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DRAFT SUMMARY OF DECISIONS**GENERAL**

The 102nd session of the Council was held from 29 June to 3 July 2009, under the Chairmanship of Mr. J. Franson (Sweden). The Vice-Chairman, Mr. D. Ntuli (South Africa), was also present.

Reference document: C 102/SR.1

INVITATION TO NON-MEMBERS OF THE COUNCIL TO ATTEND THE SESSION

At their request, delegations from Algeria, Angola, Antigua and Barbuda, Bahrain, Barbados, Belgium, Belize, Bolivia, Bulgaria, Colombia, the Cook Islands, Costa Rica, Côte d'Ivoire, Cuba, the Democratic People's Republic of Korea, the Dominican Republic, Ecuador, Estonia, Finland, the Gambia, Ghana, Grenada, Honduras, the Islamic Republic of Iran, Ireland, Liberia, the Libyan Arab Jamahiriya, the Marshall Islands, Mauritania, Monaco, Morocco, Peru, Poland, Saint Vincent and the Grenadines, Senegal, the Syrian Arab Republic, Tonga, Ukraine, the United Arab Emirates, Uruguay, Vanuatu and the Bolivarian Republic of Venezuela attended the session as observers. Hong Kong, China (Associate Member) also attended the session as an observer.

Reference document: C 102/SR.1

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1 ADOPTION OF THE AGENDA (agenda item 1)

1.1 The Council adopted the agenda and proposed timetable contained in document C 102/1/Rev.1; and noted the annotations to the agenda contained in document C 102/1/1.

1.2 With respect to agenda item 18(d) (Relations with non-governmental organizations), the Council convened a group composed of representatives from the delegations of Brazil, Canada, Germany, Malaysia, the Republic of Korea, Saudi Arabia and South Africa, and open to other interested Council Members and observer delegations, to consider applications for consultative status submitted by the Bureau International des Containers et du Transport Intermodal (BIC), the Green Ship Recycling Association (GSRA), the Inflatable Safety and Survival Equipment Technical Association Limited (ISSETA), the Regional Clean Sea Organization (RECSO), the International Dangerous Goods and Containers Association (IDGCA), the Nautical Institute (NI), the Certification Association “Russian Register” and the Superyacht Builders Association (SYBAss). The group, under the chairmanship of Captain Raja Malik (Malaysia), was also requested to carry out a preliminary review of the list of non-governmental organizations in consultative status with IMO and report to the Council, as appropriate, pending the latter’s advice to the twenty-sixth regular session of the Assembly. The Council expressed appreciation to Rear Admiral (ICG) G. Olimbo (Italy) for his services as chairman of the group over the previous three years.

Reference documents: C 102/1/Rev.1; C 102/1/1; C 102/SR.1

2 REPORT OF THE SECRETARY-GENERAL ON CREDENTIALS (agenda item 2)

2.1 With reference to rule 9 of its Rules of Procedure, the Council noted the Secretary-General’s report that the credentials of delegations attending the session were found to be in order.

Reference documents: C 102/2; C 102/SR.1 and SR.2.

3 STRATEGY AND PLANNING (agenda item 3)

(a) Monitoring of performance (agenda item 3(a))

3(a).1 The Council noted the information set out in document C 102/3(a), as well as that provided orally by the Chairman of the *Ad Hoc* Council Working Group on the Organization's Strategic Plan and the Secretary-General, on the outcome of the Working Group's ninth session (27 to 29 April 2009).

3(a).2 In particular, the Council:

- (i) approved, in principle, the draft Assembly resolution and draft guidelines on the application of the Strategic Plan and High-level Action Plan, set out at annex 1 to document C 102/3(a), with the request that the Working Group re-visit the draft texts, at its tenth session, with a view to accommodating, as appropriate, the matters raised also by the Maritime Safety Committee at its eighty-sixth session, including that raised by the delegation of Cyprus regarding the role of the Committees, as detailed in the IMO Convention, with respect to functions conferred upon the Organization by, or under, international conventions;
- (ii) noted the Working Group's views on the need for a "migration plan", and its intention to elaborate same at its tenth session, in order to support an effective transition from current arrangements to full implementation of the aforementioned guidelines throughout the Organization;
- (iii) requested the Working Group to submit any proposed changes to the aforementioned draft resolution and draft guidelines, together with its proposed "migration plan", to the Council, at its twenty-fifth extraordinary session, for consideration, approval and, where appropriate, submission to the twenty-sixth regular session of the Assembly for adoption;
- (iv) approved the Working Group's recommendations on identified options for a long-term strategy for the reduction of costs of international meetings as set out in table 1 of annex 2 to document C 102/3(a);

- (v) noted the Working Group's conclusion in response to the request of the United Nations General Assembly in resolution 63/232; and
- (vi) approved the report in general.

3(a).3 The Council thanked the Working Group's Chairman, Mr. D. Ntuli (South Africa); the Coordinator of the Correspondence Group, Mr. K. Poldermann (Netherlands); the members of the Correspondence and Working Groups; and the Secretariat, for the satisfactory outcome of the Group's ninth session.

Reference documents: C 102/3(a); C 101/D; C 101/3; C 100/3; resolutions A.989(25) and A.990(25); C 102/SR.1

(b) Risk management (agenda item 3(b))

3(b).1 The Council noted the information set out in document C 102/3(b), as well as that provided orally by the Chairman of the Council Risk Review, Management and Reporting Working Group and the Secretary-General, on the outcome of the Working Group's fourth session (30 April and 1 May 2009).

3(b).2 In particular, the Council:

- (i) approved the risk management Context Document in annex 1 to document C 102/3(b) and decided to transmit it to the twenty-sixth session of the Assembly, for endorsement;
- (ii) noted the Working Group's consideration of the report on the Secretariat's risk management exercise 2009 and, in this regard, invited the Secretary-General to make adequate provision of resources to support the delivery of future iterations of the risk management process;
- (iii) noted the risks to the Organization highlighted by the Working Group, based on the Secretariat report, and endorsed the Working Group's associated recommendations;

- (iv) endorsed the Working Group's recommendation that, before any substantive changes are made to the Risk Management Framework, the Secretariat should undertake a second iteration of the risk management process, the scope of which should cover the Strategic Directions and High-level Actions falling under the Secretary-General's responsibility, as well as the Secretariat's related key objectives for the 2010-2011 biennium;
- (v) endorsed the re-establishment of the Working Group's Correspondence Group, with terms of reference as proposed in annex 2 to document C 102/3(b); and
- (vi) approved the report in general.

3(b).3 The Council thanked the Working Group's Chairman, Mr. D. Ntuli (South Africa), the members of the Working Group and the Secretariat, for their work and the satisfactory outcome of the Group's fourth session.

Reference documents: C 102/3(b); C 100/D; C 100/3(b); C/ES.24/D; C 98/D; C 97/D; C 102/SR.1

4 ORGANIZATIONAL REFORMS (agenda item 4)

4.1 The Council noted the information set out in documents C 102/4 and C 102/4/1, as well as that provided orally by the Secretary-General, on organizational reforms.

4.2 With regard to document C 102/4 (reporting on progress made with the implementation of recommendations in the Joint Inspection Unit (JIU) on the Review of Management and Administration in IMO (JIU/REP/2007/7); and follow-up action taken in response to the review undertaken by the United Nations International Computing Centre (UNICC) of the Organization's Information and Communication Technology (ICT)), the Council noted the response to the recommendations made by both the JIU and UNICC.

4.3 With regard to document C 102/4/1 (reporting on developments with respect to the implementation of the International Public Sector Accounting Standards (IPSAS) and the project to update the Organization's SAP system, as well as its functionality, to include both human resources (HR) and payroll functions), the Council:

- (i) noted the information provided on progress made towards the introduction of IPSAS in the Organization;
- (ii) approved the Organization's revised Financial Regulations, as amended, to take effect from 1 January 2010, together with the associated draft Assembly resolution; and decided to forward them to the twenty-sixth regular session of the Assembly for adoption; and
- (iii) noted the information provided on progress on the project to upgrade the Organization's SAP system and implement SAP HR and payroll, noting, in particular, the future outsourcing of hosting and support of the system and the consequent changes in the scope of the project and the consequent budgetary impact.

Reference documents: C 102/4; C 102/4/1; C 101/D; C 101/4; C 101/4/2; C 100/15/(b); C 98/4(a); C 94/4(a) and Add.1; C 88/12(a)/Add.2; C 102/SR.1 and SR.2

5 RESOURCE MANAGEMENT (agenda item 5)

(a) Personnel matters, including amendments to the Staff Regulations and Staff Rules (agenda item 5(a))

5(a).1 The Council noted the information set out in the documentation, as well as that provided orally by the Secretary-General, on personnel matters, including amendments to the Staff Regulations and Staff Rules.

5(a).2 The Council also noted the information contained in document C 102/5(a), reporting on the implementation, by the Organization, of the decisions of the United Nations General Assembly with respect to the recommendations contained in the 2008 report of the International Civil Service Commission.

5(a).3 With regard to document C 102/5(a)/1, reporting on amendments to the Staff Rules, the Council noted the information set out therein, as well as information provided orally by the Secretary-General with respect to the Organization's policies on recruitment and promotions.

5(a).4 With regard to document C 102/5(a)/2, the Council noted the information on a new system of administration of justice in the United Nations and its implications for IMO, and endorsed the Secretary-General's recommendation that Option (b), which maintains a single-tier judicial review system, in line with the system of administration of justice currently applied in IMO, be adopted.

5(a).5 The Council further noted the information contained in document C 102/5(a)/3 and its corrigendum, reporting on the recruitment of women; the geographical and age distribution of staff; and staff development and training.

Reference documents: C 102/5(a); C 102/5(a)/1-3; C 102/5(a)/3/Corr.1 (English only); C 101/5(a); C 102/INF.2; C 102/SR.2

(b) Accounts and audit: final accounts for the first calendar year of the twenty-fifth financial period and transfers within the 2008 budget (agenda item 5(b))

5(b).1 The Council noted the information set out in documents C 102/5(b) and C 102/5(b)/1, as well as that provided orally by the Secretary-General and the representative of the External Auditor, the Comptroller and Auditor General of India, on the final accounts for 2008.

5(b).2 In particular, the Council:

- (i) noted the Secretary-General's financial report and accounts for 2008;
- (ii) welcomed the unqualified opinion of the External Auditor;
- (iii) noted the excess of income over expenditure for 2008 of £1,841,753 before prior year savings and transfers;
- (iv) welcomed, with appreciation, the achievement of a Members' contribution level of 98.02%;
- (v) expressed its appreciation to the External Auditor for his report;

- (vi) welcomed the Secretary-General's stewardship of the Organization's Funds and his report to the Council;
- (vii) approved the year-end transfers between Major Programmes, in accordance with financial regulation 4.4 of the Organization's Financial Regulations and Financial Rules;
- (viii) decided to forward the financial statements, schedules, Notes to the Accounts and the External Auditor's report to the twenty-sixth regular session of the Assembly;
- (ix) noted the information provided on the accumulated liability from the operation of the Organization's Contributions Incentive Scheme; and
- (x) noted the information provided on the anticipated refund of the amount paid to the host Government under the Climate Change Levy.

Reference documents: C 102/5(b); C 102/5(b)/1; C 102/SR.2

(c) Report on investments (agenda item 5(c))

5(c).1 The Council noted the information set out in document C 102/5(c), as well as that provided orally by the Secretary-General, on the investment of the Organization's monies during 2008.

Reference documents: C 102/5(c); C 100/5(c); C 102/SR.2

(d) Report on arrears of contributions and of advances to the Working Capital Fund and on the implementation of Article 61 of the IMO Convention (agenda item 5(d))

5(d).1 The Council noted the information set out in document C 102/5(d) and its addenda, as well as that provided orally by the Secretary-General, on the status of Member States' contributions, advances to the Working Capital Fund and the implementation of Article 61 of the IMO Convention.

5(d).2 In particular, the Council:

- (i) noted the improvement in the collection rate of Members' contributions compared with the same period in 2008 and the continuing arrears of the Member States identified in the documents under review;
- (ii) noted the reported developments in advances to the Working Capital Fund;
- (iii) noted, in the context of the calculation of the annual assessment, the importance of ensuring that fleet statistics are up-to-date on the 30 June reference date; and requested the Secretary-General to advise Lloyd's Register-Fairplay of the need to validate its relevant data before providing information to the Organization;
- (iv) urged Member States with outstanding contributions to remit them as soon as possible; and
- (v) reiterated its firm stance on the strict enforcement of Article 61 of the IMO Convention.

Reference documents: C 102/5(d) and Add.1-2; C 101/5(b) and Add.1-2; C 102/SR.2

(e) Budget considerations for 2009 (agenda item 5(e))

5(e).1 The Council noted the information set out in document C 102/5(e), as well as that provided orally by the Secretary-General, on budget considerations for 2009.

5(e).2 In particular, the Council:

- (i) noted the forecast expenditure in the regular budget for 2009, including forecast overruns in the approved appropriation for 2009;
- (ii) endorsed the Secretary-General's decision to transfer to 2009 the unspent balance of £725,592 in the regular budget for 2008, in accordance with the Organization's Financial Regulations, to partly address the projected shortfall in the 2009 budget;

- (iii) noted that, to offset the remaining overrun not covered by the above transfer, the Secretary-General may propose, in accordance with the Financial Regulations, to the twenty-fifth extraordinary session of the Council, a supplementary budget financed from the Organization's accumulated reserves;
- (iv) authorized the Secretary-General to make, as and when necessary, timely transfers between Major Programmes to the extent that balances are available to cover or reduce deficits in programme appropriation balances, in accordance with the Organization's Financial Regulations;
- (v) noted the forecast year-end cash surplus of the General Fund;
- (vi) noted the forecast revenue and prospective overspend in the Printing Fund due to the costs for improving the publication sales environment, for which the Secretary-General may seek the Council's endorsement, at its twenty-fifth extraordinary session, of a transfer of the unused 2008 budget balance to 2009;
- (vii) approved the temporary withholding of the distribution of the balance of the 2008 expenditure budget under the Printing Fund in order that any shortfall in the 2009 Printing Fund budget can be offset by the transfer of the 2008 budgetary surplus, in accordance with the Organization's Financial Regulations;
- (viii) noted the forecast financial status of the Headquarters Capital Fund which, notwithstanding the transfer of the uncommitted 2008 budget balance approved by the Council at its 101st session, may still overrun, and that the Secretary-General may propose, in accordance with the Organization's Financial Regulations, to the twenty-fifth extraordinary session of the Council, the financing of any shortfall from the accumulated reserves of the Fund, if further cut-backs and savings are not possible; and
- (ix) noted the forecast financial status of: the Termination Benefit Fund; the Training and Development Fund; the Technical Co-operation Fund; and extra-budgetary programmes.

Reference documents: C 102/5(e); C 101/D; C 101/5(c); resolution A.991(25); C 102/SR.2

6 VOLUNTARY IMO MEMBER STATE AUDIT SCHEME (agenda item 6)

6.1 The Council noted the information provided in documents C 102/6 and C 102/6/1, as well as that provided orally by the Secretary-General and the delegations of the Netherlands (in document C 102/6/2) and Denmark (in document C 102/6/3), on the Voluntary IMO Member State Audit Scheme.

6.2 With regard to document C 102/6, reporting on progress made in the implementation of the Scheme, the Council:

- (i) encouraged Member States that have not yet volunteered for audits to do so as and when they are ready and as early as possible;
- (ii) invited Member States to nominate auditors to enable the Secretary-General to select audit teams from among them to conduct the audit of volunteering Member States; and
- (iii) invited Member States to nominate qualified auditors to participate in the regional training courses convened by the Organization, in order to ensure uniform training for the effective implementation of the Scheme.

6.3 The Council noted:

- (i) the ongoing training of auditors, through the ITCP, on the Audit Scheme;
- (ii) the progress made in the conduct of audits and the anticipated delivery of audits scheduled for the rest of the year;
- (iii) the issuance by the Secretariat of audit summary reports; and that the next consolidated audit summary report would be issued as a document to the twenty-sixth regular session of the Assembly; and
- (iv) the assistance provided so far under the ITCP to assist in the conduct of audits and the participation of observer auditors.

6.4 The Council encouraged Member States requiring assistance to participate in the Audit Scheme, to seek it within the framework of the ITCF, as may be applicable, and noted documents C 102/6/2 and C 102/6/3, introduced, respectively, by the Netherlands and Denmark, providing information on the experiences of those two States with regard to the Audit Scheme.

6.5 With regard to document C 102/6/1, containing the Secretary-General's analysis, as requested by the 101st session of the Council, for the further development of the Audit Scheme, the Council:

- (i) agreed to a phased-in introduction of the Organization's Audit Scheme through institutionalization;
- (ii) consented, in principle, that such an institutionalization should proceed through the introduction of appropriate requirements in the relevant mandatory IMO instruments;
- (iii) approved, in principle, the timeframe and schedule of activities outlined in Table 3 of document C 102/6/1;
- (iv) requested the Secretary-General to prepare a draft Assembly resolution delineating the way forward, together with a proposed timeframe and schedule for the further development of the Scheme, for consideration and approval by the twenty-fifth extraordinary session of the Council, for submission to the twenty-sixth regular session of the Assembly for adoption;
- (v) welcomed the Netherlands' offer of technical assistance through the sharing of its knowledge, expertise and experiences with Member States that have volunteered and those considering to volunteer for audit, as well as its offer of financial assistance to those Member States that, owing to plausible financial constraints, are presently not prepared to volunteer for audit; and

- (vi) welcomed the offers of assistance from Italy and Egypt regarding the use of training facilities, for the purposes of the Scheme, which could be provided, respectively, by the International Maritime Safety, Security and Environment Academy (IMSSEA) in Genoa; and the Arab Academy for Science, Technology and Maritime Transport (AASTMT) in Cairo.

Reference documents: C 102/6; C 102/6/1-3; C 101/D; C 101/6; C 101/6/1; C 101/SR.2 and SR.3; Circular letter No.2920; C 102/SR.2 and SR.3

7 TECHNICAL CO-OPERATION FUND – BIENNIAL ALLOCATION TO SUPPORT THE ITCP PROGRAMME FOR 2010-2011 (agenda item 7)

7.1 The Council noted the information set out in document C 102/7, as well as that provided orally by the Secretary-General, on the biennial allocation from the Technical Co-operation (TC) Fund to support the delivery of the Integrated Technical Co-operation Programme (ITCP) during 2010 and 2011.

7.2 In particular, the Council:

- (i) endorsed the proposals contained in document TC 59/5 and its Corrigendum, taking into account the views and recommendations of the fifty-ninth session of the Technical Co-operation Committee;
- (ii) approved the use of the TC Fund for the proposed activities under the ITCP for 2010-2011; and the biennial allocation of US\$14 million from the TC Fund for that purpose; and
- (iii) authorized the Secretary-General to use the un-programmed funds of the TC Fund, during the next biennium, should demands or partnership opportunities arise.

Reference documents: C 102/7; C 102/12/Add.1; TC 59/4; TC 59/5 and Corr.1; C 102/SR.3

8 RESULTS-BASED BUDGET FOR THE TWENTY-SIXTH FINANCIAL PERIOD 2010-2011 (agenda item 8)

8.1 The Council noted 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, on the proposed results-based budget for the twenty-sixth financial period 2010-2011.

8.2 The Council expressed appreciation to the Secretary-General and his staff for the clear, transparent and thorough fashion in which the document had been presented, which had aimed at aligning the Organization's first results-based budget with its existing Strategic and High-level Action Plans; and commended 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.

8.3 The Council, while generally endorsing the proposed approach and structure of the results-based budget, as presented in document C 102/8, requested 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 may 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 will 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.

Reference documents: C 102/8 and Add.1; C 102/8/1; C 102/3(a); C 102/4/1; C 102/5(e); C 102/WP.4; TC 59/5; resolution A.991(25); C 102/SR.4, SR.5 and SR.6

9 CONSIDERATION OF THE REPORTS OF THE MARITIME SAFETY COMMITTEE (agenda item 9)

9.1 The Council noted 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, on the report of the Maritime Safety Committee's eighty-fifth (26 November to 5 December 2008) and eighty-sixth (27 May to 5 June 2009) sessions.

9.2 With regard to the Committee's report on its eighty-fifth session, the Council endorsed:

- (i) the Committee's decision to add a seventh annex to the Code for the Implementation of Mandatory IMO instruments; and
- (ii) the action taken by the Committee in approving the intersessional meetings listed in paragraph 76 thereof.

9.3 Furthermore, the Council noted:

- (i) 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;
- (ii) the action taken by the Committee on issues related to maritime security;
- (iii) 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;
- (iv) the action taken by the Committee on the long-range identification and tracking of ships (LRIT) system;

- (v) 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, and, 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;
- (vi) the action taken by the Committee on issues relating to the Organization's technical assistance sub-programme in maritime safety and security;
- (vii) the action taken by the Committee on issues relating to capacity-building for the implementation of new measures;
- (viii) the action taken by the Committee on issues relating to the human element and formal safety assessment;
- (ix) the activities pertaining to the issue of piracy and armed robbery against ships;
- (x) the action taken on issues relating to the application of the Committee's Guidelines;
- (xi) the action taken on issues relating to the planned outputs of the Sub-Committees for the 2008-2009 biennium;
- (xii) 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
- (xiii) the 31 guidelines and other recommendations approved by the Committee for dissemination.

9.4 With regard to the Committee's report on its eighty-sixth session, the Council endorsed the action taken by the Committee in approving the intersessional meetings listed in paragraph 71 thereof.

9.5 The Council noted:

- (i) the adoption, by the Committee, of amendments to the 1974 SOLAS Convention and the 1988 SOLAS Protocol;
- (ii) the action taken by the Committee on issues related to maritime security;
- (iii) 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;
- (iv) the action taken by the Committee on issues related to LRIT matters;
- (v) 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;
- (vi) the action taken by the Committee on issues relating to the Organization's technical assistance sub-programme in maritime safety and security;
- (vii) 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;
- (viii) the action taken by the Committee on issues relating to the human element;
- (ix) the action taken by the Committee on issues relating to formal safety assessment and general cargo ship safety;

- (x) the activities pertaining to the issue of piracy and armed robbery against ships;
- (xi) the action taken on issues relating to the implementation of instruments and related matters;
- (xii) 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;
- (xiii) the status of planned outputs under the High-level Action Plan of the Organization and priorities for the 2008-2009 biennium;
- (xiv) the Committee's proposals for the High-level Action Plan of the Organization and priorities for the 2010-2011 biennium;
- (xv) 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
- (xvi) the adoption of amendments to Rule 4 of the Committee's Rules of Procedure.

9.6 The Council approved the reports of the eighty-fifth and eighty-sixth sessions of the Maritime Safety Committee and decided 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.

Reference documents: C 102/9 and Add.1; MSC 85/26 and addenda; MSC 86/26 and addenda; C 102/SR.6

10 CONSIDERATION OF THE REPORT OF THE FACILITATION COMMITTEE (agenda item 10)

10.1 The Council, having noted the information set out in document C 102/10, as well as that provided orally by the Chairman of the Facilitation Committee and the Secretary-General, on the report of the Facilitation Committee's thirty-fifth session (12 to 16 January 2009), welcomed the institutionalization of the Committee.

10.2 The Council noted, in particular:

- (i) the adoption of the Committee's Rules of Procedure;
- (ii) the adoption, by the Committee, of amendments to the FAL Convention regarding the arrival, stay and departure of ships; contents and purpose of documents; 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 passengers, which are expected to enter into force on 15 May 2010;
- (iii) the actions taken in relation to the review of Standards and Recommended Practices of the Convention to which differences had been registered by Contracting Governments;
- (iv) the decision of the Committee to initiate a comprehensive revision of the FAL Convention with a view to ensuring that it adequately addresses the present and emerging needs of the shipping industry as well as for modernization of its provisions taking into account recent relevant developments;
- (v) the progress made in relation to the development of an explanatory manual to the FAL Convention;
- (vi) the progress made in relation to the transmission, by electronic means, of information relating to the clearance of ships; and on the revision of the IMO Compendium on facilitation and electronic business;
- (vii) that the Committee had requested the Secretariat to continue the IMO Stowaway Focal Point trial period;
- (viii) the decisions of the Committee concerning the scope of issues to be considered in connection with the disembarking of persons rescued at sea and the issue of a relevant FAL.3 circular on administrative procedures;

- (ix) the action taken in relation to denial of IMDG Code class 7 radioactive materials, including those in packaged form used in medical or public health applications;
- (x) that the Committee had requested the Secretariat to continue the trial mechanism for the resolution of difficulties in the carriage of IMDG Code class 7 radioactive materials;
- (xi) the action taken by the Committee on issues relating to delivery of technical assistance in the field of facilitation of international maritime traffic;
- (xii) the thematic priorities for the facilitation of international maritime traffic, which have been proposed for inclusion in the ITCP for the 2010-2011 biennium;
- (xiii) the adoption of amendments to the Committee's Guidelines on organization and method of work to harmonize them as much as possible with those of the MSC and MEPC;
- (xiv) the draft resolution on Revision of the Guidelines on the allocation of responsibilities to seek the successful resolution of stowaway cases (resolution A.871(20)), to the twenty-sixth regular session of the Assembly, for consideration with a view to adoption.
- (xv) the recommendation that two meeting weeks should be allocated for sessions of the Committee during the 2010-2011 biennium; and
- (xvi) the actions taken in relation to the revision of the role, mission, strategic direction and work of the Committee and the arrangements made to ensure that they are and remain consistent with the Strategic Plan for the Organization.

10.3 The Council approved the report of the thirty-fifth session of the Facilitation Committee and decided to transmit it, 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.

Reference documents: C 102/10; FAL 35/17; C 102/SR.6 and SR.7

11 CONSIDERATION OF THE REPORT OF THE LEGAL COMMITTEE (agenda item 11)

11.1 The Council noted the information set out in document C 102/11, as well as that provided orally by the Chairman of the Legal Committee and the Secretary-General, on the report of the Legal Committee's ninety-fifth session (30 March to 3 April 2009).

11.2 In particular, the Council endorsed the Committee's recommendation that a diplomatic conference be convened in April 2010, in lieu of the Legal Committee's spring session, for the purpose of considering and adopting a Protocol to the 1996 HNS Convention.

11.3 The Council also noted, in particular:

- (i) with appreciation, the Committee's recommendation, in view of current budgetary constraints, to hold only two sessions in the 2010-2011 biennium;
- (ii) the Committee's actions and decisions with regard to the outcome of the ninth session of the Joint IMO/ILO *Ad Hoc* Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers;
- (iii) the Committee's decision concerning the development of a single model insurance certificate;
- (iv) the adoption of revised "Guidelines on work methods and organization of work of the Legal Committee";
- (v) the Committee's adoption of its planned outputs for the 2010-2011 biennium;
- (vi) the Committee's decision not to develop, at this stage, a binding instrument on places of refuge;

- (vii) the Committee's deliberations with respect to the review of national legislation on piracy and, in particular, its encouragement to Members, which had not yet done so, to submit the legislation requested by Circular letter No.2933 of 23 December 2008; and
- (viii) the Committee's decision to amend its Rules of Procedure.

11.4 The Council approved the report of the ninety-fifth session of the Legal Committee and decided to transmit it, 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.

Reference documents: C 102/11; LEG 95/10; C 102/SR.7

12 CONSIDERATION OF THE REPORT OF THE TECHNICAL CO-OPERATION COMMITTEE (agenda item 12)

12.1 The Council noted the information set out in document C 102/12 and its addendum, as well as that provided orally by the Secretary-General and the Director, Technical Co-operation Division, on the report of the Technical Co-operation Committee's fifty-ninth session (23 to 25 June 2009).

12.2 In particular, the Council noted:

- (i) the ITCP interim report for 2008 and, in particular, the high level of delivery achieved in 2008, both in terms of volume and delivery rate;
- (ii) the action taken to promote and implement resolution A.1006(25), on the linkage between the ITCP and the Millennium Development Goals;
- (iii) the Committee's endorsement of the proposed ITCP for 2010-2011;
- (iv) the status of financial contributions made by countries, organizations and industry to the ITCP and, in particular, the voluntary donations made by Member States in response to resolution A.993(25) on Voluntary donations of interest earnings under the Contributions Incentive Scheme to the TC Fund and other IMO Funds;

- (v) the measures taken by the Secretariat to implement the strategy for long-term financing of the ITCP, as approved by TC 57 and, in particular, the recommended actions made by the external consultants on IMO fund-raising and the Secretariat's proposals on the way forward;
- (vi) the follow-up to the 2004-2007 Impact Assessment Exercise;
- (vii) the contributions made to the effective coordination and implementation of IMO activities by the IMO regional presence in Africa, east Asia and in the Caribbean, as well as through partnership arrangements, as called for by resolution A.965(23);
- (viii) the Committee's endorsement of the report on the delivery of new technical assistance activities under the Voluntary IMO Member State Audit Scheme global programme;
- (ix) the establishment, in Genoa, Italy, of the International Maritime Safety, Security and Environment Academy, to deliver the maritime training and education programme previously provided by the Trieste Academy, which ceased to operate in 2005; and
- (x) the Committee's approval of its proposed outputs for the 2010-2011 biennium.

12.3 The Council approved the report of the fifty-ninth session of the Technical Co-operation Committee and decided to transmit it, 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.

Reference documents: C 102/12 and Add.1; TC 59/WP.1 and Add.1-2; TC 59/16; C 102/SR.7

13 REPORT ON THE 2009 INTERNATIONAL CONFERENCE ON THE SAFE AND ENVIRONMENTALLY SOUND RECYCLING OF SHIPS (agenda item 13)

13.1 The Council noted the information set out in document C 102/13, as well as that provided orally by the Secretary-General, on the International Conference on the Safe and Environmentally Sound Recycling of Ship, held in Hong Kong, China, from 11 to 15 May 2009.

13.2 In particular, the Council:

- (i) expressed appreciation for the invitation of the Government of the People's Republic of China to the International Maritime Organization to hold the International Conference on the Safe and Environmentally Sound Recycling of Ships in Hong Kong, China;
- (ii) expressed appreciation to the Government of the Hong Kong Special Administrative Region of the People's Republic of China for its generous support and co-operation;
- (iii) noted the successful conclusion of the Conference;
- (iv) expressed appreciation to the President and the other Officers of the Conference; and to the IMO staff that serviced the meeting; and
- (v) authorized the Secretary-General to perform the depositary and other functions required of him under the Final Act of the Conference and the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, as set forth in documents SR/CONF/45 and SR/CONF/46.

Reference documents: C 102/13; SR/CONF/45; SR/CONF/46; C 102/SR.7

15 WORLD MARITIME UNIVERSITY (agenda item 15)

(a) Report of the Board of Governors (agenda item 15(a))

15(a).1 The Council noted the information set out in document C 102/15(a) and its addendum and corrigenda, as well as that provided orally by the Secretary-General, on the 2008 Annual Report of the University, as approved by its Board of Governors at its 27th session on 26 May 2009.

15(a).2 In particular, the Council:

- (i) welcomed Dr. Björn Kjerfve as the new President of the University and wished him every success in the discharge of his responsibilities;
- (ii) noted the report and recommendations of the board of Governors concerning governance arrangements;
- (iii) requested the IMO Legal Affairs and External Relations Division to review the proposed amendments to the Charter of the University on governance arrangements and, on the basis of the report and recommendations of the Board of Governors, and comments made by the Council, to submit them to the twenty-fifth extraordinary session of the Council for approval and onward submission to the twenty-sixth regular session of the Assembly for adoption, in accordance with article 45(a) of the Charter of the University;
- (iv) noted, with appreciation, the achievements of the University during its Silver Jubilee year 2008;
- (v) welcomed 100 new WMU graduates to the University global network;
- (vi) expressed deep appreciation to all contributors to the success of the University, including donors and staff, both academic and administrative;
- (vii) noted, with concern, the continuing dependence of the University on a narrow donor base;

- (viii) encouraged the leadership of the University to intensify and expand its revenue-earning activities; and
- (ix) urged all IMO Member States and the maritime community as a whole to respond to the requests of resolution A.933(22), on “Sustainable financial support for the World Maritime University”, to enable the University to continue playing its important role efficiently and effectively.

Reference documents: C 102/15(a) and Add.1; C 102/15(a)/Corr.1-2 (English only); resolution A.933(22); C 102/SR.8

(b) 2009 budget (agenda item 15(b))

15(b).1 The Council noted the information set out in document C 102/15(b), as well as that provided orally by the Secretary-General, on the budget of the World Maritime University for 2009.

15(b).2 In particular, the Council:

- (i) expressed appreciation to those Governments and organizations, which support the World Maritime University financially, most notably, the Government of Sweden and the City of Malmö; the Nippon Foundation and the Ocean Policy Research Foundation of Japan; the International Transport Workers’ Federation; the Governments of Canada, Denmark, France, the Republic of Korea and the United Kingdom; and Inmarsat Global Limited; and
- (ii) noted the continuing financial challenges facing the University and urged Member States to establish, maintain and increase their support for the University through operational or fellowship funding to enable it to continue to discharge its mandate of service to the global maritime community effectively.

Reference documents: C 102/15(b); C 102/15(a); C 102/SR.8

16 IMO INTERNATIONAL MARITIME LAW INSTITUTE (agenda item 16)

(a) Report of the Governing Board (agenda item 16(a))

16(a).1 The Council noted the information set out in document C 102/16(a), as well as that provided orally by the Secretary-General, on the report of the Governing Board of the IMO International Maritime Law Institute.

16(a).2 In particular, the Council:

- (i) expressed appreciation for the continuous efforts of the Institute's Governing Board and Director to ensure that the Institute continues to enjoy an excellent academic reputation;
- (ii) expressed appreciation to the IMLI academic and administrative staff for their determined and dedicated efforts regarding the Institute's performance and financial base;
- (iii) recognized the essential role the Institute continues to play in strengthening the capacity of developing countries to implement effectively the IMO treaty instruments to which they are party; and
- (iv) reaffirmed its continuous support for the Institute, in recognition of its success in maintaining high academic standards in the field of international maritime law.

Reference documents: C 102/16(a); C 102/16(b); C 102/SR.8

(b) Budget (agenda item 16(b))

16(b).1 The Council noted the information set out in document C 102/16(b), as well as that provided orally by the Secretary-General, on the budget of the IMO International Maritime Law Institute.

16(b).2 In particular, the Council:

- (i) noted the “unqualified” nature of the financial audit of the Institute up to August 2008;
- (ii) expressed appreciation to the Government of Malta for its financial support; and
- (iii) expressed appreciation to all donors who supported the Institute financially, particularly the Nippon Foundation; IMO, through its Integrated Technical Co-operation Programme; the “Euromed Cooperation on Maritime Safety and Prevention of Pollution from Ships – SAFEMED” project; the Lloyd’s Register Educational Trust; the Government of Switzerland; the Government of the Republic of Korea; the Comité Maritime International (CMI) Charitable Trust; the Neptune Orient Lines of Singapore; and the Sea Pine Tree Foundation of the Republic of Korea, through the initiative of the IMO Legal Committee Chairman.

Reference documents: C 102/16(b); C 102/16(a); C 102/SR.8

(To be continued)
