged SOLAS Contracting Governments and the organizations concerned to undertake the necessary assessments, requesting them to bring to its attention the results of the experience gained.

Paragraphs 11 and 12 covered the outcome of the committee’s work on goal-based new ship construction standards. The committee had approved a draft MSC resolution on *Adoption of amendments to the SOLAS Convention* for adoption by MSC 87 in order to introduce the GBS and to make the *International goal-based ship construction standards for bulk carriers and oil tankers* mandatory, together with the supporting standards and guidelines.

As outlined in paragraphs 13 to 15, MSC 86 had extensively discussed issues related to LRIT and had approved amendments to the technical specifications for the LRIT system. He noted that the committee had also extensively discussed the fees and charges to be levied by IMSO in connection with the interim authorization for integration of DCs into the production environment of the LRIT system and for annual review and audit of the performance of DCs and the IDE.

Paragraphs 16 to 34 reported on important issues that MSC 86 had addressed in the context of the reports of the subcommittees. Highlights of actions taken by the committee included the authorization given to STW 41 to finalize the draft revised text of amendments to the STCW Convention and Code for circulation with a view to adoption at the diplomatic conference in

Manila in June 2010; the approval of draft amendments to SOLAS chapter II-2 to make the 2010 FTP Code mandatory; the adoption of the *Interim Guidelines on safety for natural gas-fuelled engine installations in ships* and the *Recommendations for material safety data sheets (MSDS) for MARPOL Annex I oil cargo and oil fuel*; the approval of the draft Assembly resolution on *Adoption of the Guidelines for ships operating in polar waters*; and the approval of the draft Assembly resolution on *Amendments to the Code for the implementation of mandatory IMO instruments, 2007*.

Paragraphs 35 and 36 covered the technical assistance sub-programme in maritime safety and security.

As outlined in paragraph 37, in regard to capacity-building for the implementation of new measures, the committee had approved the *Procedures for the assessment of implications of capacity-building requirements when developing new or amending existing mandatory instruments* and had approved, subject to MEPC 59's concurrent decision, relevant amendments to the guidelines on the organization and method of work incorporating those procedures.

Paragraphs 38 and 39 reported on the committee's consideration of the role of the human element.

As reflected in paragraphs 40 and 41, in respect of formal safety assessment (FSA), the committee had established the FSA experts group to review the FSA studies submitted to IMO.

Discussions on issues relating to piracy and armed robbery against ships, in particular piracy off the coast of Somalia, had taken up a significant amount of time at both MSC 85 and MSC 86.

As reported in paragraphs 42 to 64, at its eighty-sixth session, the MSC had completed the work of revising the two documents containing the existing IMO guidance on combating piracy and armed robbery against ships. The committee had also agreed to issue revised MSC circulars on *Recommendations to Governments for preventing and suppressing piracy and armed robbery against ships*, and *Guidance to shipowners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships*. The guidance for shipmasters and crew included a new annex aimed at seafarers, fishermen and other mariners who might be kidnapped or held hostage for ransom, based on the current United Nations guidance on surviving as a hostage.

The committee had likewise agreed to issue an MSC circular on *Piracy and armed robbery against ships in waters off the coasts of Somalia*, to include *Best management practices to deter piracy in the Gulf of Aden and off the coast of Somalia*, which had been developed by organizations in the shipping industry. That circular also contained additional guidance for vessels engaged in fishing and identified as being particularly vulnerable to attack.

The Committee had further agreed on proposed amendments to the *Code of practice for the investigation of crimes of piracy and armed robbery against ships* (resolution A.922(22)), for consideration by the twenty-sixth session of the IMO Assembly.

MSC 86 had discussed extensively the carriage of firearms on board merchant ships and the use of armed guards. It had agreed that flag States should strongly discourage the carrying and use of firearms by seafarers, either for personal protection or for the protection of the ship, but had agreed that the use of unarmed security personnel was a matter for individual shipowners, companies and ship operators to decide. The committee had also agreed that the carriage of armed

security personnel, or the use of military or law-enforcement officers (duly authorized by the government of the flag State to carry firearms for the security of the ship) should be subject to flag State legislation and policies and was a matter for the flag State to authorize, in consultation with shipowners, companies and ship operators.

With regard to the application of committees' guidelines, the MSC had considered the report of the 2009 chairmen's meeting, held on 30 May 2009, and had agreed to forward the views expressed by the chairmen in regard to the draft *Guidelines on the application of the Strategic Plan and the High-level Action Plan*, as reflected in paragraph 67, to the current session of the Council for consideration.

During the session under review, the committee had spent considerable time discussing the work programmes of the subcommittees and the provisional agendas for their forthcoming sessions, as well as proposals for approval of intersessional meetings. The outcome of its decisions was reflected in paragraphs 68 to 71.

Paragraphs 72 and 73 listed the six draft resolutions for adoption by the Assembly and the 38 guidelines and other recommendations approved by the committee for dissemination.

He hoped the Council would agree with him that considerable progress had been made during the committee's eighty-fifth and eighty-sixth sessions. His and the committee's wish was that the decisions made would be widely and effectively implemented and successfully enforced to the benefit of the international maritime community.

The SECRETARY-GENERAL said that, as most of the significant technical issues on IMO's agenda were dealt with by the MSC, its success was always taken as a measure of IMO's general success. Governments placed an ever-increasing expectation on IMO to deliver and the MSC had a major role to play if the Organization was to continue to respond appropriately to developments, trends and challenges.

The Organization's key roles of setting standards and promoting their effective implementation were at the heart of its mission to promote safe, secure, environmentally sound, efficient and sustainable shipping. International shipping that met those requirements served the needs of world trade and promoted economic development and the contribution shipping made to the global economy and the community as a whole, by providing the means of transportation of goods for more than 90 per cent of world trade, should be universally acknowledged.

At MSC 86, the committee had made significant progress on the prescriptive approach for bulk carriers and oil tankers under the goal-based new ship construction standards concept.

With regard to resource implications of the verification process, the committee had agreed that the expenditure involved should be covered by the entity requesting verification of their rules, while also recognizing that implementation of the verification guidelines would also require additional Secretariat resources. At the June 2010 session of the Council, he would advise on the financial aspects of verification, including the need for Secretariat resources, on the basis of further consideration of the matter at the committee's next session.

The committee had also established at MSC 86 the first Formal Safety Assessment Expert Group, composed of experts nominated by Member Governments and non-governmental organizations, to review FSA studies carried out as part of the recently concluded SAFEDOR international research project and its findings. Thus, at MSC 87, the committee would be able to

prioritize proactively areas where the development of new regulations or amendments to existing ones would deserve further consideration in the interests of enhanced safety.

Turning to maritime security, he said that the SOLAS Contracting Governments had been requested to reflect on the actions they had taken to implement, verify compliance with, and enforce the provisions of SOLAS chapter XI-2 and the ISPS Code and to put in place the necessary legislative and administrative frameworks with a view to covering any identified gaps. The number of unlawful acts committed in port areas, such as acts or attempted acts of armed robbery, had been declining since 2004, which was an indirect indicator that measures put in place were working. However, over the same period the number of reported stowaway incidents had increased in some parts of the world, which showed either a lack of or inadequate implementation of measures, which was causing major concern to the industry. As 1 July 2009 marked the fifth anniversary since the entry into force of the amendments to introduce the ISPS Code, with its special measures to enhance maritime security, it was time to reflect on achievements and, where necessary, take corrective action to improve the situation.

The committee had also agreed measures to accelerate the establishment of the universally-acknowledged and unique LRIT system, so as to enable all ships to play their part as envisaged by its designers. Various arrangements, some innovative, had been agreed to ensure the continuous functioning of the system and initiate appropriate responses, if the need arose before MSC 87.

The agreement on the principles and guidelines relating to the review and audit of the performance of LRIT Data Centres and the International LRIT Data Exchange had been quite an achievement and he hoped that the LRIT Coordinator, IMSO, would be in a position to undertake the initial audits towards the end of 2009.

Regarding the comprehensive review of the STCW Convention and Code, he recalled the previous decision to convene a conference in 2010 to adopt a set of proposed amendments. As it would be the first major review since the 1995 STCW Conference, it was imperative that any revisions ensured that the convention met and responded adequately to the present challenges of the shipping industry. He was confident that the STW Sub-Committee, aided by an *ad hoc* intersessional working group, would be able to finalize the required set of amendments to the STCW Convention and Code in time for the conference, in order to provide standards for seafarer training that would stand the test of time.

As to implementation of the 2000 Florence Conference resolution on SAR and the GMDSS calling for the establishment of five MRCCs along the African coast, he noted that, following the commissioning of the Mombasa, Cape Town and Lagos subregional maritime rescue coordination centres in May 2006, January 2007 and May 2008 respectively, the fourth centre had been commissioned in Monrovia, Liberia, in April 2009. He hoped that the multilateral agreement among the countries concerned would be signed soon to pave the way for the establishment of the remaining subregional MRCC in Morocco. An example of how well the system worked had been the recent rapid response by the MRCCs in Dar es Salaam and Réunion to the Yemeni plane crash. The MRCCs were not fully operational 24/7 in the same way, for example, as the United Nations High Commissioner for Refugees (UNHCR) was operational, but MSC, MSD and MED personnel were operational on a 24-hour basis and kept the Secretary-General informed wherever he might be in the world. In addition to the establishment of the four MRCCs, IMO had helped establish six sub-centres out of a total of 25 envisaged by the Florence Conference. There was a long way to go but, with determination and sufficient funds, he was confident of achieving the aim of providing full SAR coverage around the extensive coastline of Africa.

As Mr. Ferrer had reported, the committee had considered the outcome of the 2009 meeting of chairmen of committees and subcommittees, which had dealt with issues relating to the draft guidelines on the application of the Strategic Plan and the High-level Action Plan; 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; and amendments to the committees' guidelines. The views of the chairmen on the draft guidelines and on the proposals for the Organization's priorities for the 2010-2011 biennium were of particular importance.

With regard to the work programmes of the subcommittees, the 17 new items included the development of a mandatory code for ships operating in polar waters, which was becoming increasingly important for many countries, the scoping exercise to establish the need for a review of the elements and procedures of the GMDSS, and the development of provisions for the installation of equipment for the detection of radioactive sources and radioactive contaminated objects.

At MSC 85 and MSC 86, the committee had received the reports of all nine subcommittees which had met since MSC 84. He expressed his appreciation of the painstaking efforts and excellent achievements of everyone involved and said that, with the strenuous efforts of so many, the Organization was on the right path to deliver successful results. While IMO, in its regulatory function, had been able to act in response to the expectations of governments and the community, it was now up to governments and industry to implement the outcome of those commendable efforts in the service of enhanced safety.

Mr. TAWFIK (Egypt) thanked the Secretary-General for his excellent report. Firstly, he asked for clarification on the different standpoints of MSC 85 and MSC 86 concerning armed or unarmed security personnel on vessels. At MSC 85, it had been decided that vessels should not carry weapons and there should be no armed personnel protecting vessels, since coastal States would have to be consulted before vessels entered their ports and problems might arise with coastal State legislation if they did not allow armed personnel on vessels to enter their ports. At MSC 86, on the other hand, it had been agreed that there could be unarmed security personnel and it was emphasized that arming personnel was in the remit of the flag State, shipowners and shipping companies. Secondly, with regard to the mandatory implementation of the LRIT system, he requested that a circular be sent to contracting countries to ensure that vessels that were about to enter category 3 countries would not encounter difficulties on entering their ports before the 30 September 2009 deadline for completing implementation measures.

Mr. BELL (Bahamas) raised a query regarding the point at which the costs of the additional staff required for the verification process under the new goal-based new ship construction standards should be charged, as mentioned in document C 102/9/Add.1 (paragraphs 11.4 and 11.5, page 3). He suggested discussing the matter in more detail and making a decision at the current Council session, since it had not been possible to discuss a financial matter of that kind at the MSC.

The SECRETARY-GENERAL, replying to the previous speaker, recalled that in his comments on the matter he had said that the committee had agreed that such expenditure should be covered by the entity requesting verification of its rules, while also recognizing that implementation of the verification guidelines would also require additional Secretariat resources. He added that he would be advising the Council at its June 2010 session on the financial aspects of verification, including the need for Secretariat resources, on the basis of further consideration of the matter by the MSC at its next session. It was therefore untimely to make a decision before the final position of the committee was known.

Mr. BELL (Bahamas) replied that, although the precise figures were still unknown, consideration could be given to the principle of allowing staff costs to be charged to the body requesting verification of its rules.

Mr. BARKATSAS (Greece) commended the MSC chairman on the committee's results and on his extensive report. Of particular importance to Greece were measures to enhance maritime security, such as the development of model legislation; the prescriptive approach for goal-based standards 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 the IACS Common Structural Rules; and the committee's decisions with respect to the establishment and operation of the international LRIT Data Exchange, the LRIT Data Distribution Plan and the complete LRIT system.

Mr. TURKSON (Ghana, speaking on behalf of the Maritime Organization for West and Central Africa (MOWCA)), referring to documents C 102/9, paragraph 67, and C 102/9/Add.1, paragraph 54, reported that 13 MOWCA Member States had signed the Memorandum of Understanding on the IMO/MOWCA Integrated Coast Guard Function Network Project. In March 2009, MOWCA had held a meeting of experts from the network's coordinating centres to draw up action plans for the implementation and establishment of the zonal centres for the programme. Member States at that meeting had been urged to strengthen their national coastguard organizations, which would form the basis for the effective operation of the subregional network. He expressed MOWCA's gratitude to all its development partners which had supported the programme, especially the Republic of Korea, through its international cooperation agency, the Governments of France, the United Kingdom, Norway, Japan, Canada, and many others who had supported MOWCA in its endeavour.

Mr. SEKIMIZU (Director, Maritime Safety Division), in response to Egypt's questions, said that the current stance of the MSC regarding arms on board was clearly reflected in paragraph 18.59 of its report contained in document MSC 86/26. The role and responsibility of the port State had been discussed at length by the MSC and the basic position had not changed: the MSC discouraged arms on board in principle but in actual cases the flag State should have final responsibility and the views of the port State should also be taken into account. Regarding the implementation of LRIT, he said that a relevant circular had been issued on 9 June 2009 (MSC.1/Circ.1309), which would provide an answer to his query.

Mr. FERRER (Philippines, speaking as chairman of the Maritime Safety Committee) read out the relevant provision contained in paragraph 1 of MSC/Circ.1309: "While full implementation of the LRIT system will start from 30 June 2009, Contracting Governments are urged to take a pragmatic and positive approach should any misunderstandings arise with other Contracting Governments in the initial period." He added that the circular should be read in conjunction with earlier MSC circulars regarding the transitional arrangements for LRIT implementation.

Mr. SIVERTSEN (Norway) said he was pleased with the output of the committee and noted with satisfaction the development of guidelines for ships operating in polar waters and the committee's decision to include the development of a mandatory code for ships operating in polar waters in its work programme.

Mr. RAHMAN (Saudi Arabia) thanked the Secretary-General and the chairman of the MSC for the excellent report and summary. Regarding the LRIT system, his country had taken immediate steps to come to agreement with specialized companies and planned to implement the system in the coming weeks. He supported the intervention by the representative of Egypt.

Mr. SUPRIYONO (Indonesia) reported on recent progress in his country. In recent years the Indonesian maritime community had experienced several unfortunate shipping accidents and he looked forward to a prudent and improved approach to sea transport. New instruments focused on safety matters and IMO had demonstrated its concerns and taken action through the provision of technical assistance and intensive discussions during 2007 and 2008. The Indonesian Ministry of Transportation was following recommendations and reinforcing domestic regulations. The Australian Maritime Safety Authority (AMSA) had embarked upon the Indonesian Transport Safety Assistance Package (ITSAP), which encompassed a number of programmes for the Indonesian Directorate General of Sea Transportation Ministry, including the Indonesian Non-Convention Vessel Standard (NCVS) project. The first phase of the package had recently been completed, and was ready to move on to the implementation phase. A full report had been circulated at the MSC's eighty-sixth session. The project would significantly improve the implementation of IMO instruments, and thus enhance safety in the international maritime community.

Mr. PROSSER (Australia) thanked the representative of Indonesia for his intervention. Australia had greatly appreciated its working relationship with Indonesia and they had worked closely together to implement a non-convention standard regime to minimize ferry accidents within the Indonesian archipelago. The regime had been implemented in a way that not only fulfilled safety, security and maritime protection standards, but also met local requirements. He was aware that the Secretary-General had taken a particular interest in the initiative and had kept him informed of progress. He looked forward to working with Indonesia on the important initiative and to contribute further to ITSAP.

Mr. OLIMBO (Italy) thanked the chairman of the MSC for the comprehensive report. He expressed appreciation for the progress made on SAR, and for the MSC's achievements in LRIT, GBS and measures against piracy. Committee Members had worked with full involvement, professionalism and seriousness and he paid tribute to its chairman and the Director and staff of the Maritime Safety Division, for their tireless work on a huge range of activities. He supported the action requested of the Council in document C 102/9/Add.1, paragraph 76.

Mr. ISLAM (Bangladesh) commended the MSC chairman for his comprehensive report and expressed appreciation for the committees' work, which helped to maintain safer shipping and clean seas. He asked about the current status of the domestic ferry safety project mentioned in document C 102/9, paragraph 50.

Mr. SEKIMIZU (Director, Maritime Safety Division), replying to the representative of Bangladesh, said that the domestic ferry safety project was very important, and the Organization had established a technical cooperation project and carried out other projects with Bangladesh over two years. Progress was being made and the problems encountered by Indonesia were also being addressed. The Secretariat was aware of the wide scope of future activities in that very important part of the ITCP. He was aware that safety-related issues in domestic waters were the responsibility of the country itself, and it was necessary to be careful to avoid intervening in national policy. Nevertheless, technical cooperation support was available for those countries that required it and steps would be taken towards further enhancement of safety in domestic ferry operations.

Mr. PARENTÉ (Vanuatu, observer) said that there had been some difficulties in the implementation of LRIT. Vanuatu had expected to meet the 30 June deadline, but had not expected its Data Centre (DC) to experience so many difficulties in coordination during the testing phase, several DCs being involved. Therefore, Vanuatu's DC, and probably other DCs, would probably be delayed for reasons beyond their control, as indicated at the MSC's eighty-sixth session. He requested Port State Control authorities to take that into account.

Mr. NTULI (South Africa) thanked the Secretary-General for his presentation and the chairman of MSC for his leadership and the excellent work of the committee and the Director of the MSD for his efforts. He expressed appreciation for the progress made by the MSC in advancing the objectives of resolution A.998(25), which placed particular emphasis on identifying and assessing the implications of capacity-building for the development or amendment of instruments. He commended the committee's report, which reflected its highest level of its achievement during the current biennium.

Mr. SALGADO RIVEROS (Chile) welcomed the report of the chairman of MSC and highlighted the point on the special LRIT group led by Mr. Ryan (Canada). He expressed appreciation for the excellent but silent work carried out by the MSD in setting up effective worldwide data centres. In Chile tests were being carried out at the end of the current week, after which the production phase would commence. Speaking in his capacity as chairman of COMSAR, he said that a large number of states had benefited from the professional work done on LRIT. He looked forward to the same spirit of cooperation during the further work to facilitate the implementation of the LRIT system, particularly for those countries which were at the initial development stage.

The CHAIRMAN invited the Council to note the information set out in document C 102/9 and its addendum, as well as that provided orally by the chairman of the Maritime Safety Committee and the Secretary-General.

With regard to the committee's report on its eighty-fifth session, he invited the Council to endorse the committee's decision to add a seventh annex to the *Code for the implementation of mandatory IMO instruments*; and the action taken by the Committee in approving the intersessional meetings listed in paragraph 76 thereof.

Furthermore, he invited the Council to note the adoption by the committee 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; the action taken by the committee on issues related to maritime security; the progress made on the issue of goal-based new ship construction standards 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; the action taken by the Committee on the long-range identification and tracking of ships (LRIT) system; 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, in particular:

- (a) that the Committee had agreed not to make the publication of amendments to the IAMSAR Manual freely available on the Internet;
- (b) the course of action taken regarding the development of an Agreement on the implementation of the 1993 Torremolinos Protocol; and
- (c) the merit of making the IMDG Code freely downloadable from the Internet;

and to note the action taken by the committee on issues relating to the Organization's technical assistance sub-programme in maritime safety and security; the action taken by the committee on issues relating to capacity-building for the implementation of new measures; the action taken by the committee on issues relating to the human element and formal safety assessment; the activities pertaining to the issue of piracy and armed robbery against ships; the action taken on issues relating to the application of the committee's guidelines; the action taken on issues relating to the planned



outputs of the subcommittees for the 2008-2009 biennium; the committee's recommendations, concurring with those of the MEPC, that 26.5 meeting-weeks should be allocated to the MSC and the MEPC and their subsidiary bodies for the 2010-2011 biennium, including two sessions for the DE Sub-Committee in 2010; and the 31 guidelines and other recommendations approved by the MSC for dissemination.

With regard to the committee's report on its eighty-sixth session, he invited the Council to endorse the action taken by the committee in approving the intersessional meetings listed in paragraph 71 thereof.

He invited the Council to note the adoption, by the committee, of amendments to the 1974 SOLAS Convention and the 1988 SOLAS Protocol; the action taken by the committee on issues related to maritime security; the progress made on the issue of goal-based new ship construction standards and, in particular, the approval of draft amendments to SOLAS 1974 to make the International goal-based ship construction standards for bulk carriers and oil tankers mandatory, for adoption at MSC 87; the action taken by the committee on issues related to LRIT matters; 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, in particular developments relating to the comprehensive review of the STCW Convention and Code and to the *Code for the implementation of mandatory IMO instruments*; the action taken by the Committee on issues relating to the Organization's technical assistance sub-programme in maritime safety and security; 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; the action taken by the committee on issues relating to the human element; the action taken by the committee on issues relating to formal safety assessment and general cargo ship safety; the activities pertaining to the issue of piracy and armed robbery against ships; the action taken on issues relating to the implementation of instruments and related matters; the views expressed at the chairmen's meeting relating to the draft Guidelines on the application of the Strategic Plan and High-level Action Plan; the status of planned outputs under the High-level Action Plan of the Organization and priorities for the 2008-2009 biennium; the committee's proposals for the High-level Action Plan of the Organization and priorities for the 2010-2011 biennium; the six draft 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; and the adoption of amendments to Rule 4 of the committee's rules of procedure.

Finally, he invited the Council to approve the reports of the eighty-fifth and eighty-sixth sessions of the Maritime Safety Committee and to transmit them, together with its comments and recommendations, to the twenty-sixth regular session of the Assembly, in accordance with Article 21(b) of the IMO Convention.

**It was so decided.**

#### **AGENDA ITEM 10 – CONSIDERATION OF THE REPORT OF THE FACILITATION COMMITTEE (C 102/10)**

Mr. ABELA (Malta), speaking in his capacity as chairman of the Facilitation Committee, said that the committee had held its thirty-fifth session from 12 to 16 January 2009, its first session as an institutionalized body of the Organization under the provisions of the IMO Convention. It had been attended by 64 Member States, one Associate Member, one United Nations agency, four intergovernmental organizations and 17 non-governmental organizations in consultative

status. The report of the session was summarized in document C 102/10 and the full report of the meeting was contained in document FAL 35/17.

The committee, pursuant to the provisions of Article 50 of the IMO Convention, had adopted its rules of procedure. They were based on the draft rules of procedure which had been in use, with a number of amendments, since 1992; they reflected the decisions of the Council in relation to the attendance by news media of meetings of organs of the Organization, and were aligned with the rules of procedure of the other bodies of the Organization.

The Convention on Facilitation of International Maritime Traffic, 1965, as amended, had been accepted by 114 Contracting Governments which was an increase of four since the previous session of the committee.

During the session, the committee had unanimously adopted amendments to the Annex to the FAL Convention relating to the arrival, stay and departure of the ship; the contents and purpose of documents; the arrival and departure of persons; requirements and procedures; measures to facilitate clearance of cargo, passengers, crew and baggage; and facilitation for ships engaged on cruises and for cruise ship passengers. Those amendments should enter into force on 15 May 2010 unless, prior to 15 February 2010, at least one third of the Contracting Governments had notified the Secretary-General in writing that they did not accept the amendments.

The committee had recalled that at its thirty-fourth session it had reaffirmed the need for the review of the Standards and Recommended Practices to which differences had been registered, and had issued a questionnaire inviting Contracting Governments to provide related information in a systematic manner with a view to identifying the actions which needed to be taken.

The committee had agreed that, given the lack of related submissions, the time had come to review the whole FAL Convention, particularly in view of recent developments such as the amendments to the 1974 SOLAS Convention in relation to the ISPS Code, and problems such as the disembarkation of persons rescued at sea and illegal migrants. In addition, bearing in mind the Assembly's view concerning the achievement of balance between security and facilitation, the question arose as to whether the FAL Convention should be extended to address contemporary problems such as shore leave, other issues that had arisen in ship-to-shore interface, and developments in electronic communications and transmission of data.

As a result, the committee had agreed to initiate a comprehensive revision of the FAL Convention with a view to ensuring that it adequately addressed present and emerging needs of the shipping industry as well as updating its provisions, taking into account, *inter alia*, developments in the transmission of information and data by electronic means and the Single Window concept.

The committee had made substantial progress in developing an explanatory manual on the FAL Convention and had established an intersessional correspondence group to continue such work with a view to finalization at FAL 36.

The committee had made progress on matters relevant to the electronic transmission of information relating to the clearance of ships and the revision of the *IMO Compendium on Facilitation and Electronic Business*, including other electronic data interchange-related issues, and had invited Member States and organizations to keep it informed of developments.

The committee had agreed that guidelines for setting up the Single Window system in maritime transport should be developed. It had agreed that duplication should be avoided and that the work should take into account and build upon the existing related international standards, recommendations and guidelines as well as the work which had been and was being done in other organizations in that area. An intersessional correspondence group had been established to develop the issue.

The committee had recalled that FAL 34 had concluded that the *Guidelines on the allocation of responsibilities to seek the successful resolution of stowaway cases*, adopted by resolution A.871(20), needed review in the light of developments. Having agreed that the revision of the guidelines should be done in cooperation with the Maritime Safety Committee, it had prepared for consideration, with a view to adoption at the twenty-sixth regular session of the Assembly, a draft Assembly resolution through which the committee and the MSC would be authorized to adopt jointly the required amendments to the guidelines, or to adopt a new version of the guidelines, if necessary, and which would require the two committees to report to the next session of the Assembly on the actions taken.

The committee had noted that, at present, two regimes appeared to co-exist in relation to stowaways. One had been established by resolution A.871(20), while the other had been introduced by means of provisions included in the FAL Convention in relation to stowaways, through the 2002 amendments to the Annex to the FAL Convention, which had entered into force on 1 May 2003. Pending the revision of the guidelines, the committee had agreed to invite the Assembly to adopt the draft Assembly resolution at its next session, clarifying the position of Member States and Contracting Governments with respect to resolution A.871(20).

In that respect, the Council was invited to transmit the draft Assembly resolution on *Revision of the Guidelines on the allocation of responsibilities to seek the successful resolution of stowaway cases according to resolution A.871(20)* to the next session of the Assembly for consideration with a view to adoption.

The committee had requested the Secretariat to continue with the trial IMO stowaway focal point and to report to FAL 36 on the experience gained with a view to deciding on the way forward.

The committee had discussed extensively the issue of disembarkation of persons rescued at sea and had agreed that its involvement in the issue should be limited to matters within its competence or within the scope of the FAL Convention, such as matters relating to the arrival and disembarkation of such persons. It had invited the MSC to note that decision and to consult with the FAL Committee when discussing matters relating to the disembarkation of persons rescued at sea. In addition, on the instructions of the committee, the Secretariat had issued FAL.3/Circ.194 on *Principles relating to administrative procedures for disembarking persons rescued at sea*. The delegations of Australia and Malta had reserved their positions on the decisions of the committee and on the distribution of that circular.

With respect to advice on the latest developments in the MSC in relation to the enhancement of security of ships and of port facilities, the representative of WCO had provided a detailed briefing on the work being undertaken in connection with securing and facilitating international trade.

With regard to the trial mechanism within the IMO Secretariat for the resolution of difficulties in the carriage of IMDG Code class 7 radioactive materials, the committee had requested the Secretary-General to continue and had instructed the Secretariat to report on the results of the experience gained to FAL 36 with a view to enabling the committee to determine the further action to be taken.

Taking into account the provisions of resolution A.1006(25) on *Linkage between the Integrated Technical Co-operation Programme and the Millennium Development Goals*, the committee had agreed the thematic priorities for the facilitation of international maritime traffic for the 2010-2011 biennium and had forwarded those to the TCC for its consideration with a view to inclusion in the ITCP for the 2010-2011 biennium.

Decisions with respect to the applications for consultative status made by the World Shipping Council (WSC) and the International Association of Airport and Seaport Police (IAASP) would be considered under agenda item 18(d).

Amendments to the *MSC/MEPC Guidelines on the organization and method of work*, agreed by MSC 83 and MEPC 57, had been considered and, with a view to continuing the harmonization of its own guidelines on the organization and method of work with those of the MSC and the MEPC, the committee had adopted amendments to the FAL guidelines. Subsequently the Secretariat had issued those as FAL.3/Circ.195.

With a view to enabling the Secretary-General to prepare relevant budgetary proposals for the biennium 2010-2011, for consideration at the next session of the Assembly, and taking into account that, in accordance with Article 50 of the FAL Convention and rule 2(a) of the FAL Committee's Rules of Procedure, the committee had proposed one meeting-week during 2010 and one meeting-week during 2011.

Noting with interest the contents of a directive issued by the Commandant of the United States Coast Guard in relation to shore leave and access to welfare and other organizations for seafarers on ships visiting United States ports, the committee had expressed the view that, while security considerations were of vital importance and the associated issues were complex, involving many different agencies, such considerations should not be used as an excuse to deny seafarers equally vital shore leave and access to welfare organizations, reiterating that there was a fine balance to strike between security and the facilitation of maritime trade.

To mark the first session of the committee as an institutionalized body of IMO, the committee had held an event entitled "The FAL Committee – Future Challenges" on 12 January 2009. The speakers had been the Secretary-General of the International Chamber of Shipping; a representative of the International Transport Workers' Federation; and himself.

In conclusion, he said that, in his assessment, the committee was making good progress in its work to facilitate the arrival, stay and departure of ships, cargoes and passengers, towards achieving the objectives of the Assembly and the maritime community as a whole, and to sustain efforts to enhance and improve security in all aspects of ship and port operations, while at the same time ensuring that the flow of seaborne trade continued to be smooth and efficient and that the movement of persons by sea was not unduly impeded.

**The meeting rose at 5.30 p.m.**