



SUB-COMMITTEE ON FLAG STATE
IMPLEMENTATION
15th session
Agenda item 18

FSI 15/18
18 June 2007
Original: ENGLISH

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

Table of contents

	Page
1 GENERAL	3
2 DECISIONS OF OTHER IMO BODIES	7
3 RESPONSIBILITIES OF GOVERNMENTS AND MEASURES TO ENCOURAGE FLAG STATE COMPLIANCE	8
4 MANDATORY REPORTS UNDER MARPOL 73/78	18
5 PORT RECEPTION FACILITIES-RELATED ISSUES	20
6 CASUALTY STATISTICS AND INVESTIGATIONS	24
7 REVIEW OF THE CODE FOR THE INVESTIGATION OF MARINE CASUALTIES AND INCIDENTS	31
8 HARMONIZATION OF PORT STATE CONTROL ACTIVITIES	35
9 DEVELOPMENT OF GUIDELINES ON PORT STATE CONTROL UNDER THE 2004 BWM CONVENTION	48
10 PSC GUIDELINES ON SEAFARERS' WORKING HOURS	48
11 COMPREHENSIVE ANALYSIS OF DIFFICULTIES ENCOUNTERED IN THE IMPLEMENTATION OF IMO INSTRUMENTS	49
12 REVIEW OF THE SURVEY GUIDELINES UNDER THE HSSC (RESOLUTION A.948(23))	49
13 CONSIDERATION OF IACS UNIFIED INTERPRETATIONS	56
14 ILLEGAL, UNREGULATED AND UNREPORTED (IUU) FISHING AND IMPLEMENTATION OF RESOLUTION A.925(22)	56

15	WORK PROGRAMME AND AGENDA FOR FSI 16	60
16	ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2008	62
17	ANY OTHER BUSINESS	62
18	ACTION REQUESTED OF THE COMMITTEES	63

LIST OF ANNEXES

ANNEX 1	DRAFT ASSEMBLY RESOLUTION ON THE REVISED CODE FOR THE IMPLEMENTATION OF MANDATORY IMO INSTRUMENTS	
ANNEX 2	DRAFT CODE OF THE INTERNATIONAL STANDARDS AND RECOMMENDED PRACTICES FOR A SAFETY INVESTIGATION INTO A MARINE CASUALTY OR MARINE INCIDENT	
ANNEX 3	DRAFT MSC RESOLUTION ON THE CODE OF THE INTERNATIONAL STANDARDS AND RECOMMENDED PRACTICES FOR A SAFETY INVESTIGATION INTO A MARINE CASUALTY OR MARINE INCIDENT	
ANNEX 4	DRAFT AMENDMENTS TO CHAPTER XI-1 OF THE 1974 SOLAS CONVENTION, AS AMENDED, MAKING THE CODE OF THE INTERNATIONAL STANDARDS AND RECOMMENDED PRACTICES FOR A SAFETY INVESTIGATION INTO A MARINE CASUALTY OR MARINE INCIDENT MANDATORY	
ANNEX 5	DRAFT MSC/MEPC CIRCULAR ON THE CODE OF THE INTERNATIONAL STANDARDS AND RECOMMENDED PRACTICES FOR A SAFETY INVESTIGATION INTO A MARINE CASUALTY OR MARINE INCIDENT	
ANNEX 6	DRAFT MSC-MEPC.4 CIRCULAR ON THE CODE OF GOOD PRACTICE	
ANNEX 7	DRAFT ASSEMBLY RESOLUTION ON THE REVISED SURVEY GUIDELINES UNDER THE HARMONIZED SYSTEM OF SURVEY AND CERTIFICATION (HSSC)	
ANNEX 8	DRAFT MSC CIRCULAR ON GUIDELINES ON ANNUAL TESTING OF THE AUTOMATIC IDENTIFICATION SYSTEM (AIS)	
ANNEX 9	STATEMENTS BY THE DELEGATION OF GREECE UNDER AGENDA ITEM 1	
ANNEX 10	PROPOSED REVISED WORK PROGRAMME AND PROVISIONAL AGENDA FOR FSI 16	

1 GENERAL

1.1 The Sub-Committee held its fifteenth session from 4 to 8 June 2007 under the chairmanship of Mrs. T. Krilic (Croatia). The Vice-Chairman, Capt. G.E. Rangel (Venezuela), was also present.

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

ALGERIA	MALAYSIA
ANGOLA	MALTA
ANTIGUA AND BARBUDA	MARSHALL ISLANDS
ARGENTINA	MEXICO
AUSTRALIA	MONGOLIA
BAHAMAS	MOROCCO
BARBADOS	NETHERLANDS
BELGIUM	NEW ZEALAND
BELIZE	NIGERIA
BOLIVIA	NORWAY
BRAZIL	PANAMA
BULGARIA	PAPUA NEW GUINEA
CANADA	PERU
CHILE	PHILIPPINES
CHINA	POLAND
CROATIA	PORTUGAL
CUBA	REPUBLIC OF KOREA
CYPRUS	RUSSIAN FEDERATION
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	SAINT KITTS AND NEVIS
DENMARK	SAINT VINCENT AND THE GRENADINES
DOMINICA	SAUDI ARABIA
DOMINICAN REPUBLIC	SINGAPORE
ECUADOR	SLOVENIA
EGYPT	SOUTH AFRICA
ESTONIA	SPAIN
FINLAND	SWEDEN
FRANCE	SWITZERLAND
GERMANY	SYRIAN ARAB REPUBLIC
GHANA	THAILAND
GREECE	TONGA
INDONESIA	TRINIDAD AND TOBAGO
IRAN (ISLAMIC REPUBLIC OF)	TURKEY
IRELAND	TUVALU
ITALY	UKRAINE
JAMAICA	UNITED KINGDOM
JAPAN	UNITED STATES
KENYA	URUGUAY
LATVIA	VANUATU
LIBERIA	VENEZUELA
LUXEMBOURG	

representatives from the following Associate Members of IMO:

HONG KONG, CHINA
MACAO, CHINA

and the following State not Member of IMO:

COOK ISLANDS

representatives from the following United Nations specialized agency:

INTERNATIONAL LABOUR ORGANIZATION (ILO)

observers from the following intergovernmental organizations:

INTERNATIONAL MOBILE SATELLITE ORGANIZATION (IMSO)
EUROPEAN COMMISSION (EC)
TOKYO MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL
(TOKYO MoU)
MEDITERRANEAN MEMORANDUM OF UNDERSTANDING ON PORT STATE
CONTROL (MED MoU)
ACUERDO LATINO AMERICANO SOBRE CONTROL DE BUQUES POR EL
ESTADO RECTOR DEL PUERTO (ACUERDO DE VIÑA DEL MAR)
INDIAN OCEAN MEMORANDUM OF UNDERSTANDING ON PORT STATE
CONTROL (IO MoU)
MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL IN THE
BLACK SEA REGION (BS MoU)
PARIS MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL
(PARIS MoU)
WEST AND CENTRAL AFRICA MEMORANDUM OF UNDERSTANDING ON
PORT STATE CONTROL (ABUJA MoU)
CARIBBEAN MEMORANDUM OF UNDERSTANDING (C MoU)

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

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL SHIPPING FEDERATION (ISF)
INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)
INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU)
INTERNATIONAL RADIO MARITIME COMMITTEE (CIRM)
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)
ASSOCIATION OF EUROPEAN SHIPBUILDERS AND SHIPREPAIRERS (AWES)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS
(INTERTANKO)
CRUISE LINES INTERNATIONAL ASSOCIATION (CLIA)
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS
(INTERCARGO)

THE INSTITUTE OF MARINE ENGINEERING, SCIENCE AND TECHNOLOGY
(IMarEST)
INTERNATIONAL CHRISTIAN MARITIME ASSOCIATION (ICMA)
THE FEDERATION OF NATIONAL ASSOCIATIONS OF SHIPBROKERS
AND AGENTS (FONASBA)

and a representative from the:

WORLD MARITIME UNIVERSITY (WMU).

Opening address

1.3 In welcoming the participants on behalf of the Secretary-General, Mr. K. Sekimizu, Director of the Maritime Safety Division stressed that, with regard to this year's theme for World Maritime Day: "IMO's response to current environmental challenges", this would be an opportunity to increase awareness about the threats to the environment stemming from shipping operations and, by taking appropriate preventive and remedial action, to show that the maritime sector does care about the environment and is, indeed, already at the forefront of that challenge. Over the years, Governments and the industry had adopted, through IMO, a wide range of measures to prevent and control any pollution caused by ships and to reduce the impact that shipping may have on our fragile environment. In this context, the Sub-Committee's contribution to the protection of the marine environment, through the development of guidelines, codes and other measures that promote the effective, uniform and global implementation and enforcement of IMO instruments, was of great importance and should continue unabated.

Among the many important issues before the Sub-Committee at this session, the Director highlighted the work on the analysis of marine casualties and incidents and recalled last year's chain of accidents involving passenger ships, including those of the **Al Salam Boccaccio 98**, **al-Dana**, **Leonida II**, **Senopati Nusantara** and **Tri Star 1**, most on domestic voyages. He stressed that the Sub-Committee is the central IMO body dealing with casualty analysis, which also includes the review of casualty investigation reports concerning ships that are not covered by mandatory IMO instruments. The Director acknowledged the importance of the casualty investigation function and the value of resultant findings in the overall safety system. The Director expected that the review of the Code for the Investigation of Marine Casualties and Incidents would be concluded at this session, with the aim of updating its provisions and making it mandatory at a global level.

Referring to the harmonization of port State control (PSC) activities, the Director stated that he was conscious of the magnitude of the task in front of the Sub-Committee and of the importance of achieving tangible results at the present session, based on the achievements of the last session in identifying the basic and most important elements of harmonization. In addition to the development of a code of conduct for PSC activities, he indicated that the Sub-Committee was expected to make significant progress in the formulation of a methodology to achieve and maintain the harmonization of PSC activities over time, covering both the review of PSC procedures and the in-depth analysis of PSC data. The recognition of inspection results at a global level should be the long-term target, as agreed at FSI 14, and he referred to the need to develop a concrete plan of action for the future work of the Sub-Committee in this regard, thereby refining the role of the Organization in the global harmonization process, significantly strengthened by the joint efforts of the Member States and the PSC regimes.

On the review of the Survey Guidelines under the Harmonized System of Survey and Certification (resolution A.948(23)), he noted the expected finalization of the consolidated text of revised HSSC Guidelines, for consideration and approval by MEPC 56 and MSC 83, and adoption by the Assembly at its twenty-fifth session. In this context, the Sub-Committee would have to consider several issues, such as the inclusion, in the Guidelines, of the draft Form for the Automatic Identification Systems Test Report, and adequate provisions on performance standards for shipborne long-range identification and tracking of ships equipment.

On the subject of Government responsibilities and measures to encourage flag State compliance, he pointed out that the Sub-Committee would be invited to prepare draft amendments to the Code for the Implementation of Mandatory IMO Instruments (resolution A.973(24)), and also to consider a draft model course for Safety Management System Auditor, a study on a risk assessment comparison between maritime casualties and port State control inspections, and research that has identified a need to promote better communication skills relating to working practices for seafarers and strengthen the implementation and enforcement of the requirements of the ISM Code.

With respect to the marine environmental aspects of the Sub-Committee's work, he stressed that the key task would be to address issues concerning port reception facilities. He recalled that MEPC 55 had approved the Action Plan for Port Reception Facilities in order to tackle the long-standing problem of their inadequacy and indicated that the Sub-Committee would, therefore, consider how best to organize the execution of the Plan so as to improve the provision and use of such facilities. He emphasized the need for action by all concerned, particularly because it is the obligation of Parties to MARPOL 73/78 to provide adequate port reception facilities and to communicate to IMO all relevant information using the new reporting facilities of GISIS.

On the issue of annual mandatory reports submitted by Parties to MARPOL 73/78 in accordance with MEPC.1/Circ.318, the Director expressed growing concern at the low level of reporting by such Parties. He stressed again that while reporting is an obligation for all such Parties, data from the reports is useful to assess the Convention's effective application and to promote its implementation and called upon the Sub-Committee to give whatever encouragement to that end.

Concerning illegal, unregulated and unreported (IUU) fishing, the Director informed the Sub-Committee that, last March, the Secretary-General had addressed the twenty-seventh session of the Committee on Fisheries of the FAO, as a prelude to the holding of the Second Joint IMO/FAO Working Group on IUU Fishing and Related Matters, where he had purposely taken the opportunity to reiterate, to the Ministers of Fisheries attending that session, his earlier calls for all those countries that have not yet ratified the 1993 Torremolinos Protocol and the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), 1995, to do so with all speed and, thereby, hasten their entry into force, which is long overdue. The Director emphasized, as a matter of utmost importance, that the Sub-Committee should review the topics to be addressed during the second session of the Joint IMO/FAO Working Group on IUU Fishing and Related Matters, and indicated that IMO will be represented by Argentina, Canada, China, Denmark, Liberia, Norway, the Republic of Korea and Turkey. On behalf of the Secretary-General, he urged those States to participate actively in, and to make submissions to, the Joint Working Group on any subject of interest to the Sub-Committee, bearing in mind that its second session would be a unique opportunity to promote, once again, the early entry into force of IMO instruments related to fishermen and fishing vessels safety.

The Director recognized that considerable progress had been made intersessionally by correspondence groups on various items of the Sub-Committee's work programme and thanked all the members of these groups, especially their co-ordinators, and all the participating Governments and organizations for providing their expertise, time and other resources.

Chairman's remarks

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

Statements by the delegation of Greece

1.5 The delegation of Greece provided the Sub-Committee with updated information regarding the follow up to the sinking of the cruise ship **Sea Diamond** on 5 April 2007 and the audit of Greece under the Voluntary IMO Member State Audit. The text of the statements, as delivered by the delegation of Greece, is reproduced in annex 9.

Adoption of the agenda

1.6 The Sub-Committee adopted the agenda for its fifteenth session (FSI 15/1) and agreed to be guided in its work, in general, by the annotations contained in document FSI 15/1/1. The agenda, as adopted, with the list of documents considered under each agenda item, is set out in document FSI 15/INF.14.

2 DECISIONS OF OTHER IMO BODIES

2.1 The Sub-Committee noted the decisions and comments pertaining to its work made by MEPC 55, MSC 82, FAL 33, NAV 52, SLF 49, DSC 11, STW 38, FP 51, COMSAR 11, DE 50, FAL 34, BLG 11 and SLF 50, as presented in documents FSI 15/2, FSI 15/2/1, FSI 15/2/2 and FSI 15/2/3, from the Secretariat, and took them into account in its deliberations when dealing with relevant agenda items.

IMO number schemes

2.2 The Sub-Committee, in particular, noted that MEPC 55 and MSC 82 had approved the issuance of Circular letter No.1886/Rev.3 on Implementation of resolution A.600(15) – IMO ship identification number scheme, formalizing the issuing of numbers at the new building order stage, and Circular letter No.2554/Rev.1 on Implementation of the IMO Unique Company and Registered Owner Identification Number Scheme. Having also considered that the operational aspects of the numbering scheme may need to be further developed, based on the experience gained, the Committee requested the Secretariat to make any necessary adjustments, in co-operation with the manager of the scheme, in order to improve the service provided to Member States.

Voluntary IMO Member State Audit Scheme

2.3 Regarding the Voluntary IMO Member State Audit Scheme, the Sub-Committee also noted that MSC 82 had agreed to inform C 98 about the proposal for the purpose of assisting those Member States, volunteering for the audit, and auditors, in need of additional guidance in their preparatory work, to recommend that interested parties could be made aware of the existence of the two questionnaires, relating to the provisions of SOLAS chapter V in the Audit Standard, developed by IALA and IHO.

Ship safety management system and ship security plan

2.4 Concerning the integrated implementation of the safety management system and the ship security plan, whereas it was generally acknowledged that the proposals of Argentina (FSI 14/3) contained useful information, the Sub-Committee also noted that MSC 82 had agreed that it would be premature to pursue the matter further at this stage.

Measures to prevent accident with lifeboats

2.5 On the measures to prevent accident with lifeboats, the Sub-Committee also noted that MSC 82, having recognized the existing difficulties in the implementation of the provisions contained in MSC.1/Circ.1206, and, while expressing support for the principle of making all or part of the above-mentioned provisions mandatory when the difficulties reported in the documents under consideration have been overcome, had agreed to keep the circular non-mandatory at this stage. Concurrently, MSC 82 also agreed to refer the above-mentioned documents to the DE Sub-Committee for detailed consideration and advice, in order that the final decision of the Committee on the matter become effective by 2010, at the latest.

Certification for Marine Products and pre-planning of surveys in dry-dock

2.6 The Sub-Committee also noted that MSC 82 had approved MSC.1/Circ.1221 on the Validity of Type Approval Certification for Marine Products and MSC.1/Circ.1223 on Guidelines for pre-planning of surveys in dry-dock of ships which are not subject to the Enhanced programme of inspections.

Guidelines on alternative design and arrangements for fire safety

2.7 With regard to the issue of the Guidelines on alternative design and arrangements for fire safety (MSC.1/Circ.1002 and Corr.1), the Sub-Committee also noted that MSC 82 had approved the draft amendments to the Passenger Ship Safety Certificate and the Cargo Ship Safety Certificate which will be considered by MSC 83 with a view to adoption.

Revised Guidelines on the organization and method of work

2.8 The Sub-Committee further noted that MEPC 55 and MSC 82 had approved revised Guidelines on the organization and method of work of the MSC and the MEPC and their subsidiary bodies, which have been disseminated by means of MSC-MEPC.1/Circ.1.

3 RESPONSIBILITIES OF GOVERNMENTS AND MEASURES TO ENCOURAGE FLAG STATE COMPLIANCE

IMO UNIQUE COMPANY AND REGISTERED OWNER IDENTIFICATION NUMBER SCHEME

3.1 The Sub-Committee received a presentation from the manager of the scheme on the technical aspects of the implementation of the IMO Unique Company and Registered Owner Identification Number scheme with a view to enhancing familiarization with the scheme prior to its entry into force.

AMENDMENTS TO THE CODE FOR THE IMPLEMENTATION OF MANDATORY IMO INSTRUMENTS

3.2 The Sub-Committee recalled that resolution A.973(24) on the Code for the implementation of mandatory IMO instruments contains the request to the MSC and MEPC to keep the Code under review and, in co-ordination with the Council, to propose amendments thereto to the Assembly.

3.3 In this context, the Sub-Committee noted that MSC 82 had instructed the Sub-Committee to keep the proposed amendments to the annexes to the Code for the implementation of mandatory IMO instruments (resolution A.973(24)) to move the references to SOLAS regulations V/4 and V/9, contained in annex 1 on obligations of Contracting Governments/Parties, to annex 3 on specific obligations for coastal States, for future reference.

3.4 Furthermore, MSC 82 agreed that there is a need to provide Member States to be audited, as well as auditors, with up-to-date audit standard, while referring document MSC 82/23/5 (Republic of Korea) proposing further amendments to the Code for the implementation of mandatory IMO instruments, which forms the basis of the Voluntary IMO Member State Audit Scheme, to this session of the Sub-Committee to prepare amendments to the Code and to report to MEPC 56 and MSC 83.

3.5 On the same issue, the Sub-Committee considered document FSI 15/3/4 (Republic of Korea) containing proposed amendments to the Code for the implementation of mandatory IMO instruments and, taking into account FSI 13's decision concerning the standard methodology to be followed for the adoption of amendments to the Revised Survey Guidelines, discussed a methodology to be followed for keeping up-to-date the audit standard, and adopting amendments to the Code on a regular basis.

3.6 The Sub-Committee instructed the Working Group on the Review of the Survey Guidelines under the Harmonized System of Survey and Certification (resolution A.948(23)), established under agenda item 12 on the Review of the Survey Guidelines under the Harmonized System of Survey and Certification (resolution A.948(23)), to:

- .1 finalize draft amendments to the Code for the implementation of mandatory IMO instruments (resolution A.973(24)), together with the text of the draft Assembly resolution using FSI 15/3/4, as a basis, and taking into account MSC 82's instruction regarding the proposed amendment to move the references to SOLAS regulations V/4 and V/9, contained in annex 1 on obligations of Contracting Governments/Parties, to annex 3 on specific obligations for coastal States, for approval by MEPC 56 and MSC 83 prior to submission to the Assembly at its twenty-fifth session for adoption; and
- .2 provide guidance on future amendments to the Code for the implementation of mandatory IMO instruments (resolution A.973(24)), including the possible request to the Secretariat, subject to available resources to develop an electronic tracking system of all new and outstanding requirements under mandatory instruments, preferably through GISIS.

Report of the working group

3.7 Having received the report of the Working Group on the Review of the Survey Guidelines under the Harmonized System of Survey and Certification (resolution A.948(23)) (FSI 15/WP.2/Add.1), the Sub-Committee took action as indicated in the following paragraphs.

3.8 The Sub-Committee considered whether the long range identification and tracking systems (LRIT) related amendments should be included in the Revised Code for the implementation of mandatory IMO instruments against the background that the Council had not yet included security-related requirements in the scope of the Voluntary IMO Member State Audit Scheme and the Code for the implementation of mandatory IMO instruments and that the LRIT requirements are included in SOLAS chapter V, although originally the LRIT system was developed in the scope of maritime security. The opinion of the Sub-Committee was divided and, consequently, the Sub-Committee agreed to leave the matter to the decision of the MSC.

3.9 Having expressed its appreciation to the Republic of Korea for the document submitted on the amendments to the Code for the Implementation of Mandatory IMO Instruments (FSI 15/3/4), the Sub-Committee agreed to the draft Revised Code for the Implementation of Mandatory IMO Instruments and the associated draft Assembly resolution, as set out in annex 1, for approval by MEPC 56 and MSC 83 prior to submission to the Council and the Assembly at its twenty-fifth session for adoption.

3.10 The Sub-Committee decided to establish a correspondence group to further develop draft amendments to the Code for the Implementation of Mandatory IMO Instruments (see paragraph 12.28) and requested the Secretariat to make available all the amendments that have not been taken into account as an information paper to the next session of the Sub-Committee.

ISM CODE-RELATED MATTERS

Revision of resolution A.913(22)

3.11 The Sub-Committee recalled that MSC 78 and MEPC 52 had endorsed the FSI 12's decision that there was sufficient material to undertake the revision of resolution A.913(22) on the Revised Guidelines on the implementation of the International Safety Management (ISM) Code by administrations and to commence the revision at FSI 13. Since then, the Sub-Committee has been carrying over a substantial list of documents to be considered in the context of such a revision, e.g. MSC 77/15/1 (Australia) on the ISM Code in accident investigation, FSI 12/4/3 (United Kingdom) on Application of the ISM Code – Findings from accident investigations and FSI 13/10/1, FSI 12/7/1 and FSI 11/7/2 (IACS) on proposed revision of the ISM Code and the implementation of the ISM Code.

Impact and effectiveness of implementation of the ISM Code

3.12 The Sub-Committee also recalled that FSI 13 had taken note of the establishment by the Secretary-General of the Independent Group of Experts to undertake an in-depth analysis of the impact and contribution of the ISM Code to the achievement of its objectives, with the understanding that the outcome of this analysis would be necessary before pursuing its work on this matter.

3.13 The Sub-Committee further recalled that MSC 81 had referred the report of the Independent Group of Experts on the impact and effectiveness of implementation of the ISM Code (MSC 81/17/1) to the Joint MSC/MEPC Working Group on the Human Element for detailed consideration.

3.14 The Sub-Committee noted that the Joint MSC/MEPC Working Group on the Human Element had met during MSC 82 which agreed that:

- .1 resolution A.913(22) on the Revised Guidelines on the implementation of the International Safety Management (ISM) Code by administrations should be revised to make them more effective and user-friendly; and
- .2 guidelines and associated training should be developed to assist companies and seafarers in improving the implementation of the Code.

3.15 In the context of the consideration of port State Control (PSC) data in relation to the implementation of the ISM Code, the Sub-Committee also noted that MSC 82 had agreed that this should be considered by a further study and invited PSC regimes, flag States and P&I Clubs to provide further data to supplement this study to the Secretariat at an early date.

Compliance of certain cargo ships and special purpose ships

3.16 On the application of the ISM Code to cargo ships and special purpose ships, the Sub-Committee noted that MSC 82, having agreed that the gross tonnage to be used for determining whether a cargo ship or special purpose ship engaged on international voyages is required to comply with the provisions of SOLAS chapter IX and the ISM Code shall be that determined in accordance with the provisions of the International Convention on Tonnage Measurement of Ships, 1969, had approved MSC.1/Circ.1231 on Interim scheme for the compliance of certain cargo ships and special purpose ships with the management for the safe operations of ships while deciding that the effective date of the implementation of the scheme should be 1 January 2010.

Requirements for seafarer safety representation

3.17 The Sub-Committee noted that MSC 82, without referring to a more holistic task to review resolution A.913(22) or the Code itself, had agreed to include in the Sub-Committee's work programme a specific high priority item on "Amendments to the ISM Code relating to requirements for seafarer safety representation", taking into account the outcome of the work of the Group of Independent Experts established by the Secretary-General to analyse the impact of the ISM Code and its effectiveness, with two sessions needed to complete the item and instructed the Sub-Committee to include the item in the provisional agenda for FSI 16.

Safety management performance

3.18 The Sub-Committee noted that MSC 82 had considered the information provided by the United Kingdom on a research on safety management performance (MSC 82/15/3) and had referred the document to FSI 15.

3.19 The Sub-Committee, therefore, considered document MSC 82/15/3 (United Kingdom) providing information on a research by the United Kingdom Maritime and Coastguard Agency (MCA) which investigated the influence of internal (internal company and ship management structures) and external organizational structures (overall industry structure) on safety management performance.

3.20 Among the key factors and recommendations intended for consideration by shipping companies and other organizations with an influence on the management of safety, the above-mentioned research identified the following elements:

- .1 the successful communication of the benefits of the ISM Code to encourage effective application, and developing and supporting committees and forums to facilitate the sharing of good practice;
- .2 encouraging and developing clear lines of responsibility and communication between key stakeholders within the industry;
- .3 using systems to encourage accident and incident reporting, enhance organizational learning and foster a positive safety culture;
- .4 safety departments visibly acting on near-misses and demonstrating the importance of reporting near-misses so as to aid organizational learning;
- .5 the greater analysis of trends in accident and inspection deficiency data to improve learning within the industry;
- .6 developing and supporting systems that reduce the fragmentation of enforcement; and
- .7 making procedures for transfer between class more difficult so a company cannot transfer before defects are corrected.

Future work of the Sub-Committee

3.21 Having reaffirmed its earlier decision, the Sub-Committee agreed to request the Committees' endorsement for FSI 16 to commence the revision of resolution A.913(22) on the Revised Guidelines on the implementation of the International Safety Management (ISM) Code by administrations, taking into account the outcome of the work of the Independent Group of Experts on the impact and effectiveness of implementation of the ISM Code (MSC 81/17/1), and to develop amendments to the ISM Code, including those relating to requirements for seafarer safety representation.

MODEL COURSE: SAFETY MANAGEMENT SYSTEM AUDITOR (ISM CODE)

3.22 The Sub-Committee recalled that FSI 14, while considering document FSI 14/3/1 (Argentina), proposing a model course for Safety Management System Auditor (ISM Code) to be used as an IMO Model Course, had recommended that intersessional work be carried out by interested parties to facilitate the preparation at FSI 15 of sound recommendation of a referral of a model course to the Validation Group.

3.23 In this context, the Sub-Committee considered document FSI 15/3 (Argentina) on the Model Course: Safety Management System Auditor (ISM Code) containing a draft model course to impart the knowledge needed to carry out audits which ensure effective evaluation of the safety management systems of companies and their ships and to verify the use and enforcement of all the regulations currently in force that might apply (national, international, agreements, recommendations and guidelines issued by maritime bodies), in compliance with resolutions A.741(18), as amended, and A.913(22).

3.24 The Sub-Committee noted that the Bahamas, Colombia, the Republic of Korea, Singapore, Spain, the United States and Uruguay had also contributed to the preparation of the revised draft model course.

3.25 Having agreed that the proposed model course could be used as an IMO Model Course for the training of safety management system auditors, the Sub-Committee agreed to request the Secretariat to refer the draft model course for the training of safety management system auditors, annexed to document FSI 15/3, to the Validation Group established by the MSC.

3.26 In the context of its approval of the model course, the Sub-Committee stressed that the model course, being of a recommendatory nature, should be used in a flexible manner and not be considered as the only methodology. National maritime administrations may decide to make use of other training material.

3.27 Further to the development of the proposed model course, the Sub-Committee renewed its earlier recommendation made by FSI 14 that the Organization should consider pursuing a similar initiative for the training of other categories of surveyors/auditors which is not currently covered by the existing IMO training material.

RISK ASSESSMENT COMPARISON BETWEEN MARITIME CASUALTIES AND PORT STATE CONTROL INSPECTIONS

Integration of casualty and port State control data

3.28 The Sub-Committee recalled that New Zealand, in the context of their analysis of port State control data (FSI 11/6/2), had recommended that consideration be given to the integration of casualty and port State control data in order that a complete picture of a vessel's activities and history would be available to the maritime community.

3.29 The Sub-Committee also recalled that during FSI 14, the Chairmen of the Working Groups on Casualty Analysis and on Port State Control had conducted preliminary discussions on the combination of casualty- and PSC-related data and had agreed that the discussions should continue at this session.

3.30 The Sub-Committee further recalled that the recommendation for a greater analysis of trends in accident and inspection deficiency data to improve learning within the industry was included in document MSC 82/15/3 (United Kingdom) (see paragraph 3.20.5).

Analysis of the risk profiles

3.31 Following the referral by MSC 82 of document MSC 82/10/9 (Turkey), the Sub-Committee considered document FSI 15/3/3 (Turkey) providing explanatory notes on document MSC 82/10/9 and containing a risk assessment comparison between maritime casualties and port State control inspections in Europe (Paris MoU) during the period 1998 to 2002.

3.32 In the same context, and as agreed by MSC 82 for the widening of the scope of the consideration of this issue to more diversified and greater sets of data, the Sub-Committee also considered additional information on the probabilities of PSC detentions and casualties compiled by the Secretariat (FSI 15/INF.10) containing references to the three following works carried out in the academic field:

- .1 "The econometrics of maritime safety"; thesis by Dr. S. Knapp, ERASMUS Research Institute of Management (2006), which is referred to in document FSI 15/3/2 (Australia and New Zealand);

- .2 “An econometric analysis of deficiencies noted in port State control inspection” by Professor P. Cariou, Mr. M. Mejia, Mr. F-C. Wolf, In Press, Maritime Policy & Management (2007); and
- .3 “On the effectiveness of the port State control inspection” by Professor P. Cariou, Mr. M. Mejia, Mr. F-C. Wolf, In Press, Transportation Research Part E., Logistics and transportation Review (2007).

3.33 The study contained in document FSI 15/3/3 analysed the risk profiles based on the lists developed by some PSC regimes and suggested that a harmonized inspection target criteria should be based on data available from maritime casualties, shipowner and ship operator records in addition to port State inspections.

3.34 Since comments on document FSI 15/3/3 had been submitted, the Sub-Committee considered document FSI 15/3/1 (New Zealand), supporting Turkey’s suggestions for the inclusion of casualty data in the analysis and measurement of flag State performance and for harmonized target inspection criteria that includes casualty data along with all current data available from PSC inspections carried out by all PSC regimes to give comprehensive and balanced criteria for the targeting of PSC inspections.

3.35 However, the Sub-Committee noted the views expressed in document FSI 15/3/1 supporting the effectiveness of the black/grey/white (BGW) lists used by PSC regimes as an accurate reflection of flag State performance and identification of sub-standard ships and recommending the support to the development of harmonized PSC target criteria across all regional MoUs which would also provide the IMO with the ability to undertake global analysis of PSC data as a measurement of flag State performance as recommended in document FSI 11/6/2.

3.36 The delegation of Malta indicated that, although it concurred with the views expressed by New Zealand in paragraph 7.3 of document FSI 15/3/1 on further statistical studies, it could not support the idea of including maritime casualty data as a contributing targeting factor for PSC, bearing in mind that, in its opinion, casualties could not be completely avoided or controlled by humans, similarly to phenomena such as the weather.

Econometrics of maritime safety

3.37 The Sub-Committee considered document FSI 15/3/2 (Australia and New Zealand) on the Econometrics of Maritime Safety introducing a thesis of Erasmus University, Rotterdam, based on 183,819 PSC inspections from six PSC regimes (Caribbean, Indian Ocean and Paris MoUs, Viña del Mar Agreement, USCG and Australia Maritime Safety Authority) (Tokyo MoU’s data was not made available) and 11,701 casualties from 1999 to 2004.

3.38 The Sub-Committee regarded the thesis, combining PSC data from six regimes and casualty data from three different sources of the same time frame, as a first attempt to study port State control (PSC) on a global scale by measuring the effect of inspections on the probability of casualties by identifying areas for improvement.

3.39 In relation to the issue of multiple inspections, the Sub-Committee noted that the thesis had identified that a certain group of ships (about 7% of ships eligible for PSC) has been identified to be over-inspected and supported the fact that efforts should be made to shift inspection efforts towards the groups of ships that can benefit from an inspection which is estimated to be at about 14% of all PSC eligible ships based on the time period used.

3.40 Regarding the effect of PSC inspections towards the probability of casualty, the Sub-Committee noted that the thesis had shown that the effect was clearly stronger for very serious casualties and very weak to non-existing or positive for serious and less serious casualties. Depending on the overall risk profile of a ship, a PSC inspection could potentially decrease the probability of having a very serious casualty by approximately 5% per inspection.

3.41 On the criteria for the targeting of PSC inspections, the thesis confirmed that classic variables such as ship type, age, size, flag, the classification society, deficiencies found in prior inspections and detention are all valid variables for targeting sub-standard ships. Flag would be only one variable out of many variables that can be used to target sub-standard ships. Age would only remain significant for very serious casualties and as the age of the vessel increases, the probability of having a very serious casualty would increase by about 12% over a 35-year period which would translate into about 0.35% per year.

3.42 On the comparison between the effects of an inspection leading to a detention as opposed to an inspection without detention, the thesis showed that the impact of a detention did not seem to be more significant than the impact of an inspection without detention towards the probability of having a casualty. It would not necessarily mean that detention was not relevant but that the effect might be already captured by the inspection without the detention adding to it.

3.43 Regarding the probability of detentions, the areas which would be more relevant for PSC inspections, would be certificates, ship and cargo operations, the ISM Code and safety and fire appliances, while lowest contribution was found for machinery and equipment. Regarding the probability of casualties, increased rigour in the PSC inspection and the follow up on the rectification of deficiencies related to the ISM Code, ship and cargo operations and machinery and equipment might be able to have more effect in decreasing these probabilities.

3.44 Potential improvements on targeting sub-standard ships could be made by adding the variable indicating the ownership of the Company which was issued a Document of Compliance for a ship and certain data on ship history such as change of class, class withdrawal and change of ownership over time or where the ship was primarily built, and have all shown either a positive or a negative effect on the probability of casualty. Another possibility would be to include if a ship had been inspected by one of the vetting inspection regimes or certified by the Greenaward Foundation.

3.45 New Zealand further indicated that it was unfortunate that there had been limitations in the data sets made available to the study and urged all PSC regimes to be open and transparent, allowing visibility of all data sets.

Econometric analysis of deficiencies

3.46 The Sub-Committee considered the article on “An econometric analysis of deficiencies noted in port State control inspection” by Professor P. Cariou, Mr. M. Mejia, Mr. F-C. Wolf, In Press, Maritime Policy & Management (2007), which was based on the analysis of 4,080 reported PSC inspections from the Swedish Maritime Administration for the period 1996-2001. The paper tried to identify the factors to consider in selecting which vessels to board for port State control (PSC) inspections.

3.47 The results in the study would suggest that three factors would be the main determinants of the number of reported deficiencies, i.e. the age at inspection, the flag of registry and the type of ships; and would conclude that the most important contributor to the number of observed

deficiencies would be the age at the time of the inspection (36.8%), followed by the flag (33.7%) and, then, the type of ship (28.3%).

Effectiveness of the port State control inspection

3.48 The Sub-Committee considered the article on “The effectiveness of the Port State Control Inspection” which was based on the analysis of the same data set as the previous article, i.e. 4,080 reported PSC inspections from the Swedish Maritime Administration for the period 1996-2001, aimed at investigating whether a ship that has undergone PSC inspection at a certain time would exhibit a reduction in the total number of deficiencies detected during the next control. The study suggests that a direct relationship between the number of deficiencies detected for a vessel and the number of inspections undergone would exist.

3.49 The main results of the analysis, established by a positive thread between the initial and subsequent inspections conducted on board a given vessel, would point to a degree of effectiveness of the PSC inspection regime, irrespective of the vessel’s age at the time of inspection. The strongest indication from this study was the high percentage (more than 63%) of vessels exhibiting a reduction in the total number of reported deficiencies between earlier and subsequent inspections.

3.50 The Sub-Committee noted that, when agreeing that the two articles on “An econometric analysis of deficiencies noted in port State control inspection” and on “The effectiveness of the port State control inspection”, referred to in document FSI 15/INF.10, the World Maritime University (WMU) had expressed its wish to offer its contribution to two main questions related to PSC: the relevancy of the various target factors used by different MoUs and the effectiveness of PSC when it comes to the reduction in the number of deficiencies detected and/or to the reduction in the number of casualties.

3.51 The Director of MSD stated that the Sub-Committee, through the consideration of this subject matter, may engage in a new significant work which could open up future possibilities to improve the activities of the Organization. He indicated that IMO bodies were not academic by nature but were regulatory bodies and, therefore, proper procedures should be applied for any engagement with universities or research resources. Furthermore, in the case of the WMU, there could be resource implications.

3.52 On the status and role of WMU, the Director of MSD noted its extensive, educational and research functions which could allow this institution to make a substantial contribution to the work of the Sub-Committee. However, he indicated that such an involvement should comply with procedural requirements which are not covered by the WMU Charter. The Organization, therefore, needed to decide on how to make use of the research function of WMU and he suggested that the Sub-Committee seek endorsement of its recommendation by the Committees, as well as an approval by the Council, should this partnership require funding.

3.53 Regarding the availability of studies referred to in document FSI 15/INF.10, the Sub-Committee was informed that they would be made available to IMO Members on IMODOCS*.

3.54 The Sub-Committee noted that all interventions made carried a very positive message towards the potential contained in the studies which have been submitted or referred to in the

* The text of the three studies can be found on IMODOCS as attachments to document FSI 15/INF.10.

context of the consideration of the current subject matter. In this context, a full unanimity supported the consideration of links between casualty and PSC data.

3.55 However, the Sub-Committee also noted that divergent views were expressed and supported the use of black/grey/white lists while privileging a regional approach. It was also pointed out that the no-blame culture which the Organization has been promoting in the context of the investigation of casualty might be affected by the use of the findings of investigations into casualties for PSC purposes.

3.56 The Sub-Committee noted the view that targeting, as a goal, and risk analysis, as a means, were not opposed but complementary and that the objectives determined, possibly, at a regional level, would have a major impact on the targeting. Some other views were expressed in support to the harmonization of target criteria so that it could reduce the number of ships being over-inspected while focusing on substandard shipping.

3.57 The Sub-Committee concurred with the view that the potential of the studies under consideration was the global analysis of PSC and casualty data leading to the analysis of common risk factors which individual PSC regimes could freely decide to use.

3.58 The Sub-Committee agreed to encourage global analysis and dissemination of PSC data by the Organization and, in this context, stressed the need to ensure that all PSC regimes accept to provide the data necessary for the conduct of the study.

3.59 The Sub-Committee concurred with the words of caution clearly identifying areas in which further work to be carried out on the basis of the studies should not go into and, in particular, on the main points of a unique targeting system and replacing the existing targeting criteria with criteria entirely based on casualties.

3.60 The Sub-Committee agreed that it did not want to miss the opportunity to keep the momentum gained but needed to clearly decide on the direction to be followed.

3.61 In order to achieve this clarification, the Sub-Committee established a drafting group to prepare clear terms of reference for a correspondence group to be established at this session, which, in consultation with the originators of the four studies considered, would define the objectives, framework of mechanisms and methodology for a study on the combination of casualty- and PSC-related data which FSI 16 could decide to recommend to the MSC and the MEPC.

3.62 Having received the report of the drafting group FSI 15/WP.5 and after substantial amendment, the Sub-Committee agreed to establish the Correspondence Group on the Feasibility of Combining Casualty Data and Port State Control Data under the co-ordination of France^{*}, with the following terms of reference, and taking into account currently available research, to:

* **Co-ordinator:**
Mr. B. Faist
PSC Co-ordinator
General Directorate of the Sea and Transport
3, Place de Fontenoy
75700 Paris SP
France
Telephone : +33 1 44 49 86 31
Facsimile : +33 1 44 49 86 14
Email : benoit.faist@equipement.gouv.fr

- .1 identify the pros and cons of the combination of casualty and PSC related data and the need for further study, if any;
- .2 make recommendations to FSI 16 for further study which should include indications on possible scope, within the mandate of the Organization, framework and methodology;
- .3 recommend the appropriate experts or expert bodies to conduct the study under the coordination by the Organization; and
- .4 submit a report to FSI 16.

STATUS OF THE 1982 UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS)

3.63 The Sub-Committee considered the information provided by the Secretariat in document FSI 15/INF.9 on the status of UNCLOS and requested the Secretariat to submit updated information to FSI 16.

4 MANDATORY REPORTS UNDER MARPOL 73/78

4.1 The Sub-Committee considered document FSI 15/4 (Secretariat) containing a summary on mandatory reports under MARPOL 73/78 for 2005 submitted by 30 Parties to MARPOL 73/78 and one Associate Member in accordance with circular MEPC/Circ.318.

4.2 Following discussion of document FSI 15/4, the Sub-Committee noted that:

- .1 14 incidental spillages of 50 tonnes or more had been reported. The type of substance spilled in most cases was oil;
- .2 277 incidental spillages of less than 50 tonnes had been reported. The type of substance spilled in most cases was oil;
- .3 a total of 87 cases on alleged discharge violations had been reported. The type of substance spilled in most cases was oil. In one case a response was received from a flag State regarding action taken by the flag State, including official proceedings;
- .4 three Parties as flag States (Denmark, Marshall Islands and Sweden) submitted 15 reports of alleged inadequacies of reception facilities;
- .5 one Party as port State (Australia) submitted a report on action taken by the port State on alleged inadequacies of reception facilities referred to that State;
- .6 the total number of ships boarded for port State control was, according to the received reports, 44,383 for 2005, while the total number of ships detained in port or denied entry was 576, or 1.3% of those boarded; and
- .7 68 ships were reported to have no IOPP Certificate or equivalency, 723 ships were reported to have IOPP Certificate or equivalency discrepancies, 205 ships were reported to have no Oil Record Book or equivalency, 2,228 ships were reported to have Oil Record Book or equivalency discrepancies, 126 ships lacked required

pollution prevention equipment on board and 1,966 ships had required equipment not functioning.

4.3 The Sub-Committee at its fourteenth session noted document FSI 14/4/1 which contained information in tabular form listing for the last five years which Parties had submitted their mandatory reports under MARPOL 73/78 and which Parties had failed to do so. In this respect the Secretariat had been requested to include in future versions of the tabulation information showing the date each State became party to MARPOL.

4.4 Document FSI 15/4 combined information which in previous years was contained in two separate documents. In addition to the mandatory reports under MARPOL, the document included as annex 1 a tabular list of Parties showing the date each became party to MARPOL and also which Parties had submitted 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.

4.5 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 in accordance with MEPC/Circ.318 for the year 2005 had continued to be low (22.4%);
- .2 in a number of the reports received, some parts of the reporting formats were missing although 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.

4.6 The Sub-Committee was also reminded of the ongoing development of the Port State Control module of GISIS which in future might provide a statistical report on the outcome of port State control, thus simplifying the mandatory reporting requirements for Parties to MARPOL. The Secretariat was requested to revert with further information to the next session of the Sub-Committee.

4.7 The Sub-Committee concluded that the rate of reporting was still very low, as the information provided in document FSI 15/4 had shown, and as was also recognized at every session of the Sub-Committee since FSI 10.

4.8 In this respect the Sub-Committee recalled that at its thirteenth session had considered and approved an FSI circular (FSI/Circ.12) on “Compliance with the reporting requirements of MARPOL 73/78”, urging all Parties to fulfil the reporting requirements of their treaty obligations, and to bring to the attention of the Sub-Committee any difficulties encountered in the implementation of the reporting requirements.

4.9 The Sub-Committee urged all Parties to MARPOL 73/78 to submit mandatory reports in accordance with MEPC/Circ.318 and noted that the closing date for the receipt of mandatory reports for the year 2006 was 30 September 2007.

4.10 The Sub-Committee was informed that Croatia and Ukraine had submitted their annual report for 2005; however, their submissions were received too late for inclusion in document FSI 15/4.

4.11 Following a discussion on the possible reasons for the low rate of reporting, the Sub-Committee agreed on the following actions:

- .1 the table in annex 1 to document FSI 15/4 containing information on which Parties had submitted reports in the last five years, in future should also include information identifying Parties who had submitted reports outside the reporting periods;
- .2 the low level of reporting could be indicating difficulties arising from the format and/or information content specified by MEPC/Circ.318 and therefore submissions from Members were invited to the next session of the Sub-Committee to identify any problems posed by MEPC/Circ.318 and to propose any appropriate changes to the Circular;
- .3 the Secretariat was requested to revert to the next session of the Sub-Committee with further information on the potential extraction of data required by MEPC/Circ.318 from relevant modules of GISIS, thus simplifying the mandatory reporting requirements for Parties to MARPOL.

4.12 The Sub-Committee also considered that increasing levels of auditing under the Code for the Implementation of Mandatory Instruments (Assembly resolution A.973(24)) might result in higher levels of submissions of mandatory reports under MARPOL 73/78, in view of the fact that the requirements of MARPOL's Article 11, Communication of Information, were already included in Annex 1 of the Code (Obligations of Contracting Governments/Parties).

4.13 The Sub-Committee requested the Secretariat to update the data and the annexed list to document FSI 15/4, and to submit these to FSI 16 for consideration.

5 PORT RECEPTION FACILITIES - RELATED ISSUES

5.1 The Sub-Committee noted that in view of the need to tackle the long-standing problem of the inadequacy of port reception facilities, MEPC 52 had invited submissions with the aim of identifying problem areas and developing a future action plan. FSI 14, on the basis of the outcome of MEPC 53 following the submission by the "Industry Port Reception Facilities Forum", had compiled a draft Action Plan which identified a number of work items, each item containing: background information, the item's priority, its target completion date and the IMO body responsible for the work.

5.2 The Sub-Committee also recalled that MEPC 55 had approved the Action Plan and had invited the Sub-Committee to progress the work items described in the plan, with the exception of work item "5.1 – Regulatory matters – Development of Guidelines for establishing regional arrangements for reception facilities". For this work item, which proposed the development of guidelines for establishing regional arrangements and an MEPC resolution recognizing these, MEPC 55, in view of resolution MEPC.83(44), agreed that it was not appropriate to adopt a further MEPC resolution to recognize regional arrangements as satisfying MARPOL obligations to provide adequate port reception facilities in view of the fact that the relevant MARPOL regulations require each Party to provide reception facilities and that regional arrangements may contravene the current MARPOL requirements. Recognizing, though, the benefit of having such regional arrangements in place, the Committee agreed to recognize them as means to provide reception facilities in light of the requirements of the MARPOL Convention,

and requested Member States to provide their views to future sessions of the Committee on how these regional arrangements could be better institutionalized.

5.3 The Sub-Committee agreed to consider first the documents which had been submitted under this agenda item and afterwards to discuss how best to organize the execution of the Action Plan. There were the following four documents: FSI 15/5 and FSI 15/5/1 by the Secretariat, FSI 15/5/2 by ICS and other industry NGOs, and FSI 15/5/3 by the twenty seven European Union countries and by the European Commission.

5.4 In introducing document FSI 15/5 the Secretariat noted that the Action Plan, as amended and approved by MEPC 55, was set out in the annex to that document. There were 13 work items grouped into five categories. For each work item some background information was provided on the work to be undertaken; a priority was indicated; a target completion date was given; and the IMO body responsible for the work was identified. The target completion dates incorporated in the Action Plan were for one work item to be completed in 2007, eight work items in 2008, one work item in 2009 and three work items in 2010.

5.5 In introducing document FSI 15/5/1 relating to work item 2.1 of the Action Plan (“Monitoring/evaluation/adjustment of the PRFD”) the Secretariat provided a progress report as had been requested by FSI 14 on the population levels of the different categories of records contained in the Port Reception Facilities Database (PRFD).

5.6 The Sub-Committee was informed that, since the decision to replace the paper based reporting system by electronic updating, only a small number of Member States had entered any port reception facilities data in the GISIS system and also that currently there was very little information on certain categories of reception facilities and on contact points within Administrations. Characteristically the Sub-Committee was invited to note the following statistics obtained from the database, which on the 27 February 2007 contained:

- contact points for 10 flag States (6 flag States in May 2006);
- contact points for 5 port States (3 port States in May 2006);
- 184 garbage reception facilities in 9 countries (140 facilities in 5 countries in May 2006);
- 130 sewage reception facilities in 7 countries (102 facilities in 4 countries in May 2006);
- 11 ozone-depleting substances reception facilities in 2 countries (10 facilities in 1 country in May 2006); and
- 22 exhaust gas cleaning residues reception facilities in 2 countries (the same as in May 2006).

5.7 It was suggested that the limited volume of new information submitted to GISIS may have been due to the fact that it was only recently agreed to maintain data for reception facilities for garbage, sewage, ozone depleting substances and exhaust gas cleaning residues, and for contact points of national Authorities responsible for handling reports of alleged inadequacies of reception facilities. Nevertheless it was realized that, for the PRFD to have a real potential to improve the situation on the inadequacy of reception facilities, the database had to be used routinely by the industry and for this to happen the database would have to be populated extensively with records of reception facilities worldwide and, ideally, with contact points in Administrations of flag States and of port States.

5.8 The Sub-Committee recalled that FSI 14 had identified that, following the entry into force of the revised MARPOL Annex II on 1 January 2007, the existing NLS reception facilities in the PRFD would have to be re-categorized from the original MARPOL Annex II pollution categories A, B, C or D to the new categories X, Y or Z. The Secretariat had been asked by FSI 14 to investigate this issue; if necessary to address it to BLG 11; and to report back to FSI 15.

5.9 Document FSI 15/5/1 discussed the findings of the investigation by the Secretariat into the different possible ways of implementing the migration to the new pollution categories and the reasons for finally adopting the code “Annex II facilities” for NLS reception facilities in the PRFD. This solution had been considered to be practical and consistent and had been implemented successfully at the end of December 2006.

5.10 The Sub-Committee was informed that, during a discussion on the same subject at BLG 11, it had been noted that a further consequence from the introduction of the new categories of NLS following the entry into force of the revised MARPOL Annex II was that MEPC/Circ.469, providing the format for reporting alleged inadequacies of port reception facilities, was now in need of revision since it still referred to NLS categories A, B, C and D.

5.11 In introducing document FSI 15/5/2 INTERTANKO on behalf of co-sponsoring NGOs noted that the industry was responding to the Sub-Committee’s invitation for submissions to address work item 1.1 of the Action Plan with proposals for: (a) a draft standard Advance Notification Form; and (b) a draft standard Waste Delivery Receipt form. The proposed forms employed the terminology and categorization already established in the relevant Annexes to MARPOL. In particular, the two draft forms drew on the format of MEPC/Circ.469 adopted for the reporting of alleged inadequacies in reception facilities.

5.12 In introducing document FSI 15/5/3 Germany, on behalf of the European Union countries and the European Commission, noted that the submission addressed work item 1.1 of the Action Plan with a proposal for a draft standard Advance Notification Form. The proposed Advance Notification Form included all essential information needed for implementing the relevant requirements of MARPOL as already required by the European Community Directive 2000/59/EC on “Port reception facilities for ship-generated waste and cargo residues”.

5.13 In introducing document FSI 15/5/3 Germany on behalf of the European Union and the European Commission also invited the Sub-Committee to consider setting up a correspondence group to tackle the work items of the Action Plan.

5.14 A number of delegations recognized the valuable input made by the four submissions under this agenda item. INTERTANKO in particular stressed the potential of the Port Reception Facilities Database for identifying and reducing inadequacies, as long as the database was extensively populated with records of reception facilities and with contact points of the Administrations of flag States and more importantly of port States. INTERTANKO noted that according to the analysis contained in document FSI 15/5/1 only five port States had provided contact points and also only five States had input any changes or additions to their records of port reception facilities in the last year. INTERTANKO therefore encouraged the provision to FSI 16 of a further analysis by the Secretariat on the population levels of the different categories of records contained in the database.

5.15 The Sub-Committee noted the information on document FSI 15/5/1 by the Secretariat, and in particular on the relatively low level of population of the GISIS Port Reception Facilities Database and agreed on the need to extensively populate the database with records of reception

facilities and with contact points in the Administrations of flag States and of coastal States. The Sub-Committee requested the Secretariat to provide FSI 16 with a further progress report on the population levels of the different categories of records contained in the Port Reception Facilities Database.

5.16 The Sub-Committee also requested the Secretariat to make the simple consequential amendments to the form for reporting inadequacies of reception facilities in MEPC/Circ.469. This would involve deleting the four entries dealing with MARPOL Annex II related wastes in section 3.1 of the annex to MEPC/Circ.469 and replacing these with three entries referring to the new categories X, Y and Z. The Sub-Committee also agreed to request the MEPC to approve and to re-issue this circular under the symbol MEPC/Circ.469/Rev.1.

5.17 The Sub-Committee also agreed that a correspondence group would be efficient for expediting the work items in the Action Plan and decided to establish an intersessional correspondence group to work on all items with a target completion date of 2008 and to report back to FSI 16. Portugal indicated its willingness to co-ordinate this work and the Sub-Committee accepted the offer with appreciation*.

5.18 In discussing the proposed standard Advance Notification Form, the United Kingdom suggested that the additional information required under the proposal in document FSI 15/5/3 would help in ensuring uniform implementation of MARPOL. Furthermore, regarding the standard Waste Delivery Receipt proposed under work item 1.1, the United Kingdom while not objecting in principle foresaw practical difficulties as the provision of a receipt for wastes is not mandatory under MARPOL. It was proposed that both standard forms should be discussed by the intersessional correspondence group.

5.19 The Sub-Committee agreed that the two standard forms required under work item 1.1 should be further reviewed by the intersessional correspondence group. Different views were expressed in the Sub-Committee on whether MARPOL mandates a Waste Delivery Receipt. A further concern raised related to port authorities not being the providers of reception facilities in all cases, thus complicating the matter of a standard Waste Delivery Receipt.

Terms of reference for the correspondence group

5.20 The Sub-Committee agreed the following terms of reference for the correspondence group established under the coordination of Portugal:

Taking into account the comments and decisions made in plenary and documents FSI 15/5, FSI 15/5/1, FSI 15/5/2 and FSI 15/5/3, the correspondence group is instructed to:

- .1 progress work on the following work items of the Action Plan: 1.1, 2.1, 2.3, 3.1, 3.2, 4.1, 4.2 and 5.3; and

* **Co-ordinator:**

Mr. Jorge Semedo
Ministério das Obras Publicas
Transportes e Comunicações
Edificio Vasco da Gama,
Rua General Gomes Araújo, 1399-005 LISBOA
Tel: +351 213914560
email: jorge.semedo@imarpor.pt

.2 submit a written report to FSI 16.

5.21 Following a request by South Africa, the Sub-Committee agreed to request MEPC 56 to amend the Action Plan so that the target completion date of work item 6.1 “Development of assistance and training programme” is brought forward from 2010 to 2009.

5.22 On the basis of the approved Action Plan, the Sub-Committee agreed to request MEPC 56 to extend the target completion date of this agenda item in the Sub-Committee’s work programme from 2007 to 2010, which was the target completion date of the last work items in the Action Plan.

6 CASUALTY STATISTICS AND INVESTIGATIONS

CASUALTY-RELATED DECISIONS OF OTHER IMO BODIES

6.1 The Sub-Committee recalled that FSI 14 had agreed to defer consideration of the casualty-related decisions of other IMO bodies to its next session. More specifically, these decisions included MEPC 53’s referral, for information purpose, of document MEPC 53/INF.7 on a study by the Swedish Administration concerning collisions and groundings in which fatigue/sleep has been identified as a major contributing factor. They also included the preliminary consideration of the issue raised by Venezuela during MSC 81 on the potential need for harmonization of terminologies used in various IMO circulars and, in particular, concerning marine casualties and incidents.

6.2 Regarding the relevant outcome of decisions of other IMO bodies on casualty-related matters as recorded by the Secretariat in the documents prepared for this session of the Sub-Committee under agenda item 2, the Sub-Committee noted the instruction by MSC 82 to prepare amendments to MSC-MEPC.3/Circ.1, based on the finalization by SLF 49 of the revision of the IMO damage card.

REPORT OF THE CORRESPONDENCE GROUP ON CASUALTY ANALYSIS

6.3 Having been advised that the processing of the analyses of reports of investigation into casualties by the Correspondence Group on Casualty Analysis has been supported by the ample use of the facilities of the IMO Global Integrated Shipping Information System (GISIS) module on casualties, the Sub-Committee considered the report of the correspondence group (FSI 15/6) submitted by the United Kingdom and document FSI 15/6/1 (Secretariat) containing the list of the reports of investigations into casualties which had been analysed for this session of the Sub-Committee.

6.4 Regarding the overview of lessons learned, as shown in annex 2 of document FSI 15/6, the Sub-Committee noted that it might contain valuable information for the maritime sector, in particular maritime Administrations and considered whether it could be released after approval by the Sub-Committee, by means of an MSC-MEPC.3 circular.

EXPLOSIONS ON CHEMICAL AND PRODUCT TANKERS

6.5 The Sub-Committee recalled that MSC 81, while considering the study carried out by the Inter-Industry Working Group (IIWG) on incidents of explosions on chemical and product tankers (MSC 81/8/1 and MSC 81/INF.8), had taken the decision to refer both documents to the joint MSC/MEPC Working Group on Human Element and to BLG 11, DE 50, FP 51, FSI 14 and

STW 38 for review, and in particular agreed to refer the issues relating to availability of casualty data to FSI 14, for review and reporting to MSC 83.

6.6 The Sub-Committee also recalled that FSI 14 had instructed the Correspondence Group on Casualty Analysis to consider in detail the IIWG study and the recommendation to refer the report of investigation into the casualty of the **Chassiron** to the BLG Sub-Committee.

6.7 The Sub-Committee noted that MSC 82 had considered the reports of the IIWG and the Human Factor Task Group (HFTG) and had concluded that it was difficult to draw conclusive analysis from existing casualty reports due to the lack of human element considerations during these investigations, and, also, that Member States should provide reports of casualty investigations to the FSI Sub-Committee expeditiously with a view to arriving at constant and consistent analysis to ensure that such accidents and incidents do not recur.

6.8 With regard to the report of the correspondence group (FSI 15/6), the Sub-Committee noted that the group had recommended to consider the means to encourage Member States to develop further the human element investigator skills of its marine casualty investigators, taking into account possible existing guidance, e.g. resolution A.884(21), which contains Guidelines for the investigation of human factors in marine casualties and incidents, and the IMO Model Course 3.11 on Marine accident and incident investigation; and to refer the report of investigation of the casualty of the **Chassiron** to the BLG Sub-Committee.

6.9 The Sub-Committee considered the relevant outcome of FP 51, DE 50 and BLG 11 (FSI 15/2/1, FSI 15/2/2 and FSI 15/2/3 and, in particular, that, on the question of the application of inert gas to new oil tankers of less than 20,000 dwt and to new chemical tankers, FP 51 had discussed how to proceed with the matter and, having recognized that it would require detailed consideration, taking into account the complexity of the matter, including the disadvantages (i.e., affixation) and the potential benefits (i.e., reduced risk of explosion) of application of inert gas systems and the practical safety-related implications to the operation of chemical tankers and product tankers of less than 20,000 dwt, it had agreed to recommend to the MSC to include a new item on “Measures to prevent explosions on oil and chemical tankers transporting low flashpoint cargoes” in the Sub-Committee’s work programme, with two sessions needed to complete this item, in co-operation with the BLG and DE Sub-Committees. FP 51 also agreed that, under the proposed work programme item, it should first consider measures for new ships and, depending on the outcome of the consideration of the aforementioned measures, could consider appropriate measures for existing oil and chemical tankers transporting low flashpoint cargoes. DE 50 supported the aforementioned recommendations of FP 51.

6.10 In the same context, the Sub-Committee noted that at FP 51 and BLG 11 the views were expressed that the inert gas systems would reduce the risk of explosion and, therefore, should be required, while also noting the view that the value of operational measures should not be underestimated, taking into account that the most significant contributory factor to the casualties studied by the IIWG was a failure to follow or understand cargo operation guidelines and procedures (at both the shipboard and ship management level).

6.11 Furthermore, FP 51 considered proposals to develop more user-friendly regulations for the inerting of tanks for new and existing tankers when handling and transporting low flash point chemicals and petroleum products, and comments thereon, in particular that the application of inert gas systems to existing tankers should only be considered after a thorough formal safety assessment (FSA) study, and noted the views that any solution should be holistic in nature and take into account the costs associated with the full range of damage to both the ship and the environment.

6.12 BLG 11 noted the concern expressed on a number of similar accidents that had taken place in the past on chemical and product tankers of less than 20,000 dwt which might be due to the fact that such tankers are not subject to the mandatory requirement of installation of inert gas systems. BLG 11 urged Member States to submit the casualty reports on accidents as soon as possible to the Organization so that these may be evaluated to establish the cause of accidents and lessons to be learnt from them. In that context, BLG 11 also expressed the view that casualty reports needed to be analysed as early as possible.

6.13 DE 50, regarding the proposal of the IIWG to develop international safety standards for the design and operation of in-tank pumps international safety standards for the design and operation of in-tank pumps, having noted that IACS had expressed the intention to develop a relevant unified requirement, agreed to recommend to the MSC to consider the issue after IACS has finalized this work and invited IACS to submit the results to the Committee.

6.14 The Sub-Committee concurred with BLG 11 urging Member States to submit the casualty reports on accidents as soon as possible to the Organization so that the FSI Sub-Committee may contribute further to establish the cause of accidents and lessons to be learnt from them.

6.15 Having concurred with the recommendations of FP 51, as considered by BLG 11 and DE 50, to the MSC to include a new item on “Measures to prevent explosions on oil and chemical tankers transporting low flashpoint cargoes” in the FP Sub-Committee’s work programme, with two sessions needed to complete this item, in co-operation with the DE Sub-Committee, the Sub-Committee agreed not to consider in detail the study carried out by the Inter-Industry Working Group (IIWG) (MSC 81/8/1 and MSC 81/INF.8) but to instruct the Working Group to focus on the issues of the human element investigator skills and the reporting of near-miss incidents.

6.16 In the same context, the Sub-Committee agreed to further instruct the working group to finalize the consideration of the report of investigation into the **Chassiron** casualty, as well as other relevant reports of investigations, e.g., **Panam Serena** and **Bow Mariner**, with a view to recommending to the MSC to decide on which relevant IMO bodies should be invited to consider these reports of investigation in the context of their work on incidents of explosions on chemical and product tankers.

Collection and use of near-miss data in accident and incident investigations

6.17 The Sub-Committee, as announced during MSC 82, received a presentation made by Sweden on “INSJÖ” which is a database developed by the Swedish Maritime Administration in collaboration with the Swedish Shipowners Association, the unions, other interested parties and a private firm, wherein designated persons from shipping companies can report near-miss incidents anonymously.

LISTING OF THE VESSEL COUGAR ACE

6.18 The Sub-Committee considered document FSI 15/6/2 (Singapore) regarding the casualty to the **Cougar Ace**, which had experienced a severe listing while the ship was carrying out ballast water exchange operations, and proposing that a circular be issued to remind ships to comply with the minimal stability criteria stated in the Intact Stability Code, and refer to resolution A.868(20) on Guidelines for the control and management of ships' ballast water to minimize the transfer of harmful aquatic organisms and pathogens and resolution MEPC.124(53) on Guidelines for Ballast Water Exchange (G6).

6.19 In this context, the Sub-Committee recalled that MSC 79 had approved, in 2004, MSC.1/Circ.1145 containing precautionary advice to Masters when undertaking Ballast Water Exchange operations and which should, at an appropriate time, be included in the Guidelines for Ballast Water Exchange, under development by the Organization.

6.20 Having recognized that, although sufficient guidance for Ballast Water Exchange operations existed rendering the issuance of an MSC-MEPC circular to remind interested parties to make use of them unnecessary, there might be a need to learn from the **Cougar Ace** casualty, the Sub-Committee agreed to invite the Committees to instruct the STW Sub-Committee to consider this issue in the context of training requirement for Ballast Water Exchange.

COMBINATION OF CASUALTY- AND PSC- RELATED DATA

6.21 Taking into account the consideration of the question of a risk assessment comparison between maritime casualties and port State control under agenda item 3 (see paragraphs 3.28 to 3.62), the Sub-Committee agreed to defer further consideration of this issue by the Working Group on Casualty Analysis.

REMINDER FOR SUBMISSION OF CASUALTY-RELATED DATA

6.22 The Sub-Committee agreed to remind Member States to:

- .1 ensure that the information on reports on marine casualties and incidents are provided to the Secretariat in accordance with the reporting requirements and the revised format annexed to MSC-MEPC.3/Circ.1 bearing in mind that information can be directly reported by Member States on GISIS, including the facility to attach the electronic version of full investigation reports;
- .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, possibly through the development of protocols for electronic data transfers, to enable the Organization to provide its Member States with timely and accurate information on casualties; and
- .5 indicate in the reports of investigations into casualties whether fraudulent certificates have been involved.

ESTABLISHMENT OF THE WORKING GROUP

6.23 The Sub-Committee agreed to establish the Working Group on Casualty Analysis and Review of the Code for the Investigation of Marine Casualties and Incidents 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 15/6/1 and GISIS), for the Sub-Committee's approval and authorization of their release to the public on GISIS (FSI 15/6, paragraph 15.1);
- .2 confirm or otherwise the draft text of lessons learned for presentation to seafarers (FSI 15/6, annex 3), for the Sub-Committee's approval and authorization of release on the IMO website in accordance with the agreed procedure (FSI 15/6, paragraph 15.1);
- .3 consider the overview of lessons learned (FSI 15/6, annex 2) in order to identify the parts to be referred to relevant IMO bodies, for information and action as appropriate, and to be annexed to the report of the Sub-Committee;
- .4 consider the study carried out by the Inter-Industry Working Group (IIWG) (MSC 81/8/1 and MSC 81/INF.8), focusing on the issues of the human element investigator skills and the reporting of near-miss incidents (FSI 15/6, paragraph 15.3);
- .5 finalize the consideration of the report of investigation into the **Chassiron** casualty, as well as other relevant reports of investigations, e.g. **Panam Serena** and **Bow Mariner**, to recommend to the MSC to decide on which relevant IMO bodies should be invited to consider these reports of investigation in the context of their work on incidents of explosions on chemical and product tankers (FSI 15/6, paragraph 15.4);
- .6 consider the casualty-related decisions of other IMO bodies, including the preparation of amendments to MSC-MEPC.3/Circ.1 based on the revision of the IMO Damage Card by SLF 49, MEPC 53's referral, for information purposes, of document MEPC 53/INF.7 and the potential need for harmonization of terminologies used in IMO circulars concerning marine casualties and incidents; and
- .7 advise on the re-establishment of the Correspondence Group on Casualty Analysis and, if so, prepare draft terms of reference for that group.

6.24 Having received the report of the Working Group on Casualty Analysis and Review of the Code for the Investigation of Marine Casualties and Incidents (FSI 15/WP.1/Add.2), the Sub-Committee took action as indicated in the following paragraphs.

CASUALTY STATISTICS AND INVESTIGATIONS

General

6.25 Taking into account the limited amount of time the group had for its considerations and the great task it was instructed to perform, the Sub-Committee noted that the group was not able to finish all the tasks contained in the terms of reference (see paragraph 6.23 above).

Summary of casualty analyses

6.26 In noting that a summary of casualty analyses, which in prior sessions had been provided as an annex to the report of the correspondence group, was not available for the group's review,

and considering also the limited time available for the group's analyses of the casualty reports, the Sub-Committee decided that the analyses be reviewed at the next session and requested the Secretariat that, in addition to the above-mentioned reports with the copy of the corresponding analyses and the access of all analyses through GISIS, a printed compilation of the analyses be made available to the group.

6.27 The Sub-Committee, having noted the views expressed by the delegation of the Bahamas that the Sub-Committee should review the current processing of the reports of investigation into casualties once they have been received by the Secretariat, invited Members to submit proposals to the next session.

Lessons learned for presentation to seafarers

6.28 In considering the draft text of lessons learned for presentation to seafarers (FSI 15/6, annex 3) prepared by the correspondence group, and recalling that a summary of casualty analyses was not available for the group's review (see paragraph 6.26 above), the Sub-Committee agreed that the draft text of lessons learned for presentation to seafarers be reviewed at the next session of the Sub-Committee.

Overview of lessons learned

6.29 In considering the overview of the lessons learned (annex 2 to document FSI 15/6) prepared by the correspondence group, bearing in mind the previous discussion in plenary, the Sub-Committee decided that, with the exception of new or unusually important lessons learned, the overview had limited value and should not be routinely referred to other IMO bodies. In light of the above, the Sub-Committee agreed that normally this overview need not be prepared by the correspondence group.

Ship/shore electrical continuity bonding cable

6.30 Having noted that the overview of lessons learned and the text of lessons learned for presentation to seafarers (FSI 15/6, annexes 2 and 3) referred to the issue of the connection of the ship/shore electrical continuity bonding cable, the observer from OCIMF indicated that the ICS/OCIMF International Safety Guide for Tankers and Terminals (ISGOTT) 5th Edition contains specific guidance on the use of insulation flanges and bonding cables to manage electrical current flow in conducting pipe work and flexible hose systems between ship and shore – specifically section 17.5. He continued in saying that it is important to note that these systems are intended to prevent incentive sparking at the cargo manifold during connection and disconnection of the shore hose or loading arm. He further mentioned that, while some national and local regulations may require mandatory connection of a bonding cable, the Revised Recommendations on the safe transport of dangerous cargoes and related activities in port areas (MSC.1/Circ.1216) urge port authorities to discourage the use of ship/shore bonding cables and to adopt the recommendations concerning the use of an insulating flange or single length on non-conducting hose as described in ISGOTT, paragraph 17.5.2. He concluded in specifying that the subject of ship-to-shore electrical currents is quite separate from static electricity, ISGOTT Chapter 3 describes the hazards associated with the generation of static electricity during the loading and discharging of cargo and during tank cleaning, dipping, ullaging and sampling and the main precaution for tankers against electrostatic risks is to conduct operations with the cargo tanks protected by inert gas.

Inter-Industry Working Group (IIWG)

6.31 In considering the study carried out by the Inter-Industry Working Group (IIWG) (MSC 81/8/1 and MSC 81/INF.8), focusing on the issues of the human element investigator skills and the reporting of near-miss incidents (FSI 15/6, paragraph 15.3), and noting the comments of the correspondence group regarding investigation of the human element in marine accidents, the Sub-Committee agreed to invite the Committees to encourage Member Governments to further develop the human element investigator skills of their marine casualty investigators.

Incidents of explosions on chemical and product tankers

6.32 In considering the issues involved in explosions on the **Chassiron, Panam Serena** and **Bow Mariner**, the Sub-Committee agreed to recommend to MSC 83 that the accident reports on those casualties be referred to the relevant IMO bodies for consideration and action as appropriate.

Casualty-related decisions of other IMO bodies

6.33 In considering the casualty-related decisions of other IMO bodies, including the preparation of amendments to MSC-MEPC.3/Circ.1 based on the revision of the IMO Damage Card by SLF 49, MEPC 53's referral, for information purposes, of document MEPC 53/INF.7 and the potential need for harmonization of terminologies used in IMO circulars concerning marine casualties and incidents, and noting that the group did not have sufficient time to consider this work item, the Sub-Committee agreed that it should be considered at the next session.

TERMS OF REFERENCE OF THE CORRESPONDENCE GROUP

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

- .1 based on the information received from Members on investigations into casualties, taking into consideration the outcome of related discussion/decision of other IMO bodies, to conduct review of the relevant casualty reports referred to the group by the Secretariat;
- .2 to identify safety issues that need further consideration; and
- .3 to submit a report to FSI 16.

* **Co-ordinator:**
Mr. Bjørn Egil Pedersen
Norwegian Maritime Directorate
P.O. Box 2222
5528 Haugesund
Norway
Tel: + 47 5 2745000
Fax: + 475 2745001
E-mail: BEP@sjofartsdir.no

DANGEROUS ATMOSPHERE IN SHIPS

6.35 The delegation of Sweden stated that, during the last few years, a number of fatal accidents have occurred in Swedish ports and onboard Swedish ships due to dangerous atmosphere in ships. The latest accident happened as late as 23 May of this year when two seafarers were intoxicated by high levels of carbon-monoxide and died as a cause of this. It indicated that these fatal accidents had occurred due to a lack of oxygen and/or high level of carbon-monoxide. The delegation of Sweden invited Member States to use the contact details* provided in case they would have any available information about similar cases.

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

7.1 The Sub-Committee considered document FSI 15/7 (Australia) containing the report of the Correspondence Group on the Review of the Code for the investigation of marine casualties and incidents.

7.2 In this context, the Sub-Committee noted that the report had raised a series of issues related to the following elements:

- .1 title of the draft Code. The group had proposed to change the title to “International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident” (FSI 15/7, paragraph 32);
- .2 structure of the draft Code. The draft Code was divided into three parts, i.e. Part I on General provisions, Part II on Mandatory standards and Part III on Recommended practices. The report had proposed the alternative to keep clauses addressing the same subject matter together in one place and to note which ones are mandatory and which ones are to be applied on a recommendatory basis only (FSI 15/7, paragraphs 6 to 8);
- .3 foreword. The report had proposed two versions (FSI 15/7, paragraph 9);
- .4 scope of the casualties to be investigated (including investigations under SOLAS regulation I/21, marine casualties and marine incidents other than very serious casualties, occupational accidents and serious injury) (FSI 15/7, paragraphs 10 and 12 to 15);
- .5 references to GISIS and MSC-MEPC.3/Circ.1. The report had raised the questions of the relevance of references to the reporting tools which could be amended in a more flexible manner and the need to amend the definitions contained in the circular (FSI 15/7, paragraph 11);
- .6 fair treatment of seafarers. The group had developed draft text on the specific issue of obtaining evidence from seafarers (chapter 12) (FSI 15/7, paragraphs 16 and 17);

* jorgen.zachau@sjofartsverket.se or
bjorn.molin@sjofartsverket.se

- .7 types of report. The group had discussed the need to refer to full investigation reports and identified the need, should the investigating decide not to conduct a systematic investigation, to collect reasons thereof (FSI 15/7, paragraphs 18 and 19);
- .8 principles of an investigation. The group had considered the issues of the conduct of an investigation by several States, the “no-blame concept” and safety focussed principle (FSI 15/7, paragraphs 20 to 22 and 25 to 27);
- .9 copies of draft reports to interested parties: The group had considered the magnitude of the task to circulate copies (FSI 15/7, paragraph 23);
- .10 facilitation of co-operation and limitation of dispute: The group had developed text to that effect (FSI 15/7, paragraph 24);
- .11 dual registry. The group had considered a request to address dual registered vessels (FSI 15/7, paragraph 28); and
- .12 SOLAS amendments. The group had proposed the draft text of a new SOLAS regulation to be added to chapter XI-1 on Special measure to enhance maritime safety, entitled “Additional requirements for the investigation of marine casualties and incidents” (FSI 15/7, paragraphs 29 to 33).

7.3 The Sub-Committee also considered documents FSI 15/7/1 and FSI 15/INF.13 (Denmark) providing comments on document FSI 15/7 and, in particular, on the following elements:

- .1 the question of occupational accidents, stressing that the existing Code would not be sufficiently clear on whether accidents to seafarers are included in its scope and that the new Code should clearly indicate that they are included. FSI 15/INF.13 referred to the safety study issued by the Danish Maritime Administration called “Mooring accidents onboard merchant ships 1997-2006”;
- .2 the investigation of accidents involving fishing vessels, stressing that the existing Code would not be sufficiently clear on whether fishing vessels accidents are included in its scope and that the new Code should clearly indicate that they are included; and
- .3 the reporting requirements should be based on MSC-MEPC.3/Circ.1 which Denmark found appropriate, i.e. for very serious casualties, information collected through the annexes to the circular and a full investigation report in all cases; and, for serious casualties, information collected through the annexes to the circular, in all cases, and a full investigation report only in cases of important lessons to be learned regarding IMO regulations. The Code should clearly indicate when reporting should be done through GISIS, or in any other way.

7.4 The Sub-Committee further considered document FSI 15/7/2 (Austria *et al*) also providing comments on document FSI 15/7 and, in particular, on the following elements:

- .1 whether the draft Code would introduce requirements for investigating casualties and reporting the findings which would be less stringent than in the existing Code;

- .2 whether the draft Code defines the thoroughness and quality of the investigation to be carried out. The draft Code would leave the thoroughness of the investigation, and any subsequent report rather undefined and would not clearly require the finding of the causal factors for very serious casualties; and
- .3 to investigate causal factors, the draft Code would provide for the application of a “systemic approach”. Such an approach would be just one investigative technique when there are many accident models, which may be used. According to the report of the Correspondence Group, a possible interpretation could be made by a mere reference to a clause of resolution A.884(21) which is not legally binding. Without a binding definition, this term would be open to subjective interpretation on how thorough and qualitative such investigation should be. The co-sponsors suggest that, as far as possible and, at least, for very serious casualties, the causal factors should be established and a more systematic approach to investigations should be adopted while indicating that the powers of the investigators are important to ensure the effectiveness and the quality of the investigation.

REFERRAL TO THE WORKING GROUP

7.5 The Sub-Committee instructed the Working Group on Casualty Analysis and Review of the Code for the Investigation of Marine Casualties and Incidents, taking into account comments made in plenary, to finalize:

- .1 the draft Code for the investigation of marine casualties and incidents and associated Assembly resolution, based on the report of the Correspondence Group (FSI 15/7) and documents commenting on it (FSI 15/7/1, FSI 15/7/2 and FSI 15/INF.13); and
- .2 draft amendments to relevant instruments to be considered by MEPC 56 and MSC 83, as appropriate.

7.6 Having received the report of the Working Group on Casualty Analysis and Review of the Code for the Investigation of Marine Casualties and Incidents (FSI 15/WP.1, Add.1 and Add.2), the Sub-Committee took action as indicated in the following paragraphs.

CODE FOR THE INVESTIGATION OF MARINE CASUALTIES AND INCIDENTS

Scope of the casualties to be investigated

7.7 The Sub-Committee noted the group’s opinion that accidents to seafarers were already included in the scope of the code through the definition of marine casualty, as long as the accidents occurred directly in connection with the operations of a ship, and that the definition of marine casualty does not imply that some sort of accident or damage to the ship must have occurred.

Global Integrated Shipping Information System (GISIS) and MSC-MEPC.3/Circ.1

7.8 In considering the importance of GISIS and MSC-MEPC.3/Circ.1 with respect to reporting the detail of findings from investigations, taking into account the type of marine casualty/marine incident and its degree of seriousness, and the facts that the Revised Code is intended to be made mandatory under the SOLAS Convention and GISIS and the aforementioned

circular are subject to changes on a regular basis, the Sub-Committee noted the group's decision not to make reference to GISIS and the circular MSC-MEPC.3/Circ.1 in the text of the draft Revised Code.

Dual registry

7.9 The Sub-Committee noted that the group had considered how the draft Revised Code deals with dual registered vessels, and in its view the first registry is considered for mortgage purposes only and the second registry is related to operational aspects, the State whose flag the ship is entitled to fly is responsible for the safety of the ship.

Revision of the Code to be made mandatory under the SOLAS Convention

7.10 The Sub-Committee recalled that it had been instructed by the MSC and MEPC to revise the Code for the investigation of marine casualties and incidents (resolution A.849(20)), as amended) by 2007.

7.11 The Sub-Committee also recalled that FSI 13 had 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; and
- .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.

Draft Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code)

7.12 Having reviewed the above-mentioned options, the Sub-Committee agreed to proceed with the introduction of a new regulation in SOLAS chapter XI-1.

7.13 The Sub-Committee agreed that an Assembly resolution is not an appropriate instrument to adopt a code which would include provisions on mandatory standards and that the most appropriate vehicle to adopt the Revised Code would be an MSC resolution.

7.14 Therefore, the Sub-Committee agreed with:

- .1 the draft Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident, together with the associated draft MSC resolution, as set out in annexes 2 and 3, for submission to MS 83 for approval and subsequent adoption at MSC 84;
- .2 the draft amendments to chapter XI-1 of the 1974 SOLAS Convention, as amended, making the Code mandatory, as set out in annex 4, for submission to MSC 83 for approval and subsequent adoption at MSC 84; and
- .3 the draft MSC-MEPC.3 circular on the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident, to allow for the Code to be implemented on a voluntary basis prior to the effective date of the Code, as set out in annex 5, for submission to MSC 83 and MEPC 57 for approval.

7.15 The Sub-Committee agreed to invite the MEPC to consider whether an amendment to MARPOL in the form, for example, of a footnote under article 12(1) of MARPOL could be developed after the Code becomes mandatory under SOLAS.

7.16 The delegation of Argentina indicated that it considered that the adoption of the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident could affect some IMO instruments, such as the SOLAS Convention, as well as UNCLOS. Having also in mind that the Code would contain mandatory provisions, the delegation was of the opinion that the proposed draft Revised Code, as prepared by the Sub-Committee, should be sent to the Committees for endorsement before being referred to the Legal Committee for consideration.

Guidelines to assist investigators in the implementation of the Revised Code

7.17 In recognizing the importance of the Guidelines to assist investigators in the implementation of the Code (resolution A.849(20), annex, appendix), the Sub-Committee agreed to consider, in the future, a revision of the Guidelines with a view to inclusion as an appendix to the Code, after the adoption of the Casualty Investigation Code under the work programme item on "Casualty statistics and investigations".

8 HARMONIZATION OF PORT STATE CONTROL ACTIVITIES

Framework for the consideration of the item

8.1 The Sub-Committee recalled that, at its two previous sessions, it had recognized, under this agenda item, the need to examine a large volume of technical material and the consequent time limitations for consideration 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.

8.2 The Sub-Committee appreciated the fact that FSI 14 had made significant progress, through the establishment of a working group, in particular regarding the following issues:

- .1 the framework on global harmonization of PSC activities;

- .2 the conclusions and recommendations of the previous IMO Workshop for PSC MoU/Agreement Secretaries and Directors of Information Centres, as well as the format and agenda of the next workshop;
- .3 the status of the GISIS module on PSC;
- .4 the review of resolution A.787(19), as amended by resolution A.882(21); and
- .5 the preparation of a draft MSC circular on the Validity of Type Approval certification for marine products which was issued under the symbol MSC.1/Circ.1221, following its approval by MSC 82.

8.3 The Sub-Committee further recalled that MSC 82, regarding wrong AIS transmissions and having considered document MSC 82/21/10 (Egypt) proposing to develop a scheme to minimize incorrect transmissions by the ship's AIS equipment, had agreed to include, in the NAV Sub-Committee's work programme, a high priority item on "Measures to minimize incorrect data transmissions by AIS equipment", with two sessions needed to complete the item, in co-operation with the FSI Sub-Committee (with regard to port State control-related matters).

8.4 In the absence of submission of a report of the correspondence group to be considered at this session, the Sub-Committee agreed that this agenda item would be dealt with in the order of the most basic and important elements of harmonization agreed at the last session and used the information contained in document FSI 15/WP.4 (Secretariat) as a guide for the discussion:

- .1 ratification by all Member States of the IMO instruments and other relevant Conventions (i.e. ILO Conventions), under which the Sub-Committee received information on legal instruments;
- .2 unified understanding and implementation of the provisions contained in the Conventions, codes and guidelines (PSC procedures, Code of Good Practice and review process), under which the Sub-Committee considered the issues on the code of good practice, the Ministerial Conference of the Paris and Tokyo MoUs and the first joint working session of the Black Sea and Mediterranean MoUs;
- .3 compatibility of PSC procedures, reporting systems and standard formats (coding system, terminology, statistics, notifications, right of appeal, etc.), under which the Sub-Committee considered the questions of flag States notification and the harmonization of coding system;
- .4 transparency of information and statistics on inspection results, under which the Sub-Committee considered information on Equasis and the outcome of the Paris MoU concentrated inspection campaign (CIC) on the GMDSS;
- .5 co-operation and efficient exchange of information between Member States and MoUs, under which the Sub-Committee considered the presentation by Cyprus (FSI 15/8/2) of measures to enhance flag State control over the safety standards of ships;
- .6 mutual information exchange by PSC data among PSC regimes and inclusion of all data available in selection procedures of a particular PSC regime, under which the Sub-Committee considered the issues of flag States targeted by the Paris MoU, Tokyo MoU and United States Coast Guard; and

.7 analysis of PSC activities, practices and statistics, under which the Sub-Committee considered the various annual reports of the PSC regimes.

8.5 The two remaining elements agreed by FSI 14, i.e. training of qualified professionals as PSC officers and a good understanding of processes, standards, codes and practices by all PSC actors; and revision of the available training material such as IMO model course 3.09 on PSC and developing globally harmonized training materials, was not addressed at this session in the absence of any material submitted.

8.6 Furthermore, the Sub-Committee continued with the consideration of the terms of reference of the correspondence group established at FSI 14 on the review of the Procedures for Port State Control (resolution A.787(19)), as amended, and GISIS, to conclude the consideration of this item on the question of the world fleet database.

RATIFICATION OF RELEVANT INTERNATIONAL INSTRUMENTS

8.7 The Sub-Committee was informed about the status of IMO instruments and the relevant provisions contained in resolution A.787(19), as amended by resolution A.882(21).

8.8 In this context, the Caribbean MoU (C MoU) and the United States were invited to inform the Sub-Committee about the PSC procedures applicable to non-convention ships in the Caribbean region based on the agreement between the two PSC regimes.

8.9 The United States indicated that, since the beginning of their formalized port State control program, the elimination of substandard vessels has been the paramount goal. They quickly determined that because of the close proximity of numerous countries to the United States and the trade routes between these countries, there was a population of small freight vessels not captured within the international regulatory scheme. These less than 500 gross tonnage vessels were regularly calling at their ports, often in a condition that posed a substantial risk to the marine environment. But more importantly the condition of the vessel did not adequately provide for the safety of the mariners operating the vessel.

8.10 Because no international regulatory scheme existed for these vessels, the United States initially used their domestic regulations for vessels of this size. However, they felt that the creation of an international agreement between the United States and the various countries involved would benefit everyone. They believed that the creation of an international agreement would increase the transparency of the requirements across the impacted vessels. As a result, the United States developed a basic checklist for examining these vessels. This checklist served as a start for development of a code.

8.11 Coincident with the development of the checklist, the C MoU began taking an active role in this area. A working group of signatory countries of the C MoU, with the assistance from the IMO, drafted the Caribbean Cargo Ship Safety Code. The United States Coast Guard reviewed the Code and determined that, with a few modifications and additions, it could be used as the basis for the examination of these non-SOLAS vessels. These recommended changes were accepted by the C MoU in January 1997 and in July 1997 the United States accepted the new Code as substantially equivalent to their own domestic regulations.

8.12 The use of the Code by all parties for the examination of foreign freight vessels less than 500 gross tonnage operating in the Caribbean region represented a significant step toward harmonizing vessel examination standards and raising the standards for the vessels trading in this region.

8.13 Since 1997, many of the signatories of the C MoU have adopted the Caribbean Cargo Ship Safety Code within their domestic legal structure. According to the United States, in the past decade, the Code has proven to be useful since a significant decrease in the amount of substandard vessels calling on their ports can be noticed.

8.14 In conclusion, the United States expressed the view that the Code could serve as a model for other IMO Member States and PSC regimes in similar situations. In order to bring a more thorough view of this issue to the attention of the Sub-Committee, the United States indicated that they would submit a document to FSI 16, possibly in co-operation with the C MoU, to outline the background and more importantly the lessons learned from their implementation and use of this Code.

8.15 The observer from the C MoU concurred with the views expressed by the United States and added that for the Caribbean Cargo Ship Safety Code to be made mandatory, each Member State within the C MoU had to incorporate it in its national legislation. The C MoU was working towards achieving this since it is its position that sub-standard shipping is not encouraged and that any ship that poses a threat to the safety of navigation, security and/or the marine environment should be treated in the same manner regardless of class or size.

8.16 To this end, the C MoU is committed to the full implementation of this Code and resolved to put every possible mechanism in place to ensure that every member state is fully compliant. The observer echoed the ideas of the United States on this matter and encouraged other IMO Member States and PSC regimes to use this Code as a model where applicable. The C MoU will submit a meeting document in conjunction with the United States to FSI 16.

8.17 The observer also indicated the existence in the Caribbean region of the Small Commercial Vessel Code for vessels under 24 metres in length and that the C MoU would also submit a paper on this matter to FSI 16.

UNIFIED UNDERSTANDING AND IMPLEMENTATION (I.E. AUTHORITIES AND PSCOs) OF THE PROVISIONS CONTAINED IN THE CONVENTIONS, CODES AND GUIDELINES (PSC PROCEDURES, CODE OF GOOD PRACTICE AND REVIEW PROCESS)

Code of good practice

8.18 Bearing in mind that the Port State Control procedures (resolution A.787(19)), as amended, contain a section 2.6 on “General procedural guidelines for PSCOs”, the Sub-Committee noted that MEPC 55 and MSC 82 had endorsed the Sub-Committee’s decision, based on the recommendations of the third IMO PSC Workshop to start developing a code of conduct for PSC activities at FSI 15.

8.19 Following on the Second Joint Ministerial Conference of the Paris and Tokyo Memoranda of Understanding on Port State Control, where the Ministers had expressed their determination to encourage both Memoranda to develop a code of good practice for port State control officers and taking into account the leading role of these Memoranda in other parts of the world, to actively promote the code globally, the Sub-Committee considered document FSI 15/8/6 (Paris MoU) on the Code of Good Practice it had already adopted.

8.20 Pending the expected finalization of a draft Assembly resolution on Revised Port State Control Procedures to revoke resolutions A.787(19) and A.882(21), the Sub-Committee agreed to establish a drafting group to develop a draft code of conduct for PSC activities, taking into account comments made in plenary and other existing codes of good practices as developed by

the Black Sea, Caribbean and Tokyo MoUs, and the Viña del Mar Agreement, in the form of an MSC-MEPC.4 circular and using document FSI 15/8/6 (Paris MoU), as a basis.

8.21 Having received the report of the Drafting Group on the Code of Good Practice for Port State Control Officers (FSI 15/WP.6), the Sub-Committee took action as indicated in the following paragraph.

8.22 The Sub-Committee agreed to the text of the draft MSC-MEPC.4 circular on the Code of good practice, as set out in annex 6, for submission to MEPC 56 and MSC 83 for approval and that PSC regimes should be invited to develop and adopt a similar Code, if appropriate, to assist PSCOs in conducting their inspections to the highest professional level.

Ministerial Conference and joint working session

8.23 The Sub-Committee noted the update on actions emanating from the Second Joint Ministerial Conference on port State control (FSI 15/INF.8).

8.24 The Sub-Committee also noted the information on the first Joint Working Session of the Black Sea and Mediterranean MoUs (MSC 82/23/2) and invited PSC regimes to continue providing the Sub-Committee with information on their joint initiatives and their follow-up.

COMPATIBILITY OF PSC PROCEDURES, REPORTING SYSTEMS AND STANDARD FORMATS (CODING SYSTEM, TERMINOLOGY, STATISTICS, NOTIFICATIONS, RIGHT OF APPEAL, ETC.)

Flag States' notification

8.25 The Sub-Committee considered document FSI 15/INF.11 (United States) introducing new procedures starting on 1 January 2008 for the notification of flag States, when a ship flying their flag is subject to a detention in a port of the United States, and invited Member States to update their contact details in the IMO list of national contact points for safety and pollution prevention and response (MSC-MEPC.6/Circ.2).

8.26 In the same context, the Sub-Committee was informed by the Secretariat on the current status of the IMO list of flag State contact points for port State control which is being developed in the form of a GISIS module with direct access by Member States for updating purposes.

Harmonization of coding system

8.27 The representative of the Russian Federation provided an update on the information contained in document FSI 14/7/10 on basic principles on harmonization of coding system.

8.28 The Sub-Committee noted that during the session further contact had been made among the members of the joint working group of the Tokyo and Paris MoUs, with the participation of an IMO expert, allowing the basic principles for a revised coding system to be further discussed.

8.29 Once the basic principles are agreed by the group, a technical review of the existing codes and consequential modifications will be carried out, ensuring the involvement of all port State control regimes, as appropriate, with a view to facilitating the subsequent adoption of a unique harmonized coding system for PSC purposes, which will be brought to the attention of the IMO Workshop for Port State Control MoU/Agreement, Secretaries and Directors of Information Centres and to the Organization.

8.30 While taking note that the Secretariat had recruited an international consultant to conduct a technical study on the harmonization of port State control (PSC) coding systems together with the above-mentioned joint working group of the Tokyo and Paris MoUs and to report his findings to the IMO Workshop for port State control MoU/Agreement Secretaries and Directors of Information Centres, the Sub-Committee considered document FSI 15/12/1 (Secretariat) containing the list of new requirements adopted since the last session to be used for the development of tables of references on new convention requirements relevant to PSC activities.

8.31 Having been informed about the progress made by the joint working group of the Tokyo and Paris MoUs, the Sub-Committee noted with appreciation the important move towards harmonization enshrined in the group's decision to recommend the use of UNLOCODES.

TRANSPARENCY OF INFORMATION AND STATISTICS ON INSPECTION RESULTS

Development concerning the Equasis information System

8.32 The Sub-Committee considered document FSI 15/8/7 (Secretariat) on developments concerning the Equasis information system and preliminarily discussed the potential role of Equasis in the context of the harmonization of PSC activities and the possible interactions between GISIS and Equasis regarding the global exchange of PSC data.

8.33 In order to pursue the consideration of these matters in an efficient manner, the Sub-Committee agreed to invite a representative of Equasis to attend as an expert, under Rule 45 of the Rules of Procedure, the next meeting of the Sub-Committee.

8.34 Irrespective of its decision regarding the invitation of a representative from Equasis to its next meeting, the Sub-Committee requested the Secretariat to seek clarification from Equasis on the issues which had been raised during the discussion, i.e. on the statistics prepared in collaboration with the European Maritime Safety Agency (EMSA), the planned integration of data from other PSC regimes and the applicable criteria.

8.35 The Sub-Committee was informed that the Mediterranean MoU had recently started the process of review for becoming a data provider.

Report of the 2005 Paris MoU CIC on the GMDSS

8.36 The Sub-Committee considered document FSI 15/INF.6 (Paris MoU) on the report of the 2005 Paris MoU CIC on the GMDSS which was conducted from 1 September to 30 November 2005 and involved 4,794 CIC inspections, leading to 29 (0.6%) detentions relating to the 15 entries-Questionnaire and 5 other detentions relating to equipment – lack of qualified persons, lack of familiarity.

8.37 In this context, the Sub-Committee noted the following areas of possible concern contained in field reports from PSCOs:

- .1 cases of poor procedures regarding familiarization of operating on-board equipment, including emergency source of power supply and aerial arrangement;
- .2 non-compliance with proper procedures for testing of equipment at sea or prior to departure with coastal radio stations or properly validating those tests by retaining print outs or other records of acknowledgements;

- .3 delegation by some senior deck officers of their responsibility regarding radio operations to more junior deck officers, Masters not giving due diligence to the radio requirements other than a perfunctory signing of the radio logbook; and
- .4 reported radio noise pollution during critical periods of watch keeping affecting the concentration of the bridge watchkeepers or bridge team.

8.38 The Sub-Committee agreed that the above-mentioned findings should be referred to the STW Sub-Committee for information, together with the Paris MoU's recommendations that PSCOs be encouraged to continue to apply control under the International Convention on Standards of Training, Certification and Watchkeeping for seafarers (STCW), 1978, as amended, article X and regulation I/4, as appropriate; with particular reference to the requirements contained in regulation I/14 (Responsibilities of companies), paragraph 1.4 and section A-I/14, paragraph 2.

8.39 Concluding on the matter of CIC, the Sub-Committee invited PSC regimes to continue providing such information, preferably in conducting the campaigns in co-operation with other PSC regimes; and recommendations, together with supporting material, which could be passed to relevant IMO bodies for further consideration.

CO-OPERATION AND EFFICIENT EXCHANGE OF INFORMATION BETWEEN MEMBER STATES AND MOUS

8.40 The Sub-Committee recalled that paragraph 1.3.2 of the Procedures for Port State Control (resolution A.787(19), as amended) states that:

“The following control procedures should be regarded as complementary to national measures taken by Administrations of flag States in their countries and abroad and are intended to provide assistance to flag State Administrations in securing compliance with convention provisions in safeguarding the safety of crew, passengers and ships, and ensuring the prevention of pollution.”

8.41 In this context, the Sub-Committee considered document FSI 15/8/2 (Cyprus) on Measures to enhance flag State control over safety standards of Cyprus ships and describing the three main categories of measures adopted by the Cyprus Department of Merchant Shipping primarily aimed to enhance control over Cyprus flag ships, companies managing Cyprus flag ships and recognized organizations (ROs), making use of the information emanating from the inspection of Cyprus ships under PSC.

8.42 The Sub-Committee recognized the value of the information provided, while noting that the measures implemented by Cyprus might prove not to be so efficient when implemented by other flag States.

8.43 The Sub-Committee invited Member States to make voluntary presentations in the form of submissions to FSI 16, in order to contribute to the process of sharing valuable information on the improvement of flag State performance, the reduction of their detention rates and the efforts made by them that had led or should lead to such positive results.

MUTUAL INFORMATION EXCHANGE BY PSC DATA AMONG PSC REGIMES AND INCLUSION OF ALL DATA AVAILABLE IN SELECTION PROCEDURES OF A PARTICULAR PSC REGIME

Flag States targeted by the Paris MoU, the Tokyo MoU and the United States Coast Guard

8.44 The Sub-Committee considered document FSI 15/INF.3 (Paris and Tokyo MoUs) on Flag States targeted by the Paris MoU, the Tokyo MoU and the United States Coast Guard. The Sub-Committee, having noted the positive examples of flag States which, in collaboration with PSC regimes, had improved their performances by moving to better sections of the black/grey/white lists, concurred with the view that the evaluation of performances, only based on the progress recorded through these list, should not prevent from looking at the real conditions of ships and crews.

8.45 The Sub-Committee invited PSC regimes to continue submitting such information while considering expanding the number of contributing PSC regimes, providing that they implement similar targeting systems. The Sub-Committee noted the offer by the Paris MoU to collaborate and to assist flag States wishing to improve their performances to remedy poor ranking in the black/grey/white list system.

Dependent territories and United Nations Nomenclature

8.46 The delegation of Spain stated that, in relation to the use of the term “Gibraltar” in the annex to document FSI 15/INF.3, it did not consider Gibraltar as a flag State, and requested that alternative terminologies, such as “Gibraltar (United Kingdom)” or “British flag of Gibraltar” be used in future documents.

8.47 The delegation of the United Kingdom confirmed that the statement of the delegation of Spain was correct and supported the use of terminologies such as “flag” or “flag Administration” to describe the list of entities where “Gibraltar” would be likely to appear.

8.48 Concerning the use of the terminology “Gibraltar (United Kingdom)”, the Secretariat referred to the endorsement by the MSC and MEPC of the Sub-Committee’s decision to consider the issue of a grouped statistical presentation of the inspections of ships flying the flag of a flag State and of its dependent territories in the annual reports of the various PSC regimes, assuming that the issue would be discussed at the next session. It also indicated that the documents prepared by the Secretariat have been showing the terminologies “flag” and “flag Administrations” in order to avoid cases such as the one raised by the delegation of Spain. Finally, the Secretariat stressed the importance of making sure that all data information systems, and in particular PSC data systems, use of the United Nations Nomenclature and UNLOCODES and that reports prepared on the basis of such data reflect the internationally agreed terminologies.

Procedure for new members

8.49 The Sub-Committee considered document FSI 15/INF.7 on Procedure for new members, regarding, in particular the criteria applicable to grant the status of co-operative member for a maximum of three years, following a self-assessment exercise and the intervention of a monitoring team, and the status of full member, and agreed to defer further consideration of the matter, while inviting other PSC regimes to provide similar information for harmonization purposes.

ANALYSIS OF PSC ACTIVITIES, PRACTICES AND STATISTICS

8.50 The Sub-Committee recalled that FSI 12 had recommended to carry out in-depth analyses of the annual reports on port State control activities and that, due to time constraints, FSI 14 could consider neither the issue of the objectives of, and methodology for, the compilation of the various PSC data sets, nor the question of the methodology for the periodic analysis of PSC practices, nor document FSI 13/6/6 (Secretariat) on the in-depth analysis of annual PSC reports.

8.51 The Sub-Committee considered the following annual reports presented by the PSC regimes:

- .1 2005 Informe estadístico anual of the Viña del Mar Agreement (FSI 15/8 and FSI 15/INF.2);
- .2 2006 annual report of the Indian Ocean MoU (FSI 15/8/1);
- .3 2005 and 2006 annual reports of the Tokyo MoU (FSI 15/8/3 and FSI 15/8/4 respectively);
- .4 2005 annual report of the Paris MoU (FSI 15/8/5 and Corr.1 and FSI 15/INF.5);
- .5 2006 Port State Control (annual) report of the United States (FSI 15/INF.12); and
- .6 2006 annual report of the Caribbean MoU.

8.52 The Sub-Committee invited representatives of other PSC regimes that did not submit a document to this session to provide any relevant information on their recent developments.

8.53 The observer from the Mediterranean MoU informed that their computerized system began officially collecting data from Member States on 7 March 2005. Therefore, the Annual Report 2006 was the second issue of the Annual Report on Port State Control in the Mediterranean Region, a copy of the report was submitted to the Chairman of the Sub-Committee at the beginning of the session and the same could be found in www.medmou.org. Taking, as a basis, the declaration made of the first joint working session of the Committees of the Black Sea and MED MoUs on PSC, this regime intended to seek co-operation agreements with other MoUs, i.e. the Paris and Black Sea MoUs.

8.54 The observer from the Black Sea MoU informed the Sub-Committee that a copy of its annual report for 2006, which was adopted in April this year, was made available to the participants during this session. He informed the Sub-Committee that the Black Sea MoU would join the Paris and Tokyo MoUs and other regional agreements/memoranda in order to conduct a CIC on the ISM Code during 2007. Inter-regional PSCO exchange programmes have also been established with the MED and Paris MoUs, and started in 2006.

8.55 The observer from the Abuja MoU informed the Sub-Committee on the state of affairs of that regime, which was not encouraging, due to the lack of commitment to implement the PSC regime by Member Authorities, and unfortunately, its annual Committee meetings have been irregular and the participation in organized workshops and training programmes is still poor. He informed that in the region, only Congo, Nigeria, and South Africa are performing PSC activities. Finally the observer appealed, to IMO and to all those concerned, to come to the Abuja MoU region in order to analyse the situation and to look for solutions for the Abuja MoU to reach the same level of performance as other PSC regimes.

8.56 The Sub-Committee also considered document FSI 15/INF.4 (Secretariat) on Progress report on regional PSC agreements and requested the Secretariat to submit updated information to FSI 16.

8.57 The Sub-Committee invited regional PSC agreements and the United States Coast Guard to continue submitting their annual reports to the Sub-Committee, preferably in a uniform manner concerning the year of reference of the statistics contained therein.

8.58 The observer from the Paris MoU expressed concern on the discussion with regard to the information provided by the regional PSC regimes. He indicated that the Paris MoU has been providing this information for several years and the other MoUs are now also providing their annual reports. Having noted that the Sub-Committee has been discussing performance, requirements and harmonization of port State control agreements in great depth, the observer stressed that, since there are several flag States which appear unable to implement their conventional obligations, the Sub-Committee should also address this issue in order to improve their performances.

8.59 The representative from Belize supported the intervention of the observer from the Paris MoU and proposed that those discussions and analysis could also be carried out on a “one-to-one” basis among regions. He also indicated that Belize is taking proactive actions to be on the white lists of all relevant MoUs by 2009.

CONSIDERATION OF THE TERMS OF REFERENCE OF THE CORRESPONDENCE GROUP ESTABLISHED AT FSI 14

Development of revised Procedures for port State control

8.60 The Sub-Committee discussed a possible course of action for the development of Revised Procedures for port State control as proposed by FSI 14.

8.61 In this context, the Sub-Committee considered the establishment of a correspondence group with the single specific task to develop Revised Procedures for port State control (resolution A.787(19), as amended by resolution A.882(21)), taking into account all previously approved amendments, and to propose a simplified process for amending them.

Establishment of a correspondence group on Harmonization of port State control activities

8.62 The Sub-Committee established the Correspondence Group on Harmonization of port State control activities under the co-ordination of Poland* and with the following terms of reference:

* **Co-ordinator:**
Capt. Anna Wypych-Namiołtko
PSC Co-ordinator
Polish Maritime Administration.

Address:
Maritime Office Gdynia
PSC inspectorate
2, Polska Str.
81-339, Gdynia
POLAND
Tel: +48 58 621 66 36 and 620 69 11 ext. 360
Fax: +48 58 621 66 36
E-mail: awn@umgd.gov.pl

- .1 to update the Procedures for port State control, as contained in resolution A.787(19), as amended by resolution A.882(21), while developing a draft consolidated text of Revised Procedures for port State control;
- .2 in the context of the review of the procedures for port State control, to take into account amendments to IMO mandatory instruments, which have entered into force including amended Annexes I, II, IV and VI of MARPOL, while taking into account the draft amendments contained in annexes 2 and 4 to FSI 14/WP.3;
- .3 to develop proposals for simplified procedures for keeping the Procedures updated and to analyse the possibility of introducing in the Procedures new instruments such as:
 - .3.1 the International Convention for the Control and Management of Ship's Ballast Water and Sediments, 2004 (BWM); and
 - .3.2 the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001.

For this task the group may also take into consideration the following documents which are related to the review of the Survey Guidelines under the HSSC (resolution A.948(23)):

FSI 15/12/1	Secretariat	List of new requirements adopted since the last session
FSI 14/11/3	Secretariat	List of new requirements adopted since the last session
FSI 13/12/1	Secretariat	List of new requirements adopted since 2000

- .4 to consider the inclusion of the Code of good practice for port State control officers (FSI 15/WP.6) in the revised procedures; and
- .5 to submit a report to FSI 16.

8.63 While the Sub-Committee agreed to the inclusion, in the terms of reference of the correspondence group, of the item to analyse the possibility of introducing the Guidelines on PSC procedures for the BWM and AFS Conventions into the Revised Procedures, some delegations expressed the view that the PSC procedures under those two convention themselves should be considered by the group.

IMO Global Integrated Shipping Information System (GISIS)

8.64 The Sub-Committee considered the information contained in document FSI 15/WP.3 prepared by the Secretariat together with additional explanations presented verbally addressing the following issues which were raised by FSI 14 on the GISIS module on PSC:

- .1 whether this module would be a duplication of Equasis system;
- the Sub-Committee was informed that the GISIS module was developed in order to implement and to facilitate the mandatory reporting requirements under IMO Conventions. Should the Equasis data providers represented in the Editorial Board of Equasis and the IMO Members sitting in the Equasis Supervisory Committee see an opportunity to avoid duplications, while complying with the

above-mentioned mandatory reporting requirements, they may wish to raise the issue at IMO as well as in front of the relevant Equasis bodies;

- .2 who would bear the responsibility for correctness and proper reflection of PSC data;

the Sub-Committee was informed that the answer to this question is contained in the GISIS disclaimer and terms of use, as well as in the draft agreement, annexed to the document prepared by the Secretariat (FSI 15/WP.3). Neither IMO nor the data provider could be held liable for any loss, damage, or harm resulting from the use of information contained in GISIS, or for any reliance on its accuracy, completeness or timeliness;

- .3 who will be the owner of the collected data;

the Sub-Committee was informed that the answer to this question is contained in the draft agreement, annexed to document FSI 15/WP.3. The data provider will have ownership of the data supplied to IMO;

- .4 how the data will be managed, including proper recording of follow-up action;

the Sub-Committee was informed that, when received, the data would be moderated by the IMO Secretariat, only on the restricted ground of the United Nations Nomenclatures. The data would, otherwise, remain as submitted and be released with indication of the data source. If amendments (e.g. outcome of appeal procedures) need to be incorporated, this would be the responsibility of the data providers who would be granted direct data entry facilities through specific login and password. GISIS keeps records of all operations.

- .5 if the data were to be submitted by Member States into GISIS, what would be the role of the regional PSC information centres;

the Sub-Committee was informed that this question is answered in the note on the GISIS module on PSC, annexed to document FSI 15/WP.3 regarding the reporting of PSC inspections on behalf of Members of PSC regimes. In order to facilitate the work of maintaining the database, the Secretariat was authorized by the Sub-Committee to use any means available for transferring deficiency data electronically. The Sub-Committee had invited port States to authorize the relevant regional PSC agreement to report on their behalf, in order to comply with the requirements of the Conventions, and to inform the Secretariat accordingly;

- .6 what exact set of data is required to be submitted to IMO through GISIS and for what purposes;

the Sub-Committee was informed that this question is answered in the note on the GISIS module on PSC, annexed to document FSI 15/WP.3, and indicates that all reports on PSC inspections are expected to be provided on the basis of the requirement contained in SOLAS regulation I/19(d). Although the mandatory requirements contained in international instruments (e.g. SOLAS regulation I/19(d)) do not limit the report of inspections to be sent to IMO to the reports on detentions, FSI 3, for technical reasons based on the volume of data which the Secretariat was able to process at the time, decided that only deficiencies that lead to the detention of a ship should be reported on (FSI 3/17,

paragraph 4.5 and annex to resolution A.787(19), paragraph 5.1.5). The technical capabilities of GISIS no longer restrict the volume of data which the Secretariat can process and the system is being designed to allow the transfer of all reports of inspections;

.7 how will IMO use the collected data; and

the development of GISIS is only intended to serve as a tool to IMO Member States to comply with mandatory reporting requirements. Potential future use of the data will be developed on the basis of the decisions made by IMO Members, in consultation with the data providers, as appropriate;

.8 what would be the data flow scheme;

document FSI 15/WP.3 contains information on the data exchange protocol as well as the agreement to be signed between PSC regimes and IMO.

8.65 The Sub-Committee noted the information provided by the Secretariat on the current status of the development of the GISIS module on PSC and the documentation contained in the annexes to document FSI 15/WP.3, and identified areas, such as the sequence of actions in the data transfers and the logistic of the manipulation of data, which might be addressed by the Secretariat in its updated report on the GISIS module to be submitted to FSI 16.

8.66 The Sub-Committee took note of the ongoing activities with the PSC regimes regarding preparation of agreements between regional MoUs and IMO for the transfer of PSC data to the IMO, taking into account that such agreements should be endorsed by the Committees and the fact that, in most cases, the issue would be considered by the next PSC Committee meetings, and requested the Secretariat to provide the Sub-Committee with an interim report at its next session.

WORLD FLEET DATABASE

8.67 On the issue of the availability to Member States and the Secretariat of a database on the world fleet, having recalled that FSI 14 had decided to defer further consideration of the issue to FSI 15, taking into account the information collected through dissemination of the questionnaire set out in annex 2 to document FSI 14/7, the Sub-Committee requested the Secretariat to disseminate the above-mentioned questionnaire by means of an FSI circular and invited Member States to return the questionnaire at their earliest convenience.

8.68 The Sub-Committee also considered the feasibility of allowing access by IMO Members, through GISIS, to a ship identification module with a reduced number of fields, i.e. basic ship details, within existing commercial arrangements with the data provider and received the comments from the representative of the data provider who was invited to intervene under rule 45 of the Rules of Procedures.

8.69 The data provider agreed to the release, within existing commercial arrangements, of such a ship identification module by IMO Members, and would finalize in collaboration with the Secretariat the arrangements to cover the data security aspects and the functionality of the module.

9 DEVELOPMENT OF GUIDELINES ON PORT STATE CONTROL UNDER THE 2004 BWM CONVENTION

9.1 Having recalled that MEPC 52 had instructed BLG 13 to develop Guidelines on port State control under the BWM Convention, the Sub-Committee was reminded that no submissions for the development of such guidelines had been received during the last three sessions.

9.2 The Sub-Committee also recalled that in the absence of a draft text to initiate the development of Guidelines on port State control under the BWM Convention, MEPC 55 agreed to extend the target completion date of these Guidelines to 2008.

9.3 The Sub-Committee, while inviting the Paris MoU to submit to FSI 16 the PSC guidelines which were reported to have been approved at its last Committee meeting, urged Members and observers to submit their contributions at their earliest convenience to facilitate the completion of the Guidelines on port State control under the BWM Convention at FSI 16.

10 PSC GUIDELINES ON SEAFARERS' WORKING HOURS

10.1 The Sub-Committee recalled that MSC 69 had instructed the Sub-Committee 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.

10.2 The Sub-Committee noted that MSC 82, while considering the draft PSC guidelines on seafarers' working hours developed by FSI 14, and having listened to some views expressed whereby the draft guidelines might need further review, in particular on STCW-related matters, had agreed to refer the matter to the FSI and STW Sub-Committees for consideration and report to MSC 83.

10.3 Having also noted that STW 38, due to the limited time between MSC 82 and the Sub-Committee's meeting, had agreed that, in order to have an in-depth discussion on this issue, it would be appropriate to circulate the guidelines for consideration at STW 39 with a view to providing MSC 84 with appropriate advice and had invited MSC 83 to endorse this decision, the Sub-Committee agreed to defer further consideration of this issue to its next session.

10.4 The Sub-Committee further noted that MSC 82, following consideration of the invitation to co-operate with ILO in the development of PSC guidelines in relation to the International Maritime Labour Convention, 2006, as well as the confirmation by the representative from ILO of the continuation of the programme of co-operation for the development of PSC guidelines, between ILO and the Paris MoU, had requested the Secretariat to attend relevant meetings which will consider the development of such guidelines in the context of the Maritime Labour Convention, 2006, and to report to the FSI Sub-Committee, as appropriate.

10.5 Taking into account the ongoing developments, the Sub-Committee agreed to recommend to MEPC 56 and MSC 83 to extend the target completion date from 2007 to 2009.

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

Self-assessment of flag State performance

11.1 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.

11.2 The Sub-Committee also recalled that FSI 12 had agreed 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.

11.3 The Sub-Committee noted the information provided by the Secretariat on initial SAFs and updated SAFs, as well as the planned development of a GISIS module on SAFs, including direct entry by Member States, and, in the context of which, the Sub-Committee may decide to consider further the issue of their confidentiality.

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

Report of the Correspondence Group

12.1 The Sub-Committee recalled that the consolidated draft Revised Survey Guidelines include amendments to relevant IMO instruments that would enter into force up to and including 1 August 2007.

12.2 The Sub-Committee noted that MEPC 55 and MSC 82 had endorsed the course of action proposed by FSI 14 to develop a consolidated draft of the Revised Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) to replace the current Survey Guidelines (resolution A.948(23)). The draft Revised Guidelines, as finalized at this session, should be submitted to MEPC 56 and MSC 83 for approval prior to submission to the Assembly at its twenty-fifth session for adoption of the resolution containing the new Revised Survey Guidelines under the HSSC revoking resolution A.948(23).

12.3 Regarding the relevant outcome of MSC 82, the Sub-Committee also noted the following decisions:

- .1 as regards performance standards for shipborne long-range identification and tracking of ships (LRIT) equipment, MSC 82 endorsed FSI 14's view and agreed that it would be appropriate that such equipment be surveyed by radio inspectors and adequate provisions be included in the Survey Guidelines under the HSSC in future and instructed the Sub-Committee to act accordingly and report to MSC 83;

- .2 with regard to the draft Guidelines on annual testing of voyage data recorders (VDR) and simplified voyage data recorders (S-VDR) incorporating the Form for the Voyage Data Recorder Performance Test Certificate, MSC 82 approved MSC.1/Circ.1222 on Guidelines on annual testing of voyage data recorders (VDR) and simplified voyage data recorders (S-VDR) while agreeing to replace the word “certificate” with the words “completed test report” in paragraph 3 of the Guidelines and at the end of paragraph 9 of the appendix; and
- .3 on the survey of ship security alert systems (SSAS), MSC 82 agreed that the survey by radio inspectors would require the disclosure to a radio inspector of almost all details relating to the SSAS and would open the possibility of recording the related information in the radio survey report which was not necessarily subject to the same protection of confidentiality as the information contained in the ship security plan (SSP). MSC 82, therefore, agreed that, given the multiplicity of equipment and the security implications of the issue, the survey of SSAS should remain a matter for individual Administrations and that it would not be appropriate at this time to make it mandatory for SSAS to be included in the list of items to be surveyed by radio inspectors. The issue may be re-examined on a future date on the basis of information to be provided by SOLAS Contracting Governments attesting to the need to instigate a system of inspections for all or for specific types of SSAS.

12.4 Regarding the relevant outcome of MEPC 55, the Sub-Committee further noted that, after endorsement of the FSI 14’s view to gain experience in the survey of Ballast Water Treatment systems, the Survey Guidelines under the HSSC for the purpose of the BWM Convention have been circulated by means of circular BWM.2/Circ.7 in the interim period, prior to the entry into force of the BWM Convention.

12.5 The Sub-Committee considered documents FSI 15/12, FSI 15/12/Add.1 and FSI 15/12/Add.2 (France) containing the report of the Correspondence Group on the Survey Guidelines under the HSSC which had requested the Sub-Committee to take the following actions to:

- .1 decide whether the reference to SOLAS in the Revised Survey Guidelines under the HSSC should be simplified “SOLAS 74/88” or “SOLAS 74/00/04” (paragraph 5);
- .2 endorse the group’s view that the reference to “*bis*”, “*ter*” and “*quarto*” be deleted and a full number to each item be allowed (paragraph 6);
- .3 endorse the group’s new wording for item (CA) 2.2.2.29 of annex 1 of the report (paragraph 7);
- .4 endorse the group’s view that the brackets for items (OI) 1.1.2.7, (NR)2.4.2.3 and 2.4.2.8, as well as (OA) 1.2.2.2, be deleted (paragraph 8);
- .5 endorse the group’s view that the item (OI)1.1.15, referring to the entry into force of related provisions on 1 July 2010, should not be retained in the Revised Survey Guidelines but should be included in the report of this session (paragraph 9); and
- .6 endorse the group’s view that the item (RI)4.1.2.18 and 4.1.2.19 and items (PI) 5.1.2.122 and 5.1.2.123, also referring to the entry into force of related provisions on 1 July 2010, should not be retained in the Revised Survey

Guidelines but should be included in the report of this session (paragraph 11 which corresponds in fact to paragraph 10).

SURVEY GUIDELINES AND TEST REPORT FOR AUTOMATIC IDENTIFICATION SYSTEM (AIS)

12.6 The Sub-Committee recalled that MSC 82, having noted that FSI 14 had developed some new text on inspection procedures of automatic identification system (AIS) equipment by radio inspectors for inclusion in the Survey Guidelines under the HSSC, had agreed to a draft form for the AIS Test Report and had decided to refer the matter on whether it should be included in the above-mentioned Revised Survey Guidelines to the Sub-Committee for detailed consideration and reporting to MSC 83.

12.7 The Sub-Committee considered document FSI 15/12/2 (Republic of Korea) commenting on documents FSI 15/12/Add.1 and FSI 15/12/Add.2 and putting forward that AIS is a special equipment to be tested by a radio inspector during the surveys for the Cargo Ship Safety Equipment Certificate and Passenger Ship Safety Certificate. The Republic of Korea recommended that a draft report form for the AIS Test Report be separated from the Revised Survey Guidelines under the HSSC and an MSC circular for the AIS Test Report be issued. Furthermore the Republic of Korea included a draft amendment to SOLAS regulation V/18 for AIS test requirements which they intended to submit to MSC in the near future.

SURVEY GUIDELINES FOR IN WATER EXAMINATION OF THE OUTSIDE OF THE SHIP'S BOTTOM ON PASSENGER SHIPS

12.8 The Sub-Committee considered document FSI 15/12/3 (Panama and the United States) containing proposed draft amendments to the Revised Guidelines regarding survey guidelines for in water examination of the outside of the ship's bottom on passenger ships and agreed to refer them to the working group to be established for detailed consideration.

MODU CODE-RELATED MATTERS

12.9 The Sub-Committee considered document FSI 15/12/4 (IADC) commenting on documents FSI 15/12/Add.1 and FSI 15/12/Add.2 and putting forward that, having noted that the MSC, by resolution MSC.38(63), had decided to incorporate the HSSC into the Code for the Construction and Equipment of Mobile Offshore Drilling Units (MODU Code), 1989, the Revised Survey Guidelines under the HSSC cover the revised MODU Code.

12.10 Furthermore, in document FSI 15/12/4, IADC had noted that MARPOL 73/78 in Article 2 states that the coastal State is the Administration with respect to fixed or floating platforms engaged in the exploitation and exploration of the sea-bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign right, and had requested appropriate guidance within the Revised Survey Guidelines regarding the validity of surveys of fixed and floating platforms performed by (or on behalf of) the flag State under MARPOL to maintain the validity of certificates.

12.11 In this context the Sub-Committee noted that the MODU Code is a non-mandatory instrument and is currently under revision by the DE Sub-Committee with a target completion date of 2008.

12.12 The attention of the Sub-Committee was called upon the earlier decision by MEPC 43 on the issuance of HSSC for floating platforms in the context of consideration of document MEPC 31/11/6 which referred to the common practice for most shelf States to expect the validity of the IOPP Certificates to be maintained by the flag State while the floating platform remains on the continental shelf; and proposed that without prejudicing the rights of the shelf State, that this practice be recognized as a valid interpretation of the provisions of Annexes I, II and VI of MARPOL 73/78.

12.13 In this context, the Committee had agreed to the above-mentioned proposal and that the most appropriate method of dealing with this was to leave it to the flag State and shelf State to come to an arrangement.

FUTURE AMENDMENTS TO THE SURVEY GUIDELINES

12.14 The Sub-Committee recalled that operative paragraph 3 of resolution A.948(23) requests the MSC and MEPC to keep the Revised Survey Guidelines under review and amend them as necessary.

12.15 The Sub-Committee also recalled that MEPC 49 and MSC 78 had agreed with the proposed methodology for future review of the Survey Guidelines under the HSSC by FSI 11 and had confirmed that the Sub-Committee should co-ordinate the review of the Guidelines so that whenever an amendment to a statutory instrument is adopted and entails consequential amendments to the associated Survey Guidelines, amendments to the Guidelines should be developed by the FSI Sub-Committee under its continuous item on the “review of Survey Guidelines under the HSSC (resolution A.948(23))” before the entry into force of the amendments to a statutory instrument.

12.16 In this context, the Sub-Committee considered document FSI 15/12/1 (Secretariat) containing a list of new and outstanding requirements which were adopted since the last session together with references to Unified Interpretations and other potentially relevant instruments. The Sub-Committee was informed by the Secretariat that, in the context of GISIS, a module on safety- and security-related requirements, marine environment-related requirements, subject to available resources, and recommendations applicable to all ships and certain types of ships, was being developed on the basis of the ACCESS database which was created at the request of the MSC with the information contained in MSC/Circ.815.

12.17 Having concurred with the Secretariat that the GISIS module could be developed to keep track of the new and outstanding requirements under mandatory instruments, as listed at every session of the Sub-Committee, for consideration with a view to incorporating appropriate amendments in the Revised Survey Guidelines under the HSSC, the Sub-Committee requested the Secretariat to add to every relevant entry an indicator on whether it should be considered in the context of the Survey Guidelines and whether it had been incorporated and to develop, subject to availability of resources, an electronic tracking system of the new and outstanding requirements under mandatory instruments, as listed by the Secretariat at every session of the Sub-Committee, preferably under GISIS.

12.18 The observer from IACS called the attention of the Sub-Committee on the potential need to consider additional amendments to the Revised Survey Guidelines in relation to the IGC Code. In this context, the Sub-Committee agreed that the following points should be considered by the working group:

- .1 (GI) 2.1.2.9 confirming that the cargo tanks are arranged and installed in accordance with the approved plans, internally examining the cargo tanks, water ballast tanks and other spaces in the cargo area, ensuring that the appropriate non destructive and pressure testing are carried out.

For containment systems with glued secondary barriers:

- .1.1 A tightness test should be carried out in accordance with approved system designers' procedures before and after initial cool down.
- .1.2 If significant differences in the results before and after cool down for each tank or between tanks or if other anomalies are observed, an investigation is to be carried out and additional testing such as differential pressure, thermographic or acoustic emissions testing may be required.
- .1.3 The values recorded should be used as reference for future assessment of secondary barrier tightness.

For containment systems with welded metallic secondary barriers, a tightness test after initial cool down is not required. (IGC Code 83/90/00, ch. 4); and

- .2 (GI) 2.1.2.109*bis* verifying Examination, during the initial cool-down, loading and discharging of the first cargo, that the overall performance of the cargo containment system is in compliance with the design parameters. For vessels carrying liquefied natural gas, the examination is to include witnessing satisfactory operation of the following items, if fitted:
 - .2.1 Gas Detection systems.
 - .2.2 Cargo Control and monitoring systems such as level gauging equipment, temperature sensors, pressure gauges, cargo pumps and compressors, and proper control of cargo heat exchanges, if operating.
 - .2.3 Nitrogen generating plant or inert gas generator.
 - .2.4 Nitrogen pressure control systems for insulation, interbarrier and annular spaces
 - .2.5 Reliquefaction plant.
 - .2.6 Equipment fitted for the burning of cargo vapours, such as boilers, engines, gas combustion units, etc.
 - .2.7 Cofferdam heating systems.
 - .2.8 On deck cargo piping systems including expansion and supporting arrangements.
 - .2.9 Witnessing topping off process for cargo tanks.
- .3 (IGC Code 83/90/00, ch. 4); and
- .4 (GI) 2.1.2.119*ter* verifying Examination that of the hull has been inspected for cold spots following the first loaded voyage. (IGC Code 83/90/00, ch. 4).

ESTABLISHMENT OF THE WORKING GROUP

12.19 The Sub-Committee agreed to establish the Working Group on the Review of Resolution A.948(23) and instructed the group, taking into account the decisions and proposals made in plenary, to:

- .1 finalize draft amendments to the Revised Survey Guidelines under the HSSC (resolution A.948(23)), together with the text of the draft Assembly resolution, using FSI 15/12/Add.1, as a basis, and taking into account the information and proposals contained in documents FSI 15/2/1, FSI 15/2/2, FSI 15/12/1, FSI 15/12/2 and FSI 15/12/3, as well as the information contained in paragraph 12.18 above, for approval by MEPC 56 and MSC 83 prior to submission to the Assembly at its twenty-fifth session for adoption;
- .2 develop a draft MSC circular on the AIS Test Report using annex 6 to document FSI 14/19 and annex 2 to document FSI 15/12/2, as the basis;
- .3 consider the proposal, related to the survey of the outside of the passenger ship bottom required annually under SOLAS regulation I/7, that a twice in five years dry-dock inspection would be acceptable provided that annual afloat inspections are conducted in out years (FSI 15/12/3);
- .4 consider whether the Revised Survey Guidelines under the HSSC cover the revised MODU Code (FSI 15/12/4) and, in particular, identify whether additional provisions should be developed for annex 3 of the Revised Survey Guidelines;
- .5 consider whether appropriate guidance within the Revised Guidelines regarding the validity of surveys of fixed and floating platforms performed by (or on behalf of) the flag State under MARPOL to maintain the validity of certificates should be developed (FSI 15/12/4);
- .6 identify from documents FSI/15/12/1, FSI 14/11/3 and FSI 13/12/1 the items that have not been dealt with so far and left for future amendments and inform the Secretariat on which documents and items contained therein should be carried forward for future review;
- .7 provide guidance on future amendments to the Revised Survey Guidelines, including the possible request to the Secretariat to develop an electronic tracking system of all new and outstanding requirements under mandatory instruments, preferably under GISIS; and
- .8 priorities should be given to points .4, .1 and .3 above.

12.20 Having received the report of the Working Group (FSI 15/WP.2 and Add.1), the Sub-Committee took the decisions reflected in the following paragraphs.

Additional guidelines for MODU inspections

12.21 In considering document FSI 15/12/4 (IADC) on whether the Revised Survey Guidelines under HSSC cover the revised MODU Code, the Sub-Committee, while noting that the MODU Code was under revision by the Sub-Committee of Design and Equipment, agreed that additional

information might be required regarding the expected outcome. The Sub-Committee, therefore, invited the IADC to submit a detailed document when the revision by the DE Sub-Committee is completed. The Secretariat was requested to inform the DE Sub-Committee accordingly.

Surveys of fixed and floating platforms performed by flag State under MARPOL

12.22 The Sub-Committee, in considering document FSI 15/12/4 (IADC) on the validity of surveys of fixed and floating platforms noted that MEPC 43 (MEPC 43/21, paragraphs 11.2 and 11.3), agreed that the most appropriate method of dealing with this was to leave it to the flag State and shelf State to come to an arrangement whereby the flag State may act on behalf of the shelf State to issue the IOPP Certificate. The Sub-Committee, therefore, agreed that no further action was required at this stage.

Development of an electronic tracking system

12.23 The Sub-Committee discussed the possible development of an electronic tracking system for all new and outstanding requirements under mandatory IMO instruments. The Sub-Committee agreed that it would be advisable to rely on a system allowing for the tracking of requirements coming into force, for several purposes, such as the identification of the amendments to be considered for the updating of the Survey Guidelines under HSSC, the Code for the implementation of mandatory IMO instruments and the deficiency codes for PSC. The system should also indicate the status of the requirements with regard to the review of the Guidelines by the Sub-Committee and their applicability to the HSSC as decided by relevant IMO bodies.

12.24 While requesting the Secretariat, subject to available resources, to develop an electronic tracking system of all new and outstanding requirements under mandatory instruments, preferably through GISIS, the Sub-Committee agreed that the Secretariat, when assigning an indicator to an amendment for future consideration by the Sub-Committee, should only select those amendments to mandatory IMO instruments which have been adopted and accepted.

Revision of the Survey Guidelines under the HSSC

12.25 The Sub-Committee approved the draft amendments prepared at this session which have been incorporated in a consolidated version of the draft Revised Survey Guidelines under the HSSC prepared by the Secretariat to be annexed to this report.

12.26 The Sub-Committee agreed to the draft Revised Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) and associated draft assembly resolution for approval by MEPC 56 and MSC 83 prior to submission to the Assembly at its twenty-fifth session for adoption (annex 7).

Draft circular on AIS Test Report

12.27 The Sub-Committee agreed to the text of the draft MSC circular on Guidelines on the annual testing of the automatic identification system (AIS) to be submitted to MSC 83 for approval (annex 8).

Establishment of the correspondence group

12.28 The Sub-Committee established the Correspondence Group* on the Review of the Survey Guidelines under the HSSC and the Code for the implementation of mandatory IMO instruments under the following terms of reference:

- .1 to further develop the draft amendments to the Survey Guidelines under the HSSC using as a basis annex 1 to document FSI 15/WP.2, taking into account the list of new requirements adopted since the last session (FSI 15/12/1) and developments at FSI 15 and in accordance with the course of action approved by the Sub-Committee;
- .2 to further develop the draft amendments to the Code for the Implementation of Mandatory IMO Instruments using as a basis annex to document FSI 15/WP.2/Add.1 and FSI 15/3/4, taking into account the list of new requirements adopted since the last session (FSI 15/12/1) and developments at FSI 15 and in accordance with the course of action approved by the Sub-Committee;
- .3 to identify from documents FSI 15/12/1, FSI 14/11/3 and FSI 13/12/1 the items that have not been dealt with so far and left for future amendments and inform the Secretariat on which documents and items contained therein should be carried forward for future review;
- .4 to co-operate with the Secretariat for the development of the GISIS module on requirements, including the electronic tracking system for the new and outstanding requirements under mandatory instruments; and
- .5 to submit a report to FSI 16.

13 CONSIDERATION OF IACS UNIFIED INTERPRETATIONS

13.1 Having recalled that MSC 78 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, in order to expedite the consideration of the IACS unified interpretations submitted to the Committee, the Sub-Committee noted that no documents had been submitted under this agenda item at this session.

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

14.1 The Sub-Committee recalled that MEPC 51 and MSC 78 had agreed with FSI 12’s recommendation to instruct the Secretariat to convey to the Food and Agriculture Organization

* **Co-ordinator:**

Mr. Jean-François Fauduet
Manager, Statutory Affairs
Bureau Veritas Marine Division
E-mail: Jean-Francois.Fauduet@bureauveritas.com
Dedicated mail box: BVA948MAIL@VERITAS
Phone: +33 1 42 91 52 89
Facsimile: +33 1 42 91 52 93
Mobile: +33 6 88 38 96 15

(FAO) the recommendation to stimulate further co-operation between itself, IMO and the regional fishery management organizations (RFMOs) by organizing a second meeting of the Joint IMO/FAO *Ad Hoc* Working Group on IUU Fishing and Related Matters.

14.2 The Sub-Committee noted that MEPC 55 had considered the outcome of the preparatory work for the convening of the second meeting of the Joint IMO/FAO *Ad Hoc* Working Group on IUU Fishing and Related Matters, and in particular the composition of IMO's participation. In this connection, the Committee recognized the need for MEPC's representation at the Joint *Ad Hoc* Working Group because the work was related to MARPOL Annex V, concerning garbage from ships, marine debris and discarded fishing nets.

14.3 The Sub-Committee also noted that MSC 82 was presented with information on a draft joint FAO/IMO document prepared by the IMO and FAO Secretariats on the issues proposed to be addressed in the context of the second Joint IMO/FAO *Ad Hoc* Working Group on IUU Fishing and Related Matters (MSC 82/10 and MSC 82/INF.10). Having agreed in principle with the issues proposed to be addressed in the context of the second Joint IMO/FAO *Ad Hoc* Working Group on IUU Fishing and Related Matters, MSC 82 invited Members to participate actively and to make submissions to the second Joint IMO/FAO *Ad Hoc* Working Group on IUU Fishing and Related Matters on any subject of interest to them, bearing in mind that this meeting may be a unique opportunity to promote and achieve the entry into force of IMO instruments related to fishermen and fishing vessels safety.

14.4 The Sub-Committee further noted that MSC 82 had agreed, subject to MEPC 56's concurrence, that participants from Argentina, Canada, China, Denmark, Liberia, Norway, the Republic of Korea and Turkey would represent IMO at the second Joint IMO/FAO *Ad Hoc* Working Group on IUU Fishing and Related Matters to be held in Rome, Italy, from 16 to 18 July 2007.

14.5 The Sub-Committee, while recalling that Article 10 of the 1993 Torremolinos Protocol requires that, for it to enter into force, it must be accepted by at least 15 States with an aggregate number of fishing vessels flying their flags (of 24 metres in length and over) exceeding 14,000, was informed that since its last session, there had been only one more country that had ratified the instrument and that, in total, thirteen States, corresponding to around 22% of the aggregate number of fishing vessels required, had ratified the instrument.

14.6 The Sub-Committee, while recalling that Article 12 of the 1995 STCW-F Convention, requires that, for it to enter into force, it must be accepted by at least 15 States, was also informed that since its last session, three more countries had ratified the instrument, bringing in total eight States being Parties to the instrument.

14.7 The Sub-Committee noted that the Secretary-General had addressed the Committee on Fisheries (COFI) of the Food and Agriculture Organization of the United Nations (FAO), at its twenty-seventh session in Rome, on 5 March 2007. At this occasion, the Secretary-General had stated that it remained a matter of genuine concern that neither the Torremolinos Protocol nor the STCW-F Convention had received sufficient ratifications to enter into force. As a result, this vital yet inherently dangerous industry, which reportedly suffers around 24,000 human losses annually, was still lacking the international mandatory safety regime which could, and would, be provided by the two instruments.

14.8 The Secretary-General had stressed that the Protocol applies principally to new fishing vessels of 24 metres in length and over and includes essential safety requirements for, among other things, construction and equipment, stability, watertight integrity, machinery and electrical

installations, fire protection, protection of the crew, life-saving appliances, emergency procedures, musters and drills, and shipborne radio and navigational equipment. Referring to the concerns of the IMO Council about the failure to reach the relevant criteria, he indicated that less than two years ago, it had requested a specific study to be carried out to identify what the Organization should do to facilitate the Protocol's entry into force. The result was that, unless States with large fishing vessels under their flag ratify it, the Protocol does not stand good chances of coming into force in the foreseeable future. On the argument usually made by the delegates at meetings dealing with fishing vessel safety and personnel, in their majority, that they usually represent Governmental departments (Ministries of Transport or Mercantile Marine, for example) other than the ones that are directly responsible for regulating and overseeing the fishing industry (this, in many countries, being the Ministry of Agriculture), over which they have little influence, he declared that he strongly believed that the safety of human life is of such paramount importance that all bureaucratic impediments should be brushed aside to ensure its integrity.

14.9 Stressing that this state of affairs cannot go on, he emphasized that it is high time that a broad culture of safety at sea is developed and instilled throughout the fishing sector, to improve the record of the industry as a whole and save the lives of fishing vessel personnel, in particular. He stressed that the voluntary measures adopted by IMO were no substitute for national laws and regulations, nor for the provisions of international instruments in relation to the safety of fishing vessels and their crews. In this context, he drew the attention of the delegations to the second meeting of the joint IMO/FAO working group on IUU fishing and related matters, saying that this would provide an excellent opportunity to achieve the entry into force of the IMO instruments to which he had referred.

14.10 The Sub-Committee considered document FSI 15/14 (IMO and FAO Secretariats) on the preparation of the second Joint IMO/FAO *Ad Hoc* Working Group on IUU Fishing and Related Matters and noted that the Secretariat had issued Circular-letter No. 2790 containing the following provisional agenda for the Working Group's meeting:

- Opening of the second session of the Joint Working Group
- Arrangements for the second session of the Joint Working Group
- Election of the Chairperson and Vice-Chairperson
- Adoption of the Agenda
- Overview of IUU fishing
- Background summaries
- Global record of fishing vessels
- Report of the 2006 Expert Consultation on the Use of Vessel Monitoring Systems (VMS) and Satellites for Fisheries Monitoring, Control, and Surveillance (Rome)
- Relevant legal and other instruments: Torremolinos Protocol/STCW-F, Code of Safety for Fishermen and Fishing Vessels, Voluntary Guidelines for the Design, Construction, and Equipment of Small Fishing Vessels and the draft Safety Recommendations for Decked Fishing Vessels of less than 12 Metres in Length and Undecked Fishing Vessels

- Port State measures (FAO Model Scheme)
- Marine debris
- Identification of areas for future collaboration between FAO and IMO. Recommendations for follow-up action
- Any other business
- Adoption of the report

14.11 In this context, the Sub-Committee also noted that, taking into account the outcome of the consideration of this item by the Sub-Committee at its previous session and, in particular, on the issue of the conditions able to facilitate the entry into force of the Torremolinos Protocol, the Secretariat, in the context of its Technical Co-operation Programme, had recently appointed an international consultant to conduct a study to be presented to the Working Group's meeting on the conditions for the entry into force of the Torremolinos Protocol as well as on proposals which could facilitate the decision-making process at the level of individual States to become Parties to this instrument.

14.12 The Sub-Committee was informed that the draft joint FAO/IMO document (FSI 15/14) addressed in paragraphs 107 to 111 three marine environmental issues, namely: marine debris, invasive aquatic species carried in ballast water and air emissions.

14.13 The Sub-Committee was also informed that marine environmental matters arising within FAO were generally dealt with at GESAMP through the Fisheries Resources Division and not by attending IMO meetings in London.

14.14 The Sub-Committee noted that although fisheries is one of the "victims" of marine pollution, all too often fishing vessels are perpetrators of the problem by dumping or losing fishing gear. The issue of abandoned fishing gear was addressed in 1991 when FAO held an Expert Consultation on the Marking of Fishing Gear with financial support from IMO. The Expert Consultation had recommended that Administrations should set up a register of fishing gears to assign a "mark" to each fishing gear which would be physically attached to the gear, thus identifying the owner. In the case of any loss or dumping of fishing gear the source of the fishing gear could thereby be traced. Under normal operations, when the fishing gear was unfit for further use, the mark would be returned to the authorities, the record deleted from the register and the fishing gear disposed of onshore.

14.15 The Sub-Committee also noted that resolution A/RES/60/30 of the UN General Assembly had invited IMO to review MARPOL's Annex V (Regulations for the Prevention of Pollution by Garbage from Ships), in consultation with relevant organizations and bodies, and to assess its effectiveness in addressing sea-based sources of marine debris. MEPC 54 had then invited delegations to submit proposals to review MARPOL Annex V for this purpose and had noted that the Secretariat was co-operating with FAO, UNEP and the GPA, regarding marine debris and, as requested in resolution A/RES/60/31, had agreed to co-operate with FAO on discarded fishing gear – in particular through the Joint IMO/FAO Working Group on IUU Fishing.

14.16 The Sub-Committee recalled that a correspondence group was established by MEPC 55 under the coordination of Canada and tasked to develop the framework, method of work and timetable for a comprehensive review of MARPOL Annex V and the associated Revised

Guidelines for its implementation. The group had reported its initial findings in document MEPC 56/6/1. In its report, the group had considered, amongst other sea based sources of marine debris, the issue of abandoned fishing gear and had sought advice from FAO and now from the Joint FAO/IMO Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters. In particular the group, having noted the outcome of the Expert Consultation on the Marking of Fishing Gear, would look for input on the feasibility of establishing requirements for a register of fishing gears and for the assignment of a “mark” to each fishing gear.

14.17 The Sub-Committee’s attention was drawn to a correction which was necessary to the text in paragraph 110 of document FSI 15/14 which in relation to the issue of invasive aquatic species carried in ballast water suggested that MEPC intended to extend the regulations for ballast water to fishing vessels of over 500 gross tonnage. This was erroneous as the Convention does not exclude fishing vessels from its requirements. The Sub-Committee agreed for the Secretariat to amend the text as necessary.

14.18 The representative of Belize called the attention of the Sub-Committee on the following issues, with the request to bring them to the attention of the second joint IMO/FAO Working Group on IUU fishing and related matters, together with a submission which he intended to submit himself on other related issues, including the registration of fishing vessels:

- .1 the need to apply a vessel identification number scheme to fishing vessels;
- .2 the need to harmonize the calculation method of the length of fishing vessels in order that the criteria of 24 metres and above be applied in a consistent manner by all parties involved including the Regional Fisheries Management Organizations (RFMOs);
- .3 the assessment of the accuracy of the estimate distribution of the fishing activities in the EEZ between artisanal fishing and distant water fishing; and
- .4 the specific difficulty to become Parties to the STCW-F Convention which may encounter States which operate open registries, have neither fishermen training capabilities nor nationals involved in fishing activities and mainly relying on fishermen nationals from countries non-Parties to the STCW-F Convention.

14.19 The Sub-Committee further noted that the preparation of the meeting by the Secretariats of the two Organizations also included the finalization of a further submission which, while using the information contained in document FSI 15/14 and complying with the list of subjects which had been presented to this Sub-Committee and to the MSC and MEPC, would streamline the various issues raised in order to help focus the discussions on achievable results.

15 WORK PROGRAMME AND AGENDA FOR FSI 16

AMENDMENTS TO THE ISM CODE RELATING TO REQUIREMENTS FOR SEAFARER SAFETY REPRESENTATION

15.1 The Sub-Committee noted that, on the question of the Amendments to the ISM Code relating to requirements for seafarer safety representation, MSC 82 had considered document MSC 82/21/2 in which New Zealand, South Africa and the Philippines, referring to the relevant work within ILO, proposed that the ISM Code should be amended to be more closely aligned with the ILO Maritime Labour Convention and the appropriate training be developed for seafarer

safety representatives, being of the view that promoting safe behaviour for safety culture onboard ships requires the involvement of all personnel, officers and crew in a co-operative environment without fear of repercussions or intimidation and that the objectives of the ISM Code can only be fully met if seafarers are considered as an essential and integral element of the safety culture and are empowered to provide input into the safety management systems on board a ship (MSC 82/24, paragraph 21.23).

15.2 The Sub-Committee also noted that the Committee had agreed to include in the work programme of the Sub-Committee, a high priority item on “Amendments to the ISM Code relating to requirements for seafarer safety representation”, with two sessions needed to complete the item and instructed the Sub-Committee to include the item in the provisional agenda for FSI 16 (MSC 82/24, paragraph 21.24).

15.3 In this context, MSC 82, having noted the activities of the Group of Independent Experts established by the Secretary-General to analyse the impact of the ISM Code and its effectiveness, agreed that the outcome of the group should be taken into consideration by the Sub-Committee in its deliberations on the item (MSC 82/24, paragraph 21.25).

Code of conduct during demonstrations / campaigns against ships in high seas

15.4 The Sub-Committee noted that, on the question of the Code of conduct during demonstrations/campaigns against ships in high seas, Japan, being concerned with serious accidents, including collisions of ships, when non-State activist groups protesting against certain maritime activities have conducted direct actions against ships, had proposed to establish a code of conduct for demonstrators/campaigners, which would provide a recommendatory set of guidelines for demonstrators and related authorities to ensure and promote safety of crew, maintain the order of maritime navigation and preserve the right and opportunity for a peaceful demonstration, MSC 82 had agreed to include, in the Sub-Committee’s work programme, a high priority item on the “code of conduct during demonstrations/campaigns against ships in high seas”, with two sessions needed to complete the item. The Committee assigned the NAV Sub-Committee as a co-ordinator (MSC 82/24, paragraphs 21.26 and 21.36).

15.5 The Sub-Committee considered document FSI 15/15 (Japan) on the development of a code of conduct for assurance of the safety of crew and maritime navigation during demonstrations/campaigns against ships on the high seas.

15.6 Having noted the views that, in order to remain within the mandate of the Organization, the provisions contained in the draft Code of conduct for assurance of the safety of crew and maritime navigation during demonstrations/campaigns against ships on the high seas should be limited to measures to be taken onboard the ships, the Sub-Committee agreed to await the outcome of NAV 53 on this matter before deciding to start the consideration of this work programme item.

REVISED WORK PROGRAMME AND AGENDA FOR FSI 16

15.7 Taking into account the progress made at this session and the provisions of the agenda management procedure contained in paragraphs 3.13 to 3.25 of the Guidelines on the organization and method of work (MSC-MEPC.1/Circ.1), the Sub-Committee revised its work programme (FSI 15/WP.7) and invited the Committees to approve the proposed revised work programme and provisional agenda for FSI 16, as set out in annex 10.

Arrangements for the next session

15.8 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 Revised Survey Guidelines under the HSSC, and the Code for implementation of mandatory IMO instruments; and
- .3 harmonization of port State control activities and development of guidelines on port State control under the 2004 BWM Convention.

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

- .1 casualty analysis;
- .2 review of the Revised Survey Guidelines under the HSSC and the Code for implementation of mandatory IMO instruments;
- .3 Action Plan for port reception facilities; and
- .4 harmonization of port State control activities.

15.10 The Sub-Committee noted that its sixteenth session had been tentatively scheduled to take place from 2 to 6 June 2008 at the Headquarters of IMO.

16 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2008

16.1 In accordance with the Rules of Procedure of the Maritime Safety Committee, the Sub-Committee unanimously re-elected Mrs. Tatjana Krilic (Croatia) as Chairman and Capt. Guillermo Rangel (Venezuela) as Vice-Chairman respectively for 2008.

17 ANY OTHER BUSINESS

17.1 The Sub-Committee considered the information provided by the Secretariat in document FSI 15/17 on the status of the Global Integrated Shipping Information System (GISIS) which allows direct recording of data by Member States and public access to sets of data collected by the Secretariat.

17.2 The Sub-Committee noted that the following modules were available to IMO Member States and the public at large: maritime security, casualties, recognized organizations and port reception facilities. The module on the Condition Assessment Scheme (CAS) is viewable by the public in respect of valid Statements of Compliance (SoC) only and the modules on piracy and armed robbery against ships and port State control have been developed but not yet fully released.

17.3 The Sub-Committee also noted that further modules were under development, such as the ones on contact points, IMO requirements, stowaway cases, illegal migrant cases, pollution prevention equipment mandatory under MARPOL and the self assessment of flag State performance.

17.4 On the GISIS module on safety-, security- and protection of the marine environment-related requirements, the Sub-Committee further noted that MSC 83 would consider the question of the non-mandatory instrument, taking into account that, as requested, the Secretariat had prepared a list of non-mandatory IMO instruments which includes:

- .1 Codes;
- .2 Guidelines;
- .3 Recommendations; and
- .4 Standards,

adopted by resolutions or approved in the form of circulars.

The above-mentioned list was extracted from an ACCESS database to become a module of GISIS as part of the module on safety- and security-related requirements and recommendations applicable to all ships and certain types of ships. When completed, the module would also contain information on the status of implementation of non-mandatory instruments to be kept updated by the Member States using direct recording facilities. The module would be able to record the identification of the instrument, the national legislation adopted for its implementation on a voluntary basis – including the ability to upload its full text – the application criteria and the status of the instrument with regard to its amendments.

Expressions of appreciation

17.5 The Sub-Committee expressed appreciation to the following delegates, who had recently retired, for their invaluable contribution to its work and wished them a long and happy retirement:

- Mr. Kit Filor (Australia) (on retirement);
- Admiral Gérard Gasc (France) (on retirement); and
- Mr. Stuart Withington (United Kingdom) (on retirement).

18 ACTION REQUESTED OF THE COMMITTEES

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

- .1 note the outcome of the consideration of the question of including provisions related to long range identification and tracking systems (LRIT) in the draft Revised Code for implementation of mandatory IMO instruments and decide as appropriate (paragraph 3.8);
- .2 approve the draft Revised Code for the Implementation of Mandatory IMO Instruments and the associated draft Assembly resolution, for submission to the Assembly at its twenty-fifth session for adoption (paragraph 3.9 and annex 1);
- .3 endorse the Sub-Committee's decision to commence at FSI 16 the revision of the Revised Guidelines on the implementation of the International Safety

- Management (ISM) Code by Administrations (resolution A.913(22)), taking into account the outcome of the work of the Independent Group of Experts on the impact and effectiveness of implementation of the ISM Code, and to develop amendments to the ISM Code, including those relating to requirements for seafarer safety representation (paragraph 3.21);
- .4 endorse the Sub-Committee's decision to request the Secretariat to refer the draft IMO Model Course for the training of safety management system auditors to the Validation Group (paragraph 3.25 and annex to document FSI 15/3);
 - .5 instruct the STW Sub-Committee to consider the need for training requirement for Ballast Water Exchange to be learned from the **Cougar Ace** casualty (paragraph 6.20);
 - .6 in the context of the study carried out by the Inter-Industry Working Group, encourage Member Governments to further develop the human element investigator skills of their marine casualty investigators (paragraphs 6.15 and 6.31);
 - .7 consider the Sub-Committee's recommendation that the reports of investigation into the **Chassiron**, **Panam Serena** and **Bow Mariner** casualties should be referred to the relevant IMO bodies for consideration in the context of their work on incidents of explosions on chemical and product tankers and take action as appropriate (paragraph 6.32);
 - .8 approve the draft Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code) with a view to adoption at MSC 84 (paragraph 7.14.1 and annexes 2 and 3);
 - .9 approve the draft amendments to SOLAS chapter XI-1, making the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident mandatory with a view to adoption at MSC 84 (paragraph 7.14.2 and annex 4);
 - .10 approve the MSC-MEPC circular on the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (paragraph 7.14.3 and annex 5).
 - .11 endorse the Sub-Committee's decision to revise the Guidelines (resolution A.884(21)) to assist investigators in the implementation of the Code for the Investigation of Marine Casualties and Incidents, with a view to inclusion as an appendix to the Casualty Investigation Code (paragraph 7.17);
 - .12 approve the draft MSC-MEPC.4 circular on the Code of good practice and invite PSC regimes to develop and adopt a similar Code to assist PSCOs in conducting their inspections (paragraph 8.22 and annex 6);
 - .13 invite Member States to update their contact details as contained in MSC-MEPC.6/Circ.2 (paragraph 8.25);

- .14 endorse the Sub-Committee's decision to invite a representative of Equasis to attend as an expert, under Rule 45 of the Rules of Procedure, the next meeting of the Sub-Committee (paragraph 8.33);
- .15 endorse the Sub-Committee's decision to refer the findings and recommendations of the 2005 Paris MoU Concentrated Inspection Campaign on the GMDSS to the STW Sub-Committee for information (paragraph 8.38);
- .16 approve the draft Revised Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) and the associated draft Assembly resolution, for submission to the Assembly at its twenty-fifth session for adoption (paragraph 12.26 and annex 7);
- .17 approve the draft MSC circular on Annual testing of the automatic identification system (AIS) (paragraph 12.27 and annex 8); and
- .18 approve the proposed revised work programme of the Sub-Committee and provisional agenda for FSI 16 (paragraph 15.7 and annex 10).

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

- .1 approve the draft Revised Code for the Implementation of Mandatory IMO Instruments and the associated draft Assembly resolution, for submission to the Assembly at its twenty-fifth session for adoption (paragraph 3.9 and annex 1);
- .2 endorse the Sub-Committee's decision to commence at FSI 16 the revision of the Revised Guidelines on the implementation of the International Safety Management (ISM) Code by Administrations (resolution A.913(22)), taking into account the outcome of the work of the Independent Group of Experts on the impact and effectiveness of implementation of the ISM Code, and to develop amendments to the ISM Code, including those relating to requirements for seafarer safety representation (paragraph 3.21);
- .3 endorse the agreement on possible reasons responsible for the low rate of mandatory reports under MARPOL and also on the following related actions (paragraph 4.11):
 - .1 the table in annex 1 to document FSI 15/4 containing information on which Parties had submitted reports in the last five years, in future should also include information identifying Parties who had submitted reports outside the reporting periods;
 - .2 the low level of reporting could be indicating difficulties arising from the format and/or information content specified by MEPC/Circ.318 and therefore submissions from Members were invited to the next session of the Sub-Committee to identify any problems posed by MEPC/Circ.318 and to propose any appropriate changes to the Circular; and
 - .3 the Secretariat was instructed to revert to the next session of the Sub-Committee with further information on the potential extraction of data

- required by MEPC/Circ.318 from relevant modules of GISIS, thus simplifying the mandatory reporting requirements for Parties to MARPOL;
- .4 endorse the Sub-Committee's instruction to the Secretariat to update the data and the annexed list to document FSI 15/4, and to submit these to FSI 16 for consideration (paragraph 4.13);
 - .5 agree to the request to approve and to re-issue the revised consolidated format for reporting alleged inadequacies of port reception facilities by means of MEPC/Circ.469/Rev.1 (paragraph 5.16), having noted the Sub-Committee's instruction to the Secretariat to make the necessary consequential amendments to the revised consolidated format for reporting alleged inadequacies of port reception facilities following the entry into force of the revised MARPOL Annex II and the introduction of new categories of NLS (paragraphs 5.10 and 5.16);
 - .6 endorse the Sub-Committee's decision to establish a correspondence group under the co-ordination of Portugal to progress all work items with a target completion date of up to 2008 in the Action Plan to tackle the inadequacy of port reception facilities and to report back to FSI 16 (paragraphs 5.17 to 5.20);
 - .7 agree to the Sub-Committee's request to amend the Action Plan so that the target completion date of work item 6.1 "Development of assistance and training programme" is brought forward from 2010 to 2009 (paragraph 5.21);
 - .8 endorse the Sub-Committee's decision to invite the STW Sub-Committee to consider the need for training requirement for Ballast Water Exchange to be learned from the **Cougar Ace** casualty (paragraph 6.20);
 - .9 endorse the course of action for the adoption of the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code) and making it mandatory (paragraphs 7.14.1 and 7.14.2);
 - .10 endorse the Sub-Committee's decision to revise the Guidelines (resolution A.884(21)) to assist investigators in the implementation of the Code for the Investigation of Marine Casualties and Incidents, with a view to inclusion as an appendix to the Casualty Investigation Code (paragraph 7.17);
 - .11 approve the draft MSC-MEPC.4 circular on the Code of good practice and invite PSC regimes to develop and adopt a similar Code to assist PSCOs in conducting their inspections (paragraph 8.22 and annex 6);
 - .12 invite Member States to update their contact details as contained in MSC-MEPC.6/Circ.2 (paragraph 8.25);
 - .13 endorse the view of the Sub-Committee on the validity of surveys of fixed and floating platforms to leave it to the flag State and shelf State to come to an arrangement whereby the flag State may act on behalf of the shelf State to issue the IOPP Certificate (paragraph 12.22);

- .14 approve the draft Revised Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) and the associated draft Assembly resolution, for submission to the Assembly at its twenty-fifth session for adoption (paragraph 12.26 and annex 7); and
 - .15 approve the proposed revised work programme of the Sub-Committee and provisional agenda for FSI 16 (paragraph 15.7 and annex 10).
- 18.3 The Marine Environment Protection Committee, at its fifty-seventh session, is invited to:
- .1 approve the draft Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code) (paragraph 7.14.1 and annex 2); and
 - .2 approve the MSC-MEPC circular on the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (paragraph 7.14.3 and annex 5).

(The annexes will be issued as an addendum to this document)
