

MARITIME SAFETY COMMITTEE
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**REPORT OF THE MARITIME SAFETY COMMITTEE ON ITS
NINETY-SIXTH SESSION**

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1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The ninety-sixth session of the Maritime Safety Committee was held at IMO Headquarters from 11 to 20 May 2016, under the chairmanship of Mr. Brad Groves (Australia). The Vice-Chairman of the Committee, Mr. Juan Carlos Cubisino (Argentina), was also present.

1.2 The session was attended by delegations from Members and Associate Members; by representatives from the United Nations Programmes, specialized agencies and other entities; by observers from intergovernmental organizations with agreements of cooperation; and by observers from non-governmental organizations in consultative status; as listed in document MSC 96/INF.1.

1.3 The session was also attended by the Chairman of the Council, Mr. Jeffrey G. Lantz (United States), the Chairman of the Marine Environment Protection Committee, Mr. Arsenio Dominguez (Panama) and the Chairman of the Facilitation Committee, Mr. Yury Melenas (Russian Federation).

Opening address of the Secretary-General

1.4 The Secretary-General welcomed participants and delivered his opening address, the full text of which can be downloaded from the IMO website at the following address: <http://www.imo.org/MediaCentre/SecretaryGeneral/Secretary-GeneralsSpeechesToMeetings>

Chairman's remarks

1.5 The Chairman thanked the Secretary-General for his opening address and stated that his advice and requests would be given every consideration in the deliberations of the Committee.

Adoption of the agenda and related matters

1.6 The Committee adopted the agenda (MSC 96/1) and agreed to be guided in its work, in general, by the annotations contained in document MSC 96/1/1 (Secretariat) and the arrangements in document MSC 96/1/2. The agenda, as adopted, with a list of documents considered under each agenda item, is set out in document MSC 96/INF.13.

Credentials

1.7 The Committee noted that credentials of the delegations attending the session were in due and proper form.

2 DECISIONS OF OTHER IMO BODIES

Outcomes of C 114, C 115, C/ES.28, A 29, TC 65, FAL 40 and MEPC 69

2.1 The Committee noted the decisions of C 114, C 115 and C/ES.28 (MSC 96/2), A 29 (MSC 96/2/1), TC 65 (MSC 96/2/2), FAL 40 (MSC 96/2/3) and MEPC 69 (MSC 96/2/4), and took appropriate action under the relevant agenda items.

3 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

General

3.1 Contracting Governments to the 1974 SOLAS Convention were invited to consider and adopt proposed amendments to:

- .1 chapters II-2 and III of the annex to the 1974 SOLAS Convention, as amended, in accordance with the provisions of article VIII of the Convention;
- .2 the International Code for Fire Safety Systems (FSS Code), in accordance with the provisions of article VIII and regulation II-2/3.22 of the Convention;
- .3 the International Code on Intact Stability, 2008 (2008 IS Code), in accordance with the provision of article VIII and regulation II-1/2.27 of the Convention;
- .4 the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code), in accordance with the provisions of article VIII and regulation XI-1/2 of the Convention; and
- .5 the International Maritime Dangerous Goods (IMDG) Code, in accordance with the provisions of article VIII and regulation VII/1.1 of the Convention.

3.2 More than one third of the Contracting Governments to the 1974 SOLAS Convention were present during the consideration and adoption of the said amendments by the expanded Maritime Safety Committee, in accordance with articles VIII(b)(iii) and VIII(b)(iv) of the Convention. The proposed amendments to the 1974 SOLAS Convention and the Codes mandatory under the Convention had been circulated, in accordance with SOLAS article VIII(b)(i), to all IMO Members and Contracting Governments to the Convention by Circular Letters No.3405 of 30 September 2013, No.3555 of 21 August 2015 and No.3598 of 5 November 2015.

3.3 Parties to the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (1988 Load Lines Protocol) were invited to consider and adopt proposed amendments to the International Code on Intact Stability, 2008 (2008 IS Code), as amended, in accordance with the provisions of article VI of the 1988 Load Lines Protocol and regulation 3(16) of annex I to the International Convention on Load Lines, 1966, as modified by the 1988 Load Lines Protocol, as amended. Parties constituting more than one third of the total of Parties to the Protocol were present during the consideration and adoption of the said amendments by the expanded Maritime Safety Committee, in accordance with the provisions of paragraphs 2(c) and 2(d) of article VI of the 1988 Load Lines Protocol. The proposed amendments to the 2008 IS Code had been circulated, in accordance with paragraph 2(a) of article VI of the 1988 Load Lines Protocol, to all IMO Members and Parties to the Protocol by Circular Letter No.3599 of 22 October 2015.

3.4 Parties to the 1978 STCW Convention were invited to participate in the consideration and adoption of proposed amendments to chapters I and V of the 1978 STCW Convention, as amended, chapters I and V of part A of the STCW Code and chapter I of part B of the STCW Code. More than one third of the Parties to the 1978 STCW Convention were present during the consideration and adoption of the said amendments by the expanded Maritime Safety Committee, in accordance with the provisions of article XII(1)(a)(iv) and regulation I/1.2.3 of

the Convention. The proposed amendments to the 1978 STCW Convention and parts A and B of the STCW Code had been circulated in accordance with article XII(1)(a)(i) of the Convention to all IMO Members and Parties to the Convention, by Circular Letter No.3556 of 28 July 2015.

3.5 The Committee was also invited to consider and:

- .1 adopt a draft MSC resolution on *Amendments to the Code for the Construction and Equipment of Mobile Offshore Drilling Units, 2009* (2009 MODU Code) (resolution A.1023(26));
- .2 approve a draft MSC circular on *Guidelines on consolidated IMO provisions for the safe carriage of dangerous goods in packaged form by sea*;
- .3 approve a draft MSC circular on *Amendments to the Inspection programmes for cargo transport units carrying dangerous goods* (MSC.1/Circ.1442);
- .4 approve a draft MSC circular on *Amendments to the Emergency Response Procedures for Ships Carrying Dangerous Goods (EmS) Guide* (MSC/Circ.1025, as amended);
- .5 approve a draft MSC circular on *Early implementation of the new chapter 17 of the FSS Code*; and
- .6 approve a draft MSC circular on *Amendments to the Recommendation on helicopter landing areas on ro-ro passenger ships* (MSC/Circ.895).

PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION; PROPOSED NEW CHAPTER 17 TO THE FSS CODE; AND PROPOSED MSC RESOLUTION ON REQUIREMENTS FOR MAINTENANCE, THOROUGH EXAMINATION, OPERATIONAL TESTING, OVERHAUL AND REPAIR OF LIFEBOATS AND RESCUE BOATS, LAUNCHING APPLIANCES AND RELEASE GEAR

Proposed amendments to SOLAS chapter II-2

Regulation 13 – Means of escape

3.6 The Committee recalled that the draft amendments to SOLAS regulation II-2/13 on evacuation analysis (MSC 96/3, annex 1; and MSC 96/WP.5, annex 1) had been prepared by SDC 2 and approved by MSC 95.

3.7 The Committee also recalled that SDC 2 had noted that the draft SOLAS amendments mandating evacuation analysis should apply to ro-ro passenger ships constructed on or after the date on which regulation II-2/13.7.4 applies, and other passenger ships carrying more than 36 passengers constructed on or after the date of entry into force of the amendments. In this regard, the Committee considered draft SOLAS regulation II-2/13.3.2.7.1.1, which contained square brackets around a placeholder for the date of construction of ro-ro passenger ships (i.e. [DD/MM/YY]).

3.8 In this context, the Committee noted that the requirements of:

- .1 draft SOLAS regulation II-2/13.3.2.7 on Evacuation analysis;
- .2 the earlier SOLAS regulation II-2/28-1.3 on Requirements applicable to ro-ro passenger ships constructed on or after 1 July 1999 (adopted by resolution 1 of the 1995 *Conference of Contracting Governments to the International Convention for the Safety of Life at Sea*); and

- .3 SOLAS regulation II-2/13.7.4 on Evacuation analysis (adopted by resolution MSC.99(73) with an entry-into-force date of 1 July 2002), which replaced SOLAS regulation II-2/28-1.3 following a comprehensive revision of SOLAS chapter II-2,

were identical with regard to the evaluation of escape routes on ro-ro passenger ships by an evacuation analysis. Consequently, the Committee agreed to replace the date placeholder in draft SOLAS regulation II-2/13.3.2.7.1.1 with the date "1 July 1999" and delete the square brackets.

3.9 Following the above decision and having considered the comments by the IACS observer with regard to ro-ro passenger ships that have already undergone an evacuation analysis, the Committee concurred that ro-ro passenger ships constructed on or after 1 July 1999 and before the date of entry into force of the proposed amendments to SOLAS regulation II-2/13, which have already been evaluated, need not be re-evaluated. In this context, the Committee instructed the drafting group to ensure that draft SOLAS regulation II-2/13.3.2.7 was correct in this respect.

3.10 The Committee confirmed the contents of the proposed amendments to SOLAS regulation II-2/13, as set out in annex 1 to document MSC 96/WP.5, subject to the modifications indicated in paragraphs 3.8 and 3.9 above and editorial improvements, if any.

***Regulation 18 – Helicopter facilities
Associated draft new chapter 17 to the FSS Code***

3.11 The Committee recalled that the draft amendments to SOLAS regulation II-2/18 had been approved by MSC 92 and, at the adoption stage, MSC 93 decided to refer the draft amendments back to SSE 2 for further consideration, with one session needed to finalize them.

3.12 The Committee also recalled that, in connection with the draft amendments to SOLAS regulation II-2/18, SSE 2 had prepared a draft new chapter 17 to the FSS Code, for approval by MSC 95, with a view to subsequent adoption by MSC 96. As a result of the decision to prepare a draft new chapter 17 to the FSS Code, SSE 2 had requested MSC 95 to consider the consequential modification to the draft amendments to SOLAS regulation II-2/18, with a view to adoption by MSC 96, in conjunction with the adoption of the new chapter 17 of the FSS Code.

3.13 The Committee further recalled that MSC 95 had approved the draft new chapter 17 of the FSS Code (MSC 96/3, annex 3), and having considered the consequential modification to the draft amendments to SOLAS regulation II-2/18 approved at MSC 92 (MSC 96/3, annex 1), agreed to further consider them at MSC 96, with a view to adoption in conjunction with the new chapter 17 of the FSS Code.

3.14 The Committee had for its consideration document MSC 96/3/5 (IACS), proposing the following modifications to the draft amendments to SOLAS regulation II-2/18 and the draft new chapter 17 of the FSS Code (also indicated as notes in annexes 1 and 3 to document MSC 96/WP.5, respectively):

- .1 in light of the current definition of helideck in SOLAS regulation II-2/3.26 and the different definition of helideck being proposed for inclusion in paragraph 17.2.5 of FSS Code, IACS considers that the latter be revised to refer to the definition in SOLAS regulation II-2/3.26;

- .2 the text in paragraph 17.2.4 of the FSS Code, proposing a definition of "helicopter landing area", should be relocated to SOLAS regulation II-2/3 and a reference to this SOLAS definition should be made in paragraph 17.2.4;
- .3 the text in paragraph 17.2.10 of the FSS Code, proposing a definition of "winching area", should be relocated to SOLAS regulation II-2/3 since, as explained in paragraph 3.14.4 below, paragraph 17.3.5 of the FSS Code (specification for winching area) should be deleted and consequently a definition of "winching area" in the FSS Code is unnecessary;
- .4 the proposed specification for winching area in paragraph 17.3.5 of the FSS Code (which simply refers SOLAS regulation II-2/18.2.2) appears unnecessary and should be deleted; and
- .5 notwithstanding the title and application statement ("This chapter details the specifications for foam firefighting appliances for the protection of helicopter facilities as required by chapter II-2 of the Convention") of the proposed chapter 17 of the FSS Code, it includes provisions relating to foam firefighting specifications for "helidecks" and "helicopter landing areas", but does not address "refuelling and hangar facilities" (which, by the definition of a "helicopter facility" in SOLAS regulation II-2/3.27, are separate from a "helideck"). Based on the understanding that the proposed chapter 17 of the FSS Code applies to helidecks and helicopter landing areas only, the wording "helicopter facilities" in paragraph 17.1 of the FSS Code should be replaced with "helidecks and helicopter landing areas", in order to clarify the scope of application of the chapter.

3.15 Following discussion, the Committee agreed to the modifications proposed in the above document.

3.16 Subsequently, the Committee confirmed the contents of the proposed amendments to SOLAS regulation II-2/18 and the draft new chapter 17 of the FSS Code, as set out in annexes 1 and 3 of document MSC 96/WP.5, respectively, subject to the modifications proposed in document MSC 96/3/5 (IACS) and editorial improvements, if any.

Proposed amendments to SOLAS chapter III

Regulation 3 – Definitions

Regulation 20 – Operational readiness, maintenance and inspections

Requirements for maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear

3.17 The Committee recalled that the draft amendments to SOLAS regulations III/3 and III/20 had been developed by DE 57, approved by MSC 92 and circulated to all IMO Members and Contracting Governments to the Convention by Circular Letter No.3405 of 30 September 2013. MSC 92 had also approved the associated draft MSC resolution on *Requirements for periodic servicing and maintenance of lifeboats and rescue boats, launching appliances and release gear*, to be adopted in conjunction with draft amendments to SOLAS regulations III/3 and III/20.

3.18 The Committee also recalled that, at the adoption stage, MSC 93, noting the number of inconsistencies between the requirements of the draft amendments to SOLAS regulations III/3 and III/20, and the draft MSC resolution on *Requirements for periodic servicing and maintenance of lifeboats and rescue boats, launching appliances and release gear*, had decided to refer the above-mentioned drafts to SSE 2 for further consideration.

3.19 The Committee further recalled that following the request by SSE 2 for clear instructions on who is allowed to carry out annual examinations and five-year operational tests, MSC 95 had agreed that, based on the practical experience of application circulars MSC.1/Circ.1206/Rev.1 and MSC.1/Circ.1277, the annual thorough examination should be carried out by the manufacturer or a service provider authorized by the Administration, taking into account the understanding that a service provider may be an entity other than the manufacturer (e.g. ship operator complying with the relevant criteria). Additionally, MSC 95, in discussing whether the SSE Sub-Committee is authorized to propose further amendments to SOLAS chapter III while finalizing the draft MSC resolution on *Requirements for periodic servicing and maintenance of lifeboats and rescue boats, launching appliances and release gear*, had endorsed, in principle, the suggestion that the SOLAS regulations should address the questions "What is to be done?" and "When is it to be done?" and the draft MSC resolution should address "How is it to be done?" and "Who does it?"; and had agreed that SOLAS regulations III/20 and III/36 as well as the *Guidelines for developing operation and maintenance manuals for lifeboat systems* (MSC.1/Circ.1205) should be further reviewed, for the purpose of consistency, but without introducing any amendments not specifically related to this matter.

3.20 The Committee recalled further that SSE 3 had endorsed the modified draft amendments to SOLAS regulations III/3 and III/20 (SSE 3/16, annex 2; and MSC 96/WP.5, annex 1) for adoption at MSC 96 in conjunction with the adoption of the modified draft MSC resolution on *Requirements for maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear* (SSE 3/16, annex 3; and MSC 96/WP.5, annex 8).

3.21 During consideration of the draft MSC resolution on *Requirements for maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear*, and the draft amendments to SOLAS regulations III/3 and III/20, as modified and endorsed by SSE 3, the Committee, taking into account that the term "manufacturer" was defined in the draft Requirements, agreed, for the purpose of consistency, to instruct the drafting group to replace all instances of the words "equipment manufacturer" with the word "manufacturer" in the annex to the draft MSC resolution. The Committee also agreed to replace the words "where possible" in paragraph 6.2.10 of the annex to the draft MSC resolution with the words "where the structure permits the reinspection".

3.22 In considering the comments made by the IACS observer with regard to paragraph 3.2 of the annex to the aforementioned draft MSC resolution being unclear as to whether manufacturers need to be authorized by Administrations to carry out thorough examination, operational testing, repair and overhaul of equipment, the Committee noted the following views expressed on this matter:

- .1 an original equipment manufacturer (OEM) need not be authorized but only when servicing its own equipment;
- .2 an OEM is considered to be a service provider and needs to be authorized when servicing equipment that is not its own;

- .3 although not discussed at SSE 3, producers of equipment under licensing agreements from original equipment manufacturers who remain in existence may be considered manufacturers if they have taken legal and legitimate responsibilities for that equipment; and
- .4 paragraph 3.2 of the annex to the draft MSC resolution on *Requirements for maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear* is clear, but additional information could be provided in a footnote, if necessary.

3.23 Having considered the above views, the Committee agreed that paragraph 3.2 of the annex to the draft MSC resolution on *Requirements for maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear* clearly addressed the matter of authorization of manufacturers without a need for modifications or a footnote.

3.24 Subsequently, the Committee confirmed the contents of the proposed amendments to SOLAS regulations III/3 and III/20 and the above draft MSC resolution, as set out in annexes 1 and 8 to document MSC 96/WP.5, respectively, subject to the modifications indicated in paragraph 3.21 and editorial improvements, if any.

Date of entry into force of the proposed amendments

3.25 Having noted that, in accordance with the *Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1481), the first four-year cycle commenced on 1 January 2016 with a corresponding entry-into-force date of 1 January 2020, the Committee agreed that the SOLAS amendments to chapters II-2 and III, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2019 and enter into force on 1 January 2020.

3.26 With regard to new chapter 17 of the FSS Code associated with the amendments to SOLAS regulation II-2/18, the Committee agreed that it should also enter into force on 1 January 2020, which is the date of entry into force of the associated SOLAS amendments.

3.27 Similarly, the Committee agreed that the Requirements for maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear, associated with the amendments to SOLAS chapter III, should become effective on the date of entry into force of the associated SOLAS amendments (i.e. 1 January 2020).

PROPOSED AMENDMENTS TO THE FSS, 2011 ESP AND IMDG CODES, MANDATORY UNDER THE 1974 SOLAS CONVENTION

Proposed amendments to the FSS Code

3.28 Having considered the draft new chapter 17 of the FSS Code in conjunction with the draft amendments to SOLAS regulation II-2/18 (see paragraphs 3.11 to 3.16, 3.25 and 3.26), the Committee proceeded with consideration of the draft amendments to chapter 8 of the FSS Code (MSC 96/3, annex 3; and MSC 96/WP.5, annex 3), which had been developed by SSE 2 and approved by MSC 95.

3.29 The Committee agreed to the proposal made by the delegation of the Bahamas to replace the words "corrosion and clogging of sprinklers" in draft paragraph 2.4.1.2 of chapter 8 of the FSS Code with the words "corrosion of sprinklers and clogging or blockage arising from products of corrosion or scale-forming minerals" in order to draw attention to the fact that the effects of the deposition of scale-forming minerals which come out of solution are as important as the effects of corrosion.

3.30 Having noted no other comments on the proposed amendments to chapter 8 of the FSS Code, as set out in annex 3 to document MSC 96/WP.5, the Committee confirmed their contents, subject to the modification indicated in paragraph 3.29 above and editorial improvements, if any.

Date of entry into force of the proposed amendments

3.31 The Committee agreed that the above amendments to the FSS Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2019 and enter into force on 1 January 2020.

Proposed amendments to the 2011 ESP Code

3.32 The Committee recalled that the draft amendments to the 2011 ESP Code (MSC 96/3, annex 2; and MSC 96/WP.5, annex 2) had been developed by SDC 2 and approved by MSC 95.

3.33 Having noted that no comments had been submitted on the proposed amendments to the 2011 ESP Code, the Committee confirmed their contents, as set out in annex 2 to document MSC 96/WP.5, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.34 Having recalled that the 2011 ESP Code is updated regularly in order for the Code to be aligned with IACS Unified Requirements Z10 series, the Committee decided that the four-year cycle for the entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments should not be adhered to in the case of the 2011 ESP Code, and specifically that the entry-into-force date of draft amendments to the 2011 ESP Code should be set to the earliest allowable date (i.e. 18 months following adoption by a two-thirds majority of the SOLAS Contracting Governments present and voting in the expanded Maritime Safety Committee).

3.35 Consequently, the Committee agreed that the amendments to the 2011 ESP Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2017 and enter into force on 1 January 2018.

Proposed amendments to the IMDG Code

3.36 The Committee recalled that the draft amendments to the IMDG Code had been agreed by CCC 2, finalized by E&T 24, and the complete draft text of the IMDG Code, incorporating the draft amendments finalized by E&T 24, had been circulated in accordance with article VIII of the 1974 SOLAS Convention and the amendment procedure for the IMDG Code agreed by MSC 75 (MSC 75/24, paragraph 7.36.3).

3.37 Having noted that no comments had been submitted on the proposed amendments, the Committee confirmed their contents, as set out in annex 7 to document MSC 96/WP.5 and annexes 1 and 2 to Circular Letter No.3598, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.38 The Committee agreed that the above amendments to the IMDG Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2017 and enter into force on 1 January 2018 and that SOLAS Contracting Governments could apply the amendments in whole or in part on a voluntary basis from 1 January 2017.

PROPOSED AMENDMENTS TO THE 2008 IS CODE, MANDATORY UNDER THE 1974 SOLAS CONVENTION AND THE PROTOCOL OF 1988 RELATING TO THE INTERNATIONAL CONVENTION ON LOAD LINES, 1966

Proposed amendments to the introduction of the 2008 IS Code, regarding ships engaged in anchor handling operations

3.39 The Committee recalled that the draft amendments to the introduction of the 2008 IS Code regarding ships engaged in anchor handling operations (MSC 96/3/1, annexes 1 and 2; and MSC 96/WP.5, annexes 4 and 5) had been developed by SDC 2 and approved by MSC 95, with a view to subsequent adoption at MSC 96.

3.40 The Committee noted that SDC 3 had modified the chapeau of paragraph 1.2 of the introduction to the 2008 IS Code and requested the Committee to include the modified chapeau while adopting the amendments to the introduction of the 2008 IS Code regarding vessels engaged in anchor handling operations (see also paragraph 11.11).

3.41 Following consideration, the Committee agreed with the modification to the chapeau of paragraph 1.2 of the introduction to the 2008 IS Code proposed by SDC 3.

3.42 Subsequently, the Committee confirmed the contents of the proposed amendments to the introduction to the 2008 IS Code, as set out in annexes 4 and 5 to document MSC 96/WP.5, subject to the modification indicated in paragraph 3.40 above, and further editorial improvements, if any, by the Drafting Group on Consideration and Adoption of Amendments to Mandatory Instruments.

3.43 The Committee noted that, separately from the proposed amendments to the introduction of the 2008 IS Code regarding ships engaged in anchor handling operations, which are being considered for adoption at this session, SDC 3 had endorsed additional draft amendments to the introduction of the 2008 IS Code regarding vessels engaged in lifting and towing operations, including escort towing (SDC 3/21, annex 4), which were submitted for approval under agenda item 11 (Ship Design and Construction), with a view to subsequent adoption at MSC 97 (see also paragraphs 11.11 and 11.12).

3.44 The Committee also noted that the draft amendments to the introduction of the 2008 IS Code regarding ships engaged in lifting and towing operations, including escort towing (SDC 3/21, annex 4), as endorsed by SDC 3, include draft new paragraphs 1.2.8 and 2.28, which should be introduced after new paragraphs 1.2.7 and 2.27, as contained in the proposed amendments to the introduction of the 2008 IS Code being considered for adoption at this session (MSC 96/WP.5, annexes 4 and 5).

3.45 Taking into account paragraph 3.3.1.1 of the *Guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1500), which states that "A further amendment to an already adopted amendment which is still pending entry into force may be approved by the Committee but should not be adopted until the previous adopted amendment enters into force.", the Committee noted that, if the proposed amendments to the introduction of the 2008 IS Code regarding ships engaged in anchor

handling operations were to be adopted at this session, then adoption of the draft amendments to the introduction of the 2008 IS Code regarding ships engaged in lifting and towing operations would have to wait until the amendments relating to anchor handling operations have entered into force, or at least been accepted, since paragraphs 1.2.7 and 2.27 of the introduction cannot be considered, from a legal perspective, until they have been accepted.

3.46 Subsequently, the Committee agreed not to adopt at this session the proposed amendments to the introduction of the 2008 IS Code regarding ships engaged in anchor handling operations, and instead forward them to MSC 97, with a view to adoption as a consolidated package, to be prepared by the Secretariat after the session, together with the draft amendments regarding ships engaged in lifting and towing operations, as endorsed by SDC 3, subject to the latter draft amendments being approved under agenda item 11 (see paragraph 11.12).

3.47 The Committee noted that, based on the four-year cycle of entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments, the expected entry-into-force date of the amendments to the introduction of the 2008 IS Code under consideration should be 1 January 2020, and the Committee's decision to defer adoption until MSC 97 does not affect that date. Nevertheless, the Committee agreed that if, for any reason, approval or adoption of the draft amendments to the 2008 IS Code related to lifting and towing operations were to be delayed beyond 1 July 2018, the draft amendments to the 2008 IS Code related to anchor handling operations should be adopted separately, in order to ensure that they can enter into force on 1 January 2020.

Proposed amendments to part B of the 2008 IS Code

3.48 The Committee recalled that the draft amendments to part B of the 2008 IS Code regarding ships engaged in anchor handling operations (MSC 96/3/1, annex 3; and MSC 96/WP.5, annex 6) had been developed by SDC 2 and approved by MSC 95, with a view to becoming operative on the same date as the amendments to the introduction of the 2008 IS Code.

3.49 Having considered the draft amendments to part B of the 2008 IS Code, as set out in annex 6 to document MSC 96/WP.5, and having taken into account its previous decision regarding the draft amendments to the introduction of the 2008 IS Code (see paragraph 3.46), the Committee agreed to instruct the drafting group to prepare the final text of the draft amendments to part B of the 2008 IS Code regarding ships engaged in anchor handling operations, together with the associated draft MSC resolution, indicating 1 January 2020 as the date on which the amendments will become effective.

3.50 The Committee also agreed that the final text of the draft amendments to part B of the 2008 IS Code regarding ships engaged in anchor handling operations should be forwarded to MSC 97, with a view to adoption as a consolidated package, to be prepared by the Secretariat after the session, together with the draft amendments relating to ships engaged in lifting and towing operations, including escort towing, subject to the latter draft amendments being approved under agenda item 11 (see paragraphs 11.11 and 11.12).

PROPOSED AMENDMENTS TO THE 1978 STCW CONVENTION, AS AMENDED, AND THE STCW CODE

3.51 The Committee recalled that the draft amendments to the 1978 STCW Convention (MSC 96/3/3, annex 1; and MSC 96/WP.5, annex 9) and parts A and B of the STCW Code (MSC 96/3/3, annexes 2 and 3, respectively; and MSC 96/WP.5, annexes 10 and 11, respectively), which are related to the Polar Code, had been developed by HTW 2 and approved by MSC 95.

Proposed amendments to the STCW Convention

3.52 The Committee noted that the draft amendments to the STCW Convention, under consideration for adoption at this session, introduce new subparagraph .42 in regulation I/1.1 and new regulation V/4 after the existing regulation V/3. However, subparagraph .41 of regulation I/1.1 and regulation V/3, which were adopted by resolution MSC.396(95) and must be in place before subsequent paragraphs or regulations are introduced, cannot be considered, from a legal perspective, until they have entered into force, or at least been accepted on 1 July 2016.

3.53 In light of the above, the Committee agreed not to adopt at this session the draft amendments to the STCW Convention related to the Polar Code, and instead forward them to MSC 97 (November 2016), with a view to adoption as a consolidated package, to be prepared by the Secretariat after the session, together with the draft amendments relating to passenger ship-specific safety training (HTW 3/19, annex 5), as endorsed by HTW 3, subject to the latter draft amendments being approved under agenda item 12 (Human Element, Training and Watchkeeping (Report of the third session of the Sub-Committee)) (see paragraphs 12.5 and 12.6).

3.54 The Committee agreed to a proposal that the drafting group should insert the definition for Polar waters in STCW regulation I/1.1 and, having noted that no additional comments had been submitted on the proposed amendments to the STCW Convention related to the Polar Code, confirmed their contents, subject to editorial improvements, if any.

3.55 The Committee noted that, while its decision to defer adoption until MSC 97 delayed the expected entry into force of the draft amendments to the 1978 STCW Convention related to the Polar Code by six months (i.e. entry into force on 1 July 2018 instead of 1 January 2018, had MSC 96 been able to adopt), operative paragraph 5 of the draft requisite MSC resolution mitigated the delay by urging Parties to the 1978 STCW Convention to implement the amendments at an early stage following their adoption.

3.56 In regard to the draft requisite MSC resolution, the Committee agreed to instruct the drafting group to prepare an operative paragraph requesting Parties to the 1978 STCW Convention to recognize seafarers' certificates issued at an early stage and prior to the entry into force of the draft amendments.

3.57 The Committee instructed the drafting group to finalize the text of the requisite draft MSC resolution and requested the Secretariat to prepare an appropriate draft resolution for the consolidated draft amendments after the session, using the draft MSC resolution to be prepared by the drafting group as a basis and incorporating the operative paragraphs indicated in paragraphs 3.55 and 3.56 above.

Proposed amendments to part A of the STCW Code

New paragraph 4 in section A-I/11 and new section A-V/4

3.58 The Committee noted that no comments had been submitted on the proposed amendments to part A of the STCW Code related to the Polar Code and confirmed their contents, subject to editorial improvements, if any, by the drafting group.

3.59 Recalling its earlier decision regarding the draft amendments to the STCW Convention (see paragraphs 3.52 to 3.57), the Committee agreed not to adopt at this session the draft amendments to part A of the STCW Code related to the Polar Code, and instead forward them to MSC 97 (November 2016), with a view to adoption as a consolidated package, to be prepared

by the Secretariat after the session, together with the draft amendments relating to passenger ship-specific safety training (HTW 3/19, annex 6), as endorsed by HTW 3, subject to the latter draft amendments being approved under agenda item 12 (see paragraphs 12.5 and 12.6).

3.60 The Committee also agreed to defer finalization of the text of the draft requisite MSC resolution until MSC 97, and requested the Secretariat to prepare an appropriate draft resolution for the consolidated draft amendments to part A of the STCW Code after the session.

Proposed amendments to part B of the STCW Code

Amendments to table B-1/2

3.61 Having considered the draft amendments to part B of the STCW Code related to the Polar Code, the Committee agreed to instruct the drafting group to prepare the final text of the draft STCW.6 circular containing the draft amendments to part B of the STCW Code related to the Polar Code, with a view to forwarding the draft circular to MSC 97 for adoption as a consolidated package, to be prepared by the Secretariat after the session, together with the draft amendments to part B of the STCW Code relating to passenger ship-specific safety training, considered under agenda item 12 (see paragraph 12.6).

NON-MANDATORY INSTRUMENTS

Proposed amendments to chapter 9 of the 2009 MODU Code

3.62 The Committee recalled that the draft amendments to chapter 9 of the 2009 MODU Code (MSC 96/3/3, annex; and MSC 96/WP.5, annex 12) had been developed by SSE 2 and approved, in principle, by MSC 95 with a view to subsequent adoption at MSC 96, in conjunction with the new chapter 17 of the FSS Code (see also paragraphs 3.11 to 3.16, 3.25 and 3.26).

3.63 Having noted that no comments had been submitted on the proposed amendments, the Committee confirmed their contents, subject to editorial improvements, if any, and necessary modifications to ensure consistency between the draft amendments to chapter 9 of the 2009 MODU Code and the draft new chapter 17 of the FSS Code in regard to terminology.

3.64 The Committee agreed that the above amendments to chapter 9 of the 2009 MODU Code, proposed for adoption at the current session, should become effective on the date of entry into force of new chapter 17 of the FSS Code (i.e. 1 January 2020).

Related draft MSC circulars

Draft MSC circular on Revised guidelines on evacuation analyses for new and existing passenger ships

3.65 The Committee agreed to consider the draft MSC circular on *Revised guidelines on evacuation analyses for new and existing passenger ships* under agenda item 11 (Ship design and construction (Report of the third session of the Sub Committee)) (see paragraph 11.10).

Draft MSC circulars related to the IMDG Code

3.66 The Committee recalled that CCC 2, following the recommendations made by HTW 2, had instructed E&T 24 to finalize the draft MSC circular on *Guidelines on consolidated IMO provisions for the safe carriage of dangerous goods in packaged form by sea*.

3.67 The Committee also recalled that CCC 2 had instructed E&T 24 to finalize the consequential draft amendments to the following MSC circulars:

- .1 Emergency response procedures for ships carrying dangerous goods (EmS Guide) (MSC/Circ.1025, as amended); and
- .2 Inspection programmes for cargo transport units carrying dangerous goods (MSC.1/Circ.1442).

3.68 The Committee further recalled that CCC 2 had authorized E&T 24 to submit the aforementioned draft circulars directly to MSC 96 for approval (MSC 96/3/Add.2, annexes 1 to 3; and MSC 96/WP.5, annexes 14 to 16).

3.69 Having noted that no comments on the above proposed draft MSC circulars related to the IMDG Code had been received, the Committee confirmed their contents, subject to editorial improvements, if any.

Draft MSC circular on Early implementation of the new chapter 17 of the FSS Code

3.70 The Committee recalled that the draft MSC circular on *Early implementation of the new chapter 17 of the FSS Code* (SSE 2/20, annex 17) had been developed by SSE 2 in order to be approved in conjunction with the adoption of the new chapter 17 of the FSS Code (see also paragraphs 3.11 to 3.16, 3.25 and 3.26).

3.71 Having noted that no comments on the proposed draft MSC circular had been received, the Committee confirmed its contents, subject to editorial improvements, if any.

Draft MSC circular on Amendments to the Recommendation on helicopter landing areas on ro-ro passenger ships (MSC/Circ.895)

3.72 The Committee recalled that the draft MSC circular on *Amendments to the Recommendation on helicopter landing areas on ro-ro passenger ships (MSC/Circ.895)* (SSE 2/20, annex 19) had been developed by SSE 2 in order to be approved in conjunction with the adoption of the new chapter 17 of the FSS Code and the amendments to chapter 9 of the 2009 MODU Code (see also paragraphs 3.11 to 3.16, 3.25 and 3.26 and 3.62 to 3.64).

3.73 Having noted that no comments on the proposed draft MSC circular had been received, the Committee confirmed its contents, subject to editorial improvements, if any, and necessary modifications to ensure consistency between the draft MSC circular and the draft new chapter 17 of the FSS Code in regard to terminology.

MATTERS RELATED TO THE POLAR CODE

Report of the Correspondence Group on Development of Guidance on a Methodology for Determining Limitations for Operation in Ice

3.74 The Committee recalled that MSC 95 had re-established the Correspondence Group on Development of Guidance on a Methodology for Determining Limitations for Operation in Ice, with the terms of reference set out in paragraph 3.91 of document MSC 95/22.

3.75 Having considered the report of the correspondence group (MSC 96/3/4), containing a draft MSC circular on *Guidance on methodologies for assessing operational capabilities and limitations in ice*, as well as additional information and proposals for modifications of the draft MSC circular with regard to the Risk Index of Risk Values (RIVs) for ships under ice-breaking escort for parts of the track that have been reduced to brash ice, the Committee approved the report in general.

3.76 In particular, with regard to the draft MSC circular on *Guidance on methodologies for assessing operational capabilities and limitations in ice*, the Committee noted the intervention by the CLIA observer informing the Committee that CLIA welcomed POLARIS as a valuable option for risk assessments, but advising that recently performed trials with POLARIS had identified some practical limitations on its use. Specifically, the frequency, regional detail, and resolution of currently available ice data was insufficient in the Antarctic for the system to be reliably used in that region for voyage planning purposes. However, the trials suggested that the currently available ice data was sufficient for the Arctic regions for both voyage planning and underway decision-making.

3.77 The Committee also noted the discussion of the correspondence group regarding ships under ice-breaking escort and concluded that further discussion would be required to resolve the issue of the treatment of brash ice in escorted operation, which would delay the approval of the draft Guidance. Subsequently, the Committee, having concurred with the view of the correspondence group that the Guidance should be reviewed four years after the entry into force of the Polar Code, approved MSC.1/Circ.1519 on *Guidance on methodologies for assessing operational capabilities and limitations in ice*. With regard to the future review of the Guidance, which could include discussion on the treatment of brash ice, the Committee agreed that this should be undertaken by the SDC Sub-Committee, without a need for a new output, under the existing output 5.2.1.15 (Consequential work related to the new Code for ships operating in polar waters), in due course.

3.78 With regard to training, the Committee instructed the HTW Sub-Committee to take into consideration the items listed in paragraph 13 of document MSC 96/3/4 when developing a relevant Model Course.

ESTABLISHMENT OF THE DRAFTING GROUP

3.79 Having considered the above matters, the Committee established the Drafting Group on Consideration and Adoption of Amendments to Mandatory Instruments and instructed it, taking into account decisions taken in plenary, to prepare, for consideration by the Committee with a view to adoption or approval, as appropriate:

- .1 the final text of the draft amendments to the 1974 SOLAS Convention, as amended, including the FSS and 2011 ESP Codes, together with the associated MSC resolutions;
- .2 the final list of draft modifications to the draft IMDG Code, together with the associated MSC resolution;
- .3 the final text of the draft MSC resolution on *Requirements for maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear*;
- .4 the final text of the draft amendments to the introduction and part B of the 2008 IS Code relating to ships engaged in anchor handling operations, together with the associated MSC resolutions, with a view to subsequent adoption at MSC 97;
- .5 the final text of the draft amendments to the 1978 STCW Convention and the associated draft MSC resolution, with a view to subsequent adoption at MSC 97;

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- .6 the final text of the draft amendments to the STCW Code, with a view to subsequent adoption at MSC 97;
 - .7 the final text of the draft amendments to the 2009 MODU Code, and the associated draft MSC resolution;
 - .8 the final text of the draft *Guidelines on consolidated IMO provisions for the safe carriage of dangerous goods in packaged form by sea*, and the associated draft MSC circular;
 - .9 the final text of the draft amendments to the *Inspection programmes for cargo transport units carrying dangerous goods* (MSC.1/Circ.1442), and the associated draft MSC circular;
 - .10 the final text of the draft amendments to the *Emergency Response Procedures for Ships Carrying Dangerous Goods (EmS) Guide* (MSC/Circ.1025, as amended by MSC.1/Circ.1025/Add.1, MSC.1/Circ.1262, MSC.1/Circ.1360, MSC.1/Circ.1438 and MSC.1/Circ.1476), and the associated draft MSC circular;
 - .11 the final text of the draft MSC circular on *Early implementation of the new chapter 17 of the FSS Code*; and
 - .12 the final text of the draft MSC circular on *Amendments to the Recommendation on helicopter landing areas on ro-ro passenger ships* (MSC/Circ.895).

REPORT OF THE DRAFTING GROUP

3.80 Having considered the part of the report of the Drafting Group on Consideration and Adoption of Amendments to Mandatory Instruments (MSC 95/WP.6) dealing with this item, the Committee approved it in general and took action as indicated in paragraphs 3.81 to 3.104.

Adoption of the Requirements for maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear

3.81 The Committee endorsed the group's decision to replace the words "where possible" with the words "where the structure permits the reinspection" in paragraph 6.3.2 in addition to paragraph 6.2.10 of the draft *Requirements for maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear*, for the purpose of consistency.

3.82 The expanded Committee, including delegations of 98 Contracting Governments to the 1974 SOLAS Convention, considered the final text prepared by the drafting group (MSC 96/WP.6, annex 1) and unanimously adopted resolution MSC.402(96) on *Requirements for maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear*, as set out in annex 1.

Adoption of amendments to the 1974 SOLAS Convention, as amended, including related mandatory codes***Adoption of amendments to the FSS Code***

3.83 The expanded Committee, including delegations of 98 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the draft new chapter 17 and the draft amendments to chapter 8 of the FSS Code, prepared by the drafting group (MSC 96/WP.6, annex 2), and adopted the amendments unanimously by resolution MSC.403(96), as set out in annex 2.

3.84 In adopting resolution MSC.403(96), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the FSS Code should be deemed to have been accepted on 1 July 2019 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and enter into force on 1 January 2020, in accordance with the provisions of SOLAS article VIII.

Adoption of amendments to the 1974 SOLAS Convention

3.85 The Committee concurred with the drafting group's view that ro-ro passenger ships that have had their escape routes evaluated by an evacuation analysis, in accordance with SOLAS regulation II-2/13.7.4 or the earlier SOLAS regulation II-2/28-1.3, need not be re-evaluated, and that no further modifications to SOLAS regulation II 2/13.3.2.7.1.1 were required.

3.86 Subsequently, the expanded Committee, including delegations of 98 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the 1974 SOLAS Convention (MSC 96/WP.6, annex 3), and adopted the amendments unanimously by resolution MSC.404(96), as set out in annex 3.

3.87 In adopting resolution MSC.404(96), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the Convention should be deemed to have been accepted on 1 July 2019 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and enter into force on 1 January 2020, in accordance with the provisions of SOLAS article VIII.

Adoption of amendments to the 2011 ESP Code

3.88 The expanded Committee, including delegations of 98 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the 2011 ESP Code, prepared by the drafting group (MSC 96/WP.6, annex 4), and adopted the amendments unanimously by resolution MSC.405(96), as set out in annex 4.

3.89 In adopting resolution MSC.405(96), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the 2011 ESP Code should be deemed to have been accepted on 1 July 2017 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and enter into force on 1 January 2018, in accordance with the provisions of SOLAS article VIII.

Adoption of amendments to the IMDG Code

3.90 The expanded Committee, including delegations of 98 Contracting Governments to the 1974 SOLAS Convention, considered the proposed amendments to the IMDG Code, as finalized by E&T 24 and set out in the annexes to Circular Letter No.3598 of 5 November 2015 and in annex 6 to document MSC 96/WP.6, in conjunction with the proposed editorial modifications prepared by the drafting group (MSC 96/WP.6, annex 5), and adopted the amendments to the IMDG Code unanimously by resolution MSC.406(96), as set out in annex 5.

3.91 In adopting resolution MSC.406(96), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the IMDG Code should be deemed to have been accepted on 1 July 2017 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and enter into force on 1 January 2018, in accordance with the provisions of SOLAS article VIII.

3.92 The Committee agreed, in accordance with the procedure adopted by MSC 75 for the adoption of amendments to the IMDG Code with regard to voluntary application of new amendments one year prior to the date of entry into force, as stated in operative paragraph 4 of the above resolution, that Contracting Governments may apply the aforementioned amendments in whole or in part on a voluntary basis from 1 January 2017, pending their entry into force on 1 January 2018.

Proposed amendments to the 2008 IS Code

3.93 The Committee considered the proposed amendments to the introduction of the 2008 IS Code regarding ships engaged in anchor handling operations, and the two requisite draft MSC resolutions (1974 SOLAS Convention and 1988 Load Lines Protocol), prepared by the drafting group (MSC 96/WP.6, annexes 7 and 8, respectively).

3.94 Having approved them, the Committee agreed to forward the above draft amendments, as set out in annexes 6 and 7, respectively, to MSC 97 with a view to adoption, together with the draft amendments regarding ships engaged in lifting and towing operations, approved under agenda item 11 (see paragraph 11.12).

3.95 The Committee approved, in principle, the proposed amendments to part B of the 2008 IS Code regarding ships engaged in anchor handling operations, and the requisite MSC resolution, prepared by the drafting group and set out in annex 9 to document MSC 96/WP.6, with a view to adoption at MSC 97, in conjunction with the adoption of the proposed amendments to the introduction of the Code.

3.96 In this regard, the Committee requested the Secretariat to use the three MSC resolutions referred to in paragraphs 3.93 and 3.95 above and consolidate, as an annex to each draft resolution, the corresponding draft amendments to the 2008 IS Code relating to ships engaged in anchor handling operations, together with the draft amendments relating to vessels engaged in lifting and towing operations, including escort towing, approved under agenda item 11 (see also paragraphs 11.11 and 11.12), to be forwarded to MSC 97.

Proposed amendments to the 1978 STCW Convention, as amended, and the STCW Code

3.97 The Committee considered the final text of the proposed amendments to the 1978 STCW Convention, as amended, and parts A and B of the STCW Code, related to the Polar Code, prepared by the drafting group (MSC 96/WP.6, annexes 10, 11 and 12, respectively).

3.98 Having approved the above proposed amendments to the 1978 STCW Convention and part A of the STCW Code, and approved, in principle, the proposed amendments to part B of the STCW Code, as set out in annexes 8, 9 and 10, respectively, the Committee agreed to forward them to MSC 97 with a view to adoption, together with the draft amendments regarding passenger ship-specific training, approved under agenda item 12 (see paragraphs 12.5 and 12.6), each as an amalgamated set of amendments to the 1978 STCW Convention and the corresponding parts of the STCW Code, respectively.

3.99 In this regard, the Committee authorized the Secretariat to prepare the two draft MSC resolutions and the draft STCW circular to which the draft amendments are annexed, amalgamated as described above.

3.100 Having noted the discussion of the drafting group regarding port State control in relation to STCW regulation V/4, the Committee instructed the III and HTW Sub-Committees to include appropriate information in port State control guidance as to when masters and chief mates may serve on board ships operating in Polar waters without being required to hold a certificate in advanced training.

Adoption/approval of amendments to non-mandatory instruments

3.101 The Committee considered the final text of amendments to non-mandatory instruments prepared by the drafting group (MSC 96/WP.6, annexes 13 to 16) and:

- .1 adopted the amendments to the 2009 MODU Code by resolution MSC.407(96), as set out in annex 11; and
- .2 approved the following MSC circulars:
 - .1 MSC.1/Circ.1520 on *Guidelines on consolidated IMO provisions for the safe carriage of dangerous goods in packaged form by sea*;
 - .2 MSC.1/Circ.1521 on *Amendments to the Inspection programmes for cargo transport units carrying dangerous goods*;
 - .3 MSC.1/Circ.1522 on *Amendments to the Emergency Response Procedures for Ships Carrying Dangerous Goods (EmS) Guide*;
 - .4 MSC.1/Circ.1523 on *Early implementation of the amendments to the International Code for Fire Safety Systems (FSS Code)*; and
 - .5 MSC.1/Circ.1524 on *Amendments to the Recommendation on helicopter landing areas on ro-ro passenger ships (MSC/Circ.895)*.

3.102 With regard to MSC.1/Circ.1522 on *Amendments to the Emergency Response Procedures for Ships Carrying Dangerous Goods (EmS) Guide*, the Committee instructed the CCC Sub-Committee to consider, at the next revision of the EmS Guide, preparing a new draft revised MSC circular containing a consolidated version of the Guide for ease of reference, taking into account that a new MSC circular may result in consequential changes to the IMDG Code.

INSTRUCTIONS TO THE SECRETARIAT

3.103 The Committee authorized the Secretariat, when preparing the authentic texts of the amendments adopted at this session, to make any editorial corrections that may be identified, including updating references to renumbered paragraphs, and to bring to the attention of the Committee any errors or omissions which require action by the Contracting Governments to the 1974 SOLAS Convention or the Contracting Governments to the 1978 STCW Convention.

3.104 The Committee further requested the Secretariat to ensure that the final text of the amendments contained in the annexes of the Committee's report is presented as clean text (i.e. without track-changes).

4 MEASURES TO ENHANCE MARITIME SECURITY

Guidance for the development of national maritime security legislation

4.1 The Committee recalled that MSC 95 had re-established the Correspondence Group on Guidance for the Development of National Maritime Security Legislation, with the terms of reference set out in paragraph 4.12 of document MSC 95/22.

4.2 In considering the report of the correspondence group (MSC 96/4), the Committee noted the following views expressed during the discussion:

- .1 there was general support for the finalization of the guidance at this session;
- .2 the draft guidance, as presented in the annex of document MSC 95/22, was supported in general; however, some delegations indicated, inter alia, that:
 - .1 using the structure presented as a single package, there was a risk of applying recommendatory parts of the ISPS Code as mandatory;
 - .2 the use of prescriptive language within the guidance should be revised so as to clearly distinguish between mandatory and recommendatory provisions;
 - .3 relevant security-related provisions from other instruments, such as UNCLOS and/or the IMDG Code, could be included as well as part of the guidance; and
 - .4 the guidance would have had more relevance if it had had greater focus on "model legislation" and that, as presented, it would be more useful for the development of policy and procedures on maritime security;
- .3 the guidance had already been found, by some delegations, to be a valuable tool to facilitate the implementation of their national maritime security legislation and could be of particular assistance to small island States and developing countries; and
- .4 once the guidance was finalized and approved, the Organization should consider providing technical assistance to those countries willing to use the guidance for the development of their own national maritime security legislation.

4.3 After some discussion, the Committee, having noted the general support for the finalization of the guidance at the present session and the interest expressed by some delegations to start using the guidance, agreed to forward the draft Guidance to the Working Group on Maritime Security for review and finalization, addressing, in particular, those concerns related to the recommendatory nature of the guidance.

4.4 The delegation of Malta requested that, once the guidance was approved, it should be officially communicated to the International Maritime Law Institute (IMLI) for inclusion in their curriculum for maritime security training courses.

Measures toward enhancing maritime cybersecurity

4.5 The Committee recalled the relevant decisions of MSC 95 in respect to cybersecurity (MSC 95/22, section 4) and noted the outcomes of FAL 40 (FAL 40/19, paragraphs 9.11 and 9.12) related to the consideration of facilitation aspects of protecting the maritime transport network from cyberthreats.

4.6 In this regard, the Committee had for its consideration the following documents:

- .1 MSC 96/4/1 (ICS, et al.), containing industry *Guidelines on cybersecurity on board ships* developed and supported by BIMCO, CLIA, ICS, INTERCARGO and INTERTANKO in response to the vulnerability of ships to cybersecurity risks;
- .2 MSC 96/4/2 (Canada, et al.), proposing the development of non-mandatory guidelines for cyber risk management aiming to assist in protecting and enhancing the resiliency of cybersystems supporting the safe, secure, and efficient operations of ships;
- .3 MSC 96/4/3 (China), providing information on national regulations published by China and proposals for the development of guidance on maritime cybersecurity;
- .4 MSC 96/4/5 (Austria, et al.), supporting the development of guidance on maritime cybersecurity to assist the implementation of appropriate measures onboard ships to prevent acts of cybercriminality, taking into account the information contained in document MSC 96/INF.4;
- .5 MSC 96/4/6 (CIRM and BIMCO), providing information on the development of an industry standard on software maintenance of shipboard equipment and its cybersecurity aspect; and
- .6 MSC 96/INF.4 (France), providing information on measures aimed at improving cybersecurity on a ship.

4.7 During the ensuing discussions, the following views were expressed:

- .1 with the ever increasing use of software, internet and technologies, the importance of cybersecurity would continue to be a challenge;
- .2 a single set of high-level guidelines should be developed by the Organization taking into account the outcomes of FAL 40, allowing flexibility for the industry to continue to respond in a dynamic way to new and changing forms of cyberthreats and develop appropriate protection measures;

- .3 the draft guidelines set out in document MSC 96/4/2 could be used as the basis for further work, but the guidance should be simplified;
- .4 the guidelines should be a live document and should be regularly updated, taking into account the latest identified cyberthreats;
- .5 the guidelines should be non-mandatory, user friendly, threat/risk-based, practical, easy to understand and should cover all relevant maritime stakeholders. The guidelines should also ensure that additional administrative burdens are avoided;
- .6 the guidelines should be developed in cooperation with the industry, taking into account the work of other organizations on cybersecurity, such as ITU and ISO; and
- .7 a policy decision related to the scope of the guidelines should be taken (i.e. whether to focus on management of cyber risks or solely on cybersecurity).

4.8 After some discussion, the Committee, recognizing the importance of the guidance developed by the industry, agreed to develop high-level and non-mandatory guidelines on cyber risk management with a focus on operational aspects and referred the above-mentioned documents to the Working Group on Maritime Security.

4.9 The Committee also agreed that the guidelines should be practical, easy to use, risk-based and should take into account existing standards and the work done by other organizations.

4.10 The observer from ISO indicated that they intended to complement the work on cybersecurity using the ISO/IEC 27000 series and they would submit a progress report to MSC 97.

Other issues

Issues related to the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine

4.11 The Committee had for its consideration the following documents:

- .1 MSC 96/4/4 (Ukraine), inviting the Committee to consider a draft Assembly resolution on *Safety and security of navigation in maritime areas adjacent to the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine*; and
- .2 MSC 96/4/7 (Russian Federation), commenting on document MSC 96/4/4 and expressing the view that the proposal contained in document MSC 96/4/4 was outside IMO's mandate and should not be considered.

4.12 The Committee noted the information provided in documents MSC 96/4/4 (Ukraine) and MSC 96/4/7 (Russian Federation). The introductory statements made by the Russian Federation and Ukraine are set out in annex 29.

4.13 The majority of the delegations that spoke condemned the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation and shared the concerns expressed by Ukraine. Furthermore, a number of delegations urged UN Member States to consider non-recognition measures in line with the United Nations General Assembly resolution 68/262 and expressed the view that some aspects of the matter were within the remit of the Organization.

4.14 Statements made by Georgia, the Netherlands and the United States are set out in annex 29.

4.15 However, after some discussion, the Committee agreed that IMO was not the appropriate forum to discuss the matter and that the issue was outside the remit of the Organization.

United Nations verification and inspection mechanism for Yemen

4.16 The Committee noted with appreciation the information contained in document MSC 96/INF.8 (Secretariat) related to the work of the United Nations Verification and Inspection Mechanism for Yemen (UNVIM) established pursuant to United Nations Security Council Resolution 2216 (2015). In addition, the Committee was advised that the UNVIM mechanism was now operational. Interested parties should visit the UNVIM website (<http://www.vimye.org>) to apply for permits to gain permission for commercial shipments to any port not under the direct control of the Government of Yemen (Salif, Mokha, Hudaydah, Nishtun and associated oil terminals). The Yemeni Ministry of Transportation would no longer accept permits for those ports after 5 May 2016. Vessels applying to go to ports under the control of the Government of Yemen (Aden and Mukalla) would need to continue to apply through the Yemeni Ministry of Transportation.

Establishment of the working group

4.17 Having considered the above matters, the Committee established a Working Group on Maritime Security and instructed it, taking into account comments, proposals and decisions made in plenary, to:

- .1 review the information contained in document MSC 96/4, with particular focus on emphasizing its recommendatory nature, and finalize the *Guidance for the development of national maritime security legislation*, for the Committee's approval; and
- .2 consider the information and proposals on maritime cybersecurity, as contained in documents MSC 96/4/1, MSC 96/4/2, MSC 96/4/3, MSC 96/4/5, MSC 96/4/6 and MSC 96/INF.4, and develop high-level guidelines on cyber risk management.

Report of the working group

4.18 Having considered the report of the Working Group (MSC 96/WP.9), the Committee approved it in general and took action as indicated hereunder.

Guidance for the development of national maritime security legislation

4.19 The Committee approved MSC.1/Circ.1525 on *Guidance for the development of national maritime security legislation* and invited Member States willing to use the Guidelines for the development of their own national maritime security legislation, to request technical assistance from the Organization, if so required.

Guidelines on maritime cyber risk management

4.20 The Committee noted, in general, the discussions of the group in relation to maritime cyber risk management and considered whether the draft *Guidelines on maritime cyber risk management* should be approved as Interim MSC Guidelines, at this session, with the understanding that they could be subsequently revoked and superseded by a joint FAL/MSC circular once the work of FAL 41 on facilitation aspects was completed, or be forwarded to MSC 97 for further work, as required.

4.21 The Committee, having noting the views of the majority of the delegations that spoke that there is an urgent need to raise awareness on cyber risk threats and vulnerabilities, approved MSC.1/Circ.1526 on *Interim guidelines on maritime cyber risk management*.

4.22 In doing so, the Committee also noted that Member States and interested international organizations could bring any issues that might be identified with the use of the Interim Guidelines to the attention of MSC 97 under this agenda item.

5 GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS

GENERAL

5.1 The Committee recalled that MSC 95 noted progress on the implementation of the GBS verification audits, in particular that all five audit teams had delivered their interim reports, which included 13 interim reports on the relevant ROs and two interim reports on the IACS Common Packages. The Committee also noted that the five audit teams were scheduled to provide their final reports to the Secretary-General and relevant ROs by the end of June 2015, so that the Secretariat could submit them to MSC 96 for consideration.

5.2 The Committee recalled also that, with regard to the GBS safety level approach (SLA), MSC 95 noted the progress on the draft *Interim guidelines for the development and application of IMO goal-based standards safety level approach* and invited Member States and international organizations to submit concrete GBS-SLA examples of SOLAS chapter III and comments and proposals on the draft interim guidelines to this session.

5.3 The Committee recalled further that MSC 95 agreed to the work plan for further development of the draft *Interim guidelines for development and application of IMO goal-based standards safety level approach*, so that, at this session, it would be able to review the interim outcome of the SSE Sub-Committee on the development of functional requirements for SOLAS chapter III, and further develop, with a view to finalization, the *Interim guidelines for development and application of IMO goal-based standards safety level approach*. In addition, a concrete example related to SOLAS chapter III, by implementing GBS-SLA, would be initiated.

5.4 In regard to the outcome of SSE 3, the Committee decided to consider two urgent matters emanating from SSE 3 under this agenda item, i.e. the draft functional requirements to SOLAS chapter III (SSE 3/16, annex 1) and the preliminary experience gained on the implementation of MSC.1/Circ.1394/Rev.1.

IMPLEMENTATION OF THE GBS VERIFICATION AUDITS**GBS verification audit reports and the Corrective Action Plans**

5.5 The Committee had for its consideration the following documents:

- .1 MSC 96/5 (Secretariat), providing the GBS verification audit reports submitted by five audit teams, which contain two common reports on IACS Common Package (CP) 1 and 2, including IACS Common Structural Rules (CSR), and 12 individual reports of IACS member recognized organizations (RO);
- .2 MSC 96/5/1 (Secretariat), providing the Corrective Action Plans for five non-conformities, which were submitted by IACS (annexes 1 to 5); and the Corrective Action Plan for one non-conformity, which was submitted by Lloyd's Register, as set out in annex 6;
- .3 MSC 96/5/1/Add.1(Secretariat), providing the Corrective Action Plans submitted by IACS in response to the 29 Observations in the two common GBS verification audit reports on the IACS Common Packages 1 and 2 (MSC 96/5, annexes 13 and 14);
- .4 MSC 96/5/1/Add.2 (Secretariat), providing Corrective Action Plans submitted by 12 IACS member ROs in response to the observations in their individual reports (MSC 96/5, annexes 1 to 12);
- .5 MSC 96/5/5 (IACS), providing further explanations and information relevant to the Corrective Action Plans, in particular, an explanation for the procedural and governance arrangements relating to the development and maintenance of classification society rules;
- .6 MSC 96/5/9 (Greece), providing comments on documents MSC 96/5/1 and MSC 96/5/1/Add.1, in particular, addressing areas where the IACS' Corrective Action Plans may not fully address the auditors' specific concerns and may not be sufficient to rectify the non-conformity or address the observation in question, and providing constructive comments with the intention to aid the process towards a successful completion; and
- .7 MSC 96/5/10 (Netherlands), providing comments on the GBS verification audit reports submitted by the audit teams and the Corrective Action Plans submitted by IACS and its member organizations, and proposing short- and long-term issues to be addressed.

5.6 Recognizing the structure of submissions from 12 IACS member ROs, in particular the Common Structural Rules as contained in the Common Packages, the Committee decided to consider all of the audit reports together with the Corrective Action Plans, instead of having a detailed discussion on each of them separately, in order to reach a common decision which will equally apply to all 12 IACS member ROs.

5.7 During the discussion, the Committee, having expressed its appreciation to the Secretary-General, the Secretariat, the auditors, IACS and its member ROs, noted the following views expressed on this matter:

- .1 the outcome of the initial GBS verification audits was satisfactory and the verification audits would contribute to the further improvement of the ROs' rules for bulk carriers and oil tankers and enhance the safety level of these ship types;
- .2 the verified rules of the Submitters conform to the GBS Standards;
- .3 it was not necessary to endorse every finding of the audit team and there were some inconsistencies and differences between different teams, which could be expected for the first stage of this new audit scheme;
- .4 the recommendations of the audit teams should be endorsed, the identified non-conformities should be rectified as soon as possible and the identified observations should also be addressed;
- .5 the Corrective Action Plans submitted by IACS and its member ROs and the update provided by IACS were welcomed and the comments on these Plans, in particular the comments contained in document MSC 96/5/9 (Greece), should be taken into account with a view for the further improvement; and
- .6 the long-term issues raised in the document MSC 96/5/10 (Netherlands), i.e. a combination of findings and possible impacts on the other ship types, could be discussed in the future.

5.8 After an in-depth discussion, the Committee overwhelmingly confirmed that the information provided by the Submitters (12 IACS member ROs) demonstrates that their rules conform to the GBS Standards. Consequently, the Committee:

- .1 requested the Secretary-General to notify the relevant Administrations and recognized organizations that the submitted rules conform to the Tier I goals and Tier II functional requirements of the GBS Standards;
- .2 agreed to circulate the results of successful verifications to Member States by means of an MSC circular (see paragraph 5.9), and requested the Secretariat to maintain a list of all rule sets that have been verified for conformity as well as the original copy of the documentation package submitted;
- .3 agreed that the identified non-conformities are to be rectified, taking into account the recommendations made by the audit teams and the Corrective Action Plans, together with the comments contained in document MSC 96/5/9, and that the ROs submit new requests for a verification audit on the rectification of non-conformities; and
- .4 requested the ROs to address the identified observations in the future, taking into account the recommendations made by the audit teams and the Corrective Action Plans, together with the comments contained in document MSC 96/5/9, and that the ROs should submit the outcomes in the future.

5.9 Having considered the draft MSC circular prepared by the Secretariat (MSC 96/WP.11), the Committee approved MSC.1/Circ.1518 on *Promulgation of rules for the design and construction of bulk carriers and oil tankers of an organization, which is recognized by Administrations in accordance with the provisions of SOLAS regulation XI-1/1, confirmed by the Maritime Safety Committee to be in conformity with the goals and functional requirements of the Goal-based Ship Construction Standards for Bulk Carriers and Oil Tankers.*

Observations of the GBS audit teams

5.10 The Committee noted document MSC 96/5/2 (Secretariat), providing the report on the observations of the audit process, based on the experience gained during the initial GBS verification audits, in particular that the GBS Guidelines, with necessary interpretations to support the implementation, worked well as the basis for the first GBS verification audit, together with the arrangements made by the Secretariat, based on the Committee's decisions. Nevertheless, the Committee also noted the opinion of the audit teams that there was room for improvement, as explained in paragraphs 4 to 24 of the aforementioned document.

5.11 Having noted that document MSC 96/5/2 also contained detailed information related to potential amendments to the GBS Guidelines and that there was need for proposals on the amendments to the GBS Guidelines, the Committee referred document MSC 96/5/2 to the GBS Working Group at MSC 97 for detailed consideration and advice, as appropriate. In this context, the Committee also agreed to instruct the GBS Working Group, to be established at this session, to embark on a preliminary discussion, if time permits, with a view to identifying the possible issues to be considered by the GBS Working Group at MSC 97.

Report on GBS Trust Fund

5.12 The Committee noted document MSC 96/5/2 (Secretariat), providing the financial report on the GBS Trust Fund, including income and expenditures, in particular that there is a surplus of \$249,066 in the GBS Trust Fund, which will be used on an equal basis for each of the 13 ROs in the future audit and that a discounted fee will be granted to the International Register of Shipping if a request for audit is resubmitted.

Timetable and schedule of activities for implementation of the GBS verification scheme

5.13 The Committee recalled that MSC 87 adopted the *Guidelines for verification of conformity with goal-based ship construction standards for bulk carriers and oil tankers* (resolution MSC.296(87)) (GBS Guidelines) and also approved the timetable and schedule of activities for the implementation of the GBS verification scheme (MSC 87/26, paragraph 5.34 and annex 13).

5.14 The Committee considered document MSC 96/5/6 (Secretariat), providing the revised timetable and schedule of activities for future implementation of GBS verification scheme, which was prepared by the Secretariat based on the timing of rectification of non-conformities, and the timing of amendment to the GBS Guidelines and the reconsideration of the funding mechanism.

5.15 After some discussion, the Committee agreed that, based on the lessons learned, possible amendments to the GBS Guidelines and the earlier decision of the Committee (see paragraph 5.11), the above-mentioned timetable may need to be further updated as necessary and that the GBS Working Group should revise the timetable and schedule of activities for the implementation of the GBS verification scheme for the Committee's consideration and approval.

THE SHIP CONSTRUCTION FILE

5.16 The Committee noted documents MSC 96/5/7 and MSC 96/INF.9 (ICS, BIMCO, IACS, OCIMF, CESA, INTERTANKO, INTERCARGO), providing a status report on the development of industry standard and guidance on interpretation and practical implementation of mandatory requirements of SOLAS regulation II-1/3-10 on Ship Construction File (SCF) and related *Guidelines for the information to be included in a Ship Construction File* (MSC.1/Circ.1343); and providing the full text of the Interim SCF Industry Standard and the Interim SCF Supplementary Guidance.

GOAL-BASED IMO INSTRUMENTS AND FUNCTIONAL REQUIREMENTS FOR SOLAS CHAPTER III

5.17 The Committee recalled that MSC 95 agreed on a new work plan for the development of functional requirements of SOLAS chapter III (MSC 95/22, paragraph 12.7) and requested SSE 3 to report to MSC 96, as an urgent matter, on progress with regard to the development of functional requirements for SOLAS chapter III, together with the comments on the experiences gained on the implementation of MSC.1/Circ.1394/Rev.1, if any.

5.18 In this regard, the Committee was advised that SSE 3 had prepared the draft functional requirements of SOLAS chapter III and the preliminary experiences gained on the implementation of MSC.1/Circ.1394/Rev.1, with a view to the Committee providing instructions, if any, to the Correspondence Group on the Development of Functional Requirements for SOLAS chapter III and the SSE Sub-Committee.

5.19 The Committee had for its consideration the following documents:

- .1 MSC 96/5/3 (Germany, Sweden and the Netherlands), providing a detailed example for goal-based IMO instruments for life-saving appliances and describing a structure of a goal-based standard; expressing the view that the development of the goal-based standards structure is a long-term process for which a work plan will need to be developed and, before embarking on this work, some more experience is required with the development of such a goal-based standards structure; and
- .2 MSC 96/5/8 (China), providing comments on document MSC 96/5/3 and suggesting to finalize the development of the functional requirements of SOLAS chapter III prior to making the decision on whether to restructure the relevant IMO instruments; and to decide on how to use the experience gained on the implementation of MSC.1/Circ.1394/Rev.1.

5.20 During the discussion, the Committee noted the following views expressed on this matter:

- .1 the proposal by Germany, et al., presented an illustration of how a goal-based SOLAS chapter could be structured. For this purpose, SOLAS chapter III was used as an example only. In any case, it was not a proposal to decide on a future structure of SOLAS;
- .2 the vast majority of ships are built in accordance with the prescriptive regulations and provide a level playing field for demonstrating compliance. Furthermore, the current SOLAS, through the provisions for exemptions and alternative designs, has provided adequate flexibility within the existing framework;

- .3 no compelling need had been demonstrated to extend the provisions of the goal-based standards to areas other than that for the construction of oil tanker and bulk carriers. Furthermore, any future extension to other areas should only be undertaken after a full review of the work carried out so far at MSC 98;
- .4 the scope of the work at this session should be limited to the *Interim guidelines for development and application of IMO goal-based standards safety level approach*, in accordance with the work plan agreed by MSC 95;
- .5 there was general support for the proposal of China to be forwarded to the working group for further discussion; and
- .6 document MSC 96/5/3 may be further discussed in the GBS Working Group, but only within the scope of development of draft functional requirements of SOLAS chapter III, and without any indication of the restructure of the SOLAS Convention.

5.21 Following the discussion, the Committee agreed that the GBS Working Group should further consider the draft functional requirements of SOLAS chapter III contained in annex 1 to document SSE 3/16, taking into account documents MSC 96/5/3 and MSC 96/5/8, with a view to providing instructions, if any, to the Correspondence Group on the Development of Functional Requirements for SOLAS chapter III and the SSE Sub-Committee and advise the Committee accordingly; and consider the preliminary information on the experience gained during the implementation of MSC.1/Circ.1394/Rev.1, as contained in paragraph 3.15 of document SSE 3/16, taking into account documents MSC 96/5/3 and MSC 96/5/8, and advise the Committee accordingly.

INTERIM GUIDELINES FOR THE GBS SAFETY-LEVEL APPROACH (SLA)

5.22 The Committee noted that there was no documents submitted to this session on the draft *Interim guidelines for the GBS safety level approach*. In this regard, the Committee recalled the work plan agreed for MSC 96 (MSC 95/22, paragraph 5.18) and that, at this session, it intended to further develop, with a view to finalization, the Interim guidelines. In addition, a concrete example related to SOLAS chapter III, by implementing GBS-SLA, would be initiated. Consequently, the Committee instructed the GBS Working Group to further develop the *Interim guidelines for development and application of IMO goal-based standards safety level approach*, based on annex 2 to document MSC 95/WP.9.

ESTABLISHMENT OF THE GBS WORKING GROUP

5.23 Having considered the above matters, the Committee established the Working Group on Goal-based Standards and instructed it, taking into account the comments made and decisions taken in plenary, to:

- .1 as the highest priority, further revise the timetable and schedule of activities for the implementation of the GBS verification scheme, based on the annex to document MSC 96/5/6;
- .2 further develop the *Interim guidelines for development and application of IMO goal-based standards safety level approach*, based on annex 2 to document MSC 95/WP.9;

- .3 further consider the draft functional requirements of SOLAS chapter III contained in annex 1 to document SSE 3/16, taking into account documents MSC 96/5/3 and MSC 96/5/8, and with a view to provide instructions, if any, to the Correspondence Group on the Development of Functional Requirements for SOLAS chapter III and the SSE Sub-Committee and advise the Committee accordingly;
- .4 consider the preliminary information on the experience gained during the implementation of MSC.1/Circ.1394/Rev.1, as contained in paragraph 3.15 of document SSE 3/16, taking into account documents MSC 96/5/3 and MSC 96/5/8, and advise the Committee accordingly; and
- .5 if time permits, taking into account the information contained in documents MSC 96/5/2 and MSC 96/5/6, identify the possible issues to be considered by the Working Group on Goal-Based Standards to be established at MSC 97.

REPORT OF THE GBS WORKING GROUP

5.24 Having considered the report of the working group (MSC 96/WP.8), the Committee approved it in general and took action as described hereunder.

Timetable and schedule of activities for the implementation of the GBS verification scheme

5.25 The Committee approved the Revised timetable and schedule of activities for the implementation of the GBS verification scheme, as set out in annex 12.

Development of Interim guidelines for the standards safety level approach

5.26 The Committee noted the progress on the further development of draft *Interim guidelines for development and application of IMO goal-based standards safety level approach*. In this regard, the Committee endorsed the group's view on the compelling need for a GBS-SLA example and invited Member States and international organizations to submit concrete GBS-SLA examples to a future session.

5.27 The Committee also invited Member States and international organizations to submit comments and proposals on the draft Interim Guidelines, with a view towards finalization at a future session.

Draft functional requirements of SOLAS chapter III

5.28 The Committee endorsed the draft functional requirements for SOLAS chapter III, as contained in annex 1 to document SSE 3/16, in general, with a view that the final outcome of the development of the functional requirements of SOLAS chapter III would be further considered at MSC 98.

5.29 In this context, the Committee instructed the Correspondence Group on the Development of Functional Requirements for SOLAS chapter III, established by SSE 3 (SSE 3/16, paragraph 3.16), to continue their work, as instructed, and in particular to:

- .1 taking into account the related information contained in document MSC 96/5/3, in particular paragraphs 21, 22 and 23, further consider the structure of functional requirements with respect to completeness, hierarchy, categorization and ordering; and
- .2 develop the expected performance for each functional requirement.

5.30 The Committee also noted there were no additional instructions to the SSE Sub-Committee on the development of functional requirements for SOLAS chapter III.

Preliminary information on the experience gained during the implementation of MSC.1/Circ.1394/Rev.1

5.31 The Committee noted the preliminary information on the experience gained during the implementation of MSC.1/Circ.1394/Rev.1, as contained in paragraph 3.15 of document SSE 3/16.

Possible issues to be considered by the GBS Working Group at MSC 97

5.32 In considering the views expressed by the Group on the possible issues to be considered by the GBS Working Group at MSC 97, the Committee endorsed that:

- .1 the GBS verification Guidelines (resolution MSC.296(87)) were the basis and the most important guidance for the GBS audit scheme during the initial verification audit and, therefore, any amendments on the GBS verification Guidelines should be carefully considered;
- .2 work on the development of amendments to the GBS verification Guidelines should be initiated at MSC 97;
- .3 amendments to Part A of the GBS verification Guidelines should be the priority, with a view towards finalization at MSC 98;
- .4 in order to facilitate future activities, amendments to the GBS verification Guidelines should be considered by the GBS Working Group at MSC 97, taking into account the following aspects in order of priority:
 - .1 definition/description of key words (MSC 96/5/2, paragraphs 4 to 7);
 - .2 relationship between Information and documentation requirements and Evaluation criteria (MSC 96/5/2, paragraph 8);
 - .3 maintenance of verification (MSC 96/5/2, paragraph 10);
 - .4 other issues raised by individual auditors (MSC 96/5/2, paragraphs 13 to 15);
 - .5 the need for a continuous improvement process (MSC 96/5/2, paragraph 9);
 - .6 the need for a proactive approach (MSC 96/5/2, paragraphs 11 and 12); and
 - .7 consideration of any submissions by Member States and international organizations;
- .5 the reconsideration of the funding mechanism for the GBS verification scheme should also be considered by the GBS Working Group at MSC 97;

- .6 the possible future amendments to the GBS Guidelines should not impact the ongoing rectification of identified non-conformities during the initial verification audits; and
- .7 the above-mentioned list of possible issues was not necessarily a comprehensive list or a limitation on the issues, but a general guidance which could facilitate possible discussion in the GBS Working Group at MSC 97.

5.33 In this connection, the Committee invited Member States and international organizations to submit comments and proposals on the GBS verification audit scheme to MSC 97, taking into account the above-mentioned possible issues to be considered by the GBS Working Group at MSC 97.

6 PASSENGER SHIP SAFETY

Background

6.1 The Committee recalled that, after the capsizing of the passenger ship **Costa Concordia**, it had taken various measures and updated the long-term action plan.

Updated long-term action plan on passenger ship safety

6.2 The Committee considered the updated long-term action plan on passenger ship safety set out in document MSC 96/6 (Secretariat), which was prepared on the basis of the outcome of discussions at MSC 95.

6.3 The Committee recalled that MSC 93 had decided to finalize discussion on the potential work items included in the long-term action plan at this session, which is set out in table 1 of the annex to document MSC 96/6. Having noted that no proposal was submitted, the Committee agreed to keep the annex to document MSC 96/6 as the final version of the long-term action plan on passenger ship safety, which could assist Member States to prepare proposals for outputs in the future.

Fire protection in category "A" machinery spaces and on covered mooring decks

6.4 The Committee noted the information in document MSC 96/6/1 (CLIA) on the development of two industry best practices on fire protection to be applied to the global cruise industry, i.e. one was related to water mist fire suppression systems and the other related to fire protection measures for covered mooring decks. It was also noted that these industry best practices were intended to further enhance passenger ship safety with respect to fire detection and suppression beyond the requirements in SOLAS.

Best Practice guidance on ferry safety for ro-ro passenger ships

6.5 The Committee noted the information provided in document MSC 96/6/2 (INTERFERRY) that, after recent fire incidents on the ro-ro deck of ro-ro passenger ships and based on a questionnaire and extensive follow-up with the operators, INTERFERRY had collected seven prioritized best practices that had been shared with the wider ferry community. It was noted that these best practices were primarily of an operational character as it had been identified that equipment or structural related issues needed to be further researched in order for guidance to be issued, and that the key finding in the review was that more attention should be given on response time in case of an incident.

Deletion of this output from the High-level Action Plan

6.6 Taking into account the agreement to keep the annex to document MSC 96/6 as the final version of the long-term action plan (paragraph 6.1 refers) and that no further work under this agenda item had been identified, the Committee agreed to delete this output from the High-level Action Plan, with the understanding that new outputs could be proposed by Member States in the future, in accordance with the Committees' Guidelines.

7 MANDATORY INSTRUMENT AND/OR PROVISIONS ADDRESSING SAFETY STANDARDS FOR THE CARRIAGE OF MORE THAN 12 INDUSTRIAL PERSONNEL ON BOARD VESSELS ENGAGED ON INTERNATIONAL VOYAGES

GENERAL

7.1 In considering matters related to the carriage of industrial personnel, the Committee recalled that MSC 95:

- .1 having considered the draft MSC circular on *Definition of industrial personnel*, prepared by SDC 2, in conjunction with documents MSC 95/10/2 (Argentina), MSC 95/10/4 (France), MSC 95/10/8 (United States) and MSC 95/10/9 (Vanuatu), and views expressed, had decided to prepare a justification for a new output in accordance with the Committee's Guidelines;
- .2 in considering the aforementioned proposed justification for a new output (MSC 95/WP.12, annex 1), had agreed that the scope of application of the work to be undertaken should not be limited to ships of the offshore energy sector, but to all ships engaged on international voyages, and that due consideration should be given to ensure that any proposed standards do not conflict with other requirements of other organizations and/or conventions; and
- .3 had agreed to include, in the 2016-2017 biennial agendas of the Committee and the SDC Sub-Committee and provisional agendas for MSC 96 and SDC 3, a new output on "Mandatory instrument and/or provisions addressing safety standards for the carriage of more than 12 industrial personnel on board vessels engaged on international voyages", with a target completion year of 2017. In this context, MSC 95 had also agreed that the Committee should discuss policy issues before any detailed technical work is undertaken by the Sub-Committees (MSC 95/22, paragraph 19.26).

OUTCOME OF SDC 3 AND RELATED SUBMISSIONS

7.2 The Sub-Committee had for its consideration the following documents:

- .1 MSC 96/7 (Secretariat), containing the outcome of the experts' group established at SDC 3 regarding a mandatory instrument and/or provisions addressing safety standards for the carriage of more than 12 industrial personnel on board vessels engaged on international voyages;
- .2 MSC 96/7/1 (Germany), providing for a further refined proposal of the structure of a possible consistent way forward for a mandatory instrument regarding the transport of more than 12 industrial personnel on international voyages;

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- .3 MSC 96/7/2 (Vanuatu), seeking to build upon the discussions held at the experts' group and refining the proposals coming from that group;
 - .4 MSC 96/7/3 (Secretariat), providing legal advice regarding the introduction of mandatory safety standards for the carriage of more than 12 industrial personnel following a request from SDC 3;
 - .5 MSC 96/7/4 (France and the United Kingdom), containing a condensed summary of the issues raised and reported by the experts' group and reflecting what they believe to be a realistic level of consensus and a compromise that could form the basis of the process for a future way forward on this issue;
 - .6 MSC 96/7/5 (Antigua and Barbuda, Australia and France), presenting a detailed background, a summary of the eight options developed by the experts' group and analyses of these options; and proposing a way forward;
 - .7 MSC 96/7/6 (ITF), providing comments on documents MSC 96/7/1 and MSC 96/7/2 (see paragraphs 7.2.2 and 7.2.3), relating to a way forward for a mandatory instrument regarding the transport of more than 12 industrial personnel on international voyages;
 - .8 MSC 96/7/7 (India), providing comments on the options developed by the experts' group regarding the carriage of industrial personnel on international voyages, and proposing a possible way forward for a mandatory instrument;
 - .9 MSC 96/7/8 (China), commenting on document MSC 96/7 (see paragraph 7.2.1), and presenting four suggestions for the policy issues that should be discussed by the Committee concerning the carriage of more than 12 industrial personnel on board vessels engaged on international voyages;
 - .10 MSC 96/7/9 (CESA and IMCA), commenting on the report of the experts' group and providing recommendations on the key policy decisions as well as discussing some of the options for making the solution mandatory under SOLAS; and
 - .11 MSC 96/7/10 (Argentina), commenting on the outcome of the experts' group and proposing a road map for consideration by the Committee.

7.3 In considering the above documents, the Committee noted the following views expressed during the discussion:

- .1 amending SOLAS chapter I was not a practical option because such an amendment required explicit acceptance to bring it into force, which traditionally takes a very long time. Hence, developing a new SOLAS chapter would be the optimal way forward as the new chapter would be adopted under the tacit amendment procedure;
- .2 a new code, which could be made mandatory through a new chapter of SOLAS, should be developed to support the carriage of more than 12 industrial personnel;

- .3 there was an urgent need for a short-term solution, which should be consistent with the long-term objective in regard to the new regulatory framework;
- .4 material that had already been developed on this matter (e.g. the definition of industrial personnel developed by SDC 2 (SDC 2/25, annex 5)) should be used as a basis for further work;
- .5 amending the 2008 SPS Code and/or SOLAS chapter X to allow for the transport and accommodation of industrial personnel might be another option for dealing with the short-term solution;
- .6 cargo ships under 500 gross tonnage should be taken into account when developing the long-term solution;
- .7 the transfer of industrial personnel from the vessel to the offshore facility should be taken into account;
- .8 any solution to this matter should not conflict with existing IMO instruments or other international treaties;
- .9 industrial personnel transported by helicopters were considered as passengers, and transport by ship is typically carried out from the same port (i.e. it is not an international voyage); and
- .10 while some were of the view that the size of the ship should be used as the basis for applying any new IMO requirements, others were of the view that the number of personnel should be used for application purposes.

7.4 After an in-depth discussion and taking into account the above views, the Committee agreed that:

- .1 a new chapter to SOLAS should be developed solely for the carriage of more than 12 industrial personnel;
- .2 the above new chapter should be supported by a new code, which could have elements of the 2008 SPS and 2000 HSC Codes, as appropriate; and
- .3 the number of industrial personnel being transported should be the basis for applying the new SOLAS requirements.

ESTABLISHMENT OF THE WORKING GROUP

7.5 Subsequently, the Committee established the Working Group on Carriage of Industrial Personnel and instructed it, taking into account the comments made and decisions taken in plenary and documents MSC 96/7, MSC 96/7/1, MSC 96/7/2, MSC 96/7/3, MSC 96/7/4, MSC 96/7/5, MSC 96/7/6, MSC 96/7/7, MSC 96/7/8, MSC 96/7/9 and MSC 96/7/10, to:

- .1 further consider the development of a new chapter of SOLAS solely regulating industrial personnel and a new Code addressing the carriage of more than 12 industrial personnel on board vessels engaged on international voyages; and

- .2 prepare a road map, identifying the priorities, time frames, responsibilities and long- and short-term objectives, including an interim solution, for the work to be accomplished, for consideration by the Committee.

REPORT OF THE WORKING GROUP

7.6 Having considered the relevant part of the report of the working group (MSC 96/WP.7), the Committee approved it in general and took action as described hereunder.

Draft Recommendation for the carriage of more than 12 industrial personnel on board vessels engaged on international voyages

7.7 In considering the draft Recommendation for the carriage of more than 12 industrial personnel on board vessels engaged on international voyages (MSC 96/WP.7, annex 1), the Committee noted the following views expressed:

- .1 with regard to the definition of industrial personnel (MSC 96/WP.7, paragraph 9 and annex 1):
 - .1 the term "industrial activities" was not defined, therefore, it should be further considered; and
 - .2 it is not related to offshore activities, but instead has a broader application to industrial activities;
- .2 there was a lack of clarity in the text of the cover note of the draft MSC resolution, in particular in paragraph 2, and hence there would be a lack of global and consistent practical implementation of its provisions in relation to what statutory certification will be issued to such vessels;
- .3 the use of exemptions and equivalents, under SOLAS regulations I/4 and I/5, respectively, is highly problematic as these regulations were never intended to allow for the replacement of the entire standard to which a ship is built and, more importantly, are not implemented that way by flag State Administrations (see paragraph 7.9);
- .4 many of the ships that will transport or accommodate industrial personnel will not be engaged on international voyages and thus they are not covered by international instruments;
- .5 the draft Recommendation was ineffective, as an exemption from the passenger definition in SOLAS chapter I would contravene the Convention;
- .6 there is an urgent need for a solution to this matter, therefore, it would be appropriate to focus the work on bringing a mandatory long-term solution into effect as soon as possible rather than a recommendatory interim solution;
- .7 the draft Recommendation allows for some legal certainties, without lowering SOLAS safety standards, and creates a level playing field until such time that a mandatory instrument for the carriage of industrial personnel enters into force; and
- .8 without this interim solution, there is a need to speed up the work on the mandatory instrument, which should enter into force at the earliest.

7.8 The Committee also noted the statements of the delegations of Argentina, Germany, Ireland, the Marshall Islands, the United States and the observer from ITF on the draft Recommendation for the carriage of more than 12 industrial personnel on board vessels engaged on international voyages, and the associated draft MSC resolution. The full text of their statements is set out in annex 29.

7.9 After an in-depth discussion, the Committee, noting the complex nature of the legal issue under consideration, agreed that this matter should be further considered at the next session. In this context, the Committee also agreed that this item should be included in the provisional agenda for MSC 97. Additionally, the Committee requested the Secretariat to provide further legal advice on this matter, taking into account the views expressed in paragraphs 7.3, 7.7 and 7.8.

Outline of the draft new chapter [XV] of SOLAS

7.10 The Committee endorsed the outline of the draft new chapter [XV] of SOLAS (MSC 96/WP.7, annex 2) and instructed SDC 4 to use the outline as the basis for the further development of the draft new chapter [XV] of SOLAS.

Outline of the draft new code

7.11 Having agreed that, as the draft new code is developed, it may require partitioning to address the issue of high-speed ships carrying industrial personnel and non-high speed ships carrying industrial personnel, the Committee endorsed the following recommendations by the Working Group regarding the draft new code:

- .1 as it is developed, it will have to address high-speed ships carrying industrial personnel and non-high speed ships carrying industrial personnel;
- .2 it should be based on the 2008 SPS and the 2000 HSC Codes;
- .3 with regard to the scope of application, the number of persons on board (or the number of industrial personnel on board) should be considered and other parameters such as tonnage and/or length might need to be introduced in the future as thresholds in the different sections, with the understanding that the code would be applicable regardless of ship size;
- .4 it should be developed following the goal-based approach; and
- .5 ships should always meet the standards of life-saving appliances, irrespective of the number of industrial personnel on board at any time.

7.12 In the context of the above decisions, the Committee endorsed the outline of the draft new code addressing the carriage of more than 12 industrial personnel on board vessels engaged on international voyages (MSC 96/WP.7, annex 3) and instructed SDC 4 to use the outline as the basis for the further development of the draft new code.

Roadmap

7.13 The Committee noted the roadmap (MSC 96/WP.7, annex 4), which includes the priorities, time frames, responsibilities and long- and short-term objectives, for the work to be accomplished on this output. Having also noted the views on the need to speed up this work (see paragraph 7.7.8), the Committee decided to further consider the roadmap at MSC 97, in conjunction with the consideration of the draft Recommendation and the associated draft MSC resolution (see paragraph 7.9).

Impact on other IMO instruments

7.14 The Committee endorsed the Group's recommendation that the SDC Sub-Committee should take into consideration the impact on other IMO instruments while developing the code.

CLASSIFICATION OF OFFSHORE INDUSTRY VESSELS AND A REVIEW OF THE NEED FOR A NON-MANDATORY CODE FOR OFFSHORE CONSTRUCTION SUPPORT VESSELS

7.15 With regard to the output (5.2.1.19) on "Classification of offshore industry vessels and a review of the need for a non-mandatory code for offshore construction support vessels", which was directly related to the work on this output, the Committee agreed to delete the output from the biennial agenda of the SDC Sub-Committee and provisional agenda for SDC 4 and inform the Council accordingly. In this connection, the Committee noted the information provided by the Chairman of the SDC Sub-Committee that the ongoing work under the aforementioned output would be considered under this output (5.2.1.4).

8 SHIP SYSTEMS AND EQUIPMENT

REPORT OF THE SECOND SESSION OF THE SUB-COMMITTEE

General

8.1 The Committee approved, in general, the report of the second session of the Sub-Committee on Ship Systems and Equipment (SSE) (SSE 2/20 and MSC 96/8) and took action as indicated in paragraphs 8.2 to 8.9, recalling that MSC 95 had already taken action on urgent matters emanating from SSE 2 (MSC 95/21, section 12).

Draft amendments to SOLAS regulations II-2/1 and II-2/10

8.2 The Committee approved the draft amendments to SOLAS regulations II-2/1 and II-2/10, as set out in annex 13, and requested the Secretary-General to circulate the above amendments in accordance with SOLAS article VIII, with a view to subsequent adoption at MSC 97.

8.3 Having considered document MSC 96/8/1 (China), proposing to issue an MSC circular to encourage early implementation of the draft amendments to SOLAS regulations II-2/1 and II-2/10, exempting new and existing ships from the requirement to have on board foam-type extinguishers of at least 135 l capacity, the Committee endorsed the proposal, in principle, with a view to further consideration and final approval of the draft MSC circular at MSC 97, in conjunction with the adoption of the draft amendments to SOLAS regulations II-2/1 and II-2/10. Consequently, the Committee requested the Secretariat to prepare the above MSC circular for consideration at MSC 97 under agenda item 3.

Unified interpretations of SOLAS chapter II-2

8.4 The Committee approved MSC.1/Circ.1527 on *Unified interpretations of SOLAS chapter II-2* providing more specific guidance on the conditions under which materials other than steel may be permitted for components mounted on engines, turbines and gearboxes; arrangements for fixed hydrocarbon gas detection systems in double-hull and double-bottom spaces of oil tankers; and non-combustible material as "steel or equivalent" for ventilation ducts.

Unified interpretations of chapters 5, 6 and 9 of the FSS Code

8.5 The Committee approved MSC.1/Circ.1528 on *Unified interpretations of chapters 5, 6 and 9 of the FSS Code* providing more specific guidance on fixed gas fire-extinguishing systems and fixed fire detection and fire alarm systems; foam-generating capacity of fixed foam fire-extinguishing systems; and additional indicating unit in the cargo control rooms.

Unified interpretations of paragraph 4.4.7.6 of the LSA Code

8.6 The Committee, following discussion on what materials should be qualified by corrosion test, agreed to reduce the minimum Pitting Resistance Equivalent Number (PREN) from 25 to 22 and approved MSC.1/Circ.1529 on *Unified interpretations of paragraph 4.4.7.6 of the LSA Code, as amended by resolution MSC.320(89)*, related to lifeboat release and retrieval systems.

Unified interpretations of SOLAS regulations III/6.4 and III/6.5 and section 7.2 of the LSA Code

8.7 The Committee approved MSC.1/Circ.1530 on *Unified interpretations of SOLAS regulations III/6.4 and III/6.5 and section 7.2 of the LSA Code* related to general emergency alarms and public address systems in ro-ro spaces.

Early implementation of the new chapter 17 of the FSS Code

8.8 The Committee recalled that it had dealt with the draft MSC circular on *Early implementation of the amendments to the International Code for Fire Safety Systems (FSS Code)* under agenda item 3, in conjunction with the adoption of the draft new chapter 17 of the FSS Code (see paragraph 3.16).

Amendments to the Recommendation on helicopter landing areas on ro-ro passenger ships (MSC/Circ.895)

8.9 The Committee recalled that it had dealt with the draft MSC circular on *Amendments to the Recommendation on helicopter landing areas on ro-ro passenger ships (MSC/Circ.895)* under agenda item 3, in conjunction with the adoption of the draft new chapter 17 of the FSS Code and amendments to chapter 9 of the 2009 MODU Code (see paragraph 3.73).

URGENT MATTERS EMANATING FROM THE THIRD SESSION OF THE SUB-COMMITTEE**General**

8.10 The Committee considered urgent issues emanating from the third session of the Sub-Committee (MSC 96/8/2) and took action as indicated hereunder.

Draft functional requirements of SOLAS chapter III

8.11 The Committee recalled that it had dealt with the draft functional requirements of SOLAS chapter III under agenda item 5 (see paragraphs 5.17 to 5.21).

Experience gained during the implementation of MSC.1/Circ.1394/Rev.1

8.12 The Committee recalled that it had considered the preliminary information on the experience gained during the implementation of the *Generic guidelines for developing IMO goal-based standards* (MSC.1/Circ.1394/Rev.1) under agenda item 5 (see paragraph 5.21).

Requirements for maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear

8.13 The Committee recalled that it had dealt with the draft amendments to SOLAS regulations III/3 and III/20 endorsed by SSE 3 (SSE 3/16, paragraphs 4.13 and 4.17; and annex 2) under agenda item 3 (see paragraph 3.24).

8.14 The Committee recalled that it had dealt with the *Requirements for maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear* (resolution MSC.402(96)), in conjunction with the adoption of the draft to SOLAS regulations III/3 and III/20, under agenda item 3 (see paragraph 3.82).

Draft MSC circular on Guidelines on safety during abandon ship drills using lifeboats and the draft amendments to the Guidelines for developing operation and maintenance manuals for lifeboat systems (MSC.1/Circ.1205)

8.15 Having noted that SSE 3 had not been in a position to conduct the detailed review either of the draft MSC circular on *Guidelines on safety during abandon ship drills using lifeboats* or the draft amendments to MSC.1/Circ.1205, the Committee agreed to the Sub-Committee's decision that they needed to be further reviewed at SSE 4, in order to capture possible inconsistencies emanating from the *Requirements for maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear* (resolution MSC.402(96)).

Fire pumps in ships designed to carry five or more tiers of containers on or above the weather deck

8.16 The Committee noted that SSE 3, not having achieved a unanimous agreement on IACS UI SC270 relating to fire pumps in ships designed to carry five or more tiers of containers on or above the weather deck, had taken no further action (SSE 3/16, paragraphs 12.35 to 12.37). In this context, the Committee, having recalled that IACS UI SC270 was agreed by SSE 2 (SSE 2/20, paragraph 11.30), but not submitted to MSC 96 for approval pending the consideration of its further modification at SSE 3 (SSE 2/20, paragraph 11.31), noted IACS' intention to submit the version of UI SC270 agreed by SSE 2 to MSC 97 for approval.

Addition of the new sentence to the end of the interpretation of paragraph 4.4.7.6.9 of the LSA Code

8.17 The Committee recalled that the proposal on the addition of the new sentence to the end of the interpretation of paragraph 4.4.7.6.9 of the LSA Code was considered together with the draft unified interpretations of paragraph 4.4.7.6 of the LSA Code, as amended by resolution MSC.320(89), related to lifeboat release and retrieval systems (see paragraph 8.6 above).

9 IMPLEMENTATION OF IMO INSTRUMENTS

REPORT OF THE SECOND SESSION OF THE SUB-COMMITTEE

General

9.1 The Committee approved, in general, the report of the second session of the Sub-Committee on Implementation of IMO Instruments (III) (III 2/16, III 2/16/Add.1 and MSC 96/9) and, taking into account relevant decisions and comments made by MEPC 69 (MSC 96/2/4), took action as indicated hereunder.

Non-mandatory instruments on regulations for non-convention ships

9.2 The Committee endorsed the Sub-Committee's decision on the dissemination of the *Guide for regulating the safety of passenger ships not covered by SOLAS*, as set out in annex 1 of document III 2/16 and on IMODOCS, without detailed technical review. The Committee invited interested Member States to use the Guide as a tool containing a generic set of general safety principles and functional requirements, as a potential minimum safety level to be attained, when developing national or regional safety regulations for passenger ships not covered by the 1974 SOLAS Convention, and to provide any relevant feedback.

9.3 In this connection, the Committee also endorsed the Sub-Committee's recommendation not to develop a guide for regulating the safety of other types of ships not covered by SOLAS, since similar work for other types of ships was not considered as being necessary at this stage and a predominant part of the content of any further work for other types of ships could be very similar to the content of the above-mentioned Guide.

9.4 The Committee further endorsed the Sub-Committee's recommendation that an IMO Model Course on the safety of passenger ships not covered by SOLAS be developed on the basis of the existing draft documents, which are currently available in IMODOCS, including the completion of the Procedural Guide, in accordance with MSC-MEPC.2/Circ.15 on *Revised guidelines for the development, review and validation of model courses*.

Requirements for access to, or electronic versions of, certificates and documents, including record books required to be carried on ships

9.5 Having concurred with MEPC 69, the Committee endorsed the Sub-Committee's conclusion that there is no need to align FAL.2/Circ.127-MEPC.1/Circ.817-MSC.1/Circ.1462 on *List of certificates and documents required to be carried on board ships* with FAL.5/Circ.39/Rev.1 at this time, as the existing circular is not in conflict with the use of e-certificates.

Countries Survey Questionnaire

9.6 The Committee was advised that MEPC 69 noted the Countries Survey Questionnaire, since it would mainly concern maritime safety aspects of marine casualties. Taking into account that the Countries Survey Questionnaire might assist Member States in identifying potential problem areas for carrying out and reporting on investigations into very serious marine casualties (VSMC), the Committee approved the Countries Survey Questionnaire, as set out in annex 3 of document III 2/16, for dissemination by the Secretariat to Member States.

In-the-field job aid for investigators

9.7 The Committee endorsed the Sub-Committee's decision, which MEPC 69 had noted, to post the in-the-field job aid for investigators, as set out in annex 4 of document III 2/16, on the GISIS marine casualties and incidents (MCI) module and to include it, as reference material, when a training course is delivered, based on IMO Model Course 3.11, as well as in a future revision of the course.

Practical lessons that might be learned from ICAO

9.8 The Committee endorsed the Sub-Committee's finding that there is no pertinent lesson to be learned from the submission and dissemination of accident reports under ICAO's Convention or how accident reports are handled by the ICAO Secretariat.

Guidelines for port State control officers on the ISM Code

9.9 Following an in-depth discussion, the Committee concurred with the decision of MEPC 69 to defer the consideration of the draft MSC-MEPC.4 circular on *Guidelines for port State control officers on the ISM Code*, pending consideration of the outcome of HTW 2 along with the aforementioned draft circular, to MEPC 70 and MSC 97. In this context, the Committee instructed the Secretariat to provide the outcome of HTW 2 to its next session with a view to approval of the aforementioned circular.

Process for putting forward recommendations to the relevant IMO bodies resulting from the reports of CICs

9.10 The Committee, having noted that MEPC 69 did not endorse the issuing of III.2/Circ.1 on *Revised process for putting forward recommendations to the relevant IMO bodies resulting from the reports of Concentrated Inspection Campaigns (CICs)*, instructed III 3 to review the text of the circular, with a view to addressing the concerns raised by MEPC 69 and to report to the Committee at its the next session.

New SOLAS regulation XI-1/2-1

9.11 The Committee considered the draft new SOLAS regulation XI-1/2-1 on harmonization of survey periods of cargo ships not subject to the ESP Code, together with document MSC 96/9/1 (France, Spain and IACS), proposing an amendment to the draft new SOLAS regulation XI-1/2-1, as prepared by III 2, and the possible review of the consequential draft amendments to the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), taking into account the check/monitoring sheet and record for regulatory development.

9.12 Following discussion, the Committee approved the draft amendment to SOLAS chapter XI-1 introducing a new regulation XI-1/2-1, as amended by document MSC 96/9/1, as set out in annex 14, and requested the Secretary-General to circulate it in accordance with SOLAS article VIII, with a view to adoption at MSC 97.

9.13 Consequently, the Committee instructed the III Sub-Committee to review consequential amendments to the Survey Guidelines under the output on "Updated Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) (5.2.1.17)", for consistency after the draft new SOLAS regulation XI-1/2-1 is adopted.

Survey Guidelines under the HSSC 2015

9.14 The Committee noted that III 2 had submitted the draft *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2015*, together with the draft requisite Assembly resolution, directly to A 29, as authorized by MEPC 67 and MSC 94; and that the 2015 Survey Guidelines under the HSSC were consequently adopted by the Assembly by resolution A.1104(29).

2015 Non-exhaustive list of obligations under instruments relevant to the III Code

9.15 The Committee noted that III 2 had submitted the draft *2015 Non-exhaustive list of obligations under instruments relevant to the IMO Instrument Implementation Code* (resolution A.1070(28)), together with the draft requisite Assembly resolution, directly to A 29, as authorized by MEPC 67 and MEPC 94; and that the *2015 Non-exhaustive List of Obligations* was consequently adopted by the Assembly by resolution A.1105(29).

LESSONS LEARNED FROM MARINE CASUALTIES

9.16 The Committee had for its consideration document MSC 96/9/2 (China and IMLA), proposing possible new ways to improve the dissemination of lessons learned with a view of establishing an effective linkage between casualty investigation and seafarers training. The delegation of China indicated that the terminology "draft" should be deleted from the executive summary, as a typographical error.

9.17 Having noted that the proposal was generally supported and having emphasized that lessons learned from marine casualties should only be drawn from final reports of investigation into casualties, the Committee instructed:

- .1 III 3 to consider document MSC 96/9/2 and, in particular, the feasibility and the merits of the identification of typical accidents and lessons learned that might be used for seafarers' training and education, under the agenda item "Lessons learned and safety issues identified from the analysis of marine safety investigation reports" (12.1.2.1), and to report to MSC 97; and
- .2 HTW 4, under the existing agenda item "Role of the human element", and taking into account the relevant outcome of III 3 and MSC 97, to consider document MSC 96/9/2 and, in particular, the development of a methodology on how to utilize lessons learned for seafarers training and education, including the development of further guidance in the relevant model course in this respect; and the way in which they should be received, so that the information could be used more effectively.

OUTCOME OF FAL 40

9.18 The Committee considered issues emanating from FAL 40, as contained in document MSC 96/2/3, which are relevant to this agenda, and, in particular noted the two decisions by FAL 40 related to the use of electronic certificates and its approval of FAL.5/Circ.39/Rev.2 on the same matter.

9.19 With regard to the draft amendments to the *Procedures for port State control, 2011* (resolution A.1052(27)), aimed at promoting wider acceptance of electronic certificates, as approved by FAL 40, the Committee instructed III 3 to consider the above draft amendments in the context of its ongoing comprehensive review thereof.

Statement by the delegation of Denmark

9.20 The delegation of Denmark made a statement, as set out in annex 29, regarding the decision of Denmark to stop issuing paper version flag State certificates shortly. Accordingly, all ships flying the Danish flag will be issued with certificates in an electronic format, as and when such certificates expire and are renewed.

10 CARRIAGE OF CARGOES AND CONTAINERS

REPORT OF THE SECOND SESSION OF THE SUB-COMMITTEE

General

10.1 The Committee approved, in general, the report of the second session of the Sub-Committee on Carriage of Cargoes and Containers (CCC) (CCC 2/15 and MSC 96/10) and took action as indicated in paragraphs 10.2 to 10.15.

Low-flashpoint oil fuels

10.2 The Committee endorsed the Sub-Committee's view that all safety concerns with regard to ships using low-flashpoint oil fuels should be addressed in the context of the IGF Code only, without reopening discussion on the possibility of amending the flashpoint requirements in SOLAS.

LNG bunkering safety checklist

10.3 The Committee agreed to invite ISO to develop a standard LNG bunkering safety checklist, taking into account documents MSC 95/3/20 (United States) and CCC 2/3/2 (Marshall Islands, Panama, United States and ISO), and requested the Secretariat to communicate with ISO accordingly.

Transport of bauxite in bulk

10.4 Having noted that CCC 2 had approved CCC.1/Circ.2 on *Carriage of BAUXITE that may liquefy*, the Committee endorsed the actions taken by the Sub-Committee in response to safety concerns regarding the transport of bauxite in bulk.

Existing IMO type portable tanks and road tank vehicles for the transport of dangerous goods

10.5 The Committee endorsed the actions taken by the Sub-Committee with regard to the revision of DSC/Circ.12 and noted that CCC 2 had approved CCC.1/Circ.3 on *Revised guidance on the continued use of existing IMO type portable tanks and road tank vehicles for the transport of dangerous goods*.

Draft amendments (38-16) to the IMDG Code and instructions to the E&T Group

10.6 The Committee noted that the Sub-Committee had:

- .1 authorized E&T 24 to finalize the draft amendments (38-16) to the IMDG Code and had requested the Secretary-General to circulate the draft amendments to the IMDG Code in accordance with SOLAS article VIII, for consideration and subsequent adoption by MSC 96; and

- .2 instructed E&T 24 to prepare related recommendations and circulars for submission to MSC 96 for approval, together with the adoption of amendments to the IMDG Code,

which were considered under agenda item 3 (see also paragraphs 3.90, 3.101.2 and 3.102).

Approved Continuous Examination Programmes (ACEP)

10.7 The Committee had for its consideration the following draft CSC circulars, prepared by CCC 2, relating to the International Convention for Safe Containers (CSC), 1972, as amended, specifically Approved Continuous Examination Programmes (ACEP):

- .1 draft CSC circular on *Amendments to the Revised Recommendations on harmonized interpretation and implementation of the International Convention for Safe Containers, 1972, as amended (CSC.1/Circ.138/Rev.1)*, as set out in annex 1 to document CCC 2/15;
- .2 draft CSC circular on *Amendments to the Guidelines for development of an approved continuous examination programme (ACEP) (CSC.1/Circ.143)*, as set out in annex 2 to document CCC 2/15;
- .3 draft CSC circular on *List of locations of publicly available ACEP information*, as set out in annex 3 to document CCC 2/15; and
- .4 draft CSC circular on *Instructions for use and information concerning the Global ACEP Database*, as set out in annex 4 to document CCC 2/15.

10.8 Following discussion, the Committee approved:

- .1 CSC.1/Circ.151 on *Amendments to the Revised Recommendations on harmonized interpretation and implementation of the International Convention for Safe Containers, 1972, as amended (CSC.1/Circ.138/Rev.1)*;
- .2 CSC.1/Circ.152 on *Amendments to the Guidelines for development of an approved continuous examination programme (ACEP) (CSC.1/Circ.143)*;
- .3 CSC.1/Circ.153 on *List of locations of publicly available ACEP information*; and
- .4 CSC.1/Circ.154 on *Instructions for use and information concerning the Global ACEP Database*.

10.9 With regard to the *List of locations of publicly available ACEP information (CSC.1/Circ.153)*, the Committee agreed that it should be updated and issued on an annual basis, or when any Administration informs the Organization of changes to their ACEP. In this regard, the Committee urged CSC 1972 Contracting Parties to submit information to the Organization on the location where their ACEP information is publicly available, in order to keep the list of locations of publicly available ACEP information up to date. In this connection, the observer from BIC made a statement, which is set out in annex 29.

Providers of CTU-related services

10.10 The Committee approved MSC.1/Circ.1531 on *Due diligence checklist in identifying providers of CTU-related services*.

Corrections and draft amendments to the IGC Code

10.11 The Committee noted that CCC 2 had requested the Secretariat to prepare a corrigendum to annex 6 of the report of MSC 93 (MSC 93/22/Add.1), which:

- .1 deletes the words "by the Administration" in paragraph 8.2.18 of the IGC Code, as amended by resolution MSC.370(93); and
- .2 corrects paragraphs 7.8.4, 13.6.11 and 16.9.5 of the IGC Code, as amended by resolution MSC.370(93), to require the discharge of exhaust gases in a "safe location" rather than a "non-hazardous area",

with a view to incorporating the aforementioned modifications into the authentic text of resolution MSC.370(93)

10.12 Regarding the requirement in the IGC Code for fire rating of wheelhouse windows, having taken into account the check/monitoring sheet and records for regulatory development prepared by the Secretariat (CCC 2/15, annex 6), the Committee approved the draft amendment to paragraph 3.2.5 of the IGC Code, as set out in annex 15, that, in effect, aligns the requirements of the IGC Code with the requirements for fire-rated windows on tankers in SOLAS chapter II-2, which does not apply to wheelhouse windows. Subsequently, the Committee requested the Secretary-General to circulate the aforementioned draft amendments in accordance with SOLAS article VIII, with a view to adoption at MSC 97. In this context, the observer from IACS informed the Committee that the IGF Code contains the same requirement for A-0 fire-rated wheelhouse windows, and that IACS intended to submit a document to MSC 97 in this regard.

10.13 Having taken into account the potential for industry to be unable to meet the requirement of the IGC Code, as amended by resolution MSC.370(93), for A-0 fire-rated wheelhouse windows, which will apply from 1 July 2016, the Committee requested the Secretariat to prepare a draft MSC circular on early implementation of the draft amendment to paragraph 3.2.5 of the IGC Code for consideration by the Committee, with a view to approval at this session. Following consideration of the aforementioned draft MSC circular prepared by the Secretariat (MSC 96/WP.13), the Committee agreed to further consider the draft MSC circular at its next session, in conjunction with the adoption of the associated draft amendments to the IGC Code. In this regard, the Committee requested the Secretariat to submit the draft MSC circular under agenda item 3, taking into account the following proposals for modifications of the draft circular (MSC 96/WP.13):

- .1 add the words "AND ACCEPTANCE" after the words "EARLY IMPLEMENTATION" in the title of the draft circular and delete the word "DRAFT";
- .2 add the words "as appropriate" after the word "apply" in paragraph 2.1;
- .3 add the words "subject the provision of evidence of acceptance by the Flag State" at the end of paragraph 2.2; and
- .4 add a new paragraph after paragraph 3 indicating an expiry date for the circular.

Mandatory requirements for classification and declaration of solid cargoes as harmful to the marine environment (HME)

10.14 The Committee noted the progress made on the development of mandatory requirements for classification and declaration of solid bulk cargoes as HME, through the development of draft amendments to MARPOL Annex V, as set out in annex 7 to document CCC 2/15.

10.15 The Committee also noted the draft amendments to the IMSBC Code related to HME substances, as set out in annex 8 to document CCC 2/15, which are expected to be finalized at CCC 3. In this regard, the Committee noted that MEPC 69, having considered several options, agreed to make mandatory under MARPOL Annex V only the criteria for the classification of solid bulk cargoes as HME and the shipper's declaration, without specifying the means for making the declaration. Subject to the subsequent adoption, by MEPC 70, of the draft amendments to MARPOL Annex V, as modified and approved by MEPC 69, the IMSBC Code HME cargo declaration form will not be mandatory under MARPOL but will be mandatory under the IMSBC Code, subject to adoption of the relevant amendments to the IMSBC Code at MSC 98.

11 SHIP DESIGN AND CONSTRUCTION

REPORT OF THE THIRD SESSION OF THE SUB-COMMITTEE

General

11.1 The Committee approved, in general, the report of the third session of the Sub-Committee on Ship Design and Construction (SDC) (SDC 3/21 and Corr.1 and MSC 96/11) and took action as indicated hereunder.

Subdivision and damage stability regulations

11.2 In regard to the draft amendments to SOLAS chapter II-1 on subdivision and damage stability regulations, as set out in annex 1 to document SDC 3/21, the Committee had the following documents for its consideration:

- .1 MSC 96/11/2 (Austria, et al.), providing comments on the report of SDC 3, with particular regard to the draft amendments to SOLAS regulation II-1/6 related to the survivability of passenger ships;
- .2 MSC 96/11/4 (Japan), providing comments on document SDC 3/21 with regard to required subdivision index "R" for passenger ships. The delegation of Japan analysed an impact on design for the draft SOLAS regulation II-1/6 and based on the impact analysis, the formula proposed by the United States (SDC 3/3/9) is acceptable as it provides the upper limit of the required subdivision index "R" for passenger ships; and
- .3 MSC 96/11/6 (Japan), providing comments on document SDC 3/21 with regard to a duplication in the draft amendments to SOLAS chapter II-1 and proposing modifications to the draft amendments to regulation II-1/12.2 to correct this error.

11.3 In considering the above documents, the Committee noted the following views expressed during the discussion:

- .1 information from the EMSA curve used for small passenger ships was not justified, as it may have an impact in the design stages of such ships, when applying the draft new required subdivision index "R";
- .2 the outcome of SDC 3, regarding the required subdivision index "R" for passenger ships, was a compromise solution, achieved after a lengthy and detailed consideration by the Subdivision and Damage Stability (SDS) Working Group and agreed by SDC 3. This requirement would reduce the safety risk; and
- .3 with regard to document MSC 96/11/6 (see paragraph 11.2.3), regulation II-1/12.2 is not related to the ship's damage stability standard. It is purely a design requirement. The new paragraph was included to ensure that the location of the collision bulkhead, required by regulation II-1/12.1, also safeguards a flooding condition. In this context, there was no need to modify the requirement and the same could be addressed by means of the explanatory notes which the Sub-Committee is currently developing.

11.4 Having considered the above views, the Committee approved the draft amendments to SOLAS chapter II-1 on subdivision and damage stability regulations, as set out in annex 16, and requested the Secretary-General to circulate the above amendments in accordance with SOLAS article VIII, with a view to subsequent adoption at MSC 97.

Scope of application of the draft amendments to SOLAS chapter II-1

11.5 The Committee, having considered the application dates of the draft amendments to SOLAS chapter II-1 and taking into account that the four-year delivery window may not be appropriate for large and complex passenger ships, agreed that the application date of the aforementioned amendments should be 1 January 2020.

Early implementation of the acceptance of the use of butterfly valves on cargo ships

11.6 The Committee considered document MSC 96/11/7 (Liberia, Marshall Islands and IACS), providing comments on paragraphs 2.1 and 2.2 of document MSC 96/11 and proposing a draft MSC circular which encourages early implementation of the use of a butterfly valve in the pipe(s) piercing the collision bulkhead in cargo ships, provided the valve is suitably supported by a seat or flanges and capable of being operated from above the freeboard deck; as per draft SOLAS regulation II-1/12 (SDC 3/21, annex 1). Following discussion, the Committee, having agreed, in principle, to the draft MSC circular on *Early implementation of the acceptance of the use of butterfly valves on cargo ships* (MSC 96/11/7, annex), decided to approve it at its next session, in conjunction with the associated SOLAS amendments. Subsequently, the Secretariat was requested to prepare the above MSC circular for consideration at MSC 97.

11.7 The Committee noted the concerns expressed by the delegation of the Bahamas, supported by others, that this was the third occasion at this session that the Committee had agreed on the issue of an early implementation circular (see paragraphs 3.101, 8.3, 10.13 and 11.6) and had expressed concern that these circulars could provide the opportunity for disagreement between flag States and port States if both did not agree to apply early implementation. The delegation also pointed out the fact that such a circular does not oblige a port State to accept early implementation to which it disagrees, noting that while a mechanism for the promulgation of information existed in cases of equivalence under SOLAS regulation I/5,

no such mechanism currently existed for early implementation. In this context, a further question arose in respect of what evidence a ship would be required to carry to communicate to a port State control officer the fact that its flag State had applied early implementation and had accepted the resulting deviation from the Convention requirements in force at the time. The Committee also noted the view of the delegation of the Bahamas that this was particularly important in cases where an amendment could be viewed as a relaxation of the existing requirements such as, for example, the proposals in documents MSC 96/11/7 and MSC 96/8/1. The Committee further noted the delegation's intention to submit a document to III 3 on this matter and agreed to extend the deadline for submission of documents related to this issue only to III 3 by one week (i.e. 20 May 2016).

Draft amendments to chapter 2 of the 2008 SPS Code

11.8 The Committee adopted resolution MSC.408(96) on *Amendments to chapter 2 of the Code of Safety for Special Purpose Ships, 2008 (2008 SPS Code)*, as set out in annex 17.

Remaining work under output 5.2.1.13 (Amendments to SOLAS regulations II-1/6 and II-1/8-1)

11.9 The Committee, bearing in mind that the instruction of MSC 93 was to only consider "double hull in way of main engine-room" in the remaining work under output 5.2.1.13 (Amendments to SOLAS regulations II-1/6 and II-1/8-1), and the Sub-Committee's opinion that the double hull may not be the only solution and, therefore, other alternative solutions needed to be further considered, endorsed the Sub-Committee's view that the recommended change of the existing scope of the output is acceptable and did not require any specific justification.

Operational information for masters of passenger ships for safe return to port

11.10 The Committee approved MSC.1/Circ.1532 on *Revised guidelines on operational information for masters of passenger ships for safe return to port*.

2008 Intact Stability Code

11.11 The Committee approved the draft amendments to the introduction of the 2008 IS Code regarding vessels engaged in lifting and towing operations, including escort towing, as set out in annexes 6 and 7 (see paragraphs 3.43 to 3.47 and 11.12), in accordance with SOLAS regulation II-1/2.27 (resolution MSC.269(85)) and regulation 3(16) of the 1988 LL Protocol (resolution MSC.270(85)). In this context, the Committee noted that the modified chapeau of paragraph 1.2 of the introduction to the 2008 IS Code was considered under agenda item 3 (Consideration and adoption of amendments to mandatory instruments) in conjunction with the adoption of the amendments to the introduction of the 2008 IS Code regarding vessels engaged in anchor handling operations (see paragraphs 3.39 to 3.50).

11.12 Having considered the draft amendments to part B of the 2008 IS Code regarding vessels engaged in lifting and towing operations, including escort towing, as set out in annex 5 to document SDC 3/21, together with documents MSC 96/11/3 (Germany), commenting on the definitions of waters that are exposed and waters that are not exposed in the context of lifting operations, and MSC 96/11/8 (Vanuatu), proposing modifications to the draft amendments to clarify the provisions, the Committee agreed to the following:

- .1 the addition of the proposed definitions of waters that are exposed and waters that are not exposed in the context of lifting operations (MSC 96/11/3);

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- .2 in paragraph 2.9.7.1, add the words "should be complied with", as proposed in document MSC 96/11/8;
 - .3 in paragraph 2.8.5.1, add the words ", excluding emergency access and removal hatches," after the words "Access to the machinery space";
 - .4 in paragraphs 2.9.2.1 and 2.9.2.2, add the word "a-frame" before the words "or similar"; and
 - .5 in paragraph 2.9.3.1, add the words "included herein, or the criteria contained in paragraphs 2.9.4, 2.9.5 or 2.9.7, as applicable", after the words "The stability criteria",

and instructed the Secretariat to consolidate the above draft amendments to the introduction and part B of the 2008 IS Code related to lifting and towing, together with the draft amendments to the 2008 IS Code related to anchor handling (see paragraph 3.46), with a view to subsequent adoption at MSC 97.

Evacuation analysis for new and existing passenger ships

11.13 The Committee approved MSC.1/Circ.1533 on *Revised guidelines on evacuation analysis for new and existing passenger ships*.

11.14 In this connection, the Committee endorsed the Sub-Committee's decision to refer *Revised guidelines on evacuation analysis for new and existing passenger ships* to SSE 4 for information, as the definitions contained in section 2 of annex 1 to the draft Revised guidelines may be of interest in the development of the functional requirements of SOLAS chapter III.

Draft amendment to chapter 13 of the FSS Code

11.15 The Committee approved the draft amendment to paragraph 2.1.2.2.2.1 of chapter 13 of the FSS Code, regarding clarification of the crew distribution in public spaces, as set out in annex 18, and requested the Secretary-General to circulate the above amendment in accordance with SOLAS article VIII, with a view to subsequent adoption at MSC 97.

Damage control drills for passenger ships

Draft amendments to SOLAS regulation II-1/1.2 and the draft new regulation II-1/19-1

11.16 In the context of the draft amendments to SOLAS regulation II-1/1.2 and the draft new regulation II-1/19-1, the Committee noted that the Sub-Committee had referred the aforementioned draft amendments to HTW 3 to further consideration, taking into account the damage control drill frequency requirements in the draft SOLAS regulation II-1/19-1.2 for crew workload and fatigue issues, and submit the finalized draft amendments to this session for approval, in conjunction with the approval of the draft amendments to SOLAS chapter II-1 subdivision and damage stability requirements.

11.17 Taking into account the outcome of HTW 3 (see paragraph 12.7), the Committee approved the draft amendments to SOLAS regulation II-1/1.2 and the draft new SOLAS regulation II-1/19-1, regarding damage control drills for passenger ships, as set out in annex 16, and requested the Secretary-General to circulate the above amendments in accordance with SOLAS article VIII, with a view to subsequent adoption at MSC 97.

Draft amendments to SOLAS regulations III/1.4, III/30 and III/37

11.18 The Committee considered the draft amendments to SOLAS regulations III/1.4, III/30 and III/37, regarding damage control drills for passenger ships, together with document MSC 96/11/5 (Japan), commenting on the draft amendments to SOLAS regulation III/37 on "Muster list and emergency instructions" and, following discussion, agreed to modify the draft amendments to SOLAS regulation III/37.3 as follows:

"9 for passenger ships only, damage control for flooding emergencies."

11.19 Subsequently, the Committee approved the draft amendments to SOLAS chapter III, as set out in annex 19, and requested the Secretary-General to circulate the above amendments in accordance with SOLAS article VIII, with a view to subsequent adoption at MSC 97.

Draft Guidelines for conducting damage control drills on passenger ships

11.20 The Committee endorsed the Sub-Committee's decision that the draft *Guidelines for conducting damage control drills on passenger ships* were not necessary at this stage, as the finalized draft amendments to SOLAS regulations II-1/19-1, III/30 and III/37 (see paragraphs 11.17 and 11.19) were sufficiently detailed.

Draft amendments to the 2011 ESP Code

11.21 The Committee approved the draft amendments to the 2011 ESP Code, as set out in annex 20, and requested the Secretary-General to circulate the above amendments in accordance with SOLAS article VIII, with a view to subsequent adoption at MSC 97.

Unified interpretations relating to the 1966 Load Lines Convention

11.22 The Committee approved MSC.1/Circ.1534 on *Unified interpretations relating to the International Convention on Load Lines, 1966*.

Unified interpretations relating to the 1988 Load Lines Protocol

11.23 The Committee approved MSC.1/Circ.1535 on *Unified interpretations relating to the Protocol of 1988 relating to the International Convention on Load Lines, 1966*.

Unified interpretations of SOLAS regulations II-1/29.3 and II-1/29.4

11.24 The Committee considered the draft Unified interpretations of SOLAS regulations II-1/29.3 and II-1/29.4, together with document MSC 96/11/1 (Norway, IACS), commenting on the discussion on document SDC 3/14/1 (IACS) at SDC 3, related to steering gear test with vessel not at its deepest seagoing draught, and proposing amendments to the associated draft MSC circular, as set out in annex 12 of document SDC 3/21.

11.25 Following discussion and having agreed to the modification proposed in document MSC 96/11/1, the Committee approved MSC.1/Circ.1536 on *Unified interpretations of SOLAS regulations II-1/29.3 and II-1/29.4*.

Unified interpretations of the 2008 IS Code

11.26 The Committee approved MSC.1/Circ.1537 on *Unified interpretations of the 2008 IS Code*.

Unified interpretation relating to the International Grain Code

11.27 The Committee approved MSC.1/Circ.1538 on *Unified interpretation relating to the International Grain Code*.

Unified interpretations of SOLAS chapter II-1

11.28 The Committee approved MSC.1/Circ.1539 on *Unified interpretations of SOLAS chapter II-1*.

11.29 Notwithstanding the above decision, the Committee noted the statement made by the IACS observer that the definition of the term "lightweight", as set out in the above unified interpretation, is also contained in the 1994 and 2000 HSC Codes and, therefore, similar unified interpretations should also be prepared for those Codes. In this connection, the observer from IADC pointed out that the definition of the term "lightweight" is also contained in the MODU Code. Having noted and agreed with the above views, the Committee considered the draft MSC circulars prepared by the Secretariat (MSC 96/WP.15 and Corr.1) and approved:

- .1 MSC.1/Circ.1540 on *Unified interpretation of the 2009 MODU Code*;
- .2 MSC.1/Circ.1541 on *Unified interpretation of the 1994 HSC Code*; and
- .3 MSC.1/Circ.1542 on *Unified interpretation of the 2000 HSC Code*.

Unified interpretation relating to the IBC Code

11.30 The Committee approved the draft MSC-MEPC.5 circular on *Unified interpretation relating to the IBC Code*, as set out in annex 21, subject to concurrent approval by MEPC 70.

Unified interpretation relating to the IGC Code

11.31 The Committee approved MSC.1/Circ.1543 on *Unified interpretation relating to the IGC Code*.

Unified interpretations for the application of the 2009 MODU Code and the Revised technical provisions for means of access for inspections

11.32 The Committee approved MSC.1/Circ.1544 on *Unified interpretations for the application of chapter 2 of the 2009 MODU Code and the Revised technical provisions for means of access for inspections (resolution MSC.158(78))*.

11.33 Subsequently, the Committee considered if MSC.1/Circ.1464/Rev.1 and its Corr.1 would need to be amended to exclude MODUs and, in light of the approval of the aforementioned Unified interpretations (MSC.1/Circ.1544), agreed that MSC.1/Circ.1464/Rev.1 does not need to be amended to clarify its non-application to MODUs as the text of this circular clearly refers to SOLAS regulation II-1/3-6 on access to and within spaces in the cargo area of oil tankers and bulk carriers.

Unified interpretations relating to the application of SOLAS regulation II-1/3-6 and the Revised technical provisions for means of access for inspections

11.34 The Committee approved MSC.1/Circ.1545 on *Unified interpretations relating to the application of SOLAS regulation II-1/3-6, as amended, and the Revised technical provisions for means of access for inspections (resolution MSC.158(78))*.

11.35 Subsequently, the Committee considered the need to amend MSC.1/Circ.1464/Rev.1 and its Corr.1, as amended by MSC.1/Circ.1507, and requested the Secretariat to prepare a consolidated draft MSC circular containing the provisions of MSC.1/Circ.1464/Rev.1 and Corr.1, as amended by MSC.1/Circ.1507, and MSC.1/Circ.1545, for consideration at MSC 97.

Unified interpretation of the 1969 TM Convention

11.36 The Committee approved MSC.1/Circ.1546 on *Unified interpretations of the 1969 TM Convention*.

Revised SOLAS regulation II-1/3-8 and associated guidelines (MSC.1/Circ.1175) and new guidelines for safe mooring operations for all ships

11.37 The Committee noted the progress made on matters related to the revised SOLAS regulation II-1/3-8 and associated guidelines (MSC.1/Circ.1175) and the new guidelines for safe mooring operations for all ships.

Carriage of industrial personnel on vessels engaged on international voyages

11.38 The Committee noted that the eight options on the regulatory regimes and procedures for transporting industrial personnel and table of comparison of criteria within proposed options, including the advantages and disadvantages and the potential way forward, was considered under agenda item 7 (Mandatory instrument and/or provisions addressing safety standards for the carriage of more than 12 industrial personnel on board vessels engaged on international voyages).

Fibre Reinforced Plastic (FRP) elements within ship structures

11.39 The Committee noted the progress made on matters related to the development of draft interim guidelines for use of Fibre Reinforced Plastic (FRP) elements within ship structures.

Other matters

11.40 Having noted the decision of SDC 3 to not accept a proposed unified interpretation on calculation of tonnage for OSVs (SDC 3/14/8), the Committee noted the concerns expressed by the delegation of Norway on the consequences of the above decision. In this connection, the Committee also noted the information from the observer from IACS that the views and decisions taken by SDC 3 in regard to IACS UI TM3 will be reported to IACS members as a priority matter (SDC 3/21, paragraph 14.27).

11.41 Subsequently, the Committee noted the information from the IACS observer that IACS had withdrawn IACS UI TM3 and, therefore, it will not be implemented by its members.

12 HUMAN ELEMENT, TRAINING AND WATCHKEEPING

REPORT OF THE THIRD SESSION OF THE SUB-COMMITTEE

General

12.1 The Committee approved, in general, the report of the third session of the Sub-Committee on Human Element, Training and Watchkeeping (HTW 3/19 and MSC 96/12) and took action as indicated hereunder.

New GISIS module related to Reporting and information communication requirements

12.2 The Committee approved sections 1 to 5 of the framework (HTW 3/19, paragraph 5.40 and annex 2) of a proposed new GISIS module related to Reporting and information communication requirements under articles IV, VIII and IX of the STCW Convention, 1978, as amended.

Comprehensive review of the 1995 STCW-F Convention

12.3 The Committee approved the list of principles and the provisional scope for the comprehensive review of the 1995 STCW-F Convention (HTW 3/19, paragraph 6.11 and annex 3).

Revised guidelines on the implementation of the ISM Code by Administrations

12.4 The Committee, noting that MEPC 69 had approved the draft Assembly resolution related to the revision of the guidelines on the implementation of the ISM Code, subject to concurrent decision by MSC 96, approved the draft Assembly resolution on *Revised guidelines on the implementation of the ISM Code by Administrations*, as set out in annex 22, for submission to the thirtieth session of the Assembly for adoption.

Amendments to the STCW Convention and Code relating to passenger-ship specific training

12.5 The Committee approved the draft amendments to the STCW Convention and parts A and B of the STCW Code, as set out in annexes 8, 9 and 10, respectively.

12.6 The Committee instructed the Secretariat to make any editorial changes required, and requested the Secretary-General to circulate them in accordance with article XII (1)(a)(i) of the STCW Convention with a view to adoption by MSC 97 (see paragraphs 3.98, 3.99 and 12.5).

Damage control drills for passenger ships

12.7 The Committee recalled that it had approved the proposed text of the draft new SOLAS regulation II-1/19-1.2 on Damage control drills for passenger ships, incorporating the proposal by HTW 3, under agenda item 11 (see paragraph 11.17).

Guidelines for port State control officers on certification of seafarers, hours of rest and manning

12.8 The Committee endorsed the Sub-Committee's recommendation to forward the amendments to the main body of the draft *Guidelines for port State control officers on certification of seafarers, hours of rest and manning* to III 3 to consider those provisions left in square brackets, taking into account that further work on the annexes to the draft Guidelines is expected to be finalized at HTW 4.

Guidance on provision of STCW-related documentation to port State control officers and other third-party inspection regimes

12.9 The Committee considered document MSC 96/12/2 (United States and ICS), identifying an inconsistency in the interpretation of the 1978 STCW Convention, as amended, relating to the provision of documentary evidence to port State control officers and other third-party inspection regimes, and proposing that appropriate guidance is developed by the Organization to provide the necessary clarity.

12.10 In the ensuing discussion, the following views were expressed:

- .1 there is an inconsistency in the interpretation of the 1978 STCW Convention, as amended, relating to the provision of documentary evidence to port State control officers and other third-party inspection regimes;
- .2 the root causes for the erroneous interpretation by port State control officers (PSCOs) to demand course completion certificates or references to IMO model courses during port State control inspections should be ascertained; and
- .3 appropriate guidance should be developed to provide necessary clarity to PSCOs.

12.11 After some discussion, the Committee agreed that appropriate guidance relating to the provision of documentary evidence to PSCOs and other third-party inspection regimes should be developed by the Organization to provide the necessary clarity and, subsequently, instructed HTW 4 to consider document MSC 96/12/2 under its agenda item on "Guidance on the implementation of the 2010 Manila Amendments (5.2.2.1)", along with relevant proposals submitted to that session on this issue.

12.12 Having considered the view to avoid multiple references in IMO documents and recalling that the III Sub-Committee was currently reviewing the Procedures for port State control (A.1052(27)), the Committee instructed the HTW Sub-Committee to provide relevant input to the III Sub-Committee for its consideration on this matter.

Secretary-General's report pursuant to STCW regulation I/7, paragraph 2

12.13 In introducing the Secretary-General's report (MSC 96/WP.3), the Director of the Maritime Safety Division, on behalf of the Secretary-General, advised the Committee that, in preparing the report required by STCW regulation I/7, paragraph 2, he had solicited and taken into account the views of the competent persons selected from the list established pursuant to paragraph 7 of section A-I/7 of the STCW Code and circulated as MSC.1/Circ.797. The report, as required by MSC.1/Circ.1448, was comprised of:

- .1 the Secretary-General's report to the Committee;
- .2 a description of the procedures followed;
- .3 a summary of the conclusions reached in the form of a comparison table; and
- .4 an indication of the areas which were not applicable to the Member State concerned.

12.14 The Committee was subsequently invited to consider the reports attached to document MSC 96/WP.3 for the purpose of confirming that the information provided by the Member State concerned demonstrated that full and complete effect was given to the provisions of the STCW Convention.

12.15 As was the case with the Secretary-General's reports to its previous sessions, the Committee agreed to consider the reports in order to:

- .1 identify, from the Secretary-General's report, the scope of information evaluated by the panels;
- .2 review the procedures report to identify any entries requiring clarification;
- .3 review the information presented in comparison table format to ensure that it was consistent with the Secretary-General's report; and
- .4 confirm that each report reflected that the procedures for the assessment of the information provided by the Member State concerned had been correctly followed.

12.16 The Committee confirmed that the procedures for the assessment of the information provided had been correctly followed in respect of the two STCW Parties included in the Secretary-General's report and instructed the Secretariat to issue an updated circular as MSC.1/Circ.1163/Rev.10.

Secretary-General's report pursuant to STCW regulation I/8

12.17 In introducing the Secretary-General's report (MSC 96/WP.3/Add.1), the Director of the Maritime Safety Division, on behalf of the Secretary-General, advised the Committee that, in preparing the reports required by STCW regulation I/8, paragraph 3, he had solicited and taken into account the views of the competent persons selected from the list established pursuant to paragraph 7 of section A-I/7 of the STCW Code and circulated as MSC.1/Circ.797. Each report, as required by MSC.1/Circ.1449, was comprised of:

- .1 the Secretary-General's report to the Committee;
- .2 a description of the procedures followed; and
- .3 a summary of the conclusions reached in the form of a comparison table.

12.18 The Committee was subsequently invited to consider the reports attached to document MSC 96/WP.3/Add.1 for the purpose of confirming that the information provided by the STCW Parties pursuant to STCW regulation I/8 confirmed that full and complete effect was given to the provisions of the STCW Convention.

12.19 As was the case with the Secretary-General's reports to previous sessions of the Committee, the Committee agreed to consider all the reports collectively in order to:

- .1 review the procedures report to identify any entries requiring clarification;
- .2 review the information presented in comparison table format; and

- .3 confirm that each report reflected that the procedures for the assessment of the information provided by the Parties concerned had been correctly followed.

12.20 The Committee confirmed that the procedures for the assessment of information provided had been correctly followed in respect of 10 STCW Parties and requested the Secretariat to issue an updated circular MSC.1/Circ.1164/Rev.16.

Approval of competent persons

12.21 The Committee approved additional competent persons nominated by Member States (MSC 96/12/1) and requested the Secretariat to issue an updated circular as MSC.1/Circ.797/Rev.28.

12.22 In this regard, the Chairman urged Member States to nominate additional competent persons to assist the Secretary-General.

13 POLLUTION PREVENTION AND RESPONSE

Report of the third session of the Sub-Committee

13.1 The Committee, having considered the action requested in paragraph 2 of document MSC 96/13, approved the draft MSC-MEPC.2 circular on *Example of a Certificate of Protection for products requiring oxygen-dependent inhibitors*, as set out in annex 23, subject to concurrent approval by MEPC 70.

14 NAVIGATION, COMMUNICATIONS, SEARCH AND RESCUE

URGENT MATTERS EMANATING FROM THE THIRD SESSION OF THE SUB-COMMITTEE

General

14.1 The Committee considered urgent matters emanating from the third session of the Sub-Committee on Navigation, Communications and Search and Rescue (NCSR) (NCSR 3/29 and MSC 96/14) and took action as indicated hereunder.

Corrections to existing routing systems

14.2 The Committee approved COLREG.2/Circ.66/Corr.1 on corrections to the amendments to the existing traffic separation schemes "Off Friesland", and SN.1/Circ.327/Corr.2 on corrections to the amendments to the mandatory route for tankers from North Hinder to the German Bight, and agreed that these corrections would take immediate effect.

Traffic separation schemes (TSSs) and associated measures

14.3 In accordance with resolution A.858(20), the Committee adopted the following establishment of new, and amendments to existing, traffic separation schemes and associated measures:

- .1 establishment of a new traffic separation schemes "Off Southwest Australia";
.2 establishment of a new traffic separation scheme "In the Corsica Channel";

Performance standards for shipborne GMDSS equipment to accommodate additional providers of GMDSS satellite services

14.8 The Committee considered the scope of application of the performance standards for ship-borne GMDSS equipment to accommodate additional providers of GMDSS satellite services. Having noted the majority of the delegations who spoke supported that the new performance standards should be generic, the Committee agreed that these performance standards should be applicable to all new equipment, to be approved, of all providers after the effective date. In this context, it was agreed that a transition period would be required for equipment already under development.

Detailed Review of the GMDSS

14.9 The Committee approved, in accordance with the revised Plan of Work (NCSR 1/28, annex 11), the outcome of the Detailed Review of the GMDSS (NCSR 3/29, annex 7) and the continuation of the project in developing the Modernization Plan.

Measures to protect the safety of persons rescued at sea

14.10 The Committee recalled that MSC 95, during a special session on unsafe mixed migration by sea, forwarded the *industry-developed guidance on "Large-scale rescue operations at sea: Guidance on ensuring the safety and security of seafarers and rescued persons" issued by ICS* to the NCSR Sub-Committee for consideration and instructed NCSR 3 to report back to MSC 96.

14.11 Having noted the outcome of discussions at NCSR 3, the Committee encouraged Member States and observer organizations to promote the availability of the industry Guidance as widely as possible, and agreed that no further action had to be taken by the Sub-Committee with regard to the industry Guidance.

PROGRESS MADE IN THE DEVELOPMENT OF VHF DATA EXCHANGE SYSTEM (VDES)

14.12 The Committee noted with appreciation the information contained in document MSC 96/INF.10 (IALA), informing on the progress made in the development of the VHF Data Exchange System (VDES).

MARINE METEOROLOGICAL MONITORING SURVEY 2016

14.13 The Committee noted that the World Meteorological Organization (WMO) was conducting its Marine Meteorological Monitoring Survey 2016, and had requested the Secretary-General to encourage Member States and international organizations to invite users to participate in the online survey. Accordingly, the Committee urged Member States and international organizations to invite users to participate in the online survey using the address <http://www.wmo.int/MMMS016>.

LAUNCH OF MISSILES WITHOUT GIVING NAVIGATIONAL WARNINGS

14.14 The Committee noted the statement made by the delegation of the Republic of Korea, expressing concern regarding the launch of missiles and GPS jamming by the Democratic People's Republic of Korea without giving navigational warnings, as set out in annex 29.

14.15 The delegations of Australia, France, Japan, the Marshall Islands and the United States also expressed their concerns, supporting the view of the Republic of Korea, as set out in annex 29.

14.16 The Committee noted the response of the delegation of the Democratic People's Republic of Korea, as set out in annex 29.

15 CAPACITY BUILDING FOR THE IMPLEMENTATION OF NEW MEASURES

General

15.1 The Committee recalled that MSC 95 (MSC 95/22, paragraph 13.3) had requested the Vice-Chairman of the Committee, in consultation with the Chairman and assisted by the Secretariat, to submit, to MSC 96, a preliminary assessment of the capacity-building implications and technical assistance needs related to approved amendments to mandatory instruments and the new outputs related to mandatory instruments, which were approved at that session.

Assessment of capacity-building implications for the implementation of new measures

15.2 The Committee considered document MSC 96/15 (Vice-Chairman), providing the outcome of the aforementioned preliminary assessment, and agreed with the assessment that some items had capacity-building implications and that technical assistance may be needed, which could be further addressed through the Organization's Integrated Technical Cooperation Programme (ITCP). Therefore, the Committee concluded that it was not necessary to establish the Ad Hoc Capacity-building Needs Analysis Group (ACAG) at this session.

Preliminary assessment for the next session

15.3 The Committee requested the Vice-Chairman, in consultation with the Chairman and with the assistance of the Secretariat, to submit, to MSC 97, a preliminary assessment of the capacity-building implications and technical assistance needs related to approved amendments to mandatory instruments and the new outputs related to mandatory instruments approved at this session.

16 FORMAL SAFETY ASSESSMENT, INCLUDING GENERAL CARGO SHIP SAFETY

REVIEW OF GENERAL CARGO SHIP SAFETY

16.1 The Committee recalled that MSC 95 noted that consideration of the matters related to general cargo ship safety might be completed following the consideration of the extended survey on general cargo ships by the III Sub-Committee (MSC 95/22, annex 19).

16.2 In view of the above, the Committee noted that III 2, taking into account the absence of proposals submitted on the matters related to general cargo ship safety to FSI 21, III 1 and III 2, and based on paragraph 5.12 of the Committees' Guidelines (MSC-MEPC.1/Circ.4/Rev.4) on the case of outputs for which no submissions had been received for two consecutive sessions, had concluded, subject to the Committee's concurrence, that the consideration of matters related to general cargo ship safety had been completed (III 2/16, paragraph 12.4).

16.3 The Committee, having noted that the Assembly, at its twenty-ninth session, removed the output on Review of general cargo ship safety (5.2.1.3) from the *High-level Action Plan of the Organization and priorities for the 2016-2017 biennium* (resolution A.1098(29)), endorsed the conclusion of III 2 that the consideration of matters related to general cargo ship safety had been completed. Subsequently, the Committee agreed not to include the item on "General cargo ship safety" on the provisional agenda for MSC 97.

FORMAL SAFETY ASSESSMENT (FSA)**Collection of casualty information and reports of the FSA Experts Group**

16.4 Following the Secretary-General's request to deal proactively with safety issues, based on analysis of the statistics related to maritime casualties, the Committee considered the recommendations set out in paragraphs 27.2 and 27.13 of the FSA Experts Group's report (SDC 3/3/4).

16.5 In addition to encouraging Member States to upload more specific casualty information onto GISIS, the Committee reviewed the following comments, which were noted by the FSA Experts Group and the SDC Sub-Committee, without taking any specific actions:

- .1 the reporting of accidents/incidents by Member States should be revisited to enhance the quality and relevance of the data available in GISIS, for the purpose of carrying out FSA studies;
- .2 a revised format of reporting casualties should be set up to ensure the transparency of the information available in GISIS; and
- .3 only Member States (not international organizations) were allowed to upload information onto GISIS.

16.6 In this context, the Committee also noted the following views expressed on this issue:

- .1 the concept of decision making based on truly representative and reliable information should be utilized;
- .2 when a ship was involved in an incident, it would be a normal practice to provide the information on the incident and its consequences to the flag Administration;
- .3 it would be beneficial to further encourage the use of GISIS to facilitate efficient submission of specific incident data from the flag Administration to IMO, with a view to developing a representative database that could be relied on for use in FSA studies, for general statistical analysis and justification of relevant policy decisions;
- .4 the casualty information currently available in GISIS should be analysed, with a view to its utilization for the purpose of conducting FSA studies;
- .5 GISIS could not provide casualty statistics needed for FSA studies and, therefore, the use of commercially available data sources could not be avoided, because only such data sources provided information on the root cause of incidents required for identification of preventing or mitigating measures; and
- .6 document MSC 96/INF.6 could be used as a good basis for further discussion.

16.7 After a brief discussion, the Committee encouraged Member States to note the above views when uploading casualty information onto GISIS and agreed that interested Member States and international organization could submit comments and proposals on enhancing the quality and relevance of the casualty data reported by means of GISIS for consideration at the next session.

16.8 The Committee endorsed the view of the FSA Experts Group that it may be appropriate to have all the reports previously made by the Group collected and uploaded onto IMODOCS for ease of reference; and requested the Secretariat to create a separate folder onto IMODOCS, under "Meeting Documents", for uploading the reports previously made by the FSA Experts Group and collecting new ones.

Survivability of passenger ships

16.9 The Committee recalled that it had dealt with the finalization of draft amendments to SOLAS chapter II-1, including the report of the FSA Experts Group on the validation of the EMSA 3 study on survivability of passenger ships, under agenda item 11 (see paragraphs 11.2 to 11.4).

Information on fire safety related to the transport of vehicles with electric generators or electrically powered vehicles on ro-ro and ro-pax ships

16.10 The Committee considered the following documents on fire safety related to the transport of vehicles with electric generators or electrically powered vehicles on ro-ro and ro-pax ships:

- .1 MSC 96/16/1 (Austria et al.), providing information on fire safety in connection with the transport of vehicles with electric generators or electrically powered vehicles, based on the results of an FSA study of transport processes of electric vehicles and vehicles with refrigeration units on ro-ro and ro-pax vessels, carried out by Germany (SSE 2/INF.3 and MSC 96/INF.3), and advising that the FSA contains measures to be further considered by the appropriate sub-committees (i.e. SSE, CCC and HTW); and
- .2 MSC 96/INF.3 (Germany), reporting the outcome of the FSA study for ro-ro and ro-pax ships regarding the transport of electrically powered vehicles and vehicles with refrigeration units.

16.11 In considering the above documents, the Committee noted the following views:

- .1 a new output is required to consider the need of any amendments to SOLAS regulation II-2/20, in accordance with the Committees' Guidelines on the organization and method of work (MSC-MEPC.1/Circ.4/Rev.4);
- .2 as per annex 6 to the Committees' Guidelines, to accept the outcomes of the FSA studies, set out in documents SSE 2/INF.3 and MSC 96/INF.3, as a justification for a new output, these studies should be verified by the FSA Experts Group;
- .3 the proposal should be submitted as a substantive document rather than an information document;
- .4 this would be a complex issue requiring close cooperation between experts on dangerous goods and on fire safety; and
- .5 development of amendments to SOLAS regulation II-2/20 should be considered as an urgent matter, with a view to entering into force on 1 January 2020.

16.12 Following discussion, the Committee invited interested Member States to submit a justification for a new output on Review of SOLAS regulation II-2/20, for consideration at the next session.

Update on the safety level of bulk carriers and comparison with predictions in previous FSA studies

16.13 The Committee noted with appreciation the information contained in document MSC 96/INF.6 (France and Germany), providing an update on the safety level of bulk carriers and comparison with predictions in previous FSA studies.

17 PIRACY AND ARMED ROBBERY AGAINST SHIPS

17.1 In considering document MSC 96/17 (Secretariat), the Committee noted, in particular, that:

- .1 MSC.4/Circ.232, containing the 2015 annual report on acts of piracy and armed robbery against ships, had been published in April 2016;
- .2 the industry co-sponsors of BMP 4 had announced a revised High Risk Area (HRA), effective as from 1 December 2015;
- .3 the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia Information Sharing Centre (ReCAAP-ISC) had released a new regional guide to counter piracy and armed robbery against ships in Asia;
- .4 the Djibouti Regional Training Centre building in Djibouti, intended to support regional maritime security and counter-piracy training in the region, had formally been opened on 12 November 2015;
- .5 only a low number of Member States had provided information to the Organization on national points of contact for communication of information on piracy and armed robbery; and
- .6 a formal consultation process related to expanding the use of the LRIT Information Distribution Facility (IDF) for the automatic provision of flag State LRIT information to the Maritime Trade Information Sharing Centre Gulf of Guinea (MTISC-GoG) on a voluntary basis had been conducted in September/October 2015.

17.2 In the ensuing discussion, the majority of the delegations that spoke, noting the positive results from the use of the IDF in the Gulf of Aden and the western Indian Ocean and the increasing number of piracy attacks in the Gulf of Guinea, supported expanding the use of the IDF to the Gulf of Guinea, allowing the voluntary provision of flag State LRIT information to MTISC-GoG.

17.3 Accordingly, the Committee authorized expanding the use of the IDF to the Gulf of Guinea and requested the Secretariat to prepare a draft MSC resolution in this respect for consideration and adoption by MSC 97.

17.4 The Committee also urged Member States to:

- .1 provide information to the Organization on national points of contact for communication of information on piracy and armed robbery using the Contact Points module of GISIS; and
- .2 continue to report information on piracy and armed robbery incidents through the Secretariat (marsec@imo.org), using the reporting form set out in appendix 5 of MSC.1/Circ.1333/Rev.1.

17.5 The Committee noted with appreciation the information contained in document MSC 96/INF.5 (ReCAAP-ISC) providing an update on the activities carried out by the ReCAAP-ISC and the situation of piracy and armed robbery against ships in Asia for the year 2015, as well as the additional oral update from ReCAAP-ISC.

17.6 The Committee also noted with appreciation the information contained in document MSC 96/INF.11 (Marshall Islands), providing a progress report on the completion of a comprehensive survey of the number of floating armouries in the HRA to ascertain the extent of their use and methods of operation, and invited flag States to consider supporting the completion of the comprehensive survey.

18 UNSAFE MIXED MIGRATION BY SEA

18.1 The Committee recalled that MSC 95, during a special session on unsafe mixed migration by sea to consider the outcome of the inter-agency High-level meeting, had considered key issues within its competence, including search and rescue and operation of merchant ships in view of the recent development of mass rescue of migrants.

18.2 The Committee recalled that MSC 95 had:

- .1 agreed to place on the agenda of MSC 96 an item on "Unsafe Mixed Migration by Sea";
- .2 invited Member States to make submissions to MSC 96, further elaborating on the issues and suggestions that they raised during MSC 95;
- .3 placed a new output 5.1.2.2 (Measures to protect the safety of persons rescued at sea) on the agenda of NCSR 3 from the 2016-2017 biennium agenda; and
- .4 forwarded the industry-developed guidance on "Large-scale rescue operations at sea: Guidance on ensuring the safety and security of seafarers and rescued persons" issued by ICS to the NCSR Sub-Committee for consideration and instructed NCSR 3 to report back to MSC 96.

18.3 The Committee recalled further that, MSC 95 having considered documents MSC 95/21/10 and Add.1 (Secretariat) on Joint databases IMO/IOM/UNODC on migrant incidents and on suspected smugglers and vessels, the Committee had:

- .1 accepted, as work in progress, the amended reporting format set out in the annex to document MSC 95/21/10/Add.1;
- .2 forwarded MSC/Circ.896/Rev.1 and the revised format to FAL Committee for its consideration from that Committee's point of view with a view to adopting a joint MSC/FAL circular by FAL 40 and MSC 96; and
- .3 invited Member States to bring the amended reporting format to the attention of all parties concerned, and to provide timely and accurate information on migrant incidents and on suspected smugglers and vessels to the Organization via the Facilitation module in GISIS.

18.4 The Committee noted that A 29, following the decisions made by MSC 95 and LEG 102, had approved a new output on "Unsafe Mixed Migration by sea" in the High-level Action Plan of the Organization, allocating MSC, LEG and FAL Committees as parent organs.

18.5 The Committee was informed that, at the invitation of Italy, an Informal Meeting to Review the Legal Framework for the Rescue of Mixed Migrants at Sea was held at IMO Headquarters on 21 September 2015.

18.6 The Committee recalled that the outcome of NCSR 3 on the industry-developed guidance on "Large-scale rescue operations at sea: Guidance on ensuring the safety and security of seafarers and rescued persons" issued by ICS was already considered by the Committee under agenda item 14 (Navigation, communications, search and rescue).

18.7 The Committee noted that no documents had been submitted on this agenda item.

18.8 The Committee was informed on the outcome of FAL 40 on this subject, and specifically that:

- .1 FAL 40 had noted the information on the new inter-agency platform for information sharing on migrant smuggling by sea, and had encouraged Member States to provide timely and accurate information on migrant incidents and on suspected smugglers and vessels to the Organization via the facilitation module in GISIS;
- .2 in considering the request of MSC 95 to review MSC/Circ.896/Rev.1, FAL 40 had agreed that:
 - .1 the non-mandatory nature of the text of the guidelines should be retained;
 - .2 the first paragraph of the annex to the draft revised circular relating to the Convention on transnational organized crime should be deleted;
 - .3 the third paragraph of the annex to the draft revised circular should refer to Member States rather than Contracting Governments;
 - .4 with respect to the reporting format in the appendix to the annex to the draft revised circular, the title of the report should reflect that it is concerned with migrant incidents at sea;
 - .5 in the reporting format, it was unclear what the difference was between the information sought in the "Brief description of incident and measures taken" and the "Details of smuggling of migrants by sea" fields. The two fields should be merged; and
 - .6 to facilitate future updating, the circular should remain as an MSC circular under the purview of MSC rather than become a joint MSC-FAL circular.

18.9 In light of the foregoing, the Committee instructed the Secretariat to prepare the draft MSC circular, including the aforesaid amendments, for consideration by the Committee with a view to approval.

18.10 The Committee, having considered document MSC 96/WP.12, approved MSC.1/Circ.896/Rev.2 on *Interim measures for combating unsafe practices associated with the trafficking, smuggling or transport of migrants by sea*.

18.11 The Committee authorized the Secretariat to effect any required editorial amendments which may be found necessary during the preparation of the document and issue the aforesaid circular as MSC.1/Circ.896/Rev.2.

18.12 The delegation of Malta, while welcoming the approval of the above mentioned MSC circular as a significant step forward in addressing the issues related to irregular migration at sea, expressed the following opinions:

- .1 in order to have prompt access to the flag State authorities of ships engaged in unsafe practices associated with the trafficking, smuggling or transport of migrants by sea, it was important for Member States to keep the list of contacts in GISIS updated, as necessary, and that the Secretariat should actively pursue this;
- .2 notwithstanding the positive significance of this MSC circular, it should still be considered as work in progress and, in a future version of the circular, additional consideration should be given to, inter alia, the following:
 - .1 that commercial ships, following instructions of an MRCC, are required to remain in an area pending or during search and rescue operations related to the rescue of persons at sea;
 - .2 operations of transfer of persons at sea between two ships both engaged in the illegal activity; and
 - .3 information to be provided preferably also by ships owned or operated by a Government and used, both on a permanent or an ad hoc basis, in the rescue of persons at sea.

18.13 The Committee instructed the Secretariat to provide, at MSC 97, information on reported cases received from Member States along with information, if any, with regards to interventions related to the SUA Convention on the effectiveness of the reporting information included in the appendix of MSC.1/Circ.896/Rev.2.

18.14 The Committee was informed on the outcome of Symposium on Migration by Sea, held at the World Maritime University in Malmo on 26 and 27 April 2016, that brought together a range of organizations, subject-matter experts and academics to address a range of issues related to mixed migration by sea. Five panels discussed an assessment of migration by sea, human rights in relation to migration, migrants and human trafficking by sea, safety and security aspects of migration by sea, and international law related to liability and insurance.

18.15 The Symposium identified ten critical needs to:

- .1 maintain pressure on the UN to look again at safe refuges for migrants before they embark, to convey asylum seekers and the most vulnerable to safety in proper craft (i.e. ferries), thus removing them from the hands of traffickers and people smugglers;
- .2 recognize the welfare of seafarers who may be traumatized by horrific rescue missions;
- .3 better resource reception facilities, not leaving coastal States to cope with the burdens on their own;

- .4 have more practical and pragmatic asylum policies;
- .5 look more closely at push factors to stop being so squeamish and politically correct about often appallingly bad governance and corruption in countries driving their people away;
- .6 learn from each other and to see the value of bilateral and interagency cooperation at an operational level;
- .7 have more capacity building, technology transfer and help those less capable around the world with what is being learned at sea and ashore in the current crisis;
- .8 have regular briefings and more transparency to dispel rumours, which can travel fast in an era of instant communications and can affect migrant reactions;
- .9 better liaison between Government agencies and shipping companies (as is done by the Information Fusion Centre (IFC) in Singapore), which is clearly useful and might be transferred elsewhere with advantage; and
- .10 provide masters of ships with the maximum amount of support in their rescue missions, from all interests, so that they need have no fears or doubts about their need to intervene.

18.16 The Committee expressed its appreciation to WMU for organizing this important conference. Further details of the Symposium can be found on the WMU website at <http://www.wmu.se/news/symposium>, and presentations can be downloaded from the WMU "Maritime Commons" platform at http://commons.wmu.se/migration_by_sea.

19 ANALYSIS AND CONSIDERATION OF RECOMMENDATIONS TO REDUCE ADMINISTRATIVE BURDENS IN IMO INSTRUMENTS INCLUDING THOSE IDENTIFIED BY THE SG-RAR

19.1 The Committee recalled the decision of C 113 to request the relevant committees to review administrative requirements under their purview and to consider how to proceed with the outcome of the Ad Hoc Steering Group on Reducing Administrative Requirements (SG-RAR)'s work, with a view to developing appropriate outputs to be included in the High-level Action Plan (HLAP) for 2016-2017.

19.2 The Committee also recalled that MSC 95 had noted the 167 requirements under the Committee's purview, compiled by the Secretariat and contained in the annex to document MSC 95/21, and having concurred with the Secretariat's conclusion that further work was required, to take an informed decision on that matter. In this regard, MSC 95 had:

- .1 instructed the Secretariat to analyse the information in the annex to document MSC 95/21, taking into account the recent decisions by A 28 concerning reporting through GISIS (A.1074(28)) and any output on the issue from MEPC 68 (which has concurred), and report the outcome of this analysis to MSC 96;
- .2 instructed the Secretariat to prepare information for seafarers and interested stakeholders on the key aims of the ISPS Code; and

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- .3 included a new planned output in the 2016-2017 HLAP on "Analysis and consideration of recommendations to reduce administrative burdens in IMO instruments including those identified by the SG-RAR", with a target completion year of 2017.

19.3 In considering documents MSC 96/19 and Corr.1 (Secretariat), providing the Secretariat's analysis of the information in the annex to document MSC 95/21, together with recommendations for each reporting requirement identified as an administrative burden by the SG-RAR, the Committee noted the following views:

- .1 most of the responses to the public consultation on administrative requirements were from seafarers and shipping managers and gave clear insights on the practical impact of administrative requirements;
- .2 the clear engagement of seafarers and shipping managers, who are the Parties most affected by mandatory IMO regulations, creates a moral obligation on the Organization to follow up on their responses;
- .3 the III Sub-Committee could be requested to consider the feasibility of using electronic documentation other than electronic certificates (manuals, plans, etc.), with a view to advising the Committee;
- .4 there should be no need to provide justification for the establishment of new outputs or the expansion of the scope of existing outputs in order to consider relevant perceived administrative burdens, since the public consultation and the recommendation thereon, approved by both the Council and the Assembly, have provided ample justification for action to be taken; and
- .5 the recommendations by the Secretariat should be forwarded to the relevant Sub-Committees for consideration, with a view to preparing any necessary amendments to IMO mandatory requirements in order to alleviate administrative burdens.

19.4 Having considered the Secretariat's analysis (MSC 96/19 and Corr.1) and the above views, the Committee:

- .1 encouraged Member States to use GISIS modules to fulfil relevant reporting requirements, taking into account resolution A.1074(28);
- .2 urged Administrations to expedite the implementation of electronic certificates, taking into account the guidance provided in FAL.5/Circ.39/Rev.2;
- .3 encouraged interested Member States and international organizations to review the recommendations of the Secretariat, on the feasibility of using electronic documentation other than electronic certificates, in conjunction with the relevant outcome of the FAL Committee (FAL 40/19, section 6 and paragraphs 17.1 to 17.8) and MEPC (MEPC 69/21, sections 9 and 17), with a view to submitting proposals to MSC 97, under the agenda item "Implementation of instruments and related matters", on whether the use of electronic documentation other than electronic certificates is feasible and how such use could be addressed (e.g. amendments to mandatory IMO instruments or development of guidance);

- .4 agreed that no action is necessary with regard to reporting requirements that had been identified by the SG-RAR as being similar to other requirements, having noted the conclusion of the Secretariat that each such requirement addresses distinct safety aspects;
- .5 instructed the HTW 4 to continue its work on the development of a framework for a GISIS module relating to the STCW Convention and Code;
- .6 agreed that no further action is necessary with regard to the reporting requirements in the ISPS Code and SOLAS chapter XI-2, having taken into account the instruction of MSC 95 to the Secretariat, to prepare information for seafarers and interested stakeholders on the key aims of the ISPS Code;
- .7 agreed that no action is necessary with regard to requirements relating to the work of the IMO depositary;
- .8 agreed that no further action is required for the perceived administrative burdens contained in rows 4, 22, 27, 81, 121, 145, 151, 152, 158, 162 and 163 of the annex to document MSC 96/19;
- .9 instructed NCSR 4 to further consider the perceived administrative burdens and the Secretariat's recommendations contained in rows 123 and 128 of the annex to document MSC 96/19 under the existing output on *Revised Guidelines and criteria for ship reporting systems (resolution MSC.43(64))*, with a view to advising the Committee on how best to proceed; and
- .10 instructed NCSR 4 to further consider the perceived administrative burdens and the Secretariat's recommendations contained in rows 126, 127, 129 and 130 of the annex to document MSC 96/19, under the agenda item "Any other business", with a view to advising the Committee on how best to proceed.

20 IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS

Status of footnotes in the IGF Code

20.1 The Committee considered document MSC 96/20/2 (Secretariat), identifying a number of footnotes in the IGF Code that do not refer to a guideline, standard or recommendation but may be considered substantive, i.e. footnotes that are not merely referential; and inviting the Committee to review such footnotes and decide, as appropriate, with regard to their legal status, and instruct the Secretariat accordingly with respect to the publication text.

20.2 Having noted the support for the established practice within the Organization, the Committee confirmed that the above footnotes do not form part of the authentic text of the IGF Code. In addition, taking into account that footnotes, which are not merely referential, provide useful information and are recommendatory in nature, the Committee agreed that the footnotes in the IGF Code should be included in the sales publication.

Clarifications on issues relevant to implementation of the RO Code

20.3 The Committee considered document MSC 96/20 (Palau), seeking clarification on the correct application of the Code for Recognized Organizations (RO Code) in respect of the transfer of RO in conjunction with the change of flag, transfer of RO at completion of certification cycle, certification of vessels proceeding for demolition, and certification by flag appointed surveyors other than ROs.

20.4 While some delegations supported the views raised in document MSC 96/20, the Committee, noting that the majority of the delegations did not agree to the proposals in the document (in particular, relating to transfer of class and transfer of flag; the flag State's authority and responsibility to ensure the safety of a vessel for her single voyage for demolition; and the adequacy of existing provisions on the qualification requirements for flag State surveyors), invited the Republic of Palau to submit a document, as deemed appropriate, to the next session in accordance with the Committees' Guidelines (MSC-MEPC.1/Circ.4/Rev.4).

New GISIS module on Development of amendments to the 1974 SOLAS Convention and related mandatory instruments

20.5 The Committee noted with appreciation the information provided in document MSC 96/20/1 (Secretariat) on the availability of a new GISIS module, based on the request by MSC 94, on Development of amendments to the 1974 SOLAS Convention and related mandatory instruments, in order to keep records of the development of draft amendments.

20.6 The Committee instructed its subsidiary bodies and the Secretariat to keep the records updated in GISIS during the preparation of draft amendments to the 1974 SOLAS Convention and related mandatory instruments, in respect of relevant decisions taken at the Committee or Sub-Committee level.

Application of the Code on Noise levels on board ships

20.7 The Committee considered document MSC 96/20/3 (Austria, et al.), providing comments on the scope of application of the Code on noise levels on board ships (resolution MSC.337(91)), as defined by SOLAS regulation II-1/3-12 (resolution MSC.338(91)), i.e. ships for which the building contract is placed before 1 July 2014, the keels of which are laid or which are at a similar stage of construction on or after 1 January 2015 and the delivery of which is before 1 July 2018, do not fall either under paragraph 1 or under paragraph 2 of SOLAS regulation II-1/3-12. The proponents of the document considered that it is not rational nor practicable for ships contracted for construction before 1 July 2014 to comply with standards of the Code, which entered into force after that date, and that it is more appropriate that such ships comply with the standards set forth in the previous Code on noise levels on board ships (resolution A.468(XII)) and an amendment to SOLAS regulation II-1/3-12 is considered necessary. They also proposed that, as an interim measure, the Committee would agree to the guidance as set out in the annex to the document.

20.8 In introducing the above document, the delegation of the Netherlands, referring to the decision by the Council that minor corrections/issues could continue to be considered by the committees under the agenda item "Any other business" (C/ES.27/D, paragraph 3.2(vi)), proposed to amend SOLAS regulation II-1/3-12, without having a new output, since the amendments can be considered as minor corrections. While the majority of the delegations supported amending the regulation to correct the error as soon as possible, some delegations expressed their concerns that the amendments may impact inadvertently some ships already under construction.

Instructions of the Drafting Group on Consideration and Adoption of Amendments to Mandatory Instruments

20.9 In light of the foregoing, the Committee instructed the Drafting Group on Consideration and Adoption of Amendments to Mandatory Instruments, established under agenda item 3, to prepare draft amendments to SOLAS regulation II-1/3-12, together with an associated draft MSC circular, taking into account information contained in document MSC 96/20/3 (annex), as well as the comments made in plenary, for the consideration of the Committee.

Report of the drafting group

20.10 Having considered part 2 of the report of the Drafting Group on Consideration and Adoption of Amendments to Mandatory Instruments (MSC 96/WP.6/Add.1), the Committee approved MSC.1/Circ.1547 on *Guidance on the application of SOLAS regulation II-1/3-12 to ships delivered before 1 July 2018* and the associated draft amendments to SOLAS regulation II-1/3-12, as set out in annex 16, and requested the Secretary-General to circulate the above amendments in accordance with SOLAS article VIII, with a view to subsequent adoption at MSC 97.

21 RELATIONS WITH OTHER ORGANIZATIONS

Relations with non-governmental organizations

21.1 The Committee noted the information in document MSC 96/21 (Secretariat), reporting on decisions of C 114 and A 29 concerning relations with non-governmental organizations, applications for consultative status and related matters.

Third Joint FAO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters

21.2 The Committee noted the verbal update by the Secretariat relating to the third meeting of the Joint FAO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters (JWG), held at IMO Headquarters from 16 to 18 November 2015, that the full report of JWG 3 would be first considered by the 32nd session of the FAO Committee on Fisheries (COFI) in July 2016 and its outcome would be submitted to MEPC 70 and MSC 97, together with the report of JWG 3.

22 APPLICATION OF THE COMMITTEE'S GUIDELINES

General

22.1 The Committee recalled that MSC 94 had developed draft guidelines on consideration and review of the outcome of FSA studies; and approved draft amendments to section 4 of the *Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.4/Rev.3) and a draft new annex 6, containing guidelines for considering and reviewing the outcomes of FSA studies (MSC 94/21, annex 23).

22.2 The Committee also recalled that MEPC 68 had concurrently approved the amendments to the Committees' Guidelines and that the revised Guidelines had been reissued by the Secretariat as MSC-MEPC.1/Circ.4/Rev.4.

22.3 The Committee noted that the Assembly, at its twenty-ninth session, adopted, inter alia, resolution A.1099(29) on *Application of the Strategic Plan and the High-level Action Plan of the Organization*, which requested the Council and the committees to review and revise, during the 2016-2017 biennium, their guidelines on the organization and method of work, taking into account the document on Application of the Strategic Plan and the High-level Action Plan of the Organization, as set out in the annex to the resolution, as appropriate.

22.4 The Committee also noted that FAL 40, in considering the application of its Guidelines, taking into account the mandatory nature of resolution A.1099(29), agreed that the current text of the Committee's Guidelines should be reviewed to reflect the mandatory character that it should have; and, in this connection, FAL 40 agreed to replace the word "guidelines" with "document" throughout the text, including the title and annexes, and to use mandatory language in the new document in order to align it with resolution A.1099(29).

22.5 The Committee further noted that MEPC 69, taking into account that the draft amendments to the Committees' Guidelines set out in the annex to document MEPC 69/18 (Secretariat) had been further developed by the Secretariat and submitted for consideration at MSC 96 (MSC 96/22), had decided to defer consideration of this matter to MEPC 70 pending the outcome of MSC 96.

Use of mandatory language

22.6 Having noted that, in the operational paragraph 2 of resolution A.1099(29), the Council and the committees are explicitly requested to "review and revise, during the 2016-2017 biennium, the guidelines for the organization and method of their work, taking account of the document on *Application of the Strategic Plan and the High-level Action Plan of the Organization*, as appropriate", the Committee considered the need to use mandatory language in order to align the Committees' Guidelines with resolution A.1099(29) on *Application of the Strategic Plan and the High-level Action Plan of the Organization*, taking into account the decisions made by FAL 40.

22.7 In discussing whether the way used by the Assembly, at its twenty-ninth session, when revising the *Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization* (resolution A.1062(28)), should also be followed by the Committee (i.e. the word "guidelines" should be deleted from the title and the text, and mandatory language should be used in the revised document, based on the text set out in the annex to resolution A.1099(29)) or not, the Committee decided to use mandatory language as necessary, based on resolution A.1099(29).

Draft amendments to the Committees' Guidelines

22.8 The Committee had the following documents for consideration in regard to draft amendments to the Committees' Guidelines:

- .1 MSC 96/22 (Secretariat), providing draft consequential amendments to the Committee Guidelines emanating from resolution A.1099(29) on *Application of the Strategic Plan and the High-level Action Plan of the Organization* and proposing some further modifications to better reflect the current method of work of the Committees and their subsidiary bodies; and
- .2 MSC 96/22/1 (Russian Federation), proposing further clarification of the Committees' Guidelines regarding the deadlines for posting the documents submitted for consideration by the Committees or their subsidiary bodies onto the IMO document website (IMODOCS).

22.9 In considering document MSC 96/22/1, the Committee, having noted the following views expressed on the proposed draft amendment:

- .1 analysis by the Secretariat had revealed that some of the existing deadlines specified in paragraph 6.12 of the Committees' Guidelines might not be realistic;
- .2 the Secretariat could analyse the current practice, with a view to providing the Committee with a new timeline relating to deadlines for submitting and consequential posting of documents;
- .3 it might be appreciated that convening practically all meetings during the first half of the year had stretched the limits of the Secretariat;
- .4 concerns expressed should not be considered as a criticism of the excellent services delivered to the membership by the IMO Conference Division;
- .5 the problem identified in document MSC 96/22/1 should be addressed as a matter of urgency; however, all the three working languages should be on equal footing in the Organization; and
- .6 the analysis to be done by the Secretariat should be forwarded to the Council, for consideration with a view to deciding on the need for any consequential actions,

agreed to take no specific actions relating to the deadlines for posting the documents onto IMODOCS at this session and requested the Secretariat to analyse the current practice, with a view to proposing a possible solution(s) for consideration at the next session. Furthermore, the Committee agreed to report the repeated problem with accessing documents uploaded onto IMODOCS, which occurs during the meetings, to the Council for action, as appropriate.

22.10 In considering the amendments proposed in document MSC 96/22, the Committee noted the following views expressed on this matter:

- .1 it would be helpful, in order to have all required information listed in one place, if the relevant annex to the *Guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1500) could be referenced in the existing section 4.15 of the Committees' Guidelines;
- .2 the templates of the checklist set out in the annex to MSC-MEPC.7/Circ.1, and the check/monitoring sheet and the record format set out in annexes 2 and 3 of the annex to MSC.1/Circ.1500, respectively, should be reproduced in the Committees' Guidelines;
- .3 for the interest of small island developing States, the document should emphasize the need for assessment of capacity-building implications; and.4 MSC.1/Circ.1500 was mainly intended to provide guidance on drafting amendments to the 1974 SOLAS Convention and related mandatory instruments and should not be referred to in the document.

22.11 Following the discussion, the Committee, taking into account the decision relating to the use of mandatory language, agreed not to include in the revised Committees' Guidelines any references to MSC.1/Circ.1500, the checklist set out in the annex to MSC-MEPC.7/Circ.1, the check/monitoring sheet and the record format, both set out in annexes 2 and 3 of the annex to

MSC.1/Circ.1500, or any specific examples emphasizing the importance of capacity-building implications; and instructed the Secretariat to prepare the final text of the draft amendments to the Committees' Guidelines.

22.12 Having considered document MSC 96/WP.14, containing the final draft amendments to the Committees' Guidelines, the Committee approved them, in general, and authorized the Secretariat to make any necessary editorial amendments and to inform MEPC 70 of the Committee's decision.

22.13 Subsequently, the Committee approved the draft MSC-MEPC circular on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, as set out in annex 24, subject to concurrent approval by MEPC 70, and noted that the provisions of the document would be applicable with immediate effect.

23 WORK PROGRAMME

SUB-COMMITTEE ON CARRIAGE OF CARGOES AND CONTAINERS (CCC)

Proposal for a new output on amendments to the IGC Code

23.1 The Committee considered document MSC 96/23/2 (Norway), proposing to amend the revised IGC Code to remove any inconsistencies, omissions and ambiguous wording.

23.2 The majority of the delegations that spoke expressed the opinion that the proposals included in document MSC 96/23/2 had already been considered during the most recent review of the IGC Code and, therefore, the Committee decided not to include the above proposed output in the 2016-2017 biennial agenda.

23.3 Notwithstanding the above decision, the Committee agreed:

- .1 to instruct the Secretariat to issue a corrigendum to annex 6 of document MSC 93/22/Add.1, containing resolution MSC.370(93), to make an editorial correction to replace "or" by "and" in paragraph 5.9.3 of the revised IGC Code; and
- .2 that the remaining parts of the above proposals could be considered under the existing agenda item on "Unified interpretation to provisions of IMO safety-, security- and environment-related Conventions (1.1.2.3)".

Proposal for a new output to amend the IGC and IGF Codes to include high manganese austenitic steel for cryogenic service

23.4 The Committee considered document MSC 96/23/5 (Republic of Korea), proposing to amend the IGC and IGF Codes to include high manganese austenitic steel for cryogenic service, and agreed to include in the 2016-2017 biennial agenda of the CCC Sub-Committee and the provisional agenda for CCC 3, a new output on "Suitability of high manganese austenitic steel for cryogenic service and development of any necessary amendments to the IGC Code and IGF Code", with a target completion year of 2017.

23.5 The Committee further agreed, in accordance with MSC.1/Circ.1481 and MSC.1/Circ.1500, that:

- .1 the amendments to be developed should not amend the scope of application of the IGC and IGF Codes, adopted respectively by resolutions MSC.370(93) and MSC.391(95);
- .2 the instruments to be amended are the IGC and IGF Codes; and
- .3 the amendments to be developed should enter into force on 1 January 2020, provided that they are adopted before 1 July 2018.

Proposal for a new output to remove inconsistencies between SOLAS regulations II-2/19 and II-2/20 and IMDG Code Special Provisions 961 and 962

23.6 The Committee considered document MSC 96/23/9 (Antigua and Barbuda, France and IACS), proposing a new output to amend SOLAS regulations II-2/20.2 and II-2/20-1 to address confusion regarding the provisions of SOLAS chapter II-2 relating to spaces carrying vehicles with fuel in their tanks and Special Provisions 961 and 962 in the IMDG Code, and agreed to include in the 2016-2017 biennial agenda of the CCC Sub-Committee and the provisional agenda for CCC 3, a new output on "Amendments to SOLAS regulations II- 2/20.2 and II-2/20-1 to clarify the fire safety requirements for cargo spaces containing vehicles with fuel in their tanks for their own propulsion", with a target completion year of 2017, in association with the SSE Sub-Committee as and when requested by the CCC Sub-Committee.

23.7 The Committee further agreed, in accordance with MSC.1/Circ.1481 and MSC.1/Circ.1500, that:

- .1 the amendments to be developed should apply to new and existing ships to which SOLAS regulations II 2/20 and II-2/20-1 apply;
- .2 the instrument to be amended is the 1974 SOLAS Convention, as amended (i.e. SOLAS II-2/20.2 and II-2/20-1); and
- .3 the amendments to be developed should enter into force on 1 January 2020, provided that they are adopted before 1 July 2018.

Clarification of the scope of outputs 5.2.3.3 and 5.2.3.4

23.8 The Committee considered the request of C/ES.28 to clarify the scope of output 5.2.3.3 on "Amendments to the IMSBC Code and supplements" and output 5.2.3.4 on "Amendments to the IMDG Code and supplements" in SMART terms and provide clear instructions to CCC 3.

23.9 The Committee agreed that the scope of outputs 5.2.3.3 and 5.2.3.4 was limited to the technical aspects of the cargoes only and that operational and administrative requirements associated with the IMSBC and IMDG Codes were not included within the scope of these outputs. Therefore, should any amendment to the Codes have a possible impact on other parts of the respective Codes, Member States or the Sub-Committees should present a proposal for a new output to the Committee, in accordance with the Committees' Guidelines. The Secretariat was instructed to inform CCC 3 accordingly.

Urgent matters emanating from CCC 3 to MSC 97

23.10 Due to the close proximity of CCC 3 to MSC 97, the Committee noted that only urgent matters emanating from CCC 3 would be considered by MSC 97 and, in accordance with the Committees' Guidelines (MSC-MEPC.1/Circ.4/Rev.4), agreed that the following issues emanating from CCC 3 would be considered by MSC 97 as urgent matters:

- .1 amendments to the IGF Code and development of guidelines for low flashpoint fuels;
- .2 safety requirements for carriage of liquefied hydrogen in bulk;
- .3 mandatory requirements for classification and declaration of solid bulk cargoes as harmful to the marine environment;
- .4 matters related to liquefaction of solid bulk cargoes; and
- .5 unified interpretation of the provisions of IMO safety-, security- and environment-related Conventions,

with the remaining issues being considered by MSC 98.

Biennial status report of the Sub-Committee and provisional agenda for CCC 3

23.11 The Committee, having confirmed the Sub-Committee's previous biennial status report, approved the biennial agenda of the Sub-Committee for the 2016-2017 biennium and the provisional agenda for CCC 3, as set out in annexes 25 and 26, respectively. The Secretariat was requested to inform MEPC 70 accordingly.

SUB-COMMITTEE ON HUMAN ELEMENT, TRAINING AND WATCHKEEPING (HTW)**Biennial status report of the Sub-Committee and provisional agenda for HTW 4**

23.12 The Committee approved the Sub-Committee's biennial status report and the provisional agenda for HTW 4, as set out in annexes 25 and 26, respectively.

SUB-COMMITTEE ON IMPLEMENTATION OF IMO INSTRUMENTS (III)**Biennial status report of the Sub-Committee and provisional agenda for III 3**

23.13 The Committee, having confirmed the Sub-Committee's previous biennial status report, approved the biennial agenda of the Sub-Committee for the 2016-2017 biennium and the provisional agenda for III 3, as set out in annexes 25 and 26, respectively. The Secretariat was requested to inform MEPC 70 accordingly.

SUB-COMMITTEE ON NAVIGATION, COMMUNICATIONS AND SEARCH AND RESCUE (NCSR)**Proposal for a new output on harmonized Maritime Service Portfolios**

23.14 The Committee considered document MSC 96/23/7 (Australia et al.), proposing a new output on e-navigation to define and harmonize the format and structure of MSPs and to provide guidance on the appropriate communication channels used for the electronic exchange of information between shore and ship, including any necessary coordination mechanisms and transitional arrangements that may be required, and agreed to include in the

post-biennial agenda of the Committee an output on "Develop guidance on definition and harmonization of the format and structure of Maritime Service Portfolios (MSPs)", with two sessions needed to complete the item, assigning the NCSR Sub-Committee as the coordinating organ.

23.15 The Committee expressed appreciation for the offer made by IALA in document MSC 96/23/10, commenting on document MSC 96/23/7, to contribute to the coordination of the work related to the development of MSPs. The Committee welcomed any future input from other international organizations to this work and agreed to keep the coordination of this subject under the scope of the Organization, through the NCSR Sub-Committee.

23.16 Regarding the proposal in document MSC 96/23/7 to activate the IMO-IHO Harmonization Group on Data Modelling (HGDM) to work on this output, the Committee recalled that MSC 90 had established this group, including its terms of reference, but the aforementioned group has never been formalized. Therefore, the Committee, taking into account the decision to include the output in its post-biennial agenda, agreed to invite IHO to submit a proposal to the Committee and/or to NCSR to activate the IMO-IHO Harmonization Group on Data Modelling (HGDM), to work on this issue and include the modalities, e.g. venue and frequency for consideration at a later session of the Committee.

Proposal for a new output on the application of IRNSS in the maritime field

23.17 The Committee considered document MSC 96/23/8 (India), proposing a new output to recognize the satellite navigation system "Indian Regional Navigation Satellite System (IRNSS)" as a future component of the World-Wide Radionavigation System (WWRNS) and to develop performance standards for shipborne IRNSS receiver equipment, and agreed to include in the post-biennial agenda of the Committee an output on "Application of the 'Indian Regional Navigation Satellite System (IRNSS)' in the maritime field and development of performance standards for shipborne IRNSS receiver equipment", with two sessions needed to complete the item, assigning the NCSR Sub-Committee as the coordinating organ.

Proposal for a new output for amendments to SOLAS chapter IV to accommodate additional mobile satellite systems recognized for use in the GMDSS

23.18 The Committee considered document (MSC 96/23/10) (United States), proposing to amend SOLAS chapter IV and certain other related documents to accommodate new mobile satellite systems recognized for use in the GMDSS, and agreed to include in the 2016-2017 biennial agenda of the NCSR Sub-Committee and the provisional agenda for NCSR 4, an output on "Review SOLAS chapter IV and appendix (Certificates: Forms P, R and C) to accommodate additional mobile satellite systems", with a target completion year of 2017.

23.19 Notwithstanding the heavy work load of the agenda of the NCSR Sub-Committee, the Committee agreed to include the new output as a priority for NCSR 4, and invited Member States and international organizations to streamline the proposals as much as possible to make the work of the NCSR Sub-Committee manageable, i.e. focusing on SOLAS amendments but not consequential amendments to related instruments.

23.20 The Committee further agreed, in accordance with MSC.1/Circ.1481 and MSC.1/Circ.1500, that:

- .1 the amendments to be developed should not amend the scope of application of SOLAS chapter IV and 1988 Protocol;

- .2 the instrument to be amended is the 1974 SOLAS Convention (i.e. SOLAS chapter IV and appendix (1988 Protocol) Certificates (Forms P, R and C)); and
- .3 the amendments to be developed should enter into force on 1 January 2020, provided that they are adopted before 1 July 2018.

23.21 The delegation of the United Arab Emirates recalled that it had submitted a proposal to MSC 88 for the evaluation of the Thuraya Satellite System as a GMDSS service provider as a regional system; however, not much progress has been achieved due to various reasons. One of the main reasons had been that the relevant regulations of SOLAS chapter IV and related documents do not take into account additional GMDSS satellite service providers. Therefore, the United Arab Emirates expressed the opinion that the required amendments should take place as soon as possible.

Biennial status report of the Sub-Committee and provisional agenda for NCSR 4

23.22 The Committee approved the Sub-Committee's biennial status report and confirmed the provisional agenda for NCSR 4, as set out in annexes 25 and 26, respectively.

SUB-COMMITTEE ON SHIP DESIGN AND CONSTRUCTION (SDC)

Proposal for a new output to address the requirements for watertight integrity contained in parts B-2 to B-4 of SOLAS chapter II-1

23.23 Having considered document MSC 96/23/3 (Norway), proposing to review and revise regulations in SOLAS chapter II-1 to ensure consistency between the probabilistic damage stability requirements in parts B and B-1 of SOLAS chapter II-1 and the requirements for watertight integrity contained in parts B-2 to B-4 of SOLAS chapter II-1, the Committee agreed to include in the post-biennial agenda of the Committee an output on "Review SOLAS chapter II-1, parts B-2 to B-4, to ensure consistency with parts B and B-1 with regard to watertight integrity", with three sessions needed to complete the item, assigning the SDC Sub-Committee as the coordinating organ.

23.24 The Committee further agreed, in accordance with MSC.1/Circ.1481 and MSC.1/Circ.1500, that:

- .1 the amendments to be developed should apply to ships built on or after 1 January 2024, to which SOLAS chapter II-1 applies;
- .2 the instrument to be amended is the 1974 SOLAS Convention (i.e. SOLAS chapter II-1, parts B-2 to B-4); and
- .3 the amendments to be developed should enter into force on 1 January 2024, provided that they are adopted before 1 July 2022.

Biennial status report of the Sub-Committee and the provisional agenda for SDC 4

23.25 Subsequently, the Committee approved the Sub-Committee's biennial status report and the provisional agenda for SDC 4, as set out in annexes 25 and 26, respectively.

SUB-COMMITTEE ON SHIP SYSTEMS AND EQUIPMENT (SSE)**Proposal for a new output on requirements for CO₂ pipelines in under-deck passageways**

23.26 The Committee considered documents MSC 96/23/4 and MSC 96/23/4/Add.1 (China), proposing a new output on requirements for CO₂ pipelines passing through the spaces in the under-deck passageways, with a view to amending the existing paragraph 2.1.3.1 of chapter 5 of the FSS Code, and agreed to include in the 2016-2017 biennial agenda of the SSE Sub-Committee and the provisional agenda for SSE 4, a new output on "Amendments to the FSS Code for CO₂ pipelines in under-deck passageways", with a target completion year of 2017. In addition, the Committee agreed that the SSE Sub-Committee should not narrow the discussions to only CO₂ pipelines, but take into account other pipelines for conveying fire-extinguishing medium, as necessary.

23.27 In this regard, the Observer from ICS expressed the opinion that, before requiring that the CO₂ pipelines concerned were required to be joined by welding only, further careful consideration of the proposal was required in terms of confirming a compelling need to make any regulatory changes in order to avoid unintended or unreasonable consequences. The Observer from ICS also highlighted that it should be borne in mind that the underdeck passageways concerned could be in excess of 300 metres in length and the CO₂ pipelines were of similar length.

23.28 The Committee further agreed, in accordance with MSC.1/Circ.1481 and MSC.1/Circ.1500, that:

- .1 the amendments to be developed should apply to ships built on or after 1 January 2020, to which FSS Code applies;
- .2 the instrument to be amended is the FSS Code (chapter 5, paragraph 2.1.3.1); and
- .3 the amendments to be developed should enter into force on 1 January 2020, provided that they are adopted before 1 July 2018.

Proposal for a new output to amend the LSA Code paragraph 6.1.1.3

23.29 The Committee considered document MSC 96/23/6 (Republic of Korea and IACS), proposing to amend the LSA Code, paragraph 6.1.1.3, in order to facilitate its uniform implementation, and agreed to include in the 2016-2017 biennial agenda of the SSE Sub-Committee and the provisional agenda for SSE 4, a new output on "Uniform implementation of paragraph 6.1.1.3 of the LSA Code", with a target completion year of 2017.

23.30 The Committee further agreed, in accordance with MSC.1/Circ.1481 and MSC.1/Circ.1500, that:

- .1 the amendments to be developed should apply to all ships covered by the LSA Code, built on or after 1 January 2020;
- .2 the instrument to be amended is the LSA Code; and
- .3 the amendments to be developed should enter into force on 1 January 2020, provided that they are adopted before 1 July 2018.

23.31 In light of the above decision, some delegations expressed the view on the need to broaden the scope of the proposed output, including the clarification of the term "launching" referred in SOLAS regulation III/14 and the LSA Code, but the Committee agreed not to amend it at this stage and invited Member States and international organizations to present relevant proposals to MSC 97 for consideration.

Confusion between SOLAS regulations II-2/19 and II-2/20 and IMDG Code Special Provisions 961 and 962

23.32 The Committee recalled that it had agreed to include in the 2016-2017 biennial agenda of the CCC Sub-Committee and the provisional agenda of CCC 3 an output on "Amendments to SOLAS regulations II-2/20.2 and II-2/20-1 to clarify the fire safety requirements for cargo spaces containing vehicles with fuel in their tanks for their own propulsion", with a target completion date of 2017, in association with the SSE Sub-Committee as and when requested by the CCC Sub Committee (see paragraph 23.6).

Urgent matters emanating from SSE 4 to MSC 98

23.33 The Committee, having noted that SSE 4 will take place more than 10 weeks before MSC 98, endorsed with the recommendation of SSE 4 to consider a full report of SSE 4 at MSC 98, in lieu of submitting only urgent matters emanating from that session.

Biennial status report of the Sub-Committee and provisional agenda for SSE 4

23.34 The Committee, having agreed to also include existing output 5.1.2.1 on "Making the provisions of MSC.1/Circ.1206/Rev.1 mandatory" in the provisional agenda for SSE 4, approved the Sub-Committee's biennial status report and the provisional agenda for SSE 4, as set out in annexes 25 and 26, respectively.

ENDORSEMENT OF NEW OUTPUTS

23.35 In accordance with the relevant provisions of the document *on the application of the Strategic Plan and the High-level Action Plan of the Organization* (resolution A.1099(29)), the Committee, having agreed to the sub-committees' biennial agendas and the provisional agendas for their forthcoming sessions, invited the Council to endorse, for inclusion in the current High-level Action Plan, the following new outputs agreed by the Committee:

- .1 suitability of high manganese austenitic steel for cryogenic service and development of any necessary amendments to the IGC Code and IGF Code (paragraph 23.4);
- .2 amendments to SOLAS regulations II-2/20.2 and II-2/20-1 to clarify the fire safety requirements for cargo spaces containing vehicles with fuel in their tanks for their own propulsion (paragraph 23.6);
- .3 review SOLAS chapters IV and appendix (Certificates: Forms P, R and C) to accommodate additional mobile satellite systems (paragraph 23.18);
- .4 amendments to the FSS Code for CO₂ pipelines in under-deck passageways (paragraph 23.26); and
- .5 uniform implementation of paragraph 6.1.1.3 of the LSA Code (paragraph 23.29).

BIENNIAL STATUS OF REPORT OF THE MARITIME SAFETY COMMITTEE

23.36 The Committee invited the Council to note the Report on the status of outputs for the 2016-2017 biennium, as set out in annex 27.

POST-BIENNIAL AGENDA OF THE COMMITTEE

23.37 The Committee invited the Council to note the updated Post-biennial agenda of the Maritime Safety Committee, as set out in annex 28.

FOLLOW UP OF THE TWENTY-NINTH SESSION OF THE ASSEMBLY

23.38 The Committee considered the outcome of the twenty-ninth session of the Assembly (MSC 96/23/1) and noted the following actions it had been requested to take in the context of resolutions adopted by the Assembly:

- .1 in the context of resolution A.1097(29) *Strategic Plan for the Organization (for the six-year period 2016 to 2021)*, when making recommendations for Committees' biennial agendas during the Strategic Plan period, to bear in mind the desirability of not scheduling more than one diplomatic conference in each year, save in exceptional circumstances;
- .2 in the context of resolution A.1098(29) *High-level Action Plan of the Organization and priorities for the 2016-2017 biennium*:
 - .1 when reporting on its work to the Assembly at its thirtieth regular session and to the Council at its sessions during the 2016-2017 biennium, to ensure that they report progress towards fulfilling the Organization's aims and objectives using the framework of the strategic directions, high-level actions and planned biennial outputs;
 - .2 when considering proposals for new outputs, to ensure, in accordance with resolution A.1099(29) containing the document on the application of the Strategic Plan and the High-level Action Plan of the Organization and the guidelines on the organization and method of their work, as appropriate, that the issues to be addressed are those which fall within the scope of the Strategic Plan and the High-level Action Plan;
 - .3 in accordance with resolution A.1099(29), to submit to the Council for endorsement any new outputs that they may approve during the 2016-2017 biennium for inclusion in the High-level Action Plan for that biennium;
 - .4 to ensure full observance of the document contained in resolution A.1099(29), which provides a uniform basis for the application of the Strategic Plan and the High-level Action Plan throughout the Organization, and for the strengthening of existing working practices through the provision of enhanced planning and management procedures that are flexible, manageable, proportional, transparent and balanced;

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- .5 in underlining the specific responsibilities of the chairmen, vice-chairmen and secretaries of the Council, committees and sub-committees to ensure a consistent and rigorous application of resolution A.1099(29) and the *Guidelines on the organization and method of work of the respective committees and their subsidiary bodies*; and
 - .6 to ensure that the high-level actions and related outputs, especially those involving amendments to existing conventions (particularly those which have been in force for a short period), should take fully into account the directives in resolution A.500(XII), and that due attention should be given to the requirement that a well-documented need must be demonstrated for the development and adoption of new or revised standards;
 - .3 in the context of resolution A.1099(29) *Application of the Strategic Plan and the High-level Action Plan of the Organization*, to review and revise, during the 2016-2017 biennium, the guidelines for the organization and method of their work, taking account of the document on *Application of the Strategic Plan and the High-level Action Plan of the Organization*, as appropriate;
 - .4 in the context of resolution A. 1103(29) *Principles to be considered when drafting IMO Instruments* to:
 - .1 continue the work of review existing requirements in order to identify those that are duplicative or obsolete, or that do not take into account electronic alternatives, and to modify them as necessary; and
 - .2 encourage, under the coordination of the Council, to apply the principles outlined in the annex to the resolution (Principles to be considered when drafting IMO Instruments) when drafting requirements or when reviewing existing requirements, with the aim of achieving better regulation;
 - .5 in the context of resolution A.1104(29) *Survey guidelines under the harmonized system of survey and certification, 2015*, to keep the Survey Guidelines under review and to propose amendments thereto to the Assembly, as appropriate;
 - .6 in the context of resolution A.1105(29) *2015 non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (resolution A.1070(28))*, to keep the list under review and to propose amendments thereto to the Assembly, as appropriate;
 - .7 in the context of resolution A.1106(29) *Revised Guidelines for the on-board operational use of shipborne automatic identification systems (AIS)*, to keep the revised guidelines under review and amend them as appropriate; and
 - .8 in the context of resolution A.1107(29) *Entry into force and implementation of the 2012 Cape Town Agreement*, to review the situation concerning entry into force of the Agreement and, in the light of such review, to take action as it deems appropriate.

23.39 In this context, the Committee agreed to instruct:

- .1 the III Sub-Committee to keep the Survey Guidelines referred in subparagraph .5 above under review and to propose amendments thereto to the Assembly, as appropriate;
- .2 the III Sub-Committee to keep the list referred in paragraph 23.38.6 above under review and to propose amendments thereto to the Assembly, as appropriate;
- .3 the NCSR Sub-Committee to keep the revised guidelines referred in subparagraph 23.38.7 above under review and amend them as appropriate; and
- .4 the Secretariat to provide the updated information on ratification to of the *2012 Cape Town Agreement* for consideration at the next session of the Committee.

23.40 Furthermore, the Committee recalled that it had already agreed, under agenda item 22 (Application of the Committee's Guidelines), to the revised Committees' Guidelines, which included the demonstration of a well-documented compelling need when developing and adopting new or revised standards, taking into account the need of fulfilling the Organization's aims and objectives using the framework of the strategic directions, high-level actions and planned biennial outputs.

INTERSESSIONAL MEETINGS

23.41 The Committee, taking into account the decisions made under various agenda items at MSC 95 and at this session, approved/confirmed, as appropriate, the following intersessional meetings:

- .1 the twelfth meeting of the Joint IMO/ITU Experts Group on Maritime Radiocommunication Matters, to take place from 11 to 15 July 2016;
- .2 the twenty-sixth meeting of the E&T Group on the IMSBC Code, to take place from 12 to 16 September 2016, directly after CCC 3;
- .3 the twenty-third session of the ICAO/IMO Joint Working Group on Search and Rescue, to take place in Berlin, from 12 to 16 September 2016;
- .4 the twenty-second meeting of the PPR Working Group on the Evaluation of Safety and Pollution (ESPH), to take place from 10 to 14 October 2016;
- .5 the thirteenth meeting of the Joint IMO/ITU Experts Group on Maritime Radiocommunication Matters, to take place in 2017;
- .6 the twenty-fourth session of the ICAO/IMO Joint Working Group on Search and Rescue, to take place in 2017; and
- .7 a meeting of PPR Working Group on the Evaluation of Safety and Pollution (ESPH), to take place in 2017, as approved by MEPC 69,

and invited the Council to endorse the above decisions.

SUBSTANTIVE ITEMS FOR INCLUSION IN THE COMMITTEE'S AGENDAS FOR THE NEXT TWO SESSIONS AND PROPOSED ARRANGEMENTS FOR MSC 97**Substantive items for inclusion in the agendas for MSC 97 and MSC 98**

23.42 The Committee agreed to the substantive items to be included in the agendas of its ninety-seventh and its ninety-eighth sessions, as set out in document MSC 96/WP.10, as amended.

Establishment of working and drafting groups during MSC 97

23.43 The Committee, taking into account the decisions made under various agenda items, anticipated that the working and drafting groups on the following subjects may be established at its ninety-seventh session:

- .1 goal-based standards;
- .2 maritime security;
- .3 carriage of industrial personnel; and
- .4 consideration and adoption of amendments to mandatory instruments.

23.44 The Committee agreed that the Capacity-building Needs Analysis Group (ACAG) may also need to be established.

Duration and dates of the next two sessions

23.45 The Committee noted that its ninety-seventh session has been scheduled to take place from 21 to 25 November 2016 and its ninety-eighth session has been tentatively scheduled to be held in June 2017.

24 ANY OTHER BUSINESS**International Code for Ships Operating in Polar Waters (Polar Code)**

24.1 The Committee had for its consideration the following documents:

- .1 MSC 96/24 (New Zealand), providing data on non-SOLAS vessels operating in polar waters and SAR incidents involving non-SOLAS vessels within these waters and the New Zealand non-SOLAS vessels which have operated within Antarctica over the last 10 southern hemisphere summer seasons, as requested by MSC 95;
- .2 MSC 96/24/3 (Iceland), providing data in relation to non-SOLAS vessels operating in polar waters and SAR incidents involving non-SOLAS vessels north of the Arctic Polar Code demarcation line, within the Icelandic search and rescue region (SRR), and the Icelandic non-SOLAS vessels which have operated in Arctic polar waters during a two-year period (2014-2015); and the information on the parties responsible for coordinating all maritime and aviation search and rescue activities in the Icelandic SRR; and

- .3 MSC 96/24/7 (FOEI, et al.), informing on incidents involving non-SOLAS vessels operating in polar regions and updating the information previously provided by FOEI and Pacific Environment in document MSC 95/21/11.

24.2 In considering the above documents, the Committee noted the following views expressed during the discussion:

- .1 application of the Polar Code to non-SOLAS ships (phase 2), which should include fishing vessels, should begin without delay to enhance the safety for non-SOLAS ships operating in polar waters;
- .2 the Polar Code should not be applied to fishing vessels until after entry into force of the 2012 Cape Town Agreement, where the requirements of the Code are in line with the Agreement;
- .3 the Polar Code should not be applied to pleasure yachts; and
- .4 while most delegations were of the view that more incident data is needed, particularly for non-SOLAS ships, before the phase 2 work begins, others were of the view that the data submitted so far demonstrated sufficient need to proceed to phase 2 without delay.

24.3 Following the discussion, the Committee noted, with appreciation, the information provided in support of the next phase of the work on the Polar Code and invited Member States and international organizations to submit more information to MSC 97 to facilitate the consideration on the matter, taking into account that a relevant output is already included in the post-biennial agenda of the Committee.

Verification of the gross mass of packed containers

24.4 Following consideration of document MSC 96/24/1 (ICHCA and WSC), the Committee noted, with appreciation, the set of frequently asked questions and answers (FAQs) regarding the verification of the gross mass of packed containers, which ICHCA and WSC had published, in collaboration with shippers and insurers, to assist in the planning for the implementation of this new requirement, as well as to promote awareness and a common understanding amongst the various stakeholders.

24.5 The Committee also noted, with appreciation, the information contained in document MSC 96/INF.7 (FONASBA), reporting on the results of two surveys commissioned by FONASBA to monitor the introduction of appropriate measures at national level regarding the requirement for verification of the gross mass of packed containers and to inform interested parties on the status of the measures.

24.6 Having recalled that the SOLAS requirements for the gross mass of packed containers to be verified will enter in the force on 1 July 2016, the Committee noted the following views expressed in regard to the new requirements and the associated guidance contained in MSC.1/Circ.1475:

- .1 while there is no requirement for the verified gross mass (VGM) of a packed container to be determined and provided in order for the container to be loaded on a ship before 1 July 2016, if the same container is trans-shipped on or after 1 July 2016, a VGM would be required at the port of trans-shipment, were a strict application of the amendments to SOLAS regulation VI/2 regarding VGM (resolution MSC.380(94)) to be followed.

In such cases, containers could be subject to significant delays, which could result in the loss of cargoes, particularly perishable or time-sensitive cargoes, and at the same time the port of trans-shipment would encounter operational challenges and additional administrative burdens;

- .2 even if software upgrades required for the electronic collection and transmittal of VGM data are completed in all ports and container handling systems globally, it would be unreasonable for anyone to expect that such a global deployment of software upgrades would be entirely robust on the first day of real-world operation;
- .3 while there should be no delay in implementation of the SOLAS requirements regarding VGM it would be beneficial if Administrations and port State control authorities could take a practical and pragmatic approach when enforcing the VGM requirements, particularly for a period of three months immediately following 1 July 2016 in order to ensure that any problems related to trans-shipped containers and the transmittal of electronic VGM data are resolved without impacting the smooth operation of the global logistics chain during the initial phasing-in period of the requirements;
- .4 the key to successful implementation of the SOLAS VGM requirements is close communication and cooperation between Administrations and all sectors of the industry associated with the transport of containers;
- .5 CCC 3 could further discuss possible ways of facilitating implementation of the SOLAS VGM requirements;
- .6 there were concerns regarding the potential for Masters to be criminalized should port State control authorities take a severe stance on enforcement at an early stage; and
- .7 it should be acknowledged that existing requirements in SOLAS chapters II-1, VI and IX and the ISM Code already require Masters to be provided with appropriate and accurate information on the cargo so that the cargo could be stowed safely on board the ship.

24.7 In this regard, the delegation of Singapore made a statement, the full text of which is set out in annex 29.

24.8 Having considered the above views and recalling the Secretary-General's Circular Letter No.3624 encouraging communication on this matter, the Committee urged Administrations and industry stakeholders to communicate frequently and fully with regard to implementation of the SOLAS VGM requirements and to share best practices.

24.9 Furthermore, the Committee agreed that an appropriate way forward would be to urge Administrations and port State control authorities to adopt a practical and pragmatic approach when transitioning to the new requirements of SOLAS regulation VI/2 and exercising control procedures, for a period of three months after 1 July 2016, in order to permit containers that will have been loaded before 1 July 2016, but trans-shipped on or after 1 July 2016, to reach their final port of discharge without a verified gross mass. Additionally, such a practical and pragmatic approach within the aforementioned time period should also be intended to provide flexibility to all the stakeholders in containerized transport to refine, if necessary, any new procedures that they have put in place for compliance with the new requirements. In this regard, the Committee requested the Secretariat to prepare a draft MSC circular on advice to Administrations and port State control Authorities regarding the SOLAS requirements for verified gross mass of packed containers.

24.10 Having considered MSC 96/WP.16, the Committee approved MSC.1/Circ.1548 on *Advice to Administrations, port State control authorities, companies, port terminals and masters regarding the SOLAS requirements for verified gross mass of packed containers.*

Reducing pest movement by sea containers

24.11 The Committee noted, with appreciation, the information provided in document MSC 96/24/2 (FAO), reporting on the ongoing activities to minimize pest movement by sea containers, which have been undertaken under the framework of the International Plant Protection Convention (IPPC) and, in particular, the work of IPPC on developing an International Standard for Phytosanitary Measures (ISPM) on sea container cleanliness. The above document also reported on the outcome of the IPPC special topics session at the eleventh session of the IPPC Commission on Phytosanitary Measures (CPM-11), which took place at FAO Headquarters in Rome on 7 April 2016.

IMO/IACS cooperation on the IACS Quality System Certification Scheme (QSCS)

24.12 In the context of the IACS Quality System Certification Scheme (QSCS) and its transition to accredited certification bodies (ACBs), the Committee considered document MSC 96/24/4 (Secretariat), reporting on the development of the QSCS, and noted that, in accordance with the participation agreement between IMO and IACS, the IMO consultant/observer had continued participating in the implementation of the Scheme since the last report to the Committee (MSC 95/21/9) and expressed his satisfaction that the IACS QSCS audits were conducted to a good standard.

24.13 Furthermore, the Committee, recalling the decision of MSC 95, requested the Secretariat to continue the arrangement for IMO's participation in the IACS Quality System Certification Scheme, with financial contributions provided by IACS, and to provide a report to MSC 98.

European Union operational guidelines on places of refuge

24.14 The Committee noted, with appreciation, the information provided in document MSC 96/24/5 (Austria, et al.), relating to the development of operational guidelines for the accommodation of ships in need of assistance, requesting a place of refuge by the Competent Authorities within the European Union. The Committee also noted that the European Union Operational Guidelines on places of refuge were tested in 2015 and put into use in January 2016.

Embarkation station and stowage location of the remotely located liferaft

24.15 The Committee had for its consideration document MSC 96/24/6 (Liberia, Marshall Islands and IACS) proposing to supplement SOLAS regulation III/11.7 with a provision specifying that the 10 degree adverse trim criteria need not be considered when providing the embarkation ladder for the liferaft or liferafts as required by SOLAS regulation III/31.1.4.

24.16 In considering the above proposal, the Committee, having noted the following views expressed on this matter:

- .1 for survival craft situated in most locations, the 10 degree adverse trim criteria can be reasonably applied; however, when considering remotely located survival craft at extreme ends of the ship, the effect of applying the 10 degree adverse trim criteria can be significant, resulting in unnecessarily long and, in the time of need, unmanageable embarkation ladders;

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- .2 it was not intended to apply the provisions of SOLAS regulation III/11.7 to the remotely located liferaft or liferafts required by SOLAS regulation III/31.1.4;
 - .3 taking into account the Council's decision that minor corrections/issues could be considered by the committees under the agenda item "Any other business" (C/ES.27/D, paragraph 3.2(vi)), the proposed "correction" can be considered by the Committee without requiring a new output;
 - .4 a cautious consideration is required to address the problem without creating a potential situation where a person had to jump metres into the water during ship abandonment before he/she could embark the remote survival craft because ships did have trim; and
 - .5 the revised SOLAS regulation III/11.7 should include a calculation method for the length of the embarkation ladder, based on the adverse trim and an adverse list of 20°, in the loading condition taken from the approved loading manual which gives the lightest draft at the embarkation station,

decided that the above proposal was not a "minor correction" as envisioned by the Council's decision. Consequently, the Committee invited the co-sponsors to submit a proposal for a new output in accordance with the Committee's Guidelines, for consideration at MSC 97.

Global Integrated Shipping Information System (GISIS)

24.17 The Committee noted, with appreciation, the information contained in document MSC 96/INF.2 (Secretariat), reporting on the status of GISIS.

Philippine action pursuant to the Manila Statement on the enhancement of the Safety of Ships carrying passengers on non-international voyages

24.18 The Committee noted, with appreciation, the information contained in document MSC 96/INF.12 (Philippines), reporting on the actions taken by the Philippines pursuant to the Manila Statement on the enhancement of the safety of ships carrying passengers on non-international voyages.

Expansion of the Panama Canal

24.19 The delegation of Panama made a statement on the inauguration of the expanded Panama Canal and the associated training facility, which is set out in annex 29. In this regard, the Secretary-General responded by congratulating the Government of Panama and all stakeholders involved on this successful project, which he emphasized will be a major contribution to international shipping, global logistics. It would also contribute to addressing climate change issues through reduction of emissions.

Expressions of appreciation

24.20 The Committee expressed its appreciation to two directors of the Organization who will be retiring later this year, Mr. Jo Espinoza-Ferrey, Director of the Administrative Division and Mrs. Olga O'Neil, Director of the Conference Division, for their invaluable contributions to the Committee's work and wished them both a long and happy retirement.

25 ACTION REQUESTED OF OTHER IMO ORGANS

- 25.1 The Assembly, at its thirtieth session, is invited to:
- .1 note the adoption by the Committee of amendments to the 1974 SOLAS Convention and related mandatory codes and the approval/adoption of non-mandatory instruments (paragraphs 3.80 to 3.102 and 11.8 and annexes 1 to 5, 11 and 17);
 - .2 note the actions taken on issues related to goal-based new ship construction standards and the initial GBS verification audits, in particular, that the Committee overwhelmingly confirmed that the information provided by the Submitters (12 IACS members ROs) demonstrated that their rules conform to the GBS Standards (paragraphs 5.1 to 5.33 and annex 12); and
 - .3 adopt the draft Assembly resolution on *Revised guidelines on the implementation of the ISM Code by Administrations* (paragraph 12.4 and annex 22).
- 25.2 The Council, at its one-hundredth and sixteenth session, is invited to:
- .1 consider the report of the ninety-sixth session of the Maritime Safety Committee and, in accordance with Article 21(b) of the IMO Convention, transmit it, with its comments and recommendations, to the thirtieth session of the Assembly (paragraphs 1.1 and 25.1);
 - .2 note the adoption by the Committee of amendments to the 1974 SOLAS Convention and related mandatory codes and the approval/adoption of non-mandatory instruments (paragraphs 3.80 to 3.102 and 11.8 and annexes 1 to 5, 11 and 17);
 - .3 note the actions taken by the Committee on issues related to maritime security and, in particular, the approval of guidance for the development of national maritime security legislation and the approval of interim guidelines on maritime cyber risk management (paragraphs 4.1 to 4.22);
 - .4 note the actions taken on issues related to goal-based new ship construction standards and the initial GBS verification audits, in particular, that the Committee overwhelmingly confirmed that the information provided by the Submitters (12 IACS member ROs) demonstrated that their rules conform to the GBS Standards (paragraphs 5.1 to 5.33 and annex 12);
 - .5 note the actions taken by the Committee on issues related to passenger ship safety (paragraphs 6.1 to 6.6);
 - .6 note the actions taken by the Committee on issues related to the carriage of more than 12 industrial personnel on board vessels engage on international voyages (paragraphs 7.1 to 7.15);
 - .7 note the approval of the draft Assembly resolution on *Revised guidelines on the implementation of the ISM Code by Administrations* (paragraph 12.4 and annex 22);

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- .8 note the decisions taken in regard to piracy and armed robbery against ships (paragraphs 17.1 to 17.6);
 - .9 note the decisions taken in regard to unsafe mixed migration at sea (paragraphs 18.1 to 18.16);
 - .10 note the decisions taken in regard to the recommendations to reduce administrative requirements in IMO instruments (paragraphs 19.1 to 19.4);
 - .11 note the actions taken by the Committee on issues related to the application of the Committees' Guidelines and, in particular, consider the problems with accessing documents uploaded onto IMODOCs and take action as appropriate (paragraphs 22.1 to 22.13 and annex 24);
 - .12 endorse the new outputs agreed at the session for inclusion in the High-level Action Plan and priorities for the 2016-2017 biennium (paragraph 23.35 and annex 27);
 - .13 note the biennial status report of the Maritime Safety Committee (paragraph 23.36 and annex 27);
 - .14 note the post-biennial agenda of the Maritime Safety Committee (paragraph 23.37 and annex 28); and
 - .15 endorse the intersessional meetings approved for 2016 and 2017 (paragraph 23.41).

25.3 The Legal Committee, at its one-hundredth and third session, is invited to note the decisions taken in regard to unsafe mixed migration at sea (paragraphs 18.1 to 18.16).

25.4 The Technical Cooperation Committee, at its sixty-sixth session, is invited to note the outcome on matters related to capacity building for the implementation of new measures (paragraphs 15.1 to 15.3).

25.5 The Marine Environment Protection Committee, at its seventieth session, is invited to:

- .1 note the concurrent endorsement that there is no need to align FAL.2/Circ.127-MEPC.1/Circ.817-MSA.1/Circ.1462 on List of certificates and documents required to be carried on board ships with FAL.5/Circ.39/Rev.1 at this time, as the existing circular is not in conflict with the use of e-certificates (paragraph 9.5);
- .2 note the concurrent decision to defer consideration of the draft MSC-MEPC.4 circular on *Guidelines for port State control officers on the ISM Code*, to MEPC 70 and MSC 97 (paragraph 9.9);
- .3 note that the Committee instructed III 3 to review the text of the Revised process for putting forward recommendations to the relevant IMO bodies resulting from the reports of Concentrated Inspection Campaigns (III.2/Circ.1), with a view to addressing the concerns raised by MEPC 69, and to report their outcome to MSC 97 (paragraph 9.10);
- .4 approve the draft MSC-MEPC.5 circular on *Unified interpretation relating to the IBC Code* (paragraph 11.30 and annex 21);

- .5 note the concurrent approval of the draft Assembly resolution on *Revised guidelines on the implementation of the ISM Code by Administrations*, for submission to the thirtieth session of the Assembly for adoption (paragraphs 12.4 and annex 22);
 - .6 approve the draft MSC-MEPC.2 circular on *Example of a Certificate of Protection for products requiring oxygen-dependent inhibitors* (paragraph 13.1 and annex 23);
 - .7 note the decisions taken in regard to the recommendations to reduce administrative requirements in IMO instruments (paragraphs 19.1 to 19.4);
 - .8 note decisions taken in regard to the revision of the Committees' Guidelines (paragraphs 22.7 to 22.12)
 - .9 approve the draft MSC-MEPC circular on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, for dissemination as MSC-MEPC.1/Circ.5 (paragraph 22.13 and annex 24);
 - .10 note the concurrent approval of the biennial agenda of the CCC Sub-Committee and the provisional agenda for CCC 3, including the two new outputs related to safety matters (paragraph 23.11 and annexes 25 and 26);
 - .11 note the concurrent approval of the biennial agenda of the III Sub-Committee and the provisional agenda for III 3 (paragraph 23.13 and annexes 25 and 26); and
 - .12 note the concurrent approval of the intersessional working group meetings requested by the CCC and PPR Sub-Committees, to be held in 2016 and 2017 (paragraph 23.41).
- 25.6 The Facilitation Committee, at its forty-first session, is invited to:
- .1 note the actions taken by the Committee on issues related to maritime security and, in particular, the approval of guidance for the development of national maritime security legislation and the approval of interim guidelines on maritime cyber risk management (paragraphs 4.1 to 4.22);
 - .2 note the Committee's decision that there is no need to align FAL.2/Circ.127-MEPC.1/Circ.817-MSC.1/Circ.1462 on List of certificates and documents required to be carried on board ships with FAL.5/Circ.39/Rev.1 at this time, as the existing circular is not in conflict with the use of e-certificates (paragraph 9.5);
 - .3 note that the Committee instructed III 3 to consider the draft amendments to the *Procedures for port State control, 2011* (resolution A.1052(27)) in the context of its ongoing comprehensive review (paragraph 19.19);
 - .4 note the decisions taken in regard to unsafe mixed migration at sea (paragraphs 18.1 to 18.16);

- .5 note the decisions taken in regard to the recommendations to reduce administrative requirements in IMO instruments (paragraphs 19.1 to 19.4); and
- .6 note decisions taken in regard to the revision of the Committees' Guidelines (paragraphs 22.7 to 22.13).

(The annexes will be issued as addenda to this document)
