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**REPORT OF THE COUNCIL TO THE ASSEMBLY ON THE WORK
OF THE ORGANIZATION SINCE THE TWENTY-THIRD REGULAR
SESSION OF THE ASSEMBLY**

Note by the Secretary-General

SUMMARY

Executive summary: This document contains the report of the Council to the Assembly on the Organization's work since A 23. It has been updated to take account of developments since the Council's ninety-fourth session

Action to be taken: Paragraph 3

Related documents: C 94/15(c) and C 94/D

1 At its ninety-fourth session, the Council considered its report to the Assembly on the work of the Organization since the twenty-third regular session of the Assembly in 2003. The report was approved for submission to the twenty-fourth regular session of the Assembly, subject to final approval at the forthcoming twenty-third extraordinary session of the Council.

2 That report, updated to take account of developments since the Council's ninety-fourth session, is contained at annex. Other changes and additions, which may become necessary between the issue of this document and the beginning of the Council's twenty-third extraordinary session, will be reported in a suitable manner.

Action requested of the Council

3 The Council is invited to approve the report annexed to this document for submission to the Assembly at its twenty-fourth regular session.

For reasons of economy, this document is printed in a limited number. Delegates are kindly asked to bring their copies to meetings and not to request additional copies.

ANNEX

**REPORT OF THE COUNCIL TO THE ASSEMBLY
ON THE WORK OF THE ORGANIZATION SINCE THE
TWENTY-THIRD REGULAR SESSION OF THE ASSEMBLY**

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Introduction

1 This report is presented in accordance with Article 23 of the IMO Convention and describes developments in the work of the Organization since the twenty-third regular session of the Assembly in November 2003. The references to specific documents, the subjects of which are dealt with in the report, are to enable the Assembly to have more comprehensive information on the subjects concerned.

GENERAL MATTERS

Status of the IMO Convention

2 Membership of the Organization as at 15 September 2005 stood at 166 with three Associate Members. Since the twenty-third regular session of the Assembly, three States have accepted the IMO Convention and have become Members of the Organization, i.e. Tuvalu, the Democratic Republic of Timor-Leste and Zimbabwe. A report on the status of the Convention and membership of the Organization is submitted to the Assembly under item 6 of the latter's agenda.

Officers of the Council and Committees of IMO

3 During the biennium under review, the following officers served as Chairmen and Vice-Chairmen of the Council and the Committees:

| Body | Chairman | Vice-Chairman | Sessions |
|---------------------------------|--|-------------------------------------|---------------------------|
| Council | Mr. Chen Tze Penn (Singapore) | Mr. J. Franson (Sweden) | 91st session |
| | Captain L. Díaz-Monclús (Venezuela) | Mr. J. Franson (Sweden) | 92nd and 93rd sessions |
| Maritime Safety Committee | Mr. T. Allan (United Kingdom) | | 78th to 80th sessions |
| | | Admiral F.S.A.H. El Kady (Egypt) | 78th and 79th sessions |
| | | Mr. N.F. Ferrer (Philippines) | 80th session |

| Body | Chairman | Vice-Chairman | Sessions |
|---|--|---|--|
| Legal Committee | Mr. A.H.E. Popp QC (Canada) | Mr. E.K. Mbiah (Ghana) Professor Chai Lee-Sik (Republic of Korea) | 86th to 90th sessions |
| Marine Environment Protection Committee | Mr. A. Chrysostomou (Cyprus) | Mr. G. Fernández (Panama) Mr. A. Chatterjee (India) | 50th to 52nd sessions 53rd session |
| Facilitation Committee | Mr. C. Abela (Malta) | Capt. M.A. Almeida (Brazil) Capt. A.E. Hill (Liberia) | 31st and 32nd session 31st session 32nd session |
| Technical Co-operation Committee | Captain M.U. Ahmed (Bangladesh) Mr. B. Owusu-Mensah (Ghana) | Mr. J-M. Schindler (France) Mr. P.S.J. Lukuley (Sierra Leone) Mr. P. A. Constanzó Escobar (Argentina) | 53rd and 54th sessions 53rd session 54th session 55th session |

The Council wishes to record its deep appreciation of the work of these officers, whose able guidance has contributed to the successful outcome of the work of the respective Committees and the Council.

International conferences and other meetings

2004 International Conference on Ballast Water Management for Ships

Dates: 9 to 13 February 2004

Purpose: To consider the adoption of a draft International Convention for the Control and Management of Ships' Ballast Water and Sediments.

Results: The Conference adopted the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWM Convention) together with four Conference resolutions:

- * Resolution 1: Future work by the Organization pertaining to the International Convention for the Control and Management of Ships' Ballast Water and Sediments;
- * Resolution 2: The use of decision-making tools when reviewing the standards pursuant to regulation D-5;
- * Resolution 3: Promotion of technical co-operation and assistance; and
- * Resolution 4: Review of the Annex to the International Convention for the Control and Management of Ships' Ballast Water and Sediments.

A detailed report on the Conference is given under agenda item 15(a) of the Assembly.

2005 International Conference on the Revision of the SUA Treaties

Dates: 10 to 14 October 2005

Purpose: To consider the adoption of a protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988 and a protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988.

Results: The Conference has been convened in order to adopt the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988 and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988.

A detailed report on the Conference is given under agenda item 15(b) of the Assembly.

Strategic Plan

4 The Council, at its ninety-second session, received its first set of data collected and collated against the performance indicators in the Strategic Plan. As instructed by the Council, the Secretariat gave due publicity to the collated data through its publication on the IMO public website.

5 The Council's *Ad Hoc* Working Group on the Organization's Strategic Plan met twice during the biennium to progress work on the Plan, to refine its related performance indicators and to develop a high-level action plan. The Group also considered the relationship between programme budgets and the Organization's strategic objectives and developed a revised and simplified work programme and budgeting structure. In the context of the development of high-level action plans and the prioritization of areas of work, the Group also reviewed the Long-term Work Plan and recommended its discontinuation. In the light of this work, the Council decided that priorities should be outcome-based and be agreed by the Council on the basis of proposals made by the Committees.

6 The Group prepared a preliminary draft revised and updated Strategic Plan for 2006-2011 and a draft of the related high-level action plan and biennium priorities for 2006-2007 for consideration by the twenty-third extraordinary session of the Council and subsequent adoption by A 24. A full report on this subject appears under item 18 of the Assembly.

Organization and method of work of the Council

7 On the basis of a proposal by the Secretary-General, the Council adopted Guidelines on its organization and method of work in order to enhance the efficiency and effectiveness of its work and to ensure consistency with the overall goals of the Organization.

Voluntary IMO Member State Audit Scheme

8 Pursuant to resolution A.946(23) on the Voluntary IMO Member State Audit Scheme, through which the Assembly endorsed the decisions of the Council relating to the development of the Scheme, the Council correspondence group on the development of the Scheme worked intersessionally and reported to the second and third sessions of the Joint Working Group on the Voluntary IMO Member State Audit Scheme. The report of the second session, which was held from 22 to 26 March 2004, was considered by the ninety-second session of the Council. The Council, in noting the progress made on the development of the documentation for the Scheme, endorsed the recommendation for pilot audits to be conducted and the results therefrom to be considered in the further development of the documentation for the Scheme. The Council requested the MSC, MEPC and TCC to consider the report of the third session of the Joint Working Group and to provide their comments and recommendations to C 94 and C/ES.23, as appropriate.

9 The issue of possible funding for the Scheme and the issue of languages to be used during audits and for reporting purposes were considered by C 93, based on preliminary cost estimates provided by the Secretary-General. The Council decided that the six official languages of the Organization should apply to the Scheme and, in endorsing the methodology used by the Secretary-General for developing the operational cost estimate, requested an updated submission of the cost estimate for consideration at C 94.

10 The third session of the Joint Working Group was held from 14 to 18 March 2005 and its report was considered by C 94, which took into account comments and recommendations made by MSC 80 and TCC 55. The Council approved the completed draft documentation for the Scheme, which include the draft Assembly resolution on "Framework and Procedures for the Voluntary IMO Member State Audit Scheme" and its annex containing the Framework and Procedures documentation, subject to C/ES.23 consideration of any recommendations that MEPC 53 might make on the matter.

11 A full report on this subject is given under agenda item 19 of the Assembly.

Protection of vital shipping lanes

12 At its ninety-second session, the Council shared the Secretary-General's concern with regard to keeping shipping lanes of strategic importance and significance safe and open to international maritime traffic and thereby ensuring the uninterrupted flow of traffic there-through and requested him to continue his work on the issue in collaboration with parties concerned and to report developments to C 93.

13 At its ninety-third session, the Council decided that the Organization had and could play a role in the protection of shipping lanes of strategic importance and significance. In addition, the Council decided that the Organization should, at this stage, concentrate its efforts on the enhancement of safety, security and environmental protection in the Straits of Malacca and Singapore. In this respect, the Council agreed to the convening of an IMO-sponsored meeting in Jakarta, Indonesia, in 2005 to consider ways and means to achieve the aforesaid objectives and authorized the Secretary-General to make appropriate arrangements to this end. The Council also agreed that, in seeking attainment of the above objectives, the Organization and the Secretary-General should seek to promote the Marine Electronic Highway project specifically designed for the Straits of Malacca and Singapore.

14 The Council also encouraged the Secretary-General to continue his work relating to the protection of shipping lanes of strategic importance and significance and to report to Council as appropriate.

15 At its ninety-fourth session, the Council was briefed on the developments relating to the convening of the IMO-sponsored meeting in Jakarta and reaffirmed its mandate to the Secretary-General to continue work relating to the protection of shipping lanes of strategic importance and significance. In addition, the Council also noted that the ASEAN Regional Forum-Confidence Building Measures meeting on Regional Co-operation on Maritime Security (the ARF-CBM Meeting) which was held in Singapore from 2 to 4 March 2005, recognized the key role that IMO could play in catalyzing multilateral co-operation in maritime security, in particular its experience in balancing the interests of the littoral States and user States and in upholding the fundamental principle of freedom of navigation. That meeting welcomed the IMO initiative on the protection of vital sea lanes and expressed strong support for an IMO-sponsored meeting in Jakarta as part of a continuing series of meetings on the security of regional waters that brings together both littoral States and user States.

16 Pursuant to the decisions of the ninety-third and ninety-fourth sessions of the Council in relation to the Protection of Vital Shipping Lanes, the Secretary-General and the Government of the Republic of Indonesia convened a Meeting on the Straits of Malacca and Singapore: Enhancing Safety, Security and Environmental Protection, which took place in Jakarta on 7 and 8 September 2005 (the Jakarta Meeting). The Meeting was organized in co-operation with the Government of Malaysia and the Government of Singapore. It was attended by 34 States, two intergovernmental and seven non-governmental organizations and, as a result of its deliberations, adopted the Jakarta Statement on the Enhancement of Safety, Security and Environmental Protection in the Straits of Malacca and Singapore.

17 During the course of the Meeting, a Memorandum of Understanding by and among the Government of Indonesia, the Government of Malaysia, the Government of Singapore and IMO for the Implementation of a regional Marine Electronic Highway (MEH) demonstration project in the Straits of Malacca and Singapore (the MOU-MEH) was signed along with a Memorandum on Arrangements by and among the Government of Indonesia, the Government of Malaysia,

the Government of Singapore, IMO, IHO, INTERTANKO and ICS to implement specific activities of article 4 of the MOU-MEH.

The South Asian tsunami disaster

18 The Council, at its ninety-fourth session in June 2005, was informed of the actions taken by the Organization in the aftermath of the tsunami disaster in South Asia in December 2004 (C 94/21), as set out in the ensuing paragraphs.

The Tsunami Maritime Relief Fund

19 The IMO Tsunami Maritime Relief Fund was inaugurated in January 2005, through which the contributions of the delegates to IMO meetings, staff members and interpreters, the shipping industry and the maritime community at large could be channelled to support the UN-wide disaster relief efforts. In April the Secretary-General remitted a cheque for £86,580, being the balance of the Fund, to the United Nations Secretary-General, Mr. Kofi Annan. Subsequently, a donation exceeding US\$1 million made by the Union of Greek Shipowners was agreed to be spent on improving search and rescue services and supporting training and the fisheries industry in Indian Ocean countries.

Inter-agency co-operation

20 Following a request from the United Nations Environment Programme (UNEP), the Secretariat, through the Marine Environment Division, assisted in the establishment of an environmental crisis centre in Indonesia.

21 At the same time, a joint plan was developed for future action to be undertaken together with the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) and the International Hydrographic Organization (IHO). The main focus of the plan was to undertake an evaluation of the extent of damage to the navigational aids infrastructure and the hydrographical survey requirements in the affected regions, in order to determine the scope and extent of the re-building and re-survey work required.

22 The Secretariat also sought involvement, as appropriate, in the development by UNESCO/IOC of the proposed Indian Ocean (and other areas as necessary) tsunami early-warning system so that, in addition to other measures taken, more effective use is made of the well-established IMO/IHO/WMO Maritime Safety Information networks to disseminate tsunami warnings and other vital information on natural disasters through the World-Wide Navigational Warning Service (WWNWS).

Special session on response to the tsunami disaster

23 During COMSAR 9, a special session on the response to the tsunami disaster was held on 9 February 2005 in order to:

- provide information on the actions taken by IMO and several organizations and maritime authorities following the tsunami, including the outcome of the United Nations World Conference on Disaster Reduction;
- facilitate further discussion on the joint IMO/IALA/IHO action plan, in relation to hydrographical survey and navigational aids requirements;

- consider proposals for amendments to WNWNS and other guidance documents; and
- discuss appropriate maritime contributions to the establishment of the contemplated tsunami early-warning system in the Indian Ocean.

24 During the session, presentations were made by representatives of several Member States and organizations including Japan, IMO, IHO, IALA, IOC and IAPH. The Sub-Committee also considered several proposals for amendments to the NAVTEX and SafetyNET Manuals, and to the WNWNS and other guidance documents, which might be considered necessary in the context of the promulgation of tsunami and other urgent natural disaster warnings.

25 In accordance with the procedures of the WNWNS, the proposed amendments are to be evaluated and approved first at the meeting of the IHO Commission on Promulgation of Radio Navigational Warnings (CPRNW) from 13 to 15 September 2005. In the interim, COMSAR/Circ.36 was issued by means of which NAVAREA Co-ordinators have been advised to utilize the existing text messages to promulgate natural disaster warnings in exceptional circumstances and should immediately broadcast such warnings using the highest priority and all existing means as appropriate.

Joint IMO/IALA assessment mission

26 In addition to attending relevant meetings of IHO, the Secretariat undertook joint assessment missions with IALA to Indonesia and Sri Lanka, *inter alia*, to gather information from national authorities as to the extent of damage to the marine navigational aids in the area affected by the tsunami; to assess needs and means for re-surveying the international waterways; and to assess the requirements for re-building and re-construction of damaged marine navigational aids with a view to both the short-term requirements for international shipping and the longer-term requirements for such shipping.

Action taken by the Council

27 C 94 noted the information provided and expressed appreciation to the Secretary-General for IMO's prompt, decisive and comprehensive response to the devastating news emerging from the disaster on the technical front, and to the Executive Heads of IHO and IALA for their preparedness to assist and for the level of co-operation achieved between the three organizations (IMO, IHO and IALA) in respect of the safety of navigation aspects which needed attending to following the disaster.

28 The Council also expressed appreciation to all concerned for the generous donations to the Tsunami Maritime Relief Fund, in particular to the Union of Greek Shipowners, for its most generous donation in excess of US\$1 million. The Council expressed satisfaction with the way the crisis had been handled from IMO's perspective and with the prompt and comprehensive response to it.

Memorial to Seafarers

29 At its ninety-second session in June 2004, the Council noted that the primary objective of the Seafarers' Memorial Trust Fund had been achieved with the erection of the Seafarers' Memorial at the International Maritime Organization Headquarters in September 2001 and that the secondary objective - the establishment of a Chair on maritime safety and marine pollution

prevention at the World Maritime University (WMU) – had been met from other voluntary sources. The Council, therefore, endorsed the Secretary-General's proposal to transfer the residual balance of the Fund to a new Global Fellowship Programme within the Organization's Integrated Technical Co-operation Programme (ITCP). The launching of this new element of the ITCP with this substantial transfer of funds would demonstrate the Organization's commitment to human resource development and provide a source of much-needed support to certain maritime training institutes around the world. It would also ensure that the existing financial support for fellowships to WMU and IMLI would be consolidated within the new Global Fellowship Programme and, subsequently, the Seafarers' Memorial Trust Fund would be closed.

30 The Council extended its thanks to the members of the Trust Fund Board of Trustees for their willingness to serve on the Board and for their interest in the Fund; and also thanked the various donors and contributors to the Fund for their positive responses to the Secretary-General's request for financial support and for their generosity.

News media attendance at IMO meetings

31 The Council, at its ninetieth session, agreed, in principle, to the desirability of the Organization having Guidelines to address the subject of news media attendance at IMO meetings and requested the Committees to consider draft guidelines which were submitted at that session and to advise C 92 accordingly.

32 The Council, at its ninety-second session, approved the Guidelines for media access to meetings of Committees and their subsidiary bodies; instructed the IMO bodies concerned to follow the Guidelines, amending their Rules of Procedure as may be deemed necessary; noted that, in addition, an accreditation system would be established to allow automatic access to IMO meetings to representatives of the specialist maritime media; and requested the Secretary-General, when proceeding with the establishment of such a system, to take into account similar systems applying elsewhere, e.g. in the United Nations.

33 As instructed by Council, the MSC, the MEPC, the Legal Committee, the Facilitation Committee and the TCC have considered and adopted amendments to their respective Rules of Procedure to allow access to their meetings by news media.

Enterprise Resource Planning (ERP)

34 The Organization has concluded its implementation of SAP, the Organization's preferred Enterprise Resource Planning (ERP) system provider. The implementation process ran from October 2003, with the system going live on 5 July 2004, on time and to budget. Seven staff from the Organization were seconded to work full-time on the project, along with consulting support from Fast Track, the Organization's preferred implementation partner. Some 50 staff from around the Organization were involved in the process of defining and testing the new system. The system has not been without its teething difficulties, but has now largely settled down, although the work of refining and developing it to best suit the Organization's needs, and of delivering the full benefit of the investment will continue.

Financial matters

35 The Financial Services and the Management Accounting Services have continued to meet the ongoing financial accounting, treasury functions, management accounting, and the provision of financial statements. The final accounts of the Organization for 2003 and 2004 were

completed at due dates and were submitted to the External Auditors. Audit observations were systematically followed up and reported to the Council.

36 The budgetary performance in 2004 led to a saving of £108,069 representing 0.5 per cent of approved total appropriation of £22,510,400. The contribution receipts from Member States in 2004 reached £19,538,670 or 96.48 per cent of the assessed contributions of £20,250,700, which was two percent below the level achieved in 2003.

37 The funds not needed for immediate requirements were invested with the United Kingdom major banks, with triple-A ratings on the basis of a listing of institutions recommended by an external treasury management advisor. The interest earned for 2004 on the six Funds of the Organization amounted to £627,991. The funds invested totalled £13,824,046 million as at 1 January 2004 and the balance as at 31 December 2004 was £9,678,853 million. The interest earned in the period from 1 January to 31 July 2005 amounted to £398,848. The funds invested totalled £9,678,853 as at 1 January 2005 and the balance as at 31 July 2005 was £17,095,498.

38 As approved by the Council at its ninetieth session and the Assembly at its twenty-third regular session, a major focus of the Secretary-General during 2004 was the replacement of the Organization's core accounting, financial and budgetary control systems. The Secretary-General has reported to the Council that, as targeted, the new system went live on 5 July 2004. Prior to the migration date, both staff in the Financial Services and the Management Accounting Services carried out user acceptance tests of the system and prepared the first six-month data stored on the legacy systems to the new ERP (SAP) system. Training programmes to all users were given during the second half of 2004.

39 Programme Directors and their staff have been fully involved in the budgeting process and establishing of work programmes and budgets for the forthcoming biennium 2006-2007.

Human Resources (HR) reforms

40 A number of HR supportive activities were carried out satisfactorily. Training Courses for supervisors and managers in supervisory management skills were provided to some staff members during 2004, and continue to be provided during 2005 in order to support the Organizational wide roll-out planned in 2006 of the performance management and appraisal system.

Office services

41 The key objective of the Office services is to provide delegates and staff with a secure and conducive working environment including physical hygiene. A major overhaul of the escalators was carried out and completed during the third quarter of 2004. New arrangements and security entry barrier system were installed in 2004 to provide safety and security for staff and delegates entering the Building. The Secretariat implemented the recommendations of a security review and risk assessment of the building from the Diplomatic Protection Group of the London Metropolitan Police.

Information and Communications Technology (ICT)

42 Work continued with the alignment of information management and information technology strategies with the Organization's core business objectives. New Information Systems, new ICT infrastructure and various user support initiatives were developed with a view to improving information management and enhancing policy and strategic decisions.

43 Priority was given to the design, implementation, future management and support of the SAP-ERP system and its effective integration into the Organization's IT assets and work processes. System administration and change control processes were implemented for the SAP system and a strategy for enhancement of the system to provide effective management reports was developed. The effective implementation of the Business Warehouse module (BW) for generating management reports within SAP and the Strategic Enterprise Management module (SEM) for planning and budgeting continue to be a priority.

44 A number of new software applications were developed in-house. These include the IMO Global Integrated Shipping Information System (GISIS) framework (comprising of Casualty, Port State Control, ISPS Code, Recognized Organization, Piracy, MEPC – Condition Assessment Scheme (CAS), etc.), the Compendium of Maritime Training Institutes, Interactive Inventory of Ongoing and Planned Technical Assistance Activities, the IMO Intranet, Tonnage Database and Leave Recording System, to mention a few. The Electronic Document Distribution System was enhanced with the facility for notification and emailing of new documents to users. A Translation Assistant System was also implemented.

45 New arrangements for business continuity and an improved data replication mechanism were implemented. New services such as a Virtual Private Network to Geneva and New York were established. Security on the network was enhanced. A real time backup facility was set up at the International Computer Centre in Geneva to mirror our core data in the unlikely event of the IMO building being inaccessible.

46 New user support initiatives were implemented to improve support to both staff members and delegates. In this respect, an "Audio Link" system was developed and implemented. This facility links the meeting rooms to the network so that staff members can listen to discussions at meetings from their PC. The IMO wireless LAN facility was enhanced. This has complemented the business centre and has indeed increased the number of delegates that can now go online while attending a meeting at IMO. Training of IMO staff members on the effective utilization of the Organization's IT assets continues to be a priority.

Publishing activities

47 The Organization's publications are an essential element in the promotion of IMO's safety, security and environmental objectives. The Publishing Service therefore puts considerable effort into developing new products for and promoting its existing ones to an ever-widening audience through attendance at relevant exhibitions, seminars and trade fairs; mailshots and e-newsletters; advertising; and intensive use of web and other channels of communication with its customers.

48 About 80% of all purchases of IMO publications, by both distributors and end users, are now made online. The introduction of the SAP-ERP system has streamlined the processing of orders and greatly smoothed the integration of sales and financial functions.

49 The following major new publications and revised editions were published in 2004 and the first half of 2005: IMDG Code and Supplement, SOLAS Convention, International Regulations for Preventing Collisions at Sea (COLREG), Resolutions and other Decisions of the twenty-third Assembly, IMO/IHO/WMO Manual on Maritime Safety Information, Ships' Routing, Bunker Oil Pollution Damage Convention 2001, Ballast Water Management Convention 2004, Manual on Oil Pollution (Section IV), Anti-Fouling Systems, Load Lines Convention and BCH Code.

50 The following electronic products were also released: IMDG Code on CD-ROM V7, IMDG Code for Intranet V6, SOLAS on CD-ROM V3, IMO Standard Marine Communication Phrases V1 and IMO-Vega Database V10. Electronic titles accounted for some 8% of all sales in 2004. There was further development in the field of downloadable and subscription-based online products and the first subscription-based product (IMDG Code Online) was sold.

51 Preparation and production of all these titles in the official languages of the Organization, production of Model Courses and reprints of existing titles continue to be important parts of the publishing programme.

52 The year 2004 was a record year in terms of sales revenues, which exceeded £6 million for the first time: net sales were £6.12 million (gross sales: £8.55 million).

53 The decision was made to close the Production Unit and outsource all printing of publications. Closure will be complete by the end of 2005.

TECHNICAL WORK OF THE ORGANIZATION

MARITIME SAFETY

GENERAL

54 The Maritime Safety Committee (MSC) was scheduled to meet three times during the biennium: the seventy-eighth session was held from 12 to 21 May 2004, the seventy-ninth session from 1 to 10 December 2004 and the eightieth session from 11 to 20 May 2005.

55 During the biennium under review, the MSC and its Sub-Committees continued to promote greater safety at sea and security at sea and in port facilities through the development and adoption of international standards, having due regard to the spirit and intent of resolutions A.500(XII), A.777(18) and A.900(21).

56 During the biennium, increased emphasis was placed on the maritime security, human element and its role in preventing, and minimizing the impact of, maritime accidents while also focusing on the effective implementation of the revised STCW Convention and the ISM Code.

57 The reports of the MSC, presented under agenda item 9 of the twenty-fourth Assembly, give details of the substantive work accomplished by the Committee and its subsidiary bodies during the biennium under review. A number of recommendations are proposed for adoption by the Assembly.

ACCEPTANCE OF SAFETY-RELATED INSTRUMENTS

58 The acceptance of safety-related conventions, protocols and codes was broadened and will be further pursued through the Sub-Committee on Flag State Implementation (FSI).

AMENDMENTS TO SAFETY-RELATED INSTRUMENTS

Amendments adopted by MSC 78

59 In separate expanded sessions, MSC 78 considered and:

- .1 by resolutions MSC.151(78), MSC.152(78) and MSC.153(78), adopted amendments to chapters II-1, III, IV and V of, and the appendix to the Annex to, the 1974 SOLAS Convention, as amended;
- .2 by resolution MSC.154(78), adopted amendments to the 1988 SOLAS Protocol;
- .3 by resolution MSC.155(78), adopted amendments to the 1979 SAR Convention; and
- .4 by resolutions MSC.156(78), MSC.157(78) and MSC.158(78), adopted amendments to the STCW Code, the IMDG Code and the Technical provisions for means of access for inspections, respectively.

60 The amendments to SOLAS chapter II-1, the IMDG Code and the Technical provisions will enter into force on 1 January 2006 in accordance with the provisions of SOLAS article VIII, whilst the amendments to SOLAS chapters III, IV and V of, and the appendix to the Annex to the 1974 SOLAS Convention, the 1988 SOLAS Protocol, STCW Code and the 1979 SAR Convention are expected to enter into force on 1 July 2006 provided they are accepted on 1 January 2006, in accordance with the provisions of SOLAS article VIII (and article VI of the 1988 SOLAS Protocol as far as the amendments under paragraph 59.2 are concerned) and SAR article III(2)(h) respectively.

61 Following adoption, by resolution MSC.151(78), of the amendments to SOLAS regulation II-1/3-6 (Access to and within spaces in cargo area of oil tankers and bulk carriers) and, by resolution MSC.158(78), of the amendments to the Technical provisions for means of access for inspections, the Committee approved MSC/Circ.1107 regarding application of the amended SOLAS regulation II-1/3-6 and Technical provisions, whereby it resolved that SOLAS Contracting Governments may apply, in advance, the amended SOLAS regulation II-1/3-6, together with the amended Technical provisions, in lieu of the original SOLAS regulation II-1/3-6 and the original Technical provisions, to ships constructed on or after 1 January 2005 flying their flag.

Amendments adopted by MSC 79

62 In separate expanded sessions, MSC 79 considered and:

- .1 by resolution MSC.170(79), adopted amendments to chapters II-1, III, V, VII and XII of, and to the appendix to the Annex to, the 1974 SOLAS Convention;
- .2 by resolution MSC.171(79), adopted amendments to the 1988 SOLAS Protocol;
- .3 by resolution MSC.172(79), adopted amendments to the 1988 LL Protocol; and
- .4 by resolutions MSC.173(79), MSC.174(79), MSC.175(79), MSC.176(79), MSC.177(79), MSC.178(79), MSC.179(79) and MSC.180(79), adopted amendments to the FTP Code, 1994 HSC Code, 2000 HSC Code, IBC Code, IGC Code, INF Code, ISM Code and STCW Code, respectively.

63 The above amendments to the SOLAS Convention, the 1988 SOLAS and LL Protocols and the mandatory Codes (except for the IBC Code) are expected to enter into force on 1 July 2006 provided they are accepted on 1 January 2006; while the amendments to the

IBC Code are expected to enter into force on 1 January 2007 (the same entry-into-force date of the revised MARPOL Annex II) provided they are accepted on 1 July 2006.

64 The Committee adopted the proposed amendments to the 1966 Load Lines Convention and approved the associated draft Assembly resolution, for submission to the twenty-fourth Assembly for adoption in accordance with article 29(3) of the Convention.

65 The Committee also adopted the following new instruments:

- .1 Standards and criteria for side structures of bulk carriers of single-side skin construction, by resolution MSC.168(79); and
- .2 Standards for owners' inspection and maintenance of bulk carrier hatch covers, by resolution MSC.169(79),

which will become mandatory under the revised SOLAS chapter XII, and are expected to become effective on 1 July 2006 as decided by the Committee when adopting resolution MSC.170(79) referred to in paragraph 62.1.

Amendments adopted by MSC 80

66 In separate expanded sessions, MSC 80 considered and:

- .1 by resolution MSC.194(80), adopted amendments to chapters II-1, II-2, VI, IX, XI-1 and XI-2 of, and to the appendix to the Annex to, the 1974 SOLAS Convention;
- .2 by resolutions MSC.195(80) and MSC.196(80), adopted amendments to the ISM Code and ISPS Code, respectively; and
- .3 by resolution MSC.197(80), adopted amendments to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (ESP Guidelines) (resolution A.744(18)).

67 The above amendments to the 1974 SOLAS Convention and to the mandatory ISM and ISPS Codes are expected to enter into force on 1 January 2009 provided they are deemed to have been accepted on 1 July 2008; while the amendments to SOLAS chapter II-1 parts A, A-1, B and C and the EPS Guidelines are expected to enter into force on 1 January 2007 provided they are deemed to have been accepted on 1 July 2006.

PARTICULARLY IMPORTANT MSC ACTIVITIES

Passenger ship safety

68 MSC 78 progressed work on large passenger ship safety on the basis of the outcome of the outstanding issues from MSC 77 and the *ad hoc* working group established during the session and the Sub-Committees tasked with the consideration of various items under their purview. Having considered the need to provide a clear definition of the term "large passenger ships" and having noted that it had instructed the Sub-Committees to develop relevant parameters for application purposes of any proposed recommendations, the Committee noted that the review associated with this proactive initiative had highlighted areas of concern for all sizes of passenger

ships, particularly for passenger ships operating in areas that lack sufficient SAR services or are remote to such services. It also noted the views of its working group that its main task had been to propose a new regulatory philosophy for the design, construction and operation of passenger ships that would better address the future needs of this industry as a whole.

69 MSC 79, having further debated the issue of large passenger ship safety, in particular:

- .1 agreed that the word “large” should be deleted from the title of the item and that the subsidiary bodies should continue to develop relevant parameters, as necessary, for application purposes of any proposed requirements and recommendations;
- .2 having noted the parameters that should be used by Sub-Committees to specify design and operational characteristics for application purposes, emphasized the original intent of the guiding philosophy, in particular, that future passenger ships should be designed for improved survivability so that, in the event of a casualty, persons can stay safely on board as the ship proceeds to port; and
- .3 approved the revised work plan on passenger ship safety for the Sub-Committees to take action as appropriate and agreed to the revised guiding philosophy, strategic goals and objectives, having expressed the view that there was enough information to allow the Sub-Committees to complete their assigned tasks by 2006.

70 MSC 80, having noted the progress made by STW 36, FP 49, COMSAR 9 and DE 48 on passenger ship safety, endorsed the work carried out by the Sub-Committees, in particular concerning SOLAS carriage requirements for infant personal life-saving appliances, draft SOLAS amendments and draft guidelines regarding the approval of alternative designs and arrangements, requirements and performance standards for essential systems and services, and, having considered the report of its ad hoc drafting group:

- .1 approved the revised work plan on the issue and forwarded it to the Sub-Committees concerned for appropriate action;
- .2 approved a definition of the term “casualty threshold” and, instead of the term “time to remain habitable”, approved a definition for a new term “time for orderly evacuation and abandonment”; and
- .3 with regard to the 3-hour timeframe for habitability and its previous decision that future passenger ships should be designed to meet the safe return to port concept after a casualty and that the relevant casualty threshold should be developed, instructed the FP and SLF Sub-Committees, in the event a casualty exceeds the threshold, to develop an additional casualty scenario, for design purposes, to support the concept that the ship will remain viable for at least 3 hours to allow for a safe and orderly evacuation and abandonment.

WMU research project on passenger ship safety

71 Having recalled that MSC 78 had requested the World Maritime University (WMU) to study the possibility of it taking a role in co-ordinating a SAR research project to assist the Organization in its work on passenger ship safety and, having considered the WMU Proposal to co-ordinate the SAR research programme related to passenger ship safety, MSC 80 agreed to the Proposal and:

- .1 requested the WMU to proceed with phase 1 of the Proposal and to implement it from May 2005 to April 2006; and
- .2 with regard to phase 2, in view of the fact that any work beyond phase 1 would require funds to carry out any further research, decided to request the Secretary-General to include in his budget proposals for the 2006-2007 biennium an amount equivalent to US\$90,000 in order to implement phase 2 of the project, and agreed to take a decision on the implementation of phase 2 after considering the results of phase 1 at MSC 82.

Bulk carrier safety

72 MSC 78 continued work on bulk carrier safety from the specific viewpoint and with regard to:

- .1 comparative studies on single- and double-side skin construction, having recalled its decision at MSC 76 to require double-side skin construction for all new bulk carriers of 150 m in length and upwards, decided not to make double-side skin construction mandatory but to offer it as an optional alternative and to develop appropriate amendments to SOLAS chapter XII; and
- .2 Sub-Committees' recommendations for decision-making that entailed technical decisions, approved the proposed draft amendments to SOLAS chapter XII and draft Standards and criteria for side structures of bulk carriers of single-side skin construction and the associated draft Standards for owners' inspections and maintenance of bulk carrier hatch covers, which were adopted at MSC 79.

Measures to enhance maritime security

73 During the period under review, the Committee considered the outcome on a number of issues relating to maritime security, which it had referred to various IMO bodies, as well as the decisions of A 23 in this respect. Furthermore, the Committee considered relevant issues raised by SOLAS Contracting Governments and international organizations relating to the decisions of the 2002 SOLAS Conference, decisions of various IMO bodies and the implementation of the special measures to enhance maritime security.

74 Following detailed consideration of the issues involved, the Committee approved a number of MSC circulars which provide guidance or guidelines in relation to the implementation of SOLAS chapter XI-2 and the ISPS Code or address other related matters such as the shore leave of seafarers, training and certification of ship, Company and port facility. At MSC 78, the Committee adopted resolution MSC.159(78) on Interim guidance on control and compliance measures to enhance maritime security and, in an attempt to assist the efforts of SOLAS Contracting Governments, further provided Interim guidance on voluntary self-assessment by SOLAS Contracting Governments and by port facilities.

75 The Committee also monitored the entry into force and the level of implementation of the special measures to enhance maritime security and reiterated, on a number of occasions, the need for all SOLAS Contracting Governments to fulfil all their obligations under the relevant provisions of SOLAS chapter XI-2 and of the ISPS Code and, in particular, to communicate to the Organization the information specified in SOLAS regulation XI-2/13.

76 At MSC 80, following consideration of issues relating to the implementation of the special measures to enhance maritime security, including the input by the appropriate Sub-Committees, the Committee approved:

- .1 draft amendments to the STCW Convention, regarding requirements for the issue of certificates of proficiency for ship security officers, for adoption at MSC 81;
- .2 draft amendments to part A of the STCW Code, concerning training requirements for the issue of certificates of proficiency for ship security officers, for adoption at MSC 81; and
- .3 draft amendments to part B of the STCW Code, regarding guidance on training for ship security officers.

77 MSC 80 also approved, for dissemination by means of MSC circulars:

- .1 guidelines on training and certification of company security officers;
- .2 guidance on the access of public authorities, emergency response services and pilots onboard ships to which SOLAS chapter XI-2 and the ISPS Code apply;
- .3 guidance on the priority and testing of ship security alert systems; and
- .4 interim scheme for the compliance of certain cargo ships with the special measures to enhance maritime security,

and adopted, by resolution MSC.198(80), amendments to the Format and guidelines for the maintenance of the continuous synopsis record (CSR) (resolution A.959(23)), updating the CSR format to include the IMO unique company and registered owner identification number and addressing a number of practical difficulties encountered during the transfer of flag.

Long-range identification and tracking of ships

78 MSC 80 continued its work on the development and adoption of requirements relating to long-range identification and tracking systems and decided to expand the scope, at an appropriate time, to safety and environmental applications. The Committee extensively discussed the proposed SOLAS regulation on long-range identification and tracking of ships (LRIT), the purpose of which is, *inter alia*, the establishment of a mechanism for the collection from ships of LRIT information for security, search and rescue and any other purposes as determined by the Organization and of a scheme for the provision of LRIT information to SOLAS Contracting Governments (as flag, port or coastal States). Although it was widely acknowledged that significant progress was made in relation to the provision of LRIT information to SOLAS Contracting Governments, it was recognized that there were several outstanding issues which needed to be resolved before the adoption of amendments to SOLAS on LRIT. MSC 80, therefore, agreed to hold:

- .1 an MSC intersessional working group on LRIT, for the purpose of developing appropriate draft SOLAS amendments on LRIT, so that SOLAS Contracting Governments can submit a proposal for draft SOLAS amendments, for consideration with a view to adoption at MSC 81; and

- .2 a COMSAR intersessional working group, prior to COMSAR 10, so as to enable COMSAR 10 to complete its own work on LRIT.

Co-operation with ILO

79 Following the adoption by the 2002 SOLAS Conference of Conference resolution 8 on Enhancement of security in co-operation with ILO, the Committee noted that the ninety-first session of the General Conference of ILO adopted the Seafarers' Identity Documents Convention (Revised), 2003 (ILO Convention No.185) and in addition, that the ILO Governing Body, at its 289th session, in order to facilitate the early acceptance of Convention No.185, had selected for use the *minutiae*-based method for fingerprint template creation, truncation and barcode storage as embodying the standard for the seafarer's fingerprint template required under the Convention. In addition, the ILO Governing Body approved, at its 289th session, and MSC 78 approved the ILO/IMO Code of practice on security in ports, for joint publication. The ILO/IMO Code of practice on security in ports complements the provisions of the ISPS Code with respect to security of the wider port area and provides useful guidance to assist in reducing the risk to ports from threats posed by unlawful acts.

Goal-based new ship construction standards (GBS)

80 MSC 78 noted that A 23 had introduced an item on goal-based new ship construction standards in the long-term work plan of the Organization regarding the development of GBS, the objective of which would be to introduce a system whereby the standards should be a measure against which ship safety could be assessed during the design and construction stages as well as during its operation. It discussed a submission by the Bahamas, Greece and IACS which, in particular, proposed to divide the standard-setting process into five tiers and described the general purpose of each tier, and noted, *inter alia*, that maintenance, survey and operation should also be considered, standards should not be prescriptive and should be flexible to accommodate and encourage innovations in design and construction technology. The Committee highlighted other issues, such as the design life and environmental conditions; widening the scope of materials used in ship design; safeguarding the impartiality of verification procedures; implications resulting from acceptance criteria and certification of ships; the issue of governance; who will set the standards; and which sea area would be used. There was support for the view that the introduction of GBS should not be seen as a decision-making tool, but rather as a philosophy or new working method.

81 The Committee decided to establish a working group at MSC 79, emphasizing that, in its deliberations, the working group should also bear in mind environmental, human element and security issues and agreed that, for the time being, the work should remain under the auspices of the MSC, with the understanding that the MEPC will consider the issue from the environmental protection point of view and provide its contribution as appropriate.

82 MSC 79 considered ten potential issues on GBS presented by the Chairman and agreed, in general, with the basic understanding on which further work on GBS should be progressed and, in addition, also briefly discussed the link between goal-based standards (in particular, the monitoring and verification aspects) and the Voluntary IMO Member State Audit Scheme; the relationship between the roles of formal safety assessment (FSA) and GBS; the concept of a ship safety assurance system; aspects of GBS in the light of accountability, universality, enforcement and feedback for the maritime regulatory regime; and specific application of human element principles and goals. Having received an oral report of the working group, the Committee noted the progress made and, in particular, that the group had:

- .1 developed basic principles for, and reached general agreement on a framework of, goal-based new ship construction standards;
- .2 developed Tier I (goals) and Tier II (functional requirements) and dealt with associated matters;
- .3 prepared a work plan which also includes an item to explore the linkage between FSA and GBS; and
- .4 discussed verification and compliance criteria (Tier III) and related issues.

83 MSC 80, had a lengthy discussion of basic principles of goal-based standards (GBS), methodology, Tier I (Goals), Tier II (Functional requirements), Tier III (Verification of compliance), incorporation of goal-based standards in IMO instruments, work plan for future work on GBS and other related issues (such as linkage between FSA and GBS and the human element) and having considered the report of the *ad hoc* working group and having approved a work plan for future work on GBS:

- .1 with regard to the methodology, noted that, while there was support for the risk-based approach, it was recommended that deterministic methodology based on the practical experience gained, should be continued. However, the application of the risk-based methodology to the development of GBS, in order to keep both approaches on a parallel track, would be studied intersessionally so that the matter could be discussed in detail at MSC 81;
- .2 agreed, in principle, to the basic principles of goal-based standards, as reflected in paragraph 6.38 of document MSC 80/24;
- .3 agreed, in principle, to the Tier I (Goals) for new ship construction standards (whereby ships are to be designed and constructed for a specified design life to be safe and environmentally friendly, when properly operated and maintained under specified operating and environmental conditions, in intact and specified damage conditions, throughout their life) and defined the elements thereof;
- .4 noted that the group developed the functional requirements (Tier II), consisting of applicability, design life, environmental conditions, fatigue life, structural strength, residual strength, construction quality procedures, maintenance, design transparency, survey protection against corrosion and watertight and weathertight integrity, as described in paragraphs 6.41 to 6.56 of document MSC 80/24; and
- .5 established a correspondence group instructing it to develop Tier III criteria for the verification of compliance with GBS.

Implementation of the revised STCW Convention

Preparation of reports pursuant to STCW regulation I/7, paragraph 2

84 During the period under review, the Committee confirmed that information communicated by five additional Parties demonstrated that these Parties were giving full and complete effect to the relevant provisions of the Convention. At present, out of the 149 Parties to the Convention, 115 have been confirmed by the Committee, as promulgated in MSC/Circ.1163.

Preparation of reports pursuant to STCW regulation I/8

85 During the period under review, the Committee confirmed that reports of independent evaluations communicated by 50 additional Parties demonstrated that these Parties were continuing to give full and complete effect to the requirements of the Convention. The Committee approved MSC/Circ.1164 on 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 demonstrated that Parties are giving full and complete effect to the relevant provisions of the Convention.

Approval of competent persons

86 During the period under review, the Committee approved additional competent persons nominated by Governments, and instructed the Secretariat to update the relevant MSC circular accordingly.

Voluntary IMO Member State Audit Scheme

87 The Committee's outcome on this issue will be reported to the Assembly under agenda item 19.

THE WORK OF SUB-COMMITTEES

BULK LIQUIDS AND GASES

88 The Sub-Committee on Bulk Liquids and Gases (BLG) was scheduled to meet once during the biennium: the ninth session was held from 4 to 8 April 2005. While the outcome of BLG 8 was reported to MSC 78, the outcome of BLG 9 will be reported to MSC 81.

Amendments to, and unified interpretation of, the IBC and IGC Codes

89 MSC 78 approved the proposed draft amendments to the IGC and IBC Codes related to electrical installation and, while agreeing to incorporate the draft amendments to the IBC Code in the revised text of the IBC Code to be adopted by MSC 79 and MEPC 52 (see also paragraph 91), decided to adopt the draft amendments to the IGC Code at MSC 79. The Committee also approved unified interpretations of the IBC and IGC Codes for dissemination by means of an MSC circular.

Safety data for the evaluation of chemicals

90 The Committee, having noted the pertinent outcome of MEPC 49 on the matter, urged the chemical industry to provide the missing safety data for the products to enable the GESAMP Hazard Profiles to be completed and agreed, in line with the relevant MEPC 49 decision regarding products with incomplete evaluation relating to marine pollution criteria, that those products with missing safety properties should not appear in the text of the revised IBC Code.

Revised text of the IBC Code and consequential amendments to SOLAS chapter VII

91 Acting upon a request of MEPC 51 to consider, with a view to approval, the revised text of the IBC Code that it had approved for adoption at MEPC 52, MSC 78 agreed that the revised text of the IBC Code should incorporate latest revisions (including the draft amendments relating

to materials of construction, electrical installations, fire-protection, in particular updating the cross-references to SOLAS chapter II-2) and approved the draft amendments to the IBC Code and consequential draft amendments to SOLAS chapter VII, which were subsequently adopted at MSC 79.

DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS

92 The Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC) was scheduled to meet twice during the biennium: the ninth session was held from 27 September to 1 October 2004 and the tenth session from 26 to 30 September 2005. The outcome of DSC 9 was reported to MSC 79 and MSC 80 and the outcome of DSC 10 will be reported to MSC 81.

Dangerous goods in limited quantities

93 MSC 78 agreed that issues related to dangerous goods in limited quantities should be considered in the context of facilitating multimodal transport and that issues related to the need for the identification of, and documentation for, such goods would require detailed consideration in the context of maritime transport. The Committee also agreed that consolidation of dangerous goods in limited quantities could lead to a situation whereby considerable quantities of dangerous goods would be packed in one cargo transport unit and the consequences of such a development would require in-depth study. The Committee noted that the views on this subject had been conveyed to the UN Sub-Committee of experts on the transport of dangerous goods. MSC 80 endorsed DSC 9's decisions regarding the transport of dangerous goods in limited quantities, expected quantities and consumer quantities.

Revised Code of safe practice for solid bulk cargoes (BC Code) and its mandatory application

94 MSC 78 concurred in the feasibility of making either the whole or parts of the BC Code mandatory and agreed to give industry an opportunity to become familiar with its new format before making it mandatory. The Committee further agreed that, in order to make the BC Code mandatory, SOLAS chapters VI and VII should be amended and the present Code should be converted into a new format. Therefore, the DSC Sub-Committee was requested to prepare a revised text of the BC Code, and appropriate draft amendments to the SOLAS Convention.

95 MSC 79 adopted, by resolution MSC.193(79), the Code of safe practice for solid bulk cargoes, 2004 and endorsed the timetable on the envisaged sequence of events leading to the mandatory application of the BC Code, noting that future work on the mandatory application of the BC Code would include:

- .1 identification of mandatory and recommendatory parts of the BC Code, including consequential amendments; and
- .2 preparation of draft amendments to SOLAS chapters VI and VII on making the BC Code mandatory.

Ballast water management: cargo-related matters

96 The Committee concurred with the views of the DSC Sub-Committee regarding cargo-related aspects of ballast water exchange in the context of ballast water management and agreed that no further work would be needed to account for conditions of ballast water exchange in the cargo securing manual.

Manual on loading and unloading of solid bulk cargoes for terminal representatives

97 MSC 80 approved an MSC circular on Manual on loading and unloading of solid bulk cargoes for terminal representatives.

Shipments of class 7 radioactive materials

98 MSC 80 endorsed DSC 9's confirmation that all shipments of class 7 radioactive materials, when in compliance with the relevant provisions of SOLAS chapter VII and the IMDG Code, should not be denied on grounds of safety.

Structural deficiencies in containers

99 MSC 80 approved the guidance on structural deficiencies in containers.

FIRE PROTECTION

100 The Sub-Committee on Fire Protection (FP) was scheduled to meet twice during the biennium: the forty-eighth session was held from 12 to 16 January 2004 and the forty-ninth session was held from 24 to 28 January 2005. The outcome of FP 48 was reported to MSC 78 and that of FP 49 to MSC 80.

Unified interpretations of the revised SOLAS chapter II-2 and related codes and fire test procedures

101 MSC 78 approved the unified interpretations of SOLAS chapter II-2, the Fire Safety Systems (FSS) Code, the Fire Test Procedures (FTP) Code and related fire test procedures, having agreed to 1 July 2004 as their implementation date.

Revision of the fishing vessel Safety Code and Voluntary Guidelines

102 MSC 78 noted that the FP Sub-Committee had completed its work on the fire protection-related chapters of the draft revised fishing vessel Safety Code and Voluntary Guidelines and had forwarded them to the SLF Sub-Committee for co-ordination purposes, having invited the SLF Sub-Committee to include, in the revised Safety Code, references to the FTP and FSS Codes and the provisions of the International Standard IEC Publication 60079.

Amendments to mandatory instruments

103 MSC 79 adopted amendments to the FTP Code relating to the sulphur dioxide gas concentration for floor coverings; and MSC 80 approved draft amendments to:

- .1 SOLAS regulation II-2/9.4.1.3.3 relating to protection of openings in fire resisting division, for adoption at MSC 81;
- .2 chapter 5 of the Fire Safety Systems (FSS) Code, for adoption at MSC 81;
- .3 the 2000 HSC Code and forwarded them to the DE Sub-Committee for co-ordination purposes; and

- .4 SOLAS regulation II-2/15 (Arrangements for oil fuel, lubricating oil and other flammable oils), for adoption at MSC 81. In this respect, the Committee also approved a circular on application of SOLAS regulation II-2/15 for lubricating oil and other flammable oil arrangements for ships built before 1 July 1998.

Evacuation matters

104 In dealing with matters relating to evacuation, MSC 80 approved guidelines for a simplified evacuation analysis for high-speed passenger craft; functional requirements and performance standards for the assessment of evacuation guidance systems; and interim guidelines for the testing and approval and maintenance of evacuation guidance systems alternative to the low-location lighting systems.

Fire-extinguishing systems

105 MSC 80 approved the Revised Guidelines for the approval of equivalent water-based fire-extinguishing systems for machinery spaces and cargo pump-rooms.

FLAG STATE IMPLEMENTATION

106 The Sub-Committee on Flag State Implementation (FSI) was scheduled to meet twice during the biennium: the twelfth session was held from 15 to 19 March 2004 and the thirteenth session from 7 to 11 March 2005. The outcome of FSI 12 was reported to MSC 78 and MSC 79 and the outcome of FSI 13 was reported to MSC 80 with remaining items to be considered by MSC 81.

Casualty-related matters

107 MSC 78 and MSC 79, in order to assist the Organization in receiving the information needed on casualties, endorsed the FSI Sub-Committee's reminder to Member States on the provision of casualty-related information. Subsequently, MSC 80 and MEPC 53 approved an MSC/MEPC circular on Reports on marine casualties and incidents, to supersede MSC/Circ.953 – MEPC/Circ.372.

108 With regard to the use of formal safety assessment (FSA) methodology in the casualty analysis process, MSC 78 noted that the FSI Sub-Committee had noted that the use of the FSA methodology in casualty analysis would be a good step forward towards improvement in organizing casualty analysis, and MSC 79, in considering this outcome in conjunction with the pertinent outcome of the MSC Correspondence Group on FSA, instructed the FSI Sub-Committee to ensure that casualty data are collected in a uniform manner and to develop guidelines for analysis of casualties, which could also be used as a guidance by other Sub-Committees.

109 Having received updated information concerning the work of the Inter-Industry Working Group (IIWG) established to study reported incidents of explosions on chemical and product carriers and, having recalled that the Secretariat had invited relevant flag States to provide information on the findings of the investigations into casualties of six ships, MSC 80 urged the other flag States to provide IMO and, through the Secretariat, the IIWG with the outstanding reports on the investigation into the casualties and Member Governments to respond positively to the request from the IIWG for related casualty investigation findings; and further invited the IIWG, after having carried out its analysis of the above-mentioned six casualties and any

other relevant reports, to submit its interim report to FP 50, STW 37, DE 47 and BLG 10, instructing these Sub-Committees to submit their consequential comments on the IIWG's interim report to MSC 81.

Code for the implementation of mandatory IMO instruments

110 MSC 80 and MEPC 53 approved the draft Code for the implementation of mandatory IMO instruments and its associated draft Assembly resolution, both of which had been previously finalized by FSI 13 and brought to the attention of the Joint MSC/MEPC/TCC Working Group on Voluntary IMO Member State Audit Scheme.

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

111 Having endorsed, at MSC 78, the Sub-Committee's proposal to organize a second meeting of the Joint IMO/FAO Working Group on IUU Fishing and Related Matters, with a view to stimulating further co-operation between IMO, FAO and regional fishery management organizations, MSC 80, subsequently, endorsed also the Sub-Committee's instructions to the Secretariat to progress the preparatory work, in co-operation with the FAO Secretariat and with a view to convening the second meeting in July 2006. In this context, the Committee noted that FSI 13 had received information on the reported endorsement, by the FAO Committee on Fisheries, of the Code of Safety for Fishermen and Fishing Vessels, 2005 and the Voluntary Guidelines for the design, construction and equipment of small fishing vessels, 2005, both of which were also approved by ILO, for publication by IMO. The Committee also noted the progress being made by Member States towards the ratification of the Torremolinos Protocol and the STCW-F Convention, and welcomed the offer by IUMI to provide IMO and FAO with data on casualties to fishing vessels.

Guidance for checking the structure of bulk carriers

112 In concurring with the Sub-Committee's view concerning the urgency to provide PSC officers with guidance for the inspection of bulk carriers, at the earliest convenience, the Committee approved the Guidance for checking the structure of bulk carriers.

IMO unique company and registered owner identification number scheme

113 In considering proposals for establishing a scheme for unique ID number for companies and registered owners, similar to the IMO ship identification number scheme, in collaboration with Lloyd's Register-Fairplay (LR-F), MSC 78 considered in detail the guiding principles that could affect the development of the scheme. Following discussion, which also included the identification of the eligible entities for the completion of the forms, requesting the assignment of unique IDs by LR-F, reference to the "designated person" and an insertion of the unique IDs on certificates during the voluntary period of implementation, the Committee:

- .1 adopted resolution MSC.160(78) on Adoption of the IMO unique company and registered owner identification number scheme;
- .2 approved Circular letter No.2554 on Implementation of IMO unique company and registered owner identification number scheme; and
- .3 approved, with a view to making the IMO unique company and registered owner identification number mandatory, proposed amendments to the 1974 SOLAS

Convention, as well as to the ISM and ISPS Codes and resolution A.959(23), which, following consideration by MSC 79 and MSC 80, were eventually adopted by MSC 80.

Port State control-related matters

114 MSC 79 and MSC 80 considered the outcome of the Sub-Committee's review of the report of the second and third Workshops for Port State Control MOU/Agreement Secretaries and Directors of Information Centres and took relevant decisions, as reflected in paragraphs 9.7 to 9.12 of document MSC 79/23, and in paragraphs 16.6 to 16.9 of document MSC 80/24.

Transfer of ships between States

115 MSC 79 considered the opinion of the Sub-Committee regarding the establishment of the procedure under which the transfer of ships between flags should be conducted and approved a circular on transfer of ships between States.

Guidelines for the authorization of organizations acting on behalf of the Administrations

116 MSC 79 approved draft amendments to the Guidelines for the authorization of organizations acting on behalf of the Administrations (resolution A.739(18)) which are mandatory under SOLAS chapter XI-1, for adoption at MSC 81. In this context, the Committee noted that the draft amendments were concerned with the use of exclusive surveyors and auditors employed solely by ROs authorized to act on behalf of an Administration and that Administrations can always employ or nominate their own surveyors and auditors, or request another party State, for the purpose of carrying out statutory surveys and certification functions.

Code for the investigation of marine casualties and incidents

117 Having noted the overwhelming support of the FSI Sub-Committee for making the Code for the investigation of marine casualties and incidents mandatory, and having concurred with the establishment of the Sub-Committee's correspondence group on the review of the Code, which had been instructed to consider all aspects of the revision of the Code, including the review of any implications to the implementation of a mandatory Code, MSC 80 instructed the Sub-Committee to develop a draft revised Code; on completion, to determine whether the revised Code itself or parts thereof should be made mandatory; and to provide recommendations as to how such a revised Code should be made mandatory, in full or in part.

ISM Code-related matters

118 MSC 80 recalled that, following its decision that an assessment of the impact of the ISM Code should be made, the Secretary-General had established an Independent Group of Experts on the ISM Code and that MSC 78 and MEPC 52 had instructed the FSI Sub-Committee to commence the revision of the Revised Guidelines on implementation of the ISM Code. The Committee concurred with the Sub-Committee's decision to defer further consideration of the proposals concerning the revision of the Revised Guidelines, taking into account the expected outcome of the aforementioned Independent Group of Experts.

Amendments to, and interpretations of, mandatory instruments

119 The Committee, at MSC 80, approved:

- .1 draft amendments to regulation I/10(a)(v) of the 1988 SOLAS Protocol, for adoption at MSC 81; and
- .2 subject to MEPC's concurrent approval, which was given at MEPC 53, recommended conditions for extending the period of validity of a certificate; and interpretations of the date of completion of the survey and verification on which the certificates are based.

Matters related to transfer of class

120 Having supported FSI 13's decision that the Guidelines for the Administration to ensure the adequacy of transfer of class-related matters between recognized organizations should be compatible with IACS's Transfer of Class Agreement (TOCA) and that the new provisions should also cover the requirements concerning transfers from a non-IACS society to an IACS society, MSC 80 approved, subject to MEPC's concurrent decision, which was given at MEPC 53, a draft circular on Guidelines for Administrations to ensure the adequacy of transfer of class-related matters between recognized organizations (ROs).

IMO Global Integrated Shipping Information System (GISIS)

121 Having considered an update on the issue, in particular that a circular letter was being prepared containing a user's manual describing the structure and capabilities of GISIS, the Committee noted that the GISIS modules on recognized organizations; on the condition assessment scheme (CAS); and on casualties had become available on the IMO website, and agreed to consider the matter further at MSC 81.

RADIOCOMMUNICATIONS AND SEARCH AND RESCUE

122 The Sub-Committee on Radiocommunications and Search and Rescue (COMSAR) met twice during the biennium: the eighth session was held from 16 to 20 February 2004 and the ninth session from 7 to 11 February 2005. The outcome of COMSAR 8 was reported to MSC 78 and that of COMSAR 9 to MSC 80.

Adoption of the revised NAVTEX Manual

123 MSC 78 adopted the revised NAVTEX Manual, having decided that the revised Manual should enter into force on 1 January 2006.

Listening watch on VHF channel by SOLAS ships

124 MSC 78 noted the COMSAR Sub-Committee's view that listening watch on VHF channel 16 by SOLAS ships, while at sea, should be kept for the foreseeable future with a view to providing a distress alerting and communication channel for non-SOLAS vessels; and bridge-to-bridge communications for SOLAS ships.

SAR Plan-related matters

125 MSC 78, having endorsed the issue of the SAR circular on the Global SAR Plan, urged Member Governments to:

- .1 respond to the questionnaire on the current availability of SAR services world-wide as soon as possible; and
- .2 inform the Secretary-General on the established agreements on search and rescue regions and services, in accordance with the 1979 SAR Convention.

126 The Committee considered the information on the financial analysis, estimates and recommendations for the establishment of regional MRCCs and MRSCs in the African countries, and noted that the need for the establishment of an International SAR Fund was strongly supported, initially for the establishment of the five regional MRCCs and 26 MRSCs in Africa. The SAR Fund would also provide for the continued maintenance of an effective global system for the distribution of distress alert data and appropriate operational information via publicly accessible or dedicated communications networks; databases for the operation of the GMDSS and SAR professional and technical training resources; and other resources deemed necessary for the effective implementation of the Global SAR Plan. The Committee, therefore:

- .1 invited the Technical Co-operation Committee to provide appropriate advice to the Council on the establishment of the International SAR Fund;
- .2 invited the Council to consider establishing the International SAR Fund, as recommended by the 2000 Florence SAR Conference in its resolution No.2; and
- .3 instructed the Secretariat to continue its activity to develop the Pilot Project for the establishment and operation of the regional MRCCs and MRSCs for East Africa, reiterated at MSC 80.

127 Pursuant to the subsequent decision of C 92, the International SAR Fund was established as a multi-donor trust, under the auspices of the Secretary-General. Potential donors were invited to contribute in order that the Organization might assist developing countries to enhance their maritime search and rescue capability, with a view to the effective implementation of the Global SAR Plan.

Medical assistance in SAR services

128 MSC 78 endorsed the identification of passenger ships, other than ro-ro passenger ships, which should benefit from being equipped with an emergency medical kit/bag (EMK), as these are passenger ships not carrying a medical doctor on board but carrying more than 100 passengers on a route which would make the response time for a medical intervention from ashore longer than 30 minutes. MSC 80 approved a circular on identification of passenger ships which should benefit from being equipped with the emergency medical kit.

Amendments to the IAMSAR Manual

129 In accordance with the provisions of resolution A.894(21) and being advised of ICAO's concurrent approval, MSC 78 and MSC 80 adopted amendments to the IAMSAR Manual and decided that they should enter into force on 1 January 2005 and 1 June 2006 respectively.

Guidelines on the treatment of persons rescued at sea

130 Pursuant to the adoption of the associated amendments to SOLAS chapter V and the SAR Convention (see paragraphs 59.1 and 59.3), MSC 78, by resolution MSC.167(78), adopted

the Guidelines on the treatment of persons rescued at sea. Recalling the Secretary-General's inter-agency initiative on the treatment of persons rescued at sea, the Committee instructed the Secretariat to bring the above developments and the Committee's decision to the attention of the next inter-agency meeting, which was subsequently held on 12 July 2004 at IMO Headquarters, in order to consider what additional guidance could be developed for co-operation between Contracting Governments and parties to the respective conventions in discharging their collective responsibility in providing appropriate places of safety for survivors.

Outcome of the second meeting of the UN Inter-agency group on the treatment of persons rescued at sea

131 MSC 79 considered information on the above meeting which had reaffirmed that, in order to protect the integrity of the SAR system, the master was not competent, and should not be required, to decide upon the legal status of the persons rescued, i.e. whether they are asylum seekers, refugees, undocumented migrants, etc. However, in all probability, the master would be called upon by shore authorities to seek information from those rescued in order to facilitate their disembarkation. Accordingly, the meeting had also agreed that general guidance was required in these instances for the post-rescue phase to assist the master, shipowners and Governments concerned in those cases. This guidance was mainly being developed by the United Nations High Commissioner for Refugees (UNHCR) and other competent agencies, with the Secretariat providing a co-ordinating role and would comprise a brief guide as to which organizations to contact, their respective major responsibilities and other relevant general advice. The Committee welcomed the involvement of the relevant UN agencies in this regard and the intention of the proposed guidance to further assist in disembarking the persons rescued with the least disruption, but expressed the expectation that such guidance should not in any way conflict with the delicately balanced compromise achieved at MSC 78 in the adoption of relevant amendments to the SOLAS and SAR Conventions and the associated Guidelines.

Radio services for the GMDSS

132 MSC 80, by resolution MSC.199(80), adopted amendments to the Provision of radio services for the Global Maritime Distress and Safety System (GMDSS) (resolution A.801(19)).

IMO liaison statements to ITU and IEC

133 MSC 80 endorsed the conveyance of the liaison statement on developments in marine radiocommunication systems and technology, to ITU; the liaison statement concerning the technical characteristics of NAVTEX services and reliability predictions for MF radiocommunications in sea area A2, to ITU; and the liaison statement addressing the issue of DSC complexity, to ITU and IEC.

Satellite services

134 Having recalled that MSC 79 had agreed that Inmarsat-E services should be closed on 1 December 2006, MSC 80 approved a circular on closure of Inmarsat-E services by Inmarsat Ltd.; and approved consequential draft amendments to SOLAS chapter IV, for adoption at MSC 81.

SAFETY OF NAVIGATION

135 The Sub-Committee on Safety of Navigation (NAV) was scheduled to meet twice in the biennium: the fiftieth session was held from 5 to 9 July 2004 and the fifty-first session

from 6 to 10 June 2005. The outcome of NAV 50 was reported to MSC 79 and that of NAV 51 will be reported to MSC 81.

Ships' routing measures and mandatory ship reporting systems

136 During the period under review, the Committee, in accordance with the provisions of resolution A.858(20), adopted a number of:

- .1 new, and amendments to existing, traffic separation schemes (TSSs);
- .2 routing measures other than traffic separation schemes; and
- .3 mandatory ship reporting systems in the Western European Waters Particularly Sensitive Sea Area,

and decided on the dates they should become effective.

137 MSC 79 considered a proposal to extend the associated protective measure of a system of pilotage within the Great Barrier Reef to include the Torres Straits and invited the MEPC to consider adopting the appropriate resolution. In this context, the Committee further decided that there was no need to develop guidelines and criteria for a pilotage system in straits used for international navigation.

Performance standards for navigational equipment

138 In accordance with resolution A.886(21), MSC 78 and MSC 79 adopted:

- .1 resolution MSC.163(78) on Performance standards for shipborne simplified voyage data recorders (S-VDRs);
- .2 resolution MSC.164(78) on Revised performance standards for radar reflectors;
- .3 resolution MSC.166(78) on Application of performance standards for transmitting heading devices (THDs) to marine transmitting magnetic heading devices (TMHDs);
- .4 resolution MSC.191(79) on Performance standards for the presentation of navigation-related information on shipborne navigational displays; and
- .5 resolution MSC.192(79) on Revised performance standards for radar equipment.

Proposed amendments to the 1979 SOLAS Convention and the 1988 SOLAS Protocol

139 The Committee approved at MSC 78 and adopted at MSC 79 amendments to regulation V/19.2.5.1 (fitting of a gyro compass) and regulation V/20 (fitting of S-VDRs) and to the Record of Equipment for Cargo Ship Safety Equipment Certificate of the 1974 SOLAS Convention; and amendments to the Record of Equipment for Cargo Ship Safety Equipment Certificate of the 1988 SOLAS Protocol.

Amendments to the General provisions on ships' routing and the Guidelines and criteria for ship reporting systems

140 In accordance with resolution A.572(14), MSC 78 and MSC 79 adopted, subject to confirmation by the Assembly, proposed amendments to the General provisions on ships' routing and, by resolution MSC.189(79), adopted amendments to the Guidelines and criteria for ship reporting systems.

Transitory non-compliance when conducting ballast water exchange

141 In pursuance of the request of the MEPC to confirm the acceptability of transitory non-compliance with safety regulations, when conducting ballast water exchange, relating to propeller immersion, minimum draught and/or trim and bridge visibility, MSC 79 approved draft amendments to SOLAS regulation V/22 (Navigation bridge visibility), for adoption at MSC 81.

SHIP DESIGN AND EQUIPMENT

142 The Sub-Committee on Ship Design and Equipment (DE) was scheduled to meet twice during the biennium: the forty-seventh session was held from 25 February to 5 March 2004 and the forty-eighth session was held from 21 to 25 February 2005. The outcome of DE 47 was reported to MSC 78 and MSC 79 and that of DE 48 to MSC 80 with remaining items to be considered by MSC 81.

Life-saving arrangements and appliances

143 MSC 78 approved guidelines for periodic testing of immersion suit and anti-exposure suit seams and closures; and a circular on prevention of accidents in high free-fall launching of lifeboats.

Amendments to the 1974 SOLAS Convention and related mandatory instruments

144 MSC 79 adopted the amendments to SOLAS regulation II-1/45 concerning electrical installations in hazardous areas on board tankers.

145 MSC 79 approved proposed new SOLAS regulation II-1/3-7 (Construction drawing maintained on board and ashore), regulation II-1/3-8 (Mooring and towing equipment) and regulation II-1/23-3 (Water level detectors on single hold cargo ships other than bulk carriers); and draft amendments to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers (resolution A.744(18)), which were adopted by MSC 80.

146 MSC 80 approved draft amendments to SOLAS regulation III/7 and to the LSA Code, regarding personal life-saving appliances, for adoption at MSC 81; and, by resolution MSC.200(80), adopted amendments to the Revised recommendation on testing of life-saving appliances (resolution MSC.81(70)).

Measures to prevent accidents with lifeboats

147 MSC 79 approved the Guidance on safety during abandon ship drills using lifeboats and the Guidelines for simulated launching of free-fall lifeboats; and endorsed the updated work plan for measures to prevent accidents with lifeboats.

Water level detector performance standards

148 By resolution MSC.188(79), the Committee adopted the Performance standards for water level detectors on bulk carriers and single hold cargo ships other than bulk carriers.

Outcome of the XXVIIth Antarctic Treaty Consultative Meeting

149 Following discussion of the request of the XXVIIth Antarctic Treaty Consultative Meeting to consider amending the IMO Guidelines for ships operating in Arctic ice-covered waters, so that they are also applicable to ships operating in ice-covered waters in the Antarctic Treaty Area, the Committee instructed the DE Sub-Committee to develop amendments to the aforementioned Guidelines.

Interpretations of mandatory instruments

150 MSC 80 approved interpretations of SOLAS chapters II-1 and XII and interpretations of the 2000 HSC Code.

Performance standards for protective coatings

151 MSC 80 noted the progress made by the Sub-Committee with regard to the development of performance standards for protective coatings for dedicated seawater ballast tanks and void spaces within double-hull spaces of double-hull bulk carriers, including, *inter alia*, DE 48's agreement on a coating life of 15 years and, having agreed to the expansion of the scope of the item to apply the performance standards to all ballast and void spaces on all types of ships, instructed the DE Sub-Committee to consider incorporating in the performance standards methods and schemes of verification and survey for protective coatings; to take into account that performance standards for protective coating systems for seawater ballast tanks should be different from those for void spaces into which seawater normally does not enter; and to consider developing consequential amendments to the SOLAS Convention.

STABILITY, LOAD LINES AND FISHING VESSEL SAFETY

152 The Sub-Committee on Stability and Load Lines and on Fishing Vessels Safety (SLF) was scheduled to meet twice during the biennium: the forty-seventh session was held from 13 to 17 September 2004 and the forty-eighth session from 12 to 16 September 2005. The outcome of SLF 47 was reported to MSC 79 and MSC 80 and that of SLF 48 will be reported to MSC 81.

Revision of SOLAS chapter II-1 parts A, B and B-1

153 MSC 78 instructed SLF 47 to proceed with the development of revised SOLAS chapter II-1 parts A, B and B-1 and to endeavour to finalize the task at that session. In doing so, the Committee agreed that, under the revised SOLAS chapter II-1, all cargo ships, regardless of type, should meet the same standard of survivability, even if this meant that some types, such as certain ro-ro ships and pure car carriers, would be expected to comply with a standard higher than that currently provided in SOLAS chapter II-1. Similarly, the standard of survivability of passenger ships should not diminish with ship size and number of persons on board, although this might also mean that the current SOLAS standard would be exceeded. Subsequently, MSC 79 approved the draft amendments to SOLAS chapter II-1 parts A, A-1, B and B-1, as prepared by SLF 47, which were adopted at MSC 80.

Fishing vessel safety

154 MSC 79 approved the Code of Safety for Fishermen and Fishing Vessels, 2005; and the Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels, 2005, and instructed the Secretariat to forward them to FAO and ILO for concurrent approval, as appropriate.

155 The Committee considered the recommendation of SLF 47 to have the fishing vessel Safety Code and Voluntary Guidelines published in all the official languages of the Organization. While noting that the Secretariat does not publish codes and guidelines in more than the three working languages as a matter of policy, the Committee, in view of UN Resolution A/RES/58/240 on Oceans and the Law of the Sea and taking into account the justification provided by the Sub-Committee, agreed to the aforementioned recommendation, as an exceptional case. As invited, C 94 endorsed the Committee's decision.

156 Following completion of the work on the Safety Code and the Voluntary Guidelines, the Committee, bearing in mind that the large majority of fishing fatalities occur on board fishing vessels below 12 m in length, included, in the SLF Sub-Committee's work programme, an item on safety of small fishing vessels, aiming at developing safety standards for such fishing vessels.

Unified interpretations of IMO instruments

157 MSC 80 approved unified interpretations of SOLAS chapter II-1, and of the 1966 LL Convention and the 1988 LL Protocol and its amendments.

Stability-related information for bulk carriers

158 MSC 80 approved the Guidelines on the provision of stability-related information for bulk carriers.

TRAINING AND WATCHKEEPING

159 The Sub-Committee on Standards of Training and Watchkeeping (STW) was scheduled to meet twice in the biennium: the thirty-fifth session was held from 23 to 30 January 2004 and the thirty-sixth session from 10 to 14 January 2005. The outcome of STW 35 was reported to MSC 78 and the outcome of STW 36 to MSC 80.

Validation of model course content

160 MSC 78 approved the establishment of a validation group for new model courses; instructed the Secretariat to establish a validation panel for validation of the GMDSS Coast Station Operator's Course; and noted recent development of an inter-active training CD-ROM for an existing model course on Marine accidents and incident investigations which was prepared for distance learning purposes and as an alternative approach to the provision of training.

Unlawful practices associated with certificates of competency

161 MSC 78 invited STCW Parties to submit data in response to a questionnaire (MSC/Circ.1088) and approved an MSC circular on data to be included in documentary evidence of training leading to the award of a certificate of competency.

Development of competence for ratings

162 In considering whether standards of competence for ratings could be included within the STCW Convention, MSC 78 recognized that currently there were no such international standards and, having agreed that IMO was the appropriate body to deal with standards related to competence for ratings, instructed the Secretariat to convey this decision to ILO. MSC 79, noting the outcome of the respective ILO Preparatory Technical Conference confirming the transfer of responsibility for standards related to competence for ratings to IMO, instructed STW 36 to consider the issue and possible implications arising from the standards of training related to ratings being re-circulated by the Organization. MSC 80 endorsed STW 36's decisions related to the development of competence for ratings, including the establishment of a correspondence group.

Amendments to the STCW Code and related matters

163 MSC 79 adopted the amendments to the STCW Code concerning measures to prevent accidents with lifeboats; and MSC 80 approved:

- .1 amendments to part B of the STCW Code, to provide guidance on engine-room resource management;
- .2 draft amendments to part A of the STCW Code, regarding additional training requirements for the launching and recovery operations of fast rescue boats, for adoption at MSC 81; and
- .3 Guidance on training for fast rescue boats launch and recovery teams and boat crews.

Requirements for knowledge, skills and training for officers on wing-in-ground (WIG) craft

164 Having noted that A 22 had adopted relevant amendments to the COLREGs relating to WIG craft, MSC 80 approved the General principles and recommendations for knowledge, skills and training for officers on wing-in-ground (WIG) craft; and, noting the concerns expressed by various delegations, instructed the Secretariat to forward these General principles and recommendations to ICAO for consideration and comments.

TECHNICAL ASSISTANCE SUB-PROGRAMME IN MARITIME SAFETY AND SECURITY

Activities executed and planned

165 MSC 79 and MSC 80 noted the information provided on safety- and security-related and facilitation activities executed during 2004 and those planned for 2005 and, in particular, those activities carried out prior to and since the coming into force of the 2002 SOLAS amendments and the ISPS Code, as well as the maritime security train-the-trainer courses aimed exclusively at enhancing maritime security being delivered during 2004-2005.

Thematic priorities for the ITCP for 2006-2007

166 The Committee, having been informed that the Secretariat was preparing the ITCP for 2006-2007, for consideration by TCC 55, considered the proposal for its thematic priorities for the next biennium, and agreed that these thematic priorities were all high priorities and that the

Secretariat should consider how best to address these priorities over the next biennium, taking into account its views and the limited resources available to the ITCP.

Outcome of the third Workshop for Port State Control MoU/Agreement Secretaries and Directors of Information Centres

167 Having noted that the Workshop, which had been held at IMO Headquarters from 9 to 11 June 2004, had facilitated a technical exchange of views and the development of global recommendations on the further harmonization and co-ordination of port State control (PSC) activities; the PSC regimes' greater involvement in IMO's work; and the operational support required from the Secretariat, MSC 79 recalled its previous decision that such events should take place biennially. The Committee considered that the general question of TC Fund support for such workshops was a matter for decision by TCC and Council. Additionally, the Committee took note of the Secretary-General's view that, while the Joint Ministerial Conference of the Paris and Tokyo MoUs held in Vancouver, Canada, in November 2004, had called for further harmonization between the two regimes, such positive initiatives should not be limited to one or two regions but should be extended to all. Therefore, events such as IMO's global PSC workshops should continue and, if the TC Fund could not support them, other options, such as external donor funding or self-financing by the participants, should be explored.

168 The Committee decided to refer further consideration of this matter to FSI 13 for the Sub-Committee to consider the qualitative value of such events, as well as their funding options, and recommend to MSC 80 whether they should continue or whether alternative arrangements could be made. In the meantime, the Secretariat included a further workshop in the draft ITCP for 2006-2007, for consideration by TCC and C 94, pending the Committee's decision on the future of such events and taking into account its approval of a thematic priority for the next biennium on promoting the global harmonization and co-ordination of port State control MoUs.

Future of the workshops for PSC MoU/Agreement Secretaries and Directors of Information Centres

169 MSC 80 noted that the FSI Sub-Committee, in considering the future of the global PSC workshops, as instructed by the Committee, had acknowledged that the workshops were carrying out important work in support of global harmonization and co-ordination; in facilitating a technical exchange of views and experiences; and in building capacity among the emerging PSC regimes. The Sub-Committee had further recognized that it was essential to avoid duplication of effort by the workshops and its future PSC group, or work by the workshops that was independent from the Sub-Committee. To that end, the Sub-Committee needed to define its own PSC strategies, as well as the funding limitations for, and the level of participation in, the workshops. Having noted that the Secretariat had been instructed to submit to FSI 14 an appropriate analysis on the future of the global PSC workshops, MSC 80 requested FSI 14 to report to MSC 82 on its further consideration of the matter.

Workshop on flag State implementation

170 MSC 80 noted the summary report on the International Workshop on Flag State Implementation held at IMO Headquarters, from 2 to 4 March 2005, with financing from the United Kingdom, and instructed the Secretariat to bring it to the attention of TCC 55 since it highlighted a number of areas requiring follow-up action or assistance by the Organization.

ROLE OF THE HUMAN ELEMENT

Development of a strategic plan for addressing the human element

171 MSC 78, following consideration of documents submitted, instructed the Joint MSC/MEPC Working Group on Human Element to develop a strategic plan to address the human element for promoting safe behaviour in a maritime safety, environmental protection and security culture, which should make use of risk assessment methodology; include all the stakeholders in the chain of responsibility; address adequately the need for environmental management and consciousness; and endeavour to cater for all user requirements. However, the Committee noted that the group, due to the complex and interrelated issues involved and the time constraints, did not complete the development of a strategic plan and instead developed a working document including a preliminary list of possible items to be included in the action plan, which would serve as a basis for developing the strategic plan to address the human element.

172 MSC 79, having discussed, in general, submissions proposing, *inter alia*, a draft strategic plan for IMO to address the human element; the development of guidance for the Organization to facilitate comprehensive consideration of the human element in the development of guidance, tools, mandatory and non-mandatory instruments; and the development of a human element action plan for consideration of ergonomics within IMO and greater participation of Member States, agreed that the aforementioned submissions should be considered in detail by the Joint MSC/MEPC Working Group on Human Element at MEPC 53.

Promotion of a maritime safety culture

173 MSC 78 noted that, in order to promote a maritime safety culture and environmental conscience on all ships as well as on shore, so that all aspects of safety, in its broadest sense, were addressed within the shipping industry, resolution A.792(19) on Safety culture in and around passenger ships should be revised to include all types of ships and that the preliminary draft so far developed should be finalized at the next meeting of the group; further noted that the successful implementation of the ISM Code was a key issue for the increased understanding and pro-active management of the human element; and agreed that additional guidance on the ISM Code to stakeholders other than Administrations might be necessary.

Future work

174 The Committee, having recognized that the human element issue was a high priority item in the Organization's agenda and its long-term work plan, agreed that the Joint MSC/MEPC Working Group on Human Element should meet once a year, preferably at alternative sessions of the MSC and MEPC, as appropriate, following consultations between the Chairmen of the two Committees.

Impact of the ISM Code and its effectiveness

175 MSC 79 noted the information on the establishment of the Independent Experts Group to study the impact of the ISM Code. The Secretariat was requested to take note of the comments made relating to collection of data and submitted an interim report on the activities of that Group to MSC 80 (see also paragraph 209).

FORMAL SAFETY ASSESSMENT

176 Following consideration of the report of its correspondence group, MSC 79 took, *inter alia*, specific decisions regarding approval of draft amendments to the FSA Guidelines; the need for appropriate amendments to the FSA Guidelines which would ensure that the possibility of obtaining inconsistent results is reduced to a minimum; application of the FSA methodology for casualty analysis; and development of a risk index for marine environment protection.

177 The Committee recognized that there was a need to improve the FSA process so that, in the future, the Organization could base its decisions on a single, internationally recognized, set of findings and recommendations that are based on FSA. Following the Chairman's suggestion that this could be achieved by the establishment of a group of experts which would be entrusted to provide expert judgement for specific FSA studies either to be carried out under the auspices of IMO or to be reviewed by the expert group, the Committee instructed the Secretariat to prepare a basic document for the establishment of such a group of experts, including procedures for the selection of experts and funding options, for consideration at MSC 80; and agreed to reconvene the Working Group on FSA at MSC 80 to consider, *inter alia*, the need for such a group of experts, including representation, funding, independence and transparency issues.

178 Following consideration of the report of the working group, MSC 80 approved, subject to MEPC's concurrent decision which was given at MEPC 53, draft amendments to the Guidelines for formal safety assessment (FSA) for use in the IMO rule-making process and, having considered the unresolved issues, in particular concerning inconsistent results of different FSAs on the same subject and clarification of the technology used for particular FSAs, agreed to refer these issues to the correspondence group for further consideration.

Establishment of a group of experts on FSA

179 MSC 80 considered the establishment of a group of experts on FSA and related matters and, having decided that such a group should be established, agreed, in principle, that:

- .1 the group should only review an FSA study if the Committee plans to use the study to make decisions on a particular issue and be established, when necessary, to prevent it from having to take on tasks that will have no consequence on the work of the Organization;
- .2 the terms of reference of the group should not include the expert group carrying out FSA studies on specific subjects, and the group should undertake to review FSA studies on specific subjects submitted to the Organization, as directed by the Committee(s);
- .3 the structure of the group should inherently give the Committee confidence that the recommendations of the expert group would be both fair and authoritative, noting the three options of the experts group's structure proposed for consideration at MSC 81;
- .4 the group's chairman and vice-chairman should be appointed by the Committee when it decides that the FSA study should be reviewed by the group of experts, and further agreed on the qualifications of members of the expert's group; and

- .5 when the Committee decides to establish the expert group on FSA for a specific project, it should determine the number of meetings necessary to meet the target,

and decided to consider the above issues further at MSC 81. The Committee, having decided to hold matters related to funding options in abeyance, agreed not to propose the inclusion of relevant appropriation for the group of experts in the Organization's regular budget for the 2006-2007 biennium.

PIRACY AND ARMED ROBBERY AGAINST SHIPS

Statistical information

180 During the biennium under review, the Committee constantly addressed this issue. Based on the reports disseminated by means of MSC circulars and additional information provided, MSC 80 noted that the number of acts of piracy and armed robbery against ships, which were reported to the Organization to have occurred or to have been attempted in 2004, was 330, a decrease of 130 (27%) over the figure for 2003. The total number of incidents of piracy and armed robbery against ships, reported to have occurred from 1984 to the end of March 2005, was 3,787. MSC 80 observed that, although this 27% annual decrease in the reported acts of piracy and armed robbery against ships was encouraging, the fact that the annual report indicated an increase in the violence of the attacks was not. MSC 80 agreed that incidence of such acts remained a cause for serious concern and, therefore, as emphasized at previous sessions of the Committee, much more still needed to be done to reduce this menace. It was still too soon to quantify the effect that the implementation of SOLAS chapter XI-2 and the ISPS Code have had in reducing the number of piracy and armed robbery cases.

181 In further considering the statistical information for the period between 1 January and 31 December 2004, MSC 80 expressed 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 2004, the number of crew members and passengers reportedly killed rose from 13 to 30; the number of injured rose from 45 to 87; and at least 140 crew members and passengers were taken hostage and/or were missing, out of whom 43 were still unaccounted for (from 54 in 2003). Nine ships were hijacked and three lost. From the reports received, it had emerged that the most affected areas in 2004 (i.e. five incidents reported, or more) were the Far East, in particular the South China Sea and the Malacca Strait, West Africa, South America (Pacific and Atlantic) and the Caribbean, the Indian Ocean and East Africa. Most of the attacks worldwide had occurred or been attempted in the territorial waters of the coastal States concerned while the ships were at anchor or berthed.

182 MSC 80 observed that, although the implementation of SOLAS chapter XI-2 and the ISPS Code was expected to have a positive impact on the reduction of piracy and armed robbery incidents, Contracting Governments should be aware of the fact that continued activities of that nature would raise serious concerns as to the compliance of the ports and port facilities of the country concerned with the new maritime security regime and, in particular, since most of the attacks continued to occur in territorial waters, of the effectiveness of States in discharging their obligations under SOLAS regulation XI-2/7 (Threats to ships). MSC 80, therefore, urged, once again, all Governments and the industry to intensify and co-ordinate their efforts to eradicate these unlawful acts.

Implementation of the anti-piracy project

183 During the biennium, phase two (evaluation and assessment missions) of the project had comprised:

- .1 a regional meeting held in Santo Domingo (January 2004); and
- .2 a regional meeting held in Accra, Ghana (March 2004),

and MSC 79 noted the activities of the Secretariat in conducting workshops and seminars on combating piracy and armed robbery against ships; the actions taken pursuant to the Secretary-General's initiative on the protection of vital shipping lanes, as endorsed by the Council at its ninety-third session and, in particular, the intention to hold a meeting on maritime safety, security and environmental protection of the Malacca and Singapore Straits in Jakarta in 2005.

184 MSC 80 noted that the Secretariat had also conducted a national seminar/workshop on the ISPS Code, held in Chittagong, Bangladesh, from 4 to 8 April 2005, and a series of meetings with senior officials of the national maritime administration of Bangladesh in Dhaka; and a sub-regional seminar on piracy and armed robbery against ships and maritime security, held in Sana'a, Republic of Yemen, from 9 to 13 April 2005, at which ten States from the Red Sea and Gulf of Aden sub-region had been represented.

Towards concluding regional agreements

185 MSC 78 considered the progress made in the implementation of the co-ordinated plan of action through the conclusion of regional agreements and noted that, with respect to the proposed regional meeting for the Asia and Pacific region, Japan had taken an initiative in developing a Regional Co-operation Agreement on Anti-Piracy in Asia in close co-operation with fifteen other States in the Asian region. The Committee further noted updated information on the framework of regional co-operation in combating piracy and armed robbery against ships in Asia. Various delegations representing the region outlined the measures taken to address the issue of piracy and armed robbery and expressed their appreciation to other countries in the region for their support.

Outcome of the fifth meeting of the United Nations open-ended informal consultative process on Oceans and the Law of the Sea

186 MSC 79, having received the report on the outcome of discussions in relation to piracy and armed robbery held during the Fifth Meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea which met from 7 to 11 June 2004, noted the extracts from the United Nations General Assembly Resolution 59/24 on Oceans and the Law of the Sea which were of relevance to the work of IMO on piracy and armed robbery against ships and instructed the Secretariat to keep it updated on future developments on this consultative process.

Information on the development of the IMO Global Integrated Shipping Information System (GISIS)

187 MSC 78 instructed the Secretariat to investigate and to inform the Committee on the possibility of making the entire set of data, which was being stored in the Secretariat database on piracy and armed robbery against ships, accessible and searchable on the IMO public website when developing the respective application in the context of GISIS. In this respect, MSC 79

noted the report by the Secretariat on the status of development of GISIS, with regard to the piracy and armed robbery module.

Initiatives to counter piracy and armed robbery at sea

188 MSC 80 noted that the United Kingdom had developed, and was now taking forward, a pro-active package of measures to both strengthen the security of its merchant fleet and to provide support, in terms of advice and capacity building, to foreign nations which had a serious problem and where such assistance was sought. The aim was to tackle the problem at its root cause and that international co-operation would be required to maximize the impact of this initiative. MSC 80 agreed to encourage Administrations and port and coastal States to develop, or review and update, their national strategies for tackling piracy and armed robbery against ships and, in particular, to consider whether bi- or multilateral agreements, designed to reduce the incidence of piracy and armed robbery, are viable. The Committee further agreed to encourage Member States to report the outcome of this consideration to the Committee to enable international co-ordination through the Organization.

IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS

Unified interpretation of SOLAS chapter XII

189 MSC 80 agreed to the need to provide ship designers with interpretations of the revised SOLAS chapter XII in good time, before its entry into force and, having approved the unified interpretations to SOLAS regulations XII/4.2 and XII/5.2, decided to establish an intersessional working group to meet on 12 and 13 September 2005 in order to prepare a unified interpretation of SOLAS regulations XII/6.5.1 and 6.5.3, taking into account specific instructions agreed by the Committee. It was further agreed that the group should report the outcome of its work to Committee 2 (Technical Committee) of the Assembly, at its twenty-fourth session, for consideration with a view to approval of any unified interpretation of the regulations as a result of the intersessional working group.

APPLICATION OF THE COMMITTEE'S GUIDELINES

New reporting procedures and related matters

190 MSC 79, noting the relevant decision by C 93, decided to halt the trial new reporting procedure and to re-establish the previous reporting procedure with immediate effect and C 94 was informed of its decision. Notwithstanding that decision, the Committee noted the Secretariat's intention to continue with the practice of placing all working papers on the secure IMO website.

Terms of reference of the Sub-Committees

191 Following discussion, MSC 79 instructed the Secretariat to revise the terms of reference of the Sub-Committees in consultation with their respective Chairmen and submit them to MSC 80 and, as a consequence, to the next Chairmen's Meeting, for final consideration and approval by that session of the Committee and by MEPC 53. Having considered the outcome of the 2005 Chairmen's Meeting, MSC 80 approved the terms of reference of the Sub-Committees and agreed that the terms of reference of all Sub-Committees should include reference to the role of measures for the protection of the marine environment and that the Sub-Committee should periodically review their terms of reference to ensure that they accurately reflect the work being carried out.

192 Recalling its earlier decision that there was no immediate need to change the existing structure of the Sub-Committees, as subsequently noted also by the Council and the Assembly, the Committee agreed that, at this stage, it should not pursue any further the consolidation under one Sub-Committee (i.e. the DE, FP or COMSAR Sub-Committee) of the responsibility for escape, evacuation and recovery, or the change of name for the COMSAR Sub-Committee. The Committee also requested the Sub-Committees to refrain from proposing enlarged roles for themselves and from encroaching on the role of other Sub-Committees.

Issues emanating from the 2002 and 2004 Chairmen's Meetings

193 Under this item, MSC 80 considered improving the efficiency of meetings, control of new work programme items, documentation and workload management and took specific decisions as reflected in paragraphs 20.3 to 20.12 of document MSC 80/24.

Sub-Committee's workload and work programme management

194 MSC 80, having considered the 2005 Chairmen's Meeting's recommendations regarding the holding of back-to-back Sub-Committee meetings and other matters concerning the management of the Sub-Committee's workload and work programmes and:

- .1 while recognizing that some Sub-Committees did not need to meet in plenary for an entire week and others required more than a week to complete their agenda, considered that the holding of back-to-back Sub-Committee sessions could potentially provide benefits in maximizing the time available, but should not be a routine practice, and requested the Chairmen of the MSC and MEPC to submit relevant proposals to the Committees; and
- .2 requested the Chairmen of the MSC and MEPC to examine the possibility of introducing flexible arrangements to facilitate the *ad hoc* assignment of certain work programme items among different Sub-Committees.

Other matters

Invitation to experts

195 MSC 80, having agreed that experts could participate in the Committee and Sub-Committee sessions on condition that they provided written advice or expertise only through the Secretariat; participated only in sessions, or parts thereof, to which they had been specifically invited; and did so without taking part in debates and without a vote, adopted, in accordance with rule 45 of the Rules of Procedure, a new rule on "Invitation to experts".

Distribution of documents

196 MSC 80 noted the difficulties arising for Member Governments and international organizations in the light of the reduced distribution of hard copies of session documents, which made their availability on the IMODOCS website crucially important and that, to address such difficulties, it may be necessary to consider improving the reliability of access to the IMODOCS website and the possible distribution of documents by e-mail messages.

WORK PROGRAMME AND RELATED MATTERS

Work programmes of the Sub-Committees and provisional agendas

197 During the period under review, the Committee:

- .1 continued its efforts to improve its efficiency through streamlining its own work programme and that of the Sub-Committees and making the best possible use of the available resources without impairing work on important and urgent safety- and security-related issues;
- .2 continued implementing the agenda management procedure contained in the Guidelines on the organization and method of work; and
- .3 approved the work programmes and provisional agendas for Sub-Committee sessions, which were prepared in accordance with the aforementioned procedure.

Allocation of meeting weeks in the 2006-2007 biennium

198 MSC 79, having been advised of consultations between the MSC and MEPC Chairmen with the Chairmen of Sub-Committees and, bearing in mind financial restraints, agreed to recommend to the Council that 25.5 meeting weeks be allocated to the MSC, MEPC and Sub-Committees during the biennium 2006-2007, emphasizing that this represented the minimum required to maintain the efficiency and effectiveness of the Organization's technical bodies. The Committee agreed that the total of 25.5 meeting weeks proposed might be reduced by one or two weeks on the understanding that future meetings would be scheduled in a manner which would not adversely affect the efficiency and commitments of its work.

Intersessional meetings

199 Bearing in mind the view of the Council that intersessional meetings of working groups should be restricted to the minimum necessary; paragraph 3.40 of the Guidelines on the organization and method of work; and its decision at MSC 66 that all Sub-Committees should scrutinize the need for intersessional meetings of the working groups 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 approved, during the period under review, intersessional meetings of working groups, as listed in the respective MSC reports.

Draft high-level action plan and prioritization of areas of work for the Organization for the 2006-2007 biennium

200 MSC 80, having considered the draft high-level action plan for the period 2006-2009 adopted by C 93 for consideration by the Committees, confirmed that the high-level actions contained therein fully addressed the anticipated activities of the Committee over the remaining period of the Strategic Plan. With regard to the draft outcome-based priorities for the 2006-2007 biennium, the Committee confirmed the planned outputs over that period, with minor modifications and additions. A consolidated draft high-level action plan and prioritization of areas of work for the Organization for the next biennium was prepared by the Secretariat, for consideration under agenda item 18.

Information on progress made

201 MSC 80 noted document MSC 80/INF.10, providing, as instructed by the twenty-first regular session of the Assembly, information on progress made on the subjects established in the Committee's long-term work plan (up to 2010) referred to in resolution A.943(23) and, having expressed satisfaction with the progress made on its (and the Sub-Committees') work programme, invited the Council, when considering the Secretary-General's proposals for the next biennium budget, to take the Committee's progress and future work into account. In this context, MSC 80 noted that C 93, when adopting the aforementioned draft high-level action plan, decided that the existing long-term work plan would be discontinued at the next Assembly. Therefore, there would be no need for such a document in the future.

GUIDELINES AND OTHER RECOMMENDATIONS RELATED TO MARITIME SAFETY AND SECURITY

202 During the period under review, the Committee approved for dissemination 101 guidelines and other recommendations on various maritime safety- and security-related topics.

OTHER ISSUES

Quality certification of IACS member societies

203 MSC 79 received information on developments with regard to IMO's participation in the IACS quality system certification scheme since MSC 76 and the IMO observer's report. The Committee decided to extend the Organization's participation in the Scheme on the same basis as in the past, that is with no financial implication to the Organization, and instructed the Secretariat to report on developments to MSC 81.

The SPI Working Group work

204 Having considered the issue of the management of the SPI Working Group under the MSC, MEPC and FAL Committee and having concurred with the views of the FAL Committee and the outcome of the meeting of the Chairmen of the MSC, MEPC and FAL Committee during C 93, MSC 79 agreed that the SPI Working Group would be convened as a working group of the FAL Committee, as and when that Committee considered it necessary. Both the MSC and the MEPC may refer, as necessary, matters for consideration by the FAL Committee but would not instruct directly the SPI Working Group to deal with them. In this manner, the FAL Committee will have the opportunity to discuss the matters referred to it and to organize its work appropriately.

Outcome of the seventeenth session of the IMSO Assembly

205 Having noted the information on the outcome of the IMSO Assembly, MSC 79 confirmed that IMSO was the appropriate organization to carry out the required oversight of future providers of mobile satellite communications system services for the GMDSS and instructed the Secretariat to communicate with IMSO formally inviting that organization to carry out such oversight.

International Safety Management (ISM) Code

206 MSC 80, having recalled the establishment, at no cost to the Organization, of the Independent Experts Group to study the impact of the ISM Code, noted the information provided by the Secretariat regarding the collection of statistical data related to detentions, claims, accidents, etc.; circulation of a questionnaire for Administrations and questionnaires for

companies, shore-based personnel and shipboard personnel; and data collection to be completed and processed by the WMU for consideration by the Experts Group in September 2005, and urged Member Governments and international organizations, shipping companies and shipboard personnel to assist in the study by responding to the questionnaires.

PSSA-related matters

207 MSC 80 considered proposals for:

- .1 amendments to the existing mandatory ship reporting system “In the Great Belt Traffic Area”; and
- .2 designation of the Galapagos Archipelago as a Particular Sensitive Sea Area (PSSA) and associated protective measures,

and, having noted that they had been submitted to NAV 51 so that the Committee could authorize NAV 51 to submit the outcome of its consideration directly to the Assembly at its twenty-fourth session, instructed NAV 51 accordingly, also with respect to the proposed Baltic Sea PSSA.

Report on cost implications of providing data associated with the lists of substances subject to MARPOL Annex II

208 MSC 80 noted that the Secretariat had developed a related database for the management of the lists of substances subject to MARPOL Annex II which also served as a research tool and, now that the mandatory requirements had been established with the adoption of the revised MARPOL Annex II and of the consequential amendments to the IBC Code, the Secretariat had explored possible solutions on how to restructure the database using a modern database platform and its management, as well as the cost-effective options available to restructure the database. The Secretariat had opted for an in-house solution using the platform provided by the IMO Global Integrated Shipping Information System (GISIS) with costs being mainly absorbed internally and, therefore, there were no cost implications at this time. It is intended that the restructuring of the database would be completed prior to the entry into force of MARPOL Annex II on 1 January 2007.

Port State control actions

209 In addressing issues with respect to the seizure of original ships’ log-books, seafarers’ identification and record books, Oil Record Books, as well as other assorted records from on board the ship, MSC 80 approved, subject to MEPC’s concurrent decision which was given at MEPC 53, a circular on Retention of original records/documents on board ships, and instructed the Secretariat to bring the information contained in the circular to the attention of the IMO/ILO Joint Working Group on the Fair Treatment of Seafarers, through the Legal Committee.

MARINE ENVIRONMENT PROTECTION

210 The Marine Environment Protection Committee (MEPC) met four times during the biennium: MEPC 50 was held on 1 and 4 December 2003, MEPC 51 from 29 March to 2 April 2004, MEPC 52 from 11 to 15 October 2004 and MEPC 53 from 18 to 22 July 2005.

211 During the biennium under review, the MEPC and subsidiary bodies further pursued the formulation of necessary new international standards and the promotion of effective implementation of existing standards in the field of marine environment protection, taking into account resolutions A.500(XII), A.777(18) and A.900(21).

212 The MEPC had given priority to the development of an accelerated phase-out scheme for single-hull oil tankers; consideration and adoption of the revised MARPOL Annex I, Annex II and the consequential amendments to the IBC Code; preparation for the entry into force and implementation of MARPOL Annex VI, the AFS and BWM Conventions; consideration of making certain parts of IMO Guidelines on Ship Recycling mandatory; designation and protection of Particularly Sensitive Sea Areas (PSSAs) and implementation of the OPRC Convention and the OPRC-HNS Protocol.

213 The reports of MEPC 50, MEPC 51, MEPC 52 and MEPC 53, presented under Assembly agenda item 11, give details of the substantive work accomplished by the MEPC and subsidiary bodies during the biennium under review. A number of recommendations are proposed for adoption by the Assembly.

ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

Amendments adopted by MEPC 50

214 MEPC 50 considered proposals to accelerate the phase-out of single-hull oil tankers and adopted, by resolution MEPC.111(50), amendments to regulation 13G, a new regulation 13H and consequential amendments to the IOPP Certificate of MARPOL Annex I; and by resolution MEPC.112(50), amendments to the Condition Assessment Scheme.

215 The above amendments to MARPOL Annex I and the Condition Assessment Scheme entered into force on 5 April 2005 upon their deemed acceptance on 4 October 2004 in accordance with article 16(2)(f)(iii) of the MARPOL Convention.

Amendments adopted by MEPC 51

216 MEPC 51 adopted, by resolution MEPC.115(51), the revised MARPOL Annex IV on Regulations for the prevention of pollution by sewage from ships.

217 MEPC 51 also adopted, by resolution MEPC.116(51), amendments on “cargo residues” to the Form of the Garbage Record Book contained in the Appendix to MARPOL Annex V on Regulations for the prevention of pollution by garbage from ships.

218 The above amendments to MARPOL Annex IV and Annex V entered into force on 1 August 2005 upon their deemed acceptance on 1 February 2005 in accordance with article 16(2)(f)(iii) of the MARPOL Convention.

Amendments adopted by MEPC 52

219 MEPC 52 adopted, by resolution MEPC.117(52), the revised MARPOL Annex I. In this connection, it is important to note that a new regulation on “Pump room bottom protection”, which was developed by the DE Sub-Committee as requested by the MEPC, and the addition of the Oman area of the Arabian Sea as a Special Area, have been included in the revised MARPOL Annex I.

220 MEPC 52 also adopted, by resolutions MEPC.118(52) and MEPC.119(52) respectively, the revised MARPOL Annex II and the consequential amendments to the IBC Code (The revised IBC Code). The revised IBC Code has included criteria for assigning ship types based on pollution criteria developed by the ESPH Working Group. In this connection, it is also important to note that MEPC 52 adopted, by resolution MEPC.120(52), Guidelines for the transport of vegetable oils in deep tanks or in independent tanks specially designed for the carriage of such vegetable oils on board dry cargo ships.

221 The above amendments to MARPOL Annex I, Annex II and the IBC Code are expected to enter into force on 1 January 2007, provided they are deemed to be accepted on 1 July 2006 in accordance with article 16(2)(f)(iii) of the MARPOL Convention.

222 The same amendments to the IBC Code, which are also mandatory under the SOLAS Convention, were adopted by MSC 79 so that the IBC Code would remain identical for the purposes of both the MARPOL and SOLAS Conventions.

Amendments adopted by MEPC 53

223 MEPC 53 adopted, by resolution MEPC.131(53), amendments to the Condition Assessment Scheme (CAS) for oil tankers to bring its cross-references into line with the revised MARPOL Annex I. The amendments are expected to enter into force on 1 January 2007, provided they are deemed to be accepted on 1 July 2006.

224 MEPC 53 also adopted, by resolution MEPC.132(53), amendments to MARPOL Annex VI, which introduced the Harmonized System of Survey and Certification (HSSC) to that Annex and made the North Sea a new SO_x Emission Control Area (SECA). MEPC 53, by the same resolution, also adopted amendments to the NO_x Technical Code. The amendments are expected to enter into force on 22 November 2006, provided they are deemed to be accepted on 22 May 2006.

HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

225 MEPC 51, noting that the International Conference on Ballast Water Management for Ships (February 2004) had adopted the International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention), considered the requirements under the BWM Convention and approved a work programme for the development of guidelines for the uniform implementation of the BWM Convention.

226 MEPC 52 finalized the Guidelines for approval of ballast water management systems (G8) and approved the Procedure for approval of active substances (G9), with a view to adoption at MEPC 53.

227 MEPC 52 also agreed on a set of recommendations for the conduct of review of the ballast water management technologies, as required by regulation D-5 of the BWM Convention, and invited Members to submit relevant information to MEPC 53 to facilitate the review.

Adoption of the guidelines called for under the BWM Convention

228 MEPC 53 made significant progress on the development of guidelines called for under the BWM Convention and adopted:

- .1 by resolution MEPC.123(53), Guidelines for ballast water management equivalent compliance (G3);
- .2 by resolution MEPC.124(53), Guidelines for ballast water exchange (G6);
- .3 by resolution MEPC.125(53), Guidelines for approval of ballast water management systems (G8);
- .4 by resolution MEPC.126(53), Procedure for approval of ballast water management systems that make use of active substances (G9); and
- .5 by resolution MEPC.127(53), Guidelines for ballast water management and development of ballast water management plans (G4).

229 MEPC 53, having adopted the above priority guidelines, approved a revised programme for development of the remaining guidelines for uniform implementation of the BWM Convention.

Establishment of a GESAMP-BW Technical Group on Active Substances

230 MEPC 53, having considered proposals for approval of ballast water management systems that make use of active substances and with a view to ensuring that such active substances do not present unreasonable risks to the environment, human health, property or resources, agreed that a dedicated GESAMP-Ballast Water (GESAMP-BW) Technical Group on Active Substances, financed through a fee scheme paid by the industries requesting such approval, could best serve the needs of the shipping industry and meet the challenges posed by the timeline established by the BWM Convention.

231 MEPC 53 approved the terms of reference for such a GESAMP-BW Technical Group and instructed the Secretariat to formally approach GESAMP for its establishment so that the first meeting of the Technical Group could be held as soon as possible.

Outcome of the Ballast Water Review Group

232 MEPC 53, in accordance with regulation D-5 of the BWM Convention, established the Ballast Water Review Group to review and determine whether appropriate technologies are available to achieve the ballast water performance standard required under regulation D-2 of the BWM Convention.

233 MEPC 53 noted the conclusions of the Review Group that:

- .1 a variety of ballast water management technologies and systems being tested on board ships had the potential to meet the criteria of safety, environmental acceptability and practicability; and
- .2 it was reasonable to expect that the ballast water management technologies and systems would be available to meet the review criteria of regulation D-5.2 of the BWM Convention by October 2008.

RECYCLING OF SHIPS

234 The Committee, at each session during the period under review, considered how to identify appropriate mechanisms to promote the implementation of the IMO Guidelines on ship recycling adopted by resolution A.962(23) and took action as appropriate.

Joint ILO/IMO/Basel Convention Working Group on Ship Scrapping

235 MEPC 51 approved the establishment and terms of reference of a Joint ILO/IMO/Basel Convention Working Group to act as a platform for consultation, co-ordination and co-operation among the three organizations with the aim of avoiding duplication of work and overlapping of responsibilities in relation to ship recycling. The first session of the *ad hoc* Joint ILO/IMO/Basel Convention Working Group took place at IMO Headquarters from 15 to 17 February 2005.

236 MEPC 53 endorsed the recommendations of the first meeting of the Joint ILO/IMO/Basel Convention Working Group on Ship Scrapping regarding the work programme of the Joint Working Group, promotion of implementation of the ship recycling guidelines adopted by the three organizations respectively and joint technical co-operation. The second session of the Joint Working Group will be hosted by the Basel Convention in Geneva in December 2005.

MEPC circulars on ship recycling

237 MEPC 52 approved an MEPC circular on the Guidelines for the development of the ship recycling plan.

238 MEPC 53 approved an MEPC circular on the Implementation of the IMO Guidelines on ship recycling, providing specific recommendations and guidance to Administrations in recycling States, ship owners and recycling facilities regarding “gas-free-for-hot-work” certification in connection with recycling operations.

239 MEPC 53 approved another MEPC circular, inviting competent authorities in ship recycling States and all stakeholders to provide information to the Organization on any experience gained in the implementation of the IMO Guidelines on ship recycling.

Development of a new legally binding instrument on ship recycling

240 MEPC 52, having agreed that certain parts of the IMO Guidelines on ship recycling (resolution A.962(23)) might be made mandatory, developed an initial list of elements for which a mandatory scheme might be regarded as the most suitable option for implementation. MEPC 52 noted that, whilst the existing IMO instruments, such as MARPOL 73/78, could provide an appropriate vehicle for the implementation of some of the identified measures, a new IMO instrument could be developed with a view to providing legally binding and globally applicable ship recycling regulations.

241 Regarding the reporting system for ships destined for recycling, MEPC 52 developed, as a starting point, a draft outline of this system in order to identify what should be reported, to where and by whom.

242 MEPC 52 agreed that a “single list” of the onboard potentially hazardous materials should be developed to replace the existing Appendices 1, 2 and 3 of the IMO Guidelines on ship recycling.

243 MEPC 53, having considered the report of the Ship Recycling Working Group, agreed that the Organization should develop, as a high priority, a new instrument on ship recycling with a view to providing legally binding and globally applicable ship recycling regulations for the international shipping industry and recycling facilities.

244 MEPC 53, with the above objective in mind, approved a draft Assembly resolution for submission to the twenty-fourth session of the Assembly for adoption.

245 MEPC 53 further agreed that the development of the above-mentioned instrument should be completed in time for consideration and adoption by a diplomatic conference in the 2008-2009 biennium.

Amendments to and implementation of the IMO Guidelines on ship recycling

246 MEPC 53 agreed that the development of a new legally binding instrument on ship recycling should not shift the attention of stakeholders away from implementation of the current IMO Guidelines on ship recycling adopted by resolution A.962(23).

247 With a view to improving the IMO Guidelines on ship recycling and to facilitating their implementation, MEPC 53 approved a number of amendments to the IMO Guidelines on ship recycling and the associated draft Assembly resolution for submission to the twenty-fourth session of the Assembly for adoption.

Establishment of a ship recycling fund

248 MEPC 52 agreed, in principle, with a proposal calling for the establishment of an International Ship Recycling Fund to promote the safe and environmentally sound management of ship recycling through the Organization's technical co-operation activities, and invited the Technical Co-operation Committee to consider the issue.

249 MEPC 53 noted that TCC 55 endorsed the Committee's proposal to establish such a fund with the proviso that, when the Secretary-General establishes the fund, a very clear indication should be provided as to which specific activities would be supported by the fund.

PREVENTION OF AIR POLLUTION FROM SHIPS

250 The Committee, at each session during the period under review, considered how to reduce air pollution from ships, including such issues as reduction of greenhouse gas emissions from ships, co-operation between the Secretariats of IMO and the United Nations Framework Convention on Climate Change (UNFCCC) and follow-up activities to MARPOL Annex VI.

Adoption of the guidelines and approval of unified interpretations

251 MEPC 53 adopted:

- .1 by resolution MEPC.128(53), amendments to the Survey Guidelines under the Harmonized System of Survey and Certification (resolution A.948(23)) for the purpose of MARPOL Annex VI;
- .2 by resolution MEPC.129(53), Guidelines for port State control under MARPOL Annex VI; and

- .3 by resolution MEPC.130(53), Guidelines for onboard exhaust gas-SO_x cleaning systems.

252 MEPC 53 also approved an MEPC circular on the Interim Guidelines for voluntary ship CO₂ emission indexing for use in trials.

253 MEPC 53 further approved a number of unified interpretations to the regulations of MARPOL Annex VI to facilitate implementation of the Annex.

Review of MARPOL Annex VI and the NO_x Technical Code

254 MEPC 53 agreed on the need to undertake a general review of MARPOL Annex VI and the NO_x Technical Code with a view to revising the regulations to take account of current technology and the need to further reduce air pollution from ships. In this regard, MEPC 53 approved the terms of reference for the revision work to be undertaken by the BLG Sub-Committee with a target completion date of 2007.

DESIGNATION OF PARTICULARLY SENSITIVE SEA AREAS (PSSAs)

Consideration and designation of new PSSAs

255 MEPC 51 approved, in principle, the designation as PSSAs of the waters of the Canary Islands; of the Galapagos Archipelago; and, by majority, of the Baltic Sea area, and invited the countries concerned to submit Associated Protective Measures (APMs) for the proposed PSSAs to NAV 51 for the latter to advise the Committee as appropriate.

256 MEPC 52, having noted that the NAV Sub-Committee had endorsed the establishment of a mandatory ship reporting system as an APM for the proposed Western European Waters PSSA, designated, by resolution MEPC.121(52), the Western European Waters as a PSSA.

257 MEPC 53, having considered the outcome of the NAV Sub-Committee and the Maritime Safety Committee with regard to APMs, designated:

- .1 by resolution MEPC.133(53), the Torres Strait as an extension of the Great Barrier Reef Particularly Sensitive Sea Area;
- .2 by resolution MEPC.134(53), the Canary Islands as a Particularly Sensitive Sea Area;
- .3 by resolution MEPC.135(53), the Galapagos Archipelago as a Particularly Sensitive Sea Area; and
- .4 by resolution MEPC.136(53), the Baltic Sea Area as a Particularly Sensitive Sea Area.

Revision of the PSSA Guidelines

258 MEPC 51 noted that the majority of delegations agreed, in principle, that the current PSSA Guidelines adopted by resolution A.927(22) should be reviewed provided that specific proposals with appropriate justification were submitted to a future session of the Committee.

259 MEPC 52 considered a proposal on the review of the PSSA Guidelines and decided to establish an intersessional correspondence group on the matter with the objective of clarifying and, where appropriate, strengthening the Guidelines. The correspondence group was requested to prepare a draft Assembly resolution and a draft text of the amended PSSA Guidelines for submission to MEPC 53.

260 MEPC 53 considered and approved the revised text of the PSSA Guidelines and the associated draft Assembly resolution for submission to the twenty-fourth session of the Assembly for adoption.

261 MEPC 53, in light of the revised PSSA Guidelines, also agreed to review, at its next session, the Guidance document for submission of PSSA proposals to IMO (MEPC/Circ.398) and the format of the MEPC resolutions to designate PSSAs in the future.

IMPLEMENTATION OF THE OPRC CONVENTION AND THE OPRC-HNS PROTOCOL AND RELEVANT CONFERENCE RESOLUTIONS

262 The work related to OPRC and HNS issues is primarily addressed by the OPRC-HNS Technical Group, a subsidiary body of the MEPC which has had its first three meetings in the intersessional period since the last meeting of the Assembly, referring a number of items to the Committee for its approval and/or adoption. The MEPC has thereby:

- .1 adopted, at MEPC 51, the Guidance Document on Bioremediation and the revised Manual on Chemical Pollution – Section 2: Search and Recovery of Packaged Goods Lost at Sea, which has since been printed and is available for purchase;
- .2 approved, at MEPC 52, the new Introductory OPRC model course and revisions to the OPRC Levels 1, 2 and three courses;
- .3 approved, at MEPC 52, the draft Guidelines on facilitation of response to pollution incidents and the associated draft Assembly resolution for submission to the twenty-fourth session of the Assembly for adoption;
- .4 approved, at MEPC 53, the revised Guidelines and criteria for accreditation or approval of OPRC training organizations and experts;
- .5 approved, at MEPC 53, the directory of web links related to oil spill preparedness and response, including research and development, to serve as an outline for a web page to be developed by the Secretariat and hosted on the IMO website;
- .6 approved, at MEPC 53, the draft policy and validation process for newly developed and revised OPRC model courses; and
- .7 approved, at MEPC 53, the proposal to initiate the revision of Section V of the Manual on oil pollution - Administrative aspects of oil pollution, with a target completion date of 2007.

263 In addition to the work of the OPRC-HNS Technical Group on OPRC and HNS matters. MEPC 52 noted the adoption of the NOWPAP Regional Oil Spill Contingency Plan, which was developed with the support of the Organization.

INTERPRETATIONS AND AMENDMENTS OF MARPOL 73/78 AND RELATED INSTRUMENTS

264 The Committee, at each session during the period under review, considered interpretations and amendments of MARPOL 73/78 and related instruments and took action as appropriate.

265 MEPC 51 approved a unified interpretation of regulation 19.6.2 of the revised MARPOL Annex I concerning the definition of double-side wing tanks and another unified interpretation of paragraph 5.3.2 of the CAS regarding the first CAS survey.

266 MEPC 52 considered a number of proposals in relation to interpretations and amendments to MARPOL 73/78 and:

- .1 approved a unified interpretation concerning the phasing-out of single-hull oil tankers under the revised regulation 13G of MARPOL Annex I in relation to major conversion and another unified interpretation concerning clarification of CAS application in relation to regulation 13H(6)(a) of MARPOL Annex I; and
- .2 agreed to issue a circular on Implementation of resolution MEPC.107(49) – Revised Guidelines and specifications for pollution prevention equipment for machinery space bilges of ships.

267 MEPC 53 considered and approved the proposed new regulation 13A of the revised MARPOL Annex I to address the existing regulatory gap of “Oil fuel tank protection” with a view to adoption at MEPC 54.

268 MEPC 53, with a view to clarifying the definition of heavy grade oil in the revised MARPOL Annex I that allows heavy oils, other than crude oil, fuel oil, or bitumen, tar and their emulsions, to be carried onboard single-hull oil tankers beyond 5 April 2005, also approved the proposed amendments to regulation 21.2.2 of the revised MARPOL Annex I for circulation with a view to adoption at MEPC 54. In this connection, MEPC 53 approved unified interpretation 4.14 to regulation 13H(2) of the current MARPOL Annex I to provide an interim solution during the period before the entry into force of the proposed amendments to regulation 21.2.2 of the revised MARPOL Annex I, as it can be implemented immediately after approval by the Committee.

269 MEPC 53, recognizing that Annex IV is the only Annex in MARPOL 73/78 which does not have a regulation for port State control on operational requirements, considered and approved the proposed amendments to the Annex for circulation with a view to adoption at MEPC 54.

270 MEPC 53 considered and approved the proposed amendments to the BCH Code for circulation with a view to adoption at MEPC 54.

271 MEPC 53 approved, in principle, subject to MSC 81’s concurrent decision, the proposed amendments to the fire protection requirements in the IBC Code with a view to adoption at MSC 83 and MEPC 56. MEPC 53 further agreed that the proposed amendments should be circulated immediately after the deemed acceptance date of the revised IBC Code, which is expected to be 1 July 2006.

272 MEPC 53, having recognized that asphalt carriers with self-supported independent tanks not forming part of the hull structure should be considered as double hull oil tankers, provided that they comply with the requirements of regulation 13F of the current MARPOL Annex I with

regard to minimum distances between the cargo tank boundaries and the ship bottom and side-shell plating, approved a unified interpretation to regulation 13F. MEPC 53 agreed that the unified interpretation should also apply to regulation 19 of the revised MARPOL Annex I and instructed the Secretariat to include it in the next consolidated edition of MARPOL 73/78.

273 MEPC 53 clarified that certain oil tankers may qualify for the continued operation allowed under regulations 13G(5) and 13H(5) of the current MARPOL Annex I, provided that their side oil fuel tanks are fitted with longitudinal or transverse bulkheads, ensuring that the required minimum distance between the hull and the cargo and oil fuel tanks is maintained throughout the entire cargo area.

274 MEPC 53, having recognized the need to clarify the boundary issues between the MARPOL and London Conventions in relation to discharge of spoilt cargoes, wastes generated during the normal operation of ships and cargo associated wastes, approved, subject to the concurrent decision of the Consultative Meeting of the London Convention, the establishment of a Joint MEPC/London Convention Correspondence Group. MEPC 53 also approved the terms of reference of such a Joint Group and requested the Group to submit its report and recommendations for consideration by MEPC 55 (October 2006) and the twenty-eighth Consultative Meeting of the London Convention (November 2006).

INADEQUACY OF RECEPTION FACILITIES

275 The Committee, at each session during the period under review, considered the long-standing problem of inadequacy of reception facilities for wastes generated during the normal operation of ships and took action as appropriate.

MEPC circulars

276 MEPC 53, in an effort to improve the rate of reporting of alleged reception facility inadequacies so that the problem can be tackled more effectively, approved an MEPC circular on Revised consolidated format for reporting alleged inadequacy of port reception facilities.

277 MEPC 53 approved another MEPC circular on Waste reception facility reporting requirements and, with a view to promoting easy access to all the information on available reception facilities collected by the IMO Secretariat over the years, also agreed to develop a port reception facility database (PRFD) as a module of the IMO Global Integrated Shipping Information System (GISIS).

Action Plan to tackle the inadequacy of port reception facilities

278 MEPC 53 agreed to develop an Action Plan to tackle the long-standing problem of inadequacy of port reception facilities and invited Member Governments, the shipping and port industries and other interested organizations to provide contributions to the Secretariat, who would prepare the draft Action Plan for consideration by FSI 14.

THE WORK OF SUB-COMMITTEES

279 The Committee, at each session during the period under review, considered the reports of Sub-Committees which dealt with environmental issues and took action as appropriate.

BULK LIQUIDS AND GASES

280 With regard to the report of BLG 9, MEPC 53 adopted:

- .1 by resolution MEPC.137(53), amendments to resolution MEPC.85(44) – Guidelines for the development of shipboard marine pollution emergency plans for oil and/or noxious liquid substances;
- .2 by resolution MEPC.138(53), amendments to resolution A.851(20) – General Principles for ship reporting systems and ship reporting requirements including guidelines for reporting requirements involving dangerous goods, harmful substances and/or marine pollutants; and
- .3 by resolution MEPC.139(53), Guidelines for the application of the revised MARPOL Annex I requirements to FPSOs and FSUs.

DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS

281 MEPC 53, having considered the report of DSC 9 concerning the revision of MARPOL Annex III, agreed to keep the current structure of the Annex and instructed the DSC Sub-Committee accordingly.

282 MEPC 53, in light of the recent decision of the UN Sub-Committee of Experts in respect of the UN Recommendations on the transport of dangerous goods, also agreed to retain the term “Marine Pollutant” in MARPOL Annex III.

FLAG STATE IMPLEMENTATION

283 With regard to the report of FSI 13, MEPC 53:

- .1 concurred with MSC 80’s approval of a new MSC/MEPC circular on Reports on marine casualties and incidents, which would supersede MSC/Circ.953 – MEPC/Circ.372;
- .2 endorsed the FSI Sub-Committee’s approval of the Casualty Analysis Procedure, as amended, which could be used for evaluation and identification of necessary modifications to the existing regulatory framework;
- .3 concurred with MSC 80’s instructions to the FSI Sub-Committee to develop a draft revised Code for the investigation of marine casualties and incidents and, on completion, to determine whether the revised Code itself or parts thereof should be made mandatory;
- .4 approved, subject to concurrence by the MSC, a draft MSC/MEPC circular on IMO requirements on carriage of publications on board ships;
- .5 concurred with MSC 80’s approval of a draft MSC/MEPC circular on recommended conditions for extending the period of validity of a certificate in cases where a ship, at the time when the certificate expires, is not in a port in which it is to be surveyed;

- .6 concurred with MSC 80's approval of a draft MSC/MEPC circular on Guidelines for the Administration to apply to ensure the adequacy of transfer of class-related matters between ROs; and
- .7 concurred with MSC 80's approval of a draft MSC/MEPC circular on Interpretations of the date of completion of the survey and verification on which the certificates are based.

WORK OF OTHER BODIES

284 The Committee, at each session during the period under review, considered the outcome of other bodies which dealt with environmental issues and took action as appropriate.

Outcome of MSC 79

285 MEPC 53 noted that MSC 79, having considered MEPC 52's concurrent decision, had approved:

- .1 MSC/Circ.1140 – MEPC/Circ.424 on Transfer of ships between States;
- .2 MSC/Circ.1142 – MEPC/Circ.425 on Marking the ship's plans, manuals and other documents with the IMO ship identification number; and
- .3 amendments to the FAL/MEPC/MSC circular on the list of certificates and documents to be carried on board ships.

Outcome of MSC 80

286 MEPC 53 considered the outcome of MSC 80 concerning the draft MSC/MEPC circular on Retention of the original records/documents on board ships. After extensive deliberation, MEPC 53, recognizing that the draft circular should be adopted and disseminated without delay and that the draft circular was a careful compromise reached at MSC 80, approved it for dissemination as soon as possible.

287 MEPC 53 noted the importance and implication of the long-range identification and tracking of ships (LRIT) system for pollution prevention and, having considered a proposal of Norway in this respect, agreed to invite the MSC to note that the MEPC wished to see, at an appropriate time, the extension of LRIT to include environmental applications. However, at this stage, the MEPC did not wish to put forward any specific proposals as it recognized the priorities set by the MSC in relation to development of the LRIT system.

“REGULAR PROCESS” FOR GLOBAL REPORTING AND ASSESSMENT OF THE STATE OF THE MARINE ENVIRONMENT

288 MEPC 52 noted that the “Global Marine Assessments” under the United Nations (GMA-process) could play an important role in bringing marine science to bear effectively on policy-makers, improve inter-agency co-operation within the UN System on marine issues and help capacity-building efforts in developing countries. It followed that IMO had an important role to play in the GMA-process of improving oceans management and, therefore, the Organization should take the opportunity to call for dialogue on the GMA, with a view to

developing, through appropriate and constructive negotiations, a common position setting out the modalities of establishing the GMA, including its scope and role *vis-à-vis* GESAMP.

289 MEPC 52 was at the same time of the clear opinion that, in any event, any possible overlaps or duplication of work between the GMA-process and GESAMP should be avoided and that GESAMP should be well positioned to co-operate with, and play an effective role in, the GMA-process.

290 MEPC 53 noted that the Second International Workshop on a “Regular Process” for global reporting and assessment of the state of the marine environment, previously known as the GMA-process, which was held in New York from 13 to 15 June 2005, was able to reach agreement on the nature and aim of the “Assessment of Assessments” as a start-up phase of the “Regular Process” which should lead to a report in two years.

291 MEPC 53 also noted that the Second International Workshop made recommendations regarding the organizational arrangements for the “Regular Process”. However, it did not properly address the issue of financing. Although the UN agencies explained that no additional work would be undertaken by them if no financing was provided for such work, Member States still expected the UN agencies to carry out the work. The question of financing of the experts, meetings and publications was therefore still pending.

GESAMP

292 MEPC 52 reiterated its position that the work carried out by GESAMP was very important and useful to the work of IMO, in particular in its role as an independent and impartial adviser when evaluating the hazards of noxious liquid substances under MARPOL Annex II and the IBC Code. It, therefore, agreed that the arrangement should be guaranteed through the continuation of current funding.

293 However, MEPC 52 was not in a position to provide a conclusive opinion on the strategic vision and direction presented for the proposed New GESAMP, since more information and explanation on several issues was required, such as the need for more transparent budget appropriations with a clearly itemized breakdown, as well as clear plans in the event that additional funding could not be secured. MEPC 52, therefore, could not at that stage recommend to the Council the provision of additional funding for the New GESAMP while these questions remained unanswered. The Secretariat was thus requested to collect the necessary information and advise MEPC 53 accordingly.

294 MEPC 53 noted that, during the meeting of the UN Open-ended Informal Consultative Process on Oceans and the Law of the Sea, which was held in New York from 6 to 10 June 2005, IMO, as the Administrative Secretary of GESAMP, convened a meeting of the sponsoring organizations to discuss the GESAMP reform process. The meeting concluded that:

- .1 the GESAMP mechanism and its future should not be linked to the “Regular Process”. GESAMP should continue irrespective of the decision on the “Regular Process”; and
- .2 with the exception of WHO, UNEP and IOC, the other sponsoring organizations supported the continuation of GESAMP, recognizing that the restructuring and financing of the proposed New GESAMP have not yet been resolved.

295 MEPC 53 also noted that the Administrative Secretary would convene another meeting in 2005 of the GESAMP secretariat to address the structuring and financing of the proposed New GESAMP. The next session of GESAMP, itself in early 2006, would develop a work programme for GESAMP based on its mission statement and strategic vision.

VOLUNTARY IMO MEMBER STATE AUDIT SCHEME

296 As requested by C 92, MEPC 53 considered, from its own perspective, the report of the third session of the Joint MSC/MEPC/TCC Working Group on the Voluntary IMO Member State Audit Scheme. The outcome of MEPC 53 on the matter is reported under agenda item 19.

FOLLOW-UP TO THE REVISED MARPOL ANNEX I AND ANNEX II

Cross-reference list between the “old” and “new” regulations of MARPOL Annex I

297 MEPC 52 approved an MEPC circular of cross-reference lists between the “old” and “new” regulations of MARPOL Annex I and *vice versa* in order to ensure smooth and unhindered implementation of the regulations, especially during the transitional period leading to the entry into force of the revised MARPOL Annex I, which is expected to be 1 January 2007.

Updating of the Supplement to the IOPP Certificate under the existing MARPOL Annex I

298 MEPC 52 approved an MEPC circular inviting Administrations to make interim corrections in the Supplement to the IOPP Certificate under the existing MARPOL Annex I, when necessary, in connection with the implementation date from 1 January 2005 of resolutions MEPC.107(49) and MEPC.108(49) concerning installation of pollution prevention equipment on board ships and the expected date of entry into force of the revised MARPOL Annex I.

Explanatory Notes on matters related to the accidental oil outflow performance under regulation 23 of revised MARPOL Annex I

299 MEPC 52 adopted, by resolution MEPC.122(52), Explanatory Notes on matters related to the accidental oil outflow performance under regulation 23 of revised MARPOL Annex I.

TECHNICAL CO-OPERATION SUB-PROGRAMME FOR THE PROTECTION OF THE MARINE ENVIRONMENT

300 As in the past, the Committee continued its review of the progress reports on the Technical Co-operation Sub-Programme for the Protection of the Marine Environment. In particular, MEPC 52 considered and subsequently approved the Committee’s contribution to the overall ITCP for 2006-2007, which was prepared based on the thematic priorities as revised by MEPC 48.

301 MEPC 52 and MEPC 53 noted the progress made in respect of the following major projects financed through sources other than the Technical Co-operation Fund:

- .1 Building Partnerships for Environmental Protection and Management of the Seas of East Asia (PEMSEA), including two PDF Block B Grant projects and a draft Partnership Agreement and draft Operating Arrangements;

- .2 Removal of Barriers to the Effective Implementation of Ballast Water Control and Management Measures in Developing Countries (GloBallast) and the follow-on PDF-Block B Grant aimed at developing a full size project (GloBallast Partnerships) with a tentative budget of US\$17 million;
- .3 Marine Electronic Highway (MEH) for the Straits of Malacca and Singapore; and
- .4 EUROMED co-operation on maritime safety and prevention of pollution from ships (SAFEMED), which aims at mitigating the existing imbalance in the application of maritime legislation in the Mediterranean region between the EU Member States and their Mediterranean partners.

302 MEPC 53 also noted the contribution to the following projects:

- .1 the GEF-UNDP-funded and UNIDO implemented Guinea Current Large Marine Ecosystem (GCLME) Project;
- .2 the GEF-World Bank-funded “Marine Highway Development and Coastal and Marine Contamination Prevention Project” for the countries of the Western Indian Ocean region; and
- .3 the Caspian Sea Ballast Water Management Project.

303 MEPC 53 noted the work carried out by the Secretariat in managing and technically supporting the Regional Marine Pollution Emergency Response Centre for the Mediterranean (REMPEC); the Regional Marine Pollution Emergency, Information and Training Centre for the Caribbean (REMPEITC – Carib); and the assistance provided to similar activity centres established under other UNEP Regional Seas Conventions and Agreements.

304 MEPC 53 further noted the sustained increase in the financial delivery of the Integrated Technical Co-operation Programme (ITCP) and, in this respect, the good results achieved in relation to the implementation of the marine environment-related activities under the ITCP, to which MED provided substantial support in the form of programme implementation and technical support.

FORMAL SAFETY ASSESSMENT

305 Having considered the report of the FSA Correspondence Group and the outcome of MSC 80, MEPC 53:

- .1 approved the draft amendments to the Guidelines for formal safety assessment for use in the IMO rule-making process (MSC/Circ.1023–MEPC/Circ.392) and the associated draft MSC/MEPC circular;
- .2 endorsed the view of MSC 80 that, in order to facilitate the work on the development of a risk index relevant to the protection of the marine environment, Member Governments and international organizations should be invited to submit proposals on this matter to MSC 81, and that the FSA Correspondence Group established at MSC 80 should consider the matter further, taking into account the outcome of MEPC 53; and

- .3 noted the outcome of MSC 80 regarding the establishment, when necessary, of an FSA Group of Experts to review FSA studies on specific subjects submitted to the Organization, as directed by the Committee(s) and prepare relevant reports for submission to the Committee(s).

HUMAN ELEMENT ISSUES

306 MEPC 53, recalling its agreement with the MSC that the Joint MSC/MEPC Working Group on the Human Element should meet at alternate sessions of the MSC and MEPC, established the Joint Working Group to consider human element issues, including development of the Organization's strategy in this respect.

307 Having considered the report of the Joint Working Group, MEPC 53:

- .1 approved, subject to concurrent decision of the MSC, a draft MSC/MEPC circular on Guidance for the Organization to facilitate the comprehensive consideration of the human element in the development or amendment of mandatory and non-mandatory IMO instruments, including a checklist;
- .2 agreed to consider, at an appropriate time, amending the Committees' Guidelines (MSC/Circ.1099 - MEPC/Circ.405) to include the above-mentioned checklist;
- .3 approved, subject to concurrent decision of the MSC, a draft MSC/MEPC circular, urging participation of human element experts in various IMO bodies;
- .4 approved, subject to concurrent decision of the MSC, a draft MSC/MEPC circular on Framework for consideration of ergonomics and work environment on board ships;
- .5 approved, subject to concurrent decision of the MSC, a draft MSC/MEPC circular on the Organization's strategy to address the human element; and
- .6 approved, subject to concurrent decision of the MSC, a draft MSC/MEPC circular on Guidelines on basic elements of a shipboard occupational health and safety programme.

APPLICATION OF THE COMMITTEE'S GUIDELINES

Report of the Chairmen's Meeting

308 MEPC 53, taking into account the concurrent decisions of MSC 80, endorsed all the recommendations of the 2005 Chairmen's Meeting. With regard to the issue of whether to change the name of the BLG Sub-Committee to better reflect the work being undertaken, MEPC 53 decided that the name of the BLG Sub-Committee should not be changed at this stage.

Revised terms of reference of the Sub-Committees

309 MEPC 53 approved the revised terms of reference of all the Sub-Committees with the inclusion of explicit reference to marine environment issues and the phrase "including the role of such measures for the protection of the marine environment".

WORK PROGRAMME OF THE COMMITTEE AND SUBSIDIARY BODIES

Amendments to MARPOL Annex I to prevent the risk of pollution during oil transfer operations between ships at sea

310 MEPC 53, having considered the proposal by Mexico and Spain, agreed to include a high priority item on “Amendments to MARPOL Annex I for the Prevention of marine pollution during oil transfer operations between ships at sea” in the work programme of the BLG Sub-Committee and in the provisional agenda of BLG 10 with a target completion date of 2007.

Draft high-level action plan and prioritization of areas of work for the Organization for the 2006-2007 biennium

311 MEPC 53 noted that C 93 adopted the draft high-level action plan for the period 2006-2009 (i.e. for the two biennia remaining of the current Strategic Plan period) and instructed the Secretariat to forward it to the Committees for consideration with a view to its adoption at the twenty-fourth session of the Assembly.

312 MEPC 53 considered and endorsed the draft high-level action plan and, with some amendments, the draft outcome-based priorities for the Committee for the 2006-2007 biennium. The outcome of MEPC 53 on the matter will be considered under agenda item 18.

Work programmes and provisional agendas of the Committee and Sub-Committees

313 At each session during the period under review, the Committee, taking into account the progress made and proposals for new items on the work programme, approved the work programmes of the Committee and relevant Sub-Committees as well as the provisional agendas for their forthcoming sessions.

Work programme and budget

314 In preparing its recommendations on the work programme and budget for the next biennium, which will be considered under agenda item 20, the Committee bore in mind the need to keep the meeting weeks of the Committee and subsidiary bodies to the minimum necessary to maintain the efficiency and effectiveness of its work.

APPLICATIONS FOR CONSULTATIVE STATUS

315 During the period under review, the Committee considered applications for granting of consultative status to non-governmental organizations and advised the Council accordingly.

OTHER WORK RELATED TO MARINE ENVIRONMENTAL PROTECTION

316 During the period under review, the Secretariat also carried out a large amount of other work, including promotion of the effective implementation and/or entry into force of the MARPOL, OPRC, AFS and BWM Conventions; the OPRC-HNS Protocol; the IBC and BCH Codes; maintenance and re-engineering of the Bulk Chemical Database in relation to MARPOL Annex II and the IBC Code and the associated GESAMP/EHS Composite List Database and a number of other databases including those for the MARPOL, OPRC and BWM Conventions.

FACILITATION OF MARITIME TRANSPORT

317 During the period under review, the Facilitation Committee (FAL) continued to serve as the forum for discussing issues and problems arising in connection with the Convention on Facilitation of International Maritime Traffic (FAL), 1965 and the Organization's activities to reduce, simplify and standardize the documentation, formalities and procedures connected with the arrival and departure of persons and ships engaged in international trade.

318 The FAL Committee was scheduled to meet twice during the biennium: the thirty-first session was held from 19 to 23 July 2004 and the thirty-second session from 4 to 8 July 2005. The outcome of FAL 31 was reported to C 93 and that of FAL 32 will be reported to C/ES.23.

319 During the biennium increased emphasis was placed on complementing the work of other IMO bodies, in particular, that of the Maritime Safety Committee, ensuring that an appropriate balance is maintained between facilitation of international maritime traffic and enhanced maritime security, bearing in mind the Organization's new theme "Safe, secure and efficient shipping on clean oceans".

Amendments to the Annex to the FAL Convention

320 FAL 32, by resolution FAL.8(32), adopted amendments to the 1965 FAL Convention, aimed at enhancing the facilitation of international maritime traffic, the draft of which had been approved at FAL 31. The amendments introduced new concepts to align the Convention with recent developments in the field of information and communication technology, such as the systems to allow pre-arrival and pre-departure information to facilitate the processing of information required by public authorities and to transmit such information electronically to a single point (Single Window). The IMO standardized FAL Forms (1 to 7) were also amended to align the terminologies used in the Forms with those in the other IMO instruments.

321 The Committee determined that the above-mentioned amendments should, in accordance with article VII(2)(b) of the Convention, enter into force on 1 November 2006, unless, prior to 1 August 2006, at least one third of Contracting Governments to the Convention had notified the Secretary-General in writing that they do not accept them.

Electronic means for the clearance of ships

322 FAL 31 decided to continue consideration, at FAL 32, of the issue of electronic means for the clearance of ships, including: amendments to the IMO Compendium on Facilitation and Electronic Business (FAL.5/Circ.15 and Corr.1); exchange of information with a view to keeping the Committee informed of relevant developments relating to E-business in the area of maritime traffic; how recent developments in maritime security impact on E-business; and how to expand E-business in the area of maritime traffic to less developed countries.

323 FAL 32 considered various ways for facilitating the clearance of ships by electronic means and decided to develop a XML-based Single Window System to simplify, standardize and make effective use of ship's arrival and departure information through electronic means; develop Message Implementation Guidelines for exchange of information electronically on all the IMO FAL Forms; revise the IMO Compendium on facilitation and electronic business to reflect therein the amendments to the FAL Convention adopted at the session; and develop electronic data interchange (EDI) messages for the transmission of security-related information.

The Electronic Data Interchange (EDI) Working Group was agreed to be established at FAL 33 to consider the above issues in detail and appropriate terms of reference for the group were agreed.

Rearranged Committee's Guidelines on the organization and method of work

324 FAL 31 approved the rearranged and modified Guidelines on the organization and method of the Committee's work (FAL.3/Circ.186).

Development of an explanatory Manual to the FAL Convention

325 FAL 31, having agreed that the development of a comprehensive explanatory Manual to the FAL Convention could lead to a better understanding of the underlying principles and promote the full implementation of the Convention helping, at the same time, Contracting States in preparing their national legislation and other regulatory instruments, approved the framework and time schedule for the development of the Manual, which should be a living document, only explanatory in nature, non-binding to Contracting States and entailing no legal obligations. FAL 32 continued the work on the development of the Manual. The correspondence group was re-established to work intersessionally.

Prevention and control of illicit drug trafficking: facilitation aspects

326 As requested by the 2002 SOLAS Conference resolution 3, FAL 31 reviewed the Guidelines for the Prevention and Suppression of the Smuggling of Drugs, Psychotropic Substances and Precursor Chemicals on Ships engaged in International Maritime Traffic (resolution A.872(20)) and agreed that, in view of the fact that the Guidelines contain various ship security-related aspects, which might not be totally in line with the provisions of the ISPS Code, the suitability of the Guidelines for further use might be questioned. FAL 31 agreed that the revision of the Guidelines, to align them with the provisions of the ISPS Code, should be completed at its next session for submission of the required amendments to the twenty-fourth session of the Assembly for consideration and adoption.

327 FAL 32 agreed that alignment of the Guidelines with the provisions of SOLAS chapter XI-2 and the ISPS Code should be done in conjunction with the Maritime Safety Committee. Having recognized that it would be practically impossible to complete the revision of the Guidelines during FAL 32 for submission to the twenty-fourth session of the Assembly, the Committee prepared a draft Assembly resolution on the revision of the Guidelines through which the Assembly would, *inter alia*, authorize the Committee and the Maritime Safety Committee to adopt jointly the revised Guidelines and would require the Committees to report to the twenty-fifth session of the Assembly.

Measures to enhance maritime security: facilitation aspects

328 As requested by the Assembly in resolution A.924(22) and by the 2002 SOLAS Conference resolution 3, FAL 31, having considered facilitation aspects of maritime security, developed a standard minimum data set that ships could expect to be required to transmit prior to entry into port and invited the MSC to review the content of such a data set and advise the Committee on whether the suggested set includes the security-related information a ship might expect to provide prior to its arrival, if it is requested to do so. It was agreed that, once the contents of the data have been established and agreed by the MSC, the Committee might consider including an appropriate message in the IMO Compendium on facilitation and electronic business.

329 FAL 32, in particular, agreed that the submission of information, data or documents, which have been submitted prior to the arrival of the ship, should not be required again, once the ship has arrived, unless changes or amendments had occurred in the interim period. The Committee also agreed to consider, at FAL 33, the need for a revision of Standard 2.1 of the FAL Convention on documents required by public authorities.

330 Recalling that the 2002 SOLAS Conference had adopted resolution 9 on Enhancement of security in co-operation with the World Customs Organization (WCO) and noting that the WCO Council in June 2005 had adopted “Framework of Standard” to secure and facilitate global trade, FAL 32 decided to further consider, at FAL 33, the issues emanating from the work of WCO relating to supply chain security and facilitation, to advance the matter within the areas under its purview.

Measures and procedures for the treatment of persons rescued at sea: facilitation aspects

331 FAL 31 considered the issue as requested by the Assembly in resolution A.920(22) and approved, for adoption at FAL 32, draft amendments to the FAL Convention to facilitate the arrival, stay and departure of ships engaged in the rescue of persons at sea. FAL 32 adopted the above-mentioned amendments to the FAL Convention together with other amendments to the Convention (paragraph (321) refers). It also agreed to consider, at FAL 33, other relevant issues such as administrative procedures and a checklist for disembarking persons rescued at sea, taking into consideration any relevant developments in other international fora.

Stowaways

332 During the period under review, the Committee reviewed stowaway incident reports (stowaway incidents reduced from 183 in 2003 to 98 in 2004 and the number of stowaways from 476 in 2003 to 210 in 2004) and felt that the 2002 amendments to the FAL Convention addressing the resolution of stowaway incidents and the implementation of the ISPS Code had a positive impact on the reduction of stowaway cases.

333 FAL 32 considered other issues related to stowaways. It agreed, in particular, to consider, at FAL 33, a proposal to change the Recommended Practice 4.6.2 of the FAL Convention on notification of stowaways to a Standard, which would harmonize forms used in reporting stowaways. The Committee invited Member Governments and international organizations to submit comments and proposals aiming at strengthening the Guidelines on the allocation of responsibilities to seek successful resolution of stowaway cases (resolution A.872(20)).

Shipments of Class 7 radioactive materials

334 FAL 31 considered the issue of the denial of transportation and shipment of consignments of Cobalt-60 and agreed that, in fact, the transportation of all consignments of IMDG Code class 7 radioactive materials which have medical applications, in an efficient, expeditious and low cost manner, has a humanitarian dimension, is in the interest of public health and, thus, is for the benefit of society at large. The Committee decided that the Organization, in co-operation with the International Atomic Energy Agency (IAEA), if possible, should raise the matter with the World Health Organization (WHO) and should seek the support of WHO in the efforts undertaken with a view to resolving the issue.

335 The Committee agreed that, subject to consideration of the matter by the DSC Sub-Committee from the safety point of view and within the framework of IAEA, the aim

should be to develop either a communication by the Organization, possibly in the form of a FAL circular or a joint communication by the Organization, IAEA and WHO, if possible, stressing the benefits resulting from the use of Cobalt-60 in its various applications; confirming that the shipment of consignments of Cobalt-60, in accordance with the relevant provisions of SOLAS chapter VII and of the IMDG Code, provide the required level of safety; and inviting Governments and those concerned to facilitate its shipment in and through ports.

336 FAL 32 approved a FAL circular on Difficulties encountered in the shipment of the IMDG Code class 7 radioactive materials and, in particular, Cobalt-60 (FAL.6/Circ.12), being concerned about the potential adverse consequences the denial of such materials used in medical applications might have on public health. The circular provides advice that shipping and handling of such materials, when carried out in compliance with the relevant provisions of SOLAS chapter VII, the IMDG Code and the Recommendations on the safe transport of dangerous cargoes and related activities in port areas, should be considered as meeting the necessary safety requirements and should be facilitated.

FAL seminars

337 During the period under review, one regional FAL seminar had been held in Maputo, Mozambique, in May 2004 for 14 selected East African region countries and one sub-regional FAL seminar had been held in Algiers, Algeria, in May 2004 for the three Maghreb region countries, both financed by the Technical Co-operation Fund. Four national FAL seminars had been held in Pointe-Noire, Congo, in October 2004, in Dar-es-Salaam, the United Republic of Tanzania, in December 2004, in Sierra Leone in May 2005 and in Kenya in June 2005 respectively, financed by the Technical Co-operation Fund. The Committee expressed appreciation to the Governments of Algeria, Congo, Kenya, Mozambique, Sierra Leone and the United Republic of Tanzania for hosting, and to the Secretariat and consultants for organizing and successfully conducting those seminars.

Updating of list of certificates and documents required to be carried on board ships

338 FAL 31 reviewed the list of certificates and documents required to be carried on board ships and approved the updated list, which was concurred by the MSC and the MEPC and subsequently circulated as FAL.2/Circ.87-MEPC/Circ.426-MSC/Circ.1151.

On-line access to certificates and documents required to be carried on board ships

339 FAL 32 considered whether access by port State control officers to the information on certificates and documents required to be carried on board ships would be facilitated and simplified through the use of modern communication technology, such as access to on-line databases. In view of the perceived advantages of on-line access to such information, the Committee agreed to study the development of such a system, and requested the MSC and the MEPC to provide feedback on the acceptability, feasibility and practicability of the system and to advise the Committee as to which certificates might be made accessible by electronic systems.

Institutionalization of the Facilitation Committee

340 At FAL 31, the Committee noted that the twenty-third regular session of the Assembly had adopted resolution A.945(23) entitled "1991 amendments to the Convention of the International Maritime Organization (Institutionalization of the Facilitation Committee)" and that the Council had requested the Secretary-General to continue urging those Member States, which

had not already done so, to consider accepting the 1991 amendments at the earliest possible opportunity and report to the Council.

341 The Committee, having expressed appreciation for the action taken by the Assembly and the Council and the steps taken by the Secretary-General, noted that by the time it met at its thirty-second session in July 2005, 92 out of a required total 110 acceptances had been received by the Secretary-General, and, therefore, it urged Member Governments to accept the 1991 amendments to the IMO Convention at their earliest convenience, stressing that they had no financial implications for countries accepting them.

The SPI Working Group working methods

342 FAL 31 considered the proposals by the Chairmen of the MSC, MEPC and the FAL Committee on the work of the SPI Working Group and agreed that facilitation aspects of a ship/port interface nature (especially those concerning maritime security, in particular the recognized need for a balanced approach to security *vis-à-vis* facilitation of maritime traffic) should continue to be considered by the FAL Committee. When considering such an item on the basis of specific proposals, the Committee may decide whether its in-depth examination would necessitate it being referred to an *ad hoc* SPI Working Group.

343 Furthermore, the Committee agreed that:

- .1 although the adoption of measures for the enhancement of the security of ships and of port facilities would henceforth be the prerogative of the Contracting Governments to the 1974 SOLAS Convention and under the purview of the MSC, facilitation aspects of such measures should be considered by the FAL Committee to balance the interests and needs of the shipping and port industries. Therefore, the Committee, for the foreseeable future, would need to retain on its agenda and work programme an item on “Measures to enhance maritime security: Facilitation aspects”. Such an arrangement would also enable the Committee to discuss issues relating to maritime security other than those raised within the MSC, for example as a result of the work undertaken by the World Customs Organization (WCO) or ILO;
- .2 the existing agenda item and work programme on ship/port interface should be maintained and any sub-agenda item should be listed under this item. Thus, the Committee would have the flexibility and opportunity to address any issues arising from the ship/port interface; and
- .3 the SPI Working Group need not be convened as a joint working group of the MSC, the MEPC and the FAL Committee and would henceforth be convened as a working group of the FAL Committee as and when the FAL Committee considered it necessary. In such a case, the Committee would determine the terms of reference of the SPI Working Group, based on the nature of the items to be referred to the group for consideration at the particular time.

344 FAL 32 noted that MSC 79 had concurred with the views of the Committee. Both the MSC and the MEPC may refer, as necessary, matters for consideration by the Committee but would not directly instruct the SPI Working Group. In this manner, the Committee will have the opportunity to discuss the matters referred to it and to organize and manage its work appropriately.

Minimum training and education for shore-side mooring personnel

345 FAL 32 approved the Guidelines on minimum training and education for mooring personnel (FAL.6/Circ.11), which provide Member Governments, port authorities and port industry with guidance on training and education for shore-side mooring personnel. Application of the Guidelines would provide ports with an adequate level of competence which would ensure that ships enter, stay and leave a port safely, securely and efficiently.

Facilitation in avoiding safety threatening conditions

346 FAL 32 approved a FAL circular on Facilitation in avoiding safety threatening conditions (FAL.6/Circ.13), being concerned about a number of incidents reported, wherein public authorities for various reasons refused or delayed the movement of material, equipment, fuel and any other supplies to ships essential for their safe operations. Consequently, ships had proceeded to sea in unsafe conditions, often presenting a hazard to other ships and the marine environment. The circular urges public authorities not to unreasonably prevent, except in the case of judicial proceedings, the delivery of essential supplies to a ship.

Role, mission, strategic direction and work of the Committee

347 FAL 31 recalled that resolution A.944(23) on the Strategic Plan for the Organization (for the six-year period 2004 to 2010) recognized that today's globalized world is characterized by freer movement of people, goods and information and that the mission of the Organization as a United Nations specialized agency is to promote safe, secure, environmentally sound, efficient and sustainable shipping through co-operation. In this context, the challenge for the Organization is to be proactive in identifying trends and developments affecting shipping; to adopt a comprehensive and inclusive approach to shipping matters; and to provide an effective and efficient response to shipping trends, developments and incidents and, in doing so, to stave off regional or unilateral tendencies which conflict with the Organization's regulatory framework.

348 The Committee acknowledged the fact that the adoption by the Organization of the special measures to enhance maritime security had created new responsibilities for the Organization in the context of the delivery of its Strategic Plan and, although the MSC would be, henceforth, the regulatory body for maritime security, this work would need to be complemented from a facilitation point of view, thus enabling the Organization to fulfill its mission. In this respect, the Committee also recalled the remarks of the Secretary-General on the need to ensure that an appropriate balance is maintained between measures to enhance maritime security and measures to facilitate international maritime traffic.

349 The Committee also, acknowledging that there was an urgent need to stimulate interest and participation in its work, agreed that there was a need for it to discuss its work in detail at FAL 32 with a view to redefining and refining, as necessary, its role, mission, strategic direction and work. This would enable the Committee to report to the twenty-fourth session of the Assembly on how it would contribute, in co-operation with the other Committees, towards the achievement of the objectives of the Strategic Plan of the Organization.

350 FAL 32 approved its role, mission, strategic direction and work in order to more actively contribute, in co-operation with other IMO bodies, towards the achievement of the objectives of the Strategic Plan of the Organization.

Draft high-level action plan and the outcome-based priorities for the biennium 2006-2007

351 FAL 32 confirmed the proposed amendments to the draft high-level action plan and the outcome-based priorities for the biennium 2006-2007. A consolidated draft high-level action plan and prioritization of areas of work of the Organization for the biennium was prepared by the Secretariat, for consideration under Agenda item 18.

WORK OF THE LEGAL COMMITTEE

352 The Legal Committee was allocated two meeting-weeks in 2004 and two in 2005 in the budget for the 2004-2005 biennium. The Committee held two sessions in 2004, namely, the eighty-eighth and eighty-ninth sessions from 19 to 23 April 2004 and from 25 to 29 October 2004, respectively. The ninetieth session was held from 18 to 29 April 2005.

353 The outcome of LEG 88, LEG 89 and LEG 90, presented under Assembly agenda item 10, give details of the substantive work accomplished by the Committee.

Review of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988, and its Protocol of 1988 relating to Fixed Platforms Located on the Continental Shelf (SUA Convention and Protocol)

354 LEG 88 considered the need to ensure that the prospective SUA Protocols do not jeopardize the principle of freedom of navigation and the right of innocent passage which are guaranteed by the 1982 United Nations Convention on the Law of the Sea (UNCLOS), as well as by basic principles of international law. It also noted the need to consider carefully the linkage between the proposed new offences and the boarding provisions as not all offences should necessarily trigger the right to board. Concern was expressed about the inclusion in the draft of provisions criminalizing the transportation of weapons of mass destruction (WMD), as well as the criminalization of activities which were the subject of other treaties, such as the Biological Weapons Convention (BWC), the Chemical Weapons Convention (CWC) and the Nuclear Non-Proliferation Treaty (NPT). In this connection, the Committee addressed the issue of the extent of its mandate to elaborate the two draft protocols.

355 The Committee gave extensive consideration to the new offences contained in draft article *3bis* including a provision aimed at suppressing ecological terrorism by criminalizing discharges of substances in such quantities or concentration that cause serious damage to the environment and the inclusion of offences intended to criminalize the sea transport of different substances or materials.

356 The Committee recognized that the inclusion of boarding provisions constituted a significant departure from the fundamental principles of freedom of navigation on the high seas and exclusive jurisdiction of flag States over their vessels. In this regard, it was accepted that the principle of flag State jurisdiction must be respected and that a boarding by another State on the high seas could only take place in exceptional circumstances. The Committee also recognized that the provisions on compensation for an unjustified boarding needed to be strengthened.

357 LEG 89 continued with its deliberations, taking into account the work done by the *ad hoc* intersessional Working Group, which had met at IMO Headquarters from 12 to 16 July 2004.

358 The Committee extensively discussed the dangers and difficulties of boarding at sea and whether appropriate measures could be more safely taken in port.

359 The Committee adopted a provision establishing that any use of force during boarding shall not exceed the minimum degree of force necessary and reasonable in the circumstances and agreed on the need to include an explicit provision on the primary right to exercise jurisdiction and the circumstances when it might be waived where States had concurrent jurisdiction over offences.

360 It also agreed on the need for the inclusion of compensation for unjustified boarding and considered several proposals in this regard. There was insufficient support for a proposal to include provisions on joint and several liability, arbitration and the right of direct action against flag and boarding States on the grounds that it was too detailed and would be difficult to implement.

361 The Committee extensively discussed the incorporation of transport offences and noted that a clarification of the meaning of “transports” was required to provide legal certainty and avoid situations in which innocent passengers and crew might be accused of offences under the Convention.

362 The Committee agreed to include the offence of transporting a fugitive and supported, in principle, the inclusion of an offence for the transport of dual use materials and related technology. It also agreed to include in the definition of “death or serious injury or damage” resulting from unlawful acts a reference to substantial damage to the environment, including air, soil, water, fauna or flora.

363 The Committee agreed to reconvene its *ad hoc* intersessional Working Group from 31 January to 4 February 2005 to further elaborate the draft SUA protocols.

364 LEG 90 concluded its consideration of draft protocols to the SUA Convention and Protocol using as the basis for discussion, the revised draft texts reflecting the outcome of discussions at LEG 89 and the deliberations of the *ad hoc* intersessional Working Group.

365 The Committee embarked on an article-by-article analysis of the texts, in the course of which it extensively discussed the new offences and the boarding provisions of the draft protocol to the SUA Convention. The Committee also discussed the Preamble and decided to include in the Preamble references, *inter alia*, to United Nations Security Council resolution 1540(2004), which recognizes the urgent need for all States to take additional effective measures to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery; and to General Assembly resolution 59/24, urging States to become Party to the SUA treaties and to participate in the review of those instruments by the Legal Committee, as well as a reference to the importance of the United Nations Convention on the Law of the Sea, 1982 and customary international law of the sea.

366 Subject to the amendments agreed to at the session, the Committee approved, for submission to a diplomatic conference in October 2005, the texts of a draft protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988 and a draft protocol to the Protocol for the Suppression of Unlawful acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988.

Draft convention on wreck removal (DWRC)

367 LEG 88 considered the following four main issues: application of the DWRC to the territorial sea; exclusion of liability for acts of terrorism; identification of the person normally in charge of the day-to-day operation of the ship, who might not necessarily be the registered owner as presently defined in the convention; and the relationship between the DWRC and the existing liability regimes. It also examined and approved, subject to drafting improvements, the provisions concerning objectives and general principles, scope of application, reporting of wrecks and determination of the hazard.

368 The Committee agreed that further intersessional work was required to ensure compatibility between the DWRC and the Salvage Convention and requested the assistance of the CMI in this regard. The results of the CMI study were considered at the eighty-ninth session.

369 At that session, the Committee approved the text of an article on financial liability for locating, marking and removing wrecks and considered the implications of including terrorism within the concept of “acts of war”. It also approved an article on relationship with other liability conventions, subject to drafting improvements to avoid the possibility of double compensation.

370 The Committee agreed that the draft required further consideration in the light of the comments and proposals made and recommended that work should continue intersessionally under the leadership of the delegation of the Netherlands to further refine the text.

371 LEG 90 discussed the DWRC on an article-by-article basis, with the aim of reaching consensus on as many outstanding issues as possible, in order to present the “cleanest” possible text for consideration at a diplomatic conference, tentatively scheduled to be held in the forthcoming biennium, as well as to ascertain whether the text was ready for consideration at such a conference.

372 The Committee considered several new proposals and made a number of changes to the draft text. It agreed that the draft convention still required further consideration and, to this end, encouraged interested delegations to continue their intersessional work under the leadership of the delegation of the Netherlands.

Provision of financial security

Crew claims

373 LEG 88 noted the report of the fifth session of the Joint IMO/ILO *Ad Hoc* Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers (Joint Working Group) (12-14 January 2004).

374 The Committee authorized the Joint Working Group to proceed with the development of longer-term sustainable solutions to address the problems of financial security with regard to compensation in case of death and personal injury, leaving aside, for the time being, whether they should be mandatory or not.

375 LEG 89 noted progress made by the Joint Working Group. It also noted that ILO was developing a database on cases of abandonment, which was expected to be ready and fully operational in the course of the first quarter of 2005.

376 The Committee renewed its call for Member States and international organizations to respond to Circular letters No.2531 on Monitoring the Implementation of the Guidelines on Provision of Financial Security in case of Abandonment of Seafarers (resolution A.930(22)) and No.2532 on Reporting on Cases of Abandonment.

377 LEG 90 was informed by the representative of ILO that the database was now at the testing stage and password protected but that, pending agreement by the Social Partners, it would not be open to the public prior to the next meeting of the Joint Working Group.

378 The Committee discussed the importance of ensuring that the information contained in the database was up-to-date and accurate and noted the views of the Chairman of the Joint Working Group that, while the database appeared to meet the requirements of the Group, this issue, and particularly how to deal with resolved cases, should be discussed by the Group when it next met.

379 The Committee confirmed the holding of the sixth session of the Joint Working Group from 19 to 21 September 2005.

Follow-up on resolutions adopted by the International Conference on the Revision of the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974

Bareboat chartered vessels

380 LEG 88 noted information regarding an ongoing study of the CMI concerning the current practice of registration of bareboat chartered vessels and the implications for insurance certificate-issuing obligations under IMO liability conventions.

381 LEG 89 considered a follow-up report of the CMI on this issue as well as a submission identifying two key issues relating to the compulsory insurance provisions of the Athens Convention, 2002, which would need to be addressed. The Committee briefly discussed the various options for resolving these issues but reached no firm conclusions except that revision of the Athens Convention was not one of the options. It encouraged informal consultations to continue.

382 LEG 90 noted information submitted by the CMI to the effect that the rights of passengers of a ship being bareboat chartered under the 1974 Athens Convention and its 2002 Protocol would be protected, through checking by flag and port States, of the existence for each ship of insurance or other financial security. In the light of this information, the Committee decided that no further action was needed to comply with the request contained in the resolution adopted at the 2002 Diplomatic Conference.

Liability cover under the Protocol of 2002 to the Athens Convention, 1974

383 LEG 88 noted concerns expressed by the International Group of P&I Associations (International Group) that sufficient liability cover may not be available to permit certification of the liability exposure under the Athens Protocol, 2002. Cover for acts of terrorism was a particular problem. In this connection, it noted that the delegation of Norway had undertaken to explore the insurance issue through informal exchanges of views with other delegations and would report back to it.

384 LEG 90 noted the outcome of intersessional discussions on this issue. It also noted a submission by the International Group and the International Union of Marine Insurance (IUMI)

that an Assembly resolution be developed recommending that States Parties agree to interpret an “act of war” in article 3(1)(a) as including an “act of terrorism”, the effect of which would be to exclude liability for terrorist acts from the cover provided by the Clubs and other liability underwriters.

385 The Committee approved a draft Assembly resolution for submission to the twenty-fourth regular session of the Assembly for adoption, which attempts to resolve the problem by recommending that, when States ratify the Athens Protocol, “they reserve the right to issue and accept insurance certificates with such special exceptions and limitations as the insurance market conditions at the time of issue of the certificate necessitate, such as the bio-chemical clause and terrorism related clauses.”

386 The Committee recognized that further work would be needed to develop the guidance called for in the draft resolution as well as to address other outstanding issues relating to the 2002 Athens Protocol, including the liability issues.

Fair treatment of seafarers

387 LEG 88 considered a submission expressing concern about the treatment of seafarers following maritime accidents and proposing that IMO, perhaps in co-operation with ILO, consider the development of appropriate guidelines or other measures on the fair treatment of seafarers caught up in such situations based not only on the principles of UNCLOS but also on the fact that unwarranted detention was a violation of basic human rights.

388 The Committee noted information given by the representative of ILO on action taken within that Organization and suggesting the formation of a Joint IMO/ILO Working Group to develop guidelines on the subject. The Committee further noted the Secretary-General’s concerns regarding the detention of seafarers serving on ships involved in accidents, which have resulted in serious pollution of the marine environment.

389 The Committee agreed to include as a new, independent item on its work programme the development of guidelines on the fair treatment of seafarers and endorsed the proposal to establish a Joint IMO/ILO Working Group.

390 LEG 89 agreed on terms of reference for the Group and noted that these did not extend to the treatment of seafarers following incidents committed with criminal intent.

391 At its first meeting in January 2005, the Group prepared a draft resolution for submission to the Legal Committee, and for adoption by the twenty-fourth IMO Assembly and by the ILO Governing Body. Among other things, the draft resolution (a) invites Member Governments and non-governmental organizations with consultative or observer status with IMO or ILO to record instances of unfair treatment of seafarers in the event of maritime accidents and to provide data to IMO or ILO whenever requested; and (b) calls for the adoption of guidelines as a matter of priority. The resolution also authorizes the IMO Legal Committee and the ILO Governing Body to promulgate, once finalized, the said guidelines.

392 LEG 90 approved the draft Assembly resolution for submission to the twenty-fourth regular session of the Assembly for adoption. In so doing, it noted that the ILO Governing Body had already approved it. The Committee also approved the continuation of the Group’s deliberations, as well as the establishment of a correspondence group to assist its progress during the intersessional period.

393 The Committee discussed whether the terms of reference of the Group should be expanded to include, *inter alia*, “incidents”. Taking into account, among other factors, that any amendments would have to be agreed by the Governing Body of ILO, thus delaying the preparation of the urgently needed guidelines, the Committee agreed that the terms of reference should remain unchanged.

Places of refuge

394 LEG 88 noted that resolution A.949(23) on Guidelines on Places of Refuge for Ships in Need of Assistance requested it to consider, as a matter of priority, the said Guidelines from a legal perspective, including the provision of financial security to cover coastal State expenses and compensation issues.

395 The Committee noted that the CMI would be considering liability and compensation issues at its Vancouver Conference in June 2004 and that the International Group intended to formulate a standard form letter of undertaking to facilitate access to places of refuge in appropriate cases, which would respond to liabilities that were already covered, such as pollution and wreck removal.

396 LEG 89 noted a proposal from the CMI Vancouver Conference for a new convention on places of refuge as well as the views of the International Group that it would be premature for IMO to decide on the need for such a convention, prior to the entry into force of all the IMO conventions on liability and compensation and an assessment of their effect in relation to places of refuge. The Committee agreed that this matter required further study.

397 LEG 90 considered further information provided by the CMI on international treaties relevant to the question of places of refuge and the CMI’s view, supported by a submission by the International Association of Ports and Harbors (IAPH), that the present regime did not provide clear guidance to parties involved in requests for places of refuge and that, accordingly, the development of a new international instrument should be considered.

398 The Committee agreed that the subject of places of refuge was very important and needed to be kept under review but that, for the time being, there was no need to develop a new convention.

Monitoring implementation of the HNS Convention

399 LEG 88 noted the work in progress in several countries towards ratification of the treaty and that the IOPC Funds were near to completing the development of an HNS Data Base, which would include a ‘cargo calculator’ to facilitate reporting of contributing HNS Cargo. It also noted a report of the delegation of the United Kingdom, as leader of the HNS Correspondence Group, on the work undertaken by the Group since LEG 86.

400 LEG 89 noted a further report by the HNS Correspondence Group, in particular, that the ratification process had been held back to ensure that as many States as possible ratify at or about the same time, thereby triggering the entry into force of the treaty.

401 The Committee also noted that article 43 of the HNS Convention imposed a requirement on States Parties to report information on contributing cargo at the time of ratification and on an annual basis, including nil reports. In this connection, it noted that the IOPC Funds had completed the development of a database for identifying and recording contributing cargo.

402 LEG 90 noted a Secretariat document on the status of the HNS Convention, in particular, that none of the eight Contracting States had submitted information on contributing cargo received. It also noted the concerns of the representative of the Oil Companies International Marine Forum (OCIMF) about the failure of Contracting States to submit estimates of their receipts. The Secretariat was requested to write to Contracting States underlining the importance of their obligation, under article 43 of the HNS Convention, to report on contributing cargoes received.

403 The Committee also noted a statement by the leader of the Correspondence Group about the need to revisit the issue of whether a comprehensive guide on the implementation of the HNS Convention should be developed and his suggestion that, following his retirement, the IOPC Funds should take a greater role in co-ordinating the HNS implementation and work together with the IMO Secretariat in this regard.

Technical co-operation – subprogramme for maritime legislation

404 LEG 88 noted the progress report provided in document LEG 88/11 and its annex on technical co-operation activities in the field of maritime legislation which had taken place from July to December 2003.

405 It further noted the information provided by the Technical Co-operation Division, regarding the increasing number of requests from developing countries for assistance in updating their maritime legislation, the special global programme to address new and urgent requests in this regard, as well as the recently-completed impact assessment exercise on maritime legislation.

406 LEG 89 noted a progress report on technical co-operation activities in the field of maritime legislation which had taken place from January to June 2004 and, in particular, the development of some 18 models of primary or secondary legislation.

407 LEG 90 noted a progress report on technical co-operation activities in the field of maritime legislation, which had taken place from July to December 2004; and, in particular, that many requests for assistance for development of maritime legislation had been received, and assistance had been provided, within the framework of the IMO global programme on advisory assistance.

Work programme and long-term work plan

408 LEG 89 considered that, notwithstanding the good progress made by the Working Group on the revision of the SUA treaties at that session, the draft instruments would still require another week of the Committee's time. It accordingly decided to hold a second session of its *ad hoc* intersessional Working Group from 31 January to 4 February 2005 and to have a two-week Legal Committee meeting from 18 to 29 April 2005, on the understanding that the first week would be completely devoted to the finalization of the revision of the SUA treaties and the second week would then be devoted to the draft wreck removal convention and the remaining items on the Committee's agenda.

409 The Committee decided to recommend the convening of a diplomatic conference on the revision of the SUA treaties from 10 to 14 October 2005.

410 LEG 90 noted the information provided by the Secretariat on the decision of the Council, at its ninety-third session, regarding the discontinuation of the Organization's long-term work plan.

Matters arising from the ninety-third session of the Council

411 LEG 90 noted the information submitted by the Secretariat on the outcome of the *Ad Hoc* Council Working Group on the Organization's Strategic Plan. As requested by the Council, at its ninety-third session (15-19 November 2004), the Committee considered the draft high-level action plan prepared by the Council with a view to amending or adding, as necessary, high-level actions to address the anticipated activities of the Legal Committee over the remaining period of the Strategic Plan (to the end of 2009) in line with the Organization's strategic directions for the period 2006 to 2010, as set out in resolution A.944(23).

412 The Committee also considered the draft outcome-based priorities for the Legal Committee for the 2006-2007 biennium and recommended the inclusion, in the appropriate columns, of references to the development of conventions and to the preparation of guidance on interpretation and implementation of the 2002 Athens Protocol and other liability and compensation conventions.

Torres Strait PSSA associated protective measure – compulsory pilotage

413 LEG 89 considered the legal aspects of compulsory pilotage in straits used for international navigation, in the light of a proposal by Australia and Papua New Guinea to extend the existing Great Barrier Reef Particularly Sensitive Sea Area to cover the Torres Strait and to adopt, as one associated protective measure, a compulsory pilotage scheme in the Torres Strait.

414 There was general recognition of the importance of protecting the marine environment of the Torres Strait, as well as of upholding fundamental principles of international law, including those codified in UNCLOS, in particular the right of transit passage through a strait used for international navigation. There was also agreement that IMO was the competent international organization to address such measures. However, the Committee remained divided on the legality of compulsory pilotage in a strait used for international navigation.

Measures to protect crews and passengers against crimes on vessels

415 LEG 88 noted an interim analysis by the CMI on its ongoing work to examine State practice on how crimes committed on vessels on the high seas were handled in different jurisdictions as well as suggestions by one delegation on possible measures to prevent such crimes.

416 LEG 89 noted the adoption of a resolution by the CMI Assembly on the ability of coastal States to take custody of a foreign citizen accused of a criminal offence on a foreign flag ship on the high seas and the recommendation therein that the CMI establish a Joint International Working Group to draft a model national law concerning such offences. However, it was decided that no further action was required of the Committee at this time, leaving open the possibility that the matter could be reactivated at some future meeting by interested delegations.

Severe Marine Pollutants and the 1973 Intervention Protocol

417 LEG 88 noted the information concerning developments taking place in the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC) affecting the list of substances to which the 1973 Intervention Protocol applies and the potential implications of this information for the HNS Convention.

Proposed CMI study on the implementation of procedural rules in limitation conventions

418 LEG 90 noted a submission by the CMI proposing the study of the implementation of procedural rules in limitation conventions and the possibility of establishing a set of uniform rules of procedure for use by States Parties. It agreed to examine, in due course, the results of the study and its implications, at which time it would decide on the need for any further action on its part.

Proposal to increase the number of pages of non-bulky documents

419 LEG 90 decided to increase the length of non-bulky documents from 5 to 6 pages, in line with the practice of other Committees, and to retain the current deadlines for their submission, as proposed in a submission by the Secretariat, and, accordingly, adopted an amendment to paragraph 20.1 of the Guidelines on Work Methods and Organization of the Work of the Legal Committee.

TECHNICAL CO-OPERATION

420 The Technical Co-operation Committee (TCC) met twice during the current biennium: the fifty-fourth session was held from 15 to 17 June 2004, and the fifty-fifth session from 14 to 16 June 2005.

421 The results of the biennium under review were characterized by a notable increase in the volume of activities implemented under the Integrated Technical Co-operation Programme (ITCP), both in terms of expenditure and of results achieved in the field. The enhanced ITCP delivery was accomplished through the measures adopted as a result of the Change Management Programme (CMP) in 2003 and through the development and improvement of partnership arrangements for technical co-operation.

422 As at August 2005, some 27 IMO partnership arrangements with governments, organizations and institutions on technical co-operation were operational. Taking into account Assembly resolution A.965(23) on the Development and Improvement of Partnership Arrangements for Technical Co-operation, these arrangements have made a significant contribution to the delivery of ITCP activities and in some cases have served to build the capacity of regional organizations themselves. Substantial assistance was also provided through the implementation of national and regional workshops under the technical co-operation Global Programme on Maritime Security.

Development and implementation of the ITCP

423 The first comprehensive biennium report, *Final report for the 2002-2003 biennium* (TC 54/3 refers) was presented to TCC 54 in June 2004. In June 2005, the *interim report on the status of ITCP implementation (2004-2005)*, (TC 55/3 refers), which outlined the results achieved in implementation during the first year of the current biennium, was submitted to TCC 55.

424 The reports highlighted the sustained increase in financial delivery which reached a level of some US\$14 million in 2004, compared with US\$13.2 million in 2003. The level of financial delivery achieved in 2004 was more than double the average level of disbursement of US\$6.9 million from 1995 to 1999. The 2004 expenditure level measured against total donor contributions in 2004 of US\$18,011,329 produced a delivery rate of 77.9%, which represented a marked increase - up from 69% in the year 2003, and 50% in 2002.

425 The 2002-2003 biennial achievements, included 210 technical advisory missions; 18 packages of model primary or secondary legislation; and 215 courses, seminars and workshops held at the national, regional and global levels. These activities resulted in the training of some 6,400 participants world-wide. During 2004 a further 97 missions were carried out; 115 courses, seminars and workshops were held at the national, regional and global levels; and 4,181 participants were trained worldwide.

426 The Committee approved the ITCP for 2006-2007 at TCC 55. The document set out the principles in the preparation, design and execution of the ITCP, provided the constituent regional and global programmes, comprising 13 programmes (seven regional and six global), with funding requirements totalling some US\$15.5 million, incorporating the allocation for the global programme to support the Voluntary IMO Member State Audit Scheme.

Technical Co-operation Fund

427 At TCC 54 in June 2004, the Committee noted the information provided in the final report on the TC Fund programme for 2002-2003. The Committee also agreed to limit the reports on the TC Fund to the TCC and the Council to a single biennial report and approved a consequential amendment to the Rule of Operation of the TC Fund, which was subsequently endorsed at C 92.

428 At TCC 55 in June 2005, the Committee endorsed the proposals for the TC Fund to support the implementation of the ITCP for the biennium 2006-2007 and the amount proposed has been increased from £4.88 million to £5.15 million to incorporate an allocation of US\$500,000 for the Voluntary IMO Member State Audit Scheme Programme.

Global programmes on maritime security

429 Since the Global Programme on ISPS Implementation was launched in 2002, a total of 19 regional and 55 national seminars/workshops, as well as 32 country advisory missions on maritime security, were delivered and some 3,800 persons trained. In addition, the Train-the-Trainer programme, launched in September 2004, conducted 11 training courses and trained some 218 persons.

430 Over the biennium 2002-2003, some US\$2 million was expended and, with a further US\$1.2 million expended in 2004, the global programme on maritime security maintained a remarkable delivery rate of over 90% of the allocated funds over the three year period.

431 The Committee was updated in 2004 and 2005 on the status of the International Maritime Security Trust Fund (IMST Fund) including information on donations made or monies pledged to IMO by Member States. The Secretary-General renewed his appeals to Governments and industry to make further contributions to the IMST Fund.

Partnership Arrangements for Technical Co-operation

432 During the biennium under review, the IMO/Regional Co-ordination scheme and the partnerships arrangements with regional/national organizations and programmes for the delivery of the ITCP continued to be strengthened.

433 In line with operative paragraph 4 of resolution A.965(23), the three Memoranda of Understanding (MoUs), signed between IMO and the Governments of Kenya, Ghana and Côte d'Ivoire, respectively, to provide the Regional Presence Offices for the respective subregions, were extended until the end of 2005. In Nairobi, Kenya, the Regional Presence office was strengthened through the appointment of a Principal Programme Assistant in October 2004, and in the same month the IMO Regional Co-ordinators in Africa held the second Annual Meeting.

434 In Asia, following the ratification of the IMO/Philippines MoU, the IMO Regional Presence Office for East Asia opened in Manila, the Philippines, in September 2003. One immediate benefit was the establishment of new linkages between the regional ITCP activities for 2004-2005 and the Association of South-east Asian Nations (ASEAN) new maritime programmes.

435 In line with resolution A.965(23) on the "Development and Improvement of Partnership Arrangements for Technical Co-operation", two new MoUs were finalized with the Port Management Association of Eastern and Southern Africa (PMAESA) and the Port Management Association of West and Central Africa (PMAWCA). In addition, funding was established for the Regional Maritime Adviser for the Caribbean; a new MoU was established between IMO and Peru; and, the "IMO/ROK Programme of Technical Co-operation", set up through a special Trust Fund, provided funding from the Republic of Korea for the support of ITCP activities.

436 The existing MoUs and co-operation between IMO and COCATRAM¹, ROCRAM², DIRECTEMAR³ (Chile), Prefectura Naval Argentina (PNA), US Coast Guard, Singapore, Hong Kong, China, ASEAN, PEMSEA⁴, South Asia Co-operative Environment Programme (SACEP), Secretariat of the Pacific Community (SPC), South Pacific Regional Environment Programme (SPREP) and Tokyo MoU on port State control (PSC), contributing to Latin America, the Caribbean, Asia and the Pacific Islands regions, continued to provide further support for the effective implementation and delivery of the ITCP activities. The MoU between IMO and the Arab Academy for Science, Technology and Maritime Transport (AASTMT) in Egypt was also extended.

Long-term forecast of the financial position of the ITCP

437 In resolution A.944(23), the Assembly had identified one of the challenges for IMO as being the need to ensure an equitable and sustainable means of funding the ITCP. Initial projections on the financial position had revealed that the Organization's current reliance on the internal resources of the TC Fund as a principal source of financing for the ITCP was not sustainable and, although IMO would continue to receive some external donor support, most development aid was not likely to be channelled through multilateral institutions such as IMO.

438 A more comprehensive analysis on this matter was considered by the Committee at TCC 55 through a TC Financial Forecast (TC 55/4/1 refers) prepared by the Secretariat. The document focused on current trends, which projected the declining reserves of the TC Fund over the two biennia, 2006-2007 and 2008/2009, again indicating that this Fund could not be considered a sustainable or predictable source of support for the ITCP.

¹ The Central American Commission on Maritime Transport.

² The Operative Network of Regional Co-operation among the Maritime Authorities of South America, Cuba, Mexico and Panama.

³ Directorate General of the Maritime Territory and Merchant Marine.

⁴ Partnerships in Environmental Management for the Seas of East Asia.

439 TCC agreed that it was necessary to continue to address the issue of the long-term financial sustainability of the ITCP and endorsed the formulation of a resource-mobilization strategy for its longer term implementation based on the following five precepts:

- .1 **ensuring** that the TC Fund was maintained as a core fund to support the delivery of the primary activities of the biennial ITCP, and as a means to attract cost-sharing participation from external donor countries and organizations;
- .2 **maximizing** the cost-effectiveness of our delivery mechanism – i.e. by reducing costs without lowering the quality of the services provided;
- .3 **establishing** an equitable financial mechanism which can ensure the sustainability of a certain minimum level or core capacity of the Organization to respond to the emerging technical assistance needs of developing member countries;
- .4 **mobilizing** external financial and in-kind support through partnerships with Member States, organizations and industry, to supplement the core funding of the ITCP; and
- .5 **sharing** responsibility for resource mobilization.

Programme on the Integration of women in the maritime sector (IWMS)

440 Financed through the TC Fund, the Programme for the Integration of Women in the Maritime Sector (IWMS) activities include the provision of short-term fellowships for women, and an on-going series of regional workshops.

441 In October 2003, IMO conducted a regional seminar for Pacific Island countries on “The Role of Women in the Maritime Sector: Opportunities and Challenges”, hosted by the Government of Samoa with the support of the SPREP and SPC. Fourteen island countries within the region participated in the seminar, which resulted in the launch, in February 2005, of a formal Pacific Women in Maritime Association (WIMA), to promote information and opportunities and the active participation of women in the maritime sector.

Institutional development and fellowships

442 The reports on global maritime institutions, including the World Maritime University (WMU) and the International Maritime Law Institute (IMLI) were submitted to the June 2004 and 2005 sessions of both the Council and TCC.

443 The World Maritime University Board of Governors’ reports included information on the budgetary status of the WMU for the period, and progress in academic reforms and student enrolment. The Committee also received an update on the status of implementation of resolution A.933(22) on sustainable financial support for the WMU. In this regard, the Nippon Foundation’s steadfast support since 1983 had resulted in the training of a total of 277 WMU graduates from 27 countries and the sponsor of many nationals from countries in Asia and the Pacific, Africa, Europe, the Middle East and Latin America and the Caribbean to complete their studies at the University. A full report on WMU will be submitted to the Assembly under agenda item 17(a).

444 The eighteenth and nineteenth annual reports of the International Maritime Law Institute (IMLI) Governing Board covered the Institute's operation and academic activities. The Institute's financial operations for the academic year 2003-2004, 2004-2005 and projections for 2005-2006 were also presented to the Committee together with the External Auditor's statements for the period under consideration, and an update on the status of implementation of resolution A.934(22) on sustainable financial support for IMLI. A full report on IMLI will be submitted to the Assembly under agenda item 17(c).

445 At TCC 54, the Committee was informed that the IMO International Maritime Academy (IMA) had conducted only four model courses in 2004 due to reduced funding available. At TCC 55, the Committee noted IMA's programme for the academic year 2004-2005 and the funding provided by the Government of Italy and the Province of Trieste. The Committee also noted that since resolution A.935(22) on sustainable support for the Academy, IMO had remained the only external source of assistance to IMO. A full report on the Academy will be submitted to the Assembly under agenda item 17(b).

Impact assessment exercise for the period 2000-2003

446 The second IMO Impact Assessment Exercise (IAE) covered the period 2000-2003, and reviewed IMO's support to developing countries on maritime legislation and maritime security, as well as those activities delivered through partnership arrangements with national and regional institutions. The exercise took place in early 2004 and included regional consultations in Accra (Ghana), Alexandria (Egypt), Managua (Nicaragua) and Jakarta (Indonesia) of some 20 beneficiary countries and 14 partner institutions.

447 In June 2004 at TCC 54, the Committee considered the "Report on the assessment of the impact of IMO's ITCP for 2000-2003" and approved the 12 proposals prepared by the Secretariat, to implement the IAE's recommendations.

Performance indicators for capacity-building (resolution A.944(23))

448 In line with the recommendations by the Assembly in resolution A.944(23), TCC 54 examined the technical co-operation performance indicators under the Organization's Strategic Plan and their related definitions.

449 In order to facilitate the measurement of progress in achieving the Strategic Plan's related objectives, the TCC recommended merging the existing performance indicators 14 and 15 into a new indicator entitled "Delivery of technical assistance and education outreach"; and establishing a separate indicator entitled "Sustainability of the ITCP". The recommendations were adopted by C 93 with minor modifications in November 2004.

Establishment of an International SAR Fund

450 Following the Committee's concurrence with the recommendation of MSC 78, an International SAR Fund was established by the Council, so that the Organization might further assist developing countries to enhance their maritime search and rescue capability in accordance with the objectives for the implementation of the Global SAR Plan. The activities implemented through contributions to the Fund will be carried out within the framework of the ITCP.

Establishment of an International Ship Recycling Fund

451 TCC 55 agreed in principle, to the establishment of an International Ship Recycling Fund on the understanding that, when the Fund was established, detailed information would be provided, *inter alia*, on the specific purposes for which the Fund would be used.

Voluntary IMO Member State Audit Scheme

452 The outcome of the second meeting of the Joint MSC/MEPC/TCC Working Group on the Voluntary IMO Member State Audit Scheme was presented to TCC 54 in June 2004 together with information from the fifty-eighth session of the General Assembly of the United Nations; and information on the establishment of ICAO's International Financial Facility for Aviation Safety (IFFAS) Governing Body.

453 At TCC 55 in June 2005, the Committee discussed capacity-building aspects of the Scheme and agreed to allocate US\$500,000 from the TC Fund towards the funding requirement of US\$1,077,000 estimated in the ITCF for 2006-2007 biennium. The Committee considered that it was premature to establish a separate voluntary trust fund for the Audit Scheme; however Member States were encouraged to make contributions to the ITCF for activities related to the Scheme.

Access to IMO instruments in electronic format

454 The Secretariat had monitored the use of the online facilities operating under the pilot project scheme to make a number of IMO instruments available free online in electronic format up to the end of May 2004. An analysis of the statistics on downloads and an evaluation of the project through the period of the study was presented to TCC 54 in June 2004.

455 From the deliberations, it was evident that the result of the study was not conclusive, and there was concern that the scheme could adversely affect sales of publications, and therefore the health of the Printing Fund, with implications for the future of the TC Fund. Furthermore, it appeared that the main beneficiaries of the pilot scheme had not been developing countries as originally intended but, rather, commercial interests and developed countries. Following consideration of all the various concerns raised and the recommendations of the Committee, online access had since made available documents in other IMO languages. Moreover, the period of the study for the collection of data, was extended until the end of June 2005, and the Secretariat's conclusions of the study will be submitted to the Council thereafter. Free access to the documents on the Internet however, will continue until the end of 2005.

CONFERENCE SERVICES

456 There were 21.6 fully serviced official meeting weeks in 2004 and 20.4 scheduled to take place in 2005. In addition, there has been an increasing number of intersessional working groups and meetings of other bodies on technical and other matters relating to the work of the Organization and the Conference Division has serviced several meetings of the IOPC Funds. The Conference Services Business Centre has been further expanded and has proved very useful to delegates. In order to reduce security concerns and improve efficiency, a new centralized Unit has been established in the Conference Division with responsibility for the integrated registration system and preparation of Lists of Participants for all IMO meetings.

Language services

457 The official languages (Arabic, Chinese, English, French, Russian and Spanish) have been used as appropriate in connection with official meetings. Documents for these meetings have been translated and processed into the working languages (English, French and Spanish). The computerized terminology database is being upgraded with a view to ensuring the maintenance of high quality and timely translation. The new software will be available in the six official languages of the Organization. For reasons of economy and to rationalize and increase the efficiency of translation processes with the Organization, a centralized Terminology and Reference Unit has been established in the Conference Division.

Documents services

458 The large volume of documentation required for the meetings has been planned for and processed for translation, typing, printing and dispatch as speedily as possible, with the assistance of the computerized monitoring system.

459 Digital printing of documents has continued to be very successful with faster delivery and reduction in overtime maintained, and the existing equipment is being enhanced and upgraded.

Distribution of IMO documents

460 The Council, at its ninety-second session in June 2004, decided that, as from 1 July 2004, the distribution of hard copies of IMO meeting documents should be limited to one for each IMO Member State, subject to some flexibility in recognition of the fact that some Member States may have difficulties in accessing the IMODOCS website. It also decided that, as from the same date, non-governmental organizations should no longer receive meeting documents in hard copy.

461 In accordance with this decision, Circular letter No.2572 was issued on 25 June 2004, informing Member States and NGOs of the decision of the Council and requesting Member States who no longer wished to receive printed versions to inform the Secretariat.

462 This became effective from 1 July 2004 and all new documents starting from that date are being circulated to Member States in one copy.

EXTERNAL RELATIONS

Co-ordination with the United Nations system

463 Co-operation with the United Nations and specialized agencies, as well as co-ordination on programme matters are the main focus of the Sub-Division for External Relations. This Sub-Division undertakes the practical arrangements to ensure that IMO is promoted throughout the United Nations system with the view to ensure that activities do not overlap or are duplicated. Inter-Agency discussions of general or specific interest to IMO were kept under review by the United Nations Chief Executives Board (CEB) and brought to the attention of the Council, in particular, the following issues:

- Curbing transnational crime;
- World Summit on the Information Society (WSIS);
- Follow-up to the World Summit on Sustainable Development (WSSD);

- 2005 World Summit;
- Implementation of the Development Agenda at the country level;
- Management issues: Staff security and safety;
- Implications of the United Nations Convention on the Law of the Sea for IMO:
 - (i) Oceans and the Law of the Sea – Genuine Link;
 - (ii) Strengthening of flag State implementation; and
 - (iii) Piracy and armed robbery at sea.

Relations with other intergovernmental organizations

464 At its ninety-second and ninety-third sessions, the Council noted that the formal procedures for the signing of the Agreements of Co-operation between IMO and the Pacific Community; between IMO and the European Conference on Postal and Telecommunications Administrations (CEPT); and between IMO and the Association of Caribbean States (ACS) had been completed. The Council also noted the information on the termination of the Agreement of Co-operation with the Organization of African Unity (OAU) and that no official communication has since been received from the African Union (AU), the Organization which had superseded the OAU, requesting IMO to enter into a similar Agreement with it, in spite of repeated efforts by the Secretariat. The Council further noted the exchange of communications between the Secretariats of IMO and Interpol with a view to concluding an Agreement of Co-operation.

465 At its ninety-fourth session, the Council approved the draft Agreements of Co-operation between IMO and the following international organizations: the Commonwealth Telecommunications Organisation (CTO); the International Oil Pollution Compensation Supplementary Fund (IOPCSF); the Mediterranean Memorandum of Understanding on Port State Control (MED MoU); and the Memorandum of Understanding on Port State Control in the Black Sea Region (BS MoU), all of which follow the previously-established pattern of agreements concluded by IMO with other international organizations; and requested the Secretariat to submit them to A 24 for final approval.

466 The Council noted the information provided by the Secretary-General that negotiations between the Secretariats of IMO and the African Union (AU) with regard to the adoption of an Agreement of Co-operation were still continuing, and that it would be informed of future developments in due course. A full report on this subject appears under agenda item 21(c) of the Assembly.

Relations with non-governmental organizations

467 Since A 23, the Council has considered six new applications for consultative status from the following organizations:

- Fondation Africaine (FARMAPU-INTER & CECOTRAP-RGOCL);
- the European Maritime Heritage (EMH);
- the International Association of Airport and Seaport Police (IAASP);
- the International Criminal Police Organization – Interpol;
- the International Towing Tank Conference (ITTC); and
- the International Center for Environmental Research (ICFER).

468 The applications from Fondation Africaine (FARMAPU-INTER & CECOTRAP-RGOCL), the International Criminal Police Organization – Interpol and the International Center for Environmental Research (ICFER) were turned down. Interpol's application was declined due

to its intergovernmental character. The Council reached the final decision to grant consultative status to ITTC but not to EMH. The decision on IAASP was deferred pending advice from MSC 81. In respect of applications previously submitted, the Council reached the final decision to grant consultative status to the International Maritime Health Association (IMHA). The application from the International Bunker Industry Association (IBIA) is still under consideration. Details on the actions taken by the Council on these applications are submitted to the Assembly under agenda item 21(d).

469 The Council undertook its biennial review of the non-governmental organizations in consultative status for the period from 1 March 2003 to 20 March 2005.

World Maritime Day

470 World Maritime Day 2004 was celebrated during the last week of September. The theme of the Day in 2004, as approved by the Council, was “**IMO 2004: Focus on Maritime Security**”, and the theme for 2005 is “**International Shipping – Carrier of World Trade**”. A full report on World Maritime Day for 2004 and 2005 is being submitted to the Assembly under agenda item 24.

International Maritime Prize

471 The International Maritime Prize for 2003 was awarded by the Council to **Mr. William A. O’Neil (Canada)**, Secretary-General Emeritus of IMO, and the Prize for 2004 to **Mr. Luis Martínez Wolf of Mexico**. A report on the International Maritime Prize is being submitted to the Assembly under agenda item 25.

Public information services (PIS)

472 The objective of the Public Information Services is to disseminate information on the Organization’s objectives and work activities, improving global awareness of the Organization and its impact.

473 This is carried out in a number of tasks, including: writing and distribution of press releases and briefings; arranging press conferences, background briefings, press, television and radio interviews; responding to information requests by phone, fax, email; giving talks and presentations on the work of IMO; researching, writing and disseminating summary reports of all IMO meetings; researching, writing and updating papers in the “Focus on IMO” series; production of other materials for exhibitions and events; expansion and organization of a photographic library; research and writing speeches and articles on the work of IMO and related topics as requested by the Secretary-General; writing and editing IMO’s quarterly magazine. PIS has also assumed responsibility for the upkeep of major parts of the IMO public-access website, which provides a comprehensive and constantly growing source of information about the Organization.

474 The output of the section is almost entirely demand led. There are four principal “clients”: general public, maritime industry professionals, press and other media, internal clients, principally the Secretary-General. The section responds to demands as and when they arise, apportioning resources according to immediate priorities. Demand from all client sectors is increasing, but in particular from internal clients.

Library services

475 The IMO Library continued to develop its resources in order to maintain its role of knowledge centre and information provider to the Secretariat, Delegates, the maritime community researchers, students, and the public at large.

476 The IMO Library services respond to over 1,000 enquiries per year and provide answers, material, documents, bibliographies and information resources documents or refers the enquirer if necessary. Between November 2003 and January 2005, over 320 visitors/enquiries by telephone were received and 270 delegates used the Library; presentations for 60 official group visits were made. The computerized catalogue Sealibrary was launched on the website during the two open days held during the twenty-third Assembly when delegates were provided with a CD of information resources.

477 Daily monitoring of the trade, legal and technical press as well as various newswires, is provided for the Secretariat and Regional Offices and special attention is given to maritime security. The *Current Awareness Bulletin* which is posted monthly on the website, is distributed to over 200 subscribers (mainly in developing countries) and nearly 400 subscribers by e-mail. New Information Resources Documents have been introduced on: *Port State Control*; *Ship Recycling*; *Fair Treatment of Seafarers*; *The Tsunami Disaster*.

478 Information for use by IMO Staff was added to the Intranet e.g. maritime statistical information, *Index of IMO Resolutions* (also on Internet); full text of MEPC, MSC, LEG Resolutions in English; New e-sources were added to the website as well as a guide to “How and where to find IMO Documentation”, a guide to *Information Resources on Treaties and Agreements* and a guide to *IMO Treaties and Agreements*. The *Citations and sources for IMO Conventions* was also updated.

479 SeaLibrary, the catalogue of books/reports/selected IMO documents, has now reached nearly 12,150 records and the database of bibliographic details of articles nearly 67,218 records (over 9,000 articles added since November 2003).

480 The Library is currently working with the Library of the Arab Academy for Science and Technology and Maritime Transport (AASTMT) in Alexandria (Egypt) with a view to integrating the catalogues and making them available on the website through SeaLibrary (PHAROS project). It is hoped that more Libraries will join the scheme in future. In addition, the *Directory of Maritime Links* increased to over 2,000 links thereby giving the maritime community direct access to a large array of websites of interest. As co-editor and in partnership with the Marine Environment Division, the Library updated and increased the coverage on IMO activities on the United Nations Atlas of the Ocean. A presentation on the IMO Library Services and its work on the IMO website was given during MEPC 53. Foundations have also been laid for “INFOGATE” a maritime information portal.