CONSIDERATION OF THE REPORTS OF THE MARITIME SAFETY COMMITTEE

Note by the Secretary-General

SUMMARY

Executive summary: This document reports on the outcome of the seventy-fourth session of the Maritime Safety Committee

Action to be taken: Paragraph 89

Related documents: MSC 74/24 and addendum

SEVENTY-FOURTH SESSION OF THE MARITIME SAFETY COMMITTEE

INTRODUCTION

1 The report of the seventy-fourth session of the Maritime Safety Committee (MSC 74/24 and addendum) is submitted to the eighty-sixth session of the Council in accordance with the provisions of Article 29 of the IMO Convention.

2 The seventy-fourth session of the Committee was held from 30 May to 8 June 2001 under the chairmanship of Mr. T. Allan (United Kingdom) and was attended by ninety-three Member States, two Associate Members, four United Nations organizations and thirty-eight international organizations.

DECISIONS OF OTHER IMO BODIES

OIL TANKER SAFETY-RELATED MATTERS

Outcome of COMSAR 5, FP 45, STW 32, BLG 6, FSI 9 and DE 44

3 The Committee, having reviewed the outcome of consideration of safety-related post-Erika issues by the various sub-committees in pursuance of the Committee's instructions at MSC 73 (see paragraph 5 of document C 86/3 and proposed measures for action annexed to document MSC 73/WP.14), took appropriate action, mainly assigning various tasks to its subsidiary bodies and deciding on their target completion dates.
PORTS/PLACES OF REFUGE (SHELTERED WATERS)

4 The Committee discussed the above issue against the background of:

.1 its decision, at MSC 73, to include the issue of “ports of refuge” in the list of proposed measures to address post-Erika safety-related issues (MSC 73/WP.14, annex 1);

.2 the recommendation of COMSAR 5 that the matter be further considered under the co-ordination of the NAV Sub-Committee; and

.3 the Secretary-General’s remarks, at FP 45, that the time had come for the Organization to undertake, as a matter of priority, a global consideration of the problem (a proposal endorsed by all delegations and observers who spoke on the issue).

5 Following considerable discussion, during which the Committee agreed to use the term "places of refuge" in its further work on the issue, note was taken of the following main points for the Committee to take action on at present and also for future consideration, as appropriate:

- there was overwhelming support that the paramount concern in any action required relevant to the issue should be the safety of those involved;

- the protection of the marine environment should also be given high priority;

- there were legal issues (i.e. provisions of international law, in particular those of UNCLOS) which should be observed;

- sovereignty issues could not be ignored and jurisdiction rights of the coastal States concerned should also be taken into account;

- regional parameters/peculiarities might necessitate tackling ships-in-distress incidents on a case-by-case basis;

- common inter-regional approaches might not be feasible given differing weather and other conditions, including coast configuration;

- regional approaches might have positive and negative aspects;

- the suitability of coastal areas might play a decisive role in a State's decision to designate or not "places of refuge";

- the decision of a coastal State to provide "place of refuge" facilities would be influenced by a risk assessment study of the situation;

- certain criteria and relevant guidelines should be established to enable coastal States to decide on the designation of "places of refuge" and the facilities which should go with them;

- coastal States should be provided with appropriate guidelines to assist them in their decision-making process and relevant operations;
shipmasters, salvors and others involved in disabled ships' operations could benefit from appropriate operational guidelines;

- consideration should be given to neighbouring coastal States co-operating in relevant emergency situations; as well as to the involvement of SAR services at the national and/or regional level;

- the financial aspect of the issue should be borne in mind and liability and compensation issues should also be considered, etc.

Following enumeration of the above and other points, the Chairman summed up the discussion observing that various major issues, including legal issues, insurance, UNCLOS, rights of coastal States, etc. had been raised which were of major concern to Member Governments and, in particular, coastal States.

There was no doubt that safety of life was of paramount importance; however, due consideration should also be given to environmental protection and, certainly, commercial considerations should be low in the appraisal of any situation. A clear 'political' message of the Committee's priorities in this respect should be sent out as a result of its deliberations on the issue.

The Chairman further stated that there was general acceptance that three sets of guidelines were apparently needed, namely:

.1 guidelines for coastal States to use in the identification and designation of suitable places of refuge;

.2 guidelines for the evaluation of risks associated with relevant operations, on a case-by-case basis; and

.3 guidelines for masters of ships in distress.

Having made further pertinent points, the Chairman concluded his summing up by suggesting the following way forward:

.1 the NAV Sub-Committee should be appointed as the co-ordinating Sub-Committee;

.2 NAV 47 should be requested to give preliminary consideration to the issue including the identification of other IMO bodies which should be involved in the exercise, e.g. MEPC’s OPRC Working Group (on pollution matters), COMSAR, DE, the SPI Working Group, etc;

.3 NAV 47 should also be requested, taking into account the outcome of MEPC 46, to prepare draft terms of reference for MSC 75 to consider and MEPC 47 to take into account in any further work that the Committee intended to carry out on the issue; and

.4 NAV 47 should be further authorized to convey requests for input directly to the relevant sub-committees identified and possibly the SPI Working Group subject to endorsement of the terms of reference it will prepare by MSC 75.
7 The Committee fully endorsed the Chairman's summation and, in addition to the above and, in order to make progress, agreed that the issue should be considered from the “operational safety” point of view and, to this effect, the most appropriate sub-committee was the NAV Sub-Committee (to act as the co-ordinator of possible contributions from other sub-committees, e.g. COMSAR, DE, etc. and the SPI Working Group).

8 The Committee further decided that, without prejudice to its work, the NAV Sub-Committee should also consider drafting guidelines on:

- action expected from coastal States providing “places of refuge” to ships in distress;
- the evaluation of risks associated with the provision of places of refuge; and
- action masters of ships in distress should take when in need of “places of refuge” (including action on board and action required by other ships in their vicinity, salvage operators and coastal States).

9 The Committee, noting that MEPC 46 had already initiated action on the issue, agreed that the matter be also brought to the attention of the Legal Committee for it to consider, if it so decided, from the international law, jurisdiction, rights of coastal States, liability, insurance, bonds, etc. points of view.

10 In his intervention, the Secretary-General referred to his initiative to raise the issue at FP 45 when he suggested that it should be considered by IMO as a matter of priority. From the outset, he had expressed the view that, because of the international significance of the issue, it was appropriate that it should be considered by IMO alone. Therefore he was pleased with the positive response to his plea both by Governments and the industry and by the pertinent suggestions made in the documents submitted to this session. Although he could understand the political and technical connotations surrounding the sovereignty aspects of the issue, he believed that they should not hamper the progress that IMO should make in providing suitable answers to a global problem. Because of the non-mandatory character of the approach envisaged by IMO, he was confident that any concerns should be alleviated and that the matter would be tackled in IMO’s usual successful manner to the benefit of safety of life at sea and environmental protection. He would encourage that the matter be considered as the Chairman had suggested and that solutions be devised as soon as possible.

**CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS**

11 In separate expanded sessions, the Committee considered and:

.1 by resolution MSC.117(74), adopted amendments to SOLAS chapter VII (Carriage of dangerous goods);

.2 by resolution MSC.118(74), adopted amendments to the INF Code; and

.3 by resolution MSC.119(74), adopted amendments to the 1994 High-Speed Craft Code.
12 The above amendments are expected to enter into force on 1 January 2003, provided they are deemed to be accepted on 1 July 2002 in accordance with the provisions of article VIII of the 1974 SOLAS Convention.

LARGE PASSENGER SHIP SAFETY

13 The Committee continued work on large passenger ships on the basis of the report of an intersessional correspondence group co-ordinated by the United States; proposals submitted by Governments and international organizations; and the outcome of the ad hoc working group reconvened during the session.

14 On the basis of recommendations made by the latter working group, the Committee:

.1 noted the group’s view that a definition for “large passenger ships” should not be developed at this stage;
.2 approved the guiding philosophy, strategic goals, objectives and analytical approach surrounding its work in question;
.3 agreed to areas for consideration relating to existing and future large passenger ships;
.4 approved the updated work plan for further work to be done by the Committee and sub-committees which were assigned specific tasks in this respect; and
.5 decided to re-establish the correspondence group referred to above for which it agreed new terms of reference.

BULK CARRIER SAFETY

15 The Committee’s work on this subject focussed on:

.1 matters arising from reports concerning the bulk carrier Derbyshire; and
.2 the outcome of relevant FSA studies.

16 On the basis of recommendations made by an ad hoc working group, the Committee took action on:

.1 all the recommendations of the re-opened formal investigation into the loss of the mv Derbyshire; and
.2 the FSA studies on bulk carrier safety reported by:
  .1 the United Kingdom (international collaborative study);
  .2 Japan (encompassing certain types of bulk carriers);
  .3 Norway and ICFTU (on bulk carrier life-saving appliances);
  .4 IACS (on bulk carrier fore-end watertight integrity); and
the Republic of Korea (on trial application of FSA methodology to bulk carrier No.1 cargo hold flooding and hatchway watertight integrity),

and agreed on further work to be carried out on bulk carrier safety.

IMPLEMENTATION OF THE REVISED STCW CONVENTION

STCW Parties confirmed

17 The Committee continued work on the above subject by considering the Secretary-General’s reports on the outcome of the consideration by panels of competent persons of information communicated by Parties to the revised STCW Convention.

18 Based on those reports, the Committee confirmed that the 23 Parties concerned had been found to give full and complete effect to the provisions of the revised STCW Convention, thus raising the number of such Parties to 94 plus one Associate Member (i.e. 71 Parties and one Associate Member confirmed by MSC 73 plus 23 by MSC 74).

Extraordinary session of the Committee

19 The Committee considered a proposal by the delegation of Belize, supported by a number of other delegations, calling for an extraordinary session of the Committee to be convened in accordance with Rule 2 of the Committee’s Rules of Procedure and held during the twenty-second session of the Assembly to allow consideration of the Secretary-General's reports on those Parties whose evaluations were continuing in order to give those Parties the opportunity to be added to the list of confirmed STCW Parties before 1 February 2002.

20 The Committee having endorsed the proposal of Belize, the Secretary-General advised that he would welcome a request in writing signed by 15 Members (as per Rule 2 of the Committee’s Rules of Procedure) and, on receipt of such request, he would advise the Committee and Council accordingly.

21 At a subsequent session of the Committee, the Secretary-General advised that he had received a request in writing signed by 18 Members for an extraordinary session of the MSC to be convened during the forthcoming Assembly in November 2001, to specifically consider his reports on evaluations of information communicated which may have been completed in the period between MSC 74 and the Assembly. He would therefore advise Council at its eighty-sixth session of the 18 Members' request. Suitable arrangements would be made for the extraordinary session to take place in conjunction with the forthcoming Assembly and any relevant activities (circular inviting representation, provisional agenda, etc.) would be taken by the Secretariat in due course.

Unlawful practices associated with certificates of competency

22 The Committee, noting that the research of the Seafarers International Research Centre (SIRC), Cardiff University, on Unlawful practices associated with certificates of competency had been completed, received an abridged version of the researchers’ report, the full text of which would be submitted to STW 33 for detailed consideration.
23 In expressing deep concern about the unlawful practices associated with certificates of competency, the Committee considered it highly desirable that the matter be considered by a working group at STW 33.

SUB-COMMITTEE REPORTS

GENERAL

24 The Committee approved, in general, the reports of the STW, SLF, COMSAR, FP, BLG and FSI Sub-Committees on their recent sessions. It also dealt with urgent matters emanating from DE 44. Decisions on important issues emanating from these sessions are reported hereunder.

TRAINING AND WATCHKEEPING

Validation of model courses

25 The Committee noted the validation of three model courses and instructed the Secretariat to publish them as soon as practicable. It also endorsed the Sub-Committee’s decision that new STCW-related model courses to be considered by the Sub-Committee in the future should be subject to wider scrutiny and be submitted as normal documents (not information papers); and instructed the Secretariat to consult with ILO on the issue of wider scrutiny.

STABILITY, LOAD LINES AND FISHING VESSEL SAFETY

Revision of the fishing vessel Safety Code and Voluntary Guidelines

26 The Committee noted the progress made on the revision of the fishing vessel Safety Code and Voluntary Guidelines, in particular the agreed timeframe for the finalization of that revision and the table referring to chapters of the draft revised Code and Voluntary Guidelines; and requested the FP, COMSAR, NAV, DE and STW Sub-Committees to review and prepare the final texts of these chapters. It also noted that FAO and ILO had been invited to participate at meetings of the Sub-Committees concerned, as necessary.

RADIOCOMMUNICATIONS AND SEARCH AND RESCUE

Approval of draft amendments to SOLAS chapter IV and the 1988 SOLAS Protocol

27 The Committee, having recalled that some regulations of SOLAS chapter IV were no longer applicable as of 1 February 1999, considered relevant recommendations made by COMSAR 5 and having discussed a proposal that regulation IV/12.3 should be amended for consistency with resolution MSC.77(69) by which the Committee had decided that 1 February 2005 should be the final date of cessation of watchkeeping by GMDSS ships on VHF channel 16, approved proposed draft amendments to SOLAS chapter IV and the 1988 SOLAS Protocol and requested the Secretary-General to circulate them in accordance with SOLAS article VIII and article VI of the 1988 SOLAS Protocol, as appropriate, for consideration with a view to adoption at MSC 75.

28 The Committee instructed COMSAR 6 to consider document MSC 74/9/5 (Denmark and the Netherlands) together with any other relevant documents concerning bridge-to-bridge radiocommunications and, taking into account the Committee’s discussion on the issue, to advise
MSC 75 if there was a need to determine a date of cessation of watchkeeping by SOLAS ships on VHF channel 16 other than that previously decided.

ITU matters

29 The Committee considered a number of issues of common interest with ITU (such as mobile-satellite communication systems numbering, threat to the radar spectrum and the ITU World Radiocommunication Conference, etc.) and took appropriate action. In particular, the Committee, being of the opinion that the status of IMO at ITU Conferences should be distinguished from the status of other international organizations and Sector Members, instructed the Secretariat to study the legal implications involved in collaboration with ITU and to prepare a draft IMO position on the issue, for consideration and endorsement by COMSAR 6; approval by MSC 75; and submission to the 2002 ITU Plenipotentiary Conference. The Committee further suggested that national telecommunication authorities should, as ITU Members, be invited to defend the IMO position by raising, individually or collectively, the issue at the forthcoming ITU Conference.

SAR matters

Approval of draft amendments to SOLAS regulation V/21

30 The Committee approved proposed draft amendments to SOLAS regulation V/21 concerning the mandatory carriage of Volume III of the IAMSAR Manual on board ships and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 75.

Medical equipment on board ro-ro passenger ships without a doctor

31 The Committee, having endorsed the Sub-Committee’s action in instructing the Secretariat to consult with ILO and WHO on the development of a list of contents for medical first-aid kits for certain ro-ro passenger ships, included an appropriate item in the Sub-Committee’s work programme and agenda for its next session.

Outcome of the 2000 Florence SAR/GMDSS Conference

32 In considering the outcome of the above Conference, the Committee noted that COMSAR 5 had endorsed and supported resolution No.1 on the Establishment of 5 subregional RCCs to cover the African coast from Morocco anti-clockwise to Somalia, noting that coastal States concerned would retain appropriate SAR services; and that the Secretary-General had communicated with the Governmental focal points concerned, informing them of the results of the Conference and inviting them to consent to the recommendations of that resolution. COMSAR 5 had agreed that no further action could be undertaken to promote the matter until the Governments concerned had responded positively to the resolution in question.

33 In this regard, the Committee considered a proposal by Spain (MSC 74/9/1) calling for changes/interpretations to annex I to the aforementioned resolution so that SAR operations in the SRR of the Canary Islands (Spain) would be co-ordinated by the MRCCs of Tenerife and Las Palmas. Spain’s wish was that co-ordination in the Spanish SAR area of the Canary Islands should be dissociated from the Morocco subregion, without this meaning that co-operation in search and rescue operations in adjacent SAR areas would not be sought, bearing in mind that bilateral agreements among neighbouring States for the establishment of SAR operational plans...
were probably the most direct and effective formula for strengthening maritime safety in the region concerned.

34 The Committee, noting that the delegation of Spain at the Florence Conference had reserved its position with respect to the inclusion of the Spanish SAR area of the Canary Islands in the proposed subregion co-ordinated by the Morocco MRCC, recognized Spain’s right to be dissociated from the envisaged scheme; and instructed the Secretariat to co-ordinate informal bilateral consultations between Morocco and Spain to discuss the issue and advise MSC 75 accordingly.

35 The Committee also noted that, in considering Florence Conference resolution No.2 on the Establishment of an International SAR Fund, COMSAR 5 had supported the idea, in principle, but agreed that it was premature to address this matter until the next step 3 in the process (calling for a study to be carried out to advise countries in the regions concerned and IMO) was completed and the results thereof were made available.

36 The Committee further noted that the Sub-Committee had also endorsed resolutions:

- No. 3 (Technical co-operation in Maritime Search and Rescue and the GMDSS);
- and
- No. 4 (Implementation of the GMDSS in the African Sea Areas of the Atlantic and Indian Oceans),

and that the Secretariat had brought both to the attention of parties concerned.

37 The Committee further noted that, in considering resolution No. 5 on the Application of tacit acceptance procedures for the completion of the Global Search and Rescue Plan, the Sub-Committee, noting that this was a regional approach of the African countries concerned, had favoured such a procedure in principle; and had instructed the Secretariat to obtain legal advice on the matter and forward it to MSC 74 for consideration.

38 Having considered document MSC 74/9/4 (Secretariat) providing the opinion of the IMO Legal Office on the proposed use of tacit acceptance or other procedures for completing the Global SAR Plan, the Committee noted the opinion of the delegation of Greece, supported by the delegations of China, Cyprus, the Philippines and Turkey, that there was no legal basis under the provisions of the SAR Convention for such a tacit acceptance procedure; the issue should, therefore, not be pursued any further; and consideration should be focussed on the operational matters of providing adequate SAR services globally. The delegation of Tunisia reserved its position on the matter, as it had not had sufficient time to consider the issue at the national level before the meeting.

39 The majority of delegations which participated in the debate, while supporting the view that tacit acceptance of a global SAR Plan was not a legally viable procedure to follow, also supported the proposed third option set out in document MSC 74/9/4, namely the development of a draft Assembly resolution which, drafted as broadly as possible, should aim at establishing the provisional international maritime SAR Plan as an operational basis for the provision of global SAR services.

40 Taking into account the legal advice provided, the foregoing discussion and the outcome of a drafting group, the Committee approved a draft Assembly resolution on Acceptance and
Implementation of the International Convention on Maritime Search and Rescue, 1979, for submission to the twenty-second session of the Assembly for adoption.

41 The delegations of Cyprus, Tunisia and Turkey reserved their position on the draft Assembly resolution, while the delegation of Greece stated that it could go along with the proposed draft resolution on the understanding that the problem remained with the States which had not yet ratified the Convention. In that connection, the draft Assembly resolution should be regarded as a preliminary step, in anticipation of future accessions to the SAR Convention of States which had not yet acceded to it, and not as an alternative to that Convention.

FIRE PROTECTION

Evacuation analysis guidelines for existing passenger ships

42 The Committee noted the progress made by the Sub-Committee on matters related to the development of evacuation analysis guidelines for existing passenger ships. In particular, the Committee noted that the Sub-Committee intended to focus on suggestions for improving procedures on board existing passenger ships. The Committee also noted that a plan of action had been approved by the Sub-Committee to advance work on this item.

BULK LIQUIDS AND GASES

Transportation of cargoes containing toxic substances

43 The Committee noted the Sub-Committee’s course of action on requirements for the protection of personnel involved in the transportation of cargoes containing toxic substances in all types of tankers, in particular that, in considering the matter, BLG 6 had:

.1 identified a number of issues which needed consideration;

.2 invited Members to submit comments and proposals on the issue to BLG 7, in particular on amendments to relevant IMO instruments; the scope and objectives of any management-based non-mandatory guidelines on the establishment of shipboard occupational health and safety programmes to be developed; information on existing occupational health standards available at the international level; industry practice; and other relevant information that would be useful for the consideration of the issue; and

.3 invited ILO and WHO to participate in the relevant work and to provide information on international occupational health standards and requirements related to personnel protection from toxic substances, in particular standards or requirements related to the oil and chemical industries; and the Secretariat to prepare draft guidelines based on the information received from ILO and WHO; etc.
FLAG STATE IMPLEMENTATION

IMO Workshop for port State control MoU Secretaries and Directors of Information Centres

44 The Committee noted that, as instructed by MSC 73, the Sub-Committee had sought the opinion of the IMO Legal Office on the implications of the recommendation of the report of the above Workshop, i.e. whether PSC MoUs should consider the inspection of ships below convention size; and whether the results thereof should be included in the relevant database. In this regard, the Committee noted that the IMO Legal Office, recognizing that non-convention ships did not come under the scope of IMO instruments, was of the opinion that, in order to ensure maritime safety and the protection of the marine environment, a Government could enact national laws on non-convention ships incorporating some or all the provisions of international treaties, including port State control of non-convention ships on condition that their enforcement was not in the context of an international treaty.

45 With regard to including the results of inspections of ships below convention size in the database, the Committee noted the Sub-Committee’s opinion that, if national or regional authorities decided to include the results of such inspections in their databases, the information on such inspections should be kept separate from the inspection results of convention ships, which are submitted to the Organization, in order not to distort the information contained in the latter.

Revised Guidelines on the implementation of the ISM Code by Administrations

46 The Committee, following decisions pertaining to the draft Assembly resolution on Revised Guidelines on the implementation of the ISM Code by Administrations and, having agreed to refer a relevant proposal by the United States to FSI 10 for consideration requesting the Sub-Committee to report to MSC 75 accordingly, further instructed FSI 10 to consider:

1 a proposal by Australia to amend the revised Guidelines referred to above to the effect that in the case of a tanker continuing in service under MARPOL regulation I/13G by virtue of compliance with the Condition Assessment Scheme (resolution MEPC.94(46)), continued validity of the SMC should be subject to intermediate verifications conducted annually within three months of the anniversary date; and

2 whether any further improvements to the revised Guidelines were necessary in the light of experience so far gained in the implementation of the Code.

Illegal, unregulated and unreported (IUU) fishing and related matters

47 The Committee, having, in general, noted the outcome of the Sub-Committee’s discussion on the IUU fishing, noted, in particular, that FSI 9, noting that the report of the first meeting of the joint FAO/IMO working group contained proposed measures relating to the Member States’ responsibility either as flag States or port States, had recognized that, although measures relating to fisheries management were outside the competence of the Organization, there were many safety and environmental protection issues relating to the IUU fishing, which were within the purview of IMO, and that the consideration of these issues would be of assistance to FAO.

48 In this context, the Committee, noting that, since there was no legal basis for extending existing port State control provisions in IMO’s instruments to fishing vessels, as the two
Conventions regulating fishing vessels (i.e. the 1993 Torremolinos Protocol and the 1995 STCW-F Convention) had not yet come into force, encouraged Member States to ratify both to enable their entry into force as soon as possible, thus providing a positive means of dealing with the problem.

49 The Committee further noted the Sub-Committee's view that the Organization could co-operate with FAO to develop a port State control regime of its own through sharing of experience and expertise on the matter and that, in the context of the outcome of the seventh session of the UN Commission on Sustainable Development (CSD 7), there was a need to establish principles against which the transfer of ships might be considered, as FSI 9 had recognized that the transfer of ships was also a problem in relation to illegal fishing activities.

Use of the Spanish language in IMO conventions relating to maritime safety

50 Having agreed to a new preambular paragraph as proposed by the Spanish delegation and other minor modifications, the Committee adopted resolution MSC.121(74) on Use of the Spanish language in IMO instruments relating to maritime safety; and noted the opinion that, for harmonization purposes, it might be useful to consider, at a later stage, combining this MSC resolution with resolution MEPC.87(44) on the same subject.

SHIP DESIGN AND EQUIPMENT

Draft revised SOLAS regulation II-1/12-2

51 The Committee approved proposed amendments to SOLAS regulation II-1/12-2 on Access to and within spaces in the cargo area of oil tankers and bulk carriers and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, for consideration with a view to adoption at MSC 75.

52 Having discussed the concerns of the delegation of the United Kingdom about the state of maintenance of permanent means of access on ships which have been in service for several years, the Committee instructed DE 45 to address the matter when preparing the detailed technical provisions referred to in the revised draft regulation referred to above.

53 Based on comments made by the delegations of Japan and China, the Committee agreed that further consideration of the technical contents of the draft revised regulation should be made at DE 45 in conjunction with the associated technical provisions.

Amendments to resolution A.744(18)

54 The Committee approved proposed draft amendments to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18)), aligning the provisions of the Guidelines with IACS Unified Requirements Z10.1 and Z10.2, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, for consideration with a view to adoption at MSC 75.
TECHNICAL ASSISTANCE SUB-PROGRAMME IN MARITIME SAFETY

Developments concerning safety-related technical co-operation activities

55 The Committee received updated information on safety-related technical co-operation projects currently under execution by the Maritime Safety Division within the Organization’s Integrated Technical Co-operation Programme (ITCP); and on relevant future activities. It also noted that detailed information on these projects/activities was contained in a relevant database maintained by the Secretariat.

IMO model course programme

56 The Committee received updated information on IMO model course production and revision and instructed the Secretariat to follow-up the model course project and report developments to MSC 75.

ROLE OF THE HUMAN ELEMENT

57 The Committee made further progress in the consideration of human element issues, in particular with respect to:

.1 fatigue (on which it considered the outcome of a correspondence group under the co-ordination of the United States);

.2 the outcome of the 29th session of the ILO Joint Maritime Commission; and further work to be jointly undertaken by ILO and IMO; and

.3 the report on investigation into near misses submitted by Japan.

FORMAL SAFETY ASSESSMENT

58 The Committee, having received the report of the intersessional correspondence group co-ordinated by Japan, made progress in the consideration of FSA matters, in particular with regard to:

- regulatory impact diagrams;

- risk evaluation criteria;

- guidance for practical application of FSA to the IMO rule-making process;

- IACS’s training programme on FSA, etc.

PIRACY AND ARMED ROBBERY AGAINST SHIPS

Statistical information

59 The Committee noted, with deep concern, that the number of acts of piracy and armed robbery against ships, which had reportedly occurred in 2000, was 471 representing an increase of 162 by number and 52 by percentage points over the figure for 1999; and that the total number of incidents of piracy and armed robbery against ships, reported to have occurred from 1984 to the end of May 2001, was 2,309. Although the Committee welcomed the information that during
the period under review (i.e. 31 March 2000 to 31 March 2001), the number of incidents reported had decreased from 4 to 2 in the Mediterranean Sea and from 36 to 33 in West Africa, it was deeply concerned to note that, over the same period, the number of incidents reported had increased from 37 to 112 in the Malacca Strait, from 136 to 140 in the South China Sea, from 51 to 109 in the Indian Ocean, from 16 to 29 in East Africa and from 29 to 41 in South America and the Caribbean over the 1999 figures. Most of the attacks worldwide were reported to have occurred in the coastal States’ concerned territorial waters while the ships were at anchor or berthed. The Committee was particularly extremely concerned that, during the same period, the crews of the ships involved in the reported incidents had been violently attacked by groups of five to ten persons carrying knives or guns as a result of which seventy-two crew members had been killed, one hundred and twenty-nine had been wounded and five had been reported missing; and that, in addition, one ship had been destroyed, two ships had been hijacked, three ships had gone missing and on three occasions the attackers had used explosive devices.

The Committee, endorsing the Secretary-General’s concern on the disturbing figures reported above, recognized that the maritime community could no longer tolerate this situation and the serious repercussions it has on the safety of passengers and crews and therefore, once again, invited all Governments (of flag, port and coastal States) and the industry to intensify their efforts to eradicate these unlawful acts.

Implementation of the anti-piracy project

The Committee noted that, once sufficient funds had been secured, the second phase of the anti-piracy project to evaluate and assess the situation in piracy-infested areas of the world had started being implemented. With the assistance of the Committee Chairman, the new phase had comprised:

- a mission to Jakarta, Indonesia (13 and 14 March 2001); and
- a regional meeting held in Singapore (15 and 16 March 2001) with the participation of representatives from countries which either:
  - were experiencing extensive piracy/armed robbery activities in waters off their coasts; or
  - could play a substantial role in addressing the problem by virtue of their strategic location vis-à-vis the most affected areas stretching from the South China Sea to the Malacca Strait to the Eastern Indian Ocean; or
  - had a genuine interest in seeing the problem effectively addressed because of the large number of ships under their national flag using the waters concerned.

The Committee noted that, against the available statistical data on, and the continued upward trend of, piracy and armed robbery attacks, particularly in the Asian region, the missions to Singapore and Jakarta had been undertaken with the purpose of:

- evaluating the actions taken by the invited Governments to implement the IMO recommendations to prevent and suppress acts of piracy and armed robbery against ships within areas under their jurisdiction;
receiving information on the measures the national authorities of the participating countries had put in place for the purpose of transferring at national level the recommendations of the IMO regional seminars and workshops held within the 1998 anti-piracy project and those contained in revised MSC Circulars 622 and 623;

identifying where such measures had not been successful and what had impeded their implementation;

explaining the reasons behind any total or partial inability to implement the measures;

seeking information on any ideas/proposals the participating Governments might have with respect to regional co-operation for the purpose of combating piracy and armed robbery against ships (for example, joint or co-ordinated exercises, patrolling of certain particularly vulnerable sea areas, exchange of intelligence on moves of pirates/armed robbers, etc.); and

specifying how IMO could assist in overcoming any difficulties the participating countries had encountered in the process.

There was considerable debate on the issue relating to the implementation of the anti-piracy project with several delegations pointing out the lack of regional co-operation and the limited local reporting by ships suffering attacks by pirates and armed robbers. The need for more distinct/precise statistics to be compiled and reported was highlighted and the provision of technical assistance to countries in need of help to develop their infrastructure and human resources potential was emphasized.

The Committee noted and commented on particular issues brought to its attention in the context of the report on the assessment missions to Jakarta and Singapore. With respect to the Singapore Meeting, the Committee noted the perceived lack of adequate regional co-operation in, and co-ordination of, anti-piracy activities among countries in the region, in the light of the sub-regional/regional co-ordination and co-operation discussions which had taken place at the 1999 Singapore and 2000 Mumbai regional seminars and workshops and the two 2000 Tokyo Conferences.

The Committee paid special attention to the invitation of the Singapore regional Meeting to the Secretary-General to undertake consultations with Governments in the region for the purpose of convening, at an appropriate time, a meeting to consider concluding a regional agreement on co-operation against piracy and armed robbery against ships; and was informed that, in pursuance of this request, the Secretary-General had already communicated with all countries which had sent representatives to the Singapore Meeting inviting them to participate, at an appropriate time, in the meeting referred to above. The Committee encouraged the countries concerned to promptly respond positively to the Secretary-General’s invitation.

The Committee endorsed the report of the evaluation and assessment missions to Jakarta and Singapore, in particular the conclusions/recommendations of the Singapore Meeting; and:

agreed that a more precise distinction on the reporting of piracy and armed robbery attacks to distinguish between actual attacks and attempts (threats) thereof.
was needed, so that a more accurate picture of the situation might be drawn as a result;

2 urged flag States to make reports on attacks or threats thereof using the agreed format; and coastal States to report on action they have taken when informed of such unlawful acts having taken place within their national waters;

3 urged industry to ensure reporting of all incidents to flag/coastal States; and

4 urged coastal States to put in place national legislation for dealing with piracy and armed robbery incidents.

67 The Committee noted that, within the anti-piracy’s project second phase, the Secretariat was planning two further evaluation and assessment missions to Latin America and the West and Central African regions during the latter part of the year and as early as possible in 2002, respectively.

United Nations open-ended Informal Consultative Process on Oceans and Law of the Sea (UNICPOLOS)

68 The Committee noted that, pursuant to resolution A/55/L.10 of the General Assembly, the United Nations Secretariat had begun an ‘open-ended’ Informal Consultative Process on Oceans and Law of the Sea (UNICPOLOS) to consider, inter alia, the issue of maritime piracy with the prospect of drafting appropriate text for submission to the General Assembly for consideration and action as appropriate. To this end, two preparatory meetings had been held at the United Nations headquarters in February and March 2001 identifying two areas of focus - marine science and technology; and piracy and armed robbery at sea – leading to a meeting of UNICPOLOS, which took place in New York from 7 to 11 May 2001. With respect to piracy/armed robbery, there were two specific questions for discussion at that latest meeting:

- first, whether there was adequate action at regional level to ensure co-ordination and co-operation among relevant authorities and law enforcement agencies; and

- secondly, how the United Nations could assist States in enacting the necessary legislation so that offenders are punished; and in the establishment of law enforcement capabilities.

69 The Committee received an oral report on the outcome of the May 2001 meeting of UNICPOLOS and noted that the full report addressing piracy and armed robbery at sea issues would be submitted to MSC 75.

Marking of the IMO ship identification number on ships’ side, etc.

70 The Committee considered a proposal by Germany, Hong Kong (China), ICC, IMB, ICFTU, IFSMA and ISMA suggesting the mandatory permanent marking of the IMO ship identification number on the ship’s side and on one of the main bulkheads in the machinery space of all ships to which regulation XI/3 of the annex to the 1974 SOLAS Convention applies in order to enhance ship identification and prevent the operation of “Phantom” ships. They also proposed that SOLAS regulation XI/3.3 be amended accordingly to reflect this. Furthermore,
they suggested the issuance of an MSC Circular to promulgate this advice pending adoption of relevant amendments to SOLAS.

71 The Committee, being of the opinion that the issue merited further in depth consideration, requested the aforementioned Governments and international organizations to submit a revised proposal, incorporating comments made during the debate, to FSI 10 for consideration and advice to MSC 75, when the Committee would decide what action should be taken to bring the issue to a successful conclusion.

IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS

Harmonization of regulation numbers between the revised SOLAS chapter II-2 and the IBC and IGC Codes

72 Acting on proposals by the Republic of Korea, the Committee requested the BLG Sub-Committee to undertake, in co-operation with the FP Sub-Committee as necessary, a revision of the fire protection requirements of the IBC and IGC Codes to harmonize them with the corresponding requirements of the revised SOLAS chapter II-2.

Implementation of the IMDG Code by shore-side parties

73 The Committee noted ILO’s readiness to co-operate with IMO in exploring ways to promote the implementation of the IMDG Code by shore-side cargo interests involved in the packing and shipping of cargoes and dangerous goods.

RELATIONS WITH OTHER ORGANIZATIONS

IACS interpretations

74 The Committee agreed that, in view of the importance of uniform interpretations of the provisions of IMO instruments to assist Administrations in their implementation, IACS’s interpretations should be forwarded to the Committee, so that the latter could decide on what action to take on a case-by-case basis. The Committee further agreed that IACS should submit to the Committee and the MEPC, if the latter so decides, only those interpretations which, in their opinion, would be of relevance for port State control purposes.

APPLICATION OF THE COMMITTEE’S GUIDELINES

Committee/Sub-Committee structure

75 Further to decisions made at MSC 73 on the above issue (see C 86/3, paragraphs 81 to 84), the Committee, having considered proposals submitted by Brazil (MSC 74/20/1), supported by several delegations, requested the Chairmen of the MSC and MEPC:

1. taking into account the comments and proposals made by MEPC 46 and MSC 74, together with any comments made by C 86 (when considering the reports of MEPC 46 and MSC 74 and during the latter’s consideration of the organizational review of the Secretariat) and any proposals and suggestions received from Members in the interim, to prepare a paper containing a draft work plan to undertake a review of the sub-committees’ structure and identify the preferred way forward, for consideration by the twenty-second session of the Assembly;
subject to approval and any comments by the Assembly, to arrange for a meeting of
the Chairmen of the MSC and MEPC, together with the Chairman of the FAL Committee, and the Chairmen of the Sub-Committees, in conjunction with MSC 75; and

to prepare a paper on implementation of the aforementioned work plan for consideration by MSC 76 and MEPC 48.

WORK PROGRAMME

Work programmes of the Sub-Committees and provisional agendas for their forthcoming sessions

76 Taking into account the recommendations made by the Sub-Committees and decisions taken during the session, the Committee reviewed the work programmes of the Sub-Committees and the provisional agendas for their forthcoming sessions and took appropriate action.

77 The Committee, noting that the provisional agendas for COMSAR 6 and DE 45 contained (against the requirement in the Guidelines on the organization and method of work) more than 10 items, agreed, as an exceptional case, that the Chairmen of MSC and MEPC, in consultation with the Chairmen of the two Sub-Committees and the Secretariat, review the provisional agendas for the forthcoming sessions of the two bodies for the purpose of establishing an order of priority which the Sub-Committees should follow in dealing with items on their respective agendas.

78 Following consideration of the proposals for new work programme items, the Chairman referred to some submissions by Member Governments and the DE Sub-Committee, observing that they had been prepared in full compliance with the relevant provisions of the Guidelines on the organization and method of work and had also provided comprehensive information as reflected in document MSC 74/WP.1, thus facilitating the Committee’s decisions on the proposals concerned. He therefore invited Member Governments to be guided by the format and thoroughness of the documents he referred to when submitting proposals for new work programme items.

79 In the course of discussion of this agenda item, the Committee’s attention was drawn to certain items on the sub-committees’ work programmes which had been assigned a “continuous” status. The Committee, being of the opinion that, where appropriate, items should be assigned with specific target completion dates or a number of sessions needed to complete them, instructed all sub-committees to consider any continuous items on their work programmes and to provide MSC 75 with pertinent proposals to replace, where appropriate, the continuous status with target completion dates and the number of sessions needed to complete such items. In this context, the sub-committees were also instructed to consider deleting the umbrella items, wherever possible, when proposing their revised work programmes.

Long-term work plan

80 The Committee, in considering its objectives and long-term work plan including priorities to items proposed by the Secretariat in consultation with its Chairman (MSC 74/21/2, annex), confirmed the objectives and approved the indicative list of subjects for consideration by the Committee during the period up to 2008, including priorities and agreed to recommend them to
the Council for inclusion in the long-term work plan of the Organization, for submission to the twenty-second session of the Assembly.

81 In considering its long-term work plan, the Committee noted document MSC 74/INF.26 providing, as instructed by the twenty-first session of the Assembly, information on progress made on the subjects established in the Committee’s long-term work plan (up to 2006) referred to in resolution A.879(21) and, noting that the information therein still needed to be updated to take account of work scheduled to be carried out prior to submission of an appropriate document to the twenty-second session of the Assembly and also to incorporate comments made in the course of the debate, instructed the Secretariat accordingly.

82 Having expressed satisfaction with the progress made on its (and the Sub-Committees’) work programme, the Committee authorized its Chairman to invite the Council, when considering the Secretary-General’s proposal for the next biennium budget, to take the Committee’s progress and future work into account.

**Intersessional meetings**

83 Bearing in mind the view of the Council that the number of intersessional working groups should be restricted to the minimum necessary; paragraph 37 of the Guidelines on the organization and method of work; as well as the Committee’s decision at MSC 66 that all Sub-Committees should scrutinize the need for intersessional meetings and, only when they consider it essential that such meetings should be held, to submit to the Committee, in good time, a fully justified request for consideration, the Committee, taking into account decisions made under various agenda items, approved the following intersessional meetings:

1. the Joint ICAO/IMO Working Group on Harmonization of Aeronautical and Maritime Search and Rescue, to meet from 20 to 24 August 2001, in Montreal, Canada; and

2. the ESPH Working Group, to meet in 2002.

**Recommendations and Guidelines relating to maritime safety**

84 The Committee approved, for submission to the twenty-second session of the Assembly for adoption, draft resolutions on:

1. acceptance and implementation of the International Convention on Maritime Search and Rescue, 1979, as amended;

2. self-assessment of flag State performance (to revoke resolution A.881(21)) *

3. measures to further strengthen flag State implementation *

4. revised Guidelines on the implementation of the ISM Code by Administrations *

5. measures to prevent the registration of phantom ships;

* Prepared jointly with the MEPC.
Code of Practice for the Investigation of the Crimes of Piracy and Armed Robbery Against Ships; and

Standard Marine Communication Phrases.

A number of other guidelines and resolutions were also approved for dissemination to Governments by means of circulars on the following topics:

- advice on the dangers of flooding of forward compartments;
- Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended, confirmed by the Maritime Safety Committee to have communicated information which demonstrates that full and complete effect is given to the relevant provisions of the Convention;
- guidance on preparation and review of independent evaluations required by STCW regulation I/8 and section A-I/7 of the STCW Code;
- interim guidance on training and assessment in the operational use of the electronic chart display and information systems (ECDIS) simulators;
- guidance to Parties on the application of the Standard Marine Communication Phrases, as required by section A-II/1 of the STCW Code;
- IACS Unified Interpretation regarding timber deck cargo in the context of damage stability requirements;
- International NAVTEX Service;
- amendments to the IAMSAR Manual;
- guidelines for the preparation of plans for co-operation between search and rescue services and passenger ships;
- interim guidelines for a simplified evaluation analysis of high-speed passenger craft;
- guidelines on alternative design and arrangements for fire safety;
- guidelines on a simplified calculation for the total amount of combustible materials per unit area in accommodation and service spaces;
- unified interpretations of the International Code for Application of Fire Test Procedures (FTP Code) and fire test procedures referred to in the Code;
- unified interpretations of vague expressions and other vague wording of SOLAS chapter II-2;
- guidelines on fire test procedures for acceptance of fire-retardant materials for the construction of lifeboats;
.16 guidelines for the approval of fixed aerosol fire-extinguishing systems equivalent to fixed gas fire-extinguishing systems, as referred to in SOLAS 74, for machinery spaces;

.17 revisions to interpretations of the International Code for Application of Fire Test Procedures (FTP Code) and fire test procedures referred to in the Code (MSC/Circ.916);

.18 amendments to the Revised Standards for the design, testing and locating of devices to prevent the passage of flame into cargo tanks in tankers (MSC/Circ.677);

.19 communication of information on authorization of recognized organizations (ROs)*;

.20 measures to improve port State control procedures*;

.21 endorsement of certificates with the date of completion of the survey on which they are based;

.22 interim application of paragraphs 4.6.1.1, 4.6.2.2 and 15.7 of the Survey Guidelines under the Harmonized System of Survey and Certification (resolution A.746(18));

.23 guidance on fatigue mitigation and management;

.24 reporting near misses;

.25 guidance on the use of the Human Element Analysing Process (HEAP) and Formal Safety Assessment (FSA) in the IMO rule-making process**;

.26 guidelines for Formal Safety Assessment (FSA) for use in the IMO rule-making process**;

.27 application of SOLAS regulation III/26 concerning fast rescue boats and means of rescue systems on ro-ro passenger ships;

.28 participation in the World Meteorological Organization Voluntary Observing Ships’ (VOS) Scheme;

.29 amendments to the Interim Measures for combating unsafe practices associated with the trafficking or transport of migrants by sea (MSC/Circ.896); and

.30 design suggestions for ballast water and sediment management options**.

* Prepared jointly with the MEPC.
** Subject to the MEPC’s concurrent decision.
ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2002

86 The Committee unanimously re-elected Mr. T. Allan (United Kingdom), as Chairman and elected Admiral F.S.A.H. El Kady (Egypt) as Vice-Chairman, for 2002. It expressed deep appreciation to its outgoing Vice-Chairman, Captain B. Watt (South Africa), for his invaluable contribution to its work and the work of the Organization over many years.

ANY OTHER BUSINESS

Interim measures for combating unsafe practices associated with the trafficking or transport of illegal migrants by sea

87 In the light of comments and proposals made by Spain (MSC 74/23/4) and France, Greece, Italy and the United Kingdom (MSC 74/23/8), the Committee agreed to:

.1 proposed amendments to the relevant MSC/Circ.896;

.2 the further revision, at MSC 75, of that circular in light of the consideration of any incident reports received by IMO and further submissions by Member Governments following the adoption of the 2000 United Nations Protocol against Smuggling of Migrants by Land, Sea and Air; and

.3 invite Member Governments to sign and ratify that Protocol at their earliest convenience to achieve its earliest possible entry into force.

88 The Committee thanked France, Greece, Italy, Spain and the United Kingdom for their submissions on an issue of profound humanitarian nature; and invited Member Governments to submit reports on such incidents of which they become aware, as far as practicable in the format agreed by the Committee.

ACTION REQUESTED OF THE COUNCIL

89 The Council is invited to:

.1 consider the report of the seventy-fourth session of the Maritime Safety Committee and, in accordance with Article 21(b) of the IMO Convention, to transmit it with its comments and recommendations to the Assembly;

.2 note the request of 18 MSC Members for an extraordinary session of the Committee to be convened in conjunction with the forthcoming twenty-second session of the Assembly; and that suitable arrangements will be made accordingly (paragraphs 19 to 21);

.3 note the Committee’s decisions concerning the consideration of the possible restructuring of its subsidiary bodies (paragraph 75);

.4 take the Committee’s progress and future work programme into account when considering the Secretary-General’s proposals for the next biennium budget (paragraph 82); and
endorse the action taken by the Committee in approving the intersessional meetings referred to in paragraph 83.