



SUB-COMMITTEE ON FLAG STATE  
IMPLEMENTATION  
17th session  
Agenda item 20

FSI 17/20  
24 April 2009  
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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 seventeenth session from 20 to 24 April 2009 under the chairmanship of Mr. M. Lee (Singapore), who was elected as Chairman for 2009 at the opening of the session. The Vice-Chairman, Capt. D. Hutchinson (Bahamas), was present.

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

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

representatives from the following Associate Members of IMO:

HONG KONG, CHINA

MACAO, CHINA

the representative from the following United Nations specialized agency:

INTERNATIONAL LABOUR ORGANIZATION (ILO)

observers from the following intergovernmental organizations:

EUROPEAN COMMISSION (EC)

MARITIME ORGANIZATION FOR WEST AND CENTRAL AFRICA  
(MOWCA)

LEAGUE OF ARAB STATES

INTERNATIONAL MOBILE SATELLITE ORGANIZATION (IMSO)

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  
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PARIS MEMORANDUM OF UNDERSTANDING ON PORT STATE  
CONTROL (PARIS MoU)

WEST AND CENTRAL AFRICA MEMORANDUM OF UNDERSTANDING  
ON PORT STATE CONTROL (ABUJA MoU)

CARIBBEAN MEMORANDUM OF UNDERSTANDING ON PORT STATE  
CONTROL (C MoU)

MARINE ACCIDENT INVESTIGATORS' INTERNATIONAL FORUM\*

RIYADH MEMORANDUM OF UNDERSTANDING ON PORT STATE\*  
CONTROL (RIYADH MoU)

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

INTERNATIONAL CHAMBER OF SHIPPING (ICS)

INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)

INTERNATIONAL SHIPPING FEDERATION (ISF)

INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)

BIMCO

INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES  
(IACS)

OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)

INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS  
(IFSMA)

INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS  
(INTERTANKO)

ADVISORY COMMITTEE ON PROTECTION OF THE SEA (ACOPS)

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\* Privileges and facilities envisaged in the Agreement of Co-operation on a provisional basis, pending the decision of the Assembly.

GREENPEACE INTERNATIONAL  
CRUISE LINES INTERNATIONAL ASSOCIATION (CLIA)  
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS  
(INTERCARGO)  
THE INSTITUTE OF MARINE ENGINEERING, SCIENCE AND  
TECHNOLOGY (IMarEST)  
THE INTERNATIONAL MARINE CONTRACTORS ASSOCIATION (IMCA)  
WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)  
INTERNATIONAL CHRISTIAN MARITIME ASSOCIATION (ICMA)  
THE ROYAL INSTITUTION OF NAVAL ARCHITECTS (RINA)  
INTERNATIONAL TRANSPORT WORKERS' FEDERATION (ITF)

and the representative from the:

WORLD MARITIME UNIVERSITY (WMU)

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

#### **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 17/INF.22.

#### **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.

#### **Statements by delegations**

1.6 In response to the opening remarks of the Secretary-General, several delegations also conveyed to the Italian Government their sentiments of compassion and condolences and asked that they be conveyed to the families and friends of the victims of the catastrophic earthquake in Italy. The delegation of Italy expressed its appreciation for these expressions of solidarity and closeness.

1.7 Several delegations requested the Sub-Committee to put on record their thanks to the former Chairman, Mrs. Tatjana Krilić of Croatia, who was not able to chair the meeting as she was, now, serving the Organization from the ranks of the Secretariat, for her services to the Sub-Committee during the last three years and wished her every success in the discharge of her responsibilities in her new role.

#### **Attendance by observers**

1.8 Having approved the attendance by staff and students from the Polytechnic University of Catalonia (Spain) and one intern to observe the proceedings, the Sub-Committee agreed to recommend to the Committees and, through them, to the Council to consider inviting more formally and in a more regular way students in order to support the Organization's outreach for a

better understanding and knowledge of IMO, thereby, also potentially contributing to the “Go to Sea!” campaign.

### **Adoption of the agenda**

1.9 The Sub-Committee adopted the agenda for its seventeenth session (FSI 17/1/Rev.1) and agreed to be guided in its work, in general, by the annotations contained in document FSI 17/1/1. The agenda, as adopted, with the list of documents considered under each agenda item, is set out in document FSI 17/INF.23.

### **EU regulation on common rules and standards for ship inspection and survey organizations**

1.10 The Sub-Committee noted an intervention by the United States referring to the request of MSC 85 to the Secretary-General, made in the course of the discussion on the item on “Development of a Code for Recognized Organizations” on the agenda of FSI 17, to forward the concern expressed by several delegations on the implications of article 10 of the Proposal for a European Parliament and Council Regulation on common rules and standards for ship inspection and survey organizations to appropriate authorities of the European Union (EU), and asking for information on any action taken by the Secretary-General in this regard.

1.11 The Sub-Committee also noted information by the Secretariat, advising it that, following the request of MSC 85, the Secretary-General had sent letters to the Presidency of the EU and the Vice-President and Transport Commissioner of the European Commission (EC) on 3 December 2008, and also to the Minister of Communications of Sweden, as this country is acting Presidency on behalf of the Czech Republic as concerns the maritime transport portfolio during the first half of 2009, on 29 January 2009. The Secretary-General had received a response from the Vice-President and Transport Commissioner of the EC but not yet from the EU Presidency. The Secretariat was currently processing a Note on the response received for submission to MSC 86 to be issued as document MSC 86/INF.9 and to become available during this session (see also paragraphs 14.4 to 14.7).

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

2.1 The Sub-Committee noted that MEPC 58 and MSC 85 had approved the report of FSI 16, in general, and the decisions and comments pertaining to its work made by MEPC 58, MSC 85, NAV 54, SLF 51, DSC 13, STW 40, FP 53, BLG 13 and DE 52, as presented in documents FSI 17/2, FSI 17/2/1 and FSI 17/2/2, from the Secretariat, and took them into account in its deliberations when dealing with relevant agenda items.

### **Resolutions adopted by the MSC**

2.2 The Sub-Committee noted that MSC 85 had adopted resolution MSC.277(85) on Clarification of the term “bulk carrier” and guidance for application of regulations in SOLAS to ships which occasionally carry dry cargoes in bulk and are not determined as bulk carriers in accordance with regulation XII/1.1 and chapter II-1 and instructed the Sub-Committee to include the above resolution in their guidance for port State control (PSC) officers.

## **Circulars approved by the MSC and the MEPC**

2.3 The Sub-Committee noted that:

.1 MEPC 58 had approved:

- .1 MEPC.1/Circ.640 on Interim guidance on the use of the oil record book concerning voluntary declaration of quantities retained on board in oily bilge water holding tanks and heating of oil residue (sludge);
- .2 MEPC.1/Circ.644 on Standard format for the advance notification form for waste delivery to port reception facilities; and
- .3 MEPC.1/Circ.645 on standard format for the waste delivery receipt following a ship's use of port reception facilities;

.2 MEPC 58 and MSC 85 had approved:

- .1 MSC-MEPC.3/Circ.3 on Reports on marine casualties and incidents;
- .2 MSC-MEPC.4/Circ.3 on Blanking of bilge discharge piping systems in port; and
- .3 MSC-MEPC.5/Circ.4 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;

.3 MSC 85 had approved MSC.1/Circ.1290 on Unified interpretation of the term "first survey" referred to in SOLAS regulations.

## **3 RESPONSIBILITIES OF GOVERNMENTS AND MEASURES TO ENCOURAGE FLAG STATE COMPLIANCE**

### **STUDY ON THE COMBINATION OF CASUALTY AND PORT STATE CONTROL DATA**

3.1 The Sub-Committee recalled that FSI 16 had agreed the terms of reference (scope and framework – methodology) for the study on the combination of casualty and port State control (PSC) data, and, recognizing the expertise of the World Maritime University (WMU) (resolution A.1007(25)) and others, had invited interested bodies to submit their proposals for the completion of the study, indicating the costs involved in the two phases of the study and the potential benefit for the Organization.

3.2 Having been advised that the Fourth IMO Workshop for PSC MoU/Agreement Secretaries and Directors of Information Centres had recommended (FSI 17/7/1, paragraph 6) to change the title of the study in order to avoid any misunderstanding regarding its objectives and to focus more on the true purpose which is to assess the performance of international standards making use of the information collected through port State control activities and the analysis of casualty-related data, the Sub-Committee considered the proposal by WMU, Old Dominion

University, INRETS and the University of Nantes for the conduct of a study on the combination of casualty and port State control data contained in documents FSI 17/3/1 and FSI 17/INF.13.

3.3 The above-mentioned proposal, as introduced by WMU, would aim at the determination of high risk vessel categories, which could lead to the following two practical results:

- .1 provision of information and comparisons on the categories of vessels at risk based on casualties and PSC inspections; and
- .2 provision of information on categories of vessels on which future regulations should focus more.

3.4 The proposed 18-month study would comprise the organization of a workshop on methodologies and preliminary analysis, the preparation of the final report and a seminar to present it to IMO for an estimated cost of US\$85,000. WMU indicated that it would be able to absorb some part of the prospective costs of this study (WMU staffing) but complementary funding would be required and, in this context, invited maritime Administrations and interested stakeholders to consider co-funding the project.

3.5 The Sub-Committee endorsed the recommendations by the Fourth IMO Workshop for PSC MoU/Agreement Secretaries and Directors of Information Centres (FSI 17/7/1, annex, paragraphs 6 and 7) to change the title of the study to the “Assessment of the performance of international standards making use of the information collected through port State control activities and the analysis of casualty-related data”.

3.6 The Sub-Committee expressed its appreciation to the WMU for its proposal but expressed the need for greater clarity in the objectives of the study as well as the data to be used. This would be useful for considering any proposal prior to making any recommendation to proceed with the study to the MSC, the MEPC and the Council.

3.7 On the data required for the conduct of the study, the Sub-Committee, having noted the potential impact of the expected entry into force of the new Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident, the intended use of data collected by insurance companies, the parallel efforts for harmonized coding of data and the data needs for the conduct of formal safety assessment studies, reiterated its recurrent concern that the question of the reliability and completeness of the data, which would be used for the study, remains to be addressed.

3.8 Having noted the offer by Japan that institutions in their country would be ready to assist WMU on their proposal for a study on the assessment of the performance of international standards making use of the information collected through port State control activities and the analysis of casualty-related data, the Sub-Committee agreed to further consider the proposal by WMU at its next session and invited the University to take into account the comments made at this session, in particular on the objectives of the study and the availability of data sets for analysis, in order to present a more robust proposal to the Sub-Committee.

#### **IMO UNIQUE COMPANY AND REGISTERED OWNER IDENTIFICATION NUMBER SCHEME**

3.9 The Sub-Committee noted that the amendments to SOLAS regulations XI-1/3-1 and 5, and the ISM and ISPS Codes, making the IMO Unique Company and Registered Owner Identification Number Scheme (resolution MSC.160(78)) mandatory entered into force

on 1 January 2009 and the implementation of the scheme was described in circular letters No.2554/Rev.1 and No.2554/Rev.1/Corr.1.

3.10 In this context, the Sub-Committee also noted the information contained in document FSI 17/3/4 (Secretariat) and, in particular, the recommendation by the managers (Lloyd's Register Fairplay-LRF) of the Scheme to use of the standardized regular electronic data exchanges between Administrations and LRF on a fleet basis, as detailed in paragraphs 18 to 22 of circular letter No.2554/Rev.1, as this method provides for greater electronic processing of the data and a regular distributing of the numbers to Administrations. The Sub-Committee invited all relevant flag States to use the opportunity to obtain an initial extract of the fleet flying the flag of their countries as proposed in document FSI 17/3/4 (paragraph 6 and annex).

#### **SUBMISSIONS ON NATIONAL MEASURES FOR IMPLEMENTATION**

3.11 The Sub-Committee noted with appreciation the information provided by the Islamic Republic of Iran in documents FSI 17/3/2 and FSI 17/3/3 on measures taken to enhance security policies and activities, having invited Iran to bring it to the attention of the MSC, as appropriate, and on a report on the implementation of mandatory and non-mandatory rules and regulations to enhance safety and security of navigation and to fight marine pollution. Many delegations positively commented on the documents introduced and congratulated the Islamic Republic of Iran for the measures taken towards the fulfilment of their obligations and their achievements.. The Sub-Committee encouraged other Member States to share information on their national measures aimed at improving their performances.

#### **NON-CONVENTION SHIPS**

3.12 Having recalled that FSI 16 had requested the Secretariat to continue informing the Sub-Committee at future sessions on any update regarding activities implemented with regard to non-Convention ships, the Sub-Committee noted the updated information on the harmonization of activities of the Secretariat related to safety regulations for non-Convention ships on the basis of the thematic priorities for inclusion in the ITCP covering the 2010-2011 biennium which includes, as paragraph 7, promoting and enhancing maritime safety aspects relating to non-Convention vessels, including small fishing vessels and domestic passenger ferries.

3.13 In this context, the Secretariat is developing a single generic and common modular set of standards of harmonized regulations and model national legislation for ships not covered by the 1974 SOLAS Convention, as amended, and a model course for the training of the inspectors who are responsible for the survey of those ships in order to assist developing countries to enhance their capacity to strengthen their implementation of national safety regulatory measures for non-SOLAS ships.

3.14 The main part of task 1, i.e. the development of a set of regulations, has been completed, and is under revision for approval. The scope of the set includes, but is not limited to, new cargo ships engaged in inland waterways and maritime navigation, whose length overall is 12 metres or over and for which the provisions of the 1974 SOLAS Convention do not apply, as well as passenger ships carrying less than 200 passengers whose length overall is less than 24 metres and also fishing vessels.

3.15 The set of regulations takes into account existing model regulations for non-Convention ships developed by IMO for different regions as well as all available IMO documents on safety regulations for ships not covered by IMO Conventions; security, environmental and safety drives

development and includes all necessary topics not included in the existing model regulations for non-Convention ships. The outcome provides two model courses (basic and advance) advising participants on suitable policies relating to the implementation of the set of regulations. Both courses will be tested in regional courses after approval.

3.16 The Sub-Committee requested the Secretariat to continue providing updated information on activities implemented with regard to non-Convention ships and, in particular, the availability of training material for the inspection of such ships, which may be considered at some stage in the context of IMO Model Courses.

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

3.17 The Sub-Committee noted the information on the IMO Membership and Signatories or Parties to the United Nations Convention on the Law of the Sea (UNCLOS) and/or to the Agreement relating to the implementation of Part XI of UNCLOS, while more detailed information can be found on the website of the Division of Ocean Affairs and the Law of the Sea (DOALOS) (<http://www.un.org/depts/los>), as contained in document FSI 17/3 (Secretariat).

#### **4 MANDATORY REPORTS UNDER MARPOL**

4.1 The Sub-Committee recalled that MEPC/Circ.318, adopted 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 17/4 (Secretariat) containing a summary on mandatory reports under MARPOL for 2007 submitted by 32 Parties to MARPOL and one Associate Member, in accordance with MEPC/Circ.318.

4.3 Following discussion of document FSI 17/4, the Sub-Committee noted that:

- .1 11 incidents of spillages of 50 tonnes or more were reported. The type of substance spilled in most cases was oil;
- .2 329 incidental spillages of less than 50 tonnes were reported. The type of substance spilled in most cases was oil;
- .3 117 cases of alleged discharge violations were reported. The type of substance spilled in most cases was oil;
- .4 five Parties as flag States (Chile, Denmark, Finland, Marshall Islands, and Sweden) reported their submission of 47 reports of alleged inadequacies of reception facilities;
- .5 four Parties as port States (Australia, Denmark, Ireland and Latvia) reported their submission of five reports on actions taken by the port State on alleged inadequacies of reception facilities referred to that State;

- .6 according to the received reports, the total number of ships boarded for port State control was 65,583 for 2007, while the total number of ships detained in port or were denied entry was 756, or 1.15% of those boarded; and
- .7 36 ships were reported as having no IOPP Certificate or equivalency, 571 ships were reported to have discrepancies in their IOPP Certificate or equivalency, 47 ships were reported to have no Oil Record Book or equivalency, 3,950 ships were reported to have discrepancies in their Oil Record Book or equivalency, 107 ships lacked required pollution prevention equipment on board, and 1,893 ships were reported with required equipment not functioning.

4.4 Document FSI 17/4 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 2007 had shown a modest reduction compared to last year (22.1%); and
- .2 11 out of the 32 reports submitted for the year 2007 were received after the deadline established by paragraph 5 of MEPC/Circ.318 (30 September each year).

4.5 Document FSI 17/4 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. The list also included information on Parties who had submitted reports late and therefore whose data had not been included in the summary reports.

4.6 While discussing the possible reasons for the low rate of reporting, the Sub-Committee recalled that at its fifteenth session it had requested the Secretariat to provide further information on the potential for the extraction of data required by MEPC/Circ.318 from relevant modules of GISIS, thus simplifying the mandatory reporting requirements for Parties to MARPOL. The Secretariat had subsequently reported to the sixteenth session of the Sub-Committee, and the Sub-Committee had agreed, that it was possible to satisfy the reporting requirements for the Annual Enforcement Report on Reception Facilities as contained in Parts 3a and 3b of MEPC/Circ.318, through data extraction from the Global Integrated Shipping Information System (GISIS) module on port reception facilities. Furthermore, the Secretariat had noted that in the foreseeable future it may also be possible to satisfy, through data extraction from the GISIS module on port State control, the reporting requirements for the Annual Statistic Report on MARPOL related discrepancies and detentions as contained in Part 4 of MEPC/Circ.318.

4.7 The Sub-Committee further recalled that the Marine Environment Protection Committee, at its fifty-eighth session, had endorsed the decision of FSI 16 not to require Members to complete Parts 3a and 3b of their MARPOL reports under MEPC/Circ.318 starting from 2008, as the Secretariat would utilize data extracted from the GISIS module on port reception facilities. It was also recalled that the Marine Environment Protection Committee, at its fifty-eighth session, had also endorsed the decision by FSI 16 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.

4.8 The Sub-Committee noted that the mandatory reports of the Bahamas, Norway, Liberia and Uruguay for 2007 were received after document FSI 17/4 had been compiled, and therefore this information has not been included in the analysis, but would be reflected in the following year's analysis of mandatory reports. It was also noted that had the above four reports been included in the calculation, the rate of reporting would be 24.8% which is very similar to the reporting rate for 2006, when only one report was received after that year's analysis was compiled.

4.9 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 2008 was 30 September 2009. The Sub-Committee also requested the Secretariat to update the data and the annexed list to document FSI 17/4, and to submit these to FSI 18 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 by the Committee. FSI 16 had agreed to re-establish a correspondence group under the coordination of the United States to work on all items with a target completion date of 2009 and to report back to FSI 17.

5.2 MEPC 58 had approved the report of FSI 16 in general and, in connection to the issue of the Action Plan on Tackling the Inadequacy of Port Reception Facilities, had approved the Advanced Notification Form (ANF) and had requested the Secretariat to issue this as MEPC.1/Circ.644. MEPC 58 had also approved the Waste Delivery Receipt (WDR) of the Action Plan on Tackling the Inadequacy of Port Reception Facilities and had requested the Secretariat to issue this as MEPC.1/Circ.645. MEPC 58 had agreed to the Sub-Committee's request 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 to 2009.

5.3 With regard to work item 5.1 of the Action Plan on the Development of guidelines for establishing regional arrangements for reception facilities, MEPC 58 had endorsed the two main elements which had been proposed in document MEPC 58/9, namely that:

- .1 in order to institutionalize regional arrangements for providing reception facilities, appropriate amendments should be made to the relevant MARPOL Annexes and resolution MEPC.83(44); and
- .2 until any future amendments to the relevant MARPOL Annexes are adopted and have entered into force, the decision of MEPC 55 to recognize the benefit of regional arrangements as a means of providing reception facilities should remain valid.

5.4 In introducing document FSI 17/5 (United States) containing the report of the correspondence group, the Coordinator advised the Sub-Committee that 13 Member States, one intergovernmental organization and nine NGOs had participated in the group which had been tasked by FSI 16 to progress work on nine items of the Action Plan. The group considered that it

had completed the following four work items: 2.2, 2.3, 3.1 and 5.3 and requested an extension to 2010 of the target dates for the completion of the following five work items: 2.1, 3.2, 4.1, 4.2 and 6.1.

5.5 The Sub-Committee also recalled that it had requested at its last session, as part of the Action Plan, an analysis of alleged inadequacies as reported in GISIS, categorized by reception facility type and also including information on follow-up responses from port States on alleged inadequate facilities. The Secretariat provided the following statistics to the Sub-Committee:

- .1 in 2005, nine cases of alleged inadequacies were reported; in 2006, 19 cases; in 2007, 50 cases; in 2008, 23 cases; and, by 26 March 2009, no cases were reported for 2009. Therefore, the total number of reports of alleged inadequacies on the PRFD of GISIS comprised 101 cases;
- .2 the nine cases reported for 2005 involved four flag States, one of which (Marshall Islands) had raised five reports. Four of the reported cases 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 the 19 cases reported for 2006 involved four flag States, one of which had raised 11 reports, all relating to port calls of a single ship. Four of the reported cases had received a follow-up reply, including one case where the flag State was the same as the port State;
- .4 the 50 cases reported for 2007 involved nine flag States, one of which (Marshall Islands) had raised 31 reports, 27 of which related to ships of one company and three which related to ships of another company. Five of the reported cases had received a follow-up reply, including one case where the flag State was the same as the port State; and
- .5 the 23 cases reported so far for 2008, involved eight flag States. Seven of these cases were reported by one flag State (Marshall Islands) and all but one of these related to ships of a single company. Furthermore, eight of the 23 cases related to alleged inadequate facilities for Annex I residues; two cases for Annex II; six cases for Annex V; five cases for Annexes I and V; one case for Annexes I, IV and V; and one case for Annexes I, IV, V and VI. The same information may also be expressed as: 46% of the alleged inadequacies related to Annex I; 6% to Annex II; 6% to Annex IV; 39% to Annex V; and 3% to Annex VI. Finally, of the 23 reported cases, five have so far received a follow-up reply from port States.

5.6 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 the group's request under work item 2.1 (Monitoring/evaluation/adjustment of the PRFD) that the Secretariat should provide a further progress report to FSI 18 on the population levels of GISIS PRFD, and consequently agreed to extend the target date for the completion of work item 2.1 to 2010, subject to endorsement by MEPC 59;

- .2 agreed that those Member States who have not already done so, should be encouraged 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);
- .3 agreed also that Member States should be encouraged to populate the new fields of information which had been introduced in the PRFD in order to improve the PRF information available to users, as described in paragraphs 17 to 23 and in annex 2 of FSI 17/5;
- .4 agreed that work items 2.2 (Review of the outcome of the waste reception facility auditing/assessment procedure) and 2.3 (Enhancement of the availability of relevant information to users of port waste management plans) were completed;
- .5 noted that no technical problems had been identified which would inhibit the ship-to-shore transfer of wastes and consequently agreed that work item 3.1 (Identify technical problems encountered between ship and shore-based transfer of waste) was completed;
- .6 agreed that it would be desirable that ISO contributes two new international standards, one for the design, construction and equipping of PRFs and the second for the management and operation of PRFs, because it considered that this would very much facilitate the intended aims of the Action Plan under: work item 4.2 “Review of the type and capacity of port reception facilities”; work item 4.3 “Development of a uniform methodology for calculating the required capacity and technical capability of a port reception facility”; and work item 6.1 “Development of assistance and training programme”;
- .7 agreed to extend the target date for the completion of work items 3.2 (Standardize garbage segregation requirements and containment identification), 4.1 (Review of type and amount of wastes generated on board) and 4.2 (Review of the type and capacity of port reception facilities) to 2010, subject to endorsement by MEPC 59;
- .8 agreed to propose to MEPC that the finalized “Guide to Good Practice for Port Reception Facilities” (annex 4 to FSI 17/5) should be published as an MEPC circular. In addition, it agreed to pursue the following avenues for the further dissemination of the Guide:
  - .1 link the Guide in the GISIS website, allowing its electronic download;
  - .2 encourage port States to make the Guide available at port reception facilities; and
  - .3 encourage flag States to make the Guide available to shipowners and masters;
- .9 agreed that work item 5.3 (Development of a Guide to Good Practice on Port Reception Facilities) was completed;
- .10 agreed to extend the target date for the completion of work item 6.1 (Development of assistance and training programme) to 2010, subject to endorsement by MEPC 59; and

- .11 agreed to re-establish the correspondence group to work on the remaining work items of the Action Plan.

5.7 In connection with work item 2.1 (Monitoring/evaluation/adjustment of the PRFD), the United States informed the Sub-Committee that, whereas at the date of publication of the report of the correspondence group the population level in GISIS of United States port reception facilities had been relatively low, following further collaborative work with the IT staff of the Organization, over 2,000 records of United States port reception facilities had now been uploaded and were available to GISIS users. The United States thanked the IT staff of IMO and noted that this work will continue in order to ensure that current data on United States port reception facilities are available through GISIS.

5.8 INTERCARGO explained, for the information of the Sub-Committee, that while it agreed with the conclusion that work item 3.1 was completed (Identify technical problems encountered between ship and shore-based transfer of waste), it was seriously concerned over the management of cargo residues and cargo hold washing water under the provisions of MARPOL Annex V, particularly in Special Areas where the discharge of such material is prohibited. INTERCARGO stressed that, while not directly related to work item 3.1, these provisions give rise to problems of a technical nature, such as the ability of a ship to safely store large volumes of hold washing water and the ability of ports to receive and treat such volumes of waste. This issue was becoming prominent now as the Gulf Area had become effective as a Special Area in August 2008 and the Mediterranean Special Area would enter into effect in the very near future. These are locations where, in the dry bulk trades, back-haul cargoes are common place, requiring hold cleaning between ports. INTERCARGO also noted that it had raised this issue in the context of the Review of Annex V, conducted by MEPC, and would continue to do so.

5.9 In connection with the extension to the target date for the completion of work item 3.2 (Standardize garbage segregation requirements and containment identification), Mr. Koichi Yoshida, Chairman of the ISO Technical Committee 8 for Ship and Marine Technology – Sub-Committee 2 for Marine Environment Protection, explained that the draft standard for onboard garbage management, which would standardize the methods of segregating, handing and storing garbage, was now at the stage of Committee Draft (CD 21070) and would move to Draft International Standard (DIS) in July 2009. Furthermore, as reported in paragraph 32 of FSI 17/5, ISO/TC8/SC2 was planning to develop an ISO standard for reception bins and containers to be used in ports for receiving garbage generated and segregated on board. This would provide a clear and well understandable identification method of port reception bins and containers for receiving garbage generated on board. The transfer and treatment of garbage received by such bins and containers would be left for the relevant local organization of the port and would not be covered by the ISO Standard.

5.10 In response to the Sub-Committee's request for ISO to contribute two new international standards, one for the design, construction and equipping of PRFs and the second for the management and operation of PRFs, Mr. Koichi Yoshida, as Chairman of ISO/TC8/SC2, expressed his appreciation to the Sub-Committee for its encouragement and offered to work on the development of the suggested standards. Mr. Yoshida requested technical input from interested parties, organizations and administrations for the necessary work in developing the two new standards on PRF and asked to be contacted ([koichiy@nmri.go.jp](mailto:koichiy@nmri.go.jp)) by those interested. ISO/TC8/SC2 will meet in London on 22 July 2009, while its WG4 for garbage management will meet in London on 21 July 2009. The Sub-Committee thanked ISO for its valuable contribution and expressed its wish for continued collaboration.

## Terms of reference of the correspondence group

5.11 The Sub-Committee re-established 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 document FSI 17/5, the correspondence group is instructed to:

- .1 progress work on the remaining work items of the Action Plan: 2.1, 3.2, 4.1, 4.2, 4.3, 5.2 and 6.1; and
- .2 submit a written report to FSI 18.

## 6 CASUALTY STATISTICS AND INVESTIGATIONS

### CASUALTY-RELATED DECISIONS OF OTHER IMO BODIES

6.1 The Sub-Committee was advised that MPC 58, while considering the proposed MSC-MEPC.3 circular on Reports on marine casualties and incidents (FSI 16/18, annex.1), had noted that section 7.3.3 of annex 2 of the draft, where the category options for Chemicals in Bulk are presented, was using the old MARPOL system of A, B, C, D. Following the revision of MARPOL Annex II, the new pollution categories of X, Y, Z and OS should be employed and MSC-MEPC.3/Circ.3 was issued accordingly.

6.2 The Sub-Committee was also advised that LEG 94 had noted that the primary purpose of an independent casualty investigation was to determine the cause of the accident in order to prevent its recurrence and should not be confused with a criminal investigation.

6.3 Regarding the fire casualty on board the fishing factory vessel **Hercules**, the Sub-Committee was further advised that FP 53 had requested the Secretariat to forward document FP 53/19/1 to FSI 17 for consideration and agreed to refer it to the Working Group on Casualty Analysis.

### REPORT OF THE CORRESPONDENCE GROUP ON CASUALTY ANALYSIS

6.4 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 Global Integrated Shipping Information System (GISIS) module on casualties, the Sub-Committee considered document FSI 17/6 (Norway) on the report of the correspondence group which contained information based on the analysis of 44 reports of

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investigations into casualties (FSI 17/6/1), observations on the quality of investigation reports, a draft text of narratives of lessons learned for presentation to seafarers and the draft review of the casualty analysis procedure.

6.5 The Sub-Committee agreed to refer the detailed consideration of the report of the correspondence group and the draft analyses carried out for this session to the above-mentioned working group.

### **Explosions on small chemical tankers**

6.6 The delegation of the Cook Islands, while referring to the expected granting of observer status to the Marine Accident Investigators International Forum (MAIIF), to be decided upon by the Assembly at its twenty-sixth session, indicated that this intergovernmental organization might be in a position to assist the Organization on work programme items relating to critical safety issues, such as the work of the FP Sub-Committee in relation to explosions on small chemical tankers.

6.7 Having sought the views of the current Chairman of MAIIF, who was attending FSI 17, the Sub-Committee noted the information provided that MAIIF currently had an ongoing work item on deaths in enclosed spaces and would be pleased to share the results of its work with IMO when it is completed.

### **ESTABLISHMENT OF THE WORKING GROUP**

6.8 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 17/6, FSI 17/6/1 and GISIS), for the Sub-Committee's approval and authorization of their release to the public on GISIS (FSI 17/6/1, paragraph 5);
- .2 confirm or otherwise the draft text of lessons learned for presentation to seafarers (FSI 17/6, annex 1), for the Sub-Committee's approval and authorization of release on the IMO website in accordance with agreed procedure;
- .3 consider document FP 53/19/1 on the fire on the fishing factory vessel **Hercules** with a view to developing appropriate recommendations;
- .4 consider, and advise on, the draft review of the Casualty Analysis Procedure (FSI 17/6, paragraph 8.3 and annex 2);
- .5 consider, and advise on, the proposal for improving the data population in the GISIS module for casualties (FSI 17/19, paragraph 3);
- .6 consider, and advise on, referring to the relevant Committees and sub-committees those reports reviewed by the analysts and considered by the Working Group on Casualty Analysis and which are of interest to them. In doing so, the working group should submit supporting information derived from the casualty analysis procedure used for the development of recommendations for consideration by the Committees and sub-committees (FSI 17/6, paragraph 8.2); and

- .7 advise on the re-establishment of the Correspondence Group on Casualty Analysis and, if so, prepare draft terms of reference for that group.

## **CASUALTY ANALYSIS AND INVESTIGATIONS**

### **Summary of casualty analyses**

6.9 The Sub-Committee noted the observations made by the correspondence group in paragraph 3 of document FSI 17/6, on the quality of investigation reports, more specifically on the confirmation that the standard of report writing continues to rise. Several reports were described as excellent, giving important information and recommendations that other flag Administrations may take into consideration in their marine safety work.

6.10 The Sub-Committee also noted the information provided as areas of improvement, where some reports, very few, were lacking information to comply with the requirements of the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code). Some of these few reports were found to be weak, and lacked important information necessary for addressing proper recommendations to prevent recurrence. The investigations may have considered all circumstances, but the reports were insufficient in their presentation to other flag Administrations. These reports either lack actions or recommendations, or do not address to whom the recommendations have been given. Conclusions have been made without being supported by descriptions or evidence in the reports. Two cases had no information about the vessel particulars. In this context, the Sub-Committee agreed to bring this matter to the attention of Administrations with the objective of fully complying with the Casualty Investigation Code, annexed to resolution MSC.255(84) as well as with MSC-MEPC.3/Circ.3.

6.11 Having been made aware and satisfied that the Secretariat is storing electronically the paper casualty reports received, the Sub-Committee requested the Secretariat to pursue this effort on a continuous basis and to establish an internet platform for the correspondence group in order that reports become available for analysis as soon as becoming available electronically. The system should also allow a consolidated report to be accessed by the members of the correspondence group on analyses being compiled for a specific session of the Sub-Committee.

6.12 The Sub-Committee noted that some delegations raised the point that they were unable to review the analyses and to validate them, and they requested to have time for this process. In this context, the Sub-Committee agreed to give those delegations the option to re-initiate the validation process and to request that the corresponding reports and analyses be considered during FSI 18.

6.13 On reviewing the casualty analyses, and, having made some editorial changes, the Sub-Committee 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**

6.14 The Sub-Committee considered the draft text of Lessons Learned for Presentation to Seafarers prepared by the correspondence group (FSI 17/6, annex 1). After making minor editorial amendments, the Sub-Committee agreed to the findings of the correspondence group based on the analysis of individual casualty investigation reports.

6.15 In considering FSI 17/6, annex 1, the Sub-Committee noted, with concern, that the analyses show the following safety issues as possible trends and should be addressed by analysts:

- .1 procedures, practices, etc., in connexion with the Safety Management System (SMS) and ISM Code;
- .2 collisions and groundings in connexion with Bridge Resource Management (BRM), Bridge Team Management (BTM), Voyage Planning and single watchkeeper on bridge;
- .3 fatigue. The Sub-Committee recalled that FSI 16 (FSI 16/18, paragraph 6.14) had suggested that the investigators should take into consideration MSC/Circ.1014 on Guidance on fatigue mitigation and management when fatigue/sleep is identified as a contributor to human error;
- .4 pilot assistance; and
- .5 steering gear failures.

6.16 The Sub-Committee agreed to bring these safety issues to the attention of Administrations, with the objective of highlighting such circumstances in future investigation reports.

6.17 The Sub-Committee approved the Lessons Learned for Presentation to Seafarers, as set out in annex 1 of document FSI 17/WP.1, for release on the IMO website following the review carried out by the Secretariat in cooperation with the Chairmen of the relevant sub-committees, according to the agreed procedure (FSI 11/23, paragraph 4.19).

### **Fishing factory vessel HERCULES**

6.18 The Sub-Committee noted that FP 53 had invited the delegation of Denmark to submit a proposal to the MSC for a new work programme item. It was also noted that the investigation report on the fire on the fishing factory vessel **Hercules** had been included into GISIS as Incident: C0006872 and is also available on the homepages of the Faroese Maritime Authority and Danish Maritime Authority (FP 53/19/1, paragraph 2).

6.19 Based on a preliminary consideration of the report, the Sub-Committee found some important safety issues, such as poor communication among crew members, inadequate instructions and drills, technical aspects of the electrical installations, and provision of an air compressor on board, which should be considered by the relevant sub-committees. In this context, the Sub-Committee agreed to refer the investigation report to the STW, DE and FP Sub-Committees for consideration.

6.20 The Sub-Committee also agreed to refer the fire on the fishing factory vessel **Hercules** casualty investigation report to the Correspondence Group on Casualty Analysis for detailed consideration using the established procedures.

## **Review of the Casualty Analysis Procedure**

6.21 The Sub-Committee noted the importance of clear deadlines for the work of the analysts, especially on the information provided by the Secretariat and review by the reporting Administrations. In this context, the Sub-Committee agreed that a consolidated document containing all analyses should be made accessible to all IMO Members on IMODOCS for review, eight weeks before the session, and the reporting Administrations should be given 21 days after notification by the Secretariat and issuance of the note by the Secretariat listing the reports which have been analysed to respond. This notification could be made by e-mail using the information contained in the Focal Points Module of GISIS and as provided by the members of the group.

6.22 After extensive discussion and making substantive modifications, the Sub-Committee agreed to the draft Casualty Analysis Procedure, as set out in annex 2 of document FSI 17/WP.1.

## **DATA POPULATION IN THE GLOBAL INTEGRATED SHIPPING INFORMATION SYSTEM (GISIS) MODULE FOR CASUALTIES**

6.23 In considering the proposal for improving the data population in the GISIS module for casualties, the Sub-Committee agreed to adopt the recommendations made in paragraphs 4.1 and 4.2 of document FSI 17/19.

## **UND ADRIYATIK**

6.24 The Sub-Committee received updated information from the delegation of Turkey as well as a copy of the final casualty investigation report of the fire on board the ship **Und Adriyatik**. In this context, the Sub-Committee agreed to refer the final casualty report to the Correspondence Group on Casualty Analysis, for detailed consideration. In noting the quality of the report, the Sub-Committee congratulated Turkey for their work. The Sub-Committee reiterated its findings from FSI 16 that this case also provides a very good example of the correct use of preliminary reports. The Sub-Committee noted that Turkey will make the final report available to the DE and FP Sub-Committees.

## **CORRESPONDENCE GROUP ON CASUALTY ANALYSIS AND TERMS OF REFERENCE**

6.25 The Sub-Committee agreed that the Correspondence Group on Casualty Analysis be re-established, under the coordination of Norway\*, to continue its work intersessionally under the following terms of reference:

- .1 based on the information received from Administrations on investigations into casualties, to conduct a review of the relevant casualty reports referred to the

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- group by the Secretariat and prepare draft lessons learned for presentation to seafarers;
- .2 to analyse the investigation report on the fire on the fishing factory vessel **Hercules** (Incident: C0006872);
  - .3 to analyse the final investigation report on the fire on board the ro-ro cargo ship **Und Adriyatik** (Incident: C0007200);
  - .4 to identify safety issues that need further consideration; and
  - .5 to submit a report to FSI 18.

#### **TERMS OF REFERENCE OF THE WORKING GROUP ON CASUALTY ANALYSIS**

6.26 The Sub-Committee agreed that the Working Group on Casualty Analysis could start work on the morning of the first day of the FSI 18 meeting, in accordance with MSC-MEPC.1/Circ.2 on Guidelines on the Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies (paragraph 3.28 of the annex) under the following provisional terms of reference, subject to further instructions received from the plenary to:

- .1 confirm or otherwise the findings of the correspondence group based on the analysis of individual casualty investigation reports (FSI 18/6 and FSI 18/6/1 and GISIS), for the Sub-Committee's approval and authorization of their release to the public on GISIS;
- .2 confirm or otherwise the draft text of lessons learned for presentation to seafarers (FSI 18/6), for the Sub-Committee's approval and authorization of release on the IMO website in accordance with agreed procedure;
- .3 consider and advise to refer to the relevant Committees and sub-committees those reports reviewed by the analysts and considered by the working group and which are of interest to them. In doing so, the working group should submit supporting information derived from the casualty analysis procedure used for the development of recommendations for consideration by the Committees and Sub-Committees (FSI 18/6);
- .4 advise on the re-establishment of the Correspondence Group on Casualty Analysis and, if so, prepare draft terms of reference for that group; and
- .5 present a written report to plenary.

#### **REMINDER FOR SUBMISSION OF CASUALTY-RELATED DATA**

6.27 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.3, 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 the 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**

### **MATTERS REFERRED BY MEPC 58 AND BLG 13**

#### **IMO WORKSHOP FOR PSC MoU/AGREEMENT SECRETARIES AND DIRECTORS OF INFORMATION CENTRES**

7.1 The Sub-Committee, being advised that the Secretariat had organized the Fourth IMO Workshop for PSC MoU/Agreement Secretaries and Directors of Information Centres from 28 to 30 January 2009, considered document FSI 17/7/1 (Secretariat) which contained the recommendations of the workshop and was made available to the Correspondence Group on Port State Control intersessionally, and agreed to refer it to the Working Group on Port State Control for detailed review and advice, as appropriate.

#### **ANALYSIS OF PSC ACTIVITIES, PRACTICES AND STATISTICS**

7.2 Having recalled that FSI 12 had recommended to carry out in-depth analyses of the annual reports on port State control activities, the Sub-Committee considered the following documents on the activities of the PSC regimes:

- .1 FSI 17/INF.2 (United States) on the United States Coast Guard 2008 PSC report;
- .2 FSI 16/INF.3 and FSI 16/INF.4 (Paris MoU) on the Paris MoU 2007 annual report and statistics;
- .3 FSI 17/INF.7 (Abuja MoU) on the Abuja MoU annual report 2008;
- .4 FSI 17/INF.12 (Viña del Mar Agreement) on the Latin American agreement on PSC annual report 2008;
- .5 FSI 17/INF.14 (Tokyo MoU) on a summary of Tokyo MoU activities in 2008;

- .6 FSI 17/INF.16 (Black Sea MoU) on the Black Sea MoU annual report 2008;
- .7 FSI 17/INF.17 and FSI 17/INF.18 (Indian Ocean MoU) on the Indian Ocean MoU annual report 2008 and statistics; and
- .8 FSI 17/INF.8 (Secretariat) on a progress report on regional PSC agreements.

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

7.4 The observer of the Secretariat of the Caribbean MoU (CMoU) introduced its 2008 Annual Report orally and copies of the report were made available to delegations. The report provided a summary of developments, activities and statistical results of inspections carried out by member Authorities during 2008. The report only covered Convention-sized vessels. During the last committee meeting in 2008, Belize was accepted as a full member of the CMoU after a successful fact-finding mission, bringing the total number of States members of the CMoU to 13. The observer referred to the approval of the Port State Control Manual and the ongoing contacts with the Paris MoU, the United States Coast Guard and Lloyd's Register (North America) for training purposes.

7.5 The Chairman of the Mediterranean MoU (MEDMoU) indicated that the postponement of the holding of the last PSC Committee meeting of the MEDMoU, for reasons beyond control, prevented the PSC regime from approving its annual report for submission to IMO.

7.6 On the application of the Riyadh MoU for observer status at IMO, as an intergovernmental organization, the Sub-Committee was informed that it had been considered and approved by the Council at its one-hundredth session for final decision during the forthcoming session of the Assembly.

7.7 The Sub-Committee agreed to instruct the working group to use the annual reports and annex 2 (reporting of PSC data) of document FSI 17/7 as the basis in order to develop a text to summarize the outcome of PSC activities at a global level.

7.8 The Sub-Committee, having noted the inappropriate use of certain terminologies in the annual reports submitted to this session, requested the Secretariat to provide the secretariats of the PSC regimes with guidance on the applicable use of terminologies in the United Nations, in general, and the Organization, in particular.

7.9 The Sub-Committee agreed to request the Secretariat to review the layout of the tables annexed to its document on Progress report on regional PSC agreements (FSI 17/INF.8) on the basis of the recommendations expressed by the Fourth IMO Workshop for PSC MoU/Agreement Secretaries and Directors of Information Centres.

7.10 The Sub-Committee invited the regional PSC agreements and the United States Coast Guard to continue submitting their annual reports to the Sub-Committee, preferably in a uniform manner concerning the year of reference of the statistics contained therein and requested the Secretariat to continue providing the Sub-Committee with progress report on regional PSC agreements.

### **CONCENTRATED INSPECTION CAMPAIGNS (CICS)**

7.11 Having recalled that, as requested by the Sub-Committee, the Secretariat had encouraged those PSC regimes which had conducted the CIC on the ISM Code, to provide information in order to compile all relevant CIC data with a view to processing the data for a global analysis, the Sub-Committee considered the following documents:

- .1 FSI 17/7/3 (Black Sea MoU) on CIC on ISM compliance in 2007;
- .2 FSI 17/INF.15 (Black Sea MoU) on Preliminary results of the CIC on safety of navigation;
- .3 FSI 17/7/5 (Paris MoU) on CIC on ISM compliance in 2007;
- .4 FSI 17/7/6 (Paris MoU) on Preliminary results of the CIC on safety of navigation;
- .5 FSI 17/7/9 (Tokyo MoU) on CIC on ISM compliance in 2007; and
- .6 FSI 17/INF.19 (Indian Ocean MoU) on Preliminary findings and analysis of the 2008 CIC on SOLAS chapter V – safety of navigation.

7.12 The Sub-Committee, while inviting PSC regimes to continue providing the Sub-Committee with information on the outcome of CICS, preferably in conducting such campaigns in cooperation with other MoUs and to provide recommendations, together with supporting material, agreed to make the outcome of CICS conducted by PSC regimes available to relevant IMO bodies for further consideration, as appropriate.

### **INTER-REGIONAL ACTIVITIES**

7.13 The Sub-Committee noted the information contained in document FSI 17/INF.6 (Paris and Tokyo MoUs) on actions emanating from the Second Inter-regional Ministerial Conference on port State control.

7.14 The Sub-Committee also noted the information contained in document FSI 17/INF.5 (United States and Paris and Tokyo MoUs) on flag Administrations targeted by the Paris and Tokyo MoUs and the United States Coast Guard.

7.15 Having further noted that document FSI 17/INF.5 (Paris and Tokyo MoUs and United States) on Flag Administrations targeted by the Paris and Tokyo MoUs and the United States was showing the improvement of performances, as assessed through PSC, by some Administrations, the Sub-Committee invited those Member States to share their experience and measures implemented in order to achieve such positive results, by way of submission to the Sub-Committee at future sessions.

### **TRANSPARENCY AND HARMONIZATION OF PSC INFORMATION**

#### **EQUASIS INFORMATION SYSTEM**

7.16 The Sub-Committee recalled that FSI 16 was in favour of keeping the option open for future developments between the two systems (GISIS and Equasis regarding the global exchange

of PSC data), had requested the Secretariat to continue informing about further progress and had reiterated its invitation to representatives of the Management Unit (MU) of Equasis to attend future sessions.

7.17 In the context of its consideration of document FSI 17/INF.21 (Secretariat) on Equasis information system, presenting the relevant outcome of the 17<sup>th</sup> and the 18<sup>th</sup> Equasis Supervisory Committee Meetings and the 14<sup>th</sup> Equasis Editorial Board Meeting, the Sub-Committee noted the following elements:

- .1 on the issue of data providers, the Supervisory Committee had agreed that if a new PSC regime joins Equasis as a data provider, then data from all its members that have ratified the IMO Conventions should be published on Equasis, irrespective of the flag States' individual performances;
- .2 still on the issue of data providers, a final agreement had been reached with the Indian Ocean MoU for becoming a PSC data provider to Equasis and in accordance with the decision presented in subparagraph .17.2. Discussions were also being held with the Viña del Mar Agreement for the purpose of becoming a data provider;
- .3 since 1 January 2009, the MU is hosted by the European Maritime Safety Agency (EMSA) and its staff has now been reduced to one Data and Information Manager (Mr. D. Jones), while the Equasis information system remains with the *Sous-direction des systèmes d'information maritime* (DSI) in Saint-Malo (France); and
- .4 the Supervisory Committee authorized the MU to continue the dialogue with IMO on how best to cooperate and provide experience of the collection and presentation of data, to assist with the development of the GISIS module on PSC and granted permission for IMO technicians to visit DSI to gain a better understanding of their work, as appropriate.

7.18 With regard to document FSI 17/INF.21, the Data and Information Manager of the MU, while requesting the establishment of a consultative process for the preparation of future documents reporting on Equasis developments prior to their issuance, clarified that the involvement of Equasis in the development of GISIS was limited to the exchange of ideas and experience of the collating and presentation of data. He further indicated that the constraints placed upon Equasis by the data providers currently exclude the provision of data from Equasis to GISIS.

#### **PROBLEMS ON THE IMPLEMENTATION OF PSC ACTIVITIES**

7.19 Having been advised that LEG 9 had also considered information provided by BIMCO about a recent survey, which was conducted among its shipowning members on the experience of their seafarers in relation to port State control inspections, the Sub-Committee considered document FSI 17/INF.20 (BIMCO) on Problems relating to port State control (PSC) implementation globally, based on the above-mentioned survey, and invited BIMCO to submit the full report on the survey at a future session, as well as to PSC regimes.

7.20 The Sub-Committee, being informed that the Abuja MoU had recently held a meeting on the harmonization of procedures and inspections, including the issue of fees, noted the views expressed supporting the gathering of information on the issue of inspection fees and penalties, as well as statistics, investigation or scientific evidence on reported cases of corruption.

7.21 The delegation of Vanuatu indicated that, over the last few years, vessels flying its flag had experienced numerous illegal detentions and heavy fines where the masters had indeed to deal with the immediate problem of choosing between paying the penalties, which had absolutely no basis, or suffer the imminent detention of their ships. For all the cases the Vanuatu Maritime Administration had had to deal with, the port State Authorities had never notified the flag State, the so-called deficiencies were clearly not hazardous to safety, health or the environment to end up in the issuance of a detention order and all cases were duly reported to the competent PSC regime for further investigation.

7.22 The delegation reported that despite the flag State's continuous efforts, Vanuatu shipowners were still experiencing illegal detentions and/or illegal fines on a monthly basis and that such practices have some quite significant financial consequences which do not contribute to increasing safety at sea.

7.23 The delegation of Vanuatu suggested that PSC regimes remind their members on a regular basis that:

- .1 in the case of a detention, notification shall be made to the flag State Administration as requested by SOLAS regulation I/19(d) and resolution A.787(19) on Procedures for Port State Control; and
- .2 solely where deficiencies are clearly hazardous to safety, health or the environment, the maritime Authorities should ensure that the hazard is rectified before the ship is allowed to proceed to sea and for this purpose they should either detain the vessel or issue a formal prohibition of a ship to continue an operation.

7.24 The delegation of Malta stated that, both as a flag State and as a port State, they pledged to investigate all allegations put forward to them on corruption in PSC activities and that they will then take appropriate action in the light of these investigations. Malta also stated that they would press for a similar stance to be taken within the MED MoU, the chairmanship of which they currently hold.

7.25 The delegation of Singapore, while recognizing the vital function performed by PSC to eradicate substandard shipping, shared the concerns raised by BIMCO in document FSI 17/INF.20, regarding unprofessional PSC officers. They indicated that their Administration has dealt with such problems, raised by Singaporean shipowners, which had been raised in the IMO before, leading to the formulation of the Code of Good Practices by PSCOs. They emphasized the importance, while PSC regimes are developed on a global and regional basis, of promoting effective qualification, training and familiarization of PSCO to exercise professional judgement, adherence to the Code and effective implementation of appeal mechanisms for port States. The delegation of Singapore referred to the consideration of the establishment of a review panel by PSC regimes to deal with undue detentions and corrupt PSC practices, possibly at a future IMO Workshop on PSC.

## **LIST OF NEW REQUIREMENTS**

7.26 On the issue of the review of the information gathered by the Secretariat on new requirements with a view to supporting the work on the coding and updating of deficiencies, the Sub-Committee noted the list contained in document FSI 17/INF.9 (Secretariat).

## **PROCEDURES FOR PORT STATE CONTROL (PSC)**

### **Guidelines for port State control under the revised MARPOL Annex VI**

7.27 The Sub-Committee was advised that BLG 13 had approved a draft MEPC resolution on amendments to guidelines for port State control under the revised MARPOL Annex VI, as set out in the annex to document FSI 17/7/10, and had agreed to forward it to FSI 17, for review and comment, and to MEPC 59, with a view to adoption. The main amendments refer to the incorporation of new requirements regarding Ozone Depleting Substances Record Book, new NO<sub>x</sub> and SO<sub>x</sub> emission limits and a requirement for a VOC Management Plan for tankers. The Sub-Committee agreed to refer the document to the working group in order to finalize a draft MEPC resolution on amendments to the guidelines for port State control under the revised MARPOL Annex VI.

## **GUIDELINES FOR INSPECTION OF ANTI-FOULING SYSTEMS ON SHIPS**

7.28 The Sub-Committee recalled that, following the adoption of the AFS Convention and as instructed by the MEPC, FSI 11 had developed the draft Guidelines for inspection of anti-fouling systems on ships, which were adopted by MEPC 49 in July 2003 through resolution MEPC.105(49).

7.29 The Sub-Committee was advised that some regional MoUs, based on the experience gained, in particular, on aspects related to sampling and analysis of anti-fouling systems and actions taken on deficiencies and violations, had developed further guidance on the inspection of anti-fouling systems.

7.30 In this context, the Sub-Committee considered document FSI 17/7/7 (Paris MoU) on Preliminary guidelines for port State control officers on control of anti-fouling systems (AFS) on ships and agreed that there is a need to review the MEPC resolution before incorporating the Guidelines into the revised Assembly resolution on Procedures for port State control.

7.31 Consequently, the Sub-Committee invited MEPC 59 to agree on the need to review resolution MEPC.105(49) in the light of experience gained. Recalling that the above-mentioned Guidelines had been developed by FSI 11 under the item “Development of Guidelines under the 2001 AFS Convention” approved by MEPC 47, the Sub-Committee invited MEPC 59 to agree to the review of these Guidelines under a new item “Review of Guidelines for inspection of anti-fouling systems on ships”, to be included in the agenda of FSI 18, with a target completion date of 2011.

## **PROCEDURES FOR CONDUCTING OPERATIONAL FIRE, ABANDON SHIP AND DAMAGE CONTROL DRILLS DURING A PORT STATE CONTROL INSPECTION**

7.32 Having recalled that DE 52, in considering document DE 52/6/8 (Dominica *et al.*), expressing concerns with regard to authorities who interpret SOLAS regulation III/19.3.3.3 to require the ship’s crew to be on board lifeboats during launching in case of abandon ship drills,

had agreed to the draft MSC circular, on clarification of SOLAS regulation III/19, set out in an annex to DE 52/21, for submission to MSC 86 for approval (DE 52/21, section 6), and to bring the outcome to the attention of the FSI Sub-Committee, the Sub-Committee considered document FSI 17/7/8 (Paris MoU) on Procedures for conducting operational fire, abandon ship and damage control drills during a port State control inspection for referral to the working group.

#### **INTERIM GUIDANCE ON THE USE OF THE OIL RECORD BOOK**

7.33 Having been advised that MEPC 58 had requested the Sub-Committee to consider the alignment of the new circular MEPC.1/Circ.640 on Interim guidance on the use of the Oil Record Book concerning voluntary declaration of quantities retained on board in oily bilge water holding tanks and heating of oil residue (sludge), with PSC procedures, the Sub-Committee agreed to refer the matter to the working group in order to consider any necessary amendments arising from circular MEPC.1/Circ.640 to resolution A.787(19), as amended by resolution A.882(21).

#### **ESTABLISHMENT OF THE WORKING GROUP**

7.34 The Sub-Committee agreed to establish the Working Group on Harmonization on PSC activities and instructed it, taking into account the relevant decisions and comments made in plenary, and considering items .2, .7 and .9 as priorities, to:

- .1 consider the recommendations of the Fourth IMO Workshop for PSC MoU/Agreement Secretaries and Directors of Information Centres for detailed review and advice, as appropriate (FSI 17/7/1 paragraphs 23, 24 and 25);
- .2 consider in detail the report of the Correspondence Group (FSI 17/7) in order to further review and amend as appropriate the text of resolution A.787(19), as amended by resolution A.882(21)), taking into account document FSI 17/7/8 and provide advice on the expected completion of the revised procedures for port State control;
- .3 further 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 taking into consideration document FSI 17/7, annex 2;
- .4 develop proposals for simplified procedures for keeping the procedures on PSC updated and to analyse the possibility of introducing new instruments taking into consideration FSI 17/7, paragraph 5.4;
- .5 with regard to the 2004 BWM Convention, consider documents FSI 16/8 and FSI 17/9 with a view to identifying areas that may need further development and in particular refer to aspects related to violations, their detection, control of ships and notification of control actions;
- .6 develop Guidelines on port State control under the 2004 BWM Convention using document FSI 16/8 (the Paris MoU) as a basis, taking into account the relevant provisions of the Guidelines for ballast water sampling (G2) (MEPC 58/23, annex 3), while considering the various possibilities of adopting these Guidelines and advising the Sub-Committee accordingly;

- .7 finalize a draft MEPC resolution on amendments to the guidelines for port State control under the revised MARPOL Annex VI using the annex to document FSI 17/7/10 as basis, for consideration by MEPC 59 with a view to adoption;
- .8 consider any necessary amendments arising from circular MEPC.1/Circ.640 on Interim guidance on the use of the Oil Record Book concerning voluntary declaration of quantities retained on board in oily bilge water holding tanks and heating of oil residue (sludge) to resolution A.787(19), as amended by resolution A.882(21); and
- .9 consider the need to re-establish a correspondence group and prepare its draft terms of reference, as appropriate.

#### **REPORT OF THE WORKING GROUP**

7.35 Having received the report of the Working Group on Harmonization on PSC activities (FSI 17/WP.3), the Sub-Committee took action as indicated in the following paragraphs.

#### **Revision of resolution A.787(19), as amended by resolution A.882(21)**

7.36 The Sub-Committee progressed the revision of the Procedures for PSC and agreed to re-establish a correspondence group on the Harmonization of PSC activities in order to continue developing the consolidated draft Assembly resolution while paying further special attention to the following elements:

- .1 consistency of terminology (e.g., “should”, “must”, etc.);
- .2 review of and reference to new and existing resolutions and avoidance of conflict when using them as references (e.g., ISPS Code);
- .3 standardization of forms and formats (e.g., IMO company number);
- .4 harmonization of requirements for onboard record-keeping (e.g., two or four years); and
- .5 other technical corrections and minor changes to be circulated within the group by its coordinator.

7.37 The Sub-Committee agreed to recommend to the MSC and the MEPC to request the advice from other IMO bodies regarding guidelines or Codes which may address PSC-related matters and that would need to be reviewed and/or consolidated within the revised Procedures for PSC.

#### **Format to summarize the outcome of PSC activities at a global level**

7.38 The Sub-Committee noted that the MoUs/Agreement agreed to submit the information contained in the three data sets set out in annex 1 to document FSI 17/WP.3, to FSI 18. This action should be considered as a first stage exercise with the intention of measuring the effectiveness of this method. For this purpose, the Sub-Committee requested the Secretariat to elaborate and coordinate among MoUs/Agreement the development of a format to be used by the PSC regimes and which would enclose the information currently contained in three data sets.

7.39 The Sub-Committee also noted that the MoUs/Agreement stressed that the information to be provided at this first stage should not be merged or put together by IMO until further agreement by the PSC regimes.

7.40 The Sub-Committee agreed that the issue on the harmonization of the PSC data format for submission to the Sub-Committee, should be part of the agenda of future PSC Workshops. In this context the Sub-Committee noted the views expressed suggesting that future PSC Workshops should be organized on a more regular basis.

### **Proposals for keeping the procedures on PSC updated**

7.41 The Sub-Committee considered the possibility of the overall restructuring of the resolution on Procedures for PSC. For this purpose the correspondence group would be instructed to look into those parts of the document that could remain in the form of an Assembly resolution, while selecting other more detailed and technical parts that could be kept in other (separate) instruments (e.g., MSC-MEPC circular) in order to maintain them in a more flexible and dynamic format. In this context, the Sub-Committee requested the Secretariat to analyse and advise, as appropriate, on the best mechanism or suitable vehicle to separate this instrument as explained above, with a view to facilitating the most expeditious possible amendment process, for reporting to FSI 18.

7.42 Furthermore, the Sub-Committee agreed to recommend that, in the event of any future development or amendment in relation to PSC-related instruments to be considered by any other IMO bodies, the Sub-Committee should always be involved from the initial stage.

### **Recommendations of the Fourth IMO Workshop for PSC MoUs/Agreement Secretaries and Directors of Information Centres**

7.43 The Sub-Committee agreed and supported the 4<sup>th</sup> PSC Workshop recommendations contained in paragraphs 23, 24 and 25 of document FSI 17/7/1, as detailed in the following paragraphs.

#### ***Definition of the term “Bulk Carrier”***

7.44 The Sub-Committee recommended that resolution MSC.277(85) on Clarification of the term “bulk carrier” and guidance for application of regulations in SOLAS to ships which occasionally carry dry cargoes in bulk and are not determined as bulk carriers in accordance with regulation XII/1.1 and chapter II-1 should be distributed within all PSC regimes. The Sub-Committee also recommended that PSCOs should be guided by the ship’s type indicated in the ship’s certificates in determining whether a ship is a bulk carrier.

#### ***Blanking of bilge overboard discharges***

7.45 The Sub-Committee recommended that the MSC-MEPC.4/Circ.3 on Blanking of bilge discharge piping system in port be distributed within PSC regimes as soon as possible.

## **Guidelines for port State control under the revised MARPOL Annex VI**

7.46 The Sub-Committee agreed to invite MEPC 59 to adopt the revised Guidelines for PSC under the revised MARPOL Annex VI and the associated resolution on its adoption as set out in annex 1.

## **Interim guidance on the use of the Oil Record Book**

7.47 The Sub-Committee agreed that the guidance, contained in MEPC.1/Circ.640 is useful in inspecting the Oil Record Book and should be brought to the attention of port State control officers, while recommending that there is no need to modify the resolution A.787(19), as amended by resolution A.882(21).

## **Re-establishment of the correspondence group and draft terms of reference**

7.48 Due to the limited time constraints, the Sub-Committee agreed to re-establish the Correspondence Group on the Harmonization of PSC Activities to deal with those points in the terms of reference referred to the working group established at this session that could not be completed, under the following terms of reference:.

- .1 further consider the draft text of resolution A.787(19), as amended by resolution A.882(21) taking into account the recommendations based on paragraphs 7.32 and 7.36;
- .2 identify those parts of the document that could remain in the form of an Assembly resolution, while selecting other more detailed and technical parts that could be kept in other (separate) instruments (e.g., MSC-MEPC circular);
- .3 develop Guidelines on port State control under the 2004 BWM Convention using document FSI 16/8 (the Paris MoU) as a basis, taking into account the relevant provisions of the Guidelines for ballast water sampling (G2) (MEPC 58/23, annex 3);
- .4 consider actions to be taken to ensure compliance with the BWM Convention in the event of the failure of sampling result to meet the D-2 standard;
- .5 consider how the Guidelines should take account of the issue reported in paragraph 7.44 regarding the designation of ships as bulk carriers;
- .6 consider the various possibilities of adopting these (BWM) Guidelines and advise the Sub-Committee accordingly; and
- .7 provide a written report to FSI 18.

## **8 PSC GUIDELINES ON SEAFARERS' WORKING HOURS AND PSC GUIDELINES IN RELATION TO THE MARITIME LABOUR CONVENTION, 2006**

### **PSC GUIDELINES ON SEAFARERS' WORKING HOURS**

8.1 The Sub-Committee recalled that FSI 14 had invited MSC 82 to approve the draft PSC guidelines on seafarers' working hours in the open form of a draft MSC circular or draft IMO/ILO Guidelines and that the Committee, having listened to some views expressed whereby the draft guidelines might need further review, in particular on STCW-related matter, had agreed to refer the matter to the FSI and STW Sub-Committees for consideration and report to MSC 83.

8.2 The Sub-Committee was advised that MSC 85, having received the outcome of the consideration of this issue by STW 39, had endorsed the views that:

- .1 the STW Sub-Committee was currently reviewing the requirements relating to proper maintenance of records of hours of rest with a view to harmonizing them with the relevant provisions in the ILO Maritime Labour Convention (2006), as well as clarifying the minimum time that constituted a period of rest;
- .2 seafarers' hours of work were covered under ILO Convention No.180 (Seafarers' Hours of Work and the Manning of Ships Convention) and, as such, the appropriate PSC guidelines should be developed by ILO; and
- .3 it would not be appropriate for the guidelines on PSC guidelines on inspection of seafarers' working hours to be issued as an MSC circular.

8.3 In such a context, the Sub-Committee agreed to await the outcome of the consideration by the STW Sub-Committee of the requirements relating to proper maintenance of records of hours of rest with a view to harmonizing them with the relevant provisions in the ILO Maritime Labour Convention, 2006, as well as clarifying the minimum time that constituted a period of rest.

### **GUIDELINES FOR PORT STATE CONTROL IN THE CONTEXT OF MLC 2006**

8.4 In the context of the report by the Secretariat (FSI 17/8) on its attendance at the ILO Tripartite Expert Meeting to adopt Guidelines on port State responsibilities for the inspection of labour conditions on board ships in relation to MLC 2006, the Sub-Committee noted that the ILO Convention consolidates 37 ILO Conventions (e.g., the ILO Merchant Shipping (Minimum Standards) Convention, 1976 (No.147) and the ILO Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No.180), both of which are within the scope of current PSC activities), includes requirements based on the other existing ILO Conventions which establish employment and social rights for seafarers, and contains obligations for mandatory flag State inspections and ship certification as well as provisions for port State control.

8.5 The Sub-Committee was informed that, taking into account the traditional role of IMO in the harmonization of PSC activities, the IMO and ILO Secretariats had explored potential areas for cooperation in the context of the implementation of the Guidelines for port State control officers carrying out inspections under MLC 2006 and had identified the following elements for further consideration:

- .1 reporting format of PSC inspections (resolution A.787(19), as amended);
- .2 collection and dissemination of PSC inspection reports by extraction from electronic batch transfers to GISIS;
- .3 maintenance of a list of national contact points for MLC 2006-related PSC activities;
- .4 collection and dissemination of information on ROs authorized to carry out inspections and issue certificates on behalf of flag Administrations; and
- .5 joint activities in the context of their respective technical co-operation programmes and associated training material.

8.6 The ILO observer provided further information on the follow-up activities undertaken by the ILO since the adoption of MLC 2006. In particular, he referred to the publication of the guidelines for PSC Officers and the training activities referred to in document FSI 17/8. He concurred with the representative of the IMO Secretariat as to the objectives of the cooperation proposed between IMO and ILO on the collection and dissemination of information relating to port State inspections under MLC 2006. He informed the meeting that the MLC has, to date, been ratified by five ILO Member States covering 44% of the world fleet and that, considering the entry-into-force threshold was 30 ratifications, covering 33% of the world fleet by gross tonnage, the Convention may be in force in 2011.

8.7 The Sub-Committee, having noted the views expressed in support of the areas of cooperation between the two Organizations, in particular, regarding the potential for facilitation and harmonization of PSC activities, expressed caution on the channelling of the information to comply with the methods of work of the two Organizations and the harmonization which should not compromise safety-related instruments with social-related instruments.

8.8 The Sub-Committee noted the views expressed by the Secretariat and supported some of them, also noting that the Secretariat had indicated that important policy decisions would be reported to the MSC and the MEPC on how the two Secretariats intended to cooperate for the benefit of the industry and the establishment of a global system of PSC and will prepare a basic document for consideration at the next session.

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

9.1 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, 18 States had ratified the Convention, representing 15.36% of the world merchant fleet tonnage. The Sub-Committee urged other Member States to ratify this Convention at the earliest possible opportunity.

9.2 The Sub-Committee recalled that FSI 16 had established the Correspondence Group on Port State Control and instructed it, *inter alia*, to 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 on Guidelines for ballast water sampling (G2). The Sub-Committee noted that due to the time constraints, the correspondence group was unable to address this task.

9.3 The Sub-Committee noted that MEPC 58 had adopted the Guidelines for ballast water sampling (G2) by resolution MEPC.173(58) and had instructed FSI 17 to take into account these Guidelines when developing the Guidelines on port State control under the 2004 BWM Convention. MEPC 58 also agreed that matters related to enforcement should be dealt with by the Sub-Committee.

#### **Suggested text for the Guidelines on port State control under the 2004 BWM Convention**

9.4 In introducing document FSI 17/9 (the Bahamas and ICS), the delegation of the Bahamas expressed the concern that ships fitted with a fully operational type-approved ballast water management system, maintained and operated in accordance with the manufacturers' instruction, may not meet the D-2 standard due to faulty manufactured or inadequately type-approved equipment. To avoid the detention of such ships, the co-sponsors proposed that the Guidelines on port State control currently under development should take into account this possibility and include the text set out in the annex to document FSI 17/9.

9.5 In the ensuing discussion, several delegations expressed their support for the proposal made by the Bahamas and ICS, emphasizing that unnecessary detention should be prevented and shipowners should not be penalized if the ballast water management system in question has been duly type approved, operated and maintained in accordance with manufacturer's instruction.

9.6 Many other delegations, while acknowledging that there is a need for timely completion of the Guidelines for port State control under the BWM Convention to facilitate the ratification process of the Convention and its uniform implementation, did not support the proposal by the Bahamas and ICS. Those delegations considered that the suggested text, as contained in document FSI 17/9, might inadvertently undermine the Convention, and cautioned that care should be taken to ensure the Guidelines currently under development are in line with the requirements in the BWM Convention, in particular, with Article 9 "Inspection of ships" and other relevant Guidelines adopted by the Organization, including the Guidelines for ballast water sampling (G2).

9.7 Some delegations also suggested that given the complexity of the issue, further consideration was needed and other solutions should be explored, possibly through developing further guidance on ballast water sampling and analysis protocols, enhancing the type approval process in the Guidelines for approval of ballast water management systems (G8), and ensuring appropriate alignment between Guidelines (G8) and Guidelines (G2).

9.8 After lengthy discussion, the Sub-Committee, while recognizing the need to address the concern raised in document FSI 17/19, agreed to refer this document to the Working Group on Harmonization of Port State Control Activities and Development of Guidelines on Port State Control under the 2004 BWM Convention for further consideration.

#### **Referral to the working group**

9.9 The Sub-Committee agreed to instruct the Working Group on Harmonization of Port State Control Activities, established under agenda item 7, to continue its work on the development of Guidelines on Port State Control under the 2004 BWM Convention in accordance with the terms of reference set out in subparagraphs 7.34.5 to 7.34.6.

## **Report of the working group**

9.10 Having received the report of the working group (FSI 17/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, therefore, the Sub-Committee instructed the Correspondence Group on Port State Control to further develop these Guidelines, taking into consideration the comments made at this session (see subparagraphs 7.48.3 to 7.48.5). The Sub-Committee also invited the BLG Sub-Committee to keep it updated on the development of the ballast water sampling and analysis protocols.

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

10.1 The Sub-Committee noted with appreciation the information provided by the Islamic Republic of Iran in document FSI 17/10 on Measures taken to improve flag State control activities which was introduced under agenda item 3 on “Responsibilities of Governments and measures to encourage flag State compliance” and reiterated its invitation to Member Governments to submit information on the national measures taken to improve the safety of their vessels and any difficulties encountered in the implementation of IMO instruments.

## **11 REVIEW OF THE SURVEY GUIDELINES UNDER THE HSSC**

### **REPORT OF THE CORRESPONDENCE GROUP**

11.1 The Sub-Committee considered the relevant part of document FSI 17/11 (France) on the report of the Correspondence Group on the Review of the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), the Code for the implementation of mandatory IMO instruments and the Consolidated audit summary reports containing proposed amendments to the Survey Guidelines deriving from the amendments to the relevant IMO mandatory instruments entering into force up to and including 31 December 2009.

11.2 In this context, the Sub-Committee referred the consideration of the report of the correspondence group (FSI 17/11), together with documents FSI 17/11/1, FSI 17/INF.9 and FSI 17/INF.11 prepared by the Secretariat, containing a list of new and outstanding requirements which were adopted since the last session together with references to other potentially relevant instruments, to the Working Group on the Review of the Survey Guidelines under the HSSC.

### **OUTCOME OF BLG 13**

11.3 The Sub-Committee considered document FSI 17/11/2 (Secretariat) providing the outcome of BLG 13 on amendments to the Survey Guidelines under the Harmonized System of Survey and Certification for the revised MARPOL Annex VI. The Sub-Committee agreed to refer the documents to the working group for consideration including the items in square brackets, bearing in mind that the revised MARPOL Annex VI is expected to enter into force on 1 July 2010 and it may not be appropriate to incorporate the proposed amendments for the revised MARPOL Annex VI into amendments to the Survey Guidelines under the HSSC at this stage.

## **EXAMINATION OF THE OUTSIDE OF THE SHIP'S BOTTOM ON PASSENGER SHIPS**

11.4 The Sub-Committee was advised that MSC 85, having considered the proposal contained in document MSC 85/10/2 (CLIA) to request the FSI Sub-Committee to start developing draft amendments to the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) on issues of examination of the outside of the ship's bottom on passenger ships prior to the development of guidelines by the DE Sub-Committee, had agreed that, only if the DE Sub-Committee could complete its work on this matter at its next session, FSI 17 would, then, be requested to develop related amendments to the Survey Guidelines for approval by MSC 86 and MEPC 59, before consideration by A 26 for adoption.

11.5 Being also advised that DE 52 had agreed that further consideration of the matter was necessary, had included the item on "Alternative arrangements for bottom inspection requirements for passenger ships other than ro-ro passenger ships" in the provisional agenda for DE 53 and could not, therefore, complete its work on this matter, the Sub-Committee, after a lengthy discussion, agreed to instruct the working group to prepare a draft reference to be included, within square brackets, in the amendments to the Survey Guidelines under the HSSC, to "Guidelines to be developed by the Organization on alternative arrangements for bottom inspection requirements for passenger ships other than ro-ro passenger ships".

## **PROCESSING OF THE AMENDMENTS TO THE SURVEY GUIDELINES**

11.6 Having considered the issue of trying to reduce the volume of paper to be processed in the context of the preparation by the Sub-Committee, the approval by the MSC and the MEPC and the adoption by the Assembly of amendments to the Survey Guidelines, the Sub-Committee recalled that the current practice is based on the issuance every two years of a consolidated version of the Survey Guidelines as an annex to an Assembly resolution.

11.7 The Sub-Committee requested the working group to consider, as an alternative option, recommending that only amendments would be submitted to the respective sessions of the MSC, the MEPC, for approval and the Assembly, for adoption. After adoption by the Assembly, the Secretariat would be requested to prepare and issue a consolidated version of the Survey Guidelines to be made available, in electronic format only, on IMODOCS and/or the IMO public website, clearly indicating that the consolidated version had not been adopted by the Assembly. The Sub-Committee would, then, carry out a review of the consolidated version through the work of its correspondence group.

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

11.8 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 finalize draft amendments to the Survey Guidelines under the HSSC, 2007 (resolution A.997(25)), together with the text of the draft Assembly resolution, using FSI 17/11 and annex 1 to FSI 16/WP.2, as a basis, and taking into account the information contained in annex 2 to FSI 16/WP.2, FSI 17/INF.9 and FSI 17/INF.11, for approval by MSC 86 and MEPC 59 prior to submission to the Assembly at its twenty-sixth session for adoption;

- .2 prepare a draft reference to be included, within square brackets, in the amendments to the Survey Guidelines under the HSSC, to Guidelines to be developed by the Organization on alternative arrangements for bottom inspection requirements for passenger ships other than ro-ro passenger ships, taking into account the decision of DE 52 on this matter and providing background information for MSC 86 to decide as appropriate;
- .3 finalize annex 3 to document FSI 17/11, taking into account the information contained in annex 2 to FSI 16/WP.2 and FSI 17/INF.9, on the status of amendments to resolution A.997(25) for identifying the items that have not been dealt with so far and should be carried forward for future amendments;
- .4 finalize a draft MEPC resolution on amendments to the Survey Guidelines under the Harmonized System of Survey and Certification (resolution MEPC.128(53)) for the Revised MARPOL Annex VI using the annex to document FSI 17/11/2 as a basis, for consideration by MEPC 59 with a view to adoption;
- .5 if so decided at this session, then finalize draft amendments to resolution MEPC.102(48) on the Guidelines for Survey and Certification of Anti-Fouling Systems on Ships, using annex 4 to document FSI 17/11 as a basis, together with the text of the draft MEPC resolution;
- .6 further consider the issues related to survey guidelines for the 2004 BWM Convention as referred to in paragraph 12 of document FSI 17/11;
- .7 further develop, using annex 5 to document FSI 17/11 as a basis, a draft MSC-MEPC 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 for submission to MSC 86 and MEPC 59 for approval;
- .8 advise on the establishment of a correspondence group to work on amendments to the Survey Guidelines under the HSSC and prepare draft terms of reference as appropriate;
- .9 consider the issue of trying to reduce the volume of paper to be processed in the context of the preparation by the Sub-Committee, the approval by the MSC and the MEPC and the adoption by the Assembly of amendments to the Survey Guidelines and make recommendations as appropriate; and
- .10 with items .1, .4, .5, .7 and .9 above as priorities at this session, submit a written report to the plenary on Thursday, 23 April 2009.

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

11.9 Having received the report of the working group (FSI 17/WP.2), the Sub-Committee took the decisions reflected in the following paragraphs.

### **Alternative arrangements for bottom inspection requirements for passenger ships other than ro-ro passenger ships**

11.10 The Sub-Committee considered that, pending the completion of the work to be conducted at DE 53, and anticipating an approval by MSC 87, the following amendment, together with a footnote, could be drafted to complete the current paragraph 5.10 of the Survey Guidelines:

*[Where acceptable to the Administration, the minimum number of inspections in dry-dock of the outside of the bottom of a passenger ship (which is not a ro-ro passenger ship) in any five-year period may be reduced from two to one\*. In such cases the interval between consecutive inspections in dry-dock shall not exceed 60 months.*

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\* *In accordance with guidance to be developed by the Organization.]*

11.11 The Sub-Committee agreed to amend paragraph 5.10 of the Survey Guidelines, together with a reference to Guidelines to be developed by the Organization on alternative arrangements for bottom inspection requirements for passenger ships other than ro-ro passenger ships, within square brackets, for MSC 86 to decide as appropriate.

### **Reduction of the volume of paper to be processed**

11.12 The Sub-Committee recommended to adopt the following regime that every uneven session of the Assembly, the Survey Guidelines are adopted in a consolidated version but every even Assembly, the amendments to the Survey Guidelines are adopted with the proviso that a consolidated working version of the document is posted on IMODOCS.

### **Amendments to resolution A.997(25)**

11.13 The Sub-Committee agreed to the draft amendments to the Survey Guidelines under the HSSC, 2007 (resolution A.997(25)), together with the text of the draft Assembly resolution, as set out in annex 2, for approval by MSC 86 and MEPC 59, prior to submission to the Assembly at its twenty-sixth session for adoption.

### **Amendments to Survey Guidelines under HSSC related to MARPOL Annex VI (resolution MEPC.128(53))**

11.14 The Sub-Committee agreed to delete those items within the square brackets in the draft resolution, as prepared by BLG 13, which were not specific to surveys under the provisions of MARPOL Annex VI, as the items are already covered by the Survey Guidelines under the HSSC, 2007 (resolution A.997(25)).

11.15 With a view to save paperwork and improve coherency, the Sub-Committee agreed to delete the items of section "General", which were not specific to MARPOL Annex VI, and the appendix of the draft resolution, with the aim to limit its content to the current survey items contained in the annex to the draft resolution.

11.16 The Sub-Committee agreed to the draft MEPC resolution on amendments to the Survey Guidelines under the Harmonized System of Survey and Certification (resolution MEPC.128(53)) for the Revised MARPOL Annex VI, as set out in annex 3, for consideration by MEPC 59 with a view to adoption.

### **Amendments to survey and certification of AFS on ships (resolution MEPC.102(48))**

11.17 The Sub-Committee realized that the revision would involve more modification than expected, particularly to existing texts, and therefore, due to time constraints, decided not to proceed further but to propose that this work be conducted by the recommended correspondence group with the aim of finalizing the work at the next session of the Sub-Committee.

### **Survey guidelines related to the 2004 BWM Convention**

11.18 The Sub-Committee suggested that the content of circular BWM.2/Circ.7 on Interim Survey Guidelines for the purpose of the International Convention for the Control and Management of Ship's Ballast Water and Sediments under the Harmonized System of Survey and Certification (resolution A.948(23)) be reminded to Member Governments and all interested parties.

### **General guidance on the timing of replacement of existing certificates by the certificates issued after the entry into force of amendments to SOLAS certificates**

11.19 The Sub-Committee agreed to the draft MSC-MEPC.5 circular on 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, as set out in annex 4, for submission to MSC 86 and MEPC 59 for approval.

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

11.20 The Sub-Committee agreed to re-establish the Correspondence Group<sup>\*</sup> on the Review of the Survey Guidelines under the HSSC and the Code for the implementation of mandatory IMO instruments to continue to develop the amendments to the Survey Guidelines under HSSC and the amendments to the Code for the implementation of mandatory IMO instruments with the following terms of reference:

- .1 identify amendments to IMO instruments which affect the Survey Guidelines under the HSSC, using as a basis, annex 3 to FSI 17/11, FSI 17/INF.9 and annex 2 to FSI 16/WP.2;
- .2 identify amendments to IMO instruments which affect the Code, using as a basis, documents FSI 16/INF.4 and FSI 17/INF.10;
- .3 develop amendments to Survey Guidelines under the HSSC, on the basis of annex 1 to document FSI 17/WP.2 and resolution A.997(25), with a view to providing a consolidated version of the Survey Guidelines for submission to the Assembly at its twenty-seventh session for adoption;

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- .4 develop amendments to the Code for the Implementation of Mandatory IMO Instruments, on the basis of annex 4 to document FSI 17/WP.2 and resolution A.996(25), with a view to providing a consolidated version of the Code for submission to the Assembly at its twenty-seventh session for adoption;
- .5 develop amendments to resolution MEPC.102(48) on the Survey Guidelines on the AFS Convention using, as a basis, annex 4 to document FSI 17/11; and
- .6 to submit a report to FSI 18.

## **12 CONSIDERATION OF IACS UNIFIED INTERPRETATIONS**

12.1 The Sub-Committee noted that no documents were submitted under this agenda item at this session.

## **13 REVIEW OF THE CODE FOR THE IMPLEMENTATION OF MANDATORY IMO INSTRUMENTS**

### **AMENDMENTS TO THE CODE FOR THE IMPLEMENTATION OF MANDATORY IMO INSTRUMENTS**

13.1 The Sub-Committee was advised that MEPC 58 and MSC 85 had concurred with the recommendation by FSI 16 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 instructed the Sub-Committee to develop the proposed new annex accordingly, subject to the endorsement of C 102.

### **Report of the correspondence group**

13.2 The Sub-Committee considered the relevant part of the report of the Correspondence Group on the Review of the Survey Guidelines under the HSSC, the Code for the implementation of mandatory IMO instruments and the Consolidated audit summary reports (FSI 17/11), containing proposed amendments to the Code for the Implementation of Mandatory IMO Instruments, 2007 (resolution A.996(25)) based on the new provisions adopted since the last session with a date of entry into force extending until 2010, for referral to the Working Group on the review of the Survey Guidelines under HSSC and the Code for the implementation of mandatory IMO instruments.

13.3 Having noted that annex 2 to document FSI 17/11 contained some proposed other safety- and security-related amendments, referring to the ISPS Code and certificates of proficiency for security officer in STCW 78, the Sub-Committee recalled that, for the other safety- and security-related issues, 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 also 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 (MSC 80/24, paragraphs 8.10.5 and 8.18.2).

13.4 Following consideration of the issue on whether the work on the updating of the Code at the Sub-Committee level should give the opportunity to make recommendation for a policy decision to expand the scope of this instrument, and having listened to views that such a recommendation could be either timely, five years after Voluntary IMO Member States Audit Scheme became effective, or premature, the Sub-Committee agreed to instruct the working group to remove the ISPS Code-related proposed amendments from the Code and recommended that proposals, by Member States, to expand the scope of the Code should be, first, submitted to the Committees.

13.5 The Sub-Committee also considered documents FSI 17/13 and FSI 17/INF.10 (Secretariat) containing a list of the amendments to mandatory instruments which had been adopted since the last session of the Sub-Committee and might be relevant to the amendments to the Code, as well as document FSI 17/WP.4 (Secretariat), which the Sub-Committee had authorized to issue during its consideration of agenda item 1, providing supplements to annex 2 to document FSI 17/11, for referral to the working group.

### **Processing of the amendments to the Code**

13.6 Having considered the issue of trying to reduce the volume of paper to be processed in the context of the preparation by the Sub-Committee, the approval by the MSC and the MEPC and the adoption by the Assembly of amendments to the Code for the Implementation of Mandatory IMO Instruments, the Sub-Committee recalled that the current practice is based on the issuance every two years of a consolidated version of the Code as an annex to an Assembly resolution.

13.7 The Sub-Committee requested the working group to consider, as an alternative option, recommending that only amendments would be submitted to the respective sessions of the MSC, the MEPC, for approval and the Assembly, for adoption. After adoption by the Assembly, the Secretariat would be requested to prepare and issue a consolidated version of the Code to be made available, in electronic format only, on IMODOCS and/or the IMO public website, clearly indicating that the consolidated version had not been adopted by the Assembly. The Sub-Committee would then carry out a review of the consolidated version through the work of its correspondence group.

### **APPLICABILITY OF IMO CONVENTIONS TO FPSOs AND FSUS**

13.8 Having been advised that MSC 85, while considering the outcome of FSI 16 on the issue of the applicability of IMO Conventions to FPSOs and FSUs together with document MSC 85/10/1 (Panama, IACS, IADC, ITF, OCIMF and OGP), had agreed that there was no compelling need for new items in the work programmes of sub-committees to develop guidelines for the application of safety requirements to FPSOs and FSUs, the Sub-Committee, as instructed by the Committee, considered the preparation of a draft MSC-MEPC circular on the establishment of an effective safety management system and integration of the marine staff on the basis of document FSI 17/13/1 (China), proposing a draft MSC-MEPC circular, and also taking into account the information contained in the annex to document MSC 85/10/1, for referral to the working group.

### **REFERRAL TO THE WORKING GROUP**

13.9 The Sub-Committee agreed to refer the detailed consideration of documents FSI 16/INF.4, FSI 17/11, FSI 17/13, FSI 17/13/1, FSI 17/INF.10 and MSC 85/10/1 to the

Working Group on the Review of the Survey Guidelines under the HSSC 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”, instructing the group to:

- .1 finalize draft amendments to the Code for the implementation of mandatory IMO instruments, 2007 (resolution A.996(25)), together with the text of the draft Assembly resolution, using document FSI 17/13, annex 2 to documents FSI 17/11 and document FSI 17/WP.4, as a basis, for approval by MSC 86 and MEPC 59 prior to, through the Council at its twenty-fifth extraordinary session, submission to the Assembly at its twenty-sixth session for consideration with a view to adoption;
- .2 identify the items in document FSI 16/INF.4 and FSI 17/INF.10 that had not been dealt with to date and left for future amendment;
- .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;
- .4 consider the issue of trying to reduce the volume of paper to be processed in the context of the preparation by the Sub-Committee, the approval by the MSC and the MEPC, the coordination by the Council, and the adoption by the Assembly of amendments to the Code for the Implementation of Mandatory IMO Instruments and make recommendation as appropriate; and
- .5 develop a draft MSC-MEPC circular on the establishment of an effective safety management system for FPSOs and FSUs and integration of the marine staff with a view to submission to MEPC 59 and MSC 87 for approval (FSI 17/13/1 and MSC 85/10/1).

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

13.10 Having received the report of the working group (FSI 17/WP.2), the Sub-Committee took the decisions reflected in the following paragraphs.

### **Processing of the amendments to the Code**

13.11 The Sub-Committee adopted the following regime in order to try to reduce the volume of paper, i.e. every uneven Assembly, the Code for the Implementation of Mandatory IMO Instruments is adopted in a consolidated version but every even Assembly, the amendments to the Code are adopted with the proviso that a consolidated working version of the document is posted on the IMO website.

13.12 As instructed by MSC 85 and MEPC 58, the Sub-Committee prepared the amendments to the Code, which now include a new annex, annex 7, showing the amendments to the relevant IMO instruments adopted but not yet accepted at the time of adoption of the Code by the Assembly, but expected to come into force in the following months (until 1 July 2010). The Sub-Committee agreed to instruct the correspondence group established under item 11 to continue to develop amendments to the Code (see paragraph 11.20).

### **Amendments to resolution A.996(25)**

13.13 The Sub-Committee agreed to the draft amendments to the Code for the Implementation of Mandatory IMO Instruments, 2007, together with the text of the draft Assembly resolution, as set out in annex 5 for approval by MSC 86 and MEPC 59 prior to, through the Council at its twenty-fifth extraordinary session, submission to the Assembly at its twenty-sixth session for consideration with a view to adoption.

### **Establishment of an effective safety management system for FPSOs and FSUs and integration of the marine staff**

13.14 The Sub-Committee agreed to the draft MSC-MEPC.2 circular on Guidance for the application of safety, security and environmental protection provisions to FPSOs and FSUs, as set out in annex 6 with a view to submission to MEPC 59 and MSC 87 for approval.

### **REVIEW OF THE CONSOLIDATED AUDIT SUMMARY REPORT**

13.15 The Sub-Committee recalled that, as requested by MEPC 57 and MSC 84, FSI 16 had considered document A 25/8/2 on the Consolidated Audit Summary Report and had requested its Correspondence Group on the Review of the Survey Guidelines under HSSC, the Code for the Implementation of Mandatory IMO Instruments and the Consolidated Audit Summary Reports to conduct a detailed review of the Summary Report with a view to:

- .1 developing a methodology for the analysis of the Summary Report so as to provide feedback to Member States and the Organization on the recurrent findings, including identification of possible underlying causes and best practices; and
- .2 making recommendations on the effectiveness of the implementation by Member States of mandatory instruments falling within the scope of the audit scheme, and on the areas where specific technical co-operation activities would benefit Member States.

13.16 The Sub-Committee, while being advised that MSC 85 had requested FSI 17 to consider document C 101/6/2, as referred to the MSC and the MEPC by the Council, under this agenda item, noted that, as required by paragraph 7.4.2 of the Procedures for the Audit Scheme, document C 101/6/2 is the second consolidated audit summary report of further nine audits conducted during 2007.

13.17 The second consolidated audit summary report (C101/6/2) reflects the six 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*, *coastal State activities*, *areas of positive development* and *areas for further development*, respectively, from the previously issued nine audit summary reports. The general descriptions of maritime administrations have not been included in this report as they are specific to each audit summary report and can only be seen in that context. The findings in this report are the non-conformities and observations identified during the audit, with each finding followed by a summary of the corrective action taken or proposed by the Member State. The areas of positive development and areas for further development also include those from the

eight audit summary reports that were included in the first consolidated audit summary report contained in document A 25/8/2.

13.18 The Sub-Committee considered document FSI 17/13/2 (France), containing the relevant part of the report of the Correspondence Group on the Review of the Survey Guidelines under the HSSC, the Code for the implementation of mandatory IMO instruments and the Consolidated audit summary reports.

13.19 The correspondence group had reviewed the information contained in the two consolidated audit summary reports made available to it and had concluded, in general, that, using the format of the information available in the consolidated audit summary reports, it was not possible to develop a consistent methodology for analysis of findings, best practice and effectiveness of implementation.

13.20 In order to achieve effective analysis to meet the current objectives the correspondence group put forward the following matters for consideration by the Sub-Committee:

- .1 the need to provide additional material to that which information is currently recorded in audit reports. This could take the form of a generic reference number(s) for findings to be included in addition to the narrative text. Such an approach would enable accurate patterns for analysis to be developed;
- .2 using a generic approach to describe areas of good practice in addition to the current narrative text provided. This would better allow associations to be made with the text used to provide examples;
- .3 the need to establish criteria to quantify the effectiveness of implementation; and
- .4 circumstances where technical cooperation would apply.

### **Establishment of the drafting group**

13.21 In order to progress the matter further, taking into account the recommendations by the correspondence group, the Sub-Committee established the Drafting Group on the Review of Consolidated Audit Summary Report, and instructed it, taking into account the relevant decisions and comments made in plenary, to draft guidance for the Secretariat on a preliminary study on the ways to develop a consistent methodology for analysis of findings, best practices and effectiveness of implementation.

### **Report of the drafting group**

13.22 Having received the report of the drafting group (FSI 17/WP.6), the Sub-Committee requested the Secretariat to follow the Guidance when conducting a preliminary study on the ways to develop a consistent methodology for analysis of findings, best practices and effectiveness of implementation as set out in annex 7.

## **14 DEVELOPMENT OF A CODE FOR RECOGNIZED ORGANIZATIONS**

14.1 The Sub-Committee recalled that MSC 84 had considered a proposal by Austria *et al.*, (MSC 84/22/13) to develop a Code for Recognized Organizations (RO Code) in order to assist IMO Member States in meeting their responsibilities in recognizing, authorizing and monitoring

their recognized organizations and had, subsequently, agreed to include in the work programme of the Sub-Committee a high-priority item on “Development of a Code for Recognized Organizations”, with two sessions needed to complete the item, and instructed the Sub-Committee to include the item in the provisional agenda for FSI 17.

14.2 The Sub-Committee had for its consideration the following documents:

- .1 FSI 17/14 (Panama) which, referring to the proposal to establish a mandatory audit scheme for ROs, commented on the potential conflicting technical, legal and economic implications which such a scheme would have since it would remove the power of Administrations to audit their ROs, and foresaw problems for Member States being audited under the Voluntary IMO Member State Audit Scheme concerning the objective evaluation of whether authorized ROs effectively implement the mandatory IMO instruments covered by the Audit Scheme. In conclusion, Panama proposed not to develop a code for recognized organizations and provided general principles for another type of code which would not affect the sovereign rights and legal systems of States;
- .2 FSI 17/14/1 (Austria *et al.*) referred to evidence from different port State control Authorities that a substantial number of ships are detained or found with a considerable number of deficiencies soon after being surveyed and certificated by various ROs, which indicates that there is no harmonized and consistent implementation of the various IMO requirements by the ROs, and stated that the development of a Code for Recognized Organizations would foster global compliance and uniform implementation by Member States. Austria *et al.* proposed that such a Code should contain the mandatory requirements to be met by ROs with regard to statutory work and ways to assist Member States in the audit, selection and appointment of ROs;
- .3 FSI 17/14/2 (Nigeria, Sierra Leone and St. Kitts and Nevis) expressed the view that an RO Code would assist Administrations in fulfilling their obligations under the various mandatory IMO instruments, and set out a proposal regarding the objectives and content for relevant new instruments to be developed, i.e. a new mandatory Code for ROs, guidelines for auditing ROs and procedures for accreditation of auditing organizations by IMO, including the possibility for States to use common auditing organizations to reduce the number of audits ROs have to undergo;
- .4 FSI 17/14/3 (Marshall Islands) pointed out the potential benefits of an RO Code, in particular regarding ROs that provide services to a multitude of flag States and flag States that authorize multiple ROs and referred to the dispersed nature of certification activities carried out by ROs under the provisions contained in IMO instruments which may affect the monitoring programmes of ROs becoming inadvertently less effective and resulting in unnecessary administrative burden to both flag State administration and RO. The Marshall Islands proposed an incremental approach based on two concurrent stages focusing on the review of existing requirements and guidance according to three different levels of authorization to perform statutory work on behalf of the Administrations, together with the identification of potential gaps in the existing legal framework, to be eventually followed by further work on the recognition processes;

- .5 FSI 17/14/4 (Mongolia) indicated that an RO Code would not be able to replace existing instruments which have been purposely developed to tackle specific Convention requirements, and stated that the proposed Code should have the flexibility to accommodate all applicable RO requirements; and
- .6 FSI 17/14/5 (Tuvalu and Kiribati) expressed concerns that an RO Code may contravene existing national laws since some nations have national ROs, that Administrations may risk losing the authority and responsibility with regard to ROs in the process and that a Code may increase the physical and financial burden for Administrations. Tuvalu and Kiribati felt that any Code should remain as guidance and that Administrations should not delegate their duty to audit their ROs to external bodies as it may affect the national legislations and also incur additional costs for developing countries.

14.3 Following the introduction of the above documents in plenary, the Chairman, in order to enable a systematic approach to the task of developing a draft RO Code and to facilitate the discussion on the matter, suggested the following three points of convergence that might be useful to frame discussion on the issue, which were supported by the delegations who spoke:

- .1 that all IMO requirements relating to ROs should be consolidated into one document;
- .2 that the Sub-Committee should adopt a two-step approach to developing a Code; and
- .3 the first step could be a three-point task, namely:
  - .1 to identify all existing IMO requirements and recommendations concerning the utilization and authorization of ROs;
  - .2 to consolidate the aforementioned requirements and recommendations into a single document which would form the basis for any further work on the matter; and
  - .3 to conduct a gap analysis to identify areas that are not adequately addressed or are not covered at all and relevant additional requirements and/or amendments to the existing requirements that should be developed, as necessary.

14.4 In the context of the item, the delegation of the United States, while supporting the Chairman's points of convergence, referred to Article 10 of the EU Regulation on Common Rules and Standards for Ship Inspection and Survey Organizations, in particular to the provisions of the Article regarding mutual recognition of class certificates for materials, equipment and components, and, having expressed concerns that the legislation might apply to non-EU registered ships, sought clarification from the EC representatives on the application of the Article (see paragraphs 1.10 and 1.11).

14.5 The delegation of Sweden, as acting Presidency on behalf of the Czech Republic as concerns the maritime transport portfolio, confirmed receipt of relevant letters on the subject by the Secretary-General and the United States, replies to which were under preparation, and

proposed not to discuss the matter in the context of the item, as in their opinion the provisions of Article 10 would not affect the envisaged RO Code.

14.6 On the same subject, the observer from the EC, referring to the relevant communication between the Secretary-General and the EU, confirmed, as the guardian of EU legislation within the EU, that Article 10 in the amended EU Regulation would have no effect on the sovereign rights of non-EU States nor on safety. He also confirmed, as the body initiating internal discussions within the EU regarding proposals to the IMO, that there was no intention to include the provisions of Article 10 in the RO Code to be developed.

14.7 The delegation of Panama considered that the response from the EC did not explain in which ways Article 10 did not affect the sovereign rights of non-EU States.

14.8 In the ensuing lengthy discussion on the matter, diverging views regarding, *inter alia*, the necessity and usefulness of an RO Code were expressed, reaching from delegations questioning the need for the RO Code, over delegations not completely opposed to the development of a Code but having doubts regarding its usefulness, to delegations emphasizing that a Code was needed to foster uniform global compliance and uniform implementation of IMO requirements for ROs and those of national Administrations.

14.9 In this context, the Sub-Committee noted that the need for the development of an RO Code had been assessed by the MSC following established procedures and, as a result, the Committee had included the subject item in the work programme of the Sub-Committee and had instructed the Sub-Committee to commence work on the development of a Code at this session.

14.10 Some delegations, referring to the proposal contained in document MSC 84/22/13, expressed concern that such a Code could infringe the sovereign rights of flag States regarding the authorization and monitoring of recognized organizations acting on their behalf. They were of the view that the relevant existing requirements concerning ROs were adequate and they were subject to an audit of their implementation. An opinion was expressed that the audit of ROs is under the responsibility of a sovereign State and this aspect is already covered within the scope of the Voluntary IMO Member State Audit Scheme (VIMSAS), therefore, the audit of ROs should not be pursued in the context of this work programme, while there was a view expressed that this work programme towards an RO Code should develop a meaningful outcome which would supplement the work under VIMSAS.

14.11 Some delegations were of the view that, while the existing requirements for ROs were currently applied by flag States successfully, the RO Code would be a useful tool which would provide Administrations with a harmonized, transparent and independent mechanism to assist in assessing and monitoring ROs in an efficient and effective manner.

14.12 Many delegations, referring to the time needed to develop the RO Code, pointed out that this important work should not be rushed, but should be conducted in stages, giving sufficient time to consider all aspects of the issue and to conduct a thorough gap analysis to determine any areas not adequately addressed or not covered at all by the existing requirements and recommendations.

14.13 The Sub-Committee, having noted comments by several delegations on the suggestion made in the context of the original proposal for the establishment of the work programme item (MSC 84/22/13) that the RO Code should contain a mandatory audit scheme to verify that ROs meet the requirements of the RO Code, agreed that specific matters of preparation of the

RO Code and the need for the audit of ROs should not be pursued at this time before carrying out the gap analysis.

14.14 In the course of the further discussion on the contents of the RO Code, the following comments were made by a number of delegations:

- .1 the Code should ensure that the final responsibility regarding the authorization of ROs remains with the flag State at all times;
- .2 the Code should ensure that all ROs are treated equally;
- .3 the findings of the Member State audit reports regarding the authorization of ROs should be taken into account in the development of the Code;
- .4 the requirements of the Code for the Implementation of Mandatory IMO Instruments should be taken into account in the discussion on preparation of the RO Code; and
- .5 the question of the status of the RO Code, i.e. whether it should be a mandatory requirement or non-mandatory guidance, needs to be considered.

14.15 The Sub-Committee discussed how to progress the work on the issue, taking into account the three tasks under the third point of convergence outlined by the Chairman (see paragraph 14.3), and in particular whether a correspondence group should be established to progress the matter intersessionally, but, while noting that a number of delegations supported the establishment of such a group, the Sub-Committee agreed that this would be premature at this point in time. Instead, the Sub-Committee agreed that the Secretariat should prepare a basic document, containing all existing requirements and recommendations of IMO instruments concerning the authorization of ROs and a consolidated text covering the first two of the three tasks, as suggested by the Chairman, under the third point of convergence, as reflected in paragraph 14.3 above, for submission to FSI 18.

14.16 Consequently, the Sub-Committee agreed on the following way forward and:

- .1 requested the Secretariat to identify all existing requirements and recommendations of IMO instruments regarding recognized organizations and to prepare a consolidated document containing the aforementioned requirements and recommendations, to be submitted to FSI 18 as soon as possible in order to give Members and international organizations sufficient time to study the document in depth;
- .2 invited Member States and international organizations to consider the above document by the Secretariat; to carry out a gap analysis to identify areas that are not, or not adequately, covered by the existing requirements and recommendations; and to submit the results of their considerations to FSI 18; and
- .3 agreed that FSI 18, on the basis of the documents submitted, would allocate sufficient time to have a focused debate on the further work towards the development of the RO Code.

## **15 MEASURES TO PROTECT THE SAFETY OF PERSONS RESCUED AT SEA**

15.1 The Sub-Committee recalled that MSC 84, having agreed to include a high-priority item on “Measures to protect the safety of persons rescued at sea” in the work programmes of the COMSAR and FSI Sub-Committees with a target completion date of 2010, and also in the provisional agendas for COMSAR 13 and FSI 17, had decided, on practical grounds, to request the COMSAR Sub-Committee to consider the new item first and then at a later date to progress it in cooperation with the FSI Sub-Committee so that it will be completed within the agreed time frame.

15.2 The Sub-Committee was advised that COMSAR 13 did not make any progress on this matter due to the lack of substantive submissions and invited interested parties to submit proposals for consideration by FSI 17, MSC 86 and COMSAR 14 in order to further facilitate the debate on this issue.

15.3 Having also recalled that FSI 16 had 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 this item, the Sub-Committee considered document FSI 17/15 (Secretariat) containing the requested background information as well as the outcome of FAL 35 and COMSAR 13 on this matter.

15.4 The Chairman, before inviting the submitting countries to introduce documents FSI 17/15/1 and FSI 17/15/2, emphasized that, in the instruction received from the MSC, the COMSAR Sub-Committee was expected to consider, first, this issue on substantive grounds, prior to consideration by the FSI Sub-Committee. He also emphasized the fact that, although the two submissions were made to the FSI Sub-Committee, the Sub-Committee should not be expected to provide any technical expertise in order to consider draft amendments to the SOLAS and SAR Conventions, which are within the remit of the COMSAR Sub-Committee. In this context, the Chairman stressed that the Sub-Committee should only consider the matter within the parameters of implementation-related aspects involved in the two documents submitted.

15.5 With the introduction of documents FSI 17/15/1 and FSI 17/15/2 by Italy and Spain, and Malta, respectively, the Sub-Committee recognized the global dimension of this issue which may be affecting all countries, in their various capacities as flag States, States responsible for SAR areas and coastal States, the priority of saving lives at sea, which implies that shipmasters and crew rescuing people in distress should not be penalized for facing their obligations, and that such operations finish with the safe disembarkation of the people rescued.

15.6 When introducing their document FSI 17/15/1, Italy and Spain provided background information on statistics regarding the incidents involving persons rescued at sea by their respective SAR arrangements and indicated the need to improve the current system which has evidenced frequent gaps as consequence of non-fulfilments by some countries of the relevant provisions set-out in IMO mandatory and non-mandatory instruments. In particular, the Italian delegation recalled the principle enshrined in resolutions MSC.153(78) and MSC.155(78) according to which the “responsibility to provide a place of safety, or to ensure that a place of safety is provided, falls on the Government responsible for the SAR region in which the survivors were recovered”. The Italian delegation outlined that the same principle was confirmed and strengthened by FAL 35 through FAL.3/Circ.194 on the “Principles relating to administrative procedures for disembarking persons rescued at sea”, forwarded to the MSC and the COMSAR Sub-Committee to be considered in their ongoing work. Both delegations

expressed their determination to request amendments to the SOLAS and SAR Conventions as reflected in their document, just in case of non-fulfilment of these obligations.

15.7 When introducing its document FSI 17/15/2, Malta stated that information provided by Italy and the statement by Spain were questionable and stated that Malta must, therefore, provide MSC 86 with the relevant information based on its own data and statistics, for information, in order to clarify the situation. The delegation of Malta also stated that the proposals put forward by both documents should be discussed by the COMSAR Sub-Committee and refrained from providing any substantial comments on these documents even though they strongly disagreed with several important points put forward in document FSI 17/15/1.

15.8 Having focused on the implementation-related aspects of the SOLAS and SAR Conventions, as recently amended (paragraph 1-1 of SOLAS regulation V/33 and paragraph 3.1.9 of the Annex to the SAR Convention, as amended) as well as resolution MSC 167(78) on Guidelines on the treatment of persons rescued at sea, the Sub-Committee noted the commitment of all the submitting countries to make every effort to ensure that persons in distress are assisted under the principles and obligations established by the above instruments.

15.9 After extensive exchanges of views among the three submitters of the documents, it was clear that the intention of Italy and Spain was to improve the implementation of the requirements under the SOLAS and SAR Conventions by proper and effective application of the Guidelines established by resolution MSC.167(78) by all parties, whereas Malta, while also agreeing on the importance of the implementation by all parties, referred to the need for clarification on the interpretation of certain provisions of the Guidelines. In the light of this, Italy and Spain, and Malta had submitted their proposals contained in documents FSI 17/15/1 and FSI 17/15/2, respectively, for consideration by the COMSAR Sub-Committee.

15.10 The Chairman restated that the proposals to amend existing IMO instruments as presented in both documents were beyond the expertise and remit of the Sub-Committee.

15.11 The Sub-Committee, therefore, agreed to report to MSC 86 that the Sub-Committee had considered this matter to the maximum extent possible, under the sole angle of implementation, and reached the conclusion that the proposals contained in these documents should be referred to the MSC and the COMSAR Sub-Committee for consideration in their ongoing work.

15.12 Some delegations intervened, emphasizing the need for enhanced coordination and cooperation among Member States and that the core of the problem is not the rescue of people but their safe disembarkation. A satisfactory situation would be better achieved on the basis of the implementation of the principle according to which the responsibility to provide a place of safety or to ensure that a place of safety is provided, falls on the Government responsible for the SAR region in which the survivors were recovered.

## **16 CODE OF CONDUCT DURING DEMONSTRATIONS/CAMPAIGNS AGAINST SHIPS ON HIGH SEAS**

16.1 The Sub-Committee, being advised that MSC 85 had noted that, with respect to the development of a Code of conduct during demonstrations/campaigns against ships on high seas, NAV 54 had instead developed and agreed to the provisional draft MSC resolution on Assuring safety during demonstrations, protests, or confrontations on the high seas as work in progress and invited the FSI Sub-Committee to consider the text for advice, with the aim of finalization of the

text of the draft MSC resolution at NAV 55, agreed to the draft MSC resolution as presented in document FSI 17/16 for referral to NAV 55.

## **17 WORK PROGRAMME AND AGENDA FOR FSI 18**

### **REVISED WORK PROGRAMME AND AGENDA FOR FSI 18**

17.1 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 17/WP.5) and invited the Committees to approve the proposed revised work programme and provisional agenda for FSI 18, as set out in annex 8.

### **Status of planned outputs of the High-level Action Plan**

17.2 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 9, for consideration and endorsement by MSC 86 and MEPC 59.

### **Arrangements for the next session**

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

- .1 casualty statistics and investigations;
- .2 harmonization of port State control activities;
- .3 review of the Survey Guidelines under the HSSC and the Code for the Implementation of Mandatory IMO instruments; and
- .4 port reception facilities.

17.4 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 harmonization of port State control activities and development of guidelines on port State control under the 2004 BWM Convention; and
- .4 Code for Recognized Organizations.

17.5 Having recognized that the issue of the proposed number of correspondence groups to be established at this session was not specific to the FSI Sub-Committee and needed to be addressed at the Committees and Council levels, the Sub-Committee echoed the same concern as the one expressed by the Membership in other meetings of IMO bodies regarding the difficulty for Members to contribute fully to the work of so many such groups.

17.6 Following the intervention by the Chairman expressing his wish that FSI 18 be more disciplined with regard to the Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies (MSC-MEPC.1/Circ.2), the Sub-Committee appraised the specific situation of the work tasked to the FSI Sub-Committee, in particular regarding its continuous work on casualty analysis, the harmonization of PSC activities and the updating of the Survey Guidelines under the HSSC and the Code for implementation of mandatory IMO instruments, which may have a direct effect on the number of groups which the Sub-Committee feels compelled to establish and requested the Secretariat to advise FSI 18 on possible options for the Sub-Committee to continue carrying out its work intersessionally, while better addressing the current issue of concern.

17.7 The Sub-Committee noted that its eighteenth session had been tentatively scheduled to take place from 5 to 9 July 2010 at the Headquarters of IMO.

## **18 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2010**

18.1 The Sub-Committee unanimously re-elected Mr. Mathew Lee (Singapore) as Chairman, and Capt. Dwain Hutchinson (Bahamas) as Vice-Chairman, for 2010.

## **19 ANY OTHER BUSINESS**

### **Global Integrated Shipping Information System (GISIS)**

19.1 The Sub-Committee recalled that the Global Integrated Shipping Information System (GISIS) started to be developed by the Secretariat in July 2005 and allows public access to sets of data collected by the Secretariat as well as the direct recording of data by Member States.

19.2 In this context, the Sub-Committee noted the information contained in document FSI 17/19 (Secretariat) and updated orally whereby GISIS presently consists of 15 modules, with a further six under development, for the collection, processing and sharing of shipping-related data in order to assist Member States and the Secretariat in carrying out their respective and complementary duties, generate reports and provide information about shipping to the public.

19.3 The Sub-Committee agreed (see paragraph 6.23) to the proposal by the Secretariat to assist reporting States when completing the above-mentioned section of the approved format and for the benefit of improving the quality of the data collected through GISIS.

19.4 With regard to potential fulfilment of reporting requirements through GISIS, the Secretariat indicated, in document FSI 17/19, that GISIS electronic reporting facilities allow Parties to IMO instruments to provide all or part of the information covered by existing reporting requirements. Some of these reporting requirements also imply the circulation of the information collected by the issuance of relevant instruments prepared by the Secretariat.

19.5 Having recalled that, at the request of the Sub-Committee, the Secretariat had prepared in 1997 a comprehensive list of reporting requirements (FSI 5/8), the Sub-Committee agreed to consider further the issue of the fulfilment of reporting requirements through GISIS in the context of its potential harmonization with the existing collection and dissemination of information to be reported to the Organization by the Parties to IMO instruments and requested the Secretariat to keep the above-mentioned list of reporting requirements updated while identifying the areas covered by GISIS.

19.6 The Sub-Committee noted that, within the framework of existing access rights to public data contained in the GISIS maritime security module and in order to enhance public awareness, the Secretariat was developing the facility to create hyperlinks between external servers and GISIS.

19.7 The Sub-Committee also noted that, still within the framework of existing access rights to public data contained in the GISIS maritime casualties and incidents module, the Secretariat is developing the facility for external users to download extracts of the data sets contained therein.

19.8 Having reiterated its support to the Secretariat for the development of GISIS, the Sub-Committee noted the interventions by some delegations querying the fact that some modules have not been made accessible to Member States and informing about the difficulties for entering port-related data.

19.9 The Secretariat indicated, on the point of the accessibility of certain modules, that the matter should be brought to the attention of the relevant IMO bodies and, on the port-related issue, that the Secretariat was now in contact with the United Nations Economic Commission for Europe (UNECE) for harmonizing the use of the UNLOCODES in the GISIS modules and that it will provide the Sub-Committee with information on measures developed for facilitating the entry of port-related data.

### **Expressions of appreciation**

19.10 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. Efthimios Liberopoulos (Greece) (on transfer);
- Rear-Admiral André-Yves Legroux (France) (on retirement);
- Capt. Ashley J. Roach (United States) (on retirement);
- Mr. Curtis Roach (IMO Secretariat) (on retirement); and
- Mr. Bob Smith (IMO Secretariat) (on retirement).

## **20 ACTION REQUESTED OF THE COMMITTEES**

20.1 The Maritime Safety Committee, at its eighty-sixth session, is invited to:

- .1 note the discussion on the EU regulation on common rules and standards for ship inspection and survey organizations (paragraphs 1.10, 1.11, 14.4 to 14.7);
- .2 concur with the Sub-Committee's decision to refer the investigation report on the fire on the fishing factory vessel **Hercules** to the STW, DE and FP Sub-Committees for consideration (paragraph 6.19);
- .3 endorse the Sub-Committee's decision, with regard to the revision of the Procedures for port State control, to continue developing the consolidated draft Assembly resolution intersessionally (paragraphs 7.36 and 7.48);

- .4 concur with the Sub-Committee's recommendation that the MSC-MEPC.4/Circ 3 on blanking of bilge discharge piping system in port be distributed within port State control (PSC) regimes as soon as possible, if not already done (paragraph 7.45);
- .5 endorse the Sub-Committee's decision to amend paragraph 5.10 of the Survey Guidelines under the HSSC, 2007, together with a reference to Guidelines to be developed by the Organization with regard to alternative arrangements for bottom inspection requirements for passenger ships other than ro-ro passenger ships, pending the completion of the work to be conducted at DE 53, and anticipating an approval by MSC 87 (paragraph 11.11);
- .6 concur with the Sub-Committee's recommendation to adopt the following regime, in order to try to reduce the volume of paper, that, every uneven session of the Assembly, whole the revised Survey Guidelines under the HSSC incorporating all amendments are adopted in a consolidated version but, every even session of the Assembly, only amendments to the Survey Guidelines are adopted with the proviso that a consolidated working version of the Survey Guidelines is prepared by the Secretariat and posted on IMODOCS (paragraph 11.12);
- .7 approve, subject to MEPC's concurrent decision, the draft amendments to the Survey Guidelines under the HSSC, 2007 (resolution A.997(25)), together with the text of the draft Assembly resolution, prior to submission to the Assembly at its twenty-sixth session for adoption (paragraph 11.13 and annex 2);
- .8 approve, subject to MEPC's concurrent decision, the MSC-MEPC.5 circular on 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 (paragraph 11.19 and annex 4);
- .9 concur with the Sub-Committee's decision to remove the ISPS Code-related proposed amendments to the Code for the Implementation of Mandatory IMO Instruments, 2007 and recommend that proposals, by Member States, to expand the scope of the Code should be submitted first to the Committees (paragraph 13.4);
- .10 concur with the Sub-Committee's recommendation to adopt the following regime, in order to try to reduce the volume of paper, that, every uneven session of the Assembly, whole the revised Code for the Implementation of Mandatory IMO Instruments incorporating all amendments is adopted in a consolidated version but, every even session of the Assembly, only amendments to the Code are adopted with the proviso that a consolidated working version of the Code is prepared by the Secretariat and posted on IMODOCS (paragraph 13.11);
- .11 approve, subject to MEPC's concurrent decision, the draft amendments to the Code for the Implementation of Mandatory IMO Instruments, 2007 (resolution A.996(25)), which now includes a new annex, annex 7, together with the text of the draft Assembly resolution prior to submission, through the Council at its twenty-fifth extraordinary session, to the Assembly at its twenty-sixth session for adoption (paragraph 13.13 and annex 5);

- .12 endorse the Sub-Committee's decision, with regard to the development of a Code for recognized organizations, to request the Secretariat to prepare, as soon as possible, a consolidated document containing all existing requirements and recommendations of IMO instruments regarding recognized organizations, and to invite Member States and international organizations to consider the above document by the Secretariat; to carry out a gap analysis to identify areas that are not, or not adequately, covered by the existing requirements and recommendations; and to submit the results of their considerations to FSI 18 (paragraph 14.15);
- .13 endorse the Sub-Committee's decision, with regard to measures to protect the safety of persons rescued at sea, that it had considered this matter to the maximum extent possible, under the sole angle of implementation, and that the proposals contained in documents FSI 17/15/1 and FSI 17/15/2 should be referred to the Committee and COMSAR 14 for consideration within their ongoing work (paragraph 15.11);
- .14 concur with the Sub-Committee's decision, with respect to the development of a Code of conduct during demonstrations/campaigns against ships on high seas, to agree to the draft MSC resolution on Assuring safety during demonstrations, protests, or confrontations on the high seas, as presented in document FSI 17/16, for referral to NAV 55 (paragraph 16.1);
- .15 approve the proposed revised work programme of the Sub-Committee and provisional agenda for FSI 18 (paragraph 17.1 and annex 8); and
- .16 endorse the report on the status of the Sub-Committee's planned outputs in the High-level Action Plan for the current biennium (paragraph 17.2 and annex 9).

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

- .1 endorse the Sub-Committee's agreement to extend the target completion date of work items 2.1, 3.2, 4.1, 4.2 and 6.1 of the Action Plan on Tackling the Inadequacy of Port Reception Facilities to 2010 (paragraphs 5.6.1, 5.6.7 and 5.6.10);
- .2 endorse the Sub-Committee's agreement that work items 2.2, 2.3, 3.1 and 5.3 of the Action Plan on Tackling the Inadequacy of Port Reception Facilities are completed (paragraphs 5.6.4, 5.6.5 and 5.6.9);
- .3 endorse the Sub-Committee's agreement that the finalized "Guide to Good Practice for Port Reception Facilities" (annex 4 to FSI 17/5) should be issued as an MEPC Circular. In addition, endorse the following avenues for the further dissemination of the Guide (paragraph 5.6.8):
  - .1 link the Guide in the GISIS website, allowing its electronic download;
  - .2 encourage port States to make the Guide available at port reception facilities; and

- .3 encourage flag States to make the Guide available to shipowners and masters;
- .4 note the Sub-Committee's agreement to re-establish the correspondence group to work on the remaining work items of the Action Plan on Tackling the Inadequacy of Port Reception Facilities (paragraph 5.6.11);
- .5 concur with the Sub-Committee's recommendation regarding the review of the "Guidelines for inspection of anti-fouling systems on ships" under a new item "Review of the Guidelines for inspection of anti-fouling systems on ships", to be included in the agenda of FSI 18, with a target completion date of 2011, bearing in mind that the above-mentioned guidelines had been developed by the Sub-Committee (FSI 11) under the item "Development of Guidelines under the 2001 AFS Convention", approved by MEPC 47 (paragraphs 7.30 and 7.31);
- .6 endorse the Sub-Committee's decision, with regard to the revision of the Procedures for port State control, to continue developing the consolidated draft Assembly resolution intersessionally (paragraphs 7.36 and 7.48);
- .7 concur with the Sub-Committee's recommendation that the MSC-MEPC.4/Circ.3 on blanking of bilge discharge piping system in port be distributed within PSC regimes as soon as possible, if not already done (paragraph 7.45);
- .8 consider, with a view to adoption by an MEPC resolution, the revised Guidelines for port State control under the revised MARPOL Annex VI (paragraph 7.46 and annex 1);
- .9 note the Sub-Committee's view that the guidance, contained in MEPC.1/Circ.640 on Interim guidance on the use of the Oil Record Book concerning voluntary declaration of quantities retained on board in oily bilge water holding tanks and heating of oil residue (sludge) is useful in inspecting the Oil Record Book and should be brought to the attention of port State control officers, while recommending that there is no need to modify the resolution A.787(19), as amended by resolution A.882(21) (paragraph 7.47);
- .10 note the Sub-Committee's agreement to re-establish the Correspondence Group on Port State Control and its instruction, *inter alia*, to continue the development of draft Guidelines on port State control under the 2004 BWM Convention (paragraphs 7.48 and 9.10);
- .11 invite the BLG Sub-Committee to keep the FSI Sub-Committee updated on the development of the ballast water sampling and analysis protocols to facilitate the development of the Guidelines on port State control under the 2004 BWM Convention (paragraph 9.10);
- .12 concur with the Sub-Committee's recommendation to adopt the following regime, in order to try to reduce the volume of paper, that, every uneven session of the Assembly, whole the revised Survey Guidelines under the HSSC incorporating all amendments are adopted in a consolidated version but, every even session of the Assembly, only amendments to the Survey Guidelines are

- adopted with the proviso that a consolidated working version of the Survey Guidelines is prepared by the Secretariat and posted on IMODOCS (paragraph 11.12);
- .13 approve, subject to MSC's concurrent decision, the draft amendments to the Survey Guidelines under the HSSC, 2007 (resolution A.997(25)), together with the text of the draft Assembly resolution, prior to submission to the Assembly at its twenty-sixth session for adoption (paragraph 11.13 and annex 2);
  - .14 consider, with a view to adoption by an MEPC resolution, the amendments to the Survey Guidelines under the Harmonized System of Survey and Certification (resolution MEPC.128(53)) for the Revised MARPOL Annex VI (paragraph 11.16 and annex 3);
  - .15 approve, subject to MSC's concurrent decision, the MSC-MEPC.5 circular on 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 (paragraph 11.19 and annex 4);
  - .16 note the Sub-Committee's agreement to re-establish the Correspondence Group on the Review of the Survey Guidelines under the HSSC and the Code for the implementation of mandatory IMO instruments and its instruction, *inter alia*, to develop amendments to resolution MEPC.102(48) on the Survey Guidelines on the AFS Convention (paragraphs 11.17 and 11.20.5);
  - .17 concur with the Sub-Committee's decision to remove the ISPS Code-related proposed amendments to the Code for the Implementation of Mandatory IMO Instruments, 2007 and recommend that proposals, by Member States, to expand the scope of the Code should be submitted first to the Committees (paragraph 13.4);
  - .18 concur with the Sub-Committee's recommendation to adopt the following regime, in order to try to reduce the volume of paper, that, every uneven session of the Assembly, whole the revised Code for the Implementation of Mandatory IMO Instruments incorporating all amendments is adopted in a consolidated version but, every even session of the Assembly, only amendments to the Code are adopted with the proviso that a consolidated working version of the Code is prepared by the Secretariat and posted on IMODOCS (paragraph 13.11);
  - .19 approve, subject to MSC's concurrent decision, the draft amendments to the Code for the Implementation of Mandatory IMO Instruments, 2007 (resolution A.996(25)), which now includes a new annex, annex 7, together with the text of the draft Assembly resolution prior to submission, through the Council at its twenty-fifth extraordinary session, to the Assembly at its twenty-sixth session for adoption (paragraphs 13.12 and 13.13 and annex 5);
  - .20 approve, subject to MSC's concurrent decision, the MSC-MEPC.2 circular on Guidance for the application of safety, security and environmental protection provisions to FPSOs and FSUs (paragraph 13.14 and annex 6);

- .21 endorse the Sub-Committee's decision, with regard to the development of a Code for recognized organizations, to request the Secretariat to prepare, as soon as possible, a consolidated document containing all existing requirements and recommendations of IMO instruments regarding recognized organizations, and to invite Member States and international organizations to consider the above document by the Secretariat; to carry out a gap analysis to identify areas that are not, or not adequately, covered by the existing requirements and recommendations; and to submit the results of their considerations to FSI 18 (paragraph 14.16);
- .22 approve the proposed revised work programme of the Sub-Committee and provisional agenda for FSI 18 (paragraph 17.1 and annex 8); and
- .23 endorse the report on the status of the Sub-Committee's planned outputs in the High-level Action Plan for the current biennium (paragraph 17.2 and annex 9).

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

- .1 concur with the Sub-Committee's recommendation, for referral to the Council, to invite more formally and in a more regular way students in order to support the Organization's outreach for a better understanding and knowledge of IMO, thereby, also potentially contributing to the "Go to Sea!" campaign (paragraph 1.8);
- .2 concur with the Sub-Committee's decision, with regard to the study on the assessment of the performance of international standards making use of the information collected through port State control activities and the analysis of casualty-related data, to further consider the proposal by the World Maritime University at FSI 18 (paragraph 3.8);
- .3 endorse the Sub-Committee's requests to the Secretariat to pursue the electronic storage of hard copies of casualty reports received on a continuous basis and to establish an internet platform for the Correspondence Group on Casualty Analysis (paragraph 6.11);
- .4 endorse the Sub-Committee's request to the Secretariat to provide the secretariats of the PSC regimes with guidance on the applicable use of terminologies in the United Nations, in general, and the Organization, in particular (paragraph 7.8);
- .5 concur with the Sub-Committee's request to the Secretariat to review the layout of the tables annexed to its document on Progress report on regional PSC agreements (FSI 17/INF.8) on the basis of the recommendations expressed by the Fourth IMO Workshop for PSC MoU/Agreement Secretaries and Directors of Information Centres (paragraph 7.9);
- .6 endorse the Sub-Committee's decision to make the outcome of concentrated inspection campaigns conducted by PSC regimes available to relevant IMO bodies for further consideration, as appropriate (paragraph 7.12);

- .7 request other IMO bodies to provide advice regarding guidelines or codes which may address PSC-related matters and that would need to be reviewed and/or consolidated within the revised procedures for PSC (paragraph 7.37);
- .8 concur with the Sub-Committee's request to the Secretariat to elaborate and coordinate among PSC regimes the development of a format to summarize the outcome of PSC activities at a global level to be used by the PSC regimes (paragraph 7.38);
- .9 concur with the Sub-Committee's request to the Secretariat to analyse and advise, as appropriate, on the best mechanism or suitable vehicle to maintain the Procedures on PSC in a more flexible and dynamic format (paragraph 7.41);
- .10 endorse the Sub-Committee's recommendation that in the event of any future development or amendment in relation to PSC-related instruments to be considered by any other IMO bodies, the Sub-Committee should always be involved from the initial stage (paragraph 7.42);
- .11 concur with the Sub-Committee's recommendations that resolution MSC.277(85) on Clarification of the term "bulk carrier" and guidance for application of regulations in SOLAS to ships which occasionally carry dry cargoes in bulk and are not determined as bulk carriers in accordance with regulation XII/1.1 and chapter II-1 should be distributed within all PSC regimes, and that PSCOs should be guided by the ship's type indicated in the ship's certificates in determining whether a ship is a bulk carrier (paragraph 7.44);
- .12 concur with the Sub-Committee's decision, with regard to the development of PSC guidelines on seafarers' working hours, to await the outcome of the consideration by the STW Sub-Committee of the requirements relating to proper maintenance of records of hours of rest with a view to harmonizing them with the relevant provisions in the ILO Maritime Labour Convention (MLC), 2006, as well as clarifying the minimum time that constituted a period of rest (paragraph 8.3);
- .13 approve, subject to MEPC's concurrent decision, the MSC-MEPC.2 circular on Guidance for the application of safety, security and environmental protection provisions to FPSOs and FSUs (paragraph 13.14 and annex 6);
- .14 endorse the Sub-Committee's request to the Secretariat, with regard to the review of consolidated audit summary reports, to follow the Guidance developed when conducting a preliminary study on the ways to develop a consistent methodology for analysis of findings, best practices and effectiveness of implementation (paragraph 13.22 and annex 7);
- .15 endorse the Sub-Committee's request to the Secretariat to advise FSI 18 on possible options for the Sub-Committee to continue carrying out its work intersessionally, while better addressing the issue of the number of correspondence groups, and

- .16 endorse the Sub-Committee's decision to consider further the issue of the fulfilment of reporting requirements through the Global Integrated Shipping Information System (GISIS) for harmonization with the existing collection and dissemination of information to be reported to the Organization by the Parties to IMO instruments, and its request to the Secretariat to keep the comprehensive list of reporting requirements prepared in 1997 (FSI 5/8) updated, while identifying the areas potentially covered by GISIS (paragraph 19.5).

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**ANNEX 1****DRAFT MEPC RESOLUTION****REVISED GUIDELINES FOR PORT STATE CONTROL UNDER MARPOL ANNEX VI**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

NOTING that the revised MARPOL Annex VI was adopted at MEPC 58 by resolution MEPC.176(58) which is expected to enter into force on 1 July 2010,

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

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

HAVING CONSIDERED the Revised Guidelines for port State control for MARPOL Annex VI prepared by the Sub-Committee on Bulk Liquids and Gases at its thirteenth session and reviewed by the Sub-Committee on Flag State Implementation at its seventeenth session,

1. ADOPTS the revised Guidelines for port State control under the revised MARPOL Annex VI, as set out in the Annex to the present resolution;
2. INVITES Governments, when exercising port State control for MARPOL Annex VI, to apply the revised Guidelines from 1 July 2010 and to provide the Organization with information on their application;
3. AGREES that, at a later stage, the Guidelines be adopted as amendments to resolution A.787(19) on Procedures for port State control, as amended by resolution A.882(21).

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## ANNEX

### REVISED GUIDELINES FOR PORT STATE CONTROL UNDER THE REVISED MARPOL ANNEX VI

#### Chapter 1 GENERAL

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

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

- .1 an IAPP Certificate is required for all ships of 400 GT or above engaged in international voyages. Administrations may establish alternative appropriate measures to demonstrate the necessary compliance in respect of ships under 400 GT engaged in international voyages;
- .2 new installations which contain ozone depleting substances, other than hydro-chlorofluorocarbons, are prohibited on or after 19 May 2005. Each ship which has rechargeable systems that contain ozone depleting substances is required to maintain an Ozone Depleting Substances Record Book;
- .3 in the case of the NO<sub>x</sub> controls, Tier I emission limits are applied to all applicable marine diesel engines over 130 kW installed on ships constructed on or after 1 January 2000 and prior to 1 January 2011.

Tier I emission limits may apply to marine diesel engines with a power output of more than 5,000 kW and a per cylinder displacement at or above 90 litres installed on a ship constructed on or after 1 January 1990 but prior to 1 January 2000 according to regulation VI/13.7.

Tier II emission limits are applied to all applicable marine diesel engines over 130 kW installed on ships constructed on or after 1 January 2011 and prior to 1 January 2016.

Subject to the review set forth in regulation 13.10, Tier III emission limits are applied to all applicable marine diesel engines over 130 kW installed on ships constructed on or after 1 January 2016. However, while these ships are operating outside of an Emission Control Area\* established for NO<sub>x</sub> control, Tier II limits are applied.

Marine diesel engines which are subject to major conversion are to be certified to the required Tier of control according to regulation VI/13.2;

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\* As of DD/MM/YYYY, there is no area designated as Emission Control Area under regulation VI/13.

- .4 SO<sub>x</sub> and particulate matter control should be achieved by either:
- .1 the sulphur content of any fuel oil used on board ships, subject to the provisions of regulation VI/18.2, is required not to exceed the following limits:
- .1 4.50% m/m prior to 1 January 2012;
- .2 3.50% m/m on and after 1 January 2012; and
- .3 0.50% m/m on and after 1 January 2020, subject to the review set forth in regulations VI/14.8, VI/14.9 and VI/14.10.

However, while ships are operating within an Emission Control Area established for SO<sub>x</sub> and particulate matter control, the sulphur content of fuel oil used on board ships is required not to exceed the following limits:

- .1 1.50% m/m prior to 1 July 2010;
- .2 1.00% m/m on and after 1 July 2010; and
- .3 0.10% m/m on and after 1 January 2015;

or,

- .2 equivalent method as approved (regulation VI/4);
- .5 only those incinerators installed on or after 1 January 2000 are required to comply with the associated requirements (appendix IV to the Annex), however, the restrictions as to which materials may be incinerated apply to all incinerators; and
- .6 a tanker carrying crude oil is required to have on board and implement a VOC Management Plan approved by the Administration. Tanker vapour emission control systems are only required where their fitting is specified by the relevant authority.

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

## **Chapter 2 INSPECTIONS OF SHIPS REQUIRED TO CARRY THE IAPP CERTIFICATE**

### **2.1 Initial inspections**

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

- .1 the International Air Pollution Prevention Certificate (IAPP Certificate) (regulation VI/6), including its Supplement\*;
- .2 the Engine International Air Pollution Prevention Certificate (EIAPP Certificate) (section 2.2 of the NO<sub>x</sub> Technical Code) including its Supplement, for each applicable marine diesel engine;
- .3 the Technical File (paragraph 2.3.4 of the NO<sub>x</sub> Technical Code) for each applicable marine diesel engine;
- .4 depending on the method used for demonstrating NO<sub>x</sub> compliance for each applicable marine diesel engine:
  - .1 the Record Book of Engine Parameters for each marine diesel engine (paragraph 6.2.2.7 of the NO<sub>x</sub> Technical Code) demonstrating compliance with regulation VI/13 by means of the marine diesel engine parameter check method; or
  - .2 documentation relating to the simplified measurement method; or
  - .3 documentation related to the direct measurement and monitoring method;
- .5 the Approved Method File (regulation VI/13.7);
- .6 written procedures covering fuel oil changeover operations where separate fuel oils are used in order to achieve compliance (regulation VI/14.6);
- .7 approved documentation relating to any installed exhaust gas cleaning systems, or equivalent means, to reduce SO<sub>x</sub> emissions (regulation VI/4);
- .8 the bunker delivery notes and associated samples or records thereof (regulation VI/18);
- .9 the copy of the type approval certificate of any shipboard incinerator installed on or after 1 January 2000 (for the incinerators with capacities up to 1,500 kW) (resolutions MEPC.76(40) and MEPC.93(45));
- .10 the Ozone Depleting Substances Record Book (regulation VI/12.6);
- .11 the VOC Management Plan (regulation VI/15.6); and
- .12 any notification to the ship's flag Administration issued by the master or officer in charge of the bunker operation together with any available commercial documentation relevant to non-compliant bunker delivery.

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\* Under regulation 6.2 of MARPOL Annex VI, a ship constructed before the date of entry into force of MARPOL Annex VI shall be issued with an International Air Pollution Prevention Certificate no later than the first scheduled dry-docking after the date of such entry into force, but in no case later than three years after this date.

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

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

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

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

2.1.5 In the case where the bunker delivery note or the representative sample as required by regulation VI/18 presented to the ship are not in compliance with the relevant requirements, the master or officer in charge of the bunker operation should have documented that through a Notification to the ship's flag Administration with copies to the port Authority under whose jurisdiction the ship did not receive the required documentation pursuant to the bunkering operation and to the bunker deliverer. A copy should be retained on board the ship, together with any available commercial documentation, for the subsequent scrutiny of port State control.

2.1.6 If, however, the PSCO's general impressions or observations on board give clear grounds (see paragraph 2.1.7) for believing that the condition of the ship or its equipment do not correspond substantially with the particulars of the certificates or the documents, the PSCO should proceed to a more detailed inspection.

2.1.7 "Clear grounds" to conduct a more detailed inspection include:

- .1 evidence that certificates required by the Annex are missing or clearly invalid;
- .2 evidence that documents required by the Annex are missing or clearly invalid;
- .3 the absence of principal equipment or arrangements specified in the certificates or documents;
- .4 the presence of equipment or arrangements not specified in the certificates or documents;
- .5 evidence from the PSCO's general impressions or observations that serious deficiencies exist in the equipment or arrangements specified in the certificates or documents;
- .6 information or evidence that the master or crew are not familiar with essential shipboard operations relating to the prevention of air pollution, or that such operations have not been carried out;

- .7 evidence that the quality of fuel oil, delivered to and used on board the ship, appears to be substandard; or
- .8 receipt of a report or complaint containing information that the ship appears to be substandard.

## 2.2 More detailed inspections

### 2.2.1 The PSCO should verify that:

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

2.2.2 In order to verify that each installed marine diesel engine with a power output of more than 130 kW is approved by the Administration in accordance with the NO<sub>x</sub> Technical Code and maintained appropriately, the PSCO should pay particular attention to the following:

- .1 examine such marine diesel engines to be consistent with the EIAPP Certificate and its Supplement, Technical File and, if applicable, Record Book of Engine Parameters or Onboard Monitoring Manual and related data;
- .2 examine marine diesel engines specified in the Technical Files to verify that no unapproved modifications, which may affect on NO<sub>x</sub> emission, have been made to the marine diesel engines;
- .3 examine marine diesel engines with a power output of more than 5,000 kW and a per cylinder displacement at or above 90 litres per cylinder installed on a ship constructed on or after 1 January 1990 but prior to 1 January 2000 to verify that they are certified, if so required, in accordance with regulation VI/13.7;
- .4 in the case of ships constructed before 1 January 2000, verify that any marine diesel engine which has been subject to a major conversion, as defined in regulation VI/13, has been approved by the Administration; and
- .5 emergency marine diesel engines intended to be used solely in case of emergency are still in use for this purpose.

2.2.3 The PSCO should check whether the quality of fuel oil used on board the ship conforms to the provisions of regulations VI/14 and VI/18\*, taking into account appendix VI to the Annex. Furthermore, the PSCO should pay attention to the record required in regulation VI/14.6 in order to identify the sulphur content of fuel oil used while the ship is within an Emission Control Area under regulation VI/14.3, or that other equivalent approved means have been applied as required.

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\* It should be noted that in the case where bunker delivery note or representative sample as required by regulation VI/18 are not in compliance with the relevant requirements, the master or crew should have documented that fact. Where fuel oil supply was undertaken in a port under the jurisdiction of a Party to the 1997 Protocol, the PSCO should report that non-compliance to the appropriate authority responsible for the registration of fuel oil suppliers (regulation VI/18.10.1).

2.2.4 If the ship is a tanker, as defined in regulation VI/2.21, the PSCO should verify that the vapour collection system approved by the Administration, taking into account MSC/Circ.585, is installed, if required under regulation VI/15.

2.2.5 If the ship is a tanker carrying crude oil, the PSCO should verify that there is on board an approved VOC Management Plan.

2.2.6 The PSCO should verify that prohibited materials are not incinerated.

2.2.7 The PSCO should verify that shipboard incineration of sewage sludge or sludge oil in boilers or marine power plants is not undertaken while the ship is inside ports, harbours or estuaries (regulation VI/16.4).

2.2.8 The PSCO should verify that the shipboard incinerator, if required by regulation VI/16.6.1, is approved by the Administration. For these units, it should be verified that the incinerator is properly maintained, therefore the PSCO should examine whether:

- .1 the shipboard incinerator is consistent with the certificate of shipboard incinerator;
- .2 the operational manual, in order to operate the shipboard incinerator within the limits provided in appendix IV to the Annex, is provided; and
- .3 the combustion chamber flue gas outlet temperature is monitored as required (regulation VI/16.9).

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

- .1 the master or crew are familiar with the procedures to prevent emissions of ozone-depleting substances;
- .2 the master or crew are familiar with the proper operation and maintenance of marine diesel engines, in accordance with their Technical Files or Approved Method file, as applicable, and with due regard for Emission Control Areas for NO<sub>x</sub> control;
- .3 the master or crew have undertaken the necessary fuel oil changeover procedures, or equivalent, associated with demonstrating compliance within an Emission Control Area for SO<sub>x</sub> and particulate matter control;
- .4 the master or crew are familiar with the garbage screening procedure to ensure that prohibited garbage is not incinerated;
- .5 the master or crew are familiar with the operation of the shipboard incinerator, as required by regulation VI/16.6, within the limits provided in appendix IV to the Annex, in accordance with its operational manual;
- .6 the master or crew are familiar with the regulation of emissions of volatile organic compounds (VOCs), when the ship is in ports or terminals under the jurisdiction of a Party to the 1997 Protocol to MARPOL 73/78 in which VOCs emissions are

to be regulated, and are familiar with the proper operation of a vapour collection system approved by the Administration (in case the ship is a tanker as defined in regulation VI/2.21);

- .7 the master or crew are familiar with the application of the VOC Management Plan, if applicable; and
- .8 the master or crew are familiar with bunker delivery procedures in respect of bunker delivery notes and retained samples as required by regulation VI/18.

### 2.3 Detainable deficiencies

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

2.3.2 In order to assist the PSCO in the use of these guidelines, there follows a list of deficiencies, which are considered, taking into account the provisions of regulation VI/3, to be of such a serious nature that they may warrant the detention of the ship involved:

- .1 absence of valid IAPP Certificate, EIAPP Certificates or Technical Files<sup>\*</sup>;
- .2 a marine diesel engine, with a power output of more than 130 kW, which is installed on board a ship constructed on or after 1 January 2000, or a marine diesel engine having undergone a major conversion on or after 1 January 2000, which does not comply with the NO<sub>x</sub> Technical Code or that does not comply with the relevant NO<sub>x</sub> emission limit;
- .3 a marine diesel engine, with a power output of more than 5,000 kW and a per cylinder displacement at or above 90 litres, which is installed on board a ship constructed on or after 1 January 1990 but prior to 1 January 2000, and an Approved Method for that engine has been certified by an Administration, for which an Approved Method is not installed after the first renewal survey specified in regulation VI/13.7.2;
- .4 depending on the method used for demonstrating SO<sub>x</sub> compliance, the sulphur content of any fuel oil being used on board exceeds 4.50% m/m prior to 1 January 2012, 3.50% m/m on and after 1 January 2012 and 0.50% m/m on and after 1 January 2020<sup>1</sup>, taking into account the provisions of regulation 18.2;

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\* Under regulation 6.2 of MARPOL Annex VI, a ship constructed before the date of entry into force of MARPOL Annex VI shall be issued with an International Air Pollution Prevention Certificate no later than the first scheduled dry-docking after the date of such entry into force, but in no case later than three years after this date.

<sup>1</sup> Or 2025, depending on the results of the review of regulation VI/14.1.3, as described in regulation VI/14.8.

- .5 non-compliance with the relevant requirements while operating within an emission control area for SO<sub>x</sub> and particulate matter control;
- .6 an incinerator installed on board the ship on or after 1 January 2000 does not comply with requirements contained in appendix IV to the Annex, or the standard specifications for shipboard incinerators developed by the Organization (resolutions MEPC.76(40) and MEPC.93(45));
- .7 the master or crew are not familiar with essential procedures regarding the operation of air pollution prevention equipment as defined in paragraph 2.2.7 above.

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

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

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

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

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## ANNEX 2

## DRAFT ASSEMBLY RESOLUTION

AMENDMENTS TO SURVEY GUIDELINES UNDER THE HARMONIZED SYSTEM  
OF SURVEY AND CERTIFICATION, 2007

THE ASSEMBLY,

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

RECALLING ALSO the adoption by:

- (a) the International Conference on the Harmonized System of Survey and Certification, 1988, of the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974, and the Protocol of 1988 relating to the International Convention on Load Lines, 1966, which, *inter alia*, introduced the harmonized system of survey and certification under the International Convention for the Safety of Life at Sea, 1974 and the International Convention on Load Lines, 1966, respectively;
- (b) resolution MEPC.39(29), of amendments to introduce the harmonized system of survey and certification into the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the 1978 Protocol relating thereto (MARPOL 73/78);
- (c) resolution MEPC.132(53), of amendments to introduce the harmonized system of survey and certification to the MARPOL Annex VI; and
- (d) the resolutions given below, of amendments to introduce the harmonized system of survey and certification into:
  - (i) the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code) (resolutions MEPC.40(29) and MSC.16(58));
  - (ii) the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code) (resolution MSC.17(58)); and
  - (iii) the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code) (resolutions MEPC.41(29) and MSC.18(58)),

RECALLING FURTHER that, by resolution A.997(25), it adopted the Survey Guidelines under the Harmonized System of Survey and Certification, 2007, with a view to assisting Governments in the implementation of the requirements of the aforementioned instruments,

RECOGNIZING the need for the Survey Guidelines to be further revised to take account of the amendments to the IMO instruments referred to above, which have entered into force or become effective since the adoption of resolution A.997(25),

HAVING CONSIDERED the recommendations made by the Maritime Safety Committee, [at its eighty-sixth] session, and the Marine Environment Protection Committee, [at its fifty-ninth] session,

1. ADOPTS the amendments to Survey Guidelines under the Harmonized System of Survey and Certification, 2007, set out in the annex to the present resolution;
2. INVITES Governments carrying out surveys required by the relevant IMO instruments to follow the provisions of the annexed amendments to Survey Guidelines;
3. REQUESTS the Maritime Safety Committee and the Marine Environment Protection Committee to keep the Survey Guidelines under review and amend them as necessary;
4. REQUESTS the Secretary-General to display on the Organization's website a consolidated working version of Survey Guidelines under the Harmonized System of Survey and Certification, 2009.

\* \* \*

ANNEX

**PROPOSED AMENDMENTS TO THE SURVEY GUIDELINES UNDER  
THE HARMONIZED SYSTEM OF SURVEY AND CERTIFICATION, 2007**

1 Proposed amendments to **General – 1 Introduction** as following texts:

1.1.2 International Convention on Load Lines, 1966 (LLC 1966) ~~as amended~~ and as modified by its 1988 Protocol, as amended (LL 66/88/04);

1.2 These Guidelines contain amendments to statutory instruments which have entered into force up to and including 31 December 2009; (see appendix 1):

1.4.2 intervals between the periodical surveys of equipment covered by the Cargo Ship Safety Equipment Certificate are ~~alternatively~~ alternately two and three years instead of two years;

2 Proposed amendments to **General – 4 Description of the various types of surveys** as following texts:

4.1.1.1 The initial survey, as required by the relevant regulations (see 2.8.1), should be held before the ship is put in service, or when a new instrument applies to an existing ship, and the appropriate certificate is issued for the first time.

4.1.2.1 The initial survey ~~before the ship is put into service~~ should include a complete inspection, with tests when necessary, of the structure, machinery and equipment to ensure that the requirements relevant to the particular certificate are complied with and that the structure, machinery and equipment are fit for the service for which the ship is intended.

4.6.2.1 The inspection of the outside of the ship's bottom and the survey of related items (see 5.1) should include an inspection to ensure that they are in a satisfactory condition and fit for the service for which the ship is intended<sup>1</sup>.

3 Proposed amendments to **General – 5.2 Extending to five years a certificate issued for less than five years**

Last 4 lines read as follows:

“in accordance with SOLAS 74/88/04 regulation I/14(b)(ii), LLC 66/88/04 article 19(2)(b), MARPOL 90/04, Annex I, regulation 10.2.2, MARPOL 90/04 Annex II regulation 10.2.2, MARPOL Annex ~~V~~ IV, regulation 8.2.2, MARPOL Annex VI regulation 9(2)(b), the IBC Code 83/90/04, regulation ~~1.5.6.6.2~~ 1.5.6.2.2, the IGC Code 83/90/04, regulation 1.5.6.2.2, the BCH Code 85/90/00, regulation 1.6.6.2.2.”

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<sup>1</sup> Refer to MSC.1/Circ.1223 “Guidelines for pre-planning of surveys in dry dock of ships which are not subject to the enhanced programme of inspections”.

4 Proposed amendments to **General – 5.8 Surveys required after transfer of the ship to the flag of another State**

Second sentence reads as follows:

“When so requested, the Government of the State whose flag the ship was ~~formally~~ formerly entitled to fly is obliged to forward, as soon as possible, to the new Administration copies of certificates carried by the ship before the transfer and, if available, copies of the relevant survey reports and records, such as record of safety equipment and conditions of assignment for load line.”

5 Proposed amendments to **General – 5.10 Inspection of the outside of the passenger ship’s bottom**

.1 After the first paragraph “In all cases, the maximum interval between any two dry-dock bottom inspections should not exceed 36 months.”, add the following:

[Where acceptable to the Administration, the minimum number of inspections in dry-dock of the outside of the bottom of a passenger ship (which is not a ro-ro passenger ship) in any five-year period may be reduced from two to one\*. In such cases the interval between consecutive inspections in dry-dock should not exceed 60 months.]

.2 Last paragraph reads as follows:

“If a survey in dry-dock is not completed within the maximum intervals referred to above, the Passenger Ship Safety Certificate shall cease to be valid until the survey in dry-dock is completed.”

.3 Add footnote on the page bottom of 5.10 as follows:

[\* In accordance with the guidance to be developed by the Organization]

6 Proposed amendments to **General – 5.11 Survey of radio installations**

First sentence reads:

“The survey of the radio installations, including those used in life-saving appliances, should always be carried out by a qualified radio surveyor who has necessary knowledge of the requirements of the 1974 SOLAS Convention, the International Telecommunication Union’s Radio Regulations and the associated performance standards for radio equipment.”

7 Proposed amendments to **General – 5.12 Survey of the automatic identification system (AIS)**

Last sentence reads as follows:

~~“The survey of the automatic identification system should be carried out using suitable test equipment capable of performing all the relevant measurements required by these guidelines~~  
The survey of the automatic identification system should be carried out using suitable test equipment capable of performing all the relevant measurements required by and in accordance

with the Guidelines on Annual Testing of the Automatic Identification System (AIS) MSC.1/Circ.1252.”

8 Proposed amendments to **Annex 1 – 1 GUIDELINES FOR SURVEYS FOR THE CARGO SHIP SAFETY EQUIPMENT CERTIFICATE – 1.1 Initial surveys** as following texts:

- (EI) 1.1.1.3 checking the provision, specification and arrangements of the fire fighters’ outfits and emergency escape breathing devices – EEBDs – (SOLAS 74/00 regs. II-2/10.10, 13.3.4 and 13.4.3; FSSC ch. 3) (SOLAS 74/88 reg. II-2/17) (BCH Code Ch.III Part E);
- (EI) 1.1.1.8 checking the provision of a fire-extinguishing system for spaces containing paint and/or flammable liquids and deep-fat cooking equipment in accommodation and service spaces (SOLAS 74/00 regs. II-2/10.6.3 and 10.6.4; FSSC chs. 5 and 7) (SOLAS 74/88 regs. II-2/18.7) (BCH Code Ch.III Part E);
- (EI) 1.1.1.11bis checking navigation bridge visibility (SOLAS 74/00, reg. V/22);
- (EI) 1.1.1.21 examining the plans for the positioning of, and the specification for, the navigation lights, shapes and sound signalling equipment (International Regulations for Preventing Collisions at Sea (COLREG) in force, ~~regs.~~ rules 20 to 24, 27 to 30 and 33);
- (EI) 1.1.1.24bis checking the provision and specification of the long-range identification and tracking system (SOLAS 04, reg. V/19-1);
- (EI) 1.1.3.3 examining the fire fighters’ outfits and emergency escape breathing devices – EEBDs – (SOLAS 74/00 regs.II-2/10.10, 13.3.4 and 13.4.3; FSSC ch.3) (SOLAS 74/88 reg. II-2/17) (BCH Code Ch.III Part E);
- (EI) 1.1.3.8 examining the fire-extinguishing system for spaces containing paint and/or flammable liquids and deep-fat cooking equipment in accommodation and service spaces and confirming that installation tests have been satisfactorily completed and that its means of operation are clearly marked (SOLAS 74/00 regs. II-2/10.6.3 and 10.6.4; FSSC chs. 4 to 7) (SOLAS 74/88 reg. II-2/18.7) (BCH Code Ch.III Part E);
- (EI) 1.1.3.14 examining each survival craft, including its equipment. For liferafts provided for easy side to side transfer, verifying that they are less than 185 kg (SOLAS 74/88 reg. III/31; LSAC sections 2.5, 3.1 to 3.3 and 4.1 to 4.9) (SOLAS 74/00 reg. III/31.1);
- (EI) 1.1.3.17 examining each rescue boat, including its equipment. For inflatable rescue boats, confirming that they are stowed in a fully inflated condition (SOLAS 74/88 reg. III/ 14, 31; LSAC sections 2.5, 5.1 and 6.1);
- (EI) 1.1.3.25 examining the provision and positioning and checking the operation of, as appropriate, the navigation lights, shapes and sound signalling equipment

(International Regulations for Preventing Collisions at Sea (COLREG) in force, ~~regs. rules~~ rules 20 to 24, 27 to 30 and 33);

- (EI) 1.1.3.28.13 transmitting heading device providing heading information to radar, plotting aids and automatic identification system equipment ~~and voyage data recorder~~;
- (EI) 1.1.3.30 checking the record of the voyage data recorder annual performance test (SOLAS 74/00, reg. V/18);
- (EI) 1.1.3.31**bis** checking that a valid conformance test report of the long-range identification and tracking system is available on board (SOLAS 04, reg. V/19-1);
- (EI) 1.1.4.1 checking the deck foam system, including the supplies of foam concentrate, and testing that the minimum number of jets of water at the required pressure in the fire main is obtained (see (EI) 1.1.3.1) when the system is in operation (SOLAS 74/00, reg. II-2/10.88; FSSC ch.15) (SOLAS 74/88, reg. II-2/61);
- (EI) 1.1.5.6 confirming that the training manual and training aids for the life-saving appliances have been provided and are available in the working language of the ship (SOLAS 74/00, reg. III/35);

9 Proposed amendments to **Annex 1 – 1 GUIDELINES FOR SURVEYS FOR THE CARGO SHIP SAFETY EQUIPMENT CERTIFICATE – 1.2 Annual surveys** as following texts:

- (EA) 1.2.1.2**bis** checking the validity of the International Ship Security Certificate;
- (EA) 1.2.1.23 confirming that the training manual and training aids for the life-saving appliances are ~~on board~~ available on board in the working language of the ship (SOLAS 74/00, reg. III/35);
- (EA) 1.2.1.32 confirming the availability of the International Anti-Fouling System Certificate (AFS 2001 Annex 4 Reg. 2), when applicable;
- (EA) 1.2.2.3 confirming that the fire fighters' outfits and emergency escape breathing devices – EEBDs – are complete and in good condition and that the cylinders, including the spare cylinders, of any required self-contained breathing apparatus are suitably charged (SOLAS 74/00 regs. II-2/10.10, 13.3.4 and 13.4.3; FSSC ch. 3) (SOLAS 74/88 reg. II-2/17) (BCH Code Ch. III Part E);
- (EA) 1.2.2.8 examining the fire-extinguishing systems for spaces containing paint and/or flammable liquids and deep-fat cooking equipment in accommodation and service spaces (SOLAS 74/00 regs. II-2/10.6.3 and 10.6.4; FSSC chs. 5 to 7) (SOLAS 74/88 reg. II-2/18.7) (BCH Code Ch. III Part E);
- (EA) 1.2.2.15**bis** for lifecrafts provided for easy side to side transfer, verifying that they are less than 185 kg (SOLAS 74/00 reg. III/31.1)

- (EA) 1.2.2.16 checking that the falls used in launching appliances have been ~~turned end for end in the previous 30 months and~~ periodically inspected and have been renewed as necessary in the past 5 years ~~or have been subject to periodic inspection and been renewed within 4 years~~ (SOLAS 74/00 reg. III/20);
- (EA) 1.2.2.17 examining the embarkation arrangements and launching appliances for each survival craft. Each lifeboat should be lowered to the embarkation position or, if the stowage position is the embarkation position, lowered a short distance and, if practicable, one of the survival craft should be lowered to the water. The operation of the launching appliances for davit-launched liferafts should be demonstrated. A check Checking that the thorough examination of launching appliances, including the dynamic testing of the winch brake, and servicing of lifeboat and rescue boat on-load release gear, including free-fall lifeboat release systems, and davit-launched liferaft automatic release hooks has been carried out (SOLAS 74/00 regs. III/11, 12, 13, 16, 20 and 31; LSAC section 6.1);
- (EA) 1.2.2.18 examining each rescue boat, including its equipment. For inflatable rescue boats, confirming that they are stowed in a fully inflated condition (SOLAS 74/88 reg. III/14, 31; LSAC sections 2.5, 5.1 and 6.1);
- (EA) 1.2.2.26 checking that the required navigation lights, shapes and sound signalling equipment are in order (International Regulations for Preventing Collisions at Sea (COLREG) in force, ~~regs. rules~~ 20 to 24, 27 to 30 and 33);
- (EA) 1.2.2.29 checking the rotational deployment of MES (SOLAS 74/88, reg. III/20.8.2; LSAC section 6.2.2.2);
- (EA) 1.2.2.31bis checking that a valid conformance test report of the long-range identification and tracking system is available on board, where fitted (SOLAS 04 reg. V/19-1);

10 Proposed amendments to Annex 1 – **2 GUIDELINES FOR SURVEYS FOR THE CARGO SHIP SAFETY CONSTRUCTION CERTIFICATE – 2.1 Initial surveys** as following texts:

- (CI) 2.1.1.7 examining the plans for the structural fire protection, including ventilation systems, in accommodation and service spaces, control stations and machinery spaces and oil fuel and lubricating oil systems (SOLAS 74/00, regs. II-2/4.4, 4.2.2, ~~4.2.2.3~~, 4.2.2.3, 4.2.2.4, 4.2.2.5, ~~4.4~~, 5.2, 5.3.1, 5.3.2, 6.2, 6.3, 7.5.5, 7.7, 8.2, 8.4, 9.2.1, 9.2.2, 9.3, 9.5, 9.7.1, 9.7.2, 9.7.3, 9.7.5.2, 11.2, 11.3, 11.4, 11.5 and 17) (SOLAS 74/88 regs. II-2/42 to 52 (except 45 and 51)).
- (CI) 2.1.1.8 examining the plans for the structural fire protection, including ventilation systems, in cargo spaces (SOLAS 74/00 regs. II-2/5.2, 11.2, 11.3, 11.5, 19.3.8, 19.3.10, 20.2.1 and 20.3) (SOLAS 74/88 regs. II-~~24~~/42 to 54);

- (CI) 2.1.1.9 examining the plans for the means of escape (SOLAS 74/00 regs. II-2/13.2, 13.3.1, 13.3.3, 13.4.2 and 13.6; FSSC ch.13 paragraph 3) (SOLAS 74/88 reg. II-2/45);
- (CI) 2.1.1.10 examining the plans for the arrangements for gaseous fuel for domestic purposes (SOLAS 74/00 reg. II-2/4.3) (SOLAS 74/88 reg. II-2/51);
- (CI) 2.1.1.10bis examining the arrangements for the openings in the shell plating below the freeboard deck, (SOLAS 06 reg. II-1/15);
- (CI) 2.1.1.11 examining the plans for helicopter facilities for ships fitted with such facilities (SOLAS 74/00 reg. II-2/18) (SOLAS 74/88 reg. II-2/18.8);
- (CI) 2.1.1.18 confirming that a corrosion prevention system is fitted in dedicated ballast water tanks of oil tankers and bulk carriers (SOLAS 74/04 reg. II-1/3-2).
- (CI) 2.1.1.19 examining, for oil tankers and bulk carriers when appropriate, the Ship Structure Access Manual (SOLAS 74/00/02/04 reg. II-1/3-6(4));
- (CI) 2.1.2.5 examining the plans of access to bow (SOLAS 74/00/04 reg. II-1/3-3);
- (CI) 2.1.2.6 examining the plans for emergency towing, for tankers of not less than 20,000 tonnes deadweight (SOLAS 74/00/04 reg. II-1/3-4);
- (CI) 2.1.2.7 checking the access to spaces in the cargo area of oil tankers (SOLAS 74/00, reg. II-1/12-2) (SOLAS 74/88/92 reg. II-1/12-2) (SOLAS 04, reg. II-1/3-6).
- (CI) 2.1.1.1 examining the plans for the hull (SOLAS 74/88, regs. II-1/11, 12.1, 14, 18 and 19) (SOLAS 06, regs. II-1/9, 10, 11, 12, 16 and 16-1);
- (CI) 2.1.1.2 examining the plans for the bilge pumping (SOLAS 74/88, reg. II-1/21) (SOLAS 05, reg. II-1/35-1);
- (CI) 2.1.1.3 examining the stability information and the damage control plans (SOLAS 74/88/~~00~~, regs. II-1/22, 23-1 and 25) (SOLAS 06, regs. II-1/5, 5-1 and 19);
- (CI) 2.1.3.1 confirming that the collision bulkhead is watertight up to the freeboard deck, that the valves fitted on the pipes piercing the collision bulkhead are operable from above the freeboard deck and that there are no doors, manholes, ventilation ducts or any other openings (SOLAS 74/88 reg. II-1/11) (SOLAS 06, reg. II-1/12);
- (CI) 2.1.3.2 confirming that the subdivision bulkheads are constructed and tested as watertight up to the freeboard deck or margin line, as applicable (SOLAS 74/88 reg. II-1/14) (SOLAS 06, regs. II-1/10 and 11);
- (CI) 2.1.3.3 confirming that each watertight door has been tested (SOLAS 74/88 reg. II-1/18) (SOLAS 06, reg. II-1/16);

- (CI) 2.1.3.4 confirming that the arrangements for operating any watertight doors are generally in accordance with the requirements for passenger ships and carrying out similar tests, (see (PI) 5.1.2.5 to (PI) 5.1.2.7) (SOLAS 74/88 reg. II-1/15) (SOLAS 06, reg. II-1/13-1);
- (CI) 2.1.3.5 confirming by a hose or flooding test the watertightness of watertight decks and trunks, tunnels and ventilators (SOLAS 74/88 reg. II-1/19) (SOLAS 06, reg. II-1/16-1);
- (CI) 2.1.3.6 confirming that each bilge pump and the bilge pumping system provided for each watertight compartment is working efficiently (SOLAS 74/88 reg. II-1/21) (SOLAS 05, reg. II-1/35-1);
- (CI) 2.1.3.7 confirming that the drainage system of enclosed cargo spaces situated on the freeboard deck is working efficiently (SOLAS 74/88 reg. II-1/21) (SOLAS 05, reg. II-1/35-1);
- (CI) 2.1.3.8 conducting an inclining test, when this is required (SOLAS 74/88 reg. II-1/22) (SOLAS 06, reg. II-1/5);
- (CI) 2.1.3.9 confirming that the machinery, boilers and other pressure vessels, associated piping systems and fittings are installed and protected so as to reduce to a minimum any danger to persons on board, due regard being given to moving parts, hot surfaces and other hazards (SOLAS 74/00 reg. II-2/4.2 (except 4.2.2.3.4 relating to remote closing of valves included in safety equipment)) (SOLAS 74/88 reg. II-1/26) (~~SOLAS 74/88~~ and reg. II-2.15 (except ~~15.25~~ 15.2.5));
- (CI) 2.1.3.45 confirming that precautions, taken to prevent any oil that may escape under pressure from any pump, filter or heater from coming into contact with heated surfaces, are efficient (SOLAS 74/00 reg. II-2/4.2.2.3);
- (CI) 2.1.3.46 confirming that the means of ascertaining the amount of oil contained in any oil tank are in good working condition (SOLAS 74/00 reg. II-2/4.2.2.3);
- (CI) 2.1.3.48 confirming that forepeak tanks are not intended for carriage of oil fuel, lubrication oil and other flammable oils (SOLAS 74/00 reg. II-2/4.2.2.3);
- (CI) 2.1.3.61bis confirming that dedicated sea water ballast tanks arranged in ships and double side skin spaces arranged in bulk carriers of 150 m in length and upward when appropriate have been coated in accordance with resolution MSC.215(82) (SOLAS 74/00/04 reg. II-1/3-2)
- (CI) 2.1.3.62 confirming for oil tankers and bulk carriers, when appropriate, the provision of means of access to cargo and other spaces in accordance with the arrangements in the Ship Structures Access Manual (SOLAS 74/00/02/04 reg. II-1/3-6);

- (CI) 2.1.4.6 confirming that access to bow is arranged in accordance with approved plans (SOLAS 74/00/04 reg. II-1/3-3);
- (CI) 2.1.4.7 confirming, for tankers of not less than 20,000 tonnes deadweight, that emergency towing is arranged in accordance with approved plans (SOLAS 74/00/04 reg. II-1/3-4);
- (CI) 2.1.4.8 confirming, ~~[for oil tankers to which the building contract is placed before 1/7/2008]~~ when appropriate that dedicated seawater ballast tanks have an efficient corrosion protection system such as hard coating (SOLAS 74/00/04 reg. II-1/3-2).
- (CI) 2.1.6.1 confirming that the stability information and the damage control plans have been provided (SOLAS 74/88 regs.II-1/22 and 23-1) (SOLAS 06, regs. II-1/5-1 and 19);
- (CI) 2.1.6.5 confirming, for oil tankers and bulk carriers when appropriate, that the Ship Structure Access Manual is on board (SOLAS 74/00/02/04 reg. II-1/3-6(4));
- (CI) 2.1.6.7 confirming that a coating technical file reviewed by the Administration has been provided on board (SOLAS 74/00/04 reg. II-1/3-2)

11 Proposed amendments to Annex 1 – **2 GUIDELINES FOR SURVEYS FOR THE CARGO SHIP SAFETY CONSTRUCTION CERTIFICATE – 2.2 Annual surveys** as following texts:

- (CA) 2.2.1.2bis checking the validity of the International Ship Security Certificate;
- (CA) 2.2.1.14 confirming that the stability information, including damage stability, where applicable, and the damage control plans are on board (SOLAS 74/88/00 regs.II-1/22, 23 and 25) (SOLAS 06, regs. II-1/5-1 and 19);
- (CA) 2.2.2.3 examining the collision and the other watertight bulkheads as far as can be seen (SOLAS 74/88 regs.II-1/11 and 14) (SOLAS 06, regs. II-1/10, 11 and 12);
- (CA) 2.2.2.4 examining and testing (locally and remotely) all the watertight doors in watertight bulkheads (SOLAS 74/88 reg. II-1/18) (SOLAS 06, reg. II-1/16);
- (CA) 2.2.2.4bis examining the arrangements for closing openings in the shell plating below the freeboard deck (SOLAS 06 reg. II-1/15);
- (CA) 2.2.2.5 examining each bilge pump and confirming that the bilge pumping system for each watertight compartment is satisfactory (SOLAS 74/88 reg. II-1/21) (SOLAS 05, reg. II-1/35-1);
- (CA) 2.2.2.6 confirming that the drainage from enclosed cargo spaces situated on the freeboard deck is satisfactory (SOLAS 74/88 reg. II-1/21) (SOLAS 05, reg. II-1/35-1);

- (CA) 2.2.2.34 for single hull, single hold cargo ships, examining the cargo hold water level detector and its audible and visual alarm (SOLAS 74/04 reg. II-1/23-3) (SOLAS 06, reg. II-1/25).
- (CA) 2.2.1.19bis confirming that the suitable Material Safety Data Sheets are available on board
- (CA) 2.2.1.23 confirming, ~~for~~ that bulk carriers of 150 m in length and upwards of single skin construction designed to carry solid bulk cargoes having a density of 1,780 kg/m<sup>3</sup> and above, constructed before 1 July 1999, have, after the implementation date given in SOLAS 94/97 reg. XII/3, sufficient stability and strength to withstand flooding of the foremost cargo hold (SOLAS 74/97 regs. XII/3, 4, 5 and 6);
- (CA) 2.2.1.28 confirming that the coating technical file is available on board when appropriate (SOLAS 74/00/04 reg. II-1/3-2)
- (CA) 2.2.1.29 confirming that the maintenance of the protective coating is included in the overall ship's maintenance system (SOLAS 74/00/04 reg. II-1/3-2)
- (CA) 2.2.1.30 confirming the availability of the International Anti-Fouling System Certificate (AFS 2001 Annex 4 reg. 2), when applicable.
- (CA) 2.2.2.4bis examining the arrangements for closing openings in the shell plating below the freeboard deck (SOLAS 06 reg. II-1/15);
- (CA) 2.2.2.24 confirming, as far as practicable, that no changes have been made in the structural fire protection, examining any manual and automatic fire doors and proving their operation, testing the means of closing the main inlets and outlets of all ventilation systems and testing the means of stopping power ventilation systems from outside the space served (SOLAS 74/00 regs. II-2/4.4, 5.2, 5.3.1, 5.3.2, 5.3.2, 6.2, 6.3, 7.5.5, 7.7, 8.2, 8.3, 8.4, 9.2.1, 9.2.3, 9.3, 9.4.2, 9.5, 9.7.1, 9.7.2, 9.7.3, 9.7.5.2, 11.2, 11.3, 11.4, 11.5, 19.3.8, 19.3.10, 20.2.1 and 20.3) (SOLAS 74/88 regs. II-2/42 to 44, 46 to 50 and 52);
- (CA) 2.2.2.29 confirming that new equipment containing asbestos was not fitted on board since last survey (SOLAS 74/00/04 reg. II-1/3-5);
- (CA) 2.2.2.35 confirming that the coating system in dedicated SWB tanks in ships and double side skin spaces arranged in bulk carriers of 150 m in length and upward when appropriate is maintained and that maintenance, repair and partial recoating are recorded in the coating technical file (SOLAS 74/00/04 reg. II-1/3-2)
- (CA) 2.2.3.13 examining access to bow arrangement (SOLAS 74/00/04 reg. II-1/3-3);
- (CA) 2.2.3.14 examining the towing arrangement for tankers of not less than 20,000 tonnes deadweight (SOLAS 74/00/04 reg. II-1/3-4);

(CA) 2.2.3.15 confirming that the corrosion prevention system fitted to dedicated ballast water tanks of oil tankers and bulk carriers when appropriate is maintained (SOLAS 74/00/04 reg. II-1/3-2);

(CA) 2.2.4.1 the provisions of (CA) 2.2.3.1.

(CIn) 2.3.4.1 the provisions of (CA) 2.2.3.1.

(CR) 2.4.4.1 the provisions of (CA) 2.2.3.1.

12 Proposed amendments to Annex 1 – **2 GUIDELINES FOR SURVEYS FOR THE CARGO SHIP SAFETY CONSTRUCTION CERTIFICATE – 2.4 Renewal surveys** as following texts:

(CR) 2.4.5 For the hull, machinery and equipment of cargo ships, concerning the additional requirements for bulk carriers the renewal survey should consist of ~~the provisions of (CI) 2.1.3.63.~~ the provisions of (CI) 2.1.3.63 and 2.1.3.64.

(CR) 2.4.~~6.5.1~~ after a satisfactory survey, the Cargo Ship Safety Construction Certificate should be issued.

13 Proposed amendments to Annex 1 – **4 GUIDELINES FOR SURVEYS FOR THE CARGO SHIP SAFETY RADIO CERTIFICATE – 4.1 Initial surveys** as following texts:

(RI) 4.1.1 For the radio installations, including those used in life-saving appliances, of cargo ships the examination of plans and designs should consist of:

(RI) 4.1.2.12 examining the radiotelephone distress frequency watch receiver (SOLAS 74/88 regs.IV/7 and 14), including:

(RI) 4.1.2.18.1 checking for correct operation on Channel 16 and one other by testing with another fixed or portable VHF installation (SOLAS 74/88 reg. IV/14);

(RI) 4.1.2.10.3 checking the off-air self-test ~~program~~ programme;

(RI) 4.1.2.14.2 running the self-test ~~program~~ programme if provided;

(RI) 4.1.2.15.2 running the self-test ~~program~~ programme if provided;

(RI) 4.1.2.16.2 running the self-test ~~program~~ programme if provided;

14 Proposed amendments to **Annex 1 – (R) Guidelines for surveys for the Cargo Ship Safety Radio Certificate** as following texts:

~~(RP) 4.2.1.2bis~~ checking the validity of the International Ship Security Certificate;

~~(RP) 4.2.1.19~~ confirming the availability of the International Anti-Fouling System Certificate (AFS 2001 Annex 4 reg. 2) when applicable.

15 Proposed amendments to **Annex 1 – 4 GUIDELINES FOR SURVEYS FOR THE CARGO SHIP SAFETY RADIO CERTIFICATE – 4.3 Renewal surveys** as following texts:

(RR) 4.3.2 For the radio installations, including those used in radio life-saving appliances, ~~on~~ of cargo ships the renewal survey should consist of:

16 Proposed amendments to **Annex 1 – 5 GUIDELINES FOR SURVEYS FOR THE PASSENGER SHIP CERTIFICATE – 5.1 Initial surveys** as following texts:

(PI) 5.1.1.1 examining the subdivision and stability (SOLAS 74/88/95 regs.II-1/4 to 8, 8-1, 8-2, 8-3, 13 and 16) (SOLAS 06, regs. II-1/8, 8-1, 14 and 18);

(PI) 5.1.1.2 examining the ballasting arrangements (SOLAS 74/88 reg. II-1/9) (SOLAS 06, reg. II-1/20);

(PI) 5.1.1.3 examining the arrangement of the bulkheads, their construction and the openings therein, including the disposition and means of operation of the watertight doors (SOLAS 74/88 regs.II-1/10, 14, and 15) (SOLAS 06, regs. II-1/10, 11 12 and 13);

(PI) 5.1.1.4 examining the arrangement of the double bottoms (SOLAS 74/88 reg. II-1/12) (SOLAS 06, reg. II-1/9);

(PI) 5.1.1.5 examining the arrangements for the openings in the shell plating below the margin line or the bulkhead deck as applicable, the construction of the watertight doors, sidescuttles, watertight decks, trunks, etc., and the watertight integrity above the margin line or the bulkhead deck as applicable (SOLAS 74/88 regs.II-1/17, 18, 19 and 20) (SOLAS 06, regs. II-1/15, 16, 16-1 and 17);

(PI) 5.1.1.6 examining the plans for the bilge pumping (SOLAS 74/88 regs.II-1/21 and 39) (SOLAS 05, reg. II-1/35-1);

(PI) 5.1.1.7 examining, when appropriate, the means of indicating the status of any bow doors and the leakage there from (SOLAS 74/88 reg. II-1/23-2) (SOLAS 06, reg. II-1/17-1);

(PI) 5.1.1.17 examining the plans for the fixed fire detection and alarm system, the crew alarm and the public address system or other effective means of communication (SOLAS 74/00 reg. II-2/12) (SOLAS 74/88 reg. II-2/40) (SOLAS 04 reg. II-2/7, 12);

(PI) 5.1.1.26 examining the plans for the positioning of, and the specification for, the navigation lights, shapes and sound signalling equipment (International Regulations for Preventing Collisions at Sea (COLREG) in force ~~regs.~~ rules 20 to 24, 27 to 30 and 33);

(PI) 5.1.1.30bis checking for the provision and specification of the long-range identification and tracking system (SOLAS 04, reg. V/19-1);

- (PI) 5.1.2.2 confirming the arrangements for ~~the~~ subdivision, including the ship's stability in the damaged condition, and checking the subdivision load lines (SOLAS 74/88 regs. II-1/4 to 8, 13 and 16) (SOLAS 06 regs. II-1/6, 7, 7-1, 7-2, 7-3, 8, 14, 18);
- (PI) 5.1.2.3 checking the ballasting arrangements (SOLAS 74/88 reg. II-1/9) (SOLAS 06, reg. II-1/20);
- (PI) 5.1.2.3bis confirming that dedicated sea water ballast tanks have an approved coating system when appropriate (SOLAS 74/00/04 reg. II-1/3-2);
- (PI) 5.1.2.4 confirming the arrangement of the bulkheads, their construction and the openings therein, confirming that the collision bulkhead is watertight up to the freeboard deck, that the valves fitted on the pipes piercing the collision bulkhead are operable from above the freeboard deck and that there are no doors, manholes, ventilation ducts or any other openings, confirming that the other bulkheads, as required for the ship's subdivision, are watertight up to the bulkhead deck and confirming the construction of the watertight doors and that they have been tested (SOLAS 74/88 regs. II-1/10, 14, 15 and 18) (SOLAS 06, regs. II-1/10, 11, 12, 13 and 16);
- (PI) 5.1.2.5 confirming that the watertight integrity has been maintained where pipes, scuppers, etc., pass through subdivision watertight bulkheads (SOLAS 74/88 reg. II-1/15) (SOLAS 06, reg. II-1/13);
- (PI) 5.1.2.6 confirming that a diagram is provided on the navigating bridge showing the location of the watertight doors together with indicators showing whether the doors are open or closed and confirming that the watertight doors and their means of operation have been installed in accordance with the approved plans (SOLAS 74/88 reg. II-1/15) (SOLAS 06, reg. II-1/13);
- (PI) 5.1.2.7 testing the operation of the watertight doors both from the navigating bridge in the event of an emergency and locally at the door itself (SOLAS 74/88 reg. II-1/15) (SOLAS 06, reg. II-1/13) and, in particular, that they are:
- (PI) 5.1.2.8 confirming that the watertight doors and their indicating devices are operable in the event of a failure of the main and emergency sources of power (SOLAS 74/88 reg. II-1/15) (SOLAS 06, reg. II-1/13);
- (PI) 5.1.2.9 checking, when appropriate, any watertight doors, that are not required to be closed remotely, fitted in watertight bulkheads dividing 'tween deck spaces, and confirming that a notice is affixed concerning their closure (SOLAS 74/88 reg. II-1/15) (SOLAS 06, reg. II-1/13);
- (PI) 5.1.2.10 confirming that a notice is affixed to any portable plates on bulkheads in machinery spaces concerning their closure and, if appropriate, testing any power operated watertight door fitted in lieu (SOLAS 74/88 reg. II-1/15) (SOLAS 06, reg. II-1/13);

- (PI) 5.1.2.11bis confirming the arrangements for closing sidescuttles and their deadlights, also scuppers, sanitary discharges and similar openings and other inlets and discharges in the shell plating below the bulkhead deck (SOLAS 06 reg. II-1/13);
- (PI) 5.1.2.12 confirming that valves for closing the main and auxiliary sea inlets and discharges in the machinery spaces are readily accessible and indicators showing the status of the valves are provided (SOLAS 74/88 reg. II-1/17) (SOLAS 06, reg. II-1/15);
- (PI) 5.1.2.13bis confirming that gangway, cargo and fuelling ports fitted below the bulkhead deck can be effectively closed and that the inboard end of any ash or rubbish chutes are fitted with an effective cover; (SOLAS 06 reg. II-1/13);
- (PI) 5.1.2.14 confirming by a hose or flooding test the watertightness of watertight decks and trunks, tunnels and ventilators (SOLAS 74/88 reg. II-1/19) (SOLAS 06, reg. II-1/16-1);
- (PI) 5.1.2.15bis confirming the arrangements to maintain the watertight integrity above the bulkhead deck (SOLAS 06 regs. II-1/17, 17-1);
- (PI) 5.1.2.16 confirming the arrangements for the bilge pumping and that each bilge pump and the bilge pumping system provided for each watertight compartment is working efficiently (SOLAS 74/88 reg. II-1/21) (SOLAS 05, reg. II-1/35-1);
- (PI) 5.1.2.17 confirming that the drainage system of enclosed cargo spaces situated on the freeboard deck is working efficiently (SOLAS 74/88 reg. II-1/21) (SOLAS 05, reg. II-1/35-1);
- (PI) 5.1.2.18 conducting an inclining test (SOLAS 74/88 reg. II-1/22) (SOLAS 06, reg. II-1/5);
- (PI) 5.1.2.19 checking, when appropriate, the means of indicating the status of any bow doors and any leakage there from (SOLAS 74/88 reg. II-1/23-2) (SOLAS 06, reg. II-1/17-1);
- (PI) 5.1.2.19bis confirming that the arrangement for monitoring special category spaces or ro-ro spaces, when fitted, is satisfactory (SOLAS 06 reg. II-1/23)
- (PI) 5.1.2.38 confirming that the control system for the auxiliary steering gear, in the steering gear compartment and, if this gear is power-operated, from the navigating bridge, ~~are~~ is operating satisfactorily and that the latter is independent of the control system for the main steering gear (SOLAS 74/88 reg. II-1/29);

- (PI) 5.1.2.73 confirming that all aspects of the installation of the structural fire protection, including the structure, fire integrity, protection of stairways and lifts, cabin balconies, openings in “A” and “B” Class divisions, ventilation systems and windows and sidescuttles, and the use of combustible material are in accordance with the approved plans (SOLAS 74/00/04 regs. II-2/4.4.4, 5.2, 5.3, 7.5, 7.8.2, 8.4, 8.5, 9, 10.6, 11, 13, 17, 20 and FSSC ch.13 sections 1 and 2) (SOLAS 74/88 regs. II-2/23 to 35);
- (PI) 5.1.2.86 examining each rescue boat, including its equipment. For inflatable rescue boats, confirming that they are stowed in a fully inflated condition (SOLAS 74/00/04 regs. III/21 and 26.3; LSAC section 5.1 and MSC/Circ.809);
- (PI) 5.1.2.92 examining the provision and stowage of the distress flares and the line-throwing appliance, checking the provision and operation of onboard communications equipment and testing the means of operation of the general alarm system verifying that the general alarm system is audible in accommodation, normal crew working spaces and on open decks (SOLAS 74/88 reg. III/6);
- (PI) 5.1.2.99 examining the provision and positioning and checking the operation of, as appropriate, the navigation lights, shapes and sound signalling equipment (International Regulations for Preventing Collisions at Sea in force, ~~regs. rules~~ 20 to 24, 27 to 30 and 33);
- (PI) 5.1.2.102bis checking that a valid conformance test report of the long-range and identification tracking system is available on board (SOLAS 04 reg. V/19-1);
- ~~(PI) 5.1.2.116 examining the radiotelephone distress frequency watch receiver (SOLAS 74, regs. IV/7 and 14), including:~~
- ~~(PI) 5.1.2.116.1 checking the mute/demute function;~~
- ~~(PI) 5.1.2.116.2 checking receiver sensitivity against known stations;~~
- ~~(PI) 5.1.2.116.3 checking the audibility of the loudspeaker;~~
- (PI) 5.1.2.121 examining the 406 MHz satellite EPIRB (SOLAS 74/88 regs. IV/7 and 14), including:
- (PI) 5.1.3.1 confirming that the stability information and damage control plans have been provided (SOLAS 74/88 regs. II-1/22 and 23) (SOLAS 06, regs. II-1/5-1, 19);
- (PI) 5.1.3.2(bis) confirming that documented operating procedures for closing and securing the openings in special category spaces and ro-ro spaces are available on board (SOLAS 06 reg. II-1/23)

- (PI) 5.1.3.4 confirming that the maintenance plans have been provided (SOLAS 74/88 reg. ~~H-1~~ II-2/14.2.2 and 14.3);
- (PI) 5.1.3.5 confirming that the training manuals and the fire safety operational booklets have been provided (SOLAS 74/88 reg. ~~H-1~~ II-2/15.2.3 and 16.2);
- (PI) 5.1.3.8 confirming that the training manual for the life-saving appliances has been provided and is available in the working language of the ship (SOLAS 74/00/04 reg. III/35);
- (PI) 5.1.3.24 if possible, checking the emission on operational frequencies, coding and registration on the 121.5 MHz homing signal without transmission of distress call to the satellite system;
- (PI) 5.1.2.114.3 checking the off-air self test program ~~programme~~ ;
- (PI) 5.1.2.118.2 running the self-test program ~~programme~~ if provided;
- (PI) 5.1.2.119.2 running the self-test program ~~programme~~ if provided;
- (PI) 5.1.2.120.2 running the self-test program ~~programme~~ if provided;

17 Proposed amendments to **Annex 1 – 5 GUIDELINES FOR SURVEYS FOR THE PASSENGER SHIP CERTIFICATE – 5.2 Renewal surveys** as following texts:

- (PR) 5.2.1.2bis checking the validity of the International Ship Security Certificate;
- (PR) 5.2.1.13bis confirming that the opening and the closing and locking of side scuttles positioned below the bulkhead deck are being recorded in the log-book (SOLAS 06 reg. II-1/13, 22);
- (PR) 5.2.1.14 confirming that the closure of the cargo loading doors and the opening and closing of any doors at sea required for the operation of the ship or the embarking and disembarking of passengers are being recorded in the log-book (SOLAS 74/88 reg. II-1/20-1) (SOLAS 06, reg. II-1/22);
- (PR) 5.2.1.15 confirming that the stability information and damage control plans are readily available (SOLAS 74/88 regs. II-1/22 and 23) (SOLAS 06, regs. II-1/5-1 and 19);
- (PR) 5.2.1.16 confirming from the log-book entries that the openings required to be closed at sea are being kept closed and that the required drills and inspections of watertight doors, etc., are being carried out (SOLAS 74/88 regs. II-1/24 and 25) (SOLAS 06, regs. II-1/21 and 22);
- (PR) 5.2.1.16(bis) confirming that documented operating procedures for closing and securing the openings in special category spaces and ro-ro spaces are available on board (SOLAS 06 reg. II-1/23)

- (PR) 5.2.1.18 confirming that the fire control plans are permanently exhibited or, alternatively, that emergency booklets have been provided and a duplicate of the plans or ~~that~~ the emergency booklet is available in a prominently marked enclosure external to the ship's deckhouse (SOLAS 74/88 reg. II-2/20);
- (PR) 5.2.1.26 confirming that the training manual and training aids for the life-saving appliances ~~are~~ is available on board in the working language of the ship (SOLAS 74/00/04 reg. III/35);
- (PR) 5.2.1.29 confirming that a table or curve of residual deviations for the magnetic compass is available ~~has been provided~~ and that a diagram of the radar installations shadow sectors is displayed (SOLAS 74/00 reg. V/19);
- (PR) 5.2.1.35 confirming the provisions of (PI) 5.1.3.11 to (PI) 5.1.3.16;
- (PR) 5.2.1.40 checking that the annual test has been carried out for the Satellite EPIRB and, if applicable, that shore-based maintenance has been carried out at intervals not exceeding five years (SOLAS 74/04 reg. IV/15);
- (PR) 5.2.1.42 confirming the availability of the International Anti-Fouling System Certificate (AFS 2001 Annex 4 Reg. 2), when applicable.
- (PR) 5.2.2.2 examining the arrangements for subdivision, including the ship's stability in the damaged condition, and checking the subdivision load lines (SOLAS 74/88 regs.II-1/4 to 8, 13 and 16) (SOLAS 06, regs. II-1/8, 14 and 18);
- (PR) 5.2.2.3 checking the ballasting arrangements (SOLAS 74/88 reg. II-1/9) (SOLAS 06, regs. II-1/20);
- (PR) 5.2.2.3bis confirming that dedicated sea water ballast tanks have been coated in accordance with resolution MSC.215(82) when appropriate (SOLAS 74/00/04 reg. II-1/3-2)
- (PR) 5.2.2.3ter confirming that the maintenance of the protective coating is included in the overall ship's maintenance system (SOLAS 74/00/04 reg. II-1/3-2)
- (PR) 5.2.2.4 examining the collision and other watertight bulkheads required for the ship's subdivision (SOLAS 74/88 regs.II-1/10, 14, 15 and 18) (SOLAS 06, regs. II-1/10, 11, 12, 13 and 16);
- (PR) 5.2.2.5 confirming that the watertight integrity has been maintained where pipes, scuppers, etc., pass through subdivision watertight bulkheads (SOLAS 74/88 reg. II- 1/15) (SOLAS 06, reg. II-1/13);
- (PR) 5.2.2.6 confirming that a diagram is provided on the navigating bridge showing the location of the watertight doors together with indicators showing whether the doors are open or closed (SOLAS 74/88 reg. II-1/15) (SOLAS 06, reg. II-1/13);

- (PR) 5.2.2.7 testing the operation of the watertight doors both from the navigating bridge in the event of an emergency and locally at the door itself (SOLAS 74/88 reg. II-1/15) (SOLAS 06, reg. II-1/13) and, in particular, that they are:
- (PR) 5.2.2.8 confirming that the watertight doors and their indicating devices are operable in the event of a failure of the main and emergency sources of power (SOLAS 74/88 reg. II-1/15) (SOLAS 06, reg. II-1/13);
- (PR) 5.2.2.9 checking, when appropriate, any watertight doors that are not required to be closed remotely, fitted in watertight bulkheads dividing 'tween deck spaces, and confirming that a notice is affixed concerning their closure (SOLAS 74/88 reg. II-1/15) (SOLAS 06, reg. II-1/13);
- (PR) 5.2.2.10 confirming that a notice is affixed to any portable plates on bulkheads in machinery spaces concerning their closure and, if appropriate, testing any power-operated watertight door fitted in lieu (SOLAS 74/88 reg. II-1/15) (SOLAS 06, reg. II-1/13);
- (PR) 5.2.2.11bis examining the arrangements for closing side scuttles and their deadlights, also scuppers, sanitary discharges and similar openings and other inlets and discharges in the shell plating below the bulkhead deck (SOLAS 06 reg. II-1/15);
- (PR) 5.2.2.12 confirming that valves for closing the main and auxiliary sea inlets and discharges in the machinery spaces are readily accessible and indicators showing the status of the valves are provided (SOLAS 74/88 reg. II-1/17) (SOLAS 06, reg. II-1/15);
- (PR) 5.2.2.13bis confirming that gangway, cargo and fuelling ports fitted below the bulkhead deck may be effectively closed and that the inboard ends of any ash or rubbish chutes are fitted with an effective cover (SOLAS 06 reg. II-1/15);
- (PR) 5.2.2.14 examining the arrangements to maintain the watertight integrity above the margin line or the bulkhead deck as applicable(SOLAS 74/88 reg. II-1/20) (SOLAS 06, reg. II-1/17);
- (PR) 5.2.2.15 examining the arrangements for the bilge pumping and confirming that each bilge pump and the bilge pumping system provided for each watertight compartment is working efficiently (SOLAS 74/88 reg. II-1/21) (SOLAS 05, reg. II-1/35-1);
- (PR) 5.2.2.16 confirming that the drainage system of enclosed cargo spaces situated on the freeboard deck is working efficiently (SOLAS 74/88 reg. II-1/21) (SOLAS 06, reg. II-1/35-1);
- (PR) 5.2.2.17(bis) confirming, that the arrangement for monitoring special category spaces or ro-ro spaces, when fitted, is satisfactory (SOLAS 06 reg. II-1/23)

- (PR) 5.2.2.42 confirming the operation of the ventilation for the machinery spaces (SOLAS 74/88 78, reg. II-1/35);
- (PR) 5.2.2.43 confirming that the measures to prevent noise in machinery spaces are effective (SOLAS 74/78 88 reg. II- I/36);
- (PR) 5.2.2.44 confirming that the engine-room telegraph giving visual indication of the orders and answers both in the machinery space and on the ~~navigating~~ navigation bridge is operating satisfactorily (SOLAS 74/88, reg. II-1/37);
- (PR) 5.2.2.56 examining the fire pumps and fire main and the disposition of the hydrants, hoses and nozzles and the international shore connection and checking that each fire pump, including the emergency fire pump, can be operated separately so that two jets of water are produced simultaneously from different hydrants at any part of the ship whilst the required pressure is maintained in the fire main (SOLAS 74/00 reg. II-2/10.2; FSSC chs.2 and 12) (SOLAS 74/88 regs. II-2/4 and 19);
- (PR) 5.2.2.60bis examining, when applicable, the fire-extinguishing arrangements in cabin balconies (SOLAS 74/00 reg. II-2/10.6.1);
- (PR) 5.2.2.61 examining the provision of fire-extinguishing systems for the spaces containing paint and/or flammable liquids and deep-fat cooking equipment in accommodation and service spaces (SOLAS 74/00 regs. II-2/10.6.3 and 10.6.4; FSSC chs.5, 6 and 7) (SOLAS 74/88 ~~ch. II-2~~ reg. II-2/15.2.5);
- (PR) 5.2.2.63 examining and testing, as far as practicable, any fire detection and fire alarm arrangements in machinery spaces, if applicable, accommodation and service spaces and control spaces (SOLAS 74/00 reg. II-2/27 (except 7.5.5, 7.6 and 7.9); FSSC ch.9) (SOLAS 74/88 regs. II-2/11, 12, 13, 13-1, 14, 36 and 41);
- (PR) 5.2.2.63bis examining and testing, where applicable, any fire detection and fire alarm arrangements on cabin balconies. (SOLAS 74/00 reg. II-2/7.10);
- (PR) 5.2.2.66 confirming, as far as practicable, that no changes have been made in the structural fire protection, including the structure, fire integrity, protection of stairways and lifts, cabin balconies, openings in “A” and “B” Class divisions, ventilation systems and windows and side scuttles, and the use of combustible material (SOLAS 74/00/04 regs. II-2/5.2, 5.3, 6, 8.2, 8.5, 9.2.1, 9.2.2, 9.3, 9.4.1, 9.5, 9.6 (except 9.6.5), 9.7 and 11 (except 11.6)) (SOLAS 74/88 regs. II-2/11, 16, 18, 23 to 35 and 37);
- (PR) 5.2.2.69 examining and testing the main inlets and outlets of all ventilation systems and ~~proving~~ checking that the power ventilation is capable of being stopped from outside the space served (SOLAS 74/00 reg. II-2/5.2.1) (SOLAS 74/88 regs. II-2/16 and 32);

- (PR) 5.2.2.78 checking the requirement for passenger ships carrying more than 36 passengers and constructed before 1 October 1994 (SOLAS 74/88/91—92, regs. II-2/41-1 and 41-2);
- (PR) 5.2.2.80 checking that the falls used in launching have been turned end for end in the previous 30 months and periodically inspected and have been renewed in the past 5 years or have been subject to periodic inspection and been renewed within 4 years (SOLAS 74/96/04 reg. III/20);
- (PR) 5.2.2.82 examining the embarkation arrangements and launching appliances for each survival craft. Each lifeboat should be lowered to the embarkation position or, if the stowage position is the embarkation position, lowered a short distance and, if practicable, one of the survival craft should be lowered to the water. The operation of the launching appliances for davit launched liferafts should be demonstrated. ~~A check~~ Checking that the thorough examination of launching appliances, including the dynamic testing of the winch brake, and servicing of lifeboat and rescue boat on-load release gear and davit-launched liferaft automatic release hooks has been carried out (SOLAS 74/96/04 regs. III/11, 12, 13, 15, 16, 20, 21 and 23; LSAC sections 6.1 and 6.2);
- (PR) 5.2.2.83 checking the rotational deployment of MES (SOLAS 74/88 reg. III/20.8.2 ; LSAC section 6.2.2.2);
- (PR) 5.2.2.84 examining each rescue boat, including its equipment. For inflatable rescue boats, confirming that they are stowed in a fully inflated condition (SOLAS 74/88/04 regs. III/14, 17, 21, 26.3 and 34);
- (PR) 5.2.2.92 examining the line-throwing appliance and checking that its rockets and the ship's distress signals are not out of date, ~~and examining and checking the operation of on-board communications equipment~~ (SOLAS 74/96 regs. III/6, 18 and 35; LSAC sections 3.1 and 7.1);
- (PR) 5.2.2.92bis examining and checking the operation of onboard communications equipment, and verifying that the general alarm system is audible in accommodation, normal crew working spaces and on open decks (SOLAS 74/96 regs. III/6, 18 and 35; LSAC sections 3.1 and 7.1);
- (PR) 5.2.2.95 checking that the required navigation lights, shapes and sound signalling equipment are in order (International Regulations for Preventing Collisions at Sea in force (COLREG), ~~regs. rules~~ rules 20 to 24, 27 to 30 and 33);
- (PR) 5.2.2.98bis checking that a valid conformance test report of the long-range identification and tracking system is available on board, where fitted (SOLAS 04 reg. V/19-1);
- (PR) 5.2.2.102 the provisions of (PI) 5.1.2.~~427~~125 to (PI) 5.1.2.~~430~~128

18 Proposed amendments to **Annex 2 – (L) Guidelines for surveys for the International Load Line Certificate** as following texts:

- (LI) 1.1.1.3 determining the freeboard, including specifying and the consideration of the conditions of assignment for the freeboard (LLC 66/88/05-03, regs. 11 to 45).
- (LI) 1.1.2.8 examining the scuppers, inlets and discharges (LLC 66/88/03 reg. 22);
- (LA) 1.2.1.2bis checking the validity of the International Ship Security Certificate;
- (LA) 1.2.1.15 confirming the availability of the International Anti-Fouling System Certificate (AFS 2001 Annex 4 Reg. 2), when applicable.
- (LA) 1.2.2.10 examining the means provided to minimize water ingress through the spurling pipes and chain lockers (LLC 66/88/03, reg. 22-2).

19 Proposed modification for **Annex 3 – 1 GUIDELINES FOR SURVEYS FOR THE INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE – 1.1 Initial surveys** as following texts:

- (OI) 1.1.1.6 confirming that requirements regarding capacity and protection of oil fuel tanks are complied with (MARPOL 90/04 Annex I reg. 12A).
- (OI) 1.1.2.12 examining, for oil tanker of 5,000 tonnes deadweight and above delivered after 1 February 2002, the intact stability. (MARPOL 90/04 Annex I reg. 27);
- (OI) 1.1.6.9 confirming, for oil tankers of 5,000 tonnes deadweight and above delivered on/after 1 February 2002, that the intact stability has been approved (MARPOL 90/04 Annex I reg. 27);
- (OI) 1.1.6.10 confirming, for oil tankers of 5,000 tonnes deadweight and above, that arrangements are in place to provide prompt access to shore-based damage stability and residual structural strength computerized calculation programsme (MARPOL 90/04 Annex I reg. 37.4).

20 Proposed amendments to **Annex 3 – 1 GUIDELINES FOR SURVEYS FOR THE INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE – 1.2 Annual surveys** as following texts:

- (OA) 1.2.1.15 checking ~~from~~ the certificates for the type approval of the oil filtering equipment (MARPOL 90/04 Annex I regs. 14 and 15);
- (OA) 1.2.1.19 confirming the availability of the International Anti-Fouling System Certificate (AFS 2001 Annex 4 Reg. 2), when applicable.

- (OA) 1.2.2.7 confirming that for oil tankers of 5,000 tonnes deadweight and above delivered on/after 1 February 2002 the loading conditions and intact stability information, in an approved form, is on board (MARPOL 90/04 Annex I reg. 27);
- (OA) 1.2.4.15 confirming for oil tankers of 5,000 tonnes deadweight and above that arrangements are in place to provide prompt access to shore-based damage stability and residual structural strength computerized calculation programmes (MARPOL 90/04 Annex I reg. 37.4).
- (OA) 1.2.3.3 confirming the segregation of oil fuel and water ballast systems and that the arrangements prohibit the carriage of oil in forepeak tanks or in spaces forward of the collision bulkheads (MARPOL 90/04 Annex I reg. 16);
- (OA) 1.2.4.12 examining the piping systems associated with the discharge of dirty ballast or oil-contaminated water including the part flow system, if fitted (MARPOL 90/04 Annex I reg. 30);

21 Proposed amendments to Annex 3 – **1 GUIDELINES FOR SURVEYS FOR THE INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE – 1.3 Intermediate surveys** as following texts:

- (OIn) 1.3.3.3 examining the oil content meter (15 ppm alarm and bilge monitor) for obvious defects, deterioration or damage and checking the record of calibration of the meter when done in accordance with the manufacturer's operational and instruction manual (MARPOL 90/04 Annex I reg. 14).
- (OIn) 1.3.4.2 examining the oil discharge monitoring and control system and the oil content meter for obvious defects, deterioration or damage, and ~~to check~~ checking the record ~~of~~ of calibration of the meter when done in accordance with the manufacturer's operational and instruction manual (MARPOL 90/04 Annex I reg. 31);
- (OIn) 1.3.4.4.3 examining at least two selected cargo tanks for the express purpose of verifying the continued effectiveness of the installed crude oil washing and stripping systems. If the tank cannot be gas-freed for the safe entry of the surveyor, an internal examination should not be conducted. In this case this examination may be conducted in conjunction with the internal examination of cargo tanks required in (~~Cm~~ CIn) 2.3.3.3 in Annex 1;

22 Proposed amendments to Annex 3 – **1 GUIDELINES FOR SURVEYS FOR THE INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE – 1.4 Renewal surveys** as following texts:

- (OR) 1.4.4.12 confirming for oil tankers of 5,000 tonnes deadweight and above that arrangements are in place to provide prompt access to shore based damage stability and residual structural strength computerized calculation programmes (MARPOL 90/04 Annex I reg. 37.4).

23 Proposed amendments to Annex 3 – **2 GUIDELINES FOR SURVEYS FOR THE INTERNATIONAL POLLUTION PREVENTION CERTIFICATE FOR THE CARRIAGE OF NOXIOUS SUBSTANCES IN BULK** as following texts:

**2 GUIDELINES FOR SURVEYS FOR THE INTERNATIONAL POLLUTION PREVENTION CERTIFICATE FOR THE CARRIAGE OF NOXIOUS LIQUID SUBSTANCES IN BULK**

(NI) 2.1.2.2 conducting the water test for assessing the stripping quantity, as required (MARPOL 73/78/90/04 Annex II reg. 12 and App.5);

~~(NA) 2.2.1.17 confirming the availability of the International Anti-Fouling System Certificate (AFS 2001 Annex 4 Reg. 2), when applicable.~~

(NA) 2.2.2.6 confirming that the ventilation equipment for residue removal is as approved (MARPOL 90/04 Annex II reg. 13 and App.7);

(NA) 2.2.2.8 examining any additional requirements listed on the International Certificate for the Carriage of Noxious Liquid Substances in Bulk.

24 Proposed amendments to Annex 3 – **SURVEY GUIDELINES UNDER THE MARPOL CONVENTION – 2 GUIDELINES FOR SURVEYS FOR THE INTERNATIONAL POLLUTION PREVENTION CERTIFICATE FOR THE CARRIAGE OF NOXIOUS SUBSTANCES IN BULK – 2.4 Renewal surveys** as following texts:

(NR) 2.4.2.3 conducting the water test for assessing the stripping quantity, as required (MARPOL 73/78/90/04 Annex II reg. 12 and App. 5);

~~(NR) 2.4.2.8 confirming that means are provided in the common discharge piping to isolate openings provided above the waterline (MARPOL 73/78/90 Annex II);~~

25 Proposed modification for Annex 3 – **(S) Guidelines for surveys for the International Sewage Pollution Prevention Certificate** as following texts:

~~(SR) 3.2.1.14 confirming the availability of the International Anti-Fouling System Certificate (AFS 2001 Annex 4 Reg. 2), when applicable.~~

~~(SR) 3.2.2.3 confirming that a procedure for discharge of animal effluent is implemented on board (MARPOL 73/78/07 Annex IV reg. 11.1.1)~~

26 Proposed amendments to Annex 3 – **4 GUIDELINES FOR SURVEYS FOR THE INTERNATIONAL AIR POLLUTION PREVENTION CERTIFICATE AND THE NO<sub>x</sub> TECHNICAL CODE:**

.1 Reads as following texts:

~~(AA) 4.2.1.2bis checking the validity of the International Ship Security Certificate;~~

(AA) 4.2.1.10 confirming the availability of the International Anti-Fouling System Certificate (AFS 2001 Annex 4 Reg. 2), when applicable.

(AA) 4.2.2.2.7 confirm that there is a record of fuel changeover, this record should take form of a log-book as prescribed by the Administration (regulation ~~14.6~~ 14(6) of Annex VI)\*;

\* If not prescribed by the Administration, this information could be contained in the engine room log-book, the deck log-book, the official log-book, the oil record book or a separate log-book solely for this purpose.

(AA) 4.2.2.3.1 confirm that no new installation or equipment except those covered by (AA) 4.2.2.3.2 have been fitted to the ship after 19 May 2005. (regulation ~~12.1~~ 12(1) of Annex VI);

(AA) 4.2.3.1 after a satisfactory survey, endorsing the ~~International Prevention of Air Pollution Certificate~~ International Air Pollution Prevention Certificate;

(AIn) 4.3.3.1 after a satisfactory survey, endorsing the ~~International Prevention of Air Pollution Certificate~~ International Air Pollution Prevention Certificate;

(AR) 4.4.3.1 after satisfactory survey the ~~International Prevention of Air Pollution Certificate~~ International Air Pollution Prevention Certificate; should be issued.

.2 Replace “(Ain)” with “(AIn)” in all section of (Ain) 4.3 Intermediate survey for sake of consistency.

27 Proposed amendments to Annex 4 – **1 GUIDELINES FOR THE SURVEYS FOR THE INTERNATIONAL CERTIFICATE OF FITNESS FOR THE CARRIAGE OF DANGEROUS CHEMICALS IN BULK AND THE CERTIFICATE OF FITNESS FOR THE CARRIAGE OF DANGEROUS CHEMICALS IN BULK – 1.1 Initial surveys** as following texts:

(DI) 1.1.1.2 examining the plans for the ship type, location of the cargo tanks, cargo containment, materials of construction, cargo temperature control, cargo tank vent systems, continuous monitoring of the concentration of flammable vapours, environmental control, electrical installations, fire protection and fire extinction, instrumentation and the provision, specification and stowage of the equipment for personnel protection (IBC Code 83/90/00, chs.2, 4, 6, 7, 8, 9, 10, 11, 13 and 14)

(DI) 1.1.2.21bis examining the system for continuous monitoring of the concentration of flammable vapours and confirming that the installation tests have been satisfactorily completed (IBC Code 83/90/00, ch.11);

(DI) 1.1.2.28 confirming that sampling points or detector heads are located in suitable positions in order that potentially dangerous leakages are readily detected (IBC Code 07 Ch.11.1.4, BCH Code Ch.IIIE 3.13)

28 Proposed amendments to Annex 4 – **1 GUIDELINES FOR THE SURVEYS FOR THE INTERNATIONAL CERTIFICATE OF FITNESS FOR THE CARRIAGE OF DANGEROUS CHEMICALS IN BULK AND THE CERTIFICATE OF FITNESS FOR THE CARRIAGE OF DANGEROUS CHEMICALS IN BULK – 1.2 Annual surveys** as following texts:

(DA) 1.2.1.2bis checking the validity of the International Ship Security Certificate;

(DA) 1.2.1.21 confirming that compatibility information to material of construction, protective linings and coating is provided on board. (IBC Code 83/04 Ch 6) (BCH Code 85/90/00, ch.IIG);

(DA) 1.2.1.22 confirming the availability of the International Anti-Fouling System Certificate (AFS 2001 Annex 4 Reg. 2), when applicable.

(DA) 1.2.2.10 examining, as far as practicable, the cargo tank vent system, including the pressure/vacuum valves and secondary means to prevent over- or under-pressure and devices to prevent the passage of flame (IBC Code 83/90/00 ch.8 and ; MSC.102(73), MEPC.79(43), ~~ch.8~~) (BCH Code 85/90/00 ch.IIE and MEPC.80(43), ~~ch.IIE~~);

(DA) 1.2.2.16bis confirming that the system for continuous monitoring of the concentration of flammable vapours is satisfactory (IBC Code 83/90/00, ch.11);

(DA) 1.2.2.21 confirming that sampling points or detector heads are located in suitable positions in order that potentially dangerous leakages are readily detected (IBC Code 07 Ch.11.1.4, BCH Code Ch.IIIE 3.13)

29 Proposed amendments to Annex 4 – **2 GUIDELINES FOR SURVEYS FOR THE INTERNATIONAL CERTIFICATE OF FITNESS FOR THE CARRIAGE OF LIQUEFIED GASES IN BULK** as following texts:

(GI) 2.1.2.11.2 Cargo control and monitoring systems such as level gauging; equipment, temperature sensors, pressures gauges, cargo pump room and compressors, and proper control of cargo heat exchanges, if operating;

(GI) 2.1.2.12 examining the hull for cold spots following the first loaded voyage (IGC Code 83/90/00, ch. 4);

(GI) 2.1.2.27.7 ducts from gas-dangerous spaces are not led through accommodation, service and machinery spaces and control stations, except when (GI) 2.1.2.30-33 applies;

(GI) 2.1.2.28 examining, and confirming the satisfactory operation of, the arrangements for the mechanical ventilation of spaces normally entered other than those covered by (GI) 2.1.2.24-27(IGC Code 83/90/00, ch. 12);

(GA) 2.2.1.2bis checking the validity of the International Ship Security Certificate;

(GA) 2.2.1.17 confirming the availability of the International Anti-Fouling System Certificate (AFS 2001 Annex 4 Reg. 2), when applicable.

(GA) 2.2.2.28 examining, and confirming the satisfactory operation of, the arrangements for the mechanical ventilation of spaces normally entered other than those covered by (GI) 2.1.2.24-27 (IGC Code 83/90/00, ch. 12);

30 Proposed amendments to Appendix 1 – **SUMMARY OF AMENDMENTS TO MANDATORY INSTRUMENTS REFLECTED IN THE SURVEY GUIDELINES UNDER HSSC** as following texts:

SOLAS 1974	<u>up to and including the 2006 amendments (MSC 216(82) Annex 1 and 2)</u> <del>up to and including the 2004 amendments (Res. MSC.170(79) and Res. MSC.194(80))</del>
MARPOL	<u>up to and including the 2006 amendments (resolution MEPC.154(55))</u> <del>up to and including the 2005 amendments (Res. MEPC.132(53) and Res. MEPC.141(54))</del>
IGC Code	<u>up to and including the 2006/2007 amendments (resolutions MSC.220(82) and MEPC.166(56))</u> <del>up to and including the 2004 amendments (Res. MSC.179(79))</del>
IBC Code	<u>up to and including the 2006/2007 amendments (res. MEPC.166(56)/ MSC.219(82))</u> <del>up to and including the 2004 amendments (Res. MSC.176(79) and Res. MEPC.119(52))</del>
BCH Code	<u>up to and including the 2006 amendments (resolutions MSC.212(81)/MEPC.144(54))</u>

31 Proposed modification for Appendix 2 – **THE HARMONIZED SYSTEM OF SURVEY AND CERTIFICATION – DIAGRAMMATIC ARRANGEMENT**

Code of types of survey:

<u>I</u>	–	<u>Initial</u>
R	–	Renewal
P	–	Periodical
<u>In</u>	–	Intermediate
A	–	Annual

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**ANNEX 3****DRAFT MEPC RESOLUTION****AMENDMENTS TO THE SURVEY GUIDELINES UNDER THE HARMONIZED  
SYSTEM OF SURVEY AND CERTIFICATION FOR THE  
REVISED MARPOL ANNEX VI**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

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

RECALLING FURTHER resolution A.997(25) by which the Assembly adopted the Survey Guidelines under the Harmonized System of Survey and Certification, 2007 (the Survey Guidelines),

NOTING that the Assembly, when adopting resolution A.997(25), requested the Maritime Safety Committee and the Marine Environment Protection Committee to keep the Survey Guidelines under review and amend them as necessary,

NOTING that the Revised MARPOL Annex VI, as adopted by resolution MEPC.176(58), introduced the Harmonized System of Survey and Certification and is expected to enter into force on 1 July 2010,

HAVING CONSIDERED the amendments to the Survey Guidelines for the Revised MARPOL Annex VI prepared by the Sub-Committee on Bulk Liquids and Gases at its thirteenth session and reviewed by the Sub-Committee on Flag State Implementation at its seventeenth session,

1. ADOPTS the amendments to the Survey Guidelines under the Revised MARPOL Annex VI, as set out in the Annex to the present resolution;
2. INVITES Governments carrying out surveys required by the Revised MARPOL Annex VI, to follow the provisions of the Survey Guidelines, as amended by this resolution, from 1 July 2010;
3. AGREES that, at a later stage, the amendments to the Survey Guidelines, as adopted by this resolution, be adopted as amendments to those adopted by resolution A.997(25).

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ANNEX

**AMENDMENTS TO THE SURVEY GUIDELINES UNDER THE HARMONIZED  
SYSTEM OF SURVEY AND CERTIFICATION FOR THE  
REVISED MARPOL ANNEX VI**

1 In section **GENERAL**:

- .1 in paragraph 2.8.1, the existing text “MARPOL Annex VI, regulation 5(1)(a)” is replaced as follows:

“MARPOL Annex VI, regulation 5.1.1”

- .2 in paragraph 2.8.3, the existing text “MARPOL Annex VI, regulation 5(1)(b)” is replaced as follows:

“MARPOL Annex VI, regulation 5.1.2”

- .3 in paragraph 2.8.4, the existing text “MARPOL Annex VI, regulation 5(1)(c)” is replaced as follows:

“MARPOL Annex VI, regulation 5.1.3”

- .4 in paragraph 2.8.5, the existing text “MARPOL Annex VI, regulation 5(1)(d) ”is replaced as follows:

“MARPOL Annex VI, regulation 5.1.4”

- .5 in paragraph 2.8.7, the existing text “MARPOL Annex VI, regulation 5(1)(d)” is replaced as follows:

“MARPOL Annex VI, regulation 5.1.5”

- .6 in paragraph 3.2, the existing text “Annex VI, regulation 19” is replaced as follows:

“Annex VI, regulation 5”

- .7 in paragraph 4.8.1, the existing text “MARPOL Annex VI, regulation 6(1)” is replaced as follows:

“MARPOL Annex VI, regulation 5.3.3”

- .8 in paragraph 5.2:
- .1 in the references, the existing text “MARPOL Annex VI, regulation 9(3)” is replaced as follows:
- “MARPOL Annex VI, regulation 9.3”
- .2 in the guideline, the existing text “MARPOL Annex VI, regulations 9(4) and (5)” is replaced as follows:
- “MARPOL Annex VI, regulations 9.5 and 9.6”
- .3 in the guideline, the existing text “MARPOL Annex VI regulation 9(2)(b)” is replaced as follows:
- “MARPOL Annex VI, regulation 9.2.2,”
- .9 in paragraph 5.4, the existing text “MARPOL Annex VI regulation 9(6)” is replaced as follows:
- “MARPOL Annex VI, regulation 9.6”
- .10 in paragraph 5.5, the existing text “MARPOL Annex VI regulation 9(7)” is replaced as follows:
- “MARPOL Annex VI, regulation 9.7”
- .11 in paragraph 5.6, the existing text “MARPOL Annex VI regulation 9(8)(a)” is replaced as follows:
- “MARPOL Annex VI, regulation 9.9.1”

2 In Annex 3 “SURVEY GUIDELINES UNDER THE MARPOL CONVENTION”, section 4 is replaced as follows:

- (A) **4 GUIDELINES FOR THE SURVEYS FOR THE INTERNATIONAL AIR POLLUTION PREVENTION CERTIFICATE AND THE NO<sub>x</sub> TECHNICAL CODE**
- (AI) **4.1 Initial surveys** – see part “General”, section 4.1
- (AI) 4.1.1 For air pollution prevention the examination of plans and designs should consist of:
- (AI) 4.1.1.1 examining the arrangements for systems using ozone-depleting substances (regulation 12 of Annex VI);
- (AI) 4.1.1.2 examining the arrangements for NO<sub>x</sub> emission control, if applicable (regulation 13 of Annex VI);

- (AI) 4.1.1.3 examining the arrangements for SO<sub>x</sub> and particulate matter control, if applicable (regulation 14 of Annex VI);
- (AI) 4.1.1.4 examining the arrangements for vapour collection systems, if applicable (regulation 15 of Annex VI and MSC/Circ.585);
- (AI) 4.1.1.5 examining the arrangements for shipboard incinerators, if applicable (regulation 16 of Annex VI).
- (AI) 4.1.2 For air pollution prevention the survey should consist of:
  - (AI) 4.1.2.1 Ozone-depleting substances (regulation 12 of Annex VI):
    - (AI) 4.1.2.1.1 confirming, if applicable, the satisfactory installation and operation of systems using ozone depleting substances;
    - (AI) 4.1.2.1.2 confirming that no installation or equipment containing ozone depleting substances has been installed after 19 May 2005, other than hydro-chlorofluorocarbons (regulation 12.3.1 of Annex VI);
    - (AI) 4.1.2.1.3 confirming that no installation or equipment containing hydro-chlorofluorocarbons are fitted after 1 January 2020 (regulation 12.3.2 of Annex VI).
  - (AI) 4.1.2.2 Nitrogen oxide emissions from marine diesel engines (regulation 13 of Annex VI):
    - (AI) 4.1.2.2.1 confirming that all marine diesel engines which are required to be certified are pre-certified in accordance with section 2.2 of the NO<sub>x</sub> Technical Code to the required Tier and installed in accordance with the approved duty cycle.
      - (AI) 4.1.2.2.1.1 If engine parameter check method is used:
        - (AI) 4.1.2.2.1.1.1 an onboard verification survey in accordance with section 6.2 of the NO<sub>x</sub> Technical Code.
        - (AI) 4.1.2.2.1.2 If the simplified method is used:
          - (AI) 4.1.2.2.1.2.1 an onboard verification survey in accordance with section 6.3 of the NO<sub>x</sub> Technical Code.
        - (AI) 4.1.2.2.1.3 If direct measurement and monitoring method is used (for existing ships only):
          - (AI) 4.1.2.2.1.3.1 an onboard verification survey, in accordance with section 6.4 of the NO<sub>x</sub> Technical Code.

- (AI) 4.1.2.2.1.4 For marine diesel engines of an output more than 5,000 kW and a per cylinder displacement at or above 90 litres/cylinder installed on ships constructed between 1 January 1990 and 31 December 1999, check whether:
- .1 an approved method exists;
  - .2 an approved method is not commercially available; or
  - .3 that an approved method is installed and where this is the case, that there is an approved method file.
- and apply the verification procedures as given in the approved method file.
- (AI) 4.1.2.3 Sulphur Oxides and Particulate Matter (regulation 14 of Annex VI):
- (AI) 4.1.2.3.1 confirming, if appropriate, that:
- .1 satisfactory arrangements are in place for using compliant fuel as required; or
  - .2 satisfactory installation and operation of the fuel switching arrangements are in place when tanks are provided for different grades of fuel; or
  - .3 satisfactory installation and operation of the exhaust gas cleaning system or other technological methods are examined, (regulation 4 of Annex VI).
- (AI) 4.1.2.4 Volatile Organic Compounds (regulation 15 of Annex VI) (if applicable):
- (AI) 4.1.2.4.1 confirming the satisfactory installation of the vapour collection piping;
- (AI) 4.1.2.4.2 confirming the satisfactory installation and operation of the means provided to eliminate the collection of condensation in the system, such as drains in low points of the line end;
- (AI) 4.1.2.4.3 confirming the satisfactory installation and operation of the isolation valves at the vapour manifolds;
- (AI) 4.1.2.4.4 confirming that the ends of each line are properly identified as vapour collection lines;
- (AI) 4.1.2.4.5 confirming that the vapour collection flanges are in accordance with the IMO guidelines and industrial standards;
- (AI) 4.1.2.5 Shipboard Incinerators (regulation 16 of Annex VI) (installed on or after 1 January 2000):
- (AI) 4.1.2.5.1 confirming the satisfactory installation and operation of each incinerator;

- (AI) 4.1.2.5.2 confirming that the manufacturer's name, incinerator model number/type and capacity in heat units per hour is permanently marked on the incinerator;
- (AI) 4.1.3 For air pollution prevention the check that certificates and other relevant documentation have been placed on board should consist of:
- (AI) 4.1.3.1 the provision of (AA) 4.2.2.2 as applicable except (AA) 4.2.2.2.14;
- (AI) 4.1.4 For air pollution prevention the completion of the initial survey should consist of:
- (AI) 4.1.4.1 after satisfactory survey, issuing the International Air Pollution Prevention Certificate.
- (AA) **4.2 Annual surveys** – see “General”, section 4.2
- (AA) 4.2.1 For air pollution prevention the examination of current certificates and other records should consist of:
- (AA) 4.2.1.1 checking the validity, as appropriate, of the Cargo Ship Safety Equipment Certificate, the Cargo Ship Safety Radio Certificate and the Cargo Ship Safety Construction Certificate or the Cargo Ship Safety Certificate;
- (AA) 4.2.1.2 checking the validity of the Safety Management Certificate (SMC) and that a copy of the Document of Compliance (DOC) is on board, where applicable;
- (AA) 4.2.1.3 checking the validity of the International Load Line Certificate or International Load Line Exemption Certificate;
- (AA) 4.2.1.4 checking the validity of the International Oil Pollution Prevention Certificate;
- (AA) 4.2.1.5 checking the certificates of class, if the ship is classed with a classification society;
- (AA) 4.2.1.6 checking, when appropriate, the validity of the International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk or the Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk;
- (AA) 4.2.1.7 checking that the ship's complement complies with the Minimum Safe Manning Document (SOLAS 74/88, regulation V/13(b));
- (AA) 4.2.1.8 checking that the master, officers and ratings are certificated as required by the STCW Convention;
- (AA) 4.2.1.9 checking whether any new equipment has been fitted and, if so, confirming that it has been approved before installation and that any changes are reflected in the appropriate certificate.

- (AA) 4.2.2 For air pollution prevention the annual survey should consist of the following:
- (AA) 4.2.2.1 General:
- (AA) 4.2.2.1.1 confirm that no changes have been made or any new equipment installed which would affect the validity of the certificate;
- (AA) 4.2.2.2 Documentation:
- (AA) 4.2.2.2.1 confirm that there is an Ozone Depleting Substances Record Book, if applicable (regulation 12.6 of Annex VI);
- (AA) 4.2.2.2.2 confirm that there are Engine International Air Pollution Prevention (EIAPP) Certificates for each marine diesel engine, required to be certified, as described in chapter 2.1 of the NO<sub>x</sub> Technical Code;
- (AA) 4.2.2.2.3 confirm that there is on board an approved Technical File for each marine diesel engine required to be certified;
- (AA) 4.2.2.2.4 confirm that there is a record book of engine parameters for each marine diesel engine required to be certified in the case where the engine parameter check method is used as a means of onboard NO<sub>x</sub> verification (NO<sub>x</sub> Technical Code, paragraph 6.2.3);
- (AA) 4.2.2.2.5 confirm that there is an approved onboard monitoring manual for each marine diesel engine required to be certified in the case where the direct measurement and monitoring method is to be used as a means of onboard NO<sub>x</sub> verification (NO<sub>x</sub> Technical Code, paragraph 6.4.17.1)
- (AA) 4.2.2.2.6 confirm that there are written procedures covering fuel change over, where applicable.
- (AA) 4.2.2.2.7 confirm that there is a record of fuel changeover, where applicable, and that this record should take the form of a log-book as prescribed by the Administration (regulation 14.6 of Annex VI)<sup>1</sup>;
- (AA) 4.2.2.2.8 confirm that there is for each Exhaust Gas Cleaning System (EGCS)-SO<sub>x</sub> either a SO<sub>x</sub> Emission Control Area (SECA<sup>2</sup>) Compliance Certificate for the EGCS-SO<sub>x</sub>, or an Onboard Monitoring Manual (OMM) as appropriate, plus in either cases a SECA Compliance Plan (regulation 4 of Annex VI) or approved documentation in respect of other technological means of achieving compliance;

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<sup>1</sup> When not prescribed by the Administration, this information could be contained in the engine room log-book, the deck log-book, the official log-book, the oil record book or a separate log-book solely for this purpose.

<sup>2</sup> This will need to be updated when the exhaust gas cleaning system guidelines are updated to take into account the revised Annex VI for consistency against for the terminology used in the revised guideline.

- (AA) 4.2.2.2.9 confirm that there is a VOC Management Plan, if required (regulation 15.6 of Annex VI);
- (AA) 4.2.2.2.10 confirm that there is a transfer procedure, if required, for the VOC collection system;
- (AA) 4.2.2.2.11 confirm that there is, if required, an IMO Type Approval Certificate for each incinerator on board (regulation 16.6.1 of Annex VI);
- (AA) 4.2.2.2.12 confirm that there is an instruction manual for each incinerator if required (regulation 16.7 of Annex VI);
- (AA) 4.2.2.2.13 confirm that records documenting training of the crew in operating each incinerator, if required;
- (AA) 4.2.2.2.14 confirm that there are the required bunker delivery notes on board and the required fuel oil samples are kept under the ships control (regulation 18 of Annex VI) or other relevant documentation;
- (AA) 4.2.2.3 Systems containing ozone-depleting substances, if fitted:
  - (AA) 4.2.2.3.1 confirm that no new installation or equipment containing ozone depleting substances except those covered by (AA) 4.2.2.3.2 have been fitted to the ship after 19 May 2005. (regulation 12.3.1 of Annex VI);
  - (AA) 4.2.2.3.2 confirm that no installations containing hydro-chlorofluocarbons have been fitted after 1 January 2020 (regulation 12.3.2);
  - (AA) 4.2.2.3.3 examine externally any installation or equipment as far as practicable to ensure satisfactory maintenance and that there are no emissions of ozone-depleting substances;
  - (AA) 4.2.2.3.4 confirm through documentary evidence that there has been no deliberate emission of ozone-depleting substance.
- (AA) 4.2.2.4 Nitrogen oxide emissions from each diesel marine diesel engine:
  - (AA) 4.2.2.4.1 confirm that each marine diesel engine has been operated as required in accordance with its applicable NO<sub>x</sub> emission limit(s);
  - (AA) 4.2.2.4.2 confirm that no marine diesel engine been subject to major conversion in the intervening period.
  - (AA) 4.2.2.4.3 If engine parameter check method is used:
    - (AA) 4.2.2.4.3.1 review engine documentation contained in the Technical File and the record book of engine parameters to check, as far as practicable, engine rating, duty and limitation/restrictions as given in the Technical File;

- (AA) 4.2.2.4.3.2 confirm that the engine has not undergone any modifications or adjustments outside the options and ranges permitted in the Technical File since the last survey;
- (AA) 4.2.2.4.3.3 conduct survey as detailed in the Technical File;
- (AA) 4.2.2.4.4 If the simplified method is used:
- (AA) 4.2.2.4.4.1 review engine documentation contained in the Technical File;
- (AA) 4.2.2.4.4.2 confirm that the test procedure is acceptable to the Administration;
- (AA) 4.2.2.4.4.3 confirm that the analysers, engine performance sensors, ambient condition measurement equipment, span check gases and other test equipment are the correct type and have been calibrated in accordance with the NO<sub>x</sub> Technical Code;
- (AA) 4.2.2.4.4.4 confirm that the correct test cycle, as defined in the engine's Technical File, is used for this onboard confirmation test measurements;
- (AA) 4.2.2.4.4.5 ensure that a fuel sample is taken during the test and submitted for analysis;
- (AA) 4.2.2.4.4.6 witness the test and confirm that a copy of the test report has been submitted for approval on completion of the test.
- (AA) 4.2.2.4.5 If the direct measurement and monitoring method is used:
- (AA) 4.2.2.4.5.1 review the Technical File and the onboard monitoring manual that the arrangements are as approved;
- (AA) 4.2.2.4.5.2 the procedures to be checked in the direct monitoring and measure method and the data obtained as given in the approved onboard monitoring manual should be followed (NO<sub>x</sub> Technical Code 6.4.16.1).
- (AA) 4.2.2.4.6 For a marine diesel engine with an output of more than 5,000 kW and a per cylinder displacement at or above 90 litres/cylinder installed on ships constructed between 1 January 1990 and 31 December 1999, check whether:
- .1 an approved method exists;
  - .2 an approved method is not commercially available; or
  - .3 that an approved method is installed and where this is the case, that there is an approved method file.
- and apply the verification procedures as given in the approved method file.
- (AA) 4.2.2.5 Sulphur Oxides and Particulate Matter:
- confirming, if appropriate, that:

- .1 satisfactory arrangements are in place for using compliant fuel as required; or
  - .2 satisfactory installation and operation of the fuel switching arrangements are in place when tanks are provided for different grades of fuel, including records of the changeover to and from low sulphur fuel during transit through an emission control area established for SO<sub>x</sub> and particulate matter control; or
  - .3 satisfactory installation and operation of the exhaust gas cleaning system or other technological methods are examined, (regulation 4 of Annex VI).
- (AA) 4.2.2.6 Volatile Organic Compounds (VOCs):
- (AA) 4.2.2.6.1 confirm that the vapour collect system, if required, is maintained in accordance with its approved arrangement;
- (AA) 4.2.2.6.2 for ships carrying crude oil, confirm the VOC management plan has been implemented as appropriate.
- (AA) 4.2.2.7 Incineration:
- (AA) 4.2.2.7.1 confirm that prohibited materials have not been incinerated
- (AA) 4.2.2.7.2 confirm that shipboard incineration of sewage sludge or sludge oil in boilers or marine power plants is not undertaken while the ship is inside ports, harbours or estuaries
- (AA) 4.2.2.8 Incinerators (installed on or after 1 January 2000):
- (AA) 4.2.2.8.1 confirm that operators have been trained as required;
- (AA) 4.2.2.8.2 confirm from an external examination that each incinerator is in a generally satisfactory condition and free from leaks of gas or smoke;
- (AA) 4.2.2.8.3 confirm that combustion chamber outlet temperatures have been maintained as required;
- (AA) 4.2.2.8.4 confirm that each incinerator is maintained according to its approved arrangement.
- (AA) 4.2.3 Fuel Oil Quality
- (AA) 4.2.3.1 confirm that Bunker Delivery Notes as required conform to the requirements of MARPOL Annex VI, Appendix V;
- (AA) 4.2.3.2 confirm that MARPOL samples as required are retained on board and labels duly completed or otherwise retained under the ship's control;

- (AA) 4.2.3.3 confirm that documentation in lieu of that required by 4.2.3.1 or 4.2.3.2 is available on board.
- (AA) 4.2.4 For air pollution prevention the completion of the annual survey should consist of:
- (AA) 4.2.4.1 after a satisfactory survey, endorsing the International Air Pollution Prevention certificate;
- (AA) 4.2.4.2 if a survey shows that the condition of the ship or its equipment is unsatisfactory – see “General”, section 4.8.
- (AIn) **4.3 Intermediate surveys** – see “General”, section 4.3
- (AIn) 4.3.1 For air pollution prevention the examination of current certificates and other records should consist of:
- (AIn) 4.3.1.1 the provisions of (AA) 4.2.1.
- (AIn) 4.3.2 For air pollution prevention the intermediate survey should consist of:
- (AIn) 4.3.2.1 the provisions of (AA) 4.2.2.
- (AIn) 4.3.3 For air pollution prevention the completion of the intermediate survey should consist of:
- (AIn) 4.3.3.1 after a satisfactory survey, endorsing the International Air Pollution Prevention Certificate;
- (AIn) 4.3.3.2 if a survey shows that the condition of the ship or its equipment is unsatisfactory see “General”, section 4.8.
- (AR) **4.4 Renewal surveys** – see “General”, section 4.5
- (AR) 4.4.1 For air pollution prevention the examination of current certificates and other records should consist of:
- (AR) 4.4.1.1 the provisions of (AA) 4.2.1 except the validity of the International Air Pollution Prevention Certificate.
- (AR) 4.4.2 For air pollution prevention the renewal survey should consist of:
- (AR) 4.4.2.1 the provisions of (AA) 4.2.2;
- (AR) 4.4.2.2 for each incinerator the renewal survey should consist of;
- (AR) 4.4.2.2.1 confirming, if necessary by simulated test or equivalent, the satisfactory operation of the following alarms and safety devices;

(AR) 4.4.3 For air pollution prevention the completion of the renewal survey should consist of:

(AR) 4.4.3.1 after satisfactory survey the International Air Pollution prevention Certificate should be issued.

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**ANNEX 4****DRAFT MSC-MEPC.5 CIRCULAR****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**

1 The Maritime Safety Committee, [at its eighty-sixth session (27 May to 5 June 2009)] and the Marine Environment Protection Committee [at its fifty-ninth session (13 to 17 July 2009)] reviewed the matter of the replacement of existing certificates by the certificates issued after the entry into force of amendments to certificate in IMO instruments.

2 In conducting such a review, both Committees noted that a comparable case was already addressed by the Marine Environment Protection Committee at its fifty-fourth session (20 to 24 March 2006). The Committee then approved circular MEPC.1/Circ.513 on Validity of the IOPP Certificate and Supplements issued under the current MARPOL Annex I after 1 January 2007, subsequently released on 18 April 2006.

3 Both Committees agreed to approve the following guidance with regard to the replacement of existing certificates by the certificate issued after the entry into force of amendments to certificates in all IMO instruments (such as the Load-Lines Convention, the SOLAS Convention and the MARPOL Conventions and Codes made mandatory under these Conventions):

- .1 in cases where the ship has not to comply with new requirements, the certificate (and its supplement, if any) is not reissued until its expiry;
- .2 in cases where the ship has to comply with new requirements, the certificate (and its supplement, if any) is re-issued at the opportunity of the first survey occurring after the date of entry into force of the amendments; and
- .3 where a ship is subjected to a modification or conversion which involves an additional survey, the certificate (and its supplement, if any) is re-issued.

4 Member Governments and Parties to the IMO Conventions are invited to note the above and to bring this circular to the attention of all parties concerned, in particular port State control officers under their jurisdiction.

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**ANNEX 5****DRAFT ASSEMBLY RESOLUTION****AMENDMENTS TO THE CODE FOR THE IMPLEMENTATION  
OF MANDATORY IMO INSTRUMENTS, 2007**

THE ASSEMBLY,

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

RECALLING ALSO that, by resolution A.996(25), it adopted the Code for the Implementation of Mandatory IMO Instruments, 2007,

RECOGNIZING the need for the above Code to be revised to take account of the amendments to the IMO instruments referred to above, which have entered into force or become effective since the adoption of resolution A.996(25),

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

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

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

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

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

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

- (a) becoming party to all instruments related to maritime safety, security and pollution prevention and control;

- (b) implementing and enforcing such instruments fully and effectively;
- (c) reporting to the Organization, as required,

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

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

HAVING CONSIDERED the recommendations made by the Maritime Safety Committee, [at its eighty-sixth] session and the Marine Environment Protection Committee, [at its fifty-ninth] session,

1. ADOPTS the amendments to the Code for the Implementation of Mandatory IMO Instruments, 2007, set out in the annex to the present resolution;
2. URGES Governments of all States in their capacity as flag, port and coastal States to implement the amendments to the Code on a national basis;
3. REQUESTS the Maritime Safety Committee and the Marine Environment Protection Committee to keep the Code under review and, in coordination with the Council, to propose amendments thereto to the Assembly;
4. REQUESTS the Secretary-General to display on the Organization's website a consolidated working version of the Code for the Implementation of Mandatory IMO Instruments, 2009.

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ANNEX

Annex 1

**OBLIGATIONS OF CONTRACTING GOVERNMENTS/PARTIES**

The following table contains a non-exhaustive list of obligations, including those obligations imposed when a right is exercised.

<b>Obligations of Contracting Governments/Parties</b>		
<b>Source</b>	<b>Summary description</b>	<b>Comments</b>
<b>IMDG Code</b>		
Section 1.1.3	Transport of radioactive material – role of Competent Authority	<u>delete after 1.1.2010 by res. MSC.262(84)</u>
<u>Section 1.5.2</u>	<u>Radiation protection programme – role of Competent Authority</u>	<u>in force 1.1.2010 by res. MSC.262(84)</u>
<u>Section 1.5.3</u>	<u>Quality assurance programmes – role of Competent Authority</u>	<u>in force 1.1.2010 by res. MSC.262(84)</u>
<u>Chapter 4.1</u>	<u>Approval of packagings as referred in the Chapter – role of Competent Authority</u>	<u>in force 1.1.2010 by res. MSC.262(84)</u>
Chapter 6.2	Approval of pressure receptacles, aerosol dispensers <del>and</del> , small receptacles containing gas <u>and fuel cell cartridges containing liquefied flammable gas</u> – role of Competent Authority	<u>in force 1.1.2010 by res. MSC.262(84)</u>
<u>Section 6.3.2</u>	<u>Quality assurance programme – role of Competent Authority</u>	<u>in force 1.1.2010 by res. MSC.262(84)</u>
<u>Section 6.3.5</u>	<u>Procedures for performance and frequency of tests – role of Competent Authority</u>	<u>in force 1.1.2010 by res. MSC.262(84)</u>
<b><u>Casualty Investigation Code</u></b>		
<u>Para 4/4.1</u>	<u>Detailed contact information of the marine safety investigation Authority (ies) to IMO</u>	<u>in force 1.1.2010 by res. MSC.255(84)</u>
<u>Paras 5/5.1 and 5.2</u>	<u>Notification of a marine casualty</u>	<u>in force 1.1.2010 by res. MSC.255(84)</u>

<b>Obligations of Contracting Governments/Parties</b>		
<b>Source</b>	<b>Summary description</b>	<b>Comments</b>
<u>Paras 7/7.1 and 7.2</u>	<u>Agreement to conduct a marine safety investigation</u>	<u>in force 1.1.2010 by res. MSC.255(84)</u>
<u>Para 8/8.1</u>	<u>Powers provided for investigator(s)</u>	<u>in force 1.1.2010 by res. MSC.255(84)</u>
<u>Para 9/9.2</u>	<u>Coordination for parallel investigations</u>	<u>in force 1.1.2010 by res. MSC.255(84)</u>
<u>Para 10/10.1</u>	<u>Cooperation in investigating</u>	<u>in force 1.1.2010 by res. MSC.255(84)</u>
<u>Para 11/11.1</u>	<u>Investigation not to be subject to external direction</u>	<u>in force 1.1.2010 by res. MSC.255(84)</u>
<u>Paras 13/13.1, 13.4 and 13.5</u>	<u>Draft marine safety investigation reports</u>	<u>in force 1.1.2010 by res. MSC.255(84)</u>
<u>Paras 14/14.1 and 14.2</u>	<u>Marine safety investigation reports – communication to IMO</u>	<u>in force 1.1.2010 by res. MSC.255(84)</u>
<u>Paras 14/14.4</u>	<u>Marine safety investigation reports – available to public and shipping industry</u>	<u>in force 1.1.2010 by res. MSC.255(84)</u>

Annex 2

**SPECIFIC FLAG STATE OBLIGATIONS**

The following tables contain a non-exhaustive list of obligations, including those obligations imposed when a right is exercised.

<b>Specific flag State obligations</b>		
<b>Source</b>	<b>Summary description</b>	<b>Comments</b>
<b>SOLAS 74</b>		
Reg. II-1/1.2	Compliance with earlier requirements	revised SOLAS chapter II-I adopted by MSC 80 and MSC 82
<del>Reg. II-1/3-2.2</del> <u>Reg. II-1/3-2</u>	Approval of corrosion prevention systems of seawater ballast tanks	
<u>Reg. II-1/3-2.4</u>	<u>Maintenance of the protective coating</u>	
<del>Reg. II-1/3-4.22</del> <del>and 3-4.3-3-4.1.2.2</del> <u>and 3-4.1.3</u>	Approval of emergency towing arrangements on tankers	<u>in force 1.1.2010 by res. MSC.256(84)</u>
<del>Reg. II-1/3-4.22</del> and <del>3-4.3</del> <u>Reg. II-1/3-4.2.2</u> and <u>3-4.3</u>	Approval of emergency towing arrangements on tankers	
<u>Reg. II-1/3-8.3</u>	<u>Appropriate requirements of towing and mooring equipment</u>	
<u>Reg. II-1/3-9.1</u>	<u>Means of embarkation and disembarkation</u>	<u>01.1.2010 by res. MSC.256(84)</u>
<u>Reg. II-1/4.2</u>	<u>Alternative methodologies – communication to IMO</u>	
<u>Reg. II-1/4.4</u>	<u>Beneficial or adverse effects of fitting structures as defined by the regulation</u>	
<u>Reg. II-1/5-1.1</u>	<u>Stability information to the Administration</u>	
<u>Reg. II-1/7-2.5</u>	<u>Acceptance to equalization devices and their control</u>	
<u>Reg. II-1/13.9.2</u>	<u>Number and arrangements of doors with a device preventing unauthorized opening</u>	

<b>Specific flag State obligations</b>		
<b>Source</b>	<b>Summary description</b>	<b>Comments</b>
<u>Reg. II-1/13.11.2</u>	<u>Special consideration for tunnels piercing watertight bulkheads</u>	
<u>Reg. II-1/15.2</u>	<u>Arrangement and efficiency of the means for closing any opening in the shell plating</u>	
<u>Reg. II-1/15.8.5</u>	<u>Material of pipes as referred in the regulation</u>	
<u>Reg. II-1/16.1.1</u>	<u>Construction and initial tests of watertight doors, sidescuttles, etc.</u>	
<u>Reg. II-1/16-1.1</u>	<u>Construction and initial tests of watertight decks, trunks, etc.</u>	
<u>Reg. II-1/22.4</u>	<u>Determination for watertight doors permitted to remain open</u>	
<u>Reg. II-1/9.1</u>	<u>Ballasting of passenger ships</u>	
<u>Reg. II-1/12.2 and 12-1.2</u>	<u>Approval of double bottoms</u>	
<u>Reg. II-1/14.1</u>	<u>Construction and initial testing of watertight bulkheads, etc., in passenger ships and cargo ships</u>	
<u>Reg. II-1/17.2 and 9.4</u>	<u>Openings in the shell plating of passenger ships below the margin line</u>	
<u>Reg. II-1/18.1.1</u>	<u>Construction and initial tests of watertight doors, sidescuttles, etc., in passenger ships and cargo ships</u>	
<u>Reg. II-1/19.1</u>	<u>Construction and initial tests of watertight decks, trunks, etc., in passenger ships and cargo ships</u>	
<u>Reg. II-1/25-1.3</u>	<u>Alternative arrangements — information to IMO</u>	
<u>Reg. II-1/35-1.3.7.2 and 3.9</u>	<u>Bilge pumping arrangements</u>	
<u>Reg. II-2/20.6.1.4.2</u>	<u>Adverse effect as referred in the regulation – Approval of stability information</u>	<u>in force 1.1.2010 by res. MSC.256(84)</u>

<b>Specific flag State obligations</b>		
<b>Source</b>	<b>Summary description</b>	<b>Comments</b>
Reg. XI-1/3.5.4	<u>Ship identification number – approval of method of marking the ship identification number</u>	
Reg. XI-1/3-1.2	<u>Registered owner identification number</u>	
Reg. XI-1/6	<u>Each Administration shall conduct Investigations of marine casualties and incidents.</u>	In force 1.1.2010 by res. MSC.257(84)
<b>MARPOL</b>		
<b>Annex IV</b>		
Reg. 11(1)(1)	<u>Approval of rate of discharge</u>	
<b>FSS Code</b>		
Para 4/3.2.2.2	<u>Approval of the foam concentrate</u>	
Para 7/2.1	<u>Fixed pressure water-spraying fire-extinguishing systems - approval</u>	
Para 7/2.1.1.1	<u>Type approval of spraying nozzles</u>	
Para 7/2.1.1.2	<u>Number and arrangement of nozzles</u>	
Para 7/2.3	<u>Fixed pressure water-spraying fire-extinguishing systems for cabin balconies – approval</u>	
Para 9/2.6	<u>Fixed fire detection and fire alarm systems for cabin balconies – approval</u>	
<b>1994 HSC Code</b>		
Para 8.9.1.2	<u>Approval of novel life-saving appliances or arrangements</u>	
Para 8.9.1.3	<u>Notification to the Organization</u>	
Para 8.9.7.2	<u>Deployment intervals of MES</u>	
Para 8.9.11	<u>Novel life-saving appliances or arrangements</u>	

<b>Specific flag State obligations</b>		
<b>Source</b>	<b>Summary description</b>	<b>Comments</b>
<u>Para 8.9.12</u>	<u>Notification to the Organization</u>	
<b>2000 HSC Code</b>		
Para 1.4.37 <del>36</del>	Determination of “maximum operational weight”	
<u>Para 1.9.1.1.4</u>	<u>Transit voyage – satisfied with the arrangement</u>	
<u>Para 1.9.7</u>	<u>The worst intended conditions and the operational limitations</u>	
Para <del>2.7.5</del> <del>2.7.4</del> and 2.14.2	Inclining and stability information – approval	
<u>Para 4.8.10</u>	<u>Evacuation demonstration</u>	
Para <del>7.3.3</del> <del>2</del>	Approval of structural fire protection details	
Para <del>7.7.3.2.6</del> 7.7.3.3.6	Additional quantity of fire-extinguishing medium	
Para <del>7.7.5.5</del>	<del>Maximum length of fire hoses</del>	
<u>Para 7.17.3.1.5</u>	<u>Water spray system – approval</u>	
<b>BCH Code</b>		
Section 1.8	New products – establishing suitable conditions – notification to IMO	<del>amended by Res. MEPC.144(54) (in force 1.8.07)</del>
<del>Section 2.17</del>	<del>Structural materials for tank construction, etc.</del>	<del>deleted after 1.8.07 by Res. MEPC.144(54)</del>
Chapter IV	Approval of special requirements for specific chemicals	<del>amended by Res. MEPC.144(54) (in force 1.8.07)</del>
Para <del>5A.3.1</del>	<del>Procedures and Arrangements Manual – approval</del>	<del>deleted after 1.8.07 by Res. MEPC.144(54)</del>

<b>Specific flag State obligations</b>		
<b>Source</b>	<b>Summary description</b>	<b>Comments</b>
<b>Res. MEPC.94(46), as amended</b>	Condition assessment scheme	
Para 13	Issue, suspension or withdrawal of Statement of Compliance	amended by Res. MEPC.155(55) (in force 1.3.08)
<b><u>Res. MSC.215(82)</u></b>	<u>Performance standard for protective coatings</u>	
<u>Para 3.2</u>	<u>Inspection of surface preparation and coating processes</u>	
<u>Para 3.4.1</u>	<u>Coating technical file</u>	
<u>Para 4.4.3</u>	<u>The Technical Data Sheet and Statement of Compliance or Type Approval Certificate – verification</u>	
<u>Section 5</u>	<u>Coating system approval</u>	
<u>Para 6.1.1</u>	<u>Verification of equivalent qualification of coating inspector</u>	
<u>Section 7</u>	<u>Verification requirements</u>	
<b>Res. A.744(18), as amended</b>	Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers	
<b>Annex A – Bulk carriers</b>		
<b><u>Part A – Single-side skin bulk carriers</u></b>		<u>in force 1.1.2010 by res. MSC.261(84)</u>
<b><u>Part B – Double-side skin bulk carrier</u></b>		<u>in force 1.1.2010 by res. MSC.261(84)</u>
<u>Para 1.3.1</u>	<u>Repair of damage affecting the ship’s structural, watertight or weathertight integrity</u>	<u>in force 1.1.2010 by res. MSC.261(84)</u>
<u>Para 1.3.2</u>	<u>Corrosion or structural defects impairing the ship’s fitness</u>	<u>in force 1.1.2010 by res. MSC.261(84)</u>

<b>Specific flag State obligations</b>		
<b>Source</b>	<b>Summary description</b>	<b>Comments</b>
<u>Para 3.3.4</u>	<u>Cargo hatch cover securing system</u>	<u>in force 1.1.2010</u> <u>by res. MSC.261(84)</u>
<u>Para 5.1.1</u>	<u>Survey programme</u>	<u>in force 1.1.2010</u> <u>by res. MSC.261(84)</u>
<u>Para 5.1.5</u>	<u>Maximum acceptable structural corrosion diminution levels</u>	<u>in force 1.1.2010</u> <u>by res. MSC.261(84)</u>
<u>Para 5.2.2</u>	<u>Provisions for proper and safe access</u>	<u>in force 1.1.2010 by</u> <u>res. MSC.261(84)</u>
<u>Para 6.2.2</u>	<u>Survey report file retained in the Administration office</u>	<u>in force 1.1.2010 by</u> <u>res. MSC.261(84)</u>
<u>Paras 8.1.2 and 8.2.3</u>	<u>Evaluation of survey report</u>	<u>in force 1.1.2010 by</u> <u>res. MSC.261(84)</u>
<u>Annex 4B</u>	<u>Survey planning questionnaire</u>	<u>in force 1.1.2010 by</u> <u>res. MSC.261(84)</u>
<u>Annex 5, para 3.1</u>	<u>Certification of a company engaged in thickness measurement</u>	<u>in force 1.1.2010 by</u> <u>res. MSC.261(84)</u>
<u>Annex 9, para 2.3</u>	<u>Technical assessment in conjunction with the planning of enhanced surveys for bulk carriers</u>	<u>in force 1.1.2010 by</u> <u>res. MSC.261(84)</u>
<u>Annex 11, para 3</u>	<u>Materials and welding</u>	<u>in force 1.1.2010 by</u> <u>res. MSC.261(84)</u>
<b>IBC Code</b>		
<u>Para 18.2</u>	<u>Safety requirements – list of products to which the Code does not apply</u>	
<b><u>Casualty Investigation Code</u></b>		
<u>Para 1/1.3</u>	<u>Qualified person (s) for investigation</u>	<u>in force 1.1.2010 by</u> <u>res. MSC.255(84)</u>
<u>Para 6/6.2</u>	<u>Investigation into a very serious marine casualty</u>	<u>in force 1.1.2010 by</u> <u>res. MSC.255(84)</u>

Annex 4

**SPECIFIC PORT STATE OBLIGATIONS**

The following tables contain a non-exhaustive list of obligations, including those obligations imposed when a right is exercised.

<b>Specific port State obligations</b>		
<b>Source</b>	<b>Summary description</b>	<b>Comments</b>
<b>MARPOL</b>		
Annex IV		
Reg. 13	Port State control on operational requirements	<del>In force 1.8.07 by Res. MEPC.143(54)</del>

Annex 5

**INSTRUMENTS MADE MANDATORY UNDER IMO CONVENTIONS**

<b>SOLAS 74</b>	<u>Res. MSC.215(82)</u>	<u>reg. II-1/3-2.2</u>
	<u>Casualty Investigation Code</u>	<u>reg. XI-1/6</u>
	Res. 4 of the 1997 SOLAS Conf.	<del>reg. XII/1.5</del> (reg. XII/1.7 as of 1.7.06)
<b>MARPOL <del>73/78</del></b>	NO <sub>x</sub> Technical Code	Annex VI reg. II/5(3)(b) <del>reg. 2(5)</del>

Annex 6

**SUMMARY OF AMENDMENTS TO MANDATORY INSTRUMENTS  
REFLECTED IN THE CODE**

The amendments of mandatory instruments reflected in the annexes 1 through 4 are summarized below to facilitate the amendment of corresponding tables in the future.

SOLAS 1974	<u>2008 amendments (res. MSC.257(84), except res. MSC.201(81), res. 202(81) and res. 216(82))</u>
FSS Code	<u>up to and including the 2006 amendments (res. 217(82), Annex 1, except res. MSC.206(81))</u>
LSA Code	<u>up to and including 2006 amendments (res. MSC.218(82), except res. MSC.207(81))</u>
IMDG Code	<u>up to and including the 2008 amendments (res. MSC.262(84))</u>
IBC Code	<u>up to and including the 2006 amendments (res. MSC.219(82) and MEPC.166(56))</u>
IGC Code	<u>up to and including the 2006 amendments (res. MSC.220(82))</u>
INF Code	<u>up to and including the 2007 amendments (res. MSC.241(83))</u>
ISM Code	<u>up to and including the 2005 amendments (res. MSC.195(80))</u>
1994 HSC Code	<u>up to and including the 2008 amendments (res. MSC.259(84))</u>
2000 HSC Code	<u>up to and including the 2008 amendments (res. MSC.260(84))</u>
Res. A.744(18)	<u>up to and including res. MSC.261(84)</u>
<u>Res. MSC.215(82)</u>	<u>no amendments yet adopted</u>
<u>Casualty Investigation Code</u>	<u>MSC.255(84)</u>
SOLAS PROT 1988	<u>up to and including the 2008 amendments (res. MSC.258(84), except res. MSC.204(81))</u>
MARPOL	<u>up to and including the 2007 amendments (res. MEPC.164(56))</u>
IBC Code	<u>up to and including the 2006 amendments (res. MEPC.166(56) and MSC.219(82))</u>
LL PROT 1988	<u>up to and including the 2006 amendments (res. MSC.223(82))</u>

Annex 7

The amendments to IMO Instruments expected to be accepted and to enter into force on  
1 July 2010

The following tables contain a non-exhaustive list of obligations, including those obligations  
imposed when a right is exercised.

**OBLIGATIONS OF CONTRACTING GOVERNMENTS/PARTIES**

<b>Obligations of Contracting Governments/Parties</b>		
<b>Source</b>	<b>Summary description</b>	<b>Comments</b>
<b>MARPOL</b>		
<b><u>Revised Annex VI</u></b>		<u>in force 1.7.2010 by res. MEPC.176(58)</u>
Reg. 11.1 (4)	Detection of violations and enforcement – cooperation	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
Reg. 11.2 (2)	Inspection report in case of Detection of violations	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
Reg. 11.3 (3)	Detection of violations and enforcement – information to flag State and master on violations detected	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Reg.11.5</u>	<u>Transmission of report to requesting Party</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Reg.13.7.1</u>	<u>Certification of an Approved Method and communication to IMO</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Reg. 17.1</u>	<u>Adequate Reception Facilities</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Reg. 17.3</u>	<u>Reception Facilities unavailable or inadequate – communication to IMO</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Reg. 18.1</u>	<u>Availability of fuel oils</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Reg. 18.2.1</u>	<u>Ship not compliant fuel oil standards</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Reg. 18.2.3</u>	<u>Action taken, including not to taking control measures</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Reg. 18.2.5</u>	<u>Evidence of the non-availability of compliant fuel oil – communication to IMO</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Reg. 18(7)</u>	<u>Fuel oil quality</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>

<b>Obligations of Contracting Governments/Parties</b>		
<b>Source</b>	<b>Summary description</b>	<b>Comments</b>
<u>Reg. 18.9</u>	<u>Authorities designated for register of local suppliers, bunker delivery note and sample, fuel oil quality, actions against fuel oil suppliers of non-compliance, informing the Administration of any ship receiving non-compliant fuel oil and communication to IMO of non-compliant fuel oil suppliers as referred in the paragraph</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>

**SPECIFIC FLAG STATE OBLIGATIONS**

<b>Specific flag State obligations</b>		
<b>Source</b>	<b>Summary description</b>	<b>Comments</b>
<b>SOLAS 74</b>		
<u>Reg. II-1/55.3, 55.4.1 and 55.6</u>	<u>Evaluation of the alternative design and arrangements and re-evaluation due to change of conditions</u>	<u>in force 1.7.2010 by res. MSC.216(82)</u>
<u>Reg. II-1/55.5</u>	<u>Alternative design and arrangements – communication to IMO</u>	<u>in force 1.7.2010 by res. MSC.216(82)</u>
<u>Reg. II-2/21.5.2</u>	<u>Alternate space for medical care</u>	<u>in force 1.7.2010 by res. MSC.216(82)</u>
<u>Reg. III/38.3, 38.4.1 and 38.6</u>	<u>Evaluation of the alternative design and arrangements and re-evaluation due to change of conditions</u>	<u>in force 1.7.2010 by res. MSC.216(82)</u>
<u>Reg. III/38.5</u>	<u>Alternative design and arrangements – communication to IMO</u>	<u>in force 1.7.2010 by res. MSC.216(82)</u>
<b>MARPOL</b>		
<b><u>Revised Annex VI</u></b>		<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Reg.3 .2 and 3.3.2</u>	<u>Exceptions and Exemptions</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Reg. 4.2 and 4.4</u>	<u>Equivalents and communication to IMO</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Reg. 5</u>	<u>Surveys and certification</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Reg. 9.1</u>	<u>Duration and Validity of Certificate</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Reg. 9.9.3 (9)(e)</u>	<u>Transfer of flag</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Reg. 11.4</u>	<u>Detection of violations and enforcement – investigations and communication to the Party and IMO</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Reg.12.6</u>	<u>Ozone Depleting Substances Record Book – approval of alternative forms of record keeping</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Reg. 13. 1.1.2 &amp; 13.1.2.2) (1)(b)(ii)</u>	<u>Nitrogen oxides – Acceptance of identical replacement and alternative control measures</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Reg. 13(2)(b)</u>	<u>Nitrogen oxides – approval of documentation</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>

<b>Specific flag State obligations</b>		
<b>Source</b>	<b>Summary description</b>	<b>Comments</b>
<u>Reg. 13.2.2</u>	<u>Acceptance of installation of Tier II engine in lieu of Tier III where Tier III engine could not be accommodated</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Reg. 13(3)(b)</u>	<u>Nitrogen oxides—approvals of exhaust gas cleaning systems or equivalent methods</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Reg. 13.5.2.2</u>	<u>Combined nameplate diesel engine – application as referred in the paragraph</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Reg. 13.7.2</u>	<u>Approved Method not commercially available</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Reg. 14(4)(b) and (e)</u>	<u>Sulphur oxides—approvals of exhaust gas cleaning systems or alternatives</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Reg. 14.6 (6)</u>	<u>Sulphur oxides – prescription of log-book</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Reg. 15.5 (5)</u>	<u>Volatile organic compounds – approval of vapour collection systems</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Reg. 15.6</u>	<u>VOC Management Plan - approval</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Reg. 16.6.1 (2)(a)</u>	<u>Shipboard incineration – approvals</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Reg. 17(2)</u>	<u>Notification on alleged inadequacies of port reception facilities</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Appendix IV Para 1</u>	<u>Type approval as referred in the paragraph</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Appendix VI, para 1.2 , para 2.1 and para 3.1</u>	<u>Fuel verification procedure – management and sample delivery</u>	<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<b><u>Res. A.739(18), as amended</u></b>	<u>Guidelines for the authorization of RO</u>	<u>in force 1.7.2010 by res. MSC.208(81)</u>
<b>FSS Code</b>		
<u>Para 5/2.1.2.1</u>	<u>System flow calculations</u>	<u>in force 1.7.2010 by res. MSC.206(81)</u>

<b>Specific flag State obligations</b>		
<b>Source</b>	<b>Summary description</b>	<b>Comments</b>
<b><u>NO<sub>x</sub> Technical Code 2008</u></b>		<u>in force 1.7.2010 by res. MEPC.176(58)</u>
<u>Chapter 1</u>	<u>Assumption of full responsibility for the approval of the documentation as required by the Code together with the acceptance of procedures and alternatives as permitted by the Code.</u>	<u>in force 1.7.2010 by res. MEPC.177(58)</u>
<u>Chapter 2</u>	<u>Issue of the Engine International Air Pollution Prevention Certificate, arrangements for the Parent Engine test and pre-certification of engines, usage of the Engine Family / Engine Group concepts and approval of the Technical File and any subsequent amendments.</u>	<u>in force 1.7.2010 by res. MEPC.177(58)</u>
<u>Chapter 3</u>	<u>Acceptance of modification of engine speed at E2 test cycle 25% power mode point.</u>	<u>in force 1.7.2010 by res. MEPC.177(58)</u>
<u>Chapter 4</u>	<u>Assignment of Engine Family/Engine Group status, as applicable, and selection of associated Parent Engine. Acceptance of conformity of production arrangements. Adjustment of Parent Engine relative to Engine Group reference values.</u>	<u>in force 1.7.2010 by res. MEPC.177(58)</u>
<u>Chapter 5</u>	<u>Ensuring that the Parent Engine test and subsequent calculations are undertaken in accordance with Code requirements and that where alternatives are applied that these meet the Code's equivalency requirements. That any deviations are within the permitted margins. Filing of Parent Engine test report.</u>	<u>in force 1.7.2010 by res. MEPC.177(58)</u>
<u>Chapter 6</u>	<u>Onboard NO<sub>x</sub> Verification Procedures are in accordance with the provisions of the Code and are adequate to provide verification that an engine, as so surveyed, will be in accordance with the applicable Annex VI requirements. Acceptance of aspects within Onboard NO<sub>x</sub> Verification Procedure – Simplified Measurement method if applicable. Approval of aspects within Onboard NO<sub>x</sub> Verification Procedure – Direct Measurement and Monitoring method including the Onboard Monitoring Manual, if applicable.</u>	<u>in force 1.7.2010 by res. MEPC.177(58)</u>

<b>Specific flag State obligations</b>		
<b>Source</b>	<b>Summary description</b>	<b>Comments</b>
<u>Appendix IV</u>	<u>Verification that the calibration of all necessary measurement equipment meets Code requirements.</u>	<u>in force 1.7.2010 by res. MEPC.177(58)</u>
<u>Appendix VII</u>	<u>Aspects to be included within Onboard NOx Verification Procedure – Parameter Check method.</u>	<u>in force 1.7.2010 by res. MEPC.177(58)</u>
<u>Appendix VIII</u>	<u>Approval of alternative exhaust gas measurement principles.</u>	<u>in force 1.7.2010 by res. MEPC.177(58)</u>
<b><u>IS Code, 2008</u></b>	<u>International code on intact stability, 2008</u>	<u>In force 1.7.2010 by res. MSC.267(85)</u>
<u>Part A, Ch. 1.2</u>	<u>Criteria demonstrating sufficient ship's stability in critical stability situation in waves</u>	<u>In force 1.7.2010 by res. MSC.267(85)</u>
<u>Part A, Ch. 2.1.3</u>	<u>Stability criteria where anti-rolling devices are installed</u>	<u>In force 1.7.2010 by res. MSC.267(85)</u>
<u>Part A, Ch. 2.3</u>	<u>Severe wind and stability criterion</u>	<u>In force 1.7.2010 by res. MSC.267(85)</u>
<u>Part A, Ch. 3</u>	<u>Special criteria for certain types of ships</u>	<u>In force 1.7.2010 by res. MSC.267(85)</u>

**SPECIFIC PORT STATE OBLIGATIONS**

<b>Specific port State obligations</b>		
<b>Source</b>	<b>Summary description</b>	<b>Comments</b>
<b>MARPOL <u>Revised Annex VI</u></b>		in force 1.7.2010 by <u>res. MEPC.176(58)</u>
<u>Reg. 5(3)(3)</u>	<u>Necessary assistance to the survey as referred in the paragraph</u>	in force 1.7.2010 by <u>res. MEPC.176(58)</u>
<u>Reg. 14(4)(b)</u>	<u>Discharge criteria—Communication to IMO</u>	in force 1.7.2010 by <u>res. MEPC.176(58)</u>
<u>Reg. 15.3 and 15.4 (2) and (3)</u>	<u>Volatile organic compounds – approvals for vapour emission control systems and notification to IMO</u>	in force 1.7.2010 by <u>res. MEPC.176(58)</u>
<u>Reg. 17.2 (1)</u>	<u>Reception facilities as referred in the paragraph - communication to IMO</u>	in force 1.7.2010 by <u>res. MEPC.176(58)</u>
<u>Reg. 18(5)</u>	<u>Fuel oil quality—inspection of bunker delivery notes</u>	in force 1.7.2010 by <u>res. MEPC.176(58)</u>
<u>Reg. 18.10 (8)</u>	<u>Fuel oil quality – Communication to Party or non-Parties <del>information</del> and remedial action</u>	in force 1.7.2010 by <u>res. MEPC.176(58)</u>

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**ANNEX 6****DRAFT MSC-MEPC.2 CIRCULAR****GUIDANCE FOR THE APPLICATION OF SAFETY, SECURITY AND ENVIRONMENTAL PROTECTION PROVISIONS TO FPSOs AND FSUs**

1 The Maritime Safety Committee, [at its eighty-sixth session (27 May to 5 June 2009)], and the Marine Environment Protection Committee, [at its fifty-ninth session (13 to 17 July 2009)], recognizing that there is a need to provide guidance to Member States such that they may develop regulations on safety, pollution prevention and security of Floating Production Storage and Offloading Facilities (FPSOs)/Floating Storage Units (FSUs), approved the guidance, as set out in the annex, with a view to providing more clear and specific information, for the application of safety, security and environmental protection provisions to FPSOs and FSUs.

2 Member Governments are invited to use the annexed guidance when applying relevant provisions of the SOLAS Convention, including requirements contained in the ISM Code, the Load Lines Convention, MARPOL Convention and the STCW Convention and to bring it to the attention of all parties concerned.

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## ANNEX

### **GUIDANCE FOR THE APPLICATION OF SAFETY, SECURITY AND ENVIRONMENTAL PROTECTION PROVISIONS TO FPSOs AND FSUs**

#### **General**

1 This circular intends to provide guidance to Member States such that they may develop regulations on safety, pollution prevention and security of Floating Production Storage and Offloading Facilities/ Floating Storage Units (FPSOs/FSUs). In the vast majority of cases an adequate safety and pollution prevention regime established by national legislation exists based on provisions of the SOLAS Convention, including requirements contained in the ISM Code, the Load Lines Convention, MARPOL Convention and the STCW Convention, implemented together with exemptions, and industry guidelines.

2 The circular also provides guidance to industry with a view to improving safety, pollution prevention and security of FPSOs/FSUs through recommendations concerning competence of marine operations personnel, manning, safety management systems, operations off location, security, pollution prevention and emergency response of FPSOs/FSUs.

#### **Jurisdiction and administration**

3 In reviewing the current safety regime for FPSOs/FSUs, it is essential to recognize the sovereign rights that the coastal State has over:

- .1 non-connectable FPSOs/FSUs, which are designed to be permanently moored in the waters under the jurisdiction of the coastal State and have no mechanical means to transit under their own propulsion; and
- .2 disconnectable FPSOs/FSUs, self-propelled or non-propelled, while operating on location.

4 Flag States and coastal States should cooperate with a view to ensuring the compliance of FPSOs/FSUs with applicable international standards on maritime safety, marine environment protection, enforcement and control measures such as survey and certification, maritime search and rescue, casualty investigation and emergency response.

#### **Principle of application**

5 Compliance with relevant Conventions such as SOLAS (including the ISM Code), Load Lines, STCW and MARPOL, Assembly resolutions<sup>1</sup> and industry guidelines<sup>2,3</sup> contribute from different perspectives to safety and pollution prevention of FPSOs/FSUs, being disconnectable or non-connectable, self-propelled or non-propelled. Therefore a comprehensive and pragmatic

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<sup>1</sup> Recommendations on Training of Personnel on Mobile Offshore Units (MOUs), resolution A.891(21).

<sup>2</sup> Competence Assurance Guidelines for FPSOs, developed by OCIMF.

<sup>3</sup> Guidelines for Managing Marine Risks Associated with FPSOs, developed by OGP.

approach should be taken when considering the applicability of the above-mentioned instruments and documents to FPSOs/ FSUs given their unique operations.

### **Operations on location**

6 For both disconnectable and non-disconnectable units, the SOLAS, STCW and the Load Line Conventions do not apply as the FPSO/FSU is neither underway nor engaged on an international voyage. However, the Annexes of MARPOL 73/78 apply in light of the definition of a ship in article 2(4) of MARPOL 73/78, which includes floating platforms, and the general applicability of the Convention to ships not engaged in international voyages. MARPOL Annex I should be applied to the extent recommended by resolutions MEPC.139(53) and MEPC.142(54).

7 To ensure that disconnectable self-propelled FPSOs/FSUs can be readily and efficiently disconnected in the event of severe environmental conditions, it is recommended that they should possess a level of safety equivalent to that afforded by the SOLAS and Load Line Conventions. In instances where hardware and arrangements of marine-related systems are impacted by production systems, arrangements which may be more properly addressed by other standards (e.g., based on the MODU Code) may be accepted by the flag State with the concurrence of the coastal State.

8 An approved safety management system, including a maintenance programme particularly for essential marine systems and equipment, should remain effective at all times<sup>3,4,5</sup>. Competence of onboard personnel, both marine and production, should be maintained to an adequate level<sup>2</sup>.

### **Operations off location**

9 Depending on the mooring and riser system capabilities relative to selected design environmental conditions at the location under question, it may be necessary for self-propelled FPSO/FSUs to disconnect and move off location to avoid adverse environmental conditions/loads. Additionally, FPSOs/FSUs may need to be taken off location for dry-docking, repair or maintenance work.

10 When it is necessary to disconnect and undertake an international voyage under its own propulsion (e.g., the FPSO/FSU is flying the flag of a State other than the coastal State in whose waters the FPSO is transiting), it would therefore be subject to the SOLAS (including ISM), STCW, and Load Line Conventions, in addition to MARPOL.

11 In such cases where it is necessary to disconnect, attention is drawn to SOLAS article IV and regulation I/4(a) in the event that limited exemptions from the requirements for physical arrangements or hardware are deemed appropriate.

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<sup>4</sup> International Safety Management Code.

<sup>5</sup> American Petroleum Institute API 75 Recommended Practice for Development of a Safety and Environmental Management Program for Offshore Operations and Facilities.

## **Security**

12 In order to facilitate the interaction between FPSOs/FSUs and other ships, FPSOs/FSUs should comply with SOLAS chapter XI-2 and the ISPS Code, as applicable<sup>6</sup>.

## **Emergency response**

13 An emergency response procedure is recommended to be developed for the FPSO/FSU to address the safety and pollution risks associated with marine and production systems and operations, taking into account the MARPOL Convention, the ISM Code and appropriate guidelines.

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<sup>6</sup> MSC/Circ.1111.

## ANNEX 7

### **GUIDANCE FOR THE SECRETARIAT ON A PRELIMINARY STUDY ON THE WAYS TO DEVELOP A CONSISTENT METHODOLOGY FOR ANALYSIS OF FINDINGS, BEST PRACTICES AND EFFECTIVENESS OF IMPLEMENTATION**

#### *Scope and framework of the study*

- 1 The study should aim to provide a methodology which will enable:
  - .1 feedback to Member States and the Organization of recurrent areas of findings, including the identification of possible underlying causes and best practices;
  - .2 feedback to the Organization on the effectiveness of the implementation by Member States of mandatory instruments falling within the scope of the Voluntary IMO Member State Audit Scheme;
  - .3 development of a format for presentation of the analysis of findings, underlying causes and best practices to Member States and the Organization; and
  - .4 recommendations to be made on who should undertake the analysis for the future, e.g., the Secretariat or an independent panel of experts.
- 2 The study should include a trial of the methodology to verify its effectiveness. The outcome should be summarized and recommendations made, as appropriate, in accordance with the guidance below.
- 3 The study should also examine ways in which additional elements from lessons learned can be added to the consolidated audit summary reports to enable a more effective analysis to be undertaken in the future.

#### *Guidance on the methodology for the study*

- 4 In developing the methodology the Secretariat will be guided by the following:
  - .1 in analysing the findings, underlying causes and best practices, the Secretariat should take into account the following considerations (subparagraph 1.1 above):
    - .1 findings include observations, non-conformities, areas of positive development and areas for further development;
    - .2 to enable effective analysis, areas of positive development and areas for further development should be clearly presented for each part of the Code for the Implementation of Mandatory IMO Instruments (hereinafter the Code);
    - .3 areas of recurring findings should be identified taking into account specific obligations set out in the Auditor's manual, parts 6 to 9, as annexed to document A 25/8/1;

- .4 applicable provisions of the audit standard associated with non-conformities and observations should be linked to each area of recurrent findings and analysed in that context;
  - .5 number of non-conformities and observations within each area of recurrent findings should be analysed;
  - .6 future consolidated audit summary reports should contain details of underlying causes;
  - .7 the Secretariat should develop a list of typical root causes to enable effective analysis of difficulties Member States have experienced; and
  - .8 areas of best practices should, in future, be clearly identified within the areas of positive developments and the Secretariat should consider the most appropriate method of disseminating these;
- .2 when considering the effectiveness of the implementation, the Secretariat should take into account the following guidance (subparagraph 1.2 above):
- .1 effectiveness of implementation should be interpreted as effectiveness of implementation of mandatory IMO instruments and the Code on a collective basis and not by individual Member States;
  - .2 the analysis of the effectiveness of implementation should be based on areas of recurring findings as identified in paragraph 4.1.3; and
  - .3 the analysis should provide feedback to the Organization on the effectiveness of implementation of mandatory IMO instruments and the application of the Code by Member States in their capacity as flag States, port States and coastal States, as well as the effectiveness and appropriateness of the Organization's legislation;
- .3 in developing a format for presentation of the analysis, the Secretariat should investigate formats for the presentation of results including the formats used by other organizations, such as ICAO, and use them to develop suitable presentations for the results of the review of the consolidated audit summary reports (subparagraph 1.3 above); and
- .4 in providing a recommendation on who should undertake the analysis for the future, the Secretariat should take into account the work load involved, available resources and other relevant factors (subparagraph 1.4 above).

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## ANNEX 8

**PROPOSED REVISED WORK PROGRAMME OF THE SUB-COMMITTEE  
AND PROVISIONAL AGENDA FOR FSI 18**

**Proposed revised work programme of the Sub-Committee**

	<b>Title and reference to strategic directions, high-level actions and planned outputs for 2008-2009</b>	<b>Target completion date/number of sessions needed for completion</b>	<b>Reference</b>
1	<p><b>Mandatory reports under MARPOL</b>  <i>Strategic direction:</i> 2  <i>High-level action:</i> 2.1.1  <i>Planned output:</i> 2.1.1.6</p>	Continuous	MSC 70/23, paragraph 20.12.1; MEPC 56/23, paragraph 14.4; FSI 17/20, section 4
2	<p><b>Casualty statistics and investigations</b>  <i>Strategic direction:</i>  1.1/2/4/5.3/12.1/12.3  <i>High-level action:</i>  1.1.2/2.1.1/4.2.1/5.3.1/12.1.2/12.3.1  <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 17/20, section 6
3	<p><b>Harmonization of port State control activities</b>  <i>Strategic direction:</i> 1.1/2/4/5.3/12.3  <i>High-level action:</i>  1.1.2/2.1.1/4.2.1/5.3.1/12.3.1  <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 17/20, section 7
4	<p><b>Responsibilities of Governments and measures to encourage flag State compliance</b>  <i>Strategic direction:</i> 2/4/5.3  <i>High-level action:</i> 2.1.1/4.2.1/5.3.1  <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 17/20, section 3

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- 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 18.

	<b>Title and reference to strategic directions, high-level actions and planned outputs for 2008-2009</b>	<b>Target completion date/number of sessions needed for completion</b>	<b>Reference</b>
5	<p><b>Comprehensive analysis of difficulties encountered in the implementation of IMO instruments</b></p> <p><i>Strategic direction:</i> 2 <i>High-level action:</i> 2.1.1 <i>Planned output:</i> 2.1.1.5</p>	Continuous	MSC 69/22, paragraph 20.28; FSI 8/19, paragraph 4.3; FSI 17/20, section 10
6	<p><b>Review of the Survey Guidelines under the HSSC</b></p> <p><i>Strategic direction:</i> 5.2 <i>High-level action:</i> 5.2.1 <i>Planned output:</i> 5.2.1.2</p>	Continuous	MSC 72/23, paragraph 21.27; FSI 17/20, section 11
7	<p><b>Consideration of IACS unified interpretations</b></p> <p><i>Strategic direction:</i> 1.1 <i>High-level action:</i> 1.1.2 <i>Planned output:</i> 1.1.2.1</p>	Continuous	MSC 78/26, paragraph 22.12; FSI 17/20, section 12
8	<p><b>Review of the Code for the Implementation of Mandatory IMO Instruments</b></p> <p><i>Strategic direction:</i> 2 <i>High-level action:</i> 2.2.1 <i>Planned output:</i> 2.2.1.2</p>	Continuous	MSC 83/28, paragraph 25.27; FSI 17/20, section 13
H.1	<p><b>PSC guidelines on seafarers' working hours and PSC guidelines in relation to the Maritime Labour Convention, 2006</b></p> <p><i>Strategic direction:</i> 1.1 <i>High-level action:</i> 1.1.2 <i>Planned output:</i> 1.1.2.1</p>	2009 2010	<del>MSC 70/23, paragraph 20.12.3; FSI 16/18, section 9 FSI 17/20, section 8</del>
H.2	<p><b>Development of guidelines on port State control under the 2004 BWM Convention</b></p> <p><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</p>	2010	MEPC 52/24, paragraph 2.21.2; FSI 17/20, section 9

	<b>Title and reference to strategic directions, high-level actions and planned outputs for 2008-2009</b>	<b>Target completion date/number of sessions needed for completion</b>	<b>Reference</b>
H.3	<p><b>Port reception facilities-related issues</b>  <i>Strategic direction:</i> 7.1  <i>High-level action:</i> 7.1.3  <i>Planned output:</i> 7.1.3.1/7.1.3.2</p>	2010	MEPC 53/24, paragraph 9.7; FSI 17/20, section 5
H.4	<p><b>Development of a Code for Recognized Organizations</b>  <i>Strategic direction:</i> 2  <i>High-level action:</i> 2.1.1  <i>Planned output:</i> 2.1.1.1</p>	2010	MSC 84/24, paragraph 22.27; FSI 17/20, section 14
H.5	<p><b>Measures to protect the safety of persons rescued at sea</b>  <i>Strategic direction:</i> 5.1  <i>High-level action:</i> 5.1.2  <i>Planned output:</i> -</p>	2010	MSC 84/24, section 22; FSI 17/20, section 15
H.6	<p><b>Code of conduct during demonstrations/campaigns against ships on high seas (coordinated by NAV)</b>  <i>Strategic direction:</i> 5.2  <i>High-level action:</i> 5.2.4  <i>Planned output:</i> 5.2.4.2</p>	2009	MSC 82/24, section 22; MSC 85/26, paragraph 23.20
H.6	<p><b>Review of Guidelines for inspection of anti-fouling systems on ships</b>  <i>Strategic direction:</i> 5.3, 7  <i>High-level action:</i> 5.3.1 and 7.1.2  <i>Planned output:</i> 5.3.1.2 and 7.1.2.8</p>	2010	FSI 17/20, section 7

### **Provisional agenda for FSI 18**

- 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 in relation to the MLC, 2006
- 9 Development of guidelines on port State control under the 2004 BWM Convention
- 10 Review of Guidelines for inspection of anti-fouling systems on ships**
- 11 Comprehensive analysis of difficulties encountered in the implementation of IMO instruments
- 12 Review of the Survey Guidelines under the HSSC
- 13 Consideration of IACS Unified Interpretations
- 14 Review of the Code for the Implementation of Mandatory IMO Instruments
- 15 Development of a Code for Recognized Organizations
- 16 Measures to protect the safety of persons rescued at sea
- 17 Work programme and agenda for FSI 19
- 18 Election of Chairman and Vice-Chairman for 2011
- 19 Any other business
- 20 Report to the Committees

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ANNEX 9

**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			
<b>ENHANCING THE STATUS AND EFFECTIVENESS OF IMO</b>							
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	Cooperate with the United Nations and other international bodies on matters of mutual interest	1.1.2.1	<p>Cooperation with:</p> <p>Safety and security topics (MSC):</p> <ul style="list-style-type: none"> <li>- 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)</li> </ul> <p><b>Status: No consideration during FSI 17</b></p> <ul style="list-style-type: none"> <li>- IACS: consideration of unified interpretations</li> </ul> <p><b>Status: No submission to FSI 17</b></p> <ul style="list-style-type: none"> <li>- ILO: port State control of seafarers' working hours</li> </ul> <p><b>Status: In progress. Await the relevant outcome of the STW Sub-Committee</b></p> <p>Environmental topics (MEPC):</p> <ul style="list-style-type: none"> <li>- 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))</li> </ul> <p>General:</p> <ul style="list-style-type: none"> <li>- Data providers: protocols on data exchange with international, regional and national entities (all committees, as appropriate/Secretariat) (see Output 4.2.1.3)</li> </ul> <p><b>Status: In progress. Input from PSC Workshop by FSI 17</b></p>
						1.1.2.3	<p>Policy input or guidance issued to or on:</p> <p>Safety and security topics (MSC):</p> <ul style="list-style-type: none"> <li>- ILO: development of PSC guidelines in the context of the Maritime Labour Convention, 2006</li> </ul> <p><b>Status: In progress. Finalization of ILO guidelines was considered by FSI 17 and proposals for cooperation between ILO and IMO Secretariats</b></p> <ul style="list-style-type: none"> <li>- 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)</li> <li>- PSC regimes: related IMO developments</li> </ul> <p><b>Status: In progress. IMO developments relevant to PSC was considered by FSI 17</b></p>

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) <b>Status: No consideration during FSI 17</b>	
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 adopted and implemented through the collection of investigation reports <b>Development of a Code for recognized organizations (ROs)</b> <b>Status: FSI 17 commences its work on a Code for ROs</b>
						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) <b>Status: In progress. Development of PSC guidelines was considered by FSI 17</b>
						2.1.1.5	Promotion of the implementation of mandatory and non-mandatory instruments (MSC) <b>Status: In progress. Secretariat to provide an updated list of reporting requirements to FSI 18</b>
						2.1.1.6	Reports (MEPC/Secretariat): - Summary reports and analyses of mandatory reports under MARPOL <b>Status: Reports for 2007 and use of GISIS data was considered by FSI 17</b>
						2.1.1.7	GISIS module on requirements, including uploaded national legislation (MSC/Secretariat) <b>Status: In progress. Secretariat to provide list of relevant instruments to Code for ROs-related issues to FSI 18</b>
				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) <b>Status: In progress. Proposed Amendments to the Code developed by FSI 17</b>
						2.2.1.2	A revised Code for the Implementation of Mandatory IMO Instruments (Assembly, Council, MSC and MEPC) <b>Status: In progress. Amendments to the Code and consolidated audit summary report were considered by FSI 17</b>
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) <b>Status: In progress. Updated information on GISIS was provided</b>
						4.2.1.2	Development and management of mandatory IMO number schemes (MSC) <b>Status: In progress. Implementation of the Unique company and registered owner number scheme was considered by FSI 17</b>
						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)) <b>Status: In progress. Protocols on data exchange with PSC regimes were considered and to be progressed by the Secretariat</b>

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.						
<b>DEVELOPING AND MAINTAINING A COMPREHENSIVE FRAMEWORK FOR SAFE, SECURE, EFFICIENT AND ENVIRONMENTALLY SOUND SHIPPING</b>							
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 <b>Status: In progress. The Secretariat provided updated information on related activities to FSI 17</b>  - Revised Survey Guidelines under the Harmonized System of Survey and Certification (see Output 5.3.1.2) <b>Status: In progress. Proposed amendments developed by FSI 17. Draft circulars developed by FSI 17 on the general guidance on the timing of the replacement of existing certificates by the certificates issued after the entry into force of amendments to certificates in IMO instruments and on the establishment of an effective safety management system for FPSOs and FSUs and integration of the marine staff</b>
				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 <b>Status: Completed – Review of draft MSC resolution</b>

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)) <b>Status: In progress. Draft amendments to Procedure for PSC developed by FSI 17</b> Environmental topics (MEPC): - Revised Survey guidelines under the Harmonized System of Survey and Certification for the BWM Convention (see Output 5.2.1.2) <b>Status: In progress. PSC guidelines to be developed by FSI 18</b>
						5.3.1.3 Harmonized PSC procedures (MSC) <b>Status: In progress. Update on the harmonization of PSC coding provided to FSI 17</b>
						5.3.1.4 - Methodology for the in-depth analysis of annual PSC report (MSC) <b>Status: In progress. Annual reports of PSC regimes were considered by FSI 17 for in-depth analysis</b>
						5.3.1.5 - A risk assessment comparison between marine casualties and incidents and PSC inspections (MSC) <b>Status: In progress. WMU proposal considered by FSI 17</b>
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) <b>Status: In progress. Renewed invitation to communicate to IMO all relevant information using the new reporting facilities of GISIS</b>
						7.1.3.2 Follow-up on the implementation of the Action Plan on port reception facilities (MEPC) <b>Status: In progress. FSI 17 approved the work of the correspondence group and re-established a correspondence group to work on work items with target completion date of 2010</b>
<b>ENHANCING THE PROFILE OF SHIPPING AND INSTILLING A QUALITY CULTURE AND ENVIRONMENTAL CONSCIENCE</b>						
	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) <b>Status: In progress. FSI 17 considered recommendations to other IMO bodies</b>
						12.1.2.2 A casualty analysis process effectively implemented and monitored (MSC) <b>Status: In progress. FSI 17 considered the analysis of casualty investigations reports reviewed and agreed revised procedures</b>
		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) <b>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 were considered by FSI 17</b>

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 cooperation with PSC regimes (MSC) <b>Status: In progress. Status of protocols with 10 PSC regimes was referred to during FSI 17 and to be progressed by the Secretariat</b>	
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) <b>Status: In progress. New modules considered by FSI 17</b>
						13.2.1.2	Databases as part of GISIS and other means, including electronic ones (all Committees, as appropriate/Secretariat) <b>Status: In progress. Existing GISIS modules on maritime casualties and incidents, recognized organizations, port reception facilities, contact points and ship identification</b>