FLAG STATE IMPLEMENTATION

Urgent matters emanating from the twelfth session of the Sub-Committee

Note by the Secretariat

SUMMARY

Executive summary: The Committee is invited to take action on urgent matters emanating from FSI 12

Action to be taken: Paragraph 17

Related document: FSI 12/22

INTRODUCTION

General

1 The Sub-Committee on Flag State Implementation (FSI) held its twelfth session from 15 to 19 March 2004 and its report on that session has been circulated under the symbol FSI 12/22. The outcome on urgent matters emanating from FSI 12 on which the Sub-Committee invited the Committee to take action is outlined in paragraphs 5 to 17.

2 MSC 77 agreed that the following issues should be urgent matters for consideration by MSC 78 (MSC 77/26, paragraph 23.37):

   .1 guidelines on PSC activities with respect to the ISPS Code;

   .2 terms of reference of the Sub-Committee; and

   .3 the work programme of the Sub-Committee and provisional agenda for FSI 13.

3 In addition, the Sub-Committee was requested by MSC 77 to report to MSC 78 on the outcome of its consideration of:

   .1 document MSC 77/15/1 on ISM Code in accident investigation;

   .2 the report of the Correspondence Group on Casualty Analysis with regard to the application of the FSA methodology to the analysis of casualties; and
document MSC 77/25/6 on the need to standardize the carriage of publications on board ships.

Guidelines on PSC activities with respect to the ISPS Code

Outcome on security-related urgent matters emanating from FSI 12, i.e guidelines on PSC activities with respect to the ISPS Code and other issues raised in the course of FSI 12, are brought to the attention of the Committee under agenda item 7 (document MSC 78/7/Add.1).

URGENT MATTERS AS DECIDED BY MSC 77

ISM Code-related issues

The Sub-Committee considered submissions supporting the need to commence the revision of the Revised Guidelines on the implementation of the ISM Code by Administrations (resolution A.913(22)) (FSI 12/7/1, FSI 12/7/4, FSI 12/4/3, MSC 77/15/1 and FSI 11/7/2) and, having recalled its previous decisions at FSI 10 concerning a work plan for the revision and at FSI 11 concerning the timing for the revision of the Revised Guidelines, agreed that there was now sufficient material to undertake the revision of these Guidelines. Subsequently, the Sub-Committee decided to commence the revision of the Revised Guidelines at FSI 13 and, having agreed to establish a working group at that session, invited Members and international organizations to submit further comments and proposals to FSI 13.

Terms of reference of the Sub-Committee

As instructed by MSC 76, the Sub-Committee considered its terms of reference, taking into account document FSI 12/19 (Secretariat), and agreed to its draft terms of reference as set out in document FSI 12/22, annex 13 for submission to MSC 78 and MEPC 52 for consideration and action as appropriate.

Use of formal safety assessment (FSA) methodology in the casualty analysis process

The Sub-Committee, in reviewing the casualty analysis procedure proposed by the correspondence group, noted that the proposed procedure was a good step forward towards improvements of organizing casualty analysis. The procedure basically incorporated the proposal in document FSI 11/4/1 regarding the use of formal safety assessment (FSA) methodology in casualty analysis, with steps 1 and 2 of the FSA being specified for use in casualty analysis in a practical way. Therefore, the Sub-Committee agreed to the proposed casualty analysis procedure, set out in annex 2 to document FSI 12/22.

On the issue of the possible identification of a trigger mechanism for the need to amend existing regulations, the Sub-Committee agreed that the proposed process of evaluating safety issues (i.e. FSA steps 1 and 2), as contained in section 3 of annex 2 to document FSI 12/22, could provide a reasonable trigger mechanism.

Carriage requirements of the publications on board ships

As instructed by MSC 77, the Sub-Committee considered document MSC 77/25/6 concerning the need to standardize the carriage requirements of publications on board ships and, following discussion of document FSI 12/8 providing further information on the issue, noted with interest the potential advantages contained in the proposal and, in particular, concerning the need
for a standardized list of publications and the introduction of a reference to electronic media, the advantages of which were illustrated by a presentation by the delegation of the Republic of Korea on “Database of IMO instruments”.

10 Following the debate, in the course of which the Sub-Committee had identified some shortcomings concerning the lack of distinction between mandatory and non-mandatory publications, the impact of the carriage of national regulations and the language-related issue, the delegation of the Republic of Korea kindly offered to submit to FSI 13 a draft MSC/MEPC circular on Carriage requirements of the publications on board ships, taking into account the comments and proposals made in plenary, as well as any relevant list available in the industry and the Seafarer Manual. The Sub-Committee invited interested Members and international organizations to contribute to the preparation of the draft circular.

OTHER URGENT ISSUES

11 In addition to the urgent matters identified by MSC 77 (as per paragraphs 5 to 10 above), the Sub-Committee considered that the following matters (paragraphs 11 to 16) merited urgent consideration by the Committee.

Draft Code for the implementation of [mandatory] IMO instruments

12 The Sub-Committee noted the progress made on the development of the draft Code for the implementation of [mandatory] IMO instruments which was brought to the attention of the Joint MSC/MEPC/TCC Working Group on the Voluntary IMO Member State Audit Scheme.

Illegal, unregulated and unreported (IUU) fishing and implementation of resolution A.925(22)

13 The Sub-Committee reiterated its support to the work of FAO in relation to IUU fishing acknowledging that the experience of the Organization regarding port State control activities and flag State compliance-related issues would be of assistance to this United Nations Specialized Agency.

14 Following the review of the initiatives developed at IMO in support of the introduction of provisions applicable to the safety of fishing vessels and the training of fishermen through technical co-operation (TC) activities, the Sub-Committee agreed to instruct the Secretariat to provide FAO with detailed information on these TC activities and invited the Committees to recommend to FAO to stimulate further co-operation between FAO, IMO and the regional fishery management organizations (RFMOs) by organizing a second Joint Working Group on IUU fishing and related matters.

PSC officer training for bulk carriers

15 The Sub-Committee reviewed the draft Guidance for checking the structure of bulk carriers, noting that this Guidance would be applicable to single hull bulk carriers while recognizing that similar guidance should be developed for double hull bulk carriers. Having acknowledged the urgency of the matter so that PSC officers could be provided with guidance for the inspection of bulk carriers at the earliest convenience, the Sub-Committee agreed to the draft Guidance for checking the structure of bulk carriers, as set out in annex 7 to document FSI 12/22, for submission to MSC 78 for approval.
Unique IDs for companies and registered owners

16 The Sub-Committee considered document FSI 12/16 (France and the United Kingdom) addressing the different aspects of the system establishing a unique IDs for companies and registered owners numbering scheme (similar to the IMO Ship Identification Number Scheme), in collaboration with Lloyd’s Register-Fairplay (LR-F), and, having been subsequently advised by the drafting group, agreed to:

1. the draft MSC resolution on Adoption of the IMO Unique Company and Registered Owners Identification Number Scheme, as set out in annex 9 to document FSI 12/22, for submission to the MSC 78 for adoption;

2. the draft circular letter on Implementation of IMO Unique Company and Registered Owners Identification Number Scheme, as set out in annex 10 to document FSI 12/22, for further action as appropriate; and

3. the draft amendments to the International Convention for Safety of Life at Sea, 1974 as amended, the ISM Code, the ISPS Code and resolution A.959(23), as set out in annex 11 to document FSI 12/22, for submission to MSC 78 for adoption.

ACTION REQUESTED OF THE COMMITTEE

17 The Committee is invited to consider the aforementioned urgent matters emanating from FSI 12 and, in particular, to:

1. note the Sub-Committee’s decision to commence the revision of the Revised Guidelines on the implementation of the ISM Code by Administrations (resolution A.913(22)) at FSI 13, and that document MSC 77/15/1 on ISM Code in accident investigation referred to in paragraph 3.1 above will be considered in the context of that revision (paragraph 5 above);

2. approve the Sub-Committee’s draft terms of reference (paragraph 6 above, and annex 12 to document FSI 12/22);

3. consider the outcome of the Sub-Committee’s discussion on FSA methodology in the casualty analysis process and, in particular, concur with the proposed casualty analysis procedure (paragraph 7 above and annex 2 to document FSI 12/22);

4. note the Sub-Committee’s view that the proposed process of evaluating safety issues could provide a reasonable trigger mechanism for the need to amend existing regulations (paragraph 8 above and annex 2 to document FSI 12/22);

5. note the course of action taken by the Sub-Committee’s decision on the future development of a draft MSC/MEPC circular on Carriage requirements of the publications on board ships (paragraphs 9 and 10 above);

6. note the progress made on the development of the draft Code for the implementation of [mandatory] IMO instruments and that the draft Code was brought to the attention of the Joint MSC/MEPC/TCC Working Group on the Voluntary IMO Member State Audit Scheme (paragraph 12 above);
.7 agree to the Sub-Committee’s proposal to recommend to FAO to stimulate further co-operation between FAO, IMO and the RFMOs by organizing a second Joint Working Group on IUU Fishing and related matters and take action as appropriate (paragraphs 13 and 14 above);

.8 approve the draft MSC circular on Guidance for checking the structure of bulk carriers (paragraph 15 above, and annex 7 to document FSI 12/22);

.9 adopt the draft MSC resolution on Adoption of the IMO Unique Company and Registered Owners Identification Number Scheme (paragraph 16.1 above, and annex 9 to document FSI 12/22);

.10 approve the draft circular letter on Implementation of IMO Unique Company and Registered Owners Identification Number Scheme (paragraph 16.2 above, and annex 10 to document FSI 12/22); and

.11 approve the draft amendments to the International Convention for Safety of Life at Sea, 1974 as amended, the ISM Code, the ISPS Code and resolution A.959(23) (paragraph 16.3 above, and annex 11 to document FSI 12/22) with a view to subsequent adoption.

WORK PROGRAMME AND PROVISIONAL AGENDA FOR FSI 13

18 The Committee is invited to review and approve the proposed revised work programme of the Sub-Committee and the provisional agenda for FSI 13 (paragraph 2.3 above and paragraph 19.4 of, and annex 14 to, document FSI 12/22).