

COUNCIL
108th session
Agenda item 9

C 108/9
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CONSIDERATION OF THE REPORT OF THE MARITIME SAFETY COMMITTEE

Note by the Secretary-General

SUMMARY

Executive summary: This document reports on the outcome of the ninetieth session of the Maritime Safety Committee

Strategic directions: 1.1, 1.3, 2, 3.5, 4, 5.1 to 5.4, 6.1, 6.2, 10, and 12.1 to 12.3

High-level actions: 1.1.2, 1.3.5, 2.0.1, 2.0.3, 3.5.1, 4.0.2, 4.0.5, 5.1.1 to 5.4.1, 6.1.1, 6.2.1, 10.0.1, and 12.1.1 to 12.3.1

Planned outputs: 1.1.2.1, 1.1.2.5, 1.1.2.7 to 1.2.2.27, 1.3.5.1, 1.3.5.2, 2.0.1.2 to 2.0.1.6, 2.0.1.13, 2.0.1.19, 2.0.1.22 to 2.0.1.24, 2.0.3.1 to 2.0.3.5, 3.5.1.2, 4.0.2.1 to 4.0.2.3, 4.0.5.1, 5.1.1.1 to 5.4.1.1, 6.1.1.1, 6.1.1.2, 6.2.1.1, 6.2.1.2, 10.0.1.1, 10.0.1.2, and 12.1.1.1 to 12.3.1.3

Action to be taken: Paragraph 28

Related documents: MSC 90/28 and addenda

Introduction

1 The report of the ninetieth session of the Maritime Safety Committee (MSC 90/28 and addenda) is submitted to the 108th session of the Council in accordance with the provisions of Article 29 of the IMO Convention.

2 The ninetieth session of the Maritime Safety Committee was held from 16 to 25 May 2012 under the chairmanship of Mr. Christian Breinholt (Denmark), and the Vice-Chairman, Capt. M. Segar (Singapore), was also present. It was attended by 112 Member States; three Associate Members; three United Nations system organizations; seven intergovernmental and 47 non-governmental organizations.

3 Decisions of the Committee of interest to the Council are summarized in the ensuing paragraphs.

Adoption of amendments to mandatory instruments

4 The Committee considered and adopted (MSC 90/28, section 3)¹:

¹ References hereunder are to sections of the report of MSC 90 (document MSC 90/28).

- .1 by resolution MSC.325(90), amendments to chapters II-1, III, V, VI, VII and XI-1 of the 1974 SOLAS Convention;
- .2 by resolution MSC.326(90), amendments to the International Code of Safety for High-Speed Craft, 2000 (2000 HSC Code);
- .3 by resolution MSC.327(90), amendments to the International Code for Fire Safety Systems (FSS Code);
- .4 by resolution MSC.328(90), amendments to the International Maritime Dangerous Goods (IMDG) Code; and
- .5 by resolution MSC.329(90), amendments to the Protocol of 1988 relating to the International Convention on Load Lines, 1966, as amended.

5 The above amendments are expected to enter into force on 1 January 2014 upon their deemed acceptance on 1 July 2013. The Committee agreed that Contracting Governments may apply the aforementioned amendments to the IMDG Code in whole or in part on a voluntary basis from 1 January 2013, pending their entry into force on 1 January 2014.

6 The Committee also adopted amendments to annex II to the International Convention on Load Lines, 1966, and the associated draft Assembly resolution, for submission to the twenty-eighth session of the Assembly for adoption.

7 The Committee approved the draft amendments to the appendices to the 1974 SOLAS Convention, the 1978 SOLAS Protocol and the 1988 SOLAS Protocol and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, article II of the 1978 SOLAS Protocol and article VI of the 1988 SOLAS Protocol, respectively, with a view to adoption at MSC 91.

8 The Committee also approved editorial corrections to the SOLAS amendments adopted by resolution MSC.170(79) and instructed the Secretariat to issue a relevant note verbale of rectification.

Goal-based new ship construction standards (GBS)

9 The Committee made progress on the implementation of goal-based new ship construction standards (GBS) (MSC 90/28, section 5), including matters related to the further development of the safety-level approach (SLA); and the development of guidelines for the approval of equivalents and alternatives as provided for in various IMO instruments.

10 In this connection, the Committee considered the resource limitations (i.e. financing of appeals, verification of annual rule changes, staffing in the Secretariat, etc.) and the constraints which may subsequently arise for the implementation of the GBS verification scheme but decided to only note this issue, being of the view that resource matters fall under the remit of the Council.

Long-range identification and tracking (LRIT)

11 The Committee considered the urgent matters emanating from COMSAR 16 regarding long-range identification and tracking (LRIT) (MSC 90/28, section 6), including matters related to the communication of information to the Organization; establishment of

LRIT Data Centres; operation of the International LRIT Data Exchange; the LRIT Data Distribution Plan; and financial issues. In this regard, the Committee adopted:

- .1 by resolution MSC.330(90), amendments to the Revised performance standards and functional requirements for the long-range identification and tracking of ships; and
- .2 by resolution MSC.331(90), amendments to resolution MSC.298(87) on establishment of a distribution facility.

Reports of the sub-committees

12 The Committee approved, in general, the reports of FSI 19, COMSAR 15, DE 55, NAV 57, FP 55, DSC 16, SLF 54 and BLG 16 and also dealt with urgent matters emanating from COMSAR 16, DE 56 and FSI 21 (MSC 90/28, sections 7 to 14). Decisions on important issues emanating from these reports are provided in paragraphs 13 to 15.

13 In considering the draft amendments to mandatory instruments prepared by the sub-committees, the Committee approved:

- .1 draft new SOLAS regulation III/17-1 on recovery of persons from the water;
- .2 draft new SOLAS regulation II-1/3-12 on protection against noise, together with the draft Code on noise levels on board ships;
- .3 draft amendments to the Performance standard for protective coatings for dedicated seawater ballast tanks in all types of ships and double-side skin spaces of bulk carriers (resolution MSC.215(82));
- .4 draft amendments to the Performance standard for protective coatings for cargo oil tanks of crude oil tankers (resolution MSC.288(87));
- .5 draft amendments to chapters 3, 5, 8, 9, 12, 13 and 14 of the FSS Code;
- .6 draft amendments to SOLAS regulations II-2/10 and II-2/15 concerning the requirements for firefighters' breathing apparatus and means of communication; and
- .7 draft amendments to the IBC Code,

and requested the Secretary-General to circulate them, in accordance with SOLAS article VIII, for consideration at MSC 91 with a view to adoption.

14 The Committee also approved draft amendments to regulation 27 of the 1988 Load Lines Protocol, regarding initial condition of loading and condition of equilibrium, and requested the Secretary-General to circulate the draft amendments in accordance with article VI of the 1988 LL Protocol, with a view to adoption at MSC 91.

15 In addition, the Committee adopted:

- .1 by resolution MSC.332(90), Amendments to the existing mandatory ship reporting system "In the Storebælt (Great Belt) traffic area (BELTREP)";
- .2 by resolution MSC.333(90), Revised performance standards for Shipborne Voyage Data Recorders (VDRs);

- .3 by resolution MSC.334(90), amendments to the Performance standards for devices to measure and indicate speed and distance (resolution MSC.96(72)); and
- .4 by resolution MSC.335(90), amendments to the Guidelines for the design and construction of offshore supply vessels, 2006 (2006 OSV Guidelines) (resolution MSC.235(82)).

Formal safety assessment (FSA)

16 The Committee made progress on the item on formal safety assessment (FSA) (MSC 90/28, section 19), with a view to finalizing the draft Revised Guidelines for Formal Safety Assessment (FSA) for use in the IMO rule-making process; and the draft Guidelines for the application of Human Element Analysing Process (HEAP) to the IMO rule-making process at MSC 91, and agreed that the FSA Experts Group be re-established to review the FSA studies on crude oil tankers and on sea transport of dangerous goods prior to MSC 91.

Piracy and armed robbery against ships

17 The Committee made progress on the item on piracy and armed robbery against ships (MSC 90/28, section 20), based on the discussion by the first ever high-level segment of the Committee regarding arms on board, including approval of the Interim guidance to private maritime security companies providing privately contracted armed security personnel on board ships in the High Risk Area; and the Interim guidance for flag States on measures to prevent and mitigate Somalia-based piracy as well as revisions of relevant circulars as consequential amendments. (Details and related issues are considered under agenda item 14 on Protection of vital shipping lanes.)

General cargo ship safety

18 With regard to the final recommendations (RCOs) included in the FSA study on General Cargo Ship Safety, the Committee agreed to action plans for relevant sub-committees regarding the review of general cargo ship safety and instructed those sub-committees to take action accordingly (MSC 90/28, section 21).

Implementation of instruments and related matters

19 The Committee made progress on the implementation of instruments (MSC 90/28, section 22), including the issues of confidentiality in the context of a mandatory scheme, in particular, with regard to the disclosure of audit reports to all Member States; online access to certificates and documents required to be carried on board ships; clarification of SOLAS regulation V/23; and application of SOLAS regulation III/1.5.

20 With regard to the list of conventions, protocols and amendments thereto related to the work of the Maritime Safety Committee and their status, the Committee recommended the MEPC and the Council to discontinue their consideration of this information in hard copy, subject to the Secretariat being requested to post this information on the IMO public website.

Work programme

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

21 The Committee, having agreed to the Sub-Committees' 2012-2013 biennial agendas and the provisional agendas for their forthcoming sessions (MSC 90/28, section 25 and annexes 29 and 30), and, in accordance with the *Guidelines on the application of the strategic plan and the high-level action plan of the Organization* (resolution A.1013(26)), invited the Council to endorse, for inclusion in the current High-level Action Plan, the unplanned outputs agreed by the Committee, as specified in paragraph 25.46 of document MSC 90/28².

Status of planned outputs for the 2012-2013 biennium

22 The Committee invited the Council to note the report on the status of planned outputs for the 2012-2013 biennium, as set out in annex 31 to document MSC 90/28.

Post-biennial agenda of the Committee

23 The Committee invited the Council to note the updated post-biennial agenda of the Maritime Safety Committee, as set out in annex 32 to document MSC 90/28.

Follow-up to the twenty-seventh session of the Assembly

24 The Committee considered the outcome of the twenty-seventh session of the Assembly and noted the action it had been requested to take in the context of resolutions adopted by the Assembly, as specified in paragraph 25.49 of document MSC 90/28.

Intersessional meetings

25 The Committee approved the following intersessional meetings for the Council's endorsement:

- .1 the nineteenth session of the ICAO/IMO Joint Working Group on Search and Rescue, to be held in Hong Kong, China, from 10 to 14 September 2012;
- .2 a meeting of the ESPH Working Group to be held at IMO Headquarters in October 2012, as approved by MSC 89 and MEPC 62;
- .3 the eighth meeting of the Joint IMO/ITU Experts Group on Maritime Radiocommunication Matters, to be held at IMO Headquarters from 8 to 12 October 2012;
- .4 a meeting of the ESPH Working Group, to be held at IMO Headquarters in October 2013, as approved by MEPC 63; and
- .5 a meeting of the FSA Experts Group, to be held at IMO Headquarters from 21 to 23 November 2012.

² Please see document MSC 90/WP.1/Add.2, paragraph 25.46.

Passenger ship safety

26 The Committee considered a new item on passenger ship safety (MSC 90/28, section 27), proposed by the Secretary-General emanating from the **Costa Concordia** accident, and, having approved the Recommended interim measures for passenger ship companies to enhance the safety of passenger ships, adopted resolution MSC.336(90) on Measures aimed at enhancing the safety of passenger ships. The Committee also approved, in principle, the long-term action plan on passenger ship safety, which will be further considered at MSC 91 together with the official investigation report into the loss of the **Costa Concordia**.

Other items

27 The Committee also made progress on other items, including measures to enhance maritime security; implementation of the STCW Convention; technical assistance sub-programme in maritime safety and security; capacity-building for the implementation of new measures; role of the human element; application of the Committees' Guidelines; guidelines and other recommendations related to maritime safety and security (the list of circulars approved by MSC 90 is attached to document MSC 90/WP.1/Add.2); and any other business.

Action requested of the Council

28 The Council is invited to:

- .1 consider the report of the ninetieth session of the Maritime Safety Committee and, in accordance with Article 21(b) of the IMO Convention, transmit it, with its comments and recommendations, to the twenty-eighth session of the Assembly (paragraph 1);
- .2 note the adoption, by the Committee, of amendments to the 1974 SOLAS Convention and mandatory codes related thereto; and of amendments to the Protocol of 1988 relating to the International Convention on Load Lines, 1966, as amended (paragraphs 4 and 5);
- .3 note the adoption, by the Committee, of amendments to annex II to the International Convention on Load Lines, 1966, and the associated draft Assembly resolution, for submission to the twenty-eighth session of the Assembly for adoption (paragraph 6);
- .4 note the action taken by the Committee on approval of amendments and editorial corrections to mandatory instruments (paragraphs 7 and 8);
- .5 note the action taken by the Committee on issues related to goal-based ship construction standards (GBS) and, in particular, concur with the view that the remaining unresolved resource constraints, which may impede the implementation of the GBS verification scheme, fall under the remit of the Council (paragraphs 9 and 10);
- .6 note the action taken by the Committee on LRIT-related matters (paragraph 11);

- .7 note the Committee's decisions on issues brought to its attention by FSI 19, COMSAR 15, DE 55, NAV 57, FP 55, DSC 16, SLF 54, BLG 16, COMSAR 16 and DE 56 (paragraphs 12 to 15);
 - .8 note the action taken by the Committee on issues related to formal safety assessment (paragraph 16);
 - .9 note the action taken by the Committee on issues related to piracy and armed robbery against ships (paragraph 17);
 - .10 note the action taken by the Committee on issues related to general cargo ship safety (paragraph 18);
 - .11 note the action taken by the Committee on Implementation of instruments and related matters and, with regard to the list of conventions, protocols and amendments thereto related to the work of the Maritime Safety Committee and their status, endorse the Committee's recommendation to discontinue the consideration of this information in hard copy (paragraphs 19 and 20);
 - .12 note the action taken by the Committee on the Sub-Committees' 2012-2013 biennial agendas and the provisional agendas for their forthcoming sessions and endorse, for inclusion in the current High-level Action Plan, the unplanned outputs agreed by the Committee (paragraph 21);
 - .13 note the report on the status of planned outputs for the 2012-2013 biennium (paragraph 22);
 - .14 note the updated post-biennial agenda of the Maritime Safety Committee (paragraph 23);
 - .15 note the follow-up actions related to the outcome of the twenty-seventh session of the Assembly in the context of resolutions adopted by A 27 (paragraph 24);
 - .16 endorse the action taken by the Committee in approving the intersessional meetings (paragraph 25);
 - .17 note the action taken by the Committee on issues related to passenger ship safety (paragraph 26); and
 - .18 note the action taken by the Committee on other items (paragraph 27).
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