



SUB-COMMITTEE ON FLAG STATE
IMPLEMENTATION
16th session
Agenda item 18

FSI 16/18
18 June 2008
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**REPORT TO THE MARITIME SAFETY COMMITTEE AND THE
MARINE ENVIRONMENT PROTECTION COMMITTEE**

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1 GENERAL

1.1 The Sub-Committee held its sixteenth session from 2 to 6 June 2008 under the chairmanship of Mrs. T. Krilić (Croatia). The Vice-Chairman, Captain 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	MAURITIUS
AUSTRALIA	MEXICO
BAHAMAS	MOROCCO
BARBADOS	NETHERLANDS
BELIZE	NEW ZEALAND
BOLIVIA	NIGERIA
BRAZIL	NORWAY
CANADA	PANAMA
CHILE	PAPUA NEW GUINEA
CHINA	PERU
COLOMBIA	PHILIPPINES
COSTA RICA	POLAND
CROATIA	PORTUGAL
CUBA	QATAR
CYPRUS	REPUBLIC OF KOREA
DENMARK	RUSSIAN FEDERATION
DOMINICA	SAINT KITTS AND NEVIS
ECUADOR	SAINT VINCENT AND THE
EGYPT	GRENADINES
FINLAND	SAUDI ARABIA
FRANCE	SIERRA LEONE
GERMANY	SINGAPORE
GHANA	SLOVENIA
GREECE	SOUTH AFRICA
HONDURAS	SPAIN
ICELAND	SWEDEN
INDIA	SWITZERLAND
INDONESIA	SYRIAN ARAB REPUBLIC
IRAN (ISLAMIC REPUBLIC OF)	THAILAND
IRELAND	TURKEY
ITALY	TUVALU
JAMAICA	UKRAINE
JAPAN	UNITED KINGDOM
KENYA	UNITED STATES
LATVIA	URUGUAY
LIBERIA	VANUATU
LITHUANIA	VENEZUELA
LUXEMBOURG	

the representatives from the following Associate Members of IMO:

HONG KONG, CHINA
MACAO, CHINA

FAROE ISLANDS

the representative from the following State not Member of IMO:

COOK ISLANDS

the representative from the following United Nations specialized agency:

FOOD AND AGRICULTURE ORGANIZATION (FAO)

observers from the following intergovernmental organizations:

EUROPEAN COMMISSION (EC)
MARITIME ORGANISATION FOR WEST AND CENTRAL AFRICA (MOWCA)
TOKYO MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL
(TOKYO MoU)
ACUERDO DE VIÑA DEL MAR (AVDM)
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)
CARIBBEAN MEMORANDUM OF UNDERSTANDING ON PORT STATE
CONTROL (C MoU)

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

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)
INTERNATIONAL TRANSPORT WORKERS' FEDERATION (ITF)
INTERNATIONAL RADIO-MARITIME COMMITTEE (CIRM)
INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)
BIMCO
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)
INTERNATIONAL ASSOCIATION OF INSTITUTES OF NAVIGATION (IAIN)
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS
(INTERTANKO)
ADVISORY COMMITTEE ON PROTECTION OF THE SEA (ACOPS)
INTERNATIONAL MARITIME RESCUE FEDERATION (IMRF)
CRUISE LINES INTERNATIONAL ASSOCIATION (CLIA)
THE INSTITUTE OF MARINE ENGINEERING, SCIENCE AND TECHNOLOGY
(IMarEST)
INTERNATIONAL CHRISTIAN MARITIME ASSOCIATION (ICMA)
THE FEDERATION OF NATIONAL ASSOCIATIONS OF SHIP BROKERS
AND AGENTS (FONASBA)

1.3 In accordance with rule 45 of the Rules of Procedure of the Maritime Safety Committee, experts, representing the managers of the IMO ship and company/registered owner identification number schemes and the Management Unit of Equasis, were invited to attend the meeting and were present.

Opening address of the Secretary-General

1.4 The Secretary-General welcomed participants and delivered his opening address, the full text of which is reproduced in document FSI 16/INF.24.

Chairman's remarks

1.5 In responding, the Chairman thanked the Secretary-General 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.

Adoption of the agenda

1.6 The Sub-Committee adopted the agenda for its sixteenth session (FSI 16/1) and agreed to be guided in its work, in general, by the annotations contained in document FSI 16/1/1. The agenda, as adopted, with the list of documents considered under each agenda item, is set out in document FSI 16/INF.25.

2 DECISIONS OF OTHER IMO BODIES

2.1 The Sub-Committee noted that MEPC 56 and MSC 83 had approved the report of FSI 15 in general and the decisions and comments pertaining to its work made by MEPC 56, MSC 83, LEG 93, C/ES.24, A 25, FP 52, BLG 12, DE 51, STW 39, MEPC 57, COMSAR 12 and MSC 84, as presented in documents FSI 16/2, FSI 16/2/1, FSI 16/2/2, FSI 16/2/3 and FSI 16/2/4, from the Secretariat, and took them into account in its deliberations when dealing with relevant agenda items.

Resolutions adopted by the Assembly at its twenty-fifth session

2.2 The Sub-Committee noted that, as recommended by FSI 15, MEPC 56 and MSC 83, the Assembly, at its twenty-fifth session, had adopted resolutions A.966(25) on the Code for the Implementation of Mandatory IMO Instruments, 2007 and A.967(25) on the Survey Guidelines under the HSSC, 2007.

Resolutions adopted by the MSC

2.3 The Sub-Committee noted that MSC 84 had adopted two resolutions related to the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code), the draft of which had been prepared by FSI 15, i.e. resolution MSC.255(84) on the adoption of the Code itself and resolution MSC.257(84) on the amendments to SOLAS chapter XI-1 which will be deemed to have been accepted on 1 July 2009 for an entry into force date of 1 January 2010.

Circulars approved by the MSC and the MEPC

2.4 The Sub-Committee noted that:

- .1 MEPC 56 had approved MEPC.1/Circ.469/Rev.1 on the Revised consolidated format for reporting alleged inadequacies of port reception facilities;
- .2 MEPC 56 and MSC 83 had approved MSC-MEPC.4/Circ.2 on the Code of good practice for port State control officers;
- .3 MSC 83 had approved MSC.1/Circ.1252 on the Annual testing of the automatic identification system (AIS); and
- .4 MSC 83 and MEPC 57 had approved MSC-MEPC.3/Circ.2 on the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code), the text of which is consistent with the text of the Code adopted by resolution MSC.255(84).

Strategic Plan and High-level Action Plan of the Organization

2.5 The Sub-Committee noted that the Assembly, at its twenty-fifth session, had adopted resolution A.989(25) on Strategic Plan for the Organization (for the six-year period 2008-2013) and resolution A.990(25) on High-level Action Plan of the Organization and priorities for the 2008-2009 biennium. The actions requested in the operative paragraphs of the two resolutions entail follow-up aimed at achieving the objectives of the plans and providing a link between the Organization's strategy and the work of the various IMO organs.

2.6 In this context, the Sub-Committee also noted that the Council, at its twenty-fourth extraordinary session, had endorsed the recommendations of its *ad hoc* Working Group on the Organization's Strategic Plan, as follows:

- .1 all IMO organs should, sufficiently early in their agendas for each session, set aside adequate time for the systematic consideration of the high-level actions and their associated priorities and their connection to the strategic directions;
- .2 all IMO organs should ensure that their planned activities and the related outputs are accurately and concisely described in the High-level Action Plan and that the production of such outputs is systematically and regularly monitored;
- .3 when considering their work programmes and provisional agendas for their next sessions, all IMO organs should, under each item, cross-reference the related strategic directions and high-level actions;
- .4 the Sub-Committees should, in reporting to the Committees on their work programmes, also report on the status of their planned outputs;
- .5 guidelines on the application of, and reporting on, the Strategic and High-level Action Plans should be developed, with input from all Chairmen, to facilitate the work of all IMO organs; and

- .6 all IMO documents, especially proposals for new work programme items should demonstrate, where feasible, the linkages to the Strategic and High-level Action Plans by including, in the summary table at the beginning of each document, references to the related strategic direction(s), high-level action(s) and planned output(s). A revised standard format for the IMO document template is shown in the annex to circular letter No.2831 and has been implemented as from 1 January 2008.

2.7 The Sub-Committee also noted that, in the context of the above recommendations by the Council, MSC 84 had considered the proposals by the 2008 Chairmen's meeting and had agreed that:

Table of planned output

- .1 the present table of Planned Output prepared for resolution A.990(25) contained some parts which do not precisely provide the actual work programmes of the Sub-Committees and needed to be reviewed by all Sub-Committee Chairmen together with respective Secretaries to recover any missing work programme items of the Sub-Committees and improve the accuracy of the table;
- .2 the table of Planned Output should also be reviewed by the Committees during the biennium in question and should be revised to include any urgent new work programme items and such updating should be informed to the Council for endorsement;
- .3 the table of Planned Output should also provide entries on the status of work of the Sub-Committees on the long-term work programme items which would not yield the final output in the biennium in question;

Format and procedure for reporting of planned outputs by the Sub-Committees

- .4 the Sub-Committees, at each respective session, should prepare and annex to their respective reports, a report on the status of their planned outputs in the High-level Action Plan for the respective biennium in the format proposed in the annex to document STW 39/WP.1, for the Committee's consideration and endorsement;
- .5 regarding the terminologies to be used to describe the status of the planned outputs, the term "ongoing" should not be used and actual progress of work must be reflected and, in addition, the status of work on the long-term work programmes should also be provided; and

Application of the agenda management procedures

- .6 the agenda management procedure specified in paragraphs 3.13 to 3.25 of the Committee's guidelines (MSC-MEPC.1/Circ.2) should be strictly adhered to so that the agendas of all the Sub-Committees are manageable.

2.8 The Sub-Committee further noted that the Council, at its twenty-fourth extraordinary session, had agreed that greater emphasis needed to be given to ongoing efforts in the following areas:

- .1 addressing the safety of non-convention ships;
- .2 monitoring and acting on, as may be necessary, the unexpected increase in accidents, particularly in the tanker sector, which arose in late 2006/early 2007;
- .3 continually strengthening IMO's role with respect to the human element;
- .4 improving the port State control (PSC) non-compliance rate by promoting greater efforts by all parties in the chain of responsibility;
- .5 addressing the safety of life and navigation in waters affected by acts of piracy and armed robbery; and
- .6 promoting and raising the profile, quality and environmental consciousness of shipping and ensuring that these are permanent tasks of all concerned.

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 considered the matter of the IMO Unique Company and Registered Owner Identification Number Scheme which was introduced through the adoption of resolution MSC.160(78) and made to become mandatory by amendments to SOLAS regulations XI-1/3-1 and 5, and the ISM and ISPS Codes, deemed to have been accepted on 1 July 2008 and expected to enter into force on 1 January 2009. In this context, the Sub-Committee received a presentation from the manager of the scheme on the technical aspects of the implementation of the number scheme based on circular letter No.2554/Rev.1 and the amendments to its annexes 3 and 4, as contained in circular letter No.2554/Rev.1/Corr.1, with a view to enhancing familiarization with the scheme prior to its entry into force.

MEASURES TO ENHANCE FLAG STATE CONTROL IN RELATION TO COMPLIANCE WITH SAFETY STANDARDS BY BOLIVIAN-FLAGGED SHIPS

3.2 The Sub-Committee considered the information contained in document FSI 16/3/2 (Bolivia) describing the activities of the Bolivian Maritime Administration (AMB) and the Bolivian International Registry of Ships (RIBB), as well as a series of measures adopted and introduced in recent years to optimize the control of ships by Bolivia as a flag State.

3.3 On the proposal by Bolivia to consider the possibility of taking into account the maritime casualty statistics recorded for a flag State as a factor in selecting ships for PSC inspection and supporting the introduction of harmonized selection criteria as a necessary means to prevent discrimination during the process of selection, the Sub-Committee agreed to pursue the consideration of this matter in the context of the feasibility of combining casualty and PSC data (see paragraph 3.11).

3.4 Having noted that Bolivia was reporting cases involving ships falsely registered under its flag, the Sub-Committee renewed the invitation to port States, as contained in MSC/Circ.1011-MEPC/Circ.383 on Measures to improve port State control procedures, to transmit to the relevant flag States, in a timely and prompt manner, any information resulting from inspections carried out, so that appropriate action can be taken.

3.5 Concerning the proposal by Bolivia that, in order to obtain timely information and communication enabling better coordination and action between flag States and port States with respect to inspections of ships in ports, the Global Integrated Shipping Information System (GISIS) and Equasis should be made compatible, the Sub-Committee considered this matter under its agenda item 7 on “Harmonization of port State control activities” (see paragraphs 7.32 to 7.35).

3.6 With regard to the proposal by Bolivia to revise the integrated technical cooperation programme (ITCP) in accordance with policies and strategic directions in the Organization’s Strategic Plan and the United Nations Millennium Development Goals, the Sub-Committee recommended that relevant proposals be made to the Technical Co-operation Committee.

3.7 A large number of delegations and observers intervened to support the spirit of the submission by Bolivia, as well as the improvement of its flag State’s performances. In concluding its consideration of document FSI 16/3/2, the Sub-Committee thanked the delegation of Bolivia for its submission and encouraged other Member States to share information on their national measures aimed at improving their performances.

FEASIBILITY OF COMBINING CASUALTY DATA AND PORT STATE CONTROL DATA

3.8 The Sub-Committee considered the report of the Correspondence Group on the Feasibility of Combining Casualty Data and Port State Control Data contained in document FSI 16/3 (France) indicating that:

- .1 on the pros and cons of the combination of the data, some views consider that available casualty data should be used for improvement of maritime legislation and the activities of international maritime executive bodies, while other views consider that, because the output of casualty statistics is not reliable enough and the human factor is a prominent global casualty factor, it is difficult to produce a data set that can contribute to improve PSC targeting;
- .2 on the need for a further study, a “point zero” study that would aim at summarizing and comparing all the different targeting systems in relation to the different objectives set by the different PSC regimes should be carried out. The result of such a study could form the basis for further considerations and decisions;
- .3 on the scope and framework of a further study, the aim of a study could be to analyse casualty data and its limitations, and to discuss its potential compatibility with PSC data, without being used for assessing the effectiveness of PSC targeting systems or the efficiency and effectiveness of PSC activities in general;
- .4 on the methodology of a further study, there should be recommendations, including those developed in the report (FSI 16/3), in order to overcome the technical difficulties related to the completeness of the data, the analysis of the origin and causal chain of the reported casualties and the selection of the scientific approach to be followed; and
- .5 on the appropriate expertise required, consideration could be given to the authors of the different studies under consideration (FSI 15/INF.10 and FSI 16/INF.3).

3.9 Having noted that the Assembly, at its twenty-fifth session, had adopted resolution A.1007(25) on Research work undertaken by the World Maritime University (WMU), to encourage Member States, the IMO organs, international organizations and all other stakeholders of the global maritime community to make use of the competencies of WMU in commissioning research related to their respective fields of activity, the Sub-Committee considered the following options for WMU to be invited to contribute to the work of the Sub-Committee:

- .1 similar to the conduct of the study on passenger ships safety, WMU may carry out a study at the request of the MSC and the MEPC, subject to approval by the Council if funding is required; or
- .2 WMU may also play the role of a hub of various researches channelled through Government bodies at the request of the MSC and the MEPC, subject to approval by the Council if funding is required; or
- .3 WMU may also be associated to the work of a correspondence group.

3.10 The Sub-Committee agreed in principle to the need for a further study to be carried out and identified the following constraints and modalities:

- .1 constraints:
 - .1.1 the study should not aim at the harmonization of the targeting of PSC inspections and the comparison among PSC regimes;
 - .1.2 the lack of reliability of casualty data and the importance of the human factor in casualties should be properly taken into account; and
 - .1.3 the study should not aim at creating risk assessment profiles for ships; and
- .2 modalities:
 - .2.1 the Secretariat should be requested to identify available casualty and PSC data sources to recommend acquisition, taking into account the offers made in plenary by Member States and IUMI;
 - .2.2 the study should be carried out making use of the relevant expertise, taking into account offers made by Member States; and
 - .2.3 WMU provided information on a possible research programme on the feasibility of combining casualty data and port State control data according to two phases over a period of 21 months.

3.11 The Sub-Committee agreed to establish the Drafting Group on the Feasibility of Combining Casualty Data and PSC Data and instructed it, taking into account document FSI 16/3/2 and the relevant decisions and comments made in plenary, to:

- .1 develop the terms of reference for the study on the combination of casualty and PSC data taking into account the report of the correspondence group (FSI 16/3), while addressing the issues of the scope, framework and methodology of a further study; and

- .2 explore options for the mobilization of appropriate expertise and develop relevant recommendations.

3.12 Having received the report of the Drafting Group on the Feasibility of Combining Casualty Data and PSC Data (FSI 16/WP.4), the Sub-Committee agreed to the following terms of reference (scope and framework – methodology) for the study on the combination of casualty and PSC data.

Terms of reference for the Study on the combination of casualty and PSC data

Scope and framework

3.13 The study should neither aim at making the targeting criteria uniform among PSC regimes nor at assessing the efficiency or effectiveness of PSC activities and that comparison between the different targeting regimes could not be the final goal of the study. The study should therefore proceed as follows:

- .1 to start by summarizing and comparing all the different targeting systems in relation to the different objectives set by the different PSC regimes;
- .2 to undertake a review of current published literature relating to PSC and casualties, in order to identify any areas of overlap or omissions which would impact the study;
- .3 to identify the potential sources of casualty data and to evaluate the reliability and completeness of the information;
- .4 to study whether correlation might be established between casualty statistics and PSC outcomes (detention ratio amongst others);
- .5 to determine how to compile, combine or aggregate the available casualty data taking into account the depth of the analysis of the accident or incident; and
- .6 to measure the effect of the “chance” factor* including the actions of an operator, taking into account all available reliable and applicable data elements,

according to a phasing whereby, after completion of steps .1 to .3, the Sub-Committee should evaluate the outcome of this first part of the study, in particular with regard to the identification of potential sources of data and the evaluation of the reliability and completeness of the information collected, before the second part of the study, based on steps .4 to .6, can be developed.

Methodology

3.14 Although existing academic works are useful, the study should have an output that is of practical value for Member States. This could be addressed as follows:

- .1 to limit the study to valid, reliable and comprehensive casualty data only;
- .2 to compare the dataset of the IMO with casualty data available from other sources;

* “chance” factor – refer to document FSI 16/3, paragraphs 11 to 14.

- .3 to consider properly the cause of each casualty reported (repeated negligence, “chance” factor^{*}, human factor, etc.). This requires in-depth analysis of the causal chain of each casualty, at least to separate human factor (operator mistake) from equipment or structural failures. To this extent the simple “counting” of events, without discrimination, is recognized as not being detailed enough. For the purposes of this study, there is a need to use a common system of analysis and classification of casualties, due to the variety of the data sources; and
- .4 to consider, *inter alia*, the use of the “multi-criteria” (or multivariate) approach^{**} for characterizing categories of high risk ships.

Recommendations on options for the mobilization of appropriate expertise

3.15 The Sub-Committee considered the diverging views for the mobilization of appropriate expertise that, on the one hand, should the WMU charge a fee for the project, the Organization might keep its options open to other bodies which might conduct the work at a lesser fee or even free and, on the other hand, WMU was the appropriate body to handle the work. After discussion, the Sub-Committee agreed to:

- .1 recognizing the expertise of the WMU (resolution A.1007(25)) and others, invite interested bodies to submit their proposals for the completion of the study on the combination of casualty and PSC data, taking into consideration the agreed terms of reference (paragraphs 3.13 and 3.14 above) and indicating the costs involved in the two phases of the study and the potential benefit for the Organization; and
- .2 request the Secretariat to collate the proposals received from interested bodies and to identify the datasets that might be needed for combining casualty and PSC data, for consideration by the Sub-Committee at its next session and recommendation to the MSC and the MEPC for agreement subject to approval by the Council if funding is required.

CODES, RECOMMENDATIONS, GUIDELINES AND OTHER NON-MANDATORY INSTRUMENTS

3.16 The Sub-Committee considered the excerpt (FSI 16/3/1) of the comprehensive list (MSC 82/INF.12), both prepared by the Secretariat, of codes, recommendations, guidelines and other safety- and security-related non-mandatory instruments, which had been adopted by resolutions or approved in the form of circulars which MSC 83 had referred to sub-committees for the identification of those instruments which might be relevant in the context of the collection of information on the implementation of non-mandatory instruments. The Sub-Committee agreed that such an exhaustive and updated list was useful for consultation and reference.

3.17 In this context, the Sub-Committee noted that the Secretariat was developing a module of GISIS on safety- and security-related requirements and recommendations, on the basis of the information contained in MSC/Circ.815, including the application criteria and the status of the instrument with regard to amendments. When completed, the module could also contain information on the status of implementation of non-mandatory instruments in order to preserve the voluntary reporting mechanism which supported the preparation of notes by the Secretariat

* “chance” factor – refer to document FSI 16/3, paragraphs 11 to 14.

** Multivariate approach – refer to document FSI 16/INF.3.

considered by the MSC at its first session following a session of the Assembly. Those Member States which would be interested in sharing information on the implementation of non-mandatory instruments and the national legislation adopted in this regard would have the possibility to use direct recording and uploading facilities.

3.18 Some delegations expressed concerns over the details of this GISIS module as proposed, being of the view that the proposed feature for inputting implementing legislation for non-mandatory instruments would create an unnecessary expectation for States to enter this data. They believed that such an unnecessary expectation might raise problems in the areas of language, usage and sovereign discretion.

3.19 The Sub-Committee, having also considered further views, expressed by some delegations that the burden of keeping the information on Member States' implementation, on a voluntary basis, and uploaded documentation should be kept minimal, agreed to the list of non-mandatory instruments under the purview of the Sub-Committee in its entirety for reference purposes, but to be limited to instruments adopted by Assembly and Committee resolutions, for the collection of information on the implementation of non-mandatory instruments by individual Member States.

3.20 The Sub-Committee also supported the development of a GISIS module on non-mandatory requirements and recommendations to be kept updated by the Secretariat and invited individual Member States to use the GISIS reporting facilities, when available, to enter information on the implementation of the non-mandatory instruments adopted by resolutions and to upload the corresponding national legislation, as deemed appropriate.

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

3.21 The Sub-Committee considered the document on the status of the United Nations Convention on the Law of the Sea (UNCLOS) which the Secretariat is requested to prepare at every session (FSI 16/INF.16). The document reproduces the relevant updated information published by the United Nations Division for Ocean Affairs and the Law of the Sea (DOALOS) on the status of UNCLOS, the Agreement relating to the Implementation of Part XI of the Convention and the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, and provides information on the IMO Membership and Signatories or Parties to UNCLOS and/or to the Agreement relating to the implementation of Part XI of the Convention.

3.22 Being satisfied that the information on the status of UNCLOS, the Agreement relating to the Implementation of Part XI of the Convention and the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks can be found on the DOALOS website (<http://www.un.org/depts/los>), the Sub-Committee requested the Secretariat to limit the scope of its future notes to the information on the IMO Membership and Signatories or Parties to UNCLOS and/or to the Agreement relating to the implementation of Part XI of the Convention.

4 MANDATORY REPORTS UNDER MARPOL

4.1 The Sub-Committee recalled that MEPC/Circ.318, approved by MEPC 38, contains "Formats for a mandatory reporting system under MARPOL 73/78" to facilitate communication to the Organization of information called for by articles 8, 11, and 12, regulation 12 of Annex I, regulation 7 of Annex II and regulation 7 of Annex V, of MARPOL. Parties to MARPOL are requested to submit their annual reports in accordance with MEPC/Circ.318 by 30 September each year.

4.2 The Sub-Committee considered document FSI 16/4 (Secretariat) containing a summary on mandatory reports under MARPOL for 2006 submitted by 34 Parties to MARPOL in accordance with MEPC/Circ.318.

4.3 Following discussion of document FSI 16/4, the Sub-Committee noted that:

- .1 22 incidents of spillages of 50 tonnes or more were reported. The type of substance spilled in most cases was oil;
- .2 278 incidental spillages of less than 50 tonnes were reported. The type of substance spilled in most cases was oil;
- .3 48 cases of alleged discharge violations were reported. The type of substance spilled in most cases was oil;
- .4 three Parties as flag States (Marshall Islands, Sweden and the United Kingdom) reported their submission of nine reports of alleged inadequacies of reception facilities;
- .5 two Parties as port States (Australia and the United States) reported their submission of 37 reports on actions taken by the port States on alleged inadequacies of reception facilities referred to those States;
- .6 according to the reports received, the total number of ships boarded for PSC was 51,589 for 2006, while the total number of ships which were detained in port or were denied entry was 1,053, or 2% of those boarded; and
- .7 67 ships were reported as having no IOPP Certificate or equivalency, 755 ships were reported to have discrepancies in their IOPP Certificate or equivalency, 129 ships were reported to have no Oil Record Book or equivalency, 2,930 ships were reported to have discrepancies in their Oil Record Book or equivalency, 192 ships lacked required pollution prevention equipment on board, and 2,952 ships were reported with required equipment not functioning.

4.4 Document FSI 16/4 also provided the following conclusions on the level of compliance with the provisions of MEPC/Circ.318:

- .1 the rate of reporting by Parties in accordance with MEPC/Circ.318 for the year 2006 had shown a modest improvement compared to previous years (24.6%); and
- .2 13 out of the 34 reports received had been submitted after the deadline established by paragraph 5 of MEPC/Circ.318 (30 September each year).

4.5 Document FSI 16/4 contained a tabular list of Parties showing: the date each became Party to MARPOL, and, for the last five years, the Parties which had submitted mandatory reports under MARPOL in accordance with MEPC/Circ.318 and the Parties which had failed to submit reports altogether. As requested by FSI 15, the list also included information on Parties who had submitted reports outside the reporting periods and therefore whose data had not been included in the summary reports.

4.6 FSI 15 had agreed that the low level of reporting could be indicating difficulties arising from the format and/or information content specified by MEPC/Circ.318 and had, therefore, invited submissions from Members to identify any problems posed by MEPC/Circ.318 and to propose any appropriate changes to the circular. Nevertheless, no submission had been received.

4.7 FSI 15 had also requested the Secretariat to revert 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. In this respect, it was noted that in the foreseeable future it may be possible to satisfy the reporting requirements for the Annual Statistic Report on MARPOL-related discrepancies and detentions (Part 4 of MEPC/Circ.318) through a data extraction from the GISIS module on PSC. This module however was not finalized yet, as had been discussed by the Sub-Committee under agenda item 7 on "Harmonization of port State control activities". Furthermore, the Sub-Committee noted that recently it had become possible to satisfy the reporting requirements for the Annual Enforcement Report on Reception Facilities (Parts 3a and 3b of MEPC/Circ.318) through a data extraction from the GISIS module on port reception facilities.

4.8 Subject to the MEPC's approval, the Sub-Committee agreed that, starting from the mandatory reports for 2008 which will have to be submitted by 30 September 2009, Member States will not need to complete Part 3 of their reports under MEPC/Circ.318. Instead, the Secretariat should utilize data extracted from the GISIS module on port reception facilities when compiling summary reports for the Annual Enforcement Report on Reception Facilities (Parts 3a and 3b of MEPC/Circ.318).

4.9 The Sub-Committee also agreed that it could consider proposing amendments to MEPC/Circ.318 at a later stage when it becomes clear whether the reporting requirements for the Annual Statistic Report on MARPOL related discrepancies and detentions (Part 4 of MEPC/Circ.318) could also be satisfied through a data extraction from GISIS, thereby avoiding two amendments to MEPC/Circ.318 within a relatively short period of time.

4.10 The Sub-Committee was informed that the mandatory reports of Cyprus and Hong Kong, China for 2006 were received after document FSI 16/4 was compiled, and therefore this information had not been included in the analysis.

4.11 The Sub-Committee noted that, although the rate of reporting in 2006 had shown an improvement compared to previous years, it still remained at low levels, especially when considering that the reporting requirements of MARPOL are already included in the Code for the Implementation of Mandatory IMO Instruments, 2007. The Sub-Committee urged all Parties to MARPOL to submit mandatory reports in accordance with MEPC/Circ.318, noting that the closing date for the receipt of mandatory reports for the year 2007 was 30 September 2008. The Sub-Committee also requested the Secretariat to update the data and the annexed list to document FSI 16/4, and to submit these to FSI 17 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. MEPC 55 had approved the draft Action Plan prepared by FSI 14 and had invited the Sub-Committee to progress the work items of the Action Plan, with the exception of work item 5.1 which was to be dealt with by the Committee. FSI 15 had agreed to establish a correspondence group to work on all items with a target completion date of 2008 and to report to FSI 16.

5.2 MEPC 56 had approved the report of FSI 15 in general and in connection to the issue of reporting of alleged inadequacies in port reception facilities, had agreed to the request of FSI 15 and had re-issued the revised consolidated format for reporting alleged inadequacies of port reception facilities by means of MEPC.1/Circ.469/Rev.1. MEPC 56 had also agreed 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" was brought forward from 2010 to 2009.

5.3 In introducing document FSI 16/5 (Portugal) containing the report of the correspondence group, the Coordinator advised the Sub-Committee that 13 Member States and six industry NGOs had participated in the group which had been tasked by FSI 15 to progress work on eight items of the Action Plan. The group had been active on work items 1.1, 2.1 and 2.3 and was in a position to report to the Sub-Committee on these items and to propose to the Sub-Committee further actions for its consideration. On the remaining work items very few comments had been raised from the members of the group and therefore little progress had been made. The group, therefore, requested an extension of the target dates for the completion of these work items. It was noted that the proposed extension should not pose a problem, provided that the correspondence group to be re-established at this session could accelerate progress on the non completed work items and at the same time make progress on the items due to be completed in 2009.

5.4 The Sub-Committee also noted document FSI 16/5/1 (INTERTANKO and INTERCARGO) commenting on the report of the correspondence group and drawing particular attention to the population of the Port Reception Facilities Database (PRFD) and the need for Member States to populate the database with information on facilities, contact points and also to provide follow up action on alleged inadequacies.

5.5 In response to a request for information on the numbers of reports on alleged inadequacies of port reception facilities in accordance with MEPC.1/Circ.469/Rev.1 in GISIS, the Secretariat provided the following statistics:

- .1 in 2005, nine cases of alleged inadequacies were reported, in 2006, 19 cases, in 2007, 50 cases and by 12 May 2008, 11 cases were reported. Therefore, the total number of reports of alleged inadequacies on the PRFD of GISIS comprised 89 cases;
- .2 in 2005, the nine reported cases involved four flag States, one of which (Marshall Islands) had raised five of the nine reports. Of the reported cases, four had received a follow-up reply, but it was noted that the alleged inadequacy reports in all these four cases had been raised by the port State and not by the responsible flag States;
- .3 in 2006, the 19 reported cases involved four flag States, one of which had raised 11 reports all relating to port calls of a single ship. Of the reported cases, four had received a follow-up reply, including one case where the flag State was the same as the port State;

- .4 in 2007, the 50 reported cases involved nine flag States, one of which (Marshall Islands) had raised 31 reports, 27 of which related to ships of one company and three reports related to ships of another company. Of the reported cases, five had received a follow-up reply, including one case where the flag State was the same as the port State;
- .5 in 2008, the 11 cases reported by 12 May 2008 involved four flag States. None of the reported cases had received a follow-up reply yet. One of these flag States (Marshall Islands) had reported 8 of the 11 cases reported in the first part of 2008 and seven of these cases related to ships of a single company; and
- .6 throughout the period for which data on inadequacies of port reception facilities had been maintained on GISIS, one flag State had reported 48 out of the total of 89 cases, which was 54% of all cases. Furthermore, the ships of a single company had raised 39 reports, which was 44% of all cases. One other relevant statistic was that a single ship over a period of three and a half months spanning two calendar years had raised 13 reports, which was 15% of all reported cases, or one out of every seven reports received.

5.6 The Sub-Committee also noted the disappointingly low level of reporting of alleged inadequacies indicated by the statistics of the reports received since 2005. The fact that 59% of all reports received had been submitted by a single ship and by the ships of a single company implied that the 89 reported cases could be just the tip of the iceberg.

5.7 The Sub-Committee also noted that the majority of the reported cases related to Annex I oily bilge water, Annex I oily residues (sludge) and Annex V garbage, which indicated that the alleged problem concerned all ship types and not only oil tankers. The Sub-Committee considered that the following are possible reasons for the low numbers of reports of alleged inadequacies:

- .1 lack of incentives for reporting;
- .2 fear (by the master and/or company) that the ship may be penalized at a future port call;
- .3 belief that reporting would only generate paper work and would not achieve any improvements towards the provision of adequate facilities; and
- .4 the low numbers of reports perhaps reflected that there is no serious problem of inadequacy of reception facilities.

5.8 Some delegations considered that the Advanced Notification Form (ANF), which had been developed by the correspondence group as part of the Action Plan, needed further work so that its length could be reduced to a single page. The Coordinator of the correspondence group explained that the group had agreed to include the information contained in the form after extensive discussion. The Sub-Committee, therefore, accepted the proposed format on the understanding that the form could be revised in the future.

5.9 The Sub-Committee expressed its appreciation and thanks to the Coordinator and the members of the correspondence group and approved the report in general and, in particular:

- .1 noted that the correspondence group had finalized its work on the development of the Advanced Notification Form (ANF), as shown in annex 1 to document FSI 16/5, and agreed to forward the proposed ANF to the MEPC for approval and for dissemination as a recommendation in the form of an MEPC circular;
- .2 noted that the correspondence group had finalized its work on the development of the Waste Delivery Receipt (WDR), as shown in annex 2 to document FSI 16/5, and agreed to forward the proposed WDR to the MEPC for its approval and for dissemination as a recommendation in the form of an MEPC circular;
- .3 agreed that it required for its next session, as part of the Action Plan, a further progress report by the Secretariat on the population levels of the GISIS PRFD, including an analysis of reported alleged inadequacies categorized by reception facility type and also including information on follow-up responses from port States on alleged inadequate facilities. The Sub-Committee also agreed to extend the target date for the completion of work item 2.1 to 2009, subject to endorsement by MEPC 58;
- .4 urged those Member States who had not already done so, to populate GISIS with records of reception facilities in their ports and with their contact points (as a flag State and as a port State) and to disseminate to shipping companies the form for reporting alleged inadequacies of port reception facilities (MEPC.1/Circ.469/Rev.1). The Sub-Committee also urged NGOs representing shipowners to stress to their members the value of reporting the inadequacy of port reception facilities;
- .5 noted that the group had agreed that the proposed uploading of port waste management plans (PWMP) on GISIS would create unnecessary burden and would not be practicable. Instead, the Sub-Committee agreed to request the Secretariat to include, in the PRFD module of GISIS, fields for entering information on the website of the port authority or of the harbour master (along with e-mail and other contact information) and a link to the PWMP homepage. The Sub-Committee furthermore agreed to extend the target date for the completion of work item 2.3 to 2009, subject to endorsement by MEPC 58;
- .6 noted the view of the correspondence group that it would be premature to conclude on whether major technical problems are being encountered in ports during ship-to-shore transfers of wastes on the basis of the limited exchanges that had taken place within the group. The Sub-Committee, therefore, agreed to extend the target date for the completion of work item 3.1 to 2009, subject to endorsement by MEPC 58;
- .7 noted that the work item on the standardization of garbage segregation and on the containment requirements was directly related to work being undertaken by ISO and, therefore, that this matter could only be envisaged after the completion of the work of ISO/TC8/SC2. The Sub-Committee, therefore, agreed to extend the target date for the completion of work item 3.2 to 2009, subject to endorsement by MEPC 58;

- .8 noted that the group was not yet in a position to provide a comprehensive review of the type and amount of wastes generated on board ships at that stage. Therefore, the Sub-Committee agreed to extend the target date for the completion of work item 4.1 to 2009, subject to endorsement by MEPC 58;
- .9 as work item 4.1 was not completed and as work item 4.2 needed the outcome of item 4.1, agreed to extend the target date for the completion of work item 4.2 to 2009, subject to endorsement by MEPC 58;
- .10 as more time was needed to fully develop the “Guide to Good Practice on Port Reception Facilities”, agreed to extend the target date for the completion of work item 5.3 to 2009, subject to endorsement by MEPC 58; and
- .11 agreed to re-establish the correspondence group to continue work on items of the Action Plan.

5.10 The Sub-Committee further noted that MEPC 57 had considered document MEPC 57/8 (Friends of the Earth International), proposing that port reception facilities and waste handling on ships together with marine awareness of personnel on board ships should be given priority as short-term measures to reduce ship-generated waste which enters the marine environment. While expressing some concern with respect to the proposal to remove explicit charges in favour of applying a no-special fee system, MEPC 57 had recognized the value of many of the points addressed in the document, and had agreed to refer it to the Sub-Committee for consideration with the items in the Action Plan to tackle the inadequacy of port reception facilities.

Terms of reference of the correspondence group

5.11 The Sub-Committee agreed to re-establish the Correspondence Group on the Action Plan for Tackling the Inadequacy of Port Reception Facilities under the coordination of the United States* with the following terms of reference:

Taking into account the comments and decisions made in plenary and documents FSI 16/5 and MEPC 57/8, the correspondence group is instructed to:

- .1 progress work on the following work items of the Action Plan: 2.1, 2.2, 2.3, 3.1, 3.2, 4.1, 4.2, 5.3 and 6.1; and
- .2 submit a written report to FSI 17.

*

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6 CASUALTY STATISTICS AND INVESTIGATIONS

CASUALTY-RELATED DECISIONS OF OTHER IMO BODIES

6.1 The Sub-Committee considered the following casualty-related decisions of other IMO bodies, including those which could not be considered by FSI 14 and FSI 15:

- .1 the referral by MEPC 53, for information purposes, 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;
- .2 the referral, following introduction at MSC 81 of the issue on the potential need for harmonization of terminologies used in various IMO circulars and, in particular, concerning marine casualties and incidents;
- .3 the instruction by MSC 82 to prepare amendments to MSC-MEPC.3/Circ.1 on Reports on marine casualties and incidents, based on the finalization by SLF 49 of the revision of the IMO damage card;
- .4 the endorsement, by MEPC 56 and MSC 83 of the Sub-Committee's recommendation to consider, in the future, the revision of the Guidelines (resolution A.884(21)) to assist investigators in the implementation of the 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 inclusion as an appendix to the Code; and
- .5 the referral, following a presentation at MSC 84, of the information provided by the United Kingdom on the investigation of the casualty which occurred to the containership **MSC Napoli**, with a view to developing recommendations to MSC 85 on actions which might be taken by the Organization,

and agreed to refer them to the Working Group on Casualty Analysis to be established under this agenda item for detailed consideration.

REPORT OF THE CORRESPONDENCE GROUP ON CASUALTY ANALYSIS

6.2 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 GISIS module on casualties and having recalled the decision made by FSI 15 that the Correspondence Group on Casualty Analysis was no longer expected to prepare an overview of lessons learned, the Sub-Committee considered document FSI 16/6 (Norway) on the report of the correspondence group which contained information based on the analysis of 77 reports of investigations into casualties (FSI 16/6/1), observations on the quality of investigation reports and a draft text of narratives of lessons learned for presentation to seafarers.

6.3 In this context, the Sub-Committee, having noted some dissident views regarding the lack of information on global casualty trends in the revised format of the reports of the correspondence group, the difficulty for some delegations to prepare for the review of the analyses using GISIS and the challenge to consider the lessons learned for presentation to seafarers in the required absence in the report of the correspondence group of any reference to the corresponding incidents, agreed to instruct the Working Group on Casualty Analysis to be

established under this agenda item to identify areas for improvement of the current procedures (FSI 12/22, annex 2) and the identification of trends.

6.4 The Sub-Committee also agreed to refer the detailed consideration of the report of the correspondence group and the draft analyses carried out for this session, as well as those which could not be considered during FSI 15, to the working group.

INFORMATION CONCERNING THE FIRE ON THE RO-RO CARGO SHIP UND ADRIYATIK

6.5 The Sub-Committee considered document FSI 16/6/2 (Croatia and Turkey) providing the preliminary findings of the accident investigation of the fire on board the ro-ro cargo ship **Und Adriyatik**, in particular, regarding the adequacy of current design and operational requirements for ro-ro cargo ships.

6.6 The delegation of the Netherlands, while expressing its appreciation to the co-sponsors of document FSI 16/6/1 for the information provided, indicated that, following the casualty, the Netherlands had started an investigation into the consequences that a similar accident could have had on two sister ships of the **Und Adriyatik**. In this context, the Government of Turkey had been asked to provide further information in order that appropriate action can be taken.

6.7 The Sub-Committee agreed to refer the detailed consideration of document FSI 16/6/2 to the working group for recommendation as appropriate.

VOYAGE DATA RECORDER RECOVERY FROM SUNKEN VESSELS

6.8 The Sub-Committee considered document FSI 16/6/3 (United Kingdom) on the Recovery of voyage data recorder (VDR) from sunken vessels, making reference to the lessons learned by the Marine Accident Investigation Branch (MAIB) from the recovery of the VDR of the **Al Salam Boccaccio '98**, and the Performance Standards for Shipborne Voyage Data Recorders (VDRs) (resolution A.861(20)).

6.9 In particular, the Sub-Committee noted that the information contained in document FSI 16/6/3 emphasized that:

- .1 the search for a VDR beacon should be initiated as soon as possible after an accident, to provide the searchers with the largest window of opportunity possible before the battery powering the VDR acoustic beacon fails; and
- .2 in order to ensure the required speed of response can be achieved, Administrations should draw up contracts and plans for the recovery of VDR from sunken vessels before the occurrence of casualties, possibly along similar lines to existing salvage contracts,

and agreed to refer the detailed consideration of document FSI 16/6/3 to the working group for recommendation as appropriate.

ESTABLISHMENT OF THE WORKING GROUP

6.10 The Sub-Committee agreed to establish the Working Group on Casualty Analysis and instructed it, taking into account the relevant decisions and 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, FSI 16/6, FSI 15/6/1 and FSI 16/6/1 and GISIS), for the Sub-Committee's approval and authorization of their release to the public on GISIS;
- .2 confirm or otherwise the two sets of draft text of lessons learned for presentation to seafarers (FSI 15/6, annex 3 and FSI 16/6, annex 2), for the Sub-Committee's approval and authorization of release on the IMO website in accordance with agreed procedure;
- .3 consider the following casualty-related decisions of other IMO bodies:
 - .3.1 the preparation of amendments to MSC-MEPC.3/Circ.1 based on the revision of the IMO Damage Card by SLF 49 (SLF 49/17, annex 11), to be submitted to MEPC 58 and MSC 85 for approval;
 - .3.2 the MEPC 53's referral, for information purposes, of document MEPC 53/INF.7 on Fatigue/sleep induced accidents;
 - .3.3 the potential need for harmonization of terminologies used in IMO circulars concerning marine casualties and incidents; and
 - .3.4 the report of investigation into the casualty of the **MSC Napoli** with a view to developing appropriate recommendations to be reported to MSC 85;
- .4 consider document FSI 16/6/2 on the fire on board ro-ro cargo ship **Und Adriyatik** with a view to developing appropriate recommendations;
- .5 consider issues related to proper functioning of VDRs in the context of casualty investigations (FSI 16/6/3), and make appropriate recommendations;
- .6 identify areas for improvement of the current casualty analysis procedure (FSI 12/22, annex 2);
- .7 identify necessary additional statistical expertise to look into GISIS for the identification of trends and occurrences; and
- .8 advise on the re-establishment of the Correspondence Group on Casualty Analysis and prepare draft terms of reference as appropriate.

6.11 Having received the report of the Working Group on Casualty Analysis (FSI 16/WP.1), the Sub-Committee took action as indicated in the following paragraphs.

Fatigue/sleep induced accidents

6.12 In considering document MEPC 53/INF.7 on Fatigue/sleep induced accidents, the Sub-Committee noted the information provided by Sweden on a study by the Swedish Maritime Administration concerning collisions and groundings, in which fatigue/sleep had been identified as a major contributing factor.

6.13 The Sub-Committee also noted that several reports, analysed at FSI 15 and FSI 16, had identified fatigue and/or lack of lookout as contributory factors. The Sub-Committee agreed that thorough investigations to find the reasons behind this practice should be carried out and that accident reports should highlight such circumstances in order to find measures to avoid similar accidents in the future.

6.14 Having also agreed to bring this matter to the attention of Administrations with the objective of determining the factors contributing to fatigue and highlighting such circumstances in future investigation reports, the Sub-Committee invited investigators to take into consideration the Guidance on fatigue mitigation and management (MSC.1/Circ.1014) when fatigue/sleep is identified as a contributor to human error.

Potential need for harmonization of terminologies used in IMO circulars

6.15 Having considered the potential need for harmonization of terminologies used in IMO circulars concerning marine casualties and incidents during the preparation of amendments to MSC-MEPC.3/Circ.1, the Sub-Committee agreed to keep this matter under permanent review.

Amendments to MSC-MEPC.3/Circ.1

6.16 The Sub-Committee considered draft amendments to annex 5 to MSC-MEPC.3/Circ.1 on Damage Cards and Intact Stability based on the outcome of SLF 49, as well as further draft amendments to the main body and annex 2 of the circular. The Sub-Committee agreed to the draft amended MSC-MEPC.3 circular, as set out in annex 1, for submission to MEPC 58 and MSC 85 for approval, while recognizing the need for future harmonization of annexes 3 and 5.

Revision of the Guidelines contained in resolution A.884(21)

6.17 The Sub-Committee noted the decision of MEPC 56 and MSC 83 to consider, in the future, the revision of the Guidelines (resolution A.884(21)) to assist investigators in the implementation of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident, with a view to inclusion as an appendix to the Casualty Investigation Code.

MSC NAPOLI

6.18 The Sub-Committee considered the recommendations contained in the report of the casualty investigation of the **MSC Napoli** that:

- .1 buckling checks should be based on global hull stresses along the entire length of the hull;
- .2 containers should be accurately weighed; and
- .3 a code of best practice for the container industry should be developed,

and, after review, identified the following main issues to be further considered:

- .1 the misdeclaration and loading of containers;
- .2 the human element;

- .3 the structural strength of container ships; and
- .4 the pending ICS Code of good practice for the container shipping industry.

6.19 With respect to the human element, the Sub-Committee noted that the **MSC Napoli** had sailed with the engine room manned, despite the ship's manning level being based on an "Unmanned Machinery Space" notification. The difficulties involved in wearing immersion suits in confined lifeboats were also noted with concern.

6.20 The Sub-Committee agreed that structural strength limitations needed to be recognized, and that companies should ensure through their instructions and procedures that these were adhered to.

6.21 The Sub-Committee recommended that the MSC consider:

- .1 referring the investigation report to the DE Sub-Committee and the Joint MSC/MEPC Working Group on the Human Element for review;
- .2 inviting Administrations to bring the recommendation in the report of investigation to the ship's operator to review its safety management system and auditing procedures to ensure that:
 - .2.1 guidance and instructions to masters regarding speed in heavy weather take into account the lessons learned from this accident;
 - .2.2 the shore management consults with the relevant classification societies when there is any doubt regarding the criticality of machinery items on board its vessels, which are defective or unserviceable; and
 - .2.3 masters are fully aware of the requirement to inform embarked pilots of all factors affecting manoeuvrability and stability, to the attention of their vessel owners and operators; and
- .3 inviting IACS to provide an update on its review of the relevant standards.

6.22 The Sub-Committee noted the observation in the report of investigation that "the commercial advantages of containerization and intermodalism such as speed and quick turnarounds appear to have become the focus of the industry at the expense of the safe operation of the vessel". In this context, the Sub-Committee welcomed the work by ICS to develop a Code of good practice for the container shipping industry, and recommended further that the MSC consider appropriate action when the Code is completed.

6.23 The Sub-Committee, having recognized that container weight was a contributory factor in this accident but was just one of many container issues identified in recent container ship accidents, raised concerns on:

- .1 misdeclared IMDG cargo; and
- .2 false or incomplete declaration of contents which, in turn, led to inappropriate stowage.

6.24 In order to better judge the scope of the issues involved, the Sub-Committee invited Members States to submit relevant accident investigation reports for consideration at the next session.

Summary of casualty analyses

6.25 The Sub-Committee noted the observations made by the correspondence group in annex 1 of document FSI 16/6 on the quality of investigation reports and, while expressing some concerns, identified the potential need for further evaluation and development of a common systematic investigation method and investigation report structure in accordance with resolutions A.849(20), as amended, and MSC.255(84).

6.26 The Sub-Committee reviewed the draft casualty analyses recorded in GISIS, as per the list contained in the annexes to documents FSI 15/6/1 and FSI 16/6/1 and, having made a few editorial changes, approved the amended text of these analyses and authorized the release of the same to the public on the GISIS module.

Lessons learned for presentation to seafarers

6.27 The Sub-Committee considered the draft text of Lessons learned for presentation to seafarers prepared by the correspondence group (FSI 15/6, annex 3 and FSI 16/6, annex 2). With regard to section 24 of annex 2 of document FSI 16/6, the Sub-Committee, having received additional information that wash water had been recirculated prior to the explosion, agreed to amend the text of the Lessons learned for presentation to seafarers accordingly. The Sub-Committee also agreed to the findings, with some further modifications, of the correspondence group based on the analysis of individual casualty investigation reports (annexes to documents FSI 15/6/1 and FSI 16/6/1).

6.28 The Sub-Committee, while noting the renewed dissident views regarding the lesser usefulness of these lessons without a detailed reference to the corresponding incidents, approved the Lessons learned for presentation to seafarers, as set out in annexes 2 and 3 of document FSI 16/WP.1, for release on the IMO website following the review carried out by the Secretariat in co-operation with the Chairmen of the relevant Sub-Committees, according to the agreed procedure (FSI 11/23, paragraph 4.19).

Relevant recommendations on casualty analysis

6.29 The Sub-Committee noted that the early disembarkation of the pilot had been identified as a possible contribution to some marine casualties (FSI 16/6, paragraphs 7 and 8). The Sub-Committee also noted that resolution A.960(23) on Recommendations on training and certification and on operational procedures for maritime pilots other than deep-sea pilots, in paragraph 3.1 of annex 2, indicates that the appropriate competent pilotage authority should establish and promulgate the location of safe pilot embarkation and disembarkation points, and agreed that no further action was required.

6.30 The Sub-Committee agreed to refer the report of investigation on the fire/explosion in a container onboard the containership **Punjab Senator** to the DSC Sub-Committee for consideration and action, as appropriate.

UND ADRIYATIK

6.31 The Sub-Committee, having considered document FSI 16/6/2 on the fire on board the ro-ro cargo ship **Und Adriyatik**, recommended that the appropriate course of action would be to follow the established procedures for the analysis of reports of investigations into casualties, and, in the interim, agreed to request the Secretariat to provide the information on the summary of events and preliminary findings on the fire on board the ro-ro cargo ship **Und Adriyatik** (FSI 16/6/2, annex) to other relevant Sub-Committees, specifically related to the following main issues identified in this case, for information:

- .1 cargo space volume fire risk (FP Sub-Committee);
- .2 fire hazards from live ro-ro cargoes (FP Sub-Committee);
- .3 structural fire protection (FP Sub-Committee);
- .4 escape routes (FP Sub-Committee);
- .5 air supply to engine room (DE Sub-Committee);
- .6 smoke risk (FP Sub-Committee); and
- .7 fixed fire installations (FP Sub-Committee).

6.32 The Sub-Committee commended Croatia and Turkey for their efforts and for responding with a preliminary report so soon after the incident, as it is an excellent example to be followed by other Administrations.

Voyage data recorders (VDRs)

6.33 In considering the voyage data recorder-related issues raised in document FSI 16/6/3, the Sub-Committee noted that resolution A.861(20) on Performance Standards for Shipborne Voyage Data Recorders (VDRs) had requested the MSC to keep the Performance Standards under review, and to adopt amendments thereto, as necessary.

6.34 The Sub-Committee also noted the views expressed by some delegations that, even though they have had some difficulties in the operation of VDRs, their experience, in general, had been very positive with this equipment. In this context, the Sub-Committee noted that difficulties had been reported, specifically related to:

- .1 recovering (extraction) of data recorded;
- .2 recording of conversations;
- .3 lifetime of batteries which affect the time frame (time to initiate search);
- .4 searching for the VDR;
- .5 recovering the VDR;
- .6 fire exposure expected life; and
- .7 competence of crew in the operation of the VDR.

6.35 The Sub-Committee, having recalled that some consideration had already been given to a float-free requirement for VDRs and that MSC.1/Circ.1024 on Guidelines on voyage data recorder (VDR) ownership and recovery suggests that, in the case of abandonment of a vessel during an emergency, masters should, where time and other responsibilities permit, take the necessary steps to preserve the VDR information until it can be passed to the investigator,

invited IMO Members to provide additional information about their own experiences with VDRs for consideration at the next session and any other information relevant to the work of other IMO bodies on VDRs.

Areas for improvement of the current casualty analysis procedure

6.36 The Sub-Committee, having discussed some areas for the improvement of the current casualty analysis procedure (FSI 12/22, annex 2), agreed, due to time constraints, to refer further consideration of this issue to the Correspondence Group on Casualty Analysis.

Necessary additional statistical expertise to look into GISIS for the identification of trends and occurrences

6.37 The Sub-Committee discussed necessary additional statistical expertise to look into GISIS for the identification of trends and occurrences, and having noted that, in its present state, GISIS information was not presented in a manner suitable for statistical analysis but that GISIS improvements were under development, agreed to defer this issue until those improvements support statistical analysis activities and requested the Secretariat to progress the matter and to inform the Sub-Committee accordingly.

Terms of reference of the Correspondence Group on Casualty Analysis

6.38 The Sub-Committee agreed to re-establish the Correspondence Group on Casualty Analysis, under the coordination of Norway*, taking into account the work completed at this session, under the following terms of reference:

- .1 based on the information received from Member States on investigations into casualties, to conduct a review of the relevant casualty reports referred to the group by the Secretariat;
- .2 to identify safety issues that need further consideration;
- .3 identify areas for improvement of the current casualty analysis procedure (FSI 12/22, annex 2), including the scope and the format of the information to be made available at the different steps of the process; and
- .4 to submit a report to FSI 17.

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REMINDER FOR SUBMISSION OF CASUALTY-RELATED DATA

6.39 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 format annexed to MSC-MEPC.3/Circ.1, as amended, 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.

7 HARMONIZATION OF PORT STATE CONTROL ACTIVITIES**ANALYSIS OF PSC ACTIVITIES, PRACTICES AND STATISTICS**

7.1 The Sub-Committee considered the following documents containing information on the annual reports of the PSC regimes:

- .1 FSI 16/7/5 and FSI 16/INF.14 on the Black Sea MoU 2007 annual report;
- .2 FSI 16/INF.6 and INF.7 on the Paris MoU 2006 annual report and statistics;
- .3 FSI 16/INF.15 on the Indian Ocean MoU 2007 annual report;
- .4 FSI 16/INF.18 on the United States Coast Guard 2007 Port State Control annual report;
- .5 FSI 16/INF.19 on the Viña del Mar Agreement 2006 annual statistical report;
- .6 FSI 16/INF.20 on the Tokyo MoU 2007 annual report; and
- .7 FSI 16/INF.23 on the Caribbean MoU 2007 annual report.

7.2 The Sub-Committee recalled that FSI 12 had recommended to carry out in-depth analyses of the annual reports on PSC activities and that the objectives of, and methodology for, the compilation of the various PSC data sets remained to be fully addressed.

7.3 In considering the annual reports submitted by the PSC regimes, the Sub-Committee recognized the need for:

- .1 the development of a common structure of PSC annual reports that will facilitate the global analysis of the PSC information provided;
- .2 the establishment of a procedure in order for the Sub-Committee to be provided with the PSC annual reports containing the most recent data in a consistent manner; and
- .3 the identification of the reasons for the differences on detention rates contained in the annual reports of the PSC regimes and specifically in cases of countries within the same geographical region.

7.4 The Sub-Committee agreed to instruct the Working Group on Port State Control to be established under this agenda item to consider the aforementioned issues and to develop a draft analytical text, which could summarize the outcome of PSC activities at a global level, using the information contained in the annual reports of the PSC regimes.

7.5 The Sub-Committee invited the regional PSC regimes and the United States 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, and, having considered document FSI 16/INF.21 (Secretariat) containing a progress report on regional PSC agreements, requested the Secretariat to continue providing the Sub-Committee with such information.

7.6 Following the invitation made by FSI 15 to the Caribbean MoU (C MoU) and the United States to inform the Organization about the PSC procedures applicable to non-convention ships in the Caribbean region, based on the agreement between the two PSC regimes, the Sub-Committee considered documents FSI 16/7/4 (United States and Caribbean MoU) on the Caribbean Cargo Ship Safety Code and FSI 16/7/7 (Caribbean MoU) on the Small Commercial Vessel Code which contained the following information:

- .1 the Caribbean Cargo Ship Safety Code (CCSSC) was developed by a working group of signatory countries of the C MoU, with the assistance of IMO. After review, the United States accepted in July 1997 the new Code as substantially equivalent to its domestic regulations. The Code is used by all parties for the examination of foreign freight vessels of less than 500 gross tonnage operating in the Caribbean region and represents a significant step towards harmonizing vessel examination standards and raising the standards for the vessels trading in this region. Since 1997, many of the signatories of the C MoU have adopted the CCSSC within their domestic legal structure and, in the past decade, a significant decrease in the amount of substandard vessels calling at United States ports has been noticed; and
- .2 the Small Commercial Vessel Code (SCV) for commercial vessels, which are cargo and passenger vessels of less than 24 metres but 5 metres or more in length and which carry not more than 150 passengers or provide overnight accommodation for up to 50 passengers, was developed based on domestic regulations of the United Kingdom and the United States. The Code prescribes practices for, among other things: inspections, examinations, repairs alterations and modifications, maintenance, certification, passenger and crew capacity, international safety management, construction, accommodation, freeboard,

stability and watertight integrity. Despite the short time in which it has been in operation the SCV was reported to have made a significant impact on the standard of safety of small commercial vessels in the countries in which it has been introduced.

7.7 Having noted that there were some distinctions between the SCV and the domestic regulations of the United States, the Sub-Committee acknowledged the offer by the C MoU and the United States to assist in the development of similar instruments in other regions.

7.8 In its consideration of the issue of the development of harmonized standards for the inspection of ships not covered by international instruments, the Sub-Committee also noted the information provided by the Secretariat that, following a series of activities, mostly triggered by the occurrence of major casualties, in the African, Asian, Caribbean, Persian Gulf and Mediterranean regions, the Organization had developed, through the work of consultants, several sets of safety regulations over a long period of time, the scope of which varied depending on the types of ships and the areas of trade concerned. However, the latest sets of regulations developed for the Persian Gulf and Mediterranean regions had demonstrated the opportunity to harmonize the various sets of rules so that future technical co-operation activities could be based on a single set of safety regulations to be made available in all relevant languages and kept updated. The Sub-Committee further noted that the following preliminary approach had been identified by the Secretariat for the harmonization of activities related to safety regulations for non-convention ships:

- .1 technical inventory of existing sets of regulations with clear identification of the areas of application (types of ships and areas of trade) and availability in different languages;
- .2 technical and legal assessment of the interactions between flag State and port State responsibilities on the basis of the agreement within the Caribbean region between Caribbean countries and the United States;
- .3 legal inventory of countries having brought, or failed to bring, into effect the sets of regulations previously developed, while identifying common reasons for failure;
- .4 legal review of the processes for entry into force at a national level, including any areas of convergence and divergence;
- .5 identification of the phasing of IMO activities, including possible assistance for the adoption of sets of regulations by parliaments, as appropriate;
- .6 completion of a single set of regulations covering the widest possible range of situations at national and regional levels. The set should be clearly structured per modules in order to allow breakdown to ease the identification of those modules which would correspond to specific national needs;
- .7 development of recommendations for activities aimed at achieving maximum coverage for the implementation of the regulations, and support regional approaches for achieving agreements on port State control measures; and
- .8 development of recommendations for appropriate mechanisms for keeping the regulations updated.

7.9 The Secretariat was requested to continue informing the Sub-Committee at future sessions on any update regarding activities implemented with regard to non-convention ships.

CONCENTRATED INSPECTION CAMPAIGNS (CICs)

7.10 The Sub-Committee considered the information provided on the conduct of concentrated inspection campaigns (CIC) contained in the following documents; having been informed that document FSI 16/7/2 should only be considered at a later session:

- .1 FSI 16/INF.8 (Paris MoU) on the Report of the 2006 CIC on MARPOL Annex I;
- .2 FSI 16/INF.11 (Paris MoU) on Preliminary findings of the 2007 CIC on ISM compliance;
- .3 FSI 16/INF.17 (Mediterranean MoU) on the CIC on the implementation of the ISM Code; and
- .4 FSI 16/INF.22 (Tokyo MoU) on Preliminary results of the CIC on ISM compliance.

7.11 Having noted that a CIC on the implementation of the ISM Code had been conducted by three PSC regimes and that some detailed reports on the outcome of the CICs would become available, the Sub-Committee invited PSC regimes to provide the Joint MSC/MEPC Working Group on the Human Element with such detailed reports on the findings of the CICs on ISM compliance. The Sub-Committee also invited the PSC regimes to continue providing information on the outcome of CICs, preferably in conducting such campaigns in co-operation with other MoUs and to provide recommendations, together with supporting material, which could be passed to relevant IMO bodies for further consideration.

7.12 In order to contribute to the work of the Organization on ISM-related matters, the Sub-Committee requested the Secretariat to liaise with those PSC regimes which had conducted the CIC on the ISM Code, in order to compile all relevant CIC data with a view to processing the data for a global analysis.

7.13 The Sub-Committee, having recognized the need to ensure that PSCOs performing CICs receive appropriate training beforehand, also noted the information provided by some PSC regimes on their training programmes, while other regimes indicated that no CIC had been implemented in their regions, due to the lack of qualified and trained personal to perform such inspections.

INTER-REGIONAL ACTIVITIES

Second Joint Ministerial Conference on port State control

7.14 Having recalled that the Paris and Tokyo MoUs had held two Joint Ministerial Conferences in Vancouver in 1998 and 2004, the Sub-Committee noted the updated information contained in document FSI 16/INF.9 (Paris and Tokyo MoUs) on actions emanating from the Second Joint Ministerial Conference on port State control and invited PSC regimes to continue providing the Sub-Committee with information on their joint initiatives and their follow-up.

Flag Administrations targeted by the Paris MoU, the Tokyo MoU and the United States

7.15 The Sub-Committee noted the information contained in document FSI 16/INF.10/Rev.1 (United States and Paris and Tokyo MoUs) on Flag Administrations targeted by the United States, the Paris MoU and the Tokyo MoU.

Blanking of bilge overboard discharges

7.16 The Sub-Committee noted that the DE Sub-Committee, at its fifty-first session, while considering the issue of the instructions received from PSC officers regarding the blanking of bilge overboard discharges which appeared to be in contravention of SOLAS regulation II-1/21, had prepared a draft MSC-MEPC circular to be considered by MEPC 58 and MSC 85 for approval and had agreed that this issue should be brought to the attention of the PSC regimes and the IMO Workshop for PSC MoU/Agreement Secretaries and Directors of Information Centres.

7.17 The Sub-Committee considered some proposals for amending the text of the draft MSC-MEPC circular and instructed the working group to consider the development of such amendments.

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

7.18 The Sub-Committee noted the information provided by the Secretariat on the preparation and holding of the fourth IMO Global Workshop for PSC MoU/Agreement Secretaries and Directors of Information Centres in particular, on the provisional agenda, which had been agreed by FSI 14 (FSI 14/19, paragraph 7.42) and instructed the working group to discuss the most convenient dates for its convening.

SUBMISSIONS BY FLAG STATES

7.19 While recalling that it had already noted with appreciation, at its previous sessions, the voluntary presentations made by individual Member States, the detention rates of which had considerably improved or were expected to improve in the near future, of the efforts made by them that had led to such positive results, the Sub-Committee noted the information provided by Turkey (FSI 16/7/6) and Belize (FSI 16/7/8) on their respective performances.

7.20 In this context, the Sub-Committee also noted the information provided by Turkey updating the PSC performance of Turkish flagged ships and specifically the measures taken and the achievements which were reached as a result of a rigid control applied to their ships during 2006 and 2007.

7.21 The Sub-Committee also noted the presentation made by Belize in relation to document FSI 16/INF.10/Rev.1 on Flag Administrations targeted by the Paris MoU, Tokyo MoU and the United States and explained the measures implemented in order to improve compliance with safety and quality standards. Belize informed the Sub-Committee about the positive statistics related to PSC on ships flying its flag, as well as some key factors and preventive/corrective actions in place that have led to the improvement of its performance during the last years.

7.22 The delegation of the Russian Federation orally informed the Sub-Committee on the measures taken in order to improve the performance of their flag State, to reduce their detention rates and the efforts made that had led them to achieve positive results through incentive measures to shipowners and without necessarily taking ships out of the register. The Sub-Committee was further informed that it intended to make a submission to FSI 17 on these issues.

7.23 The delegation of the Islamic Republic of Iran, while informing the Sub-Committee that a comprehensive report on the performances of Iran with regard to flag State implementation and port State control will be submitted to FSI 17, indicated that, in order to improve its flag State performances and the performances of the ships flying the flag of Iran and to reduce the number of sub-standard ships calling at Iranian ports, the Iranian maritime Administration had launched a five-year plan in 2002. Under the belief that qualified flag State surveyors and PSC officers are a pre-requisite for achieving these goals, the maritime Administration gave priority to the employment and training of the officers to meet the requirements of the related national and IMO instruments. In this regard, Iran, with the co-operation of IMO, established a training programme. Furthermore, in the context of an exchange programme with the Australian Maritime Safety Authority (AMSA), Iranian officers worked with AMSA's officers in order to be theoretically and practically equipped. In line with these programmes, Iran also established a quality control system and started a very close co-operation with all stakeholders, in particular, recognized organizations and shipping companies for assisting them in complying with applicable requirements and standards. As a result of these various measures, qualified Iranian flag State officers carefully survey Iranian ships before their departure from Iranian ports, and ships flying the flag of Iran, but not calling at Iranian ports, are also surveyed by qualified officers around the world whenever necessary. Consequently, Iran has achieved very good records and is now in the white lists of both the Paris and Tokyo MoUs.

7.24 Having recognized the value of the information provided, the Sub-Committee invited Member States to make voluntary presentations in the form of submissions to FSI 17, in order to contribute to the process of sharing this valuable information.

TRANSPARENCY AND HARMONIZATION OF PSC INFORMATION

World fleet database

7.25 Taking into account the issuance of FSI.1/Circ.11 containing a questionnaire on the review of the potential needs of PSC regimes and Member States for a world fleet database, the Sub-Committee noted the information contained in document FSI 16/INF.13 on the form completed by Sweden, as well as in the forms subsequently received from Australia, Brazil, the Islamic Republic of Iran, Japan, the Netherlands, Norway and Saint Kitts and Nevis.

7.26 Based on the questionnaires collected so far, the Sub-Committee also noted that Member States, while reporting their need to access a world fleet database, both as flag States and port States, were already provided by sources such as Lloyd's Register Fairplay, Lloyd's Marine Intelligence Unit, Equasis or the regional PSC Information Centres, with all or part of the information required.

7.27 In this context, the Sub-Committee could not perceive that there was sufficient support to recommend pursuance of the consideration of the matter of the Organization becoming a central provider of a world fleet database, beyond the existing access by Member States to the GISIS module on ship identification. The Sub-Committee agreed to terminate the consideration of this issue.

Equasis information system

7.28 Having recalled that FSI 15 had considered the developments concerning the Equasis information system and 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, the Sub-Committee considered the information provided, through the Secretariat, by the Management Unit of Equasis (FSI 16/7/3).

7.29 The Sub-Committee noted the presentation of the underlying philosophy of the operation of Equasis as a non-profit making organization which delivers a public service and provides, for free, data on the world merchant fleet to promote quality and safety in global maritime transport international. Equasis displays information on more than 77,000 ships and 44,000 shipowners and managers sourced from 40 public Authorities and industry organizations but does not generate or create any data nor provide any rating of ships.

7.30 Regarding the structure of Equasis, the Sub-Committee also noted that the seven signatories of the Equasis MoU (i.e. Australia, France, Japan, Norway, Spain, the United Kingdom and the European Maritime Safety Agency) form a Supervisory Committee which governs Equasis, while the responsibility for how best to present the data, control of its quality and accuracy and updating the information rests with the Editorial Board, an advisory body consisted of representatives of the data providers.

7.31 The Sub-Committee also noted that Equasis does not provide any rating of ships and users make their own judgement on the quality of the ship being considered. Harmonization of PSC activities and especially harmonization of the presentation and coding of the data is of particular importance to the functioning of Equasis.

7.32 On the areas of common interest between Equasis and GISIS, the attention of the Sub-Committee was called upon the issue of the coding system which constitutes the major difficulty for an easy exchange of information and the potential for co-operation between the two systems, through a preliminary dialogue and analysis, in order to identify areas where co-operation on the common goal could be possible while taking into account the difficulties which may arise from their own distinct characteristics.

7.33 The Sub-Committee, after an initial discussion on the quality criteria implemented by Equasis which may restrict the universality and full transparency of the compilation of PSC data, as opposed to the system conceived by the Organization, agreed that the exchange of views provided by the participation of representatives of the Equasis Management Unit could generate fruitful sharing of experience and beneficial co-operation between Equasis and GISIS.

7.34 Having preliminarily discussed the issue of data exchange, the Sub-Committee noted that the Organization was among the Equasis data providers for flag State comments and data related to the Condition Assessment Scheme and also agreed that, should the question be further considered, separate arrangements would have to be discussed with the owners of the data collected by Equasis.

7.35 The Sub-Committee was in favour of keeping the options open for future developments between the two systems and, while requesting the Secretariat to continue informing it about further progress, reiterated its invitation to representatives of the Management Unit to attend future sessions.

Harmonization of coding system

7.36 The Sub-Committee was presented with the information contained in documents FSI 16/INF.12 on the development of a technical study on the harmonization of port State control coding systems together with the Joint Working Group of the Paris and Tokyo MoUs on the

Review of Draft Basic Principles of Harmonization of PSC Coding System, and FSI 16/INF.5 on the list of new requirements to be used to support the review of the coding of deficiencies.

7.37 The Sub-Committee noted that the Organization had been involved, through the activities of a consultant, in the work of the above-mentioned Joint Working Group of the Paris and Tokyo MoUs with a view to ensuring that the outcome of this work would serve the harmonization of PSC activities globally. The Secretariat provided information on the purpose of the compilation of information on mandatory requirements (FSI 16/INF.5) in order that the Organization acts as a server for referencing codes for deficiencies and indicated that the future participation in the work of the Joint Working Group would be maintained by members of the Secretariat.

PSC data exchange protocol

7.38 While considering the information contained in document FSI 16/7/1 (Secretariat) on PSC data exchange protocol, as updated by the observers of the Black Sea and Paris MoUs, the Sub-Committee noted that all PSC regimes had considered the issue of providing the Organization with the results of all PSC inspections, as presented in document FSI 15/WP.3.

7.39 The Sub-Committee recorded that the vast majority of PSC regimes had expressed their agreement in principle with regard to the signature of the PSC data exchange protocol, while leaving to their Secretariats the task to address technical and operational refinements and requested the Secretariat to clarify the following issues.

Legal issues related to the data exchange protocol

7.40 The draft protocol annexed to document FSI 15/WP.3 was developed at the request of PSC regimes in order to formalize the data exchange. It included sections on “Purpose”, “Parties of the Agreement”, “Mutual undertakings”, “Liability” and “Dispute, controversy or claim”. The approval of the fulfilment of mandatory reporting requirements through the data exchange protocol would need to be decided by the Parties to the relevant International Conventions. The data received from the PSC regimes, which will remain the owners of the data, will be displayed according to the respective categorizations, while the Organization will work with all parties concerned in order to achieve harmonization of the different coding systems.

Use of data

7.41 The Secretariat works within the boundaries of the requests received from its Membership through the decision-making process of the appropriate IMO bodies. Any use of the data collected, which, unless decided otherwise, would not be publicly released, would be decided by relevant IMO bodies in consultation with the owners of the data, on the basis of established procedures within the Organization.

Duration of agreement

7.42 The current text of the draft data exchange protocol refers to a five-year duration. However, the limitation of the duration of the agreement may defeat the purpose of the mandatory requirements under international instruments and the protocols could be agreed without any limitation with the option of terminating the agreement unilaterally.

Financial implications

7.43 Taking into account the arrangements already put in place by several MoUs to provide PSC inspections data in an electronic format to Equasis and commercial entities on a regular basis, one can assume that such existing arrangements could easily allow PSC regimes to provide IMO with the same data set. The full consideration of this issue should also take into account the advantages of the proposed reporting scheme through PSC regimes on behalf of their members regarding the existing constraints supported by individual Member States to comply with reporting requirements. In particular, taking into account PSC-related reporting requirements under the SOLAS and MARPOL Conventions, the electronic reporting, together with relevant instructions from the Parties to these instruments, would allow appropriate extractions to be made from the data received to comply with those requirements.

Benefits

7.44 The Organization contributes already to the harmonization of coding in maintaining the updated list of requirements to be used for the coding of the deficiencies by all PSC regimes and provides information regarding the recognized organizations authorized to carry out surveys and issue certificates on behalf of Administrations, and flag State contact points.

Outcome of the consideration of the issue of PSC data exchange protocols

7.45 Having noted the progress made to obtain the agreement of PSC regimes with the proposed data exchange protocol (FSI 15/WP.3), the Sub-Committee agreed to recommend to the Committees to request the Secretariat to:

- .1 proceed with the finalization of protocols with the Secretariats of those PSC regimes, which have agreed in principle with the data exchange; and
- .2 liaise with the PSC Information Centres to establish the data exchange.

PROCEDURES FOR PORT STATE CONTROL (PSC)

7.46 The Sub-Committee considered the report of the Correspondence Group on Harmonization of Port State Control which was established by FSI 15, principally, to progress the review of the consolidated Procedures for PSC (resolution A.787(19), as amended by resolution A.882(21)) and agreed to refer it to the working group for detailed consideration.

7.47 The Sub-Committee also considered document FSI 16/INF.2 (Paris MoU) on procedures for control under MARPOL Annex VI and agreed to refer it to the working group for review in the context of the revised procedures for PSC.

ESTABLISHMENT OF THE WORKING GROUP

7.48 The Sub-Committee agreed to establish the Working Group on Port State Control Matters and instructed it, taking into account the relevant decisions and comments made in plenary, to:

- .1 use the annual reports of PSC regimes as the basis to develop a text which could summarize the outcome of PSC activities at a global level;

- .2 identify the reason for the differences on detention rates contained in the annual reports of the PSC regimes and specifically in cases of countries within the same geographical region;
- .3 propose new procedures in order to provide the PSC annual reports to the Sub-Committee containing the most recent data;
- .4 propose a common structure of PSC annual reports that will facilitate the global analysis of the PSC information provided;
- .5 recommend the inclusion of additional information within the draft MSC/MEPC circular on Blanking of bilge discharge piping system in port to be considered by MEPC 58 and MSC 85 (DE 51/28, paragraph 18.4);
- .6 develop a draft consolidated text of Revised Procedures for port State control (resolution A.787(19), as amended by resolution A.882(21)), using document FSI 16/7 as the basis, to be finalized at the next session;
- .7 consider the inclusion of the Code of good practice for port State control officers (MSC-MEPC.4/Circ.2) in the draft revised procedures;
- .8 in the context of the review of the procedures for port State control, 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 documents FSI 13/12/1, FSI 14/WP.3 (annexes 2 and 4), FSI 14/11/3, FSI 15/12/1, FSI 16/INF.2 and FSI 16/INF.5;
- .9 develop proposals for simplified procedures for keeping the Procedures updated and analyse the possibility of introducing in the Procedures new instruments;
- .10 consider document FSI 16/8 with a view to identifying areas that may need further development and, in particular, refer to aspects related to ballast water sampling, violations, detection thereof, control of ships and notification of control actions;
- .11 initiate the development of Guidelines on port State control under the 2004 BWM Convention using document FSI 16/8 (Paris MoU) as a basis;
- .12 advise on the re-establishment of the Correspondence Group on Port State Control and prepare draft terms of reference, as appropriate; and
- .13 discuss the most appropriate dates for hosting the fourth IMO Workshop for PSC MoU/Agreement Secretaries and Directors of Information Centres and issues to be discussed in the Workshop.

REPORT OF THE WORKING GROUP

General

7.49 Having received the report of the working group (FSI 16/WP.3), the Sub-Committee noted that the group was not able, due to time constraints, to finish all the tasks contained in its terms of reference.

Draft MSC/MEPC circular referred by DE 51

7.50 Regarding the review of the text of the draft MSC/MEPC circular on Blanking of bilge discharge piping system in port, the Sub-Committee was of the view that the draft circular did not need any change. The Sub-Committee, therefore, requested the Secretariat to provide the PSC regimes with a copy of the draft circular, and to inform them of the outcome of the Committees' consideration of this issue.

Establishment of a correspondence group

7.51 The Sub-Committee agreed to establish the Correspondence Group on Port State Control under the coordination of Australia* with the following terms of reference to:

- .1 develop a format and associated text containing the information provided by PSC regimes, in order to summarize the outcome of PSC activities at a global level and to:
 - .1 identify the possible reasons for the differences on detention rates contained in the annual reports of the PSC regimes and suggest how the issue could be addressed;
 - .2 propose new procedures in order to provide the PSC annual reports to the Sub-Committee containing the most recent data; and
 - .3 propose a common methodology and format of PSC annual data that will facilitate the global analysis of the PSC information provided;
- .2 develop a draft consolidated text of Revised Procedures for port State control (resolution A.787(19), as amended by resolution A.882(21)), using document FSI 16/7 as the basis, and to:
 - .1 consider the inclusion of the Code of good practice for port State control officers (MSC-MEPC.4/Circ.2) in the draft revised procedures;
 - .2 develop proposals for simplified procedures for keeping the Procedures updated and to analyse the possibility of introducing new instruments;

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- .3 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 documents FSI 13/12/1, FSI 14/WP.3 (annexes 2 and 4), FSI 14/11/3, FSI 15/12/1, FSI 16/INF.2 and FSI 16/INF.5; and
- .4 incorporate the Guidelines for inspection of Anti-fouling Systems on Ships (resolution MEPC.105(49));
- .3 consider document FSI 16/8 with a view to identifying areas that may need further development and, in particular, refer to aspects related to ballast water sampling, violations, detection thereof, control of ships and notification of control actions;
- .4 initiate the development of draft Guidelines on port State control under the 2004 BWM Convention using document FSI 16/8 (Paris MoU) as a basis and taking into account the outcome of MEPC 58; and
- .5 report to FSI 17.

7.52 The Sub-Committee agreed to refer the first item of the above terms of reference to the fourth IMO Workshop for PSC MoU/Agreement Secretaries and Directors of Information Centres for its consideration, the outcome of which should be made available to the correspondence group by the Secretariat.

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

7.53 After consideration of the provisional calendar of IMO meetings for the current and next year, the Sub-Committee agreed that the most convenient dates to organize the fourth IMO Workshop for PSC MoU/Agreement Secretaries and Directors of Information Centres were between 26 and 30 January 2009, having requested that the invitation to the Workshop be issued in the form of a circular letter.

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

8.1 The Sub-Committee recalled that, from 31 May 2005, the International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention) had been open for accession, and noted that, to date, 14 States have ratified the Convention, representing 3.55% of the world merchant fleet tonnage. The Sub-Committee urged other Member States to ratify this Convention at the earliest possible opportunity.

8.2 The Sub-Committee also recalled that MEPC 52 had instructed FSI 13 to develop Guidelines on PSC under the BWM Convention and since no submissions had been made to FSI 13 and FSI 14, MEPC 55 had agreed to extend the target completion date for these Guidelines from 2006 to 2008.

8.3 The Sub-Committee recalled further that FSI 15, having noted that no submission had been made to that session, invited the Paris MoU to submit the PSC guidelines approved by its 40th Committee Meeting to be used as a basis for discussion and urged Members and observers to contribute to the development of the Guidelines on PSC under the BWM Convention at FSI 16.

8.4 Having considered document FSI 16/8 (Paris MoU) on the Paris MoU Guidelines on port State control under the 2004 BWM Convention, the Sub-Committee noted that whereas it was generally acknowledged that the Paris MoU Guidelines could be used as a basis for further development of such Guidelines, a number of delegations were of the view that, bearing in mind the important role played by ballast water sampling during PSC inspections under the BWM Convention, it may be premature to develop these Guidelines before the adoption of the Guidelines for ballast water sampling (G2).

8.5 After some discussion, the Sub-Committee agreed that while awaiting the outcome of MEPC 58 on Guidelines (G2), it would be appropriate to start considering the text provided in document FSI 16/8, to identify areas that may need further development. Consequently, the Sub-Committee agreed to add terms of references to the Working Group on Harmonization of Port State Control Activities, established under agenda item 7 (see subparagraphs 7.48.10 and 7.48.11).

Report of the working group

8.6 Having received the report of the working group (FSI 16/WP.3), the Sub-Committee noted that, due to the time constraints and the large volume of work assigned, the working group was not able to address the matter related to Guidelines on PSC under the BWM Convention and instructed the Correspondence Group on Port State Control accordingly (see paragraph 7.51).

8.7 The Sub-Committee, in view of the current status of the development of the draft Guidelines on PSC under the BWM Convention, agreed to request the MEPC to extend the target completion date to 2010.

9 PSC GUIDELINES ON SEAFARERS' WORKING HOURS

9.1 The Sub-Committee recalled that MSC 69 had instructed the Sub-Committee to consider whether PSC authorities should develop and implement procedures to assess whether seafarers on ships they inspect are subject to excessive working hours.

9.2 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.

9.3 Having also noted that the outcome of the consideration of the guidelines by STW 39 (FSI 16/9) will be considered by MSC 85, the Sub-Committee agreed to defer further consideration of this issue to its next session.

9.4 The Sub-Committee also 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 Sub-Committee, as appropriate.

9.5 The Sub-Committee also noted that the Secretariat had received draft Guidelines for flag State and port State control inspections under MLC, 2006, from ILO for review and had provided comments, in particular, regarding the need to develop two separate sets of guidelines to avoid confusion between flag State's and port State's responsibilities, the recognition of the right of port State to carry out PSC inspections and the recommendation to consider including a Code of good practice in the PSC guidelines.

9.6 Having further noted that the tripartite expert meeting to adopt Guidelines on port State responsibilities for the inspection of labour conditions onboard ships and a related meeting on Guidelines for flag State responsibilities were scheduled to take place in Geneva from 15 to 26 September 2008, the Sub-Committee requested the Secretariat to participate and to report on the developments to the next session of the Sub-Committee.

9.7 Taking into account the ongoing developments, the Sub-Committee agreed to recommend to MEPC 58 and MSC 85 to amend the title of the existing work programme on "PSC guidelines on seafarers' working hours" to read "PSC guidelines on seafarers' working hours and PSC guidelines in relation to the Maritime Labour Convention, 2006".

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

Self-assessment of flag State performance

10.1 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.

10.2 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, and 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.

10.3 In providing information on the status of SAFs, the Secretariat indicated that 61 initial SAFs together with a limited number of updates had been received and that the SAFs were made available in the context of the preparation of Member States' audits.

10.4 Some delegations suggested that this work programme and agenda item should be deleted on the grounds of the absence of submissions for a considerable number of sessions under this agenda item. However, the Sub-Committee agreed to retain this continuous item in its work programme and agenda for its next session, having considered that it could be necessary for the consideration of matters emanating from the review of the Consolidated Audit Summary Report (see paragraph 14.30).

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

Amendments to resolution A.997(25)

11.1 The Sub-Committee noted that the Assembly, at its twenty-fifth session, had adopted resolution A.997(25) on Survey Guidelines under the Harmonized System of Survey and Certification, 2007 which include amendments to relevant IMO regulations entered into force up to and including 1 August 2007.

11.2 The Sub-Committee was informed that MSC 84, after consideration of document MSC 84/22/10 (Bahamas) proposing to develop guidelines to ensure that sound technical judgement is exercised by Administrations which allow their passenger ships (other than ro-ro passenger ships) to have an inspection of the outside of the ship's bottom carried out in water, rather than in dry dock, had included a relevant new item in the work programme of the DE Sub-Committee. The Committee had instructed the FSI Sub-Committee to develop appropriate amendments to the Survey Guidelines under the HSSC (resolution A.997(25)) to explain the possibility of alternative arrangements where one bottom inspection in dry dock may be substituted by a bottom inspection with the ship in water. The Sub-Committee, therefore, agreed that the issue of arrangements for bottom inspections for passenger ships would not be considered at this session, pending the outcome of the DE Sub-Committee.

11.3 The Sub-Committee, having recalled that FSI 15, in considering document FSI 15/12/4 (IADC) on whether the Survey Guidelines under the HSSC cover the revised Mobile Offshore Drilling Unit Code (MODU Code), while noting that the MODU Code was under revision by the DE Sub-Committee, agreed that additional information is required based on the outcome of the revision and invited IADC to submit a detailed document when the revision of the MODU Code by the DE Sub-Committee is completed.

11.4 In considering the report of the Correspondence Group on the Review of the Survey Guidelines under the HSSC and the Code for the implementation of mandatory IMO instruments (FSI 16/11) and document FSI 16/11/1 (Secretariat), containing a list of new requirements, the Sub-Committee, having also noted that the report contains proposed amendments to the Survey Guidelines under the HSSC, 2007 deriving from the amendments to the relevant IMO instruments that will enter into force up to and including 31 December 2008, agreed to refer both documents to the Working Group on the Review of the Survey Guidelines under the HSSC to be established under this agenda item, for detailed review.

11.5 The Sub-Committee further noted that, while an electronic tracking system for all new and outstanding requirements under maritime safety and security – and marine pollution prevention – related mandatory IMO instruments is planned to be developed as a module of GISIS, subject to available resources, the Secretariat was requested to track and carry forward those identified as “amendments to be considered in the future” in annex 3 to the report of the Correspondence Group (FSI 16/11) for future review.

11.6 Having recognized that the present item is continuous in its work programme and resolution A.997(25) had revoked resolution A.948(23), the Sub-Committee agreed to change the name of the item on the “Review of the Survey Guidelines under the HSSC (resolution A.948(23))” to “Review of the Survey Guidelines under the HSSC”.

Annual testing of the automatic identification system

11.7 The Sub-Committee recalled that FSI 15 had noted that document FSI 15/12/2 (Republic of Korea) included a draft amendment to SOLAS regulation V/18 for the automatic identification system (AIS) test requirements to be submitted to the MSC eventually.

11.8 In this regard, the Sub-Committee was informed that MSC 83, while considering the proposal contained in document MSC 83/15/3 (Republic of Korea) which raised the issue related to the incorporation of the annual testing of AIS within the HSSC Guidelines as this test is not required by SOLAS regulation or any other instrument and proposing to add a new SOLAS regulation V/18.9 requiring annual testing of the equipment, had noted the views expressed that there is a substantial amount of electronic equipment on board ships (e.g., radar, VHF, etc.) which is not currently required to undergo a mandatory annual testing and had referred the proposal to FSI 16 for further consideration.

11.9 The Sub-Committee, having noted the views expressed that the consideration of the addition of the new requirement in SOLAS for the annual testing of AIS should take into account the potential repercussions that it could have on the requirements applicable to other electronic equipment and, in particular, in relation to LRIT, agreed to refer the issue on whether amendments to SOLAS are necessary to include test requirements of AIS to the working group for further consideration and, if necessary, drafting of amendments to SOLAS.

Guidance on the timing of replacement of existing certificates by the certificates issued after the entry into force of amendments

11.10 The Sub-Committee, having been informed that MSC 83 had endorsed the view that it would be beneficial for the Organization to develop general guidance on the timing of replacement of existing certificates by the certificates issued after the entry into force of amendments to SOLAS certificates and had instructed the Sub-Committee to develop such guidance under this agenda item, agreed that the issue may not only exist in the cases related to SOLAS, but also related to other IMO instruments, such as Load Lines, MARPOL, etc. The Sub-Committee also agreed to refer the detailed consideration of this issue to the working group for developing appropriate draft MSC/MEPC resolutions or circular.

Building contract dates

11.11 The Sub-Committee was informed that MSC 84, having noted that MEPC 57 had endorsed the proposal by IACS and had invited the MSC to issue an MSC-MEPC circular with the proviso that the optional vessels should be built in the same yard and from the same plans as those of the initial series, had requested the Secretariat to prepare a draft MSC-MEPC circular, taking into account the outcome of MEPC 57, the clarifications provided by IACS when introducing document MSC 84/19/1 on the process followed by its members in the context of the new building contract containing an option for the construction of additional ships, and the comments made in plenary.

11.12 Having also been informed that MSC 84, after consideration of the text of the draft circular prepared by the Secretariat (MSC 84/WP.13), had instructed FSI 16 to finalize the preparation of the draft MSC-MEPC.5 circular with a view to its approval by MEPC 58 and

MSC 85, taking into account the suggested changes, which are reflected in annex 1 of document FSI 16/2/4 on the outcome of MSC 84, the Sub-Committee agreed to instruct the working group to develop a draft MSC-MEPC.5 circular on Unified interpretation of the meaning of the building contract date.

Establishment of the working group

11.13 The Sub-Committee agreed to establish the Working Group on the Review of the Survey Guidelines under the HSSC and instructed the group, taking into account the decisions and proposals made in plenary, to:

- .1 develop draft amendments to the Survey Guidelines under the HSSC (resolution A.997(25)), using FSI 16/11 as a basis and taking into account the information contained in document FSI 16/INF.5, and finalize annex 3 to document FSI 16/11 on the status of amendments to resolution A.997(25);
- .2 consider the issue related to Survey Guidelines on the 2001 AFS Convention, which does not form the part of the HSSC;
- .3 identify in document FSI 16/INF.5, those items which 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 consider the next course of action for the development and adoption of amendments to the Survey Guidelines, including the development, in particular, of the text of the draft resolution(s), for adoption by the Committees and/or the Assembly;
- .5 consider the issue of the annual testing for the automatic identification system (AIS) and the development of draft amendment to SOLAS regulation V/18 using the annex to document MSC 83/15/3 as a basis, as appropriate;
- .6 develop draft MSC/MEPC resolutions or circular on the general guidance on the timing of replacement of existing certificates by the certificates issued after the entry into force of amendments to certificates in IMO instruments;
- .7 develop a draft MSC-MEPC circular on Unified interpretation of the meaning of the building contract date for submission to MEPC 58 and MSC 85 for approval; and
- .8 develop the draft terms of reference for an intersessional correspondence group on the Review of the Survey Guidelines under the HSSC.

11.14 Having received the report of the working group (FSI 16/WP.2), the Sub-Committee took the decisions reflected in the following paragraphs.

Amendments to resolution A.997(25)

11.15 The Sub-Committee agreed to the course of action for the development and adoption of amendments to the Survey Guidelines that the amendments would be prepared intersessionally

by a correspondence group to be established under this agenda item and submitted, as finalized at the next session, to MSC 86 and MEPC 59 for approval with a view to adoption by the Assembly at its twenty-sixth session, as a consolidated version to be annexed to a draft Assembly resolution.

11.16 The Sub-Committee, having noted the progress made in the review of the draft amendments to the Survey Guidelines under the HSSC and the identification of the present status of the list of amendments to relevant instruments, also agreed that the draft amendments should be further developed by the correspondence group to include the requirements deriving from the amendments to relevant instruments that will enter into force up to and including 31 December 2009.

11.17 With regard to the issue related to the International Convention on the Control Harmful Anti-Fouling Systems on Ships, 2001 (AFS), the Sub-Committee agreed that the matter should be further considered by the correspondence group.

Annual testing of the automatic identification system

11.18 The Sub-Committee, while acknowledging that there was a need to carry out tests of the AIS, did not, at this stage, support the proposal to amend SOLAS regulation V/18 to introduce provisions dealing with annual testing of the AIS, and agreed to report to MSC 85 that the matter could not be resolved at this stage.

11.19 The delegation of Norway indicated that there was a clear distinction between AIS and other electronic equipment on the bridge of the ships in the sense that, AIS being automatically and continuously transmitting ships' data on position, heading, speed, etc., among ships and to other recipients, it is of paramount importance that such data is accurate, otherwise dangerous situations may occur. The delegation further indicated that, as it has already been agreed, AIS equipment should be surveyed by radio surveyors who have the relevant skills and, as these surveyors come on board ships annually for radio surveys, the survey of AIS equipment could easily be added to their list of equipment to be surveyed. The delegation of Norway, supported by several delegations, suggested, as a compromised solution, that a mandatory requirement for a survey of AIS equipment every five years should be considered instead of the initially proposed annual survey.

Guidance on the timing of replacement of existing certificates by the certificates issued after the entry into force of amendments

11.20 The Sub-Committee agreed to refer to the correspondence group the development of the general guidance on the timing of replacement of existing certificates by the certificates issued after the entry into force of amendments to SOLAS Certificate.

Building contract dates

11.21 The Sub-Committee agreed to the text of the draft MSC-MEPC.5 circular on Unified interpretation of the application of regulations governed by the building contract date, the keel laying date and the delivery date for the requirements of the SOLAS and MARPOL Conventions, as set out in annex 2, to be submitted to MEPC 58 and MSC 85 for approval.

Establishment of the correspondence group

11.22 The Sub-Committee agreed to re-establish the Correspondence Group on the Review of the Survey Guidelines under HSSC and the Code for the Implementation of Mandatory IMO Instruments under the coordination of France^{*}, with the following terms of reference:

- .1 to further develop the draft amendments to the Survey Guidelines under the HSSC while identifying the status of the list of amendments to relevant instruments using, as a basis, annexes 1 and 2 of document FSI 16/WP.2, in accordance with the course of action approved by the Sub-Committee;
- .2 to develop further, in close co-operation with the Secretariat being requested to provide a preliminary draft updated Code, the draft amendments to the Code for the Implementation of Mandatory IMO Instruments while identifying the items in document FSI 16/INF.4 that had not been dealt with to date in the amendments to the Code and left for future amendments, using as a basis the annexes to documents FSI 16/11 (annex 2) and FSI 16/INF.4 in accordance with the course of action approved by the Sub-Committee (refer to paragraph 14.6);
- .3 to consider further the drafting of Survey Guidelines on the 2001 AFS Convention through the possible addition of an appendix either to the Survey Guidelines under the HSSC or to resolution MEPC.102(48);
- .4 to prepare draft MSC/MEPC resolutions or circular on Guidance on the timing of replacement of existing certificates by the certificates issued after the entry into force of amendments to certificates in IMO instruments; and
- .5 to submit a report to FSI 17.

12 CONSIDERATION OF IACS UNIFIED INTERPRETATIONS

12.1 The Sub-Committee noted that MSC 79, while considering the IACS UI SC171, had approved MSC/Circ.1141 on Unified interpretation of the term “first survey” referred to in SOLAS regulations II-2/1.2.2.2, V/19.1.2.2, V/19.2.4.2.2 and V/20.1.2.

12.2 The Sub-Committee had, for its consideration document FSI 16/12 (IACS), containing the updated IACS UI 171, which, in its previous version, was reflected in MSC/Circ.1141 approved by the MSC 79, to include SOLAS regulation V/19-1.4.1 regarding the provision of LRIT that is due to enter into force on 31 December 2008.

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12.3 The Sub-Committee agreed to instruct the Working Group on Review of Survey Guidelines under the HSSC established under item 11 to develop a draft MSC-MEPC circular on Interpretation of the term “first survey” to update MSC/Circ.1141, taking into account document FSI 16/12 (see paragraph 11.13).

Report of the working group

12.4 Having received the report of the Working Group on Review of Survey Guidelines under the HSSC (FSI 15/WP.2) and having concurred that a more generic nature of the circular would be desirable, so that the circular need not be revised every time relevant requirements of SOLAS are amended, the Sub-Committee agreed to the text of the draft MSC circular on Meaning of “first survey” to supersede MSC/Circ.1141, as set out in annex 3, to be submitted to MSC 85 for approval.

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

13.1 The Sub-Committee considered the report of the second meeting of the Joint IMO/FAO *Ad Hoc* Working Group on Illegal, Unreported, Unregulated (IUU) Fishing and Related Matters (JWG) (FSI 16/13) which was held from 16 to 18 July 2007 at the Headquarters of the Food and Agriculture Organization of the United Nations (FAO) in Rome.

13.2 The Sub-Committee noted that the JWG was attended by Argentina, Australia, Canada, Chile, China, Denmark, Iran (Islamic Republic of), Japan, Liberia, Norway, the Philippines, the Republic of Korea, Turkey, the United States and the European Commission. Observers from Iceland and the International Transport Workers Federation (ITF), and representatives of the United Nations Office of Legal Affairs/Division for Ocean Affairs and the Law of the Sea (UN/DOALOS) and the International Labour Organization (ILO) also attended.

13.3 The Sub-Committee also noted that the JWG had identified areas which are in the common interest of the two Organizations with regard to the fishing sector, in general, and the fight against IUU fishing, and had made recommendations for possible future collaboration in relation to:

- .1 port State measures;
- .2 a comprehensive global record of fishing vessels;
- .3 vessel identification, monitoring and tracking, such as Vessel Monitoring System (VMS), long-range identification and tracking systems (LRIT) and automatic identification systems (AIS). The JWG recommended that the two Organizations monitor developments relating to the issues of common interest; discuss information sharing; avoid duplication, coordinate capacity-building and consider the means for filling the gaps among the different systems, if any;
- .4 criteria for assessing the performance of flag States. The JWG identified the ongoing work of the FAO on the development of criteria for assessing the performance of flag States as an area where the experience of IMO, in particular, in relation to the ISM Code and the Voluntary IMO Member States Audit Scheme, could be referred to for fishery management purposes;

- .5 security for non-convention vessels;
- .6 PSC guidelines for the implementation of the 2007 ILO Work in fishing Convention;
- .7 marine debris. The JWG recommended that FAO and IMO should continue collaboration on “Abandoned, Lost and Otherwise Discarded Fishing Gears” (ALDFG) through the MEPC correspondence group working on the review of Annex V of MARPOL. In this respect, the correspondence group is awaiting suggestions from FAO for the review of relevant provisions in Annex V and/or in the Guidelines for the Implementation of Annex V, as appropriate. It was noted that the Guidelines in section 3.5 already contain certain recommendations for the minimization of the amount of fishing gear lost in the ocean and for maximizing the recovery of the same; and
- .8 the future of the JWG. The JWG agreed to maintain the mechanism of the group and to recommend the organization of the third meeting of the JWG within the next three to five years, depending on the progress on relevant issues at both Organizations.

13.4 The Sub-Committee further noted that the Assembly, at its twenty-fifth session, had adopted resolution A.1003(25) on Entry into force and implementation of the 1993 Torremolinos Protocol, as proposed by the Secretary-General, and that MSC 84 had considered a proposal by Iceland to prepare a draft Agreement on the implementation of the 1993 Torremolinos Protocol. Following the discussion, MSC 84 had agreed to include, in the work programme of the SLF Sub-Committee, a high-priority item on “Development of an agreement on the implementation of the 1993 Torremolinos Protocol”, with two sessions needed to complete the item, in co-operation with other appropriate sub-committees as necessary.

13.5 Regarding the use of LRIT information, the Sub-Committee recalled that MSC 83 had adopted resolution MSC.242(83) on the Use of long-range identification and tracking information for safety and marine environmental protection purposes.

13.6 The representative of FAO presented the recent developments at FAO, i.e. the Expert Consultation to Draft a Legally-binding Instrument on Port State Measures, the Meeting to Review Annexes of the Draft Agreement on Port State Measures and the Expert Consultation on the Development of a Comprehensive Global Record of Fishing Vessels. The text of her presentation is set out in annex 4.

13.7 The expert representing the management of the IMO number schemes presented the status of the consideration of the proposal to extend the IMO ship and registered owner numbering schemes to fishing vessels of 100 gross tonnage and above. The text of his presentation is set out in annex 5.

13.8 Having noted the information provided by Belize regarding the fishing vessels and reefers position monitoring system it had established and its adoption of Guidelines for sport fishermen, as well as the testimony by Argentina that the consideration of the IUU-related issues through the JWG had increased the co-operation between Administrations at a national level, the Sub-Committee concurred with the recommendations of the JWG concerning the areas which are in the common interest of the two Organizations and future JWG meetings. The Sub-Committee requested the Secretariat to follow the progress made on the different issues and to report to the Sub-Committee, as well as other relevant IMO bodies, as appropriate.

13.9 The Sub-Committee urged Member States to consider acceding to the 1993 Torremolinos Protocol and the 1995 STCW-F at their earliest convenience, and to contribute actively to the work of the SLF Sub-Committee and the implementation of resolution A.1003(25), with a view to identifying the revisions to the 1993 Torremolinos Protocol which may be needed to make the Protocol acceptable to the required number of Governments to ensure its early entry into force.

14 REVIEW OF THE CODE FOR THE IMPLEMENTATION OF MANDATORY IMO INSTRUMENTS

AMENDMENTS TO RESOLUTION A.996(25)

14.1 The Sub-Committee considered the relevant part of the report of the Correspondence Group on the Review of the Survey Guidelines under the HSSC and the Code for the Implementation of Mandatory IMO Instruments (FSI 16/11, annex 2) containing proposed amendments to the Code for the Implementation of Mandatory IMO Instruments, based on resolution A.996(25), taking into account the new requirements adopted since the last session with a date of entry into force up to 2010 and documents FSI 16/14 and FSI 16/INF.4, providing information on the list of amendments to mandatory instruments which were adopted but not included in the Code.

14.2 The Sub-Committee recalled that MSC 80, while agreeing not to include other safety- and security-related issues in the Voluntary IMO Member State Audit Scheme and the Code, had agreed to develop, at an appropriate time, suitable provisions for the eventual inclusion of the other safety- and security-related issues in the Audit Scheme and the Code, taking into account the experience gained from the implementation of the Audit Scheme and the Code.

14.3 The Sub-Committee noted that, with regard to LRIT-related issues, although MSC 83 had agreed to extend the usage of long-range identification and tracking systems (LRIT) to include safety and environmental protection applications (resolution MSC.242(83)), it had also agreed that from the point of view of the Audit Scheme for the implementation of LRIT, it would be premature to include LRIT in the Code since the LRIT system will not be fully implemented until 31 December 2008.

14.4 The Sub-Committee, having recalled that the procedure for amending the Survey Guidelines under the HSSC (MSC 81/25, paragraph 8.8) was different from the procedure for amending the Code, agreed on the following course of action for the development of the amendments to the Code for the Implementation of Mandatory IMO Instruments, 2007:

- .1 an intersessional correspondence group to further develop the draft amendments and prepare a consolidated draft of the Code for the Implementation of Mandatory IMO Instruments, 2009;
- .2 FSI 17 to consider the outcome of the correspondence group for finalization of the draft Code; and
- .3 MSC 86 and MEPC 59 to consider the draft Code for approval. The draft Code, and associated draft Assembly resolution, would, then, be submitted through the Council to the 26th session of the Assembly (November 2009) for consideration with a view to adoption of the new Code for the Implementation of Mandatory IMO Instruments, 2009, revoking resolution A.996(25).

14.5 The Sub-Committee also agreed to refer the detailed consideration of documents FSI 16/11, FSI 16/14 and FSI 16/INF.4 to the Working Group on the Review of the Survey Guidelines under the HSSC (resolution A.948(23)) and the Code for the Implementation of Mandatory IMO Instruments, 2007, established under agenda item 11 on “Review of the Survey Guidelines under the HSSC (resolution A.948(23))”, instructing the group to:

- .1 review the proposed amendments to the Code for the Implementation of Mandatory IMO Instruments taking into account documents FSI 16/11, FSI 16/14 and FSI 16/INF.4 for reporting to MSC 86 and MEPC 59;
- .2 identify the items in document FSI 16/INF.4 that had not been dealt with to date and left for future amendment; and
- .3 advise on the establishment of a correspondence group to work on amendments to the Code for the Implementation of Mandatory IMO Instruments and prepare draft terms of reference as appropriate.

Report of the working group

14.6 Having received the report of the Working Group on Review of the Survey Guidelines under the HSSC and the Code for the Implementation of Mandatory IMO Instruments (FSI 16/WP.2), the Sub-Committee:

- .1 agreed that the updating of the Code for the Implementation of Mandatory IMO Instruments should be continued by the correspondence group established under agenda item 11 with the agreed terms of reference (refer to paragraph 11.23.2) and should incorporate amendments to IMO instruments deemed to be accepted on 31 December 2009; and
- .2 agreed to recommend to the Committees and the Council, for the benefit of the auditors and the auditees, to add an annex 7 to the Code showing the amendments to IMO Instruments not yet accepted at the date of revision of the Code but expected to be accepted and to enter into force within the following months, and to instruct the Sub-Committee accordingly.

APPLICABILITY OF IMO CONVENTION TO FPSOs AND FSUs

Instruction to the Sub-Committee

14.7 The Sub-Committee noted that MSC 83 had considered the proposal by ITF (MSC 83/27/8) that the Committee should reconsider the decision of MSC 76 that it was not necessary to apply mandatory IMO instruments to address safety-related issues for floating production, storage and offloading facilities (FPSOs) and floating storage units (FSUs), as the existing safety regime was adequate, so that any FPSO or FSU, capable and required to operate as a ship, and defined as a ship under MARPOL Article 2, should also be in compliance with the requirements of the ISM Code.

14.8 The Sub-Committee also noted that, at MSC 83, while there was wide support for developing adequate safety criteria for FPSOs and FSUs, it was recognized that these criteria should not prejudice the rights of the coastal State. Accordingly, MSC 83 had agreed to forward document MSC 83/27/8 (ITF) to FSI 16 and STW 39 for consideration and had requested that their advice on the applicability of IMO conventions to FPSOs and FSUs be

reported to MSC 85 before deciding on the establishment of any new items in the work programmes of sub-committees.

Outcome of the consideration of the issue by other IMO bodies

14.9 The Sub-Committee also noted that according to the definition in Article 2(4) of MARPOL, ship means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms. So MARPOL, dealing with the protection of the marine environment, has a broader scope compared to some other IMO conventions, for example, in including fixed platforms and in not excluding non-self propelled ships. Furthermore, there is no limitation to the application of MARPOL to ships engaged in international voyages.

14.10 The Sub-Committee also noted that, in view of the above, MEPC 56 had confirmed that article 2 of the MARPOL Convention on the definition of a ship was applicable, for the purposes of the MARPOL Convention, to FPSOs and FSUs with the special requirements for these types of ships defined in regulation 39 of MARPOL Annex I and resolution MEPC.139(53), as amended.

14.11 The Sub-Committee also noted that MSC 84, having considered matters affecting implementation of the LRIT system including compliance of floating production, storage and offloading facilities and floating storage units based on the report of the third session of the *ad hoc* LRIT Group, had instructed that group to further consider the matter and to recommend to MSC 85 the approach to be taken.

14.12 The Sub-Committee also noted that STW 39 had agreed that requirements of the STCW Convention apply to self-propelled and detachable FPSOs and FSUs when they are underway and had invited MSC 85 to take this into account when deciding on the safety criteria for FPSOs and FSUs. The Sub-Committee also noted that BLG 12 had decided to exclude FPSOs and FSUs from the application of the new chapter 8 of MARPOL Annex I being developed for the prevention of marine pollution during oil transfer operations between ships at sea. BLG 12 also agreed to report to MEPC 58 that the Organization should not lose sight of the risks inherent in bunkering operations and in oil transfers involving FPSOs and FSUs, leaving it to the MEPC to agree on the way forward, which might include the possibility to develop relevant guidelines in the future.

Proposal to reconsider the decision of MSC 76

14.13 In essence, the proposal contained in document MSC 83/27/8 was reproduced in document FSI 16/14/2 (ITF) for consideration by the Sub-Committee, indicating that the status of FPSOs and FSUs as ships was particularly relevant where these vessels can disconnect their moorings in an emergency and in extreme weather conditions, operate under their own power and, possibly, transit into international waters. ITF, therefore, recommended the reconsideration of the above-mentioned decision of MSC 76 in order to establish safety criteria for FPSOs and FSUs at all times, taking note of the applicability of the SOLAS – in particular, the ISM Code – and STCW Conventions to FPSOs and FSUs on the grounds that where the master and crew are expected to take on the responsibilities of operating a vessel in what is usually a dangerous situation, they must, at all times, have primary input into the maintenance and operating requirements.

14.14 ITF reported (FSI 16/14/2) that the master and chief engineer were increasingly operating as process maintenance technicians totally outside the management team with a decreasing number of other maritime qualified technicians, and, thereby, pointed out the alleged insufficient consideration given by the oil production industry to the normal maritime minimum competency or operational requirements of crews. ITF further indicated that these matters had been addressed within the MODU Code but were totally absent in respect of FPSOs and FSUs, although the provisions of the STCW Convention and the ISM Code would not be less relevant for these large vessels which are full of oil and capable of operating under their own power in both national and international waters.

Technical review of the applicability of the SOLAS and Load Lines Conventions

14.15 The Sub-Committee noted the outcome of the technical review of the requirements contained in the SOLAS and Load Lines Conventions, as presented in document FSI 16/14/1 (IACS), which clarified that, when evaluating the applicability of SOLAS to FPSOs and FSUs, it was necessary to consider whether they were capable of being mechanically propelled by their own means or not. In this regard, the Sub-Committee noted that there are two characterizations of FPSOs and FSUs:

- .1 non-disconnectable, whereby the FPSO or FSU is permanently moored and has no mechanical means of self-propulsion; and
- .2 disconnectable, whereby the FPSO or FSU is capable of disconnecting from its moored position and has a mechanical means to transit by self-propulsion.

14.16 On the question of the applicability of the SOLAS and Load Lines Conventions, the review (FSI 16/14/1) had confirmed that, as per SOLAS regulation I/3(a)(iii), the Convention does not apply to ships not propelled by mechanical means, such as non-disconnectable FPSOs and FSUs, but would, in principle, apply to disconnectable FPSOs and FSUs. In contrast, since the exception for non propelled ships does not apply to the Load Lines Convention, the distinction between non-disconnectable and disconnectable FPSOs and FSUs would not, therefore, be relevant to this instrument.

14.17 The Sub-Committee recalled that the SOLAS and Load Lines Conventions contain provisions related, on the one hand, to the exemption whereby a ship, which is not normally engaged on international voyages but which, in exceptional circumstances, is required to undertake a single international voyage may be exempted by the Administration from any requirements provided that it complies with safety requirements which are adequate in the opinion of the Administration for the voyage in question (SOLAS regulation I/4(a) and article 6(4) of Load Lines), and, on the other hand, to stress of weather or any other case of *force majeure*, where a ship, which is not subject to the provisions of the present Convention at the time of its departure on any voyage, shall not become subject to the provisions of the present Convention on account of any deviation from its intended voyage (article IV of SOLAS and article 7 of Load Lines).

14.18 In this context, the Sub-Committee noted that, in the experience of IACS Members, the discretion provided by Administrations under SOLAS regulation I/4(a) for FPSOs and FSUs that needed to transit under their own mechanical propulsion to a port (e.g., for dry docking) were required to do so in a ballast condition without any cargo on board. Additionally, for oil tankers converting to FPSOs and FSUs, Administrations had, in some cases, granted dispensations from SOLAS requirements for hardware in respect of regulations II-1/3-3 (safe access to tanker bows), II-1/3-4 (emergency towing arrangements on tankers), II-1/3-6 (permanent means of

access for tank inspection) II-2/4.5 (cargo areas of tankers and access from cargo deck) and V/22 (visibility requirements from bridge). However, not all dispensations were waivers as some Administrations accepted, in accordance with SOLAS regulation I/5 on equivalents, arrangements which comply with the MODU Code which in its Preamble states that the Code ensures a level of safety for such units, and for personnel on board, equivalent to that required by the SOLAS and Load Lines Conventions. Administrations would not always require compliance with the provisions of the ISM and ISPS Codes, though some coastal States in whose jurisdictional waters FPSOs and FSUs are stationed, may specify otherwise.

14.19 Based on its technical review of the applicability of the of the requirements contained in the SOLAS and Load Lines Conventions to FPSOs and FSUs and the experience of its members, IACS (FSI 16/14/1) agreed with the ITF's view expressed in document FSI 16/14/2 that an FPSO or FSU which is capable and required to operate as a ship, should be in compliance with the requirements of the ISM Code (and the minimum requirements of the STCW Convention) and that exemptions under SOLAS regulation I/4(a) should not be granted in this respect, but considered that there was no compelling need to undertake the development of a set of requirements for the hardware aspects of FPSOs and FSUs (i.e. matters addressed by the Load Lines Convention and the relevant SOLAS chapters).

Existing guidelines and recommendations

14.20 The Sub-Committee also noted the review of the existing legal framework, at a more operational level, as provided by OCIMF in document FSI 16/14/3. FPSOs and FSUs would not be considered as oil tankers but, rather, as being equivalent to fixed and floating platforms and would, therefore, come under the jurisdiction of the coastal State in which they operate and the control of the flag State, as appropriate. The recommendations on the training of personnel on mobile offshore units (MOUs) contained in resolution A.891(21) on Recommendations on Training of Personnel on Mobile Offshore Units (MOUs) would be applicable to FPSOs and FSUs, together with guidelines and recommendations detailing the competencies and assessments of personnel operating FPSOs and FSUs, as developed by OCIMF, the International Association of Oil & Gas producers (OGP), the International Association of Drilling Contractors (IADC), Oil & Gas UK, and the International Marine Contractors Association (IMCA). Moreover, many companies would have health, safety, environment and security management systems, possibly accredited by international organizations (e.g., the International Organization for Standardization (ISO)), that would circumscribe all their production operations.

14.21 In the opinion of OCIMF (FSI 16/14/3), the existing safety regime for FPSOs and FSUs is provided by national regulations and IMO conventions, and industry guidelines are adequate. Sufficient cause would not have been shown, on the basis of the information provided to the Sub-Committee, to justify reconsideration of the decision of MSC 76 that it was not necessary to apply mandatory IMO instruments to address safety-related issues for FPSOs and FSUs.

Outcome of the consideration of the issue

14.22 The Sub-Committee recognized the respective merits of the following conflicting views which were either opposed to (subparagraphs .1, .2 and .3) or in support of (subparagraph .4) the further review of the safety regime for FPSOs and FSUs:

- .1 FPSOs and FSUs, in their normal mode of operation, do not fall under the application criteria of the safety provisions of the SOLAS Convention;

- .2 the operation of FPSOs and FSUs is, in the vast majority of cases, covered by an adequate safety regime established by national legislations based on provisions of the SOLAS Convention, including requirements contained in the ISM Code, the Load Lines Convention and the STCW Convention, implemented together with exemptions, and industry guidelines;
- .3 a recommendation to the Committee in support of the creation of new work programme items might not satisfy the conditions of the Guidelines on the organization and method of work of the MSC and the MEPC and their subsidiary bodies (MSC-MEPC.1/Circ.2), in particular, on the grounds of the existing industry guidelines (paragraph 2.10) and the absence of a compelling need (paragraph 2.23.1.2); and
- .4 the opinion of the majority of the delegations which spoke, being satisfied that the existing legal framework is adequate and sufficient, was not unanimously shared by some Member States, in particular, by those which expressed concerns, mainly as coastal States, that the potential threat to the maritime safety and the marine environment would require that a technical review of the matter be conducted by the Organization with a view to developing guidelines for the application of safety requirements to FPSOs and FSUs.

14.23 Having been informed that MSC 85, when considering this issue, would be invited to take into account the publication of new “Competency assurance guidelines for FPSOs”, developed by OCIMF, with industry partners, in order to provide additional industry guidance for consideration by flag States, coastal States and operators on the knowledge required by marine staff and operators to safely manage these units, the Sub-Committee agreed that these new industry guidelines could be significant for assessing the adequacy of the safety regime for FPSOs and FSUs within and beyond the scope of the applicable legal framework.

14.24 Having considered this issue beyond the review of the application criteria contained in safety conventions which may not extend to FPSOs and FSUs, in their normal mode of operation, the Sub-Committee also agreed to invite those Member States supporting a technical review to develop guidelines for the application of safety requirements to FPSOs and FSUs to make proposals for new work programme items to MSC 85 for the Committee to decide on the way forward.

REVIEW OF AUDIT SUMMARY REPORT

14.25 The Sub-Committee noted that the Assembly, at its twenty-fifth session, with regard to document A 25/8/2, which presented the first Consolidated Audit Summary Report, had endorsed the course of action proposed by the Secretary-General for the circulation of future consolidated audit summary reports, either as a Council or Assembly document, as appropriate, and had requested the MSC and the MEPC to consider the document and to inform the Council of the outcome of their consideration, in due course.

14.26 The Sub-Committee noted also that, as required by paragraph 7.4.2 of the Procedures for the Audit Scheme, document A 25/8/2 contained the first consolidated audit summary report of eight of the audits conducted during 2006 and 2007 which were reflected under the four categories of general (findings relating to strategy, organization and legal system, with the latter dealing mainly with the incorporation of mandatory IMO instruments into national law), flag State activities, port State activities and coastal State activities, respectively.

14.27 The Sub-Committee also noted that the findings had provided valuable lessons on the enforcement and implementation of the 10 mandatory IMO instruments thus far covered by the Scheme. The findings also identified areas where States, in exercising their rights, meeting their obligations and discharging their responsibilities attendant to the applicable mandatory IMO instruments, had, either fallen short in some areas or had encountered some difficulties in doing so, although it should be borne in mind that, in general, the audits had found that the Member States concerned substantially met their obligations under the various mandatory instruments.

14.28 The Sub-Committee was informed that MEPC 57 and MSC 84 had agreed to refer document A 25/8/2 on the Consolidated Audit Summary Report to the Sub-Committee for consideration, and reporting back to MSC 86 and a future session of the MEPC to inform the Council in due course.

14.29 The Sub-Committee was of the opinion that this issue should focus on the consideration of the effectiveness and appropriateness of legislation of the Organization to minimize the difficulties a number of Governments may face in complying with all the provisions of the various IMO instruments to which they are Party.

14.30 The Sub-Committee, in its initial consideration of document A 25/8/2, stressed the importance of the present review by the Sub-Committee, as the first step in the establishment of a learning process based on the audit findings. It is expected that any difficulties that Member Governments may face in the particular areas of the implementation of mandatory IMO instruments, as revealed by the outcome of the review of consolidated audit summary reports, will also provide a valuable input for the comprehensive analysis of difficulties encountered in the implementation of IMO instruments, being a continuous item on the work programme of the Sub-Committee.

14.31 While considering the first set of consolidated audit reports, the Sub-Committee noted further that the next consolidated audit summary report will be available when prepared by the Secretariat for the one-hundred-and-first session of the Council, thus providing a more representative sample for the review. Based on the overall agreement within the Sub-Committee, that, besides the non-conformities and observations presented in document A 25/8/2, inclusion of areas of positive developments from the original reports into the consolidated audit summary report would enable the Sub-Committee to analyse also some positive aspects and share such positive developments among the Member Governments, the Secretariat informed the Sub-Committee that the next consolidated audit summary report will include areas of positive development.

14.32 In an initial attempt to establish the objectives and methodology for the review, taking into account the overall objectives of the Voluntary IMO Member States Audit Scheme, the Sub-Committee identified the following objectives for the review:

- .1 analysis of difficulties and areas of positive developments in implementation of mandatory IMO instruments;
- .2 establishing a learning process based on the audit findings;
- .3 evaluation of the effectiveness and appropriateness of the legislation of the Organization to minimize difficulties the Governments may face;

- .4 development of specific guidelines and interpretations for the implementation of mandatory IMO instruments; and
- .5 identification of the global need for establishment of new technical co-operation programmes in the particular areas for improvement.

14.33 With regard to the methodology for the review of the consolidated audit summary reports, the Sub-Committee recommended that the categorization of audit findings be performed, initially, on the basis of the respective capacities of Member Governments as flag State, port State or coastal State, as well as by individual mandatory IMO instruments.

14.34 Considering the importance of the issue, and the need for a trial review in order to test and further develop the methodology, the Sub-Committee agreed to the need to make further progress on the issue intersessionally by the establishment of a correspondence group. The Sub-Committee, therefore, agreed to establish the Drafting Group on the Review of the Consolidated Audit Summary Report, with the task to draft the terms of reference for the above-mentioned correspondence group.

14.35 Having received the report of the drafting group (FSI 16/WP.6), the Sub-Committee initially agreed to establish a correspondence group on the review of the Consolidated Audit Summary Report, with the following terms of reference:

- .1 to develop a methodology for the analysis of consolidated audit summary reports in order to meet the following objectives:
 - .1 to provide feedback to Member States and the Organization of recurrent areas of findings, including the identification of possible underlying causes and best practices;
 - .2 to provide feedback to the Organization on the effectiveness of the implementation by Member States of mandatory instruments falling within the scope of the audit scheme; and
 - .3 to identify areas where specific technical co-operation activities would benefit Member States;
- .2 using the first consolidated audit summary report (document A 25/8/2) and any subsequent consolidated report issued before FSI 17, to conduct a trial with the methodology, summarize the outcome, and make recommendations as appropriate; and
- .3 to submit a report to FSI 17.

14.36 However, following the discussions on the number of correspondence groups to be established at this session which took place during the consideration of item 15 on “work programme and agenda for FSI 17” (see paragraph 15.6), the Sub-Committee revised its decision to establish a correspondence group and agreed to add the above terms of reference for the review of the Consolidated Audit Summary Report to the terms of reference of the Correspondence Group on the Review of the Survey Guidelines under HSSC and the Code for the Implementation of Mandatory IMO Instruments.

15 WORK PROGRAMME AND AGENDA FOR FSI 17

15.1 The Sub-Committee noted that MSC 84 had agreed to include:

- .1 a high-priority item on “Measures to protect the safety of persons rescued at sea” with two sessions needed to complete the item, and to be included in the provisional agenda for FSI 17; and
- .2 a high-priority item on “Development of a Code for Recognized Organizations” with two sessions needed to complete the item, and to be included in the provisional agenda for FSI 17.

CODE OF CONDUCT DURING DEMONSTRATIONS/CAMPAIGNS AGAINST SHIPS IN HIGH SEAS

15.2 The Sub-Committee considered the proposal by Japan (FSI 16/15) to include the item on “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” in the provisional agenda for FSI 17. Having noted that the matter will be considered by NAV 54, the outcome of which will be reported to FSI 17 under agenda item 2 on “decisions of other IMO bodies”, the Sub-Committee agreed to defer the inclusion of the new item on the provisional agenda for FSI 17.

REVISED WORK PROGRAMME AND AGENDA FOR FSI 17

15.3 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.2), the Sub-Committee revised its work programme (FSI 16/WP.5) and invited the Committees to approve the proposed revised work programme and provisional agenda for FSI 17, as set out in annex 6.

15.4 As instructed by MSC 84 (see paragraph 2.7.4), the Sub-Committee prepared a report on the status of its planned outputs in the High-level Action Plan for the current biennium, as set out in annex 7, for consideration and endorsement by MEPC 58 and MSC 85.

15.5 The Sub-Committee requested the Secretariat to prepare a note giving the detailed list of mandatory and non-mandatory instruments which may be relevant to the consideration of the new item on “Persons rescued at sea”, having noted that, in reviewing this list of instruments, the Sub-Committee, at its next session, may wish to consider whether they could be looked at in the context of the Code for Implementation of Mandatory IMO Instruments and the list of instruments which might be relevant in the context of the collection of information on the implementation of non-mandatory instruments.

Arrangements for the next session

15.6 Having reviewed the list of correspondence groups which it had already agreed to establish at this session under each individual item on its agenda, the Sub-Committee amended the proposal contained in annex 3 of document FSI 16/WP.5 in order to reduce by one the number of groups by adding the approved terms of reference for the review of the Consolidated Audit Summary Report to the terms of reference of the Correspondence Group on the Review of the Survey Guidelines under HSSC and the Code for the Implementation of Mandatory IMO Instruments (see paragraph 14.36).

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

- .1 casualty statistics and investigations;
- .2 review of the Survey Guidelines under the HSSC, the Code for the Implementation of Mandatory IMO Instruments and the Consolidated Audit Summary Reports;
- .3 harmonization of port State control activities and development of guidelines on port State control under the 2004 BWM Convention; and
- .4 port reception facilities.

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

- .1 casualty statistics and investigations;
- .2 review of the Survey Guidelines under the HSSC and the Code for the Implementation of Mandatory IMO Instruments;
- .3 Consolidated Audit Summary Reports; and
- .4 harmonization of port State control activities and development of guidelines for port State control under the 2004 BWM Convention.

15.9 The Sub-Committee noted that its seventeenth session had been tentatively scheduled to take place from 20 to 24 April 2009 at the Headquarters of IMO.

16 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2009

16.1 In accordance with the Rules of Procedure of the Maritime Safety Committee, the Sub-Committee unanimously re-elected Mrs. Tatjana Krilić (Croatia) as Chairman for 2009 and unanimously elected Captain Dwain Hutchinson (Bahamas) as Vice-Chairman for 2009.

16.2 The Sub-Committee expressed its appreciation to its outgoing Vice-Chairman, Captain Rangel (Venezuela), for his invaluable contribution to the work of the Sub-Committee and wished him all the best for his future career.

17 ANY OTHER BUSINESS

Global Integrated Shipping Information System (GISIS)

17.1 The Sub-Committee recalled that the Global Integrated Shipping Information System (GISIS) was developed by the Secretariat in July 2005, which allows public access to sets of data collected by the Secretariat, and that the Manual for Member States' Administrations and associated disclaimer on the use of reporting facilities was disseminated by circular letter No.2639.

17.2 The Sub-Committee noted the updated information provided by the Secretariat on GISIS (MSC 84/23), indicating that there were eight modules available to IMO Members and seven to the public, i.e. maritime security, maritime casualties and incidents, recognized organizations, port reception facilities, condition assessment scheme, pollution prevention equipment, contact points and ship identification (IMO Members only).

17.3 Concerning the module on contact points, the Sub-Committee recalled that MSC-MEPC.6/Circ.4 on National Contact points for Safety and Pollution response, issued in December 2007, had stated that, effective 29 February 2008, Member States are requested to directly update their respective information related to annexes 1 and 2 of the circular in the Global Integrated Shipping Information System (GISIS), using the reporting facilities of the Contact Points module (MSC-MEPC.6/Circ.4, paragraph 4). The Secretariat had released the Contact Points module of GISIS which is publicly available, and Member States were invited to directly update their respective information using their individual access rights (i.e. username and password) for data entry.

17.4 The Sub-Committee recalled also that the List of National Operational Contact Points responsible for the receipt, transmission and processing of urgent reports on incidents from ships involving harmful substances, including oil, to coastal States, which was circulated as annex 2 of circular MSC-MEPC.6/Circ.4 allows all users to generate an updated list directly from the GISIS module.

17.5 The Sub-Committee noted that the only official version of the List of National Operational Contact Points to be used for ship inspection purposes is the version updated on a quarterly basis and available on: <http://www.imo.org> (select 'Circulars/Contact Points' or 'National Contacts/Contact Points' on the left hand side of IMO's homepage). The quarterly date for this official version is specified at the top of each page of the above list (i.e. 31 March, 30 June, 30 September and 31 December) and Member Governments and organizations in consultative status with IMO are invited to bring this circular to the attention of all parties concerned.

17.6 Having been informed that MSC 84 had requested the Secretariat to develop a comprehensive users' manual, covering all facilities, to be updated when new modules are released, such as the PSC and requirements modules which were reported by the Secretariat as progressing towards finalization on the basis of technical development or review by relevant IMO bodies, the Sub-Committee noted that a second meeting of the GISIS Strategy Group, which is internal to the Secretariat, was scheduled to meet to consider, among others, issues related to:

- .1 Business intelligence – functionality for real time cross-module analysis of data (e.g., technical body) – reporting requirement combined list;
- .2 cross-integration of modules within GISIS;
- .3 expansion of integration with external systems;
- .4 possible review of reporting requirements when the information received from Member States is contained in both circulars and GISIS; and
- .5 development of a GISIS comprehensive manual.

17.7 The Secretariat indicated that circular letter No.2892 on Access to IMO web services including GISIS and IMODOCS would soon be issued in order to present the new facilities offered by the GISIS Administrator's interface regarding the access to IMODOCS.

17.8 The Sub-Committee expressed its appreciation to those Members who use the direct reporting facilities and act as data providers on a regular basis.

Hijacking of the cargo ship AMIYA SCAN

17.9 The delegation of Antigua and Barbuda informed the Sub-Committee about the hijacking of the Antigua and Barbuda flagged dry cargo ship **Amiya Scan**, with nine Philippine and Russian crew members onboard, by pirates, on 25 May 2008, in the Gulf of Aden, North of the coast of Somalia. The statement is set out as annex 8.

Expressions of appreciation

17.10 The Sub-Committee expressed appreciation to the following delegates and members of the Secretariat, who had recently retired or had been transferred to other duties or were about to be, for their invaluable contribution to its work and wished them a long and happy retirement or, as the case might be, every success in their new duties:

- Mr. Yoshio Sasamura (Japan) (on retirement);
- Ms Marja C. Tiemens-Idzinga (Netherlands) (on retirement);
- Mr. Knut Vågnes (Norway) (on retirement);
- Mr. Rune Teisrud (Norway) (on retirement);
- Captain Guillermo Esteban Rangel Jalley (Venezuela) (on transfer);
- Mr. John De Rose (IACS) (on retirement);
- Ms Michèle Foré (Secretariat) (on retirement);
- Miss Christine Lowe (Secretariat) (on retirement); and
- Mr. Brian Starkey (Secretariat) (on retirement).

18 ACTION REQUESTED OF THE COMMITTEES

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

- .1 endorse the Sub-Committee's decision to request the Secretariat to collate the proposals for the completion of the study on the combination of casualty and port State control data and to identify the datasets that might be needed for combining casualty and PSC data (paragraph 3.15.2);
- .2 endorse the Sub-Committee's decision to agree to the list of non-mandatory instrument under its purview, in its entirety, for reference purposes and to support, in general, the development of a GISIS module on non-mandatory requirements and recommendations to be kept updated by the Secretariat (paragraphs 3.19 and 3.20);

- .3 endorse the Sub-Committee's decision to invite individual Member States, to enter information into GISIS on the implementation of only those instruments adopted by means of Assembly or Committee resolutions and to upload the corresponding national legislation, as deemed appropriate (paragraph 3.19);
- .4 approve, subject to MEPC's concurrent decision, the MSC-MEPC.3 circular on Reports on marine casualties and incidents (paragraph 6.16 and annex 1);
- .5 consider the Sub-Committee's recommendations following the review of the report of the casualty investigation of the **MSC Napoli**, and decide as appropriate (paragraphs 6.18 to 6.23);
- .6 agree on the Sub-Committee's recommendation to refer the report of investigation on the fire/explosion in a container onboard the containership **Punjab Senator** to the DSC Sub-Committee (paragraph 6.30);
- .7 endorse the Sub-Committee's decision to request the Secretariat to provide the information on the summary of events and preliminary findings on the fire onboard the ro-ro cargo ship **Und Adriyatik** to relevant Sub-Committees (paragraph 6.31 and annex to FSI 16/6/2);
- .8 endorse the Sub-Committee's decision on the issues of the finalization of protocols with the Secretariats of those PSC regimes, which have agreed in principle with the data exchange of reports on all PSC inspections, and the establishment of the data exchange with the PSC Information Centres (paragraph 7.45);
- .9 note the Sub-Committee's view that the draft MSC/MEPC circular on Blanking of bilge discharge piping system in port did not need any change, and its request to the Secretariat to provide all PSC regimes with a copy of the draft circular, as requested by DE 51 (paragraph 7.50);
- .10 note the outcome of the Sub-Committee's consideration of the issue of annual testing of the automatic identification system (AIS), and decide as appropriate (paragraphs 11.18 and 11.19);
- .11 approve, subject to MEPC's concurrent decision, the MSC-MEPC circular on Unified interpretation of the application of regulations governed by the building contract date, the keel laying date and the delivery date for the requirements of the SOLAS and the MARPOL Conventions (paragraph 11.21 and annex 2);
- .12 concur with the Sub-Committee's recommendation to add an annex 7 to the Code for the Implementation of Mandatory IMO Instruments showing the amendments to IMO instruments not yet accepted at the date of revision of the Code, but expected to be accepted and to enter into force within the following months, and to instruct the Sub-Committee accordingly, subject to MEPC's concurrent decision and the endorsement of the Council (paragraph 14.6.2);
- .13 consider the outcome of the Sub-Committee's review of the question of the applicability of IMO Conventions to FPSOs and FSUs, and decide as appropriate (paragraphs 14.22 to 14.24);

- .14 approve the proposed revised work programme of the Sub-Committee and provisional agenda for FSI 17 (paragraph 15.3 and annex 6); and
- .15 endorse the report on the status of the Sub-Committee's planned outputs in the High-level Action Plan for the current biennium (paragraph 15.4 and annex 7).

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

- .1 endorse the Sub-Committee's decision to request the Secretariat to collate the proposals for the completion of the study on the combination of casualty and port State control data and to identify the datasets that might be needed for combining casualty and PSC data (paragraph 3.15.2);
- .2 endorse the Sub-Committee's decision not to require Members to complete Part 3 of their MARPOL reports under MEPC/Circ.318 starting from 2008, as the Secretariat can utilize data extracted from the GISIS module on port reception facilities when compiling summary reports for the Annual Enforcement Report on Reception Facilities (Parts 3a and 3b of MEPC/Circ.318) (paragraph 4.8);
- .3 endorse the Sub-Committee's agreement to consider amending MEPC/Circ.318 at a later stage when it becomes clear whether the reporting requirements for the Annual Statistic Report on MARPOL related discrepancies and detentions (Part 4 of MEPC/Circ.318) could also be satisfied through a data extraction from GISIS, thereby avoiding two amendments of MEPC/Circ.318 within a relatively short period of time (paragraph 4.9);
- .4 approve the Advanced Notification Form (ANF), of the Action Plan on Tackling the Inadequacy of Port Reception Facilities, for dissemination as an MEPC circular (FSI 16/5, annex 1) (paragraph 5.9.1);
- .5 approve the Waste Delivery Receipt (WDR), of the Action Plan on Tackling the Inadequacy of Port Reception Facilities, for dissemination as an MEPC circular (FSI 16/5, annex 2) (paragraph 5.9.2);
- .6 endorse the Sub-Committee's agreement to extend the target completion date of work items 2.1, 2.3, 3.1, 3.2, 4.1, 4.2 and 5.3 of the Action Plan on Tackling the Inadequacy of Port Reception Facilities to 2009 (paragraphs 5.9.3, 5.9.5, 5.9.6, 5.9.7, 5.9.8, 5.9.9 and 5.9.10);
- .7 approve, subject to MSC's concurrent decision, the MSC-MEPC.3 circular on Reports on marine casualties and incidents (paragraph 6.16 and annex 1);
- .8 endorse the Sub-Committee's decision on the issues of the finalization of protocols with the Secretariats of those PSC regimes, which have agreed in principle with the data exchange of reports on all PSC inspections, and the establishment of the data exchange with the PSC Information Centres (paragraph 7.45);

- .9 note the Sub-Committee's view that the draft MSC/MEPC circular on Blanking of bilge discharge piping system in port did not need any change, and its request to the Secretariat to provide all PSC regimes with a copy of the draft circular, as requested by DE 51 (paragraph 7.50);
- .10 note the Sub-Committee's agreement to re-establish the Correspondence Group on Port State Control and its instruction, *inter alia*, to initiate the development of draft Guidelines on PSC under the 2004 BWM Convention taking into account the outcome of MEPC 58 on Guidelines for ballast water sampling (G2) (paragraphs 7.51 and 8.6);
- .11 approve, subject to MSC's concurrent decision, the MSC-MEPC circular on Unified interpretation of the application of regulations governed by the building contract date, the keel laying date and the delivery date for the requirements of the SOLAS and the MARPOL Conventions (paragraph 11.21 and annex 2);
- .12 concur with the Sub-Committee's recommendation to add an annex 7 to the Code for the Implementation of Mandatory IMO Instruments showing the amendments to IMO instruments not yet accepted at the date of revision of the Code, but expected to be accepted and to enter into force within the following months, and to instruct the Sub-Committee accordingly, subject to MEPC's concurrent decision and the endorsement of the Council (paragraph 14.6.2);
- .13 note the outcome of the Sub-Committee's review of the question of the applicability of IMO Conventions to FPSOs and FSUs (paragraphs 14.22 to 14.24);
- .14 approve the proposed revised work programme of the Sub-Committee and provisional agenda for FSI 17 (paragraph 15.3 and annex 6); and
- .15 endorse the report on the status of the Sub-Committee's planned outputs in the High-level Action Plan for the current biennium (paragraph 15.4 and annex 7).

ANNEX 1

DRAFT MSC-MEPC.3/CIRCULAR

CASUALTY-RELATED MATTERS*
REPORTS ON MARINE CASUALTIES AND INCIDENTS**Revised harmonized reporting procedures – Reports required under
SOLAS regulation I/21 and MARPOL 73/78, articles 8 and 12**

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

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

3 The Marine Environment Protection Committee, at its [fifty-eighth session (6 to 10 October 2008)] and the Maritime Safety Committee, at its [eighty-fifth session (26 November to 5 December 2008)] approved amendments to MSC-MEPC.3/Circ.1.

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

5 The reporting formats contained in the annexes to this circular replace the reporting forms contained in MSC 59/33, annex 3 regarding Damage cards, MSC/Circ.224 regarding Intact stability casualty records, MSC/Circ.388 on Fire casualty records, MSC/Circ.433 on Reports on investigations into serious casualties, MSC/Circ.559 on Incidents involving dangerous goods or marine pollutants in packaged form, MSC/Circ.621 on Guidelines for the investigation of accidents where fatigue may have been a contributing factor and COM/Circ.70/Rev.1 Questionnaire on the maritime distress system. The reporting format on Incidental spillages of harmful substances of 50 tonnes or more has been added, as such reports are considered necessary when investigating a casualty or an incident (MARPOL 73/78, articles 8 and 12); however, this

* In order to facilitate the identification and retrieval of information circulated by means of joint MSC-MEPC circulars, from now on such information will be disseminated through the following circular series:

- 1 Organization and methods of work, as MSC-MEPC.1/Circ...
- 2 General matters, as MSC-MEPC.2/Circ...
- 3 Casualty-related matters, as MSC-MEPC.3/Circ...
- 4 Port State control-related matters, as MSC-MEPC.4/Circ...
- 5 Survey and certification-related matters, as MSC-MEPC.5/Circ...
- 6 National contact points for safety and pollution prevention and response, as MSC-MEPC.6/Circ...
- 7 Human element-related matters, as MSC-MEPC.7/Circ...

does not replace the one-line entry report required by the annual mandatory report under MARPOL 73/78, article 11 (MEPC/Circ.318, Part 1).

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

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

Information should also be provided in accordance with annex 10, for all casualties involving life-saving appliances whether or not there are injuries or loss of life or whether used for drills or emergencies, notwithstanding paragraph 7 below.

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

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

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

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

“Less serious casualties” are casualties to ships which do not qualify as “very serious casualties” or “serious casualties” and for the purpose of recording useful information also include “marine incidents” which themselves include “hazardous incidents” and “near misses”.

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

7 Administrations are urged to submit data as indicated below.

Information to be submitted per casualty class

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

Very serious casualty

preliminary information as indicated in **annex 1***

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

a full investigation report in all cases

Serious casualty

preliminary information as indicated in **annex 1***

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

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

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

Less serious casualty and marine incident

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

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

Information to be submitted for casualties/incidents as indicated below

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

8 Member Governments are invited to give effect to the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (resolutions A.849(20) and A.884(21) or MSC.255(84) and MSC-MEPC.3/Circ.2) when conducting investigations into marine casualties and incidents.

9 Member Governments are requested to use the present circular when reporting on marine casualties and incidents, and to make ample use of the electronic data exchange and reporting facilities available through the IMO Global Integrated Shipping Information System (GISIS) (<http://gisis.imo.org/Members>), as described in circular letter No.2892 – Access to IMO web services, including GISIS and IMODOCS.

10 The present circular supersedes MSC-MEPC.3/Circ.1.

List of annexes

ANNEX 1: SHIP IDENTIFICATION AND PARTICULARS
Indicates the information to be submitted in all casualty reports.

ANNEX 2: DATA FOR VERY SERIOUS AND SERIOUS CASUALTIES
Indicates information to be supplied on “very serious” and “serious” casualties.

- ANNEX 3: SUPPLEMENTARY INFORMATION ON VERY SERIOUS AND SERIOUS CASUALTIES
Additional information required for “very serious casualties” and “serious” casualties.
- ANNEX 4: INFORMATION FROM CASUALTIES INVOLVING DANGEROUS GOODS OR MARINE POLLUTANTS IN PACKAGED FORM ON BOARD SHIPS AND IN PORT AREAS
This form may be applicable for marine casualties as defined as well as marine incidents.
- ANNEX 5: DAMAGE CARDS AND INTACT STABILITY CASUALTY RECORDS
This form may apply to “very serious” and “serious” casualties.
- ANNEX 6: FIRE CASUALTY RECORD
This form may apply to “very serious” and “serious” casualties.
- ANNEX 7: QUESTIONNAIRE RELATED TO THE GLOBAL MARITIME DISTRESS AND SAFETY SYSTEM
This form may apply to “very serious” and “serious” casualties.
- ANNEX 8: FATIGUE AS A CONTRIBUTORY FACTOR TO MARITIME ACCIDENTS – FATIGUE FACTORS DATA COMPILATION SHEET
This form will apply where fatigue is deemed to be a contributory factor in the casualty.
- ANNEX 9: INCIDENTAL SPILLAGES OF HARMFUL SUBSTANCES OF 50 TONNES OR MORE
This form relates to incidents involving harmful substances. The report is considered necessary when investigating a casualty or an incident (MARPOL 73/78, articles 8 and 12), however this does not replace the one-line entry report required by the annual mandatory report under MARPOL 73/78, article 11 (MEPC/Circ.318, Part 1).
- ANNEX 10: LIFE-SAVING APPLIANCE CASUALTY RECORD
This form is for all casualties involving life-saving appliances, adding any other information which would provide lessons to be learned concerning the use of this equipment.

* * *

ANNEX 1

IMO MARINE CASUALTY AND INCIDENT REPORT

SHIP IDENTIFICATION AND PARTICULARS

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

SHIP PARTICULARS

1. IMO Number:

2. Name of Ship:

3. Flag Administration:

4. Type of Ship:

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

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

5. Type of service:

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

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

7. Gross Tonnage:

8. Length overall:

9. Classification Society:

10. Registered Shipowner:

11. Ship Manager/Operator:

12. Previous names:

13. Previous Flag:

14. Previous Class Society:

15. Date of contract/keel laid/delivery:

16. Date of major conversion:

17. Deadweight:

18. Hull material:

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

19. Hull construction:

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

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

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

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

22. Building yard: _____

23. Hull number: _____

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

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

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

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

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

PRELIMINARY CASUALTY DATA

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

2. **Position/location:**

3. **Initial event* :**

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

4. **Consequences:**

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

5. **Summary of events:**

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

* * *

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

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

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

ANNEX 2

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

CASUALTY DATA

1 Date and local time of casualty: (24 hr clock) (dd/mm/yyyy):

2 Position of casualty (Latitude, Longitude):

3 Location of casualty:

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

4 Pilot on board:

5 Type of casualty (initial event):

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

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

5.1.2 Name of other ship involved. (not coded)

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

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

6 Type of subsequent events:

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

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

7 Consequences of the casualty:

7.1 Consequences to the ship involved in the casualty:

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

7.2 Consequences related to human beings:

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

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

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

*** Incapacitated for 72 hours or more.

7.3 Consequences to the environment (pollution):

7.3.1 Oil in bunkers:

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

7.3.2 Oil cargo:

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

7.3.3 Chemicals in bulk:

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

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

7.3.4 Dangerous Goods in packaged form:

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

8 Primary causes of the initial event:

Coding principle:

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

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

8.1.1 Human violations or errors by the crew:

.1 Human violations

.2 Human error

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

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

9.4 Mistake (an intentional action where there is an error in the planning process; there is no deliberate decision to act against a rule or procedure):

9.4.1 Error in judgement

9.4.2 Inappropriate choice of route

9.4.3 Deciding not to pass on information

9.4.4 Failure to respond appropriately

9.4.5 Other

10 Underlying factors:

10.1 Liveware:

10.1.1 Physiological:

.1 Fatigue

.2 Stress

.3 Alcohol/illegal drug

.4 Prescription medicine

10.1.2 Psychological:

.1 Excessive workload

.2 Communication

.3 Standards of personal competence

.4 Lack of familiarity or training

.5 Panic and fear

.6 Boredom

.7 Mental and emotional disorders

10.1.3 Physical:

.1 Hearing problem

.2 Visual problem

.3 Injuries and illness

.4 Less than adequate medical fitness

10.1.4 Others:

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

* * *

ANNEX 3

IMO MARINE CASUALTY AND INCIDENT REPORT
SUPPLEMENTARY INFORMATION ON VERY SERIOUS
AND SERIOUS CASUALTIES

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

1. Principle findings and form of casualty investigation:

2. Action taken:

3. Findings affecting international regulations:

4. Assistance given (SAR operations):

* * *

ANNEX 4

IMO MARINE CASUALTY AND INCIDENT REPORT

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

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

The information should be provided in case of:

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

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

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

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

1. Cargo(es) involved

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

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

* Data should be provided only if not supplied otherwise.

- 1.3 Type of packaging/container:

- 1.4 Quantity and condition of goods:

- 1.5 Stowage/Securing arrangements:

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

 - 2.2 Lost goods floated or sank:

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

3. Brief account of the sequence of events* :

4. Extent of damage* :

* Data should be provided only if not supplied otherwise.

5. Emergency response measures taken:

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

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

8. Measures/recommendations to prevent recurrence:

9. Further investigation (yes/no)* :

* * *

* Data should be provided only if not supplied otherwise.

ANNEX 5

IMO MARINE CASUALTY AND INCIDENT REPORT

DAMAGE CARDS AND INTACT STABILITY CASUALTY RECORDS

Card No Number of files to this casualty
(If more than one damage, please complete another sheet with description of that penetration)

Date and place° of casualty (category and details)
(harbour, quay wall ; river, channel ; coastal waters ; open sea ; other)

Nature of casualty (category and details)
(capsize ; collision ; fire/explosion ; grounding ; heavy weather ; loss ; other)

Nature of damage (category and details)
(dent/deformation ; breakage/crevice ; strong deformation ; other)

Damaged Ship.

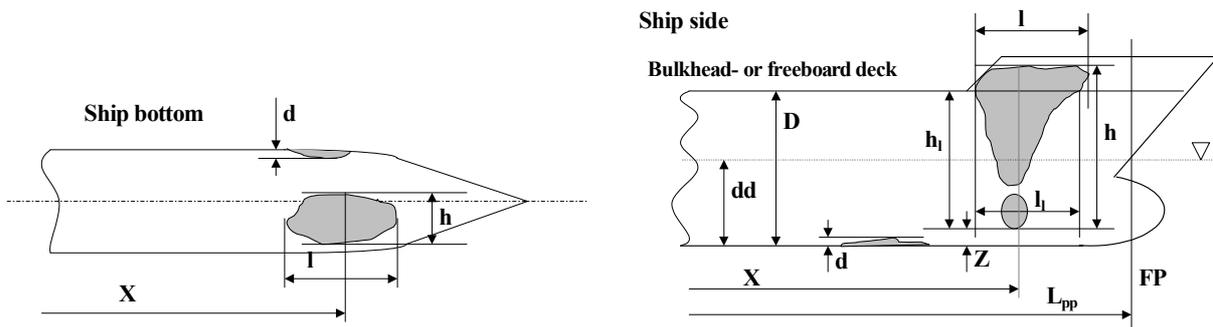
Ship Name° IMO No.

Type* (category and details)
(Bulk Carrier ; Gen. Cargo ; Container ; Fishing ; Passenger + Pass/Cargo ; RoRo, Car Carrier, Ferry, Car Ferry ; Service Ship + Specialised ; Tanker ; other)

Length between perpendiculars* L_{pp} = L_{oa} = Moulded breadth* B =

Moulded depth* D =

Draught before damage: amidships d_i = (or fore d_i = aft d_i =)



Dimensions and location of damage (see sketches above).

Ship side Damage position
(portside ; starboard ; bottom) (fore ship ; afterbody ; cargohold ; rudder ; engineroom ; other)

Position (height) with reference to WL Damage type (position No)
(damage extends: 1=below and above-; 2=above but not below-; 3= below but not above-; 4= within- the physical limits of the ship structure)

Distance from AP to centre of damage* X =

Distance from base line to the lower point of damage* Z =

Length of I = Height of h = Penetration d =

damage* l_i = damage* h_i = of damage* d_i =

dd_{mid} = dd_{fore} = dd_{aft} = (draughts after damage)

$dd_{mid\ calc}$ =

Hole in ship: Yes No Struck vessel: Yes No
Ship to ship collision: Yes No Striking vessel: Yes No

Notes:

(If damage extends above bulkhead/freeboard deck, additional dimensions should be given for the part located below this deck, these being marked with suffix "1")

NOTES

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

INTACT STABILITY CASUALTY RECORD

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

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

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

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

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

Were any particular circumstances related to the casualty? _____

Give short description of casualty¹ _____

Note:

¹ Data should be provided only if not provided otherwise.

General Particulars		For ship in fully loaded homogenous arrival condition (with 10% stores, fuel, etc.)	For ship in condition at time of loss
Draught (amidships)	d		
Displacement*	Δ		
Centre of gravity above moulded base line*	KG		
Metacentric height (uncorrected)*	GM		
Distance between the transverse metacentre and centre of buoyancy	BM		
Reduction in GM due to any free surface of liquids*			
Block coefficient of fineness of displacement*	δ		
Coefficient of fineness of midship section	β		
Coefficient of fineness of waterplane	α		
Height of centre of buoyancy above moulded base line	KB		
Lateral area of ships profile (including erections, etc.) exposed to wind	A_v		
Distance between centre of lateral area of ships profile exposed to wind and corresponding waterline			
Estimated rolling period (P-S-P) (in seconds) ^(o)	T_r		
Rated amplitude of roll (maximum)	θ_r		
Angle of heel for immersion of uppermost continuous deck			
Righting levers (GZ) based upon centre of gravity (G) corrected for any free surfaces, for the following angles of heel:*			
0°			
10°			
20°			
30°			
40°			
50°			
60°			
70°			
80°			
90°			
Maximum righting lever	GZ_m		
Angle of maximum stability	θ_m		
Angle of vanishing stability	θ_v		
Lightship Displacement Δ_0 =	Centre of gravity above moulded base line KG_0 =		
NOTES FOR INTACT STABILITY CASUALTY RECORD			
1. Casualty records to be completed for all seagoing passenger ships, sea-going cargo ships of 25 metres in length and over, and sea-going fishing vessels of 15 metres in length and over, in respect of both losses of ships and cases in which dangerous heeling occurred due to unsatisfactory intact stability, including those cases where loss or heeling of the ship was due to shifting of cargo.	2. Depth D should be measured to the bulkhead deck in passenger ships and to the freeboard deck in non-passenger ships (or to uppermost completed deck, if bulkhead or freeboard deck is not specified.)	3. The metric system should be used for all measurements.	4. Data marked with an asterisk (*) are the most important.
	5. The provision of data marked (°) is optional.	6. It is desirable to attach a sketch of statical stability curves, drawn for both the below loading conditions, using the following scales: (i) 20 mm for every 10° angle of inclination. (ii) 10 mm (or 20 mm) for every 0.1 metre of righting lever.	

* * *

ANNEX 6

IMO MARINE CASUALTY AND INCIDENT REPORT

DATA FOR VERY SERIOUS AND SERIOUS CASUALTIES

FIRE CASUALTY RECORD

In addition to supplying the information requested in this annex, Administrations are urged to also supply the information listed in other relevant annexes of MSC-MEPC.3/Circ.1, in particular the information contained in annex 1 (ship identification and particulars).

1 Operational Condition of Ship:

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

2 Local conditions when fire was discovered: _____

.1 Time (local onboard) at which fire was discovered (daylight or darkness):

.2 Wind force (Beaufort scale and direction): _____

.3 State of sea (and code used): _____

3 Part of ship where fire broke out: _____

4 Probable cause of fire: _____

.1 Briefly describe on-board activities that were contributing factors (cargo operations, maintenance, hot work, etc.):

.2 Probable cause of ignition:

5 Explain how persons onboard were alerted:

6 Means by which fire was initially detected:*

- Fixed fire detection system
- By ships crew or passenger
- Not known

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

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

- .1 Containment and extinguishment of any fire in the space of origin: _____
- .2 Protection of means of escape or access for fire fighting: _____
- .3 Adequacy of structural fire protection: _____

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

9 Fixed fire-extinguishing installations: _____

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

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

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

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

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

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

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

15 Time taken to fight fire from first alarm:

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

16 Total duration of fire: _____

17 Damage caused by fire:

.1 Loss of life, or injuries to personnel:

.2 To the cargo:

.3 To the ship:

.4 Release of pollutants:

18 Was there any failure of the fire-fighting equipment or systems when used?

If yes, were the equipment and/or system maintenance records up to date (e.g., servicing)?

19 Was there an adequate supply of air on board for self-contained breathing apparatus or was outside assistance needed to supply such air?

20 Observations and comments:

* * *

ANNEX 7

IMO MARINE CASUALTY AND INCIDENT REPORT

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

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

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

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

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

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

.2 Brief description of:

(a) GMDSS sea area: _____

(b) weather conditions during SAR operations: _____

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

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

distress alert by ship: _____

distress relay by RCC: _____

SAR Coordinating communications: _____

- (b) use of alarm signal: _____

- (c) contents of distress message: _____

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

- (e) language difficulties: _____

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

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

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

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

* * *

ANNEX 8

IMO MARINE CASUALTY AND INCIDENT REPORT

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

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

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

- | | | |
|---|---|-------|
| 1 | Management/regulatory factors | |
| | Contractual arrangements | _____ |
| | Work and rest periods | _____ |
| | Manning levels | _____ |
| | Watchkeeping practices | _____ |
| | Assignment of duties | _____ |
| | Shore-ship-shore support and communication | _____ |
| | Management policy | _____ |
| | Voyage planning | _____ |
| | Recreational facilities | _____ |
| 2 | Ship factors | |
| | Level of automation | _____ |
| | Reliability of equipment | _____ |
| | Motion characteristics | _____ |
| | Vibration, heat and noise levels | _____ |
| | Quality of working and living environment | _____ |
| | Cargo characteristics/requirements | _____ |
| | Ship design | _____ |
| 3 | Crew factors | |
| | Period on board | _____ |
| | Experience/training | _____ |
| | Crew composition, cohesiveness, and relationships | _____ |
| | Crew competency and quality | _____ |
| | Personal problems and condition | _____ |
| 4 | External factors | |
| | Weather | _____ |
| | Port conditions | _____ |
| | Ice conditions | _____ |
| | Density of vessel traffic | _____ |

* * *

ANNEX 9

IMO MARINE CASUALTY AND INCIDENT REPORT

INCIDENTAL SPILLAGES OF HARMFUL SUBSTANCES OF 50 TONNES OR MORE

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

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

Part 1

To be completed by the reporting Administration

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

2. Location of the incident (select one of the following):

- .1 in inland waters
- .2 in the territorial sea
- .3 within the exclusive economic zone
- .4 outside the exclusive economic zone,
in international waters

3. Reporting Administration: _____

Report completed by: (Administration and address)

Part 2

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

4. Action taken by reporting Administration:

.1 Response to the spill:

- .1 no action
 - .2 clean-up efforts
 - .3 salvage efforts
 - .4 other, i.e.
-

.2 Legal action:

- .1 no action
 - .2 action to be taken by flag Administration
 - .3 pending
 - .4 action taken by reporting Administration, i.e.
-

.3 Measures/recommendations to prevent recurrence:

.4 Additional information:

Direct Natural Resource Damages

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

Part 3

To be completed by the flag Administration:

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

* * *

ANNEX 10

LIFE-SAVING APPLIANCE CASUALTY RECORD

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

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

1 Location of casualty:

(See annex 2, items 3.1-3.10)

.1 Was the ship: underway in port at anchor

2 Local conditions:

2.1 Local time (24-hr clock):

Daylight Darkness

2.2 Wind force (Beaufort scale):

2.3 Wave height (observed):

2.4 Sea Temperature: _____ °C

2.5 Air temperature: _____ °C

2.6 Ice conditions Yes No

2.7 Warm Climates Yes No

3 Type of life-saving appliance involved:

3.1 Inflatable liferaft: Capacity: _____ POB: _____

.1 Davit launched Yes No

3.2 Marine Evacuation System (MES):

.1 Vertical Slide

3.3 Lifeboat Capacity: _____ POB: _____

.1 Davit launched Free fall

3.4 Buoyant apparatus

3.5 Ship's rescue boat

3.6 Launching appliances Capacity: _____ POB: _____

3.7 Other: _____ Capacity: _____ POB: _____

4 Type of personal life-saving appliance used:

4.1 Immersion suit

4.2 Lifejacket

4.3 Personal Flotation Device (PFD), other than Lifejacket

4.4 Anti-exposure suit

4.5 Lifebuoy

5 Reason for deployment of life-saving appliance:

5.1 Emergency evacuation/abandonment

5.2 Crew training

5.3 Deployment as required by regulations

5.4 Approval Trials (give details)

6 Nature of casualty/incident

(See annex 1, paragraph 5)

7 Details of injuries/fatalities:

7.1 Number of life-saving appliance related fatalities

Crew: _____ Passengers: _____ Others: _____

7.2 Number of life-saving appliance related injuries

Crew: _____ Passengers: _____ Others: _____

8 Other relevant details:

9 Description of causes/contributing factors:

(see annex 2, paragraph 10)

APPENDIX

GUIDANCE FOR PREPARING THE LIFE-SAVING APPLIANCES CASUALTY RECORD

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

Design factor examples:

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

Human factor examples:

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

ANNEX 2**DRAFT MSC-MEPC CIRCULAR****UNIFIED INTERPRETATION OF THE APPLICATION OF REGULATIONS
GOVERNED BY THE BUILDING CONTRACT DATE, THE KEEL LAYING DATE
AND THE DELIVERY DATE FOR THE REQUIREMENTS OF
THE SOLAS AND THE MARPOL CONVENTIONS**

1 The Marine Environment Protection Committee, [at its fifty-eighth session (6 to 10 October 2008)], and the Maritime Safety Committee, [at its eighty-fifth session (26 November to 5 December 2008)], with a view to providing more specific guidance for application of the relevant requirements of the SOLAS and MARPOL Conventions, approved the unified interpretation, as set out in the annex.

2 Member Governments are invited to use the annexed interpretation when applying relevant provisions of the SOLAS and MARPOL Conventions and to bring it to the attention of all parties concerned.

* * *

ANNEX

**UNIFIED INTERPRETATION OF THE APPLICATION OF REGULATIONS
GOVERNED BY THE BUILDING CONTRACT DATE, THE KEEL LAYING DATE
AND THE DELIVERY DATE FOR THE REQUIREMENTS OF
THE SOLAS AND THE MARPOL CONVENTIONS**

1 Under certain provisions of the SOLAS and MARPOL Conventions, the application of regulations to a ship is governed by the dates:

- .1 for which the building contract is placed on or after dd/mm/yyyy; or
- .2 in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or after dd/mm/yyyy; or
- .3 the delivery of which is on or after dd/mm/yyyy.

2 For the application of such provisions, the date on which the building contract is placed for optional ships should be interpreted to be the date on which the original building contract to construct the series of ships is signed between the shipowner and the shipbuilder provided:

- .1 the option for construction of the optional ship(s) is ultimately exercised within the period of one year after the date of the original building contract for the series of ships; and
- .2 the optional ships are of the same design plans and constructed by the same shipbuilder as that for the series of ships.

3 The application of regulations governed as described in paragraph 1, above, is to be applied as follows:

- .1 if a building contract signing date occurs on or after the contract date specified for a particular set of regulation amendments, then, that set of regulation amendments applies;
- .2 only in the absence of a building contract does the keel laying date criteria apply and, if a ship's keel laying date occurs on or after the keel laying date specified for a particular set of regulation amendments, then, that set of regulation amendments applies; and
- .3 regardless of the building contract signing date or keel laying date, if a ship's delivery date occurs on or after the delivery date specified for a particular set of regulation amendments, then, that set of regulation amendments applies except in the case where the Administration has accepted that the delivery of the ships was delayed due to unforeseen circumstances beyond the control of the shipbuilder and the owner*.

* Refer to Unified Interpretation of "Unforeseen delay in the delivery of ships" (MSC.1/Circ.1247 and MARPOL Annex I, Unified Interpretation 4).

ANNEX 3**DRAFT MSC CIRCULAR****UNIFIED INTERPRETATION OF THE TERM “FIRST SURVEY” REFERRED TO
IN SOLAS REGULATIONS**

1 The Maritime Safety Committee, at its [eighty-fifth session (26 November to 5 December 2008)], following the recommendations made by the Sub-Committee on Flag State Implementation at its sixteenth session, approved the unified interpretation of the term “first survey” referred to in SOLAS regulations, as set out in the annex, with a view to ensuring a uniform approach towards the use of the above term.

2 Member Governments are invited to use the annexed interpretation when applying relevant provisions of the 1974 SOLAS Convention, as amended, and to bring it to the attention of all parties concerned.

3 This circular supersedes MSC/Circ.1141.

* * *

ANNEX

**UNIFIED INTERPRETATION OF THE TERM “FIRST SURVEY” REFERRED TO
IN SOLAS REGULATIONS**

1 Unless indicated otherwise, when the term “first survey” is referenced by a regulation in the 1974 SOLAS Convention, as amended, it means the first annual survey, the first periodical survey or the first renewal survey whichever is due first after the date specified in the relevant regulation or any other survey if the Administration deems it to be reasonable and practicable, taking into account the extent of repairs and alterations being undertaken.

2 For a ship under construction, where the keel is laid before, but the ship is delivered after, the date specified in the relevant regulation, the initial survey is the “first survey”.

ANNEX 4

FAO PRESENTATION ON THE EXPERT CONSULTATION TO DRAFT A LEGALLY-BINDING INSTRUMENT ON PORT STATE MEASURES, THE MEETING TO REVIEW ANNEXES OF THE DRAFT AGREEMENT ON PORT STATE MEASURES AND THE EXPERT CONSULTATION ON THE DEVELOPMENT OF A COMPREHENSIVE GLOBAL RECORD OF FISHING VESSELS

FAO and IMO share a long and co-operative history on matters of mutual interest, including concerns regarding illegal, unreported and unregulated (IUU) fishing. Many FAO Members consider combating IUU fishing as a high national priority due to its adverse economic, biological and social consequences and its negative impact on maritime security. Despite substantial efforts, IUU fishing remains a serious impediment to achieving sustainable fisheries. IUU activities can take many forms and involve a range of conduct including harvest, transport, transshipment, sale, purchase, and more. IUU fishing occurs on the high seas and within national economic zones and is a problem in industrialized fisheries as well as small scale fisheries.

As part of the concerns shared by the two Organizations, the Joint FAO/IMO *ad hoc* Working Group on IUU Fishing and Related Matters met in July 2007 and identified the following as potentially productive key areas for ongoing collaboration between the IMO and FAO:

- 1 port State controls and port State measures;
- 2 the development of a comprehensive global record of fishing vessels, and including refrigerated transport vessels and supply vessels;
- 3 the use of various types of technology for tracking fishing vessels;
- 4 options for bringing the Torremolinos protocol into force; and
- 5 marine debris.

A number of specific recommendations within these areas have been implemented during the past year, including the following few highlights.

A potential new tool in the fight against illegal fishing recently received endorsement from a team of experts convened by the FAO in Rome to study its future development. Given the way vessel registers are organized at the national level, FAO invited experts who were a mixture from maritime administrations and fisheries and law enforcement personnel. As summarized earlier by the delegation of Belize, FAO recognized the significant improvement Belize has made in the management of its fishing vessel registry in the past few years and was pleased that the Executive Director of Belize's vessel registry was able to participate and contribute those experiences in the positive transformation achieved in Belize. FAO likewise appreciated all of the participation from a number of Member States and organizations. And, as recommended by the Joint Working Group, an IMO staff member joined this consultation and provided significant suggestions and useful experience for the group.

This new tool which was discussed by the experts, a comprehensive global record of fishing vessels, is envisioned as a global database where data from many sources is gathered in one location and can be used for a variety of purposes. A preliminary study done by FAO concluded that a global record was technically feasible if a number of conditions could be met. One condition is the requirement for a unique vessel identifier. Given the considerable experience IMO and Lloyd's Register Fairplay have on this issue, FAO has been consulting with them on

how such a scheme might be developed; recognizing that the authority to register vessels will of course remain with national Authorities.

Further analysis into the viability of the global record on a number of issues is likely to occur during the remainder of 2008, and in March 2009, proposals regarding its further advancement will be put before the FAO Committee on Fisheries (COFI). If COFI endorses the proposals, development and implementation of the global record will remain conditional on the availability of sufficient funds for the project and to assist some countries in the development of their national registries. Additional details about the global record are available in an advanced copy of the report of the expert consultation which has been made available during the present meeting.

As has been acknowledged by a number of delegations here in the plenary, flag States have the primary responsibility to exercise effective control over their vessels, including their fishing vessels, and to ensure compliance with relevant fisheries conservation and management measures and laws. But some do not exercise their responsibilities, as they are unwilling or unable. As a result, the burden to control these fleets shifts to other States. Consequently, an expert workshop, "Flag State Responsibilities: Assessing Performance and Taking Action", was held in Vancouver, Canada, in March 2008, hosted by the Governments of Canada and Iceland, with technical support from FAO. It addressed relevant issues in the context of fisheries, including criteria to assess the performance of flag State responsibilities, instruments and mechanisms to ensure commitment and implementation of the criteria, compliance mechanisms, possible actions against vessels in the event of non-compliance and avenues for assistance to developing countries in meeting commitments under the criteria. An expert consultation has been proposed for late 2008 to further consider these topics.

Another response to the inadequate performance by some flag States, has been the recommendation to strengthen port State measures through the development of a new legally binding instrument. These proposed measures are not identical to the port State controls which are carried out by the PSC regimes represented at IMO, although IMO's regional structure was studied as the FAO investigated an approach. Interestingly, some Members expressed earlier this week their support for a global rather than regional system for port State controls. The principles embodied in the FAO's draft legally binding instrument are based on other international instruments specifically targeting IUU fishing, although these references are voluntary in nature. In the FAO context, port State measures as currently drafted, emphasis is placed on the inspection and verification of detailed information about a vessel's fishing authorizations, its catches, vessel activity, as well as basic vessel identification data. In a few weeks, a Technical Consultation, a large specialized meeting, will occur at the FAO to consider and modify the draft text of this proposed legally binding instrument. Assuming the concurrence of the Technical Consultation, the resulting draft agreement will be transmitted to COFI in 2009 for its consideration and future adoption. IMO staff continues to provide guidance and address harmonization and consistency where relevant.

In conclusion, illegal fishers are currently able to exploit portions of our collective systems which are not operative, incomplete or which are inadequately enforced. Consequently, the two Organizations have tried to find useful areas for collaboration to deal with a number of the serious issues emanating from IUU activities. FAO appreciates the support of IMO Member States and the Secretariat and looks forward to future opportunities to address these issues and to strengthen the collaboration between the two Organizations.

ANNEX 5

PRESENTATION OF THE IMO SHIP AND REGISTERED OWNER NUMBERING SCHEMES TO FISHING VESSELS OF 100 GROSS TONNAGE AND ABOVE

The IMO Secretariat and the FAO have already indicated that consideration is being given to broaden the IMO Ship and Registered Owner Numbering Schemes to encompass fishing vessels of 100 GT and above (or 24 metres). Here is a short technical appraisal of this proposal by Lloyd's Register Fairplay (LRF), the Managers of these schemes for ships covered by SOLAS. The IMO Ship Identification Numbering Scheme is now in its twenty-first year. The IMO Company and Registered Owner Numbering Scheme is due to come into force for ships covered by SOLAS in January 2009.

There would be clear advantages in being able to identify fishing vessels with a unique number, centrally administered, that stays with the vessel throughout its life; a number that does not change, is never transferred or ever re-used, however much the vessel changes registry, name or ownership. This is the essential character of the IMO numbering scheme for ships covered by SOLAS. The same advantages apply to a unique IMO number for registered owners and companies.

The most important factor in managing these schemes is an up-to-date and accurate database of ship and company information that also has comprehensive data history, combined with reliable sources of data in electronic formats and established procedures for ship record matching and updating. It is not simply a matter of issuing a number once to the first register or owner or shipyard or class. Even though marked on the ship, on plans and certificates, there has to be a central up-to-date database against which numbers can be validated throughout the life of the ship or the company.

For the ships covered by SOLAS, LRF draws on data from multiple electronic data sources to maintain its databases, cross-referencing data to establish what is the most accurate and up to date. These sources include: flag registries, classification societies, shipyards, port State control, feedback from commercial and governmental clients, and vessel monitoring systems such as VTS and AIS. Some of these sources are supported by requirements under the numbering schemes; others through data exchange arrangements LRF has put into place – such as with PSC MoUs.

A second important factor in the success of the IMO schemes for ships covered by SOLAS, is that the databases and the numbering schemes were in existence before the schemes were adopted by Assembly and MSC resolutions.

Looking now at the fishing fleet, LRF has developed a fleet database of 26,000 fishing and support vessels of 100 gross tonnage and above. This is estimated to be approximately half of the world fleet of this size. All vessels have registered owners, and both vessels and owners have been given unique numbers within the IMO numbering schemes. The data sources used to build up and maintain this fleet are a number of flag registries and shipyards. LRF does not believe, however, that this database is up to its usual quality standards of ships covered by SOLAS, and not yet sufficient to support unique numbering schemes for the maritime community. Many of the other data sources that enable LRF to maintain the databases for ships covered by SOLAS, such as class, port State control and AIS do not exist for fishing vessels.

In the last few weeks LRF has been in informal discussions with five regional fisheries management organizations (RFMOs) to develop data exchanges between their database systems and LRF, which would allow LRF to issue unique numbers for the fishing fleet in their databases. These discussions have progressed well, but it is already clear that the RFMOs would have to source new data fields to enable LRF to match their fleet data to the LRF database. The request form for an IMO ship identification number (circular letter No.1886/Rev.3) contains a minimum number of fields which are stipulated to facilitate the identification of the ship. The RFMOs would also need to seek amendments to their procedures in order to allow them to exchange data with LRF and this will take time.

A second development that would need to be put into place is an agreement to enable fishing fleet data exchanges with flag registries. These would need to be electronic and in standard formats, covering an agreed range of data fields. A possible template for this already exists under the IMO Registered Owner and Company Numbering Scheme (circular letter No.2554/Rev.1/Corr.1, annex 3). A lot of work would be needed in this area to put these standardized data exchanges in place.

Until the central database has sufficient coverage of fishing vessels, the submission of data by owners requesting numbers for individual vessels would be unmanageable. This is not a method that LRF would support to increase the fleet coverage of the central database.

LRF concludes that extending the existing IMO numbering schemes to fishing vessels of 100 gross tonnage and above is possible. However, the data flows and agreements on resourcing to develop the central database to support the numbering schemes are not yet in place. Co-operation between the IMO and FAO Secretariats, flag registries, RFMOs and LRF (as managers of the IMO schemes) would be necessary to move this forward.

ANNEX 6

**PROPOSED REVISED WORK PROGRAMME OF THE SUB-COMMITTEE
AND PROVISIONAL AGENDA FOR FSI 17**

Proposed revised work programme of the Sub-Committee

	Title and reference to strategic directions, high-level actions and planned outputs for 2008-2009	Target completion date/number of sessions needed for completion	Reference
1	<p>Mandatory reports under MARPOL</p> <p><i>Strategic direction:</i> 2</p> <p><i>High-level action:</i> 2.1.1</p> <p><i>Planned output:</i> 2.1.1.6</p>	Continuous	MSC 70/23, paragraph 20.12.1; MEPC 56/23, paragraph 14.4; FSI 16/18, section 4
2	<p>Casualty statistics and investigations</p> <p><i>Strategic direction:</i> 1.1 / 2 / 4 / 5.3 / 12.1 / 12.3</p> <p><i>High-level action:</i> 1.1.2 / 2.1.1 / 4.2.1 / 5.3.1 / 12.1.2 / 12.3.1</p> <p><i>Planned output:</i> 1.1.2.1 / 2.1.1.1 / 4.2.1.1 / 4.2.1.3 / 5.3.1.5 / 12.1.2.1 / 12.1.2.2 / 12.3.1.1</p>	Continuous	MSC 68/23, paragraphs 7.16 to 7.24; FSI 16/18, section 6
3	<p>Harmonization of port State control activities</p> <p><i>Strategic direction:</i> 1.1 / 2 / 4 / 5.3 / 12.3</p> <p><i>High-level action:</i> 1.1.2 / 2.1.1 / 4.2.1 / 5.3.1 / 12.3.1</p> <p><i>Planned output:</i> 1.1.2.1 / 2.1.1.7 / 4.2.1.1 / 4.2.1.3 / 5.3.1.2 / 5.3.1.3 / 5.3.1.4 / 5.3.1.5 / 12.3.1.2</p>	Continuous	MSC 71/23, paragraph 20.16; MSC 80/24, paragraph 21.16; FSI 16/18, section 7
4	<p>Responsibilities of Governments and measures to encourage flag State compliance</p> <p><i>Strategic direction:</i> 2 / 4 / 5.3</p> <p><i>High-level action:</i> 2.1.1 / 4.2.1 / 5.3.1</p> <p><i>Planned output:</i> 2.1.1.5 / 4.2.1.2 / 5.3.1.5</p>	Continuous	MSC 68/23, paragraphs 7.2 to 7.8; FSI 16/18, section 3

Notes: 1 Strike-out text indicates proposed deletions and shaded text shows proposed additions and changes.

2 Items printed in bold letters have been selected for the provisional agenda for FSI 17.

	Title and reference to strategic directions, high-level actions and planned outputs for 2008-2009	Target completion date/number of sessions needed for completion	Reference
5	Comprehensive analysis of difficulties encountered in the implementation of IMO instruments <i>Strategic direction:</i> 2 <i>High-level action:</i> 2.1.1 <i>Planned output:</i> 2.1.1.5	Continuous	MSC 69/22, paragraph 20.28; FSI 8/19, paragraph 4.3; FSI 16/18, section 10
6	Review of the Survey Guidelines under the HSSC (resolution A.948(23)) <i>Strategic direction:</i> 5.2 <i>High-level action:</i> 5.2.1 <i>Planned output:</i> 5.2.1.2	Continuous	MSC 72/23, paragraph 21.27; FSI 16/18, section 11
7	Consideration of IACS unified interpretations <i>Strategic direction:</i> 1.1 <i>High-level action:</i> 1.1.2 <i>Planned output:</i> 1.1.2.1	Continuous	MSC 78/26, paragraph 22.12; FSI 16/18, section 12
8	Review of the Code for the Implementation of Mandatory IMO Instruments <i>Strategic direction:</i> 2 <i>High-level action:</i> 2.1.1 / 2.2.1 <i>Planned output:</i> 2.1.1.5 / 2.1.1.7 / 2.2.1.1 / 2.2.1.2	Continuous	MSC 83/28, paragraph 25.27; FSI 16/18, section 14
H.1	PSC guidelines on seafarers' working hours and PSC guidelines in relation to the Maritime Labour Convention, 2006 <i>Strategic direction:</i> 1.1 <i>High-level action:</i> 1.1.2 <i>Planned output:</i> 1.1.2.1	2009	MSC 70/23, paragraph 20.12.3; FSI 16/18, section 9
H.2	Illegal, unregulated and unreported (IUU) fishing and implementation of resolution A.925(22) <i>Strategic direction:</i> 1.1 <i>High-level action:</i> 1.1.2 <i>Planned output:</i> 1.1.2.1 / 1.1.2.3	2008	MSC 72/23, paragraph 21.28; FSI 10/17, section 11; MSC 75/24, paragraphs 13.11 and 22.25.3;

	Title and reference to strategic directions, high-level actions and planned outputs for 2008-2009	Target completion date/number of sessions needed for completion	Reference
H.32	Development of guidelines on port State control under the 2004 BWM Convention <i>Strategic direction:</i> 2 / 5.3 <i>High-level action:</i> 2.1.1 / 5.3.1 <i>Planned output:</i> 2.1.1.2 / 5.3.1.2	2008 2010	MEPC 52/24, paragraph 2.21.2; FSI 16/18, section 8
H.43	Port reception facilities-related issues <i>Strategic direction:</i> 7.1 / 13.2 <i>High-level action:</i> 7.1.3 / 13.2.1 <i>Planned output:</i> 7.1.3.1 / 7.1.3.2 / 13.2.1.1 / 13.2.1.2	2010	MEPC 53/24, paragraph 9.7; FSI 16/18, section 5
H.54	Development of a Code for Recognized Organizations <i>Strategic direction:</i> 2 <i>High-level action:</i> 2.1.1 <i>Planned output:</i> 2.1.1.1	2 sessions 2010	MSC 84/24, section 22, paragraph 22.27; FSI 16/18, section 15
H.65	Measures to protect the safety of persons rescued at sea <i>Strategic direction:</i> 5.1 <i>High-level action:</i> 5.1.2 <i>Planned output:</i> -	2 sessions 2010	MSC 84/24, section 22; FSI 16/18, section 15
H.76	Code of conduct during demonstrations/ campaigns against ships on high seas (coordinated by NAV) <i>Strategic direction:</i> 5.2 <i>High-level action:</i> 5.2.4 <i>Planned output:</i> 5.2.4.2	2 sessions	MSC 82/24, section 22

Provisional agenda for FSI 17

- Opening of the session
- 1 Adoption of the agenda
 - 2 Decisions of other IMO bodies
 - 3 Responsibilities of Governments and measures to encourage flag State compliance
 - 4 Mandatory reports under MARPOL
 - 5 Port reception facilities-related issues
 - 6 Casualty statistics and investigations
 - 7 Harmonization of port State control activities
 - 8 PSC guidelines on seafarers' working hours and PSC guidelines in relation to the Maritime Labour Convention, 2006
 - 9 Development of guidelines on port State control under the 2004 BWM Convention
 - 10 Comprehensive analysis of difficulties encountered in the implementation of IMO instruments
 - 11 Review of the Survey Guidelines under the HSSC (~~resolution A.948(23)~~)
 - 12 Consideration of IACS Unified Interpretations
 - 13 Review of the Code for the Implementation of Mandatory IMO Instruments
 - 14 **Development of a Code for Recognized Organizations**
 - 15 **Measures to protect the safety of persons rescued at sea**
 - 16 Work programme and agenda for FSI 18
 - 17 Election of Chairman and Vice-Chairman for 2010
 - 18 Any other business
 - 19 Report to the Committees

ANNEX 7

REPORT ON THE STATUS OF PLANNED OUTPUTS OF THE SUB-COMMITTEE IN THE HIGH-LEVEL ACTION PLAN OF THE ORGANIZATION AND PRIORITIES FOR THE 2008-2009 BIENNIUM

Strategic Directions (SDs) (A.989(25))		High-level Actions (HLAs)		Planned outputs for 2008-2009			
ENHANCING THE STATUS AND EFFECTIVENESS OF IMO							
1	IMO is the primary international forum for technical matters of all kinds affecting international shipping and legal matters related thereto. An inclusive and comprehensive approach to such matters will be a hallmark of IMO. In order to maintain that primacy, it will:	1.1	Further develop its role in maritime affairs <i>vis-à-vis</i> other intergovernmental organizations, so as to be able to deal effectively and comprehensively with complex cross-agency issues	1.1.2	Co-operate with the United Nations and other international bodies on matters of mutual interest	1.1.2.1	Co-operation with: Safety and security topics (MSC): - FAO: follow-up to the second session of the IMO/FAO Working Group on IUU fishing and related matters, including safety regulations for fishing vessels and fishers; and identification of revisions to the 1993 Torremolinos Protocol which may be needed to make the Protocol acceptable to the required number of Governments to ensure entry into force, possibly through the development of an additional instrument (see Outputs 1.1.2.3 (safety and security topics), 5.2.1.3 and 5.2.1.4) Status: Recommendations of the Joint Working Group were considered by FSI 16. - IACS: consideration of unified interpretations Status: Draft MSC circular on Interpretation of the term “first survey” prepared by FSI 16. - ILO: port State control of seafarers’ working hours Status: In progress. Await the outcome of the consideration by MSC 85 of the recommendation by STW 39. Environmental topics (MEPC): - FAO: follow-up to the second session of the IMO/FAO Working Group on IUU fishing and related matters, including marine litter/garbage issues (MARPOL Annex V) (see Output 1.1.2.3 (environmental topics)) General status: Completed: - Data providers: protocols on data exchange with international, regional and national entities (all committees, as appropriate/Secretariat) (see Output 4.2.1.3) Status: In progress. Status of protocols with PSC regimes and Equasis considered by FSI 16. Information provided on developments involving other databases, e.g., EMSA and Stavenger casualty databases.
						1.1.2.3	Policy input or guidance issued to or on: Safety and security topics (MSC): - ILO: development of PSC guidelines in the context of the Maritime Labour Convention, 2006 Status: In progress. Status of development of ILO guidelines was considered by FSI 16. Progress to be reported to FSI 17. - IMO/FAO Working Group on IUU fishing and related matters: safety regulations for fishing vessels and fishermen (see Output 1.1.2.1 – safety and security topics) - PSC regimes: related IMO developments Status: In progress. IMO developments relevant to PSC presented to PSC regimes.

Strategic Directions (SDs) (A.989(25))			High-level Actions (HLAs)		Planned outputs for 2008-2009			
						Environmental topics (MEPC): - IMO/FAO Working Group on IUU fishing and related matters: marine litter/garbage issues (MARPOL Annex V) (see Output 1.1.2.1 – environmental topics) Status: Collaboration on “Abandoned, Lost and Otherwise Discarded Fishing Gears” (ALDFG) through the MEPC Correspondence Group working on the review of Annex V of MARPOL noted by FSI 16.		
2	IMO will foster global compliance with its instruments governing international shipping and will promote their uniform implementation by Member States		2.1.1	Monitor and improve conventions, etc., and provide interpretation thereof if requested by Member States	2.1.1.1	New or amended mandatory IMO instruments: Safety and security topics (MSC): - Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code) adopted and implemented through the collection of investigation reports Status: Implementation in progress Development of a Code for recognized organizations (ROs) Status: Item on the agenda for FSI 17		
					2.1.1.2	New or amended non-mandatory IMO instruments: Environmental topics (MEPC): - Guidelines for the BWM Convention (updating and consolidation of existing guidelines) (see Output 7.1.2.2) Status: In progress. Development of PSC guidelines considered by FSI 16.		
					2.1.1.5	Promotion of the implementation of mandatory and non-mandatory instruments (MSC) Status: In progress. List of non-mandatory instruments for which status of implementation could be relevant agreed by FSI 16 and GISIS module to be developed.		
					2.1.1.6	Reports (MEPC/Secretariat): - Summary reports and analyses of mandatory reports under MARPOL Status: Reports for 2006 and use of GISIS data considered by FSI 16.		
					2.1.1.7	GISIS module on requirements, including uploaded national legislation (MSC/Secretariat) Status: In progress. Specifications considered by FSI 16.		
					2.2.1	Encourage and support implementation of the Voluntary IMO Member State Audit Scheme	2.2.1.1	Input related to marine environment protection to the Voluntary IMO Member State Audit Scheme and to the Code for the implementation of mandatory IMO instruments (MEPC) Status: In progress. Proposed Amendments to the Code considered by FSI 16 to be further developed intersessionally.
					2.2.1.2	A revised Code for the Implementation of Mandatory IMO Instruments (Assembly, Council, MSC and MEPC) Status: In progress. Amendments to the Code and consolidated audit summary report considered by FSI 16 and to be further progressed intersessionally.		
4	Internally, IMO should be able to respond effectively and efficiently to emerging trends, developments, and challenges. It will strive for excellence in governance and management. Besides the Strategic Plan, it will put in place and maintain a risk management		4.2.1	Create a knowledge and information-based Organization through improved management and dissemination of information making use of appropriate technology	4.2.1.1	Guidance on the establishment or further development of information systems (databases, websites, etc.) as part of the Global Integrated Shipping Information System (GISIS) platform, as appropriate (all Committees, as appropriate) (see Outputs 12.3.1.1 and 13.2.1.1) Status: In progress. Updated information on GISIS was provided.		
					4.2.1.2	Development and management of mandatory IMO number schemes (MSC) Status: In progress. Preparation for the entry into force of the Unique company and registered owner number scheme considered by FSI 16.		
					4.2.1.3	Protocols on data exchange with other international, regional and national data providers (all Committees, as appropriate/Secretariat) (see Output 1.1.2.1 (general)) Status: In progress. Protocols on data exchange with PSC regimes considered by FSI 16 and to be progressed by the Secretariat.		

Strategic Directions (SDs) (A.989(25))		High-level Actions (HLAs)		Planned outputs for 2008-2009			
	framework. The Council will provide visionary leadership, Committees will be optimally structured and will be supported by an effective and efficient Secretariat. The Secretariat will be endowed with sufficient resources and expertise to realize the Organization's work plans within approved biennial appropriations, and the Organization will make effective use of information and communication technology in management and administration.						
DEVELOPING AND MAINTAINING A COMPREHENSIVE FRAMEWORK FOR SAFE, SECURE, EFFICIENT AND ENVIRONMENTALLY SOUND SHIPPING							
5	IMO's highest priority will be the safety of human life at sea. In particular, greater emphasis will be accorded to:	5.2	Enhancing technical, operational and safety management standards	5.2.1	Keep under review the technical and operational safety aspects of all types of ships, including fishing vessels	5.2.1.2	New or amended non-mandatory IMO instruments (MSC): - Regulations for non-convention ships Status: In progress. Caribbean Cargo Ship Safety Code and Small Commercial Vessel Code considered by FSI 16. The Secretariat to update information on related activities.
				5.2.4	Keep under review measures to improve navigational safety, including e-navigation, ships' routing, ship reporting systems, vessel traffic services, requirements and standards for ship-borne navigational aids and systems	5.2.4.2	New or amended non-mandatory IMO instruments (MSC): - Code of conduct during demonstrations/campaigns against ships on high seas Status: Item on the work programme of the Sub-Committee.

Strategic Directions (SDs) (A.989(25))			High-level Actions (HLAs)		Planned outputs for 2008-2009		
		5.3	Eliminating shipping that fails to meet and maintain these standards on a continuous basis	5.3.1	Keep under review flag and port State procedures for the control of ships	5.3.1.2	New or amended non-mandatory IMO instruments: Safety and security topics (MSC): - Revised procedures for port State control (resolution A.787(19), as amended by resolution A.882(21)) Status: In progress. Draft amendments to Procedures for PSC considered by FSI 16 and to be further developed intersessionally. Environmental topics (MEPC): - Revised Survey guidelines under the Harmonized System of Survey and Certification for the BWM Convention (see output 5.2.1.2) Status: PSC guidelines to be developed by FSI 17 or FSI 18.
						5.3.1.3	Harmonized PSC procedures (MSC) Status: In progress. Harmonization of PSC coding considered by FSI 16.
						5.3.1.4	- Methodology for the in-depth analysis of annual PSC report (MSC) Status: In progress. Annual reports of PSC regimes considered by FSI 16 for in-depth analysis and to be progressed intersessionally.
						5.3.1.5	- A risk assessment comparison between marine casualties and incidents and PSC inspections (MSC) Status: In progress. Terms of reference for further study developed by FSI 16.
7	IMO will focus on reducing and eliminating any adverse impact by shipping on the environment by:	7.1	Identifying and addressing possible adverse impacts	7.1.3	Monitor and keep under review the provision of reception facilities in ports and their adequacy	7.1.3.1	Reports on inadequacy of port reception facilities (MEPC) Status: In progress. Renewed invitation to Member States to input in GISIS all relevant information on port reception facilities and on contact points.
						7.1.3.2	Follow-up on the implementation of the Action Plan on port reception facilities (MEPC) Status: In progress. FSI 16 considered the work of the correspondence group on the Action Plan and re-established the Correspondence Group. Target completion date of this work is 2010.
ENHANCING THE PROFILE OF SHIPPING AND INSTILLING A QUALITY CULTURE AND ENVIRONMENTAL CONSCIENCE							
	IMO will take the lead in enhancing the quality of shipping by:	12.1	Encouraging the utilization of the best available techniques not entailing excessive costs, in all aspects of shipping	12.1.2	Use risk-based tools that take account of costs and the human element in the development of operational standards	12.1.2.1	Guidelines for all sub-committees on the casualty analysis process (MSC) Status: In progress. FSI 16 made recommendations to other IMO bodies.
						12.1.2.2	A casualty analysis process effectively implemented and monitored (MSC) Status: In progress. FSI 16 considered the analysis of casualty investigations reports reviewed. Intersessional work to take place.
		12.3	Promoting and enhancing the availability of, and access to, information – including casualty information – relating to ship safety and security (i.e. transparency)	12.3.1	Consider the wider dissemination of information, analyses and decisions, taking account of the financial implications	12.3.1.1	Guidance on the development of GISIS and on access to information (MSC) (see Outputs 4.2.1.1 and 13.2.1.1) Status: In progress. Existing GISIS modules on maritime casualties and incidents, recognized organizations, port reception facilities, contact points and ship identification and new modules on PSC and requirements considered by FSI 16. IMO Web Accounts introduced.

Strategic Directions (SDs) (A.989(25))			High-level Actions (HLAs)		Planned outputs for 2008-2009		
					12.3.1.2	PSC-related data collected and disseminated in co-operation with PSC regimes (MSC) Status: In progress. Status of protocols with PSC regimes considered by FSI 16 and to be progressed by the Secretariat.	
13	IMO will seek to enhance environmental conscience within the shipping community by:	13.2	Promoting and enhancing the availability of, and access to, information relating to environmental protection (i.e. transparency)	13.2.1	Consider the wider dissemination of information, analyses and decisions, taking account of the financial implications	13.2.1.1	Guidance for the Secretariat on the development of GISIS and on access to information (MEPC) (see Outputs 4.2.1.1 and 12.3.1.1) Status: In progress. New modules considered by FSI 16.
						13.2.1.2	Databases as part of GISIS and other means, including electronic ones (all Committees, as appropriate/Secretariat) Status: In progress. Existing GISIS modules on maritime casualties and incidents, recognized organizations, port reception facilities, contact points and ship identification.



GOVERNMENT OF ANTIGUA AND BARBUDA

OFFICE OF THE PERMANENT REPRESENTATIVE OF ANTIGUA AND BARBUDA TO THE INTERNATIONAL MARITIME ORGANIZATION (IMO)

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STATEMENT BY THE PERMANENT REPRESENTATIVE OF ANTIGUA AND BARBUDA TO THE INTERNATIONAL MARITIME ORGANIZATION (IMO) ON THE HIJACKING OF AN ANTIGUA AND BARBUDA FLAGGED CARGO VESSEL "AMIYA SCAN" BY PIRATES ON MAY 25, 2008, OFF THE COAST OF SOMALIA.

On the afternoon of Sunday 25 May 2008, the Maritime Administration of Antigua and Barbuda, was advised that the Antigua and Barbuda flagged dry cargo vessel motor vessel "AMIYA SCAN", had been attacked and captured by pirates whilst the vessel was proceeding from the port of Mombasa, Kenya, to the port of Constanza, Romania, with nine crewmembers aboard and a full cargo of a knocked-down drilling rig.

When the vessel was seized, it was in international waters in the Gulf of Aden, North of the coast of Somalia.

The Maritime Administration of Antigua and Barbuda has been in close and continuous contact with the vessel's Management Company in the Netherlands to monitor the situation. On Monday 26 May 2008, the Maritime Administration was further advised that the vessel's Management Company had been briefly in contact with the pirates and it had been ascertained that the crew consisting of four Russian officers and five Philippines nationals were all safe. The ship's owners stressed that the first and foremost priority was the safety and security of the crew members. On May 27, 2008, the hijacked vessel was reported to be at a sheltered anchorage 80 nautical miles south of the Horn of Africa on the east coast of Somalia. However, on June 2, 2008 the vessel is now reported to be at anchorage near the city of "EYL" approximately 850 km north of the Somali capital Mogadishu.

In this regard, the Government of Antigua and Barbuda has officially requested through diplomatic means that the Transitional Federal Government of Somalia render all assistance and support necessary in order to facilitate the liberation of the crew and vessel.

Further, the Government of Antigua and Barbuda along with international agencies are currently pursuing and coordinating diplomatic and maritime efforts in resolving this incident without conflict and most importantly without injury or loss of life.

With regard to recent development, the Government of Antigua and Barbuda applauds and welcomes the most timely United Nations Security Council Resolution which authorizes States to take steps for the next six months to assist the Transitional Federal Government of Somalia in deterring, preventing, and suppressing acts of piracy and armed robbery in the territorial waters of Somalia and also to assist in the disposition of suspects for prosecution. Clearly, this is a significant framework for the global shipping community in which countries with significant resources could take timely action to combat the scourge of piracy.

Captain Dwight C.R. Gardiner
Permanent Representative of Antigua and Barbuda to the IMO

Dated this 4th day of June 2008