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IMPLEMENTATION
13th session
Agenda item 23

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**REPORT TO THE MARITIME SAFETY COMMITTEE AND THE
MARINE ENVIRONMENT PROTECTION COMMITTEE**

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1 GENERAL

1.1 The Sub-Committee held its thirteenth session from 7 to 11 March 2005. In the unavoidable absence of the elected Chairman, Mr. K.-T. Lim (Republic of Korea), the meeting was held under the chairmanship of Captain E. Pachá Vicente (Spain), its Vice-Chairman, in accordance with the Rules of Procedure of the Committees.

1.2 The session was attended by representatives from the following Member Governments:

ALGERIA	LATVIA
ANGOLA	LIBERIA
ANTIGUA AND BARBUDA	LIBYAN ARAB JAMAHIRIYA
ARGENTINA	LITHUANIA
AUSTRALIA	LUXEMBOURG
BAHAMAS	MALAYSIA
BANGLADESH	MALDIVES
BARBADOS	MALTA
BELGIUM	MARSHALL ISLANDS
BELIZE	MAURITIUS
BOLIVIA	MEXICO
BRAZIL	MOROCCO
CANADA	NETHERLANDS
CHILE	NEW ZEALAND
CHINA	NIGERIA
COLOMBIA	NORWAY
CUBA	PANAMA
CYPRUS	PERU
CZECH REPUBLIC	PHILIPPINES
DEMOCRATIC REPUBLIC OF THE CONGO	POLAND
DENMARK	PORTUGAL
DOMINICA	REPUBLIC OF KOREA
ECUADOR	RUSSIAN FEDERATION
EGYPT	SAINT KITTS AND NEVIS
EL SALVADOR	SAINT LUCIA
ESTONIA	SAINT VINCENT AND THE GRENADINES
FINLAND	SAUDI ARABIA
FRANCE	SINGAPORE
GABON	SPAIN
GERMANY	SURINAME
GHANA	SWEDEN
GREECE	THAILAND
GUYANA	TURKEY
HONDURAS	TUVALU
INDONESIA	UKRAINE
IRAN (ISLAMIC REPUBLIC OF)	UNITED KINGDOM
IRELAND	UNITED STATES
ITALY	URUGUAY
JAMAICA	VANUATU
JAPAN	VENEZUELA
KUWAIT	

the representative from the following Associate Member of IMO:

HONG KONG, CHINA

the representative from the following United Nations specialized agency:

FOOD AND AGRICULTURE ORGANIZATION (FAO)

observers from the following intergovernmental organizations:

EUROPEAN COMMISSION (EC)
ARAB FEDERATION OF SHIPPING (AFS)

and by observers from the following non-governmental organizations in consultative status:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)
INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU)
THE BALTIC AND INTERNATIONAL MARITIME COUNCIL (BIMCO)
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)
INTERNATIONAL ASSOCIATION OF INSTITUTES OF NAVIGATION (IAIN)
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS
(INTERTANKO)
INTERNATIONAL LIFEBOAT FEDERATION (ILF)
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS
(INTERCARGO)
THE INSTITUTE OF MARINE ENGINEERING, SCIENCE AND TECHNOLOGY
(IMarEST)
INTERNATIONAL SHIP MANAGERS' ASSOCIATION (ISMA)
INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)
WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)
INTERNATIONAL CHRISTIAN MARITIME ASSOCIATION (ICMA)

Opening address

1.3 In welcoming the participants, the Secretary-General, first of all, expressed his appreciation to Captain Esteban Pachá Vicente, Vice-Chairman, for chairing this session at short notice, in the absence of Mr. K.-T. Lim, Chairman of the Sub-Committee. The Secretary-General referred to the image of shipping and expressed the view that the contribution shipping made to the global economy and the community as a whole was being overlooked, even though shipping was largely safe, secure, efficient and environmentally friendly. He called on all who cared about shipping to work together to reverse this wrong perception and to endorse the theme for this year's World Maritime Day 2005: "International Shipping – Carrier of World Trade", which had been chosen to highlight the role of shipping today and the progress that had been made by shipping in terms of safety and environmental protection.

Referring to the development of the draft Code for the implementation of mandatory IMO instruments, being prepared in parallel with the Voluntary IMO Member State Audit Scheme, the Secretary-General recalled that the Scheme would aim at providing audited Member States with a comprehensive and objective assessment of how effectively they administer and implement the IMO treaties. He stressed that the Sub-Committee's work on the draft Code, which was expected to constitute the Scheme's audit standard, was fundamental to ensuring that, as planned, the Scheme could start being implemented in the next biennium.

On the subject of responsibilities of Governments and measures to encourage compliance, the Secretary-General mentioned the Sub-Committee's work on issues related to the implementation and possible revision of the ISM Code. He recalled the Independent Group of Experts established for an in-depth analysis of the achievements of the Code and, having referred to the questionnaires sent to ships' and relevant shore personnel, as well as to shipping companies and Governments, urged all recipients to provide the requested data at the earliest opportunity.

With respect to marine environment aspects, the Secretary-General considered that the Sub-Committee should focus on the development of survey guidelines for MARPOL Annex VI and of survey guidelines required by regulation E-1 of the Ballast Water Management Convention. The Secretary-General also specified that the Sub-Committee would be addressing the issue of annual mandatory reports submitted by Parties to MARPOL 73/78 and review of reporting requirements for reception facilities. It was a matter of concern to the Secretary-General that the rate of reporting was consistently low and he looked forward to improvements in the level of reporting. He also encouraged Member States to fulfil their obligations under MARPOL 73/78 and provide adequate port reception facilities for the purposes stipulated in the Convention.

On the analysis of casualty statistics and investigations, the Secretary-General referring to the recently published reports on the investigation into the **Prestige** casualty, indicated that, although IMO had taken the necessary prompt action to address the immediate concerns raised as a result of that casualty, the detailed analysis of the investigation reports might identify other issues to be addressed by IMO so that appropriate global measures could be put in place without delay. In the context of this issue, the Secretary-General also referred to the review of the Code for the investigation of marine casualties and incidents and having recalled that although the MEPC and MSC had requested the Sub-Committee to complete its work by 2007, advice was sought, this year, on how the Code could be made mandatory. He invited the Sub-Committee, in view of the significance and importance of the whole issue, to give the matter its most serious attention.

Turning to port State control (PSC) matters, the Secretary-General indicated that the Sub-Committee would be invited to consider a wide range of issues, including the outcome of the third IMO Workshop for PSC MoU/Agreement Secretaries and Directors of Information Centres held in IMO last year and of the Second Joint Ministerial Conference of the Paris and Tokyo MoUs convened in Vancouver, Canada, in November 2004.

The Secretary-General stated that, when considering the outcome of those events, an underlying common thread could be detected, namely, the need to progress further towards the global harmonization and co-ordination of PSC activities. In this respect, he believed that a consistent, uniformly applied PSC regime with global outreach, embracing all the regional schemes and others such as the United States Coast Guard, should be a common objective and a joint effort. The goal is to achieve such a degree of trust and uniformity among the various PSC regimes, that full reliance could be placed by one on the integrity and quality of the service and data provided by another.

Regarding the reported allegation of lack of integrity in PSC activities in certain ports, the Secretary-General had observed with satisfaction that the matter had been addressed in the draft Declaration prepared during the Vancouver Conference, which had also encouraged the preparation of a code of good practice for port State control officers and offered his full support for this endeavour.

He emphasized that the promotion of integrity and transparency in all port State control activities was paramount and, in this respect, he recognized the role played by the industry, Equasis and the various PSC regimes in enhancing the overall transparency of maritime data. He believed that this greater transparency was likely to give rise to a more focussed targeting system, which would allow PSC activities to concentrate more on sub-standard shipping, while also having a positive impact on the effort to reduce multiple inspections to a minimum.

Concerning illegal, unregulated and unreported fishing, the Secretary-General stressed that collaboration between IMO and FAO aimed at enhancing the safety of fishing vessels and fishermen reaffirmed the need for an early entry into force of the Torremolinos Protocol and the STCW-F Convention, and expressed his strong wish to see Governments making greater efforts to become Parties to those two instruments.

With reference to the recent Indian Ocean tsunami catastrophe, the Secretary-General outlined the efforts undertaken by IMO including the Tsunami Maritime Relief Fund; assistance in the establishment of an environmental crisis centre in Indonesia; and the development of an action plan to be implemented jointly with the International Association of Marine Aids to Navigation and Lighthouse Authorities and the International Hydrographic Organization. Additionally, IMO would assist in the development of an Indian Ocean tsunami early warning system by facilitating the dissemination of warnings and information on natural disasters through established networks within the Organization's technical framework. In concluding, the Secretary-General noted the full support of the entire shipping sector and expressed his confidence that the Organization and the entire maritime community will continue to play a significant role to restore and rehabilitate the stricken region.

Chairman's remarks

1.4 In responding, the Chairman thanked the Secretary-General for his words and advice and stated that the Secretary-General's advice and requests would be given every consideration in the deliberations of the Sub-Committee and its working and drafting groups.

Adoption of the agenda

1.5 The Sub-Committee adopted the agenda for its thirteenth session (FSI 13/1/Rev.2) and agreed to be guided in its work, in general, by the annotations contained in document FSI 13/1/1. The agenda, as adopted, with the list of documents considered under each agenda item, is set out in document FSI 13/INF.6.

Document on the interpretation of SOLAS regulation I/14(e)

1.6 The Sub-Committee, having recalled that FSI 12, in the context of its consideration of the interpretation of SOLAS regulation I/14(e), had invited IACS to provide a relevant submission in order to finalize consideration of this matter at this session, approved the issuing of document FSI 13/WP.1, to form the basis of discussion on this topic.

2 DECISIONS OF OTHER IMO BODIES

2.1 The Sub-Committee noted the decisions and comments pertaining to its work made by MSC 78 (FSI 13/2), MEPC 51 (FSI 13/2/1), MEPC 52 (FSI 13/2/2), C 92, SLF 47, DSC 9, C 93, MSC 79, STW 36, FP 49 (FSI 13/2/3) and, as reported orally by the Secretariat, by DE 48, and took them into account in its deliberations when dealing with relevant agenda items.

Guidelines under the 2004 BWM Convention

2.2 Regarding the draft Guidelines for sediments reception facilities (G1) and the draft Guidelines for ballast water reception facilities (G5), for which input had been requested of FSI 13, the Sub-Committee, noting that no relevant comments had been submitted at this session, agreed to consider this matter, if time permitted, under agenda item 22 “Any other business” (see paragraphs 22.2 to 22.4). In this respect, the Sub-Committee also noted that MEPC 52 agreed to add a separate item on the agenda of BLG 9, to be held from 4 to 8 April 2005, for the development, as a matter of priority, of a number of guidelines for the uniform implementation of the 2004 BWM Convention, including the G1 and G5 draft Guidelines.

Method of work related to new work programme items

2.3 The Sub-Committee noted that MSC 78 had agreed that a decision to include a new item in a sub-committee’s work programme did not mean that the Committee agreed with the technical aspects of the proposal. If it was decided to include the item in a sub-committee’s work programme, detailed consideration of the technical aspects of the proposal and the development of appropriate requirements and recommendations should be left to the sub-committee concerned. MSC 78 also noted that a number of submissions by Member Governments supporting proposals for new work items made by other Member Governments often expanded the scope of the original proposal. The Committee decided that, in order to facilitate proper consideration of the proposals, these submissions should also include a justification for this expanded scope, as appropriate, in accordance with paragraphs 2.9 to 2.20 of the Guidelines on the organization and method of work (MSC/Circ.1099-MEPC/Circ.405).

Requests from news media to attend IMO meetings

2.4 The Sub-Committee noted that C 92, in considering the issue of news media attendance at IMO meetings, had approved Guidelines for media access to meetings of Committees and their subsidiary bodies and that, since then, IMO had established an accreditation system (FSI 13/2/3, annex 1), based on similar systems operated by the United Nations and other agencies, which allows automatic access to meetings of IMO technical bodies to accredited representatives of the media.

Distribution of IMO documents

2.5 The Sub-Committee noted that C 92, having considered matters related to the distribution of IMO documents, had decided that:

- .1 the distribution of hard copies of meeting documents to IMO Member States be limited to one copy per delegation, as from 1 July 2004, subject to some flexibility in recognition of the fact that some Member States may have difficulties in accessing the documents on the IMODOCS website; and

- .2 non-governmental organizations would not receive meeting documents in hard copy as from 1 July 2004.

2.6 The Sub-Committee received a presentation by the Director of the Administrative Division of the Secretariat on the issue of the distribution of IMO documents.

Trial reporting system

2.7 The Sub-Committee noted that MSC 79, noting that MEPC 52 had recommended that the trial new reporting procedure be halted and the previous reporting procedure be re-established and that C 93 had agreed with that recommendation subject to a concurrent decision by MSC 79, had decided to halt the trial new reporting procedure and to re-establish the previous reporting procedure with immediate effect. The Secretariat was instructed to inform C 94 of the decision. Notwithstanding that decision, MSC 79 noted with appreciation the Secretariat's intention to continue with the practice of placing all working papers on the secure IMO website.

3 MANDATORY REPORTS UNDER MARPOL 73/78

3.1 The Sub-Committee had for its consideration under this agenda item documents submitted by the Secretariat (FSI 13/3, FSI 13/3/1 and FSI 13/3/2).

3.2 Following discussion of document FSI 13/3 containing a summary on mandatory reports under MARPOL 73/78 for 2003, submitted by 29 Parties to MARPOL 73/78 and one Associate Member in accordance with circular MEPC/Circ.318, the Sub-Committee noted that:

- .1 24 incidental spillages of 50 tonnes or more had been reported. The type of substance spilled in most cases was oil;
- .2 402 incidental spillages of less than 50 tonnes had been reported. The type of substance spilled in most cases was oil;
- .3 a total of 103 cases on alleged discharge violations had been reported. The type of substance spilled in most cases was oil. In four cases responses from flag States regarding action taken by them, including official proceedings, had been received;
- .4 no report by flag States of alleged inadequacy of reception facilities had been received;
- .5 no report of action taken by port States on alleged inadequacy of reception facilities had been received;
- .6 the compliance rate of certification and equipment requirements of MARPOL 73/78 was between 82.36% and 100% with a total average of approximately 95%. 62 ships had been reported to have no IOPP Certificate or equivalency, 696 ships had been reported to have IOPP Certificate or equivalency discrepancies, 67 ships had been reported to have no Oil Record Book or equivalency, 1,805 ships had been reported to have Oil Record Book or equivalency discrepancies, 141 ships lacked required pollution prevention equipment on board and 1,683 ships had required equipment that was not functioning; and

- .7 the total number of ships boarded for port State control had been, according to the reports received, 33,560 for 2003, while the total number of ships detained in port or denied entry had been 519, or 1.5% of those boarded.

3.3 With regard to the level of compliance with the reporting requirements of MEPC/Circ.318, the Sub-Committee noted that:

- .1 the rate of reporting by Parties for the year 2003 was low (23.8%);
- .2 in a number of the reports received, some parts of the reporting formats were missing, even though in accordance with paragraph 5 of MEPC/Circ.318 “nil returns are required from Parties for each reporting requirement from the perspective of port, coastal or flag States”; and
- .3 a number of the reports were submitted after the deadline (30 September each year) established by paragraph 5 of MEPC/Circ.318.

3.4 The Sub-Committee also noted document FSI 13/3/1 containing information, in tabular form, listing which Parties had submitted their mandatory reports under MARPOL 73/78, in accordance with circular MEPC/Circ.318, for the last five years and which Parties had failed to do so.

3.5 The Sub-Committee was informed that Chile, Finland, Japan and Singapore had submitted their annual reports for 2003; however, the submissions were received too late for inclusion in documents FSI 13/3 and FSI 13/3/1.

3.6 The Sub-Committee noted that the rate of reporting was still very low, as the information provided in documents FSI 13/3 and FSI 13/3/1 showed and as was also recognized at FSI 10, FSI 11 and FSI 12.

3.7 In the course of the discussion, the following points were raised:

- .1 although, the present “one-line entry” format of MEPC/Circ.318 was adopted in 1996 with a view to making the reporting procedure easier, the majority of the Parties to MARPOL have continued to fail in their obligation under the Convention to submit their mandatory reports;
- .2 although some States were criminalizing accidental pollution, MARPOL provisions in respect of the reporting of such pollution incidents were not being followed;
- .3 the data from the reports would be useful in assessing the effectiveness of the application of the MARPOL Convention and in monitoring the relevant performance indicators in accordance with resolution A.944(23); and
- .4 it was acknowledged that the development and implementation of the Voluntary IMO Member State Audit Scheme would assist Governments in improving their performance in complying with the mandatory reporting requirements under MARPOL 73/78.

3.8 In this respect, the Sub-Committee recalled that FSI 12, having noted that the rate of reporting by Parties to MARPOL 73/78 in accordance with MEPC/Circ.318, had been consistently low over recent years, instructed the Secretariat to prepare a draft FSI circular, for consideration at this session, urging Member States to fulfil their reporting requirements and stressing the importance of the mandatory reports under MARPOL 73/78.

3.9 Following consideration of document FSI 13/3/2, containing the above-mentioned draft FSI circular, the Sub-Committee approved FSI/Circ.12 on Compliance with the reporting requirements under MARPOL.

3.10 The Sub-Committee also instructed the Secretariat to update the list annexed to document FSI 13/3/1, and to submit it to FSI 14 for consideration. The list should make it easy to understand which Parties had submitted their mandatory reports under MARPOL 73/78 for the last five years and which Parties had failed to do so.

4 CASUALTY STATISTICS AND INVESTIGATIONS

FSA methodology in the analysis of casualty investigation reports

4.1 The Sub-Committee recalled that, with regard to the use of the FSA methodology in the casualty analysis process, MSC 79, having considered the recommendation of the MSC Correspondence Group on FSA that the FSI Working Group on Casualty Analysis should not apply the FSA methodology in its work, had decided to instruct the Sub-Committee to ensure that casualty data are collected in a uniform manner and to develop guidelines for the analysis of casualties which could also be used as guidance by other sub-committees. In this connection, the Committee had noted that further work of the FSI Sub-Committee on the uniform collection of data would be compatible with its new work programme item on “Review of the Code for the investigation of marine casualties and incidents”.

Amendments to MSC/Circ.953-MEPC/Circ.372

4.2 On the issue of the amendments to MSC/Circ.953-MEPC/Circ.372 on Reports on marine casualties and incidents, the Sub-Committee, having recalled that MSC 79 had requested the DE Sub-Committee to provide comments on the proposed life-saving appliance casualty record, as appropriate, noted the amendments proposed by DE 48 and instructed the Secretariat to prepare a new MSC/MEPC circular, incorporating the amendments proposed by FSI 12 and DE 48, for submission to MSC 80 and MEPC 53 for approval.

Consideration of FSI recommendations on the analysis of casualties by other sub-committees

4.3 The Sub-Committee noted that STW 36 had agreed to forward the casualty analysis information relating to training issues for passenger ships collected by FSI 12 as follows: **Aratere** to the DE, **Spirit of Tasmania** to the FP and **Norwegian Dream/Ever Decent** to the NAV Sub-Committee for further consideration, and had invited MSC to endorse this decision.

Report of the Correspondence Group on Casualty Analysis

4.4 The Sub-Committee considered the report of the Correspondence Group on Casualty Analysis (FSI 13/4) which contained information based on the analysis of 110 reports of investigations into casualties, an overview of lessons learned, a draft text of narratives of lessons learned for presentation to seafarers, as well as recommendations based upon combined

comments on the IMO Global Integrated Shipping Information System (GISIS) maritime casualties and incidents (MCID) database.

4.5 The Sub-Committee noted that the report had also addressed the continuing occurrence of accidents involving lifeboats leading to death and injury. In this regard, the Sub-Committee recalled that the subject was being considered in several other sub-committees, reflecting the priority that IMO attached to the subject, and underlined that it should continue to be pursued with urgency from both the human element and equipment design perspectives. With a view to improving co-ordination between the relevant IMO bodies on such critical issues, new mechanisms might be explored to facilitate the more rapid flow of the findings and recommendations of the Correspondence Group on Casualty Analysis and, through GISIS, the in-depth analysis of a sufficient mass of casualty statistics that would permit the assessment of possible trends and the consequent identification of any necessary strengthening of the Organization's regulatory regime.

Status of the Global Integrated Shipping Information System (GISIS)

4.6 Having considered document FSI 13/4/1 (Secretariat), the Sub-Committee noted the information on the development of the following GISIS modules:

- .1 casualty (second version);
- .2 condition assessment scheme (CAS) (see paragraphs 6.34 to 6.42);
- .3 recognized organizations (ROs) (see paragraph 10.20);
- .4 reception facilities (see paragraphs 19.16 and 19.17); and
- .5 port State control (PSC);

and, in particular, that, although GISIS was being developed to allow public access to most of the data stored in the various modules, only Member States would be authorized to update the data contained therein on-line, subject to a validation procedure by the Secretariat. Member States will, therefore, be informed in due course about the procedures applicable to each module for the allocation of login IDs and passwords.

4.7 A presentation of GISIS showing the completed modules was organized by the Secretariat for the benefit of the Sub-Committee.

Preparation of statistics

4.8 It was recalled that FSI 12, in the context of its consideration of document FSI 12/8/3, which proposed that the Organization should develop and publish information relating to annual losses of ships and tonnage each on a world fleet percentage basis, had instructed the Secretariat to act accordingly. In this respect, the Sub-Committee noted that the Secretariat would present the outcome its work on this issue when also presenting the analysis of self-assessment forms (SAFs) under agenda item 11 (see paragraph 11.8).

Recommendations concerning the analysis of certain reports

4.9 The Sub-Committee recalled that MSC 79, having considered document MSC 79/22/8 (France) providing information on explosions in petroleum tankers, including the **Chassiron**, had agreed to forward that document to FSI 13 for information, pending receipt of the formal report into that casualty, and to FP 49 for information purposes under its existing agenda item on the analysis of fire casualty records. The Committee had also invited France to submit to it any proposal for a new work programme item in accordance with the Guidelines on the organization and method of work, if necessary.

4.10 In the same context, MSC 79, having noted that industry organizations were carrying out a study on a number of casualties that had occurred under similar circumstances, with a view to determining possible causes and whether existing industry practices should be modified accordingly, had invited ICS to submit the results of such work to the Organization at the earliest opportunity.

4.11 The Sub-Committee also acknowledged the potential benefit of the above-mentioned study to the work of its Correspondence Group and Working Group on Casualty Analysis. Having received from ICS updated information on the activities of the Inter-Industry Group (CEFIC, IACS, IAPH, ICS, INTERTANKO, IPTA, OCIMF, International Group of P & I Clubs) established to study the reported incidents of explosions on tankers, the Sub-Committee thanked the industry for this initiative and invited Member States, as appropriate, to respond positively to the requests for related casualty investigation findings they may receive from the Inter-Industry Group.

4.12 The Sub-Committee was informed that the Secretariat would provide the Correspondence Group on Casualty Analysis with three different investigation reports into the casualty of the **Prestige** in order that the outcome of their analysis be made available to FSI 14.

4.13 Concerning practical recommendations to its Correspondence Group on how to carry out the analysis of the above-mentioned three investigation reports, the Sub-Committee noted the views expressed by some of the reporting countries, including references to the possible future publication of further material commenting on or complementing the reports already published. For the purpose of providing the Sub-Committee with a comprehensive record of the elements of the discussion, some of the reporting countries provided a summary of their interventions, as set out in annexes 1 and 2.

FSI circulars on very serious and serious casualties

4.14 The Sub-Committee was informed about the issuance of FSI.3/Circ.5 and FSI.3/Circ.6 on very serious and serious casualties to merchant ships for the years 2002 and 2003 which had been prepared for release on the IMO public website.

Establishment of the working group

4.15 Following the above discussion, the Sub-Committee established the Working Group on Casualty Analysis and instructed the group, taking into account comments made in plenary, to:

- .1 confirm or otherwise the findings of the Correspondence Group based on the analysis of individual casualty investigation reports (FSI 13/4, annexes 1 and 2), for the Sub-Committee's approval and authorization of the release of the information on the IMO website;
- .2 confirm or otherwise the draft text of the lessons learned for presentation to seafarers (FSI 13/4, annex 3), for the Sub-Committee's approval and authorization of the release of the information on the IMO website;
- .3 collate any proposed amendments to the FSI circulars issued on very serious and serious casualties;
- .4 prepare draft instructions to the Secretariat following consideration of annex 4 of FSI 13/4 and the presentation of the second version of the casualty database (FSI 13/4/1);
- .5 advise on the re-establishment of the Correspondence Group on Casualty Analysis and, if so, prepare draft terms of reference for that group;
- .6 provide the Correspondence Group with any relevant guidance concerning the analysis of reports, in particular on: the methodology to be used for the analysis of the three different reports on the casualty of the **Prestige** (for example, possible allocation of all three reports to a single analyst, possible presentation format of the outcome of the analysis (i.e. either per report analysed or for all three reports jointly), how to avoid duplication of work taking into account the issues already dealt with by other IMO bodies); and the reports on explosions in petroleum tankers;
- .7 consider the amendments to MSC/Circ.953-MEPC/Circ.372 to be incorporated in the draft new circular to be submitted to MSC 80 and MEPC 53, for approval, taking into account the outcome of DE 48; and
- .8 review the prevailing "Casualty Analysis Procedure" (FSI 12/22, annex 2) with a view to:
 - .1 proposing improvements in the more rapid distribution of the information and recommendations from the Correspondence Group that may be relevant to other sub-committees; and
 - .2 carrying out an aggregate analysis of the primary lessons learned from all investigations so as to identify necessary changes to the regulatory framework.

Reminder on the provision of casualty-related data

4.16 In order to assist the Organization in receiving information needed on casualties, the Sub-Committee reminded Member States to:

- .1 ensure that the information on reports on marine casualties and incidents is provided to the Secretariat in accordance with the reporting requirements and the revised format annexed to MSC/Circ.953-MEPC/Circ.372;

- .2 provide information on whether human element was an underlying cause of a casualty or injury;
- .3 provide the Secretariat with information on the number of fishing vessels, fishermen, total losses and lives lost, so that updated information on the matter can be incorporated in the relevant circulars;
- .4 provide the Secretariat with preliminary information on casualties derived from RCCs, in accordance with MSC/Circ.802-MEPC/Circ.332 and the Secretariat's letters to relevant national authorities, to enable the Organization to release timely and accurate information on casualties;
- .5 indicate in the reports of investigations into casualties whether fraudulent certificates have been involved; and
- .6 use the reporting facilities of the IMO Global Integrated Shipping Information System (GISIS) as soon as they become available.

Report of the working group

4.17 Having received the report of the Working Group on Casualty Analysis (FSI 13/WP.2), the Sub-Committee approved it in general and took action as indicated in the following paragraphs.

Summary of casualty analyses

4.18 Having noted that the group had confirmed the summary of casualty analyses in annex 1 to document FSI 13/4, with a few editorial changes, the Sub-Committee agreed to the summary of casualty analyses, as set out in annex 1 to document FSI 13/WP.2, for release on the IMO website.

Overview of lessons learned from casualties

4.19 The Sub-Committee agreed to the overview of lessons learned, as set out in annex 2 to document FSI 13/WP.2.

4.20 In its review of the overview of lessons learned, the Sub-Committee noted the rate of accidents involving on-load release mechanisms which was considered to indicate that work should be carried out by the appropriate body of this Organization regarding the requirements on design of such equipment including the tests required before the equipment is approved for carriage by ships.

4.21 In this connection, the Sub-Committee noted also the relevant ongoing work in the DE Sub-Committee and, to assist the work of that Sub-Committee, approved the proposed safety recommendation on lifeboats as well as extracts from casualty analyses relating to lifeboats, as set out in annexes 3 and 4 respectively, to be forwarded to DE 49 for its consideration.

Lessons Learned for Presentation to Seafarers

4.22 The Sub-Committee approved the Lessons Learned for Presentation to Seafarers, as set out in annex 5 to document FSI 13/WP.2, for release on the IMO website following the review carried out by the Secretariat in co-operation with the Chairmen of the relevant sub-committees, according to the agreed procedure (FSI 11/23, paragraph 4.19).

FSI circulars on very serious and serious casualties

4.23 Regarding the FSI circulars issued on very serious and serious casualties, namely FSI.3/Circ.5 and FSI.3/Circ.6, the Sub-Committee agreed with the release of those circulars on the IMO website and invited Member Governments to provide amendments to those circulars to the Secretariat as appropriate.

4.24 The Sub-Committee noted the concern that there was no updated comprehensive index of IMO instruments, without which sometimes Member Governments might not be fully aware of some of those instruments. Therefore, the Sub-Committee recommended that the Secretariat be instructed to update the comprehensive index on a regular basis and to make it available electronically on the relevant IMO website, and invited the Committees to endorse this recommendation and take action as appropriate.

IMO Global Integrated Shipping Information System (GISIS)

4.25 The Sub-Committee agreed to refer the working group's recommendations on the IMO GISIS Maritime Casualties and Incidents Database (MCID), as set out in annex 6 to document FSI 13/WP.2, to the Secretariat for its information.

Recommendations concerning the analysis of certain reports

4.26 The Sub-Committee noted that the group carefully considered the provision to the Correspondence Group on Casualty Analysis, to be established under paragraph 4.34, of any practical relevant guidance concerning the analysis of reports, in particular on the methodology to be used for the analysis of the three different reports on the casualty of **Prestige**.

4.27 The Sub-Committee noted that a preliminary report by France had already been analysed by the correspondence group before FSI 12 (see paragraph 5 of document FSI 12/WP.2) and that France had no intention to issue a final report. The Sub-Committee also noted that the two reports from Bahamas and Spain on **Prestige** had been submitted to IMO and had not yet been analysed. The delegation of Spain informed the group that an addendum to its report would be issued in several months' time. After extensive discussion, for reasons of consistency and bearing in mind that the focus of the correspondence group was on safety and prevention of pollution, it was agreed that:

- .1 no additional review should be undertaken until the addendum to the Spanish report is available;
- .2 each report should be reviewed by the same member of the correspondence group who analysed the report by France;

- .3 the review must be consistent with the standard approach adopted by the correspondence group; and
- .4 the additional reviews should be submitted to the correspondence group Co-ordinator in accordance with normal procedures.

4.28 In respect of the explosions in petroleum tankers, the Sub-Committee noted that **Chassiron** fell into the class of tanker that was not covered by the inert gas requirements of the SOLAS Convention. The Sub-Committee also noted that as a result of the explosion and other similar reported accidents, the Expert Working Group of the Inter-Industry Group had been established to look into the safety aspects with a view to preventing such accidents in the future. Notwithstanding the expert study, the Sub-Committee agreed that the report of **Chassiron** should be submitted for the correspondence group's preliminary consideration of the possible causes of the accident.

4.29 As to the request for allowing the Expert Working Group of the Inter-Industry Group to access up-to-date accident and incident reports, the Sub-Committee instructed the Secretariat to make available to such Expert Working Group pertinent information contained in IMO's relevant databases.

Amendments to MSC/Circ.953-MEPC/Circ.372

4.30 The Sub-Committee agreed to a new draft MSC/MEPC circular on Reports on marine casualties and incidents prepared by the group, which would supersede MSC/Circ.953-MEPC/Circ.372, as set out in annex 5, for submission to MSC 80 and MEPC 53 for approval.

Review of the prevailing "Casualty analysis procedure"

4.31 The Sub-Committee noted that the group considered the need for a more rapid distribution of information and recommendations from the correspondence group that may be relevant to other sub-committees, and agreed that when a particular safety issue was being addressed under an existing work programme item other than "Casualty analysis" of other sub-committees, reports which addressed this safety issue and that had been submitted to IMO, might be provided to the relevant sub-committees by the Secretariat upon notification from the reviewer of the correspondence group.

4.32 On the other hand, for a safety issue addressed in a report and not being relevant to an existing work programme item other than "Casualty analysis" of other sub-committees, but in the view of the group adding to the accumulated evidence on the safety issue, the Sub-Committee agreed that the amended casualty analysis procedure, as mentioned in paragraph 4.33 below, should apply.

4.33 The Sub-Committee approved the Casualty analysis procedure (FSI 12/22, annex 2), as amended by the group and set out in annex 6, and noted that it could be used for the evaluation of issues and to identify the changes or modifications necessary to the existing regulatory framework for consideration by the sub-committees.

Establishment of the Correspondence Group on Casualty Analysis

4.34 The Sub-Committee, taking into account the work completed at this session, re-established the Correspondence Group on Casualty Analysis, under the co-ordination of the United Kingdom*, to continue its work intersessionally under the following terms of reference:

- .1 based on the information received from Members on investigations into casualties, to conduct review of the relevant casualty reports referred to the group by the Secretariat;
- .2 to identify safety issues that need further consideration;
- .3 to forward the review of each individual casualty investigation report to the co-ordinator, using the applicable format, along with a synopsis of all reports reviewed, for preparation of the co-ordinator's composite report that would be forwarded to the Secretariat for preparation of the correspondence group's report;
- .4 to continue its study on the GISIS database intersessionally and present a comprehensive list of suggestions for further improvement of the database, which should include recommendations on mandatory fields in the database; and
- .5 to submit a report to FSI 14.

Establishment of the Correspondence Group on the Review of the Code for the Investigation of Marine Casualties and Incidents

4.35 The Sub-Committee noted that the working group had discussed the issue of the Review of the Code for the investigation of marine casualties and incidents (resolution A.849(20)), as amended, assuming that it would be instructed to review and draft a revised Code for the Investigation of Marine Casualties and Incidents at FSI 14 and FSI 15. Taking into account the working group's anticipated heavy workload during these two sessions, the Sub-Committee considered it beneficial that some initial work be carried out intersessionally by another Correspondence Group.

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4.36 The Sub-Committee therefore established the Correspondence Group on the Review of the Code for the Investigation of Marine Casualties and Incidents, under the co-ordination of Australia **, to carry out initial work intersessionally under the following terms of reference:

- .1 to review and suggest solutions to any impediments to implementation of a mandatory code;
- .2 to review the existing code and previously submitted documents concerning its amendment (documents FSI 13/5, MEPC 52/10/1 and MSC 79/20/4 (Australia, Canada and Vanuatu) and document MSC 79/20/8 (Norway));
- .3 to suggest an appropriate format of the expected revised Code;
- .4 to consider the principles and objectives of investigations;
- .5 to consider whether parts of the Code should be non-mandatory and, if this is the case, to identify which parts of the Code should be mandatory and which parts should be non-mandatory;
- .6 to summarize areas of agreement and areas of difference among the correspondence group; and
- .7 to submit a report to FSI 14.

4.37 In this connection, the Sub-Committee, taking into consideration documents FSI 13/5, MEPC 52/10/1 and MSC 79/20/4 (Australia, Canada and Vanuatu) and document MSC 79/20/8 (Norway), invited Member States to submit proposals to FSI 14 under the agenda item on “Review of the Code for the investigation of marine casualties and incidents” in order to facilitate the work at the next session.

5 REVIEW OF THE CODE FOR THE INVESTIGATION OF MARINE CASUALTIES AND INCIDENTS

5.1 The Sub-Committee recalled that the Committees had considered a proposal by Australia, Canada and Vanuatu (MEPC 52/10/1 and MSC 79/20/4) calling, with a view to promoting better and more consistent accident reporting and analysis, for the review of the Code for the investigation of marine casualties and incidents (resolution A.849(20)), including the possibility of annexing an appropriately amended Code to the 1974 SOLAS Convention.

5.2 Furthermore, the Sub-Committee also recalled that, in commenting on the proposal, Norway had submitted document MSC 79/20/8 supporting the review of the Code and, on the proposal to annex the revised Code to the 1974 SOLAS Convention, indicating other ways to make the Code legally binding for the SOLAS Contracting Governments. Additionally, being of

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the opinion that it would be premature for the Committee to make a firm decision on the mandatory status of the revised Code until such revisions had been developed, Norway had suggested that the FSI Sub-Committee should be instructed, when developing the draft revised Code, to aim at a format and wording consistent with the possible future mandatory status of the whole Code, or of specific parts of it, under the 1974 SOLAS Convention.

5.3 Pending the Committee's decision on the mandatory status of the Code, the Sub-Committee considered, as instructed, and on the basis of the information contained in document FSI 13/5 (Australia, Canada and Vanuatu), the possible ways of making the Code legally binding.

5.4 In this respect, the Sub-Committee expressed overwhelming support for the idea of making the Code mandatory, whether in full or in part, and noted the information provided by several delegations that the Code, in its current version, had already been made mandatory in their domestic legislation, as well as that provided by other delegations confirming that they were applying the Code voluntarily in the conduct of their investigations.

5.5 Recalling the instructions of the MSC and MEPC to revise the Code by 2007 and, meanwhile, to make recommendations to MSC 80 and MEPC 53 on the possible ways of making it legally binding, the Sub-Committee expressed some concerns over the sequence of the decisions to be made. In this context, the general view was that the sequence of actions and decisions should be as follows:

- .1 the Code should first be revised;
- .2 on completion of that work, it should be possible to determine whether the full Code, or only specific parts of it, should become mandatory; and
- .3 subsequently, decisions could be taken on the possible ways of making the Code mandatory, in full or in part.

5.6 On the general question of addressing judicial issues of the "fault" or "no-fault" process in the context of accident and incident investigations, the Sub-Committee considered that the work to be done on the revision of the Code should not address them, since they are matters for the discretion of individual States and their domestic legislation. On the other hand, the Sub-Committee identified possible issues of importance that may require further consideration since they might also impact on the ways of making the Code mandatory (for example, application of the Code to all accident and incidents, application to accidents and incidents involving both convention and non-convention ships, etc.).

5.7 Taking into account the recommended sequence reflected in paragraph 5.5, the proposals contained in documents FSI 13/5 and MSC 79/20/8 and comments by delegations, the Sub-Committee reached the following initial reflections, for consideration by MSC 80 and MEPC 53, on the possible ways of making the Code legally binding:

- .1 it would be necessary to seek consistency among all instruments containing provisions on accident and incident investigation (for example, SOLAS regulation I/21, MARPOL Article 12, Load Lines article 23, UNCLOS article 94.7);

- .2 the precedent of the ISM Code which had been made mandatory only through SOLAS even though it also covered environmental concerns should be taken into account, although it might not be entirely relevant in the context of making mandatory the Code for the investigation of marine casualties and incidents;
- .3 possible options for making the latter Code mandatory could be:
 - .3.1 incorporating a new regulation in SOLAS chapter XI-1;
 - .3.2 developing a new chapter XIII of SOLAS;
 - .3.3 amending existing SOLAS regulation I/21 by explicit acceptance; or
 - .3.4 developing a new Convention on the subject; and
- .4 recognizing that there might be advantages and disadvantages to the various options, the Sub-Committee expressed tentatively a general preference towards proceeding with the introduction of a new regulation in SOLAS chapter XI-1, without prejudice, however, to further consideration of those options.

6 REGIONAL CO-OPERATION ON PORT STATE CONTROL

GENERAL

6.1 In order to deal with the eighteen documents submitted under this agenda item, the Sub-Committee agreed to consider them under the following headings:

- .1 outcome of interregional events;
- .2 annual reports on PSC activities;
- .3 analysis, harmonization and co-ordination of PSC activities; and
- .4 PSC activities in the context of the ISPS Code and CAS.

OUTCOME OF INTERREGIONAL EVENTS

6.2 Under this heading, the Sub-Committee considered the report of the third Workshop for Port State Control MoU/Agreement Secretaries and Directors of Information Centres and the Ministerial Declaration of the Second Joint Ministerial Conference of the Paris and Tokyo MoUs on PSC.

Workshop for PSC MoU/Agreement Secretaries and Directors of Information Centres

6.3 The Sub-Committee recalled that IMO had organized three global Workshops for PSC MoU/Agreement Secretaries and Directors of Information Centres in June 2000, July 2002 and, the latest one from 9 to 11 June 2004, the full report of which had been submitted by the Secretariat to the Sub-Committee (FSI 13/6/1) for detailed review after consideration in general by MSC 79 and instruction to the Sub-Committee to report to MSC 81.

6.4 In this context, the Sub-Committee acknowledged that the workshop had facilitated a technical exchange of views and the development of global recommendations on the further harmonization and co-ordination of port State control (PSC) activities, the PSC regimes' greater involvement in IMO's work, and the operational support required from the Secretariat.

6.5 The Sub-Committee noted that the third Workshop had made recommendations on the following issues:

- .1 in-depth analysis of PSC statistical data to be carried out by IMO;
- .2 PSC auditing mechanisms in the context of the Voluntary IMO Member State Audit Scheme and the Code for the implementation of [mandatory] IMO instruments;
- .3 drafting of PSC guidelines;
- .4 the harmonized verification programme on maritime security developed by the Paris MoU, including a questionnaire;
- .5 the involvement of PSC authorities and MoUs/Agreement in the issue of illegal, unregulated and unreported (IUU) fishing;
- .6 port States being requested to carry out survey and certification activities on behalf of flag States;
- .7 possible implications of the development of regulations for non-convention ships on PSC activities;
- .8 the development of regulations on pleasure boats in the Mediterranean region;
- .9 the development of a code of conduct for PSC activities;
- .10 review of the format of the annex to MSC/Circ.1010-MEPC/Circ.382, providing data on the authorization of recognized organizations, to take account of PSCOs' operational requirements;
- .11 access to IMO's internet-based servers by the PSC Secretariats and Information Centres;
- .12 harmonization of coding systems, including those for ports and places of inspection;
- .13 the breakdown of PSC data per dependent territories;
- .14 principles of interregional information exchange;
- .15 dissemination of information on on-going and planned PSC training activities and the development of a harmonized training course for database managers;
- .16 participation of other PSC regimes in the training activities of the Paris and Tokyo MoUs, particularly their specialized training on the ISPS and ISM Codes;

- .17 PSC inspections charges;
- .18 role of the IMO Secretariat in assisting PSC regimes on matters concerning new convention requirements and the table of references to conventions; and
- .19 the work of the intersessional group on information exchange and information system infrastructure, in particular on the world database issue.

Second Joint Ministerial Conference of the Paris and Tokyo MoUs on PSC

6.6 The Sub-Committee recalled that, in the context of the on-going co-operation between the Paris and Tokyo MoUs, two Joint Ministerial Conferences aimed at harmonizing and improving the inspection procedures within the two regions were held in March 1998 and in November 2004. In this respect, document FSI 13/6/2 (Canada) provided the outcome of the second Joint Ministerial Conference, which had been attended by observers from several PSC regimes and organizations, as well as the Declaration signed by the Ministers attending that event, the contents of which would be further examined in detail by the Paris and Tokyo MoU Members with a view to developing a common action plan for its implementation.

Review of recommendations

6.7 The Sub-Committee welcomed the recommendations contained in the reports of the two interregional events and acknowledged that they merited focused consideration. In this context, it was also recognized that, before examining in detail the many technical and strategic items of the Ministerial Declaration, it would be advantageous to await the expected action plan for its implementation, which might provide a roadmap for the conduct of PSC activities over the coming years. Consequently, the Paris and Tokyo MoUs were invited to keep IMO informed of these developments and to share the benefits of their experience with the emerging MoUs, with a view to enhancing maritime safety and security and marine environmental protection.

6.8 With respect to the recommendations from the 3rd IMO Workshop, the Sub-Committee instructed the Secretariat to prepare, for FSI 14, a note containing the priority elements that should be addressed in detail, with an identification of the actors potentially involved in the expected follow-up. It was considered that the outcome of the three IMO Workshops, together with other matters traditionally examined under this agenda item, merited continuous examination by the Sub-Committee if it was to address effectively the “underlying common thread” identified by the Secretary-General in his opening address, which was the need to progress further with the global harmonization and co-ordination of PSC activities. In this regard, it was also considered that several items from the report of the 3rd IMO Workshop clearly focused on issues of importance to all PSC regimes and the opportunity should not be lost to develop them further towards a common goal that was shared by all.

6.9 In this context, the Sub-Committee considered several options for the conduct of its future reviews of PSC-related matters, taking into account the need to examine a large volume of technical material and the consequent time limitations in plenary, the importance of counting on effective representation from the PSC regimes in that process, and the benefits of constructive interaction between flag and port States. Accordingly, the Sub-Committee recognized the need for the establishment of a working group at its next session, based on a rigorous approach to the determination of its draft terms of reference, which could be prepared by the Secretariat in the context of the note it had been instructed to prepare. The Sub-Committee would then decide on the establishment of such a group during its preliminary discussions under this continuous agenda item.

ANNUAL REPORTS ON PSC ACTIVITIES

6.10 The Sub-Committee recalled that it regularly had for its consideration under this agenda item, progress reports on regional PSC initiatives and information on various issues provided by PSC regimes in their annual reports.

Consideration of the 2003 annual reports of the PSC regimes

6.11 Following consideration of the progress report on regional PSC agreements in the form of tables annexed to document FSI 13/6 (Secretariat) in order to facilitate the comparative analysis of the activities of the PSC regimes, as well as to evaluate the level of co-operation among them, the Sub-Committee reviewed the 2003 annual reports of the various PSC regimes, in general, and, in particular, noted:

- .1 information on the Paris MoU (FSI 13/6/9 and Corr.1) indicating that a total of 20,309 inspections were carried out in 2003 (19,766 in 2002 and 18,681 in 2001), leading to 1,428 detentions (1,577 in 2002 and 1,699 in 2001) for an overall detention rate of 7.05% (7.98% in 2002 and 9.09% in 2001);
- .2 information on the Black Sea MoU (FSI 13/6/10) indicating that a total of 5,228 examinations were conducted in 2003 (3,535 in 2002), leading to 249 detentions (222 in 2002) for an overall detention rate of 4.76% (6.28% in 2002);
- .3 information on the Indian Ocean MoU (FSI 13/6/11) indicating that a total of 5,093 inspections were carried out in 2003 (5,452 in 2002 and 5,520 in 2001), leading to 472 detentions (306 in 2002 and 291 in 2001) for an overall detention rate of 9.27% (5.61% in 2002 and 5.27% in 2001);
- .4 information on the Tokyo MoU (FSI 13/6/12/Rev.1) indicating that a total of 20,124 inspections were carried out in 2003 (19,588 in 2002 and 17,379 in 2001), leading to 1,709 detentions (1,307 in 2002 and 1,349 in 2001) for an overall detention rate of 8.49% (6.67% in 2002 and 7.76% in 2001). The report also indicated that the Asia-Pacific MoU reached an annual inspection rate of 77% (78% in 2002) on a regional basis;
- .5 information on the Abuja MoU (FSI 13/6/13) indicating that a total of 121 inspections were carried out in 2003, leading to 2 detentions for an overall detention rate of 1.9%;
- .6 information on the activities of the United States Coast Guard (FSI 13/INF.3) indicating that a total of 11,955 examinations were conducted corresponding to 7,673 inspections based on distinct ship arrivals in 2003 (10,518 examinations were conducted corresponding to 7,106 inspections based on distinct ship arrivals in 2002 and 10,711 examination corresponding to 7,842 inspections based on distinct ship arrivals in 2001), leading to 153 detentions (179 in 2002 and 172 in 2001) for an overall detention rate of 2.22% (2.5% in 2002 and 2.2% in 2001);

- .7 information on the activities of the Acuerdo Latinoamericano de Viña del Mar (FSI 13/INF.4) indicating that a total of 4,423 inspections were carried out in 2003 (4,530 in 2002), leading to 126 detentions (151 in 2002) for an overall detention rate of 2.8% (3.3% in 2002); and
- .8 information on the activities of the Caribbean MoU indicating that a total of 398 inspections were carried out in 2004 (274 in 2003), leading to 40 detentions (26 in 2003).

6.12 In addition to the above data, the Sub-Committee was also informed of other developments within the PSC regimes, including matters concerning the conduct of concentrated inspection campaigns, the establishment of information centres, the IACS scheme of support to flag States, training activities and requirements, as well as other technical assistance needs. Furthermore, the Sub-Committee welcomed the information that, as a result of PSC activities, there had been some consequent improvements in the performance of certain flag States.

6.13 With respect to the data on all regional PSC regimes set out in document FSI 13/6 (Secretariat), the Sub-Committee welcomed the insertion of new fields and instructed the Secretariat to update the information in that format for submission to FSI 14.

6.14 The Sub-Committee also considered the information contained in the tables on the flag States targeted by the Paris MoU, the Tokyo MoU and the United States Coast Guard (FSI 13/INF.2/Rev.1).

6.15 In this respect, the representative of the Islamic Republic of Iran stated that the main objective of the establishment of the MoUs was to ensure the implementation of IMO rules and regulations, where they were applicable. Having said that, the Caspian Sea was a closed sea, to which such international rules and regulations were not applicable, while the main reason that his country had been black-listed was due to the reporting of detentions of its ships in the Caspian Sea. The Islamic Republic of Iran wished to implement IMO instruments in the Caspian Sea but the agreement of all littoral States was necessary for that, and this had not yet been achieved. Therefore he believed that until an agreement on the matter was reached, detentions in that area should not be reported to any MoU.

ANALYSIS, HARMONIZATION AND CO-ORDINATION OF PSC ACTIVITIES

In-depth analysis of annual PSC reports

6.16 The Sub-Committee recalled that FSI 12 had recommended that it carry out in-depth analyses of the annual reports on port State control activities, in the context of which MSC 79 had agreed to the proposal made by the Chairman of the Paris MoU that the IMO Secretariat be associated with the work of the Paris MoU task force dealing with the specific issue of analysing PSC statistical data. It was also recalled that the third PSC Workshop had recommended that the outcome of the above-mentioned first analysis of the Paris MoU's data be used as a standard for the analysis of PSC data emanating from other regimes.

6.17 In this context, the Sub-Committee considered document FSI 13/6/6 (Secretariat) on the in-depth analysis of annual PSC reports.

6.18 The paper provided an overview of the process used by the Paris MoU's task force in the initial generation and subsequent analysis of PSC data and then examined the possible application of that process to IMO, in the context of the work to be carried out by the Sub-Committee for the in-depth analysis of the annual reports on PSC activities.

6.19 With a view to facilitating such work it was acknowledged that an appropriate analytical methodology would be essential and, accordingly, the Sub-Committee agreed that the working group that could be established at FSI 14 should consider in detail, and propose, the principles and practical elements of such a methodology, with a view to improved harmonization, co-ordination and reporting on PSC activities. In this respect, the Secretariat was instructed to continue providing the Sub-Committee with information on the outcome of its participation in the work of the Paris MoU's task force, as well as in the corresponding work of other PSC regimes, in order for that it might inform the Sub-Committee's development of the required methodology.

Harmonization and co-ordination issues: genesis and further development

6.20 Having decided to consider the future of the IMO Workshops for PSC MoU/Agreement Secretaries and Directors of Information Centres under this heading, the Sub-Committee noted that, on the same issue, MSC 79 had recalled its previous decision that such events should take place biennially and had noted the opinion of the majority of delegations who spoke and of the Secretariat that the workshops provided a very useful forum for the exchange of views and experiences leading towards the global harmonization and co-ordination of PSC activities.

6.21 The Sub-Committee also recalled that MSC 79 had considered that the general question of support from the Technical Co-operation Fund (TC Fund) for such workshops was a matter for decision by the Technical Co-operation Committee (TCC) and the Council. Additionally, the Committee had noted the Secretary-General's view that, while the recent Joint Ministerial Conference of the Paris and Tokyo MoUs had called for further harmonization between the two regimes, such positive initiatives should not be limited to one or two regions but should be extended to all. Therefore, events such as IMO's global PSC workshops could continue and, if the TC Fund could not support them, other options could be explored such as external donor funding or self-financing by the participants.

6.22 The Sub-Committee recalled further that MSC 79 had instructed it to consider the qualitative value of IMO's global PSC workshops, as well as their funding options, and to recommend to MSC 80 whether they should continue or whether alternative arrangements could be made. In this regard, the Committee had noted also the Secretariat's plan to include a further workshop in the draft ITCP for 2006-2007, for consideration by the TCC and the Council in June 2005, pending the Committee's decision on the future of such events and taking into account its approval of a thematic priority for the next biennium on promoting the global harmonization and co-ordination of port State control MoUs.

6.23 The Sub-Committee accordingly considered document FSI 13/6/4 (Secretariat) providing information on the origin, experience and impact of the IMO Workshops and similar interregional initiatives aimed at achieving the global harmonization and co-ordination of PSC activities. While recognizing fully the benefits derived from those initiatives, the document also identified some related geographic, institutional or even financial limitations, which, in the context of sustaining progress towards global harmonization and co-ordination, might be overcome through the Sub-Committee's continuous work on the in-depth analysis of annual

PSC reports, and through its detailed examination of the recommendations that have emerged from such interregional initiatives.

6.24 With respect to the future of the workshops, and having heard a range of views, the Sub-Committee acknowledged that such events were carrying out important work in support of global harmonization and co-ordination, in facilitating a technical exchange of views and experiences on the introduction and implementation of PSC procedures and in building capacity among the emerging PSC regimes. There was nevertheless a need to clarify their terms of reference, should they continue, and, in this respect, suggestions were made to the effect that the scope of the workshops might be broadened to cover strategic policy matters and, if that were to be the case, they might be held back-to-back with the Sub-Committee's sessions or, alternatively, form part of any eventual working group that the Sub-Committee might establish on PSC matters, thereby minimizing the financial impact to participants.

6.25 The Sub-Committee recognized, however, that it was essential to avoid duplication of effort or work that was independent from the Sub-Committee's initiatives and, to that end, it would be appropriate for the Sub-Committee to define its own PSC strategies and take into account the questions of possible funding limitations for and participation in the workshops. In this respect, the Sub-Committee instructed the Secretariat to submit an analytical paper to FSI 14 for further consideration of the future of the global PSC workshops.

World fleet database

6.26 The Sub-Committee recalled that MSC 79, regarding the consideration of the proposal relating to the Lloyd's Register-Fairplay (LR-F) world fleet database, had concurred with the Sub-Committee's opinion that the development of the IMO Global Integrated Shipping Information System (GISIS), together with the development of the performance indicators contained in the Strategic Plan for the Organization (resolution A.944(23)), required the availability to Member States and the Secretariat of relevant information and analysing tools, such as an accurate database on the world fleet.

6.27 The Sub-Committee also recalled that FSI 12 had considered an analysis, including cost, on the provision of a monthly updated version of a world fleet database, to be released on the IMO secure internet, for the purpose of allowing all the regional PSC organizations to download the data set and Member States to be granted access to the same data. In this context, a request was also made at FSI 12 to consider allowing similar access to the data by NGOs.

6.28 The Sub-Committee accordingly considered document FSI 13/6/5 (Secretariat), which had been prepared following MSC 79's endorsement of the instruction given by FSI 12, to the Secretariat, to prepare a further analysis of the LR-F proposal for consideration at FSI 13 based on the following issues requiring further study:

- .1 identification of the added value of the scheme to existing contractual arrangements between Member States and LR-F;
- .2 clarification concerning the costing methods applied in the proposal and development of a financial option based on the equal share for all Member States in the IMO regular budget;
- .3 identification of data, the accuracy of which could be improved by the scheme in order to assist in complying with safety-, security- and pollution prevention-related requirements and methods to achieve such an improvement;

- .4 review of accessibility options as presented in the LR-F proposal; and
- .5 review of existing potential sources.

6.29 The Sub-Committee agreed that document FSI 13/6/5 addressed all the issues assigned by FSI 12 to the Secretariat for further study and strongly supported the conclusion in that paper that it would be necessary to issue a tender after the conclusion of a full analysis of all the technical and administrative arrangements, including cost apportionment and added value considerations, required to purchase a world fleet database for distribution purposes. This process would lead to the establishment of clear specifications, including an appropriate interface with GISIS, together with a tender evaluation framework that would ensure a comprehensive assessment of the competitiveness, quality and timeliness of comparative quotations that might be received from interested data providers within the private or public sectors.

6.30 In this respect, the Sub-Committee noted that, to facilitate the above-mentioned analysis, the Secretariat required additional information on the end-user needs, principally from the PSC regimes and Member States. To this end, the Sub-Committee urged the Contact Group established by the third IMO Workshop and Member States to submit such information to the Secretariat at the earliest opportunity. Furthermore, if the Secretariat deemed it necessary thereafter, appropriate questionnaires could be developed and distributed to obtain any outstanding data, with a view to submitting the aforementioned analysis to FSI 14.

Developments concerning the Equasis information system

6.31 The Sub-Committee considered document FSI 13/6/8 (Secretariat), containing information on recent developments concerning the Equasis information system and on the outcome of meetings attended by the Secretariat.

6.32 In introducing the main relevant issues discussed during the meeting it had attended, the Secretariat mentioned the continuous increase in the use of Equasis, including the geographical spread of the users and the lack thereof in the Asia-Pacific region; the possible inclusion of reports on non-conventions ships; the progress concerning the transfer by IMO of flag State comments to Equasis; the consideration by the Supervisory Committee of a series of options for the funding of Equasis, including the financing, in whole or in part, by an international body; and the adoption of certain criteria allowing a wider participation of regional PSC regimes in Equasis, including the option individual port States as data providers.

6.33 The Sub-Committee noted the information provided and requested the Secretariat to update it for submission to FSI 14.

PSC ACTIVITIES IN THE CONTEXT OF CAS AND THE ISPS CODE

Condition Assessment Scheme

6.34 The Sub-Committee recalled that MEPC 48 had noted that an IMO electronic database had been set up and became operational on 1 September 2002, in accordance with paragraph 14.2 of the Condition Assessment Scheme, to contain:

- .1 particulars of the Statements of Compliance (SOC) for tankers which have undergone a successful survey;

- .2 details of the suspension or withdrawal of the Statements of Compliance issued; and
- .3 particulars of the ships to which a Party to MARPOL has declined the issue of a Statement of Compliance and reasons thereof.

6.35 The Sub-Committee also recalled that MEPC 48 had noted that all Members had been informed about the procedures to be followed and the forms to be used by Administrations when submitting the information required by CAS via MEPC/Circ.395 of 2 July 2002, and that the Secretariat had also sent letters to each Party informing them of their password and user name for accessing the database.

6.36 The Sub-Committee also recalled that MEPC 48 had agreed that the information with regard to particulars of the issued Statement of Compliance (SOC) could be made available to Equasis with the exception of SOC suspension/withdrawal details and SOC refusal details. In addition, it was agreed that when an SOC is issued and then withdrawn, all reference to this should be withdrawn from the Equasis system.

6.37 The Sub-Committee further recalled that from 5 April 2005 certain oil tankers will be required to comply with the Condition Assessment Scheme (CAS) survey requirements and that the first CAS survey shall be carried out concurrent with the first intermediate or renewal survey after 5 April 2005, or after the date when the ship reaches 15 years of age, whichever occurs later.

6.38 The delegation of the United Kingdom introduced its document FSI 13/6/3 containing a proposal on a possible policy for the port State control of oil tankers that may be subject to Condition Assessment Scheme survey requirements from 5 April 2005, with the aim of making information on the status of tankers in relation to compliance with CAS requirements more readily available to port State control regimes.

6.39 The Sub-Committee noted that in accordance with this proposal, it would be assumed that, from 5 April 2005, all ships which might be required to comply with CAS have to comply until such time as the flag State could demonstrate that the ship does not need to comply, or give a date when the ship needs to comply, or that the ship does comply and a certificate has been issued. The Q88 database was proposed as a possible source of CAS-related information to be used by the port State control officers.

6.40 In the course of the discussion the following points were noted:

- .1 as pointed out by the representative of INTERTANKO, the Q88 database currently contains CAS-related information for more than 1000 ships and this information is expected to become readily available to EQUASIS by the end of March 2005;
- .2 MARPOL Annex I does not contain any provision requiring oil tankers to carry any form of separate certification/attestation issued by the Administration providing information on when the ship should comply with the CAS requirements;
- .3 port State control officers could be in a position to make an informed decision on when an oil tanker should comply with CAS by checking the IOPPC and other relevant ship's statutory certificates;

- .4 compliance with the CAS is demonstrated by the Statement of Compliance (SOC) and all Parties to MARPOL have, through the IMO CAS electronic database, access to information on any SOC issued, suspended or withdrawn or on the particulars of the ships for which the issue of a SOC has been declined; and
- .5 up to now no information had been received by the Organization for inclusion in the IMO CAS electronic database.

6.41 The Sub-Committee, having noted the above, agreed:

- .1 to the need for developing appropriate guidelines for port State control officers whilst checking compliance with CAS and instructed the drafting group, established under agenda item 9, to develop these guidelines; and
- .2 to invite Administrations to provide the information required by CAS in accordance with MEPC/Circ.395, when such information is available.

Outcome of the drafting group

6.42 Having received the report of the group (FSI 13/WP.6), the Sub-Committee agreed to the draft Guidelines for port State control officers whilst checking compliance with CAS and the associated draft MEPC circular, set out at annex 7, with a view to submission to MEPC 53 for consideration and action as appropriate.

ISPS Code

6.43 The Sub-Committee recalled that, in the context of findings from checks on ship security, MSC 78 had adopted resolution MSC.159(78) on Interim Guidance on control and compliance measures to enhance maritime security and had approved MSC/Circ.1113 on Guidance to port State control officers on the non-security related elements of the 2002 SOLAS Amendments.

6.44 The Sub-Committee considered the information contained in document FSI 13/6/7 (United Kingdom) on the findings of a programme of checks on ship security conducted in the Paris MoU region immediately following the introduction of the International Ship and Port Facility Security (ISPS) Code.

6.45 The Sub-Committee further considered information provided orally by the Tokyo MoU on a concentrated inspection campaign on the ISPS Code also carried out following the Code's entry into force.

6.46 The Sub-Committee noted the information from the Paris and Tokyo MoUs and agreed to refer it to the Maritime Security Working Group of the MSC.

7 REPORTING PROCEDURES ON PORT STATE CONTROL DETENTIONS AND ANALYSIS AND EVALUATION OF REPORTS

Status of the reporting procedures

7.1 The Sub-Committee noted the information provided orally by the Secretariat on the status of the reporting procedures on port State control.

7.2 Concerning the reports on detentions, the Sub-Committee recalled that the second Workshop for port State control MoU/Agreement Secretaries and Directors of Information Centres had recommended a reporting format to be used when transferring electronically reports on detentions to IMO (paragraph 8.7 of the annex to document MSC 77/16/2).

7.3 The Sub-Committee was informed that the Secretariat was provided, on a regular basis, with reports on detentions in an electronic format, either by PSC regimes, such as the Paris, Tokyo and Caribbean MoUs, on behalf of their Members, the United States Coast Guard, or by individual port States belonging to the Indian Ocean, Mediterranean and Riyadh MoUs and to the Viña del Mar Agreement.

7.4 Concerning the provision of flag State comments, the Sub-Committee was also informed that little information was currently received in an electronic format.

Related GISIS developments

7.5 However, the Secretariat indicated that the technical facility for the direct transfer and recording of PSC data into the GISIS module on port State control, which was expected to go live on the IMO website during 2005, should encourage all Member Governments and PSC regimes to populate GISIS with their PSC reports and flag State comments directly over the internet. A beneficial result of this would be reduced manual inputting of PSC data by the Secretariat and its resources could, therefore, be dedicated more towards the analytical processing of vast volumes of data.

7.6 The Sub-Committee, having considered whether there was a need to keep two continuous items on PSC-related matters in its work programme, agreed to recommend to the Committees that a single continuous item on “Port State control” replace the existing items on “Regional co-operation on port State control” and on “Reporting procedures on port State control detentions and analysis and evaluation of reports”, on the understanding that consideration of an issue relevant to the existing items could nevertheless take place under the proposed new single item.

8 DEVELOPMENT OF GUIDELINES FOR PORT STATE CONTROL UNDER THE 2004 BWM CONVENTION

8.1 The Sub-Committee recalled that MEPC 52 had instructed it to develop the Guidelines on port State control under the Ballast Water Management Convention focusing, in particular, on the sampling of the discharge from Ballast Water Management Systems installed on board ships pursuant to Type Approval under the Guidelines for approval of ballast water management systems (G8) or Prototype Approval under the Procedure for approval of prototype ballast water treatment technologies (G10).

8.2 The Sub-Committee also recalled that MEPC 52 had agreed to revisit the (G8) Guidelines at its next session, taking into consideration further comments on biological efficacy of onboard testing from Member States and additional input from DE 48, with a view to adopting the Guidelines at MEPC 53 by an MEPC resolution.

8.3 The Sub-Committee further recalled that MEPC 52 had agreed to add a separate item on the agenda of BLG 9 for the development, as a matter of priority, of a number of guidelines for the uniform implementation of the 2004 BWM Convention, including the Procedure for approval of prototype ballast water treatment technologies (G10).

8.4 The Sub-Committee, having noted that no submission had been made under this agenda item for this session, agreed to invite Member States and observers to contribute to the development of the Guidelines on port State control under the Ballast Water Management Convention by submitting their proposals to FSI 14.

9 DEVELOPMENT OF GUIDELINES FOR PORT STATE CONTROL FOR MARPOL ANNEX VI

9.1 The Sub-Committee recalled that MEPC 52, noting that Annex VI of MARPOL 73/78 would enter into force on 19 May 2005, had instructed it to develop the Guidelines on port State control for this Annex as a high priority item with a target completion date of 2006.

9.2 The Sub-Committee was informed that articles 5 and 6 of the MARPOL Convention and Regulations 10 and 11 of Annex VI thereto provide control procedures to be followed by a Party to the MARPOL Protocol of 1997 with regard to foreign ships visiting its ports.

9.3 The delegation of Japan introduced its proposal (FSI 13/9) on the draft Guidelines on port State control for Annex VI of MARPOL 73/78, which were developed taking into account the various types and particular characteristics of the air pollutants covered by Annex VI and the practicable control options available to the port State control officers to check compliance with the provisions of that Annex.

9.4 The Sub-Committee welcomed the proposal by Japan as it provided a good basis for the further work that was needed towards the development of the draft Guidelines on port State control for MARPOL Annex VI.

9.5 In the course of discussion, a number of concerns were expressed with regard to the proposed list of detainable deficiencies listed in paragraph 3.2 of the annex to document FSI 13/9 and, in particular, whether:

- .1 the lack of fuel oil with a sulphur content of 1.5% m/m or less onboard a ship expected to enter a SO_x emission control area could justify a detention;
- .2 the port State control officer should verify the ability of the crew to properly operate the diesel engines or incinerator installed on board the ship; and
- .3 the absence of a bunker delivery note should merit a detention.

9.6 The Sub-Committee, noting the above concerns, agreed that appropriate amendments should be made to the above-mentioned list so that the draft Guidelines be made consistent with the provisions of the relevant regulations of MARPOL Annex VI, in particular regulation 10 on "Port State Control on operational requirements", respecting also the principle that a ship could not be detained during a port State control inspection if an actual violation of a regulation had not been verified.

9.7 In considering whether the Guidelines on port State control for MARPOL Annex VI should be developed as a stand-alone document or as part of the "Procedures for port State control", adopted by resolution A.787(19) as amended, the Sub-Committee, having taken into account the imminent entry into force of Annex VI, agreed to develop the Guidelines as a stand-alone document with a view to incorporating them into the "Procedures for port State control", adopted by resolution A.787(19) as amended, at a later stage.

9.8 The Sub-Committee, having considered the above, agreed to establish a drafting group to be tasked to develop the Guidelines for port State control for MARPOL Annex VI, together with the associated draft MEPC resolution, to be submitted to MEPC 53 for adoption, using document FSI 13/9 as the basis and taking into account the results of the discussion held in plenary.

Outcome of the drafting group

9.9 Having received the report of the group (FSI 13/WP.6), the Sub-Committee:

- .1 agreed to the draft Guidelines for port State control for MARPOL Annex VI, and the associated draft MEPC resolution, set out at annex 8, for submission to MEPC 53 for consideration and action as appropriate;
- .2 endorsed the group's view on the need to issue an MEPC circular containing the Guidelines for port State control for MARPOL Annex VI and invited MEPC 53 to consider this suggestion and take action as appropriate (paragraph 6 and annex 3 of document FSI 13/WP.6); and
- .3 concurred with the group's concerns relating to the provision of bunker delivery notes and representative samples in the case of countries which are not Parties to MARPOL Annex VI and recommended to MEPC to invite those countries to institute relevant measures in order that shipowners be provided with the necessary bunker delivery notes and representative samples of the fuel oil delivered (paragraph 8 of document FSI 13/WP.6).

9.10 The Sub-Committee noted Japan's concerns regarding paragraph 2.3.2.3 of the draft Guidelines whereby if the sulphur content of any fuel oil used on board exceeds 4.5% m/m this may warrant the detention of the ship. In the view of Japan, a detention should be imposed only if the fuel oil having a content of more than 4.5% m/m were to be used in the intended next voyage.

10 RESPONSIBILITIES OF GOVERNMENTS AND MEASURES TO ENCOURAGE FLAG STATE COMPLIANCE

Draft Code for the implementation of [mandatory] IMO instruments

10.1 The Sub-Committee recalled that MSC 75 had instructed it to deal with the request of the seventh session of the UN Commission on Sustainable Development (CSD 7) to develop measures to ensure that flag States give full and complete effect to the IMO and other relevant conventions to which they are party, so that the ships of all flag States meet international rules and standards.

10.2 The Sub-Committee also recalled that FSI 10 had endorsed, in principle, the proposal to amend resolution A.847(20) and to transform the Guidelines contained therein into a Flag State Implementation Code, to be possibly made mandatory at a later stage, and that FSI 11 had agreed that such a Code should cover the three stakeholders (i.e. flag States, port States and coastal States) and their responsibilities, as endorsed by MSC 77 and MEPC 49.

10.3 Subsequently, on the issue of the relationship between the Voluntary IMO Member State Audit Scheme and the draft Code for the implementation of [mandatory] IMO instruments, the Sub-Committee had supported the view that the draft Code should form the basis of the Audit Scheme, in particular concerning the identification of the auditable areas.

10.4 The Sub-Committee further recalled that MSC 79 had agreed, as advised by FSI 12, that the draft Code should be an urgent matter for consideration by MSC 80 and that, in this respect, the Committee had instructed it to complete its work on the said draft Code at this session.

10.5 Having considered document FSI 13/10 on the Report of the Correspondence Group on the Development of a Draft Code for the Implementation of [Mandatory] IMO Instruments, and having noted the further comments and proposals of the Co-ordinator of the Correspondence Group, the Sub-Committee agreed that the draft Code should be finalized at this session, leaving it to the Secretariat, in co-operation with the Co-ordinator of the Correspondence Group, to complete the tables accompanying the draft Code.

10.6 Regarding the square brackets around the word “mandatory”, the Sub-Committee agreed to remove them, having noted that the Code was intended to cover the implementation of obligations contained in those instruments to which a State is actually a Party. Concerning the references in the draft Code to security-related issues, the Sub-Committee recommended that they should remain in the text, but within square brackets, pending final decisions on this matter by the Committees and Council. The Sub-Committee agreed further that the Working Group to be established under this agenda item should examine any other issues addressed in plenary.

10.7 The Sub-Committee also noted the reservation expressed by Argentina concerning the report of the Correspondence Group, on the grounds that very few Latin American countries had participated in its work and that, according to its understanding, any interpretations liable to affect the formulation of the rights and obligations attributed by UNCLOS to its Parties were unacceptable.

ISM Code-related issues

10.8 The Sub-Committee recalled that FSI 10 had considered a work plan for the revision of the Revised Guidelines on implementation of the ISM Code by Administrations (resolution A.913(22)), and the proposed contents of such a revision, taking into account the following points:

- .1 the present Revised Guidelines were developed as a first step, bearing in mind that they would need revising against the background of experience gained;
- .2 the Revised Guidelines should be revised in order to reduce flag or class hopping;
- .3 communication lines in cases of multinational fleets and more than one recognized organization (RO) should be enhanced;
- .4 criteria for determining the need for increased frequency of audits should be developed;
- .5 uniform standards for the training of auditors should be developed, in the context of which ICS had offered to provide financial assistance for the development of a course for the training of auditors; and
- .6 the concept of enforcement should be discussed.

10.9 The Sub-Committee also recalled that FSI 12, while agreeing that there was sufficient material to undertake the revision of these Guidelines, had identified the activities carried out in the context of port State control as a potential additional source of information that might be relevant to the revision of resolution A.913(22).

10.10 The Sub-Committee also recalled that MSC 78 and MEPC 52 had endorsed its decision to commence the revision of the Revised Guidelines at FSI 13. MSC 78 had further agreed that document MSC 77/15/1 on the ISM Code in accident investigation should be considered in the context of such a revision.

10.11 The Sub-Committee recalled further that the Secretary-General, at MSC 79, had referred to the Committee's earlier decision that, at the end of the second implementation phase of the ISM Code on 1 July 2002, an analysis should be made of the impact of the Code on safety and environmental protection. To that end, the Committee was informed that the Secretary-General had established an Independent Group of Experts, selected from administrations, organizations, universities and the shipping industry, to undertake an in-depth analysis of the impact and contribution of the ISM Code to the achievement of its objectives.

10.12 Having recalled the outcome of its consideration of documents FSI 11/7/2 (IACS), FSI 12/7/1 (IACS), FSI 12/7/4 (Republic of Korea), FSI 12/4/3 (United Kingdom) and MSC 77/15/1 (Australia) at its previous sessions, the Sub-Committee considered document FSI 13/10/1 (IACS) indicating that, through further consideration of the revision of the ISM Code and resolution A.913(22), IACS had concluded that impracticality and obscurity, as identified in implementing the Code, mostly resulted from the text of the ISM Code itself, rather than from resolution A.913(22).

10.13 The Sub-Committee underlined the importance, to the process of revising resolution A.913(22) and/or the ISM Code, of the MSC's decision that an assessment should be undertaken of the impact of the ISM Code and, in the same context, of the establishment by the Secretary-General of an Independent Group of Experts.

10.14 While the Sub-Committee found much merit in the proposals contained in document FSI 13/10/1, it considered that, given the establishment of the Independent Group of Experts, it would be premature to initiate any revision of the ISM Code itself without the benefit of a prior consideration of the report of that Group.

10.15 On the basis of the tentative schedule of the next FSI meeting, the Sub-Committee accordingly agreed to defer further consideration of the proposals and invited the MSC and MEPC to instruct it accordingly so that, on the proposed revision of the ISM Code, work might begin at FSI 14. In this context, and in accordance with the Guidelines on the organization and method of work of the MSC and the MEPC and their subsidiary bodies (MSC/Circ. 1099-MEPC/Circ.405), the Sub-Committee invited interested Members to co-sponsor the proposals to the Committees, while recommending that such work, if approved, be conducted under the continuous work programme item on "Responsibilities of Governments and measures to encourage flag State compliance."

Establishment of the working group

10.16 Following the above discussion, the Sub-Committee established the Working Group on the Code for the Implementation of Mandatory IMO Instruments and instructed the group, taking into account comments and proposals made in plenary to finalize the draft Code for the

implementation of mandatory IMO instruments, using document FSI 13/10 as a basis, and draw up a draft Assembly resolution for the adoption of the Code.

Recognized organizations (ROs)

10.17 The Sub-Committee recalled that FSI 12, in the context of its consideration of document FSI 12/7/1 on the delegation of authority to IACS member societies on statutory surveys and issuance of certificates, had recognized that the preparation of such a document at every session required a considerable amount of work, while being unlikely to reflect an entirely accurate information, taking into account the facts that IACS had to rely totally on the information provided by its member societies and that there might be contradictory interpretations of the scope of the delegations.

10.18 The Sub-Committee also recalled that FSI 12, having expressed its gratitude to IACS for its commendable efforts to provide the Sub-Committee with this information at every session, agreed that the submission of documents similar to FSI 12/7/1 to future sessions was no longer required and suggested that the information contained therein be placed on the IACS website to initiate a thorough review of its content by interested parties and relevant submissions to IACS of corrective information.

10.19 The Sub-Committee further recalled that, with regard to the information collected by the Secretariat on the authorization of recognized organizations, FSI 11 had agreed that the documentation contained in the database presented at FSI 11 should be placed on the IMO website and be publicly accessible.

10.20 In this context, the Sub-Committee was informed orally by the Secretariat of the expected availability on the IMO public website, within the very near future, of the information collected on the authorization of recognized organizations, as contained in the GISIS module on ROs. The input of data should be made by Member States into GISIS, according to the format contained in MSC/Circ.1010-MEPC/Circ.382, and this should facilitate the provision of data that is as updated and as comprehensive as possible.

10.21 The Sub-Committee considered document FSI 13/10/2 (New Zealand and the Russian Federation) on Arrangements of flag States on ship registration, survey and certification.

10.22 The Sub-Committee acknowledged that the document identified a series of complex issues and practical difficulties that merited further consideration on the basis of written proposals for the preparation of appropriate guidelines to PSCOs, taking into account also the experience gained from the usage of the newly developed GISIS module on ROs.

10.23 In this context, the Sub-Committee invited interested delegations to submit relevant submissions to its next session in order to progress the matter further. In the meantime, the Sub-Committee also urged Members to contribute to the further development of the GISIS module by ensuring that they populate the database with timely, accurate and complete information on the ROs that have been authorized to act on their behalf.

1982 United Nations Convention on the Law of the Sea

10.24 Following consideration of document FSI 13/INF.5, the Sub-Committee noted its content and instructed the Secretariat to submit updated information to FSI 14.

Report of the working group

10.25 Having received the report of the Working Group on the Code for the Implementation of Mandatory IMO Instruments (FSI 13/WP.3), the Sub-Committee approved it in general and took action as indicated in the following paragraphs.

10.26 The Sub-Committee noted that the group had reviewed the draft Code, using as a basis document FSI 13/10 and agreed with the group's opinion that in order to avoid any possible misunderstandings relating to the objective of the draft Code, a sentence should be added in paragraph 2 of the draft Code which emphasizes that States would only be bound to implement those instruments to which they are a Party.

10.27 Recognizing that the Code was primarily a means of giving guidance to States on the implementation of mandatory IMO instruments, the Sub-Committee acknowledged that it would also serve as the standard for the Voluntary IMO Member State Audit Scheme. The Sub-Committee further acknowledged that this dual function of the Code could lead to the inclusion of security-related matters in the Code but not necessarily in the Audit Scheme.

10.28 The Sub-Committee further recognized that prior to any decision on inclusion or non-inclusion of security-related matters in the scope of the Code, it should be realized that consequent editorial and minor substantive amendments to the text of the draft Code would be required.

10.29 Having agreed on the usefulness of both the tables listing the obligations of Contracting Governments/Parties and the list of relevant instruments, contained, respectively, in annexes 1 to 4 and annex 5 of the draft Code, the Sub-Committee further agreed to add a sentence at the end of paragraph 6, stressing the non-exhaustive nature of the information contained in the annexes.

10.30 The Sub-Committee instructed the Secretariat, in co-operation with the Co-ordinator of the FSI Correspondence Group on the Development of the Draft Code for the Implementation of [Mandatory] IMO Instruments, to complete both the tables listing the obligations of Contracting Governments/Parties (annexes 1 to 4 of the draft Code) and the instruments made mandatory under IMO Conventions (annex 5 of the draft Code) by 30 April 2005, and submit them to MSC 80 in an appropriate manner and to MEPC 53.

10.31 The Sub-Committee agreed to delete all references to UNCLOS in the text of the draft Code, other than those contained in paragraphs 4 and 5, as it was felt that caution should be exercised in the referencing of instruments outside the purview of IMO. The Sub-Committee also agreed to the deletion of the boxes at the end of parts 2, 3 and 4 of the draft Code, containing examples of the responsibilities and obligations of flag, coastal and port States since it was felt that these were confusing and added no value to the text.

10.32 With respect to the length of time required in paragraphs 30 and 31 of the draft Code, the Sub-Committee agreed that the period of five years stipulated in square brackets was too long and should be reduced to three years.

10.33 Regarding the language requirement for flag State surveyors contained in paragraph 37.5 of the draft Code, the Sub-Committee decided to delete this requirement, as it was deemed that the language to be used during the survey should be left up to the flag State.

10.34 The Sub-Committee agreed to the draft Assembly resolution and the draft Code for the implementation of mandatory IMO instruments attached to it, as set out in annex 9, for submission to MSC 80 and MEPC 53 for approval, and subsequent adoption by the Assembly.

10.35 The Sub-Committee also noted that two of the preambular paragraphs had been placed in between square brackets, to reflect the fact that they may need amending at a later stage, in the event of an overlap between this draft Assembly resolution and the one for the framework and procedures for the Voluntary IMO Member State Audit Scheme.

10.36 In concluding on this issue, the Sub-Committee noted that, apart from the work required for the completion of the tables as outlined in paragraph 10.30 above, the draft Code for the implementation of mandatory IMO instruments had been completed and, therefore, the Sub-Committee agreed to request the MSC and MEPC to delete the item from its work programme.

11 COMPREHENSIVE ANALYSIS OF DIFFICULTIES ENCOUNTERED IN THE IMPLEMENTATION OF IMO INSTRUMENTS

Carriage requirements of the publications on board ships

11.1 The Sub-Committee recalled that FSI 12 had taken into account that MSC 77, having noted that there was considerable support for such measures, had endorsed in principle the proposal by the Republic of Korea on the need to standardize the carriage of publications on board ships, and its request for the Committee's endorsement and issuance of a circular to allow the use of electronic media as equivalent to the hard copies of IMO instruments and other publications on board ships, except for certain IMO instruments, such as the International Code of Signals and the IAMSAR Manual, for which hard copies would be needed.

11.2 The Sub-Committee also recalled that, following consideration of document FSI 12/8, FSI 12 had noted with interest the potential advantages contained in the proposal and, in particular, concerning the need for a standardized list of publications and the introduction of a reference to electronic media.

11.3 The Sub-Committee also recalled that FSI 12 had identified some shortcomings concerning the lack of distinction between mandatory and non-mandatory publications, the impact of the carriage of national regulations and the language-related issue.

11.4 The Sub-Committee further recalled that MSC 79 had concurred with the decisions of FAL 31 and MEPC 52 and approved the draft FAL/MEPC/MSC circular on the Revised list of certificates and documents required to be carried on board ships, and had instructed the Secretariat to issue FAL.2/Circ.87-MEPC/Circ.426-MSC/Circ.1151 accordingly.

11.5 The Sub-Committee considered document FSI 13/11 (Republic of Korea, the Russian Federation and Turkey) containing a proposal to standardize the carriage of publications on board ships, prepared as a draft MSC/MEPC circular.

11.6 Having considered a series of issues such as the identification of additional publications (i.e. ISGOTT), the need to retain copies of publications for emergency use in a printed form, as well as the concern expressed regarding the reliability of the software used in the context of electronic media, the Sub-Committee, following consideration of the report of an informal group (FSI 13/WP.9), agreed to the draft MSC/MEPC circular on IMO requirements on carriage of

publications on board ships, as set out in annex 10, for submission to MEPC 53 and MSC 81 for approval.

Self-assessment of flag State performance

11.7 The Sub-Committee recalled that, at FSI 12, the Secretariat had presented an analysis of self-assessment forms (SAFs) containing also an illustration of the potential benefits of correlating information contained in the SAFs with data extracted from the Secretariat's databases, including data on casualties. In that context, FSI 12 had agreed that the Secretariat should in future give a PowerPoint presentation on the analysis of SAFs and that the Sub-Committee should consider the following issues further:

- .1 the discrepancies between the size of national fleets, as reported in the SAFs, as compared to corresponding figures set out in world fleet databases;
- .2 the correlation between the information contained in the SAFs and other data; and
- .3 the possibility of removing the requirement for anonymity of the SAFs, as an obstacle to further analysis.

11.8 Due to time constraints, the Secretariat did not have the opportunity to make its presentation on the analysis of SAFs including the set of statistics, based on the proposal contained in document FSI 12/8/3, referred to in paragraph 4.8.

11.9 Nonetheless, the Sub-Committee was informed that the Secretariat had identified, based on data for the gross tonnage of national fleets, as extracted from the Lloyd's Register-Fairplay World Fleet Statistics (as at 30 June 2004), that:

- .1 fifty-eight IMO Members and Associate Members had submitted the initial SAF and fourteen of them had submitted subsequent updates;
- .2 the total gross tonnage of the national fleets of the flag States that had submitted the initial SAFs represented 83% of the world gross tonnage;
- .3 the remaining 17% of the world gross tonnage, corresponding to the national fleets of those flags that had not yet submitted an initial SAF, comprised over 106 national fleets; and
- .4 seven national fleets, listed among the thirty largest fleets in the world, were not currently covered by the SAFs received.

12 REVIEW OF THE SURVEY GUIDELINES UNDER THE HSSC (RESOLUTION A.948(23))

AMENDMENTS TO RESOLUTION A.948(23)

12.1 The Sub-Committee recalled that, on the question of whether the requirements contained in SOLAS regulations XI-1/3 on Ship identification number and XI-2/6 on Ship security alert system should be addressed in the Revised Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), the Technical Committee (Committee 2) of the 23rd Assembly, having recalled that the work programme of the FSI Sub-Committee contained an item on "Review of the Survey Guidelines under the HSSC (resolution A.746(18))", had noted that this

matter could be dealt with under that item following respective submissions by Members and guidance by the MSC if necessary.

12.2 The Sub-Committee also recalled that FSI 12 had invited Members to make relevant submissions to FSI 13 in order to initiate the necessary update of annex 3 of resolution A.948(23), taking into account amendments to MARPOL 73/78 adopted since 2000 and, in particular, in relation to MARPOL regulation I/13G.

12.3 The Sub-Committee further recalled that FSI 12 had instructed the Secretariat to prepare, for every session, a list of new requirements adopted during the intersessional period, in order to allow the identification of those which might require the preparation of appropriate amendments to the HSSC Guidelines.

12.4 The Sub-Committee recalled that MEPC 52, having noted that:

- .1 annex 3 to resolution A.948(23) only addressed survey guidelines for Annexes I and II of MARPOL 73/78 and did not include survey guidelines for its Annex VI;
- .2 such survey guidelines were required for compliance with regulations 5 and 6 of Annex VI and chapters 2 and 6 of the NO_x Technical Code in order to ensure unified and consistent implementation;
- .3 the Protocol of 1997 to MARPOL 73/78 met the entry into force criteria on 18 May 2004. Consequently, Annex VI of MARPOL 73/78 would enter into force on 19 May 2005;

had instructed the Sub-Committee to develop, as a matter of priority, the Survey Guidelines under HSSC for Annex VI of MARPOL 73/78 under its agenda item “Review of the Survey Guidelines under HSSC”, and to submit them to MEPC 53 for approval, before requesting the Assembly to amend resolution A.948(23) to incorporate the Survey Guidelines for Annex VI of MARPOL 73/78.

12.5 The Sub-Committee was informed that the proposed amendments to Annex VI of MARPOL 73/78 on the introduction of the Harmonized System of Survey and Certification (HSSC) were circulated by the Secretary-General, in accordance with article 16(2)(a) of the MARPOL Convention, under cover of Circular letter No.2598 of 15 November 2004, with a view to adoption by MEPC 53.

12.6 The delegation of the United Kingdom introduced document FSI 13/12 providing a first draft of the Survey Guidelines under HSSC for Annex VI of MARPOL 73/78 which were developed with the aim of ensuring that the surveys carried out in accordance with regulations 5 and 6 of MARPOL Annex VI (including surveys referred to in Chapters 2 and 6 of the NO_x Technical Code) are undertaken in a uniform manner, both by the Administrations and the recognized organizations undertaking surveys on their behalf.

12.7 The delegation of Norway, in document FSI 13/12/3, proposed consequential amendments to annex 3 of the Revised Survey Guidelines under the HSSC, adopted by resolution A.948(23), with the aim of updating the survey guidelines for the International Oil Pollution Prevention Certificate in line with the amendments to Annex I of MARPOL 73/78, adopted on 4 December 2003 by resolution MEPC.111(50) (Amendments to regulation 13G and new regulation 13H).

12.8 The Secretariat introduced document FSI 13/12/1 providing a list of amendments to MARPOL and related guidelines, to the IBC and IGC Codes, to SOLAS and its 1988 Protocol and to Load Lines and its 1988 Protocol, which were adopted since 2000. It had been prepared to facilitate the identification of those which might require the preparation of appropriate amendments to the Revised Guidelines under the Harmonized System of Survey and Certification, adopted by resolution A.948(23).

12.9 Following consideration of documents FSI 13/12, FSI 13/12/1 and FSI 13/12/3 the Sub-Committee agreed to refer them to the Working Group on the Review of Resolution A.948(23) setting as the first priority for the group the development, in the form of amendments to resolution A.948(23), of the draft Survey Guidelines under HSSC for Annex VI of MARPOL 73/78 (see paragraph 12.22.1).

12.10 In the context of its consideration of document FSI 13/12/1, the Sub-Committee agreed that the list of new amendments to be prepared by the Secretariat, for every session, should be developed in the format of a table, grouped by subject and listed in chronological order. The Sub-Committee also noted that the survey and certification requirements of the revised MARPOL Annex IV had been developed in accordance with the HSSC, with the exception that no annual nor intermediate surveys were required, and agreed to the need to develop, in the future, survey guidelines under HSSC for the revised Annex IV.

12.11 In considering a standard methodology to be followed on how the amendments to the Revised Survey Guidelines should be adopted, the Sub-Committee, having taken into account the provisions of operative paragraph 3 of resolution A.948(23), by which the Assembly requested the MSC and MEPC to keep the Revised Survey Guidelines under review and amend them as necessary, agreed that:

- .1 amendments addressing elements of the Revised Survey Guidelines, which clearly fall under the purview of one Committee, should be adopted by either an MSC or an MEPC resolution, as appropriate;
- .2 amendments addressing matters under the purview of both Committees in parts of the Revised Survey Guidelines, such as the part “General”, should be adopted in accordance with the procedure used to adopt amendments to instruments being mandatory under both the SOLAS and MARPOL 73/78 Conventions, such as the IBC Code. In such cases, the same amendments should be adopted by two separate MSC and MEPC resolutions.

IDENTIFICATION OF A SHIP AS A BULK CARRIER

12.12 The Sub-Committee recalled that MSC 78 had considered DE 47’s request to develop clear guidance to enable the unequivocal identification of a ship as a bulk carrier, which would be footnoted under amended SOLAS regulation XII/1.1 (Definitions). MSC 78 had noted that the guidance in question was meant for port State control purposes, where reportedly there still were serious problems when trying to identify certain ships as bulk carriers or general cargo ships, despite the various interpretations of the term “bulk carrier” adopted by the Organization and the inclusion of “bulk carrier” as a ship type in the form of relevant SOLAS safety certificates. Consequently, the Committee had instructed FSI 13 to develop the clear guidance proposed by DE 47, to be footnoted under amended regulation XII/1.1.

12.13 The Sub-Committee also recalled that MSC 79 had considered a proposal by Japan (MSC 79/3/9) on guidelines for the implementation of SOLAS chapter XII, as amended in 2004, related to the definition of bulk carriers, and providing guidance to SOLAS Contracting Governments and the industry on the application of the revised SOLAS chapter XII to ships constructed before the date of its entry into force.

12.14 The Sub-Committee also recalled that MSC 79, while considering proposed amendments to SOLAS chapter XII developed by the DE Sub-Committee and approved by MSC 78:

- .1 did not agree to the proposal clarifying the application of the definition of bulk carrier **Regulation 1 – Definitions, Paragraph 1** as proposed by Japan (MSC 79/3/10); and
- .2 agreed to the proposal on the definition of bulk carrier of single-side skin construction in **Regulation 1 – Definitions, Paragraph 2** as proposed by Japan (MSC 79/3/10).

12.15 The Sub-Committee further recalled that MSC 79 had considered a modification proposed by IACS (MSC 79/3//8) to add a new subparagraph 14 (regarding the definition of bulk carrier contained also in regulation XII/1) to regulation II-1/2 and, having noted the pertinent decisions on the proposed revised SOLAS chapter XII, had agreed to the proposal.

12.16 The Sub-Committee considered document FSI 13/12/4 (Japan) on the identification of a ship as a bulk carrier which contained a proposal for the issuance of a draft MSC/Circular providing standard formats of:

- .1 a document of compliance with the special requirements for new bulk carriers of SOLAS chapter XII as amended; and
- .2 a document of approval for the carriage of dry cargoes in bulk in ships not complying with the requirements contained in SOLAS chapter XII, as amended.

INTERPRETATION OF THE TERM “ANY FIVE-YEAR PERIOD”

12.17 The Sub-Committee recalled that, in the context of its consideration of the term “any five-year period”, FSI 11 had agreed that it would not be appropriate to amend MSC/Circ.1051 and resolution A.744(18) and that regulation I/10(a)(v) of the 1988 SOLAS Protocol, with regard to the term “any five-year period”, should be amended to be in line with the provisions of resolution A.744(18) and MSC/Circ.1051. To that end, the Sub-Committee had prepared the relevant draft amendments to the 1988 SOLAS Protocol.

12.18 The Sub-Committee noted that, in the course of the debate on the same issue, MSC 78 had considered dissenting views expressed by the delegation of India on its concern about the dry docking survey procedure and periodicity based on its earlier submission (MSC 76/8/3) and, noting the complexity of the issue, had agreed to instruct FSI 13 to consider the matter further, in particular, the legal and practical aspects of implementation of the aforementioned amendments to the 1988 SOLAS Protocol and to report the outcome of its consideration to MSC 80.

12.19 The Sub-Committee further noted that MSC 79, in approving the proposed amendments to the Guidelines on the enhanced programme of inspections of bulk carriers and oil tankers (resolution A.744(18) as amended) had recalled the ongoing consideration of the term “any

five-year period” in the Sub-Committee and agreed to keep paragraph 2.2.1 of the proposed amendments to Annex B of resolution A.744(18) in square brackets, subject to a final decision at MSC 80 when the outcome of FSI 13 on the matter would be available.

12.20 As instructed by MSC 78, the Sub-Committee discussed the matter, taking into account document FSI 13/12/2 (India) raising concerns regarding the interpretation of the term “any five-year period” as given in resolution A.948(23) and proposing further amendments to ensure adequate repairs and maintenance of the ship’s hull.

12.21 Following the discussion, the Sub-Committee reiterated its position at FSI 11 with regard to the proposed amendments to chapter I of the 1988 SOLAS Protocol referred to in paragraph 12.17 above.

ESTABLISHMENT AND REPORT OF THE WORKING GROUP

12.22 Following the above discussion and recalling the outcome of its deliberations under agenda item 13, the Sub-Committee established the Working Group on the Review of Resolution A.948(23) and instructed it, taking into account the comments and decisions made in plenary, to:

- .1 develop the draft Survey Guidelines under HSSC for Annex VI of MARPOL 73/78, together with the associated draft MEPC resolution to be submitted to MEPC 53 for adoption, using document FSI 13/12 as the basis;
- .2 prepare draft recommendations on the term “any five-year period”, in particular, on the legal and practical aspects of implementing the draft amendments to the 1988 SOLAS Protocol previously prepared by FSI 11, to be considered by MSC 80;
- .3 consider the proposal contained in document FSI 13/12/4 and, if appropriate, draft an MSC circular on documents of compliance with the requirements of chapter XII of SOLAS 1974, as amended, and approval for the carriage of dry cargoes in bulk, to be considered by MSC 81 for approval;
- .4 develop draft amendments to the Revised Survey Guidelines (resolution A.948(23)), on the basis of the documents introduced (FSI 13/12/1 and FSI 13/12/3) in accordance with the methodology agreed by the Sub-Committee, if time permitted;
- .5 commence the development of survey guidelines required by regulation E-1 of the 2004 BWM Convention, if time permitted; and
- .6 consider the need to establish a correspondence group and prepare draft terms of reference, as appropriate.

12.23 Having received the report of the Working Group on the Review of Resolution A.948(23) (FSI 13/WP.4), the Sub-Committee approved it in general and took action as indicated in the following paragraphs.

Draft Survey Guidelines under HSSC for MARPOL Annex VI

12.24 The Sub-Committee noted that the group had used document FSI 13/12 as the basis, taking also into consideration the proposed amendments to MARPOL Annex VI on the introduction of the HSSC (paragraph 12.5) and the draft Guidelines on onboard exhaust gas-SO_x cleaning systems, which were developed by DE 48 for submission to MEPC 53 for adoption.

12.25 The Sub-Committee further noted that the group, using resolution A.948(23) as a guidance document, had reviewed document FSI 13/12 and had developed draft amendments to resolution A.948(23) in relation to Survey Guidelines under the HSSC for MARPOL Annex VI and the associated draft MEPC resolution, for submission to MEPC 53 for adoption (annex 1 of FSI 13/WP.4).

12.26 In this context, the Sub-Committee agreed to the draft amendments to resolution A.948(23) in relation to Survey Guidelines under the HSSC for MARPOL Annex VI and the associated draft MEPC resolution, as set out at annex 11, for submission to MEPC 53 for adoption and to MSC 80 for consideration of any safety aspects of the draft Survey Guidelines for MARPOL Annex VI.

Interpretation of the term “any five-year period”

12.27 Having considered the part of the report of the working group (FSI 13/WP.4) referring to the issue of the interpretation of the term “any five-year period”, the Sub-Committee concurred with the group’s conclusion that the proposed amendments to the 1988 SOLAS Protocol were clear and self-explanatory and, while being in harmony with the similar provisions of resolution A.744(18), did not show any specific legal or practical difficulty, in particular with regard to the need to apply the same survey regime to cargo ships subjected to the enhanced programme of inspection and to cargo ships not subjected to this programme. In this context, while recognizing from the practical point of view that, because of the explicit acceptance procedure for amendments to SOLAS chapter I, the entry into force of the above amendments might take considerable time, the Sub-Committee considered that the application of the interpretation of the term “any five-year period” specified in paragraph 5.7 of the Survey Guidelines under the harmonized system of survey and certification (Annex to resolution A.948(23)), which was in line with the relevant inspection-related provisions of resolution A.744(18), would assist Administrations in the implementation of the inspection-related requirements of regulation I/10 of the 1988 SOLAS Protocol as modified by the aforementioned amendments, pending their formal entry into force.

12.28 In view of the above, the Sub-Committee did not support the amendments to resolution A.948(23) proposed in document FSI 13/12/2 and recommended that, should MSC 80 agree with the above outcome, the square brackets around paragraph 2.2.1 of the proposed amendments to Annex B of resolution A.744(18) referred to in paragraph 12.19 should be deleted.

12.29 In the context of the matter, the delegation of the United Kingdom pointed out that resolution A.948(23) did not provide for pre-planning of the dry dock survey whereas resolution A.744(18), which also did not address specifically the pre-planning of the dry dock survey, nevertheless did impose a planning for the intermediate and renewal surveys conducted under the enhanced programme of inspection. The Sub-Committee considered pre-planning to be essential in order to ensure that major necessary repairs and maintenance works were

effectively carried out during dry docking, being of the opinion that it was the duty of shipowners to prepare the dry dock survey; and, having endorsed the group's recommendation that the dry dock survey of those ships which are not subject to the enhanced programme of inspection should be considered as being of utmost importance and its planning carefully prepared, recommended to MSC 80 that a circular be issued in this respect.

12.30 In this context, a delegation expressed the view that, if a ship was allowed, by the officer of the Administration or surveyor nominated for the purpose or organization recognized by the Administration, to leave a dry dock with pending repairs requiring dry docking, it should only be allowed to sail for a short time before it is dry docked again for the completion of the repairs and survey.

Chapter XII of SOLAS 1974, as amended, and approval for the carriage of dry cargoes in bulk

12.31 The Sub-Committee noted that SOLAS regulation XII/1.1 provided for a generic definition of a bulk carrier and in a footnote provides the definition of a bulk carrier if constructed before 1 July 2006. The footnote referred to resolution 6, interpretation of the definition of "bulk carriers" as given in SOLAS chapter IX, as amended in 1994 and adopted by the 1997 SOLAS Conference.

12.32 In addition, MSC 79 adopted an amendment to SOLAS regulation II-1/2 in order to incorporate the definition of a bulk carrier.

12.33 The Sub-Committee noted that whereas the revised regulation II-1/2 made reference to regulation XII/1.1, the revised regulation III/31 made reference to SOLAS regulation IX/1.6 as far as the definition of bulk carriers was concerned.

12.34 The Sub-Committee noted that the majority of the group had considered that the bulk carriers falling under the scope of the revised regulation III/31 were those bulk carriers falling under the scope of the revised chapter XII. The incoherence in the definition of a bulk carrier as provided by the revised regulations II-1/2 and III/31 might give rise to misunderstandings and disputes after 1 July 2006.

12.35 Two delegations expressed the view that the issue of the definition of bulk carriers had been carefully considered by the MSC through the Working Group and Drafting Group on Bulk Carrier Safety so far. They also recognized that the difference in the range of application of SOLAS chapters II-2 and III between two different types of bulk carriers was not a problem but the result of a compromise.

12.36 The Sub-Committee endorsed the view that some clarification was needed and agreed to recommend to MSC that the definition of bulk carriers in chapter IX and in the revised regulation III/31 be checked and co-ordinated with the definition in regulation XII/1.1.

Ships other than bulk carriers carrying cargoes in bulk

12.37 The Sub-Committee noted the group's view that a bulk carrier was identified through its Safety Construction and Safety Equipment Certificates and its Safety Management Certificate. The status of a ship, which was not a bulk carrier but nevertheless carries a cargo in bulk, might cause problems and be questioned by some Port State Control (PSC) Officers since these might consider that a ship, which is not a bulk carrier but carried a cargo in bulk, should comply with the provisions of SOLAS chapter XII.

12.38 The Sub-Committee noted that the majority view of the group was that such ships should not be considered as bulk carriers as they had not been designed and constructed in accordance with the provisions applicable to bulk carriers and that such carriages should concern few bulk cargoes. On the other hand, some members of the group were of the view that the frequency of the carriage of cargoes in bulk on-board such ships could possibly qualify those ships as bulk carriers.

12.39 The Sub-Committee noted that there was currently no requirement within SOLAS which made it mandatory to carry cargo in bulk onboard a bulk carrier.

12.40 The Sub-Committee noted the following position by the group:

“A ship which is not a bulk carrier as shown by its statutory certificates but carries a cargo in bulk is in compliance with SOLAS if the corresponding loading case is part of its loading and stability manual approved by the Administration.”

and agreed to recommend to the MSC that further consideration of the definition of “bulk carrier” should be directed to an appropriate IMO body, other than the Sub-Committee, as this question did not relate to the Revised Survey Guidelines under the HSSC.

12.41 The delegation of the United Kingdom, being supported by the delegations of Australia, Denmark, France and Norway stated that, in its opinion, the text of paragraph 12.40 did not address the particular risks in carrying bulk cargoes. In particular, the risks were not merely in relation to the designation of the type of the ship on the certificates but were related to the size of hatches and cargo holds and the carriage of high density cargoes that were loaded and discharged aggressively and at high speeds. The Organization had expended time and effort in recent years developing safety measures to address these hazards, such as the measures of the new SOLAS chapter XII and the Enhanced Survey Programme. It would be unacceptable to allow any type of ship, however it is designated, to be subjected to these hazards in the absence of any of these recently adopted risk control options. In particular, noting the position in paragraph 12.40, this delegation contented that, if the loading manual included a condition where the ship was carrying bulk cargo, then this would clearly demonstrate that the ship would be trading as a “bulk carrier”. The United Kingdom indicated that it would, therefore, welcome the careful consideration by MSC of paragraph 12.40 as, in its opinion, there might be a need for the Committee to request further reconsideration of this issue.

Establishment of the Correspondence Group on the Review of Resolution A.948(23)

12.42 The Sub-Committee, having noted the group’s recommendation regarding future work on the review of resolution A.948(23), agreed to the establishment of the Correspondence Group on the Review of Resolution A.948(23), under the co-ordination of Greece^{*}, under the following terms of reference:

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- .1 to develop recommendations on procedures for amending the Revised Survey Guidelines on HSSC (resolution A.948(23)), taking into consideration documents FSI 13/12/1 and FSI 13/12/3, developments during FSI 13 and in accordance with the methodology agreed by the Sub-Committee;
- .2 to prepare draft amendments to resolution A.948(23) for consideration by the Sub-Committee;
- .3 to develop further draft Survey Guidelines required by regulation E-1 of the Ballast Water Management Convention, taking into account document FSI 13/13, developments during FSI 13 and the outcome of BLG 9 and MEPC 53; and
- .4 to submit a report to FSI 14.

13 DEVELOPMENT OF SURVEY GUIDELINES REQUIRED BY REGULATION E-1 OF THE 2004 BWM CONVENTION

13.1 The Sub-Committee noted that the Ballast Water Management Convention had been open for signature by Member States from 1 June 2004 to 31 May 2005 and that four countries (Argentina, Brazil, Spain and the Syrian Arab Republic) had already signed the Convention, subject to ratification, while a number of other countries had expressed their intention to ratify the instrument in the near future.

13.2 The Sub-Committee urged the participating delegations to sign the Convention at their earliest convenience to facilitate its early entry into force.

13.3 The Sub-Committee recalled that MEPC 51 had instructed it to develop survey guidelines in accordance with regulation E-1 of the Ballast Water Management Convention and to include a high priority item in its work programme to be completed in two sessions.

13.4 The delegation of the United Kingdom introduced document FSI 13/13 providing a first draft text of the survey guidelines in accordance with regulation E-1 of the Ballast Water Management Convention, developed by using the format of resolution A.948(23) 'Revised Survey Guidelines Under the Harmonized System of Survey and Certification'. The United Kingdom pointed out that the draft guidelines were submitted with the aim of providing the basis for their further development, which could either take the form of a "stand alone" document or be incorporated in the text of resolution A.948(23) by means of suitable amendments to it.

13.5 The Sub-Committee, noting that the survey and certification requirements of the Ballast Water Management Convention had been developed in accordance with the Harmonized System of Survey and Certification, agreed to refer document FSI 13/13 to the Working Group on the Review of Resolution A.948(23), established under agenda item 12, to commence the development of the survey guidelines (see paragraph 12.22).

13.6 Regarding the format of the survey guidelines, the Sub-Committee expressed its preference for developing the guidelines in the form of amendments to resolution A.948(23).

Outcome of the working group

13.7 Having considered the relevant part of the report of the Working Group on the Review of Resolution A.948(23) (FSI 13/WP.4), the Sub-Committee took the following action.

13.8 The Sub-Committee noted that the working group commenced the development of survey guidelines required by regulation E-1 of the BWM Convention based on the draft text provided in document FSI 13/13.

13.9 The Sub-Committee also noted that the group, in considering the development of the survey guidelines under the BWM Convention as part of resolution A.948(23), suggested to incorporate the new guidelines as an additional annex to the resolution and agreed that Part A – General of the draft text in document FSI 13/13 could be removed and the content of section “General” of the resolution amended as and when appropriate.

13.10 The Sub-Committee further noted that, in the limited time available, the group reviewed the first two sections of Part B – Guidelines for surveys for the International Ballast Water Management Certificate and the progress made was reflected in annex 2 of document FSI 13/WP.4.

13.11 Regarding the further development of the guidelines, the Sub-Committee, having noted the recommendations of the group (paragraph 7.4 of document FSI 13/WP.4), agreed to task the Correspondence Group on the Review of Resolution A.948(23), established under agenda item 12, to develop further the guidelines taking into account the outcome of BLG 9 and MEPC 53 on this matter.

14 PSC ON SEAFARERS’ WORKING HOURS

14.1 The Sub-Committee recalled that MSC 69 had instructed it to consider if port State control authorities should develop and implement procedures to assess whether seafarers on ships they inspect are subject to excessive working hours.

14.2 The Sub-Committee also recalled that FSI 12 had noted that the ILO was developing, for expected finalization in 2005, a single updated instrument addressing working hours and hours of rest, as well as associated enforcement measures.

14.3 The Sub-Committee, having considered document FSI 13/14 (France), setting out the guidelines on inspection of hours of work/rest adopted by the Committee of the Paris MoU, agreed that there was value in promulgating similar guidelines through an appropriate MSC circular. Noting that the target completion date for this work programme item was 2006, the Sub-Committee agreed to consider the document further at FSI 14 and instructed the Secretariat to keep the International Labour Organization informed of the progress of its deliberations on this matter.

15 ILLEGAL, UNREGULATED AND UNREPORTED (IUU) FISHING AND IMPLEMENTATION OF RESOLUTION A.925(22)

15.1 The Sub-Committee recalled that FSI 12 had invited the Committees to recommend that the Food and Agriculture Organization (FAO) stimulate further co-operation between itself, IMO and the regional fishery management organizations (RFMOs) by organizing a second meeting of the Joint IMO/FAO Working Group on IUU Fishing and Related Matters. Having noted MEPC 51’s concurrent decision, MSC 78 had agreed to the Sub-Committee’s recommendation and instructed the Secretariat to communicate with FAO accordingly. By a letter dated 6 August 2004, the Secretary-General of IMO had invited the Director-General of FAO to bring this recommendation to the attention of the relevant body of that Organization for consideration and appropriate action.

15.2 The Sub-Committee also recalled that the convening of the Joint IMO/FAO Working Group on IUU Fishing and Related Matters had taken into account resolution A.103(IV) on Agreement between FAO and IMO. MEPC 44 and MSC 72 had agreed that IMO should be represented at the *ad hoc* Joint Working Group by eight Governments and instructed the Secretariat to co-operate with the FAO Secretariat so that the composition of the Group ensured representation of all geographical regions of the world with an interest in the subject matter. The participation of the IMO Members in the work of the Group did not entail financial implications to the Organization. The report of the first meeting of the *ad hoc* Joint Working Group had been submitted to the Director-General of FAO and the Secretary-General of IMO for conveyance to the relevant bodies of the two Organizations.

15.3 The Sub-Committee also recalled that FSI 8 had invited FAO to submit a relevant document, for consideration by MSC 72, providing also draft terms of reference for such a Group. In this context FAO had submitted document MSC 72/7/4 including such terms of reference for the first meeting of the Group.

15.4 The Sub-Committee also recalled that as a result of its concerns over the slow pace of acceptance of the 1993 Torremolinos Protocol, C 92 had instructed the Secretariat to prepare a study of the legal and practical implications of amending its entry-into-force provisions, taking into account the reported reduction in the size of the world fishing vessel fleet since 1993.

15.5 To prepare the requested study, the Secretary-General had communicated with 153 Member States requesting them to provide information on the number of fishing vessels of 24 metres in length and over (as defined in the 1993 Torremolinos Protocol) flying their flags. Similar information was also requested from FAO. In addition, the Secretary-General had also sought views on the reasons why some States have been reluctant to ratify the 1993 Torremolinos Protocol so that Council could be properly advised when considering what action, if any, the Organization should take to expedite its entry into force. Forty-five (45) Member States and the FAO responded to his request.

15.6 The results of the study and the summary of responses received from Member States were contained in documents C 93/4/Add.2 and C 93/4/Add.4. Based on all the data collected, the current size of the world fishing vessel fleet was estimated to be 56,849 vessels, which was significantly larger than the number of fishing vessels estimated in 1993 and, equally importantly, not in line with the information reported to C 92 that the number of fishing vessels subject to the 1993 Torremolinos Protocol had been reduced worldwide since its adoption.

15.7 The Sub-Committee was informed by the Secretariat that, to date, there were only 4 Contracting Parties to the STCW-F 1995 Convention, as compared to the minimum of 15 States required for its entry into force, and 10 Contracting Parties to the Torremolinos Protocol of 1993 with an aggregate fishing vessel fleet consisting of approximately 3,038 units, as compared to the minimum of 15 States with a corresponding aggregate of 14,000 units.

15.8 The Sub-Committee also recalled that C 93 had noted the information set out in document C 93/17(a)/3 and its addenda, and that provided orally by the Secretary-General, on the follow-up to the Council's instruction at its ninety-second session that the Secretary-General consult, as appropriate, with Executive Heads of other competent international organizations on how best to implement the invitation made by the General Assembly of the United Nations in resolutions A/RES/58/240 and A/RES/58/14 to study, examine and clarify the role of the 'genuine link' in relation to the duty of flag States to exercise effective control on ships flying their flags, including fishing vessels.

15.9 The Sub-Committee further recalled that MSC 79 had approved the Code of Safety for Fishermen and Fishing Vessels 2005, and the Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels 2005, and had instructed the Secretariat to forward them to FAO and ILO for concurrent approval, as appropriate.

15.10 The Sub-Committee considered document FSI 13/15 (FAO) on the activities that have taken place since FSI 12 and, in particular, on the outcome of a Technical Consultation to Review Progress and Promote the Full Implementation of the International Plan of Action (IPOA) to Prevent, Deter and Eliminate IUU Fishing and the IPOA for the Management of Fishing Capacity, and of another Technical Consultation to review port State measures to combat IUU fishing.

15.11 The representative of FAO stated that, according to information from FAO Members and regional fishery bodies (RFBs), the occurrence and scope of IUU fishing was not abating. He referred to United Nations General Assembly resolution A/RES/59/25, which included a call for FAO and IMO to address substantive issues relating to the role of the port State, noting that such efforts included the elaboration of a draft model scheme on port State measures to prevent, deter and eliminate IUU fishing.

15.12 Reflecting the seriousness and widespread global nature of IUU fishing, he emphasized that States and other international organizations, including the Organization for Economic Development and Cooperation (OECD) and most RFBs were now addressing IUU fishing.

15.13 The FAO representative informed that a Technical Consultation held in 2004 had approved a Model Scheme on Port State Measures to Combat IUU Fishing, supported the setting up of a programme of assistance to facilitate human development and institutional strengthening to promote the implementation of such measures, and further supported the establishment of a related database. He stressed the importance of the inter-organizational collaboration that had facilitated the participation of IMO and ILO in the Technical Consultation as resource persons to the FAO Secretariat.

15.14 He also outlined the issues being considered at the 26th session of FAO's Committee on Fisheries (COFI) and at a Ministerial Meeting on Fisheries in the context of the implementation of the 1995 FAO Code of Conduct for Responsible Fisheries, stressing the fact that, both COFI and the Ministerial Meeting, which were being held concurrently with FSI 13, would consider potential areas of further collaboration between FAO and IMO.

15.15 In this respect, the Sub-Committee was informed that COFI had just approved the Code of Safety for Fishermen and Fishing Vessels 2005, and the Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels 2005. The Sub-Committee, having expressed its support to FAO in the context of its activities reported in document FSI 13/15, noted the approval of the two above-referred instruments by COFI with appreciation.

15.16 The delegation of Vanuatu, while reaffirming its full support to FAO's attempts to prevent IUU fishing, reported that Vanuatu had suffered from IUU fishing in its large exclusive economic zone as it did not have the resources to prevent illegal fishing. It indicated that its own fishing vessels fleet was monitored using LRIT and catches and that no Vanuatu fishing vessels were even suspected of fishing illegally. In respect of the very few ratifications of the two fishing vessel Conventions, the delegation of Vanuatu expressed its belief that many more countries would ratify these Conventions if there was a moratorium on port State control for the initial years. Based on the port State control officers' expertise to identify deficiencies on board cargo ships giving ground to their detentions, it assumed that, if similar PSC standards were to be

applied to the inspection of fishing vessels, many fishing vessels would be detained and the industry would suffer.

15.17 Regarding the convening of a 2nd Joint IMO/FAO Working Group on IUU Fishing and Related Matters, as proposed by FSI 12 and endorsed by the MSC and MEPC, the FAO representative affirmed his Organization's strong commitment to progressing the preparatory work for this meeting which could be convened in 2006.

15.18 Regarding specific proposals on issues to be considered by the 2nd Joint IMO/FAO Working Group on IUU Fishing and Related Matters, and taking into account the fact that concurrent discussions on this issue were being held by COFI and the above-mentioned Ministerial Meeting, the Sub-Committee agreed that the Secretariats of the two Organizations should continue their co-ordination so as to present to the MSC and MEPC proposals on the possible schedule and agenda for a second session of the joint working group and on the possible composition of delegations representing the two Organizations.

15.19 The Sub-Committee having identified the possible need for it to review the outcome of the second Joint IMO/FAO Working Group on IUU Fishing and Related Matters, agreed to recommend to the Committees that the target completion date for this work programme item be extended to 2007.

15.20 Upon request, the FAO representative explained that so-called "ghost fishing", i.e. passive and unintentional fishing by fishing gear being lost overboard or abandoned, was not included in the discussions on IUU fishing, which, for the time being, were restricted to active and intentional fishing only.

15.21 The Sub-Committee noted with satisfaction the information provided by Member States on the progress being made towards the ratification of the Torremolinos Protocol and the STCW-F Convention and welcomed the proposal by IUMI to provide IMO and FAO with data on casualties to fishing vessels.

16 DEVELOPMENT OF PROVISIONS ON TRANSFER OF CLASS

TRANSFER OF CLASS

16.1 The Sub-Committee recalled that FSI 12, recognizing that the issue of transfer of class between IACS societies was already addressed in IACS PR 1A, as reported in the previous submissions from IACS (FSI 10/14, FSI 10/14/1 and FSI 10/14/2), had identified a number of situations involving transfer of class between non-IACS societies which justified the need to develop provisions on such transfers.

16.2 The Sub-Committee also recalled that FSI 12 had agreed that any new provisions to be developed should be restricted to the transfer of class between non-IACS societies and IACS societies, and among non-IACS societies, without addressing the issue of certification as a whole and that the principles applicable to the transfer of class between IACS societies could be used, but should not form part of an IMO instrument on this subject.

16.3 The Sub-Committee, having recalled the outcome of its previous consideration of document FSI 12/12 (Republic of Korea) on a draft model procedure on transfer of class between recognized organizations, reviewed the scope of the proposals contained therein and the expected objectives.

16.4 On the relationship between the provisions to be developed by IMO and IACS' TOCA Agreement, the Sub-Committee agreed that the new provisions should be compatible with TOCA in order not to affect the current mechanisms put in place by IACS among its members.

16.5 However, the Sub-Committee agreed that the provisions should also cover the requirements currently applied concerning transfers from a non-IACS society to an IACS society, bearing in mind that the format of IMO provisions on the subject should be uniform without making any distinction between "non-IACS and "IACS" societies.

INTERPRETATION OF SOLAS REGULATION I/14(E)

16.6 The Sub-Committee recalled that FSI 10 had agreed that proposed measure 14 - "Develop an interpretation of SOLAS regulation I/14(e) to clarify that extension of the period of validity of certificates can only be granted in very specific circumstances", identified by the MSC 73 Working Group on Oil Tanker Safety and Environmental Matters (MSC 73/WP.14), should be considered. However, taking into account the fact that the document to be considered in this context, namely FSI 10/14 (IACS), also addressed issues related to the transfer of class, the Sub-Committee had agreed to consider the matter of the interpretation of SOLAS regulation I/14(e), in conjunction with its consideration of such other issues.

16.7 The Sub-Committee also recalled that FSI 12, having noted that IACS was developing an interpretation of SOLAS regulation I/14(e), had decided to consider the matter further at FSI 13, and had invited IACS to provide a relevant submission in order to finalize consideration of this matter.

16.8 The Sub-Committee having recalled that, in considering agenda item 1, it had approved the issuing of document FSI 13/WP.1, to form the basis of discussion on this topic, considered the information contained in the document from IACS (FSI 13/WP.1).

16.9 The Sub-Committee considered a number of guiding principles that should be applied in respect of the possible interpretation of SOLAS regulation I/14(e) concerning the extension of the period of validity of certificates in cases where a ship is not in a port in which it is to be surveyed. In particular, it was acknowledged that several matters required examination, including whether the port at which the ship is calling can offer survey facilities, in full or in part, the definitions of "exceptional circumstances" and "cases of *force majeure*", as well as the implications of failing to be granted an extension, where it may be proper and reasonable to do so, *vis-à-vis* possible non-conformities with the ISM Code.

ESTABLISHMENT AND REPORT OF THE DRAFTING GROUP

16.10 The Sub-Committee established the Drafting Group on the Transfer of Class and instructed it to:

- .1 draft provisions on transfer of class between Recognized Organizations (ROs) in the form of an MSC/MEPC circular based on document FSI 12/12 (Republic of Korea) and related documents for consideration by MSC 80 and MEPC 53 for approval; and
- .2 draft an interpretation of SOLAS regulation 1/14(e) and other relevant conventions to clarify when it is proper and reasonable to extend the period of validity of certificates in specific circumstances in the form of an MSC circular

for possible inclusion in section 5 of resolution A.948(23) to be considered by MSC 81 for approval on the basis of document FSI 13/WP.1.

16.11 Having received the report of the drafting group (FSI 13/WP.5), the Sub-Committee took action as indicated in the following paragraphs.

16.12 In considering document FSI 13/WP.1, the Sub-Committee agreed that if reasonable grounds did not exist for an extension, then the Administration should communicate these concerns to the Administration (or RO) responsible for the DOC. However, the Sub-Committee agreed that it was not appropriate to include this condition in section 5 of resolution A.948(23), which did not address ISM issues.

16.13 The Sub-Committee also agreed that restricting extensions of certificates to conditions where a change of flag does not occur had merit in controlling the possible misuse of such certificate extensions, but considered that this matter was more appropriately addressed in documents concerning change of flag recommendations.

16.14 The Sub-Committee agreed to the draft MSC/MEPC circular on Recommended conditions for extending the period of validity of a certificate, which should be considered for inclusion as a new sub-section 5.9 in section 5 of the Revised Survey Guidelines under the HSSC (resolution A.948(23)), as set out in annex 12, for submission to MSC 80 and MEPC 53 for approval.

Transfer of class-related matters between Recognized Organizations (ROs)

16.15 Having considered document FSI 12/12 (Republic of Korea) and taking into account the facts that statutory matters should not be addressed in the context of the present guidelines which should be harmonized with the IACS Procedure Requirements on Transfer of Class (PR1A), the Sub-Committee agreed to use the IACS procedure as the base document.

16.16 The Sub-Committee agreed to the draft MSC circular and its annex on Guidelines for the Administration to apply to ensure the adequacy of transfer of class-related matters between recognized organizations, as set out in annex 13, for submission to MSC 80 and MEPC 53 for approval.

17 MEASURES TO ENHANCE MARITIME SECURITY

17.1 The Sub-Committee noted that MSC 78, recalling operative paragraph 1 of resolution A.924(22) on Review of measures and procedures to prevent acts of terrorism which threaten the security of passengers and crew and the safety of ships, which directed the Committee, under the direction of the Council, to review “(any other) relevant IMO instrument under (its) scope and/or to adopt other security measures and, in the light of such a review, to take prompt action as appropriate”, had instructed (MSC 78/26, paragraph 7.97) the various sub-committees, under their existing work programme and agenda item on “Measures to enhance maritime security”, to identify the various instruments under their responsibility, which may need to be reviewed and amended so as to include appropriate security-related provisions. In this respect, MSC 78 had advised the sub-committees to bear in mind the functional requirements of the ISPS Code and, in particular, those relating to access control and handling of cargo. The sub-committees were asked to consider the need to amend each of the instruments which they would be identifying; to prioritize the work they will be suggesting; and to indicate, bearing in mind their other work load and priorities, the time (number of sessions) needed to amend each of the instruments.

17.2 The Sub-Committee noted that the Maritime Safety Committee had adopted:

- .1 Interim guidance on control and compliance measures to enhance maritime security which is set out in the annex to resolution MSC.159(78) and related to the exercise of control and compliance measures Guidance to masters, Companies and duly authorized officers on the requirements relating to the submission of security-related information prior to the entry of a ship into port which is set out in MSC/Circ.1130;
- .2 a number of guidelines relating to the implementation of SOLAS chapter XI-2 and of the ISPS Code which are set out in MSC/Circs.1072, 1074, 1097, 1111 and 1132;
- .3 Guidance to port State control officers on the non-security related elements of the 2002 SOLAS amendments which is set out in MSC/Circ.1113;
- .4 Interim guidance on voluntary self-assessment by SOLAS Contracting Governments and by port facilities set out in MSC/Circ.1131 in an effort to assist SOLAS Contracting Governments in the implementation of, and the maintenance of compliance with, the requirements of SOLAS chapter XI-2 and of the ISPS Code; and
- .5 Reminder of the obligation to notify flag States when exercising control and compliance measures set out in MSC/Circ.1133, as a result of the failure of SOLAS Contracting Governments to notify the flag State and the Organization when they take control and compliance measures or steps against ships pursuant to the provisions of SOLAS regulation XI-2/9.

17.3 The Sub-Committee also noted that, although MSC 79 had urged SOLAS Contracting Governments to comply with the obligations to notify the flag States concerned and the Organization, when taking control measures or steps against ships pursuant to SOLAS regulation XI-2/9 (MSC 79/26, paragraph 5.52), the available information suggested that the vast majority of SOLAS Contracting Governments continued not to submit the required information to the Organization.

17.4 The observer from ICFTU referred to the adoption by the Assembly of resolution A.955(23) on Amendments to the principles of safe manning (resolution A.890(21)) and indicated that, so far, the information ICFTU had collected suggested that Administrations have not responded to the aforesaid resolution and have not taken into account the additional workload which resulted from the implementation of the ship's security plan. In addition, ICFTU was seriously concerned whether the composition and number of crew foreseen in the documents of safe manning of most of the ships were in fact allowing for adequate hours of rest in the light of the workload which has resulted from the implementation of security measures.

17.5 The Sub-Committee, recognizing that it had under its purview a number of instruments and bearing in mind the provisions of SOLAS chapter XI-2 and of the ISPS Code, agreed that, at this stage, there was no need to review or amend the provisions of any of the instruments with a view of including therein security-related provisions.

17.6 The Sub-Committee also agreed that the various guidelines, recommended practices and model courses under the purview of the Sub-Committee provided a subordinate role and as such did not warrant, at this stage, any review or amendment.

17.7 In view of the foregoing, and although the target completion date of this work programme item was 2006, the Sub-Committee agreed to recommend to MSC 80 to delete this item from its work programme and agenda for its next session.

18 CONSIDERATION OF IACS UNIFIED INTERPRETATIONS

18.1 The Sub-Committee recalled that MSC 78, in order to expedite the consideration of the IACS unified interpretations submitted to the Committee on a continuous basis, had decided that, from then on, IACS should submit them directly and as appropriate to the sub-committees concerned. To this effect, the Committee had agreed to retain, on a continuous basis, the item on “Consideration of IACS unified interpretations” in the work programmes of the BLG, DE, FP, FSI, NAV and SLF Sub-Committees, rather than assigning it a target completion date, and to include it in the agenda for their next respective sessions.

18.2 The Sub-Committee also recalled that MSC 78, with respect to document MSC 78/22/1 on IACS unified interpretations, had decided to refer the document to the DE, FP, FSI, NAV and SLF Sub-Committees, instructing them to review the interpretations annexed to the document which fall within their purview and prepare appropriate interpretations for approval.

18.3 The Sub-Committee also recalled that, with regard to the IACS unified interpretation LL67 (Endorsement of certificates with the date of completion of survey on which they are based (annex 4 to MSC 78/22/1)), SLF 47, noting that the draft amendments incorporating, in the appropriate conventions’ certificates, an entry relating to date of completion of survey would be considered by MSC 79 with a view to adoption, and that the matter was within the scope of responsibility of the FSI Sub-Committee, had instructed the Secretariat to inform FSI 13 accordingly so that the FSI Sub-Committee could take action as appropriate.

18.4 The Sub-Committee further recalled that MSC 79 and MEPC 52 had adopted amendments to mandatory and non-mandatory IMO instruments regarding the date of completion of the survey, based on the following new section to be inserted into certificates:

“Completion date of the survey (or verification) on which this certificate is based:
.....”
(dd/mm/yyyy)

18.5 The Sub-Committee considered the interpretations listed in document MSC 78/22/1 and identified the following interpretations which were considered to fall within its purview:

- .1 LL67 Endorsement of Certificates with the date of completion of the survey on which they are based (MSC/Circ.1012-MEPC/Circ.384) (annex 4 to document MSC 78/22/1);
- .2 MPC10 Endorsement of Certificates with the date of completion of the survey on which they are based (MSC/Circ.1012-MEPC/Circ.384) (annex 5 to document MSC 78/22/1); and

- .3 SC183 Endorsement of Certificates with the date of completion of the survey on which they are based (MSC/Circ.1012-MEPC/Circ.384) (annex 17 to document MSC 78/22/1).

18.6 Having established the Drafting Group on the Transfer of class under agenda item 16 (see paragraph 16.10), the Sub-Committee instructed it also to draft an MSC/MEPC circular on the unified interpretation of the phrases “completion date of the survey” and “completion date of verification” taking into account annexes 4, 5 and 17 of document MSC 78/22/1 and any necessary adjustment to MSC/Circ.1012-MEPC/Circ.384, for submission to MSC 80 and MEPC 53 for consideration and approval.

18.7 Having received the report of the above-mentioned drafting group (FSI 13/WP.5), the Sub-Committee agreed to the draft MSC/MEPC circular on Interpretations of the date of completion of the survey and verification on which the certificates are based, as set out in annex 14, for submission to MSC 80 and MEPC 53 for approval and to supersede MSC/Circ.1012-MEPC/Circ.384.

19 REVIEW OF REPORTING REQUIREMENTS FOR RECEPTION FACILITIES

19.1 The Sub-Committee recalled that, at its twelfth session, having considered an analysis of the present reporting system for port reception facilities (FSI 12/18) and a summary of the reports on alleged inadequacy of port reception facilities received by the Organization in 2002 and 2003 in accordance with MEPC/Circ.349 (FSI 12/3/2), it had noted the low level of implementation of the existing reporting requirements for port reception facilities and agreed, as a means of promoting the implementation of waste reception facility reporting requirements, to request the Secretariat:

- .1 to launch a study with the aim of identifying causes, problem areas and difficulties which may be accountable for the low level of implementation of the waste reception facilities reporting requirements and proposing measures to be taken in order to alleviate this problem, submitting the results of the study to this session;
- .2 to prepare a draft MEPC circular, for consideration at this session, listing the waste reception facility reporting requirements, based on the information contained in document FSI 12/18; and
- .3 to gather information with regard to linking the data on port reception facilities with the Global Integrated Shipping Information System (GISIS) and prepare an appropriate submission for consideration at this session.

19.2 The Sub-Committee also recalled that, at its twelfth session, it had agreed that the format for reporting alleged inadequacy of port reception facilities, contained in MEPC/Circ.349, should be updated in order to include a reference to sewage (MARPOL Annex IV), ozone-depleting substances and exhaust gas cleaning system residues (MARPOL Annex VI) and had requested the Secretariat to prepare an appropriate submission for consideration at this session.

19.3 The Sub-Committee further recalled that MEPC 51 noted the outcome of FSI 12 on this issue and agreed to endorse the instructions given by the Sub-Committee to the Secretariat.

Study on the low level of reporting on alleged inadequacies of port reception facilities

19.4 The Secretariat introduced document FSI 13/19 which provided the outcome of a study on the low level of reporting on alleged inadequacies of port reception facilities, which was based on the responses received from Member Governments and interested intergovernmental and non-governmental organizations to the questionnaire circulated by means of MEPC/Circ.417.

19.5 The Sub-Committee was informed that based on the information received:

- .1 an analysis was prepared of the issues associated with the low level of reporting on alleged inadequacies of port reception facilities (paragraphs 8 to 21 of document FSI 13/19);
- .2 a number of conclusions were drawn (paragraph 22 of document FSI 13/19) on the possible causes, problem areas and difficulties which may be accountable for the low level of implementation of the waste reception facilities reporting requirements; and
- .3 a number of recommendations were proposed (paragraph 23 of document FSI 13/19) for the Sub-Committee's consideration with the aim of alleviating the identified problems.

19.6 The Sub-Committee, having noted the analysis and the conclusions contained in document FSI 13/19, welcomed the study undertaken by the Secretariat and expressed the view that this work would greatly facilitate the deliberations of the Sub-Committee under this agenda item.

19.7 The Sub-Committee, in considering the recommendations proposed in the study, agreed:

- .1 to endorse the recommendations set out in paragraphs 23.1 to 23.8 of document FSI 13/19 and to take them into account during the consideration of documents FSI 13/19/1 and FSI 13/19/2, as appropriate; and
- .2 to urge port States to ensure the establishment of proper co-ordination and communication between the various Government authorities and private bodies involved in the issue of port reception facilities (paragraph 23.10 of document FSI 13/19).

19.8 Regarding the recommendation set out in paragraph 23.8.2 of document FSI 13/19, the Sub-Committee, following a proposal by the delegation of the United Kingdom, agreed that the reported cases of alleged inadequacies of reception facilities should be posted on the IMO website 3 months after the receipt of the notification thus allowing a sufficient period for the port State to investigate and respond to the alleged inadequacies.

19.9 The Sub-Committee, in considering the recommendation contained in paragraph 23.9 of document FSI 13/19, noted that a perceived "fear of retaliation" had been identified as one possible cause that might contribute to the low level of reporting of alleged inadequacies of port reception facilities.

19.10 Following a proposal by the delegation of Panama, the Sub-Committee agreed to encourage the port reception facility users and the facility providers, as well as other interested parties, to establish a consultation process with a view to gaining a more detailed understanding of the problems encountered and enhancing communication and co-operation between the involved parties.

19.11 In this respect, the representative of INTERTANKO informed the Sub-Committee of the activities of the Industry Reception Facilities Forum which was established by a number of shipping and port industry organizations with the aim of bringing together those parties responsible for the use and provision of port waste reception facilities, identifying technical problems and proposing solutions to the relevant regulatory bodies. Recalling the decision by MEPC 52 to invite submissions to its next session with the aim of identifying problem areas and developing a future action plan to tackle the long-standing problem of the inadequacy of port reception facilities, the representative of INTERTANKO informed the Sub-Committee that the Industry Port Reception Facilities Forum had begun work on these areas and that an appropriate document would be submitted to MEPC 53.

Revised consolidated format for reporting alleged inadequacies of port reception facilities

19.12 The Sub-Committee considered document FSI 13/19/1, submitted by the Secretariat, providing a draft revised consolidated format for reporting alleged inadequacies of port reception facilities and the relevant draft MEPC circular.

19.13 The Sub-Committee noted that further to the inclusion of a reference to MARPOL Annexes IV and VI-related waste in the reporting format, a number of editorial adjustments were also made to the contents and layout with the aim of making it more user-friendly and minimizing the work burden required for its completion. These editorial adjustments also took into account the recommendations put forward in paragraph 23.4 of document FSI 13/19 since, in accordance with the proposed revised format, only the information relevant to the waste for which the port reception facility was inadequate would be recorded and a coding system would be used to provide a quick, easy and harmonized method of recording information on the technical or operational problems encountered.

19.14 It was also noted that, as recommended in paragraphs 23.1, 23.2, 23.6 and 23.7 of document FSI 13/19, appropriate text was inserted in the draft MEPC circular by which:

- .1 flag States were requested to:
 - .1 distribute the revised format to ships and urge masters to use this format to report alleged inadequacy of port reception facilities to the Administration of the flag State and, if possible, to the Authorities of the port State;
 - .2 notify IMO, for transmission to the Parties concerned, of any case where facilities are alleged to be inadequate; and
 - .3 inform the port State of the alleged inadequacies;
- .2 port States were urged to ensure the provision of proper arrangements to consider and respond appropriately and effectively to reports of inadequacies, informing IMO and the reporting flag State of the outcome of their investigation; and

- .3 shipping companies were encouraged to include the provisions to be followed by the ships' masters in case of alleged inadequacies of port reception facilities in their procedures for shipboard operations required under section 7 of the ISM Code.

19.15 The Sub-Committee agreed to the draft MEPC circular on the Revised consolidated format for reporting alleged inadequacies of port reception facilities, as set out at annex 15, for submission to MEPC 53 for approval.

Development of a port reception facility database (PRFD)

19.16 The Secretariat introduced document FSI 13/19/2 providing information on the development of an internet-based port reception facility database (PRFD) available through the IMO website and linked to GISIS with the aim of facilitating global access to information on port reception facilities around the world and promoting the exchange and accuracy of that data.

19.17 The Sub-Committee, having considered the proposed outline of the PRFD, as set out in the annex to document FSI 13/19/2, and the recommendations contained in paragraphs 23.3, 23.5 and 23.8 of document FSI 13/19, agreed to endorse the development of the PRFD and to instruct the Secretariat to make the necessary adjustments so that:

- .1 the contact details of the national Authorities responsible for handling reports on alleged inadequacies of reception facilities, including their e-mail addresses, be made publicly available on the PRFD;
- .2 the reporting format be also posted on the IMO web site linked to the PRFD; and
- .3 the reported cases of alleged inadequacies of reception facilities and the follow-up response by the port States be posted on the IMO website, in accordance with the timeframe mentioned in paragraph 19.8, linked to the PRFD, as publicly available information. In that way, ships could receive feedback information on the follow-up actions taken following the initial reporting of the alleged inadequacies.

Draft MEPC circular on Waste reception facility reporting requirements

19.18 The Secretariat introduced document FSI 13/19/3 providing a draft MEPC circular listing the waste reception facility reporting requirements in accordance with the provisions of MARPOL 73/78 and the Guidelines for ensuring the adequacy of port waste reception facilities, adopted by resolution MEPC.83(44).

19.19 The Sub-Committee, having considered document FSI 13/19/3, agreed to the draft MEPC circular on the Waste reception facility reporting requirements, as set out at annex 16, for submission to MEPC 53 for approval.

19.20 In this context, the Sub-Committee noted that once the PRFD is launched the circulars series MEPC.3 and MEPC.4 would no longer be issued, and port States would assume the responsibility of checking and updating the port reception facility database. Therefore, in the future, the circular on the Waste reception facility reporting requirements would have to be amended to reflect this new requirement.

Completion of the item

19.21 Since work on this item has been completed, the Sub-Committee agreed to invite the MEPC to delete it from the Sub-Committee's work programme.

20 WORK PROGRAMME AND AGENDA FOR FSI 14

20.1 Taking into account the progress made at this session and the provisions of the agenda management procedure contained in paragraphs 3.11 to 3.23 of the Guidelines on the organization and method of work (MSC/Circ.1099-MEPC/Circ.405), the Sub-Committee revised its work programme (FSI 13/WP.7), based on that approved by MSC 79 (FSI 13/2/3 annex 2), and invited the Committees to approve the proposed revised work programme and provisional agenda for FSI 14, as set out in annex 17.

Arrangements for the next session

20.2 The Sub-Committee provisionally agreed to establish, at its next session, working/drafting groups on the following subjects:

- .1 casualty analysis;
- .2 review of the Survey Guidelines under the HSSC (resolution A.948(23)); and
- .3 port State control.

20.3 The Sub-Committee agreed to establish the following correspondence groups on:

- .1 casualty analysis;
- .2 review of the Survey Guidelines under the HSSC (resolution A.948(23)); and
- .3 review of the Code for the investigation of marine casualties and incidents.

20.4 The Sub-Committee noted that its fourteenth session had been tentatively scheduled to take place from 5 to 9 June 2006.

21 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2006

21.1 As advised by the Secretary-General on opening the session, the Secretariat confirmed that the elected Chairman, Mr. Ki-Tack Lim (Republic of Korea), was not available for re-election. As the necessary consultations were still on-going, it was proposed, and endorsed by the Sub-Committee, that the election of both the Chairman and Vice-Chairman of the Sub-Committee for 2006 be postponed to and conducted at its fourteenth session, immediately after the opening address by the Secretary-General.

21.2 The Sub-Committee expressed its deep appreciation to Mr. K.-T. Lim for his valuable contribution to its work over the years.

22 ANY OTHER BUSINESS

22.1 The Sub-Committee noted that no documents had been submitted under this agenda item at this session.

Guidelines under the 2004 BWM Convention

22.2 The Sub-Committee recalled its previous decision (paragraph 2.2) to consider, under this agenda item and time permitting, the draft Guidelines for sediments reception facilities (G1) and the draft Guidelines for ballast water reception facilities (G5), for which input has been requested of FSI 13.

22.3 The Sub-Committee also recalled that the draft texts of the Guidelines for sediments reception facilities (G1) and the Guidelines for ballast water reception facilities (G5) were submitted to MEPC 52 by the United Kingdom (annexes 1 and 3 respectively of document MEPC 52/2) and that at MEPC 52 minimal progress was made on these two Guidelines.

22.4 The Sub-Committee, having noted that further discussion on the G1 and G5 Guidelines is anticipated at BLG 9, agreed to await the outcome of BLG 9's consideration on this issue prior to providing its input to these two draft Guidelines.

Expression of appreciation

22.5 The Sub-Committee, noting that Admiral Sergio Chagasteles (Brazil) was about to be transferred to other duties and Mr. Dick Pas (Netherlands) had retired in December 2004, and were attending a session of the Sub-Committee possibly for the last time, expressed appreciation for their valuable contribution to its work and wished them every success and a long and happy retirement, respectively.

23 ACTION REQUESTED OF THE COMMITTEES

23.1 The Maritime Safety Committee, at its eightieth session, is invited to:

- .1 note the status of development of the IMO Global Integrated Shipping Information System (GISIS) and inform the attending delegations accordingly (paragraphs 4.6, 6.34 to 6.42, 7.5, 10.20, 10.23, 19.16 and 19.17);
- .2 invite Member States to respond positively to the requests for related casualty investigation findings they may receive from the Inter-Industry Group established to study reported incidents of explosions on tankers (paragraph 4.11);
- .3 concur with the Sub-Committee's decision to forward the proposed safety recommendation on lifeboats as well as extracts from casualty analyses relating to lifeboats to DE 49 for its consideration (paragraph 4.21 and annexes 3 and 4);
- .4 approve the draft MSC/MEPC circular on Reports on marine casualties and incidents, superseding MSC/Circ.953-MEPC/Circ/372 (paragraph 4.30 and annex 5);

- .5 consider the views, recommendations and decisions of the Sub-Committee concerning the review of the Code for the investigation of marine casualties and incidents, and decide as appropriate (paragraphs 4.35 to 4.37 and 5.4 to 5.7);
- .6 consider the views, recommendations and decisions of the Sub-Committee concerning the future of the IMO workshops for PSC MoU/Agreement Secretaries and Directors of Information Centres, and decide as appropriate (paragraphs 6.23 to 6.25);
- .7 agree to the Sub-Committee's proposal to refer the information from the Paris and Tokyo MoUs on security checks to the Working Group on Maritime Security, and decide as appropriate (paragraphs 6.44 to 6.46);
- .8 concur with the Sub-Committee's decisions to defer further consideration of the proposals concerning the revision of the Revised Guidelines on implementation of the ISM Code by Administrations (resolution A.913(22)), taking into account the expected outcome of the Independent Group of Experts established by the Secretary-General on the ISM Code, and invite interested Member States to co-sponsor the proposal by IACS to revise the ISM Code (paragraphs 10.12 to 10.15);
- .9 approve the draft Code for the implementation of mandatory IMO instruments and associated draft Assembly resolution for subsequent adoption by the Assembly, while concurring with the Sub-Committee's decision concerning the finalization of the tables listing the obligations of Contracting Governments/Parties and the instruments made mandatory under IMO Conventions (paragraphs 10.26 to 10.36 and annex 9);
- .10 consider the views, recommendations and decisions of the Sub-Committee concerning the interpretation of the term "any five-year period", and decide as appropriate, in particular, concerning the proposed draft amendments to the 1988 SOLAS Protocol and to Annex B of resolution A.744(18), and the recommended issuance of an MSC circular on the dry docking survey of those ships which are not subject to the enhanced programme of inspection (paragraphs 12.20, 12.21, 12.28 and 12.29);
- .11 conduct a general review of the draft amendments to resolution A.948(23) in relation to Survey Guidelines under the HSSC for MARPOL Annex VI in order to consider any safety aspects of the Guidelines, and decide as appropriate, informing MEPC 53 accordingly (paragraph 12.26 and annex 11);
- .12 endorse the Sub-Committee's instructions to the Secretariat concerning the preparatory work of the second Joint IMO/FAO Working Group on IUU Fishing and Related Matters, and decide as appropriate, while noting the information provided on the reported adoption of the Code of Safety for Fishermen and Fishing Vessels 2005 and the Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels 2005 at the 26th session of the FAO Committee on Fisheries (COFI) and the progress being made towards the ratification of the Torremolinos Protocol and the STCW-F Convention (paragraphs 15.15 to 15.21);

- .13 approve the draft MSC/MEPC circular on Recommended conditions for extending the period of validity of a certificate, in the context of the consideration of the interpretation of SOLAS regulation I/14(e) (paragraphs 16.9 and 16.12 to 16.14 and annex 12);
- .14 approve the draft MSC/MEPC circular on Guidelines for the Administration to apply to ensure the adequacy of transfer of class-related matters between ROs (paragraphs 16.4, 16.5, 16.15 and 16.16 and annex 13);
- .15 concur with the Sub-Committee's views, recommendations and decisions concerning the consideration of measures to enhance maritime security, while noting the information provided concerning the implementation of resolution A.955(23) on Amendments to the principles of safe manning, and decide as appropriate, in particular, regarding the proposed revised work programme of the Sub-Committee (paragraphs 17.4, 17.5 and 17.6);
- .16 approve the draft MSC/MEPC circular on Interpretations of the date of completion of the survey and verification on which the certificates are based (paragraph 18.7 and annex 14); and
- .17 approve the proposed revised work programme of the Sub-Committee and provisional agenda for FSI 14 (paragraph 20.1 and annex 17).

23.2 The Maritime Safety Committee, at its eighty-first session, is invited to approve the report in general and, in particular, to:

- .1 endorse the Sub-Committee's reminder to Member States on the provision of casualty-related data (paragraph 4.16);
- .2 endorse the Sub-Committee's instructions to the Secretariat to update the comprehensive index of IMO instruments on a regular basis and to make it available electronically on the IMO website (paragraph 4.24);
- .3 concur with the Sub-Committee's approval of the Casualty analysis procedure, as amended, which could be used for the evaluation of issues and the identification of the changes or modifications necessary to the existing regulatory framework for consideration by the sub-committees (paragraph 4.33 and annex 6);
- .4 concur with the views, recommendations and decisions of the Sub-Committee concerning the review of the outcome of the third IMO Workshop for PSC MoU/Agreement Secretaries and Directors of Information Centres, of the second Joint Ministerial Conference of the Paris and Tokyo MoUs, the in-depth analysis of annual PSC reports, the world fleet database, developments in the Equasis information system and the global issue of harmonization and co-ordination of PSC activities (paragraphs 6.7 to 6.9, 6.19, 6.23 to 6.25, 6.28 to 6.30 and 6.32);
- .5 concur with the Sub-Committee's decision calling for written proposals to progress further the development of guidelines for PSC officers related to the arrangements of flag States on ship registration, survey and certification, and for the gathering of experience from the usage of the newly developed GISIS module on ROs (paragraphs 10.21 to 10.23);

- .6 approve the draft MSC/MEPC circular on IMO requirements on carriage of publications on board ships (paragraphs 11.5 and 11.6 and annex 10);
- .7 concur with the Sub-Committee's decision concerning the standard methodology to be followed on how amendments to the Revised Survey Guidelines under the HSSC (resolution A.948(23)) should be adopted (paragraph 12.11);
- .8 concur with the views, recommendations and decisions of the Sub-Committee concerning the definition of bulk carriers and the approval for the carriage of dry cargoes in bulk, and decide as appropriate, in particular, on the need for the definition of bulk carriers in SOLAS chapter IX and in the revised regulation III/31 to be checked and co-ordinated with the definition in regulation XII/1.1, and on the proposed possible future actions (paragraphs 12.33 to 12.41); and
- .9 concur with the decisions of the Sub-Committee regarding the development of PSC Guidelines on Seafarers' working hours, in particular concerning the proposed preparation of an MSC circular at the next session (paragraph 14.3).

23.3 The Marine Environment Protection Committee, at its fifty-third session, is invited to approve the report in general and, in particular, to:

- .1 note the outcome of the analysis of the mandatory reports submitted by Parties to MARPOL 73/78 for 2003 in accordance with MEPC/Circ.318 (paragraphs 3.2 and 3.3);
- .2 endorse the approval by the Sub-Committee of FSI/Circ.12 on Compliance with the reporting requirements under MARPOL (paragraph 3.9);
- .3 endorse the Sub-Committee's instruction to the Secretariat in the context of the work on mandatory reports under MARPOL 73/78 (paragraph 3.10);
- .4 note the status of development of the IMO Global Integrated Shipping Information System (GISIS) and inform the attending delegations accordingly (paragraphs 4.6, 6.34 to 6.42, 7.5, 10.20, 10.23, 19.16 and 19.17);
- .5 endorse the Sub-Committee's reminder to Member States on the provision of casualty-related data (paragraph 4.16);
- .6 endorse the Sub-Committee's instructions to the Secretariat to update the comprehensive index of IMO instruments on a regular basis and make it available electronically on the IMO website (paragraph 4.24);
- .7 approve the draft MSC/MEPC circular on Reports on marine casualties and incidents, superseding MSC/Circ.953-MEPC/Circ/372 (paragraph 4.30 and annex 5);
- .8 concur with the Sub-Committee's approval of the Casualty analysis procedure, as amended, which could be used for the evaluation of issues and the identification of the changes or modifications necessary to the existing regulatory framework for consideration by the sub-committees (paragraph 4.33 and annex 6);

- .9 consider the views, recommendations and decisions of the Sub-Committee concerning the review of the Code for the investigation of marine casualties and incidents, and decide as appropriate (paragraphs 4.35 to 4.37 and 5.4 to 5.7);
- .10 concur with the views, recommendations and decisions of the Sub-Committee concerning the review of the outcome of the third IMO Workshop for PSC MoU/Agreement Secretaries and Directors of Information Centres, of the second Joint Ministerial Conference of the Paris and Tokyo MoUs, the in-depth analysis of annual PSC reports, the world fleet database, developments in the Equasis information system and the global issue of harmonization and co-ordination of PSC activities, including the issue of the future of the IMO workshops for PSC MoU/Agreement Secretaries and Directors of Information Centres (paragraphs 6.7 to 6.9, 6.19, 6.23 to 6.25, 6.28 to 6.30 and 6.32);
- .11 approve the draft MEPC Circular on Guidelines for port State control officers whilst checking compliance with the Condition Assessment Scheme (CAS) (paragraph 6.42 and annex 7);
- .12 note that no submission had been made on the development of Guidelines for port State control under the Ballast Water Management Convention and endorse the Sub-Committee's invitation to Member States and observers to contribute to the development of the Guidelines by submitting their proposals to FSI 14 (paragraph 8.4);
- .13 adopt the draft MEPC resolution on Guidelines for port State control for MARPOL Annex VI (paragraph 9.9.1 and annex 8);
- .14 consider the Sub-Committee's suggestion on the need to issue an MEPC circular containing the Guidelines for port State control for MARPOL Annex VI, and decide as appropriate (paragraph 9.9.2);
- .15 consider the Sub-Committee's recommendation that the Committee should invite countries which are not Parties to MARPOL Annex VI to institute relevant measures in order that shipowners be provided with the necessary bunker delivery notes and representative samples of the fuel oil delivered, and decide as appropriate (paragraph 9.9.3);
- .16 concur with the Sub-Committee's decisions to defer further consideration of the proposals concerning the revision of the Revised Guidelines on implementation of the ISM Code by Administrations (resolution A.913(22)), taking into account the expected outcome of the Independent Group of Experts on the ISM Code, established by the Secretary-General, and invite interested Member States to co-sponsor the proposal by IACS to revise the ISM Code (paragraphs 10.12 to 10.15);
- .17 concur with the Sub-Committee's decision calling for written proposals to progress further the development of guidelines for PSC officers related to the arrangements of flag States on ship registration, survey and certification, and for the gathering of experience from the usage of the newly developed GISIS module on ROs (paragraphs 10.21 to 10.23);

- .18 approve the draft Code for the implementation of mandatory IMO instruments and associated draft Assembly resolution for subsequent adoption by the Assembly, while concurring with the Sub-Committee's decision concerning the finalization of the tables listing the obligations of Contracting Governments/Parties and the instruments made mandatory under IMO Conventions (paragraphs 10.26 to 10.36 and annex 9);
- .19 approve the draft MSC/MEPC circular on IMO requirements on carriage of publications on board ships (paragraphs 11.5 and 11.6 and annex 10);
- .20 concur with the Sub-Committee's views on the need to develop, in the future, survey guidelines under HSSC for the revised MARPOL Annex IV (paragraph 12.10);
- .21 concur with the Sub-Committee's decision concerning the standard methodology to be followed on how amendments to the Revised Survey Guidelines under the HSSC (resolution A.948(23)) should be adopted (paragraph 12.11);
- .22 adopt the draft MEPC resolution on amendments to resolution A.948(23) in relation to Survey Guidelines under the HSSC for MARPOL Annex VI (paragraph 12.26 and annex 11);
- .23 note the status of development of the Survey Guidelines in accordance with regulation E-1 of the BWM Convention and endorse the Sub-Committee's recommendation for developing the Guidelines in the form of amendments to resolution A.948(23) (paragraphs 13.4 to 13.11);
- .24 endorse the Sub-Committee's instructions to the Secretariat concerning the preparatory work of the second Joint IMO/FAO Working Group on IUU Fishing and Related Matters, and decide as appropriate (paragraphs 15.16 to 15.21);
- .25 approve the draft MSC/MEPC circular on Recommended conditions for extending the period of validity of a certificate in cases where a ship at the time when the certificate expires is not in a port in which it is to be surveyed (paragraphs 16.12 to 16.14 and annex 12);
- .26 approve the draft MSC/MEPC circular on Guidelines for the Administration to apply to ensure the adequacy of transfer of class-related matters between ROs (paragraphs 16.4, 16.5, 16.15 and 16.16 and annex 13);
- .27 approve the draft MSC/MEPC circular on Interpretations of the date of completion of the survey and verification on which the certificates are based (paragraph 18.7 and annex 14);
- .28 endorse the outcome of the Sub-Committee's consideration of the study undertaken by the Secretariat on the low level of reporting on alleged inadequacies of port reception facilities (paragraphs 19.6 to 19.11);
- .29 approve the draft MEPC circular on the Revised consolidated format for reporting alleged inadequacy of port reception facilities (paragraph 19.15 and annex 15);

- .30 approve the draft MEPC circular on the Waste reception facility reporting requirements (paragraphs 19.19 and 19.20, and annex 16);
- .31 approve the proposed revised work programme of the Sub-Committee and provisional agenda for FSI 14 (paragraph 20.1 and annex 17); and
- .32 note the Sub-Committee's decision regarding the consideration of the draft Guidelines for sediments reception facilities (G1) and the draft Guidelines for ballast water reception facilities (G5), and instruct the Sub-Committee as appropriate (paragraphs 22.2 to 22.4)

ANNEX 1**INTERVENTION BY SPAIN UNDER AGENDA ITEM 4**

The Sub-Committee has just been informed that the three reports received by IMO on the accident of the **Prestige** vessel are included in the next batch of reports to be referred to the Correspondence Group on Casualty Analysis before September 2005. These reports are the ones produced by the flag State and the two coastal States affected by the casualty.

Therefore, one of the reports is the one drafted by the Spanish Permanent Commission on Maritime Casualties, which was elaborated following strictly the model offered by the Code for the investigation of maritime casualties adopted by resolution A.849(20). As we have stated before, the aforementioned Code is compulsory under Spanish national law.

We sincerely hope that these reports may really contribute to a better knowledge of the true cause that motivated the accident of the 26-year-old tanker **Prestige** off the coast of Spain.

Spain considers that the report by the flag State contains important gaps and we do not share many of its conclusions, as we believe it starts from erroneous premises. For this reason, we would like to inform the Sub-Committee that shortly we shall have specific comments on the report as the Spanish Director-General of the Merchant Marine has already informed the Secretary-General by letter.

Spain recommends that the above-mentioned specific comments, based on the re-checked past history of the vessel and her inspections/repairs, be provided to the Correspondence Group on Casualty Analysis as well.

This delegation and the Spanish Maritime Administration would like to take this opportunity to offer the Correspondence Group and Working Group on Casualty Analysis its full cooperation and its willingness to collaborate in the analysis of the true cause which led to the sinking of the motor tanker **Prestige** off the Spanish coast.

ANNEX 2**INTERVENTION BY THE BAHAMAS UNDER AGENDA ITEM 4**

We are disappointed to hear the comments of Spain concerning the Bahamian report on the loss of the **Prestige**. They have said that the report was erroneous and based on incorrect assumptions.

The Bahamas had to wait for many months before receiving any information from Spain. When we did, it was released in dribs and drabs over a long period of time. We asked for any photographs or films of the incident and were eventually shown some edited highlights. Today we have been told that Spain has many hours of film but this has not been made available to us and, even now, will not be released to us.

Spain has stated that we did not make use of the information that they gave to us. That is not true. We took account of all of the information that was released but we also had other sources for our experts to use. We thoroughly analysed all of the material available and our report is based on that analysis.

Before our report was released, we sent a draft to Spain for comments that they may have wished to make, but the Spanish Authorities declined to make any.

We state in the introduction to our report that if fresh evidence comes to light we may revisit our conclusions. Spain claims to have such evidence but will not make it available to us. We await with interest their next document, which is supposed to prove the Bahamian report wrong.

ANNEX 3**FSI SAFETY RECOMMENDATION ON LIFEBOATS**

1 The FSI Sub-Committee, at its thirteenth session, in its work on Casualty Statistics and Investigation, noted that lifeboat accidents formed nine per cent of all accidents analysed by its Correspondence Group on Casualty Analysis (annex 1 to document FSI 13/4). The Sub-Committee also noted that six accidents occurred in 2000 and six in 2001, which caused ten fatalities and a number of serious injuries.

2 Sixty per cent of these accidents involved the settings or operations of on-load release gear.

3 The rate of accidents suggests that work should be carried out by the appropriate body of the Organization regarding the requirements on design of such equipment, including the tests required before the equipment is approved for carriage by ships. The Sub-Committee therefore invited the DE Sub-Committee to consider the above findings and the extracts from casualty analysis relating to lifeboats, as set out in annex 4, and take action as appropriate. Other pertinent information on this issue will also be provided to the DE Sub-Committee when available.

ANNEX 4
EXTRACTS FROM CASUALTY ANALYSES RELATING TO LIFEBOATS

Type of Casualty						FSI 13/23 ANNEX 4 Page 1	
Ship's name							
Type of ship							
Flag Authority							
Tonnage						Issues raised	
Reporting State						Human factor	
Date of casualty						Action	
Event							
Causes							
Analyst(s)							
Second ship (if any)							
<p>DAMAGES TO SHIP OR EQUIPMENT ALIANTHOS BULK CARRIER MALTA 36074 AUSTRALIA MR.STUART WITHINGTON</p>	<p>24/01/2001</p>	<p>The starboard and port lifeboats were made ready for abandon ship drill. Both were lowered and exercised in the water. The port lifeboat was raised, crew disembarked at the embarkation deck and the lifeboat raised and secured in the davit cradle. To continue crew training the port lifeboat was prepared again for lowering to embarkation deck. The motorman lifted the davit winch brake handle allowing the lifeboat to lower quicker than expected bringing the davit cradle to an abrupt stop as it reached deck level. The lifeboat jerked and the after fall released from its on-load release hook. The weight of the lifeboat came onto the forward davit cradle. This buckled, and the lifeboat, albeit damaged, remained suspended by the forward fall. No crew members were in the lifeboat.</p>	<ul style="list-style-type: none"> - The lifeboat on-load release hooks had not been reset fully before the lifeboat was raised from the water in the first drill. - The lifeboat on-load hooks could not be reset fully in the prescribed fashion. - The release hook cable was not adjusted properly. - There were no mechanical safeguards to reduce risk of incomplete resetting of the hooks. - No visible marks to indicate status of the hook settings. - Release system was poorly maintained. - Deficient crew training in operation of the on-load release system. 	<ul style="list-style-type: none"> - Good design, which reduces the risk of human error, is a significant factor in preventing accidents with lifeboat launching and recovery systems. - Given the wide variety of on-load release hooks used on board ship, to reduce unacceptable risk of accidents, specific knowledge and skills of crew members should be identified with particular types of on-load release hooks. - A regular programme of maintenance by competent persons is crucial to reduce accident rates. 	<p>Considered by Working Group at FSI 13.</p>		

Type of Casualty	Ship's name	Type of ship	Flag Authority	Tonnage	Date of casualty	Event	Causes	Issues raised	Action
Reporting State	Analyst(s)	Second ship (if any)						Human factor	
DAMAGES TO SHIP OR EQUIPMENT	ARATERE	FERRY	BAHAMAS	12596	06/08/2001	On 6 August 2001 a lifeboat drill was conducted on board ARATERE which was berthed in Wellington, New Zealand. At 07:30 the drill commenced and the port lifeboat was lowered to the embarkation deck where the third mate and seven other crew embarked before the lifeboat was lowered to the water and taken away from the ship. When the boat returned to the ship there was some difficulty resetting the on-load release hooks. When the hooks were apparently reset, the third mate instructed the bosun, who was operating the winch controls on the embarkation deck, to raise the lifeboat until it was about one metre clear of the water to allow the hooks to be checked. As the bosun stopped hoisting, the lifeboat bounced a little and the forward hook spontaneously released. The forward end of the boat fell to the water to leave the lifeboat suspended by the after hook at an angle of about 15 degrees. The lifeboat was undamaged and there were no injuries to the crew. The boat was eventually recovered after it had been lowered back to the water and the hooks correctly reset.	<ul style="list-style-type: none"> - The forward hook had not been correctly reset. - The design of the on-load release system allowed the operating handles to be moved to the reset position and locked when the hook locking mechanisms were not fully engaged. - The crew could not clearly observe when the hook locking mechanisms were fully and correctly reset. - The crew did not have an adequate understanding of the operation of the on-load release system. - There had been similar incidents in the past which had not been fully investigated or led to appropriate safety actions. 	<p>On-load release designs should be carefully examined by both Flag Authorities and Class Societies to ensure compliance with the relevant SOLAS requirements. Lifeboat on-load release systems present a significant risk to crews and so every ship's safety management system should include rigorous provisions for training, maintenance and the operation of these systems.</p> <p>The need for the simultaneous and coordinated actions of at least three crew members to reset the on-load release system makes the operation prone to error.</p>	Report noted.

Type of Casualty						FSI 13/23 ANNEX 4 Page 3	
Ship's name							
Type of ship							
Flag Authority							
Tonnage	Date of casualty	Event	Causes	Issues raised			
Reporting State				Human factor	Action		
Analyst(s)							
Second ship (if any)							
DAMAGES TO SHIP OR EQUIPMENT CAPE KESTREL BULK CARRIER PANAMA 81589 AUSTRALIA MR.STUART WITHINGTON	12/10/2001	After a lifeboat drill the lifeboat was raised with crew on board to embarkation deck level, and the crew told to disembark. The lifeboat winch was controlled by manual operation of the switch-gear at the control panel rather than operation of the remote control hoist switch which was defective. At the embarkation deck level, the lifeboat was too far from the ship-side for the crew to disembark safely. Hoisting was resumed with men still in the boat. The lifeboat was raised until it came up against the davit stops. The limit switches safeguard had been bypassed by manual operation of the winch switch control gear. Consequently the falls overloaded and the forward fall broke resulting in the lifeboat falling 20 meters into the water. Four crew members were injured.	<ul style="list-style-type: none"> - Bypassing of the remote control winch hoist switch. - Fault in the hoist switch. - Disruption of communication between engineer and mate because of noise of air-conditioning plant and interference of line of sight between the two of them. - Master's instructions to mate to disembark at deck level ignored. - Lack of awareness of reason for installation of limit switches and consequence of bypassing them. - Lack of knowledge of correct hoisting operation and need to manually winch lifeboat into stored position. - Lack of awareness that limit switches had been bypassed. 	<ul style="list-style-type: none"> - Importance of knowing the hazards of bringing a lifeboat onto the davit cradles. - Importance of recognizing that lifeboat equipment is safety critical with respect to the ISM Code. - Engineers need to be skilled in electrical maintenance. <p>The importance of effective team work when operating lifeboat emergency escape and recovery systems. Effective team work requires: good planning of the operation, a recognition of the roles and responsibilities of participants, clear communication between participants, an understanding of system operation, an assurance that safeguards are in place before the operation, an assessment of risks and hazards before submitting crews to safety drills.</p>	Considered by Working Group at FSI 13.		
OTHER (WORK-RELATED ACCIDENT) EUROPEAN HIGHWAY RORO CARGO/FERRY UNITED KINGDOM 22986 UNITED KINGDOM MR.CREDE	01/12/2000	The crew was performing maintenance of the suspension hooks on a lifeboat. The process involved using the hanging-off pendants to support the weight of the lifeboat while the suspension hooks were unloaded. The person in charge of the operation inadvertently rigged the hanging-off pendants incorrectly. When the suspension hooks were released, the lifeboat fell and struck a walkway support column before entering the water. Two of the three persons aboard the lifeboat were injured and treated at a hospital. There was also an injury sustained in launching the fast rescue craft (FRC) for rescue operations and the crew of the FRC was endangered when raising the FRC after rescue operations.	<p>Maintenance manuals did not contain instructions for using the hanging-off pendants to perform suspension hook maintenance.</p> <p>The equipment was not designed to preclude the incorrect rigging of the hanging-off pendant and none of the other members of the maintenance team verified the correctness of the rigging before unloading the suspension hooks.</p> <p>The person in charge also did not brief the other members of the maintenance team of the procedures being used.</p> <p>Fixed structures below the lifeboat increased the severity of the casualty.</p> <p>The SOLAS specification for the FRC davit may not afford sufficient protection against injury for the person lowering the FRC.</p>	<p>Even the best trained and most competent person can have a lapse and make an error or omission that results in a casualty.</p> <p>Communications between team members so that everyone knows the procedures to be followed and what to expect is essential.</p> <p>Another member of the maintenance team should perform an independent verification that critical steps or processes have been correctly executed.</p> <p>All steps necessary to maintain equipment should clearly be outlined in the maintenance plan.</p> <p>Errors or omissions by fully qualified and trained personnel can lead to casualties. These types of errors or omissions may be prevented if the maintenance team discusses the procedures that are being performed or if a member of the team performs an independent check to ensure that critical procedures have been executed properly.</p> <p>Modification of components to preclude their interconnection, such as the hanging-off pendant with the recovery pendant, can prevent personnel errors that result in casualties.</p>	Report noted.		

Type of Casualty	Ship's name	Type of ship	Flag Authority	Tonnage	Date of casualty	Event	Causes	Issues raised	Action
Reporting State	Analyst(s)	Second ship (if any)	Human factor						
DAMAGES TO SHIP OR EQUIPMENT					26/01/2002	On 26 January 2002, a lifeboat accident occurred on GALATEIA during a drill conducted as part of an ISM audit. The port lifeboat, with the mate and five crew on board, had been lowered to the water and released from the falls. When the surveyor conducting the audit was satisfied, the crew reset the on-load release hooks and reconnected the falls. The boat was then hoisted to the embarkation level where two crew members exited the boat to leave the mate and two others to complete the stowage operation. The mate was in the process of stowing the operating handle for the on-load release system when both on-load release hooks opened and the lifeboat fell 19 metres to the water below. One crew member suffered serious head injuries and required hospitalisation, the mate and the other crew member sustained minor injuries and shock. The lifeboat was damaged by the impact and was partially submerged.	<ul style="list-style-type: none"> - The crew had not placed a critical locking pin in the on-load release operating mechanism when resetting the system prior to the lifeboat being recovered. - None of the crew on the lifeboat had an adequate knowledge of the operation of the on-load release system. - The ship was in the process of being handed over to new owners and so there was limited time for the new crew to familiarise themselves with the operation of the on-load release system. - The instructions for resetting the on-load release system inside the lifeboat were inadequate. - Warning plates and advice issued by the lifeboat manufacturer after an incident on another vessel had not been supplied to GALATEIA. 	<p>Ship's crews must be thoroughly conversant with the operation of their lifeboat's on-load release system before drills are conducted. On-load release system manufacturers have a responsibility to ensure that information relating to the prevention of accidents involving their equipment is promulgated to end users.</p> <p>The change of vessel ownership would have meant the crew were under considerable time pressure which resulted in the lifeboat on-load release system being operated by someone who had not had sufficient time to familiarise himself with its operation.</p>	Report noted.

Type of Casualty	Ship's name	Type of ship	Flag Authority	Tonnage	Date of casualty	Event	Causes	Issues raised	Action
Reporting State	Analyst(s)	Second ship (if any)	Human factor						

DAMAGES TO SHIP OR EQUIPMENT GULSER ANA BULK CARRIER TURKEY 23602 UNITED KINGDOM MR.FOLEY	17/10/2001	On 17 October 2001, GULSER ANA was alongside in Belfast, Ireland. The previous day the ship had undergone a port state control inspection and a number of deficiencies were noted, in particular, that the on-load release hooks on the starboard lifeboat were seized. At 08:00 the starboard lifeboat was lowered to the water so two seamen could free up and grease the hooks. The seamen found in the course of their work that the operating rod for the after hook had sheared and so they used some lashing to secure the hook in the closed position. When they had completed their work, the lifeboat was hoisted back to the embarkation deck and the mate boarded the lifeboat to inspect the work. Approximately 30 seconds to a minute later, the forward hook opened spontaneously and the lifeboat was left hanging vertically from the after fall. The two seamen and the mate fell into the water. The two seamen, who were wearing lifejackets, managed to bring the mate to the surface and were picked up a short time later by a pilot launch. The seamen had both sustained minor injuries and the mate was hospitalised with more serious injuries.	<ul style="list-style-type: none"> - The release mechanism was poorly maintained and in an unsafe condition. - The safety pin securing the release lever was missing. - It is possible that the forward hook was either not fully reset or that the crew in the lifeboat inadvertently tripped the release lever. - The crew did not have sufficient training or instructions to safely maintain the system. - The on-load release manufacturer's operating and maintenance instructions were not in the language of the crew. - The ship had no system in place to ensure that the repair and testing of the hooks was carried out safely and effectively. - An ISM Code audit carried out on behalf of the Flag Authority did not ensure that the instructions for the maintenance of the lifeboat release system were appropriate, comprehensive and easily understood by the crew. 	<p>Operations involving the maintenance and operation of lifeboat on-load release systems are inherently risky. Every ship's safety management system should include rigorous provisions for training, maintenance and the operation of these systems.</p> <p>The operation and maintenance instructions for the lifeboat on-load release system were not in the language of the crew and were thus effectively useless to them.</p>	Report noted.
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Type of Casualty					Issues raised	
Ship's name						
Type of ship						
Flag Authority						
Tonnage	Date of casualty	Event	Causes	Human factor	Action	
Reporting State						
Analyst(s)						
Second ship (if any)						
OTHER IOLCOS GRACE BULK CARRIER PANAMA 38022 CANADA MR.STUART WITHINGTON	09/11/1998	For the first time in the hands of a new owner, the crew of a bulk carrier was conducting a boat drill while at anchor. The lifeboats were 25-person capacity fully enclosed. The starboard boat had been lowered, manoeuvred in the water and recovered to its stowed position. The port boat was then prepared. Six people entered the boat and the winch brake wire was pulled from inside the boat. Initially there was no movement. However, the boat then lowered suddenly, swinging away from the davits before swinging back and striking the side of the deck. The forward suspension hook then released allowing the boat to briefly swing about the aft hook. The aft hook then released, allowing the boat to fall to the water and capsize. All six crew were injured, one fatally.	The centrifugal brakes on the winches had been set up to give the desired lowering speed when only lightly loaded. When the lifeboat was nearly fully loaded, the speed was excessive and contributed to the undesirable swing of the boat. Incorrect resetting of the on-load release hooks caused them to open spontaneously under shock load. Poor maintenance and setting of hook release cables enabled the hooks to open without the operating handle being pulled. The release mechanism was not fitted with a hydrostatic interlock able to prevent release before the boat was waterborne.	1. The hook resetting procedure was not described in the on-board manuals. 2. Contents of on-board manuals were poor. 3. Wear patterns on the hooks' release mechanism showed they had not been properly reset for a prolonged period. Clearly previous crews had also been unaware of the proper procedures. 4. The lifeboats were last lowered during a survey by Class for the SEC (Safety Equipment Certificate), seven months before this accident. A safety pin on the starboard boat's operating mechanism was missing.		
DAMAGES TO SHIP OR EQUIPMENT MARINE EXPLORER RESEARCH SHIP UNITED KINGDOM 2198 UNITED KINGDOM MR.FOLEY	14/03/2001	On 14 March 2001, a lifeboat accident occurred on MARINE EXPLORER while the ship was in the port of Harwich, UK. The port lifeboat had been sent ashore for some repairs to its suspension hooks. While the lifeboat was ashore, contractors had partly disassembled the davit winch to check the brakes in preparation for a load test. When the lifeboat was delivered to the ship two crew members boarded to connect the davit falls to the hooks and remained in the boat as it was hoisted. The boat was hoisted normally using the davit winch motor and when it reached the head of the davit hoisting was stopped. At this point the lifeboat began to fall under gravity and continued to descend despite the crew's efforts to stop it using the davit winch brake. After striking the edge of the quay, the lifeboat landed in the water between the ship and the quay. Both crew in the boat were slightly injured and the lifeboat sustained moderate impact damage.	- The lifeboat ran away because the davit winch brake had been incorrectly assembled. - The vessel carried no documentation detailing the correct method of assembling the brake. - The work on the davit winch brake was performed by contractors with limited knowledge of the system. - The hazards associated with the operation were not fully recognised and addressed.	The risks associated with maintenance operations involving load bearing arrangements on lifeboats and davits should be carefully considered when the maintenance is planned. An unmanned test of the equipment should be conducted after such maintenance has been performed. A simple error in the re-assembly of the davit winch brake resulted in a potentially devastating loss.	Report noted.	

Type of Casualty Ship's name Type of ship Flag Authority Tonnage Reporting State Analyst(s) Second ship (if any)						FSI 13/23 ANNEX 4 Page 7	
						Issues raised Human factor Action	

DAMAGES TO SHIP OR EQUIPMENT NICOLAI MAERSK CONTAINER SHIP DENMARK 27333 DENMARK MR.FOLEY	13/02/2001	On 13 February 2001, a lifeboat drill was conducted shortly after NICOLAI MAERSK had arrived at Auckland, New Zealand. At 07:20 the port lifeboat was lowered to the boat deck level with seven crew aboard. At this point an attempt was made to raise the lifeboat using the davit winch. The winch motor was found to be inoperable from the local controls and so the mate sent an electrician to the motor starter panel in the Hi-Press room to investigate. The drill was abandoned at that point, but as the lifeboat was swinging clear of the boat deck it was thought to be too risky to disembark the crew. The crew on deck then started to manually hoist the boat using the davit winch handle. Several attempts were made during this time to diagnose the winch motor electrical fault. After finding the manual hoisting difficult and slow, the decision was made to run the winch motor by manually operating the motor contactor. The electrician, who was to operate the motor, was in radio contact with the mate on deck. At approximately 07:50 the lifeboat was raised using this method and just before it reached the head of the davit the mate told the electrician to 'stop', however the winch motor continued to run and the fall wires parted after the davit cradles reached their stops. The boat fell to the boat deck initially where it stopped until the falling davit cables impacted the inboard side causing the lifeboat to fall approximately 16m to the water. Of the seven crew aboard the lifeboat, one was killed and three others received serious injuries.	<ul style="list-style-type: none"> - The decision not to disembark the lifeboat crew when the local winch controls were found to be inoperable. - The crew's insufficient knowledge of the davit winch motor electric control system. - The operation of the winch motor by physically actuating the motor contactor thus by-passing the operation of the motor's control system including the motor overload and safety cut-out proximity switches on the davit. - The failure to operate the local emergency stop button when the lifeboat reached the davit head which would have tripped the main circuit breaker and interrupted the power to the winch motor. 	Under no circumstances should a lifeboat be hoisted with crew aboard by manually operating the winch motor contactor to by-pass the normal safety cut-outs. There have been several other very similar incidents which have resulted in crew injuries and deaths and there is an urgent need to promulgate the lessons learned from these incidents. The pressures of a busy work schedule in port may have led to an unacceptable risk being taken to expedite the hoisting of the lifeboat.	Report noted.
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Type of Casualty	Ship's name	Type of ship	Flag Authority	Tonnage	Date of casualty	Event	Causes	Issues raised	Human factor	Action
OTHER/UNKNOWN P&OSL CALAIS RORO CARGO/FERRY UNITED KINGDOM 26433 UNITED KINGDOM MR.CREDE					22/06/1999	Failure of a one way sprag type self-lifting clutch installed on a lifeboat winch to lock when the power to the winch motor was secured. As a result, the lifeboat did not remain in position and was lowered. No injuries resulted from the failure. (MSC/Circ.827, Casualty type 6.7)	An improper grade of lubricating oil with a higher viscosity than that recommended by the manufacturer was used. Overfilling of the oil reservoir may also be a factor in this type of failure. (MSC/Circ.827, Internal cause 8.1.1.2)	The need to use the proper type and quantity of lubricating oil. Difficulty in using the manufacturer's maintenance manuals due to the inclusion of data for several winches. In addition, the need to develop clear and concise shipboard maintenance procedures. Failure to follow manufacturer's recommendations. Manuals developed by the equipment manufacturer were not user friendly.		

Type of Casualty						FSI 13/23 ANNEX 4 Page 9	
Ship's name							
Type of ship							
Flag Authority							
Tonnage	Date of casualty	Event	Causes	Issues raised			
Reporting State				Human factor	Action		
Analyst(s)							
Second ship (if any)							
DAMAGES TO SHIP OR EQUIPMENT PACMONARCH BULK CARRIER BAHAMAS 38878 CANADA/ BAHAMAS MR.STUART WITHINGTON STUART WITHINGTON (FSI 11)	26/10/2000	<p>ANALYSIS BASED ON REPORT FROM CANADA (FSI 13) :</p> <p>While the vessel was at anchor the crew began launching the port lifeboat for a run ashore. The lifeboat was of the davit launched type, totally enclosed and fitted with on-load release hooks. Four crew members boarded the lifeboat while two others on the ship removed the securing pins at the davits to prepare for launch. Soon after the davits hit their stops and the lifeboat was about 15m above the sea, the after hook separated from the after suspension ring of the falls. Suspended from the forward hook, the lifeboat swung almost vertical, at which point the forward hook opened. Completely free, the lifeboat fell stern first into the sea. Three of the four people in the lifeboat were fatally injured.</p> <p>ANALYSIS BASED ON REPORT FROM BAHAMAS (FSI 11):</p> <p>A lifeboat with four people on board was being lowered into the water when the stern on-load release hook released inadvertently. Three of the four were killed and the fourth was injured.</p>	<p>ANALYSIS BASED ON REPORT FROM CANADA (FSI 13) :</p> <ul style="list-style-type: none"> - When the davits swung out as the lifeboat was lowered, the end of the after gripe probably fouled and seized around its bollard. - Temporarily hung up on the after gripe, the lifeboat then took a bow-down attitude of about 40°, and the after suspension ring moved towards the hook opening. - When the gripe freed itself and the load returned to the after falls, the loading most likely caused the after suspension ring to overcome the resistance of the retaining latch and to slip out of the hook. - Following the accidental separation of the after hook, the forward reset lever moved unimpeded into the open position because of the increased momentum and the load applied at the forward hook when the lifeboat swung about it. The forward suspension ring was thereby released. <p>ANALYSIS BASED ON REPORT FROM BAHAMAS (FSI 11):</p> <ul style="list-style-type: none"> - Exact reason why the hooks released was not determined. - Jerking of the lifeboat as the davit landed on its stoppers combined with the possible condition that the hooks were not located in the reset position resulted in its release. - It was thought that the hook locking mechanism may have been disarmed when last lifted out of the water. 	<p>ANALYSIS BASED ON REPORT FROM CANADA (FSI 13) :</p> <p>The chance of operator error with emergency disembarkation can be reduced significantly by a design that accounts for human fallibility and the use of procedure manuals that are clearly understood by the user and relevant to the system installed on board.</p> <p>ANALYSIS BASED ON REPORT FROM BAHAMAS (FSI 11):</p> <p>The hook mechanism is susceptible to failure given small changes in tolerances due to operational wear, and machining deviations during manufacture. The unsafe condition is difficult to detect by seamen during their normal routines and inspection. Seamen need to be constantly vigilant to ensure that they are aware of the complications of on-load release hook mechanism and that they are assured that the hooks are properly secured and the release and interlock systems work effectively.</p> <p>ANALYSIS BASED ON REPORT FROM CANADA (FSI 13) :</p> <p>Instruction for correct resetting of hooks not posted in lifeboat.</p> <p>Ergonomic issues:</p> <ul style="list-style-type: none"> - Reset lever difficult to manipulate. - Misaligned hook reset reference marks did not provide accurate indication that the reset lever was fully in position to properly reset the hooks. - Design and position of the central release assembly makes it difficult to verify correct position of the central release interlock lever. - No definite mark to determine relative position of the central release interlock lever leaving it to operators' fallible judgement of its position. - Lifeboat design did not allow crew who were wearing lifejackets to be seated safely. <p>ANALYSIS BASED ON REPORT FROM BAHAMAS (FSI 11):</p> <ul style="list-style-type: none"> - The on-load hooks and release mechanism is complicated making it difficult for seamen to ensure that it works and is operated and maintained effectively. <p>The hook reset procedure is complicated needing three steps using two hands to reset the hook.</p> <ul style="list-style-type: none"> - The release mechanism is liable to release inadvertently when the load is off the hook, a condition difficult to detect during launch and recovery routines. - The indicating interlock lights can give a false impression that the hooks are locked when they are not. - Given wear on the reset mechanism, reference marks on the hooks to show that the hooks have been set properly can give a false impression they are reset when they are not, thus giving the user a false sense of security. 	Report noted.		

Type of Casualty						FSI 13/23 ANNEX 4 Page 10	
Ship's name							
Type of ship							
Flag Authority							
Tonnage	Date of casualty	Event	Causes	Issues raised			
Reporting State				Human factor	Action		
Analyst(s)							
Second ship (if any)							

OTHER PRIDE OF BILBAO PASSENGER SHIP UNITED KINGDOM 37583 UNITED KINGDOM MR.CREDE	01/07/2000	In raising the starboard rescue boat, an able seaman (AB) attached the forward suspension ring to the painter release hook rather than the suspension hook. The resulting misalignment of the lower blocks when the boat was raised prevented the lower blocks from engaging in the davit horns. The lower blocks slipped from the davit heads and caused the boat to drop onto the davit trackway and roll. One of the ABs aboard the boat jumped to the deck of the PRIDE OF BILBAO and the other two ABs were thrown into the water. One AB in the water was seriously injured. The forward painter hook and then the aft suspension hook were torn from the boat as the boat fell into the water.	The suspension and painter hooks are of the same size and this permitted the inadvertent connection of the suspension ring to the painter hook. There were no instructions for raising the rescue boats as required by SOLAS III/35.	Adequacy of shipboard instructions for raising rescue boats. Flawed design of the rescue boat in that the suspension and painter hooks were the same size. Interim measure by vessel operator to require that the painters be attached before the suspension rings. Need to ensure that operators of vessels equipped with this, or a similar, rescue boat are made aware of this casualty. Human error/lapse on the part of the AB handling the forward suspension ring. Reportedly, all three ABs involved with the raising of the rescue boat were well trained and very experienced.		
MACHINERY DAMAGE WADDENS GENERAL CARGO SHIP ANTIGUA AND BARBUDA 3784 AUSTRALIA MR.STUART WITHINGTON	14/02/1999	A fully enclosed lifeboat on a general cargo vessel was put into the water for a routine exercise with a crew of two. On completion, it was positioned beneath the falls, the hooks connected and raised. It had reached the point where the tricing pennants could be reattached when the hooks released allowing the boat to fall to the water. One of its crew was seriously injured. No fault was found with the hook mechanism. It was concluded that the locking devices of the hook operating lever had not been engaged and it had been moved by one of the crew while sitting in the forward hatch coiling a rope.	The hook release lever was in a position where it could interfere with free access through the forward hatch. Its location meant that, if unlocked, it might be moved accidentally to a position at which the hooks could release.	Although there is no evidence that the release lever was mistaken for the engine gear lever, the proximity of the lever to the engine controls increased the possibility of accidental release.		

Type of Casualty						FSI 13/23	
Ship's name						ANNEX 4	
Type of ship						Page 11	
Flag Authority							
Tonnage	Date of casualty	Event	Causes	Issues raised			
Reporting State				Human factor		Action	
Analyst(s)							
Second ship (if any)							

DAMAGES TO SHIP OR EQUIPMENT WASHINGTON TRADER BULK CARRIER PHILIPPINES 38928 AUSTRALIA MR.STUART WITHINGTON	06/08/2000	When at anchor the Master decided on a lifeboat drill. Port and starboard lifeboats were prepared for lowering. He ordered the starboard lifeboat to be lowered. The lifeboat was lowered empty and without incident. The port lifeboat was then lowered by the mate by operating the davit brake release. Approximately halfway to the deck, the lifeboat detached from the after fall, followed by release of the forward fall, before falling stern first 15m into the water.	<ul style="list-style-type: none"> - The after fall released because the on-load release hook was not reset fully during the previous drill. - The cable reset lever was stiff to operate. - Poor knowledge of the operation of on-load release system. - Ambiguous system indicator lights. - Orientation of the after hook increased the likelihood of such an incident happening and made resetting of the hook difficult. - The retaining latch on the after hook was poorly designed and neither of sufficient strength nor fitted in a way to provide adequate safeguard to prevent the suspension ring exiting the hook under load. - The hydrostatic interlock design was inadequate since it did not engage once the hooks were fully in a reset position prior to the lifeboat being lifted out of the water. - Possibility of after gripe wire fouling lifeboat leading to unloading and bouncing out off hook from the lifting ring. 	<ul style="list-style-type: none"> - The chance of operator error with emergency disembarkation can be reduced significantly by a design that accounts for human fallibility, and the use of procedure manuals that are clearly understood by the user and relevant to the system installed on board. - Safe operation of the lifeboat hook release mechanism is dependant on a high level of knowledge of its operation and of the function and maintenance of its constituent parts. - Lessons of this incident were similar to that of the lifeboat accident which occurred the same year on board PAC MONARCH. 	Considered by Working Group at FSI 13.
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ANNEX 5

DRAFT MSC/MEPC CIRCULAR

REPORTS ON MARINE CASUALTIES AND INCIDENTS

Revised harmonized reporting procedures - Reports required under SOLAS regulation I/21 and MARPOL 73/78, articles 8 and 12

1 The Maritime Safety Committee, at its seventy-second session (17 to 26 May 2000) and the Marine Environment Protection Committee, at its forty-fourth and forty-fifth sessions (6 to 8, 10 and 13 March 2000 and 2 to 6 October 2000 respectively) approved an MSC/MEPC circular (MSC/Circ.953-MEPC/Circ.372) on Reports on marine casualties and incidents - Harmonized reporting procedures, amalgamating and harmonizing the procedures for reporting casualties to the Organization contained in existing MSC and MEPC circulars.

2 The Maritime Safety Committee, [at its eightieth session (11 May to 3 June 2005)] and the Marine Environment Protection Committee, [at its fifty-third session (18 to 22 July 2005)] approved amendments to MSC/Circ.953-MEPC/Circ.372.

3 Under SOLAS regulation I/21 and MARPOL 73/78 articles 8 and 12, each Administration undertakes to conduct an investigation into any casualty occurring to ships under its flag subject to those conventions and to supply the Organization with pertinent information concerning the findings of such investigations.

4 The reporting formats contained in the annexes to this circular replace the reporting forms contained in MSC 59/33, annex 3 regarding Damage cards, MSC/Circ.224 regarding Intact stability casualty records, MSC/Circ.388 on Fire casualty records, MSC/Circ.433 on Reports on investigations into serious casualties, MSC/Circ.559 on Incidents involving dangerous goods or marine pollutants in packaged form, MSC/Circ.621 on Guidelines for the investigation of accidents where fatigue may have been a contributing factor and COM/Circ.70/Rev.1 Questionnaire on the maritime distress system. The reporting format on Incidental spillages of harmful substances of 50 tonnes or more has been added, as such reports are considered necessary when investigating a casualty or an incident (MARPOL 73/78, articles 8 and 12); however, this does not replace the one-line entry report required by the annual mandatory report under MARPOL 73/78, article 11 (MEPC/Circ.318, Part 1).

5 For the purpose of reporting information to the Organization, ship casualties are classified as “very serious casualties”, “serious casualties”, “less serious casualties” and “marine incidents”. Administrations are requested to submit data for all “very serious casualties” and “serious casualties”^{*}.

Where there are important lessons to be learned from “serious casualties”, “less serious casualties” and “marine incidents”, full investigation reports should be submitted along with the additional information indicated in annex 3.

Information should also be provided in accordance with annex 10, for all casualties involving life-saving appliances whether or not there are injuries or loss of life or whether used for drills or emergencies, not withstanding paragraph 6 below.

* “Very serious casualties” are casualties to ships which involve total loss of the ship, loss of life, or severe pollution, the definition of which, as agreed by the Marine Environment Protection Committee at its thirty-seventh session (MEPC 37/22, paragraph 5.8), is as follows:

“Severe pollution” is a case of pollution which, as evaluated by the coastal State(s) affected or the flag State, as appropriate, produces a major deleterious effect upon the environment, or which would have produced such an effect without preventive action.

“Serious casualties” are casualties to ships which do not qualify as “very serious casualties” and which involve a fire, explosion, collision, grounding, contact, heavy weather damage, ice damage, hull cracking, or suspected hull defect, etc., resulting in:

- immobilization of main engines, extensive accommodation damage, severe structural damage, such as penetration of the hull under water, etc., rendering the ship unfit to proceed^{*}, or
- pollution (regardless of quantity); and/or
- a breakdown necessitating towage or shore assistance.

“Less serious casualties” are casualties to ships which do not qualify as “very serious casualties” or “serious casualties” and for the purpose of recording useful information also

* The ship is in a condition, which does not correspond substantially with the applicable conventions, presenting a danger to the ship and the persons on board or an unreasonable threat of harm to the marine environment.

include “marine incidents” which themselves include “hazardous incidents” and “near misses”.

6 Administrations are urged to submit data as indicated below.

Information to be submitted per casualty class

<i>Information to be sent in accordance with the type of casualty</i>	<i>Very serious casualties</i>	<i>Serious casualties</i>	<i>Less serious casualties</i>	<i>Marine incidents</i>
<i>Annex 1 of the attached reporting format</i>	<i>To be provided within 6 months after the casualty in all cases</i>	<i>To be provided within 6 months after the casualty in all cases</i>	<i>May be provided if there are important lessons to be learned</i>	<i>May be provided if there are important lessons to be learned</i>
<i>Annexes 2 and 3 of the attached reported format, as well as other relevant annexes</i>	<i>To be provided at the end of the investigation in all cases</i>	<i>To be provided at the end of the investigation in all cases</i>	<i>May be provided if there are important lessons to be learned</i>	<i>May be provided if there are important lessons to be learned</i>
<i>Full investigation report</i>	<i>To be provided at the end of the investigation in all cases</i>	<i>May be provided if there are important lessons to be learned</i>	<i>May be provided if there are important lessons to be learned</i>	<i>May be provided if there are important lessons to be learned</i>

Very serious casualty

preliminary information as indicated in **Annex 1***

information as indicated in **Annexes 2 and 3, as well as other relevant annexes**

a full investigation report in all cases

Serious casualty

preliminary information as indicated in **Annex 1***

information as indicated in **Annexes 2 and 3, as well as other relevant annexes**

a full investigation report only in cases of important lessons to be learnt regarding IMO regulations

* To be submitted within six months of the casualty date unless complete information is submitted within this time limit.

Less serious casualty and marine incident

information as indicated in **Annexes 1, 2 and 3, as well as other relevant annexes**, only in cases of important lessons to be learnt regarding IMO regulations

a full investigation report only in cases of important lessons to be learnt regarding IMO regulations

Information to be submitted for casualties/incidents as indicated below

Information from casualties involving dangerous goods or marine pollutants in packaged form on board ships and in port areas	→ Annex 4
Damage cards and intact stability records	→ Annex 5
Fire casualty record	→ Annex 6
Global Maritime Distress and Safety System (GMDSS)	→ Annex 7
Fatigue as a contributory cause to maritime accidents - Fatigue factors data compilation sheet	→ Annex 8
Incidental spillage of liquids of 50 tonnes or more	→ Annex 9
Life-saving appliance casualty record	→ Annex 10

7 Member Governments are invited to give effect to the Code for the Investigation of Marine Casualties and Incidents, as amended, (resolutions A.849(20) and A.884(21)) when conducting investigations into marine casualties and incidents.

8 Member Governments are requested to use the present circular when reporting on marine casualties and incidents.

9 The present circular supersedes MSC/Circ.953-MEPC/Circ.372.

List of Annexes

- ANNEX 1: SHIP IDENTIFICATION AND PARTICULARS
Indicates the information to be submitted in all casualty reports.
- ANNEX 2: DATA FOR VERY SERIOUS AND SERIOUS CASUALTIES
Indicates information to be supplied on “very serious” and “serious” casualties.
- ANNEX 3: SUPPLEMENTARY INFORMATION ON VERY SERIOUS CASUALTIES AND SERIOUS CASUALTIES
Additional information required for “very serious casualties” and “serious” casualties.

- ANNEX 4: INFORMATION FROM CASUALTIES INVOLVING DANGEROUS GOODS OR MARINE POLLUTANTS IN PACKAGED FORM ON BOARD SHIPS AND IN PORT AREAS
This form may be applicable for marine casualties as defined as well as marine incidents.
- ANNEX 5: DAMAGE CARDS AND INTACT STABILITY CASUALTY RECORDS
This form may apply to “very serious” and “serious” casualties.
- ANNEX 6: FIRE CASUALTY RECORD
This form may apply to “very serious” and “serious” casualties.
- ANNEX 7: QUESTIONNAIRE RELATED TO THE GLOBAL MARITIME DISTRESS AND SAFETY SYSTEM
This form may apply to “very serious” and “serious” casualties.
- ANNEX 8: FATIGUE AS A CONTRIBUTORY CAUSE TO MARITIME ACCIDENTS - FATIGUE FACTORS DATA COMPILATION SHEET
This form will apply where fatigue is deemed to be a contributory factor in the casualty.
- ANNEX 9: INCIDENTAL SPILLAGE OF HARMFUL SUBSTANCES OF 50 TONNES OR MORE
This form relates to incidents involving harmful substances. The report is considered necessary when investigating a casualty or an incident (MARPOL 73/78, articles 8 and 12), however this does not replace the one-line entry report required by the annual mandatory report under MARPOL 73/78, article 11 (MEPC/Circ.318, Part 1).
- ANNEX 10 LIFE-SAVING APPLIANCE CASUALTY RECORD
This form is for all casualties involving life-saving appliances, adding any other information which would provide lessons to be learned concerning the use of this equipment.

ANNEX 1

IMO MARINE CASUALTY AND INCIDENT REPORT

SHIP IDENTIFICATION AND PARTICULARS

Administrations are urged to supply the ship identification information listed in this annex for all marine casualty reports submitted to the Organization.

SHIP PARTICULARS

1. IMO Number:

2. Name of Ship:

3. Flag State:

4. Type of Ship:

- .1 Liquefied Gas Tanker
- .2 Chemical Tanker
- .3 Oil Tanker
- .4 Other Liquids (non-flammable) Tanker
- .5 Bulk Dry (general, ore) Carrier
- .6 Bulk Dry / Oil Carrier
- .7 Self-Discharging Bulk Dry Carrier
- .8 Other Bulk Dry (cement, woodchips, urea and other specialized) Carrier
- .9 General Cargo Ship
- .10 Passenger / General Cargo Ship
- .11 Container Ship
- .12 Refrigerated Cargo Ship
- .13 Ro-Ro Cargo Ship
- .14 Passenger / Ro-Ro Cargo Ship
- .15 Passenger Ship
- .16 High Speed Craft
- .17 Other Dry Cargo (livestock, barge, heavy cargo, etc.) Carrier

- .18 Fish Catching Vessel
- .19 Fish Factory Ship / Fish Carrier
- .20 Offshore Supply Ship
- .21 Other Offshore Ship
- .22 Research Ship
- .23 Towing / Pushing Tug
- .24 Dredger
- .25 Other Activities Ship
- .26 Non-Propelled Ships
- .27 Other Ships Structures

5. Type of service:

- () International
- () Short international
- () Coastal sea trade
- () Inland waters
- () Other, please state:
- () Not reported

6. Were any voyage related restriction limits placed on the ship? Explain:

7. Gross Tonnage:

8. Length overall:

9. Classification Society:

10. Registered Shipowner:

11. Ship Manager/Operator:

12. Previous names:

13. Previous Flag:

14. Previous Class Society:

15. Date of contract/keel laid/delivery:

16. Date of major conversion:

17. Deadweight:

18. Hull material:

- .1 steel
- .2 light alloy
- .3 ferrocement
- .4 wood
- .5 GRP
- .6 composite materials

19. Hull construction:

- .1 single hull
- .2 double hull
- .3 double bottom
- .4 double sides
- .5 mid deck
- .6 other

20. Propulsion Type (type, fuel, etc.): Steam Diesel Other

- .1 Bunkers:
Heavy Fuel Oil (HFO) Medium Fuel Oil (MFO) Marine Diesel Oil (MDO)

21. Nature of cargo (e.g. oil, dry bulk and goods under the IMDG Code):

22. Building yard:

23. Hull number:

24. Date of total loss/constructive total loss/scrapping:

25. Number of Crew on ship's certificate: _____

26. Number of Passengers on ship's certificate: _____

27. Number of persons onboard at the time of the casualty / accident:

- .1 Crew: _____
- .2 Passengers: _____

.3 Others _____

PRELIMINARY CASUALTY DATA

1. **Date and time (local onboard):**

2. **Position/location:**

3. **Initial event¹:**

- collision
- stranding/ grounding
- contact
- fire or explosion
- hull failure/ failure of watertight doors/ports, etc.
- machinery damage
- damages to ship or equipment
- capsizing/ listing
- missing: assumed lost
- accidents with life-saving appliances
- other

4. **Consequences:**

- total loss of the ship
- ship rendered unfit to proceed*
- ship remains fit to proceed**
- pollution
- loss of life
- serious injuries

5. **Summary of events**

¹ For an explanation of the terms below see annex 2.

* The ship is in a condition, which does not correspond substantially with the applicable conventions, presenting a danger to the ship and the persons on board or an unreasonable threat of harm to the marine environment.

** The ship is in a condition, which corresponds substantially with the applicable conventions, presenting neither a danger to the ship and the persons on board nor an unreasonable threat of harm to the marine environment.

ANNEX 2

IMO MARINE CASUALTY AND INCIDENT REPORT
DATA FOR VERY SERIOUS AND SERIOUS CASUALTIES

CASUALTY DATA

1 Date and local time of casualty: (24 hr clock) (YYMMDD)

2 Position of casualty (Latitude, Longitude):

3 Location of casualty:

- 3.1 At berth
- 3.2 Anchorage
- 3.3 Port
- 3.4 Port approach
- 3.5 Inland waters
- 3.6 Canal
- 3.7 River
- 3.8 Archipelagos
- 3.9 Coastal waters (within 12 miles)
- 3.10 Open sea

4 Pilot on board

5 Type of casualty (initial event):

5.1 Collision: striking or being struck by another ship (regardless of whether under way, anchored or moored).

5.1.1 IMO Number of other ship involved. (not coded)

5.1.2 Name of other ship involved. (not coded)

5.2 Stranding or grounding: being aground, or hitting/touching shore or sea bottom or underwater objects (wrecks, etc.).

- 5.3 Contact: striking any fixed or floating object other than those included in No.1 or 2.
- 5.4 Fire or explosion.
- 5.5 Hull failure or failure of watertight doors, ports, etc.: not caused by Nos.1 to 4.
- 5.6 Machinery damage: not caused by Nos.1 to 5, and which necessitated towage or shore assistance.
- 5.7 Damages to ship or equipment: not caused or covered by Nos.1 to 6.
- 5.8 Capsizing or listing: not caused by Nos.1 to 7.
- 5.9 Missing: assumed lost.
- 5.10 Accidents with life-saving appliances.
- 5.11 Other: all casualties which are not covered by Nos.1 to 10.

6 Type of subsequent events:

- 6.1 Collision: striking or being struck by another ship (regardless of whether under way, anchored or moored).
 - 6.1.1 IMO Number of other ship involved. (not coded)
 - 6.1.2 Name of other ship involved. (not coded)
- 6.2 Stranding or grounding: being aground, or hitting/touching shore or sea bottom or underwater objects (wrecks, etc.).
- 6.3 Contact: striking any fixed or floating object other than those included in No.1 or 2.
- 6.4 Fire or explosion.
- 6.5 Hull failure or failure of watertight doors, ports, etc.

- 6.6 Machinery damage which necessitated towage or shore assistance.
- 6.7 Damages to ship or equipment.
- 6.8 Capsizing or listing.
- 6.9 Missing: assumed lost.
- 6.10 Other: all events which are not covered by Nos.1 to 9.

7 Consequences of the casualty:

7.1 Consequences to the ship involved in the casualty:

- 7.1.1 Total loss
- 7.1.2 Ship rendered unfit to proceed*
- 7.1.3 Ship remains fit to proceed**

7.2 Consequences related to human beings:

- 7.2.1 Number of dead or missing crew _____
- 7.2.2 Number of dead or missing passengers _____
- 7.2.3 Number of other dead or missing persons _____
- 7.2.4 Number of crew being seriously*** injured in the casualty _____
- 7.2.5 Number of passengers being seriously*** injured in the casualty _____
- 7.2.6 Number of other persons being seriously*** injured in the casualty _____

* The ship is in a condition, which does not correspond substantially with the applicable conventions, presenting a danger to the ship and the persons on board or an unreasonable threat of harm to the marine environment.

** The ship is in a condition, which corresponds substantially with the applicable conventions, presenting neither a danger to the ship and the persons on board nor an unreasonable threat of harm to the marine environment.

*** Incapacitated for 72 hours or more.

7.3 Consequences to the environment (pollution):

7.3.1 Oil in bunkers

7.3.1.1	Type of oil	Quantity spilled
	<input type="checkbox"/> Heavy fuel	_____
	<input type="checkbox"/> Diesel	_____
	<input type="checkbox"/> Lube oils	_____
	<input type="checkbox"/> Other	_____

7.3.2 Oil cargo

7.3.2.1	Type of oil (not coded)	Quantity spilled
	<input type="checkbox"/> Crude oil	_____
	<input type="checkbox"/> Persistent refined oil products	_____
	<input type="checkbox"/> Non-persistent refined oil products	_____
	<input type="checkbox"/> Others	_____

7.3.3 Chemicals in bulk

Category (Appendix I to Annex II of MARPOL 73/78)

	Quantity in tons spilled
<input type="checkbox"/> A	_____
<input type="checkbox"/> B	_____
<input type="checkbox"/> C	_____
<input type="checkbox"/> D	_____

7.3.4 Dangerous Goods in packaged form



Class (IMDG Code)	Proper Shipping Names	UN numbers	Quantity lost overboard
1 <input type="checkbox"/>	_____	_____	_____
2 <input type="checkbox"/>	_____	_____	_____
3 <input type="checkbox"/>	_____	_____	_____
4.1 <input type="checkbox"/>	_____	_____	_____
4.2 <input type="checkbox"/>	_____	_____	_____
4.3 <input type="checkbox"/>	_____	_____	_____
5.1 <input type="checkbox"/>	_____	_____	_____
5.2 <input type="checkbox"/>	_____	_____	_____
6.1 <input type="checkbox"/>	_____	_____	_____
6.2 <input type="checkbox"/>	_____	_____	_____
7 <input type="checkbox"/>	_____	_____	_____
8 <input type="checkbox"/>	_____	_____	_____
9 <input type="checkbox"/>	_____	_____	_____

8 Primary causes of the initial event:

Coding principle:

- a The human element is a complex multi-dimensional issue that affects maritime safety and marine environmental protection. It involves the entire spectrum of human activities performed by ships' crews, shore based management, regulatory bodies, classification societies, shipyards, legislators and other relevant parties.
- b Effective remedial action following maritime casualties requires a sound understanding of the human element involvement in accident causation. This comes by the thorough investigation and systematic analysis of casualties for contributory factors and the causal chain of events.

8.1 Internal causes (related to the ship where the casualty occurred):



8.1.1 Human violations or errors by the crew:



.1 Human violations



- .2 Human error
- 8.1.2 Human violations or errors by the pilot:
 - .1 Human violations
 - .2 Human error
- 8.1.3 Structural failures of the ship
- 8.1.4 Technical failure of machinery/equipment including design errors:
 - .1 Failure of propulsion machinery
 - .2 Failure of essential auxiliary machinery
 - .3 Failure of steering gear
 - .4 Failure of closing arrangements or seals
 - .5 Failure or inadequacy of navigational equipment
 - .6 Failure of bilge pumping
 - .7 Failure of electrical installation
 - .8 Failure or inadequacy of communication equipment
 - .9 Failure or inadequacy of lifesaving appliances
 - .10 Ship design errors (i.e. insufficient stability)
 - .11 Other
- 8.1.5 The ship's cargo:
 - .1 Cargo shifting
 - .2 Fire or explosion in cargo
 - .3 Improper stowage of cargo
 - .4 Spontaneous combustion
 - .5 Cargo liquefaction
 - .6 Other
- 8.2 External causes (outside the ship):**
- 8.2.1 Another ship or ships (improper actions, etc.)
- 8.2.2 The environment:
 - .1 Heavy sea
 - .2 Wind
 - .3 Currents or tides
 - .4 Icing
 - .5 Ice conditions
 - .6 Restricted visibility

- 8.2.3 Navigational infrastructure:
 - .1 Failures in aids to navigation
 - .2 Inaccurate charts or nautical publications
 - .3 Charts or nautical publications unavailable for the sea
 - .4 VTS
- 8.2.4 Criminal acts
- 8.2.5 Other “external” causes (i.e. not associated with the ship itself)
 - .1 Tug boat operations
 - .2 Failure or incorrect operation of shore equipment or installation
 - .3 Other than .1 and .2
- 8.3 Unknown causes**
- 9 Violations and error types:**
- 9.1 Violation (deliberate decision to act against a rule or plan):**
 - 9.1.1 Routine (cutting corners, taking path of least effort, etc...)
 - 9.1.2 Necessary (due to inadequate tools or equipment, improper procedures or regulations)
 - 9.1.3 “For kicks” (thrill seeking, to alleviate boredom, macho behaviour)
 - 9.1.4 Exceptional (taking risks to help people in distress, lack of system knowledge)
- 9.2 Slip (unintentional action where failure involves attention):**
 - 9.2.1 Incorrect operation of controls or equipment
 - 9.2.2 Left/Right, reversal
 - 9.2.3 Failure to report due to distraction
 - 9.2.4 Other
- 9.3 Lapse (unintentional action where failure involves memory):**
 - 9.3.1 Forgetting to report information
 - 9.3.2 Failure to advise Officer on the Watch

- 9.3.3 Other
- 9.4 Mistake (an intentional action where there is an error in the planning process; there is no deliberate decision to act against a rule or procedure):**
 - 9.4.1 Error in judgement
 - 9.4.2 Inappropriate choice of route
 - 9.4.3 Deciding not to pass on information
 - 9.4.4 Failure to respond appropriately
 - 9.4.5 Other
- 10 Underlying factors:**
 - 10.1 Liveware:**
 - 10.1.1 Physiological
 - .1 Fatigue
 - .2 Stress
 - .3 Alcohol/illegal drug
 - .4 Prescription medicine
 - 10.1.2 Psychological
 - .1 Excessive workload
 - .2 Communication
 - .3 Standards of personal competence
 - .4 Lack of familiarity or training
 - .5 Panic and fear
 - .6 Boredom
 - .7 Mental and emotional disorders
 - 10.1.3 Physical
 - .1 Hearing problem
 - .2 Visual problem
 - .3 Injuries and illness
 - .4 Less than adequate medical fitness
 - 10.1.4 Others

- 10.2 Hardware:**
- 10.2.1 Equipment not available
- 10.2.2 Ergonomics
- 10.2.3 Design failures (other than ergonomics)
- 10.2.4 Maintenance and repair
- 10.2.5 Other
- 10.3 Software:**
- 10.3.1 Company policy and standing orders
- 10.3.2 Less than adequate operating procedures and instruction
- 10.3.3 Management and supervision
- 10.3.4 Other
- 10.4 Environment:**
- 10.4.1 Ship movement/Weather effects
- 10.4.2 Noise
- 10.4.3 Vibration
- 10.4.4 Temperature/Humidity
- 10.4.5 Less than adequate manning
- 10.4.6 Other

ANNEX 3

IMO MARINE CASUALTY AND INCIDENT REPORT

**SUPPLEMENTARY INFORMATION ON VERY SERIOUS AND SERIOUS
CASUALTIES**

To assist completion of marine casualty analysis, in addition to the information in annexes 1 and 2, the following information is required:

1. Principle findings and form of casualty investigation:

2. Action taken:

3. Findings affecting international regulations:

4. Assistance given (SAR operations):

ANNEX 4

IMO MARINE CASUALTY AND INCIDENT REPORT

**INFORMATION FROM CASUALTIES INVOLVING DANGEROUS GOODS OR
MARINE POLLUTANTS IN PACKAGED FORM
ON BOARD SHIPS AND IN PORT AREAS**

This report is a supplement to the report made by the master in accordance with guidelines and general principles adopted by the Organization by resolution A.851(20) in case of an incident involving dangerous goods, harmful substances and/or marine pollutants in packaged form on board ships and in port areas.

The information should be provided in case of:

- an accident with loss of life, injury or damage to ship or property; or
- an accident, where an unsafe situation, an emergency or loss has occurred involving dangerous goods in packaged form and marine pollutants.

The information should be provided by the Administration carrying out the investigation, if necessary in consultation with other parties involved (e.g. authorities of ports of loading, transit or discharge, etc.) and forwarded to the International Maritime Organization together with recommendations, if considered necessary, for rectifying any detected deficiencies.

The summary and recommendations of any subsequent investigations should also be reported to the Organization.

**INFORMATION FROM INVESTIGATION OF INCIDENTS INVOLVING
DANGEROUS GOODS OR MARINE POLLUTANTS IN PACKAGED FORM**

1. Cargo(es) involved

1.1 Proper Shipping Name: UN Number: IMO Hazard Class* :

1.2 Name and address of manufacturer, or consignor, or consignee:

* Data should be provided only if not supplied otherwise.

- 1.3 Type of packaging/container:

- 1.4 Quantity and condition of goods:

- 1.5 Stowage/Securing arrangements:

2. Pollution - goods lost overboard (yes/no):
If yes:
 - 2.1 Quantity of goods lost:

 - 2.2 Lost goods floated or sank:

 - 2.3 Lost goods released from packaging (yes/no):

3. Brief account of the sequence of events*:

4. Extent of damage*:

* Data should be provided only if not supplied otherwise.

5. Emergency response measures taken:

6. Comments on compliance with applicable convention/recommendation requirements:

7. Comments on effectiveness of applicable convention/recommendation requirements:

8. Measures/recommendations to prevent recurrence:

9. Further investigation (yes/no) *

* Data should be provided only if not supplied otherwise.

ANNEX 5

**IMO MARINE CASUALTY AND INCIDENT REPORT
DAMAGE CARDS* AND INTACT STABILITY CASUALTY RECORDS**

Statistics of damaged ships and of intact stability casualties are important to the work of the Organization in respect to improvement of subdivision and intact stability criteria in various conventions, codes, recommendations, and guidelines. Member Governments are invited to continue to submit to the Secretariat damage data and intact stability casualty data using the format in this annex.

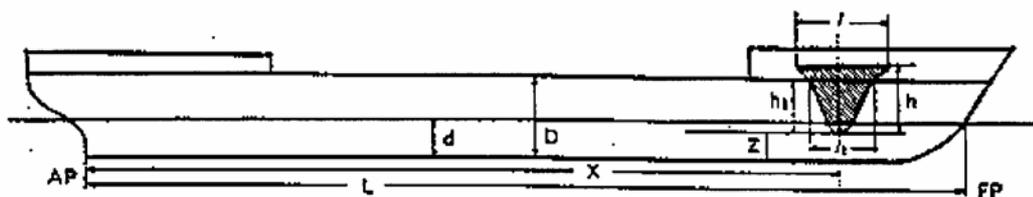
* The Secretariat, while incorporating amendments to the cover and to annexes 1 and 2 of the present circular, also included the amendments to MSC/Circ.224, which were approved by the Maritime Safety Committee at its fifty-ninth session (MSC 59/33, annex 3).

DAMAGE CARDS

Damaged Ship

Length between perpendiculars* $L =$ _____
 Moulded breadth* $B =$ _____ Moulded depth* $D =$ _____
 Height of subdivision deck = _____
 Draught before damage: amidships $d =$ _____ (or fore = _____ and aft = _____)
 Struck/striking _____

Bulkhead (or freeboard) deck



Dimensions and location of damage (see sketch above)

Distance from AP to centre of damage* $X =$ _____
 Distance from baseline to the lower point of damage $Z =$ _____
 Length of damage* $l =$ _____ $l_1 =$ _____
 Height of damage* $h =$ _____ $h_1 =$ _____
 Area = _____
 Penetration of damage* $b =$ _____ $b_1 =$ _____
 (if damage extends above bulkhead (or freeboard) deck, additional dimensions should be given for the part located below this deck, these being marked with suffix "1")

Dimensions and location of bottom damage

Distance from AP to centre of damage* $X =$ _____
 Distance from CL to centre of damage = _____ Port or starboard? _____
 Length of damage $l =$ _____ Width of damage = _____ Area = _____
 Depth of damage $d =$ _____

Second ship involved in collision (to be completed in case of collision between two ships).

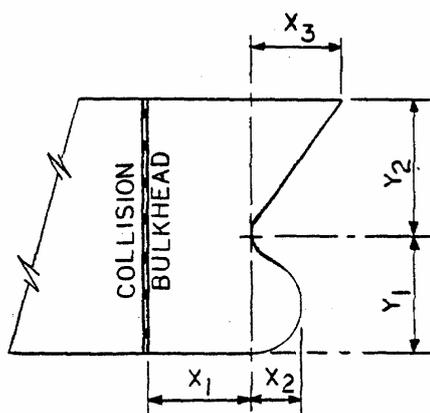
Length between perpendiculars* $L =$ _____
 Moulded breadth* $B =$ _____ Moulded depth* $D =$ _____
 Draught before damage: amidships $d =$ _____ (or fore = _____ and aft = _____)
 Struck/striking _____

NOTES FOR DAMAGE CARD

1. Damage cards should be completed for decked, steel sea-going ships 25 m in length and over, for all breaches of the hull causing flooding of any compartments (collision, stranding, etc.).
2. The term "damaged ship" refers to the ship for which this card is being completed.
3. A sketch showing location of damage and of main transverse bulkheads would be desirable.
4. Depth D should be measured to the bulkhead deck in passenger ships and to the freeboard deck in non-passenger ships (or to uppermost completed deck, if bulkhead or freeboard deck are not specified).
5. In case of collision with another ship, it is desirable to fill in damage cards for both ships.
6. All measurements should be given in metres.
7. Data marked with an asterisk (*) are the most important.

Additional data to be supplied if available

1. Wind and sea (Beaufort scale) at time of casualty _____
2. Speed at time of impact, in knots:
 Damaged ship v_1 _____
 Second ship v_2 _____
3. Angle of encounter _____
4. Did the ship to which this card refers sink? _____
 If not, give draught after damage _____
 If so, indicate time taken to sink after collision _____ and manner of sinking _____
5. Appropriation of breached compartment(s) (e.g. machinery room, cargo hold, etc.) _____
6. Type and quantity of cargo in damaged compartment, if any _____
7. Were there any special circumstances which influenced the results of damage (e.g. open watertight doors, manholes, sidescuttles, or pipes, fractures, etc.)? _____
8. Position of watertight bulkheads in vicinity of damage (distance from **AP** to each of them) _____
9. Was a transverse subdivision bulkhead damaged? _____
10. Was the collision bulkhead damaged? _____
11. Number of compartments flooded _____
12. Was there a double bottom in the damaged area? _____
 If so, indicate whether the inner bottom was breached _____
13. Was there a separate penetration from the bulbous bow? _____
14. Any additional information considered useful (details of construction, etc.) _____
15. Striking ship bow geometry $X_1 =$ _____ $X_2 =$ _____ $X_3 =$ _____
 $Y_1 =$ _____ $Y_2 =$ _____



INTACT STABILITY CASUALTY RECORD

Length between perpendiculars* L_{pp} = _____
Breadth moulded* B = _____ Depth moulded* D = _____
Draught amidships to assigned loadline or subdivision line d _____ or forward _____ and aft _____
Service conditions (light or loaded, with approximate percentage of cargo, stores, fuel and passengers) _____

Type of cargo, if any _____ disposition _____ stowage factor _____
Deck cargo, if any _____ type _____ quantity _____
Quantity of ballast water, if any _____
Sea and wind conditions at time of casualty: sea* _____ wind* (Beaufort scale) _____
Wind velocity u _____ Wind pressure p_v _____
Wave length _____ Wave height h_w _____
Direction of wind relative to ships head _____ (degrees)
Direction of waves relative to ships head _____ (degrees)
Speed of ship at time of casualty V _____ knots
Name, length and height of enclosed superstructures and deck-houses above the deck to which D was measured _____

Bilge keels: Width^(o) _____ Longitudinal extent^(o) _____
Depth of bar keel, if any^(o) _____
Was water trapped on deck? _____ If so, indicate the extent _____
Were all vulnerable openings effectively closed at time of casualty? _____

Was icing a contributory factor to casualty? _____
Was the vessel under action of helm at time of casualty? _____
Were any special instructions relative to this ship in existence, concerning the maintenance of stability, e.g. filling tanks, etc.? _____

Were any voyage limits and/or weather restrictions imposed for the vessel? _____

Were any particular circumstances related to the casualty? _____

Give short description of casualty¹ _____

Note

¹ Data should be provided only if not provided otherwise.

General Particulars		For ship in fully loaded homogenous arrival condition (with 10% stores, fuel, etc.)	For ship in condition at time of loss
Draught (amidships)	d		
Displacement*	Δ		
Centre of gravity above moulded base line*	KG		
Metacentric height (uncorrected)*	GM		
Distance between the transverse metacentre and centre of buoyancy	BM		
Reduction in GM due to any free surface of liquids*			
Block coefficient of fineness of displacement*	δ		
Coefficient of fineness of midship section	β		
Coefficient of fineness of waterplane	α		
Height of centre of buoyancy above moulded base line	KB		
Lateral area of ships profile (including erections, etc.) exposed to wind	A_v		
Distance between centre of lateral area of ships profile exposed to wind and corresponding waterline			
Estimated rolling period (P-S-P) (in seconds) ^(o)	T_r		
Rated amplitude of roll (maximum)	θ_r		
Angle of heel for immersion of uppermost continuous deck			
Righting levers (GZ) based upon centre of gravity (G) corrected for any free surfaces, for the following angles of heel:*			
0°			
10°			
20°			
30°			
40°			
50°			
60°			
70°			
80°			
90°			
Maximum righting lever	GZ_m		
Angle of maximum stability	θ_m		
Angle of vanishing stability	θ_v		
Lightship Displacement Δ_0 =	Centre of gravity above moulded base line KG₀ =		
NOTES FOR INTACT STABILITY CASUALTY RECORD			
1. Casualty records to be completed for all sea-going passenger ships, sea-going cargo ships of 25 metres in length and over, and sea-going fishing vessels of 15 metres in length and over, in respect of both losses of ships and cases in which dangerous heeling occurred due to unsatisfactory intact stability, including those cases where loss or heeling of the ship was due to shifting of cargo.	2. Depth D should be measured to the bulkhead deck in passenger ships and to the freeboard deck in non-passenger ships (or to uppermost completed deck, if bulkhead or freeboard deck is not specified.)	3. The metric system should be used for all measurements.	4. Data marked with an asterisk (*) are the most important.
	5. The provision of data marked (o) is optional.	6. It is desirable to attach a sketch of statical stability curves, drawn for both the below loading conditions, using the following scales:	(i) 20 mm for every 10° angle of inclination.
			(ii) 10 mm (or 20 mm) for every 0.1 metre of righting lever.

ANNEX 6

IMO MARINE CASUALTY AND INCIDENT REPORT

DATA FOR VERY SERIOUS AND SERIOUS CASUALTIES

FIRE CASUALTY RECORD

In addition to supplying the information requested in this annex, Administrations are urged to also supply the information listed in other relevant annexes of MSC/Circ.[][#]-MEPC/Circ.[][#], in particular the information contained in Annex 1 (ship identification and particulars).

- 1 Operational Condition of Ship:
 - Loading
 - Unloading
 - Awaiting departure
 - Under repair (afloat or dry dock)
 - Other, please state: _____
 - Not reported

- 2 Local conditions when fire was discovered: _____
 - .1 Time (local onboard) at which fire was discovered (Daylight or darkness):

 - .2 Wind force (Beaufort scale and direction): _____
 - .3 State of sea (and code used): _____

- 3 Part of ship where fire broke out: _____

- 4 Probable cause of fire: _____
 - .1 Briefly describe on board activities that were contributing factors (cargo operations, maintenance, hot work, etc.):
 - .2 Probable cause of ignition:

- 5 Explain how persons onboard were alerted:

- 6 Means by which fire was initially detected:^{*}
 - Fixed fire detection system
 - By ships crew or passenger
 - Not known

[#] The numbers of new MSC/MEPC circular will be inserted.

^{*} A '✓' is to be inserted, as appropriate.

7 Briefly, describe the performance of structural fire protection (fire resisting and fire retarding bulkheads, doors, decks, etc.) with respect to:

- .1 Containment and extinguishment of any fire in the space of origin:

- .2 Protection of means of escape or access for fire fighting: _____
- .3 Adequacy of structural fire protection: _____

8 Ship's portable fire-extinguishing equipment used (foam, dry chemical, CO₂, water, etc.):

9 Fixed fire-extinguishing installations: _____

- .1 At site of origin of fire (specify the type): _____
- .2 Adjacent areas (specify the type): _____
- .3 Fixed fire-extinguishing systems used in an attempt to extinguish the fire?

- .4 Did the use of fixed fire-extinguishing systems contribute to the extinguishment of the fire? _____

10 Briefly explain the action taken by the crew to contain, control and suppress fire and explosion in the space of origin:

11 Was outside assistance provided (e.g. fire department, other ship, etc.) and, if so, what equipment was used:

12 Determine qualifications and training of all ship's crew involved in the incident, not only the fire-fighting operations, but also any related actions that may have contributed to the fire (see item 4):

13 Report on whether company or industry procedures, including hot work procedures, were in place and relevant to the operation concerned:

14 If the procedures were in place, were they correctly implemented?

15 Time taken to fight fire from first alarm:

- .1 To control the fire: _____
- .2 Once controlled, to extinguish the fire: _____

16 Total duration of fire: _____

- 17 Damage caused by fire:
 - .1 Loss of life, or injuries to personnel:
 - .2 To the cargo:
 - .3 To the ship:
 - .4 Release of pollutants:
- 18 Was there any failure of the fire-fighting equipment or systems when used?

If yes, were the equipment and/or system maintenance records up to date (e.g. servicing)?
- 19 Was there an adequate supply of air on board for self-contained breathing apparatus or was outside assistance needed to supply such air?
- 20 Observations and comments:

ANNEX 7

IMO MARINE CASUALTY AND INCIDENT REPORT

**QUESTIONNAIRE RELATED TO THE
GLOBAL MARITIME DISTRESS AND SAFETY SYSTEM**

1. This questionnaire covers both the existing maritime communications system and the GMDSS and is intended for use during the latter's transition period (from 1 February 1992 to its full implementation on 1 February 1999).

2. The purpose of this questionnaire is to enable the Sub-Committee on Radiocommunications and Search and Rescue to assess the effectiveness of the global maritime distress and safety system and to recommend improvements where necessary.

3. Member Governments are urged to complete the questionnaire in respect of distress and safety incidents occurring to ships under their flag, adding any other information which, at their discretion, would provide lessons to be learned concerning the application of the global maritime distress and safety system.

4. In addition, Member Governments are encouraged to pass any relevant information they may possess on casualties concerning foreign ships to the country in which such ships are registered.

4.1 (a) GMDSS sea area or sea areas for which radio equipment was installed:

(b) Date and time of incident (UTC): _____

4.2 Brief description of:

(a) GMDSS sea area: _____

(b) weather conditions during SAR operations: _____

4.3 Description of distress and safety radiocommunications, including particulars of the following items:

(a) means of communication (radiotelegraphy, radiotelephony, INMARSAT SES, DSC, EPIRB) and frequencies used for:

distress alert by ship: _____

distress relay by RCC: _____

SAR Co-ordinating communications: _____

(b) use of alarm signal: _____

(c) contents of distress message: _____

(d) RCC(s), ships, coast station or coast earth stations which acknowledged distress message (state time and position): _____

(e) language difficulties: _____

4.4 If the ship was abandoned, description of distress radiocommunications and location signals from survival craft: _____

4.5 If a satellite EPIRB or EPIRB was used for alerting and/or locating survivors, give details (frequency, type of activation, etc.) and which LUT/CES or coast station received the alerting signal: _____

4.6 Description of on-scene radiocommunications, including surface/air communications: _____

4.7 Any unusual, or additional, radiocommunication aspects, apparent shortcomings and/or lessons to be learned: _____

ANNEX 8

IMO MARINE CASUALTY AND INCIDENT REPORT

**FATIGUE AS A CONTRIBUTORY FACTOR TO MARITIME ACCIDENTS
FATIGUE FACTORS DATA COMPILATION SHEET**

This compilation sheet should be completed and submitted with each maritime accident investigation report where fatigue has been identified as a contributory factor. The compilation sheet should indicate the cause of the identified fatigue. See MSC/Circ.621 for guidelines for the investigation of accidents where fatigue may have been a contributing factor.

Fatigue identified in this accident was caused by (Check all factors that apply):

- | | |
|---|--|
| 1 | <p>Management/regulatory factors</p> <ul style="list-style-type: none"> Contractual arrangements _____ Work and rest periods _____ Manning levels _____ Watchkeeping practices _____ Assignment of duties _____ Shore-ship-shore support and communication _____ Management policy _____ Voyage planning _____ Recreational facilities _____ |
| 2 | <p>Ship factors</p> <ul style="list-style-type: none"> Level of automation _____ Reliability of equipment _____ Motion characteristics _____ Vibration, heat and noise levels _____ Quality of working and living environment _____ Cargo characteristics/requirements _____ Ship design _____ |
| 3 | <p>Crew factors</p> <ul style="list-style-type: none"> Period on board _____ Experience/training _____ Crew composition, cohesiveness, and relationships _____ Crew competency and quality _____ Personal problems and condition _____ |
| 4 | <p>External factors</p> <ul style="list-style-type: none"> Weather _____ Port conditions _____ Ice conditions _____ Density of vessel traffic _____ |

ANNEX 9

IMO MARINE CASUALTY AND INCIDENT REPORT

INCIDENTAL SPILLAGES OF HARMFUL SUBSTANCES OF 50 TONNES OR MORE

The following additional information should be submitted for each incident involving spillage of 50 tonnes or more of harmful substances. See annexes 1 and 2 of this circular for information to be submitted on vessel identification and casualty specifics. One copy of the report should be retained by the reporting State, one copy to be sent to the flag State, and one copy to be sent to the International Maritime Organization.

This reporting format on Incidental Spillages of Harmful Substances of 50 Tonnes or more has been added, as the report is considered necessary when investigating a casualty or an incident (MARPOL 73/78, articles 8 and 12), however this does not replace the one-line entry report required by the annual mandatory report under MARPOL 73/78, article 11 (MEPC/Circ.318, Part 1).

Part 1

To be completed by the reporting State

1. Was the date of the incident known or estimated? _____

2. Location of the incident (select one of the following):
 - .1 in inland waters
 - .2 in the territorial sea
 - .3 within the exclusive economic zone
 - .4 outside the exclusive economic zone,
in international waters

3. Reporting State: _____

Report completed by: (Administration and address)

Part 2

Information to be supplied by the reporting State and/or the flag State

4. Action taken by reporting State:

.1 Response to the spill:

- | | | |
|----|------------------|--------------------------|
| .1 | no action | <input type="checkbox"/> |
| .2 | clean-up efforts | <input type="checkbox"/> |
| .3 | salvage efforts | <input type="checkbox"/> |
| .4 | other, i.e. | <input type="checkbox"/> |
-

.2 Legal action:

- | | | |
|----|---------------------------------------|--------------------------|
| .1 | no action | <input type="checkbox"/> |
| .2 | action to be taken by flag State | <input type="checkbox"/> |
| .3 | pending | <input type="checkbox"/> |
| .4 | action taken by reporting State, i.e. | <input type="checkbox"/> |
-

.3 Measures/recommendations to prevent recurrence:

.4 Additional information:

Direct Natural Resource Damages

- Loss of wildlife
 - Impact on birds
 - Impact on marine mammals
 - Impact on fish
 - Impact on other marine life, including invertebrates
- Loss of fisheries
 - Fin fish
 - Shellfish
 - Fish farming
- Damage to marine environment
- Damage to shore environment
- Habitat Degradation
 - Soft Habitats (salt marshes, mangroves, mudflats)
 - Shoreline (Beaches)
 - Rocky Coasts/Reefs, including coral

Part 3

To be completed by the flag State

5. Legal action taken by flag State
- .1 no action
 - .2 pending
 - .3 action taken, i.e.
-

ANNEX 10

LIFE-SAVING APPLIANCE CASUALTY RECORD

The purpose of this casualty record is to enable the gathering and collation of statistical data on both novel and traditional life-saving appliances, in order that the safety of these appliances may be assessed and improvements made if necessary on the basis of reliable risk information.

Administrations are urged to supply the additional information listed in this annex for all casualties involving life-saving appliances, adding any other information which would provide lessons to be learned concerning the use of life-saving appliances.

1 Location of casualty:

(See annex 2, items 3.1-3.10)

.1 Was the ship: underway in port at anchor

2 Local conditions:

2.1 Local time (24 hrs clock):

Daylight Darkness

2.2 Wind force (Beaufort scale):

2.3 Wave height (observed):

2.4 Sea Temperature: _____ °C

2.5 Air temperature: _____ °C

2.6 Ice conditions Yes No

2.7 Warm Climates Yes No

3 Type of life-saving appliance involved:

3.1 Inflatable liferaft: Capacity: _____ POB: _____

.1 Davit launched Yes No

3.2 Marine Evacuation System (MES):

.1 Vertical Slide

- 3.3 Lifeboat Capacity: _____ POB: _____
.1 Davit launched Free fall
- 3.4 Buoyant apparatus
- 3.5 Ship's rescue boat
- 3.6 Launching appliances Capacity: _____ POB: _____
- 3.7 Other: _____ Capacity: _____ POB: _____

4 Type of personal life-saving appliance used:

- 4.1 Immersion suit
- 4.2 Lifejacket
- 4.3 Personal Flotation Device (PFD), other than Lifejacket
- 4.4 Anti-exposure suit
- 4.5 Lifebuoy

5 Reason for deployment of life-saving appliance:

- 5.1 Emergency evacuation / abandonment
- 5.2 Crew training
- 5.3 Deployment as required by regulations
- 5.4 Approval Trials (give details)

6 Nature of casualty/incident

(See annex 1, paragraph 5)

7 Details of injuries/fatalities:

- 7.1 Number of life-saving appliance related fatalities
Crew: _____ Passengers: _____ Others: _____
- 7.2 Number of life-saving appliance related injuries
Crew: _____ Passengers: _____ Others: _____

8 Other relevant details:

9 Description of causes/contributing factors:

(see annex 2, paragraph 10)

APPENDIX

GUIDANCE FOR PREPARING THE LIFE-SAVING APPLIANCES CASUALTY RECORD

The following examples could be taken into account when preparing the description of contributing factors for the purpose of entering the life-saving appliances casualty record:

Design factor examples:

- 1 The design made it hard for people to carry out reasonable tests.
- 2 The design provided no means to detect predictable hazard conditions.
- 3 Use of the design was vulnerable to predictable human failings.
- 4 The design was inadequately specified for the required duty.
- 5 Operation of the design was vulnerable to circumstances.
- 6 Release mechanism design problems.

Human factor examples:

- 1 Inadvertent operation of equipment.
- 2 Inadequate maintenance of equipment.
- 3 Communication failures.
- 4 Lack of familiarity with equipments and associated controls.
- 5 Unsafe practices during drills and inspections.

ANNEX 6

CASUALTY ANALYSIS PROCEDURE

1 PROPOSED PROCESS OF ANALYSIS OF CASUALTY INVESTIGATION REPORTS

1.1 Casualty investigation reports are submitted to IMO and in accordance with the terms of reference of the Casualty Analysis Working Group (CAWG), they are grouped in categories and assigned to various reviewers who form the Correspondence Group on Casualty Analysis. The categories based on “initial event” are:

.1 Collision	.6 Machinery damage
.2 Stranding or grounding	.7 Damages to ship or equipment
.3 Contact	.8 Capsizing or listing
.4 Fire or explosion	.9 Missing
.5 Hull failure or failure of watertight doors, ports, etc.	.10 Accidents with life-saving appliances
	.11 Other

1.2 Intersessionally, the members of the correspondence group review casualty reports, prepare an overview of lessons learned, and a draft text of lessons learned for presentation to seafarers. This work is submitted to the next session of the FSI Sub-Committee.

1.3 When the CAWG convenes at the Sub-Committee meeting, the working group is to review and verify the work of the correspondence group and to concur that it should be included in the CAWG’s report to the Sub-Committee.

1.4 The CAWG would also examine the reviews of investigation reports to determine if there are potential safety issues in way of trends or recurring causes or contributing factors. This would include an ongoing consideration of reviews and analyses that had been prepared for previous FSI meetings and any other relevant information that is contained in databases or other reports. Any potential safety issue is submitted to the FSI Sub-Committee for its review.

1.5 A potential safety issue may also be identified by another Sub-Committee which, as a result of its work or its review of casualty information, notes that a potential safety issue may exist and asks the FSI Sub-Committee to determine if the CAWG should assess the issue further. A third means of identifying a potential safety issue is where an IMO Member submits a paper providing appropriate information for the consideration of the Sub-Committee.

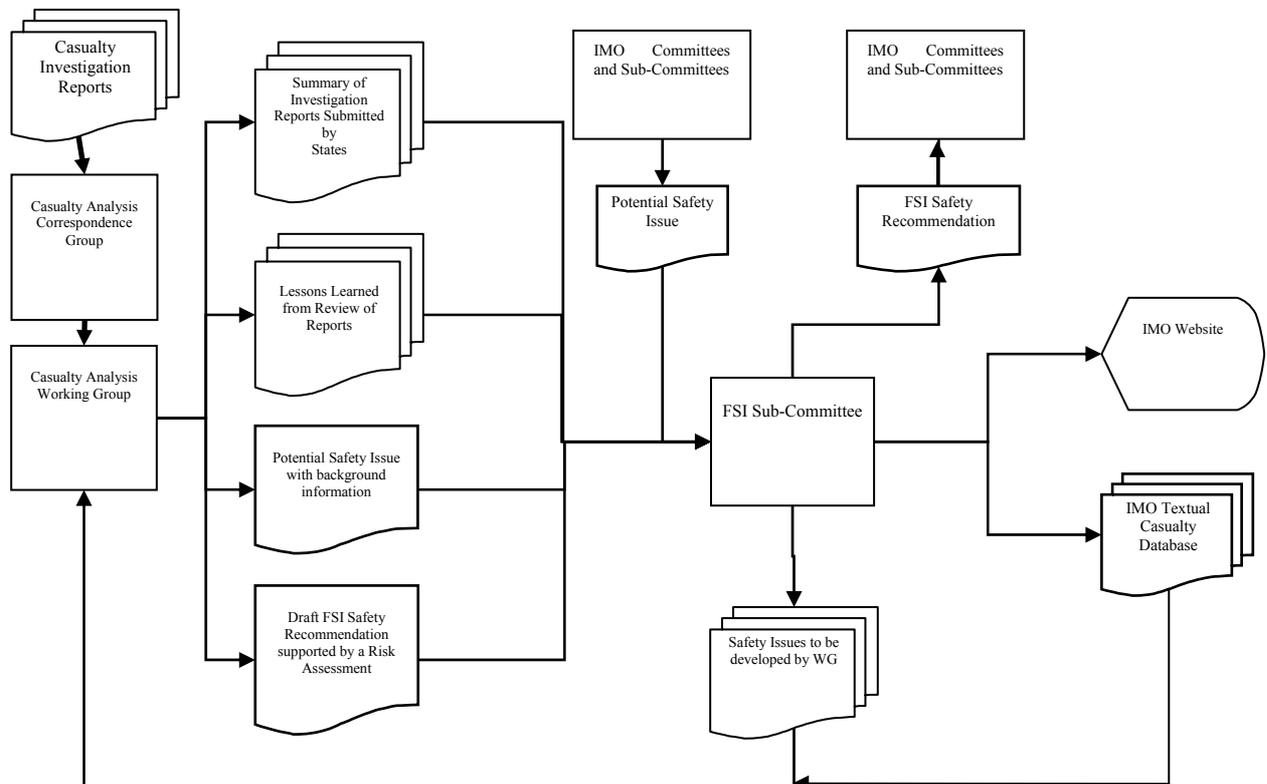
1.6 Where the CAWG is asked to assess a safety issue, the group will determine how to accomplish the task using the methodology described in the following section. Upon completion of the assessment, the group will submit a draft FSI Safety Recommendation to the Sub-Committee for consideration.

1.7 The CAWG at each session of the FSI Sub-Committee, will submit the following:

- .1 the review of casualty report;
- .2 overview of lessons learned by category;
- .3 draft lessons learned for presentation to seafarers;
- .4 potential safety issues, when appropriate; and
- .5 draft safety recommendations, when appropriate.

1.8 At each of FSI meetings, a paper on the review of investigation reports is submitted to the Sub-Committee. These reports form a textual database. The Secretariat will provide the CAWG with this database so that a complete list of casualty review and lessons learned can be used in the identification of potential safety issues.

1.9 The following is a graphic representation of the typical flow of casualty information:



2 PROCEDURE FOR EVALUATING SAFETY ISSUES

Gathering Information

2.1 When the Sub-Committee directs the working group to assess a safety issue, the CAWG would have probably only included information relating to a number of casualties where reports have been submitted to IMO. Recognizing that these reports are only those that are serious or very serious casualties, further fact finding may be required to validate the safety issue. Therefore, the Sub-Committee, when directing the CAWG to undertake an assessment of the safety issue would, at the same time, ask participants of the Sub-Committee to provide information that they may have in national databanks.

Hazard Identification

2.2 The CAWG would conduct a review of casualty reports submitted to IMO where contributing factors are pertinent to the validation of the safety issue. Additional information provided by States would also be reviewed. The identification of a hazard should start with the determination of safety significant events leading up to the casualties in order to identify any commonality. The events would then be analysed to determine what actions occurred or conditions were present during the time leading up to the event and would present an unacceptable level of risk. Such actions and/or conditions would be identified as hazards and risk assessments would be carried out.

Estimated Risk Assessment

2.3 The level of risk would be assigned to the hazard by determining the frequency of a hazard occurring and the consequences of that hazard.

2.4 With respect to frequency, the group may include the following in their considerations:

- .1 Is there a history of occurrences like this one or is this an isolated occurrence?
- .2 How many similar occurrences were there under similar circumstances in the past?
- .3 How many pieces of equipment are there that might have similar defects?
- .4 How many operating or maintenance personnel are following or are subject to the practices or procedures in question?
- .5 To what extent are there organizational, management, or regulatory implications which might reflect larger systemic problems?
- .6 What percentage of the time is the suspect equipment or the questionable procedure or practice in use?

2.5 With respect to adverse consequences, the group may consider:

- .1 How many persons could be affected by the risk?
- .2 What could be the extent of property damage?
- .3 What could be the environmental impact?
- .4 What is the potential commercial impact?
- .5 What could be the public and media interpretation?

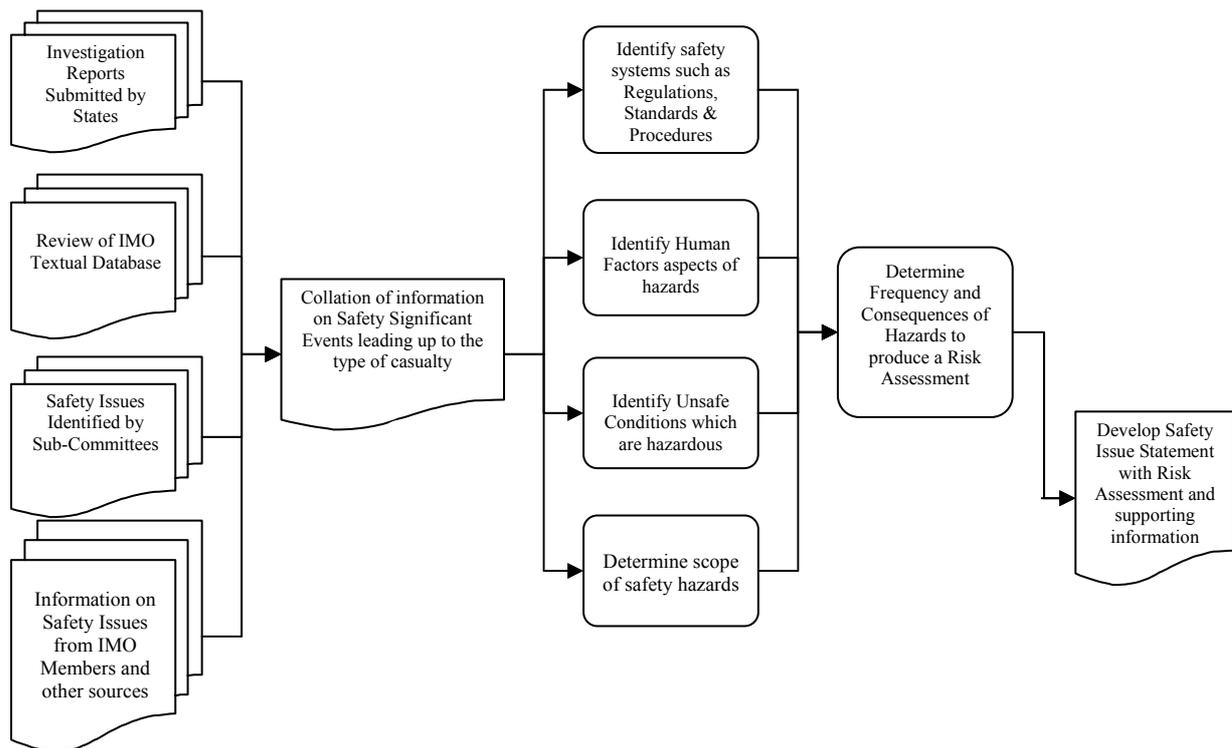
2.6 An assignment of risk as high, medium, or low would be based upon the criteria found in the appendix. Where the CAWG has identified a hazardous situation where the estimated risk is high, a draft safety issue statement would be developed for review by the Sub-Committee.

FSI Safety Recommendation

2.7 The CAWG would prepare a report of a draft safety recommendation and submit it to the Sub-Committee. The report would contain the safety issue statement, a description of the hazards and an assessment of risk. There would also be an indication of the scope of the safety issue which would describe the normal circumstances leading up to a hazardous situation within a segment or portion of the ship operations. The CAWG would also include a description of hazards not assigned a high risk.

2.8 The Sub-Committee would then have the opportunity to agree with and accept the report, ask that further analysis be conducted, or advise that it does not agree with the report. Where it concurs with the CAWG, the FSI Sub-Committee would forward the recommendation to the appropriate Committee or Sub-Committee for their consideration and action.

2.9 The following is a graphic representation of the process to validate a safety issue:



APPENDIX

Assignment of Estimated Risk Level

- 1 Risk analysis has two components:
 - .1 probability of adverse consequences; and
 - .2 severity of consequences.
- 2 The evaluation of risks is undertaken using available data, supported by judgments on the severity of potential adverse consequences and the probability of those consequences.
- 3 The Risk Matrix below would be used for guidance in doing qualitative assessments.

		Probability of Adverse Consequences (Over Time)				
		<i>Frequent</i>	<i>Probable</i>	<i>Occasional</i>	<i>Unlikely</i>	<i>Most Improbable</i>
Severity of Consequence	<i>Catastrophic</i>	High	High	High	Medium	Medium-Low
	<i>Major</i>	High	High	High-Medium	Medium	Low
	<i>Moderate</i>	High	Medium	Medium	Medium-Low	Low
	<i>Negligible</i>	Low	Low	Low	Low	Low

- 4 Definitions - Probability of Adverse Consequences
 - 4.1 *Frequent* - Likely to occur often during the life of an individual system or occur very often in the operation of a large number of similar systems (equipment, vehicle, planes, vessels, etc.).
 - 4.2 *Probable* - Likely to occur several times in the life of an individual system or occur often in operation of a large number of similar systems.
 - 4.3 *Occasional* - Likely to occur sometime in the life of an individual item or system, or will occur several times in the life of a large fleet, similar items, components or system.
 - 4.4 *Unlikely* - Unlikely, but possible to occur sometime in the life of an individual item or system, or can reasonably be expected to occur in the life of a large fleet, similar items, components or system.
 - 4.5 *Most Improbable* - So unlikely to occur in the life of an individual item or system that it may be assumed not to recur. Or, it may be possible, but unlikely, to occur in the life of a large fleet, similar items, components or system.

5 Definitions - Severity of Consequences

5.1 *Catastrophic* - Death or loss of system or plant such that significant loss of production, significant public interest, or regulatory intervention occurs or reasonably could occur.

5.2 *Major* - Severe injury, major system damage, or other event that causes some loss of production, that affects more than one department, or that could have resulted in catastrophic consequences under different circumstances.

5.3 *Moderate* - Minor injury, minor system damage, or other event generally confined to one department.

5.4 *Negligible* - Less than the above.

ANNEX 7**DRAFT MEPC CIRCULAR****GUIDELINES FOR PORT STATE CONTROL OFFICERS WHILST CHECKING COMPLIANCE WITH THE CONDITION ASSESSMENT SCHEME (CAS)**

1 The Sub-Committee on Flag State Implementation, at its thirteenth session (7 to 11 March 2005), recognizing that amendments to Annex I of MARPOL 73/78 (amendments to regulation 13G, addition of new regulation 13H and consequential amendments to the IOPP Certificate of Annex I of MARPOL 73/78), adopted by resolution MEPC.111(50), would enter into force on 5 April 2005, prepared draft guidelines for port State control officers whilst checking compliance with CAS.

2 The Marine Environment Protection Committee at its fifty-third session (18 to 22 July 2005), approved the Guidelines, the text of which is contained in the annex.

3 Parties to the MARPOL Annex I are invited to bring the Guidelines to the attention of their port State control officers in order to facilitate harmonized actions by individual Parties when checking CAS compliance.

ANNEX

GUIDELINES FOR PORT STATE CONTROL OFFICERS WHILST CHECKING COMPLIANCE WITH THE CONDITION ASSESSMENT SCHEME (CAS)

General

1 The port State control officer (PSCO) should be aware that the requirements of CAS apply to single-hull oil tankers as follows:

- .1 oil tankers of 5,000 tons deadweight and above and of 15 years and over after date of delivery of the ship, in accordance with regulation 13G(6)*;
- .2 oil tankers subject to the provisions of regulation 13G(7), where authorization is requested for continued service beyond the anniversary of the date of delivery of the ship in 2010; and
- .3 oil tankers of 5,000 tons deadweight and above and of 15 years and over after date of delivery of the ship, carrying crude oil as cargo having a density at 15°C higher than 900 kg/m³ but lower than 945 kg/m³, in accordance with regulation 13H(6)(a).

Determination of CAS applicability

2 In order to determine whether the CAS requirements apply to a particular oil tanker, the PSCO should check Form B of the Supplement to the International Oil Pollution Prevention Certificate and, based on information contained therein, determine if the oil tanker complies with regulation 13F or 13G(1)(c). CAS is not required if:

- .1 the oil tanker complies with either regulation; or
- .2 the oil tanker is less than 5,000 tons deadweight.

If the oil tanker complies with neither regulation and it is 5,000 tons deadweight and above, then the ship's age should be determined based on the delivery date indicated in the Form B of the Supplement to the International Oil Pollution Prevention Certificate.

Determination of compliance date

3 In order to determine when CAS compliance is required for a particular oil tanker, the PSCO should note that, for oil tankers of 15 years of age or more on 5 April 2005, CAS is due by the first intermediate or renewal survey due on or after 5 April 2005. To determine when CAS is required, the PSCO should review the endorsement date for the intermediate survey on the SOLAS Cargo Ship Safety Certificate or the SOLAS Safety Construction Certificate, as appropriate:

* All references to regulations relate to regulations of Annex I of MARPOL 73/78.

- .1 If the SOLAS certificate's endorsement date for the intermediate survey is before 5 April 2005, then CAS is due at the next renewal survey (i.e., 3 months prior to the 4th anniversary date to the expiry date).
- .2 If the SOLAS certificate does not indicate any endorsement for the intermediate survey on 5 April 2005, then CAS is due at the next intermediate survey (i.e., 3 months prior to the 2nd anniversary date to 3 months after the 3rd anniversary date).

However, for those oil tankers which have been allowed continued operation under the provisions of regulation 13G(7), CAS is due by the first intermediate or renewal survey scheduled **prior** to the anniversary date of the ship in 2010.

4 For oil tankers of less than 15 years of age on 5 April 2005, CAS is due by the first intermediate or renewal survey carried out after 15 years of age. To determine when CAS is required, the PSCO should review the endorsement date for the intermediate survey on the SOLAS Cargo Ship Safety Certificate or the SOLAS Safety Construction Certificate, as appropriate:

- .1 If the SOLAS certificate's endorsement date for the intermediate survey is before the oil tanker is 15 years of age, then CAS is due at the next renewal survey (i.e., 3 months prior to the 4th anniversary date to the expiry date).
- .2 If the SOLAS certificate does not indicate any endorsement for the intermediate survey by the date on which the oil tanker is 15 years of age, then CAS is due at the next intermediate survey (i.e., 3 months prior to the 2nd anniversary date to 3 months after the 3rd anniversary date).

5 For oil tankers operating under the provisions of regulation 13H(6)(a) (carriage of crude oil having a density at 15°C higher than 900 kg/m³ but lower than 945 kg/m³), CAS is due by the first intermediate or renewal survey carried out after 5 April 2005.

6 The anniversary date is the day and month of each year, which corresponds to the date of expiry of the above-mentioned SOLAS certificate.

7 If the CAS due date has passed, the PSCO should check for a CAS Statement of Compliance issued by the Administration or an Interim Statement of Compliance issued by the Recognized Organization.

8 In any case, it is recommended that the PSCO consult the IMO database for CAS that was developed in accordance with section 14 of CAS. The database can be accessed at www.imo.org/cas.

ANNEX 8**DRAFT MEPC RESOLUTION ...(53)
(adopted on ... July 2005)****GUIDELINES FOR PORT STATE CONTROL FOR MARPOL ANNEX VI**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee conferred upon it by the international conventions for the prevention and control of marine pollution,

RECALLING ALSO that, by the Protocol of 1997 to amend the International Convention for the Protection of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (the 1997 Protocol), Annex VI was added to the Convention,

NOTING that MARPOL Annex VI entered into force on 19 May 2005,

NOTING ALSO that articles 5 and 6 of the MARPOL Convention and regulations 10 and 11 of MARPOL Annex VI provide control procedures to be followed by a Party to the 1997 Protocol with regard to foreign ships visiting its ports,

RECOGNIZING the need to provide basic guidance on the conduct of port State control inspections for MARPOL Annex VI and ensure consistency in the conduct of these inspections, the recognition of deficiencies of a ship, its equipment, or its crew, and the application of control procedures,

HAVING CONSIDERED the draft Guidelines for port State control for MARPOL Annex VI prepared by the Sub-Committee on Flag State Implementation at its thirteenth session,

1. ADOPTS the Guidelines for port State control for MARPOL Annex VI, as set out in the annex to this resolution;
2. INVITES Governments, when exercising port State control for MARPOL Annex VI, to apply the aforementioned Guidelines and to provide the Organization with information on their application; and
3. AGREES that, at a later stage, the Guidelines be adopted as amendments to resolution A.787(19) on Procedures for port State control, as amended by resolution A.882(21).

ANNEX

DRAFT GUIDELINES FOR PORT STATE CONTROL INSPECTIONS FOR COMPLIANCE WITH MARPOL ANNEX VI

Chapter 1 GENERAL

1.1 This document is intended to provide basic guidance on the conduct of port State control inspections for compliance with MARPOL Annex VI (hereinafter referred to as “the Annex”) and afford consistency in the conduct of these inspections, the recognition of deficiencies and the application of control procedures.

1.2 The regulations of MARPOL Annex VI contain the following compliance provisions:

- .1 an IAPP Certificate is required for all ships of 400 GT or above engaged in international voyages. Administrations may establish alternative appropriate measures to demonstrate the necessary compliance in respect of ships under 400 GT engaged in international voyages;
- .2 in the case of the NO_x controls, these apply to all diesel engines over 130 kW (other than those used solely for emergency purposes) installed on ships constructed on or after 1 January 2000, and diesel engines subject to ‘major conversion’ (as defined by the Annex) on or after that date;
- .3 only those incinerators installed on or after 1 January 2000 are required to comply with the associated requirements (appendix IV to the Annex), however, the restrictions as to which materials may be incinerated apply to all incinerators; and
- .4 tanker vapour emission control systems are only required where their fitting is specified by the relevant authority.

1.3 Chapters 1 (General), 4 (Contravention and detention), 5 (Reporting requirements) and 6 (Review procedures) of the Procedures for Port State Control adopted by resolution A.787(19), as amended by resolution A.882(21), also apply to these Guidelines.

Chapter 2 INSPECTIONS OF SHIPS REQUIRED TO CARRY THE IAPP CERTIFICATE

2.1 Initial inspections

2.1.1 On boarding and introduction to the master or responsible ship’s officer, the port State control officer (PSCO) should examine the following documents:

- .1 the International Air Pollution Prevention Certificate (IAPP Certificate) (regulation VI/6), including its Supplement*;
- .2 the Engine International Air Pollution Prevention Certificate (EIAPP Certificate) (paragraph 2.2 of the NO_x Technical Code) including its Supplement, for each applicable diesel engine;
- .3 the Technical File (paragraph 2.3.6 of the NO_x Technical Code) for each applicable diesel engine;
- .4 the record book of diesel engine parameters for each diesel engine (paragraph 6.2.3.3 of the NO_x Technical Code) demonstrating compliance with regulation VI/13 by means of the diesel engine parameter check method;
- .5 approved documentation relating to exhaust gas cleaning systems, or equivalent means, to reduce SO_x emissions (regulation VI/14(4), (b) or (c));
- .6 the bunker delivery notes and associated samples (regulation VI/18); and
- .7 the copy of the type approval certificate of any shipboard incinerator installed on or after 1 January 2000 (for the incinerators with capacities up to 1,500 kW) (resolutions MEPC.76(40) and MEPC.93(45)).

The PSCO should ascertain the date of construction and installation of equipment on board which are subject to the provisions of the Annex, in order to confirm which regulations of the Annex are applicable.

2.1.2 As a preliminary check, the IAPP Certificate's validity should be confirmed by verifying that the Certificate is properly completed and signed and that required surveys have been performed.

2.1.3 Through examining the Supplement to the IAPP Certificate, the PSCO may establish how the ship is equipped for the prevention of air pollution.

2.1.4 If the certificates and documents are valid and appropriate, and the PSCO's general impressions and visual observations on board confirm a good standard of maintenance, the PSCO should generally confine the inspection to reported deficiencies, if any.

2.1.5 If, however, the PSCO's general impressions or observations on board give clear grounds (see paragraph 2.1.6) for believing that the condition of the ship or its equipment do not correspond substantially with the particulars of the certificates or the documents, the PSCO should proceed to a more detailed inspection.

* Under regulation 6(2) of MARPOL Annex VI, ships constructed before 19 May 2005 shall be issued with the IAPP Certificate not later than the first scheduled dry docking after 19 May 2005, but in no case later than 19 May 2008. Ships flying the flag of a State which is not a Party to MARPOL Annex VI and which do not carry an IAPP Certificate after the above dates should be treated in accordance with chapter 3 of these Guidelines.

2.1.6 “Clear grounds” to conduct a more detailed inspection include:

- .1 evidence that certificates required by the Annex are missing or clearly invalid;
- .2 evidence that documents required by the Annex are missing or clearly invalid;
- .3 the absence of principal equipment or arrangements specified in the certificates or documents;
- .4 the presence of equipment or arrangements not specified in the certificates or documents;
- .5 evidence from the PSCO’s general impressions or observations that serious deficiencies exist in the equipment or arrangements specified in the certificates or documents;
- .6 information or evidence that the master or crew are not familiar with essential shipboard operations relating to the prevention of air pollution, or that such operations have not been carried out;
- .7 evidence that the quality of fuel oil, delivered to and used on board the ship, appears to be substandard; or
- .8 receipt of a report or complaint containing information that the ship appears to be substandard.

2.2 More detailed inspections

2.2.1 The PSCO should verify that:

- .1 there are effectively implemented maintenance procedures for the equipment containing ozone-depleting substances; and
- .2 there are no deliberate emissions of ozone-depleting substances.

2.2.2 In order to verify that each installed diesel engine with a power output of more than 130 kW is approved by the Administration in accordance with the NO_x Technical Code and maintained appropriately, the PSCO should pay particular attention to the following:

- .1 examine such diesel engines to be consistent with the EIAPP Certificate and its Supplement, Technical File and, if applicable, Engine Record Book;
- .2 examine diesel engines specified in the Technical Files to verify that no unapproved modifications, which may affect on NO_x emission, have been made to the diesel engines;
- .3 in the case of ships constructed before 1 January 2000, verify that any diesel engine which has been subject to a major conversion, as defined in regulation VI/13, has been approved by the Administration; and

- .4 emergency diesel engines intended to be used solely in case of emergency are still in use for this purpose.

2.2.3 The PSCO should check whether the quality of fuel oil used on board the ship, conforms to the provisions of regulations VI/14 and VI/18*, taking into account appendix IV to the Annex. Furthermore, the PSCO should pay attention to the record required in regulation VI/14(6) in order to identify the sulphur content of fuel oil used while the ship is within SO_x emission control areas, or that other equivalent approved means have been applied as required.

2.2.4 If the ship is a tanker, as defined in paragraph (12) of regulation VI/2, the PSCO should verify that the vapour collection system approved by the Administration, taking into account MSC/Circ.585, is installed, if required under regulation VI/15.

2.2.5 The PSCO should verify that shipboard incineration of sewage sludge or sludge oil in boilers or marine power plants is not undertaken while the ship is inside ports, harbours or estuaries (regulation VI/16(5)).

2.2.6 The PSCO should verify that the shipboard incinerator, if required by regulation VI/16(2), is approved by the Administration. For these units, it should be verified that the incinerator is properly maintained, therefore the PSCO should examine whether:

- .1 the shipboard incinerator is consistent with the certificate of shipboard incinerator;
- .2 the operational manual, in order to operate the shipboard incinerator within the limits provided in appendix IV to the Annex, is provided; and
- .3 the combustion chamber flue gas outlet temperature is monitored as required (regulation VI/16(9)).

2.2.7 If there are clear grounds as defined in paragraph 2.1.6, the PSCO may examine operational procedures by confirming that:

- .1 the master or crew are familiar with the procedures to prevent emissions of ozone-depleting substances;
- .2 the master or crew are familiar with the proper operation and maintenance of diesel engines, in accordance with their Technical Files;
- .3 the master or crew have undertaken the necessary fuel oil changeover procedures, or equivalent, associated with demonstrating compliance within an SO_x emission control area;
- .4 the master or crew are familiar with the garbage screening procedure to ensure that prohibited garbage is not incinerated;

* It should be noted that in the case where bunker delivery note or representative sample as required by regulation VI/18 are not in compliance with the relevant requirements, the master or crew should have documented that fact. Where fuel oil supply was undertaken in a port under the jurisdiction of a Party to the 1997 Protocol, the PSCO should report that non-compliance to the appropriate authority responsible for the registration of fuel oil suppliers (regulation VI/18(8)(a)).

- .5 the master or crew are familiar with the operation of the shipboard incinerator, as required by regulation VI/16(2), within the limits provided in appendix IV to the Annex, in accordance with its operational manual;
- .6 the master or crew are familiar with the regulation of emissions of volatile organic compounds (VOCs), when the ship is in ports or terminals under the jurisdiction of a Party to the 1997 Protocol to MARPOL 73/78 in which VOCs emissions are to be regulated, and are familiar with the proper operation of a vapour collection system approved by the Administration (in case the ship is a tanker as defined in regulation VI/2(12)); and
- .7 the master or crew are familiar with bunker delivery procedures in respect of bunker delivery notes and retained samples as required by regulation VI/18.

2.3 Detainable deficiencies

2.3.1 In exercising his/her functions, the PSCO should use professional judgment to determine whether to detain the ship until any noted deficiencies are corrected or to allow it to sail with certain deficiencies which do not pose an unreasonable threat of harm to the marine environment. In doing this, the PSCO should be guided by the principle that the requirements contained in the Annex, with respect to the construction, equipment and operation of the ship, are essential for the protection of the marine environment and that departure from these requirements could constitute an unreasonable threat of harm to the marine environment.

2.3.2 In order to assist the PSCO in the use of these guidelines, there follows a list of deficiencies, which are considered to be of such a serious nature that they may warrant the detention of the ship involved:

- .1 absence of valid IAPP Certificate, EIAPP Certificates or Technical Files^{*};
- .2 a diesel engine, with a power output of more than 130 kW, which is installed on board a ship constructed on or after 1 January 2000, or a diesel engine having undergone a major conversion on or after 1 January 2000, which does not comply with the NO_x Technical Code;
- .3 the sulphur content of any fuel oil used on board exceeds 4.5% m/m.
- .4 non-compliance with the relevant requirements while operating within an SO_x emission control area;
- .5 an incinerator installed on board the ship on or after 1 January 2000 does not comply with requirements contained in appendix IV to the Annex, or the standard specifications for shipboard incinerators developed by the Organization (resolutions MEPC.76(40) and MEPC.93(45));

* Under regulation 6(2) of MARPOL Annex VI, ships constructed before 19 May 2005 shall be issued with the IAPP Certificate no later than the first scheduled dry docking after 19 May 2005, but in no case later than 19 May 2008. Ships flying the flag of a State which is not a Party to MARPOL Annex VI and which do not carry an IAPP Certificate after the above dates should be treated in accordance with chapter 3 of these Guidelines.

- .6 the master or crew are not familiar with essential procedures regarding the operation of air pollution prevention equipment as defined in paragraph 2.2.7 above.

Chapter 3 INSPECTIONS OF SHIPS OF NON-PARTIES TO THE ANNEX AND OTHER SHIPS NOT REQUIRED TO CARRY THE IAPP CERTIFICATE

3.1 As this category of ships is not provided with the IAPP Certificate, the PSCO should judge whether the condition of the ship and its equipment satisfies the requirements set out in the Annex. In this respect, the PSCO should take into account that, in accordance with article 5(4) of the MARPOL Convention, no more favourable treatment is to be given to ships of non-Parties.

3.2 In all other respects the PSCO should be guided by the procedures for ships referred to in chapter 2 and should be satisfied that the ship and crew do not present a danger to those on board or an unreasonable threat of harm to the marine environment.

3.3 If the ship has a form of certification other than the IAPP Certificate, the PSCO may take such documentation into account in the evaluation of the ship.

ANNEX 9**DRAFT ASSEMBLY RESOLUTION****CODE FOR THE IMPLEMENTATION OF MANDATORY IMO INSTRUMENTS**

THE ASSEMBLY,

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

RECALLING FURTHER resolution A.847(20) on “Guidelines to assist flag States in the implementation of IMO instruments” intended to provide flag States with a means to establish and maintain measures for the effective application and enforcement of the relevant IMO instruments,

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

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

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

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

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

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

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

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

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

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

1. ADOPTS the Code for the Implementation of Mandatory IMO Instruments, set out in the Annex to the present resolution;
2. URGES Governments of flag States, port States and coastal States to implement the Code on a national basis;
3. REQUESTS the Maritime Safety Committee and the Marine Environment Protection Committee to keep the Code under review and, in co-ordination with the Council, to propose amendments thereto to the Assembly;
4. REVOKES resolution A.847(20).

ANNEX 1

DRAFT CODE FOR THE IMPLEMENTATION OF MANDATORY IMO INSTRUMENTS

PART 1 – COMMON AREAS

Objective

1 The objective of this Code is to enhance global maritime safety[, security] and protection of the marine environment.

2 Different Administrations will view this Code according to their own circumstances and will be bound only for the implementation of those instruments referred to in paragraph 6 to which they are contracting governments or parties. By virtue of geography and circumstance some administrations may have a greater role as a flag State than as a port State or as a coastal State, whilst others may have a greater role as a coastal State or port State than as a flag State. Such imbalances do not diminish, in any way, their duties as a flag, port or coastal State.

Strategy

3 In order for a State to meet the objective of this Code a strategy should be developed, covering the following issues:

- .1 implementation and enforcement of relevant international mandatory instruments;
- .2 adherence to international recommendations, as appropriate;
- .3 continuous review and verification of the effectiveness of the State in respect of meeting its international obligations; and
- .4 the achievement, maintenance and improvement of overall organizational performance and capability.

In implementing the aforementioned strategy, the guidance given in this Code should be adhered to.

General

4 Under the provisions of the United Nations Convention on the Law of the Sea 1982 (UNCLOS) and of IMO conventions, Administrations are responsible for promulgating laws and regulations and for taking all other steps which may be necessary to give these instruments full and complete effect so as to ensure that, from the point of view of safety of life at sea[, security] and protection of the marine environment, a ship is fit for the service for which it is intended and is manned with competent maritime personnel.

5 In taking measures to prevent, reduce and control pollution of the marine environment, States shall act so as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another. (UNCLOS, article 195).

Scope

- 6 The mandatory IMO instruments addressed in this Code are:
- .1 the International Convention for the Safety of Life at Sea (SOLAS 74), as amended;
 - .2 the International Convention for the Safety of Life at Sea (SOLAS 74), as amended, and as modified by its 1978 Protocol;
 - .3 the International Convention for the Safety of Life at Sea (SOLAS 74), as amended, and as modified by its 1988 Protocol;
 - .4 the International Convention for the Prevention of Pollution from Ships, 1973, as modified by its 1978 Protocol (MARPOL 73/78);
 - .5 the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), as amended;
 - .6 the International Convention on Load Lines, 1966 (LL 66);
 - .7 the International Convention on Load Lines, 1966 (LL 66), as modified by its 1988 Protocol;
 - .8 the International Convention on Tonnage Measurement of Ships, 1969 (Tonnage 69); and
 - .9 the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREG 72), as amended,

as well as all instruments made mandatory through these conventions and protocols. Non-exhaustive lists of obligations under the above mandatory instruments are found in annexes 1 to 4. A list of the relevant instruments is given in annex 5.

Initial actions

7 When a new or amended IMO mandatory instrument enters into force for a State, the Government of that State must be in a position to implement and enforce its provisions through appropriate national legislation and to provide the necessary implementation and enforcement infrastructure. This means that a Government of the State must have:

- .1 the ability to promulgate laws which permit effective jurisdiction and control in administrative, technical and social matters over ships flying its flag and, in particular, provide the legal basis for general requirements for registries, the inspection of ships, safety [, security] and pollution-prevention laws applying to such ships and the making of associated regulations;
- .2 a legal basis for the enforcement of its national laws and regulations including the associated investigative and penal processes; and

- .3 the availability of sufficient personnel with maritime expertise to assist in the promulgation of the necessary national laws and to discharge all the responsibilities of the State, including reporting as required by the respective conventions.

8 A possible framework for national legislation to give effect to the provisions of relevant IMO instruments can be found in “Guidelines for Maritime Legislation”, a United Nations publication¹.

Communication of information

9 The State should communicate its strategy, as referred to in paragraph 3, including information on its national legislation to all concerned.

Records

10 Records, as appropriate, should be established and maintained to provide evidence of conformity to requirements and of the effective operation of the State. Records should remain legible, readily identifiable and retrievable. A documented procedure should be established to define the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records.

Improvement

11 States should continually improve the adequacy of the measures which are taken to give effect to those conventions and protocols which they have accepted. Improvement should be made through rigorous and effective application and enforcement of national legislation, as appropriate, and monitoring of compliance.

12 The State should stimulate a culture which provides opportunities to people for improvement of performance in maritime safety[, security], and environmental protection activities.

13 Further, the State should take action to identify and eliminate the cause of any non-conformities in order to prevent recurrence, including:

- .1 review and analysis of non-conformities;
- .2 implementation of necessary corrective action; and
- .3 review of the corrective action taken.

14 The State should determine action to eliminate the causes of potential non-conformities in order to prevent their occurrence.

¹ ST/ESCAP/1076.

PART 2 – FLAG STATES

Implementation

- 15 In order to effectively discharge their responsibilities and obligations, flag States should:
- .1 implement policies through the issuance of national legislation and guidance which will assist in the implementation and enforcement of the requirements of all safety[, security] and pollution prevention conventions and protocols they are party to; and
 - .2 assign responsibilities within their Administration to update and revise any relevant policies adopted, as necessary.
- 16 Flag States should establish resources and processes capable of administering a safety, [security] and environmental protection program which, as a minimum, should consist of the following:
- .1 administrative instructions to implement applicable international rules and regulations as well as develop and disseminate any interpretative national regulations that may be needed;
 - .2 resources to ensure compliance with the requirements of the mandatory IMO instruments listed in paragraph 6 using an audit and inspection programme independent of any administrative bodies issuing the required certificates and relevant documentation and/or of any entity which has been delegated authority by the flag States to issue the required certificates and relevant documentation;
 - .3 resources to ensure compliance with the requirements of the 1978 STCW Convention, as amended. This includes resources to ensure, *inter alia*, that:
 - .3.1 training, assessment of competence and certification of seafarers are in accordance with the provisions of the Convention;
 - .3.2 STCW certificates and endorsements accurately reflect the competencies of the seafarers, using the appropriate STCW terminology as well as terms which are identical to those used in any safe manning document issued to the ship;
 - .3.3 impartial investigation can be held of any reported failure, whether by act or omission, that may pose a direct threat to safety of life or property at sea or to the marine environment, by the holders of certificates or endorsements issued by that Party;
 - .3.4 certificates or endorsements issued by the flag State can be effectively withdrawn, suspended or cancelled when warranted, and when necessary to prevent fraud; and

- .3.5 administrative arrangements, including those involving training, assessment and certification activities conducted under the purview of another State, are such that the flag State accepts its responsibility for ensuring the competence of masters, officers and other seafarers serving on ships entitled to fly its flag*;
- .4 resources to ensure the conduct of investigations into casualties and adequate and timely handling of cases of ships with identified deficiencies; and
- .5 the development, documentation and provision of guidance concerning those requirements that are to the satisfaction of the Administration, found in relevant mandatory IMO instruments.

17 Flag States shall ensure that ships entitled to fly their flag are sufficiently and efficiently manned, taking into account the Principles of Safe Manning adopted by IMO.

Delegation of authority

18 Flag States authorizing recognized organizations to act on their behalf in conducting the surveys, inspections, the issue of certificates and documents, the marking of ships and other statutory work required under the IMO conventions must regulate such authorization in accordance with SOLAS regulation XI-1/1 to:

- .1 determine that the recognized organization has adequate resources in terms of technical, managerial and research capabilities to accomplish the tasks being assigned, in accordance with the Minimum standards for recognized organizations acting on behalf of the Administration set out in the relevant IMO resolution**;
- .2 have as its basis a formal written agreement between the Administration and the recognized organization which, as a minimum, includes the elements set out in the relevant IMO resolution#, or equivalent legal arrangements, and which may be based on the model agreement for the authorization of recognized organizations acting on behalf of the Administration###;
- .3 issue specific instructions detailing actions to be followed in the event that a ship is found unfit to proceed to sea without danger to the ship or persons on board, or is found to present an unreasonable threat of harm to the marine environment;
- .4 provide the recognized organization with all appropriate instruments of national law and interpretations thereof giving effect to the provisions of the conventions or specify whether the Administration's standards go beyond convention requirements in any respect; and

* Regulations I/2, I/9, I/10 and I/11 of the 1978 STCW Convention, as amended.

** Appendix 1 of resolution A.739(18) "Guidelines for the authorization of organizations acting on behalf of the Administration".

Appendix 2 of resolution A.739(18) "Guidelines for the authorization of organizations acting on behalf of the Administration".

(MSC/Circ.710-MEPC/Circ.307).

- .5 require that the recognized organization must maintain records which will provide the Administration with data to assist in interpretation of convention regulations.

[19 Flag States authorizing recognized security organizations to act on their behalf should give consideration to the competency of such an organization.]

20 Flag States nominating surveyors for the purpose of carrying out surveys and inspections on their behalf should regulate such nominations, as appropriate, in accordance with the guidance provided in paragraph 18, in particular subparagraphs .3 and .4.

21 The flag State should establish or participate in an oversight programme with adequate resources for monitoring of, and communication with, its recognized organizations in order to ensure that its international obligations are fully met, by:

- .1 exercising its authority to conduct supplementary surveys to ensure that ships entitled to fly its flag in fact comply with mandatory IMO instruments;
- .2 conducting supplementary surveys as it deems necessary to ensure that ships entitled to fly its flag comply with national requirements which supplement the IMO convention requirements; and
- .3 providing staff who have a good knowledge of the rules and regulations of the flag State and the recognized organizations and who are available to carry out effective field oversight of the recognized organizations.

Enforcement

22 Flag States should take all necessary measures to secure observance of international rules and standards by ships entitled to fly their flag and by entities and persons under their jurisdiction so as to ensure compliance with their international obligations. Such measure should, *inter alia*, include:

- .1 prohibiting ships entitled to fly their flag from sailing until such ships can proceed to sea in compliance with the requirements of international rules and standards;
- .2 the periodic inspection of ships entitled to fly their flag to verify that the actual condition of the ship and its crew is in conformity with the certificates it carries;
- .3 that, during the periodic inspection referred to in subparagraph .2, the surveyor should ensure that seafarers assigned to the ships are familiar with:
 - .3.1 their specific duties; and
 - .3.2 ship arrangements, installations, equipments and procedures;
- .4 ensuring that the ship's complement, as a whole, can effectively co-ordinate their activities in an emergency situation and in performing functions vital to safety[, security] or to the prevention or mitigation of pollution;

- .5 providing in national laws and regulations for penalties of adequate severity to discourage violation of international rules and standards by ships entitled to fly their flag;
- .6 instituting proceedings – after an investigation has been conducted - against ships entitled to fly their flag which have violated international rules and standards, irrespective of where the violation has occurred;
- .7 providing in national laws and regulations for penalties of adequate severity to discourage violations of international rules and standards by individuals issued with certificates or endorsements under their authority; and
- .8 instituting proceedings – after an investigation has been conducted – against individuals holding certificates or endorsements who have violated international rules and standards, irrespective of where the violation has occurred.

23 A flag State should consider developing and implementing a control and monitoring programme, as appropriate, in order to:

- .1 provide for prompt and thorough casualty investigations, with reporting to IMO as appropriate;
- .2 provide for the collection of statistical data, so that trend analyses can be conducted to identify problem areas; and
- .3 provide for a timely response to deficiencies and alleged pollution incidents reported by port or coastal States.

24 Furthermore, the flag State should:

- .1 ensure compliance with applicable IMO instruments through national legislation;
- .2 provide an appropriate number of qualified personnel to implement and enforce the national legislation referred to in subparagraph 15.1, including personnel for performing investigations and surveys;
- .3 provide a sufficient number of qualified flag State personnel to investigate incidents where ships entitled to fly its flag have been detained by port States;
- .4 provide a sufficient number of qualified flag State personnel to investigate incidents where the validity of a certificate or endorsement or competence of individuals holding certificates or endorsements issued under its authority are questioned by port States; and
- .5 ensure the training and oversight of the activities of flag State surveyors and investigators.

25 When a State is informed that a ship entitled to fly its flag has been detained by a port State, the flag State should oversee that appropriate corrective measures to bring the ship in question into immediate compliance with the applicable international conventions are taken.

26 A flag State, or a recognized organization acting on its behalf, should only issue or endorse an international certificate to a ship after it has determined that the ship meets all applicable requirements.

27 A flag State should only issue an international certificate of competency or endorsement to a person after it has determined that the person meets all applicable requirements.

Flag State surveyors

28 The flag State should define and document the responsibilities, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety[, security] and pollution prevention.

29 Personnel responsible for, or performing, surveys, inspections and audits on ships and companies covered by the relevant IMO mandatory instruments should have as a minimum the following:

- .1 appropriate qualifications from a marine or nautical institution and relevant seagoing experience as a certificated ship officer holding or having held a valid STCW II/2 or III/2 certificate of competency and have maintained their technical knowledge of ships and their operation since gaining their certificate of competency; or
- .2 a degree or equivalent from a tertiary institution within a relevant field of engineering or science recognized by the State.

30 Personnel qualified under 29.1 should have served for a period of not less than three years at sea as officer in the deck or engine department.

31 Personnel qualified under 29.2 should have worked in a relevant capacity for at least three years.

32 In addition such personnel should have appropriate practical and theoretical knowledge of ships, their operation and the provisions of the relevant national and international instruments necessary to perform their duties as flag State surveyors obtained through documented training programmes.

33 Other personnel assisting in the performance of such work should have education, training and supervision commensurate with the tasks they are authorized to perform.

34 Previous relevant experience in the field of expertise should be considered an advantage; in case of no previous experience the Administration should provide appropriate field training.

35 Flag States may accredit surveyors through a formalized, detailed training programme that leads to the same standard of knowledge and ability as that required in paragraphs 29 to 32.

36 The flag State should have implemented a documented system for qualification of personnel and continuous updating of their knowledge as appropriate to the tasks they are authorized to undertake.

37 Depending on the function(s) to be performed the qualifications should encompass:

- .1 knowledge of applicable international and national rules and regulations for ships, their companies, their crew, their cargo and their operation;
- .2 knowledge of the procedures to be applied in survey, certification, control, investigative and oversight functions;
- .3 understanding of the goals and objectives of the international and national instruments dealing with maritime safety[, security]and protection of the marine environment, and of related programmes;
- .4 understanding of the processes both on board and ashore, internal as well as external;
- .5 possession of professional competency necessary to perform the given tasks effectively and efficiently;
- .6 full safety awareness in all circumstances, also for one's own safety; and
- .7 training or experience in the various tasks to be performed and, preferably, also in the functions to be assessed.

38 The flag State should issue an identification document for the surveyor to carry when performing his/her tasks.

Flag State investigations

39 Investigations should be carried out following a marine casualty or pollution incident. Casualty investigations should be conducted by suitably qualified investigators, competent in matters relating to the casualty. The flag State should be prepared to provide qualified investigators for this purpose, irrespective of the location of the casualty or incident.

40 The flag State should ensure that individual investigators have working knowledge and practical experience in those subject areas pertaining to their normal duties. Additionally, to assist individual investigators in performing duties outside their normal assignments, the flag State should ensure ready access to expertise in the following areas, as necessary:

- .1 navigation and the Collision Regulations;
- .2 flag State regulations on certificates of competency;
- .3 causes of marine pollution;
- .4 interviewing techniques;
- .5 evidence gathering; and
- .6 evaluation of the effects of the human element.

41 Any accidents involving personal injury necessitating absence from duty of three days or more and any deaths resulting from occupational accidents and casualties to ships of the flag State should be investigated, and the results of such investigations made public.

42 Ship casualties should be investigated and reported upon in accordance with relevant IMO conventions, and the guidelines developed by IMO*. The report on the investigation should be forwarded to IMO together with the flag State's observations, in accordance with the guidelines referred to above.

Evaluation and review

43 The flag States should, on a periodic basis, evaluate their performances with respect to the implementation of administrative processes, procedures and resources necessary to meet their obligations as required by the conventions to which they are party.

44 Measures to evaluate the performance of the flag States may include, *inter alia*, port State control detention rates, flag State inspection results, casualty statistics, communication and information processes, annual loss statistics (excluding constructive total losses (CTLs)), and other performance indicators as may be appropriate, to determine whether staffing, resources and administrative procedures are adequate to meet their flag State obligations.

45 Measures may include a regular review of:

- .1 fleet loss and accident ratios to identify trends over selected time periods;
- .2 the number of verified cases of detained ships in relation to the size of the fleet;
- .3 the number of verified cases of incompetence or wrongdoing by individuals holding certificates or endorsements issued under its authority;
- .4 responses to port State deficiency reports or interventions;
- .5 investigations into serious casualties and lessons learned therefrom;
- .6 financial, technical and other resources committed;
- .7 results of inspections, surveys and controls of the ships in the fleet;
- .8 investigation of occupational accidents;
- .9 the number of incidents and violations under MARPOL 73/78, as amended; and
- .10 the number of suspensions or withdrawals of certificates, endorsements, approvals, etc.

* Refer to the Code for the Investigation of Marine Casualties and Incidents, adopted by the Organization by resolution A.849(20), as amended by resolution A.884(21).

PART 3 – COASTAL STATES

Implementation

46 Coastal States have certain rights and obligations under various mandatory IMO instruments. When exercising their rights under the instruments coastal States incur additional obligations.

47 In order to effectively meet their obligations, coastal States should:

- .1 implement policies and guidance which will assist in the implementation and enforcement of their obligations; and
- .2 assign responsibilities within their Administration to update and revise any relevant policies adopted, as necessary.

Enforcement

48 Coastal States should take all necessary measures to ensure their observance of international rules when exercising their rights and fulfilling their obligations.

49 A coastal State should consider developing and implementing a control and monitoring programme, as appropriate, in order to:

- .1 provide for the allocation of statistical data so that trend analyses can be conducted to identify problem areas;
- .2 provide for timely response to pollution incidents in its waters; and
- .3 co-operate with flag States and/or port States, as appropriate, in investigations of maritime casualties.

Evaluation and review

50 Coastal States should periodically evaluate their performance in respect of exercising their rights and meeting their obligations under mandatory IMO instruments.

PART 4 – PORT STATES

Implementation

51 Port States have certain rights and obligations under various mandatory IMO instruments. When exercising their rights under the instruments, port States incur additional obligations.

52 Port States can play an integral role in the achievement of maritime safety[, security,] and environmental protection, including pollution prevention. The role and responsibilities of the port State with respect to maritime safety[, security] and environmental protection is derived from a combination of international treaties, conventions, national laws, as well as in some instances, bilateral and multilateral agreements.

Enforcement

53 Port States should take all necessary measures to ensure their observance of international rules when exercising their rights and fulfilling their obligations.

54 Several IMO conventions contain specific provisions that permit port State control.

55 In this respect, SOLAS, as modified by its 1988 Protocol, MARPOL and STCW also contain provisions that obligate port States to treat non-parties to those conventions no more favourably than those who are parties. This means that port States are obliged to impose the conditions of the conventions on parties as well as on non-parties.

56 When exercising their right to carry out port State control, a port State should establish processes to administer a port State control programme consistent with the relevant resolution adopted by the Organization*.

57 Port State control should be carried out only by authorized and qualified port State control officers in accordance with the relevant resolution adopted by the Organization*.

58 Port State control officers and persons assisting them should have no commercial interest, either in the port of inspection or the ships inspected, nor should the port State control officers be employed by or undertake work on behalf of recognized organizations or classification societies.

Evaluation and review

59 Port States should periodically evaluate their performance in respect of exercising their rights and meeting their obligations under mandatory IMO instruments.

* Resolution A.787(19), as amended by resolution A.882(21) on Procedures for Port State Control.

ANNEXES 1 TO 4

OBLIGATIONS OF CONTRACTING GOVERNMENTS/PARTIES

The tables relating to the obligations of contracting governments/parties, previously included as annexes 1 to 4 of the draft Code will be completed by the Secretariat in co-operation with the co-ordinator of the Correspondence Group and submitted to the Committees for consideration and approval.

ANNEX 5

INSTRUMENTS MADE MANDATORY UNDER IMO CONVENTIONS

The tables relating to the instruments made mandatory under IMO Conventions, previously included as annex 5 of the draft Code will be completed by the Secretariat in co-ordination with the co-operation of the Correspondence Group and submitted to the Committees for consideration and approval.

ANNEX 10

DRAFT MSC/MEPC CIRCULAR

**IMO REQUIREMENTS ON CARRIAGE OF
PUBLICATIONS ON BOARD SHIPS**

1 The Maritime Safety Committee, [.....], and the Marine Environment Protection Committee, [.....], in order to give guidance on the carriage of publications on board ships, approved the IMO requirements on carriage of publications on board ships as set out in the annex.

2 The Maritime Safety Committee and the Marine Environment Protection Committee will review the list of publications contained in the appendix to the annex.

3 Member Governments are invited to bring this circular to the attention of port State Control officers, Companies, and audit teams according to the ISM Code, organizations performing the ISM Code certification, ship operators and all other parties concerned.

ANNEX

**IMO REQUIREMENTS ON CARRIAGE OF
PUBLICATIONS ON BOARD SHIPS**

1 The main purpose of this circular is to provide guidance in a concise form to Administrations, shipowners/operators, port State control officers (PSCOs), companies and audit teams according to the ISM Code and organizations performing the ISM Code certification of IMO requirements on carriage of publications. The publications explicitly required by IMO instruments to be carried on board ships are listed in the appendix.

2 IMO instruments such as the SOLAS, MARPOL, LL, COLREG and STCW Conventions deal with many operational aspects, *inter alia*, navigational responsibilities, safety-related training/drills on board, safe cargo handling, oil spill prevention, collision avoidance activities and watchkeeping standards. Therefore, these publications, although not expressly required by IMO instruments, may need to be carried on board in order to improve the crew's knowledge and to enhance the implementation of IMO instruments. No deficiency or non-conformity should be filed by port State control authorities and/or ISM auditors against ships not carrying such publications on board unless otherwise required by the ship's Safety Management System (SMS) manual.

3 In circumstances where copies of national regulations incorporating the provisions of the required instruments are provided on board, relevant publications need not be carried. Similarly, nothing in the IMO requirements preclude ships from carrying publications required by IMO instruments and published by Administrations.

4 The publications may be carried in the form of electronic media such as CD-ROM in lieu of hard copies. Acceptable publications in electronic form should be those issued by IMO or an Administration or a body authorized by an Administration to ensure correctness of their contents and to safeguard against illegal copying. A medium could either contain a publication or as many publications as possible. In any case, the media should be treated in accordance with the document control procedures in the ship's SMS including procedures for timely update.

5 Notwithstanding paragraph 4 above, the publications for emergency use, such as the International Code of Signals and the IAMSAR Manual should always be available in the form of hard copies, bearing in mind that such publications need to be readily available for use in case of emergency without being restricted to a specific place and by the availability of a computer.

APPENDIX

Publications required to be carried on board ships*

Name of publication	Required by	Applicable ship	Remarks
IBC Code	IBC, paragraph 16.2.1	Chemical Tankers	Built after 1 July 1986
BCH Code	BCH, paragraph 5.2.1	Chemical Tankers	Built before 1 July 1986
IGC Code	IGC, paragraph 18.1.3	Gas Carrier	Built after 1 July 1986
International Code of Signals ^{**)}	SOLAS V/21.1	All ships	
IAMSAR Manual Volume III ^{**}	SOLAS V/21.2	All ships	
Nautical Charts & Publications	SOLAS V/19.2.1 & V/27	All ships	
Publications required by ISM Code	ISM Code, paragraphs 1.2.3 and 11.3	All ships	Required publications are those specifically mentioned to be carried by the ship's SMS manual.

Note: * All publications on board ships, regardless of format, should be the latest editions or duly corrected up to date. In case where copies of national regulations incorporating the provisions of the required instruments are provided on board, publications of such instruments need not be carried on board.

** These publications for emergency use should always be available on board ships in the form of hard copy.

ANNEX 11**DRAFT MEPC RESOLUTION ...(53)****Adopted on ... July 2005****AMENDMENTS TO THE REVISED SURVEY GUIDELINES UNDER THE
HARMONIZED SYSTEM OF SURVEY AND CERTIFICATION
(RESOLUTION A.948(23))**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee (the Committee) conferred upon it by the international conventions for the prevention and control of marine pollution from ships,

RECALLING ALSO resolution A.948(23) by which the Assembly adopted the revised survey guidelines under the harmonized system of survey and certification,

RECALLING FURTHER that MARPOL Annex VI entered into force on 19 May 2005,

NOTING that amendments to Annex VI of MARPOL 73/78 on the introduction of the Harmonized System of Survey and Certification (HSSC) were adopted by resolution MEPC...(53) which are expected to enter into force on,

NOTING that the Assembly, when adopting resolution A.948(23), requested the Maritime Safety Committee and the Marine Environment Protection Committee to keep the Revised Survey Guidelines under review and amend them as necessary,

HAVING CONSIDERED the draft amendments to the revised survey guidelines under the HSSC prepared by the Sub-Committee on Flag State Implementation at its thirteenth session,

1. ADOPTS amendments to the revised survey guidelines under the HSSC, as set out in the annex to this resolution;
2. INVITES Governments to apply the Guidelines, as soon as possible.

ANNEX

**AMENDMENTS TO THE REVISED SURVEY GUIDELINES UNDER THE
HARMONIZED SYSTEM OF SURVEY AND CERTIFICATION
(RESOLUTION A.948(23))**

1 In the Contents, the following new section 3 is added after existing section 2 in Annex 3:

“(A) **3 GUIDELINES FOR SURVEYS FOR INTERNATIONAL AIR POLLUTION
PREVENTION CERTIFICATE AND THE NO_x TECHNICAL CODE**

(AI) 3.1 Initial surveys

(AA) 3.2 Annual surveys

(AIn) 3.3 Intermediate surveys

(AR) 3.4 Renewal surveys”

2 In section **GENERAL**:

.1 in paragraph 2.8.1, a new line is added after “MARPOL 73/78/90, Annex II, regulation 10(1)(a)” as follows:

“MARPOL Annex VI, regulation 5(1)(a)”

.2 in paragraph 2.8.3, a new line is added after “MARPOL 73/78/90, Annex II, regulation 10(1)(b)” as follows:

“MARPOL Annex VI, regulation 5(1)(b)”

.3 in paragraph 2.8.4, a new line is added after “MARPOL 73/78/90, Annex II, regulation 10(1)(c)” as follows:

“MARPOL Annex VI, regulation 5(1)(c)”

.4 in paragraph 2.8.5, a new line is added after “MARPOL 73/78/90, Annex II, regulation 10(1)(d)” as follows:

“MARPOL Annex VI, regulation 5(1)(d)”

.5 in paragraph 3.2, after existing text “Annex I regulation 21” add the following new text “and Annex VI regulation 19.”

.6 in paragraph 3.8, after the existing text “(N) for the International Pollution Prevention Certificate for Carriage of Noxious Liquid Substances in Bulk;” add the following new line:

“(A) for the International Air Pollution Prevention Certificate;”

- .7 in paragraph 4.8.1, after the existing text “MARPOL 73/78/90 Annex II regulation 10(2)(c),” the following new text is added:

“MARPOL Annex VI regulation 6(1),”

- .8 in paragraph 5.2:

- .1 in the references, after the existing text “MARPOL 73/78/90 Annex II,” the following new line is added:

“MARPOL Annex VI regulation 9(3),”

- .2 in the guideline, after the existing text “MARPOL 73/78/90 Annex II regulations 12(5) and (6),” the following new text is added:

“MARPOL Annex VI regulations 9(4) and (5),”

- .3 in the guideline, after the existing text “MARPOL 73/78/90 Annex II regulation 12(2)(b),” the following new text is added:

“MARPOL Annex VI regulation 9(2)(b),”

- .9 in paragraph 5.4, after the existing text in the references “MARPOL 73/78/90 Annex II regulation 12(6),” the following new text is added:

“MARPOL Annex VI regulation 9(6).”

- .10 in paragraph 5.5, third line from top, after the existing text “MARPOL 73/78/90 Annex II regulation 12(7),” the following new text is added:

“MARPOL Annex VI regulation 9(7)”

3 In Annex 1 “SURVEY GUIDELINES UNDER THE 1974 SOLAS CONVENTION, AS MODIFIED BY THE 1988 PROTOCOL RELATING THERETO”:

- .1 the following new subparagraph *.8bis* is added after existing paragraph 1.2.1.8:

“(EA) *.8bis* checking, when appropriate, the validity of the International Air Pollution Prevention Certificate;”

- .2 the following new subparagraph *.8bis* is added after existing paragraph 2.2.1.8:

“(CA) *.8bis* checking, when appropriate, the validity of the International Air Pollution Prevention Certificate;”

- .3 the following new subparagraph *.8bis* is added after existing paragraph 4.2.1.8:
“(RP) *.8bis* checking, when appropriate, the validity of the International Air Pollution Prevention Certificate;”
- .4 the following new subparagraph *.5bis* is added after existing paragraph 5.2.1.5:
“(PR) *.5bis*: checking, when appropriate, the validity of the International Air Pollution Prevention Certificate;”
- 4 In Annex 2 “SURVEY GUIDELINES UNDER THE 1966 LOAD LINE CONVENTION, AS MODIFIED BY THE 1988 PROTOCOL RELATING THERETO”:**
- .1 the following new subparagraph *.8bis* is added after existing paragraph 1.2.1.8:
“(LA) *.8bis* checking, when appropriate, the validity of the International Air Pollution Prevention Certificate;”
- 5 In Annex 3 “SURVEY GUIDELINES UNDER THE 1973/78 MARPOL CONVENTION”:**
- .1 the following new subparagraph *.7bis* is added after existing paragraph 1.2.1.7:
“(OA) *.7bis*: checking, when appropriate, the validity of the International Air Pollution Prevention Certificate;”
- .2 the following new subparagraph *.6bis* is added after existing paragraph 2.2.1.6:
“(NA) *.6bis* checking, when appropriate, the validity of the International Air Pollution Prevention Certificate;”
- .3 the following new section 3 is added:**
- “(A) 3 GUIDELINES FOR THE SURVEYS FOR THE INTERNATIONAL AIR POLLUTION PREVENTION CERTIFICATE AND THE NO_x TECHNICAL CODE**
- (AI) 3.1 Initial surveys – see part “General” section 4.1**
- (AI) 3.1.1** For air pollution prevention the examination of plans and designs should consist of:
- (AI) **.1** examining the arrangements for systems using ozone-depleting substances (regulation 12 of Annex VI);
- (AI) **.2** examining the arrangements for Sulphur Oxides exhaust gas cleaning systems or other technological methods, if applicable (regulation 14 of Annex VI);

- (AI) .3 examining the arrangements for vapour collection systems, if applicable (regulation 15 of Annex VI and MSC/Circ.585);
- (AI) .4 examining the arrangements for shipboard incinerators, if applicable (regulation 16 of Annex VI);
- (AI) **3.1.2** For air pollution prevention the survey should consist of:
 - (AI) .1 Ozone-depleting substances (regulation 12 of Annex VI):
 - (AI) .1 confirming the satisfactory installation and operation of systems using ozone depleting substances and there are no emissions of ozone depleting substances.
 - (AI) .2 Nitrogen oxide emissions from Diesel engines (regulation 13 of Annex VI):
 - .1 confirmed that all engines which are required to be certified are pre-certified in accordance with section 2.2 of the NO_x Technical Code).
 - (AI) .1.1 *If engine parameter check method is used:*
 - (AI) .1.1.1 an onboard verification survey in accordance with paragraph 6.2 of the NO_x Technical Code.
 - .1.2 *If the simplified method is used:*
 - (AI) .1.2.1 an onboard verification survey in accordance with paragraph 6.3 of the NO_x Technical Code.
 - (AI) .3 Sulphur Oxides (regulation 14 of Annex VI)
 - (AI) .3.1 confirming the satisfactory installation and operation of the fuel switching arrangements when tanks are provided for low and normal sulphur content fuel;
 - (AI) .3.2 confirming the satisfactory installation and operation of the exhaust gas cleaning system (if fitted);
 - (AI) .4 Volatile Organic Compounds (regulation 15 of ANNEX VI) (if applicable)
 - (AI) .4.1 confirming the satisfactory installation of the vapour collection piping;
 - (AI) .4.2 confirming the satisfactory installation and operation of the means provided to eliminate the collection of condensation in the system, such as drains in low points of the line end;
 - (AI) .4.3 confirming the satisfactory installation of the piping to ensure it is electrically continuous and electrically bonded to the hull;

- (AI) **.4.4** confirming the satisfactory installation and operation of the isolation valves at the vapour manifolds;
- (AI) **.4.5** confirming that the ends of each line are properly identified as vapour collection lines;
- (AI) **.4.6** confirming that the vapour collection flanges are in accordance with the IMO guidelines and industrial standards;
- (AI) **.4.7** confirming that where portable vapour lines are provided that they are electrically continuous;
- (AI) **.4.8** confirming the satisfactory installation and operation of the closed gauging system and the readouts in the cargo control area;
- (AI) **.4.9** confirming the satisfactory installation and operation of the overflow control system;
- (AI) **.4.10** confirming the satisfactory installation and operation of both the audible and visual alarms, that the alarms are properly labelled; that the power failure alarm operates and that there is a means to check the operation of the alarms;
- (AI) **.4.11** confirming the satisfactory installation and operation of the high and low pressure alarms provided for each main vapour line and that these alarms operate at the correct set points;
- (AI) **.5** Shipboard Incinerators (regulation 16 of ANNEX VI) (installed on or after 1 January 2000):
 - (AI) **.5.1** confirming the satisfactory installation and operation of each incinerator;
 - (AI) **.5.2** confirming that warning and instruction plates are satisfactorily secured in prominent positions on or near the incinerator;
 - (AI) **.5.3** confirming that the manufacturers name, incinerator model number/type and capacity in heat units per hour is permanently marked on the incinerator;
 - (AI) **.5.4** confirming the satisfactory operation of the following alarms and safety devices are in good condition and fully operational;
 - (AI) **.5.4.1** flue gas high temperature alarms and shutdowns;
 - (AI) **.5.4.2** combustion temperature controls and shutdowns;
 - (AI) **.5.4.3** combustion chamber negative pressure;
 - (AI) **.5.4.4** flame safeguard control, alarms and shutdowns;
 - (AI) **.5.4.5** all alarms both visual and audible are functioning and they indicate the cause of their failure;
 - (AI) **.5.4.6** power loss alarms and auto shutdown arrangements;
 - (AI) **.5.4.7** charging arrangements;

- (AI) **.5.4.8** low fuel oil pressure alarm/shutdown;
- (AI) **.5.4.9** emergency stop switch and electrical isolating arrangements;
- (AI) **.5.4.10** interlocks;

- (AI) **.5.5** confirming the satisfactory installation of drip trays under each burner, pump, and strainer.

- (AI) **3.1.3** For air pollution prevention the check that certificates and other relevant documentation have been placed on board should consist of:
 - (AI) **.1** review (AA) 3.2.2.2 except for the bunker delivery notes and the records required in (AA) 3.2.2.2.3 and (AA) 3.2.2.2.7.

- (AI) **3.1.4** For air pollution prevention the completion of the initial survey should consist of:
 - (AI) **.1** after satisfactory survey the International Air Pollution Prevention Certificate should be issued.

- (AA) **3.2** **Annual surveys** – see “General” section 4.2

- (AA) **3.2.1** For air pollution prevention the examination of current certificates and other records should consist of:
 - (AA) **.1** checking the validity, as appropriate, of the Cargo Ship Safety Equipment Certificate, the Cargo Ship Safety Radio Certificate and the Cargo Ship Safety Construction Certificate or the Cargo Ship Safety Certificate;
 - (AA) **.2** checking the validity of the Safety Management Certificate (SMC) and that a copy of the Document of Compliance (DOC) is on board, where applicable;
 - (AA) **.3** checking the validity of the International Load Line Certificate or International Load Line Exemption Certificate;
 - (AA) **.4** checking the validity of the International Oil Pollution Prevention Certificate;
 - (AA) **.5** checking the certificates of class, if the ship is classed with a classification society;
 - (AA) **.6** checking, when appropriate, the validity of the International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk or the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk;
 - (AA) **.7** checking that the ship’s complement complies with the Minimum Safe Manning Document (SOLAS 74/88, regulation V/13(b));
 - (AA) **.8** checking that the master, officers and ratings are certificated as required by the STCW Convention;

- (AA) .9 checking whether any new equipment has been fitted and, if so, confirm that it has been approved before installation and that any changes are reflected in the appropriate certificate;
- (AA) 3.2.2 For air pollution prevention the annual survey should consist of:
- (AA) .1 General
- (AA) .1.1 confirm that no changes have been made or any new equipment installed which would affect the validity of the certificate;
- (AA) .2 Documentation
- (AA) .2.1 confirm that there are Engine International Air Pollution Prevention (EIAPP) Certificates for each engine, required to be certified, as described in Chapter 2.1 of the NO_x Technical Code;
- (AA) .2.2 confirm that there is on board an approved technical file for each engine required to be certified;
- (AA) .2.3 confirm that there are bunker delivery notes on board and fuel oil samples are kept under the ships control (regulation 18 of Annex VI);
- (AA) .2.4 confirm that there is for each Exhaust Gas Cleaning System (EGCS)-SO_x either a SO_x Emission Control Area (SECA) Compliance Certificate for the EGCS-SO_x, or an Onboard Monitoring Manual (OMM) as appropriate, plus in either cases a SECA Compliance Plan (regulation 14(4)(b) of Annex VI);
- (AA) .2.5 confirm that there is an IMO Type Approval Certificate for each incinerator onboard (regulation 16(2)(a) of Annex VI);
- (AA) .2.6 confirm that there is a record book of engine parameters for each engine required to be certified in the case where the engine parameter check method is used as a mean of onboard NO_x verification (NO_x Technical Code, paragraph 6.2.3);
- (AA) .2.7 confirm that there is a record of fuel change over this record should take form of a log book as described by the Administration (regulation 14.6 of Annex VI)*;
- (AA) .2.8 confirm that there is a transfer procedure for the VOC collection system;
- (AA) .2.9 confirm that there is an instruction manual for each incinerator if required (regulation 16(7) of Annex VI);

* This information could be contained in the engine room log book, the deck log book, the official log book, the oil record book or a separate log book solely for this purpose.

- (AA) .3 Ozone-depleting substances
 - (AA) .3.1 confirm that no new installation or equipment except those covered by (AA) 3.2.2.3.1 have been fitted to the ship after 19 May 2005. (regulation 12.1 of Annex VI);
 - (AA) .3.2 confirm that no installations containing hydrochlorofluocarbons (HCFCs) have been fitted after 1 January 2020;
 - (AA) .3.3 examine externally any installation or equipment as far as practicable to satisfactory maintenance to ensure that there are no emission of ozone-depleting substances.
- (AA) .4 Nitrogen oxide emissions from each Diesel engines
 - (AA) .4.1 *If engine parameter check method is used:*
 - (AA) .4.1.1 review engine documentation contained in the technical file and the record book of engine parameters to check, as far as practicable, engine rating, duty and limitation/restrictions as given in the technical file;
 - (AA) .4.1.2 confirm that the engine has not undergone any modifications or adjustments outside the options and ranges permitted in the technical file since the last survey;
 - (AA) .4.1.3 conduct survey as detailed in the technical file;
 - (AA) .4.2 *If the simplified method is used:*
 - (AA) .4.2.1 review engine documentation contained in the technical file;
 - (AA) .4.2.2 confirm that the test procedure has been approved by the Administration;
 - (AA) .4.2.3 confirm that the analysers, engine performance sensors, ambient condition measurement equipment, span check gases and other test equipment are the correct type and have been calibrated in accordance with the NO_x Technical Code;
 - (AA) .4.2.4 confirm that the correct test cycle, as defined in the engine's technical file, is used for this onboard confirmation test measurements;
 - (AA) .4.2.5 ensure that a fuel sample is taken during the test and submitted for analysis;
 - (AA) .4.2.6 witness the test and confirm that a copy of the test report has been submitted for approval on completion of the test.

- (AA) **.4.3** *If the direct measurement and monitoring method is used:*
- (AA) **.4.3.1** review engine documentation method and technical file and verify that the direct measurement and monitoring manual is approved by the Administration;
- (AA) **.4.3.2** the procedures to be checked in the direct monitoring and measure method and the data obtained as given in the approved onboard monitoring manual should be followed;
- (AA) **.5** Sulphur Oxides
- (AA) **.5.1** review bunker notes for the use of the correct sulphur content fuel for the area of operation;
- (AA) **.5.2** confirm that where there are tanks fitted for low and normal sulphur content fuel that fuel switching arrangement or procedures are provided and operational;
- (AA) **.5.3** verify that there are records of the change over to and from low sulphur fuel during transit through a SO_x emission control area;
- (AA) **.5.4** alternative to .2 and .3 above, where EGCS-SO_x or other equivalent devices are fitted, confirmation from the approved procedures for the equipment that it is in a satisfactory condition and operated in accordance with the required documentation.
- (AA) **.6** Volatile Organic Compounds (VOCs)
- (AA) **.6.1** confirm that the vapour collect system, if required, is approved taking into account MSC/Circ.585 “Standards for Vapour Emission Control Systems”;
- (AA) **.6.2** confirm from a general examination that the vapour collection piping is in a satisfactory condition;
- (AA) **.6.3** confirm that there is a means provided to eliminate the collection of condensation in the system, such as drains in low points of the line end. The drains should be checked to ensure they function correctly;
- (AA) **.6.4** confirm that the piping is electrically bonded to the hull and that the bonding is intact;
- (AA) **.6.5** confirm that the isolation valves at the vapour manifolds are operational and that the valve position indicators operate correctly;
- (AA) **.6.6** confirm that the ends of each line is properly identified as vapour collection lines;
- (AA) **.6.7** confirm that the vapour collection flanges are in accordance with the IMO guidelines and industrial standards;

- (AA) **.6.8** confirm that where portable vapour lines are provided that they are in good condition;
- (AA) **.6.9** confirm that the closed gauging system is operational and the readouts in the cargo control area are functional;
- (AA) **.6.10** confirm that there is an overflow control system provided and that it is operational;
- (AA) **.6.11** confirm that the alarm system is operational, both audible and visual alarms operate, the alarms are properly labelled; the power failure alarm operates and that there is a means to check the operation of the alarms and that this means is operational;
- (AA) **.6.12** confirm that there are high and low pressure alarms provided for each main vapour line and that these alarms operate at the correct set points;
- (AA) **.6.13** confirm that the high level and high high level (overfill) alarms act independently of each other.
- (AA) **.7 Incinerators (installed on or after 1 January 2000)**
- (AA) **.7.1** confirm from an external examination that each incinerator is in a generally satisfactory condition and free from leaks of gas or smoke;
- (AA) **.7.2** confirm that the warning and instruction plates are legible and secured in prominent positions on or near the incinerator;
- (AA) **.7.3** confirm that the manufacturers name, incinerator model number/type and capacity in heat units per hour is permanently marked on the incinerator;
- (AA) **.7.4** confirm that the incinerator casing insulation arrangements are in good condition;
- (AA) **.7.5** confirm as far as it is practicable, that the following alarms and safety devices are in good condition and fully operational;
- (AA) **.7.5.1** flue gas high temperature alarms and shutdowns;
- (AA) **.7.5.2** combustion temperature controls and shutdowns;
- (AA) **.7.5.3** combustion chamber negative pressure;
- (AA) **.7.5.4** flame safeguard control, alarms and shutdowns;
- (AA) **.7.5.5** all alarms both visual and audible are functioning and they indicate the cause of their failure;
- (AA) **.7.5.6** power loss alarms and auto shutdown arrangements;

- (AA) **.7.5.7** charging arrangements;
- (AA) **.7.5.8** low fuel oil pressure alarm/shutdown;
- (AA) **.7.5.9** emergency stop switch and electrical isolating arrangements;
- (AA) **.7.5.10** interlocks;
- (AA) **.7.6** confirm that drip trays are fitted under each burner, pump, and strainer and that they are in good condition;

- (AA) **3.2.3** For air pollution prevention the completion of the annual survey should consist of:
 - (AA) **.1** after a satisfactory survey, the International Prevention of Air Pollution certificate should be endorsed;
 - (AA) **.2** if a survey shows that the condition of the ship or its equipment is unsatisfactory - see “General” section 4.8.

- (AIn) **3.3** **Intermediate survey** – see “General” section 4.3
- (AIn) **3.3.1** For air pollution prevention the examination of current certificates and other records should consist of:
 - (AIn) **.1** the provisions of (AA) 3.2.1.
- (AIn) **3.3.2** For air pollution prevention the intermediate survey should consist of:
 - (AIn) **.1** the provisions of (AA) 3.2.2.
- (AIn) **3.3.3** For air pollution prevention the completion of the intermediate survey should consist of:
 - (AIn) **.1** after a satisfactory survey, the International Prevention of Air Pollution Certificate should be endorsed;
 - (AIn) **.2** if a survey shows that the condition of the ship or its equipment is unsatisfactory see “General” section 4.4.

- (AR) **3.4** **Renewal surveys** – see “General” section 4.5
- (AR) **3.4.1** For air pollution prevention the examination of current certificates and other records should consist of:
 - (AR) **.1** the provisions of (AA) 1.2.1 except the validity of the International Air Pollution Prevention Certificate.
- (AR) **3.4.2** For air pollution prevention the renewal survey should consist of:

- (AR) .1 the provisions of (AA) 3.2.2;
- (AR) .2 confirming, if necessary by simulated test or equivalent, the satisfactory operation of the vapour collection systems' closed gauging system and associated readouts;
- (AR) .3 confirming, if necessary by simulated test or equivalent, the satisfactory operation of the vapour collection systems' overflow control and it's audible and visual alarms;
- (AR) .4 confirming, if necessary by simulated test or equivalent, the satisfactory operation of the vapour collection systems' high and low pressure alarms for each main vapour line;
- (AR) .5 confirm that the vapour collection systems piping is electrically continuous;
- (AR) .6 confirm that the portable vapour lines are electrically continuous;
- (AR) .7 confirming, if necessary by simulated test or equivalent, the satisfactory operation of the following alarms and safety devices:
 - (AR) .7.1 flue gas high temperature alarms and shutdowns;
 - (AR) .7.2 combustion temperature controls and shutdowns;
 - (AR) .7.3 combustion chamber negative pressure;
 - (AR) .7.4 flame safeguard control, alarms and shutdowns;
 - (AR) .7.5 all alarms both visual and audible are functional and they indicate the cause of their failure;
 - (AR) .7.6 power loss alarms and auto shutdown arrangements;
 - (AR) .7.7 charging arrangements;
 - (AR) .7.8 low fuel oil pressure alarm/shutdown;
 - (AR) .7.9 emergency stop switch and electrical isolating arrangements;
 - (AR) .7.10 interlocks.
- (AR) 3.4.3 For air pollution prevention the completion of the renewal survey should consist of:
 - (AR) .1 after satisfactory survey the International Prevention of Air Pollution Certificate should be issued.

6 In Annex 4 “**SURVEY GUIDELINES UNDER THE MANDATORY CODES**”:

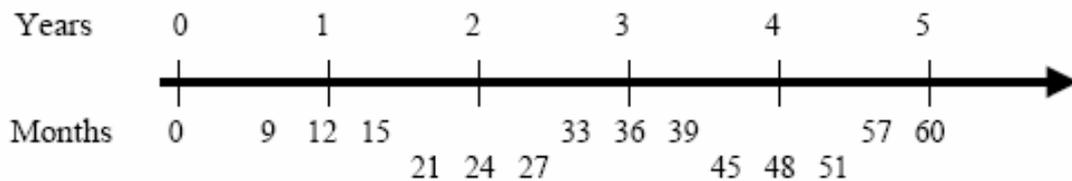
.1 the following new subparagraph *.6bis* is added after existing paragraph 1.2.1.6:

“(DA) *.6bis* checking, when appropriate, the validity of the International Air Pollution Prevention Certificate;”

.2 the following new subparagraph *.6bis* is added after existing paragraph 2.2.1.6:

“(GA) *.6bis* checking, when appropriate, the validity of the International Air Pollution Prevention Certificate;”

7 In appendix “**THE HARMONIZED SYSTEM OF SURVEY AND CERTIFICATION - DIAGRAMMATIC ARRANGEMENT**”:



the following new lines are added after existing line “MARPOL Annex II”:



ANNEX 12**DRAFT MSC/MEPC CIRCULAR****RECOMMENDED CONDITIONS FOR EXTENDING THE PERIOD OF
VALIDITY OF A CERTIFICATE**

1 The Maritime Safety Committee, at its [eightieth session (11 to 20 May 2005)] and the Marine Environment Protection Committee, at its [fifty-third session (18 to 22 July 2005)] approved the recommended conditions for extending the period of validity of a certificate to clarify that extension of the period of validity of certificates should only be granted in very specific circumstances, as set out in the annex.

2 The recommended conditions for extending the period of validity of a certificate should be considered for inclusion in Section 5 of the Revised survey guidelines under the Revised harmonized system of survey and certification (HSSC) (resolution A.948(23)), as subsection 5.9, when a comprehensive review of the Revised Survey Guidelines takes place.

3 Member Governments are invited to bring this circular and annex to the attention of all parties concerned.

ANNEX

RECOMMENDED CONDITIONS FOR EXTENDING THE PERIOD OF VALIDITY OF A CERTIFICATE

1 In SOLAS and other mandatory IMO instruments the following provision applies: “If a ship at the time when a certificate expires is not in a port in which it is to be surveyed, the Administration may extend the period of validity of a certificate but this extension shall be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed, and then only in cases *where it appears proper and reasonable to do so*. No certificate shall be extended for a period longer than three months, and a ship to which an extension is granted shall not, on its arrival in the port in which is to be surveyed, be entitled by virtue of such extension to leave that port without having a new certificate.”

2 If a ship is in a port where the required survey cannot be completed, and where the Convention allows the Administration to extend the certificate when it is proper and reasonable to do so, the Administration should be guided by the following:

- .1 an additional survey, equivalent to at least the same scope of an annual survey required by the relevant certificate(s) should be carried out;
- .2 the renewal survey should be progressed to the maximum extent possible;
- .3 in cases where a dry docking is required, but cannot be carried out, an underwater inspection of the ship’s bottom should be carried out;
- .4 in cases where an underwater inspection is not possible (e.g. poor water visibility, draft restrictions, excessive current, refusal by the port Authority), an internal inspection of the ship’s bottom structure, to the maximum extent practicable, should be carried out;
- .5 the ship should be allowed to sail directly to a named final agreed cargo discharge port and then directly to a named agreed port to complete the survey and/or dry docking;
- .6 the extension period should be for the minimum amount of time needed to complete the survey and/or dry docking under the relevant certificate(s);
- .7 the condition of the ship found by the surveys indicated above should be considered in determining the duration, distance and operational restrictions, if any, of the voyage needed to complete the survey and/or dry docking; and
- .8 the extension period of the relevant statutory certificate(s) should not exceed the period of validity of the certificate which may be issued to document compliance with the structural, mechanical and electrical requirements of the recognized classification society.

ANNEX 13**DRAFT MSC/MEPC CIRCULAR****GUIDELINES FOR ADMINISTRATIONS TO APPLY TO ENSURE THE
ADEQUACY OF TRANSFER OF CLASS-RELATED MATTERS BETWEEN
RECOGNIZED ORGANIZATIONS**

1 The Maritime Safety Committee, at its [eightieth session (11 to 20 May 2005)] and the Marine Environment Protection Committee, at its [fifty-third session (18 to 22 July 2005)] approved the Guidelines for Administrations to apply to ensure the adequacy of transfer of class-related matters between recognized organizations (ROs).

2 Under the provisions of resolution A.739(18) on Guidelines for the authorization of organizations acting on behalf of the Administration, the Administration should establish a system to ensure the adequacy of work performed by the organizations authorized to act on its behalf. Such a system should, *inter alia*, include the monitoring and verification of class-related matters, as applicable.

3 To facilitate the development of a system for ensuring the adequacy of work performed with respect to the transfer of class-related matters between recognized organizations, maritime Administrations are invited to apply the guidelines set out at annex.

4 Member Governments are also invited to consider implementing a system of monitoring and verification of the transfer of class-related matters between recognized organizations.

ANNEX

GUIDELINES FOR THE ADMINISTRATION TO APPLY TO ENSURE THE ADEQUACY OF TRANSFER OF CLASS-RELATED MATTERS BETWEEN RECOGNIZED ORGANIZATIONS

Definitions

“Gaining recognized organization” means a recognized organization which accepts a ship as meeting its requirements, only after all overdue surveys, overdue recommendations or overdue conditions of class-related matters previously issued against the ship have been completed by or as specified by the losing recognized organization.

“Classification certificate” means within the context of these Guidelines a certificate attesting to compliance with class-related matters.

“Losing recognized organization” means the recognized organization from which class-related matters are being transferred. In the case of ships accepted as meeting the class-related requirements by more than one recognized organization, the “losing recognized organization” means all recognized organizations from which class-related matters are being transferred.

“Outstanding” means still to be dealt with.

“Overdue” means overdue on the date the losing recognized organization receives the request by the gaining recognized organization for its current survey status class-related matters.

“Recommendations” and “conditions of class” are requirements to the effect that specific measures, repairs, surveys etc. should be carried out within a specific time limit in order to retain the same status with respect to class-related matters.

“Class-related matters”, within the context of these Guidelines, means the responsibilities associated with checking compliance with the design, construction and maintenance of the structural, mechanical and electrical requirements of a classification society which is recognized by the Administration in accordance with the provisions of SOLAS regulation XI/1.

1 Procedural requirements

1.1 Obligations and reporting of the gaining recognized organization

1.1.1 Whenever a recognized organization is requested by an owner to accept an existing ship as meeting its requirements, the gaining recognized organization should immediately notify the owner in writing that:

- .1.1 the relevant surveys specified in section 2.2 should be satisfactorily completed for issuance of the classification certificate;

- .1.2 for ships less than 15 years of age, an interim classification certificate could be issued only after the gaining recognized organization has completed:
 - .1.2.1 all overdue surveys; and
 - .1.2.2 all overdue recommendations/conditions of class previously issued against the ship as specified to the owner by the losing recognized organization;
- .1.3 for ships 15 years of age and over, an interim classification certificate could be issued only after the losing recognized organization has completed:
 - .1.3.1 all overdue surveys; and
 - .1.3.2 all overdue recommendations/conditions of class previously issued against the ship;
- .1.4 any outstanding recommendations/conditions of class should be dealt with by their due dates;
- .1.5 the principles given in paragraphs 1.1.1, 1.1.2 and 1.1.3 above should apply to any additional recommendations/conditions of class issued against the ship arising from surveys which were not included in the initial survey status of class-related matters provided to the gaining recognized organization by the losing recognized organization because the surveys were carried out in close proximity to the request for transfer of class-related matters. Such additional recommendations/conditions of class if received after the issuance of the interim classification certificate by the gaining recognized organization and which are overdue should be dealt with at the first port of call by the relevant recognized organization depending on the age of the ship;
- .1.6 copies of the plans listed in section 3 should be provided to the gaining recognized organization as a prerequisite to obtaining a full term classification certificate.

If the owner is unable to provide all of the required plans, the gaining recognized organization should request that the owner authorize the losing recognized organization to transfer copies of such of these plans as it may possess directly to the gaining recognized organization upon request from the gaining recognized organization.

1.1.2 Prior to issuing an interim classification certificate the gaining recognized organization should obtain:

- .2.1 from the owner, a written request for transfer of class-related matters, containing an authorization for the gaining recognized organization to obtain the current status of class-related matters from the losing recognized organization; and
- .2.2 the current survey status of class-related matters from the headquarters of the losing recognized organization or one of its designated control or management centres.

1.1.3 Within two working days of receipt of a written request from the owner for transfer of class-related matters at a recognized organization's headquarters or one of its designated control or management centres, the gaining recognized organization should notify the losing recognized organization of the requested transfer of class-related matters and attaching the owner's authorization for release of the survey status. If the gaining recognized organization does not receive the survey status of class-related matters from the losing recognized organization within three working days from request, the gaining recognized organization might utilize the losing recognized organization's survey status information of class-related matters provided by the owner and, after complying with the other relevant requirements of these Guidelines, might issue an interim classification certificate. In such cases, a statement should be included in or with the interim classification certificate reminding the owner that the conditions in paragraph 1.1.1 are still applicable.

1.1.4 The gaining recognized organization should not issue an interim classification certificate, or other documents enabling the ship to trade:

- .4.1 until all relevant surveys specified in section 2.2 have been satisfactorily completed;
- .4.2 until all overdue surveys and all overdue recommendations/conditions of class previously issued against the subject ship as specified to the owner by the losing recognized organization, have been completed and rectified by:
 - .4.2.1 the gaining recognized organization, for ships less than 15 years of age;
 - .4.2.2 the losing recognized organization, for ships 15 years of age and above;
and
- .4.3 before giving the opportunity to the flag Administration to provide any further instructions within three working days.

1.1.5 When facilities are not available in the first port of survey, an interim classification certificate might be issued to allow the ship to undertake a direct voyage to a port where facilities are available to complete the required surveys and/or rectify overdue recommendations/conditions of class. In such cases:

- .5.1 the surveys specified in section 2.2 should be carried out to the maximum extent practicable at the first port of survey, but in no case less than the scope of surveys required in paragraphs 2.2.2.1(i) and 2.2.2.2 in cases where both gaining and losing recognized organizations agree; and
- .5.2 the recognized organization completing the overdue items is to inform the other recognized organization of the decision taken, direct voyage conditions agreed and the agreed port survey.

1.1.6 The validity of the interim classification certificate and the subsequent classification certificate should be subject to any outstanding recommendations/conditions of class previously issued against the ship being completed by the due date and as specified by the losing recognized organization. Any outstanding recommendations/conditions of class with their due dates should be clearly stated on the:

- .6.1 interim classification certificate or an attachment to the interim classification certificate, and/or survey record of class-related matters available on board; and
- .6.2 survey status of class-related matters when the full term classification certificate is issued.

1.1.7 The gaining recognized organization should, within one month from issuing its interim classification certificate, advise the losing recognized organization of the date of issuing this certificate and confirm the date, location and action taken to satisfy each overdue survey and overdue recommendation/condition of class, if any, issued against the subject ship as specified to the owner by the losing recognized organization.

1.1.8 Any additional information regarding outstanding surveys or recommendations/conditions of class received from the losing recognized organization in accordance with paragraph 1.2.3 should be dealt with in accordance with paragraphs 1.1.4 to 1.1.6, as applicable, and reported to the losing recognized organization within one month from the completion of the survey. If this additional information is received after the interim classification certificate has been issued, any surveys or recommendations/conditions of class which are overdue should be dealt with at the first port of call:

- .8.1 by the gaining recognized organization for ships less than 15 years of age; and
- .8.2 by the losing recognized organization for ships 15 years of age or over.

1.1.9 If the conditions set out in paragraph 1.1.8 are not fulfilled, the interim classification certificate should be withdrawn immediately and the Administration so advised, unless the owner agrees to proceed directly, without further trading, to a suitable port where any overdue surveys or overdue recommendations/conditions of class should be carried out by the relevant recognized organization based on the age of the ship.

1.1.10 Prior to final acceptance of class-related matters, the gaining recognized organization's obligation should be to:

- .10.1 carry out the review of survey records of class-related matters of the losing recognized organization to the extent deemed necessary but not less than those items indicated below in order to prepare auditable documentation of this review:
 - .1.1 damages by events and dates* ;
 - .1.2 major repairs/rectifications by dates* ;
 - .1.3 conversion of hull-dates* ;
 - .1.4 major alterations of machinery installation-dates* ;
 - .1.5 condition evaluation/hull summary report if applicable;
 - .1.6 type of cargoes (coal, logs, aggressive bulks, chemical product, type of oil) when available;
 - .1.7 history of recommendations/conditions of class* ;

* As retained by the losing recognized organization.

- .1.8 thickness measurements from last renewal survey and subsequent thickness measurements, including areas with substantial corrosion;
 - .1.9 report of last renewal survey and subsequent periodical reports;
 - .1.10 information on coating condition of water ballast tanks *;
 - .1.11 restrictions/limitations in navigation area; and
 - .1.12 optional photos when available; and
- .10.2 to advise the losing recognized organization in writing of the anticipated date of final acceptance of class-related matters.

1.1.11 The gaining recognized organization may, if deemed necessary, carry out the review of survey records of class-related matters of other recognized organizations which had previously issued a classification certificate for the ship.

1.1.12 Within one month of the date of final acceptance of class-related matters, the gaining recognized organization should advise the losing recognized organization and the Administration. In cases where the losing recognized organization has reported recommendations/conditions of class on the ship, the gaining recognized organization should provide the losing recognized organization with an itemized list of actions taken with the date and location and actions to be taken, to satisfy each recommendation/condition of class.

1.1.13 The reporting by the gaining recognized organization to the losing recognized organization required in paragraphs 1.1.7 to 1.1.9 and 1.1.12 should be done in accordance with the Harmonization of reporting as contained in the appendix.

1.2 Obligations and reporting of the losing recognized organization

1.2.1 If an owner advises the losing recognized organization of an intention to transfer class-related matters, the losing recognized organization should immediately confirm to the owner any overdue surveys and outstanding recommendations/conditions of class.

1.2.2 The losing recognized organization should:

- .2.1 within two working days of receipt of a written request at its headquarters or one of its designated control or management centres, notify the gaining recognized organization of the latest details of class-related matters in its possession including a full list of overdue surveys and recommendations/conditions of class - with the respective due dates - issued against the subject ship.

In cases where the status of class-related matters is received in a language not readily understood by the gaining recognized organization or contains vague or unclear descriptions, the losing recognized organization should provide additional detailed information on request of the gaining recognized organization. The losing recognized organization should advise the gaining recognized organization of the possibility of further recommendations/conditions of class arising from surveys which the losing recognized organization knows have been carried out but for which reports have not yet been received;

* As retained by the losing recognized organization.

- .2.2 make available, within one month of the receipt of the request referred to in paragraph 1.2.2.1 above, all survey records class-related matters to the gaining recognized organization for record review and relevant reporting, to the extent this information is in the possession of the losing recognized organization, to enable the gaining recognized organization to prepare auditable documentation, in accordance with paragraph 1.1.10.
- .2.3 alternatively to the requirements in paragraph 1.2.2.2, upon request, provide the gaining recognized organization, within one month of the receipt of the request referred to in paragraph 1.2.2.1, a copy of all the survey records of class-related matters, to enable it to prepare auditable documentation, in accordance with paragraph 1.1.10. These survey records should be transferred electronically if electronic files are available; and
- 2.4 submit, within one month of the receipt of the request referred to in paragraph 1.2.2.1, any auditable documentation regarding class-related items (see paragraph 1.1.10.1) available from prior transfers of class-related matters performed after 1 July 2001.

1.2.3 The losing recognized organization would have one month from issuance of its survey status of class-related matters to the gaining recognized organization as per paragraph 1.2.2 to forward to the gaining recognized organization:

- .3.1 the additional information on outstanding surveys and/or recommendations/ conditions of class arising from surveys performed proximate to the date of owner's written request for transfer of class-related matters which were not included in said status; and
- .3.2 the structural diminution allowances which were applicable to the ship.

1.2.4 To ensure mutual exchange of information on ships transferring class-related matters and on the survey status of such ships, the losing recognized organization should, on completion of a withdrawal of the classification certificate, notify the gaining recognized organization.

1.2.5 Should the losing recognized organization, upon receiving information from the gaining recognized organization, pursuant to the disposition of the transfer of class-related matters, have clear grounds for believing that the gaining recognized organization did not fulfil its obligations as specified in section 1.1, the losing recognized organization should notify the gaining recognized organization and the Administration of its concerns and attempt to resolve any differences with the gaining recognized organization.

1.3.1 Other requirements

1.3.1 The obligations of the gaining and losing recognized organizations should continue to apply when a ship's classification certificate is suspended and for six months following withdrawal of a ship's classification certificate.

1.3.2 Any differences which could not be settled between the gaining and losing recognized organizations, should be brought to the attention of the Administration for final resolution.

1.3.3 Recognized organizations who had issued classification certificates for the ship prior to the losing recognized organization should have the same obligations as the losing recognized organization which are given in paragraph 1.2.2.2 or 1.2.2.3, if so requested by the gaining recognized organization, in accordance with paragraph 1.1.11.

2 Technical requirements

For transfer of class-related matters from one recognized organization to another, the following minimum technical requirements should be applied.

2.1 Plans and information

2.1.1 The gaining recognized organization should request copies of plans showing the main scantlings and arrangements of the actual ship and machinery, together with any proposals for alterations being dealt with, from the owner. Receipt of plans listed in section 3, or equivalent, alternative technical data in lieu of specific plans or items, should be identified to the owner as a prerequisite to the issuance of a full term classification certificate by the gaining recognized organization.

2.1.2 However, having made a good faith effort to obtain the information, if it proves not practicable to acquire certain plans as listed in section 3, or equivalent, alternative technical data, the gaining recognized organization might issue the full term classification certificate provided that its records of class-related matters document that the ship is being accepted under its requirements for class-related matters on the basis of a recorded internal review of the circumstances prevailing with respect to availability of plans.

2.1.3 Upon receiving the requested plans and documents, the gaining recognized organization should, prior to issuing the full term classification certificate, review the submitted plans and documents and deal with the result of the review appropriately.

2.2 Surveys

2.2.1 A survey of the scope of a renewal or initial survey, as appropriate, should be carried out by the gaining recognized organization. However, where both losing and gaining recognized organizations are in agreement, the above scope of survey might be modified as per paragraph 2.2.2.

2.2.2 Notwithstanding the records indicating that all surveys are up to date, a survey should be held by the gaining recognized organization, the extent of which should be based on the age of the ship and the losing recognized organization's status of class-related matters as follows:

.2.1. Hull survey:

.2.1.1 for ships of age less than 5 years the survey should take the form of an annual survey;

.2.1.2 additionally, for ships between 5 and 10 years of age the survey should include inspection of a representative number of ballast spaces;

- .2.1.3 additionally, for ships of 10 years of age and above but less than 20 years of age, the survey should include inspection of a representative number of cargo spaces;
 - .2.1.4 for oil tankers and bulk carriers of 500 GT and above which are 15 years of age and above but less than 20 years of age, a full renewal survey or a full intermediate survey should be carried out, whichever is due next;
 - .2.1.5 for all ships, which are 20 years of age and above, a full renewal survey should be carried out; and
 - .2.1.6 in the context of applying items in paragraphs 2.2.2.1.4 and 2.2.2.1.5 above, if a dry docking of the ship is not due at the time of transfer, consideration could be given to carrying out an underwater examination in lieu of dry docking; and
- .2.2. Machinery survey, a general examination of all essential machinery should be held and should include:
- .2.2.1 examination under working conditions of oil fuel burning equipment of boiler, economisers and steam/steam generators. The adjustment of safety valves of this equipment should be verified by checking the records on the ship;
 - .2.2.2 all pressure vessels;
 - .2.2.3 insulation resistance, generator circuit breakers, preference tripping relays and generator prime mover governors should be tested and paralleling and load sharing to be proved;
 - .2.2.4 in all cases, navigating lights and indicators should be examined and their working and alternative sources of power verified;
 - .2.2.5 bilge pumps, emergency fire pumps and remote control for oil valves, oil fuel pumps, lubricating oil pumps and forced draught fans should be examined under working conditions;
 - .2.2.6 recirculating and ice clearing arrangements, if any;
 - .2.2.7 the main and all auxiliary machinery necessary for operation of the ship at sea together with essential controls and steering gear should be tested under working conditions. Alternative means of steering should be tested. A short sea trial should be held at the surveyor's discretion if the ship has been laid up for a long period;
 - .2.2.8 initial start arrangements should be verified; and
 - .2.2.9 in the case of oil tankers, the cargo oil system and electrical installation in way of hazardous spaces should be checked for compliance with the gaining recognized organization's rule requirements. Where intrinsically

safe equipment is installed, the surveyors should satisfy themselves that a recognized authority has approved such equipment. The safety devices, alarms and essential instruments of the inert gas system should be verified and the plant generally examined to ensure that it does not constitute a hazard to the ship.

3 Plans to be submitted by the owner to the gaining recognized organization

3.1 Plans to be submitted

The following plans should be submitted by the owner to the gaining recognized organization:

- 3.1.1 main plans – general arrangement – capacity plan – hydrostatic curves – loading manual, where required;
- 3.1.2 steel plans – midship section – scantling plan – decks – shell expansion – transverse bulkheads – rudder and rudder stock – hatch covers; and
- 3.1.3 machinery plans – machinery arrangement – intermediate, thrust- and screw shafts – propeller – main engines, propulsion gears and clutch systems (or manufacturer make, model and rating information) – for steam turbine ships, main boilers, superheaters and economisers (or manufacturer make, model and rating information) and steam piping – bilge and ballast piping diagram – wiring diagram – steering gear systems piping and arrangements and steering gear manufacturer make and model information.

3.2 Torsional vibration calculations

3.2.1 For ships less than two years old, torsional vibration calculations should be submitted by the owner to the gaining recognized organization.

3.3 Additional requirements for ships with ice class notation

3.3.1 Plans for flexible couplings and/or torque limiting shafting devices in the propulsion line shafting (or manufacturer make, model and rating information) should be submitted by the owner to the gaining recognized organization.

3.4 Additional plans required for oil tankers

3.4.1 Pumping arrangement at the forward and after ends and drainage of cofferdams and pump rooms should be submitted by the owner to the gaining recognized organization.

3.5 Additional plans required for unattended machinery space notation

3.5.1 The following additional plans should be submitted by the owner to the gaining recognized organizations:

- .1.1 instrument and alarm list;
- .1.2 fire alarm system;

- .1.3 list of automatic safety functions (e.g. slowdowns, shutdowns, etc.); and
- .1.4 function testing plan.

APPENDIX

HARMONIZATION OF REPORTING

ITEM	ACTION	LOCATION	DATE	GAINING RO's REPORT REQUIREMENTS
Overdue survey	Commenced	Port	Survey date	List items credited and items remaining to be credited, if any. Explain why the entire survey was not completed at this port. List conditions for direct voyage to port where survey will be completed, including the need to discharge current cargo if applicable.
Overdue survey	Continued	Port	Survey date	In cases where surveys are continued at the port where the current cargo is discharged, list items credited and items remaining to be credited, if any. Explain why the entire survey was not completed at this port. List conditions for direct voyage to port where survey will be completed.
Overdue survey	Completed	Port	Survey date	List place and date where survey was completed.
Overdue recommendation/ condition of class	Cleared	Port	Survey date	Explain actions taken to complete overdue recommendation/condition of class as specified by losing organization.
Overdue recommendation/ condition of class	Commenced	Port	Survey date	In cases where overdue recommendations/conditions of class are postponed or partly postponed at the port where the current cargo is discharged, list items credited and items remaining to be credited, if any. Explain why the overdue recommendation was not completed at this port. List conditions for discharge voyage to port where recommendation will be completed as specified by losing organization.
Overdue recommendation/ condition of class	Cleared	Port	Survey date	List date, place and actions taken for completion of overdue recommendation/conditions of class.

ANNEX 14**DRAFT MSC/MEPC CIRCULAR****UNIFIED INTERPRETATIONS OF THE DATE OF COMPLETION OF THE SURVEY
AND VERIFICATION ON WHICH THE CERTIFICATES ARE BASED**

1 The Maritime Safety Committee, at its [eightieth session (11 to 20 May 2005)] and the Marine Environment Protection Committee, at its [fifty-third session (18 to 22 July 2005)], taking into account the amendments adopted at MSC 79 and MEPC 52 which amended certificates to include the phrases:

“Completion date of the survey on which this certificate is based:.....” and
(*dd/mm/yyyy*)

“Completion date of the verification on which this certificate is based:.....”
(*dd/mm/yyyy*)

where appropriate, considered it desirable to facilitate the uniform implementation of the above provisions and therefore agreed to the following interpretation concerning the date of completion of the survey and verification on which the certificates are based:

“Where the completion date is indicated on the certificate, the date is based on the date of the last survey and verification visit, as relevant, on which all items required to be surveyed or verified have been surveyed or verified regardless if the items were found satisfactory or with minor deficiencies or non-conformities.”

2 Member Governments are invited to bring this circular to the attention of all parties concerned.

ANNEX 15**DRAFT MEPC CIRCULAR****REVISED CONSOLIDATED FORMAT FOR REPORTING ALLEGED
INADEQUACIES OF PORT RECEPTION FACILITIES**

1 The ability of ships to comply with the MARPOL 73/78 discharge requirements depends largely upon the availability of adequate port reception facilities, especially within Special Areas. The lack of reception facilities in many ports worldwide poses a serious threat of pollution to the marine environment.

2 In accordance with MARPOL 73/78, the Government of each Party:

- .1 undertakes to ensure that reception facilities are adequate to meet the needs of the ships using them without causing undue delay to the ships; and
- .2 shall notify the Organization, for transmission to the Parties concerned, of all cases where the facilities are alleged to be inadequate.

3 Since the possibility for improving reception facilities is dependent, at least partly, on the receipt of adequate information about alleged inadequacies and in order to provide a standard format for the related communication process, the Marine Environment Protection Committee (MEPC), at its twenty-sixth session (September 1988), approved by means of MEPC/Circ.215, the consolidated format for reporting alleged inadequacies of port reception facilities for oily wastes (MARPOL Annex I), noxious liquid substances (MARPOL Annex II) and garbage (MARPOL Annex V). This format was subsequently revised by MEPC 42 (November 1998) to make it more user-friendly and circulated by means of MEPC/Circ.349.

4 The Marine Environment Protection Committee, [at its fifty-third session], having considered the recommendation made by the Sub-Committee on Flag State Implementation at its thirteenth session, approved the revised consolidated format for reporting alleged inadequacies of port reception facilities, set out at annex, to include reference to sewage (MARPOL Annex IV), ozone-depleting substances and exhaust gas-cleaning system residues (MARPOL Annex VI).

5 Flag States are requested to:

- .1 distribute the revised format to ships and urge Masters to use this format to report alleged inadequacies of port reception facilities to the Administration of the flag State and, if possible, to the Authorities of the port State;
- .2 notify IMO, for transmission to the Parties concerned, of any case where facilities are alleged to be inadequate; and
- .3 inform the port State of the alleged inadequacies.

Notification should be made as soon as possible following the completion of the alleged inadequacies reporting format and should include a copy of the Master's report, together with any supporting documentation.

6 Port States should ensure the provision of proper arrangements to consider and respond appropriately and effectively to reports of inadequacies, informing IMO and the reporting flag State of the outcome of their investigation.

7 Shipping companies should be encouraged to include the provisions of this circular in their procedures for shipboard operations required under section 7 of the ISM Code.

8 Member Governments are invited to bring this circular to the attention of all parties concerned.

9 This circular supersedes MEPC/Circ.349.

ANNEX

**REVISED CONSOLIDATED FORMAT FOR REPORTING ALLEGED
INADEQUACIES OF PORT RECEPTION FACILITIES¹**

The Master of a ship having encountered difficulties in discharging waste to reception facilities should forward the information below, together with any supporting documentation, to the administration of the flag State and, if possible, to the competent Authorities in the port State. The flag State shall notify the IMO and the port State of the occurrence. The port State should consider the report and respond appropriately informing IMO and the reporting flag State of the outcome of its investigation.

1 SHIP'S PARTICULARS

- 1.1 Name of ship: _____
- 1.2 Owner or operator: _____
- 1.3 Distinctive number or letters: _____
- 1.4 IMO Number²: _____
- 1.5 Gross tonnage: _____
- 1.6 Port of registry: _____
- 1.7 Flag State³: _____
- 1.8 Type of ship:
- | | | |
|---|--|--|
| <input type="checkbox"/> Oil tanker | <input type="checkbox"/> Chemical tanker | <input type="checkbox"/> Bulk carrier |
| <input type="checkbox"/> Other cargo ship | <input type="checkbox"/> Passenger ship | <input type="checkbox"/> other (specify) _____ |

2 PORT PARTICULARS

- 2.1 Country: _____
- 2.2 Name of port or area: _____
- 2.3 Location/terminal name: _____
(e.g. berth/terminal/jetty)
- 2.4 Name of company operating the reception facility (if applicable): _____
- 2.5 Type of port operation:
- | | | |
|---|---------------------------------------|-----------------------------------|
| <input type="checkbox"/> Unloading port | <input type="checkbox"/> Loading port | <input type="checkbox"/> Shipyard |
| <input type="checkbox"/> Other (specify) _____. | | |
- 2.6 Date of arrival: ___/___/___ (dd/mm/yyyy)
- 2.7 Date of occurrence: ___/___/___ (dd/mm/yyyy)
- 2.8 Date of departure: ___/___/___ (dd/mm/yyyy)

¹ This format was approved by the [fifty-third] session of the Marine Environment Protection Committee in [July 2005].

² In accordance with the IMO ship identification number scheme adopted by the Organization by Assembly resolution A.600(15).

³ The name of the State whose flag the ship is entitled to fly.

3 INADEQUACY OF FACILITIES

3.1 Type and amount of waste for which the port reception facility was inadequate and nature of problems encountered

Type of waste	Amount for discharge (m ³)	Amount <u>not</u> accepted (m ³)	Problems encountered Indicate the problems encountered by using one or more of the following code letters, as appropriate. A No facility available B Undue delay C Use of facility technically not possible D Inconvenient location E Vessel had to shift berth involving delay/cost F Unreasonable charges for use of facilities G Other (please specify in paragraph 3.2)
MARPOL Annex I-related			
Type of oily waste:			
Oily bilge water			
Oily residues (sludge)			
Oily tank washings (slops)			
Dirty ballast water			
Scale and sludge from tank cleaning			
Other (please specify)			
MARPOL Annex II-related			
Type of NLS ⁴ residue/water mixture for discharge to facility from tank washings:			
Category A substance			
Category B substance			
Category C substance			
Category D substance			
MARPOL Annex IV-related			
Sewage			
MARPOL Annex V-related			
Type of garbage:			
Plastic			
Floating dunnage, lining, or packing materials			
Ground paper products, rags, glass, metal, bottles, crockery, etc.			
Cargo residues, paper products, rags, glass, metal, bottles, crockery, etc.			
Food waste			
Incinerator, ash			
Other (please specify)			
MARPOL Annex VI-related			
Ozone-depleting substances and equipment containing such substances			
Exhaust gas-cleaning residues			

⁴ Indicate, in paragraph 3.2, the proper shipping name of the NLS involved and whether the substance is designated as 'solidifying' or 'high viscosity'.

3.2 Additional information with regard to the problems identified in the above table.

3.3 Did you discuss these problems or report them to the port reception facility?

Yes No

If Yes, with whom (please specify)

If Yes, what was the response of the port reception facility to your concerns?

3.4 Did you give prior notification (in accordance with relevant port requirements) about the vessel's requirements for reception facilities?

Yes No Not applicable

If Yes, did you receive confirmation on the availability of reception facilities on arrival?

Yes No

4 ADDITIONAL REMARKS/COMMENTS

Master's signature

Date: __/__/____ (dd/mm/yyyy)

ANNEX 16**DRAFT MEPC CIRCULAR****WASTE RECEPTION FACILITY REPORTING REQUIREMENTS**

1 The full and effective implementation of the waste reception facility reporting requirements by Parties to MARPOL 73/78 is of paramount importance for the identification and implementation of the necessary actions to be taken towards improving the provision of adequate reception facilities in many ports worldwide.

2 The Sub-Committee on Flag State Implementation, at its twelfth session, having noted the low level of implementation of the existing reporting requirements for port reception facilities, agreed, as a means of promoting their implementation, to prepare a list of these requirements for circulation by means of an MEPC circular.

3 The Marine Environment Protection Committee, [at its fifty-third session ...], having considered the recommendation made by the Sub-Committee on Flag State Implementation at its thirteenth session, approved the list of waste reception facility reporting requirements for flag and port States, as set out at annex, in accordance with the provisions of MARPOL 73/78 and the Guidelines for ensuring the adequacy of port waste reception facilities, adopted by resolution MEPC.83(44).

4 Parties to the MARPOL 73/78 are requested to take all the necessary action in order to ensure their compliance with these reporting requirements.

ANNEX

Table 1: Waste reception facility reporting requirements for port States

	Reporting requirements	Reference
Reporting on the availability of reception facilities	The port State is required to communicate to the Organization a list of reception facilities in its ports including their capacity, available facilities and other characteristics.	Article 11(1)(d) of MARPOL 73/78
	Regarding port facilities for the reception of oily wastes and noxious liquid substances, the port State is requested to submit to the Organization information on new reception facilities and updated information on the existing list of facilities by April each year in accordance with the established “one-line” format of the lists attached to MEPC.3 and MEPC.4 circular series.	MEPC.3 and MEPC.4 circular series
Reporting on alleged inadequacies of reception facilities	The port State should ensure the provision of proper arrangements to consider and respond appropriately and effectively to reports of inadequacies, [informing IMO and the reporting flag State of the outcome of their investigation].	Resolution MEPC.83(44), annex, paragraph 10.3
	The port State is requested to submit to IMO by 30 September each year an annual report, using the format contained in Part 3(b) of MEPC/Circ.318, of actions taken on alleged inadequacy of reception facilities referred to that State.	MEPC/Circ.318, Part 3(b)
Reporting on the assessment of the port reception facilities	The port State is encouraged to make use of the assessment form appended to the “Guidelines for ensuring the adequacy of port waste reception facilities”, to conduct regular assessments of waste reception facilities in its ports and advise IMO of the outcome of such assessments, including any inadequacies of port reception facilities, as well as any technical co-operation assistance that may be needed to address those inadequacies.	Resolution MEPC.83(44) on “Guidelines for ensuring the adequacy of port waste reception facilities”

Table 2: Waste reception facility reporting requirements for flag States

	Reporting requirements	Reference
Reporting on alleged inadequacies of reception facilities	The flag State is requested to distribute the revised format for reporting alleged inadequacies of port reception facilities, as set out in MEPC/Circ.349, to ships and urge Masters to use this format to report alleged inadequacy of port reception facilities to the Administration of the flag State and, if possible, to the Authorities of the port State.	[MEPC/Circ.349, paragraph 5] [*]
	The flag State is required to notify IMO, in an appropriate format, for transmission to parties concerned, of any case where facilities are alleged to be inadequate. Notification shall be made as soon as possible following completion of the Alleged Inadequacies Reporting Form ([MEPC/Circ.349]).	Reg. 12(5) of Annex I; Reg. 7(4) of Annex II; Reg. 10(2) of Annex IV; Reg. 7(2) of Annex V; and Reg. 17(2) of Annex VI; Resolution MEPC.83(44), annex, paragraph 8.3 [MEPC/Circ.349, paragraph 5] Resolution MEPC.84(44), annex, paragraph 8.3.1
	The flag State shall notify the port State of the occurrence of the alleged inadequacies of port reception facilities. Notification shall be made as soon as possible following completion of the Alleged Inadequacies Reporting Form ([MEPC/Circ.349]).	[MEPC/Circ.349, annex] Resolution MEPC.83(44), Annex, paragraph 8.3 Resolution MEPC.83(44), annex, paragraph 8.3.1
	The flag State is requested to submit to IMO by 30 September each year an annual report using the format contained in Part 3(a) of MEPC/Circ.318 of alleged inadequacies of reception facilities referred to the port State.	MEPC/Circ.318, Part 3(a)

* The reference to MEPC/Circ.349 has been placed within square brackets since it is expected that MEPC 53 will approve a new MEPC circular on the Revised consolidated format for reporting alleged inadequacies of port reception facilities which will supersede MEPC/Circ.349.

ANNEX 17

PROPOSED REVISED WORK PROGRAMME OF THE SUB-COMMITTEE

		Target completion date/number of sessions needed for completion	Reference
1	Mandatory reports under MARPOL 73/78	Continuous	MSC 70/23, paragraph 20.12.1; FSI 12/22, section 3 FSI 13/23, section 3
2	Casualty statistics and investigations	Continuous	MSC 68/23, paragraphs 7.16 to 7.24; FSI 12/22, section 4 FSI 13/23, section 4
3	Regional co-operation on port State Control Port State control	Continuous	MSC 71/23, paragraph 20.16; FSI 12/22, section 5; FSI 12/22, section 6 FSI 13/23, sections 6 and 7; FSI 13/23, paragraph 7.6
4	Reporting procedures on port State control detentions and analysis and evaluation of reports	Continuous	MSC 71/23, paragraph 20.16; FSI 12/22, section 6
5 4	Responsibilities of Governments and measures to encourage flag State compliance	Continuous	MSC 68/23, paragraphs 7.2 to 7.8; FSI 12/22, section 7 FSI 13/23, section 10

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- Notes:**
- 1 "H" means a high priority item. However these items have not been listed in any order of priority.
 - 2 Strike-out text indicates proposed deletions and shaded text shows proposed additions and changes.
 - 3 Items printed in bold letters have been selected for the provisional agenda for FSI 14.

		Target completion date/number of sessions needed for completion	Reference
6 5	Comprehensive analysis of difficulties encountered in the implementation of IMO instruments	Continuous	MSC 69/22, paragraph 20.28; FSI 8/19, paragraph 4.3; FSI 12/22, section 8 FSI 13/23, section 11
7 6	Review of the Survey Guidelines under the HSSC (resolution A.948(23))	Continuous	MSC 72/23, paragraph 21.27; FSI 12/22, section 9 FSI 13/23, section 12
8 7	Consideration of IACS unified Interpretations	Continuous	MSC 78/26, paragraph 22.12; FSI 13/23, section 18
H.1	PSC on seafarers' working hours	2006	MSC 70/23, paragraph 20.12.3; FSI 7/14, paragraphs 7.11 to 7.13; MSC 71/23, paragraph 13.13; FSI 12/22, section 10 FSI 13/23, section 14
H.2	Illegal, unregulated and unreported (IUU) fishing and implementation of resolution A.925(22)	2005 2007	MSC 72/23, paragraph 21.28; FSI 10/17, section 11; MSC 75/24, paragraphs 13.11 and 22.25.3; FSI 12/22, section 11 FSI 13/23, section 15
H.3	Development of provisions on transfer of class	2005	MSC 74/24, paragraph 2.13.15.2; FSI 10/17, paragraphs 14.2 and 14.10.4.1; MSC 75/24, paragraph 22.24; FSI 12/22, section 12

		Target completion date/number of sessions needed for completion	Reference
H.4 H.3	Measures to enhance maritime security	2006	MSC 76/23, paragraph 20.60.2; FSI 12/22, section 15; MSC 78/26, paragraph 24.23
H.5	Review of reporting requirements for reception facilities	2005	FSI 11/23, paragraph 20.5.4.3; FSI 12/22, section 18
H.6 H.3	Development of survey guidelines required by regulation E-1 of the 2004 BWM Convention	2006	MEPC 51/22, paragraph 2.11.6; FSI 13/23, section 13
H.7 H.4	Development of guidelines on port State control under the 2004 BWM Convention	2006	MEPC 52/24, paragraph 2.21.2; FSI 13/23, section 8
H.8	Development of guidelines on port State control for MARPOL Annex VI	2006	MEPC 52/24, paragraph 4.13
H.9 H.5	Review of the Code for the investigation of marine casualties and incidents	2007	MSC 79/23, paragraphs 20.15 to 20.18; FSI 13/23, section 5

PROVISIONAL AGENDA FOR FSI 14*

- Opening of the session
- 1 Adoption of the agenda
 - 2 Decisions of other IMO bodies
 - 3 Responsibilities of Governments and measures to encourage flag State compliance**
 - 4 Mandatory reports under MARPOL 73/78**
 - 5 Casualty statistics and investigations**
 - 6 Review of the Code for the investigation of marine casualties and incidents
 - 7 Port State control**
 - 8 PSC on seafarers' working hours
 - 9 Development of guidelines for port State control under the 2004 BWM Convention
 - 10 Comprehensive analysis of difficulties encountered in the implementation of IMO instruments**
 - 11 Review of the Survey Guidelines under the HSSC (resolution A.948(23))**
 - 12 Development of survey guidelines required by regulation E-1 of the 2004 BWM Convention
 - 13 Consideration of IACS Unified Interpretations
 - 14 Illegal, unregulated and unreported (IUU) fishing and implementation of resolution A.925(22)
 - 15 Work programme and agenda for FSI 15
 - 16 Election of Chairman and Vice-Chairman for 2006 and 2007
 - 17 Any other business
 - 18 Report to the Committees

* Agenda item numbers do not necessarily indicate priority.

** Items under continuous review.