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Agenda item 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 eighty-third session of the Maritime Safety Committee

Action to be taken: Paragraph 90

Related documents: MSC 83/28 and Adds 1, 2 and 3

INTRODUCTION

1 The report of the eighty-third session of the Maritime Safety Committee (MSC 83/28 and its addenda) is submitted to the twenty-fourth extraordinary session of the Council in accordance with the provisions of Article 29 of the IMO Convention.

2 The eighty-third session of the Committee was held in Copenhagen, Denmark, from 3 to 12 October 2007. It was chaired by Mr. N. Ferrer (Philippines), who was elected as Chairman for 2007 at the start of the session, and was attended by 91 Member States, two Associate Members, two United Nations specialized agencies, six intergovernmental organizations and 36 international organizations.

3 Decisions taken by the Committee during the session under review are summarized in the ensuing paragraphs, with reference to the approved draft Assembly resolutions and guidelines and other recommendations related to maritime safety and security listed in paragraphs 80 and 81, respectively.

ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

4 In separate expanded sessions, the Committee considered and adopted:

- .1 by resolution MSC.239(83), amendments to chapters IV and VI of, and the appendix to the Annex to, the 1974 SOLAS Convention;
- .2 by resolution MSC.240(83), amendments to the 1988 SOLAS Protocol; and
- .3 by resolution MSC.241(83), amendments to the INF Code.

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5 The Committee determined that the amendments to chapters IV and VI of, and the appendix to the Annex to, the 1974 SOLAS Convention, the 1988 SOLAS Protocol and the INF Code should enter into force on 1 July 2009, provided that they are deemed to have been accepted on 1 January 2009.

MEASURES TO ENHANCE MARITIME SECURITY

General

6 The Committee considered issues relating to the implementation of the special measures to enhance maritime security, including the relevant recommendations of STW 38 and FAL 34, noted the report by the Chairman of the Joint MSC/FAL Working Group on Security and facilitation of the movement of closed cargo transport units and of freight containers transported by ships, and approved Guidelines on security-related training and familiarization training for shipboard personnel and a circular on Securing and facilitating global trade. The Committee also established a correspondence group to deal with security aspects of the operation of ships which do not fall within the scope of SOLAS chapter XI-2 and the ISPS Code.

Access of public authorities, emergency response services and pilots on board ships to which SOLAS chapter XI-2 and the ISPS Code apply

7 The Committee, having noted that the ISPS Code and related MSC resolutions and circulars had all drawn attention to the importance of showing proper identification and that it would therefore not be appropriate to issue a further circular in this regard, agreed to the need for port State control officers and other public authorities to show proper identification when boarding ships.

Other security-related matters

8 The Committee, having noted that a number of recent reports of attempted piracy promulgated by the Organization had drawn attention to the fact that ships were not transmitting information by AIS and that the Secretariat had received periodic notification of AIS anomalies, agreed that such information may be of use to Administrations and port State control authorities to help them to better implement SOLAS requirements and invited the Secretariat to request Member Governments and international organizations to submit details to the Organization of ships operating either without AIS or with AIS incorrectly configured; and promulgate such information by means of an MSC circular on a quarterly basis.

GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS

General

9 In accordance with its decisions at MSC 81 on how to proceed with the development of goal-based new ship construction standards (GBS), the Committee continued its work, in parallel, on both the prescriptive approach for GBS for bulk carriers and oil tankers and GBS based on the safety level approach.

GBS for bulk carriers and oil tankers

10 In considering the work done so far with regard to the GBS for bulk carriers and oil tankers, the Committee, *inter alia*:

- .1 noted the progress made on development of draft SOLAS amendments to make the GBS for bulk carriers and oil tankers mandatory and the associated draft International Goal-based New Ship Construction Standards for Bulk Carriers and Oil Tankers;
- .2 agreed to modifications to the Tier II functional requirements consequential to the recommendations of the Pilot Panel on trial application of the Tier III verification process using the IACS Common Structural Rules (CSR); and
- .3 approved the project plan for the second trial application of the Guidelines for the verification of compliance with GBS using the IACS CSR for oil tankers.

GBS based on the safety level approach

11 The Committee noted the outcome of working group work on the safety level approach for GBS, in particular regarding the categorization of ship types, time windows for assessing statistics and the linkage between GBS and formal safety assessment.

Work plan for goal-based standards

12 The Committee agreed to the following work plan for the development of goal-based standards, bearing in mind that both the prescriptive approach and the safety level approach should move forward as integral elements of IMO GBS:

- .1 clarification of the work to be done to develop a generic GBS framework;
- .2 identification and compilation of the elements of the framework that have already been agreed to or proposed in previous submissions to the Committee, working group reports or other IMO instruments (e.g., FSA Guidelines, HEAP process guidelines) and identification of existing gaps; and
- .3 development of a prioritized plan to close the gaps and provide a unified framework that ensures consistent development of GBS, i.e., both the prescriptive approach and safety level approach.

13 Regarding short-term efforts, the Committee agreed that it would be more effective to focus efforts at MSC 84 on the unified GBS framework and safety level approach and at MSC 85 on finalization of the GBS for bulk carriers and oil tankers, including Tier III and the associated SOLAS amendments, which would also give the Pilot Panel sufficient time to conduct the second trial application referred to in paragraph 10.3.

LONG-RANGE IDENTIFICATION AND TRACKING OF SHIPS (LRIT) AND OTHER MATTERS

General

14 The Committee recognized that, in order to bring the LRIT system into operation by 30 December 2008, it needed to take decisions with respect to all issues which have a bearing on the establishment and operation of the International LRIT Data Centre (IDC) and the International LRIT Data Exchange (IDE). In addition, the Committee noted that, as the actual establishment and integration of almost all elements of the LRIT system would start after MSC 83, it needed to decide how matters relating to the technical aspects and the developmental testing of the various elements of the LRIT system would be handled during the period between MSC 83 and MSC 84. Furthermore, the Committee also recognized, *inter alia*, the need to approve the agreement to be concluded between all SOLAS Contracting Governments (Contracting Governments) and the LRIT Co-ordinator in relation to the tasks to be entrusted to the LRIT Coordinator.

Establishment of IDC and IDE

15 The Committee considered:

- .1 the proposal of an LRIT Consortium consisting of Pole Star Space Applications Limited (a legal entity incorporated in the United Kingdom), GateHouse A/S (a legal entity incorporated in Denmark) and Wallem Innovative Solutions Inc. (a legal entity incorporated in the Philippines) and submitted through the Marshall Islands, for the establishment and operation of IDC and IDE; and
- .2 a contingency offer from the United States to host, build and operate IDC and IDE on an interim basis and until the Committee was to make final and permanent arrangements in this respect. The United States advised that its contingency offer was not in response to the request for submission of proposals for the establishment and operation of IDC and IDE issued by IMSO, acting as LRIT Co-ordinator. In addition, the United States made it clear that its contingency offer could only be considered after the Committee had exhausted all other alternatives and none of these provided a viable solution to be taken forward,

and referred the Consortium proposal, together with the evaluation prepared by IMSO, and the contingency offer of the United States to the working group, instructing it to recommend the approach to be taken. In respect of the Consortium proposal, the Committee also agreed that the Consortium could present to the working group an alternative financial model in relation to its proposal for the establishment of IDC and IDE and a financial model for the establishment of IDE only.

16 The Committee noted that the working group examined the financial model on which the proposal of the Consortium to establish and operate IDC and IDE was based, as well as an alternative financial model which the Consortium introduced with respect to the IDC and IDE. In addition, the group examined a financial model presented by the Consortium with respect to the establishment and operation by them of IDE only. The three financial models were primarily based on a level of usage of IDC and/or IDE. The Committee was also informed that the working group had concluded that, at this stage, in the light of the limited information provided by SOLAS Contracting Governments with respect to the level of usage, the proposals of the

Consortium could not be explored further and should remain in abeyance for further consideration at an appropriate time in the future.

17 As there were no other proposals in relation to the establishment and operation of IDE, the working group had no alternative but to embark on the consideration of the contingency offer of the United States in relation to the establishment and operation of IDE only. The working group recommended and the Committee, noting the Contracting Governments had accepted the contingency offer of the United States in relation to IDE, decided to recognize it as the International LRIT Data Exchange stipulated in the Performance standards and functional requirements for the long-range identification and tracking of ships.

18 During the discussions within the working group, the Marshall Islands advised that, in the light of what had transpired, they had consulted with the Administrator of the Marshall Islands National Vessel Tracking System (MHL NDC) and, with a view to enabling the Committee to make progress, had ascertained that the Marshall Islands was prepared to present, on the basis of commercial terms, an overview of a possible mini IDC to be operated by the MHL NDC Administrator and modelled on the basis of the MHL NDC, which has been in operation for more than one year. The Committee, therefore, was advised that, following an initial consideration of the financial terms associated with the mini IDC, the working group, in view of the response of the Contracting Governments, which did not contemplate to establish NDCs, RDCs or CDCs, saw no basis, at this stage, to pursue the matter further.

19 The Committee noted that, as there were no other proposals in relation to the establishment and operation of IDC, the working group had no alternative but to embark on the consideration of the contingency offer of the United States in relation to the establishment and operation of IDC only. In view of the response of the Contracting Governments which did not contemplate to establish NDCs, RDCs or CDCs to the contingency offer of the United States, the Committee was informed that the working group saw no basis, at this stage, to pursue, the matter further and, thus, it did not advance any recommendations to the Committee in relation to the establishment of IDC.

Use of LRIT information for safety and environmental protection purposes

20 The Committee agreed that Contracting Governments might be able to request, receive and use LRIT information about ships, in accordance with regulation V/19-1, for safety and marine environment protection purposes and invited the MEPC to note this decision.

Arrangements to be made for the period between MSC 83 and MSC 84

21 With a view to ensuring the timely establishment of the LRIT system, the Committee established the *ad hoc* LRIT Group and empowered it to decide, during the period between MSC 83 and MSC 84, a variety of technical matters on behalf of the Committee. In particular, the Committee authorized the group to agree and adopt amendments to technical specifications and standards previously approved by the Committee; to determine and agree testing schedules; and to witness, review and accept or approve test results, subject to consideration and approval, acceptance or endorsement of the actions and decision taken, by the Committee, in retrospect.

Technical matters

22 As a result of the work done by the *ad hoc* Working Group on Engineering aspects of LRIT and by the Intersessional MSC Working Group on LRIT, the Committee adopted amendments to the Performance standards and functional requirements for the long-range

identification and tracking of ships; and authorized the Chairman to approve an MSC.1 circular on Guidance on LRIT-related matters through which a number of technical standards and specifications relating to the LRIT system, prepared by the *ad hoc* engineering group and reviewed by the working group, will be disseminated

Performance by IMSO of the functions of the LRIT Coordinator

23 The Committee noted the discussions within the working group in relation to the performance by IMSO of the functions of the LRIT Co-ordinator, and it was expected that the matter would be considered at MSC 84.

SUB-COMMITTEES' REPORTS

24 The Committee approved, in general, the reports of DSC 11, FP 51, DE 50, BLG 11, SLF 50, STW 38, COMSAR 11 and FSI 15 and also dealt with urgent matters emanating from NAV 53. Actions taken on important issues emanating from these reports of the Sub-Committees are indicated in paragraphs 26 to 57.

DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS

25 The Committee noted DSC 11's outcome regarding the establishment of the *ad hoc* mechanism for resolution of difficulties in the carriage of IMDG Code class 7 radioactive materials and a relevant entry in the Transport Document and/or Dangerous Goods Manifest to confirm the shipment of radioactive materials to be used in medical or public health applications, the amendments to the IMO FAL Compendium and the issue of the global shipping manpower shortage.

FIRE PROTECTION

General

26 The Committee noted and endorsed, as appropriate, FP 51's outcome and decisions regarding fire safety systems; evacuation analyses for new and existing passenger ships; and unified interpretations of SOLAS chapter II-2 and the FSS and IBC Codes.

Amendments to mandatory instruments

27 The Committee approved, for adoption at MSC 84, draft amendments to SOLAS regulations II-2/10 and II-2/19.4.

Safety of oil and chemical tankers

28 Having considered the recommendations of FP 51 and DE 50 with regard to the report of the Inter-Industry Working Group on incidents of explosions on oil and chemical tankers, the Committee instructed the FP Sub-Committee to first consider measures to prevent explosions on oil and chemical tankers transporting low flashpoint cargoes for new ships, taking into account the different operational demands on chemical tankers and the need for essential data to be submitted and considered, and agreed that, depending on the outcome, the Committee could then consider the extension of the work item towards the development of appropriate measures for existing oil and chemical tankers.

SHIP DESIGN AND EQUIPMENT

General

29 The Committee noted and endorsed, as appropriate, DE 50's outcome and decisions regarding unified interpretations of SOLAS chapter III; measures to prevent accidents with lifeboats; symbol of infant lifejacket; safety of oil and chemical tankers; and definition of the term "bulk carrier".

Protective coatings for void spaces on bulk carriers and oil tankers

30 The Committee adopted resolution MSC.244(83) on Performance standard for protective coatings for void spaces on bulk carriers and oil tankers, and concurred with the decision of DE 50 that it would consider making the Performance standard mandatory, through the development of relevant draft SOLAS amendments, in the longer perspective, after experience had been gained with its application.

Amendments to mandatory instruments

31 The Committee approved for adoption at MSC 84:

- .1 draft amendments to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18)), including a new part B on Survey guidelines for double-skin bulk carriers applicable to bulk carriers of 500 gross tonnage and over having double-side skin construction;
- .2 draft new SOLAS regulation II-1/3-9 (Means of embarkation on and disembarkation from ships) and approved, in principle, a draft MSC circular on Guidelines for construction, maintenance and inspection of accommodation ladders and gangways, for final approval at MSC 84 in conjunction with the adoption of the above new regulation; and
- .3 draft amendments to SOLAS regulation II-1/3-4 (Emergency towing arrangements on tankers) and approved, in principle, a draft MSC circular on Guidelines for owners/operators on preparing for emergency towing procedures, for final approval at MSC 84 in conjunction with the adoption of the above amendments.

BULK LIQUIDS AND GASES

32 The Committee noted and endorsed, as appropriate, BLG 12's outcome and decisions regarding safety-related matters, in particular, development of provisions for gas-fuelled ships; material safety data sheets for MARPOL Annex I cargoes and marine fuel; device to prevent passage of flame into cargo tanks; information on properties of MARPOL Annex II and IBC Code cargoes; matters on the application of requirements of the BCH and IBC Codes and MARPOL Annex II; and on incidents of explosions on oil and chemical tankers.

STABILITY, LOAD LINES AND FISHING VESSEL SAFETY

General

33 The Committee noted and endorsed, as appropriate, SLF 50's outcome and decisions regarding development of explanatory notes for harmonized SOLAS chapter II-1; matters related

to development of options to improve the effect of the 1969 TM Convention on ship design and safety; revision of resolution A.266(VIII); interpretation of alterations and modifications of a major character; and review of the SPS Code.

Revision of the Intact Stability Code

34 The Committee approved the draft International Code on Intact Stability, 2008 and the associated draft amendments to the 1974 SOLAS Convention and the 1988 LL Protocol to make the aforementioned Code mandatory, for consideration at MSC 85 with a view to adoption and a draft MSC circular on Explanatory Notes with a view to its formal approval simultaneously with the adoption of the Code.

Safety of small fishing vessels

35 The Committee noted the progress made in the development of the draft Safety recommendations for decked fishing vessels of less than 12 metres in length and undecked fishing vessels, in particular the timeframe for the finalization of the work on the Safety recommendations and the referral of relevant chapters of the Safety recommendations to the Sub-Committees concerned and the Joint MSC/MEPC Working Group on the Human Element, for comments.

TRAINING AND WATCHKEEPING

General

36 The Committee noted and endorsed, as appropriate, STW 38's outcome and decisions regarding measures to enhance maritime security; development of competences for ratings; identification of areas where training cannot be conducted on board; comprehensive review of the STCW Convention and the STCW Code; and PSC guidelines on seafarers' working hours.

Unlawful practices associated with certificates of competency

37 The Committee approved the revised format relating to reporting of fraudulent certificates detected and urged Member Governments and international organizations to use it when reporting the detection of fraudulent certificates to the Secretariat.

Implementation of the 1978 STCW Convention

38 The Committee, while noting that no reports pursuant to STCW regulation I/7, paragraph 2 had been submitted to this session, with regard to the reports pursuant to STCW regulation I/8, confirmed that the procedures for assessment of information provided had been correctly followed in respect of 10 STCW Parties. In the context of this item, the Committee approved additional competent persons nominated by Governments.

RADIOCOMMUNICATIONS AND SEARCH AND RESCUE

General

39 The Committee noted and endorsed, as appropriate, COMSAR 11's outcome and decisions regarding radiocommunication and SAR matters; satellite services; guidelines on the control of ships in an emergency; development of an e-navigation strategy; amendments to the IAMSAR Manual; and long-range identification and tracking of ships.

Revision of resolution A.888(21)

40 The Committee approved the draft revised Criteria for the provision of mobile satellite communication systems in the Global Maritime Distress and Safety System (GMDSS), adopted by resolution A.888(21), for adoption by the twenty-fifth session of the Assembly.

Performance standards for radiocommunication/navigational equipment

41 In accordance with resolution A.886(21), the Committee adopted:

- .1 resolution MSC.246(83) on Performance standards for survival craft AIS search and rescue transmitters (AIS-SART) for use in search and rescue operations; and
- .2 resolution MSC.247(83) on Adoption of amendments to Performance standards for survival craft radar transponders for use in search and rescue operations (resolution A.802(19)).

Amendments to mandatory instruments

42 The Committee approved for adoption at MSC 84:

- .1 draft amendments to regulations III/6.2.2, III/26.2.5 and IV/7.1.3 of, and the appendix to the Annex to, the 1974 SOLAS Convention;
- .2 draft amendments to the 1988 SOLAS Protocol; and
- .3 draft consequential amendments to the 1994 and 2000 HSC Codes.

Amendments to COLREG Annex IV relating to distress signals

43 The Committee endorsed the Sub-Committee's recommendation that, with respect to COLREG Annex IV relating to distress signals, the term "recognized mobile satellite service providers (RMSSP)" should revert back to "Inmarsat", since there was currently no proposal to include that new term in SOLAS chapter IV and recommended that the Assembly replace this term by "Inmarsat" when adopting the proposed amendments to COLREG directly submitted to A 25 for adoption.

WMU SAR research project related to passenger ships

44 The Committee, having considered the report on the Intermediate Phase of the WMU Project on search and rescue research related to passenger ships, noted that the University had developed and implemented the framework for the SAR Information Platform on the WMU website to populate the platform with relevant academic publications, project reports, relevant IMO documents and other information sources, and offered to host an expert group of those actively involved in, or affected by, research into SAR matters. The Committee subsequently endorsed:

- .1 the holding of a workshop of the aforementioned expert group, to review the prevailing material hosted on the Platform and advise on further data sources which could be supported by the Platform, using the available budget for the 2006-2007 biennium for the implementation of Phase II; and

- .2 the WMU proposal to submit the report on the Intermediate Phase directly to COMSAR 12, having instructed the Sub-Committee to consider and provide its views and recommendations to MSC 85.

FLAG STATE IMPLEMENTATION

General

45 The Committee noted and endorsed, as appropriate, FSI 15's outcome and decisions regarding the **Cougar Ace** casualty; long-range identification and tracking systems; the model course for training of safety management auditors; skills of marine casualty investigators; incidents of explosions on chemical and product tankers; the Code of good practice to assist PSCOs in conducting their inspections; findings and recommendations of the 2005 Paris MoU concentrated inspection campaign on the GMDSS; and revised survey guidelines under HSSC.

Draft Revised Code for the Implementation of Mandatory IMO Instruments

46 Having noted MEPC 56's concurrent decision, the Committee approved the draft Revised Code for the Implementation of Mandatory IMO Instruments and the associated draft Assembly resolution, for submission to the twenty-fifth session of the Assembly for adoption. The Committee, having recalled operative paragraph 3 of resolution A.973(24), stating that amendments to the Code should be proposed by the Committees in coordination with the Council, invited the Council to note the approval of the draft Revised Code attached at annex and take action as appropriate.

Revision of the Revised Guidelines on the implementation of the International Safety Management (ISM) Code by Administrations (resolution A.913(22))

47 The Committee agreed, subject to the MEPC's concurrent decision, that the FSI Sub-Committee should no longer be tasked with the revision of the Revised Guidelines on the implementation of the International Safety Management (ISM) Code by Administrations (resolution A.913(22)) but that this work should be directed to the Joint MSC/MEPC Working Group on the Human Element and, consequently, instructed the group, subject to the MEPC's concurrent decision, to develop draft amendments to the ISM Code with the understanding that the intended scope of the amendments should be limited to those relating to requirements for seafarer safety representation.

Code of International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident

48 The Committee approved the draft Code of International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code) and the associated draft amendments to SOLAS chapter XI-1, making the Code mandatory, with a view to adoption at MSC 84. The delegation of the United States reserved its position on the action taken by the Committee on approval of the Casualty Investigation Code and the draft amendments to SOLAS chapter XI-1.

49 The Committee also approved, subject to MEPC 57's concurrent decision, the draft MSC-MEPC.3 circular to allow for the Code to be implemented on a voluntary basis prior to the effective date of the Code and invited Member States to start implementing it.

Report of the Second Joint FAO/IMO *Ad Hoc* Working Group on IUU Fishing and Related Matters (JWG)

50 The Committee considered the outcome and the report of the second meeting of the Joint IMO/FAO *Ad Hoc* Working Group on IUU Fishing and Related Matters, held from 16 to 18 July 2007 at the Headquarters of the Food and Agriculture Organization of the United Nations (FAO) in Rome, and, with regard to actions requested by the Joint Working Group, agreed that IMO, in consultation with FAO, should explore legal options to facilitate the entry into force of the 1993 Torremolinos Protocol, including the possibility of preparation of a draft Agreement relating to the implementation of the Torremolinos Protocol with a view to adoption by an appropriate IMO organ (document A 25/9/1 also refers).

51 The Committee concurred with the recommendations of the joint working group that the two Organizations should undertake appropriate consultations with the interested Governments with a view to identifying the revisions to the 1993 Torremolinos Protocol which may be needed to make the Protocol acceptable to the required number of Governments to ensure its early entry into force; and assist Governments to adopt measures needed for its acceptance and implementation; and that the IMO Secretariat, in co-operation with the FAO Secretariat, should further consider organizing international events for a focussed consideration, at a decision-making level, of the entry into force of the 1993 Torremolinos Protocol and the STCW-F Convention. Subsequently, the Committee requested the Secretariat to act accordingly within the context of the ITCP under the coordination of the Technical Co-operation Committee.

SAFETY OF NAVIGATION

General

52 The Committee noted and endorsed, as appropriate, NAV 53's outcome and decisions regarding extension of safety zones around FPSOs and dynamic positioned platforms; and revised Performance standards for electronic chart display and information systems (ECDIS).

Ships' routeing measures

Adoption of new, and amendments to existing, traffic separation schemes (TSSs)

53 In accordance with resolution A.858(20), the Committee adopted the proposed new, and amendments to existing traffic separation schemes, including associated routeing measures, as indicated in paragraphs 14.2 and 14.3 of document MSC 83/28.

Routeing measures other than TSSs

54 In accordance with resolution A.858(20), the Committee adopted a number of new routeing measures other than traffic separation schemes (TSS), including amendments to existing routeing measures other than TSS, as indicated in paragraphs 14.4 to 14.7 to document MSC 83/28.

Mandatory ship reporting systems

55 In accordance with resolution A.858(20), the Committee adopted the proposed new, and amendments to the existing, mandatory ship reporting systems, as indicated in paragraphs 14.12 to 14.15 to document MSC 83/28.

Amended and new performance standards

56 In accordance with resolution A.886(21), the Committee adopted resolution MSC.252(83) on Adoption of the Revised performance standards for Integrated Navigation Systems (INS) and resolution MSC.253(83) on Adoption of Performance standards for navigation lights, navigation light controllers and associated equipment.

ROLE OF THE HUMAN ELEMENT

Report of the Joint MSC/MEPC Working Group on the Human Element

57 The Committee considered the report of the Joint MSC/MEPC Working Group on the Human Element and, having taken appropriate decisions, as reflected in paragraphs 16.1 to 16.15 of document MSC 83/28, in particular, approved the Guidelines for operational implementation of the International Safety Management (ISM) Code by Companies and guidance on qualification, training and experience necessary for undertaking the role of designated person under the provisions of the International Safety Management (ISM) Code.

IMO/ILO Joint Working Group on the Human Element

58 Having considered the proposal by ILO to establish a joint ILO/IMO working group to address matters within the competence of both Organizations relating to seafarers training, hours of work and rest, seafarer fatigue, career and skills development and opportunities for seafarers' employment pursuant to resolution X of the International Labour Conference 2006, the Committee agreed that:

- .1 the Joint MSC/MEPC Working Group on the Human Element should continue its work in accordance with the Organization's Strategy to Address the Human Element (MSC-MEPC.7/Circ.4);
- .2 there was no compelling need to establish a Joint ILO/IMO working group at this stage to address the aforementioned issues as these were already being addressed by the STW Sub-Committee on a regular basis; and
- .3 in future, when preparing or reviewing other technical texts or proposals on matters within the technical competence of both Organizations, if considered necessary, to establish a joint ILO/IMO working group on a case-by-case basis with specific terms of reference to address the human element on a tripartite basis.

TECHNICAL ASSISTANCE SUB-PROGRAMME IN MARITIME SAFETY AND SECURITY

General

59 The Committee noted the information provided on the safety-, and security-related activities executed in 2007 under the Integrated Technical Co-operation Programme (ITCP) for the 2006-2007 biennium, including the information on consultancy missions, training courses, seminars and workshops held at national, regional and global levels, and linkage between the ITCP and the Millennium Development Goals impact assessment exercise.

Progress on search and rescue in Africa

60 The Committee noted that, following the first meeting of the West African Group (Côte d'Ivoire, Ghana, Guinea, Liberia and Sierra Leone), a second meeting to finalize the Multilateral Agreement between the countries was held in Monrovia, Liberia from 25 to 27 September 2007 and that the final meeting (8 to 9 November 2007), would see the signing of the Agreement by the Ministers of the various countries.

Abuja MoU

61 The Committee noted the information provided on the Abuja MoU and its programme of capacity development for the period 2007-2010. Following support for the planned activities by the Abuja MoU and other sponsors, the Committee requested the Secretariat to discuss the projects listed in the document with the Abuja MoU Secretariat and take action as appropriate, including the provision of technical assistance.

Domestic ferry safety pilot project

62 The Committee noted that, following the signing of the MoU between IMO and the International Ferry Industry Association (INTERFERRY) in 2006, formalizing their intent to work together towards enhancing the safety of domestic non-Convention ferries by collaborating through IMO's ITCP, the two organizations had carried out a detailed research-based analysis of the problems on the pilot country and noted that both Organizations were currently working on phase 5 of the plan on resource mobilization of funds for the project and it was expected that lessons learned from this project would serve as a model project in other countries needing to address domestic ferry safety.

CAPACITY-BUILDING FOR THE IMPLEMENTATION OF NEW MEASURES

63 The Committee agreed on the criteria for assessment of capacity-building when proposing the development of new instruments and requested the Secretariat to prepare draft amendments to the Committee's Guidelines to this effect for submission to MEPC 57 and MSC 84 for consideration. The Committee also approved a draft Assembly resolution on the need for capacity-building for the development and implementation of new, and amendments to existing, instruments, for submission to the twenty-fifth session of the Assembly, for adoption.

PIRACY AND ARMED ROBBERY AGAINST SHIPS

64 Based on the reports disseminated by means of MSC circulars and additional information provided, the Committee noted that the number of acts of piracy and armed robbery against ships reported to the Organization and which had occurred between 1 October 2006 and 30 June 2007 was 201 against 187 over the same period for 2005/6, representing an increase of 7.5% from the figure for 1 October 2005 to 30 June 2006. The total number of incidents of piracy and armed robbery against ships, reported to have occurred or to have been attempted from 1984 to the end of August 2007, was 4,432. The Committee observed that this 7.5% increase in the reported acts of piracy and armed robbery against ships during the period under review was a cause for concern and was largely attributable to an increase in such criminal activities in the Gulf of Aden, Arabian Sea and off the coast of West Africa. As emphasized in previous sessions of the Committee, much more still needed to be done to reduce this menace.

65 In further considering the statistical information for the period under review (i.e., 1 October 2006-30 June 2007), it had emerged that the areas most affected

(i.e., five incidents reported or more) were the Far East, in particular, the South China Sea and the Malacca Strait, East Africa, the Indian Ocean, West Africa, the Arabian Sea, South America (Atlantic), South America (Pacific) and the Caribbean. Most of the attacks worldwide occurred or had been attempted in territorial waters while the ships were at anchor or berthed.

66 The Committee expressed deep concern that in many of the reports received, the crews had been violently attacked by groups of five to ten people carrying knives or guns. It was noted that during the period under review, 26 crew members were killed, 58 crew members were assaulted/injured and 133 crew members were taken hostage. Eleven ships were hijacked. One vessel and its crew were still missing. The Committee concluded by urging, once again, all Governments and the industry to intensify and coordinate their efforts to eradicate these unlawful acts.

67 The Committee noted that despite numerous requests at previous sessions of the Committee, the Secretariat still received very few, if any, reports from Member Governments on action they had taken with regard to incidents reported to have occurred in their territorial waters. The Committee reiterated the urgent need for all Governments to provide the Organization with the information requested.

68 The Committee noted a report on the actions of the Council and the Secretariat with respect to piracy and armed robbery against ships in waters off the coast of Somalia and, in particular, that on 15 June 2007, the Secretary-General, after consultation with the Acting Chairman of the Committee, had issued MSC.1/Circ.1233 on Piracy and armed robbery against ships in waters off the coast of Somalia.

69 The Committee further noted the progress made pursuant to the workshops and seminars on combating piracy, in particular, the IMO/MOWCA Forum on the establishment of an integrated sub-regional coast guard network for West and Central African countries; the actions taken pursuant to the Secretary-General's initiative on the protection of vital shipping lanes and, in particular, the follow-up Meeting to enhance safety, security and environmental protection in the Straits of Malacca and Singapore, held in Singapore from 4 to 6 September 2007; and a progress report on the Regional Co-operation Agreement on Combating Piracy and Armed Robbery against Ships in Asia.

GENERAL CARGO SHIP SAFETY

70 Following consideration of the issue, the Committee, having invited Member Governments and international organizations to submit further information and the relevant proposals on the issue to MSC 84, agreed, in general, that:

- .1 there was an urgent need to consider the safety of general cargo ships, taking into account the current safety level of this type of ships;
- .2 more detailed information, analysis of the cause of accidents involving general cargo ships and a related FSA study are needed to facilitate the identification of the problem areas of such ships and consideration of appropriate measures to be taken, bearing in mind a variety of ship types covered by the category of general cargo ships; and
- .3 a working group needed to be established to consider the relevant issues in detail.

FORMAL SAFETY ASSESSMENT

71 In the context of this item, the Committee discussed how to deal with the reports on the FSA studies so far submitted to the Organization and agreed, in general, that a group of experts needed to be established, and to consider the matter further at a future session. Consequently, the Committee, recognizing that there would be outcome from MEPC 57 regarding environmental risk acceptance criteria, invited Member Governments and international organizations to submit to MSC 84 proposals and comments on the further improvements of the FSA Guidelines and the Guidance on the use of HEAP and FSA.

IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS

72 Having noted a comprehensive list of non-mandatory instruments prepared by the Secretariat and that such a list and collection of information on the implementation of non-mandatory instruments could serve the purposes of enhanced awareness of available non-mandatory instruments and of their updates, promotion of implementation of instruments by Member States, provision of background material on domestic legislation, and assistance in the identification of potential areas for Technical Co-operation, the Committee also noted the information on the development of a module of the IMO Global Integrated Shipping Information System (GISIS) on safety- and security-related requirements and recommendations applicable to all ships and certain types of ships, and referred the detailed consideration of the list to the relevant sub-committees for identification of those instruments which might be relevant in the context of the collection of information on the implementation of non-mandatory instruments.

RELATIONS WITH OTHER ORGANIZATIONS

73 The Committee's recommendations on this issue are reported under agenda item 12.

APPLICATION OF THE COMMITTEE'S GUIDELINES

Meeting of the Chairmen of the Committees and Sub-Committees

74 The Committee, having considered the recommendations of the Chairmen's meeting (8 October 2007), agreed:

- .1 that intersessional working groups and technical groups should not be held at the same time as Committee or sub-committee meetings;
- .2 that splinter groups of a working group, if established, should meet outside normal working hours; and
- .3 to extend the deadline for submission of bulky information documents from 13 weeks to 9 weeks, if they were submitted in electronic format, and to amend the Committees' Guidelines accordingly.

Work methods of the Committees of the Organization

75 The Committee, having recalled that a meeting of the Chairmen of MSC, MEPC, LEG, TC and FAL on work methods of the Committees of the Organization had been held on 22 June 2007, as agreed by the Council at its ninety-seventh session, to consider how best to harmonize their Committees' work methods to achieve well-run meetings, noted that the difference between Committees based on the contrasted level of technical work which they are

carrying out, as well as the absence of involvement of subsidiary bodies, would prevent other Committees from adopting identical Guidelines.

Assessment of new work programme items against the Strategic Plan and the High-level Action Plan

76 The Committee noted that, as requested by the *ad hoc* Council Working Group on the Organization's Strategic Plan (CWGSP), the Chairmen's meeting had considered proposals on assessment of new work programme items against the Strategic Plan and the High-level Action Plan (document CWGSP 7/7) and whilst being sympathetic to the proposals of the CWGSP, was of the opinion that, since the basic proposals called upon Chairmen to carry out a preliminary assessment of proposed new work programme items, all the Chairmen of MSC, MEPC and Sub-Committees should participate in the deliberations of the correspondence group to be established at C/ES.24. In providing its preliminary comments to the decisions of the CWGSP, the Chairmen's meeting, being sympathetic to the proposals of CWGSP, made the following points:

- .1 any criteria developed for the assessment of proposals for new work programme items against the Strategic Plan and the High-level Action Plan should not be subjective, vague or open to interpretation. The criteria should promote objectivity, clarity and respect realistic timeframes;
- .2 any new methodology to be established for the assessment of proposals for new work programme items, in order to be successful in its scope, would require the Organization simultaneously to cultivate a new culture and discipline in adherence to the new procedures and guidelines; and
- .3 the new procedure, as proposed, contains at least three levels of involvement: the Chairmen of the Committees and Sub-Committees; the Secretariat; and the Member States. Such a complex system requires a very disciplined assessment which, if not clearly defined from the beginning, would prove to be very difficult to implement. Further consideration of the criteria may be necessary in relation to important long-term work programme items.

WORK PROGRAMME

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

77 Taking into account the recommendations made by the sub-committees; various proposals for new work programme items submitted by Member Governments and international organizations to the session under review; a preliminary assessment of such proposals undertaken by the Chairman with the support of the Secretariat; 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, as specified in the relevant section of its report.

Information on the outcome of the 6th session of the Council Working Group on the Organization's Strategic Plan and proposals for the High-level Action Plan for the 2008-2009 biennium

78 Following the discussion of the aforementioned information, the Committee approved the proposed modifications to the High-level Action Plan and requested the Secretariat to submit the aforementioned proposed modifications to the twenty-fourth extraordinary session of the Council.

Intersessional meetings

79 Bearing in mind the view of the Council that the number of intersessional working groups should be restricted to the minimum necessary; relevant provisions of the Guidelines on the organization and method of work; as well as the Committee's decision that all sub-committees should scrutinize the need for intersessional meetings and, only when they consider it essential that such meetings should be held, submit to the Committee, in good time, a fully justified request for consideration, the Committee, approved the following intersessional meetings:

- .1 the ESPH Working Group (in the latter part of 2008);
- .2 the Joint ICAO/IMO Working Group (22-26 September 2008); and
- .3 the *ad hoc* LRIT Working Group (early 2008).

GUIDELINES AND OTHER RECOMMENDATIONS RELATED TO MARITIME SAFETY AND SECURITY

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

- .1 Criteria for the provision of mobile satellite communication systems in the Global Maritime Distress and Safety System (GMDSS);
- .2 Revised Code for the Implementation of Mandatory IMO Instruments;
- .3 Revised Survey Guidelines under the harmonized system of survey and certification (HSSC); and
- .4 Need for capacity-building for the development and implementation of new, and amendments to existing, instruments.

81 The Committee also approved for dissemination guidelines and other recommendations on the following topics:

- .1 drainage of fire-fighting water from closed vehicle and ro-ro spaces and special category spaces for passenger and cargo ships;
- .2 guidelines on security-related training and familiarization training for shipboard personnel;

- .3 guidance on LRIT-related matters;
- .4 amendments to the Revised Guidelines for the approval of equivalent water-based fire-extinguishing systems for machinery spaces and cargo pump-rooms (MSC/Circ.1165);
- .5 guidelines for evacuation analysis for new and existing passenger ships;
- .6 unified interpretations of SOLAS chapter II-2;
- .7 unified interpretations of the International Code for Fire Safety Systems (FSS Code);
- .8 unified interpretations of the International Bulk Chemical (IBC) Code;
- .9 guidelines for the approval of fixed fire detection and fire alarm systems for cabin balconies;
- .10 unified interpretation of SOLAS chapter III;
- .11 symbol of infant lifejacket;
- .12 guidelines for damage control plans and information to the master;
- .13 interpretation of alterations and modifications of a major character;
- .14 promulgation of information related to reports of independent evaluation submitted by 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 Parties are giving full and complete effect to the relevant provisions of the Convention;
- .15 list of competent persons to be maintained by the Secretary-General pursuant to section A-I/7 of the STCW Code;
- .16 amendments to resolution A.706(17) on World Wide Navigational Warning Service;
- .17 minimizing delays in search and rescue response to distress alerts;
- .18 amendments to the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual;
- .19 safety margins to protect radar systems;
- .20 guidelines on the control of ships in an emergency;
- .21 annual testing of the automatic identification system (AIS);

- .22 shipboard technical operating and maintenance manuals;
- .23 provision of information in respect of products carried in accordance with the requirements of MARPOL Annex II and the IBC Code;
- .24 code of good practice;
- .25 guidelines for operational implementation of the International Safety Management (ISM) Code by Companies;
- .26 qualification, training and experience necessary for undertaking the role of designated person under the provisions of the International Safety Management (ISM) Code;
- .27 securing and facilitating international trade;
- .28 new and amended traffic separation schemes;
- .29 analysis of maritime safety information promulgated with the EGC SafetyNet system and recommendations on improving its quality;
- .30 routing measures other than traffic separation schemes;
- .31 mandatory ship reporting systems;
- .32 guidelines on the application of SOLAS regulation V/15 to INS, IBS and bridge design;
- .33 differences between RCDS and ECDIS;
- .34 maintenance of Electronic Chart Display and Information System (ECDIS) software; and
- .35 unified interpretation of “unforeseen delay in delivery of ships”.

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2007 AND 2008

82 The Committee unanimously re-elected Mr. N. Ferrer (Philippines) as Chairman for 2008 and elected Mr. Christian Breinholt (Denmark) as Vice-Chairman, for 2007 and 2008.

ANY OTHER BUSINESS

Global Integrated Shipping Information System (GISIS)

83 The Committee noted the updated information provided by the Secretariat on GISIS regarding the status of developments of nineteen modules and took note that the following modules were available to IMO Member States and the public at large: maritime security, casualties, recognized organizations and port reception facilities. The module on the Condition Assessment Scheme (CAS) was viewable by the public in respect of valid Statements of Compliance (SoC) only and the modules on piracy and armed robbery against ships and port

State control had been developed but not yet fully released. Further modules were under development, such as the ones on contact points, IMO requirements, stowaway cases, illegal migrant cases, pollution prevention equipment mandatory under MARPOL and the self-assessment of flag State performance.

IMO/IACS Co-operation on the IACS Quality System Certification Scheme (QSCS)

84 The Committee noted the information regarding the development of the IACS QSCS as far as it concerns the participation agreement between IMO and IACS and decided to extend the Organization's participation in the Scheme on the same basis as in the past, that is with no financial implications to the Organization.

Persons rescued at sea

85 The Committee considered document MSC 83/27/6 (Spain), informing it that Spain was experiencing a great flood of migrants from Africa towards Europe, and that the Spanish Maritime Rescue Service had rescued, in 2006 alone, 30,493 migrants from the sea. In Spain's opinion, the entry into force of the 2004 amendments to the SOLAS and SAR Conventions, had not brought the desired results. Spain, therefore, made a set of proposals intended to ensure that the international community had a secure and effective legal system in place. Among others, it suggested the need for making the Guidelines on the treatment of persons rescued at sea, mandatory under the SOLAS and/or SAR Conventions.

86 In the ensuing debate most delegations expressed sympathy for the Spanish document in principle, strongly encouraging all Contracting Governments to implement the relevant amendments to the SOLAS and SAR Conventions, and supporting the need for further work to be undertaken on this issue. However, they also cautioned that some of the Spanish proposals were outside the remit of IMO or needed to be considered as a multi-disciplinary matter possibly in an inter-agency approach.

87 The Secretary-General informed the Committee that the Secretariat was fully aware of the problem which, if left unattended, would endanger innocent lives at sea and that he had communicated with the Spanish Government on the issues under consideration and had highlighted the problem in his speech to the first ever Conference of African Ministers of Transport in Abuja earlier in the year. He acknowledged that parts of the problem were outside the remit of IMO and recalled the inter-agency initiative on persons rescued at sea and the associated meetings in 2001 and 2003 between IMO, IOM, OHCHR, UNHCR, UN/DOALOS and UNODC, which had resulted in a closer co-operation between the Organizations concerned. Following the recent increase of incidents, particularly in the Mediterranean Sea, another inter-agency meeting was planned to be held in January 2008 to consider any further action to be taken in a coordinated manner. The Secretary-General also indicated that technical co-operation in terms of capacity-building would be available, in particular to the African States, in respect of this issue.

88 The Committee expressed appreciation to Spain for bringing this problem to its attention, recognizing the need for caution in relation to associated issues outside IMO's remit, and agreed that there was a need for further discussion and work by IMO, without disturbing the delicate balance achieved with the 2004 amendments to the SOLAS and SAR Conventions and the associated guidelines.

89 The Committee acknowledged efforts undertaken on a bilateral or multilateral level and the supplementary action underway at the EU level, as well as the intention by Spain to propose a new work programme item to MSC 84 and expressed appreciation to the Secretary-General for the continuation of the inter-agency initiative, as well as the suggested technical co-operation possibilities.

ACTION REQUESTED OF THE COUNCIL

90 The Council is invited to:

- .1 consider the report of the eighty-third 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-fifth session of the Assembly (paragraph 1);
- .2 note the adoption, by the Committee, of amendments to the 1974 SOLAS Convention, the 1988 SOLAS Protocol and the INF Code (paragraphs 4 and 5);
- .3 note the action taken by the Committee on issues related to maritime security (paragraphs 6 to 8);
- .4 note the progress made on the issue of goal-based new ship construction standards (GBS), in particular the approval of a work plan on development of GBS (paragraphs 9 to 13);
- .5 note the outcome of the Committee's work on the long-range identification and tracking of ships (LRIT) concept and other matters, in particular concerning the establishment and operation of the International LRIT Data Centre (IDC) and the International LRIT Data Exchange (IDE) (paragraphs 14 to 23);
- .6 note the Committee's decisions on issues brought to it by DSC 11, STW 38, FP 51, COMSAR 11, DE 50, BLG 11, SLF 50, FSI 15 and NAV 53 (paragraphs 24 to 56) and, in accordance with operative paragraph 3 of resolution A. 973(24), forward the proposed Revised Code for the Implementation of Mandatory IMO Instruments to the Assembly for adoption (paragraph 46);
- .7 note the action taken by the Committee on issues relating to the human element (paragraphs 57 and 58);
- .8 note the action taken by the Committee regarding capacity-building for the implementation of new measures; the issue of piracy and armed robbery against ships; general cargo ship safety; and FSA-related issues (paragraphs 63 to 71);
- .9 note the Committee's action on issues relating to the application of the Committee's Guidelines on the organization and method of work, in particular regarding the assessment of proposed new work programme items (paragraphs 74 to 76);
- .10 endorse the Committee's action in approving the intersessional meetings referred to in paragraph 79;

- .11 note the four draft resolutions approved by the Committee for submission to the twenty-fifth session of the Assembly for adoption; and the 35 guidelines and other recommendations approved by the Committee for dissemination (paragraphs 80 and 81); and
- .12 note the Committee's discussion on the issue of persons rescued at sea (paragraphs 85 to 89).

ANNEX

**REVISED CODE FOR THE IMPLEMENTATION OF MANDATORY
IMO INSTRUMENTS**

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO that, by resolution A.973(24), it adopted the Code for the Implementation of Mandatory IMO Instruments,

RECOGNIZING the need for the above Code to be revised to take account of the amendments to the IMO instruments referred to above, which have entered into force or become effective since the adoption of resolution A.973(24),

BEING AWARE of the request of the seventh session of the UN Commission on Sustainable Development (CSD 7) that measures be developed to ensure that flag States give full and complete effect to the IMO and other relevant conventions to which they are party, so that the ships of all flag States meet international rules and standards,

RECOGNIZING that Parties to the relevant international conventions have, as part of the ratification process, accepted to fully meet their responsibilities and to discharge their obligations under the conventions and other instruments to which they are party,

REAFFIRMING that States have the primary responsibility to have in place an adequate and effective system to exercise control over ships entitled to fly their flag, and to ensure that they comply with relevant international rules and regulations in respect of maritime safety, security and protection of the marine environment,

REAFFIRMING ALSO that States, in their capacity as port and coastal States, have other obligations and responsibilities under applicable international law in respect of maritime safety, security and protection of the marine environment,

NOTING that, while States may realize certain benefits by becoming Party to instruments aiming at promoting maritime safety, security and the prevention of pollution from ships, these benefits can only be fully realized when all Parties carry out their obligations as required by the instruments concerned,

NOTING ALSO that the ultimate effectiveness of any instrument depends, *inter alia*, upon all States:

- (a) becoming Party to all instruments related to maritime safety, security and pollution prevention and control;
- (b) implementing and enforcing such instruments fully and effectively;
- (c) reporting to the Organization, as required,

NOTING FURTHER that, in the context of the Voluntary IMO Member State Audit Scheme, the enactment of appropriate legislation and its implementation and enforcement are the three key issues on which a Member State's performance can be measured,

BEARING IN MIND that the Voluntary IMO Member State Audit Scheme contains references to the Code for the implementation of mandatory IMO instruments, as appropriate; and that the Code, in addition to providing guidance for the implementation and enforcement of IMO instruments, forms the basis of the Audit Scheme, in particular concerning the identification of the auditable areas,

HAVING CONSIDERED the recommendations made by the Maritime Safety Committee, at its eighty-third session and the Marine Environment Protection Committee, at its fifty-sixth session,

1. ADOPTS the Revised Code for the Implementation of Mandatory IMO Instruments as set out in the Annex to the present resolution;
2. URGES Governments of flag States, port States and coastal States to implement the Revised Code on a national basis;
3. REQUESTS the Maritime Safety Committee and the Marine Environment Protection Committee to keep the Revised Code under review and, in co-ordination with the Council, to propose amendments thereto to the Assembly;
4. REVOKES resolution A.973(24).

ANNEX

REVISED CODE FOR THE IMPLEMENTATION OF MANDATORY IMO INSTRUMENTS

[MSC 83/28/Add.1, annex to annex 32]
