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94th session  
Agenda item 21

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

**1 INTRODUCTION – ADOPTION OF THE AGENDA**

1.1 The ninety-fourth session of the Maritime Safety Committee was held at the IMO Headquarters from 17 to 21 November 2014, under the chairmanship of Mr. Christian Breinholt (Denmark). The Vice-Chairman of the Committee, Capt. M. Segar (Singapore), 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 94/INF.1.

1.3 The session was also attended by the Chairman of the Council, Mr. J.G. Lantz (United States), the Chairman of the Marine Environment Protection Committee, Mr. A. Dominguez (Panama) and the Chairman of the Facilitation Committee, Mr. Y. 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 link:  
<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 94/1) and agreed that its work would be guided by the provisional timetable (MSC 94/1/2 (Rev.1 English only)), on the understanding that it was subject to adjustments and on the progress made each day; and the arrangements for working and drafting groups (MSC 94/1/2). The agenda, as adopted, with a list of documents considered under each agenda item, is set out in document MSC 94/INF.[...].

1.7 The following general statements were made by the delegations of:

- .1 Ukraine, relating to the situation in the Crimean peninsula and the port of Sevastopol;
- .2 the Russian Federation, in response to the statement by the delegation of Ukraine;
- .3 Oman, relating to piracy and armed robbery in the sea areas adjoining the Arabian Sea and the Gulf of Oman;
- .4 Angola, relating to piracy and armed robbery in the Gulf of Guinea; and
- .5 Nigeria, relating to piracy and armed robbery in the Gulf of Guinea,

as set out in annex [...]

### **Credentials**

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

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## **2 DECISIONS OF OTHER IMO BODIES**

### **Outcome of LEG 101, TC 64, C 112, FAL 39 and MEPC 67**

2.1 The Committee noted the decisions of LEG 101 (MSC 94/2), TC 64 (MSC 94/2/1), C 112 (MSC 94/2/2), FAL 39 (MSC 94/2/3) and MEPC 67 (MSC 94/2/4), 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:

- .1 adopt proposed amendments to chapters II-2, VI and XI-1 as well as to the appendix of the annex (Certificates) to the Convention;
- .2 adopt a new chapter XIV to the Convention; and
- .3 adopt proposed amendments to: 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.

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 code 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 Letter No.3451 of 20 May 2014 (MSC 94/3).

3.3 The Committee was also invited to consider and:

- .1 adopt draft MSC resolutions on amendments to the Code for the Construction and Equipment of Mobile Offshore Drilling Units (MODU Code) (resolution A.414(XI));

- .2 adopt draft MSC resolutions on amendments to the Code for the Construction and Equipment of Mobile Offshore Drilling Units, 1989 (1989 MODU Code) (resolution A.649(16));
- .3 adopt draft MSC resolutions on amendments to the Code for the Construction and Equipment of Mobile Offshore Drilling Units, 2009 (2009 MODU Code) (resolution A.1023(26)); and
- .4 adopt a draft MSC circular on Early implementation of SOLAS regulation XI-1/7.

## **PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION**

### **Proposed amendments to SOLAS chapter II-2**

#### ***Regulation 10 – Fire fighting***

3.4 The Committee recalled that MSC 93 agreed to amend the title of SOLAS regulation II-2/10.5.2 to specify its application to machinery spaces of category A only and noted that no comments had been submitted on the draft amendments.

3.5 The Committee confirmed the contents of the proposed amendments to SOLAS regulation II-2/10.5.2, subject to editorial improvements, if any.

### **Proposed amendments to SOLAS chapter VI**

#### ***Regulation 2 – Cargo information***

3.6 The Committee recalled that DSC 18 had prepared draft amendments to chapter VI regarding mandatory verification of the gross mass of a container carrying cargoes, which were approved by MSC 93 and noted that no comments on the draft amendments had been received.

3.7 The Committee recalled further that the draft amendments to SOLAS chapter VI are accompanied by draft guidelines regarding verified gross mass of a container carrying cargo, which was approved by MSC 93 and issued as MSC.1/Circ.1475.

3.8 The Committee confirmed the contents of the proposed amendments to SOLAS regulation II-2/10.5.2, subject to editorial improvements, if any.

## **Proposed amendments to SOLAS chapter XI-1**

### ***New regulation 7 – Atmosphere testing instruments for enclosed spaces***

3.9 The Committee recalled that MSC 93 approved the new SOLAS regulation XI-1/7 and noted that no comments on the draft amendments had been received.

3.10 The Committee recalled further that MSC 93 approved, as required under SOLAS regulation XI-1/7, MSC.1/Circ.1477 on *Guidelines to facilitate the selection of portable atmosphere-testing instruments for enclosed spaces*.

3.11 The Committee confirmed the contents of the proposed amendments to SOLAS regulation XI-1/7, subject to editorial improvements, if any.

### **Proposed amendments to the appendix (Certificates) of the annex to SOLAS**

3.12 The Committee recalled that MSC 93 noted inconsistencies in the Record of Equipment for Cargo Ship Safety Certificate concerning the lack of an entry for the total number of persons accommodated by free-fall lifeboats and agreed it was an unintended oversight.

3.13 The Committee confirmed the contents of the proposed amendments to the appendix of the annex to SOLAS, subject to editorial improvements, if any.

### **Date of entry into force of the proposed amendments**

3.14 The Committee agreed that the SOLAS amendments to chapters II-2, VI, XI-1 and to the appendix of the annex proposed for adoption at the current session should be deemed to have been accepted on [1 January 2016] and to enter into force on [1 July 2016].

## **PROPOSED AMENDMENTS TO MANDATORY CODES**

### **Proposed amendments to the 2011 ESP Code**

3.15 The Committee recalled that the proposed amendments to the 2011 ESP Code were developed by SDC 1 and approved by MSC 93 (MSC 94/3, annex 3) and, having noted that no comments had been submitted on the draft amendments, confirmed their contents, subject to editorial improvements, if any.

3.16 The Committee agreed that the above amendments to the 2011 ESP Code proposed for adoption at the current session should be deemed to have been accepted on [1 January 2016] and to enter into force on [1 July 2016].

3.17 In this regard, the Committee also considered a proposal from IACS (MSC 94/3/6) on Guidance on pressure testing of boundaries of cargo oil tanks under direction of the master and agreed that the guidance should be disseminated through an MSC circular.

3.18 Subsequently, the Committee agreed to task the Secretariat to prepare the above MSC circular and invited interested Member Governments and international organizations to provide technical input and advice to the Secretariat, taking into account the comments made in plenary.

#### **PROPOSED NEW SOLAS CHAPTER XIV – SAFETY MEASURES FOR SHIPS OPERATING IN POLAR WATERS**

##### **Regulation 1 – Definitions**

##### **Regulation 2 – Application**

##### **Regulation 3 – Requirements for ships to which this chapter applies**

##### **Regulation 4 – Alternative design and arrangement**

3.19 The Committee recalled that the proposed new SOLAS chapter XIV was developed by SDC 1 and approved by MSC 93 to make the International Code for Ships Operating in Polar Waters (Polar Code) mandatory (MSC 94/3, annex 2).

3.20 In this context, the Committee noted that MEPC 67 approved the preamble, introduction and part II of the draft Polar Code and the associated draft amendments to MARPOL Annexes I, II, IV and V, for adoption at MEPC 68. In approving the draft amendments to MARPOL, MEPC 67 took actions relevant to the draft new SOLAS chapter XIV. In particular, MEPC 67:

- .1 agreed to delete the words "by the Organization" in the definition of "Polar Code", bearing in mind that Article 16 of MARPOL allows for amendments to MARPOL not only after consideration by the Organization, but also by a conference, which is the same for SOLAS article VII(c); and
- .2 agreed to several editorial corrections and improvements to the definitions of the "Polar Code", "Arctic Waters" and "Polar Waters", which should be

considered prior to the adoption of the new chapter XIV of SOLAS, with a view towards harmonization (MSC 94/WP.5, annex 2).

*Definition of "Arctic waters"*

3.21 Having considered document MSC 94/3/5 (Norway), proposing amendments to the definition of "Arctic waters" in the draft new regulation XIV/1.3 for clarification purposes, as the words "the Island of Bjørnøya" are not clear due to the lack of related longitudes and latitudes, the Committee agreed to the aforementioned proposal and instructed the working group to make the necessary modifications, as appropriate.

*Clarification of regulation 2.1 (Application)*

3.22 The Committee noted a request for clarification of regulation 2.1 (Application) from the observer from IACS. The observer pointed out that regulation 2.1 states the following:

"1 Unless expressly provided otherwise, this chapter applies to ships operating in polar waters, certified in accordance with chapter I.",

and in its view chapter I includes the Safety Radio Certificate, with a 300 gross tonnage threshold. Additionally, the issue of high-speed craft, which are certified in accordance with chapter IX, was raised. In this context, the Committee agreed that, at this stage, the Code will apply to passenger ships and cargo ships of 500 gross tonnage and above only, and instructed the working group to further consider regulation 2.1, accordingly.

3.23 Having considered the draft new SOLAS chapter XIV, the Committee confirmed its contents, subject to further relevant modifications to align the text of the new chapter with the relevant decisions of MEPC 67, including editorial improvements, if any.

**Date of entry into force of the proposed amendments**

3.24 The Committee agreed that the new SOLAS chapter XIV, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2016 and to enter into force on 1 January 2017.

**THE INTERNATIONAL CODE FOR SHIPS OPERATING IN POLAR WATERS (POLAR CODE)**

3.25 The Committee recalled that the draft International Code for Ships Operating in Polar Waters (Polar Code) (MSC 94/3/1, annex) was developed by SDC 1 and approved, in

principle, by MSC 93, with a view to making the safety related parts of the Code (Introduction and part I-A) mandatory under the 1974 SOLAS Convention.

### **Preamble and Introduction to the draft Polar Code**

3.26 The Committee noted that MEPC 67, in approving the Preamble and Introduction to the draft Polar Code, prepared by the intersessional working group (MEPC 67/WP.8), took the following actions:

- .1 agreed to minor editorial modifications to paragraph 4 of the preamble and the chapeau of paragraph 2 of the introduction part, as set out in annex 1 to document MEPC 67/WP.14;
- .2 agreed to delete the definition of "tankers" which makes reference to SOLAS, having noted that MARPOL has defined the term differently, and invited the Committee to consider moving the definition of the term to part I of the Code; and
- .3 noted that figure 2 on "Maximum extent of Arctic waters application" is inaccurate and instructed the Secretariat to make corrections to the figure, for consideration by the Committee.

3.27 Following discussion, the Committee endorsed the aforementioned decisions of MEPC 67, and instructed the working group to finalize the Preamble and Introduction, taking into account the modifications agreed by MEPC 67.

### **Operational limitations**

3.28 The Committee had for its consideration the following documents:

- .1 MSC 94/3/7 (IACS), presenting the Polar Operational Limit Assessment Risk Indexing System (POLARIS) for determining limitations for operation in ice, which was proposed as an update to the draft text in part I-B of the draft Polar Code (Additional guidance to chapter 1 (General)). The aforementioned proposed update was developed by IACS in collaboration with a number of Administrations with experience of establishing guidance and limitations on ships operating in ice, and has been validated with existing models and ice class rule background material;



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- .2 MSC 94/3/8 (IACS), proposing standard text for use as guidance for setting operational limitations for ships operating in polar waters. In this connection, the draft "Record of Additional Equipment and operational limitations for the Polar Ship Certificate" (MSC 94/3/1, annex, appendix 1) includes a placeholder for Record of Operational Limitations; however, no guidance on the setting of such limitations is currently provided in the draft Polar Code;
- .3 MSC 94/3/18 (CLIA), commenting on POLARIS (MSC 94/3/7), and presenting the views that the system would be significantly enhanced and improved by further development and that incorporating the system into the draft Polar Code at this very late stage would be premature and without the necessary complete consideration;
- .4 MSC 94/3/19 (Canada), commenting on POLARIS (MSC 94/3/7), and providing information on Canada's experience in the successful implementation and use of the **Arctic Ice Regime Shipping System (AIRSS)**, in support of the POLARIS proposal;
- .5 MSC 94/3/21 (Russian Federation), commenting on POLARIS (MSC 94/3/7), suggesting its modifications, taking into account the various modes of operation in ice and restrictions imposed on the ship's speed, and proposing the following:
- .1 in table 1.1 of section 1.4 of POLARIS (MSC 94/3/7, annex), insert the words "only at ice concentrations not exceeding 7/10" after the words "Limited Speed Operation Permitted" in the middle column; and
- .2 restrictions on the ship's speed should be established for separate modes of operation and set individually for each ship, taking into account its ice class, hull strength, power of propulsion plant and steering ability for low speed modes;
- .6 MSC 94/3/22 (Russian Federation), commenting on POLARIS (MSC 94/INF.13), and proposing that POLARIS should not be included in part I-B of the draft Code, instead it should be a separate IMO instrument thus allowing it to be amended in due course, whenever necessary;

- .7 MSC 94/3/23 (Russian Federation), advising the Committee (paragraphs 8 and 9.2) that the AIRSS system (Canadian system) used as a basis for POLARIS, was extensively tested in the Russian Arctic in the 1990s, and one of the main conclusions made then was that the strength of summer (decayed) ice in AIRSS was seriously overestimated; and
- .8 MSC 94/INF.13 (Canada, Finland, Sweden, IACS), providing the technical background for the development of POLARIS and a comparison with existing limitations and guidance for operation in ice used in ice class rules and by Administrations.

3.29 The Committee, having considered the following views expressed during the discussions:

- .1 in regard to the proposals contained in documents MSC 94/3/7 and MSC 94/INF.13, the focus on operational limitations in ice conditions in the Arctic is not fully applicable to the Antarctic;
- .2 POLARIS is an excellent tool, but needs further detailed consideration, which at this late stage may affect the adoption of the Code; and
- .3 it should be clear that there are other tools that could be used for determining operational limitations in ice conditions and, as such, any tools should be generic and avoid commercial names,

noted with appreciation the work done by IACS and Member Governments on the development of POLARIS, and instructed the working group to prepare terms of reference for a correspondence group to finalize guidance on a system for determining limitations for operation in ice, based on documents MSC 94/3/7 and MSC 94/INF.13.

### **Polar Ship Certificate and the Record of Equipment**

3.30 The Committee had for its consideration the following documents:

- .1 MSC 94/3/9 (IACS), proposing changes to the draft Polar Ship Certificate and its accompanying Record of Equipment, intended to indicate how limitations would be incorporated into the Certificate, and also to align the Certificate and Record of Equipment with other SOLAS documents;

- .2 MSC 94/3/11 (Canada), discussing the documents required to demonstrate compliance with the requirements of part I of the Polar Code by ships that trade in Arctic waters, in order to establish the associated administrative burden;
- .3 MSC 94/3/13 (United States), proposing text related to certification for ships operating in ice-free waters, not in low air temperatures, on a single voyage for inclusion in chapter 1 of part I-A of the draft Polar Code; and
- .4 MSC 94/3/15 (China, Republic of Korea), proposing amendments related to certification for existing ships engaged in single voyage in polar waters and that a short-term Polar Ship Certificate be permitted to be issued by the Administration, in order to reduce the certification burden imposed on the Administrations.

3.31 Having noted that MEPC 67 had agreed that no further amendments were necessary under part II of the draft Polar Code to address the administrative burdens, the Committee, following an in-depth discussion, agreed that there should not be exemptions from the requirements of the Code for occasional voyages; however, there were occasions when certification could be issued without a survey. In this connection, the Committee instructed the working group to determine under which circumstances certification may be issued without a survey, taking into account documents MSC 94/3/9, MSC 94/3/11, MSC 94/3/13 and MSC 94/3/15.

#### **Operational assessment required by chapter 1**

3.32 Having considered document MSC 94/3/12 (Norway, United States), proposing guidance for inclusion in part I-B of the draft Polar Code related to the operational assessment required by chapter 1, in order to provide clarity for ship operators and Administrations on the purpose and consistent implementation of the operational assessment, the Committee agreed to refer the above document to the working group for further consideration.

#### **Hull, subdivision and stability**

3.33 The Committee had for its consideration the following documents:

- .1 MSC 94/3/14 (Canada, Norway, United States, Vanuatu), commenting on the stability and subdivision requirements in chapter 4 of the draft Code,

and proposing various revisions in an effort to improve and clarify the draft regulation text, as well as a new definition for "upper ice waterline" based on the definition from the IACS UR concerning Polar Class; and

- .2 MSC 94/3/17 (FOEI, Pacific Environment, CSC), expressing concerns that the current drafting of the Code could lead to different interpretations of ice-strengthening standards for category C ships and may not offer appropriate levels of safety for polar waters. Furthermore, the burden of proof should be reversed for the damage stability requirements, with all ships required to meet the damage stability provisions, unless exempted due to the intended area of operation.

3.34 In considering the above documents, the Committee agreed to refer document MSC 94/3/14 to the working group for detailed consideration. With regard to document MSC 94/3/17, the Committee agreed that it should be considered during the second phase of the work (i.e. non-SOLAS ships).

3.35 In light of the above, the Committee noted the statement by the observer from IFSMA that it was content that the provisions for ships designed, built, operated and manned for service in polar waters are adequate. However, the observer had considerable concern for other ships that enter these waters, as in its opinion, the development of the Polar Code has achieved very little in terms of improving safety in such a hostile environment (i.e. the inadequacy of life-saving appliances on cruise ships, including the absence of a lifeboat seat for every person), placing a great burden on shipmasters, who would be held responsible when an incident occurs.

### **Manning and training matters**

3.36 The Committee had for its consideration the following documents:

- .1 MSC 94/3/4 (United States), proposing to include a provision in part I-A of the draft Polar Code to allow for the use of "person(s) other than the master, chief mate or officers of the navigational watch" to satisfy the risk-based training requirements in chapter 12 (Manning and training familiarity), and inviting the Committee to instruct HTW 2 to consider transitional arrangements associated with the training requirements in support of the Polar Code. In addition to the transitional provisions to be included in the STCW Convention and Code, the HTW Sub-Committee

should also develop an MSC circular addressing the implementation of the guidance in part B of the STCW Code;

- .2 MSC 94/3/10 (Canada, Marshall Islands), discussing the likely impact of the requirements for officers' certification on the availability of ships making occasional voyages to the Arctic, which could negatively affect Arctic communities, and proposing options for mitigating this impact while meeting the requirements for trained and certificated personnel for ships operating in polar waters; and
- .3 MSC 94/3/20 (FOEI, WWF, Pacific Environment), commenting on the fact that environmental NGOs are of the view that voyage planning provisions pertaining to marine mammals in the draft Polar Code are a positive step, but that greater attention should be focused on other wildlife, specifically marine birds, which could be harmed by increased shipping activity in polar waters; and proposing that recommendatory language on voyage planning, related to marine bird congregations, be inserted into part I-B of the draft Code.

3.37 Following an in-depth discussion, the Committee, noting that there were different views regarding manning and training matters, agreed to refer documents MSC 94/3/4 and MSC 94/3/10 to the working group for further consideration. With regard to the proposal contained in document MSC 94/3/20, the Committee agreed that the appropriate body to deal with this proposal was the MEPC.

3.38 In light of the above decision regarding document MSC 94/3/20, the Committee noted the statement by the observer from FOEI, on behalf of the co-sponsors, that they remained concerned that measures to provide appropriate protection for large congregations of seabirds from shipping activities were not fully addressed in part II (Pollution prevention measures) of the Code, but required measures relevant to part I on voyage planning.

3.39 In addition, the Committee noted the statement by the delegation of Germany that it supported the outcome of HTW 1 (HTW 1/21, paragraph 11.17 and annex 3) on manning and training matters and did not agree to lower training requirements.

**Definitions in chapter 1 of part I-A**

3.40 Having considered the relevant part of document MSC 94/3/23 (Russian Federation) (paragraphs 1 to 7 and 9.1), proposing modifications to the definition of "icebreaker" and the insertion of a new definition (icebreaking capability), in order to clarify the existing definition, which determine an icebreaker as any ship having higher ice performance and able to render escort or other forms of assistance to a ship with lower ice class. The Committee, having noted that the definitions were considered in detail by the working group at MSC 93 and the term "icebreaking capability" is not used in the Code, did not agree to the aforementioned proposals.

**Outcome of NCSR 1**

3.41 The Committee considered the outcome of NCSR 1 on matters related to the Polar Code (MSC 94/9, paragraphs 2.20 to 2.24), together with document MSC 94/3/16 (United States), proposing revisions to chapter 9 (Safety of navigation) prepared by NCSR 1 to provide consistency with other chapters of the draft Code, and decided as follows:

- .1 approved the draft revised text for renumbered chapter 9 (safety of navigation) and 10 (communication) of the draft Polar Code (NCSR 1/28, paragraphs 23.11 and 23.17 and annex 18) and instructed the working group to include the revised draft chapters in the Code, taking into account document MSC 94/3/16;
- .2 approved the deletion of renumbered paragraph 11.4 (reporting) of renumbered chapter 11 of the draft Polar Code (NCSR 1/28, paragraph 23.18);
- .3 approved the draft revisions to sections 2.2 (navigation equipment) and 2.3 (communication equipment) of the Record of additional equipment and operational limitations for the Polar Ship Certificate (NCSR 1/28, paragraphs 23.12 and 23.19 and annex 19);
- .4 endorsed NCSR 1 view that the additional guidance in part I-B of the draft Polar Code regarding personal and group survival equipment was sufficient (NCSR 1/28, paragraph 23.14); and

- .5 approved the draft additional guidance on renumbered chapters 9 and 10 for possible inclusion in part I-B of the draft Polar Code (NCSR 1/28, paragraphs 23.15 and 23.21 and annex 20).

### **Establishment of the Joint Working Group on the Polar and IGF Codes**

3.42 Consequently, the Committee established the Joint Working Group on the Polar and IGF Codes (see also paragraph 11....) and instructed it, taking into account comments and decisions made in plenary, and all documents submitted under this item on matters related to the Polar Code, except for documents MSC 94/3/17, MSC 94/3/20 and MSC 94/3/23 (paragraphs 1 to 7 and 9.1), to:

- .1 finalize the draft new SOLAS chapter XIV, and the associated MSC resolution based on annex 2 to document MSC 94/3 and annex 2 to documents MSC 94/WP.5 and Add.1;
- .2 determine under which circumstances certification may be issued without survey;
- .3 finalize the draft International Code for Ships Operating in Polar Waters (Polar Code), and the associated MSC resolution, based on the annex to document MSC 94/3/1 and annex 1 to document MSC 94/WP.5/Add.1, as further modified by NCSR 1 (NCSR 1/28, annexes 18 to 20); and
- .4 prepare terms of reference for a correspondence group to finalize guidance on a system for determining limitations for operation in ice, based on documents MSC 94/3/7 and MSC 94/INF.13.

### **NON-MANDATORY INSTRUMENTS**

#### **Proposed consequential amendments to the MODU Codes**

3.43 The Committee recalled that MSC 93 approved the draft new SOLAS regulation XI-1/7 relating to the carriage requirements for portable atmosphere-testing instruments for enclosed spaces and also decided to approve, in principle, draft consequential amendments to the Code for the Construction and Equipment of Mobile Offshore Drilling Units (1979, 1989 and 2009 MODU Codes).

3.44 Having noted that no comments on the proposed amendments had been submitted (MSC 94/3/2), the Committee confirmed their contents, subject to editorial improvements, if any.

3.45 The Committee agreed that the above amendments to the MODU Codes proposed for adoption at the current session should be deemed to have effect on 1 July 2016.

#### **Draft MSC circular on Early implementation of regulation XI-1/7**

3.46 The Committee recalled that MSC 93 had approved the draft MSC circular on *Early implementation of regulation XI-1/7*, bearing in mind that the new draft SOLAS regulation XI-1/7 would only be entering into force on 1 July 2016.

3.47 In considering whether the provisions of regulation XI-1/7 would be applicable to high-speed craft, the Chairman of the CCC Sub-Committee advised the Committee that the provisions of the circular are intended to apply to all ships, including high-speed craft.

3.48 The Committee noted that no comments on the draft MSC resolution and draft MSC circular had been received (MSC 94/3/3) and confirmed its contents, subject to editorial improvements, if any.

#### **ESTABLISHMENT OF THE DRAFTING GROUP ON CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS**

3.49 Following discussion, 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, and the 2011 ESP Code, together with the associated draft MSC resolutions, based on annexes 1 and 3 to document MSC 94/3;
- .2 the final text of the draft consequential amendments to the Code for the Construction and Equipment of Mobile Offshore Drilling Units (1979, 1989 and 2009 MODU Codes), based on annexes to document MSC 94/3/2; and



- .3 the final text of the draft MSC circular on *Early implementation of SOLAS regulation XI-1/7*, based on document MSC 94/3/3.

#### **[REPORT OF THE DRAFTING GROUP ON CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS**

3.50 Having considered the report of the Drafting Group on Consideration and Adoption of Amendments to Mandatory Instruments (MSC 94/WP.6), the Committee approved it in general and took action as indicated in paragraphs 3.51 to 3.57.

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

##### ***Adoption of amendments to the 1974 SOLAS Convention***

3.51 The expanded Committee, including the delegations of [...] Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the Convention, prepared by the drafting group (MSC 94/WP.6, annex 1), and adopted the amendments unanimously by resolution MSC.[...](94), as set out in annex [...].

3.52 In adopting the above resolutions, 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 January 2016 (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 should enter into force on 1 July 2016, in accordance with the provisions of article VIII thereof.

##### ***Adoption of amendments to the 2011 ESP Code***

3.53 The expanded Committee considered the proposed amendments to the 2011 ESP Code, as prepared by the drafting group (MSC 94/WP.6, annex 2); and adopted the amendments unanimously by resolutions MSC.[...](94) , as set out in annex [...].

3.54 In adopting the above resolution, 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 January 2016 (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 should enter into force on 1 July 2016, in accordance with the provisions of SOLAS article VIII.

### **Non-mandatory instruments**

3.55 The Committee considered the final text of amendments to non-mandatory instruments, including related draft MSC resolutions and circulars, prepared by the drafting group (MSC 94/WP.6, annexes 3 to 5).

3.56 After consideration, the Committee adopted:

- .1 amendments to the 1979 MODU, by resolution MSC.[...](94), as set out in annex [...];
- .2 amendments to the 1989 MODU, by resolution MSC.[...](94), as set out in annex [...]; and
- .3 amendments to the 2009 MODU Code, by resolution MSC.[...](94), as set out in annex [...].

3.57 In this connection, the Committee also approved MSC.1/Circ... on *Early implementation of SOLAS regulation XI-7 on atmosphere testing instrument for enclosed spaces*.

### **REPORT OF THE JOINT WORKING GROUP ON POLAR AND IGF CODES**

3.58 Having considered part 1 of the report of the Joint Working Group on Polar and IGF Codes (MSC 94/WP.7) (see paragraph 3.41 above), the Committee approved it in general and took action as indicated below.

### **New SOLAS chapter XIV**

#### ***Regulation 1 – Definitions***

3.59 Having considered the proposed modifications to the definitions of the terms "Polar Code" and Arctic waters" (draft new regulations XIV/1.1 and XIV/1.3, respectively) prepared by the working group, the Committee approved the proposed modifications to the aforementioned definitions and requested the Secretariat to inform MEPC 68 of the modifications to the definitions of the Polar Code and Arctic waters for harmonization purposes.

### **Adoption of amendments to the 1974 SOLAS Convention**

3.60 The expanded Committee, including the delegations of [...] Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the 1974 SOLAS Convention, as prepared by the working group (MSC 94/WP.7, annex 1), and adopted the amendments unanimously by resolution MSC.[...](94), as set out in annex [...].

3.61 In adopting resolution MSC.[...](94), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted new chapter XIV of the SOLAS Convention should be deemed to have been accepted on 1 July 2016 (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 should enter into force on 1 January 2017, in accordance with the provisions of article VIII thereof.

### **International Code for Ships Operating in Polar Waters (Polar Code)**

3.62 In considering the final text of the Introduction and parts I-A and I-B of the International Code for Ships Operating in Polar Waters (Polar Code), the Committee:

- .1 requested the Secretariat to update figure 2 (Maximum extent of Arctic waters application), contained in the Introduction of the Code, to accurately illustrate the Polar Code boundary; and
- .2 instructed the III Sub-Committee to consider survey and certification matters, under the provision of the Polar Code, in its next review of the HSSC Guidelines, prior to the entry into force of the new SOLAS chapter XIV.

### **Adoption of a new mandatory instrument**

#### ***Adoption of the International Code for Ships Operating in Polar Waters (Polar Code)***

3.63 The expanded Committee considered the final text prepared by the working group (MSC 94/WP.7, annex 2) and adopted the Introduction and parts I-A and I-B of the International Code for Ships Operating in Polar Waters (Polar Code), by resolution MSC.[...](94), as set out in annex [...].

### **Establishment of a correspondence group**

3.64 In regard to matters related operational limitations, the Committee agreed to establish the Correspondence Group on Operational Limitations in Ice, under the coordination of Norway\*, and instructed the group to:

- .1 prepare draft guidance on a methodology for determining limitations for operation in ice, and the associated draft MSC circular, for structural risk assessment and inclusion in the ship's documentation, based on documents MSC 94/3/7 and MSC 94/INF.13, taking into account documents MSC 94/3/18, MSC 94/3/19, MSC 94/3/21, MSC 94/3/22, MSC 94/3/23 and MSC 94/WP.7, annex 3;
- .2 exchange information on experience with operations in ice for the purpose of validating guidance for operation in ice; and
- .3 submit a report to MSC 95.

### **INSTRUCTIONS TO THE SECRETARIAT**

3.65 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.

3.66. 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).]

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## 4 MEASURES TO ENHANCE MARITIME SECURITY

### Guidelines for the development of national maritime security legislation

4.1 In considering the correspondence group report on *Guidelines for the Development of National Maritime Security Legislation* as set out in document MSC 94/4 the Committee recognized that further work was needed in order to finalize the guidelines and to accommodate the concerns and queries expressed in the submission by China (MSC 94/4/2) and that such work required the re-establishment of the correspondence group.

### Establishment of a correspondence group

4.2 To progress the work intersessionally, the Committee re-established the correspondence group tasked with reviewing and subsequently finalizing the draft *Guidance on Development of National Maritime Security Legislation*, under the coordination of the United States<sup>1</sup>, taking into account comments and proposals made in document MSC 94/4/2, to report to the next session of the Committee.

### Measures toward enhancing maritime cybersecurity

4.3 The Committee was advised that the thirty-ninth session of the FAL Committee considered document FAL 39/7 (Canada) proposing the development of guidelines on maritime cybersecurity on FAL-related issues.

4.4 The Committee considered document MSC 94/4/1 (Canada and United States), proposing to develop guidelines on cybersecurity enhancing cooperation between cybersecurity specialists and managers in order to protect ships, ports and maritime installations and to provide high-level information regarding potential cyber vulnerabilities.

4.5 The observer from BIMCO advised the Committee that BIMCO had been working with partners on guidance for shipowners and ships' crews on operational aspects of cybersecurity, and in particular the vulnerability of ships' computerized equipment to

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unauthorized access due to outdated software. As this work is ongoing, BIMCO advised that it intended to provide an update to the next session of the Committee.

4.6 The Committee, bearing in mind the work of the FAL Committee in this respect, agreed that any work carried out by the Committee on this issue should be coordinated with the FAL Committee.

4.7 The Committee agreed that cybersecurity was an important and timely issue but that the Organization should not take unilateral action on this matter without consultation with other United Nations bodies and relevant international organizations such as the International Telecommunication Union (ITU), and therefore invited member States and observer organizations to consider the issue and submit proposals to the next session of the Committee.

#### **Security-related outcome of the thirty-ninth session of the Facilitation Committee**

4.8 The Committee noted the outcome of the discussion of FAL 39, which concluded that in the majority of cases the occurrence of stowaways and attempted stowaways on board ships was due to a lack of proper implementation of IMO's maritime security measures as contained in SOLAS chapter XI-2 and the ISPS Code.

4.9 The Committee noted further that the matter had been addressed during the comprehensive revision process of the FAL Convention, which now includes, *inter alia*, amendments to section 4 (Stowaways) and relevant security-related aspects, which were also the subject of two seminars on the prevention of stowaway cases this year conducted by the Secretariat under IMO's Integrated Technical Cooperation Programme.

#### **United Nations Security Council resolution 2182 (2014)**

4.10 The Committee noted that on 24 October 2014 the United Nations Security Council had adopted resolution 2182 (2014) on the situation in Somalia and Eritrea, the main scope of which was to highlight the need to prevent unauthorized deliveries of weapons and military equipment to Somalia and to prevent the direct or indirect export of charcoal from Somalia, some provisions of which may have impact upon the shipping industry, specifically operative paragraph 10 in relation to weapons on board vessels engaged in commercial activity in Somali ports, and operative paragraphs 11 to 22 referring to the maritime interdiction of charcoal and arms. Particular attention was drawn to operative paragraphs 15 and 16 as

they have implications for flag States in respect of inspections of merchant ships by Member States, acting nationally or through voluntary multinational naval partnerships. Links to the resolution are provided on the United Nations website [www.un.org](http://www.un.org) and maritime security pages of the IMO website [www.imo.org](http://www.imo.org).

## **5 GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS**

### **General**

5.1 The Committee recalled that MSC 93 noted progress on the implementation of GBS verification audits, in particular, that 13 recognized organizations (ROs) had submitted requests for GBS verification audits by the end of 2013.

5.2 The Committee further recalled that, with regard to the development of *Interim guidelines for the safety-level approach (SLA) to the IMO rule-making process*, MSC 93, having considered document MSC 93/5/1 (Germany), in relation to the development of the GBS guideline on LSA, agreed that the relevant outcome of SSE 1 should be considered by the GBS Working Group at a future session, taking into account the mapping of the relationship between functional requirements and the regulations of SOLAS chapter III and the LSA Code, as proposed by Germany.

### **Implementation of the GBS verification audits**

5.3 The Committee noted document MSC 94/5 (Secretariat), providing progress on the implementation of GBS verification audits, in particular that five audit teams had been established and the verification audits on the 13 ROs had started from the end of July 2013. Regarding the possibility to form a sixth audit team to combine reports of teams 1 to 5 mentioned in the document (paragraph 7), the Secretariat proposed that, based on the experience gained to date with the GBS verification audits, the current teams 1 to 5 were sufficient (i.e. team 6 will not be established) to finalize the audit reports for submission to MSC 96. Subsequently, the Committee endorsed the above arrangements related to the GBS verification audits.

5.4 In this connection, the Committee noted the statement by the observer from CESA related to the Ship Construction File required by SOLAS regulation II-1/3-10, the text of which is set out in annex [...].

### **Safety-level approach (SLA)**

5.5 The Committee had for its consideration the following documents:

- .1 MSC 94/5/1 (China), providing specific suggestions on the development of *Interim guidelines for the safety-level approach (SLA) to the IMO rule-making process*, based on the Elements for consideration in the development of Interim guidelines (MSC 92/WP.9, annex 2), adding new sections for purpose, principles and procedures to clarify the guidelines; and
- .2 MSC 94/5/2 (Germany), proposing information on the further development of Goal-based Standards Safety-level Approach (GBS-SLA), in particular on the development of functional requirements (tier II), and annexing an example of functional requirement for GBS-SLA with three aspects (Description, Rationale and Expected performance), based on the function map, discussed at SSE 1. It also proposed to amend *Generic guidelines for developing IMO goal-based standards* (MSC.1/Circ.1394) by adding a section that specifies the degree of detail to be considered on a functional requirement and the elements to be considered when specifying functional requirements.

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

- .1 both documents should be forwarded to the working group for further discussion;
- .2 while SLA would be used in tier 1 (goal) and tier 2 (functional requirements), SLA may not be suitable for tier 4 (specific rules and regulations); and
- .3 while amending MSC.1/Circ.1394 was generally supported, a concern was raised that the correspondence group established by SSE 1 has almost completed its work based on MSC.1/Circ.1394,

decided to forward the above documents to the joint Working Group on Goal-based Standards and Formal Safety Assessment for detailed consideration.



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## **Establishment of the joint Working Group on Goal-based Standards and Formal Safety Assessment (GBS/FSA Working Group)**

5.7 Having considered the above matters, the Committee established a joint Working Group on Goal-based Standards and Formal Safety Assessment (GBS/FSA Working Group) and instructed it, taking into account documents MSC 94/5/1 and MSC 94/5/2, together with relevant outcome of SSE 1 and the comments made in plenary, to:

- .1 further consider the "Elements for consideration in the development of *Interim guidelines for the safety level approach (SLA) to the IMO rule-making process*" (MSC 92/WP.9, annex 2), taking into account document MSC 94/5/1; and
- .2 consider the proposals contained in document MSC 94/5/2, in relation to the development of the Goal-based Standards Safety-level Approach (GBS-SLA), including possible amendments to MSC.1/Circ.1394, and advise the Committee accordingly.

[MORE TO COME]

## **6 PASSENGER SHIP SAFETY**

### **Background**

6.1 The Committee recalled that, since the capsizing of the passenger ship **Costa Concordia**, MSC 90, MSC 91, MSC 92 and MSC 93 had established a Working Group on Passenger Ship Safety. As a result of the work, the Committee had adopted resolution MSC.336(90) on *Measures aimed at enhancing safety of passenger ships*, approved MSC.1/Circ.1446/Rev.2 on *Recommended interim measures for passenger ship companies to enhance the safety of passenger ships* and approved the Revised long-term action plan on passenger ship safety (MSC 93/WP.6/Rev.1, annex 3).

### **Outcome of III 1 – analysis of the marine safety investigation report**

6.2 During the consideration of the outcome of III 1 (MSC 94/6) relating to the analysis of the marine safety investigation report on the grounding and loss of the passenger ship **Costa Concordia** along with the contributing factors, issues raised/lessons learned and observations on the human element, the following views were expressed that:

- .1 III 1 had not completed in-depth analysis of the casualty investigation report on the **Costa Concordia** and as such no new items should be included in the Revised Action Plan for long-term work on Passenger Ship Safety (long-term action plan);
- .2 several items which were suggested for inclusion in table 1 of the long-term action plan had already been discussed in the Working Group on Passenger Ship Safety at earlier sessions of the Committee and did not merit further consideration;
- .3 III 1 had taken into account that the items, which were potential issues for inclusion in table 1 of the long-term action plan, were subject to provision of full justification in accordance with the Committees' Guidelines; and
- .4 the Secretariat had identified four items which were already included in the long-term action plan and four other items which could be included in table 1.

6.3 After some discussion, the Committee agreed to add, in square brackets, those items which had not already been included brought forward by III 1 to the long-term action plan for consideration by the Committee at its next session (paragraphs 6.[15] and 6.[16] refer).

#### **Computerized stability support for the master in case of flooding**

6.4 The Committee recalled that MSC 92 had considered the matter of computerized stability support for the master in case of flooding and included the matter of onboard stability computer support or shore-based support for existing passenger ships in the long-term action plan.

6.5 The Bahamas et al. (MSC 94/6/1), following the discussion at MSC 92, proposed to extend, to existing passenger ships, the SOLAS requirement relating to computerized stability support for the master in case of flooding.

6.6 In this context, the Committee noted that while this proposal was for a new unplanned output, and had been submitted within the deadline for unplanned outputs, the proponents considered it desirable to discuss this under this agenda item.

6.7 During the ensuing discussions, the following views were expressed that:

- .1 the compelling need and other essential information had been provided to approve this item as a new unplanned output;
- .2 the SDC Sub-Committee was already considering a matter which was closely related to this item and this was not progressing due to the lack of submissions; and
- .3 it would be beneficial to consider this item in conjunction with the aforementioned item.

6.8 After some discussion and noting that the deadline for submissions to SDC 2 would not allow for the preparation of high-quality submissions, the Committee agreed to include a new unplanned output in the post-biennial agenda of SDC Sub-Committee and update the long-term action plan accordingly.

#### **Plans for cooperation between SAR services and passenger ships**

6.9 The Committee recalled that MSC 93 had considered the matter of the availability of required updated plans for cooperation between SAR services and passenger ships and had invited Member Governments and interested organizations to submit relevant information to this session of the Committee, in order to identify particular issues in the communication of SAR Cooperation Plans between the stakeholders involved.

6.10 The Committee had for its consideration the following documents:

- .1 MSC 94/6/2 (United States), providing an assessment of SAR cooperation plans on board passenger ships calling at United States ports, in particular the content of the plans, frequency of updates and comparisons of revision dates between the ship and SAR data provider; and
- .2 MSC 94/6/4 (Finland, et al.) providing information regarding ongoing efforts amongst the parties involved with providing and maintaining SAR plans for cooperation to improve their effectiveness where necessary, and suggesting that a comprehensive review of the current Guidelines contained in MSC.1/Circ.1079 was needed.

6.11 After some discussion and having noted general support for the review of MSC.1/Circ.1079 and that the revision of the guidelines contained in MSC.1/Circ.1079 would require a proposal for a new unplanned output, the Committee invited the co-sponsors of document MSC 94/6/4 to submit a proposal for a new unplanned output for consideration by the Committee.

### **Maintenance of watertight doors**

6.12 Italy (MSC 94/6/3) provided its analysis on the maintenance of watertight doors resulting from an assessment of the current requirements, both international and national, applicable to passenger ships and suggested to include the matter "watertight doors maintenance" in table 1 of the long-term action plan on passenger ship safety with a view to developing an amendment to SOLAS regulation II-1/21 and technical guidelines. Furthermore, in its view, although the long-term action plan was on passenger ships safety, the matter could be considered equally applicable to cargo ships and that this aspect would need to be considered in future.

6.13 During the ensuing discussions, the following views were expressed that:

- .1 the maintenance of watertight doors was already covered by the ISM code and that there was no need to consider this further; and
- .2 there was no direct link with the casualty investigation report of the **Costa Concordia** and more justification was needed to take this item forward.

6.14 After some discussion, the Committee agreed to add the item "watertight doors maintenance" to the long-term action plan with the understanding that this would not prejudice the outcome of consideration of any further proposal for a new unplanned output on this matter.

### **Status and purpose of the long-term action plan on passenger ship safety**

6.15 The Committee recalled that MSC 93 endorsed the Passenger Ship Working Group's view that the list of potential issues on the long-term action plan should be finalized at MSC 94 and encouraged Member Governments to submit proposals with justifications for unplanned outputs for the items detailed in table 1. MSC 93 had also agreed that those

potential issues for which full justification was not submitted by MSC 96 (May/June 2016) should be deleted from table 1.

6.16 Accordingly, the Committee instructed the Secretariat to update the long-term action plan on the basis of the outcome of the discussions under this agenda item and re-issue the plan to MSC 95 as soon as possible after this session, so that delegations might comment on the revised plan.

#### **Recommended interim measures**

6.17 The Committee recalled that MSC 93 had noted that there would be a need to keep MSC.1/Circ.1446/Rev.2, the *Recommended Interim measures for passenger ship companies to enhance the safety of passenger ships*, updated as matters progressed and agreed to delete the word "interim" when next revising the circular.

6.18 In this context, the Committee agreed that there was no need to update the circular at this session of the Committee.

## **7 HUMAN ELEMENT, TRAINING AND WATCHKEEPING**

### **REPORT OF THE FIRST SESSION OF THE SUB-COMMITTEE**

#### **General**

7.1 The Committee recalled that MSC 93 had considered a number of urgent matters emanating from the first session of the Sub-Committee on Human Element, Training and Watchkeeping (HTW) (MSC 93/22, section 11).

7.2 The Committee, having considered the remaining issues emanating from HTW 1 (HTW 1/21 and MSC 94/7), approved, in general, the report of HTW 1 and took action as indicated hereunder.

#### **Use of GISIS for reporting information**

7.3 The Committee concurred with the Sub-Committee's recommendation on the use of GISIS for reporting information as an efficient tool to fulfil their obligations as Contracting Governments to the STCW Convention and Code.

**Amendments to the STCW Convention and part A and part B of the STCW Code related to the IGF Code**

7.4 The Committee considered document MSC 94/7/2 (Spain) that proposed an amendment to draft regulation V/3 and section A-V/3 (mandatory minimum requirements for the training and qualifications of masters, officers, ratings and other personnel serving on board ships subject to the IGF Code) of the STCW Convention and Code prepared by HTW 1, in particular, the recognition of training of crews meeting the requirements for liquefied gas tankers.

7.5 In the ensuing discussion, the following views were expressed that:

- .1 the training requirements for liquefied gas tankers had been thoroughly discussed at HTW 1 and that the amendments to the STCW Convention and Code as prepared by HTW 1 should be accepted;
- .2 the draft amendments provided a robust mechanism for transfer of mariners competence from the IGF Code to the IGC Code;
- .3 the proposals unnecessarily limited the experience of seafarers and impacted on a safety culture;
- .4 requirements for familiarization training were covered by STCW Convention regulation I/14; and
- .5 the proposal had merit and should be accepted.

7.6 After some discussion, the Committee did not agree with the amendments proposed by Spain and approved the amendments related to the IGF Code to the STCW Convention and part A and part B of the STCW Code, and the associated draft MSC resolutions and STCW circular, and instructed the Secretary-General to circulate them in accordance with article XII of the STCW Convention with a view to adoption by MSC 95.

**Interim guidance on training for seafarers on board ships using gases or other low-flashpoint fuels**

7.7 The Committee approved, with minor amendments, STCW.7/Circ.23 on *Interim guidance on training for seafarers on board ships using gases or other low-flashpoint fuels*.

**SECRETARY-GENERAL'S REPORT PURSUANT TO STCW REGULATION I/7, PARAGRAPH 2**

7.8 The Committee noted that no reports pursuant to STCW regulation I/7, paragraph 2 had been submitted to this session for consideration.

**SECRETARY-GENERAL'S REPORT PURSUANT TO STCW REGULATION I/8**

7.9 In introducing the report (MSC 94/WP.3), 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 2, the Secretary-General 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 reports, as required by MSC.1/Circ.1449, were 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.

7.10 Having considered the Secretary-General's reports attached to document MSC 94/WP.3, the Committee confirmed that the procedures for the assessment of information provided had been correctly followed in respect of three STCW Parties, and requested the Secretariat to issue an updated circular as MSC.1/Circ.1164/Rev.14.

7.11 The delegation of the Cook Islands noted that at many meetings of the Committee, STCW Parties had been found to be giving full and complete effect to the provisions of regulations I/7 and I/8 of the STCW Convention, and expressed its concern that such STCW Parties did not automatically recognize certificates, under regulation I/10, issued by other Parties also found to be giving the Convention full and complete effect. In its opinion, this added to their administrative burden when contacting other Parties for recognition, and in order to keep the system's credibility, the Committee should revisit the provisions of, or dispense with, regulation I/10.

**APPROVAL OF COMPETENT PERSONS**

7.12 The Committee approved additional competent persons nominated by Governments (MSC 94/7/1 and Add. 1), and requested the Secretariat to issue an updated circular as MSC/Circ.797/Rev.26.

## **Seafarer Fatigue, Minimum Manning and the Mitigation of Fatigue**

7.13 The Committee noted with appreciation the information contained in document MSC 94/INF.6 (InterManager, ITF and the Nautical Institute).

### **Comprehensive review of the STCW-F Convention**

7.14 The delegation of Japan referred to their statement at HTW 1 on the necessity of a comprehensive review of the STCW-F Convention as almost 20 years had elapsed since the adoption of the STCW-F Convention. In this context, Japan, supported by a number of delegations, reiterated the need for a comprehensive review similar to that done for the STCW Convention and the Torremolinos Protocol, in order to solve the problems that constrained many countries from becoming Parties to the Convention. Furthermore, Japan informed the Committee that they would submit, along with other possible co-sponsors, a proposal for an unplanned output for a comprehensive review of the STCW-F Convention to MSC 95.

## **8 SHIP SYSTEMS AND EQUIPMENT**

### **REPORT OF THE FIRST SESSION OF THE SUB-COMMITTEE**

8.1 The Committee approved, in general, the report of the first session of the Sub-Committee on Ship Systems and Equipment (SSE) (SSE 1/21 and MSC 94/8) and took action as indicated in paragraphs 8.2 to 8.15, recalling that MSC 93 had already taken action on urgent matters emanating from SSE 1 (MSC 93/22, section 12).

### **Draft amendments to SOLAS regulation II-2/20**

8.2 The Committee considered the proposed draft amendments to SOLAS regulation II-2/20.3, together with document MSC 94/8/2 (IACS), providing comments on the draft amendments with respect to the air quality management system provisions and proposing a modified text of the draft SOLAS regulation II-2/20.3.1.2.4.

8.3 Following the discussion, the Committee, having agreed to the proposal set out in document MSC 94/8/2, approved the draft amendments to SOLAS regulation II-2/20.3, as set out in annex [...], requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 95, and instructed SSE 2 to review the approved draft amendments, in conjunction with SOLAS regulation II-2/19, and advise MSC 95, as appropriate.



### **Amendments to the Code for the Construction and Equipment of Mobile Offshore Drilling Units, 2009 (2009 MODU Code)**

8.4 The Committee, having considered the draft amendments to paragraph 14.12.4 of the 2009 MODU Code, allowing alternative procedures for lifeboat drills on MODUs, adopted resolution MSC.[...](...) on *Amendments to the Code for the Construction and Equipment of Mobile Offshore Drilling Units, 2009 (2009 MODU Code)*, as set out in annex [...].

#### **Guidelines on alternative methods for lifeboat drills on MODUs**

8.5 In connection with the adoption of the above amendments to the 2009 MODU Code, the Committee approved MSC.1/Circ.[...] on *Guidelines on alternative methods for lifeboat drills on MODUs* and noted that these Guidelines may be used in conjunction with the provision of onboard training and instructions in paragraph 10.6.3 of the 1979 MODU Code and in paragraph 14.12 of 1989 MODU Code.

#### **Amendment to the recommendation on conditions for the approval of servicing stations for inflatable liferafts (resolution A.761(18))**

8.6 The Committee adopted resolution MSC.[...](...) on *Amendment to the recommendation on conditions for the approval of servicing stations for inflatable liferafts (resolution A.761(18))*, as set out in annex [...].

#### **Draft amendments to SOLAS regulations II-2/4.5 and II-2/11.6**

8.7 Having considered the draft amendments to SOLAS chapter II-2 proposed to clarify the provisions related to the secondary means of venting cargo tanks, the Committee approved the draft amendments to SOLAS regulations II-2/4.5 and II-2/11.6, as set out in annex [...], and requested the Secretary-General to circulate the above amendments in accordance with SOLAS article VIII, with a view to adoption at MSC 95.

#### **Unified interpretations of chapters 5, 9 and 10 of the FSS Code**

8.8 The Committee, having considered the draft unified interpretations related to fixed gas fire-extinguishing systems, fixed fire detection and fire alarm systems, and sample extraction smoke detection systems, approved MSC.1/Circ.[...] on unified interpretations of chapters 5, 9 and 10 of the FSS Code.

#### **Unified interpretation of part 3 of annex 1 to the 2010 FTP Code**

8.9 Having considered the draft unified interpretation on testing and approval of pipe penetrations and cable transits which do not utilize conventional components, for use on "A"

class divisions, the Committee approved MSC.1/Circ.[...] on the unified interpretation of part 3 of annex 1 to the 2010 FTP Code.

#### **Unified interpretation of the Revised recommendation on testing of life-saving appliances (resolution MSC.81(70))**

8.10 The Committee, having considered the draft unified interpretation related to load testing of hooks intended for the primary release of lifeboats and rescue boats, approved MSC.1/Circ.[...] on the unified interpretation of the *Revised recommendation on testing of life-saving appliances* (resolution MSC.81(70)).

#### **Unified interpretation of SOLAS regulation III/31.1.4**

8.11 Having noted the latest version of IACS Unified Interpretation (UI) SC213 on the embarkation stations and stowage location of the liferaft, regarded as "remotely located survival craft", the Committee approved MSC.1/Circ.[...] on the unified interpretation of SOLAS regulation III/31.1.4.

#### **Amendments to the unified interpretations of SOLAS chapter II-2, the FSS Code, the FTP Code and related fire test procedures (MSC/Circ.1120)**

8.12 The Committee approved MSC.1/Circ.[...] on amendments to the unified interpretations of SOLAS chapter II-2, the FSS Code, the FTP Code and related fire test procedures (MSC/Circ.1120).

#### **Amendments to the unified interpretations of SOLAS chapter II-2 and the FSS and FTP Codes (MSC.1/Circ.1456)**

8.13 The Committee approved MSC.1/Circ.[...] on amendments to the unified interpretations of SOLAS chapter II-2 and the FSS and FTP Codes (MSC.1/Circ.1456).

#### **Correction to resolution MSC.81(70), as revised by resolution MSC.323(89)**

8.14 The Committee endorsed the decision of SSE 2 to issue a corrigendum to modify paragraph 6.2.2. of part 1 in resolution MSC.81(70), due to an inadvertent omission.

#### **Errors in the 2010 FTP Code**

8.15 The Committee noted the decision of SSE 2 to issue an erratum on part 10 of the 2010 FTP Code to address the errors in connection with testing and certification of materials used for furniture and other components of high-speed craft.

#### **IMPLEMENTATION OF SECTION 8 OF THE 2000 HSC CODE**

8.16 The Committee considered document MSC 94/8/1 (IACS), requesting clarification regarding the implementation of paragraphs 8.10.1.4, 8.10.1.5 and 8.10.1.6 of the 2000 HSC Code concerning the exemption from the installation of rescue boats for high-speed craft of less than 30 m in length.

8.17 Following discussion on the opinion expressed by IACS that high-speed craft of less than 30 m in length, due to the size and general arrangement of such craft, may be exempted from carrying a rescue boat, provided the requirements of paragraphs 8.10.1.5.1 to 8.10.1.5.3 of the 2000 HSC Code are fulfilled, the Committee, having noted clear support for the IACS view and noting that paragraph 8.10.1.6 clearly requires a sufficient number of rescue boats for marshalling liferafts, agreed to instruct SSE 2 to prepare draft amendments to the 1994 and 2000 HSC Codes for further consideration at MSC 95. Interested Member Governments and international organizations were invited to submit comments and proposals to SSE 2 under "Any other business".

#### **IN-SERVICE TESTING OF AUTOMATIC SPRINKLER SYSTEMS ON PASSENGER SHIPS**

8.18 The Committee considered document MSC 94/20/2 (Bahamas), updating the findings from the testing programme on automatic sprinkler systems on passenger ships implemented by the Bahamas, identifying a number of serious issues to be addressed as a matter of urgency and proposing draft amendments to the *Revised guidelines for the maintenance and inspection of fire protection systems and appliances* (MSC.1/Circ.1432) and chapter 8 of the FSS Code to address the findings.

8.19 In considering this matter, the Committee noted the following views expressed during the discussion:

- .1 in view of the emergence of this new hazard and the potential consequences should automatic sprinkler systems fail to operate completely on a passenger ship, an MSC circular raising awareness of the findings from the testing programme on automatic sprinkler systems on passenger ships implemented by the Bahamas should be developed as a matter of urgency;
- .2 bearing in mind the complexity of the matter, document MSC 94/20/2 needs to be forwarded to the SSE Sub-Committee for detailed consideration with

a view to preparing the amendments to the *Revised guidelines for the maintenance and inspection of fire protection systems and appliances* (MSC.1/Circ.1432) and chapter 8 of the FSS Code, as appropriate; and

- .3 interim guidance should also be developed in addition to MSC.1/Circ.1432, based on the Bahamas' testing procedure, for use by Member Governments, international organizations and all other parties concerned before the amendments referred to above are available.

8.20 Following the discussion, the Committee agreed that urgent action was needed on the Bahama's findings and, consequently, decided that an informal group of experts on ship systems and equipment should be established and instructed it, taking into account the comments and decisions made in plenary regarding failures of sprinklers to operate during testing on board ships in service, as highlighted in document MSC 94/20/2, to:

- .1 prepare a draft MSC circular raising awareness of the findings from the testing programme on automatic sprinkler systems on passenger ships implemented by the Bahamas;
- .2 develop interim guidance based on the Bahamas' testing procedure with a view to attaching the guidance to the above draft MSC circular; and
- .3 consider how best to proceed in the long term in light of the proposals contained in document MSC 94/20/2 and advise the Committee accordingly.

[MORE TO COME]

## **9 NAVIGATION, COMMUNICATIONS, SEARCH AND RESCUE**

### **REPORT OF THE FIRST SESSION OF THE SUB-COMMITTEE**

#### **General**

9.1 The Committee approved, in general, the report of the first session of the Sub-Committee on Navigation, Communications, Search and Rescue (NCSR) (NCSR 1/28 and MSC 94/9) and took action as indicated hereunder.

### **Amendments to existing traffic separation schemes (TSSs)**

9.2 In accordance with resolution A.858(20), the Committee adopted amendments to the following existing traffic separation schemes:

- .1 "In the Strait of Gibraltar";
- .2 "In the waters off the Chengshan Jiao Promontory"; and
- .3 "Off Friesland",

as set out in annex [...], for dissemination by means of COLREG.2/Circ.[...].

### **Routeing measures other than TSSs**

9.3 In accordance with resolution A.858(20), the Committee adopted the following new and amended routeing measures other than separation schemes, including revocation of the existing routeing measures other than traffic separation schemes:

- .1 amendment to the existing recommended directions of traffic flow in the precautionary area off Tanger-Med in the Strait of Gibraltar areas;
- .2 new areas to be avoided "Off Friesland";
- .3 amendments to the deep-water routes forming parts of routeing system "Off Friesland";
- .4 amendments to the mandatory route for tankers from North Hinder to the German Bight;
- .5 amendments to the existing two-way route in the Great North-East Channel;
- .6 new two-way routes and a precautionary area at Jomard Entrance, Papua New Guinea; and
- .7 revocation of the area to be avoided in the region of the Great Barrier Reef, as set out in annex [...], for dissemination by means of SN.1/Circ.[...].

### **Amendments to the existing mandatory ship reporting system**

9.4 In accordance with resolution A.858(20), the Committee adopted resolution MSC.[...](94) on *Amendments to the existing mandatory ship reporting system Off Chengshan Jiao Promontory*, as set out in annex [...], for dissemination by means of SN.1/Circ.[...].

### **Implementation of the adopted routeing measures and amended existing mandatory ship reporting system**

9.5 The Committee decided that the new, amended and revoked routeing measures and the amended existing mandatory ship reporting system, detailed in subparagraphs 9.2 to 9.4 (annexes [.. to ..]) be implemented six months after their adoption, i.e. on 1 June 2015 at 0000 hours UTC.

### **Consolidation of ECDIS-related IMO circulars**

9.6 The Committee endorsed the action taken by the Sub-Committee to forward the draft MSC circular on ECDIS-Guidance for good practice to the HTW Sub-Committee for review, in particular, the provisions related to ECDIS training and the use of simulators, for subsequent approval by the Committee.

### **BeiDou satellite navigation system**

9.7 The Committee recognized the satellite navigation system "BeiDou" as a future component of the World-Wide Radionavigation System, and consequently approved SN.1/Circ.[..] on *Recognition of the Beidou Satellite Navigation System (BDS) as a component of the World-Wide Radionavigation System*. In this context, the delegation of the United States made a statement, as set out in annex [...].

### **LRIT matters**

9.8 The Committee approved amendments to:

- .1 COMSAR.1/Circ.54/Rev.1 on Audits of LRIT Data Centres and of the International LRIT Data Exchange conducted by the LRIT Coordinator;
- .2 MSC.1/Circ.1259/Rev.5 and MSC.1/Circ.1294/Rev.3 on LRIT Technical documentation, parts 1 and 2, respectively;

- .3 MSC.1/Circ.1338 on Guidance to Search and Rescue services in relation to requesting and receiving LRIT information;
- .4 MSC.1/Circ.1376/Rev.1 on Continuity of service plan for the LRIT system; and
- .5 MSC.1/Circ.1412 on Principles and guidelines relating to the review and audit of the performance of LRIT Data Centres and the International LRIT Data Exchange,

and instructed the Secretariat to issue updated circulars as COMSAR.1/Circ.54/Rev.2, MSC.1/Circ.1259/Rev.6, MSC.1/Circ.1294/Rev.4, MSC.1/Circ.1338/Rev.1, MSC.1/Circ.1376/Rev.2 and MSC.1/Circ.1412/Rev.1, respectively.

#### **Sustainability and viability of the LRIT system**

9.9 The Committee noted that NCSR 1 had considered a recommendation by the European Commission to initiate a review of the LRIT system for the purpose of continuous improvement (NCSR 1/8/6) and that, recognizing the need for a review of the LRIT system, it had agreed that this was a policy issue that should be considered by the Committee and invited interested Member Governments to submit appropriate proposals to the Committee.

9.10 In this context, the Committee considered document MSC 94/9/6 (Liberia) proposing to improve the financial sustainability and viability of the LRIT system by:

- .1 changing the default interval for transmission of LRIT information from four to two positions per day (i.e. one transmission every 12 hours); and
- .2 establishing a different mechanism for the audit of LRIT Data Centres (DCs) by developing a new module as part of the IMO Global Integrated Shipping Information System (GISIS), which could perform the analysis of samples of data submitted by DCs and produce a report for evaluation by the LRIT Operational governance body.

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

- .1 with regard to changing the default interval for transmission of LRIT information that:
  - .1 a reduction of the default interval would negatively affect the use of the system, in particular, for maritime domain awareness and security-related purposes, and to support search and rescue operations;
  - .2 the current default interval of four transmissions per day was not cost effective given the low number of data requests from port and coastal States and that, even if the default interval was reduced, the option to request information at a more frequent interval (e.g. 15 min, 30 min, 1 h, 3 h or 6 h) or using polling requests should still be maintained;
- .2 in respect to the audit of DCs that:
  - .1 further consideration should be given to options for reducing the cost of the audits, such as reducing the audit frequency or the number of DCs, or exploring other alternative options for conducting the audits (e.g. use of GISIS, transfer of functions to the IMO Secretariat, etc.), including opportunities for reducing the administrative burden of DCs related to the audit process and simplifying the audit for groups of DCs using the same hardware and software design or for those which had no fundamental findings as a result of the latest audit; and
  - .2 if the Committee would decide to implement a different process for conducting the audits (other than IMSO):
    - .1 a clear process along with an acceptable timeline should be established in order to allow IMSO to reorganize its internal structure;



- .2 transfer of existing resources and experience within IMSO should be considered and safeguarded; and
  - .3 the continuity of the current audit arrangements should be ensured until the transfer of responsibilities was completed, allowing for a reasonable transition period;
- .3 careful consideration should be given to the need for a holistic review of the LRIT system in order to properly address the above-mentioned issues, along with the cost of the LRIT information and of the establishment, maintenance and operation of DCs;
- .4 that the issue could be further considered by either:
- .1 the NCSR Sub-Committee, in order to discuss alternatives for the conduct of the audit and to develop a transition plan under the existing output 5.2.4.2 (Updates to the LRIT system); or
  - .2 MSC 95, with the possibility of establishing a working group to deal with this issue; and
- .5 that IMSO could bring the issue to the attention of the next IMSO Assembly (25 to 28 November 2014), which would discuss, inter alia, a new revised formula for calculating the audit unit fee that could address the issue, and submit any relevant information to MSC 95, for consideration.

9.12 After an in-depth discussion, the Committee agreed that:

- .1 there was a need for a holistic review of the financial viability of the LRIT system, with the understanding that for the time being the default interval of transmissions should not be changed and that priority should be given to the consideration of how to reduce the cost of the audit, including reviewing existing audit provisions and exploring further alternatives for the conduct of the audit;

- .2 a policy decision should be first taken at the Committee level before instructing the NCSR Sub-Committee to embark on any further work;
- .3 the issue of how to reduce the cost of the audits should be further considered at MSC 95 with the view to adopting a final policy decision; and
- .4 notwithstanding the above, IMSO should continue with the current arrangements for the conduct of the audits until a final policy decision had been taken.

9.13 In light of the foregoing, the Committee agreed to add an item to the agenda of MSC 95 on "Performance review and audit of LRIT Data Centres" and invited Member Governments and international organizations to submit relevant proposals or information to MSC 95, for consideration.

#### **E-navigation matters**

9.14 The Committee approved the e-navigation Strategy Implementation Plan (SIP), as set out in document NCSR 1/28, annex 7. In this context, the Committee noted the view expressed by the United Kingdom that they supported the approval of the SIP without prejudice to the discussions relating to the approval of an unplanned output to progress the work further on e-navigation under agenda item 18 (see paragraphs 18.[...] to 18.[...]).

9.15 The Committee approved MSC.1/Circ.[...] on *Guidelines on Harmonization of test beds reporting*.

#### **Guidelines for the onboard operational use of shipborne automatic identification systems (AIS)**

9.16 The Committee approved, with one minor amendment, the draft Assembly resolution on *Revised guidelines for the onboard operational use of shipborne automatic identification systems (AIS)*, as set out in annex [...], and forwarded it to the Assembly for adoption.

#### **Developments in maritime radiocommunication systems and technology**

9.17 The Committee considered:

- .1 the information provided by the Secretariat (MSC 94/9/2) on two alternative methodologies for assessment of the Iridium mobile satellite system and

the delivery of an evaluation report for consideration by the NCSR Sub-Committee, evaluated either by a Group of Experts or by an independent body external to the Organization (e.g. IMSO); and

- .2 the proposal by the United Kingdom and the United States (MSC 94/9/4) for IMSO to perform the analysis on the application to recognize and use the Iridium mobile satellite system in the GMDSS.

9.18 The delegation of the Russian Federation expressed the view that IMSO should provide the list of experts that would undertake this work to ensure transparency.

9.19 After some discussion, the Committee:

- .1 agreed that IMSO should undertake the evaluation of the Iridium mobile satellite system;
- .2 agreed that IMSO should provide an evaluation report for consideration by the NCSR Sub-Committee;
- .3 agreed that the scope of the evaluation was to assess compliance with the criteria set out in resolution A.1001(25), taking into account the guidance laid down in MSC.1/Circ.1414;
- .4 noted that IMSO would convene a Group of Experts and, in order to enhance transparency of the process, would make information public with regard to the selected experts who would carry out the assessment; and
- .5 instructed the Secretariat to oversee the work of IMSO during the evaluation process.

9.20 In this context, the delegation of France expressed some additional concerns, which were supported by some delegations, as set out in annex [...].

9.21 The Committee noted the information provided by the United States (MSC 94/9/3) in response to the concerns raised at NCSR 1 regarding the application to recognize and use

the Iridium mobile satellite system in the GMDSS and instructed the Secretariat to forward it to IMSO for further evaluation.

9.22 In this context, the delegation of Spain expressed some additional concerns, which were supported by some delegations, as set out in annex [...].

9.23 Noting the concerns expressed by France and Spain (paragraphs 9.[18] and 9.[20] refers), the Committee considered that the issues were not all directly related to the assessment of compliance with the criteria set out in resolution A.1001(25) and should be submitted to the NCSR Sub-Committee for further consideration.

### **Review and modernization of the Global Maritime Distress and Safety System (GMDSS)**

9.24 The Committee noted that the Sub-Committee had approved the outcome of the High-level Review of the GMDSS (NCSR 1/28, annex 10).

9.25 The Committee, taking into account that the detailed review was still in an early stage and could not be finalized by NCSR 2, agreed to extend the planned output 5.2.5.2, First outline of the detailed review of the Global Maritime Distress and Safety System (GMDSS), by an additional year i.e. to 2018 and approved the revised Plan of work as set out in document NCSR 1/28, annex 11.

9.26 The Committee endorsed the action taken by the Sub-Committee, as an exceptional case, to receive the report of the Correspondence Group on the review of the GMDSS two weeks beyond the deadline for bulky documents for NCSR 2, i.e. by 19 December 2014.

### **Joint IMO/IHO/WMO Manual on Maritime Safety Information**

9.27 The Committee approved MSC.1/Circ.[1310/Rev.1] on the *Revised Joint IMO/IHO/WMO Manual on Maritime Safety Information (MSI)*, which will enter into force on 1 January 2016.

### **Radiocommunication and ITU matters**

9.28 The Committee endorsed the action taken by the Sub-Committee in instructing the Secretariat to convey the liaison statement on the revision of Recommendation ITU-R M.493-13 to ITU-R Working Party 5B (NCSR 1/28, annex 13).

9.29 The Committee approved the IMO position on WRC-15 agenda items concerning matters relating to maritime services (NCSR 1/28, annex 14) and instructed the Secretariat to convey it to ITU's Conference Preparatory Meeting, to take place from 23 March to 2 April 2015.

9.30 The Committee instructed the Secretariat to consult with IMO Member States present at ITU's Conference Preparatory Meeting on new issues not included in the IMO position as developed and approved by the Committee, and to take action, as appropriate, to protect IMO's interest.

9.31 The Committee endorsed the action taken by the Sub-Committee in instructing the Secretariat to convey the liaison statement on additional comments in relation to frequency bands identified by ITU-R for future assessment of the suitability for International Mobile Telecoms (IMT) (NCSR 1/28, annex 15) to ITU-R Joint Task Group 4-5-6-7.

#### **Cospas-Sarsat services**

9.32 The Committee approved MSC.1/Circ.[1210/Rev.1] on *Guidance on the Cospas-Sarsat International 406 MHz Beacon Registration Database (IBRD)*.

#### **Harmonization of aeronautical and maritime search and rescue**

9.33 The Committee approved MSC.1/Circ.[1182/Rev.1] on *Guide to recovery techniques*.

#### **Polar Code**

9.34 The Committee recalled that the outcome arising from the Sub-Committee's consideration on Polar Code issues had been already dealt with under agenda item 3 (paragraphs [.. to ..] refer).

#### **IACS unified interpretations**

9.35 In considering the draft Unified Interpretations of SOLAS regulation V/23.3.3 on Pilot transfer arrangements, as set out in document NCSR 1/28, annex 21, the Committee considered:

- .1 the comments from Spain (MSC 94/9/1), responding to the decision of NCSR 1 and concluding that the proposed Unified Interpretation could apply to ships and transfer arrangements on ships subject to both the current regulation V/23 and the old regulation V/17; and

- .2 the comments from IMPA (MSC 94/9/5), responding to the decision of NCSR 1 and document MSC 94/9/1 (Spain), stating that IMPA saw no compelling need to issue an interpretation of regulation V/23 and that the confirmations and clarifications requested in document MSC 94/9/1 would only serve to confuse a matter that was discussed at great length and ultimately agreed at both NAV 59 and NCSR 1.

9.36 During the ensuing discussion, the following views were expressed that:

- .1 the views expressed by IMPA were appropriate;
- .2 the draft Unified Interpretation as developed by the NCSR Sub-Committee should be approved; and
- .3 Member Governments interpreted SOLAS regulation V/23 in different ways and that an amendment to this regulation might be necessary to clarify certain issues.

9.37 After some discussion, the Committee approved MSC.1/Circ.[...] on *Unified Interpretations of SOLAS regulation V/23.3.3* and invited interested Member Governments to submit a proposal for a new unplanned output to review SOLAS regulation V/23, as appropriate.

9.38 In considering the draft *Unified Interpretations on the Completion of items 2.1 and 2.2 of Part 3 of the Form E and items 2.1 and 2.2 of Part 5 of Forms P and C* the Committee noted the views expressed that:

- .1 SOLAS regulation V/19 only defined the carriage requirement for ECDIS, but did not specify that the mariner should use it;
- .2 the Unified Interpretation should not have to clarify the issue mentioned above, but only clarify the different options and how to complete the relevant forms;

- .3 to discuss the issue of carriage requirement versus the requirement of the actual use of ECDIS would require a new unplanned output aiming at an amendment to SOLAS regulation V/19.

9.39 After a brief discussion, the Committee approved MSC.1/Circ.[...] on *Unified Interpretations on the Completion of items 2.1 and 2.2 of Part 3 of the Form E and items 2.1 and 2.2 of Part 5 of Forms P and C*.

### **The IMO/IALA Award for Zero Accident Campaign**

9.40 The Committee endorsed the establishment of an IMO/IALA award to promote the zero accident campaign.

### **Outcome of the 8th Seoul International Maritime Forum**

9.41 The Committee noted with appreciation the information contained in document MSC 94/INF.3 (Republic of Korea and IALA), outlining the outcome of the 8th Seoul International Maritime Forum, which was held under the theme of "the implementation of e-navigation: from concept to reality".

### **Cospas-Sarsat second generation 406 MHz distress beacons**

9.42 The Committee noted with appreciation the information contained in document MSC 94/INF.14 (United States) relating to the need to update relevant IMO documents to integrate the new Cospas-Sarsat MEOSAR and Second Generation Beacon specifications and standards.

## **10 IMPLEMENTATION OF IMO INSTRUMENTS**

### **REPORT OF THE FIRST SESSION OF THE SUB-COMMITTEE**

#### **General**

10.1 The Committee approved in general the report of the first session of the Sub-Committee on Implementation of IMO Instruments (III 1/18 and MSC 94/10) and, taking into account relevant decisions and comments made by MEPC 67 (MSC 94/2/4), took action as indicated below.

10.2 Among actions requested of the Committee by III 1 (MSC 94/10), sub-items .14 (output 5.1.2.2 "Measures to protect the safety of persons rescued at sea"), .16 (output 1.1.1.1 "Cooperate with the United Nations on matters of mutual interest, as well as

provide relevant input/guidance") and .17 (output 5.2.1.3 "Review of general cargo ship safety") were considered under agenda item 18 on "Work Programme" (see paragraphs [...]).

### **Interim guidelines on the use of printed versions of electronic certificates**

10.3 The Committee was advised that the action requested of it has been overtaken by events since FAL 39 approved *Guidelines for the use of electronic certificates* (FAL.5/Circ.39/Rev.1) and requested MSC and MEPC to note the contents of the circular and take any necessary action, as appropriate (FAL 39/16, paragraph 5.36).

10.4 The Committee was also advised that FAL 39 agreed that electronic certificates viewed on a computer should be considered as meeting the requirements to be "on board", provided that the certificates and the website used to access them conform to the guidelines approved by the Organization and specific verification instructions are available on board the ship and, in this respect, invited the Committee to consider amending 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" so as to reflect this understanding.

10.5 Following the discussion, the Committee, having been advised of the relevant outcome of MEPC 67, instructed III 2 to consider amending the "List of certificates and documents required to be carried on board ships" to reflect the provisions of *Guidelines for the use of electronic certificates*.

### **Casualty investigation reports and analysing material**

10.6 The action relating to the consideration of the outcome of the analysis of the marine safety investigation report concerning the grounding and loss of the passenger ship **Costa Concordia** was dealt with under agenda item 6 (see paragraphs [...]).

10.7 In considering the outcome of the analysis of the marine safety investigation report concerning the foundering of the livestock carrier **Danny F II**, the Committee noted the absence of internationally accepted standards to define the trade for livestock carriage and consideration of related manning and training requirements of marine and non-marine crew.

10.8 With regard to the issue of the compatibility of immersion suits and buoyancy aids, the Committee agreed to refer the report on the incident of the **Swanland**, as well as its analysis and comments to the Correspondence Group on Life-Saving Appliances (LSA) established by SSE 1 [under its agenda item for output 5.1.2.1 on "New framework of



*requirements for life-saving appliances*”] for reporting to SSE 2 to advise MSC 95 accordingly.

10.9 The Committee, having recalled its previous decision on the sub-committees' working arrangements for review of reports and recommendation arising from the casualty review process (MSC 92/26 paragraphs 22.28 and 22.29), invited interested delegations to make proposals to MSC 95 on how to address recommendations emanating from the casualty review process, taking into account the decision already made by MSC 92.

#### **Amendments to the Casualty Investigation Code (resolution MSC.255(84))**

10.10 The Committee adopted resolution MSC [...] (94) on *Amendments to the Code of the international standards and recommended practices for a safety investigation into a marine casualty or marine incident (Casualty Investigation Code)*, resolution MSC.255(84), as set out in annex [...] in order to incorporate the necessary changes to the references to resolution A.1070(28) on *IMO Instruments Implementation Code*, revoking resolution A.1054(27) which had revoked resolutions A.996(25) and A.1019(26), and resolution A.1075(28) on *Guidelines to assist investigators in the implementation of the Casualty Investigation Code* (resolution MSC.255(84)), revoking resolutions A.849(20) and A.884(21).

#### **Reporting on marine safety investigations**

10.11 The Committee concurred with the decision of MEPC 67 in endorsing the recommendations of the Sub-Committee that, in order to facilitate and encourage reporting on marine safety investigations conducted in accordance with the Casualty Investigation Code, casualty and incident data should be available in any of the three IMO working languages; preliminary information on very serious casualties should be provided by the flag State not later than six months after their occurrence; and technical assistance should be considered for countries with outstanding marine casualty investigation reports on very serious marine casualties as a matter of priority.

#### **Guidelines for port State control officers on the ISM Code**

10.12 The Committee, having been advised that MEPC 67 agreed that the draft *Guidelines for port State control officers on the ISM Code*, as prepared by III 1, should be referred to the HTW Sub-Committee for comments, taking into account the views expressed by IACS on further definitions needed, prior to their approval, agreed that the draft *Guidelines for port State control officers on the ISM Code* should be referred to HTW 2 for consideration under its agenda item 8 on "Role of the human element" prior to its approval by MEPC 68 and MSC 95.

### **Implementation of STCW.7/Circ.21 and STCW.7/Circ.22**

10.13 The Committee noted the outcome of the consideration of the implementation of STCW.7/Circ.21 and STCW.7/Circ.22 by III 1 that circulars recommending action by port States should be implemented in a consistent manner by all port States and PSC regimes; and member Administrations of PSC regimes should actively promote the implementation of such circulars within the procedures or advisory material produced by the PSC regime.

10.14 The delegation of the Russian Federation dissented from the recommendation to invite PSC regimes to implement non-mandatory guidelines consistently, emphasizing that non-mandatory instruments should not be given equal footing to requirements contained in mandatory instruments. The full text of the statement of the delegation of the Russian Federation is set out in annex [...].

10.15 In this context, the Chairman of the HTW Sub-Committee clarified that the two circulars addressed the urgent need for providing PSC officers with pragmatic advice on action to be taken in cases where seafarers do not carry certification on security-related training, and clarifying training and certification requirements for ship security officers and seafarers with designated security duties. It was on this basis that the HTW Sub-Committee had requested the Secretariat to forward the circulars to the III Sub-Committee in the context of its work on the harmonization of PSC activities.

### **Guidelines for port State control officers on certification of seafarers' rest hours, based on the relevant provisions of the 1978 STCW Convention, as amended, and manning requirements from the flag**

10.16 The Committee noted the completion of the draft MSC circular on *Guidelines for port State control officers on certification of seafarers' rest hours, based on the relevant provisions of the 1978 STCW Convention, as amended, and manning requirements from the flag* which is being referred to HTW 2 under its agenda item 8 on "Role of the human element" for review, prior to referral to the Committee for approval.

### **Review of consolidated audit summary reports and analysis of the findings from audits**

10.17 The Committee noted the five major areas of recurrent findings in audits (flag State surveyors; delegation of authority; initial actions (legislation); communication of information; and implementation), established by the sections of the *Code for the implementation of mandatory IMO instruments, 2011* (resolution A.1054(27)) for action.

10.18 The Committee noted the underlying causes, as identified by audited Member States, that are indicative of the reasons for a shortfall in the effective implementation and enforcement of mandatory IMO instruments and the audit standard for action, i.e. absence/lack of procedure/process/mechanism, absence/lack of national provisions, insufficient resources, lack of coordination among various entities, absence/lack of training programmes, prolonged legislation process, responsibilities of entity/person not assigned, and absence of dedicated units. In this context, the Committee invited Member States to pay more attention when identifying and reviewing root causes, as they constitute key information for the analysis of audit results, in particular, for identifying reasons for the shortfall in the effective implementation and enforcement of mandatory IMO instruments and the audit standard, as well as for targeting any assistance from the Organization.

10.19 With regard to the assistance to Member States in the execution of their obligations and responsibilities under relevant IMO instruments and the audit standard, the Committee, while concurring with the decision of MEPC 67, invited the Technical Cooperation Committee to review current technical assistance activities, taking into account the III Sub-Committee's view that such a review would, at the current stage, be necessary at least for the areas of delegation of authority, including establishment of necessary oversight programmes of recognized organizations (ROs), in accordance with the new guidelines provided in the RO Code and the conclusion of agreements between the Administration and ROs, as well as for the area of flag State surveyors, including training programmes for improving and continuous updating of the knowledge of flag State surveyors.

#### **Unified Interpretation on keel laying date for fibre-reinforced plastic (FRP) craft**

10.20 The Committee concurred with the decision of MEPC 67 and approved MSC-MEPC.5/Circ.[9] on *Unified Interpretation on keel laying date for fibre-reinforced plastic (FRP) craft*.

#### **Direct reporting of III 2 to A 29**

10.21 The Committee, having noted that III 2, scheduled to be held in July 2015, will be expected to finalize draft Assembly resolutions, concurred with the decision of MEPC 67 and authorized the Sub-Committee to report the outcome of its work on matters that would require the adoption of draft Assembly resolutions to A 29 directly.

**PREPARATION OF THE THIRD JOINT IMO/FAO WORKING GROUP ON IUU FISHING AND RELATED MATTERS**

10.22 The Committee recalled that the second meeting of the Joint IMO/FAO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters (JWG) was held from 16 to 18 July 2007 at the Headquarters of the Food and Agriculture Organization of the United Nations (FAO) in Rome and had agreed to recommend the organization of the third meeting of the JWG, depending on the progress made on relevant issues by both Organizations.

10.23 The Committee also recalled that the Cape Town Agreement of 2012 on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 was initially presented to the second meeting of the Joint IMO/FAO Ad Hoc Working Group on IUU Fishing and Related Matters. In this context, the Committee noted that, while the Cape Town Agreement will enter into force 12 months after the date on which not less than 22 States the aggregate number of whose fishing vessels of 24 m in length and over operating on the high seas is not less than 3,600 have expressed their consent to be bound by it, to date, only three States had done so.

10.24 The Committee further recalled that that A 28 had adopted resolution A.1078(28) on *IMO Ship Identification Number Scheme* so that the scheme now applies on a voluntary basis to fishing vessels of 100 gross tonnage and above which was one of the issues considered from the outcome of the second meeting of the Joint IMO/FAO Ad Hoc Working Group on IUU Fishing and Related Matters.

10.25 In this connection, the Committee considered the following documents:

- .1 MSC 94/10/1 (Secretariat), containing reports on preparation for the holding of the third meeting of the Joint FAO/IMO ad hoc Working Group on IUU Fishing and Related Matters (JWG); and
- .2 MSC 94/10/2 (WWF), providing comments on the proposal for the third meeting of the Joint FAO/IMO ad hoc Working Group on IUU Fishing and Related Matters, and the proposed agenda.

10.26 Following the discussion and having noted the interventions made, in particular by the FAO and ILO, as set out in annex [...], the Committee concurred with the decision of MEPC 67 and:

- .1 approved the holding of the third meeting of the Joint FAO/IMO Ad hoc Working Group on IUU Fishing and Related Matters (JWG);
- .2 agreed that the Organization should be represented at the meeting by the following nine Member States: Argentina, Canada, China, Cook Islands, Denmark, Liberia, Norway, Republic of Korea and Turkey; and
- .3 agreed that the group should meet at IMO Headquarters during 2015 (paragraphs 7.1 and 8 of document MSC 94/10/1).

10.27 Regarding the provisional agenda of the JWG, the Committee decided to consider the matter further at its next session.

## **11 CARRIAGE OF CARGOES AND CONTAINERS**

### **URGENT MATTERS EMANATING FROM THE FIRST SESSION OF THE SUB-COMMITTEE**

11.1 The Committee considered urgent matters referred to it (MSC 94/11) emanating from the first session of the Sub-Committee on Carriage of Cargoes and Containers (CCC) (CCC 1/13, CCC 1/13/Corr.1 and CCC 1/13/Add.1) and took action as indicated in paragraphs 11.2 to 11...

#### **Draft amendments to the IMSBC Code**

11.2 The Committee noted that the Sub-Committee had authorized E&T 22 to finalize the remaining (i.e. not related to HME substances) draft amendments (03-15) to the IMSBC Code and relevant circulars (MSC.1/Circ.1453, MSC.1/Circ.1454 and MSC.1/Circ.1395/Rev.1), based on decisions taken at CCC 1, and had requested the Secretary-General to circulate the draft amendments to the IMSBC Code in accordance with SOLAS article VIII, for consideration and subsequent adoption by MSC 95, together with the approval of the relevant circulars. The Committee noted that the draft amendments (03-15) to the IMSBC Code had been circulated by Circular Letter No.3488 dated 17 November 2014.

11.3 In this context, the Committee also noted that draft amendments to the IMSBC Code related to HME substances (draft non-mandatory provision for cargo information and draft

new section 14) had been circulated by Circular Letter No.3489 dated 17 November 2014 in accordance with SOLAS article VIII, for consideration and subsequent adoption by MSC 95 taking into account the advice of MEPC 68.

#### **Draft amendments to the CSS Code and the Revised guidelines for the preparation of the cargo securing manual**

11.4 The Committee approved the draft amendments to the Code of Safe Practice for Cargo Stowage and Securing (CSS Code) and the associated MSC circular cover note (MSC.1/Circ.1352), and also approved the draft amendments to MSC.1/Circ.1353 on *Revised guidelines for the preparation of the Cargo Securing Manual*. Consequently, the Committee agreed for the aforementioned circulars to be reissued as MSC.1/Circ.1352/Rev.1 and MSC.1/Circ.1353/Rev.1, respectively, incorporating the approved amendments.

#### **IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units (CTU Code) and related informative material**

11.5 The Committee noted that the 322nd session of the ILO Governing Body, which met from 30 October to 13 November 2014, had approved the IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units (CTU Code) without changes and, having taken into account that all three United Nations organizations had now formally approved the CTU Code, decided to prepare an MSC circular on the CTU Code in order to facilitate future references to the Code.

11.6 Having considered the draft MSC circular on the CTU Code (MSC 94/WP.11, annex 1) the Committee approved MSC.1/Circ.[...] on the *IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units (CTU Code)*.

11.7 With regard to the draft MSC circular on Informative material related to the IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units (CTU Code), the Committee introduced a reference to the aforementioned MSC circular on the CTU Code and a footnote with the address of the UNECE website from where the CTU Code and the informative material can be downloaded (MSC 94/WP.11, annex 2). Consequently, the Committee approved MSC.1/Circ.[...] on *Informative material related to the IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units (CTU Code)*.

## **Meetings of the E&T Group in 2015**

11.8 The Committee approved the holding of two intersessional meetings of the E&T Group in 2015 to prepare the next set of amendments to the IMDG Code (see also paragraph 18...).

11.9 In this regard, the Committee, having recalled that FAL 39 (MSC 94/2/3, paragraph 1.3) had requested the Committee to instruct E&T 23 to consider a proposal by Japan (FAL 39/4, annex 2) regarding the information required in the Dangerous Goods Manifest and FAL Form 7, instructed E&T 23 to consider the aforementioned proposal, as appropriate. Consequently, CCC 1 was instructed to advise FAL 40 following consideration of the outcome of E&T 23.

## **Guidelines regarding the verified gross mass of a container carrying cargo**

11.10 The Committee noted with appreciation document MSC 94/INF.9 (International Transport Workers' Federation and Nautical Institute), containing information regarding ongoing concerns of seafarers on the subject of misdeclared mass of containers, particularly the enforcement and implementation of the amendments to SOLAS regulation VI/2 and the associated guidelines (MSC.1/Circ.1475).

[MORE TO COME].

## **12 CAPACITY BUILDING FOR THE IMPLEMENTATION OF NEW MEASURES**

### **General**

12.1 The Committee recalled that MSC 93 (MSC 93/22, paragraph 14.3) had requested the Vice-Chairman of the Committee, in consultation with the Chairman and assisted by the Secretariat, to submit to MSC 94 a preliminary assessment of the capacity-building implications and technical assistance needs related to approved amendments to mandatory instruments and the new unplanned outputs related to mandatory instruments, which were approved at that session.

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

12.2 The Committee considered document MSC 94/12 (Vice-Chairman), providing the outcome of the preliminary assessment referred to above and noted that generally, updated legislation is required for most of the items considered under the draft amendments to mandatory instruments, whilst a number of items had capacity-building implications in terms

of training or human resource development for the Administration. The Committee recalled that in both cases technical and/or legal support which may be necessary could be addressed through the Organization's Integrated Technical Cooperation Programme (ITCP).

12.3 Having considered the assessment of the items in annex 3 to document MSC 94/12, the Committee agreed that the outputs may need to be monitored in due course and concluded that it would not be necessary to establish the Ad hoc Capacity-building Needs Analysis Group (ACAG) at this session.

12.4 The Committee requested the Vice-Chairman, in consultation with the Chairman and with the assistance of the Secretariat, to submit, to MSC 95, a preliminary assessment of the amendments to mandatory instruments and the new outputs related to proposed new measures, approved at this session.

## **13 FORMAL SAFETY ASSESSMENT, INCLUDING GENERAL CARGO SHIP SAFETY**

### **General**

13.1 The Committee recalled that MSC 93, having considered document MSC 93/15/1 (IACS) proposing to develop more specific procedures on how the sub-committees should be more clearly tasked to address risk control options (RCOs) referred to them from an FSA study, which had been positively reviewed by the FSA Expert Group and subsequently endorsed by the Committee, and decided that developing a specific procedure was necessary.

13.2 The Committee also recalled that MSC 93, having considered the recommendations in document MSC 93/15/2 and Corr.1 (ICS et al.) on the requirement for flag States to report accidents and incidents, noted the problem of under-reporting as well as the benefits to be gained from the analysis of casualty investigation report data and identified specific issues that might require further technical detailed consideration.

13.3 The Committee further recalled that the Sub-Committee on Implementation of IMO Instruments (III) was instructed to consider the specific issues, as identified by MSC 93, and the guidance to be provided to the Secretariat on improved programmability and search functions of the GISIS module on marine casualties and incidents (MCI), and advise MSC 94 on how best to proceed (document MSC 94/13, paragraphs 3 to 5). In this regard, the Committee noted that matters related to reporting of accidents and incidents would be further considered by III 2 and reported to the Committee, as appropriate.



13.4 In this respect, the observer from IACS stated that, as one of the co-sponsors of document MSC 93/15/2, which discussed the issue of the under-reporting of accidents and incidents, IACS was concerned that paragraph 3 of document MSC 94/13 qualified this under-reporting as "alleged", and that, based on three peer-reviewed papers as explained in paragraphs 7, 8 and 9 of document MSC 93/15/2, the degree of under-reporting was clearly quantified. IACS considered it important that this issue of addressing the under-reporting of accidents and incidents should be taken forward, and the ongoing use of the term "alleged" should not be construed as a reason for inaction. If it could not be resolved now, IACS hoped, at least, that the III Sub-Committee, in the work it was undertaking on this issue, would soon be in a position to recommend to the Committees that this qualification should be removed.

#### **New procedure for considering and reviewing the outcome of FSA studies**

13.5 The Committee noted the information in document MSC 94/13 (Secretariat), reporting on the outcome of MSC 93 related to developing a new specific procedure for considering and reviewing the outcome of FSA studies.

13.6 The Committee had for its consideration the following documents:

- .1 MSC 94/13/1 (IACS), proposing to supplement the criteria in subparagraphs 5, 6 and 7 of paragraph 4.14 of the Committee's Guidelines (MSC-MEPC.1/Circ.4/Rev.2) by adding that the Committee may decide that a comprehensive FSA study needs to be carried out in accordance with the FSA Guidelines (MSC-MEPC.2/Circ.12) and insert a new paragraph in appendix 10 to the FSA Guidelines, requesting the Committee to set up terms of reference for a working group, which is responsible for coordinating the implementation of the results of an FSA study;
- .2 MSC 94/13/2 (United States), proposing to add two new paragraphs to section 4 on Work planning and delivery process of, and a new annex to, the Committees' Guidelines, to ensure that the information from FSA studies is considered equivalent to submissions for unplanned outputs, and suggesting to amend the FSA Guidelines to ensure that RCOs can be written in SMART terms; and

- .3 MSC 94/13/3 (China), providing the principles on how sub-committees should further address the endorsed RCOs and, in this context, proposing to insert a new paragraph in appendix 10 to the FSA Guidelines (MSC-MEPC.2/Circ.12).

13.7 In considering the above documents, the Committee, having noted the following views:

- .1 that the above documents should be forwarded to the GBS/FSA Working Group for further discussion, using document MSC 94/13/2 as a basis;
- .2 that an FSA study, even though it had been positively reviewed by the FSA Expert Group and subsequently endorsed by the Committee(s), should not be deemed as mandatory for a new unplanned output;
- .3 concerns were expressed regarding the proposal (MSC 94/13/1) for the Committee to set up terms of reference for a working group, which would be responsible for coordinating the implementation of the results of an FSA study, when the Committee decides that a comprehensive FSA study needs to be carried out; and
- .4 all decisions taken by the Committee regarding unplanned outputs should be forwarded to the Council,

decided to forward the above documents, using document MSC 94/13/2 as a basis, to the joint Working Group on Goal-based Standards and Formal Safety Assessment for detailed consideration.

***Instruction to the GBS/FSA Working Group***

13.8 Having considered the above matters, the Committee further instructed the GBS/FSA Working Group, established under agenda item 5 (see paragraph 5....), using document MSC 94/13/2 as a basis and taking into account documents MSC 93/15/1, MSC 94/13, MSC 94/13/1 and MSC 94/13/3 and the comments made in plenary, to:

- .1 develop draft guidelines for the Committee on consideration and review of the outcome of FSA studies and prepare related draft amendments to the Committees' Guidelines (MSC-MEPC.1/Circ.4/Rev.2); and

- .2 prepare draft amendments to the *Revised guidelines for Formal Safety Assessment (FSA) for use in the IMO rule-making process* (MSC-MEPC.2/Circ.12).

### **EMSA 3 study related to survivability of passenger ships**

13.9 With regard to the MSC 93's agreement that there would be a need for the FSA Experts Group to validate the EMSA 3 study related to survivability of passenger ships and that this could be done by authorizing a meeting of the FSA Experts Group a day prior to SDC 3 in 2016, the observer from EC proposed that the Committee should instruct SDC 2 to consider the timing of the FSA Experts Group so that SDC 3 would have sufficient time to consider the outcome of the group. The Committee endorsed the proposal and requested the Secretariat to inform SDC 2 to consider the matter and advise MSC 95 accordingly.

### **Review of general cargo ship safety**

13.10 In considering the outcome of III 1 related to the review of general cargo ship safety, the Committee noted the progress made on extended survey on general cargo ships (RCO 19) and port State control inspector training for general cargo ships (RCO 20). With regard to the Sub-Committee's request to consider whether there was a need to identify a coordinating organ for the output on "Review of general cargo ship safety", the Committee decided to consider this matter under agenda item 18 (Work programme).

[MORE TO COME]

## **14 PIRACY AND ARMED ROBBERY AGAINST SHIPS**

### **Piracy and armed robbery against ships in the Gulf of Guinea and in waters off the coast of Somalia**

14.1 The Committee, in considering document MSC 94/14 (Secretariat), noted the continuing positive developments in the suppression of piracy and armed robbery in the waters off the coast of Somalia and the wider Western Indian Ocean but remained concerned about the seafarers still being held hostage.

14.2 The Committee also noted that reports to the Organization of attacks in the Gulf of Guinea showed a downward trend indicating that the international, regional and national efforts are beginning to take effect, and reiterated the importance of reporting incidences by flag States and industry organizations.

14.3 The Committee noted that the Maritime Trade Information Sharing Centre (MTISC), currently located in the Regional Maritime University in Accra, Ghana, was now operational on a trial basis and currently had over 500 ships per month reporting to it. The work of the MTISC is complementary to that of the Interregional Coordination Centre (ICC) in Yaoundé, with the ICC overseeing implementation of the Code of Conduct by ECCAS, ECOWAS, the GGC and Member States in the region at the strategic level and the MTISC handling the civilian information exchange and maritime situational awareness aspects.

14.4 The Committee noted that the MTISC website [www.mtisc-gog.org](http://www.mtisc-gog.org) was now live and offers the related guidance recently developed by OCIMF. The newly updated version of the "Guidelines for Owners, Operators and Masters for Protection Against Piracy in the Gulf of Guinea Region", developed jointly by BIMCO, ICS, INTERTANKO and INTERCARGO is also available via the IMO website as well as on the websites of those organizations.

14.5 The observer from BIMCO recommended full use of the MTISC by ships in the region so that a full picture of the scale of the situation in the region could be developed.

14.6 The Committee noted that the Secretary-General had forwarded the draft interim guidelines addressing welfare of seafarers and their families affected by Somalia-based piracy (MSC 93/16/1 (Italy et al.)) to the International Labour Organization (ILO) for its review and further action, as requested by the Committee at its last session, and that the Director-General of ILO had advised the Secretary-General that ILO will consult with the representative organizations of shipowners and seafarers as well as employers and workers in the fishing industry to obtain their views on the best way to proceed with these interim guidelines, and that any further developments will be reported to the Committee.

14.7 The Committee noted that a significant number of Contracting Governments had not yet supplied the information requested in MSC-FAL.1/Circ.2 on Questionnaire on information on port and coastal State requirements related to privately contracted armed security personnel (PCASP) and urged Contracting Governments that had not submitted the information to do so.

14.8 The Committee expressed its appreciation for the contributions received for the IMO West and Central Africa Maritime Security Trust Fund (the Trust Fund) from China, Japan, Nigeria, Norway, the United Kingdom and most recently Angola.

14.9 The Committee concluded this part of the item by urging Member States to support the implementation of IMO projects on maritime security for west and central Africa by financially contributing to the Trust Fund.

14.10 With respect to piracy off the coast of Somalia, the Committee noted United Nations Security Council Resolution 2184 (2014) on the situation in Somalia, adopted on 12 November, which, inter alia, recognized the contribution of IMO and renewed its call upon States to deploy naval vessels to the area and underlined the primary responsibility of Somali authorities in the fight against piracy and armed robbery off their coast.

14.11 The delegation of Egypt, supported by the delegation of Oman, while expressing appreciation to countries providing counter piracy support in the region, also expressed concern that the extent of the High Risk Area, as defined in BMP 4 and the associated Admiralty piracy chart Q6099, was incorrect.

14.12 The Committee welcomed the information that the EUNAVFOR and NATO mandates had been extended to the end of 2016 and reiterated its view that it was also important that IMO guidance and best management practices continue to be implemented diligently.

14.13 The Committee recalled that the successful project to implement the Djibouti Code of Conduct, as an independent project, would conclude in early 2015. In anticipation of this, and with effect from 1 November 2014, the work of the DCoC Project Implementation Unit had transitioned to the Maritime Safety Division and was being absorbed into that division's core activities.

#### **National legislation on Private Maritime Security Companies (PMSC)**

14.14 The Committee had for its consideration the following documents:

- .1 MSC 94/14/1 (Germany), proposing to amend MSC.1/Circ.1406/Rev.2 in such a way that national PMSC licences equivalent or beyond ISO 28007 receive the same recognition in IMO guidance as ISO 28007 accredited certifications; and
- .2 MSC 94/INF.4 (Germany), providing further detail on Germany's national accreditation process in support of the proposal contained in MSC 94/14/1 (Germany).

14.15 The Committee recalled that it was agreed at the last session that the work of ISO in developing ISO PAS 28007 should be reflected and referenced appropriately in IMO guidance on PMSC in MSC.1/Circ.1406/Rev.2, but that it would require some careful consideration of the wording in order to accommodate proposals made in Plenary.

14.16 While many delegations supported the German proposal in principle, there was concern that the current wording did not provide the necessary degree of flexibility to flag States and that further work on the wording was required.

14.17 Some delegations expressed the view that, while ISO PAS 28007 was a useful and welcome means of ensuring quality of armed security services on board ships, it should not be considered to be equivalent to a national standard as the latter takes priority.

14.18 After considering Germany's proposal (MSC 94/14/1) and discussing the matter of amending MSC.1/Circ.1406/Rev.2, the Committee again acknowledged the work of ISO and the need to reflect it appropriately and agreed to invite Member States and observer organizations to submit proposals to amend MSC.1/Circ.1406/Rev.2 to the next session of the Committee incorporating references to the ISO standard 28007 (i.e. when it becomes a standard) and to relevant national standards, while allowing for the necessary flexibility for flag States in deciding their policy in regulating armed guards on board their ships.

#### **Guidelines for the use of PCASP on board ships**

14.19 The Committee noted the draft guidelines and standards regarding the use of PCASP on board merchant vessels developed by the United Nations Interregional Crime and Justice Research Institute (UNICRI) with the support of the Italian Government (MSC 94/INF.5).

#### **Regulating "floating armouries"**

14.20 The Committee considered document MSC 94/14/2 (India) expressing India's concerns about the increasing number of floating armouries located outside India's territorial waters but within their EEZ.

14.21 The Committee, while sympathetic to India's concerns, noted that some of the proposals contained in the document may not be consistent with UNCLOS and customary international law, which restricts coastal States' rights and jurisdiction in their EEZ to matters related to resource exploitation and protection.

14.22 The observer from ITF, while also understanding India's concern, stated that the use of armed guards was necessary in order to protect seafarers and in this regard appealed to the authorities in India to release the crew of the **MV Seaman Guard Ohio**. The full text of the statement is set out in annex [...].

14.23 The Committee concluded that the matter might be addressed by other, less formal means which may not be in conflict with existing international instruments and that Member States and observer organizations could submit proposals to the next session in this respect.

#### **Progress report of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against ships in Asia (ReCAAP) Information Sharing Centre (ISC)**

14.24 The Committee noted the information provided in document MSC 94/INF.7 (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 period during January to June 2014, including the action taken by some of its members with respect to those found to be responsible for fuel siphoning cases that had been widely reported in the media. The full text of the statement is set out in annex [...].

### **15 IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS**

#### **Clarification on an audible alarm and a visual or other device which will alert the user of breathing apparatus for firefighting outfit**

15.1 The Committee considered document MSC 94/15 (IACS) seeking clarifications on the requirement for "an audible alarm and a visual or other device which will alert the user" referred to in paragraph 2.1.2.2 of chapter 3 of the FSS Code, as adopted by resolution MSC.339(91), which entered into force on 1 July 2014, and proposing that the low pressure audible alarm together with a pressure indicator should be considered as complying with the referred requirement and agreed to issue an MSC circular containing the above interpretation with a view to avoiding possible different interpretations among flag Administrations, ROs, PSC officers, shipowners, manufacturers, etc. in future.

[15.2 Having considered document MSC 94/WP.13, the Committee approved MSC.1/Circ.[...] on *Unified interpretation of chapter 3 of the FSS Code.*]

**Notification and circulation through GISIS – Reporting requirements under IMO safety-related instruments**

15.3 The Committee noted the information provided in document MSC 94/15/1 (Secretariat) and urged Member States to use GISIS for notification purposes, in particular those related to exemptions, equivalents and specimens of certificates, and to only request the Secretariat to issue a separate circular in exceptional circumstances.

**Guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments**

15.4 The Committee recalled that MSC 93 had approved MSC.1/Circ.1481 on *Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments* and MSC.1/Circ.1483 on *Interim guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments* (the interim guidance). In doing so, the Committee had agreed that a working group should be established at this session to continue the work related to remaining issues, with draft terms of reference, as set out in paragraph 14 of document MSC 93/WP.5/Add.1, and to prepare clear instructions to SSE 2 with regard to the issues needing consideration in relation to the scope of application of the LSA Code (MSC 93/22, paragraphs 17.25 to 17.31).

15.5 In the context of the above, the Committee had for its consideration documents MSC 94/15/2 and MSC 94/INF.12 (Germany and United Kingdom), providing recommendations on a number of issues that needed to be addressed as part of the interim guidance, and MSC 94/15/3 (Secretariat), providing clarifications on the amendments procedure specified under article VIII of the 1974 SOLAS Convention and on the status of footnotes.

15.6 The Committee agreed, in general, with the proposals contained in documents MSC 94/15/2 and MSC 94/INF.12 and referred the documents to the working group for further consideration.

15.7 With respect to document MSC 94/15/3, the Committee agreed with the proposal for clarifying the approval process of amendments and referred it to the working group for inclusion in the drafting guidance. The Committee further agreed that, notwithstanding the provisions of resolution A.911(22), footnotes should not be included in the authentic text of future amendments to the 1974 SOLAS Convention or any of its related mandatory



instruments and that all mandatory provisions should be included in the main body of the regulations.

15.8 The Committee noted views expressed that further consideration should be given to the application of the proposed guidance to the IMDG and the IMSBC Codes and agreed that the working group should consider this aspect further.

### **Establishment of the working group**

15.9 After consideration, the Committee established a Working Group on Drafting of amendments to SOLAS and related mandatory instruments and instructed it, taking into account comments, proposals and decisions made in plenary, as well as documents MSC 94/15/2, MSC 94/15/3, MSC 94/INF.12 and MSC 93/WP.5/Add.1 (annex 3), to:

.1 revise MSC.1/Circ.1483 on *Interim guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments* and consider and address, as part of the guidance, the following issues, as appropriate:

- .1 the relationships among regulations, codes and performance standards;
- .2 the format of application dates, including application date for equipment specifications;
- .3 the methodology for recording progress using the check/monitoring sheet;
- .4 the clarification of the requirement for approval of draft amendments prior to adoption; and
- .5 the use of footnotes as part of the authentic text and certified copies of adopted amendments,

and make any necessary editorial improvements to the guidance, as appropriate;

- .2 prepare instructions to SSE 2 with regard to the issues needing consideration in relation to the scope of application of the LSA Code, the result of which should be submitted for consideration to MSC 95, as an urgent matter; and
- .3 submit a partial written report by Thursday, 20 November 2014, for consideration of any actions requiring decisions at this session, and, if necessary, continue working on Thursday and Friday, and submit a final written report to MSC 95.

### **Report of the working group**

[15.10 Having considered the report of the working group (MSC 94/WP.9), the Committee approved it in general and took action as indicated hereunder.

15.11 The Committee requested the Secretariat to develop a new module on GISIS on "Development of amendments to the 1974 SOLAS Convention and related mandatory instruments", in order to keep records of the development of draft amendments, and agreed that the information contained in the above module should be accessible to all Member States and Organizations in consultative status.

15.12 The Committee approved MSC.1/Circ.[...] on *Guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments* and instructed its subsidiary bodies to start using the guidance with immediate effect.

15.13 The Committee instructed SSE 2 to follow the guidance provided in paragraphs 4.1.6 and 4.2.6 of MSC.1/Circ.[...] when finalizing amendments to the LSA Code.

15.14 The Committee noted that the above guidance should not apply, in its entirety, to the IMDG and the IMSBC Codes and to the cargo related part of the IBC and IGC Codes.]

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