

MARITIME SAFETY COMMITTEE  
95th session  
Agenda item 22

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

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## **1 INTRODUCTION – ADOPTION OF THE AGENDA**

1.1 The ninety-fifth session of the Maritime Safety Committee was held at the IMO Headquarters from 3 to 12 June 2015, under the chairmanship of Mr. Christian Breinholt (Denmark). The Vice-Chairman of the Committee, Captain Abdullah Muhammad 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 95/INF.1.

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

### **Opening address of the Secretary-General**

1.4 The Secretary-General welcomed participants and delivered his opening address, the full text of which can be downloaded from the IMO website at the following 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.

### **Capsizing of the passenger ship Eastern Star**

1.6 In response to the Secretary-General's expression of condolences relating to the capsizing of the passenger ship **Eastern Star** in the Yangtze River, the delegation of China expressed its sincere appreciation and advised the Committee that the Chinese authorities were mobilizing maximum resources for search and rescue operations.

### **Adoption of the agenda and related matters**

1.7 The Committee adopted the agenda (MSC 95/1) and agreed that its work would be guided by the provisional timetable (MSC 95/1/1), as amended, on the understanding that it was subject to adjustments and on the progress made each day. In this context, the delegation of Bangladesh made a statement, as set out in annex 27. Furthermore, the delegation of Malta registered its protest on the non-inclusion of a stand-alone supplementary agenda item to discuss issues related to mixed migration by sea (see paragraph 21.1). The agenda, as adopted, with a list of documents considered under each agenda item, is set out in document MSC 95/INF.21.

### **Credentials**

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

## 2 DECISIONS OF OTHER IMO BODIES

### Outcome of C 113, LEG 102 and MEPC 68

2.1 The Committee noted the decisions of C 113 (MSC 95/2), LEG 102 (MSC 95/2/1) and MEPC 68 (MSC 95/2/2), and took appropriate action under the relevant agenda items.

### Outcome of PPR 2

2.2 The Committee considered the actions requested by the second session of the Sub-Committee on Pollution Prevention and Response (PPR) (PPR 2/21, PPR 2/21/Add.1 and MSC 95/2/3) and, in particular:

- .1 approved the draft unified interpretation of SOLAS regulation II-2/16.3.3 for products requiring oxygen-dependent inhibitors and instructed the Drafting Group on Consideration and Adoption of Amendments to Mandatory Instruments, established under agenda item 3, to prepare the associated draft MSC circular for the Committee's consideration and approval;
- .2 concurred with the decision of MEPC 68 and approved the draft unified interpretation of paragraph 15.13.5 of the IBC Code for products requiring oxygen-dependent inhibitors, and instructed the above drafting group to prepare the associated draft MSC-MEPC circular for the Committee's consideration and approval; and
- .3 noted that a better understanding of SOLAS regulation VI/5-2 – Prohibition of the blending of bulk liquid cargoes and production processes during sea voyages had been reached and, therefore, there was no need to develop further guidance on the application of this regulation. In this context, the delegation of the Netherlands expressed its view that this better understanding of SOLAS regulation VI/5-2 ought to ensure the correct interpretation and the full and proper implementation of this regulation.

### Report of the drafting group

2.3 Having considered the part of the drafting group's report related to this agenda item (MSC 95/WP.6), the Committee approved:

- .1 MSC.1/Circ.1501 on *Unified interpretation of SOLAS regulation II-2/16.3.3 for products requiring oxygen-dependent inhibitors*; and
- .2 MSC-MEPC.5/Circ.10 on *Unified interpretation of paragraph 15.13.5 of the IBC Code for products requiring oxygen-dependent inhibitors*.

## 3 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

### GENERAL

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

- .1 chapters II-1 and II-2 as well as to the appendix to the annex (Certificates) to the 1974 SOLAS Convention, as amended, in accordance with the provisions of article VIII of the Convention; and

- .2 the International Maritime Solid Bulk Cargoes (IMSBC) Code, in accordance with the provisions of article VIII and regulation VI/1-1.1 of the Convention.

3.2 More than one third of the Contracting Governments to the 1974 SOLAS Convention were present during the consideration and adoption of the said amendments by the expanded Maritime Safety Committee, in accordance with articles VIII(b)(iii) and VIII(b)(iv) of the Convention. The proposed amendments to the 1974 SOLAS Convention and the 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 Letters No.3513 of 2 December 2014; No.3488 and No.3489 of 17 November 2014, respectively.

3.3 Parties to the 1978 SOLAS Protocol were invited to participate in the consideration and adoption of proposed amendments to the appendix to the annex to the Protocol. Parties constituting more than one third of the total of Parties to the Protocol were present during the consideration and adoption of the said amendments by the expanded Maritime Safety Committee, in accordance with the provisions of articles VIII(b)(iii) and VIII(b)(iv) of the 1974 SOLAS Convention and article II of the 1978 SOLAS Protocol. The proposed amendments to the 1978 SOLAS Protocol were circulated in accordance with SOLAS article VIII(b)(i) and article II of the 1978 SOLAS Protocol to all IMO Members and Parties to the 1978 SOLAS Protocol by Circular Letter No.3515 of 2 December 2014.

3.4 Parties to the 1988 SOLAS Protocol were invited to participate in the consideration and adoption of proposed amendments to the appendix to the annex to the Protocol. Parties constituting more than one third of the total of Parties to the Protocol were present during the consideration and adoption of the said amendments by the expanded Maritime Safety Committee, in accordance with the provisions of articles VIII(b)(iii) and VIII(b)(iv) of the 1974 SOLAS Convention and article VI of the 1988 SOLAS Protocol. The proposed amendments to the 1988 SOLAS Protocol were circulated in accordance with SOLAS article VIII(b)(i) and article VI(c) of the 1988 SOLAS Protocol to all IMO Members and Parties to the 1988 SOLAS Protocol by Circular Letter No.3516 of 2 December 2014.

3.5 Parties to the 1978 STCW Convention were invited to participate in the consideration and adoption of proposed amendments to chapter V of that Convention and new sections A-V/3 and B-V/3 of the STCW Code. More than one third of the Parties to the 1978 STCW Convention were present during the consideration and adoption of the said amendments by the expanded Maritime Safety Committee, in accordance with the provisions of article XII(1)(a)(iv) and regulation I/1.2.3 of the Convention. The proposed amendments to the 1978 STCW Convention and parts A and B of the STCW Code had been circulated in accordance with article XII(1)(a)(i) of the Convention to all IMO Members and Parties to the Convention, by Circular Letter No.3508 of 2 December 2014.

3.6 The Committee was also invited to consider and approve draft MSC circulars on:

- .1 *Guidance on pressure testing of boundaries of cargo oil tanks under direction of the master;*
- .2 *Lists of solid bulk cargoes for which a fixed gas fire-extinguishing system may be exempted or for which a fixed gas fire-extinguishing system is ineffective (MSC.1/Circ.1395/Rev.1);*
- .3 *Guidelines for the submission of information and completion of the format for the properties of cargoes not listed in the International Maritime Solid Bulk Cargoes (IMSBC) Code and their conditions of carriage (MSC.1/Circ.1453); and*

- .4 Amendments to the Guidelines for developing and approving procedures for sampling, testing and controlling the moisture content for solid bulk cargoes which may liquefy (MSC.1/Circ.1454).

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

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

#### ***Part A – General – Regulation 2 – Definitions***

#### ***Part F – Alternative design and arrangements – Regulation 55.1 – Purpose***

#### ***Part F – Alternative design and arrangements – Regulation 55.2 – General***

#### ***Part F – Alternative design and arrangements – Regulation 55.3 – Engineering analysis***

#### ***New Part G – Ships using low-flashpoint fuels – Regulation 56 – Application***

#### ***New Part G – Ships using low-flashpoint fuels – Regulation 57 – Requirements for ships using low-flashpoint fuels***

3.7 The Committee recalled that BLG 17, CCC 1 and the Joint Working Group on the Polar and IGF Codes established at MSC 94, had prepared draft amendments to SOLAS chapter II-1 to make the International Code of Safety for Ships using Gases or other Low-flashpoint Fuels (IGF Code) mandatory, which had been approved by MSC 94.

#### ***Sovereign immune vessels***

3.8 The Committee considered document MSC 95/3/18 (Netherlands and Spain), proposing the deletion of paragraph 5 of draft new SOLAS regulation II-1/56, which exempts sovereign immune vessels from the mandatory application of the IGF Code, and noted the following views during the discussion:

- .1 government-owned ships should not be exempted from the application of the IGF Code since the Code elaborates on provisions of SOLAS chapters II-1 and II-2, which do not contain exemptions for government-owned ships for the reason that they contain fundamental safety provisions that should be met by all ships;
- .2 draft SOLAS regulation II-1/56.5 provides clarity and is aligned with other SOLAS provisions (e.g. SOLAS regulations V/1.1, XI-2/2.3 and XIV/2.4);
- .3 SOLAS chapters IX and XI-2, which contain exemptions for government-owned ships, relate to auditing and security procedures rather than ship design, equipment and arrangements;
- .4 the reasons that drove the inclusion of an exemption for government-owned ships in SOLAS chapter XIV (Safety measures for ships operating in polar waters) went beyond technical considerations;
- .5 expanding the scope of the IGF Code to include government-owned ships is not only a technical matter but is also related to a State's sovereignty;
- .6 government-owned ships are often designed, built and operated to different, and frequently more stringent, standards that take into account the unique non-commercial missions that they may be called upon to perform;
- .7 government-owned ships that meet more stringent requirements than those contained in SOLAS are usually naval ships, whereas other government-owned ships ought to comply with SOLAS with regard to design, equipment and arrangements and, in this context, the IGF Code; and

.8 draft SOLAS regulation II-1/56.5 addresses the safety concerns raised in document MSC 95/3/18 since it provides that government-operated ships should act in a manner consistent with the IGF Code.

3.9 Having considered the above views, the Committee decided to retain paragraph 5 of draft SOLAS regulation II-1/56.

*Exemption of gas carriers from the application of the IGF Code*

3.10 In considering the remaining draft amendments to SOLAS chapter II-1, specifically draft new SOLAS regulation II-1/56.4, the Committee recalled that IACS had advised MSC 94 that, if both the IGF and IGC Codes were to apply simultaneously to a single gas carrier, difficulties would arise in applying requirements that differed between the two Codes, for example on vessel tank location and Emergency Shutdown (ESD) protected spaces.

3.11 In this connection, the Committee noted the view of the observer from IACS that the draft new SOLAS regulation II-1/56.4, as approved by MSC 94 and set out in annex 1 to document MSC 95/WP.5, did not allow any leeway for approving, on a case-by-case basis, the use of low-flashpoint fuels other than cargo in gas carriers by existing provisions for alternative design in the IGC Code, since the draft SOLAS regulation II-1/56.4 requires the IGF Code to be applied in all cases except when boil-off gas from the cargo is being used as fuel.

3.12 Subsequently, the observer from IACS requested the Committee to clarify whether or not the IGF Code should apply to IGC Code ships using dedicated low-flashpoint fuels that are not derived from the vapour or boil-off from their cargo.

3.13 In considering the IACS request for clarification, the Committee recalled that CCC 1 had agreed that the IGF Code should not apply to IGC Code gas carriers that did not use any other gas or low-flashpoint fuel, apart from vapour or boil-off from their cargo. Hence, SOLAS regulation II-1/56.4 was drafted as it appears in annex 1 to document MSC 95/WP.5.

3.14 The Committee also recalled that, at MSC 94, the observer from IACS had raised the issue of potential difficulties arising from applying two codes (i.e. IGF and IGC Codes) to a single liquefied gas carrier (e.g. multiple interpretation issues and a requirement for dual certification).

3.15 The Committee further recalled that MSC 94 had decided to retain SOLAS regulation II-1/56.4 unchanged, based on the view that any difficulties arising from requirements that differed between the IGF and IGC Codes could be resolved on a case-by-case basis by the Administration responsible for approval and certification.

3.16 Given that the issue had been raised again at this session, the Committee agreed to make a policy decision on whether or not the IGF Code should apply to ships that are subject to the IGC Code using dedicated low-flashpoint fuels that are not vapour or boil-off gas from their cargo, in order to provide clarity with regard to the issue of the application of the IGF Code to the aforementioned ships.

3.17 Subsequently, the Committee, having considered the following views expressed on this matter:

- .1 if the IGF and IGC Codes were both to apply to gas carriers, then seafarers that are certified under STCW regulation V/1-2 for liquefied gas tankers would also be required to be certified under STCW regulation V/3 for ships subject to the IGF Code;

- .2 if the word "cargoes" were to be deleted in draft SOLAS regulation II-1/56.4, then gas carriers would be able to use low-flashpoint fuels that are not derived from the vapour or boil-off from their cargo without any additional risk assessment on a case-by-case basis;
- .3 a ship that fully complies with the IGC Code should not have to comply with the IGF Code, regardless of where the low-flashpoint fuel comes from;
- .4 a double application of the IGF Code and the IGC Code to gas carriers should be avoided and it would be preferable not to leave it to Administrations to consider the issue on a case-by-case basis because it would be difficult to achieve a harmonized application; and
- .5 if the IGF Code were not to apply to ships subject to the IGC Code using non-cargo low-flashpoint fuels, then the issue of fuel tank location should be carefully considered,

agreed that the IGF Code should not apply to ships subject to the IGC Code, even in the case of IGC Code ships using low-flashpoint fuels that are not cargo. Consequently, the Committee instructed the working group to make the necessary modifications to SOLAS chapter II-1 to reflect the above policy decision.

3.18 Having considered all matters related to the draft amendments to SOLAS chapter II-1, the Committee confirmed the contents of the proposed amendments, subject to the required modifications to reflect the above policy decision (see paragraph 3.17), including editorial improvements, if any.

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

#### ***Regulation 4 – Probability of ignition***

#### ***Regulation 11 – Structural integrity***

#### ***Regulation 20 – Protection of vehicle, special category and ro-ro spaces***

3.19 The Committee recalled that BLG 17, CCC 1 and the Joint Working Group on the Polar and IGF Codes, established at MSC 94, had prepared draft amendments to SOLAS regulation II-2/4.2 to make the IGF Code mandatory, which had been approved by MSC 94.

3.20 In considering the draft amendments to SOLAS regulation II-2/4.2, the Committee agreed that they should be modified to ensure that the current permission for existing cargo ships under the existing SOLAS regulation II-2/4.2.4 is maintained, in accordance with the *Guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1500).

3.21 The Committee also recalled that the draft amendments to paragraph 5.3.2.2 of SOLAS regulation II-2/4 and the draft amendments to SOLAS regulations II-2/11 and II-2/20 had been developed by SSE 1 and approved by MSC 94.

3.22 In the context of SOLAS regulation II-2/20, the Committee recalled that MSC 94 had instructed SSE 2 to review the approved draft amendments to SOLAS regulation II-2/20.3 in conjunction with SOLAS regulation II-2/19, for purposes of consistency.

3.23 In this regard, the Committee, having considered urgent matters emanating from SSE 2 on this issue, agreed with the proposed modification to the draft amendments to SOLAS regulation II-2/20.3, as set out in paragraph 2.2 of document MSC 95/12.

3.24 Subsequently, the Committee confirmed the contents of the proposed amendments to SOLAS chapter II-2, including the modified draft SOLAS regulation II-2/20.3, subject to the agreed modification to SOLAS regulation II-2/4.2 and further editorial improvements, if any.

### ***Regulation 18 – Helicopter facilities***

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

3.26 In connection with the draft amendments to SOLAS regulation II-2/18, the Committee noted that SSE 2 had also prepared a new chapter 17 to the FSS Code, to be considered under agenda item 12 (Urgent matters emanating from SSE 2) for approval, with a view to subsequent adoption by MSC 96.

3.27 As a result of the decision to prepare a new chapter 17 to the FSS Code, SSE 2 requested the Committee to consider the consequential modification to the draft amendments to SOLAS regulation II-2/18, with a view to adoption by MSC 96 rather than by this session, in conjunction with the adoption of the new chapter 17 of the FSS Code.

3.28 In light of the above development, the Committee decided to consider the consequential modification to the draft amendments to SOLAS regulation II-2/18 under agenda item 12 (see paragraph 12.16).

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

#### ***Form of Safety Certificate for Passenger Ships***

#### ***Form of Safety Construction Certificate for Cargo Ships***

3.29 The Committee recalled that the draft amendments to the appendix (Certificates) to the annex to SOLAS, which had been approved by MSC 94, had been developed by CCC 1 and the Joint Working Group on the Polar and IGF Codes established at MSC 94, in order to address the requirement for IGF Code certification.

3.30 The Committee noted that no comments on the draft amendments had been received, and confirmed the contents of the proposed amendments to the appendix to the annex to SOLAS, subject to editorial improvements, if any.

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

3.31 The Committee agreed that the SOLAS amendments to chapters II-1, II-2 and to the appendix to the annex, 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.

### ***PROPOSED AMENDMENTS TO THE 1978 SOLAS PROTOCOL***

#### ***Proposed amendments to the appendix to the annex to the 1978 SOLAS Protocol***

#### ***Form of Safety Construction Certificate for Cargo Ships***

3.32 The Committee recalled that the proposed amendments to the 1978 SOLAS Protocol had been approved by MSC 94 and that the changes consisted of amendments required to harmonize amendments to the appendices to the annex to the 1974 SOLAS Convention and the annex to the 1988 SOLAS Protocol with the appendix to the annex to the 1978 Protocol relating to the IGF Code certification.

3.33 The Committee noted that no comments had been submitted on the draft amendments to the appendix to the annex to the 1978 SOLAS Protocol and confirmed their contents, subject to editorial improvements, if any.

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

3.34 The Committee agreed that the amendments to the 1978 SOLAS Protocol, 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.

### **PROPOSED AMENDMENTS TO THE 1988 SOLAS PROTOCOL**

#### **Proposed amendments to the appendix to the annex to the 1988 SOLAS Protocol**

*Form of Safety Certificate for Passenger Ships*

*Form of Safety Construction Certificate for Cargo Ships*

*Form of Safety Certificate for Cargo Ships*

3.35 The Committee recalled that the proposed amendments to the 1988 SOLAS Protocol had been approved by MSC 94 and that the changes consisted of amendments required to harmonize amendments to the appendices to the annex to the 1974 SOLAS Convention and the annex to the 1978 SOLAS Protocol with the appendix to the annex to the 1988 Protocol relating to the IGF Code certification.

3.36 The Committee noted that no comments had been submitted on the draft amendments to the appendix to the annex to the 1988 SOLAS Protocol and confirmed their contents, subject to editorial improvements, if any.

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

3.37 The Committee agreed that the amendments to the 1988 SOLAS Protocol, 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.

### **PROPOSED AMENDMENTS TO MANDATORY CODES UNDER THE SOLAS CONVENTION**

#### **Proposed amendments to the IMSBC Code**

3.38 The Committee recalled that CCC 1 had agreed to prepare two sets of draft amendments to the IMSBC Code as follows:

- .1 draft amendments (03-15), excluding the matters related to HME substances, to be finalized by E&T 22, for submission directly to MSC 95 with a view to adoption (MSC 95/3/Add.1, annex 1); and
- .2 a separate set of non-mandatory draft amendments to the IMSBC Code related to substances harmful to the marine environment (HME) (i.e. amendments to paragraph 4.2 and a new section 14), for submission to MEPC 68 for advice and to MSC 95 with a view to adoption, taking into account the advice of MEPC 68 (MSC 95/3/Add.1, annex 2).

3.39 With regard to the non-mandatory draft amendments to the IMSBC Code related to HME substances, the Committee noted that MEPC 68 had invited the Committee to concur with its decision to approve the draft amendments, subject to removal of the duplicated text of MARPOL Annex V regulations from the draft new section 14 and revision of the introductory part of that section accordingly.

3.40 Following consideration, the Committee concurred with the way forward proposed by MEPC 68 and, having noted that no other comments on the draft amendments related to HME substances had been submitted, confirmed their contents, subject to the modifications agreed by MEPC 68.

3.41 With regard to the draft amendments to the IMSBC Code finalized by E&T 22 (i.e. not related to HME substances), the Committee noted that no comments had been submitted and confirmed their contents.

3.42 When discussing the proposed draft amendments to the Code in the context of safety of personnel and ships (MSC 95/3/Add.1, annex 1), the Committee agreed that the proposed new paragraph 3.1.2, which addresses fire safety risk assessments, should be editorially modified in order to clearly express that such a mandatory requirement only refers to an operational-routine onboard process, which is to be carried out by the ship's crew. In this context, the Committee instructed the drafting group to further consider this matter.

3.43 Subsequently, the Committee agreed to refer the above draft amendments for consideration by the drafting group in order to identify additional editorial improvements, if any.

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

3.44 The Committee agreed that the amendments to the IMSBC Code, 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.

3.45 The Committee also agreed that, in accordance with normal practice, Contracting Governments to the SOLAS Convention might apply the above amendments to the IMSBC Code from 1 January 2016, on a voluntary basis.

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

3.46 The Committee recalled that MSC 94 had adopted amendments to the 2011 ESP Code (resolution MSC.381(94)) and had noted with appreciation the offer by IACS to harmonize the use of the terms related to recognized organizations throughout the Code.

3.47 In this regard, the Committee had for its consideration document MSC 95/3/8 (IACS), proposing relevant amendments to the 2011 ESP Code related to recognized organizations.

3.48 Following discussion, and having agreed that the proposed amendments contained in document MSC 95/3/8 were of an editorial nature, the Committee instructed the drafting group to prepare a corrigendum to annex 2 to the report of MSC 94 (MSC 94/21), with a view to incorporating the aforementioned modifications into the authentic text of resolution MSC.381(94).

**DRAFT INTERNATIONAL CODE OF SAFETY FOR SHIPS USING GASES OR OTHER LOW-FLASHPOINT FUELS (IGF CODE)****General**

3.49 The Committee recalled that MSC 94 had approved, in principle, the draft International Code of Safety for Ships using Gases or other Low-flashpoint Fuels (IGF Code), as prepared by CCC 1 (MSC 95/3/5, annex), with a view to adoption at this session.

3.50 The Committee recalled also that MSC 94 established the Joint Working Group on the Polar and IGF Codes, which was instructed, inter alia, to finalize the draft IGF Code and submit part 3 of its report regarding the draft IGF Code to MSC 95.

**Report (part 3) of the Joint Working Group on the Polar and IGF Codes**

3.51 The Committee considered part 3 of the joint working group's report (MSC 95/3/4), which contained the draft IGF Code, as prepared by the working group, showing all amendments agreed by the working group in track changes and, having approved the report in general, considered the actions requested by the joint working group, as set out in paragraph 31 of document MSC 95/3/4. In particular, the Committee:

- .1 noted the amendments to the existing text of the draft IGF Code (not relating to protective tank location requirements) agreed by the group;
- .2 noted the inclusion of the LNG Bunker Delivery Note as an appendix to part C of the draft IGF Code and the associated amendments to section 18.3 of the draft Code;
- .3 endorsed the group's decision to introduce a field in the LNG Bunker Delivery Note for indicating sulphur content of the LNG fuel;
- .4 noted the group's discussion on the scope and methodology of the risk assessment under the draft IGF Code; and
- .5 noted the group's discussion and amendments to section 5.3 of the draft IGF Code relating to protective tank location requirements (i.e. deletion of tank length limitation and choice of  $f_{CN} = 0.02$  for passenger ships and  $f_{CN} = 0.04$  for cargo ships).

3.52 Having considered the revised text of the draft IGF Code prepared by the joint working group, the Committee agreed, in principle, to the amendments, subject to the Committee's consideration of documents submitted to the session on this issue.

**Scope and method of the risk assessment**

3.53 The Committee noted that the joint working group, established at MSC 94, had discussed the scope and method of the risk assessment and agreed not to amend section 4.2 owing to the differing views on this matter and the absence of specific proposals and had recognized that Member States and international organizations could submit specific proposals to this session for clarification of the intended scope and methodology of risk assessments under the IGF Code.

3.54 In regard to the scope and method of the risk assessment, the Committee had for its consideration the following documents:

- .1 MSC 95/3/11 (Norway), proposing amendments to the draft IGF Code to clarify the scope of the risk analysis for natural gas fuel as being not only the elements identified in paragraphs of part A-1 of the draft IGF Code that specifically require a risk assessment/analysis, but also external events (collisions, grounding, fires and boiling liquid expanding vapour explosions, electric shocks, bunkering operations, Accidental Limit States, dropped objects, etc.) not initiated by the LNG installation. The introduction of a new paragraph specifying acceptable and recognized risk analysis techniques is also proposed; and
- .2 MSC 95/3/15 (China, Germany, Japan, Republic of Korea, Spain and CESA), proposing amendments to the draft IGF Code to clarify that if all prescriptive requirements for natural gas fuel stipulated in part A-1 of the Code are met, risk assessments/analyses are only required if expressly stated under the relevant paragraphs of part A-1.

3.55 In considering the above documents, the Committee noted that only the proposals contained in document MSC 95/3/15 received support. Consequently, the Committee tasked the working group to clarify the requirement for the risk assessment in the draft IGF Code based on the proposals contained in document MSC 95/3/15.

### **Accidental load on fuel tanks**

3.56 The Committee had for its consideration the following documents on matters related to the accidental load on fuel tanks:

- .1 MSC 95/3/13 (Japan and CESA), suggesting that paragraph 6.4.9.5.2 on loads due to flooding on ship lacks clarity because if the term "main deck" is interpreted as the uppermost deck, then the shell plate thickness of LNG fuel storage tanks, in most cases, becomes impracticable and/or additional rings become necessary. In the cases of prismatic type A or type B tanks, it is not feasible to design them according to large external overpressure. Consequently, modifications to paragraph 6.4.9.5.2 of the draft IGF Code were proposed in order to clarify the load assumptions for the structural design of anti-flootation chocks; and
- .2 MSC 95/INF.9 (Japan) containing information on three case studies on reinforcement of cylindrical LNG fuel storage tanks under the flooded condition, in accordance with paragraph 6.4.9.5.2 of the draft IGF Code.

3.57 Having considered the above documents, the Committee decided to refer them to the working group for further consideration.

### **Monitoring of fuel tank temperature during bunkering operations**

3.58 The Committee considered document MSC 95/3/14 (Japan), proposing modifications to the draft IGF Code to monitor fuel temperature in order to avoid the rapid rise of pressure during the bunkering operation, caused by the mixing of fuels with different temperatures and to prevent stratification from occurring during fuel agitation if layers of fuel of different temperatures are confirmed. Specifically, the introduction of a new paragraph 15.4.11 and amendments to paragraph 15.5.1 of the draft IGF Code were proposed to require the following:

- .1 each fuel tank, unless it is an independent tank of type C supplied with a vacuum insulation system and pressure build-up fuel discharge unit, should be provided with at least three devices to measure and indicate the temperature of the fuel in at least three locations; and
- .2 the tank temperature should be monitored from a safe location, remote from the bunkering station.

3.59 Having considered the above document, the Committee decided to refer it to the working group for further consideration.

### **Safe location of fuel tanks in passenger ships**

3.60 The Committee considered document MSC 95/3/16 (France and Spain) proposing modifications to paragraphs 5.3.3.2 and 5.3.4.5 of the draft IGF Code to clarify the protective distances for fuel tanks on passenger ships.

3.61 Having considered the above document, the Committee noted general support for the proposal and decided to refer it to the working group for further detailed consideration, including the view that similar clarifications could be considered for the safe tank location requirements for cargo ships.

### **Bunker safety checklists**

3.62 Having considered document MSC 95/3/20 (United States), containing references to sample bunker safety checklists developed by ISO and IAPH and proposing the development of a sample bunker checklist, based on the requirements in the draft IGF Code and the references provided, to be issued as guidance, in order to standardize implementation prior to the Code entering into force, the Committee noted general support for the proposal and decided to forward the document to CCC 2 for further consideration, taking into account related work on LNG bunkering by the ISO working group on Liquid and gas fuelled vessels (ISO/TC 8/WG 8).

### **Proposed clarifications and editorial modifications to the draft IGF Code**

3.63 The Committee had for its consideration the following documents:

- .1 MSC 95/3/9 (Japan), proposing editorial modifications throughout the draft IGF Code for the purposes of clarity and consistency;
- .2 MSC 95/3/12 (Norway), proposing editorial modifications to a number of paragraphs of chapter 6 (Fuel Containment System) of the draft IGF Code;

- .3 MSC 95/3/17 (IACS), providing comments, proposing modifications and requesting clarifications on a number of requirements in the draft IGF Code, specifically: the elimination of sources of ignition in hazardous areas; the limitation of explosion consequences; periodically unattended operation; the sizing of pressure relief valves with respect to rollover effects; double barrier for vent piping; the definitions of hazardous area, non-hazardous area and point of release; the hazardous area zone distances for LNG tank relief valves; and the ventilation of machinery spaces containing gas-fuelled consumers; and
- .4 MSC 95/3/19 (Norway and United States), proposing the following amendments to the draft IGF Code:
  - .1 insertion of definitions for "loading limit", "filling limit" and "reference temperature";
  - .2 modifications to section 6.8 to correct errors in the use of the terms "filling limit" and "loading limit"; and
  - .3 modifications to footnote 19 to paragraph 9.6.2 to more clearly define the specific arrangement being addressed and note that the arrangement is aligned with the gas-safe machinery space concept which would not require a gas detector to be fitted above the engine.

3.64 Following discussion, the Committee decided to refer the aforementioned documents to the working group for further detailed consideration.

#### **Establishment of the Working Group on the IGF Code**

3.65 Having considered the outstanding matters and other issues related to the draft IGF Code, the Committee established a Working Group on the IGF Code and instructed it, taking into account comments and decisions made in plenary, as well as documents MSC 95/3/9, MSC 95/3/12, MSC 95/3/13, MSC 95/3/14, MSC 95/3/15, MSC 95/3/16, MSC 95/3/17, MSC 95/3/19, MSC 95/WP.5/Add.1, and MSC 95/INF.9, to:

- .1 finalize the draft amendments to SOLAS chapter II-1, based on annex 1 to document MSC 95/WP.5;
- .2 finalize the draft International Code of Safety for Ships using Gases or other Low-flashpoint Fuels (IGF Code), based on the annex to document MSC 95/3/5, as further modified by the Joint Working Group for the Polar and IGF Codes established by MSC 94 (MSC 95/3/4, annex);

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

3.66 The Committee recalled that the proposed amendments to the STCW Convention and parts A and B of the STCW Code, which are related to the IGF Code, had been developed by HTW 1 and approved by MSC 94.

## Proposed amendments to the STCW Convention

### **New Regulation V/3 – Mandatory minimum requirements for the training and qualifications of masters, officers, ratings and other personnel on ships subject to the IGF Code**

3.67 The Committee had for its consideration the following documents:

- .1 MSC 95/3/10 (Sweden) proposing modifications to the draft amendments to the STCW Convention and Code as follows:
  - .1 changes to paragraph 3 of draft new STCW regulation V/3 to clarify that revalidation should be required for both basic and advanced certificates, relocation of paragraph 3 to the end of STCW regulation V/3 and consequent renumbering of subsequent paragraphs;
  - .2 editorial changes to paragraph 8 of draft new STCW regulation V/3;
  - .3 editorial changes to other paragraphs of draft new STCW regulation V/3 to align its format with other regulations that require sea service and documentary evidence, such as STCW regulations V/1-1 and V/1-2;
  - .4 introduction of a definition for the IGF Code in STCW regulation I/1;
  - .5 an amendment to STCW regulation I/11 through which certificates issued under regulation V/3 would be excluded from the application of regulation I/11; and
  - .6 introduction of a new row and a new note in table B-I/2 of the STCW Code giving information on certificates issued under regulation V/3.
- .2 MSC 95/3/21 (Norway and United States), proposing modifications to the draft amendments to the STCW Convention and the associated draft MSC resolution and STCW.7/Circ.23 as follows:
  - .1 reformatting and changes to paragraph 8 of draft new STCW regulation V/3 to clarify the two available options (i.e. meeting the bunkering requirements on board a ship to which the IGF Code applies or meeting the cargo operation requirement on board a liquefied gas tanker and establishing that the experience must be on ships that carried as cargo any of the fuels covered by the IGF Code);
  - .2 introduction of a new paragraph 8bis in draft new STCW regulation V/3, allowing Administrations to compare the standard of competence of persons that have served on ships constructed in accordance with the *Interim guidelines on safety for natural gas-fuelled engine installations in ships* (resolution MSC.285(86)) with the standards of competence in section A-V/3 of the STCW Code and decide if their qualifications would need to be updated;

- .3 introduction of a new paragraph 3bis in the draft MSC resolution on adoption of amendments to the STCW Convention, explicitly recognizing training and experience on ships built in accordance with resolution MSC.285(86); and
- .4 amendments to STCW.7/Circ.23 that are consequential to the proposal for the new paragraph 8bis.

3.68 Having considered the proposed modifications to paragraph 8 of draft new STCW regulation V/3 (see paragraphs 3.67.1.2 and 3.67.2.1), the Committee agreed to refer the proposal contained in document MSC 95/3/21 to the drafting group for action as appropriate.

3.69 With regard to the proposed new paragraph 8bis to draft new STCW regulation V/3 (see paragraph 3.67.2.2), following discussion, the Committee agreed to the inclusion of the paragraph in the aforementioned regulation and instructed the drafting group accordingly.

3.70 The Committee considered the proposal to clarify that revalidation should be required for both basic and advanced certificates, and more specifically, the proposal to delete paragraph 3 of the draft new STCW regulation V/3 and introduce a new, similar paragraph at the end of the regulation for that purpose (see paragraph 3.67.1.1). Subsequently, the Committee agreed to the proposed modifications contained in document MSC 95/3/10 and instructed the drafting group accordingly.

3.71 Having considered the proposed editorial amendments to draft new STCW regulation V/3, to align its format with other regulations that require sea service and documentary evidence, such as regulations V/1-1 and V/1-2 (see paragraph 3.67.1.3), the Committee, following discussion, agreed to the proposed editorial amendments and instructed the drafting group accordingly.

3.72 With regard to the proposals to introduce a definition of the IGF Code in regulation I/1 of the STCW Convention and to amend regulation I/11 for the purpose of excluding certificates issued under draft new regulation V/3 from the application of regulation I/11 (see paragraphs 3.67.1.4 and 3.67.1.5 ), the Committee noted that the proposed amendments were being considered for the first time at MSC 95 and had not been circulated in accordance with article XII(1)(a)(i) of the Convention.

3.73 Following consideration of the above proposals, the Committee agreed that the aforementioned proposed amendments were consequential to the already circulated draft amendments and instructed the drafting group to include them in the current set of draft amendments for adoption.

3.74 Having considered the draft amendments to the STCW Convention, the Committee confirmed their contents, subject to the modifications agreed above and editorial improvements, if any.

### **Proposed amendments to part A of the STCW Code**

#### **New section A-V/3**

3.75 The Committee, having agreed to remove the square brackets around paragraph 3 of draft new section A-V/3, noted that no comments had been submitted on the draft amendments to part A of the Code and confirmed their contents, subject to editorial improvements, if any.

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

3.76 The Committee agreed that the amendments to the STCW Convention and part A of the STCW Code, proposed for adoption at the session, should be deemed to have been accepted on 1 July 2016 and to enter into force on 1 January 2017, in line with other related amendments to make the IGF Code mandatory.

**Proposed amendments to part B of the STCW Code****New section B-V/3**

3.77 Having considered the draft amendments to part B of the STCW Code, including the proposal to introduce a new row and a new note in table B-I/2 giving information on certificates issued under STCW regulation V/3, as contained in document MSC 95/3/10 (see paragraph 3.67.1.6), and following discussion, the Committee agreed to the aforementioned proposal and instructed the drafting group accordingly. In this context, the Committee agreed that these amendments should become effective on the date of entry into force of the amendments to the STCW Convention and part A of the STCW Code.

**RELATED DRAFT CIRCULARS****Draft STCW.7 circular on Amendments to the Interim guidance on training for seafarers on ships using gases or other low-flashpoint fuels (STCW.7/Circ.23)**

3.78 The Committee considered the amendments to the *Interim guidance on training for seafarers on ships using gases or other low-flashpoint fuels* (STCW.7/Circ.23) proposed in document MSC 95/3/21 (see paragraph 3.67.2.4), with the purpose of establishing a relationship with the *Interim guidelines on safety for natural gas-fuelled engine installations in ships* (resolution MSC.285(86)).

3.79 Following discussion, the Committee, having noted that the Secretariat had prepared the proposed amendments in the form of a draft STCW.7 circular (MSC 95/WP.5, annex 7), agreed to the above amendments and confirmed the contents of the draft STCW.7 circular, subject to editorial improvements, if any.

**Draft MSC circular on Guidance on pressure testing of boundaries of cargo oil tanks under direction of the master**

3.80 The Committee recalled that MSC 94 had 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*, had agreed that the guidance should be disseminated through an MSC circular and had tasked the Secretariat to prepare the above MSC circular.

3.81 The Committee considered the draft MSC circular prepared by the Secretariat (MSC 95/3/6, annex) and, having noted that no comments had been received, confirmed its contents, subject to editorial improvements, if any.

**Consequential amendments to MSC.1/Circ.1395/Rev.1, MSC.1/Circ.1453 and MSC.1/Circ.1454 in relation to the draft amendments (03-15) to the IMSBC Code**

3.82 The Committee recalled that CCC 1 had authorized E&T 22 to prepare the draft consequential amendments, in relation to the draft amendments (03-15) to the IMSBC Code, to the following MSC circulars:

- .1 *Lists of solid bulk cargoes for which a fixed gas fire-extinguishing system may be exempted or for which a fixed gas fire-extinguishing system is ineffective (MSC.1/Circ.1395/Rev.1);*
- .2 *Guidelines for the submission of information and completion of the format for the properties of cargoes not listed in the International Maritime Solid Bulk Cargoes (IMSBC) Code and their conditions of carriage (MSC.1/Circ.1453); and*
- .3 *Guidelines for developing and approving procedures for sampling, testing and controlling the moisture content for solid bulk cargoes which may liquefy (MSC.1/Circ.1454),*

and had instructed E&T 22 to submit them directly to MSC 95 for consideration, with a view to approval, together with the associated amendments to the IMSBC Code.

3.83 The Committee considered the draft consequential amendments to the above circulars (MSC 95/8/Add.1, annex 1; MSC 95/8/Add.1, annex 2 and MSC 95/8/Add.1/Corr.1; and MSC 95/8/Add.1, annex 3, respectively), as prepared by E&T 22 and, having noted that no comments on the draft amendments and the associated draft MSC circulars had been received, confirmed their contents, subject to editorial improvements, if any.

3.84 With regard to the draft amendments to MSC.1/Circ.1454, the Committee agreed that they should be issued as a revision to MSC.1/Circ.1454.

**REQUIREMENTS FOR PERIODIC SERVICING OF LIFEBOATS AND RESCUE BOATS**

3.85 The Committee decided that document MSC 95/INF.16 (France et al.) would be considered under agenda item 12 (Urgent matters emanating from SSE 2) (see paragraph 12.30).

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

3.86 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, including the IMSBC Code, together with the associated MSC resolutions;
- .2 the final text of the draft amendments to the 1978 and 1988 SOLAS Protocols, together with the associated draft MSC resolutions;
- .3 the final text of the draft amendments to the 1978 STCW Convention and part A of the STCW Code, together with the associated draft MSC resolutions;

- .4 the final text of the draft STCW.6 circular on *Amendments to part B of the STCW Code*;
- .5 the final text of the draft corrigendum to resolution MSC.381(94) – *Amendments to the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code)*;
- .6 the final text of the draft STCW.7 circular on *Amendments to the Interim guidance on training for seafarers on ships using gases or other low-flashpoint fuels* (STCW.7/Circ.23);
- .7 the final text of the draft MSC circular on *Guidance on pressure testing of boundaries of cargo oil tanks under direction of the master*;
- .8 the final text of the draft revised MSC circular on *Lists of solid bulk cargoes for which a fixed gas fire-extinguishing system may be exempted or for which a fixed gas fire-extinguishing system is ineffective*;
- .9 the final text of the draft revised MSC circular on *Guidelines for the submission of information and completion of the format for the properties of cargoes not listed in the International Maritime Solid Bulk Cargoes (IMSBC) Code and their conditions of carriage*; and
- .10 the final text of the draft amendments to the *Guidelines for developing and approving procedures for sampling, testing and controlling the moisture content for solid bulk cargoes which may liquefy* (MSC.1/Circ.1454), with a view to issuing a revision to MSC.1/Circ.1454.

#### **MATTERS RELATED TO THE POLAR CODE**

##### **Report of the Correspondence Group on the Development of guidance on a methodology for determining limitations for operation in ice**

3.87 The Committee recalled that MSC 94 had 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.385(94), but some consequential work remained to be completed.

3.88 The Committee recalled also that MSC 94 had established the Correspondence Group on the Development of guidance on a methodology for determining limitations for operation in ice, with terms of reference as set out in paragraph 3.62 of document MSC 94/21.

3.89 Having considered the report of the correspondence group (MSC 95/3/7), containing a draft MSC circular on *Guidance/Guidelines on methodologies for assessing operational capabilities and limitations in ice*, the Committee approved the report in general and, in particular:

- .1 endorsed the format agreed by the group for the guidance and the following basic principles also agreed by the group that:
  - .1 the guidance may be used to develop one or more systems (it will not exclusively endorse POLARIS);
  - .2 POLARIS is one acceptable system for meeting the guidance and should be included as an appendix to the guidelines; and
  - .3 the name POLARIS be retained;

- .2 concurred with the group's view on the status of the guidelines, specifically that the draft guidelines should be promulgated as an MSC circular and that any future amendments will follow the relevant procedures of the Committees' guidelines;
- .3 noted the discussion on the need for further validation of POLARIS and endorsed the proposal to issue the draft guidelines, when they are finalized, as Interim guidelines and that experience with the guidelines should be reported to IMO for use in a future version;
- .4 endorsed the group's view that POLARIS may be used both in Arctic and the Antarctic; and
- .5 noted the progress made on the development of the guidance and that more work was necessary intersessionally to finalize this matter.

3.90 In the context of the above, the Committee noted the proposal by the delegation of the Bahamas that the correspondence group, if re-established, should be instructed to consider how the interim guidelines should be confirmed as finalized and to suggest a suitable time frame. Following discussion, the Committee agreed to the above proposal.

#### **Re-establishment of the correspondence group**

3.91 Taking into account the need to make progress in light of the adoption of the Polar Code by MSC 94 and MEPC 68, the Committee decided to re-establish the Correspondence Group on the Development of guidance on a methodology for determining limitations for operation in ice, under the coordination of Norway\*, and instructed it to:

- .1 further develop the 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 95/3/7, MSC 94/3/7 and MSC 94/INF.13, taking into account documents MSC 95/22, 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;
- .3 consider and advise on the method and timing on a review of the interim guidance to confirm its status as finalized; and
- .4 submit a report to MSC 96,

for consideration under agenda item 3 (Consideration and adoption of amendments to mandatory instruments).

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**Coordinator:**

Ms. Turid Stemre  
Senior Adviser  
International environment, safety and security  
Norwegian Maritime Authority  
P.O. Box 2222  
N-5509 Haugesund, Norway  
Tel.: + 47 52 74 51 51  
Email: [Turid.Stemre@sjofartsdir.no](mailto:Turid.Stemre@sjofartsdir.no)

**Additional performance or test standards**

3.92 The Committee recalled that MSC 93, having considered urgent matters emanating from SSE 1, had noted that the SSE Sub-Committee, having considered the finalized chapters 8 (Fire safety/protection) and 9 (Life-saving appliances and arrangements) of the Polar Code, as requested by SDC 1, had agreed that additional performance or test standards might be necessary, but had decided that a detailed discussion should not begin until the Polar Code had been adopted by the Committees.

3.93 Having noted that MEPC 68 had adopted the environment-related provisions of the Polar Code together with associated amendments to MARPOL Annexes I, II, IV and V, further to the adoption of new SOLAS chapter XIV and the safety-related provisions of the Polar Code by MSC 94, the Committee instructed SSE 3 to consider whether additional performance or test standards for fire safety/protection and life-saving appliances and arrangements in relation to the Polar Code are necessary, under the agenda item on "Any other business", and advise MSC 96 on the best way to proceed on the above consequential work.

**REPORT OF THE WORKING GROUP ON THE IGF CODE**

3.94 Having considered the report of the Working Group on the IGF Code (MSC 95/WP.7) (see paragraph 3.65 above), the Committee approved it in general and took action as indicated in paragraphs 3.95 to 3.97.

**Draft amendments to SOLAS chapter II-1**

3.95 The Committee noted the group's discussions regarding how best to reflect, in the draft amendments to SOLAS chapter II-1, specifically regulation II-1/56.4, the Committee's decision that the IGF Code should not apply to gas carriers complying with the IGC Code (MSC 95/WP.7, paragraphs 5 to 11).

3.96 With regard to the draft amendments to SOLAS chapter II-1 prepared by the working group, the Committee agreed to consider them together with the remaining draft SOLAS amendments prepared by the drafting group (see paragraphs 3.99 to 3.101).

**Adoption of International Code of Safety for Ships using Gases or other Low-flashpoint Fuels (IGF Code)**

3.97 The expanded Committee considered the final text prepared by the working group (MSC 95/WP.7, annex 2) and adopted the International Code of Safety for Ships using Gases or other Low-flashpoint Fuels (IGF Code), by resolution MSC.391(95), as set out in annex 1.

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

3.98 Having considered the report of the Drafting Group on Consideration and adoption of amendments to mandatory instruments (MSC 95/WP.6), the Committee approved it in general and took action as indicated in paragraphs 3.99 to 3.117.

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

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

3.99 The expanded Committee, including the delegations of 109 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the Convention, prepared by the drafting group (MSC 95/WP.6, annex 1) and the Working Group on the IGF Code (MSC 95/WP.7, annex 2), and adopted the amendments unanimously by resolution MSC.392(95), as set out in annex 2.

3.100 In adopting resolution MSC.392(95), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the Convention should be deemed to have been accepted on 1 July 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.

3.101 In light of the above decision, the Committee requested the Secretariat to consolidate the amendments to the 1974 SOLAS Convention (see also paragraphs 3.96 and 3.99) and to delete the footnote in the annex to the resolution of adoption of amendments to the SOLAS Convention, after the session.

3.102 With regard to the title of the resolution, specifically the words "as amended", whilst appreciating the editorial amendments proposed by the Legal Division of the Secretariat aiming at conformance with the practices in other United Nations organizations, the Committee agreed, on the basis of the long-standing practice of the Organization, to retain the text as originally drafted (i.e. retain the words "as amended" in the title) (see also paragraph 3.111.2).

3.103 Subsequently, the Committee noted the statement by the delegation of Spain that by adding the word "oil" to the regulation II-2/4.2.1.4, the use of fuel having a flashpoint of less than 60°C in existing cargo ships, prior to the entry into force of the new part G of chapter II-1, is not allowed (for example, boil-off would not be permitted). However, in the view of the delegation, reading the heading of the paragraphs 2 (Arrangements for oil fuel, lubrication oil and other flammable oils) and 2.1 (Limitations in the use of oils as fuel), if it can be understood that fuels other than oil fuels are not covered by that regulation and that the interpretation of IMO is that methane (as an example due to its increasing use) has not to be regarded as an oil fuel, the problem would not exist.

***Adoption of amendments to the IMSBC Code***

3.104 The expanded Committee, including delegations of 109 Contracting Governments to the 1974 SOLAS Convention, having considered the final text of the proposed amendments to the IMSBC Code, prepared by the drafting group (MSC 95/WP.6, annex 4), adopted the amendments unanimously by resolution MSC.393(95), as set out in annex 3, and requested the Secretariat to update the table of contents of the Code accordingly.

3.105 In adopting resolution MSC.393(95), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the IMSBC Code 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 SOLAS article VIII.

**Corrigendum to annex 2 to the report of MSC 94**

3.106 The Committee approved the corrigendum to annex 2 to the report of MSC 94 (*Amendments to the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code)*) (resolution MSC.381(94)), prepared by the drafting group (MSC 95/WP.6, annex 5), with a view to incorporating the amendments in the authentic text of resolution MSC.381(94), and requested the Secretariat to take action as appropriate.

**Adoption of amendments to the 1978 SOLAS Protocol**

3.107 The expanded Committee, including delegations of 87 Parties to the 1978 SOLAS Protocol, considered the final text of the proposed amendments to the appendix to the annex to the Protocol prepared by the drafting group (MSC 95/WP.6, annex 2) and adopted the amendments unanimously by resolution MSC.394(95), as set out in annex 4.

3.108 In adopting resolution MSC.394(95), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention and article II of the 1978 SOLAS Protocol, that the adopted amendments to the Protocol 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 1974 SOLAS Convention and article II of the 1978 SOLAS Protocol) and should enter into force on 1 January 2017, in accordance with the provisions of SOLAS article VIII and article II of the 1978 SOLAS Protocol.

**Adoption of amendments to the 1988 SOLAS Protocol**

3.109 The expanded Committee, including delegations of 79 Parties to the 1988 SOLAS Protocol, considered the final text of the proposed amendments to the appendix to the annex to the Protocol prepared by the drafting group (MSC 95/WP.6, annex 3) and adopted the amendments unanimously by resolution MSC.395(95), as set out in annex 5.

3.110 In adopting resolution MSC.395(95), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention and article VI of the 1988 SOLAS Protocol, that the adopted amendments to the Protocol 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 1974 SOLAS Convention and article VI of the 1988 SOLAS Protocol) and should enter into force on 1 January 2017, in accordance with the provisions of SOLAS article VIII and article VI of the 1988 SOLAS Protocol.

**Adoption of amendments to the 1978 STCW Convention, as amended, and the STCW Code*****Adoption of amendments to the 1978 STCW Convention, as amended, and part A of the STCW Code***

3.111 In considering the report of the drafting group, the Committee:

- .1 endorsed the group's recommendation to modify the text of paragraph 11 of the new regulation V/3 of the STCW Convention, based on paragraph 15 of document MSC 95/WP.6;
- .2 endorsed the group's decision to retain the words "as amended" in the title of the resolution on the adoption of the amendments to the 1978 STCW Convention (see also paragraph 3.102); and

- .3 agreed to the proposed text of paragraphs 1 and 2 of the new section A-V/3, as contained in paragraph 18 of document MSC 95/WP.6, for replacing the current text in the amendments to the Code,

and requested the Secretariat to take action as appropriate.

3.112 In this connection, the Committee also agreed to the modifications to the text of regulation V/3, specifically paragraph 9.3, as contained in paragraph 22 of document MSC 95/WP.6, and requested the Secretariat to modify the text of the amendments to part A of the Code as appropriate.

3.113 The expanded Committee, including the delegations of 107 Parties to the 1978 STCW Convention, considered the final text of the draft amendments to the 1978 STCW Convention, as amended, and part A of the STCW Code, prepared by the drafting group (MSC 95/WP.6, annexes 6 and 7, respectively), and adopted the amendments unanimously, including the modifications specified in paragraphs 3.111 and 3.112, by resolutions MSC.396(95) and MSC.397(95), respectively, as set out in annexes 6 and 7.

3.114 In adopting resolutions MSC.396(95) and MSC.397(95), the expanded Committee determined, in accordance with article XII(1)(a)(vii)(2) of the 1978 STCW Convention, that the adopted amendments to the Convention and part A of the Code should be deemed to have been accepted on 1 July 2016 (unless, prior to that date, objections were communicated to the Secretary-General, as provided for in article XII(1)(a)(vii) of the Convention) and should enter into force on 1 January 2017, in accordance with the provisions of article XII of the 1978 STCW Convention.

#### ***Adoption of amendments to part B of the STCW Code***

3.115 The Committee considered the final text of the proposed amendments to part B of the STCW Code (see also paragraph 3.77), as prepared by the drafting group (MSC 95/WP.6, annex 8), and adopted the amendments unanimously, for circulation by means of STCW.6/Circ.11. The Committee decided that the amendments to part B of the STCW Code should become effective on the date of entry into force of amendments to the STCW Convention and part A of the STCW Code, namely 1 January 2017.

#### **Related circulars**

3.116 The Committee considered the final text of related draft circulars prepared by the drafting group (MSC 95/WP.6, annexes 9 to 13) and approved:

- .1 STCW.7/Circ.23/Add.1 on *Amendments to the Interim guidance on training for seafarers on ships using gases or other low-flashpoint fuels (STCW.7/Circ.23)*;
- .2 MSC.1/Circ.1502 on *Guidance on pressure testing of boundaries of cargo oil tanks under direction of the master*;
- .3 MSC.1/Circ.1395/Rev.2 on *Lists of solid bulk cargoes for which a fixed gas fire-extinguishing system may be exempted or for which a fixed gas fire-extinguishing system is ineffective*;

- .4 MSC.1/Circ.1453/Rev.1 on *Guidelines for the submission of information and completion of the format for the properties of cargoes not listed in the International Maritime Solid Bulk Cargoes (IMSBC) Code and their conditions of carriage*; and
- .5 MSC.1/Circ.1454/Rev.1 on *Guidelines for developing and approving procedures for sampling, testing and controlling the moisture content for solid bulk cargoes which may liquefy*.

#### **INSTRUCTIONS TO THE SECRETARIAT**

3.117 The Committee authorized the Secretariat, when preparing the authentic texts of the amendments adopted at this session, to make any editorial corrections that may be identified, including updating references to renumbered paragraphs, and to bring to the attention of the Committee any errors or omissions which require action by the Contracting Governments to the 1974 SOLAS Convention; or the Contracting Governments to 1978 STCW Convention; or the Parties to the 1978 or 1988 SOLAS Protocols.

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

#### **4 MEASURES TO ENHANCE MARITIME SECURITY**

##### **Statements by delegations regarding the TUNA 1**

4.1 Prior to discussions being opened under agenda item 4, the delegation of the Cook Islands made a statement condemning an attack on the Cook Islands' registered ship **TUNA 1**, on 10 May 2015, the full statement of which is set out in annex 27. In this regard, the Committee noted the statement made by the Cook Islands as well as those made by the delegations of Georgia, Libya and Turkey on the same subject, which are also set out in annex 27. The delegation of Azerbaijan also made a statement on the subject.

##### **Guidance for the development of national maritime security legislation**

4.2 The Committee recalled that MSC 94 re-established the Correspondence Group on Guidance for the development of national maritime security legislation and instructed it to review and finalize the draft guidance, taking into account the comments and proposals in document MSC 94/4/2 (China) and submit a report to MSC 95.

4.3 The Committee considered the report of the correspondence group (MSC 95/4), together with document MSC 95/4/5 (ITF and IFSMA), commenting on the report and raising concerns that the draft guidance remains overly prescriptive particularly in the area of shore leave, and uses mandatory language that is inconsistent with the provisions in the ISPS Code. Recognizing that further work was required to address the concerns and queries expressed during the deliberations in plenary, particularly with respect to the need to revise all mandatory language, the Committee agreed to forward the draft guidance to the working group for further revision, taking into account document MSC 95/4/5 and comments and remarks made in plenary.

## Measures toward enhancing maritime cybersecurity

4.4 The Committee recalled that FAL 39 and MSC 94 had considered maritime cybersecurity and that FAL 39 noted that the relevant planned output in the High-level Action Plan (HLAP) for the Organization gave responsibility for maritime security to MSC and not to FAL. However, the Council (C 113/D) endorsed a new output for inclusion in the HLAP and priorities for the 2016-2017 biennium under the purview of the FAL Committee. Hence, FAL 40 will discuss guidelines related to facilitation aspects of protecting the maritime transport network from cyberthreats.

4.5 The Committee agreed, therefore, that any outcome in respect to cybersecurity should be communicated to FAL with a view to seeking its endorsement and, as agreed at MSC 94, also other international organizations, including the United Nations and the International Telecommunication Union (ITU).

4.6 The Committee had for its consideration the following documents:

- .1 MSC 95/4/1 (BIMCO et al.), informing about the *Industry guidelines on cybersecurity on board ships*, intended to be applied by owners, managers and seafarers in order to mitigate maritime cybersecurity risks;
- .2 MSC 95/4/2 (Canada), addressing the potential ambiguity, narrowness and inconsistency of the ISPS Code provisions related to maritime cybersecurity;
- .3 MSC 95/4/3 (Canada), proposing the development of IMO voluntary maritime cybersecurity guidelines for port facilities and ship operators;
- .4 MSC 95/4/4 (IEC), informing about the current ongoing work of IEC in developing a new standard *IEC 61162-460: Maritime navigation and radiocommunication equipment and systems – Digital interfaces – Multiple talkers and multiple listeners – Ethernet interconnection – Safety and security*;
- .5 MSC 95/4/6 (United States), proposing to develop guidelines on managing cyber-related risks in the maritime sector in general, and for port facilities and ships in particular by consolidating or referencing existing standards and best practices; and
- .6 MSC 95/INF.19 (European Commission), informing about the Collaborative Cyber/Physical Security Management (CYSM) System addressing potential security gaps in ports related to the cyberphysical nature of their infrastructure.

4.7 The Committee reaffirmed that cybersecurity was an important and timely issue and that work on this matter should be progressed by the Committee in concert with the FAL Committee, while ensuring consistency and lack of duplication with the efforts of the United Nations, the EC, IEC, industry and others on the matter.

4.8 In considering the issue of the pertinence of the requirements in part B of the ISPS Code in relation to cybersecurity and whether the provisions therein were clear, up to date and appropriate, the Committee agreed that amendments to part B of the ISPS Code were not warranted at this time and, furthermore, were outside the scope of the planned output.

4.9 The Committee supported the development of guidance on the issue of cybersecurity and tasked the working group to discuss the appropriate way forward with respect to development of such guidance, including whether there was a need to establish a correspondence group, and to recommend to plenary actions to be taken.

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

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

- .1 further revise *Guidance for the development of national maritime security legislation* as set out in document MSC 95/4, taking into account document MSC 95/4/5 and comments and remarks made in plenary;
- .2 consider documents MSC 95/4/1, MSC 95/4/2, MSC 95/4/3, MSC 95/4/4, MSC 95/4/6 and MSC 95/INF.19, taking into account comments made in plenary;
- .3 discuss the appropriate way forward with respect to the development of guidance on maritime cybersecurity, including the need to establish a correspondence group; and
- .4 if the establishment of a correspondence group is recommended, develop draft terms of reference for consideration by the Committee.

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

4.11 Having considered the report of the working group (MSC 95/WP.8), the Committee approved it in general and took action as indicated hereunder.

#### ***Re-established the correspondence group***

4.12 In regard to development of guidance on national maritime security legislation, the Committee decided to re-establish the Correspondence Group on Guidance for the Development of National Maritime Security Legislation, under the coordination of the United States\*, and instructed it, taking into account the comments, proposals and decisions made by MSC 95 and documents MSC 95/4/5 and MSC 95/22 (section 4), to:

- .1 revise the *Guidance for the development of national maritime security legislation*, as contained in the annex to document MSC 95/4, and restructure the provisions to clearly distinguish, either by formatting, by providing explanatory notes for each provision or by separating the guidance in different parts, between:

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\* Coordinator:

Mr. L. Stephen Cox, Esq.  
United States Coast Guard  
International Port Security Program  
431 Crawford Street, Room 108  
Portsmouth, Virginia 23704  
United States of America  
Tel: +1 757 398 6651  
Mob: +1 757 544 6190  
Email: [Larry.s.cox@uscg.mil](mailto:Larry.s.cox@uscg.mil)

- .1 mandatory IMO provisions as contained in SOLAS chapter XI-2 and the ISPS Code; and
- .2 IMO recommendations and guidance set out in part B of the ISPS Code and in various IMO circulars as well as the IMO Guide to Maritime Security and the ISPS Code;
- .2 follow the advice provided by the Legal Division of the Secretariat on drafting the guidance in relation to paragraphs 1 to 3 of the appendix to annex 1 to document MSC 95/WP.8; and
- .3 submit a report to MSC 96.

### ***Measures toward enhancing maritime cybersecurity***

4.13 The Committee endorsed the group's recommendation to await the outcome of the industry guidance on maritime cybersecurity on board ships, which is expected to be submitted to FAL 40 and MSC 96, and, consequently, decided not to establish a correspondence group on maritime cybersecurity at this session.

4.14 The Committee urged Member States and international organizations to collaborate on proposals for guidance on maritime cybersecurity and submit them to MSC 96.

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

### **General**

5.1 The Committee recalled that MSC 94 noted progress on the implementation of GBS verification audits, in particular, that five audit teams had been established and the verification audits on all of the 13 recognized organizations (ROs) that had submitted information had started, with a view to finalizing the audit reports for submission to MSC 96.

5.2 The Committee also recalled that, with regard to the GBS safety-level approach (SLA), MSC 94 had invited Member Governments and international organizations to submit comments and concrete proposals on amendments to the *Generic guidelines for developing IMO goal-based standards* (MSC.1/Circ.1394); and on the draft *Interim guidelines for the application of the goal-based standards safety-level approach (SLA) to the IMO rule-making process* (MSC 94/WP.8, annex).

5.3 In regard to the outcome of SSE 2, the Committee decided to consider the options for a future work plan on the GBS framework for life-saving appliances (SSE 2/20, annex 4) under this agenda item, with a view to deciding on the scope and direction of the outputs concerned (see paragraph 5.12).

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

5.4 The Committee noted document MSC 95/5/1 (Secretariat), providing a progress report on the implementation of the GBS verification audits, in particular that all five audit teams had delivered their interim reports, which included 13 interim reports on relevant ROs and two interim reports on IACS Common Packages. The Committee also noted that the five audit teams are scheduled to provide their final reports to the Secretary-General and relevant ROs by the end of June 2015 and that the Secretariat will submit these reports to MSC 96 for consideration.

**General discussion on GBS safety level approach (GBS-SLA)**

5.5 Before considering the detailed proposals submitted to the session on matters related to MSC.1/Circ.1394 and the draft interim guidelines, the Committee noted the statement by the delegation of the United Kingdom that, in its view, there is a need for further discussion and clear direction on the GBS safety level approach (GBS-SLA) before developing guidelines thereon, due to the complicated process of the GBS-SLA. In supporting the statement, a number of delegations expressed concerns that the GBS-SLA is a complex risk assessment process that requires expert knowledge and, therefore, careful consideration on the use of the GBS-SLA for the IMO rule-making process is needed. Following discussion, while some delegations suggested to postpone the discussion on the matter until the next session when additional documents might be submitted, the Committee decided to instruct the working group to discuss and consider the overall objectives of the SLA, including implementation and consequences, and recommend a way forward to the Committee.

**Amendment to MSC.1/Circ.1394**

5.6 Having considered document MSC 95/5 (Germany), proposing amendments to the *Generic guidelines for developing IMO goal-based standards* (MSC.1/Circ.1394) with regard to the structure and contents of the functional requirements to be used in goal-based standards, based on their previous submission (MSC 94/5/2), in order to provide guidance enabling a more homogenous development of functional requirements for IMO instruments, the Committee referred the document to the working group for further consideration of the amendments to the generic guidelines (MSC.1/Circ.1394).

**Interim guidelines for the GBS safety level approach (SLA)**

5.7 In considering the draft interim guidelines (MSC 94/WP.8, annex), the Committee had for its consideration the following documents:

- .1 MSC 95/5 (Germany), proposing draft *Guidelines for developing IMO goal-based standards safety level approach*, which assimilates appropriate elements of MSC.1/Circ.1394 and elements considered in the development of the draft interim guidelines, and also proposing a transition phase so that the current IMO regulatory framework can be updated to the new GBS safety level approach;
- .2 MSC 95/5/3 (IACS), providing comments on the draft interim guidelines regarding matters related to verification, setting goals and GBS work; expressing the view that there is an urgent need to agree on the structure of the regulatory framework; and proposing that the draft interim guidelines refer to the FSA Guidelines in lieu of incorporating risk-based methods in the interim guidelines;
- .3 MSC 95/5/4 (China), proposing changes to the definition for "required safety level" in the draft interim guidelines; and providing comments on document MSC 95/5/3, in particular, in regard to the relationship between FSA and the draft interim guidelines, expressing the view that the safety-level approach is a comprehensive rule development methodology for which FSA can be used as one of the risk-based tools, taking into account that some risk-based methods may not be suitable for incorporation in the FSA Guidelines due to their inherent differences; and

.4 MSC 95/5 (China), commenting on document MSC 95/5/2, expressing concerns that the proposed draft *Guidelines for developing IMO goal-based standards safety level approach* represents a merger of the draft interim guidelines and the MSC.1/Circ.1394, which is not in line with the roadmap endorsed by MSC 94 (i.e. the first step is to finalize the modification of the two guidelines and the second step is to consider how to integrate them), and proposing to keep the roadmap approved by MSC 94 at this session, with the understanding that all elements in the draft interim guidelines should be fully reflected when the two guidelines are integrated in the future.

5.8 In considering the above documents, the Committee, having confirmed the roadmap agreed by MSC 94 (MSC 94/22, paragraphs 5.14 and 5.15), forwarded the above documents to the working group for detailed consideration, with a view to further developing the draft interim guidelines for the GBS-SLA.

### **Options for a future work plan on the GBS framework for life-saving appliances**

5.9 The Committee recalled that MSC 94 had instructed SSE 2 to report the outcome of its work on the development of the draft *Goal-based guidelines on the framework of requirements for ships' life-saving appliances* to this session and noted that the outcome was reported in document MSC 95/12 (paragraph 2.5).

5.10 In this regard, the Committee was advised that SSE 2, having considered how to proceed with the aforementioned draft Goal-based guidelines, prepared two options regarding the future work plan on the GBS framework for life-saving appliances, with a view to the Committee deciding on the scope and direction of the output concerned.

5.11 The Committee considered the two options prepared by SSE 2 (SSE 2/20, annex 4), in particular:

- .1 Option 1: Complete the outputs on "New framework of requirements for life-saving appliances" and "Safety objectives and functional requirements of the *Guidelines on alternative design and arrangements for SOLAS chapters II-1 and III*". Thereafter, all further work on the development of functional requirements for SOLAS would be presented to the Committee as a new output.
- .2 Option 2: Complete the output on "New framework of requirements for life-saving appliances" and use the outcome of the work already undertaken while reviewing the existing requirements for life-saving appliances and developing a comprehensive set of functional requirements for SOLAS chapter III. The work on the output on "Safety objectives and functional requirements of the *Guidelines on alternative design and arrangements for SOLAS chapters II-1 and III*" would only be undertaken after a clear understanding of the functional requirements for the new framework is established. Furthermore, a specific future work plan was proposed (SSE 2/20, annex 4).

5.12 Having noted that there were split views on the above two options, the Committee decided to further consider this matter under agenda item 12 (see paragraphs 12.6 to 12.8).

## **Establishment of the working group**

5.13 Having considered the above matters, the Committee established the Working Group on Goal-based Standards and instructed it, taking into account documents MSC 95/5, MSC 95/5/2 and Corr.1, MSC 95/5/3, MSC 95/5/4, MSC 95/5/5, MSC 94/WP.8 and the comments made and decisions taken in plenary, to:

- .1 discuss and consider the overall objective in respect of the safety-level approach (SLA), including the implementation and the consequences, and recommend a way forward;
- .2 consider the amendments to the *Generic guidelines for developing IMO goal-based standards* (MSC.1/Circ.1394); and
- .3 further consider the draft *Interim guidelines for the application of the goal-based standards safety level approach (SLA) to the IMO rule-making process*.

## **Report of the GBS Working Group**

5.14 Having considered the report of the working group (MSC 95/WP.9), the Committee approved it in general and took action as described hereunder.

### ***Amendments to the Generic Guidelines for Developing IMO Goal-based Standards (MSC.1/Circ.1394)***

5.15 The Committee approved MSC.1/Circ.1394/Rev.1 on *Generic guidelines for developing IMO goal-based standards*.

### ***Discussion and consideration of the safety level approach***

5.16 The Committee noted the group's deliberations on the overall objective with respect to the safety level approach, including implementation and the consequences.

5.17 Having noted the group's recommendations on the future work plan for the SSE Sub-Committee on the development of functional requirements for SOLAS chapter III, the Committee agreed to forward document LSA VIII/2/5 to SSE 3, for the development of functional requirements for SOLAS chapter III.

5.18 In this connection, the Committee endorsed the group's view on the future work plan for the further development of the draft interim guidelines as follows:

- .1 MSC 96 will review the interim outcome of the SSE Sub-Committee on the development of functional requirements for SOLAS chapter III, and further develop, with a view to finalization, the *Interim guidelines for development and application of IMO goal-based standards safety level approach*. In addition, a concrete example related to SOLAS chapter III, by implementing GBS-SLA, will be initiated;
- .2 MSC 97 will finalize the *Interim guidelines for development and application of IMO goal-based standards safety level approach*. Feedback and further instructions will be forwarded to SSE 4 for guidance; and

- .3 MSC 98 will review the outcome of the SSE Sub-Committee on the development of functional requirements of SOLAS chapter III and the progress made at MSC 96 and MSC 97, and make a decision on the future direction of SLA.

5.19 The Committee further noted that the group recognized the concerns raised regarding the urgent need for a broader understanding and greater participation of Member Governments, which could contribute to the development and implementation of the safety level approach.

5.20 In this regard and in relation to the possibility of increased administrative burden, the delegation of South Africa expressed the view that there is a need for capacity building on the development and application of IMO goal-based standards safety level approach, to ensure the broader understanding and greater participation of Member Governments referred to above. Subsequently, the Committee noted the necessity to further consider capacity-building issues at a future session.

5.21 Having considered the above matters, the Committee noted the progress on the draft *Interim guidelines for development and application of IMO goal-based standards safety level approach* and invited Member Governments and international organizations to submit concrete GBS-SLA examples on SOLAS chapter III and comments and proposals on the draft interim guidelines to MSC 96.

## 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 amendments to SOLAS chapter III on emergency training and drills (resolution MSC.350(92); adopted resolution MSC.336(90) on *Measures aimed at enhancing the 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 action plan for long-term work on passenger ship safety (MSC 93/WP.6/Rev.1, annex 3).

### Safety of ro-ro passenger ships

6.2 The Committee considered the information provided by the Secretariat (MSC 95/6) on work currently underway within the Organization related to the safety of passenger ships, most of which might also be applicable to ro-ro passenger ships. The Committee noted that the accident involving the ro-ro passenger ship **Norman Atlantic** and the recent fire on the **Sorrento** had again focused attention on the safety of ro-ro passenger ships and the rescue of passengers. The Committee further noted that the international nature of the passengers and crew highlighted the need for an international response, through IMO, to evaluate the reports of the marine accident investigations and take action, as appropriate, to enhance the current safety regime for ro-ro passenger ships.

### Revised action plan for long-term work on passenger ship safety

6.3 The Committee recalled that the revised action plan for long-term work on passenger ship safety had been finalized at MSC 94 but that Member Governments were encouraged to submit justifications for any unplanned outputs to be taken forward as detailed in table 1 of the plan. The Committee 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. In this context, the delegation of Italy expressed the view that the preparation of proposals for some of the complex issues listed in table 1 might take more time than the one year between this session and MSC 96 and should be extended until MSC 97 to enable Member Governments to make suitable proposals to the Committee. To this end, the Committee noted that the information contained in table 1 was always available to assist Member Governments to prepare proposals for unplanned outputs at any future date.

6.4 In considering the action plan, as reissued by the Secretariat (MSC 95/6/1), the Committee recalled that MSC 94 had instructed the Secretariat to update the plan on the basis of the outcome of discussions at that session of the Committee and, in particular, the items brought forward by III 1 which had not already been included in the plan, to be added in square brackets. The Committee agreed on the inclusion of those items and to delete the square brackets. In this context, the observer from CLIA expressed the opinion that it would be appropriate if paragraph 5.12 of document III 1/18 could be added as a footnote to item 12 in table 1 on the development of guidelines for comprehensive risk assessment, passage planning and position monitoring; effective bridge resource management; and to remove distractions, to read as follows:

"III 1 was of the view that known risks associated with a planned voyage were considered as part of voyage planning and urged caution against suggesting the need for a separate comprehensive risk assessment process. III 1 had agreed that the current provisions for voyage planning took into account known risk associated with a planned voyage (SOLAS, regulation V/34)".

6.5 After some discussion, the Committee once again encouraged interested Member Governments to submit, to MSC 96, justifications for any unplanned outputs to be taken forward as detailed in table 1 of the updated action plan, taking into account the views expressed by CLIA (paragraph 6.4 refers), as appropriate.

### **Proposals to improve passenger ship survivability after damage**

6.6 The Committee considered the report on the interim results and status of a third study commissioned by the European Maritime Safety Agency (EMSA 3) regarding the risk level of passenger ships related to damage stability, as provided in documents MSC 95/6/2 (Austria, et al.), MSC 95/INF.4 and MSC 95/INF.5 (European Commission). The Committee noted that, on the basis of the information contained in these and other relevant documents, the co-sponsors proposed that the Committee authorize a meeting of the Formal Safety Assessment (FSA) Expert Group to validate the final results of the study.

6.7 After some discussion, the Committee decided to consider the matter of holding an intersessional meeting of the FSA Experts Group under agenda item 10 (Ship Design and Construction) (see paragraphs 10.6 and 19.42).

### **Man overboard detection devices for passenger ships**

6.8 The Committee noted the information provided by ISO (MSC 95/6/3) regarding a new ISO/TC 8 work item to assist in the unified interpretation of requirements for man overboard detection devices, or similar, by providing international standards for such devices. The observer from ISO invited the Committee, regional authorities, NGOs, IGOs and other interested stakeholders to engage with ISO/TC 8, as necessary, to assist in the formulation of this new work item in the pursuit of passenger ship safety.

**Conference on the enhancement of safety of ships carrying passengers on non-international voyages**

6.9 The Committee noted that an IMO conference on the enhancement of safety of ships carrying passengers on non-international voyages was held in Manila, the Philippines, on 24 April 2015. The conference was organized in the context of an ongoing programme conducted by IMO through its technical cooperation programme to improve the safety of sea and inland waters transport operations in several countries and regions while recognizing that the regulatory framework of domestic passenger ferries varies considerably from place to place. The conference was attended by representatives of 13 Member States as well as observers from international organizations.

6.10 The Committee further noted that the conference had considered guidelines, which had been developed by the Organization for consideration by the conference, the aim of which was to provide a satisfactory answer to the question of whether a domestic ferry was fit for its intended service. The guidelines addressed issues relating to the purchase of a second-hand ship intended to enter into service as a domestic passenger ship; a change in operating limits; the conversion or modification of a ship before the ship enters into service as a domestic passenger ship; and verification of passenger numbers and voyage planning. The guidelines could also be used to check the operation of ships which were already providing passenger services and the ones relating to verification of passenger numbers and voyage planning in their daily operations.

6.11 The Committee also noted that the conference adopted a statement acknowledging the urgent need to enhance the safety of ships carrying passengers on non-international voyages in certain parts of the world. The statement also urged States to review and update national regulations in relation to their passenger ferries and to apply the guidelines considered at the conference aiming at ensuring that a ship is fit for purpose in its intended role. The statement also urged States who need technical assistance on matters relating to the operation of domestic ferries to seek such assistance from the Organization or from other States. In this context, further information on this conference would be provided to the Technical Cooperation Committee by means of document TC 65/INF.12.

**7 PERFORMANCE REVIEW AND AUDIT OF LRIT DATA CENTRES**

7.1 The Committee recalled the decisions of MSC 94 regarding issues related to the sustainability and viability of the LRIT system (MSC 94/21, paragraph 9.12).

7.2 The Committee had the following documents for consideration:

- .1 MSC 95/7 (Canada, et al.), proposing alternative solutions for the audits of LRIT Data Centres (DCs) and of the International LRIT Data Exchange (IDE) in order to address concerns raised by SOLAS Contracting Governments on the high cost of LRIT audits conducted by IMSO, as LRIT Coordinator; and
- .2 MSC 95/7/1 (IMSO), providing information on the LRIT audit fees between 2009 and 2015; the outcome of the twenty-third session of the IMSO Assembly relating to the approved revised IMSO LRIT audit fee charging policy; and its activities as the LRIT Coordinator.

7.3 In this context, the Chairman invited the Committee to first consider issues related to the cost of the audit and whether the possibility of transferring the audit functions to IMO or any other entity should be looked into further.

7.4 In response to the proposals contained in document MSC 95/7, the observer from IMSO provided background information related to the audit fee and other related issues, including the decisions of MSC 91 (MSC 91/22, paragraph 6.6), and how the fee had been considerably reduced over the last few years, with possible further reductions in 2016.

7.5 The delegation of Vanuatu, supported by Ghana and other delegations, expressed, inter alia, the following views:

- .1 IMSO's efforts to reduce the cost of the audit, including restructuring the IMSO Directorate, and its experience in the conduct of the audits and related investments in recruiting personnel, developing the audit software, establishing service agreements, acquiring the necessary hardware and licenses, etc. should be taken into account before considering any changes;
- .2 the ongoing low demand for LRIT information was one of the main factors affecting the long-term financial sustainability of the system and thereby preventing DCs to recover their costs;
- .3 a possible way forward to reduce the financial burden could be to change the default frequency of transmission of LRIT information from 4 to 2 transmissions per day;
- .4 the audits of DCs should be maintained under an independent body or organization in order to preserve the checks and balances inherent in the current system;
- .5 if part of the audit function was to be transferred to the LRIT operational governance body or IMO, there could be a conflict of interest;
- .6 transferring the audit functions to IMO would have a financial impact on the Organization and its Member States, which should be carefully evaluated before taking any policy decisions; and
- .7 IMSO should continue performing the functions of LRIT Coordinator and the Committee should continue with the current arrangements for the conduct of audits.

7.6 A majority of those that spoke supported the views expressed above, while other delegations supported the proposals contained in document MSC 95/7 and recommended to explore further options for the conduct of the audits, including the possibility of transferring functions to IMO or any other entity.

7.7 In light of the views expressed and before considering all the proposals contained in document MSC 95/7, delegations were invited, as a first step, to indicate only whether to pursue further options for the conduct of the LRIT audits or not. On the basis of the views expressed by those who spoke, the Chairman concluded that the Committee was of the opinion that the audit functions should remain with IMSO and not to pursue further alternatives for the conduct of the audits.

7.8 The Committee also considered whether issues related to the frequency of the audits and the administrative burden of DCs should be further discussed by a working group but, bearing in mind the decision to retain the audit function with IMSO, agreed not to consider this any further.

## **8 CARRIAGE OF CARGOES AND CONTAINERS**

### **General**

8.1 The Committee approved, in general, the report of the first session of the Sub-Committee on Carriage of Cargoes and Containers (CCC) (CCC 1/13, Corr.1 and Add.1; and MSC 95/8, MSC 95/8/Add.1 and Corr.1) and took action as indicated in paragraphs 8.2 to 8.7, recalling that MSC 94 had already taken action on urgent matters emanating from CCC 1 (MSC 94/21, section 11).

### **Approved Continuous Examination Programme (ACEP)**

8.2 The Committee noted the discussion of CCC 1 on outstanding issues related to the global ACEP database and that a correspondence group had been established to progress the matter.

### **Method of work of intersessional groups**

8.3 With regard to the current practice for the method of work of the E&T and ESPH Working Groups, in particular the document submission deadlines for the E&T meetings and the late posting on IMODOCS of submissions related to new proposals, the Committee noted the outcome of the discussion of CCC 1, which concluded that any proposals for changes to the method of work of intersessional working groups should be submitted to the Committees, bearing in mind that document submission dates and meeting arrangements fell under the purview of the Committees.

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

8.4 The Committee noted that the Sub-Committee had authorized E&T 23 (18 to 22 May 2015) to prepare the draft amendments (38-16) to the IMDG Code, for submission to CCC 2.

### **Model Course 3.18**

8.5 With regard to safe packing of Cargo Transport Units (CTUs), the Committee noted that the Sub-Committee had requested the Secretariat to take the necessary action to update Model Course 3.18 on Safe Packing of CTUs.

### **DSC circulars**

8.6 The Committee noted the Sub-Committee's decision to issue revisions to DSC circulars and any future circulars as "CCC circulars", where appropriate.

### **Consequential amendments to MSC.1/Circ.1395/Rev.1, MSC.1/Circ.1453 and MSC.1/Circ.1454 in relation to the draft amendments (03-15) to the IMSBC Code**

8.7 The Committee recalled that the consequential amendments to MSC.1/Circ.1395/Rev.1, MSC.1/Circ.1453 and MSC.1/Circ.1454 in relation to the draft amendments (03-15) to the IMSBC Code (MSC 95/8/Add.1 and Corr.1) had been considered under agenda item 3 (see paragraph 3.116).

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

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

#### **General**

9.1 The Committee approved, in general, the report of the second session of the Sub-Committee on Human Element, Training and Watchkeeping (HTW 2/19 and MSC 95/9) and took action as indicated hereunder.

#### **Guidelines for the development, review and validation of model courses**

9.2 The Committee, noting that MEPC 68 had approved the draft MSC-MEPC circular providing guidance on the development, review and validation of model courses, subject to concurrent decision by the Committee, approved MSC-MEPC.2/Circ.15 on *Guidelines for the development, review and validation of model courses*.

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

9.3 The Committee, noting that MEPC 68 had agreed to forward the draft MSC-MEPC.4 circular on *Guidelines for port State control officers on the ISM Code* to the III Sub-Committee for review and finalization, subject to concurrent decision by MSC 95, agreed to forward the aforementioned guidelines to the III Sub-Committee, for review and finalization, with a view to approval by the Committees.

#### **Revalidation of certificates of masters, officers and ratings serving on board ships subject to the IGF Code**

9.4 The Committee decided to consider provisions relating to revalidation of certificates of masters, officers and ratings serving on board ships subject to the IGF Code under agenda item 3 (see paragraphs 3.70 and 3.71).

#### **Amendments to the STCW Convention and Code relating to training requirements for masters and deck officers on board ships operating in polar waters**

9.5 The Committee approved the draft amendments to the STCW Convention, parts A and B of the STCW Code, as set out in annexes 8, 9 and 10, respectively, relating to revised training requirements for masters and deck officers on board ships operating in polar waters, along with the associated draft MSC resolutions and STCW circular.

9.6 The Committee instructed the Secretariat to make the consequential editorial changes, as appropriate, on the basis that the Committee decided on the inclusion of revalidation requirements for certificates for personnel serving on board ships subject to the IGF Code, and requested the Secretary-General to circulate them in accordance with article XII of the STCW Convention with a view to adoption by MSC 96 (see also paragraphs 3.70, 3.71 and 9.4).

#### **Review of STCW passenger ship-specific safety training**

9.7 The Committee, noting that HTW 2 had invited interested Member governments and international organizations to submit comments and proposals based on the text set out in document HTW 2/WP.4, annex 1, to HTW 3 for consideration, extended the target completion year for the output on "Review of the STCW passenger ship-specific safety training", to 2016.

**Guidelines on consolidated IMO provisions for the safe carriage of dangerous goods in packaged form by sea**

9.8 The Committee endorsed the Sub-Committee's recommendation to forward the draft MSC circular on *Guidelines on consolidated IMO provisions for the safe carriage of dangerous goods in packaged form by sea*, to the CCC Sub-Committee for review and finalization, with a view to subsequent approval by the Committee.

**ECDIS – Guidance for good practice**

9.9 The Committee approved MSC.1/Circ.1503 on *ECDIS – Guidance for good practice*.

**Guidelines for port State control officers on certification of seafarers, rest hours based on the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended, and manning requirements from the flag State**

9.10 The Committee endorsed the recommendation of the Sub-Committee to forward its comments relating to the draft MSC circular on *Guidelines for port State control officers on certification of seafarers, rest hours based on the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended, and manning requirements from the flag State* (HTW 2/WP.5, paragraphs 20 to 23) to the III Sub-Committee, noting, in particular, that further work would be carried out at HTW 3.

**Other issues**

9.11 The Committee instructed the Secretariat to inform the III Sub-Committee that, for future revisions/development of port State control guidelines, the III Sub-Committee should invite early inputs from relevant technical Sub-Committees during the development of related guidelines.

**Guidance for the implementation of the 2010 Manila Amendments**

9.12 The Committee considered document MSC 95/9/2 (IFSMA, InterManager, ITF and the Nautical Institute), proposing to issue an MSC circular recommending that existing seafarers who meet the colour vision and eyesight acuity requirements applicable to them prior to the effective date of the 2010 Manila Amendments to the STCW Code, continue to be qualified for the issue of a "fit for duty" medical certificate until such time as the STCW Code is periodically reviewed and the issue of appropriate standards for colour vision and eyesight acuity are more fully considered.

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

- .1 guidance in part B should be recommended to be used until new methods to determine seafarers' colour vision and eyesight acuity had been developed;
- .2 some Member States did not apply the differentiation in standards for existing and new entrants in accordance with section A-I/9 of the 2010 Manila Amendments, which would be fully implemented from 1 January 2017;
- .3 the Committee should issue a circular to clarify the requirements of section A-I/9;

- .4 while the recruitment, retention and career progression of seafarers needed to be considered, seafarers' colour vision and eyesight acuity should not have an impact on the safety of navigation;
- .5 the 2010 amendments, in particular, paragraph 1 of section A-I/9, authorized the differentiation between those persons seeking to start a career at sea, and those seafarers already serving at sea, and that there was no urgent need for the Committee to issue a circular in this regard; and
- .6 HTW Sub-Committee should be instructed to:
  - .1 consider the current requirements under its existing agenda item on "Guidance for the implementation of the 2010 Manila Amendments"; and
  - .2 advise the Committee on the best way forward for the development of a long-term solution to seafarers' colour vision and eyesight acuity standards.

9.14 After some discussion, the Committee agreed that the 2010 Manila Amendments recognized that medical and eyesight requirements for initial entry seafarers and existing seafarers may be different as provided for in paragraph 1 of section A-I/9 of the STCW Code, and that there was no urgent need to issue a circular in this regard. Furthermore, the Committee instructed the HTW Sub-Committee to consider the existing colour vision and eyesight acuity standards for seafarers and:

- .1 provide clarification, if necessary, under the Sub-Committee's existing output on "Guidance for the implementation of the 2010 Manila Amendments"; and
- .2 advise the Committee on the best way forward for the development of a long-term solution to colour vision and eyesight acuity standards for seafarers.

#### **Revision of the Guidance on fatigue mitigation and management**

9.15 The Committee considered document MSC 95/9/3 (United Kingdom) providing comments related to the scope of the review and update of the *Guidance on fatigue mitigation and management* (MSC/Circ.1014) agreed by HTW 2, and proposing clarification of the scope in relation to manning.

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

- .1 there was a linkage between manning levels and fatigue;
- .2 no amendments should be made to the existing requirements on minimum safe manning levels based only the consideration of fatigue; and
- .3 SOLAS regulation V/14 and resolution A.1047(27) on *Principles of minimum safe manning* should not be amended.

9.17 In this context, some delegations expressed the opinion that the Organization should develop mandatory provisions relating to minimum safe manning levels, while others were of the view that the Organization should not develop such provisions.

9.18 After some discussion, the Committee agreed with the clarification of the scope in relation to manning proposed by the United Kingdom, as set out in paragraph 11 of document MSC 95/9/3, and instructed the HTW Sub-Committee to take this into account when revising the *Guidance on fatigue mitigation and management* (MSC/Circ.1014).

9.19 The Committee also agreed that SOLAS regulation V/14 and resolution A.1047(27) on *Principles of minimum safe manning* should not be amended.

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

9.20 In introducing his report (MSC 95/WP.3), the Director of the Maritime Safety Division, on behalf of the Secretary-General, advised the Committee that, in preparing the report required by STCW regulation I/7, paragraph 2, he had solicited and taken into account the views of the competent persons selected from the list established pursuant to paragraph 5 of section A-I/7 of the STCW Code and circulated as MSC.1/Circ.797. The report, as required by MSC.1/Circ.1448, was comprised of:

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

9.21 The Committee was subsequently invited to consider the report attached to document MSC 95/WP.3 for the purpose of confirming that the information provided by the Government concerned demonstrated that full and complete effect was given to the provisions of the STCW Convention.

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

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

9.23 The Committee confirmed that the procedures for the assessment of the information provided had been correctly followed in respect of the STCW Party included in the Secretary-General's report and instructed the Secretariat to issue an updated circular as MSC.1/Circ.1163/Rev.9.

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

9.24 In introducing his report (MSC 95/WP.3/Add.1), the Director of the Maritime Safety Division, on behalf of the Secretary-General, advised the Committee that, in preparing the reports required by STCW regulation I/8, paragraph 3, he had solicited and taken into account the views of the competent persons selected from the list established pursuant to paragraph 5 of section A-I/7 of the STCW Code and circulated as MSC.1/Circ.797. Each report, as required by MSC.1/Circ.1449, was comprised of:

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

9.25 The Committee was subsequently invited to consider the reports attached to document MSC 95/WP.3/Add.1 for the purpose of confirming that the information provided by the STCW Parties pursuant to STCW regulation I/8 confirmed that full and complete effect was given to the provisions of the STCW Convention.

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

- .1 review the procedures report to identify any entries requiring clarification;
- .2 review the information presented in comparison table format; and
- .3 confirm that each report reflected that the procedures for the assessment of the information provided by the Parties concerned had been correctly followed.

9.27 The Committee confirmed that the procedures for the assessment of information provided had been correctly followed in respect of 6 STCW Parties and requested the Secretariat to issue an updated circular MSC.1/Circ.1164/Rev.15.

9.28 The delegation of the Cook Islands, in noting 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, 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, the Committee should discuss the issue in order to identify the impediments that apparently prevented them from doing so.

**APPROVAL OF COMPETENT PERSONS**

9.29 The Committee approved additional competent persons nominated by Governments (MSC 95/9/1 and MSC 95/9/1/Add.1) and requested the Secretariat to issue an updated circular as MSC.1/Circ.797/Rev.27.

**CyClaDes Project: Integrating and disseminating human element knowledge through e-learning for crew-centred design**

9.30 The Committee noted with appreciation the information contained in document MSC 95/INF.7 (WMU).

## **BIMCO/ICS MANPOWER STUDY 2015**

9.31 The observer from ICS provided information on the progress of the 2015 BIMCO/ICS Manpower Study and requested Member States to provide updated contact details.

## **10 SHIP DESIGN AND CONSTRUCTION**

### **General**

10.1 The Committee approved, in general, the report of the second session of the Sub-Committee on Ship Design and Construction (SDC) (SDC 2/25 and MSC 95/10/Rev.1) and took action as indicated hereunder.

#### **Watertight doors (regulation II-1/13)**

10.2 The Committee considered the divergent views expressed at SDC 2 (SDC 2/25, paragraph 3.11) regarding proposed amendments to SOLAS regulation II-1/13 to introduce protection against the crushing of people during the daily operation of watertight doors and, having noted the following views expressed on the matter:

- .1 that the aforementioned proposal merits an in-depth consideration, but is outside the scope of the existing output; therefore, a justification for a new unplanned output is necessary;
- .2 technical and practical implications should be carefully considered since watertight doors are very powerful systems;
- .3 this is an urgent matter since there have been a number of accidents that resulted in fatalities during routine operation of watertight doors; and
- .4 this is related to the ship systems and training and any approved work on this matter should be coordinated by the SSE Sub-Committee,

agreed that this is an urgent issue and decided to prepare a justification for a new output for consideration under agenda item 19 (see paragraph 19.32).

#### **Down-flooding on passenger ships**

10.3 The Committee noted that the work on limiting the down-flooding points on the bulkhead deck for passenger ships had been completed, as no documents had been submitted on this matter for two sessions of the Sub-Committee.

#### **Subdivision and damage stability regulations**

10.4 The Committee considered the draft amendments to SOLAS chapter II-1 on subdivision and damage stability regulations, as set out in annex 1 to document SDC 2/25, together with documents MSC 95/10/1 (United States), proposing not to adopt the draft amendments at this time since several additional amendments to SOLAS chapter II-1 were still under consideration by the Sub-Committee, and MSC 95/10/3 (United Kingdom), proposing editorial improvements to the draft amendments and expressing concern that the application date did not comply with the *Guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1500).

10.5 Having noted that:

- .1 there was general support for the proposals contained in documents MSC 95/10/1 and MSC 95/10/3;
- .2 the amendments to SOLAS chapter II-1 subdivision and damage stability regulations were intended to be a comprehensive package of amendments; and
- .3 according to the *Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1481), approving the aforementioned amendments at MSC 96 would not delay their entry-into-force date,

the Committee decided to refer the draft amendments and documents MSC 95/10/1 and MSC 95/10/3 to SDC 3 for further consideration of the scope of application, with a view to approval at MSC 96.

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

10.6 The Committee agreed to the holding of an intersessional meeting of the FSA Experts Group from 10 to 12 November 2015, under the chairmanship of Mr. K. Yoshida, subject to endorsement by C 114 (see paragraph 19.42), for the validation of the EMSA 3 study related to survivability of passenger ships, and instructed the expert group to report its results directly to SDC 3 for consideration. In this connection, the Committee noted that documents MSC 93/6/2 and MSC 93/10/20, which were referred to the Sub-Committee by MSC 93, since they were related to the survivability of passenger ships, will be further considered at SDC 3.

### **Safe return to port for passenger ships**

10.7 The Committee noted the progress made on matters related to the draft *Guidelines on safe return to port for passenger ships*.

### **2008 Intact Stability Code**

#### ***Ice accretion on cargo ships carrying timber deck cargoes***

10.8 The Committee adopted, with minor modifications, by resolution MSC.398(95), amendments to chapter 6 of part B of the 2008 IS Code, as set out in annex 11.

#### ***Criterion for maximum angle of heel***

10.9 The Committee endorsed the decision of the Sub-Committee to complete output 5.2.1.1 (Amendments to the criterion for maximum angle of heel in turns of the 2008 IS Code) since, at this stage, it is premature to revise chapter 3 of part A of the 2008 IS Code regarding the criterion for maximum angle of heel in turns without further studies, real ship measurements and model test data.

### ***Anchor-handling operations***

10.10 The Committee approved the draft amendments to the introduction of the 2008 IS Code regarding vessels engaged in anchor-handling operations, as set out in annex 12, in accordance with SOLAS regulation II-1/2.27 (resolution MSC.269(85)) and regulation 3(16) of the 1988 LL Protocol (resolution MSC.270(85)). In this connection, the Committee also approved, in principle, the draft amendments to part B of the 2008 IS Code

regarding vessels engaged in anchor-handling operations, as set out in annex 4 to document SDC 2/25, with a view to adoption in conjunction with the adoption of associated above amendments. The Secretariat was requested to take action as appropriate.

### **Carriage of industrial personnel on vessels engaged in international voyages**

10.11 In regard to the carriage of more than 12 industrial personnel on vessels engaged in international voyages and the associated draft MSC circular on *Definition of industrial personnel*, as set out in annex 5 to document SDC 2/25, the Committee had the following documents for its consideration:

- .1 MSC 95/10/2 (Argentina), expressing the view that the draft definition prepared by SDC 2 could introduce some distortion into the Organization's regulatory system and, consequently, proposing that new guidelines be developed that do not have an impact on mandatory IMO instruments;
- .2 MSC 95/10/4 (France), supporting the concerns expressed in document MSC 95/10/2 and proposing that the draft definition be "interim" guidance only, with a view to setting out transitional measures for application to relevant Conventions (e.g. SOLAS, MARPOL, STCW, etc.);
- .3 MSC 95/10/8 (United States), expressing the view that the draft MSC circular be an "interim" solution and proposing modifications to the draft definition to ensure consistent implementation and avoid any conflicts with mandatory IMO instruments; and
- .4 MSC 95/10/9 (Vanuatu), expressing concern about the discussion at SDC 2 regarding the "need" for an amendment to SOLAS and supporting the outcome of the correspondence group established at SDC 1 (SDC 2/8, annex) since, in its view, it met the intent of the tasks agreed by MSC 92 (MSC 92/26, paragraph 23.19).

10.12 In considering the above documents and the draft MSC circular on *Definition of industrial personnel* prepared by SDC 2, the Committee noted the following views expressed during the discussion:

- .1 that the approval of the draft definition of industrial personnel without a specified application will have further implications on IMO mandatory instruments;
- .2 that the draft definition was developed in order to address matters for vessels carrying and accommodating a small number of industrial personnel and, without proper restrictions for its application, it would also apply to vessels carrying or accommodating a large number of industrial personnel;
- .3 rather than approving the draft definition of industrial personnel as an interim solution, it would be in the best interests of the Organization to continue its work to produce, in regard to safety, a clear and comprehensive direction to all stakeholders;
- .4 as currently drafted, the new draft definition of industrial personnel will increase the responsibilities of coastal States, without giving them the necessary tools to deal with the matter;

- .5 the draft definition is a milestone in order to recognize and clearly describe this new personnel category, which is characterized by abilities and competencies significantly different from average passengers;
- .6 this definition is urgently needed by the growing offshore energy sector in order to facilitate safe and efficient transfer of technicians serving offshore installations;
- .7 there is a need for a mandatory solution to this matter, which may entail development of amendments to SOLAS chapter I and, therefore, the existing outputs should be expanded or a new output should be prepared; and
- .8 a justification for a new output should be prepared, which should consider existing mandatory instruments, before preparing amendments or a new instrument.

10.13 Having considered the above views, the Committee decided to prepare a justification for a new planned output for consideration under agenda item 19 (see paragraph 19.25). In this connection, the Committee noted the statement by the observer of CESA that it supported the definition of industrial personnel prepared by SDC 2. The full text of their statement is set out in annex 27.

#### **Testing arrangements for watertight compartments**

10.14 The Committee, having noted that the Sub-Committee decided to complete its consideration of amendments to SOLAS regulation II-1/11 and development of associated guidelines to ensure the adequacy of testing arrangements for watertight compartments, since consensus could not be reached on the draft amendments, considered document MSC 95/10/6 (IACS), proposing that a draft MSC circular be prepared based on the tank testing guidelines contained in annex 7 to document SDC 2/INF.8 (Japan).

10.15 In this connection, the Committee, having noted the following views expressed on the matter:

- .1 that SDC 2, after years of consideration of this matter, decided that there is no need to amend SOLAS regulation II-1/11 as the safety level is sufficient;
- .2 the draft guidelines (SDC 2/INF.8, annex 7) were considered at SDC 2, but could not be agreed since it was not considered necessary without the draft amendments to SOLAS; and
- .3 the contents of the draft guidelines is based upon an IACS unified requirement and, therefore, it is available for any Administration to use on a case-by-case basis,

and noting also that a clear majority of those who spoke on the matter were not in favour of the proposed guidelines, decided that no further work was necessary on this matter. In this connection, the Committee noted the statements by the delegation of Greece and the observer from the EC, the full texts of which are set out in annex 27.

### **Fibre Reinforced Plastic (FRP) elements within ship structures**

10.16 Having considered the draft MSC circular on *Interim guidelines for use of Fibre Reinforced Plastic (FRP) elements within ship structures: Fire safety issues*, as set out in annex 6 to document SDC 2/25, together with document MSC 95/10/7 (United States), expressing the view that it would be premature to approve the draft interim guidelines at this stage because due consideration had not been given to the background of the fire safety objectives and functional requirements in part A of SOLAS chapter II-2, as instructed by MSC 93 (MSC 93/22, paragraph 10.10), the Committee, having noted the following views expressed on the matter:

- .1 the concerns expressed in document MSC 95/10/7 were already considered and addressed at SDC 2 and, therefore, the draft interim guidelines should be approved since they serve as a good tool to address the matter of FRP within ships' structures;
- .2 there is a need for the interim guidelines as FRP material has already been used and it is important in order to allow for alternative designs;
- .3 SOLAS regulation II-2/17 already allows for flexibility in the implementation of any requirement in chapter II-2 and the current draft interim guidelines will not provide for uniform implementation of those requirements; and
- .4 all concerns should be addressed before approving such interim guidelines,

decided to reinstate the existing output 5.2.1.21 "Guidelines for use of Fibre Reinforced Plastic (FRP) within ship structures" in the agenda of SDC 3 (see also paragraph 19.21) and referred document MSC 95/10/7 to SDC 3 for further consideration.

### **Safe access to tanker bows**

10.17 The Committee approved MSC.1/Circ.1504 on *Unified interpretation of the Guidelines for safe access to tanker bows (resolution MSC.62(67))*.

### **Plastic pipes on ships**

10.18 The Committee adopted, by resolution MSC.399(95), amendments to the *Guidelines for the application of plastic pipes on ships* (resolution A.753(18)), as amended by resolution MSC.313(88), set out in annex 13.

### **Draft amendments to SOLAS regulation II-2/13**

10.19 The Committee approved the draft amendments to SOLAS regulation II-2/13 on evacuation analysis, as set out in annex 14, and requested the Secretary-General to circulate the above amendments in accordance with SOLAS article VIII, with a view to subsequent adoption at MSC 96.

10.20 In light of the above decision, the Committee noted the information provided by the observer from IACS that it intends to submit a document to MSC 96 for consideration in conjunction with the adoption of the draft amendments to SOLAS regulation II-2/13, regarding issues on vague language and the scope of application of the amendments.

**Unified interpretation of SOLAS regulation II-2/13.6**

10.21 The Committee approved MSC.1/Circ.1505 on *Unified interpretation of SOLAS regulation II-2/13.6*.

**Draft amendments to SOLAS regulation II-1/22**

10.22 The Committee approved, in principle, the draft amendments to SOLAS regulation II-1/22 on watertight doors, as set out in annex 1 to document SDC 2/25, with a view to approval at MSC 96, in conjunction with the approval of draft amendments to SOLAS chapter II-1 on subdivision and damage stability regulations (see paragraph 10.4).

**Guidance for watertight doors on passenger ships**

10.23 The Committee approved, in principle, *Guidance for watertight doors on passenger ships which may be opened during navigation*, as set out in annex 11 to document SDC 2/25, with a view to approval at MSC 97, in conjunction with the adoption of the draft amendments to SOLAS regulation II-1/22 (see paragraphs 10.4 and 10.22).

**Guidelines on damage control drills for passenger ships**

10.24 The Committee noted the progress made on matters related to amendments to SOLAS chapter II-1 and associated guidelines on damage control drills for passenger ships.

**General cargo ship safety**

10.25 The Committee noted that consideration of the matters related to general cargo ship safety had been completed.

**Draft amendments to the 2011 ESP Code**

10.26 The Committee approved the draft amendments to the 2011 ESP Code, as set out in annex 15, and requested the Secretary-General to circulate the above amendments in accordance with SOLAS article VIII, with a view to subsequent adoption at MSC 96. In this connection, the Committee decided that, in future, the *Guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1500) should not apply, in its entirety, to the 2011 ESP Code, since the aforementioned Code is updated annually similar to the IMDG and IMSBC Codes.

**Amendments to MSC.1/Circ.1464/Rev.1**

10.27 The Committee approved MSC.1/Circ.1507 on *Amendments to the Unified interpretations of the provisions of SOLAS chapters II-1 and XII, of the Technical provisions for means of access for inspections (resolution MSC.158(78)) and of the Performance standards for water level detectors on bulk carriers and single hold cargo ships other than bulk carriers (resolution MSC.188(79)) (MSC.1/Circ.1464/Rev.1)*.

**Unified interpretations of regulation 36(6) of the 1988 LL Protocol**

10.28 The Committee approved MSC.1/Circ.1508 on *Unified interpretations of regulation 36(6) of the Protocol of 1988 relating to the International Convention on Load Lines, 1966*.

**Unified interpretations of Code on Noise Levels on Board Ships**

10.29 The Committee approved MSC.1/Circ.1509 on *Unified interpretations of the Code on Noise Levels on Board Ships (resolution MSC.337(91))*.

### **Unified interpretations related to fire protection**

10.30 The Committee approved MSC.1/Circ.1510 on *Amendment to Unified interpretations of SOLAS chapter II-2, the FSS Code, the FTP Code and related fire test procedures* (MSC/Circ.1120), with minor modifications.

### **Unified interpretations of SOLAS regulations II-2/9 and II-2/13**

10.31 The Committee, having considered document MSC 95/10/5 (IACS), proposing modifications to the draft unified interpretation prepared by SDC 2 with respect to the fire integrity of the boundaries of ro-ro/vehicle spaces on passenger and cargo ships, approved MSC.1/Circ.1511 on *Unified interpretations of SOLAS regulations II-2/9 and II-2/13*, with the modifications proposed in document MSC 95/10/5.

### **Draft OSV Chemical Code**

10.32 The Committee noted that the Sub-Committee had referred chapter 5 of the draft OSV Chemical Code on cargo transfer to SSE 2 and CCC 2, for advice to PPR 3, and referred the text of chapter 2 of the draft OSV Chemical Code to PPR 3, for coordination purposes. In this connection, the Committee also noted that the Sub-Committee invited PPR 3 to reconsider its request to the SDC Sub-Committee to consider all existing stability requirements in the different IMO Codes and Guidelines related to OSVs, with a view to clarifying the scope and purpose of the work to be undertaken.

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

### **General**

11.1 The Committee approved, in general, the report of the second session of the Sub-Committee on Navigation, Communications and Search and Rescue (NCSR) (NCSR 2/23 and MSC 95/11) and took action as indicated hereunder.

### **Routeing measures other than traffic separation schemes (TSSs)**

11.2 In accordance with resolution A.858(20), the Committee adopted the following new routeing measures. The establishment of:

- .1 two-way routes in the south-west Coral Sea;
- .2 an area to be avoided in the south-west Coral Sea; and
- .3 five areas to be avoided in the region of the Aleutian Islands;

for dissemination by means of SN.1/Circ.331.

### **Implementation of the adopted routeing measures**

11.3 The Committee decided that the new routeing measures detailed in paragraph 11.2 be implemented six months after their adoption, i.e. on 1 January 2016 at 0000 hours UTC.

**Proposals and recommendations related to the functioning and operation of the LRIT system**

11.4 The Committee instructed the Secretariat to amend the COMSAR module of GISIS to allow submission of geographical limits of Search and Rescue Regions using the standard format defined for the LRIT system and invited Member Governments to resubmit the information in the appropriate format once the changes to the module were implemented.

11.5 The Committee adopted resolution MSC.400(95) on *Amendments to the Revised performance standards and functional requirements for the Long-range identification and tracking (LRIT) of ships* (resolution MSC.263(84), as amended), as set out in annex 16.

11.6 The Committee approved amendments to MSC.1/Circ.1259/Rev.6 and MSC.1/Circ.1294/Rev.4, containing *the LRIT Technical documentation, parts I and II*, respectively, and authorized the Secretariat to make any editorial corrections that might be identified and issue them as MSC.1/Circ.1259/Rev.7 and MSC.1/Circ.1294/Rev.5, respectively.

11.7 The Committee authorized the LRIT Operational governance body to prepare the necessary detailed procedures for the second modification testing phase of the LRIT system and to coordinate the testing of all DCs, the IDE and the DDP server.

**Harmonization of Guidelines related to Human Centred Design (HCD), Usability Testing, Evaluation and Assessment (UTEA) and Software Quality Assurance (SQA)**

11.8 The Committee approved MSC.1/Circ.1512 on *Guidelines on Software Quality Assurance and Human Centred Design for e-navigation*.

**Performance standards for multi-system shipborne navigation systems**

11.9 The Committee considered the draft Performance standards for multi-system shipborne navigation systems developed by NCSR 2, together with the comments in document MSC 95/11/1 (Norway).

11.10 In this context, the delegation of the Netherlands, supported by IALA and ICS, expressed the view that the text as prepared by NCSR 2 should not be amended. In its view, global coverage was not necessary since resilient position-fixing – being the reason behind this development – was only an issue in coastal areas and not in open seas. The Organization had, for the benefit of the development of e-navigation, decided that for resilient Position, Navigation and Timing (PNT) a solution should be sought in non-GNSS systems. New terrestrial radio-navigation systems for this purpose were already under development, such as e-Loran and R-mode, which should not only provide for back-up in position-fixing, but also provide back-up for time synchronization. A number of other delegations supported the proposal by Norway and expressed their preference for the amendment as set out in paragraph 9.2 of document MSC 95/11/1.

11.11 Taking into account general support for the proposal by Norway, the Committee adopted resolution MSC.401(95) on *Performance standards for multi-system shipborne radionavigation receivers*, as set out in annex 17, with the following amendments:

.1 paragraph 3.3 is replaced by the following new text:

"Where terrestrial radionavigation system(s) signals are provided and used in the protected frequency bands, have the possibility to operate using terrestrial radionavigation system(s) signals provided in the protected frequency bands."; and

.2 first part of paragraph 1.6 by the following new text:

"Receiver equipment, capable of combining measurements from multiple GNSS and an optional terrestrial radionavigation system, ..."

### **Review of the GMDSS**

11.12 The Committee endorsed the action taken by the Sub-Committee, as an exceptional case, in authorizing the Correspondence Group on the Review of GMDSS to submit its report to NCSR 3 two weeks beyond the deadline for bulky documents (i.e. 11 December 2015).

### **Revision of Recommendation ITU-R M.493-13**

11.13 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 2/23, annex 6).

### **IMO position on relevant WRC-15 agenda items**

11.14 The Committee approved the IMO position on ITU's World Radiocommunication Conference (WRC-15), agenda items concerning matters relating to maritime services (NCSR 2/23, annex 7), and instructed the Secretariat to convey it to WRC-15 scheduled to take place from 2 to 27 November 2015.

11.15 The Committee authorized the Joint IMO/ITU Experts Group to submit any additional information on the IMO position on WRC-15 agenda items directly to ITU for consideration by the Conference.

11.16 The Committee instructed the Secretariat to consult with IMO Member States present at WRC-15 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.

### **Revision of SAR.7/Circ.11 – List of IMO documents and publications which should be held by a Maritime Rescue Coordination Centre (MRCC)**

11.17 The Committee endorsed the action taken by the Sub-Committee to instruct the Secretariat to circulate SAR.7/Circ.12 on the list of IMO documents and publications which should be held by a Maritime or Joint Rescue Coordination Centre.

### **Amendments to the IAMSAR Manual**

11.18 The Committee approved MSC.1/Circ.1513 on *Amendments to the IAMSAR Manual*, taking into account ICAO's concurrence with the inclusion of the proposed amendments to the Manual, for inclusion in the 2016 edition.

### **Development of VHF Data Exchange System (VDES)**

11.19 The Committee noted with appreciation the information contained in document MSC 95/INF.12 (Japan, Sweden and IALA), informing on the current status of the development of the VHF Data Exchange System (VDES).

**Protection of cable ships and repair operations for international submarine cables**

11.20 The delegation of the Marshall Islands, supported by others, taking into account its view of the urgent need for guidelines for cable ships and repair operations for international submarine cables, and referring to the relevant discussion at NCSR 2 (NCSR 2/23, paragraph 22.1 to 22.4), requested the Committee to instruct NCSR 3 to develop either a Unified Interpretation regarding rule 18 of the COLREGs or issue an SN circular.

11.21 After consideration, the Committee noted that the NCSR Sub-Committee had an existing agenda item on Unified interpretation of provisions of IMO safety, security, and environment-related conventions (planned output 1.1.2.3) and that the Marshall Islands could submit a document to NCSR 3 for consideration under this item.

**12 SHIP SYSTEMS AND EQUIPMENT****General**

12.1 The Committee considered urgent issues emanating from the second session of the Sub-Committee (MSC 95/12) and took action as indicated hereunder.

**Performance standard, functional requirements and system requirements for the assessment of smoke management systems**

12.2 The Committee approved MSC.1/Circ.1514 on *Performance standard, functional requirements and system requirements for the assessment of smoke management systems*.

**Modification to the draft amendments to SOLAS regulation II-2/20.3**

12.3 The Committee noted that the modification to draft amendments to SOLAS regulation II-2/20.3 was considered under agenda item 3 (Consideration and adoption of amendments to mandatory instruments) (see paragraphs 3.21 to 3.24).

**Revised design guidelines and operational recommendations for ventilation systems in ro-ro cargo spaces**

12.4 The Committee approved MSC.1/Circ.1515 on *Revised design guidelines and operational recommendations for ventilation systems in ro-ro cargo spaces*.

**Report on the incident of the SWANLAND**

12.5 The Committee noted that, due to time constraints, the report on the incident of the **Swanland** will be further considered at SSE 3 under "Any other business".

**Future work plan on the GBS framework for life-saving appliances**

12.6 Having considered two options proposed by SSE 2 regarding the future work plan on the GBS framework for life-saving appliances (SSE 2/20, annex 4) under agenda item 5 (Goal-based new ship construction standards) (see paragraphs 5.9 to 5.12), the Committee noted the split views on the options and decided to further consider the matter under this agenda item.

12.7 The Committee noted that the Working Group on Goal-based Standards, during its deliberation on the overall objectives in respect to the safety level approach, including the implementation, consequences, and the way forward, proposed a new future work plan for the SSE Sub-Committee on the development of functional requirements of SOLAS chapter III, in particular, that:

- .1 the SSE Sub-Committee be instructed to develop the functional requirements for SOLAS chapter III, based on the *Generic guidelines for developing IMO goal-based standards* (MSC.1/Circ.1394/Rev.1), with two sessions needed for completing this task;
- .2 SSE 3 report to MSC 96, as an urgent matter, on progress with regard to the development of functional requirements for SOLAS chapter III, together with the comments on the experiences gained on the implementation of MSC.1/Circ.1394/Rev.1, if any; and
- .3 SSE 4 finalize functional requirements for SOLAS chapter III for submission to MSC 98 for approval.

12.8 Having agreed with the above work plan, the Committee invited Member Governments and international organizations to submit proposals on the functional requirements for SOLAS chapter III to SSE 3, for consideration under agenda item 4 (Safety objectives and functional requirements of the *Guidelines on alternative design and arrangements for SOLAS chapters II-1 and III*), taking into account the outcome of the work already undertaken and reported to SSE 2.

#### **Review of flashpoint requirements for oil fuel in SOLAS chapter II-2**

12.9 Having noted the view of SSE 2 that matters related to the review of flashpoint requirements for oil fuel in SOLAS chapter II-2 were considered by the Sub-Committee to fall under the IGF Code, the Committee endorsed the above view and invited Member Governments and international organizations to submit comments and proposals to CCC 2.

#### **Amendments to the Revised guidelines for the maintenance and inspection of fire protection systems and appliances (MSC.1/Circ.1432)**

12.10 The Committee approved MSC.1/Circ.1516 on *Amendments to the revised guidelines for the maintenance and inspection of fire protection systems and appliances* (MSC.1/Circ.1432).

#### **Draft amendments to chapter 8 of the FSS Code**

12.11 The Committee approved the draft amendments to chapter 8 of the FSS Code, as set out in annex 18, and requested the Secretary-General to circulate the above amendments in accordance with SOLAS article VIII, with a view to subsequent adoption at MSC 96.

#### **Scope of application and drafting of amendments to the LSA Code**

12.12 The Committee noted that no specific action needed to be taken at this stage, but the application provisions provided in MSC.1/Circ.1500 should be applied to any future amendments to the LSA Code (SSE 2/20, paragraph 19.7). In this connection, the delegation of Germany, supported by Spain, reserved its position on closing this issue.

**References to MSC.1/Circ.1206/Rev.1 in SOLAS chapter III**

12.13 The Committee noted that MSC.1/Circ.1206/Rev.1 on *Measures to prevent accidents with lifeboats* might be superseded by a new mandatory MSC resolution on *Requirements for periodic servicing and maintenance of lifeboats and rescue boats, launching appliances and release gear* and, therefore, references to this circular in SOLAS chapter III might need to be updated accordingly in future.

**Amendments to the 1994 and 2000 HSC Codes**

12.14 The Committee, having noted that no action had been taken at SSE 2 on preparing amendments to the 1994 and 2000 HSC Codes (MSC 94/21, paragraph 8.17) due to the withdrawal of the base proposal (SSE 2/19/5), invited interested Member Governments and international organizations to submit comments and proposals to SSE 3.

**Draft new chapter 17 of the FSS Code**

12.15 The Committee approved the draft new chapter 17 of the FSS Code, as set out in annex 18, and requested the Secretary-General to circulate the above amendments in accordance with SOLAS article VIII, with a view to subsequent adoption at MSC 96.

**Modification to the draft amendments to SOLAS regulation II-2/18**

12.16 Having considered the consequential modification to the draft amendments to SOLAS regulation II-2/18 approved at MSC 92 (MSC 92/26, annex 13), as set out in annex 2 to document SSE 2/20, the Committee agreed to further consider them at MSC 96, with a view to adoption in conjunction with the new chapter 17 of the FSS Code (see also paragraph 12.15).

**Amendments to chapter 9 of the 2009 MODU Code**

12.17 The Committee approved, in principle, the draft MSC resolution on *Amendments to chapter 9 of the 2009 MODU Code*, as set out in annex 18 to document SSE 2/20, with a view to subsequent adoption at MSC 96, in conjunction with the new chapter 17 of the FSS Code (see also paragraph 12.15), and requested the Secretariat to forward the above draft MSC resolution to MSC 96 accordingly.

**Chapters 5 and 8 of the draft OSV Chemical Code**

12.18 The Committee noted that the text of chapters 5 and 8 of the draft OSV Chemical Code has been reviewed and forwarded to PPR 3 for coordination process.

**Measures for onboard lifting appliances and winches**

12.19 The Committee recalled that MSC 89 approved a new output on "Development of requirements for onboard lifting appliances and winches" and that the specific deliverables should be prepared by the Sub-Committee for the Committee's approval before undertaking any technical work (MSC 89/25, paragraph 22.26).

12.20 In this regard, the Committee also recalled that SSE 2, having extensively discussed how this output should be taken forward and, in particular, whether there was a need for amending any mandatory IMO instruments (e.g. SOLAS, the ISM Code, etc.) and/or the preparation of associated guidelines and the establishment of a correspondence group, concluded that:

- .1 there was unanimous agreement that more robust guidelines for the safety of onboard lifting appliances and winches should be developed;

- .2 the majority of those who spoke on the matter supported the need of amending SOLAS, with a view to making the requirements for safety of onboard lifting appliances and winches mandatory; and
- .3 a correspondence group may be established, subject to decision by MSC 95, to progress the work intersessionally.

12.21 The Committee had for its consideration the following documents:

- .1 MSC 95/12/1 (Antigua and Barbuda, et al.), expressing the view that the incident data currently available shows a "compelling need" for a mandatory SOLAS requirement; requesting the re-establishment of the Correspondence Group on Onboard Lifting Appliances and Winches; and inviting the Committee to consider measures that might be taken to encourage formal reporting to the relevant organizations of all incidents, including "near miss" data that involve a failure of onboard lifting appliances and winches;
- .2 MSC 95/12/2 (ICS), pointing out that amendments to SOLAS and the publication of any mandatory guidelines cannot be justified based on the limited information available and proposing that more general voluntary guidance could be developed, taking into account existing industry standards and good practice, to provide assistance to companies when developing appropriate onboard procedures for routine inspection and maintenance and operation of lifting equipment, in particular, for lifting appliances and winches used in cargo handling operations; and
- .3 MSC 95/12/3 (Vanuatu), expressing the view that there is no clear justification for developing mandatory requirements for design and construction; pointing out that maintenance and inspection of onboard lifting appliances are already covered under a ship's SMS required by the ISM Code; and confirming that non-mandatory guidelines for the safety of onboard lifting appliances and winches could be developed by the SSE Sub-Committee with a focus on maintenance and inspection.

12.22 Taking into account the documents submitted on the matter and the outcome of the working group established at SSE 2, the Committee noted the following views expressed on how best to proceed with the development of IMO guidelines for onboard lifting appliances and winches:

- .1 that the scope of any IMO guidelines should be limited to onboard procedures for routine inspection, maintenance and operation of lifting appliances and winches used in cargo handling operations, based on the data submitted on the matter;
- .2 that broad goal- and function-based amendments to SOLAS should be developed and supported by associated IMO guidelines;
- .3 design, fabrication and construction should also be covered by the IMO guidance to be developed, including provisions for anchor handling winches cranes, store cranes and hatch cover lifting appliances; and
- .4 that design, fabrication and construction of lifting appliances and winches should be based on existing industry Codes or standards acceptable to the Organization.

12.23 In discussing how best to proceed, the Committee, with a view to providing a clear direction of policy to SSE 3, decided to focus its discussion on the following issues:

- .1 scope and application of guidelines for safety onboard lifting appliances and winches;
- .2 the need for development of mandatory SOLAS requirements in addition to the development of guidelines for safety onboard lifting appliances and winches; and
- .3 whether there is a need to re-establish the SSE Correspondence Group on Onboard Lifting Appliances and Winches for progressing the matter intersessionally.

***Scope and application of guidelines for safety onboard lifting appliances and winches***

12.24 Having considered the views expressed regarding the scope and application of guidelines for safety onboard lifting appliances and winches, the Committee agreed that IMO guidelines should be developed to cover design, fabrication and construction for new installations; onboard procedures for routine inspection, maintenance and operation of lifting appliances and winches; and familiarization of ship's crew and shore-based personnel, taking into account the data contained in document SSE 2/INF.2.

***Development of mandatory SOLAS requirements***

12.25 In considering the need for development of mandatory requirements, the Committee agreed that a goal- and function-based SOLAS regulation should be developed to require that new onboard lifting appliances and winches be designed, constructed and installed either "in accordance with codes or standards acceptable to the Organization" or "to the satisfaction of the Administration"; and maintained in accordance with guidelines for safety onboard lifting appliances and winches to be developed by the Organization.

12.26 In this connection, SSE 3 was instructed to continue the work on this output and, in particular, to advise MSC 97 on which SOLAS chapter should be amended and to develop the list of industry codes and/or standards to be contained in a footnote or an MSC circular, as appropriate.

***Revised terms of reference for the SSE Correspondence Group on Onboard Lifting Appliances and Winches***

12.27 Bearing in mind the decisions taken on the scope and application of guidelines for safety onboard lifting appliances and winches as well as the development of mandatory SOLAS requirements (see paragraphs 12.24 to 12.26), the Committee, having considered the draft terms of reference proposed by SSE 2 (SSE 2/20, paragraph 8.16), endorsed the Sub-Committee's decision to re-establish the Correspondence Group on Onboard Lifting Appliances and Winches, under the coordination of Japan\*, and instructed it, taking into account the outcome of SSE 2 and comments and decisions made at MSC 95, to:

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\* **Coordinator:**

Dr. Yoshitaka Ogawa  
Head of Ship Structural Standards Group  
Structural Strength Evaluation Department  
National Maritime Research Institute  
6-38-1, Shinkawa, Mitaka,  
Tokyo, 181-0004, Japan  
Tel: +81-422-41-3075  
Fax: +81-422-41-3085  
Email: [ogawa@nmri.go.jp](mailto:ogawa@nmri.go.jp)

- .1 develop draft guidelines to cover the design, fabrication and construction for new installations; onboard procedures for routine inspection, maintenance and operation of lifting appliances and winches; and familiarization of ship's crew and shore-based personnel, taking into account the data contained in document SSE 2/INF.2;
- .2 prepare draft goal- and function-based SOLAS regulations requiring that onboard lifting appliances and winches be designed, constructed and installed either "in accordance with codes or standards acceptable to the Organization" or "to the satisfaction of the Administration"; and maintained in accordance with guidelines for safety onboard lifting appliances and winches to be developed by the Organization; and
- .3 submit a report to SSE 3.

**Periodic servicing and maintenance of lifeboats and rescue boats, launching appliances and release gear**

12.28 The Committee recalled that MSC 93, having noted the number of inconsistencies between the requirements of the draft amendments to SOLAS regulations III/3 and III/20 (MSC 93/3, annex 2) and the draft MSC resolution on *Requirements for periodic servicing and maintenance of lifeboats and rescue boats, launching appliances and release gear* (MSC 93/3/4, annex 1), decided to refer the above-mentioned drafts to SSE 2 for further consideration, with one session needed to finalize the draft amendments.

12.29 The Committee also recalled that SSE 2, having extensively discussed the aforementioned draft amendments to SOLAS chapter III and the draft MSC resolution, noted that a number of delegations expressed a view that the proposal to allow "certified personnel" to carry out annual examinations and five-year operational tests was not in line with the instructions by MSC 93 and decided that the draft amendments to SOLAS regulations III/3 and III/20 as well as the draft MSC resolution could not be submitted to the Committee for adoption at this stage.

12.30 In this connection, the Committee noted the information on provisional gap analysis of the requirements for periodic servicing and maintenance, as contained in document MSC 95/INF.16 (France, Italy, Russian Federation and Spain), and the statement by the Chairman of the SSE Sub-Committee clarifying the terms "annual examination" and "five-year operational tests".

12.31 With a view to providing a clear instructions to SSE 3, the Committee agreed to only address the following issues:

- .1 bearing in mind that SSE 2 has already agreed that maintenance as well as weekly and monthly inspections could be carried out by the ship's crew; and that repair and overhaul of equipment, including over-hauling and test carried out at least once every five years, should only be carried out by the manufacturer or authorized service provider, the pending issue to be clarified by the Committee is whether certified company\* personnel should be allowed to carry out annual thorough examinations, as clarified by the Sub-Committee's Chairman; and

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\* As defined in SOLAS regulation IX/1.2.

- .2 whether the SSE Sub-Committee is allowed to propose any further amendments to SOLAS regulation III/20 while finalizing the draft MSC resolution on *Requirements for periodic servicing and maintenance of lifeboats and rescue boats, launching appliances and release gear*.

12.32 In discussing the identified issues, the Committee noted the following divergent views expressed during the discussion:

- .1 it should be explicitly prohibited for ship's crew to carry out five-year operational tests;
- .2 the Committee should not re-open the discussion on this issue, but go back to the draft SOLAS regulations and MSC resolution approved at MSC 92 and request the SSE Sub-Committee to only address the specific issues forwarded for its consideration by MSC 93 (MSC 93/22, paragraphs 3.27 and 3.28);
- .3 the three-tier approach set out in paragraph 3.27.3 should be used as a basis for finalizing the matter;
- .4 the SOLAS regulations should address questions "What is to be done?" and "When is it to be done?" and the draft MSC resolution should address "How is it to be done?" and "Who does it?";
- .5 the phrase "properly trained personnel familiar with the system" should be removed from the SOLAS regulations such that all provisions relating to who performs the activities are contained in the MSC resolution;
- .6 the MSC resolution should be set out in clear and unambiguous terms so there is no confusion regarding the fact that five-yearly activities are restricted to authorized service providers;
- .7 certified senior officers should be permitted to carry out annual activities; and
- .8 further work is necessary to ensure that terminology is rationalized and that SOLAS regulation III/36 and the *Guidelines for developing operation and maintenance manuals for lifeboat systems* (MSC.1/Circ.1205) are examined against the draft MSC resolution to ensure that all provisions are reconciled and consistent.

12.33 Following a lengthy discussion, the Committee invited interested Member Governments and international organizations to consider the views expressed in plenary and propose a way forward for further consideration by the Committee.

12.34 Having considered the proposed way forward, the Committee agreed that, based on the practical experience of application MSC.1/Circ.1206/Rev.1 and MSC.1/Circ.1277, the annual thorough examination should be carried out by the manufacturer or a service provider authorized by the Administration, taking into account the understanding that a service provider may be an entity other than the manufacturer (e.g. ship operator complying with the relevant criteria).

12.35 In discussing whether the SSE Sub-Committee is authorized to propose further amendments to SOLAS chapter III while finalizing the draft MSC resolution on *Requirements for periodic servicing and maintenance of lifeboats and rescue boats, launching appliances and release gear*, the Committee, having endorsed, in principle, the suggestion that the SOLAS regulations should address the questions "What is to be done?" and "When is it to be done?" and the draft MSC resolution should address "How is it to be done?" and "Who does it?",

agreed that SOLAS regulations III/20 and III/36 as well as the *Guidelines for developing operation and maintenance manuals for lifeboat systems* (MSC.1/Circ.1205) should be further reviewed, for the purpose of consistency, but without introducing any amendments not specifically related to this matter.

12.36 Consequently, the Committee, bearing in mind the importance of this issue on periodic servicing and amount of work to be done, agreed to re-establish the original output on "Making the provisions of MSC.1/Circ.1206/Rev.1 mandatory" on the biennial agenda for the 2016-2017 biennium and provisional agenda for SSE 3, with the target completion year of 2016, and instructed SSE 3 to:

- .1 review the draft MSC resolution set out in annex 1 to document MSC 93/3/4, taking into account MSC.1/Circ.1206/Rev.1 and MSC.1/Circ.1277 and that the annual thorough examination should be carried out by the manufacturer or a service provider authorized by the Administration, including the understanding that a service provider may be an entity other than the manufacturer (e.g. ship operator complying with the relevant criteria);
- .2 review SOLAS regulations III/20 and III/36 and MSC.1/Circ.1205, for the purpose of consistency with the draft MSC resolution; and
- .3 report to MSC 96 as an urgent matter.

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

### **General**

13.1 The Committee recalled that MSC 94 (MSC 94/21, paragraph 12.1) had requested the Vice-Chairman of the Committee, in consultation with the Chairman and assisted by the Secretariat, to submit, to MSC 95, 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**

13.2 The Committee considered document MSC 95/13 (Vice-Chairman), providing the outcome of the aforementioned preliminary assessment, and agreed with the assessment that technical assistance may be needed in terms of updating legislation and that some items had capacity-building implications, which could be further addressed through the Organization's Integrated Technical Cooperation Programme (ITCP). Therefore, the Committee concluded that it was not necessary to establish the Ad Hoc Capacity-building Needs Analysis Group (ACAG) at this session.

### **Preliminary assessment for the next session**

13.3 The Committee requested the Vice-Chairman for the next calendar year (see paragraph 20.1), in consultation with the Chairman for the next calendar year and with the assistance of the Secretariat, to submit, to MSC 96, a preliminary assessment of the capacity-building implications and technical assistance needs related to approved amendments to mandatory instruments and the new outputs related to mandatory instruments, which were approved at this session.

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

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

14.1 The Committee recalled that MSC 93, having agreed that more time was needed to consider the proposal on establishing an extended survey system for general cargo ships and on strengthening the maintenance responsibilities for ship machinery in the context of the safety management system (SMS) and ship survey requirements, agreed to extend the target completion year for this output to 2015.

14.2 Having considered the information of the outcome of SDC 2 related to the review of general cargo ship safety, as set out in paragraphs 5 to 7 of document MSC 95/14 (Secretariat), the Committee noted that consideration of the matters related to cargo ship safety had been completed by the SDC Sub-Committee and agreed to take this into account when considering the Committee's high-level action plan for the next biennium.

### **Formal safety assessment (FSA)**

#### ***Publicly accessible article related to FSA***

14.3 The Committee noted with appreciation the information provided in document MSC 95/INF.10 (Japan) on a novel method for approximation of FN diagram and setting ALARP borders.

#### ***Amendments to the FSA Guidelines***

14.4 The Committee recalled that MSC 94, having approved the draft amendments to paragraph 9.3.3 of the *Revised guidelines for Formal Safety Assessment (FSA) for use in the IMO rule-making process* (MSC-MEPC.2/Circ.12), as set out in annex 24 to document MSC 94/21, instructed the Secretariat to forward the draft amendments to the FSA Guidelines to MEPC 68 for concurrent approval.

14.5 In this connection, the Committee noted that MEPC 68 concurrently approved the amendments to the FSA Guidelines and that the revised guidelines will be reissued, in due course, by the Secretariat as MSC-MEPC.2/Circ.12/Rev.1.

#### ***Timing of the FSA Experts Group***

14.6 The Committee recalled that the timing of the FSA Experts Group for validation of the EMSA 3 study on survivability of passenger ships was already considered under agenda item 10 (Ship design and construction) (see paragraphs 10.6 and 19.42).

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

### **Information related to piracy reporting, and collection and dissemination of piracy-related information**

15.1 The Committee, in considering document MSC 95/15 (Secretariat), welcomed the continued success in the repression of piracy and armed robbery in the Gulf of Aden and the western Indian Ocean as well as the decrease of attacks reported for West Africa.

15.2 In relation to port and coastal State requirements on privately contracted armed security personnel on board ships, the Committee noted that to date only 18 Member States and one Associate Member have completed the questionnaire annexed to MSC-FAL.1/Circ.2 and therefore reiterated the request to provide such information to the Secretariat with a view to posting it on the Organization's public website.

15.3 On the issue of reporting acts of piracy and armed robbery to the Organization, the Committee noted that very few flag States provided reports to the Secretariat for inclusion in the piracy and armed robbery module in GISIS. The Committee, therefore, urged flag, port and coastal States to submit reports to the Organization with a view to provide to Member States and observer organizations, as well as the public, a realistic picture of incidents of piracy and armed robbery worldwide. Reports should follow the format of appendix 5 of MSC.1/Circ.1333 and be sent to marsec@imo.org.

15.4 The Committee considered document MSC 95/15/4 (Colombia), which proposed to improve the reporting of piracy and armed robbery incidents to the Organization by establishing an incident validation procedure together with appointing national points of contacts, and to amend MSC.1/Circ.1333 and MSC.1/Circ.1334 accordingly.

15.5 The Committee recalled that reports of actual and attempted attacks by pirates and armed robbers submitted to the Organization are not intended for operational use by ships or shipowners but for statistical analysis, to establish trends and modus operandi of perpetrators in different regions of the world. Some delegations therefore urged caution and reminded the Committee that reports of alleged acts of piracy and armed robbery for immediate response and assistance by law enforcement agencies were received and processed by IMB-ISC and ReCAAP who operated a 24/7 response team.

15.6 While some delegations were supportive of a validation regime for reported incidents of piracy and armed robbery in GISIS, others questioned the practicability and usefulness of such a regime for the purpose of the GISIS piracy and armed robbery module, bearing in mind the additional administrative burden for flag and coastal States.

15.7 Following consideration, the Committee did not support development of a validation regime but agreed that the establishment of a national focal point to interface with the Organization for piracy and armed robbery matters would improve the quality of GISIS reports and tasked the working group to amend circulars MSC.1/Circ.1333 and MSC.1/Circ.1334 to that effect.

15.8 The Committee noted the information provided in document MSC 95/INF.6 (ReCAAP-ISC), providing an update on the activities carried out by the ReCAAP-ISC and the situation of piracy and armed robbery against ships in Asia for the year 2014.

15.9 The Committee also noted the information provided in document MSC 95/INF.18 (European Commission) on a study currently undertaken to collate information on piracy and armed robbery worldwide for inclusion in a database maintained by the European Commission with a view to sharing it with interested stakeholders. The project's further aim is to provide recommendations on a sustainable, long-term solution to the collation and dissemination of such information.

15.10 In regard to the proposal in document MSC 95/15/2 (Secretariat), proposing to expand the use of the LRIT Distribution Facility to the Gulf of Guinea, the Committee recalled the positive experience gained from the establishment of the Distribution Facility for the provision of LRIT information to security forces operating in the waters of the Gulf of Aden.

15.11 The delegation of Ghana, while expressing appreciation for the Secretary-General's establishment of the West and Central Africa Maritime Security Trust Fund, expressed concern at the level of prior consultation with the Ghana Maritime Authority (GMA) on the issue. He expressed the view that effective operation of the MTISC-GoG will not be achieved unless efforts are made by the Organization and regional partners to work closely with the GMA, and that consultation at a regional level was crucial to establishing the requisite consensus of Member States of the region in respect of where to site the MTISC-GoG and its modus operandi. He further noted the importance of all concerned partners in the region adopting a consultative, bottom up, rather than top-down approach to resolving the Economic Community of Central African States (ECCAS), Economic Community of West African States (ECOWAS), and Gulf of Guinea Commission (GGC) maritime security problems.

15.12 The delegations of Angola, Cameroon, Nigeria and South Africa, in support of the statement made by the delegation of Ghana, reiterated the need for prior consultation with the countries of the region before proposing any measures likely to affect the national or regional interest of countries in Africa.

15.13 A number of delegations noted that the situation in the Gulf of Guinea remains a matter of great concern and, while sympathetic to concerns of States in the region for prior consultation, strongly supported the expansion of the use of the LRIT Distribution Facility to the Gulf of Guinea as a measure to enhance the maritime safety and security of seafarers.

15.14 Given the call for consultation made by States in the region, the Secretary-General proposed to initiate a consultation process prior to further discussion on the matter, and committed to bringing the outcome of that process to the attention of the Committee and, if the time frame permitted, to Assembly.

15.15 The Committee, therefore, agreed to suspend any discussion on the matter to allow for the consultation process to take place.

#### **Proposals to clarify the extent of the piracy High Risk Area as defined in the Best Management Practices for Protection against Somalia Based Piracy (BMP 4)**

15.16 The Committee considered documents MSC 95/15/1 (Egypt) and MSC 95/15/5 (Sultanate of Oman) on the extent of the piracy High Risk Area (HRA) as defined in the Best Management Practices for Protection against Somalia Based Piracy, version 4 (BMP 4).

15.17 The delegation of Egypt expressed the view that the Organization had tacitly endorsed the extent of the High Risk Area as defined in BMP 3 and BMP 4 by promulgating them as MSC.1/Circ.1337 and MSC.1/Circ.1339, respectively, despite the fact that there had been no successful attacks in the Red Sea since 2011. The statement by Egypt is set out in annex 27.

15.18 The delegation of the Sultanate of Oman supported the views expressed by Egypt and expressed the view that the Sea of Oman also did not qualify as a piracy high risk area and should therefore be excluded from the HRA definition contained in BMP 4.

15.19 The observer from ICS, speaking on behalf of BIMCO, ICS, Intercargo, INTERTANKO and OCIMF, acknowledged the concerns expressed by Egypt and informed the Committee that a review process in relation to the extent of the HRA had been agreed by industry representatives to the Contact Group on Piracy off the Coast of Somalia (CGPCS), taking into account regular threat assessments from military forces at the Shared Awareness and Deconfliction Meetings (SHADE). As extensive discussion of the HRA had been undertaken within the CGPCS with an outcome of those deliberations anticipated at the upcoming plenary meeting in July, industry was of the view that it would be counterproductive for the Committee

to intervene in that process given the likely nearness of its resolution, and particularly given that most States attending MSC also participate in the CGPCS and its work. The Committee was reminded that the situation in the Indian Ocean remained uncertain with the real possibility of a resurgent pirate threat, and advised that an MSC circular could be potentially detrimental to continued successful implementation of the BMP, which is universally acknowledged as fundamental to the ongoing restriction of Somalia-based pirate activity, along with the deployment of military forces, the use of armed guards where necessary, and capacity building ashore.

15.20 While some delegations supported awaiting the outcome of the threat assessments undertaken by naval forces which were to be reported to SHADE and the CGPCS, a large number of delegations, while reiterating that the BMP was developed and amended by industry and that the Organization had no influence over amendments, had sympathy for the Egyptian request and, thus, supported immediate action be taken by the Organization to develop an MSC circular addressing the concerns expressed by Egypt.

15.21 A few delegations recognized the need to acknowledge that the deployment of private contracted armed security personnel (PCASP) was still necessary on board ships transiting the area and to call upon all coastal States, including Egypt, to be proactive in establishing procedures and legislation so as to be able to outline the actions to be taken by ships using PCASP. Egypt informed the Committee that it had facilitated a process for the deployment of PCASP in its waters that includes, inter alia, the establishment of an arms depot for use by PCASP entering or leaving the Red Sea.

15.22 The Committee, after some discussion, agreed to task the working group to develop a draft MSC circular, addressing the salient issues raised in plenary and using the annex to document MSC 95/15/1 (Egypt) as the base.

15.23 The Committee considered document MSC 95/15/5 (Sultanate of Oman), which proposed to exclude the Sea of Oman from the definition of the HRA as defined in the BMP. The statement made by the Sultanate of Oman is set out in annex 27.

15.24 The delegation of the Islamic Republic of Iran, while supporting document MSC 95/15/5, objected to the incorrect use of the term "Arabian Gulf" instead of the correct and appropriate term of "Persian Gulf" in paragraph 1.6 of document MSC 95/15/1. The statement made by the Islamic Republic of Iran is set out in annex 27.

15.25 After consideration of the issue raised in document MSC 95/15/5, the Committee did not support forwarding the document to the working group for further consideration.

### **Armed security on board ships**

15.26 The Committee recalled that MSC 90 had requested ISO to develop a standard for private maritime security companies (PMSC) supplying PCASP on board ships and that MSC 93 agreed that the work of ISO in developing ISO 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.

15.27 The Committee recalled further that it was agreed at MSC 94 to invite Member States and observer organizations to submit proposals to amend MSC.1/Circ.1406/Rev.2 to MSC 95 with the aim of acknowledging ISO 28007 as a standard for PMSC while, at the same time, allowing for national standards to prevail, and that a small group led by Germany had met in the margins of MSC 94 to discuss suitable amendments.

15.28 The Committee considered document MSC 95/15/3 (ISO), informing the Organization that the Publicly Available Specification (ISO PAS 28007) had been replaced by the newly published standard ISO 28007 for PMSC supplying PCASP on board ships. As in previous sessions of the Committee, ISO proposed to recognize standard ISO 28007 by referencing it in the IMO guidance on PMSC in MSC.1/Circ.1406/Rev.2.

15.29 The Committee also considered document MSC 95/INF.15 (Germany), proposing text to amend MSC.1/Circ.1406/Rev.2 in response to the decision of the Committee to reflect and reference ISO standard ISO 28007 while retaining the right of Member States to apply their own national standard, and agreed to forward both documents on the issue to the working group with a view to amending MSC.1/Circ.1406/Rev.2 accordingly.

15.30 On the issue of floating armouries in the HRA, the Committee considered document MSC 95/15/6 (Marshall Islands), proposing to conduct a comprehensive survey of the number of floating armouries in the HRA to ascertain the extent of their use and methods of operation.

15.31 The delegations that spoke concurred with the view of the Marshall Islands that floating armouries were of concern to the safety and security of seafarers as well as to States in the region and supported the conduct of a survey on the number of floating armouries and their modus operandi.

15.32 The delegation of Argentina proposed to request flag Administrations that registered and authorized floating armouries to provide information on this issue to the next session of the Committee.

15.33 Some delegations raised the issue of what actions were to be taken if the number and modus operandi of floating armouries were provided to the Committee, bearing in mind that the registration and authorization of such ships was the responsibility of Member States of the Organization.

15.34 The delegation of the Marshall Islands advised they would undertake the survey and the delegation of United Kingdom noted they would provide an earlier study on this matter to the next session of the Committee.

15.35 The Committee thanked the Marshall Islands for its proposal and offer to undertake a survey and agreed to await the information provided by the Marshall Islands and the United Kingdom at the next session of the Committee, and requested Member States, especially those which have floating armouries registered under their flag, to submit proposals on the matter to the next session of the Committee.

15.36 Having considered the above matters, the Committee further instructed the Working Group on Maritime Security established under agenda item 4 (see paragraph 4.10), taking into account the comments made in plenary, to:

- .1 prepare a draft MSC circular on the Organization's position in relation to the extent of the High Risk Area (HRA) as defined in the industry-developed Best Management Practices for Protection against Somalia Based Piracy (BMP 4) using the annex to document MSC 95/15/1 as the base;
- .2 amend MSC.1/Circ.1333 and MSC.1/Circ.1334 to include provisions for a national point of contact for the Piracy and armed robbery module in GISIS as set out in document MSC 95/15/4; and

- .3 amend MSC.1/Circ.1406/Rev.2 in respect to accreditation of PMSC, taking into account documents MSC 95/15/3 and MSC 95/INF.15, and prepare draft MSC.1/Circ.1406/Rev.3.

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

15.37 Having considered the report of the working group (MSC 95/WP.8), the Committee approved it in general and took action as indicated hereunder.

#### ***Information related to piracy reporting, and collection and dissemination of piracy-related information***

15.38 The Committee approved MSC.1/Circ.1333/Rev.1 on *Recommendations to Governments for preventing and suppressing piracy and armed robbery against ships*, which incorporates a provision on the establishment of a National point of Contact (NPoC) for communication of information on piracy and armed robbery to the Organization.

15.39 The Committee agreed to the group's recommendation not to amend MSC.1/Circ.1334 as the provision of an NPoC for the purpose of interfacing with the Organization would not be applicable to shipowners, ship operators, shipmasters and crew, for whom MSC.1/Circ.1334 is intended.

#### ***Proposals to clarify the extent of the piracy High Risk Area as defined in the Best Management Practices for Protection against Somalia Based Piracy (BMP 4)***

15.40 The Committee approved MSC.1/Circ.1506 on *Best Management Practices for Protection against Somalia Based Piracy*.

### **Armed security on board ships**

15.41 The Committee approved MSC.1/Circ.1406/Rev.3 on *Revised interim recommendations for flag States regarding the use of privately contracted armed security personnel on board ships in the High Risk Area*, which includes amendments related to certification of PMSC, to address publication of International Standard ISO 28007.

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

### **Large containership safety**

16.1 The Committee recalled that MSC 93, having considered documents MSC 93/9/2 and MSC 93/INF.14 (Bahamas and Japan), had noted the interim report on the casualty investigation of the large containership **MOL Comfort**.

16.2 In this context, the Committee had for its consideration the following documents:

- .1 MSC 95/16 (Bahamas and Japan), providing information on recommendations contained in the final investigation report resulting from the loss of the **MOL Comfort** and requesting Administrations to refer to those recommendations, and IACS to submit the outcome of its consideration of the above-mentioned recommendations, to future sessions of the Committee under this agenda item; and
- .2 MSC 95/INF.11 (the Bahamas and Japan), containing the final report of the Committee on Large Container Ship Safety in response to the loss of the **MOL Comfort**.

16.3 The observer from IACS, in response to the three recommended measures contained in paragraph 4 of document MSC 95/16, indicated that these recommendations have already been addressed by IACS and its members through IACS UR S11A, which will enter into force on 1 July 2016, as well as within the specific rule requirements and procedures of individual IACS members. The IACS observer further advised that the whipping effect on containerships continues to be the subject of research, although some measures had already been taken in this respect. The full text of the IACS statement is set out in annex 27.

16.4 The Committee, while appreciating the proactive response relating to the safety of large containerships, invited IACS to keep it informed of further developments on relevant IACS requirements for large containership safety at future sessions.

## **17 RELATIONS WITH OTHER ORGANIZATIONS**

### **Relations with non-governmental organizations**

17.1 The Committee noted the information in document MSC 95/17 (Secretariat) on the decisions of C 113 concerning relations with non-governmental organizations and applications for consultative status and related matters.

#### **Third Joint FAO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters (JWG)**

17.2 The Committee recalled that MSC 94, having considered documents MSC 94/10/1 (IMO and FAO Secretariats) and MSC 94/10/2 (WWF), as well as noting the interventions made, in particular, by the observers from FAO and ILO (MSC 94/22, annex 9), had concurred with the decision of MEPC 67 and had:

- .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 third meeting of the JWG should meet at IMO Headquarters during 2015 (see paragraph 17.7).

17.3 The Committee also recalled that, in considering the provisional agenda of the third meeting of the JWG, MSC 94 had instructed the Secretariat to provide information on the terms of reference of the JWG and its previous agenda, for information to this session for further consideration.

17.4 In this context, the Committee considered document MSC 95/17/1 (IMO and FAO Secretariats), containing the terms of reference of the JWG and the agenda of its first and second meetings, as set out in annexes 1, 2 and 3 to the document, respectively, as well as the draft provisional agenda of the third JWG, as set out in annex 4 to the document.

17.5 The Committee noted the views supporting the need to ensure that the work of the third JWG focuses on a more clearly defined agenda item on "vessel identification, monitoring and tracking" and the need for delegations attending the meeting to be aware of the issues to be discussed under the item on "any other business" prior to convening the meeting.

17.6 Following the discussion, the Committee approved the provisional agenda, as presented in annex 4 to document MSC 95/17/1, with the following amendment:

"7 Review of existing means for vessel identification, monitoring and tracking."

17.7 The Committee agreed that the meeting be held at IMO Headquarters from 16 to 18 November 2015, and set 16 October 2015 as the deadline for the submission of documents to be considered by the third JWG.

## **18 APPLICATION OF THE COMMITTEE'S GUIDELINES**

18.1 The Committee recalled that MSC 94 developed draft guidelines for the Committees on consideration and review of the outcome of FSA studies; approved draft amendments to the existing section 4 of the *Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.4/Rev.3) and a draft new annex 6, containing guidelines for considering and reviewing the outcomes of FSA studies (MSC 94/21, annex 23); and instructed the Secretariat to forward the draft amendments to MEPC 68 for concurrent approval.

18.2 In this connection, the Committee noted that MEPC 68 concurrently approved the amendments to the Committees' Guidelines and that the revised guidelines will be reissued, in due course, by the Secretariat as MSC-MEPC.1/Circ.4/Rev.4.

## **19 WORK PROGRAMME**

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

#### **Biennial status report of the Sub-Committee and provisional agenda for CCC 2**

19.1 The Committee, having concurred with MEPC 68 to add a new unplanned output on "Mandatory requirements for classification and declaration of solid bulk cargoes as harmful to the marine environment" in the CCC Sub-Committee's biennial agenda for 2014-2015 and the provisional agenda for CCC 2 (document MSC 95/2/2), approved the Sub-Committee's biennial status report and the provisional agenda for CCC 2, as set out in annexes 19 and 20, respectively. The Secretariat was requested to inform MEPC 69 accordingly.

### ***SUB-COMMITTEE ON HUMAN ELEMENT, TRAINING AND WATCHKEEPING (HTW)***

#### **Safe mooring operations**

19.2 The Committee recalled that it had agreed to include in the 2016-2017 biennial agenda of the SDC Sub-Committee and the provisional agenda of SDC 3 an output on "Revised SOLAS regulation II-1/3-8 and associated guidelines (MSC.1/Circ.1175) and new guidelines for safe mooring operations for all ships", with a target completion date of 2017, in association with the SSE and HTW Sub-Committees as and when requested by the SDC Sub-Committee.

#### **Comprehensive review of the 1995 STCW-F Convention**

19.3 Having considered document MSC 95/19/3 (Canada et al.), proposing the review of the annex to the 1995 STCW-F Convention to align the standards of the Convention as much as possible with the current state of the fishing industry, the Committee agreed to include, in the 2016-2017 biennial agenda of the HTW Sub-Committee and the provisional agenda of HTW 3, a new output on "Comprehensive review of the 1995 STCW-F Convention". In addition,

the Committee, taking into account that this output required more time than proposed in the document, agreed to place a related output on the Committee's post-biennial agenda with a target completion year of 2018 (see paragraph 19.41 and annex 23).

19.4 In this connection, the delegation of Panama expressed the view that it was premature at this stage to decide on the need to convene intersessional meetings as envisaged in paragraph 13 of the above proposal, prior to the discussion by the HTW Sub-Committee. Thereafter, if intersessional meetings are needed, the same has to be properly justified and approved by the Committees in accordance with the rules of procedure.

#### **Revision of the Guidelines on the Implementation of the ISM Code by Administrations (resolution A.1071(28))**

19.5 The Committee considered document MSC 95/19/6 (Canada et al.), proposing to amend the "Revised guidelines on the implementation of the ISM Code by Administrations" (resolution A.1071(28)), to use the annual and intermediate verifications of compliance with the requirements of the ISM Code also as training audits, and agreed to include in the 2016-2017 agenda of the HTW Sub-Committee and the provisional agenda of HTW 3, a new output on "Revised guidelines on the implementation of the ISM Code by Administrations (resolution A.1071(28)) on training audits", with a target completion year of 2016.

#### **Biennial status report of the Sub-Committee and provisional agenda for HTW 3**

19.6 The Committee approved the Sub-Committee's biennial status report and the provisional agenda for HTW 3, as set out in annexes 19 and 20, respectively.

#### ***SUB-COMMITTEE ON IMPLEMENTATION OF IMO INSTRUMENTS (III)***

#### **Biennial status report of the Sub-Committee and provisional agenda for III 2**

19.7 The Committee confirmed the Sub-Committee's biennial status report and the provisional agenda for III 2, as set out in annexes 19 and 20, respectively.

#### ***SUB-COMMITTEE ON NAVIGATION, COMMUNICATIONS AND SEARCH AND RESCUE (NCSR)***

##### **Revision of the General provisions on ships' routeing (resolution A.572(14))**

19.8 The Committee considered document MSC 95/19/4 (Denmark and the Netherlands), proposing to amend the "General provisions on ships' routeing (resolution A.572(14))", to safeguard manoeuvring space for ships in the vicinity of multiple structures at sea, and agreed to include in the 2016-2017 biennial agenda of the NCSR Sub-Committee and the provisional agenda for NCSR 3, an output on "Amendment to the General provisions on ships' routeing (resolution A.572(14)) on establishing multiple structures at sea", with a target completion year of 2016.

##### **Revision of the Performance standards for EPIRBs operating on 406 MHz (resolution A.810(19)), and related parts in SOLAS chapter IV**

19.9 The Committee considered document MSC 95/19/5 (United States), proposing to amend resolution A.810(19) and SOLAS chapter IV to include the deployment of the Cospas-Sarsat Medium-altitude Earth-Orbiting Satellite Search And Rescue (MEOSAR) system and the issuance of a second generation 406 MHz Distress Beacon, and agreed to include in the 2016-2017 biennial agenda of the NCSR Sub-Committee and the provisional agenda for NCSR 3, an output on "Revised Performance standards for EPIRBs operating on 406 MHz (resolution A.810(19)) to include Cospas-Sarsat MEOSAR and second generation

beacons", with a target completion year of 2017. Regarding the proposal to amend SOLAS chapter IV, the Committee agreed to refer it to the discussions under output 5.2.5.2, "First outline of the detailed review of the Global Maritime Distress and Safety System (GMDSS)", on the understanding that the requirements of the new EPIRB should be discussed under the framework of the detailed review of the GMDSS. The Committee further agreed that the procedures defined in MSC.1/Circ.1481 and MSC.1/Circ.1500 should be observed during the development of the amendments related to the review of the GMDSS.

### **Improvement of the EPIRB to reduce inadvertent activation**

19.10 The Committee considered document MSC 95/19/9 (Islamic Republic of Iran), proposing an enhanced EPIRB to reduce the inadvertent activation of EPIRBs. However, the Committee, having considered the following views expressed during the discussions:

- .1 the matter was not directly related to safety;
- .2 the concern on the impact of more alarms for the crew; and
- .3 it was unclear the impact of these false alarms on the frequency of 406 MHz taking into consideration the increased use of these EPIRBs by pleasure crafts,

agreed not to include this proposed output in the 2016-2017 biennial agenda of the NCSR Sub-Committee and the provisional agenda for NCSR 3.

### **Revision of the Guidelines for preparing plans for co-operation between search and rescue services and passenger ships (MSC.1/Circ.1079)**

19.11 The Committee considered document MSC 95/19/7 (Denmark et al.), proposing to revise the *Guidelines for preparing plans for co-operation between search and rescue services and passenger ships* (MSC.1/Circ.1079), in particular related to passenger ships transiting many SAR regions, and to develop ways of improving and simplifying the system of distributing SAR plans for cooperation, and agreed to include, in the 2016-2017 biennial agenda of the NCSR Sub-Committee and the provisional agenda for NCSR 3, an output on "Revised guidelines for preparing plans for cooperation between search and rescue services and passenger ships (MSC.1/Circ.1079)", with a target completion year of 2017.

### **Development and implementation of e-navigation**

19.12 The Committee noted the decisions taken by MSC 94 (MSC 94/21, paragraphs 18.16 to 18.17), and considered document MSC 95/19/8 (Australia et al.) on implementing e-navigation to enhance the safety of navigation and protection of the marine environment, with six proposed outputs in the annex, and documents MSC 95/19/12 (Australia et al.), MSC 95/19/14 (IHO) and MSC 95/19/15 (IMPA), commenting on document MSC 95/19/8 (Australia et al.). The Committee discussed the proposals separately and the ensuing decisions are contained in paragraphs 19.12.1 to 19.12.6 below.

#### ***Guidelines on standardized modes of operation, S-mode***

19.12.1 The Committee considered document MSC 95/19/8, annex 1, proposing the development of *Guidelines on standardized modes of operation (S-mode)* for all navigational equipment, and documents MSC 95/19/12 and MSC 95/19/14, commenting on the proposal, and agreed to include, in the post-biennial agenda of the Committee, an output on "Guidelines on standardized modes of operation, S-mode", with two sessions needed to complete the item, assigning the NCSR Sub-Committee as the coordinating organ (see paragraph 19.41 and annex 23).

***Development of new modules to the revised Performance standards for Integrated Navigations Systems (INS) (resolution MSC.252(83))***

19.12.2 The Committee considered document MSC 95/19/8, annex 2, proposing the review of the *Revised performance standards for Integrated Navigation Systems (INS)* (resolution MSC.252(83)) relating to the harmonization of bridge design and display of information, and document MSC 95/19/14, commenting on the proposal, and agreed to include in the 2016-2017 biennial agenda of the NCSR Sub-Committee and the provisional agenda for NCSR 3, an output on "Additional modules to the Revised Performance standards for Integrated Navigations Systems (INS) (resolution MSC.252(83)) relating to the harmonization of bridge design and display of information"; with a target completion year of 2017.

***Revision of the Guidelines and criteria for ship reporting systems (resolution MSC.43(64))***

19.12.3 The Committee considered document MSC 95/19/8, annex 3, proposing to revise the *Guidelines and criteria for ship reporting systems* (resolution MSC.43(64)), as amended, relating to standardized and harmonized electronic ship reporting and automated collection of on board data for reporting, and agreed to include, in the 2016-2017 biennial agenda of the NCSR Sub-Committee and the provisional agenda for NCSR 3, an output on "Revised Guidelines and criteria for ship reporting systems (resolution MSC.43(64))", with a target completion year of 2017.

***Revision of the General requirements for shipborne radio equipment forming part of the GMDSS and for electronic navigational aids (resolution A.694(17)) relating to Built-In Integrity Testing (BIIT) for navigation equipment***

19.12.4 The Committee considered document MSC 95/19/8, annex 4, proposing the revision of the *General requirements for shipborne radio equipment forming part of the Global Maritime Distress and Safety System (GMDSS) and for electronic navigational aids* (resolution A.694(17)) relating to Built-In Integrity Testing (BIIT) for navigation equipment, together with document MSC 95/19/14, commenting on the proposal, and agreed to include, in the post-biennial agenda of the Committee, an output on "Revised General requirements for shipborne radio equipment forming part of the Global Maritime Distress and Safety System (GMDSS) and for electronic navigational aids (resolution A.694(17)) relating to Built-In Integrity Testing (BIIT) for navigation equipment", with two sessions needed to complete the item, assigning the NCSR Sub-Committee as the coordinating organ (see paragraph 19.41 and annex 23).

***Guidelines for the harmonized display of navigation information received via communications equipment***

19.12.5 The Committee considered document MSC 95/19/8, annex 5, proposing the development of *Guidelines for the harmonized display of navigation information received via communications equipment*, and document MSC 95/19/14, commenting on the proposal, and agreed to include, in the 2016-2017 biennial agenda of the NCSR Sub-Committee and the provisional agenda for NCSR 3, an output on "Guidelines for the harmonized display of navigation information received via communications equipment", with a target completion year of 2017.

***Consideration of reports on development and implementation of Maritime Service Portfolios (MSPs) (and other e-navigation reports) from Member States and international organizations***

19.12.6 The Committee considered document MSC 95/19/8, annex 6, proposing to consider reports on development and implementation of Maritime Service Portfolios (MSPs) (and other e-navigation reports) from Member States and other international organizations, including proposals to deal with the remaining non-prioritized potential e-navigation solutions, together with documents MSC 95/19/14 and MSC 95/19/15, commenting on the above proposal. The majority of the Committee was of the view that the proposal did not comply with the Committees' Guidelines (MSC-MEPC.1/Circ.4/Rev.4) but, recognizing the importance of e-navigation and that the Organization should take a leading role, invited Member Governments and other interested parties to prepare a full justification for this output in accordance with the information required in annex 3 to resolution A.1062(28), and submit it to MSC 96 for consideration. The delegation of Norway offered to coordinate the work with interested parties and submit a revised proposal for consideration at MSC 96.

**Development and implementation of e-navigation**

19.13 Taking into account the decision in paragraph 19.12.6, the Committee agreed to amend the existing the High-level Action 5.2.6 to read "Development and implementation of e-navigation" for inclusion in the High-level Action Plan for 2016-2017.

**Performance standards for ship-borne GMDSS equipment due to additional providers of GMDSS**

19.14 The Committee considered document MSC 95/19/10 (United States), proposing to develop a new generic performance standard for ship-borne GMDSS equipment to accommodate additional providers of GMDSS satellite services, and agreed to include in the 2016-2017 biennial agenda of the NCSR Sub-Committee and the provisional agenda for NCSR 3, an output on "Performance standards for ship-borne GMDSS equipment to accommodate additional providers of GMDSS satellite services", with a target year of 2016.

**Measures to protect the safety of persons rescued at sea**

19.15 The Committee recalled that it had agreed to move the output 5.1.2.2 on "Measures to protect the safety of persons rescued at sea" from the post-biennial agenda of the Committee to the 2016-2017 biennial agenda of the NCSR Sub-Committee and the provisional agenda for NCSR 3 (see paragraph 21.16.3).

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

19.16 The Committee approved the Sub-Committee's biennial status report and the provisional agenda for NCSR 3, as set out in annexes 19 and 20, respectively.

**Urgent matters emanating from NCSR 3 to MSC 96**

19.17 The Committee, having noted that due to the close proximity of NCSR 3 to MSC 96 only urgent matters emanating from NCSR 3 would be considered by MSC 96, in accordance with the Committees' Guidelines (MSC-MEPC.1/Circ.4/Rev.4), agreed that the following issues emanating from NCSR 3 would be considered by MSC 96 as urgent matters, with the remainder being considered by MSC 97:

- .1 routeing measures and mandatory ship reporting systems;

- .2 recognition of Galileo as a component of the WWRNS;
- .3 recognition of Iridium mobile satellite system as a GMDSS service provider;
- .4 performance standards for ship-borne GMDSS equipment to accommodate additional providers of GMDSS satellite services;
- .5 consideration of the outcome of the GMDSS Review and the continuation of the project in developing the modernization plan (NCSR 1/28, annex 11); and
- .6 measures to protect the safety of persons rescued at sea.

#### ***SUB-COMMITTEE ON SHIP DESIGN AND CONSTRUCTION (SDC)***

##### **Transfer of outputs related to SOLAS chapter II-2 from SDC to SSE**

19.18 The Committee considered documents MSC 94/17/1 and MSC 95/19/11 (Secretariat), containing a recommendation to transfer all outputs related to SOLAS chapter II-2 from the SDC Sub-Committee to the SSE Sub-Committee, and agreed that the existing outputs on the SDC Sub-Committee's biennial agenda and provisional agenda for SDC 3 should remain under the SDC Sub-Committee's coordination. However, the Committee also agreed that, in future, new outputs related to SOLAS chapter II-2 would in principle be assigned to the SSE Sub-Committee, but would be considered on a case-by-case basis.

19.19 The Cook Islands recalled the restructuring of the sub-committees under the review and reform process and noting that the proposed transfer items between the Sub-Committees related to the workload of the Sub-Committees under the new arrangements, questioned whether consideration should be given to revisiting the decisions made in order to address the workload pressures on the Sub-Committees and their Chairmen.

##### **Watertight doors closure control on new ships**

19.20 The Committee recalled that, in considering a proposed justification for a new output on watertight doors closure control on new ships, as contained in document MSC 95/WP.12, it had agreed to include in the 2016-2017 biennial agenda of the SSE Sub-Committee and provisional agenda for SSE 3, a new planned output on "Revision of SOLAS regulations II-1/13 and II-1/13-1 and other related regulations for new ships", with a target completion year of 2017, in association with the SDC Sub-Committee as and when requested by the SSE Sub-Committee.

##### **Guidelines for use of Fibre Reinforced Plastic (FRP) within ship structures**

19.21 The Committee recalled that it had agreed to retain the existing output 5.2.1.21 on "Guidelines for use of Fibre Reinforced Plastic (FRP) within ship structures" in the agenda of SDC 3, because further consideration was still needed by the SDC Sub-Committee (see paragraph 10.16).

##### **Safe mooring operations**

19.22 The Committee considered documents MSC 95/19/2 (Austria et al.) and MSC 95/INF.3 (Denmark), proposing to prepare amendments to SOLAS regulation II-1/3-8 and associated guidelines, as appropriate, to prevent unsafe and unhealthy work situations during mooring operations on new ships, together with document MSC 95/19/13 (Japan), commenting on the proposal, and agreed to include in the 2016-2017 biennial agenda of the SDC Sub-Committee and the provisional agenda for SDC 3, a new output on "Revised SOLAS regulation II-1/3-8 and associated guidelines (MSC.1/Circ.1175) and new guidelines for safe mooring operations

for all ships", with a target completion year of 2017, in association with the SSE and HTW Sub-Committees as and when requested by the SDC Sub-Committee.

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

- .1 the amendments to be developed should apply to all new ships of 3,000 gross tonnage and upwards, and that new ships of less than 3,000 gross tonnage should comply as far as practicable;
- .2 the instrument to be amended is the 1974 SOLAS Convention (i.e. SOLAS regulation II-1.3.8 and any other consequential amendments); and
- .3 that the amendments to be developed should enter into force on 1 January 2020, provided that the amendments are adopted before 1 July 2018.

### **Carriage of more than 12 industrial personnel**

19.24 The Committee, in considering a proposed justification for a new output for a mandatory instrument and/or provisions addressing safety standards for the carriage of more than 12 industrial personnel on board vessels engaged on international voyages, as contained in document MSC 95/WP.12, agreed that the scope of application of the work to be undertaken should not be limited to ships of the offshore energy sector, but to all ships engaged on international voyages, and that due consideration should be given to ensure that any proposed standards do not conflict with other requirements of other organizations and/or conventions.

19.25 Subsequently, the Committee agreed to include, in the 2016-2017 biennial agendas of the Maritime Safety Committee and SDC Sub-Committee and provisional agendas for MSC 96 and SDC 3, a new planned output on "Mandatory instrument and/or provisions addressing safety standards for the carriage of more than 12 industrial personnel on board vessels engaged on international voyages", with a target completion year of 2017.

19.26 In considering how best to proceed with the work for this new output, the Committee agreed that it should discuss policy issues before any detailed technical work is undertaken by the SDC Sub-Committee. However, recognizing the need to make progress on this important matter and taking into account the heavy workload for SDC 3, the Committee authorized SDC 3 to establish an Expert's Group (i.e. in addition to three working and two drafting groups expected to be established) to examine submissions from Member States and international organizations on their regulatory regimes and procedures for transporting industrial personnel, so that the Sub-Committee could identify suitable examples, including pros and cons on the best way forward, for consideration by the Committee at MSC 96. Consequently, the Committee invited Member States and international organizations to submit documents on their regulatory and standards regimes to SDC 3.

### **Biennial status report of the Sub-Committee and provisional agenda for SDC 3**

19.27 The Committee approved the Sub-Committee's biennial status report and the provisional agenda for SDC 3, as set out in annexes 19 and 20, respectively.

**SUB-COMMITTEE ON SHIP SYSTEMS AND EQUIPMENT (SSE)****Safe mooring operations**

19.28 The Committee recalled that it had agreed to include in the 2016-2017 biennial agenda of the SDC Sub-Committee and the provisional agenda of SDC 3 an output on "Revised SOLAS regulation II-1/3-8 and associated guidelines (MSC.1/Circ.1175) and new guidelines for safe mooring operations for all ships", with a target completion date of 2017, in association with the SSE and HTW Sub-Committees as and when requested by the SDC Sub-Committee.

**Periodic servicing and maintenance of lifeboats, launching appliances and release gear**

19.29 The Committee recalled that it had agreed to re-establish the output on "Making the provisions of MSC.1/Circ.1206/Rev.1 mandatory", for inclusion in the 2016-2017 biennial agenda of the SSE Sub-Committee and the provisional agenda of SSE 3, with a target completion year of 2016 (see paragraph 12.36).

**Clarification of the requirements in SOLAS chapter II-2 for fire integrity of windows on passenger and special purpose ships**

19.30 The Committee, having recalled its previous decision regarding the coordination of outputs related to SOLAS chapter II-2 (see paragraph 19.18), considered the proposal for a new planned output prepared by SDC 2 (SDC 2/25, annex 25) to clarify the requirements in SOLAS chapter II-2 for fire integrity of windows on passenger ships carrying not more than 36 passengers and special purpose ships with more than 60 (but no more than 240) persons on board and agreed to include, in the 2016-2017 biennial agenda of the SSE Sub-Committee and in the provisional agenda for SSE 3, a new planned output on "Clarification of the requirements in SOLAS chapter II-2 for fire integrity of windows on passenger ships carrying not more than 36 passengers and special purpose ships with more than 60 (but no more than 240) persons on board", with a target completion year of 2017.

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

- .1 the scope of application of the amendments to be developed will be further discussed by the SSE Sub-Committee; however, the amendments should apply to new ships and existing ships after repairs, alterations and modifications of a major character;
- .2 the instrument to be amended is the 1974 SOLAS Convention (i.e. SOLAS regulation II-2/9.4.1.3.3 and any other consequential amendments); and
- .3 that the amendments to be developed should enter into force on 1 January 2020, provided that the amendments are adopted before 1 July 2018.

**Watertight doors closure control on new ships**

19.32 The Committee considered a proposed justification for a new output related to watertight doors closure control on new ships (MSC 95/WP.12) and agreed to include, in the 2016-2017 biennial agenda of the SSE Sub-Committee and provisional agenda for SSE 3, a new planned output on "Revision of SOLAS regulations II-1/13 and II-1/13-1 and other related regulations for new ships", with a target completion year of 2017, in association with the SDC Sub-Committee as and when requested by the SSE Sub-Committee.

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

19.33 The Committee approved the Sub-Committee's biennial status report and the provisional agenda for SSE 3, as set out in annexes 19 and 20, respectively.

**Urgent matters emanating from SSE 3 to MSC 96**

19.34 The Committee, having noted that due to the close proximity of SSE 3 to MSC 96 only urgent matters emanating from SSE 3 would be considered by MSC 96, in accordance with the Committees' guidelines (MSC-MEPC.1/Circ.4/Rev.4), agreed that the following issues emanating from SSE 3 would be considered by MSC 96 as urgent matters:

- .1 safety objectives and functional requirements of the *Guidelines on alternative design and arrangements for SOLAS chapters II-1 and III*;
- .2 draft unified interpretation of fire pumps in ships designed to carry five or more tiers of containers on or above the weather deck; and
- .3 making the provisions of MSC.1/Circ.1206/Rev.1 mandatory,

with the remaining issues being considered by MSC 97.

**APPROVAL OF NEW PLANNED OUTPUTS**

19.35 In accordance with the relevant provisions of the *Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization* (resolution A.1062(28)), the Committee, having agreed to the sub-committees' biennial agendas and the provisional agendas for their forthcoming sessions, invited the Council to note the following new outputs agreed by the Committee at this session:

- .1 comprehensive review of the 1995 STCW-F Convention (paragraph 19.3);
- .2 revised guidelines on the implementation of the ISM Code by Administrations (resolution A.1071(28)) on training audits (paragraph 19.5);
- .3 amendment to the *General provisions on ships' routeing* (resolution A.572(14)) on establishing multiple structures at sea (paragraph 19.8);
- .4 revised *Performance standards for EPIRBs operating on 406 MHz* (resolution A.810(19)) to include Cospas-Sarsat MEOSAR and second generation beacons (paragraph 19.9);
- .5 revised *Guidelines for preparing plans for cooperation between search and rescue services and passenger ships* (MSC.1/Circ.1079) (paragraph 19.11);
- .6 additional modules to the *Revised performance standards for integrated navigational systems (INS)* (resolution MSC.252(83)) relating to the harmonization of bridge design and display of information (paragraph 19.12.2);
- .7 revised *Guidelines and criteria for ship reporting systems* (resolution MSC.43(64)) (paragraph 19.12.3);
- .8 revised *General requirements for shipborne radio equipment forming part of the Global Maritime Distress and Safety System (GMDSS) and for electronic navigational aids* (resolution A.694(17)) relating to Built-In Integrity Testing (BIIT) for navigation equipment (paragraph 19.12.4);

- .9 guidelines for the harmonized display of navigation information received via communications equipment (paragraph 19.12.5);
- .10 performance standards for ship-borne GMDSS equipment to accommodate additional providers of GMDSS satellite services (paragraph 19.14);
- .11 revised SOLAS regulation II-1/3-8 and associated guidelines (MSC/Circ.1175) and new guidelines for safe mooring operations for all ships (paragraph 19.22);
- .12 mandatory instrument and/or provisions addressing safety standards for the carriage of more than 12 industrial personnel on board vessels engaged on international voyages (paragraphs 19.25);
- .13 clarification of the requirements in SOLAS chapter II-2 for fire integrity of windows on passenger ships carrying not more than 36 passengers and special purpose ships with more than 60 (but no more than 240) persons on board (paragraph 19.30);
- .14 revision of SOLAS regulations II-1/13 and II-1/13-1 and other related regulations for new ships (paragraph 19.32); and
- .15 analysis and consideration of recommendations to reduce administrative burdens in IMO instruments including those identified by the SG-RAR paragraph 21.21.3),

which have been included in the Proposals for the High-level Action Plan and Priorities for the 2016-2017 biennium (see paragraph 19.40 and annex 22).

#### **STATUS OF PLANNED OUTPUTS FOR THE 2014-2015 BIENNIAL**

19.36 Having recalled that the status of planned outputs would only be produced after the session as an annex to the Committee's report to avoid any unnecessary duplication of work, the Committee invited the Council to note the biennial status report of the Maritime Safety Committee, as set out in annex 21.

#### **PROPOSALS FOR THE HIGH-LEVEL ACTION PLAN AND PRIORITIES FOR THE 2016-2017 BIENNIAL**

19.37 In preparation of the High-level Action Plan for the 2016-2017 biennium, the Committee recalled that it had instructed the sub-committees to prepare their respective biennial agendas for the coming biennium at their forthcoming sessions, for consideration at MSC 95, and requested the Secretariat to assist them in the usual manner, taking into account that:

- .1 outputs selected for the biennial agenda should be phrased in SMART<sup>1</sup> terms;
- .2 where the target completion year for a specific output goes beyond that 2016-2017 biennium, an interim output should be placed in the biennial agenda with a target completion year of 2016 or 2017, as appropriate, and a related output should be placed in the Committee's post-biennial agenda with the anticipated completion year; and

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<sup>1</sup> SMART: specific, measurable, achievable, realistic and time-bound.

- .3 biennial and provisional agendas should not contain sub-items and items placed on the provisional agendas should correspond with the outputs in the Sub-Committee's biennial agenda.

19.38 The Committee also recalled that MSC 94 had requested the Secretariat, in consultation with the Chairman, to prepare the Committee's proposals for the High-level Action Plan for the coming biennium, for consideration at this session and submission to C 114.

19.39 The Committee recalled further its previous decision (see paragraph 21.20.3) regarding document MSC 95/21 to include a new planned output in the 2016-2017 HLAP on "Analysis and consideration of recommendations to reduce administrative burdens in IMO instruments including those identified by the SG-RAR", with a target completion date of 2017.

19.40 Having considered document MSC 95/19/1 (Secretariat), proposing modifications to the planned outputs assigned to the Committee for the 2016-2017 biennium, which took into account the progress made by the sub-committees during the current biennium, the Committee agreed the proposals for High-level Action Plan of the Organization and priorities for the 2016-2017 biennium, as set out in annex 22, for submission to C 114 for endorsement; and requested the Secretariat to submit any changes to the annexed proposals emanating from III 2 and CCC 2 to CWGSP 14 or C/ES.28, as appropriate.

#### **POST-BIENNIAL AGENDA OF THE COMMITTEE**

19.41 The Committee, having noted that the updated post-biennial agenda would only be produced after the session as an annex to the Committee's report to avoid any unnecessary duplication of work, invited the Council to note the updated post-biennial agenda of the Maritime Safety Committee, as set out in annex 23.

#### **INTERSESSIONAL MEETINGS**

19.42 The Committee, taking into account the decisions made at MSC 93, MSC 94, MEPC 67, MEPC 68 and the current session, approved or confirmed, as appropriate, the following intersessional meetings and invited the Council to endorse these decisions:

- .1 the twenty-fourth meeting of the CCC Editorial and Technical Group, for the IMDG Code, to be held directly after CCC 2;
- .2 the twenty-fifth meeting of the CCC Editorial and Technical Group, for the IMBSC Code, to take place in the first half of 2016;
- .3 a meeting of the FSA Experts Group, to take place from 10 to 12 November 2015 and report directly to SDC 3;
- .4 a meeting of PPR Working Group on the Evaluation of Safety and Pollution (ESPH), to be held in 2016, as approved by MEPC 67;
- .5 the twenty-second session of the ICAO/IMO Joint Working Group on Search and Rescue, to be held in Trenton, Ontario, Canada, from 14 to 18 September 2015;
- .6 a meeting of the ICAO/IMO Joint Working Group on Search and Rescue, to take place in 2016;
- .7 the eleventh meeting of the Joint IMO/ITU Experts Group on Maritime Radiocommunication Matters, to be held at IMO Headquarters from 5 to 9 October 2015;

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- .8 a meeting of the Joint IMO/ITU Experts Group on Maritime Radiocommunication Matters, to take place in 2016; and
  - .9 the third meeting of the Joint FAO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters (JWG), to take place from 16 to 18 November 2015.

**SUBSTANTIVE ITEMS FOR INCLUSION IN THE COMMITTEE'S AGENDAS FOR THE NEXT TWO SESSIONS AND PROPOSED ARRANGEMENTS FOR MSC 96**

**Substantive items for inclusion in the agendas for MSC 96 and MSC 97**

19.43 The Committee agreed to substantive items to be included in the agendas of its ninety-sixth and ninety-seventh sessions, as set out in document MSC 95/WP.10, as amended.

**Establishment of working and drafting groups during MSC 96**

19.44 The Committee, taking into account the decisions made under various agenda items, anticipated that working and drafting groups from amongst the following subjects might be established at the Committee's ninety-sixth session:

- .1 passenger ship safety;
- .2 goal-based standards;
- .3 maritime security;
- .4 carriage of industrial personnel;
- .5 unsafe mixed migration; and
- .6 consideration and adoption of amendments to mandatory instruments,

whereby the Chairman, in consultation with the Secretariat, taking into account the submissions received on the respective subjects, would advise the Committee before MSC 96 on the final selection of such groups.

19.45 The Committee agreed that the Ad Hoc Capacity-building Needs Analysis Group (ACAG) might also need to be established.

**Duration and dates of the next two sessions**

19.46 The Committee noted that its ninety-sixth session has been tentatively scheduled to take place from 11 to 20 May 2016; and its ninety-seventh session is tentatively scheduled for November 2016.

**20 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2016**

20.1 In accordance with the Rules of Procedure of the Maritime Safety Committee, the Committee unanimously elected Mr. Brad Groves (Australia) as Chairman and Mr. Juan Carlos Cubisino (Argentina) as Vice-Chairman, both for 2016.

### **Expression of appreciation**

20.2 The Committee expressed sincere thanks and appreciation to Mr. Christian Breinholt (Denmark) and Capt. Abdullah Muhammad Segar (Singapore) for their excellent services to the Committee during the last four years when they served the Committee as its Chairman and Vice-Chairman, respectively.

## **21 ANY OTHER BUSINESS**

### **Unsafe mixed migration by sea**

#### **General**

21.1 Having agreed to consider document MSC 95/21/13 (Secretary-General) under agenda item 1, the Committee agreed to hold a special session on unsafe mixed migration by sea to consider the outcome of the inter-agency High-level meeting to address unsafe mixed migration by sea, and other issues surrounding unsafe migration.

21.2 In his opening remarks, the Secretary-General expressed his appreciation to the Committee for its willingness to dedicate a morning session of the Committee to unsafe mixed migration despite having a full agenda. He stated that the current situation was a humanitarian crisis and not sustainable. Therefore, it was imperative for the international community to strengthen its resolve to work together so that a solution could be found as no one entity could deal with this crisis. He emphasized that it would be appropriate for the Organization to deal with unsafe mixed migration matters which fell under its purview.

### **Video message of the United Nations Secretary-General Ban Ki-moon**

21.3 United Nations Secretary-General Ban Ki-moon in his video message, *inter alia*, thanked Mr. Sekimizu and IMO members for their efforts to address the migration challenge which, this year, had witnessed unprecedented acceleration in the numbers of people forced to flee war, famine, poverty, or human rights abuses in search of a better life. He emphasized that any approach to dealing with the migration challenge must be comprehensive so that it protects human rights, upholds international law and recognizes the benefits of migration, and that it requires all to work together. The full text of the video message is set out in annex 24 and the video itself can be viewed by following the link <http://www.imo.org/MediaCentre/HotTopics/seamigration/Pages/MSC-95-session.aspx>.

### **Inter-agency High-level meeting to address unsafe mixed migration**

21.4 The Committee noted the information provided in documents:

- .1 MSC 95/2/1 and MSC 95/WP.11 (Secretariat) on the outcome of LEG 102 relevant to the outcome of the inter-agency High-level meeting to address unsafe mixed migration; and
- .2 MSC 95/21/4/Rev.1 (Secretariat) on the outcome of the inter-agency meeting to address unsafe mixed migration by sea, which was held at IMO Headquarters on 4 and 5 March 2015 at the initiative of the Secretary General.

21.5 Having considered documents MSC 95/21/10 and Add.1 (Secretariat) on Joint databases IMO/IOM/UNODC on migrant incidents and on suspected smugglers and vessels, the Committee:

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

#### **New industry guidance on large-scale rescue operations at sea**

21.6 Having considered document MSC 95/21/1 (ICS), providing new Industry guidance on large-scale rescue operations at sea to ensure the safety and security of seafarers and rescued persons during such operations that was developed in response to the growing number of merchant ships involved in the rescue of persons, often migrants, in the Mediterranean, the Committee thanked ICS for developing such guidance and encouraged Member Governments and observer organizations to promote its availability as widely as possible.

#### **Open discussion**

21.7 The Committee took note of the statements delivered by the representatives of UNODC, UNHCR, IOM and observers from the EC and ICS, as set out in annex 27.

21.8 The delegations of Bangladesh, Côte d'Ivoire, Greece, Indonesia, Italy, Malaysia, Malta, Nigeria, the Philippines, the Republic of Korea, Thailand, Turkey, the United Kingdom, and the United States, and the observer of BIMCO also delivered statements and made comments. In addition, at their request, the statements of delegations of Bangladesh, Greece, Indonesia, Italy, Nigeria, the Philippines, Thailand, Turkey, the United Kingdom and the United States, and the observer from BIMCO are set out in annex 27.

21.9 The delegation of Italy made specific proposals related to the issue of unsafe migration by sea, which included:

- .1 a review of the SAR Convention, including the definition of "distress" and its interpretation;
- .2 development and increase of controls on suspected or substandard ships, which are not engaged in commercial voyages, without any cargo on board, and with no specific destination;
- .3 enhancing port and coastal State monitoring, including monitoring of ships in transit;
- .4 development of information and advice to prospective migrants on dangers of irregular sea routes;
- .5 development of clear policy statements by States on disembarkation of migrants;

- .6 re-energizing the dialogue between States in the Mediterranean and other regions on the prevention of irregular, unsafe journeys by sea and on the treatment of persons rescued at sea, as this was an international issue; and
- .7 development of joint databases on migrant incidents and on suspected smugglers and vessels.

21.10 The delegation of Malta also made a specific proposal for the Committee to revisit the present international legal regime related to maritime search and rescue, mixed migration by sea.

21.11 Following deliberations, the Committee:

- .1 expressed concern at the current, unprecedented wave of unsafe mixed migration by sea in the Mediterranean Sea, in the Bay of Bengal, in the Gulf of Aden and in other parts of the world; and over the high numbers of deaths at sea resulting from the smuggling of migrants in unsafe, grossly overloaded vessels not fit for the carriage of persons;
- .2 condemned the activities of criminals who embark persons on unsafe craft with no regards for the safety of life at sea;
- .3 recalled the provisions under UNCLOS, the SOLAS Convention and the SAR Convention concerning the duty of a master of a ship and the duty to provide assistance to any person in distress at sea, regardless of the nationality or status of such a person;
- .4 recalled also the duties of Parties to coordinate and cooperate to ensure that masters of ships providing assistance by embarking persons in distress at sea are released from their obligations with minimum further deviation from the ships' intended voyage and that rescued persons are delivered to a place of safety as soon as reasonably practicable;
- .5 noted the forecast increase in numbers of mixed migrants taking to sea and the fact that many more lives will be lost unless something is done and that saving lives remains an urgent priority;
- .6 commended the brave and selfless actions of the personnel of the naval, coast guard, merchant and fishing vessel fleets and the owner of pleasure vessels conducting rescue of migrants at sea;
- .7 drew attention to the need for greater efforts to address unsafe migration through more safe and regular migration pathways, addressing the factors that force people to risk their lives in that way, and eliminating the criminal unsafe movement of migrants by sea;
- .8 noted with concern the risks to those involved in rescue operations and the need for port and coastal States to take fully into account the special circumstances on board ships that have been involved in the rescue of large numbers of persons;
- .9 recognized that merchant shipping and maritime rescue services were close to being overwhelmed and that there was a compelling need to find sustainable solutions;

- .10 appreciated the initiatives and efforts of the IMO Secretary-General in dealing with issues surrounding unsafe migration by sea, and requested him to remain engaged with the United Nations and its specialized agencies, and intergovernmental and nongovernmental organizations with a view to finding sustainable solutions to unsafe migration by sea; and
- .11 agreed to place an agenda item on the work programme of the Committee to deal with matters pertaining to "Unsafe mixed migration by sea", and invited the Facilitation Committee and the Legal Committee to do the same.

### **Consideration of key issues (MSC 95/WP.13)**

21.12 Following initial consideration of the issue, the Committee considered document MSC 95/WP.13 (Secretariat), proposing that the Committee should take action on key issues within its competence including search and rescue, operation of merchant ships in view of the recent development of mass rescue of migrants and, in particular, the interpretation of "in distress"; and consider how port State monitoring could be enhanced, including monitoring ships in transit.

21.13 The Committee expressed concern that the proposals did not reflect the decisions of the Committee, in particular, the proposal to consider the interpretation of "in distress" had not been agreed and it had not been made clear how port State control could monitor ships in transit.

21.14 The Committee noted that High Level Action 5.1.2 – "Development and review of safe evacuation, survival, recovery and treatment of people following maritime casualties or in case of distress" and the associated planned output 5.1.2.2 – "Measures to protect the safety of persons rescued at sea" were included in the HLAP and the parent organs for output 5.1.2.2 are MSC and FAL, with NCSR and III as coordinating and associated organs, respectively.

21.15 The Committee also noted that FAL 40 will meet in April 2016 and could consider matters under its agenda item on Measures to protect the safety of persons rescued at sea.

21.16 The Committee noted the intention of ICS to forward the industry-developed guidance on "Large-scale rescue operations at sea: Guidance on ensuring the safety and security of seafarers and rescued persons" to the NCSR Sub-Committee for its consideration. ICS further proposed that the Committee should consider the guidance as a live document to be promulgated and updated by the industry co-sponsors.

21.17 Following further discussion, the Committee:

- .1 agreed to place on the agenda of MSC 96 an item on "Unsafe Mixed Migration by Sea";
- .2 invited Member States to make submissions to MSC 96, further elaborating on the issues and suggestions that they raised during MSC 95;
- .3 placed planned output 5.1.2.2 on the agenda of NCSR 3 from the 2016-2017 biennium agenda; and
- .4 forwarded the *Guidance on ensuring the safety and security of seafarers and rescued persons* to the NCSR Sub-Committee for consideration and instructed NCSR 3 to report back to MSC 96.

### **Implementation of SOLAS regulation III/1.5 on the replacement of lifeboat release and retrieval system**

21.18 Having considered document MSC 95/21/7 (Republic of Korea), raising practical difficulties that may occur in implementation of SOLAS regulation III/1.5 on the replacement of lifeboat release and retrieval system and suggesting to amend MSC.1/Circ.1392 with a view to clarifying whether cases in which lifeboat manufacturers are unable to provide a suitable replacement system within a time frame enabling completion of the replacement within the time limit stipulated by SOLAS, the Committee agreed that a new output is necessary in order to proceed on this matter and invited the Republic of Korea to submit a proposal for the new output in accordance with the Committees' Guidelines (MSC-MEPC.1/Circ.4/Rev.4).

### **Review of administrative requirements in mandatory instruments**

21.19 The Committee, in considering document MSC 95/21 (Secretariat), recalled the decision by C 113 to request the relevant committees to review administrative requirements under their purview and to consider how to proceed with the outcome of the Ad Hoc Steering Group on Reducing Administrative Requirements (SG-RAR)'s work, with a view to developing appropriate outputs to be included in the High-level Action Plan (HLAP) for 2016-2017.

21.20 The Committee noted the 167 requirements under the Committee's purview, compiled by the Secretariat and contained in the annex to document MSC 95/21, and concurred with the Secretariat's conclusion that further work was required to take an informed decision on that matter and, in particular:

- .1 instructed the Secretariat to analyse the information in the annex to document MSC 95/21, taking into account the recent decisions by A 28 concerning reporting through GISIS (A.1074(28)) and any output on the issue from MEPC 68 (which has concurred), and report the outcome of this analysis to MSC 96;
- .2 instructed the Secretariat to prepare information for seafarers and interested stakeholders on the key aims of the ISPS Code; and
- .3 included a new planned output in the 2016-2017 HLAP on "Analysis and consideration of recommendations to reduce administrative burdens in IMO instruments including those identified by the SG-RAR", with a target completion year of 2017.

### **Entry into force and the implementation of the 2012 Cape Town Agreement**

21.21 Having considered document MSC 95/21/2 (Iceland, Norway and South Africa), proposing a draft assembly resolution to promote ratification of the 2012 Cape Town Agreement, the Committee approved a draft Assembly resolution on Entry into force and implementation of the 2012 Cape Town Agreement (Early implementation of the Agreement) of the International Conference on the Safety of Fishing Vessels, as set out in annex 25, for submission to the Assembly, at its twenty-ninth session, for adoption. In this connection, a number of delegations, including the delegations of Belgium, Germany, the Russian Federation and South Africa, advised the Committee that they were now in the process of ratifying the aforementioned Agreement.

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

21.22 In considering matters related to the Polar Code, the Committee considered the following documents:

- .1 MSC 95/21/3 (Iceland, New Zealand and South Africa), calling upon governments and international organizations to provide information on incidents in polar waters to assist in assessing the potential scope of the Polar Code to non-Convention vessels operating in polar waters (phase 2 of the work on the Polar Code) as currently, the Polar Code only applied to cargo ships of 500 gross tonnage and above and passenger ships; and
- .2 MSC 95/21/11 (FOEI or Pacific Environment), commenting on document MSC 95/21/3 and providing information on recent incidents in Arctic and Antarctic waters involving non-SOLAS vessels considered useful for phase 2 of the development of the Code concerning non-SOLAS ships.

21.23 The Committee noted the information provided and encouraged Member States and international organizations to submit the information requested in document MSC 95/21/3 in support of the next phase of the work on the Polar Code, to the next session.

### **Foreign-flagged vessels calling at closed seaports in the territory of the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)**

21.24 The Committee noted the information provided in documents MSC 95/21/5 (Ukraine) and MSC 95/21/12 (Russian Federation). The delegations of Georgia, Ukraine and the United States, as well as Latvia, supported by Belgium, Croatia, Estonia, Finland, France, Germany, Greece, Iceland, Italy, Lithuania, Moldova, the Netherlands, Norway, Poland, Portugal, Slovenia, Spain, Sweden and the United Kingdom, made statements on the information provided, which are set out in annex 27. The delegation of Turkey also made a statement.

### **Format for electronic exchange and standard report**

21.25 The Committee, having considered the following documents:

- .1 MSC 95/21/6 (IACS), providing a discussion on the establishment of a harmonized Universal Data Exchange Format (UDEF) for electronic exchange and standard reports to obtain co-sponsoring by Member States of a submission to MSC 96 proposing a new output to amend, or supplement, the Code for recognized organizations (RO Code); and
- .2 MSC 95/INF.13, containing the latest IACS recommendation No.75 on the Format exchange and standard reports,

invited IACS and interested Member States to make proposals for an unplanned output to MSC 96 in accordance with the Committees' Guidelines (MSC-MEPC.1/Circ.4/Rev.4).

### **Pilot ladders and access to the ship's deck**

21.26 The Committee considered document MSC 95/21/8 (IACS), proposing amendments to section 5 of the annex to resolution A.1045(27) in order to facilitate consistent implementation of SOLAS regulation V/23.4, and agreed to the proposal, taking into account that the proposed amendments fell within the scope of paragraph 3.2(vi) of document C/ES.27/D. Consequently, the Committee agreed to the draft Assembly resolution

on Amendments to the Recommendations on pilot transfer arrangements (resolution A.1045(27)), as set out in annex 26, for submission to the twenty-ninth session of the Assembly for adoption.

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

21.27 The Committee recalled that MSC 93 had noted the information provided by the IMO consultant/observer on the IACS Quality System Certification Scheme (QSCS) and its transition to accredited certification bodies (ACBs), as indicated in the IMO observer's report annexed to document MSC 93/21/6, and that MSC 92 had requested the Secretariat to continue the arrangement for IMO participation in the IACS QSCS Scheme with financial contributions provided by IACS for the biennium (MSC 92/25/1) and requested that a report be provided to MSC 95.

21.28 In this regard, the Committee considered document MSC 95/21/9 (Secretariat), containing the report of the IMO consultant/observer, which provides information on the developments in the scheme since the last report, following the transition to the assumption by Accredited Certification Bodies (ACBs) of sole and independent responsibility for audit and for assessment of compliance with the scheme. In his report, the IMO consultant/observer raised, in particular, concerns regarding the numbers of observers being well in excess of the number of auditors/auditees, while noting that the oversight of ROs, as required by the RO Code, may be intensified in the future.

21.29 The Committee, having noted that the current arrangement between IACS and IMO regarding the participation of an IMO consultant/observer in the scheme was due to come to an end in June 2015, requested the Secretariat to continue the arrangement for such participation for the next two years, with financial contributions provided by IACS, and to provide a report to MSC 96.

### **Remaining information documents**

21.30 The Committee noted the following information documents submitted to this session and the information provided therein:

- .1 MSC 95/INF.2 (Secretariat), providing information on the Global Integrated Shipping Information System (GISIS), in particular, regarding a new module on non-mandatory instruments;
- .2 MSC 95/INF.8 (Austria et al), providing information on the work within the European Union on operational guidelines for places of refuge following recent incidents;
- .3 MSC 95/INF.17 (Norway), providing information on incidents during bunkering of LNG; and
- .4 MSC 95/INF.20 (United Kingdom IAIN, IMarEST), providing information on the regulatory framework and its application to Marine Autonomous Systems.

### **Application of the Code on noise levels on board ships**

21.31 The Committee noted document MSC 95/INF.14 (Greece), advising that an analysis had been undertaken on the application of the Code on noise levels on board ships and that the aforementioned analysis had concluded that some ships do not fall under the scope of application of SOLAS regulation II-1/3-12. In particular, the Committee noted that ships, for

which the building contract was placed before 1 July 2014 and the keels of which were laid or which are at a similar stage of construction on or after 1 January 2015, and the delivery of which is before 1 July 2018, do not fall either under paragraph 1 or 2 of the above SOLAS regulation. While there was support for the need to consider the issue raised in the above information document, the Committee invited the delegation of Greece to submit a proposal to MSC 96 under the agenda item on "Implementation of instruments and related matters".

### **Expressions of appreciation**

21.32 The Committee expressed appreciation to the following delegates and members of the Secretariat, who had recently relinquished their duties, retired or been transferred to other duties, or were about to do so, for their invaluable contribution to its work and wished them a long and happy retirement or, as the case might be, every success in their new duties:

- Captain Moin Ahmed (IMO) (on transfer)
- Ms. Dany Broderick-Bunn (IMO) (on retirement)
- Mr. Jo Espinoza-Ferry (IMO) (on retirement)
- Captain Mario Rubén Farinón (Argentina) (on transfer)
- Mr. Sylvain Lachance (Canada) (on retirement)
- Mr. Guangling Li (China) (on return home)
- Mr. Pedro San Miguel (IMO) (on retirement)
- Mr. Bin Okamura (Japan) (on retirement)
- Ms. Olga O'Neil (IMO) (on retirement)
- Mr. Carlos Ormaechea (IMO) (on retirement)
- Ms. Wilma Pereira (IMO) (on retirement)
- Captain Charlie Piersall (ISO) (on retirement)
- Ms. Janet Tang (IMO) (on retirement)
- Mr. Andrew Winbow (IMO) (on retirement)

## **22 ACTION REQUESTED OF OTHER IMO ORGANS**

22.1 The Assembly, at its twenty-ninth session, is invited to.

- .1 note the adoption by the Committee of the new mandatory International Code of Safety for Ships using Gases or other Low-flashpoint Fuels (IGF Code) (paragraph 3.97 and annex 1);
- .2 note the adoption by the Committee of amendments to the 1974 SOLAS Convention and a mandatory code, the 1978 and 1988 SOLAS Protocols, and the 1978 STCW Convention and Code, which are expected to enter into force on 1 January 2017; and the approval/adoption of non-mandatory instruments (paragraphs 3.99 to 3.116 and annexes 2 to 7);
- .3 note the outcome of the special session on unsafe mixed migration by sea and, in particular the message by the United Nations Secretary-General and decision by the Committee to add a new item on "Unsafe Mixed Migration by Sea" on the agenda of MSC 96 (paragraphs 21.1 to 21.17);
- .4 adopt the draft Assembly resolution on Entry into force and implementation of the 2012 Cape Town Agreement (Early implementation of the Agreement) of the International Conference on the Safety of Fishing Vessels (paragraph 21.21 and annex 25); and
- .5 adopt the draft Assembly resolution on Amendments to the Recommendations on pilot transfer arrangements (resolution A.1045(27)) (paragraph 21.26 and annex 26).

22.2 The Council, at its one-hundredth and fourteenth session, is invited to:

- .1 consider the report of the ninety-fifth session of the Maritime Safety Committee and, in accordance with Article 21(b) of the IMO Convention, transmit it, with its comments and recommendations, to the twenty-ninth session of the Assembly (paragraphs 1.1 and 22.2);
- .2 note the adoption by the Committee of the new mandatory International Code of Safety for Ships using Gases or other Low-flashpoint Fuels (IGF Code) (paragraph 3.97 and annex 1);
- .3 note the adoption by the Committee of amendments to the 1974 SOLAS Convention and a mandatory code, the 1978 and 1988 SOLAS Protocols, and the STCW Convention and Code, which are expected to enter into force on 1 January 2017; and the approval/adoption of non-mandatory instruments (paragraphs 3.99 to 3.116 and annexes 2 to 7);
- .4 note the actions taken by the Committee on issues related to maritime security and, in particular, the ongoing work related to the development of national maritime security legislation and the discussions on measures to enhance maritime cybersecurity (paragraphs 4.1 to 4.14);
- .5 note the progress made on the implementation of GBS verification audits, in particular that the audit teams are on schedule to deliver their final reports to the Secretary-General by the end of June 2015 and that the Secretariat will submit these reports, in due course, to MSC 96 for consideration and action, as appropriate (paragraph 5.4);
- .6 note the progress made by the Committee on issues related to passenger ship safety (paragraphs 6.1 to 6.11);
- .7 note the actions taken by the Committee on issues related to the performance review and audit of LRIT Data Centres (paragraphs 7.1 to 7.8);
- .8 note the decision taken in regard to piracy and armed robbery against ships, in particular (paragraphs 15.1 to 15.41);
- .9 note the actions taken by the Committee on issues related to relations with other organization and, in particular, on matters related to the third meeting of the Joint IMO/FAO Working Group on IUU Fishing and Related Matters (paragraphs 17.2 to 17.7 and 19.42.9);
- .10 note the new planned outputs agreed at the session for inclusion in the proposed High-level Action Plan and priorities for the 2016-2017 biennium (paragraph 19.35 and annex 22);
- .11 note the biennial status report of the Maritime Safety Committee (paragraph 19.36 and annex 21);
- .12 endorse the proposed High-level Action Plan and priorities for the 2016-2017 biennium (paragraph 19.40 and annex 22);
- .13 note the updated post-biennial agenda of the Maritime Safety Committee (paragraph 19.41 and annex 23);

- .14 endorse the intersessional meetings approved for 2015 and 2016 (paragraph 19.42);
  - .15 note the outcome of the special session on unsafe mixed migration by sea and, in particular, the message by the United Nations Secretary-General and decision by the Committee to add a new item on "Unsafe Mixed Migration by Sea" on the agenda of MSC 96 (paragraphs 21.1 to 21.17);
  - .16 note the decisions taken in regard to the review of administrative requirements in mandatory instruments (paragraphs 21.19 and 21.20);
  - .17 note the approval of the draft Assembly resolution on Entry into force and implementation of the 2012 Cape Town Agreement (Early implementation of the Agreement) of the International Conference on the Safety of Fishing Vessels (paragraph 21.21 and annex 25); and
  - .18 note the approval of the draft Assembly resolution on Amendments to the Recommendations on pilot transfer arrangements (resolution A.1045(27)) (paragraph 21.26 and annex 26).
- 22.3 The Marine Environment Protection Committee, at its sixty-ninth session, is invited to:
- .1 note the concurrent approval of MSC-MEPC.5/Circ.1502 on Unified interpretation of paragraph 15.13.5 of the IBC Code for products requiring oxygen-dependent inhibitors (paragraph 2.3);
  - .2 note that Committee concurred with the recommendations of MEPC 68 on matters related to HME substances and adopted the amendments to the IMSBC Code (paragraphs 3.40 and 3.104 and annex 3);
  - .3 note the adoption by the Committee of the amendments to the 1974 SOLAS Convention, the 1978 STCW Conventions and Code, and the 1978 and 1988 SOLAS Protocols, related to the new mandatory International Code of Safety for Ships using Gases or other Low-flashpoint Fuels (IGF Code), which are expected to enter into force on 1 January 2017, and the approval/adoption of related non-mandatory instruments (paragraphs 3.97 to 3.103 and 3.107 to 3.116 and annexes 1 and 2 and 4 to 7);
  - .4 note the decisions taken on outstanding matters related to the Polar Code (paragraphs 3.87 and 3.93);
  - .5 note the approval of the Amendments to the *Generic guidelines for developing IMO goal-based standards* (MSC.1/Circ.1394), which will be disseminated as MSC.1/Circ.1394/Rev.1 (paragraph 5.15);
  - .6 note the concurrent approval of MSC-MEPC.2/Circ.15 on *Guidelines for the development, review and validation of model courses* (paragraph 9.2);
  - .7 note the concurrent approval to forward the draft MSC-MEPC.4 circular on *Guidelines for port State control officers on the ISM Code* to the III Sub-Committee for review and finalization (paragraph 9.3);

- .8 not the concurrent approval the biennial agenda of the CCC Sub-Committee and the provisional agenda for CCC 2, including a new output on "Mandatory requirements for classification and declaration of solid cargoes as harmful to the marine environment" added by MEPC 68 (paragraph 19.1 and annexes 19 and 20);
- .9 note the concurrent approval of the intersessional working group meetings requested by the CCC and PPR Sub-Committees, to be held in 2015 and 2016 (paragraph 19.42); and
- .10 note the outcome on matters related to the review of administrative requirements in mandatory instruments (paragraphs 21.19 and 21.20).

22.4 The Technical Cooperation Committee, at its sixty-fifth session, is invited to note the outcome on matters related to capacity building for the implementation of new measures (paragraphs 13.1 to 13.3).

22.5 The Facilitation Committee, at its fortieth session, is invited to:

- .1 note the decisions taken on matters related to the preparation of guidance on the development of national maritime security legislation in particular the re-establishment of the related correspondence group (paragraphs 4.2, 4.3 and 4.12); and
- .2 note the decisions taken in regard to proposed measures to enhance maritime cybersecurity, in particular the Committee's decision to await the outcome of the industry guidance on maritime cybersecurity on board ships, which is expected to be submitted to FAL 40 and MSC 96, before embarking on developing guidance by the Organization (paragraphs 4.4 to 4.10, 4.13 and 4.14).

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

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