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IMPLEMENTATION
18th session
Agenda item 20

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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 eighteenth session from 5 to 9 July 2010. The elected Chairman, Mr. M. Lee (Singapore), being no longer available to chair the Sub-Committee, the meeting was held under the chairmanship of Captain D. Hutchinson (Bahamas), its Vice-Chairman, in accordance with the Rules of Procedure of the Committees.

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

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

representatives from the following Associate Members of IMO:

HONG KONG, CHINA
MACAO, CHINA

representatives from the following United Nations specialized agencies and other UN Entities:

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)
THE REGIONAL MARINE POLLUTION EMERGENCY RESPONSE CENTRE FOR
THE MEDITERRANEAN SEA (REMPEC)

observers from the following intergovernmental organizations:

EUROPEAN COMMISSION (EC)
MARITIME ORGANIZATION FOR WEST AND CENTRAL AFRICA (MOWCA)
LEAGUE OF ARAB STATES
MEDITERRANEAN MEMORANDUM OF UNDERSTANDING ON PORT STATE
CONTROL (MED MoU)
MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL IN
THE BLACK SEA REGION (BS MoU)
PARIS MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL
(PARIS MoU)
ACUERDO DE VIÑA DEL MAR (AVDM)
TOKYO MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL
(TOKYO MoU)
INDIAN OCEAN MEMORANDUM OF UNDERSTANDING ON PORT STATE
CONTROL (IO MoU)
CARIBBEAN MEMORANDUM OF UNDERSTANDING ON PORT STATE
CONTROL (C MoU)
WEST AND CENTRAL AFRICA MEMORANDUM OF UNDERSTANDING ON
PORT STATE CONTROL (ABUJA MoU)
RIYADH MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL
(RIYADH MoU)
MARINE ACCIDENT INVESTIGATORS' INTERNATIONAL FORUM (MAIIF)

and 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)
INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)
BIMCO
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS
(IFSMA)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS
(INTERTANKO)
CRUISE LINES INTERNATIONAL ASSOCIATION (CLIA)
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS
(INTERCARGO)

THE INSTITUTE OF MARINE ENGINEERING, SCIENCE AND TECHNOLOGY
(IMarEST)
THE INTERNATIONAL MARINE CONTRACTORS ASSOCIATION (IMCA)
INTERNATIONAL TRANSPORT WORKERS' FEDERATION (ITF)
INTERNATIONAL PAINTING AND PRINTING INK COUNCIL (IPPIC)
THE NAUTICAL INSTITUTE

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 and the Management of Equasis, and the IMO consultant/observer in the IACS Quality System Certification Scheme (QSCS) were invited to attend the meeting.

Secretary-General's opening address

1.4 The Secretary-General welcomed participants and delivered his opening address, the full text of which is reproduced in document FSI 18/INF.32.

Chairman's remarks

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

Adoption of the agenda

1.6 The Sub-Committee adopted the agenda for its eighteenth session (FSI 18/1) and agreed to be guided in its work, in general, by the annotations contained in document FSI 18/1/1. The agenda, as adopted, with the list of documents considered under each agenda item, is set out in document FSI 18/INF.33.

2 DECISIONS OF OTHER IMO BODIES

2.1 The Sub-Committee noted that MEPC 59 and MSC 87 had approved the report of FSI 17 in general and the decisions and comments pertaining to its work made by MEPC 59, MEPC 60, MSC 86, MSC 87, NAV 55, DSC 14, LEG 96, C/ES.25, A 26, STW 41, SLF 52, BLG 14, DE 53, COMSAR 14 and FP 54, as presented in documents FSI 18/2, FSI 18/2/Add.1, FSI 18/2/1, FSI 18/2/1/Add.1 and FSI 18/2/2, from the Secretariat, and took them into account in its deliberations when dealing with relevant agenda items.

Resolutions adopted by the Assembly

2.2 The Sub-Committee noted that, as recommended by FSI 17, MSC 86 and MEPC 59, the Assembly, at its twenty-sixth session, had adopted:

- .1 the amendments to the Code for the implementation of mandatory IMO instruments, 2007 by resolution A.1019(26); and
- .2 the amendments to the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2007 by resolution A.1020(26).

2.3 The Sub-Committee was advised that both resolutions, as agreed, only contain amendments to the previously adopted resolutions and that the Secretariat had prepared the 2009 consolidated versions of the amended Survey Guidelines under the HSSC, 2007

and the amended Code for the implementation of mandatory IMO instruments, 2007, which are available on the IMODOCS website (refer to Circular letter No.3054).

2.4 The Sub-Committee noted that the Assembly had also adopted resolution A.1029(26) on the Global Integrated Shipping Information System (GISIS).

Resolutions adopted by the MSC

2.5 The Sub-Committee noted that MSC 87 had adopted resolution MSC.303(87) on Assuring safety during demonstrations, protests, or confrontations on the high seas.

Resolutions adopted by the MEPC

2.6 The Sub-Committee noted that MEPC 59 had adopted:

- .1 the amendments to the Survey Guidelines under the HSSC for the revised MARPOL Annex VI by resolution MEPC.180(59); and
- .2 the revised Guidelines for port State control (PSC) under the revised MARPOL Annex VI by resolution MEPC.181(59).

Circulars approved by the MSC and the MEPC

2.7 The Sub-Committee noted that:

- .1 MEPC 59, noting MSC 86's concurrent decision, had approved MSC-MEPC.5/Circ.6 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; and
- .2 MSC 87, taking into account MEPC 59's concurrent decision, had approved MSC-MEPC.2/Circ.9 on Guidance for the application of safety, security and environmental protection provisions to FPSOs and FSUs.

3 RESPONSIBILITIES OF GOVERNMENTS AND MEASURES TO ENCOURAGE FLAG STATE COMPLIANCE

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

3.1 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, as contained in document FSI 18/3 (Secretariat), 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>) and requested the Secretariat to continue providing updated information at each session of the Sub-Committee.

STUDY ON THE COMBINATION OF CASUALTY AND PORT STATE CONTROL DATA

3.2 The Sub-Committee recalled that, having noted the offer by Japan that institutions in their country would be ready to assist the World Maritime University (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, FSI 17 had agreed to further consider the proposal by WMU at its next

session and had invited the University to take into account the comments made at that 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.

3.3 The Secretariat (FSI 18/3/1) reported to the Sub-Committee that it had been provisionally informed by WMU that, due to the lack of significant progress in the collection of data sets for analysis, it was not possible to put forward a more robust proposal to this session of the Sub-Committee.

3.4 In this context, the Sub-Committee considered that significant progress could not be made in the identification of suitable data sources and, therefore, agreed to discontinue the consideration of this item at its forthcoming sessions while requesting the Secretariat to continue liaising with WMU in order to monitor potential progress that could be made in the future conduct of the study.

NON-CONVENTION SHIPS

Guidelines for non-Convention sized vessels

3.5 Having considered document FSI 18/3/2 (Islamic Republic of Iran), proposing the development and approval of standard guidelines for non-Convention sized vessels, with the aim of facilitating and clarifying their inspections, the Sub-Committee agreed not to develop guidelines for port State inspections for non-Convention size vessels and that the purpose of the development of sets of flag States regulations to cover non-Convention ships, such as those developed by the Secretariat (FSI 18/3/6), should be of a non-mandatory nature, in order to avoid any potential conflict with exemptions from mandatory provisions, and dedicated to serve in the context of technical co-operation activities.

GlobalReg

3.6 The Sub-Committee recalled that the Council, at its twenty-fourth extraordinary session, had agreed that greater emphasis needed to be given to ongoing efforts in addressing the safety of non-Convention ships, and was advised that the annex to resolution A.1012(26) on High-level Action Plan of the Organization and priorities for the 2010-2011 biennium contains a planned output 5.2.1.22 on Non-mandatory instruments: regulations for non-Convention ships (MSC). Furthermore, FSI 17 had 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.

3.7 In this context, the Secretariat (FSI 18/3/6) informed the Sub-Committee that the modular set of standards of harmonized regulations and model national legislation for ships not covered by the 1974 SOLAS Convention (GlobalReg) and basic Model Course are currently under a testing process, which includes the evaluation between theoretical and practical aspects of the course, as well as the completion of some special material, such as presentations, teaching aids and lesson plans. The Secretariat advised the Sub-Committee that, during 2009, a national training in Ghana, a regional workshop in Senegal and a regional training course in Bahrain had been conducted to test this material and that four regional activities have been planned in the Caribbean region; Uruguay, in cooperation with ROCRAM; Nigeria and Egypt, for testing the material during the 2010-2011 biennium.

3.8 Having noted the views expressed by the delegation of Vanuatu calling for the implementation of similar Technical Co-operation activities in their region and the expression of appreciation by the delegation of Indonesia for the related activities developed in 2007,

the Sub-Committee requested the Secretariat to process and utilize the material developed for addressing the safety of non-Convention ships, i.e. the modular set of standards of harmonized regulations and model national legislation for ships not covered by the 1974 SOLAS Convention (GlobalReg) and basic Model Course, in the context of Technical Co-operation activities, as appropriate.

3.9 The Sub-Committee was informed that, the modular set of standards of harmonized regulations and model national legislation for ships not covered by the 1974 SOLAS Convention (GlobalReg) are available on IMODOCS (Meeting Documents, under "Others, Set of standards regulations on non-Convention ships (GlobalReg)").

LIST OF REPORTING REQUIREMENTS IN MANDATORY IMO INSTRUMENTS

3.10 The Sub-Committee recalled that, FSI 17, having 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, had requested the Secretariat to keep the list of reporting requirements (FSI 5/8) updated while identifying the areas potentially covered by GISIS.

3.11 In this context, the Sub-Committee considered the information provided by the Secretariat (FSI 18/3/3 and FSI 18/INF.14) on the list of reporting requirements in mandatory IMO instruments and the existing mechanism for the collection and dissemination of such requirements as being very useful, in particular regarding IMO Member States Audit-related aspects, and agreed to request the following from the Secretariat for consideration at a future session:

- .1 to prepare an itemized list of requirements showing the requested frequency of reporting; those requirements which are mandatory, regardless of the situation to be presented, as opposed to those which are to be activated as need be, for potential harmonization;
- .2 to continue investigating the potential validation of electronic reporting as a means to achieve compliance while addressing issues related to GISIS storage and other relevant capabilities;
- .3 to assemble synthetic information, in consultation with potential users, for Member States' use as a guidance for compliance with reporting requirements; and
- .4 to keep the list updated.

ISM CODE RELATED MATTERS

Guidelines on the application of the ISM Code

3.12 The Sub-Committee noted the information provided by ICS and ISF (FSI 18/INF.30) on ICS/ISF Guidelines on the application of the International Safety Management (ISM) Code which takes full account of the latest guidance to Administrations and companies.

Proposed amendment to the ISM Code

3.13 The Sub-Committee considered document FSI 18/3/8 (Canada) on Revision of the ISM Code to include the transfer of maintenance and failure history addressing the lack of

continuity of vessel maintenance and failure records at change of ownership. Canada, while recommending that these records should remain on board for the duration of the vessel's operational life, proposed to introduce into the ISM Code a clear stipulation that maintenance and failure records remain on board the vessel at the transfer of ownership, indicating that there is no requirement in the SOLAS 74 Convention or the ISM Code for a company to supply such records once responsibility for a vessel's operation has been transferred to a new company.

3.14 The Sub-Committee, while agreeing, in principle, with the proposed need to address the lack of continuity of vessel maintenance and failure records at change of ownership, identified a series of legal, commercial and operational implications which required detailed consideration, e.g., liability issues, forms and data format to be used, practicality of the 10-year period of reference, etc., thereby justifying that a submission, requesting an unplanned output, be made to the Committees by interested parties in accordance with resolution A.1013(26).

IHS FAIRPLAY (IHSF)

3.15 With particular interest in the management of the IMO number schemes, the Sub-Committee noted the information provided by the Secretariat (FSI 18/3/4) and the expert of IHS Global Limited on the transfer of Lloyd's Register – Fairplay Limited to IHS Global Limited. Lloyd's Register – Fairplay Limited will be replaced and substituted by IHS Global Limited as a contracting party to existing agreements as if IHS Global Limited was the original party to the contracts and bound by the same rights, obligations and liabilities between the parties so that the contracts will continue with existing terms in all respects.

PROVISION OF FLEET TONNAGE INFORMATION

3.16 The Sub-Committee noted the information provided by the Secretariat (FSI 18/3/5) and the expert of IHS Global Limited on procedures to be followed to ensure that Member States' fleet statistics are up to date in the context of the calculation of the annual assessment and urged Member States which have not yet provided information under Circular letter No.3004 to do so at the earliest opportunity, bearing in mind the 31 August 2010 current deadline.

LACK OF ACCESSION TO KEY INTERNATIONAL MARITIME INSTRUMENTS

3.17 The Sub-Committee considered document FSI 18/3/7 (ICS, *et al.*), proposing to initiate a debate within the Sub-Committee on how to ensure that instruments which are adopted, receive greater immediate support by Member States through early accession.

3.18 The co-sponsors noted, *inter alia*, that out of 30 Conventions and Protocols, 16 had taken more than five years from their date of adoption to entry into force, with the average period between adoption and entry into force being more than 7.5 years. Seven of the 30 Conventions and Protocols have not entered into force at all.

3.19 The co-sponsors proposed that, amongst other incentives, mapping possible reasons for lack of accession and subsequently taking stock of developments annually, could promote Member States' decisions to ensure early accession and identify possible obstacles, as well as potential solutions. Depending on the obstacles identified, consideration could be given to increase capacity building for Member States that experience practical difficulties in relation to accession and implementation. Also, the co-sponsors indicated that the production of a draft Assembly resolution could be considered, which would highlight the problem and

confirm Member States' readiness to do their utmost to accede to IMO instruments as rapidly as possible.

3.20 While deciding to consider the matter further at its next session, the Sub-Committee stressed that the issue at hand had already been raised on many occasions without clearly indicating the reasons thereof which could be addressed in the future under the item on "comprehensive analysis of difficulties encountered in the implementation of IMO instruments" and invited interested delegations to make further submissions on this issue.

3.21 In the context of mutual assistance among Governments, the Sub-Committee noted the offer by the delegation of France to make the supporting documents in the legislative process for accession to be completed at the national level available to the Organization for possible assistance to interested Member States.

SUBMISSIONS ON NATIONAL MEASURES FOR IMPLEMENTATION

3.22 The Sub-Committee recalled that, at its previous sessions, it had noted with appreciation the information provided by Member Governments on measures taken to enhance maritime safety, security and protection of the environment, and had encouraged other Member States to share information on their national measures aimed at improving their performances. The Sub-Committee was informed about an activity implemented by the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) in the context of the SAFEMED II Project, which is funded by the European Union, to support Member States' involvement in the work of the Sub-Committee, and had for its consideration the following documents:

- .1 FSI 18/3/8 (Tunisia), providing a description of the action taken by the Tunisian Maritime Administration to enhance security and safety at Tunisian seaports;
- .2 FSI 18/3/9 (Jordan), providing information on the model of the Jordanian experience of getting benefits from the training programmes, assistance and support provided by IMO, the SAFEMED Project, the European Union and others to comply with the international standards of maritime safety and security and environmental protection, and achieving the goals for the establishment of the Jordan Maritime Authority which represents the Maritime Administration in Jordan;
- .3 FSI 18/3/10 (Egypt), providing an outline of the measures adopted and implemented by the Egyptian Maritime Administration to maintain the levels of safety, security and marine environment protection aboard vessels flying the Egyptian flag; and
- .4 FSI 18/INF.28 (Jamaica) providing information on additional measures adopted by the Maritime Authority of Jamaica to strengthen flag State control of Jamaican ships particularly in the light of recent Paris MoU PSC inspections. Jamaica requested technical assistance in marine surveying under the IMO's Technical Co-operation programme.

3.23 The Sub-Committee noted the information provided and thanked Egypt, Jamaica, Jordan and Tunisia for submitting this detailed information on their national measures and achievements and progress made on flag State implementation. The Sub-Committee encouraged other Member States to share information on their national measures aimed at improving their performances.

IMSBC CODE – DEMONSTRATION OF COMPLIANCE

3.24 The Sub-Committee noted the industry's concerns raised in document FSI 18/3/12 (IACS, *et al.*) referring to document DSC 14/4/11 in which IACS had expressed their view regarding the absence of a survey and certification scheme within the IMSBC Code and had proposed that a common survey and certification regime be developed to assist demonstration of compliance with the technical aspects of the Code.

3.25 The Sub-Committee was informed that the report of the DSC Working Group on the IMSBC Code (DSC 15/4), commenting on the discussion on DSC 14/4/11, had noted the Member States' opposition to the implementation of a mandatory scheme, while welcoming the development of such a scheme to be applied on a voluntary basis.

3.26 The Sub-Committee noted that the report of the DSC Working Group on the IMSBC Code (DSC 15/4) will be considered at DSC 15 (13 to 17 September 2010). The Sub-Committee, having reaffirmed that PSC inspections can only be carried out on the basis of existing certification requirements, did not support the development of a mandatory certification regime and agreed to postpone further consideration of this issue to take into account any relevant outcome of DSC 15.

SHIPPING INDUSTRY FLAG STATE PERFORMANCE TABLE, 2009

3.27 The Sub-Committee noted the information provided by ICS, *et al.* (FSI 18/INF.31) on the latest Shipping Industry Flag State performance Table, 2009 accompanying the "Shipping Industry Guidelines on Flag State Performance", which summarizes essentially factual information, derived from the public domain with the intention to provide a general appreciation of a flag's performance and to encourage ship operators to examine whether a flag has substance before using it. The updated table can be downloaded at www.marisec.org/flag-performance/FlagStatePerformanceTable09.

3.28 The Sub-Committee also noted the view expressed by the delegation of Ireland that the current tables might penalize countries with small fleets as their areas of trade do not make them eligible to regional incentive schemes. For instance, the delegation indicated that, in the above-mentioned performance table, Ireland is marked as having a so called "black Blob" for not being in the USCG Qualship 21 or on the Tokyo MoU white list, which is not a fair reflection of Ireland's performance as a flag State, in the absence of ships trading in these areas. The already proposed insertion of an explanatory footnote could satisfactorily address this issue.

3.29 Also, the delegation of Ireland pointed out that the table would not apply an equal treatment to all IMO Members as it credits the position of some registers, which are not IMO Members in their own capacity, by the insertion of a footnote explaining that they apply the relevant Conventions and attend IMO meetings through their parent State.

ISSUES RELATING TO THE CONTINUOUS SYNOPSIS RECORD

3.30 The Sub-Committee was advised that Belgium, *et al.* had submitted documents MSC 86/4/5 and MSC 87/4/3 on issues relating to the continuous synopsis record, to MSC 86 and MSC 87, respectively, and that MSC 87 had referred the issues raised in the document MSC 87/4/3 to the Sub-Committee for further consideration.

3.31 In this context, the Sub-Committee noted that, at MSC 86, while considering document MSC 86/4/5 (Belgium, *et al.*), the two following possible measures were identified in order to try to address the issues raised:

- .1 the issuance of an MSC.1 circular stressing the need to observe the related provisions of resolution A.959(23) on Format and Guidelines for the Maintenance of the Continuous Synopsis Record (CSR), as amended by resolution MSC.198(80); and
- .2 the consolidation of the Guidelines for the Maintenance of the Continuous Synopsis Record in a single MSC resolution and the incorporation therein of any additional guidance to address the difficulties which SOLAS Contracting Governments might continue to encounter.

3.32 However, taking into account the working arrangements for MSC 86, the Committee agreed not to develop such a circular during the session for practical reasons and to consider, at its next session, the consolidation of the Guidelines for the Maintenance of the Continuous Synopsis Record in a single MSC resolution and the incorporation therein of any additional guidance to address the difficulties which SOLAS Contracting Governments might continue to encounter.

3.33 MSC 86 urged all SOLAS Contracting Governments to strictly adhere to the provisions of SOLAS regulation XI-1/5 and of the Guidelines for the Maintenance of the Continuous Synopsis Record adopted by resolution A.959(23), as amended by resolution MSC.198(80).

3.34 At MSC 87, while considering document MSC 87/4/3 (Belgium, *et al.*), discussion took place on some of the suggestions contained in the document submitted, in particular, regarding the proposed list of national requirements concerning bareboat charter, as it was stressed by one delegation that this would go against the scope of the activities of the Organization which are limited to matters of a technical and nautical nature.

3.35 MSC 87, while referring the matter to the Sub-Committee for further consideration, agreed that all SOLAS Contracting Governments should correctly implement the provisions of SOLAS regulation XI-1/5 and of the related guidance set out in resolution A.959(23), as amended by resolution MSC.198(80). In addition, the Committee agreed that in the case that the SOLAS Contracting Governments were to voluntarily communicate to the Organization the contact details of those in charge of the issue of CSRs and amendments thereto enabling such information to be circulated by the Secretariat, this could alleviate some of the problems encountered thus far.

3.36 Following the introduction of document MSC 87/4/3 by Belgium, the Sub-Committee noted that difficulties identified would relate to:

- .1 forms with a reported lack of harmonization;
- .2 use of an IMO official language instead of one of the three IMO working languages;
- .3 numbering with cases where two CSRs have the same number or with a gap in the sequential numbering;
- .4 misdating at the occasion of changes of flag;
- .5 new buildings with changes in the delivery date;
- .6 copies with the original document onshore and electronic copies declared as original documents;

-
- .7 bareboat registration with different national rules;
 - .8 company and registered owner ID missing due to diverging interpretations;
and
 - .9 port State control with all of the above difficulties being encountered by PSC and lack of harmonized action taken.

3.37 The Sub-Committee noted the view of the delegation of Cyprus which reiterated its agreement with a considerable number of the suggestions put forward in paragraph 4 of document MSC 87/4/3, as well as its serious reservations as to the soundness and/or practicality of some of these suggestions, e.g., the proposal that all the previous CSRs should be reissued.

3.38 Having recognized, from the submission, that the underlying issue was the lack of understanding and the incorrect implementation of the provisions of SOLAS regulation XI-1/5 and of the related guidance adopted by A 23 and MSC 80, the delegation stated that adopting guidance detailing the correct implantation without addressing the root causes would not achieve the envisaged results.

3.39 Furthermore, the delegation of Cyprus questioned the suggestion that the Organization might issue a list of national requirements concerning bareboat charter registration, especially in view of the fact that the Organization was not compiling national requirements or practices in connection with the registration of ships, while recalling that the issue of bareboat charter registration had been discussed on a number of occasions by the Legal Committee and the Council and suggesting that they should be taken into account in any further discussions on this matter.

3.40 Having recognized that the substantial work required in order to handle this matter satisfactorily could not be realistically handled in plenary and the short time that had elapsed since the referral of this matter by MSC 87 might not have been sufficient for Members to prepare for an exhaustive consideration of this issue, the Sub-Committee agreed to consider this matter at its next session and invited interested delegations to make relevant submissions.

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, and by regulations of Annex I, Annex II and 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 18/4/Rev.1 (Secretariat) containing a summary on mandatory reports under MARPOL for 2008 submitted by 36 Parties to MARPOL and one Associate Member, in accordance with MEPC/Circ.318.

4.3 Following discussion of document FSI 18/4/Rev.1, the Sub-Committee noted that:

- .1 five incidents of spillages of 50 tonnes or more were reported. The type of substance spilled in most cases was oil;

- .2 466 incidental spillages of less than 50 tonnes were reported. The type of substance spilled in most cases was oil;
- .3 212 cases of alleged discharge violations were reported. The type of substance spilled in most cases was oil, sewage and, in a few cases, garbage;
- .4 according to the received reports, the total number of ships boarded in 2008 for port State control was 173,186, while the total number of ships detained in port or denied entry was 834, or 0.48% of those boarded; and
- .5 28 ships were reported as having no IOPP Certificate or equivalency, 1,201 ships were reported to have discrepancies in their IOPP Certificate or equivalency, 34 ships were reported to have no Oil Record Book or equivalency, 2,997 ships were reported to have discrepancies in their Oil Record Book or equivalency, 90 ships lacked required pollution prevention equipment on board, and 2,192 ships were reported with required equipment not functioning.

4.4 The Sub-Committee also 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. Consequently, document FSI 18/4/Rev.1 provided the following data extracted from GISIS summarizing reports on alleged inadequacies of port reception facilities that arose in 2008:

- .1 nine Parties as flag States (Belgium, Bermuda, Finland, Greece, Liberia, Marshall Islands, Norway, Sweden and United Kingdom) submitted 28 reports of alleged inadequacies of reception facilities;
- .2 five Parties as port States (People's Republic of China, Cyprus, Dominica, United Kingdom and United States) and one non-Party (Grenada) submitted eight reports on actions taken by the port State on alleged inadequacies of reception facilities referred to that State.

4.5 Document FSI 18/4/Rev.1 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 2008 was 24.3%, which showed an improvement compared to last year (22.1%); and
- .2 16 out of the 36 reports submitted for the year 2008 were received after the deadline established by paragraph 5 of MEPC/Circ.318 (30 September each year).

4.6 Document FSI 18/4/Rev.1 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.

4.7 The Sub-Committee noted that the mandatory report of the Netherlands was submitted within the deadline for submissions for 2008 but, unfortunately, was misplaced and not included in the summary report. If the above report had been included in the calculation, the rate of reporting would have been 25%, which still was low, especially when considering that lack of mandatory reporting is a frequent finding during audits of Member States under VIMSAS. One delegation suggested that an analysis is needed on the cause of low reporting.

4.8 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 2009 was 30 September 2010. The Sub-Committee also requested the Secretariat to update the data and the annexed list to document FSI 18/4/Rev.1, and to submit these to FSI 19 for consideration.

5 PORT RECEPTION FACILITIES-RELATED ISSUES

Action Plan on Tackling the Inadequacy of Port Reception Facilities

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 on Tackling the Inadequacy of Port Reception Facilities, prepared by FSI 14, and had invited the Sub-Committee to progress the work items of the Action Plan, with the exception of work item 5.1 which was to be dealt with by MEPC. FSI 17 had agreed to re-establish a correspondence group under the coordination of the United States to progress work on the remaining items of the Action Plan and to report back to FSI 18.

5.2 MEPC 59 had endorsed the Sub-Committee's agreement that the Action Plan work items 2.2, 2.3, 3.1 and 5.3 were completed and that the target completion date of work items 2.1, 3.2, 4.1, 4.2 and 6.1 would be extended to 2010. MEPC 59 had also decided to issue and disseminate the "Guide to Good Practice for Port Reception Facilities", which was finalized under the Action Plan, as MEPC.1/Circ.671.

5.3 In introducing document FSI 18/5 (United States), containing the report of the correspondence group, the Coordinator advised the Sub-Committee that 13 Member States, one intergovernmental organization and 11 industry NGOs had participated in the group which had been tasked by FSI 17 to progress and complete work on the seven remaining work items of the Action Plan. The group considered that the seven work items: 2.1, 3.2, 4.1, 4.2, 4.3, 5.2, and 6.1 were completed and consequently the Action Plan was completed.

5.4 The International Organization for Standardization (ISO) informed the Sub-Committee on its activities for onboard garbage management and port waste reception facilities. With regard to work item 3.2, ISO 21070 "Management and handling of shipboard garbage" is now at the "Draft International Standard" stage (DIS). ISO's TC8/SC2 "Marine Environment Protection" met in April this year at the offices of EMSA in Lisbon and developed the DIS text, taking into account all the comments given by the FSI correspondence group on the Action Plan. DIS 21070 also takes into account every comment of the correspondence group on its work items 4.1, 4.2 and 4.3. The DIS is ready for ISO voting which will hopefully lead to its publication.

5.5 With regard to work item 6.1, ISO/TC8/SC2, at its meeting this year, had started work on the development of ISO 16304 (Arrangement and management of port waste reception facilities), taking into account the comments of the correspondence group. The aims of this new ISO standard are to:

- .1 provide a standard on waste reception containers/bins, harmonizing segregation requirements ashore to the waste segregation standard on board ships (ISO 21070); and
- .2 facilitate ports for their preparation of port waste reception facilities and their management method.

The development of ISO 16304 is now at the CD stage (Committee Draft). ISO/TC8/SC2 will firstly publish this standard next year as a Publically Available Specification (PAS) and thereafter will work towards its final publication as an ISO standard.

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 agreed to continue monitoring of the GISIS Port Reception Facilities Database (PRFD), for both population levels and usage, on an as needed basis or on request from MEPC or from FSI as appropriate;
- .2 agreed that Member States should be encouraged to populate and maintain current information on their port reception facilities in the PRFD, and also to enter, maintain and update their country contact information (both as flag and also as port State) into the GISIS PRFD;
- .3 agreed that work item 2.1 ("Monitoring/evaluation/adjustment of the PRFD") was completed;
- .4 noted the comments from the group on work item 3.2 ("Standardize garbage segregation requirements and containment identification") and, in view of the continuing development work by ISO TC8/SC2, considered work item 3.2 as completed;
- .5 noted that the work of ISO has satisfied work items 4.1 ("Review of type and amount of wastes generated on board"), 4.2 ("Review of the type and capacity of port reception facilities"), and 4.3 ("Development of a uniform methodology for calculating the required capacity and technical capability of a port reception facility"), and consequently considered work items 4.1, 4.2 and 4.3 as completed;
- .6 considered work item 5.2 ("Revision of the IMO Comprehensive Manual on Port Reception Facilities") as completed, and concurred with the correspondence group that the Comprehensive Manual remained a very useful tool and in need of updating on the basis of the guidance contained at annex 2 to the group's report (FSI 18/5). For the revision of the Manual, the Sub-Committee agreed to recommend to MEPC either to seek donations from Member States and NGOs, or to request the Technical Co-operation Committee, at its sixty-first session, to include this as a priority item under a Global Programme of the Integrated Technical Co-operation Programme.

- .7 considered work item 6.1 ("Development of Assistance and Training Programme") as completed, and invited the MEPC to approve the proposed plan for the strengthening of PRFs, as outlined in annex 3 to the group's report (FSI 18/5), and to endorse this as a priority theme for the next ITCP biennium 2012-2013; and
- .8 agreed that the Sub-Committee's work on the Action Plan on tackling the inadequacy of port reception facilities had been satisfactorily completed.

Proposed provisions for ship recycling facilities

5.7 The Islamic Republic of Iran introduced document FSI 18/5/1, proposing amendments to MARPOL to make provisions in all its Annexes for waste reception arrangements at ship recycling facilities, and noted that MEPC 60 had considered this proposal (MEPC 60/6/6) and had agreed to instruct FSI to consider the issue under its agenda item on port reception facilities-related issues and report back to MEPC 61.

5.8 Although there was some support for the proposal by the Islamic Republic of Iran, the Sub-Committee concluded that the Hong Kong Convention already makes adequate provisions for the environmentally sound management of all wastes removed from ships at ship recycling facilities. The Sub-Committee agreed to refer the matter back to MEPC 61 for the Committee's further consideration.

6 CASUALTY STATISTICS AND INVESTIGATIONS

CASUALTY INVESTIGATION CODE

6.1 The Sub-Committee recalled that the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code) which had been adopted by resolution MSC.255(84), had become mandatory under SOLAS regulation XI-1/ 6 on 1 January 2010.

CASUALTY-RELATED DECISIONS OF OTHER IMO BODIES

M/T HEBEI SPIRIT

6.2 The Sub-Committee was advised that, as reported in document FSI 18/2/Add.1 (Secretariat), MEPC 60 had considered document MEPC 60/16 (BIMCO, *et al.*) highlighting, from a technical perspective, the view of the co-sponsors that the officers of the **M/T Hebei Spirit** had acted in accordance with the applicable guidelines and customary practice in the tanker industry. The co-sponsors also confirmed that a further document would be submitted to the Legal Committee on this matter. The Committee referred the document to the Sub-Committee for further consideration.

Accidents involving general cargo ships

6.3 As reported in document FSI 18/6/3 (Secretariat), the Sub-Committee was also advised that MSC 86, in considering General Cargo Safety matters, had recalled that MSC 84, having discussed the best way to proceed on the matter in light of the information received to date, had agreed, in principle and among other points, that: "more detailed casualty information on the cause of accidents involving general cargo ships was needed to progress the matter, including the outcome of any related studies". MSC 87 invited Member Governments and international organizations to make their casualty data available, including

casualty data on non-IACS classed vessels, to assist the Committee and IACS with their Formal Safety Assessment (FSA) study and invited them to submit further information and relevant proposals on the matter to MSC 88.

HERCULES

6.4 The Sub-Committee was also advised that, as reported in document FSI 18/2/2 (Secretariat), FP 54, in considering the fire casualty on board the fishing factory vessel **Hercules**, had noted that the vessel had not been certified under the SOLAS Convention and, for this reason, any conclusion on this casualty should take into account that the consequences of the same fire on a SOLAS certified ship would likely have a different outcome and any lessons learned would also be different. In this context, the FP Chairman highlighted that requiring new safety equipment to mitigate the consequences of a fire on a non-SOLAS certified ship with a deficient ship safety management system, would not necessarily represent a safety improvement. Subsequently, FP 54 requested the Secretariat to forward the above views to FSI 18.

Carriage of iron ore fines

6.5 With regard to the carriage of iron ore fines leading to marine casualties, the Sub-Committee was further advised that MSC 87 had noted the information provided in document MSC 87/INF.13 (India) on Carriage of iron ore fines leading to marine casualties, and had invited the delegation of India to submit full casualty investigation reports to the Secretariat for further consideration through the mechanism established under the FSI Sub-Committee, and to the DSC Sub-Committee for concomitant consideration, and advice to the MSC.

Report of the FSA Experts Group

6.6 While considering document FSI 18/6/3 (Secretariat), on the outcome of MSC 87 relating to the report of the FSA Expert Group (MSC 87/18), the Sub-Committee took note of the referral by MSC 87 of the various points listed in the group's report to improve GISIS casualty data; as well as the group's view that, in the context of the FSA study on dangerous goods transported in the holds of open-top containerships, worldwide databases containing accidents related to dangerous goods containers are necessary, for consideration and advice, as appropriate, in conjunction with other recommendations by the group.

6.7 The observer delegation of the European Commission (EC) informed the Sub-Committee that under internal EC directive, European Member States will be required to insert marine casualties and incidents data into the European Marine Casualty Information Platform (EMCIP). Considering the need to report casualty data to the two organizations, EU Member States stressed to the European Maritime Safety Agency (EMSA) that their work would be simplified if EMSA could develop a mechanism to facilitate the reporting to IMO through EMCIP to avoid duplication of reporting. Some exploratory meetings were carried out between EMSA and the IMO Secretariat to discuss the possible scenarios regarding the transfer of data. In the 6th Consultative Technical Group for Cooperation in Marine Accident Investigation Meeting in EMSA, at the beginning of May 2010, the participants generally accepted the automatic transfer of data to GISIS for fields that are identified as mandatory to report to IMO, in any case. However, considering Member States' responsibility, the transfer of data would be on a case by case basis. The data to be supplied to IMO will be defined by the EU Member States. The observer delegation, in highlighting the interest of the FSA Expert Group on the information contained in EMCIP, also informed the Sub-Committee that the exchange of data from EMCIP to GISIS is possible, considering the current taxonomies; however, IMO might profit more from the transfer if there was a convergence of

the taxonomies. Further, the delegation expressed interest in the consideration on the possibilities to improve GISIS, especially in including streamlining of the EMCIP and the GISIS taxonomies, in particular on subjects that are covered by the IMO main instruments, e.g., list of pollutants (IMO Codes and annexes to the MARPOL Convention).

6.8 The Sub-Committee agreed to refer document FSI 18/6/3 to the working group for consideration and recommendation, as appropriate.

REPORT OF THE CORRESPONDENCE GROUP ON CASUALTY ANALYSIS

6.9 The Sub-Committee was advised that the processing of the analyses of reports of investigation into casualties by the Correspondence Group on Casualty Analysis had been supported by the ample use of the GISIS module on casualties, which, in March 2010, contained data on 7,472 incidents; 1,811 investigation reports and 945 analyses. The Sub-Committee considered document FSI 18/6 (Norway) containing the report of the correspondence group which contained information based on 113 analyses of 131 reports of investigations into casualties, observations on the quality of investigation reports and a draft text of narratives of lessons learned for presentation to seafarers, as listed in documents FSI 18/6/1 and FSI 18/INF.6 (Secretariat).

6.10 The report also included the analysis of the investigation report on the fire on the fishing factory vessel **Hercules** (GISIS Incident No. C0006872) and the analysis of the final investigation report on the fire on board the ro-ro cargo ship **Und Adriyatik** (GISIS Incident No. C0007200).

6.11 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 Working Group on Casualty Analysis.

NEW CATEGORY OF STABILITY ACCIDENTS

6.12 The Sub-Committee considered document FSI 18/6/2 (Germany), on information concerning a new category of stability incidents and containing a summary of the investigation report of the German Federal Bureau of Maritime Casualty Investigation, published on 2 November 2009, on the very serious casualty of the German containership **Chicago Express** (GISIS Incident No. C0007636).

6.13 The accident investigated, followed by two similar occurrences in 2009, would, according to Germany, represent a new type of stability accident as it was not caused by any of the well-known stability deficiencies, parametric rolling or insufficient stability margins, but rather by excessive stability.

6.14 The Sub-Committee agreed to refer document FSI 18/6/2 to the working group for consideration and recommendation, as appropriate.

Intervention by Singapore

6.15 The delegation of Singapore informed the Sub-Committee that Singapore is currently conducting an investigation into the collision between the Malaysian-registered tanker **MT Bunga Kelana 3** and the Saint Vincent and the Grenadines-registered bulk carrier **MT Waily** that occurred in the Singapore Strait on 25 May 2010 (GISIS Incident No. C0007770). In response to Malaysia's claim during C 104 that the collision had happened in Malaysian territorial waters, Singapore informed that the collision did not happen in Malaysian waters. It occurred in waters which have yet to be delimited.

ESTABLISHMENT OF THE WORKING GROUP

6.16 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 18/6, FSI 18/6/1 and FSI 18/INF.6 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 consider and advise on the information provided from a technical perspective in document MEPC 60/16 on fair treatment of seafarers of the **M/T Hebei Spirit** (MEPC 60/22, paragraphs 16.3 to 16.6);
- .5 consider and advise on the information concerning a new category of stability accidents (FSI 18/6/2);
- .6 consider and advise on the possibility to provide GISIS with a more detailed casualty information on the cause of accidents involving general cargo ships, including the outcome of any related studies (MSC 86/26, paragraph 19.1);
- .7 consider and advise on the views of the Sub-Committee on Fire Protection on the fire casualty on board the fishing factory vessel **Hercules** (FP 54/25, paragraphs 16.3 to 16.6);
- .8 consider document FSI 18/6/3, and advise on the possibilities to improve GISIS casualty data, as requested by MSC 87, in accordance with the recommendations made by the Formal Safety Assessment (FSA) Expert Group (MSC 87/18, paragraphs 22 and 23 and MSC 87/26, paragraph 18.6);
- .9 consider and advise on the options for re-organizing part of the Sub-Committee's work (FSI 18/17); and
- .10 advise on the re-establishment of the Correspondence Group on Casualty Analysis and, if so, prepare draft terms of reference for that group.

REPORT OF THE WORKING GROUP

Summary of casualty analyses

6.17 Having considered the report of the working group (FSI 18/WP.1), the Sub-Committee approved the amended text of the analysis of the investigation report of the fire on the fishing factory vessel **Hercules** (GISIS Incident No. C0006872) and the analysis of the investigation report on the fire on the ro-ro cargo ship **Und Adriatik** (GISIS Incident No. C0007200) for release on the GISIS module.

6.18 The Sub-Committee agreed to bring the following safety issues, on missing information, to the attention of Administrations with the objective of highlighting the circumstances in future investigation reports:

- .1 collisions where circumstances on only one of two ships are discussed;
- .2 causal elements such as mechanical and human elements not discussed;
- .3 whether procedures were established and followed not included;
- .4 assertions not based on facts and findings;
- .5 recommendations not supported by findings; and
- .6 contributing factors not discussed.

6.19 The Sub-Committee approved the amended text of casualty analyses for release to the public on the GISIS module (FSI 18/INF.6).

IMO Model Course

6.20 The Sub-Committee, in noting the willingness of MAIIF to cooperate with IMO in the revision, review and update of the IMO's Model Course 3.11 "Marine Accident and Incident Investigation", recommended to the MSC to request the Secretariat to review and update the IMO's Model Course 3.11, at the earliest convenience, for referral to the Validation Group established by the MSC, in cooperation with MAIIF.

Lessons Learned for Presentation to Seafarers

6.21 The Sub-Committee approved the text of Lessons Learned for Presentation to Seafarers (FSI 18/WP.1, annex 1) for release on the IMO website in accordance with the agreed procedure (FSI 11/23, paragraph 4.19).

6.22 The Sub-Committee invited Administrations to distribute or facilitate access to the Lessons Learned for Presentation to Seafarers among maritime national educational centres and industry, national fleets, as well as to request the Secretariat to review the website and to consider alternative ways of disseminating the information.

Safety issues that need further consideration

6.23 The Sub-Committee agreed to forward to the MSC for subsequent referral to the STW Sub-Committee for its consideration the finding that, Seafarer Training on First Aid be updated to reflect the current practices; and, the safety issues on Inadequate integration of pilots into bridge teams, be referred to the STW and NAV Sub-Committees for consideration

and follow-up, as well as to referring the safety issues on Inadequate integration of pilots into bridge teams to the consideration of the Joint MSC/MEPC Working Group on Human Element.

6.24 The Sub-Committee agreed to include in the terms of reference for the correspondence group, if re-established, the preparation of an extensive mapping and analysis of accidents and, if possible, trends related to inadequate integration of pilots into bridge teams having a contributing or direct cause to an accident.

HEBEI SPIRIT

6.25 The Sub-Committee referred the marine casualty report on the **M/T Hebei Spirit** to the correspondence group, if re-established, for consideration and advice on the information provided from a technical perspective in document MEPC 60/16 on fair treatment of seafarers of the **M/T Hebei Spirit** (MEPC 60/22, paragraphs 16.3 to 16.6).

Information concerning a new category of stability accidents

6.26 The Sub-Committee, while considering the proposed referral of document FSI 18/6/2 (Germany) concerning a reported new category of stability accident to the SLF and DSC Sub-Committees, agreed to await further consideration of this matter on the basis of the analysis of the report of investigation into the very serious casualty on board the German containership **Chicago Express** and, in this context, referred the detailed consideration of the report to the correspondence group, if re-established, for analysis.

Improved GISIS casualty data

6.27 In considering the improvement of GISIS casualty data, the Sub-Committee agreed that there is a need to consider a revision of MSC-MEPC.3/Circ.3 as the reporting format and design of the GISIS module. The Sub-Committee referred the matter related to the possibility to improve GISIS casualty data to FSI 19 for detailed consideration, including aspects in relation to EMCIP/GISIS data transfers (see paragraph 6.7).

6.28 The Sub-Committee agreed to remind Member States to include more precise information on contributing factors and details of accidents, and stressed the need for causes of accidents to be provided in the final version of a marine safety investigation report.

6.29 The Sub-Committee also reminded Member States to include more detailed casualty information on the cause of accidents involving general cargo ships, including the outcome of any related studies, in the final version of marine safety investigation reports.

6.30 The Sub-Committee further reminded Member States to consider potential trends when conducting a marine safety investigation or analysis of marine safety investigation reports.

6.31 The Sub-Committee requested the Secretariat to continue to establish an internet capability for the correspondence group to access data from GISIS, in order to determine if there are potential safety issues in the way of trends or recurring contributing factors, which could be reviewed by the working group.

RE-ORGANIZING PART OF THE SUB-COMMITTEE'S WORK

6.32 The Sub-Committee noted the aspects of the work of the working group and correspondence group on casualty-related matters looking for a more efficient work, better final product and prioritized activities (see paragraphs 17.5 to 17.7).

CORRESPONDENCE GROUP ON CASUALTY ANALYSIS AND TERMS OF REFERENCE

6.33 The Sub-Committee, taking into account the work completed at this session, agreed that the Correspondence Group on Casualty Analysis be re-established, under the coordination of Germany*, to continue its work intersessionally under the following terms of reference:

- .1 based on the information received from Administrations on investigations into casualties, conduct a review of the relevant casualty reports referred to the group by the Secretariat;
- .2 analyse the investigation report on the collision between **Samsung 1** and **M/T Hebei Spirit**, (GISIS Incident No. C0006497);
- .3 consider and advise on the information provided from a technical perspective in document MEPC 60/16 on fair treatment of seafarers of the **M/T Hebei Spirit** (MEPC 60/22, paragraphs 16.3 to 16.6);
- .4 analyse the final investigation report on the marine accident on board the **Chicago Express** (GISIS Incident No. C000763);
- .5 conduct analyses on accidents and, if possible, identify trends related to the integration of pilots into bridge teams, as practicable;
- .6 identify safety issues that need further consideration;
- .7 prepare an extensive mapping and analysis of accidents and, if possible, trends related to inadequate integration of pilots into bridge teams having a contributing or direct cause to an accident; and
- .8 submit a report to FSI 19.

6.34 The Sub-Committee agreed that the Working Group on Casualty Analysis could start work on the morning of the first day of the FSI 19 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, as amended, under the following Provisional Terms of Reference, subject to re-establishment of the correspondence group and further instructions received from the plenary, to:

* **Coordinator:**
Mr. Jörg Kaufmann
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Germany
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- .1 confirm or otherwise the findings of the correspondence group based on the analysis of individual casualty investigation reports (FSI 19/6, FSI 19/6/1 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 19/6), for the Sub-Committee's approval and authorization of release on the IMO website in accordance with agreed procedure; and
- .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 on Casualty Analysis and which are of interest to them (FSI 19/6). 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.

REMINDER FOR SUBMISSION OF CASUALTY-RELATED DATA

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

- .1 ensure that the information on reports on marine casualties and incidents are provided to the Secretariat in accordance with the reporting requirements and the revised format annexed to MSC–MEPC.3/Circ.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 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, in accordance with MSC/Circ.539/Add.2 and MSC/Circ.753, 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;
- .5 indicate in the reports of investigations into casualties whether fraudulent certificates have been involved;
- .6 include precise information on root-causes and details of accidents, specially on the cause of accidents involving general cargo ships, into the final version of a marine safety investigation report; and
- .7 consider any potential trend when conducting a marine safety investigation or analysis of marine safety investigation reports.

7 HARMONIZATION OF PORT STATE CONTROL ACTIVITIES

MATTERS REFERRED BY MSC 87

Future development or amendment in relation to PSC-related instruments

7.1 Having considered document FSI 18/7/7 (Secretariat) on the outcome of MSC 87 on PSC-related matters, the Sub-Committee, on the issue of the Sub-Committee's involvement from the initial stage into any future development or amendment in relation to PSC-related instruments to be considered by any other IMO bodies, noted that MSC 87 had invited interested delegations attending the Sub-Committee's sessions to monitor the developments in all other sub-committees and to participate in the discussion in other sub-committees.

Guidelines or codes on PSC-related matters

7.2 On the issue of requesting advice from other IMO bodies regarding guidelines or codes which may address PSC-related matters that would need to be reviewed and/or consolidated within the revised Procedures for PSC, the Sub-Committee, having considered document FSI 18/7/6 (Secretariat) containing a draft list of instruments relevant to PSC procedures, referred the draft list to the drafting group to be established under this agenda item for preparing the review by all sub-committees prior to consideration by MSC 89.

Guidance to port State control officers on LRIT-related matters

7.3 The Sub-Committee, on the referral by MSC 87 of the issue of whether guidance on LRIT-related matters for port State control officers, including the understanding of technical difficulties with shipborne equipment, would be required and, if so, to prepare appropriate guidance for port State control officers on this matter, taking into account the provisions of SOLAS regulation V/19-1, the revised performance standards, MSC.1/Circ.1298 and the report of the eighth session of the *Ad Hoc* LRIT Group, agreed to the need for guidance to be developed intersessionally and instructed the drafting group to prepare relevant terms of reference.

Amendments to SOLAS regulation V/23, relating to pilot transfer arrangements

7.4 With regard to the referral by MSC 87 of the issue of encouraging PSC organizations to formally include pilot ladders as part of the safety equipment that officers would be examining in the course of inspections, the Sub-Committee also agreed to develop relevant guidance intersessionally and instructed the drafting group to prepare terms of reference, taking into account the draft amendment to SOLAS regulation V/23 relating to pilot transfer arrangements to be adopted at MSC 88.

ANALYSIS OF PSC ACTIVITIES, PRACTICES AND STATISTICS

7.5 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 18/7/2 (Secretariat) on the progress report on regional PSC regimes;
- .2 FSI 18/INF.3 (Paris MoU) on the analyses of 2008 Paris MoU statistics;
- .3 FSI 18/INF.5 (Paris MoU) on the Paris MoU Annual Report 2008;

- .4 FSI 18/INF.8 (Tokyo MoU) on the Tokyo MoU Annual Report 2008;
- .5 FSI 18/INF.9 (Tokyo MoU) on the Tokyo MoU Annual Report 2009;
- .6 FSI 18/INF.17 (Indian Ocean MoU) on the Indian Ocean MoU Annual Report 2009;
- .7 FSI 18/INF.20 and Corr.1 (Caribbean MoU) on the Caribbean MoU Annual Report 2009;
- .8 FSI 18/INF.22 (Black Sea MoU) on the Black Sea MoU Annual Report 2008;
- .9 FSI 18/INF.23 (Black Sea MoU) on the Black Sea MoU Annual Report 2009;
- .10 FSI 18/INF.24 (Black Sea MoU) on the Analysis of 2008 Black Sea MoU Statistics;
- .11 FSI 18/INF.25 (Mediterranean MoU) on the Mediterranean MoU Progress Report 2009;
- .12 FSI 18/INF.26 (Viña del Mar Agreement) on the Annual Statistical Report 2009; and
- .13 FSI 18/INF.27 (United States) on the United States Coast Guard 2009 Port State Control Report.

7.6 The Sub-Committee was informed that the application of the Riyadh MoU for observer status at IMO, as an intergovernmental organization had been considered and approved by the Assembly at its twenty-sixth session.

7.7 The Sub-Committee, having invited representatives of other PSC regimes that did not submit a document to this session to provide any relevant information on recent developments, was informed by the Riyadh MoU that its annual report would be made available to delegations on IMODOCS and that the Abuja MoU had recently undergone a reorganization that had rendered it impossible to submit a report in time for consideration at this session.

7.8 The Sub-Committee agreed to instruct the drafting group, on the basis of the draft format as set out in the annex to document FSI 18/7/7, to use the information provided in annual reports of the PSC regimes in order to put forward an initial draft of a harmonized presentation of PSC data, taking into account the fact that the outcome will be considered at the next IMO Workshop for PSC MoU/Agreement Secretaries and Directors of Information Centres.

7.9 The Sub-Committee also agreed to refer the question of the date of the Fifth IMO Workshop for PSC MoU/Agreement Secretaries and Directors of Information Centres, which is scheduled to take place in 2011, to the drafting group to be established.

7.10 The Sub-Committee invited the regional PSC agreements and the United States Coast Guard (USCG) 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, except when the schedule of the session of the Sub-Committee does not allow such a submission to be made in time, and requested the Secretariat to continue providing the Sub-Committee with a progress report on regional PSC agreements.

CONCENTRATED INSPECTION CAMPAIGNS (CICS)

7.11 Having recalled that MSC 87, while endorsing 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, had instructed the Sub-Committee to analyse the information collected so far in order to propose a methodology on how to streamline such information to make it easier to be considered by relevant IMO bodies, the Sub-Committee considered the following documents for referral to the drafting group:

- .1 FSI 18/7/4 (Paris MoU) on the Preliminary findings of CIC on lifeboat launching arrangements;
- .2 FSI 18/7/5 (Paris MoU) on the Results of CIC on safety of navigation;
- .3 FSI 18/INF.10 (Tokyo MoU) on the Preliminary results of CIC on lifeboat launching arrangements;
- .4 FSI 18/INF.11 (Tokyo MoU) on the Report of CIC on Safety of Navigation;
- .5 FSI 18/INF.18 (Indian Ocean MoU) on the Preliminary findings of CIC on life boat launching arrangements; and
- .6 FSI 18/INF.21 (Black Sea MoU) on the Preliminary findings of CIC on life boat launching arrangements.

7.12 The Sub-Committee invited PSC regimes to continue providing information on the outcome of CICS, preferably in conducting such campaigns in cooperation with other MoUs and to provide recommendations, together with supporting material, taking into account the outcome of the consideration of this matter by the drafting group to be established with the instruction to redraft the information contained in the documents on the outcome of CIC conducted by PSC regimes in order to streamline such information for easier consideration by relevant IMO bodies and dissemination to the industry.

INTER-REGIONAL ACTIVITIES

7.13 The Sub-Committee noted the information contained in document FSI 17/INF.4/Rev.1 (United States and the Paris and Tokyo MoUs) on flag Administrations targeted by the United States Coast Guard and the Paris and Tokyo MoUs.

TRANSPARENCY AND HARMONIZATION OF PSC INFORMATION

EQUASIS INFORMATION SYSTEM

7.14 In the context of its consideration of document FSI 18/7/1 (Secretariat) on the Equasis information system, presenting the relevant outcome of the 15th Equasis Editorial Board Meeting (EB 15), the 19th Equasis Supervisory Committee Meeting (SC 19), the 16th Equasis Editorial Board Meeting (EB 16) and the 20th Equasis Supervisory Committee Meeting (SC 20), the Sub-Committee noted the following elements:

- .1 SC 20 agreed revised criteria for PSC regimes to become data providers to Equasis;
- .2 the list of current data providers;
- .3 the appointment by SC 20 of Mr. H. Ringbom of the European Maritime Safety Agency (EMSA) as the new Managing Officer for the Equasis Management Unit and the continued hosting of Equasis by the *Sous-direction des systèmes d'information maritime* (DSI) in Saint-Malo (France); and
- .4 the 10th anniversary celebration of Equasis, which is scheduled to take place at IMO on 29 November 2010, in parallel with MSC 88.

PSC DATA EXCHANGE PROTOCOL

Data exchange protocols

7.15 In the context of the finalization of data exchange protocols between PSC regimes and the IMO Secretariat for the collection of inspection reports in electronic format, the Sub-Committee considered document FSI 18/7/3 (Secretariat).

7.16 The Sub-Committee noted the information provided orally that the Indian Ocean MoU and the Mediterranean MoU had signed the above-mentioned data exchange protocols during the session, while the Paris MoU Committee had requested clarification on the meaning of "control giving rise to an intervention of any kind", as being the criterion for reporting to the Organization contained in SOLAS regulation I/19(d), and the expected use of the information collected from PSC regimes.

7.17 While reiterating the exclusive ability of Parties to IMO Conventions to interpret the provisions contained therein, the Secretariat indicated that the context at the time of the inclusion of the reference to the restricted scope of reporting contained in resolution A.787(19), i.e. "control giving rise to detention" in paragraph 5.1.5 of the annex to the above-mentioned resolution, as opposed to "control giving rise to an intervention of any kind" in SOLAS regulation I/19(d), included the lack of in house facilities for electronic reporting, and that the signing of the protocol for the provision of all reports on inspections would not necessarily correspond to a more liberal interpretation of SOLAS regulation I/19(d) but, rather, to the willingness of the signing PSC regimes to actively support the work of the Organization on the harmonization of PSC activities.

7.18 With regard to the intended use of the reports of inspections so collected, the Secretariat further indicated that the Membership, including the representation of the PSC regimes, would decide any potential use beyond the immediate intended support to the fulfilment of reporting requirements (e.g., MEPC/Circ.318) by Member States, easier and wider access to PSC data by flag States and port States and transparency of data to facilitate the voluntary consideration by PSC regimes of multiple inspections-related issues.

Port State Control Officer (PSCO) Exchange Programme

7.19 The Sub-Committee considered the information contained in document FSI 18/INF.19 (Islamic Republic of Iran) indicating that the Caspian Sea littoral States conduct PSC as guided by their national legislations, or in accordance with the PSC manuals of the other MoUs they are members of, despite the fact that those MoUs do not cover the Caspian Sea. The need for a special MoU for the Caspian Sea has been felt for many years

and the Caspian States have taken steps in this direction which are still to be finalized. For instance, the Islamic Republic of Iran and the Russian Federation have signed a bilateral agreement in order to cooperate and coordinate their efforts in PSC issues, including a PSCO exchange programme.

7.20 The Islamic Republic of Iran highlighted the benefits of the above-mentioned programme conducted at the internal or international levels and proposed that such PSCO exchanges be coordinated between the MoUs from different regions of the world.

7.21 Having noted with appreciation and interest the information provided, the Sub-Committee invited the MSC to note the view of the Sub-Committee that document FSI 18/INF.19 (Islamic Republic of Iran) on Port State Control Officer (PSCO) Exchange Programme should be brought to the attention of the Technical Co-operation Committee.

7.22 At the same time, the Sub-Committee invited the delegation of the Islamic Republic of Iran to consider submitting a relevant proposal to the Technical Co-operation Committee using the information contained in document FSI 18/INF.19.

LIST OF NEW REQUIREMENTS

7.23 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 18/INF.15 (Secretariat), while requesting the Secretariat, further to its participation in the harmonization of PSC coding carried out by the Paris and Tokyo MoUs and the USCG, to liaise with all PSC regimes in order to help them in updating their lists of deficiencies and related coding in a harmonized manner on the basis of such information.

PROCEDURES FOR PORT STATE CONTROL (PSC)

7.24 The Sub-Committee considered documents FSI 18/7 (Australia) and FSI 18/WP.5 (Secretariat) containing the report of the Correspondence Group on Harmonization of PSC activities which was established by FSI 17, and a consolidated version of the Procedures for PSC (resolution A.787(19), as amended by resolution A.882(21)) including proposed amendments thereto, and agreed to refer them to the drafting group with the instruction to draft relevant amendments to the Procedures for PSC (resolution A.787(19)), as amended, and provide advice on the format of the draft Assembly resolution, taking into account the following decisions made in plenary:

- .1 with regard to the issue raised in document FSI 18/7 (paragraph 5.5), the Sub-Committee agreed that PSC Guidelines on the Maritime Labour Convention, 2006 should only be referenced in the Procedures for PSC;
- .2 with regard to the issue raised in document FSI 18/7 (paragraph 5.6), the Sub-Committee agreed to divide the resolution into "theory" and "practical" sections and to remove current sections 3.4, 3.5 and 3.6, along with all the appendices and Parts of 3.3, these sections being considered as the "practical elements";
- .3 with regard to the issue raised in document FSI 18/7 (paragraph 5.7), the Sub-Committee agreed that these "practical elements" would be best supported by the maintenance and updating mechanism falling within the MSC-MEPC resolution process and that the "theory" elements could remain within the amendment process of an Assembly resolution; and

- .4 with regard to the designation of bulk carriers, the Sub-Committee agreed to incorporate the following wording into resolution A.787(19), as amended:

"Bulk Carrier: whilst noting the definitions in SOLAS regulations IX/1.6 and XII/1.1 and resolution MSC.277(85), for the purposes of port State control, PSCOs should be guided by the ship's type indicated in the ship's certificates in determining whether a ship is a bulk carrier."

ESTABLISHMENT OF THE DRAFTING GROUP

7.25 The Sub-Committee agreed to establish the Drafting Group on Harmonization of PSC activities and instructed it, taking into account the relevant decisions and comments made in plenary to:

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- .1 using the reports of correspondence/working and drafting groups considered at previous sessions and including documents FSI 18/7, FSI 18/7/6, FSI 18/INF.15 and FSI 18/WP.5, draft relevant amendments to the Procedures for PSC (resolution A.787(19), as amended) and provide advice on the format of the draft Assembly resolution;
- .2 draft terms of reference for developing, intersessionally, draft provisions for Guidance on LRIT-related matters for port State control, taking into account the provisions of SOLAS regulation V/19-1, the revised performance standards, MSC.1/Circ.1298 and information provided in documents MSC 87/26, FSI 18/INF.12 and the report of the eighth session of the *Ad Hoc* LRIT Group;
- .3 redraft the information contained in the documents submitted by PSC regimes on the outcome of CIC conducted by PSC regimes so far in order to streamline such information to make it easier to be considered by relevant IMO bodies;
- .4 use the opportunity of the participation of representatives of the PSC regimes in order to put forward a proposed appropriate date of the Fifth IMO Workshop for PSC MoU/Agreement Secretaries and Directors of Information Centres;
- .5 on the basis of the draft format set out in the annex to document FSI 18/7/7, use the information provided in annual reports of the PSC regimes in order to put forward an initial draft of a harmonized presentation of PSC data, taking into account the fact that the outcome will be considered at future PSC Workshops;
- .6 draft terms of reference for developing, intersessionally, draft provisions for encouraging port State control organizations to formally include pilot ladders as part of the safety equipment that their port State control officers would be examining in the course of a port State inspection, taking into account the draft amendment to SOLAS regulation V/23 relating to pilot transfer arrangements to be adopted at MSC 88 and develop relevant guidance as appropriate;
- .7 prepare draft terms of reference for a correspondence group to be re-established;

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- .8 redraft the existing guidelines developed by PSC regimes contained in documents FSI 17/7/7 (Paris MoU) and FSI 18/INF.13 (Tokyo MOU) as IMO's revised Guidelines for inspection of anti-fouling systems on ships (resolution MEPC.105(49)), taking into account guidance on sampling and analysis of anti-fouling systems and actions taken on deficiencies and violations; and
- .9 with items 1, 2, 6 and 7 above to be dealt with as priorities at this session.

REPORT OF THE DRAFTING GROUP

7.26 Having received the report of the Drafting Group on Harmonization of PSC activities (FSI 18/WP.4), the Sub-Committee took action as indicated in the following paragraphs.

Revised procedures for port State control

7.27 With regard to the format of the draft Assembly resolution on the Procedures for PSC, the Sub-Committee agreed that document FSI 18/WP.5 (referred to as "the document") was a good basis for a correspondence group to use to further consider and discuss additional amendments and formatting on the basis of the following elements as a minimum:

- .1 the document should be refined so that the current draft does not appear to be disconnected from paragraph 3.2.1 onward;
- .2 the document should be refined to ensure that adequate detail is provided in paragraph 2.4.1;
- .3 the appendices of the document should be referenced within the body of the resolution;
- .4 the appendices should preferably follow a more logical order to reflect the actual process of an inspection, noting also, however, that standard formatting would dictate that each appendix appears in the order in which it is referenced within the body of the resolution;
- .5 in the current appendix 13 (Form A), the fields for the IMO company and registered owner number and the master's signature are missing;
- .6 new items, that have not been previously discussed by the Sub-Committee, should be removed from the document. Such items should be considered by the correspondence group separately for discussion prior to inclusion within an updated draft resolution; and
- .7 the outstanding items from the previous intersessional work as indicated in document FSI 18/7 should be completed.

7.28 Regarding the expected completion of the revised Procedures for PSC, the Sub-Committee agreed that a correspondence group, if re-established, should submit the consolidated draft Assembly resolution to FSI 19 and that, after further review, FSI 19 would invite MSC 89 and MEPC 62 to approve the consolidated draft Assembly resolution, prior to submission to the Assembly at its twenty-seventh session for adoption.

Concentrated Inspection Campaigns conducted by PSC regimes

7.29 Having agreed to use the annex to document FSI 18/7/5 (Paris MoU) as a model for a concise reporting format that could be provided to relevant IMO bodies, the Sub-Committee considered how to streamline information on the outcome of CIC submitted by PSC regimes.

7.30 Having noted the view of the drafting group that the reporting format should not deviate too far from the annex to document FSI 18/7/5 to avoid additional workloads for MoU Secretaries in creating another report, the Sub-Committee agreed to the reporting format as set out in annex 1 to document FSI 18/WP.4.

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

7.31 The Sub-Committee, having reviewed the annex to document FSI 18/7/7 (Secretariat), containing a draft format to summarize the outcome of PSC activities at a global level, agreed to the format as set out in annex 2 to document FSI 18/WP.4 for further consideration by future IMO Workshops for PSC MoU/Agreement Secretaries and Directors of Information Centres.

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

7.32 The Sub-Committee considered an appropriate date for the Fifth IMO Workshop for PSC MoU/Agreement Secretaries and Directors of Information Centres, and recommended that its provisional agenda be issued well in advance to allow substantive submissions by participants.

7.33 Having been advised that the tentative date for FSI 19 was 21 to 25 February 2011, the Sub-Committee noted that planning for and organizing a workshop prior to February 2011 was not possible due to planning and budgetary constraints, and that virtually all MoU/Agreement Committees would not be meeting between now and February 2011.

7.34 Having also noted that virtually all MoU/Agreement Committees would be meeting between March and May of 2011 and that the most convenient time for the Fifth Workshop would be in the last two weeks of June 2011 but no later than the first week of July 2011, the Sub-Committee noted that preferred dates of the IMO Workshop should be from 21 to 23 June 2011, subject to the compatibility of these proposed dates with the programme of IMO meetings for 2011.

7.35 The Sub-Committee further noted the recommendation of the group to change the name of the workshop to "IMO Workshop for PSC MoU/Agreement Secretaries and Database Managers" and agreed to recommend to the Committees that the matter be considered in the context of the Integrated Technical Co-operation Programme, as appropriate.

CORRESPONDENCE GROUP AND TERMS OF REFERENCE

7.36 The Sub-Committee agreed to re-establish the Correspondence Group on the Harmonization of PSC activities under the following terms of reference:

- .1 further consider and develop the draft text of resolution A.787(19), as amended by resolution A.882(21), using document FSI 18/WP.5 as a basis together with the comments made at FSI 18;

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- .2 prepare guidance for port State control officers on LRIT, taking into account the provision of SOLAS regulation V/19-1, the revised performance standards, MSC.1/Circ.1298 and information provided in documents MSC 87/26, FSI 18/INF.12, and the report of the eighth session of the *Ad Hoc* LRIT Group and any other relevant information provided to the correspondence group;
 - .3 consider and advise the Sub-Committee on the appropriate actions to be taken to encourage port State control regimes to formally include pilot ladders as part of the safety equipment that their port State control officers would be examining in the course of a port State inspection, taking into account the draft amendment to SOLAS regulation V/23 relating to pilot transfer arrangements to be adopted at MSC 88 and develop relevant guidance;
 - .4 prepare a draft revised text of the Guidelines for inspection of anti-fouling systems on ships (resolution MEPC.105(49)), taking into account the consolidated version of guidance developed by PSC regimes and the Revised Guidelines for Survey and Certification of anti-fouling systems on ships;
 - .5 consider the existing guidelines on PSC under the 2004 BWM Convention developed by PSC regimes (FSI 16/8) taking into account the ongoing work of the BLG Sub-Committee and any other information made available to the correspondence group; and advise the Sub-Committee on how to progress the development of such guidelines;
 - .6 taking into account document FSI 18/7, finalize the outstanding items from the previous intersessional work; and
 - .7 provide a written report to FSI 19.

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, having recalled that MSC 85 had endorsed the views of STW 39 that it would not be appropriate for the guidelines on PSC guidelines on inspection of seafarers' working hours to be issued as an MSC circular, considered the information contained in document FSI 18/8 (Secretariat).

8.2 The Sub-Committee also recalled that FSI 17 had 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.

8.3 The Sub-Committee was advised that STW 41 had approved draft amendments to the STCW Convention and submitted those amendments to the Diplomatic Conference of Parties to the STCW Convention held from 21 to 25 June 2010 in Manila, as authorized by MSC 86, with a view to adoption.

8.4 The Sub-Committee was also advised that the above-mentioned Conference had adopted the 2010 Manila Amendments to the STCW Convention and Code which are harmonized with the ILO standards for hours of rest. In this context, having noted that the new STCW provisions contain a requirement for recording the hours of rest which will be discussed by the STW Sub-Committee at its forty-second session, scheduled to meet in January 2011, the Sub-Committee agreed to await the outcome of the STW Sub-Committee on this matter.

POTENTIAL FOR CO-OPERATION BETWEEN IMO AND ILO

8.5 The Sub-Committee, having supported, in principle, the course of action put forward by the IMO and ILO Secretariats, as presented in paragraphs 8 to 15 of document FSI 18/8, was informed that, since FSI 17, the Secretariats of ILO have been continuing to identify relevant work items for the transfer of PSC data to GISIS and will provide further information to the next session of the Sub-Committee.

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, 26 States had ratified the Convention, representing 24.44% 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 17 had re-established the Correspondence Group on the Harmonization of PSC activities and instructed it, *inter alia*, to continue 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 relevant provisions of the Guidelines for ballast water sampling (G2). The Sub-Committee noted that due to the time constraints, the correspondence group was unable to make progress on the development of the Guidelines.

9.3 The Sub-Committee recalled that FSI 17, having recognized the need for further guidance on ballast water sampling and analysis protocols when conducting PSC inspection, had invited the BLG Sub-Committee to keep it updated on the development of the ballast water sampling and analysis protocols.

9.4 In this context, the Sub-Committee noted that BLG 14 (8 to 12 February 2010), having considered a number of submissions commenting on the development of an IMO circular on ballast water sampling and analysis protocols, had agreed that sampling and analysis continue to be a high priority, with ramifications related to the Guidelines for port State control under the BWM Convention currently under development by the FSI Sub-Committee. BLG 14 welcomed the intention of the observer from the European Commission (EC) to present a draft guidance document on sampling to BLG 15 based on the *aide-memoire* developed at BLG 13.

9.5 The delegation of the Bahamas, while acknowledging the need for timely completion of the Guidelines for port State control under the BWM Convention to facilitate the ratification process of the Convention, expressed the view, which was supported by other delegations, that more input on ballast water sampling and analysis was needed to finalize the above-mentioned guidelines and ensure that robust sampling and analysis protocols be used during PSC inspections.

9.6 In this connection, the observer from the European Commission (EC) reconfirmed its intention to present a draft guidance document on ballast sampling and analysis to BLG 15, based on the progress made by the European Maritime Safety Agency, in collaboration with EU Member States and some other States.

9.7 After some discussion, the Sub-Committee agreed that it would be appropriate to await the outcome of the BLG Sub-Committee on the development of ballast water sampling and analysis protocols before continuing the development of Guidelines for port State control under the BWM Convention. Consequently, the Sub-Committee agreed to request the MEPC to extend the target completion date of agenda item "Development of Guidelines on port State control under the 2004 BWM Convention" to the year 2013 and instructed the Correspondence Group on the Harmonization of PSC activities to be established to consider the existing guidelines on PSC under the 2004 BWM Convention developed by PSC regimes (FSI 16/8) taking into account the ongoing work of the BLG Sub-Committee and any other information made available to the correspondence group; and advise the Sub-Committee on how to progress the development of such guidelines (see paragraph 7.36.5).

10 REVIEW OF THE GUIDELINES FOR INSPECTION OF ANTI-FOULING SYSTEMS ON SHIPS

10.1 The Sub-Committee noted that the International Convention on the Control of Harmful Anti-fouling Systems on Ships had been in force since 17 September 2008 and that, to date, the Convention had 44 Parties, representing 73.08% of the gross tonnage of the world's merchant shipping.

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

10.3 The Sub-Committee also recalled that FSI 17, having noted that some regional MoUs had developed further guidance on the inspection of anti-fouling systems, based on the experience gained, in particular, on aspects related to sampling and analysis of anti-fouling systems, had agreed that there was a need to review the Guidelines for inspection of anti-fouling systems on ships, adopted by resolution MEPC.105(49), before incorporating them into the draft revised Assembly resolution on Procedures for port State control (resolution A.787(19), as amended by resolution A.882(21)).

10.4 The Sub-Committee noted that MEPC 59 had approved the inclusion of a new high-priority item "Review of the Guidelines for inspection of anti-fouling systems on ships" in the agenda of FSI 18, with a target completion date of 2011.

Instruction to the drafting group

10.5 Having considered the Tokyo MoU Interim Guidelines for Inspection of Anti-fouling Systems (AFS) on Ships (FSI 18/INF.13), the Sub-Committee agreed to refer this document to the Drafting Group on Harmonization of PSC Activities established under agenda item 7 for further consideration.

10.6 The Sub-Committee agreed to instruct the group, to initiate its work on the revision of Guidelines for inspection of anti-fouling systems on ships (resolution MEPC.105(49)) by redrafting the existing guidelines developed by PSC regimes and contained in documents FSI 17/7/7 (Paris MoU) and FSI 18/INF.13 (Tokyo MoU) (see paragraph 7.25.8).

Report of the drafting group

10.7 Having received the report of the drafting group (FSI 18/WP.4), the Sub-Committee noted that the group had prepared the first draft consolidated version of the two sets of Guidelines developed by the Paris MoU (FSI 17/7/7) and the Tokyo MoU (FSI 18/INF.13), but was not able to prepare amendments to the MEPC Guidelines for inspection of anti-fouling systems on ships (resolution MEPC.105(49)) due to time constraints. The Sub-Committee instructed the Correspondence Group on the Harmonization of PSC activities to be established to continue work in this respect (see paragraph 7.36.4).

10.8 In that connection, the Sub-Committee noted the suggestion by the observer from IACS that, during future work on the revision of the Guidelines for inspection of anti-fouling systems on ships, due consideration should be given with regard to the draft revised Guidelines for survey and certification of anti-fouling systems on ships. The IACS observer pointed out, in particular, that any reference in the Guidelines to the effective dates of anti-fouling systems controlled under Annex 1 of the AFS Convention should be in line with the relevant decisions of the MEPC and the Guidelines for survey and certification of anti-fouling systems on ships (resolution MEPC 102(48)).

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

11.1 The Sub-Committee agreed to consider document FSI 18/11 (Islamic Republic of Iran) on Analysis on findings from Voluntary IMO Member State Audits in the context of the review of the consolidated audit summary reports under agenda item 14 (see paragraph 14.6).

12 REVIEW OF THE SURVEY GUIDELINES UNDER THE HSSC

ALTERNATIVE ARRANGEMENTS FOR BOTTOM INSPECTION REQUIREMENTS FOR PASSENGER SHIPS OTHER THAN RO-RO PASSENGER SHIPS

12.1 The Sub-Committee, having noted that MSC 87 had approved MSC.1/Circ.1348 on Guidelines for the assessment of technical provisions for the performance of an in-water survey *in lieu* of bottom inspection in dry-dock to permit one dry-dock examination in any five-year period for passenger ships other than ro-ro passenger ships, as reported by the Secretariat in introducing document FSI 18/12/2, agreed that the amendments proposed by FSI 17 be referred to the Working Group on the Review of the Survey Guidelines under the HSSC and the Code for the Implementation of Mandatory IMO Instruments for review.

AMENDMENTS TO RESOLUTION A.997(25)

12.2 The Sub-Committee was advised that, as instructed, the Secretariat has prepared the 2009 Consolidated Version of the Survey Guidelines under the Harmonized System of Survey and Certification, 2007, containing the amendments to the Survey Guidelines adopted by resolution A.1020(26), which is available on IMODOCS in the section "Meeting documents/Others/HSSC Guidelines" (refer to Circular letter No.3054).

12.3 The Sub-Committee considered the relevant part of document FSI 18/12 (France) on the report of the Correspondence Group on the Review of the Survey Guidelines under the HSSC and the Code for the implementation of mandatory IMO instruments containing proposed amendments to the Survey Guidelines under the HSSC, 2007, as amended by resolution A.1020(26), deriving from the amendments to the relevant IMO regulatory instruments that will enter into force up to and including 31 December 2010.

12.4 In this context, the Sub-Committee referred the consideration of the report of the correspondence group (FSI 18/12), together with documents FSI 18/12/1, FSI 18/INF.15 and FSI 18/12/2 (Secretariat), containing lists of new and outstanding requirements which were adopted since the last session together with references to other potentially relevant instruments, to the working group to be established.

12.5 The Sub-Committee, having noted that the revised MARPOL Annex VI had come into force on 1 July 2010, referred resolution MEPC.180(59) on the amendments to the Survey Guidelines under the Harmonized System of Survey and Certification for the revised MARPOL Annex VI to the working group to be established for updating the existing relevant contents in the Survey Guidelines under the HSSC, 2007, as amended by resolution A.1020(26).

AMENDMENTS TO RESOLUTION MEPC.102(48)

12.6 The Sub-Committee was advised that MEPC 59 had noted 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 Guidelines for the Survey and Certification under Anti-fouling Systems on Ships.

12.7 In this context, the Sub-Committee referred the draft revised resolution together with guidelines and appendices contained in the report of the correspondence group (FSI 18/12) to the working group to be established for finalization.

12.8 The Sub-Committee, having considered the issue raised in the report of the correspondence group regarding a possible modification to resolution MEPC.105(49) as a consequence of the draft revised resolution, referred it to the Drafting Group on the Harmonization of PSC activities, established under agenda item 7, for review, taking into account the decisions taken under agenda item 10 on the Review of the guidelines for inspection of anti-fouling systems on ships (see paragraph 7.25.8).

Scope of application of amendments to SOLAS and related codes and guidelines

12.9 The Sub-Committee was advised that MSC 86, following consideration of documents MSC 86/20/1 (IACS), concerning the application dates for amendments to SOLAS chapter III and the FSS and LSA Codes, and MSC 86/WP.3 (Secretariat), clarifying issues related to the scope of application of amendments to the SOLAS Convention and the LSA and FSS Codes, had included in the DE Sub-Committee's work programme an item on "Application of amendments to SOLAS chapter III and the LSA Code".

12.10 The Sub-Committee was also advised that DE 53, in order to resolve the matter for the adopted amendments to SOLAS chapter III and the LSA Code, had agreed to request the Secretariat to update the list contained in annex 1 to document DE 53/19/2 (IACS), in cooperation with IACS, as appropriate, in the light of the discussions, and submit the updated list to DE 54.

12.11 Being further advised that DE 53, having noted that the same problems should be solved for a number of other amendments to SOLAS and related codes and that a general solution of the problem is necessary, had agreed to invite MSC 87 to decide which sub-committee should consider this further in a holistic manner. Subsequently, MSC 87 agreed to instruct FSI 18 to consider the issue of the scope of application of amendments to SOLAS and related codes and guidelines in a holistic manner.

12.12 Having noted that the observer from ICS expressed some concern regarding the burden likely to be imposed on the industry, as potential consequence of unnecessary replacement of existing equipment on board existing ships due to the equivocal scope of application, the Sub-Committee agreed that the scope of the application should be clearly specified for the implementation of any amendments to IMO instruments and referred the issue of the scope of application of amendments to SOLAS and related codes and guidelines to the working group to be established for detailed consideration in a holistic manner.

IMPLEMENTATION GUIDELINES

12.13 The Sub-Committee was advised that SLF 52, having considered the draft Implementation Guidelines to assist competent authorities in the implementation of Part B of the Code of Safety for fishermen and fishing vessels, Voluntary Guidelines for the design, construction and equipment of small fishing vessels and the Safety Recommendations for decked fishing vessels of less than 12 metres in length and undecked fishing vessels (referred to as "Implementation Guidelines"), had agreed to the draft Implementation Guidelines, in principle, and to January 2011 (SLF 53) as the date for submission of the final draft Implementation Guidelines to the Committee for approval.

12.14 The Sub-Committee was also advised that SLF 52, as noted by MSC 87, had agreed to refer the draft Implementation Guidelines to FSI 18 for consideration of the parts under the Sub-Committee's purview (in particular, chapters 1 to 5 and 8 of, and annexes 1 and 5 to, document SLF 52/WP.2), and report back to SLF 53 on its comments and proposals.

12.15 In this context, the Sub-Committee referred the draft Implementation Guidelines to the working group to be established for review.

ESTABLISHMENT OF THE WORKING GROUP

12.16 The Sub-Committee agreed to establish the Working Group on the Review of the Survey Guidelines under HSSC and the Code for the implementation of IMO mandatory instruments and instructed it, taking into account the decisions and proposals made in plenary, to:

- .1 identify in annex 3 to document FSI 17/11; document FSI 17/INF.9; document FSI 18/INF.15 and annex 2 to document FSI 18/12/2 those items which have not been dealt with so far and left for further development of amendments to the Survey Guidelines, with a view to maintaining the status of the items for future amendments;
- .2 continue to develop draft amendments to the Survey Guidelines under the HSSC, 2007 (resolution A.997(25)), as amended by resolution A.1020(26), using annex 1 to document FSI 18/12, as a basis, and derived from the amendments to the relevant IMO regulatory instruments that will enter into force up to and including 31 December 2011, with a view to submission of the draft amendments, as finalized at the next session, together with a draft resolution, to MSC 89 and MEPC 62 prior to submission to the Assembly at its twenty-seventh session for adoption, as a consolidated Assembly resolution;
- .3 consider the amendments to paragraph 5.10 of the Survey Guidelines proposed by FSI 17, with reference to MSC.1/Circ.1348 on the Guidelines for the assessment of technical provisions for the performance of an

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- in-water survey in lieu of bottom inspection in dry-dock to permit one dry-dock examination in any five-year period for passenger ships other than ro-ro passenger ships;
- .4 update the existing contents of the Survey Guidelines relevant to MARPOL Annex VI, using, as a basis, resolution MEPC.180(59) on the amendments to the Survey Guidelines under the HSSC for the revised MARPOL Annex VI;
 - .5 finalize draft amendments to resolution MEPC.102(48) on the Guidelines for Survey and Certification of Anti-fouling Systems on Ships, using annex 3 to document FSI 18/12, together with the text of the draft MEPC resolution, as a basis, with a view to submission to MEPC 61 for adoption;
 - .6 consider the issue of the scope of application of amendments to SOLAS and related codes and guidelines in a holistic manner, taking into account the outcome of MSC 87 and DE 53;
 - .7 review the draft Implementation Guidelines (annex 1 to SLF 52/WP.2), particularly chapters 1 to 5 and 8 and annexes 1 and 5, with a view to reporting back to SLF 53;
 - .8 advise on the re-establishment of a correspondence group to work on the review of the Survey Guidelines under the HSSC and prepare draft terms of reference as appropriate;
 - .9 consider document FSI 18/13 (IACS) on IACS unified interpretations relating to the implementation of resolution A.997(25);
 - .10 identify in document FSI 16/INF.4; document FSI 17/INF.10; the annex to document FSI 18/14/1 and annex 1 to document FSI 18/12/2 those items which have not been dealt with so far and left for further development of amendments to the Code for the implementation of mandatory IMO instruments, with a view to maintaining the status of the items for future amendments;
 - .11 continue to develop draft amendments to the Code for the Implementation of Mandatory IMO Instruments, 2007 (resolution A.996(25)), as amended by resolution A.1019(26), using annex 2 to document FSI 18/12, as a basis, and derived from the amendments to the relevant mandatory IMO instruments that will enter into force up to and including 1 July 2012, with a view to submission of draft amendments, together with a draft Assembly resolution to FSI 19 for consideration and approval by MSC 89 and MEPC 62 prior to submission to the Assembly at its twenty-seventh session for adoption;
 - .12 advise on the re-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; and
 - .13 with .2, .3, .4, .5, .6, .7, .8, .9, .11 and .12 above to be considered as priorities at this session.

REPORT OF THE WORKING GROUP

12.17 Having considered the report of the working group (FSI 18/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

12.18 The Sub-Committee, taking into account MSC.1/Circ.1348 on Guidelines for the assessment of technical provisions for the performance of an in-water survey *in lieu* of bottom inspection in dry-dock to permit one dry-dock examination in any five-year period for passenger ships other than ro-ro passenger ships, agreed to the draft text of the amendments to paragraph 5.10 of the Survey Guidelines, as proposed by FSI 17, with modifications to the footnote to reflect the specific Guidelines.

Amendments to resolution A.997(25)

12.19 The Sub-Committee considered the proposed draft amendments to resolution A.997(25), as amended by resolution A.1020(26), contained in annex 1 to document FSI 18/12, taking into account resolution MEPC.180(59) on amendments to the Survey Guidelines under the HSSC for the revised MARPOL Annex VI, which was used, as a basis, to update the existing contents of the Survey Guidelines relevant to MARPOL Annex VI, and agreed to the draft amendments deriving from the amendments to the relevant IMO regulatory instruments that will enter into force up to and including 31 December 2010, as set out in annex 1 to document FSI 18/WP.2.

12.20 In this context, the Sub-Committee agreed that the draft amendments to the Survey Guidelines need to be further developed, intersessionally, through a correspondence group, to include the requirements deriving from amendments to relevant IMO instruments that will enter into force up to and including 31 December 2011, for timely submission of draft amendments, together with a draft resolution to FSI 19 for consideration and approval by MSC 89 and MEPC 62 prior to submission to the Assembly at its twenty-seventh session for adoption, as a consolidated Assembly resolution (see paragraph 12.28).

Amendments to resolution MEPC.102(48)

12.21 Taking into account annex 3 to document FSI 18/12 containing the draft amendments to resolution MEPC.102(48), the Sub-Committee agreed to the revised Guidelines for Survey and Certification of Anti-fouling Systems on Ships, together with the text of a draft MEPC resolution, as set out in annex 1, for submission to MEPC 61 for adoption.

Scope of application of amendments to SOLAS and related codes and guidelines

12.22 The Sub-Committee, having reviewed the issue of the scope of application of amendments to SOLAS and related codes and guidelines on the basis of documents DE 52/17/5 (IACS), MSC 86/20/1 (IACS), MSC 86/WP.3, DE 53/4/6 (ILAMA), DE 53/19/1 (IACS), DE 53/19/2 (IACS) and DE 53/19/3 (United States), agreed that it is of utmost importance that the scope of any proposed amendments to the ship's life-saving appliances and their arrangement be clearly specified in terms of ship's type, date of construction or any other parameter.

12.23 The Sub-Committee also agreed that the word "equipment" should be carefully used as, either movable equipment, or "built-in" equipment and, therefore, form part of the ship's structure.

12.24 With regard to individual life-saving appliances, the Sub-Committee considered that any replacement of a life-saving appliance should be subjected to a compelling and demonstrated need. In this context, the Sub-Committee recommended that any group in charge of drafting amendments be also tasked to prepare a note clearly specifying the scope of the amendments. The note could be reviewed by the Secretariat, taking into account any information collected under resolution A.1013(26), which could subsequently guide the group in the final drafting of the text of the amendments.

12.25 The Sub-Committee agreed to continue the work on this topic intersessionally, for further discussion at the next session. The outcome of this work of the group could be either a modification to the sections "Working groups" and "Drafting groups" in the 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, or a dedicated joint MSC-MEPC circular (see paragraph 12.28).

Implementation Guidelines

12.26 The Sub-Committee, having considered annex 1 to document SLF 52/WP.2 on draft Guidelines to assist competent authorities in the implementation of Part B of the Code of Safety for fishermen and fishing vessels, Voluntary Guidelines for the design, construction and equipment of small fishing vessels and the Safety Recommendations for decked fishing vessels of less than 12 metres in length and undecked fishing vessels (referred to as "Implementation Guidelines"), particularly chapters 1 to 5 and 8 and annexes 1 and 5, and having supported the principle that safety in this area needed further enhancement, agreed that the annex appeared to comply with the general survey requirements expected of such a document. SLF 53 was invited to take note of the outcome of the consideration of the Implementation Guidelines by the Sub-Committee, and take action as appropriate.

Establishment of the correspondence group

12.27 The Sub-Committee initially agreed 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 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 under the following terms of reference:

- .1 identify in annex 3 to document FSI 17/11; in document FSI 17/INF.9; in document FSI 18/INF.15 and annex 2 to document FSI 18/12/2 those items which have not been dealt with so far and left for further development of amendments to the Survey Guidelines, with a view to maintaining the status of the items for future amendments;

*

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- .2 continue to develop draft amendments to the Survey Guidelines under the HSSC, 2007 (resolution A.997(25)), as amended by resolution A.1020(26), using annex 1 to document FSI 18/WP.2, as a basis, and derived from the amendments to the relevant IMO regulatory instruments that will enter into force up to and including 31 December 2011, with a view to submission of the draft amendments, as finalized at the next session, together with a draft Assembly resolution, to MSC 89 and MEPC 62 prior to submission to the Assembly at its twenty-seventh session for adoption, as a consolidated Assembly resolution;
- .3 continue to consider the issue of the scope of application of amendments to SOLAS and related codes and guidelines in a holistic manner, and develop draft amendments 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, as amended) or a dedicated joint MSC-MEPC circular;
- .4 identify in document FSI 16/INF.4; in document FSI 17/INF.10; in the annex to document FSI 18/14/1 and in annex 1 to document FSI 18/12/2 those items which have not been dealt with so far and left for further development of amendments to the Code for the implementation of mandatory IMO instruments, with a view to maintaining the status of the items for future amendments;
- .5 continue to develop draft amendments to the Code for the Implementation of Mandatory IMO Instruments, 2007 (resolution A.996(25)), as amended by resolution A.1019(26), using annex 3 to document FSI 18/WP.2, as a basis, and derived from the amendments to the relevant mandatory IMO instruments that will enter into force up to and including 1 July 2012, with a view to submission of draft amendments, together with a draft Assembly resolution to FSI 19 for consideration and for approval by MSC 89 and MEPC 62 prior to submission to the Assembly, at its twenty-seventh session, for adoption; and
- .6 submit a report to FSI 19.

12.28 Following the decision taken under agenda item 17 on "work programme and agenda for FSI 19" to reduce the number of correspondence groups which it had previously agreed to establish (see paragraph 17.16), the Sub-Committee re-organized the intersessional work to be carried out as follows:

- .1 as an *ad hoc* working arrangement, the Secretariat to cooperate with the Chairman of the Working Group on the Review of the Survey Guidelines under the HSSC and the Code for the implementation of IMO mandatory instruments and planned Coordinator identified in paragraph 12.27, who had offered his support for the intersessional period, for the fulfilment of the terms of reference set out in subparagraphs 12.27.4 and 12.27.5 and, implicitly, as much as practicable, in subparagraphs 12.27.1 and 12.27.2, in progressing the preparation of the draft Assembly resolutions on Survey Guidelines under the HSSC and the Code for the implementation of IMO mandatory instruments and their annexes intersessionally; and

- .2 interested delegations to consider further the issue of the scope of application of amendments to SOLAS and related codes and guidelines in a holistic manner and to make relevant submissions to FSI 19 (paragraph 12.27.3).

13 CONSIDERATION OF IACS UNIFIED INTERPRETATIONS

13.1 The Sub-Committee considered document FSI 18/13 (IACS), containing the Unified Interpretations (UIs) SC234, LL76 and MPC96 to address the survey procedures and any consequential actions corresponding to the requirements of the Survey Guidelines under the HSSC (resolution A.997(25)).

13.2 The Sub-Committee instructed the Working Group on the Review of the Survey Guidelines under the HSSC and the Code for the Implementation of Mandatory IMO Instruments established under item 12 to consider the matter in detail for recommendation and advice (see subparagraph 12.16.9).

Report of the working group

13.3 Having considered the report of the working group (FSI 18/WP.2), the Sub-Committee agreed that document FSI 18/13 containing IACS unified interpretations relating to the implementation of resolution A.997(25), as amended with regard to initial statutory surveys, is a very valuable document intended for IACS' own use, at both stages of drawings review and initial on site survey. The Sub-Committee invited Member States to note the document while encouraging IACS to keep it up to date.

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

REVIEW OF THE CONSOLIDATED AUDIT SUMMARY REPORTS

14.1 The Sub-Committee recalled that FSI 17 had developed guidance to be followed by the Secretariat when conducting the 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 to document FSI 17/20.

14.2 The Sub-Committee recalled also that MEPC 60 and MSC 87 had requested FSI 18 to consider the third consolidated audit summary report (CASR) contained in document A 26/9/1 and to report to MEPC 61 and MSC 88, as appropriate.

Preliminary study and analysis on the findings of Voluntary IMO Member State Audits

14.3 The Sub-Committee considered documents FSI 18/14 and FSI 18/INF.7 (Secretariat), containing a preliminary study based on the information contained in three CASRs of 26 audits, with 187 findings (61 non-conformities and 126 observations) and 25 root causes, including references to the mandatory IMO instruments and the Code for the implementation of mandatory IMO instruments (referred to as the "Code for implementation").

14.4 The results of the study revealed that audit findings (non-conformities and observations) were predominantly related to "common areas" and "flag States issues". The most repetitive categories of findings are found to be "legislation", "communication of information", "implementation (flag State)", "delegation of authority" and "flag State surveyors", while the analysis of the recurring grounds of findings indicates that 49% of

the references to mandatory IMO instruments are related to "communication of information" and "reporting" requirements in the SOLAS 1974, MARPOL, LL 66, STCW 1978 and TONNAGE 1969 Conventions.

14.5 The analysis of three audits containing root causes revealed that the main underlying causes are related to the lack of coordination among various entities involved in maritime administration, insufficient resources to conduct and support necessary processes and the absence of documented procedures.

14.6 As agreed under agenda item 11 (see paragraph 11.1), the Sub-Committee considered document FSI 18/11 (Islamic Republic of Iran) that provided the results of an analysis on the findings of Voluntary IMO Member State Audits conducted on 26 Member States and indicated that reporting to IMO; accident and incident reports; supervising ROs; developing strategies for the implementation of IMO instruments; and lack of sufficient national legislation are the major difficulties encountered in the implementation of IMO instruments.

14.7 The Islamic Republic of Iran proposed that before the IMO Audit Scheme enters its compulsory phase, it is necessary to consider these shortcomings in detail with the aim of finding proper solutions through discussion of the issue in the appropriate Committee meetings, or by the establishment of a correspondence group or a fact-finding group on this subject.

14.8 The Sub-Committee considered document FSI 18/14/2 (China), that indicated that the results of the analysis of the CASRs revealed that most Member States face difficulties in the transposition of the amendments to international Conventions into national legislations and suggested that non-conformities and observations on legislation should be considered relevant to the tacit acceptance procedure and amendment frequency of the Conventions, rather than simply as the shortcomings of Member States in the national legislation arrangements.

14.9 In this context, China proposed that during the process of reviewing and making the Code for implementation mandatory, due consideration should be given to the current difficulties encountered by Member States in the transposition of international Conventions into national legislation in the short time frame; the impact of the tacit acceptance procedure and the frequency of amendment of the IMO Conventions on the legislative resources of Member States; and the development of a mechanism to avoid frequent amendment of the IMO Conventions.

14.10 Following the introduction of the above documents, the Sub-Committee, for its detailed consideration of the information and proposals contained in the documents introduced, addressed the following issues:

- .1 comments on the detailed analysis carried out by the Secretariat and suggestion for improvement;
- .2 reporting to the Committees on the outcome of the analysis of CASRs and recommendation on how the review of future CASRs should be undertaken;
- .3 the proposal that before the IMO Audit Scheme enters its compulsory phase, it is necessary to consider the shortcomings related to the reporting to IMO; accident and incident reports; supervising ROs; developing strategies for the implementation of IMO instruments; and lack of sufficient national legislation; and

- .4 the proposal to consider the difficulties related to the transposition of the amendments to international Conventions into national legislations, the "tacit acceptance" procedure and frequent amendments to the Conventions.

14.11 In the course of the discussion, the Sub-Committee noted the following comments made:

- .1 the consideration of the CASRs and the institutionalization of the IMO Member State Audit Scheme should not be linked, in order to avoid any delay in the process;
- .2 the tacit acceptance procedure should not be considered as being an underlying cause for the findings related to "Legislation";
- .3 the amendment frequency of the Conventions is one of the difficulties encountered by Member States in the transposition of international Conventions into national legislation in the short time frame;
- .4 the shortcomings identified by the analysis of the audit results should be considered to ensure that the Member States should not face the same difficulties after the Scheme becomes Mandatory; and
- .5 the requirements of the instruments, taking into account the results of the analysis of the audits, must be reviewed in terms of effectiveness and appropriateness (e.g., reporting requirements).

14.12 Consequently, the Sub-Committee agreed:

- .1 to compile the analysis of future CASRs which may be referred to the Sub-Committee for consideration with previous analyses;
- .2 to request the Secretariat to continue the analysis of future CASRs, if referred to the Sub-Committee, on the basis of the presentation contained in documents FSI 18/14 and FSI 18/INF.7;
- .3 to make recommendations based on the results of the analysis for capacity building or technical assistance while identifying access level to audit data that may be required;
- .4 to wait for more data to become available for analysis of the root causes of the findings after a more substantial number of audits have been carried out, in particular, those findings related to legislation before determining whether the tacit acceptance procedure and the high rate of amendments may be the underlying causes for such difficulties, while related best practices could also be considered; and
- .5 to establish a working group to review all relevant findings identified through the analysing process implemented by the Secretariat and to make substantial recommendations to the Committees, including on the time frame for the entry into force, and frequency, of amendments to the Code for implementation at a future session, tentatively at FSI 20.

FURTHER DEVELOPMENT OF THE VOLUNTARY IMO MEMBER STATE AUDIT SCHEME

14.13 The Sub-Committee recalled that resolution A.946(23) on the Voluntary IMO Member State Audit Scheme, in its operative paragraphs 1 and 2, conveys the sentiments of the Assembly that the Scheme be developed in a voluntary form such as not to exclude the possibility, in the future, of it becoming mandatory.

14.14 The Sub-Committee was advised that C 101, while considering a Note by the Secretary-General (C 101/6/1), containing an analysis of the state of play of the Scheme and possible ways to further develop it, had requested the Secretary-General to prepare a study of possible ways of developing the Scheme, and that C 102 and C/ES.25, having considered the two Notes by the Secretary-General (C 102/6/1 and C/ES.25/6), containing the study requested, had taken the decisions which consequently had led to the adoption of resolution A.1018(26) on further development of the Voluntary IMO Member State Audit Scheme.

14.15 The Sub-Committee considered documents FSI 18/12/2 and FSI 18/2/Add.1 (Secretariat) providing information on the outcome of MSC 87 and MEPC 60. In considering the course of action to be followed in order to implement the requests by the Assembly on matters related to making the Code for implementation and auditing mandatory, MEPC 60 and MSC 87 decided to instruct FSI 18 to consider how to make the Code for implementation and auditing mandatory, within the ten mandatory instruments currently covered by the Code for implementation and the Audit Scheme, and any possible revision of the Code for implementation as a result, and report to MEPC 61 and MSC 88 for further consideration by the Committees in connection with the time frame and schedule of activities to institutionalize the IMO Member State Audit Scheme, annexed to resolution A.1018(26), so that the Committees can report to the Council, in due course, on the outcome of their consideration.

14.16 In the context of its consideration of document FSI 18/14/3 (United Kingdom), the Sub-Committee noted that the United Kingdom, while referring to the two actions to be taken in 2010 to institutionalize the Scheme, i.e. considering a methodology for making the Code for implementation mandatory by MEPC 60 and MSC 87 and identifying the mandatory IMO instruments through which the Code for implementation and auditing should be made mandatory by MEPC 61 and MSC 88, had expressed concerns on the limited progress made on the first step at both MEPC 60 and MSC 87, which could possibly jeopardize the timetable.

14.17 To maintain the timetable, the United Kingdom suggested that FSI 18 should provide recommendations to MEPC 61 and MSC 88 on how these actions should be taken forward and proposed that, in considering the method by which the Code for implementation should be made mandatory, the necessary reference, given in paragraph 10 of document FSI 18/14/3, to the Code for implementation could be incorporated into Article 1 of each of the relevant instruments.

14.18 The Sub-Committee considered document FSI 18/14/4 (Japan), recognizing that the legal aspects of making the audit mandatory are similar to the issue of goal-based standards (GBS) verification, and stating that the legal implication of audit results, in particular, that of corrective actions developed as a result of an audit, should be carefully considered.

14.19 Japan proposed an alternative approach on how to make the audit mandatory by developing an Assembly resolution, as a non-mandatory instrument, based on which every Member State would participate in the audit, stating that it would correspond to ICAO's practice and it would be more expeditious than amending IMO Conventions. In the view of the cost-effectiveness of the implementation of the audit scheme, Japan suggested that IMO

should study the audit scheme and experiences of ICAO and consider whether IMO could take a similar approach.

14.20 The Sub-Committee noted the information provided by the Secretariat, referring to the different set-ups of IMO and ICAO, resulting in different procedures for amending Conventions, and recalling the very clear instructions by the Committees to make the Audit Scheme mandatory under the ten instruments listed in the Code for implementation. It was pointed out that amendments to the articles of Conventions would need to follow the explicit amendment procedure which would make it impossible to determine a date of entry into force.

14.21 The Sub-Committee, for its detailed consideration of the information and proposals contained in the documents introduced, addressed the following issues:

- .1 how to make the Code for implementation and auditing mandatory;
- .2 possible consequential revision of the Code for implementation; and
- .3 detailed consideration of a course of action that the Sub-Committee should propose in order to comply with the timeframe and schedule of activities to institutionalize the IMO Member State Audit Scheme, annexed to resolution A.1018(26).

Instructions to the working group

14.22 Consequently, the Sub-Committee instructed the working group established under agenda item 15 on "Code for recognized organizations", taking into account relevant submissions made to the session and comments, proposals and decisions made in plenary, to:

- .1 prepare draft Sub-Committee's recommendations to the Committees on how to make the Code for implementation and auditing mandatory;
- .2 identify any necessary amendment to the Code for implementation, as a result;
- .3 consider in detail a proposed course of action and associated time frame for the work of the Sub-Committee; and
- .4 advise on the possible referral of intersessional work on making the Code for implementation and auditing mandatory to the correspondence group that might be established under item 15, together with draft terms of reference, as appropriate.

REPORT OF THE WORKING GROUP

14.23 Having considered the relevant part of the report of the working group (FSI 18/WP.3), the Sub-Committee took decisions as reflected in the following paragraphs.

How to make the Code for implementation and auditing mandatory

14.24 The Sub-Committee acknowledged that the option to amend the annexes to the mandatory instruments concerned through the tacit acceptance procedure was the preferred way forward to make the Code for implementation and auditing mandatory, and invited the

Committees to concur with that decision, and to instruct the Sub-Committee to proceed with the development of the relevant amendments on that basis.

14.25 The Sub-Committee further invited the MSC to consider:

- .1 whether to proceed with the development of amendments to the 1969 Tonnage Convention, considering that any such amendment will have to follow the explicit amendment procedure;
- .2 whether the STCW Convention should be amended during this round of developments aiming at making the Code mandatory, in view of the fact that the Convention has just been fully revised by the Manila Conference, and, if so, to refer the issue to the STW Sub-Committee in view of the existing verification regime currently contained in that Convention;
- .3 that the 1978 SOLAS Protocol was adopted to address specific issues relating to tanker safety and that, at the time, the parent Convention (SOLAS 1974) had not entered into force. Since then, most, if not all, of the provisions of the Protocol have been incorporated in the parent Convention and the 1988 SOLAS Protocol; therefore, it is apparent that there would be no tangible benefit to be derived from amending the 1978 SOLAS Protocol to make the Code for implementation and auditing mandatory; and
- .4 that the 1966 Load Lines Convention, with 159 Contracting Governments, requires the explicit amendment procedure for any amendment and that the 1988 Protocol modified that Convention and introduced the tacit amendment procedure. There are currently 91 Contracting Governments to the 1988 Load Lines Protocol. Considering the difficulties in obtaining explicit acceptance for amendments to enter into force, it would be prudent to consider whether the parent Convention, in addition to the 1988 Load Lines Protocol, should also be amended to make the Code for implementation and auditing mandatory, taking into account that the tacit acceptance procedure is not available for the 1966 LL Convention.

14.26 The Sub-Committee invited the MEPC to consider whether each Annex to MARPOL would have to be amended with the appropriate text, either by adding a new chapter to an Annex or separating the Annex into a Part A for the technical regulations and a Part B to contain regulations to make the Code for implementation and auditing mandatory, as appropriate.

14.27 The delegation of China, while agreeing with the option of amending annexes to instruments concerned as an expeditious option and with the proposal made by the working group, reminded the Sub-Committee that articles of Conventions address high-level general legal issues, for example, the obligation of Contracting States on the implementation of a Convention, whereas annexes normally address technical provisions. In their view, the mandatory audit of Contracting States was a high-level general legal requirement, aiming at the obligation of Contracting States on the implementation of a Convention and, theoretically, such provisions should be contained in articles. Taking into account the timetable given in the Assembly resolution, the working group had suggested to amend annexes to the instruments concerned, but this option would impact on the structure of the Conventions, since, under such an option, annexes to the instruments would not only address technical requirements but also address high-level general legal requirements, therefore, the boundary between articles and annexes to the Conventions would not be clear any more.

The delegation requested the Sub-Committee to bear this issue in mind and give full consideration to this matter when developing the text of relevant amendments.

Possible consequential revision of the Code for implementation

14.28 The Sub-Committee agreed to recommend that the following areas of the Code for implementation would need to be amended at this stage:

- .1 paragraphs 4 and 5 – the explicit reference to UNCLOS should be removed as it is neither an IMO instrument nor within the scope of the Audit Scheme. The contents of the paragraphs could be kept and reworded accordingly;
- .2 paragraph 6 – the list of mandatory IMO instruments should be removed and the scope redefined, possibly using section 7.4 of the Framework of the Scheme (resolution A.974(24)) as the basis;
- .3 paragraph 16.3 – should be removed and possibly transferred to the STCW Convention or redrafted to remove direct reference to that Convention;
- .4 paragraph 18 – the reference to SOLAS 1974 should be removed and the paragraph reworded accordingly;
- .5 paragraph 28 – the reference to the STCW Convention should be reviewed;
- .6 paragraph 54 – the reference to specific Conventions should be removed and the paragraph reworded accordingly; and
- .7 the annexes to the Code would not be part of a mandatory Code for implementation.

Timeframe and schedule of activities to institutionalize the IMO Member State Audit Scheme

14.29 The Sub-Committee agreed on the sequence of the work of the Sub-Committee to meet the 2015 deadline for making the audit scheme mandatory as follows:

- .1 FSI 18 to report to MSC 88 and MEPC 61 on its consideration on how to make the Code for implementation and auditing mandatory, and any possible revision of the Code for implementation as a result;
- .2 FSI 18 to establish a correspondence group to develop a revised text of the Code for implementation, taking also into account any related decisions made by MSC 88 and MEPC 61;
- .3 FSI 19 (2011) to report to MSC 89 (2011) and MEPC 62 (2011) on its consideration of the report of the correspondence group and the progress made;
- .4 FSI 19 to decide on the continuation of the correspondence group to develop the provisions to make the Code for implementation and auditing mandatory through the identified mandatory instruments and continue the work on revising the Code for implementation, taking into account decisions made by MSC 89 and MEPC 62; and

- .5 FSI 20 to finalize draft amendments to the mandatory IMO instruments concerned, as appropriate, and amendments to the Code for implementation for consideration by the MSC and the MEPC for approval, with a view to adoption in 2013 by the Committees and the Assembly, as appropriate.

Intersessional work

14.30 The Sub-Committee agreed to instruct the Correspondence Group on the Development of the Code for Recognized Organizations and making the Code for implementation of IMO mandatory instruments and the auditing mandatory established under agenda item 15 (see paragraph 15.26) to progress intersessionally the review of the Code for implementation, based on the issues identified in paragraph 14.28.

AMENDMENTS TO RESOLUTION A.996(25)

14.31 The Sub-Committee was advised that, as instructed, the Secretariat had prepared the 2009 Consolidated Version of the Code for the Implementation of Mandatory IMO Instruments, 2007, containing the amendments to the Code adopted by resolution A.1019(26), which is available on IMODOCS in the section "Meeting documents/Others/Audit standard" (refer to Circular letter No.3054).

14.32 The Sub-Committee considered the relevant parts of the report of the Correspondence Group on the Review of the Survey Guidelines under the HSSC and the Code for the implementation of mandatory IMO instruments (FSI 18/12) containing proposed amendments to the Code for the Implementation of Mandatory IMO Instruments, 2007 (resolution A.996(25)), as amended by resolution A.1019(26), based on the new provisions adopted since the last session with a date of entry into force extending until July 2012.

14.33 In the context of its consideration, the Sub-Committee noted that a question was raised during the work of the Correspondence Group on whether the IMDG Code should not be referred to in the Code for Implementation of mandatory IMO Instruments owing to the structure and the frequency with which the IMDG Code is amended. The Sub-Committee noted that paragraph 3 of the Framework and Procedures for the Voluntary IMO Member State Audit Scheme (resolution A.974(25)) states that the audit standard shall be the Code for implementation. Being of the opinion that any reduction of the scope would impact on the auditable areas, which was decided by the Assembly through resolution A.974(25), the Sub-Committee agreed to recommend to the Committees to follow the same procedure for a reduction or an expansion of the scope to the Code for implementation, whereby, as decided by MSC 86, any proposals by Member States to expand the scope of the Code for implementation should be, first, submitted to the Committees for consideration (MSC 86/26, paragraph 13.15).

14.34 The Sub-Committee also considered documents FSI 18/14/1 and FSI 18/12/2 (Secretariat), containing lists of the amendments to mandatory instruments, adopted since the last session of the Sub-Committee, which might be relevant to the development of amendments to the Code for implementation, as well as document FSI 18/12/1 (Secretariat), providing information on the outcome of MSC 86, *inter alia*, regarding procedures of any expansion of the scope to the Code for implementation.

REFERRAL TO THE WORKING GROUP

14.35 The Sub-Committee agreed to refer the detailed consideration of documents FSI 18/12, FSI 18/14/1 and FSI 18/12/2 to the Working Group on the Review of the Survey Guidelines under HSSC and the Code for the implementation of IMO mandatory instruments, established under agenda item 12 (see subparagraphs 12.16.10 to 12.16.12).

Report of the working group

14.36 Having considered the relevant part of the report of the working group (FSI 18/WP.2), the Sub-Committee took decisions reflected in the following paragraphs.

14.37 The Sub-Committee, having considered the proposed draft amendments contained in annex 2 to document FSI 18/12, agreed to the draft amendments to resolution A.996(25), as amended by resolution A.1019(26), deriving from amendments to the relevant mandatory IMO instruments that will enter into force up to and including 1 January 2011, as set out in annex 3 to document FSI 18/WP.2.

14.38 In this regard, the Sub-Committee also agreed that the draft amendments to the Code for Implementation needed to be further developed, intersessionally (see paragraph 12.28), to include the requirements deriving from the amendment to relevant IMO mandatory instruments that will enter into force up to and including 1 July 2012, for the timely submission of draft amendments, together with a draft Assembly resolution to FSI 19 for consideration and approval by MSC 89 and MEPC 62, prior to submission to the Assembly for adoption at its twenty-seventh session, as a consolidated Assembly resolution.

15 DEVELOPMENT OF A CODE FOR RECOGNIZED ORGANIZATIONS

EXISTING REQUIREMENTS AND RECOMMENDATIONS

15.1 Having recalled that the work programme item on the development of a Code for recognized organizations (referred to as the "RO Code") had 2010 as the target completion date, the Sub-Committee was advised that MSC 86 and MEPC 59 had endorsed the Sub-Committee's decision to request the Secretariat to prepare a consolidated document containing all existing requirements and recommendations of IMO instruments regarding recognized organizations (ROs), while inviting Member Governments and international organizations to consider the aforementioned document in order 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.

15.2 The Sub-Committee considered document FSI 18/15 (Secretariat) consolidating, as requested by FSI 17, the requirements and recommendations of the IMO Conventions, codes and resolutions regarding ROs, including recognized security organizations (RSOs), and listed the relevant IMO circulars.

GAP ANALYSIS

15.3 The Sub-Committee considered documents FSI 18/15/1 and FSI 18/INF.16 (Islamic Republic of Iran), which contained information focusing on a comprehensive quality management system that encompasses all activities of the ROs, including a supervisory system for the maritime administrations for developing an RO Code and proposed an audit scheme for ROs in accordance with the requirements of applicable international standards while supporting a consolidated document containing all existing requirements and recommendations of IMO instruments regarding ROs.

15.4 The Islamic Republic of Iran proposed that the audits should be conducted by independent auditors to ensure effective and harmonized monitoring of ROs on behalf of the Administrations, and the criteria for selection of independent auditors should also be defined in the RO Code while a model of accreditation and certification was found essential for accreditation bodies to be assigned by Administrations for certification of auditors responsible for audit of ROs taking into account the requirements of applicable international standards.

15.5 In document FSI 18/15/2 (Canada and United States), the Sub-Committee was presented with the proposal that an RO Code should subsume both resolutions A.739(18) and A.789(19) while also incorporating the items identified in document FSI 18/15/2 as gaps and minimum standards, and other references to ROs presently contained in IMO instruments should be retained in their current locations.

15.6 Canada and the United States expanded the definitions of marine-focussed organizations which had been grouped into three categories in document FSI 17/14/3 (Marshall Islands), to add clarity. They indicated that the following items: minimum requirements for ROs; ability to perform its functions across a wide geographical area without any degradation in the service quality and without reliance on the use of non-exclusive surveyors or exclusive surveyors of other ROs; independent rule development or rule development in a collaborative effort with another RO, or group of ROs; minimum performance measurements and key performance indicators which are not, or not adequately, covered by the existing requirements and recommendations for ROs should be addressed in the RO Code.

15.7 Document FSI 18/15/2 further proposed to establish certain indicators to measure the performance of ROs for determining whether there has been an improvement or a decline in their performance; to provide information for the results of flag State oversight inspections, quality assessment and certification body (ACB) quality audits, PSC examinations, and casualty information; to formalize IMO criteria for ACB organizations, which would include international quality registrar criteria; to develop a database for use by Administrations listing the private and governmental ACB organizations which meet the minimum ACB organizational criteria; and to consider the IACS Quality System Certification Scheme (QSCS) as the international RO quality system standard required to fulfil the requirements of resolution A.739(18).

15.8 The Sub-Committee also considered document FSI 18/15/3 (Austria, *et al.*), pointing out that there is no further guidance on how an Administration should evaluate the proposed fulfilment of the minimum requirements of resolution A.739(18) and how the verification and monitoring should be performed.

15.9 In document FSI 18/15/3, the view was expressed that for the application of internationally agreed guidance to foster consistency on recognition, verification and oversight programmes, an RO Code should consist of two parts; the consolidated text of all provisions currently applicable to ROs, based on the inventory contained in document FSI 18/15 and guidelines for Administrations in the conduct of the recognition process and of the subsequent oversight and monitoring programme.

15.10 In considering document FSI 18/15/4 (IACS), the Sub-Committee noted that the assessment of the current level of audit activity of IACS members reveals that the number of flag State audit days to which IACS members have been subjected has increased from 376 in 2006 to 700 in 2009, an increase of 86%, in the relatively short time that the Voluntary IMO Member State Audit Scheme has been in place.

15.11 While expressing the view that the level of auditing of ROs by Administrations will increase as a consequence of moving towards the institutionalization of the Audit Scheme and proposing other ways and means rather than direct auditing by a flag State, e.g., acceptance of audits by independent auditors; reporting by the RO to the flag State; participation of flag State personnel in the work of the RO and confirmatory reviews/surveys by flag State personnel, IACS urged the Organization to consider how the efficiency of conducting such audits can be fully and properly considered, for all the stakeholders involved including those undertaking the audits, those who will use the outcome of the audits and those being audited, in the further development of both the RO Code and the institutionalization of the Audit Scheme.

15.12 In considering document FSI 18/15/5 (Panama), the Sub-Committee noted the view that the RO Code should be developed according to the IMO practice of classifying requirements separately, according to whether they are mandatory or non-mandatory, exactly in accordance with the consolidated document (FSI 18/15) and without altering the context.

15.13 While stating that sovereign countries uniformly retain the right and the power to authorize, supervise and monitor their ROs, Panama supported the views that the final drafting of the RO Code should be done in stages in order to overcome difficulties and maintain consistency with the existing standards, and, before entering into any discussion about changes or amendments to the existing standards and the minimum requirements applicable to ROs, the Sub-Committee should wait and analyse the results of a large and representative number of audits of Member States, and especially the manner in which each State monitors and controls its ROs.

15.14 Panama proposed to examine the requirements listed in document FSI 18/15 so as to determine which ones should be included in an RO Code and to define the objectives of the RO Code in a manner which facilitates the gap analysis agreed by FSI 17, while indicating that there should thus be no need for a mandatory audit system or for a supranational monitoring body to make sure that delegated tasks are supervised and carried out effectively.

15.15 The Sub-Committee also considered document FSI 18/15/6 (Republic of Korea) indicating that some IMO instruments (MARPOL Annex IV, the Tonnage Convention, the HSC Code, the ISM Code, the Grain Code and the IMSBC Code) do not explicitly stipulate that resolutions A.739(18) and A.789(19) should be complied with when flag States recognize, authorize and monitor ROs. In this context, the Republic of Korea expressed their concern that this may cause confusion which may inadvertently lead to a lack of implementation of relevant IMO instruments.

15.16 The Sub-Committee, for its detailed consideration of the information and proposals contained in the documents introduced, addressed the following issues:

- .1 list of relevant requirements and recommendations as a reference for potential inclusion in the RO Code;
- .2 outcome of the gap analysis;
- .3 sovereignty and international regulatory consistency issues;
- .4 specifications on survey and certification functions of ROs and requirements for ROs;

- .5 monitoring of ROs;
- .6 accreditation of auditing organizations appointed by Administrations to audit ROs;
- .7 verification mechanisms;
- .8 external references to be considered when developing the RO Code;
- .9 skeleton and format of the RO Code; and
- .10 further consideration, course of action and future work required;

15.17 With regard to the list of relevant requirements and recommendations as a reference for potential inclusion in the RO Code, the Sub-Committee supported the consolidation of the existing requirements and recommendations of IMO instruments regarding ROs. Some delegations supported the view that before discussing any changes or amendments to the existing standards and the minimum requirements applicable to ROs, the analyses of the results of a large and representative number of audits of States should be considered, while some delegations suggested that the gaps identified in documents submitted to the Sub-Committee regarding the RO Code should be considered and included, as appropriate, in the RO Code.

15.18 In the context of the discussion on sovereignty and international regulatory consistency issues, the Sub-Committee noted the view that the provisions of an RO Code should not infringe the sovereignty of Member States and that a supranational monitoring body would not be appropriate.

15.19 The Sub-Committee recorded the support expressed to the analysis by IACS in document FSI 18/15/3, and their concern with regard to a proliferation of audits of ROs and the consequential effect on their work.

15.20 The Sub-Committee also recorded the view that the RO Code should not interfere with the GBS validation process for bulk carriers and oil tankers recently adopted by the Committee, and emphasized this view.

15.21 The Sub-Committee supported the development of an RO Code to ensure consistency and uniformity with regard to the recognition and authorization of ROs, while stressing that a flexible approach was necessary, in order to avoid an overburdening of all parties involved in the audits of ROs.

ESTABLISHMENT OF THE WORKING GROUP

15.22 The Sub-Committee agreed to establish the Working Group on the Development of a Code for Recognized Organizations and instructed it, taking into account the documents submitted and relevant decisions and comments made in plenary, to:

- .1 address the outcome of the consideration of the issues listed in paragraph 15.16 by the plenary;
- .2 prepare a framework of the RO Code as a basis for further consideration; and

- .3 consider recommending the establishment of a Correspondence Group on the Development of a Code for recognized organizations and prepare draft terms of reference, as appropriate.

REPORT OF THE WORKING GROUP

15.23 Having considered the relevant part of the report of the working group (FSI 18/WP.3), the Sub-Committee took the decisions reflected in the following paragraphs.

Newbuildings

15.24 The Sub-Committee noted the view of the group regarding newbuildings without flag, in particular, that they should meet applicable requirements when the Administration is identified, prior to acceptance under its flag.

Security matters

15.25 The Sub-Committee endorsed the view of the group that ISPS Code matters should not be included in the RO Code at this early stage.

Purpose of the RO Code

15.26 The Sub-Committee agreed that the purpose of the RO Code would be the development of a consolidated instrument containing criteria against which ROs are assessed and authorized/recognized, and providing guidance for subsequent monitoring of ROs by Administrations.

Sovereignty and international regulatory consistency issues

15.27 The Sub-Committee recognized that, by establishing the purpose of the RO Code, the sovereignty of Member States has been affirmed.

Framework of the RO Code

15.28 The Sub-Committee agreed that the roadmap for the outline of a draft RO Code, as set out in annex 2 to document FSI 18/WP.3, should be used as the basis for the development of the draft RO Code.

Structure of the RO Code

15.29 The Sub-Committee agreed that the draft RO Code should consist of at least two parts, i.e. a first part containing mandatory provisions as already contained in relevant IMO instruments and applicable international quality standards (e.g., ISO 9001 and ISO/IEC 17020), incorporated into the above-mentioned roadmap and a second part, containing non-mandatory guidelines for implementing the mandatory requirements and for monitoring and oversight of ROs.

Applicability of provisions in the RO Code to Administrations and ROs

15.30 The Sub-Committee agreed that the initial draft RO Code would include two columns, highlighting the applicability of the relevant provisions to, either, Administrations or ROs, or both, as a provisional format to facilitate further discussion, noting that this provisional format could be re-arranged in future drafts.

Status of the RO Code

15.31 The Sub-Committee agreed to consider the issue of whether the RO Code is intended to replace or succeed any existing IMO instruments at a future session.

Establishment of the correspondence group

15.32 The Sub-Committee agreed to establish the Correspondence Group¹ on the Development of a Code for Recognized Organizations and making the Code for implementation of IMO mandatory instruments and the auditing mandatory, and instructed it, taking into account current relevant IMO instruments; documents submitted to FSI 17 and FSI 18 under the work programme item; the outcome of FSI 18 and the report of the working group (FSI 18/WP.3), to:

- .1 incorporate into the roadmap developed by the working group (FSI 18/WP.3, annex 2) requirements and recommendations contained in the relevant IMO instruments, identifying those items which are associated with Administrations and ROs, or both;
- .2 identify areas which are not, or not adequately, covered by existing IMO instruments and develop appropriate requirements for inclusion in the draft RO Code;
- .3 take into account the outcome of MEPC 61 and MSC 88 with regard to the development of the RO Code; and
- .4 submit a report to FSI 19.

16 MEASURES TO PROTECT THE SAFETY OF PERSONS RESCUED AT SEA

16.1 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 its work in cooperation with the FSI Sub-Committee so that it will be completed within the agreed time frame.

16.2 The Sub-Committee was advised that COMSAR 14 had concluded that the IMO Secretariat would conduct urgent consultations among interested parties in order to:

- .1 confirm the availability of all interested parties to participate in the development of regional arrangements;

¹

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- .2 establish the terms of reference for a group involving all the interested parties, relevant agencies and the regional institutions to draft regional arrangements; and
 - .3 convene such a group at the earliest opportunity.

16.3 The Sub-Committee, having noted that the Secretariat had taken the matter forward with a group of interested parties including Italy, Malta and Spain, for informal consultations, in the consideration of the primary concern of IMO for the integrity of the search and rescue and, consequentially, the safety of life at sea regime, agreed to consider the matter further at its next session, as appropriate.

17 WORK PROGRAMME AND AGENDA FOR FSI 19

REVIEW OF WORK PROGRAMME AND AGENDA

17.1 The Sub-Committee recalled that FSI 17 had considered the difficulties regarding the number of groups which the Sub-Committee can establish at every session and intersessionally within the guidance laid out in 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, as amended) and, as endorsed by MSC 87, had 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 issues of concern.

17.2 The Sub-Committee considered document FSI 18/17 (Secretariat), attempting to address the difficulties with which the Sub-Committee is regularly confronted on both the number of working/drafting groups and the number of correspondence groups to be established, in order to continue the necessary complex work to be carried out intersessionally and validated by groups established during the session itself.

17.3 The Secretariat recalled that MSC-MEPC.1/Circ.2, as amended, allows for a maximum of three working groups (paragraph 3.26) and three correspondence groups (paragraph 3.38 of the Guidelines) to be established during sessions. Regarding other groups, in addition to working and drafting groups, the Committee and their subsidiary bodies may form other groups, such as technical or review groups as required under relevant Conventions to meet in addition to or in lieu of working or drafting groups, or convene intersessional meetings of working groups and technical groups not to be held at the same time as Committee or sub-committee meetings (paragraphs 3.34 and 3.46 of the Guidelines).

17.4 Document FSI 18/17 contained the two following options; i.e. on the first hand, the postponement of the establishment of the current correspondence groups and/or current working groups to meet only once every two years and, on the second hand, the establishment of two steering groups reporting to the Sub-Committee, i.e. one steering group on the review of the Survey Guidelines under the HSSC and the Code for the Implementation of Mandatory IMO Instruments, and another steering group on casualty analysis, on the basis of terms of reference to be approved at every session of the Sub-Committee.

Referral to the Working Group on Casualty analysis

17.5 Following an intense debate involving the consideration of the ongoing discussions taking place in various IMO bodies on the need for prioritization of the workload and the constraints put on delegations and the Secretariat through the increase of intersessional meetings, the Sub-Committee noted that the option of the establishment of a steering group

to deal with the review of the Survey Guidelines on the HSSC and the Code for implementation of mandatory IMO instruments could not receive enough support for further recommendation to the Committees. However, the Sub-Committee agreed to refer to the Working Group the option on the establishment of an expert/steering group on casualty analysis to the Working Group on Casualty Analysis for detailed consideration, recommendation and preparation of a detailed proposal which could reasonably be supported, as appropriate.

17.6 Having received the report of the working group (FSI 18/WP.1), the Sub-Committee noted that the group, in considering the importance of the casualty-related matters and the precedents (FSI 18/17, paragraphs 15 and 16), had agreed that the working group and correspondence group on casualty-related matters conduct critical and fundamental work in identifying and highlighting important safety issues as well as identifying relevant new requirements. The group was unable to reach consensus on the proposed options outlined in document FSI 18/17; however, the group considered that the suggestion to meet every two or more years would seriously compromise the work of the group.

17.7 In considering options to better organize the work of the working group and correspondence group on casualty-related matters looking for a more efficient work, better final product and prioritized activities, the Sub-Committee endorsed the group's recommendation that the Working Group on Casualty analysis should, for the time being:

- .1 continue to meet at the same frequency as the Sub-Committee;
- .2 start its work promptly based on preliminary terms of reference approved at the previous session of the Sub-Committee;
- .3 have any additional terms of reference cleared by the Sub-Committee in a timely manner to allow the group to conduct its work effectively and efficiently; and
- .4 continue improving its activities electronically in order to save time and offer a better product to the Organization.

REVISED WORK PROGRAMME AND AGENDA FOR FSI 19

General

17.8 Having noted the adoption of the High-level Action Plan of the Organization and priorities for the 2010-2011 biennium (resolution A.1012(26)), the Sub-Committee further noted that the Assembly, recognizing the need for a uniform basis for the application of the Strategic Plan and the High-level Action Plan throughout the Organization, and for the strengthening of existing working practices through the provision of enhanced planning and management procedures, had adopted the Guidelines on the application of the Strategic Plan and the High-level Action Plan (resolution A.1013(26)). In particular, the Sub-Committee noted that the Assembly had requested the Committees to review and revise, during the 2010-2011 biennium, the Committees' Guidelines on the organization and method of work (MSC-MEPC.1/Circ.2) with a view to bringing them in line with the Guidelines on the application of the Strategic Plan and the High-level Action Plan.

17.9 The Sub-Committee was informed that, in pursuance of the above request, the Secretariat, in consultation with the MSC and MEPC Chairmen, had prepared draft revised Committee's Guidelines for consideration by MSC 87 (MSC 87/23), which also took account of the provisions of the Migration Plan approved by the Council. In this regard,

the Sub-Committee noted that the former format for "work programme" had been replaced by a new format for "biennial agenda" and "post-biennial agenda", the former format for the reporting on the status of planned outputs had also been replaced by a new format, and that the Committees' Chairmen had agreed to implement the use of the aforementioned new formats from the start of 2010.

Biennial agenda

17.10 Taking into account the progress made during this session and the decisions of the MSC and the MEPC, the Sub-Committee prepared its biennial agenda based on the work programme approved by MEPC 59 and MSC 87, as set out in annex 1 to document FSI 18/WP.6, for consideration by MEPC 61 and MSC 88.

17.11 The Sub-Committee agreed to invite the Committees to approve its biennial agenda, in general, as set out in annex 2, and, in particular, to:

- .1 note that the work on outputs 7.1.3.1 and 7.1.3.2 on port reception facilities-related issues has been completed; and
- .2 extend the target completion year of the following planned outputs:
 - .2.1 output 1.1.2.4 PSC guidelines on seafarers' working hours and PSC guidelines in relation to the Maritime Labour Convention, 2006, to 2011;
 - .2.2 outputs 2.0.1.13 and 5.2.2.2 Development of guidelines on port State control under the 2004 BWM Convention, to 2013;
 - .2.3 output 2.0.1.18 Development of a Code for Recognized Organizations, to 2011; and
 - .2.4 output 5.1.2.3 Measures to protect the safety of persons rescued at sea, to 2011.

Post-biennial agenda

17.12 The Sub-Committee agreed to recommend to the Committees to include an output on cooperation with FAO: preparation and holding of the third session of the IMO/FAO Working Group on IUU fishing and related matters, including safety regulations for fishing vessels and fishers, the entry into force of the 1993 Torremolinos Protocol, port State measures to fight against IUU fishing and development of a Global record for fishing vessels (High-level action No.1.1.2.1) (FSI 18/WP.6, annex 1) in the post-biennial agenda of the Sub-Committee with 2 sessions for completion, as set out in annex 3.

Provisional agenda for FSI 19

17.13 Taking into account the progress made during this session, the decisions of the MSC and the MEPC and the provisions of the agenda management procedure, the Sub-Committee prepared its provisional agenda for FSI 19 (FSI 18/WP.6, annex 2), as set out in annex 4, for approval by MEPC 61 and MSC 88.

Status of planned outputs

17.14 The Sub-Committee prepared the report of the status of the planned outputs of the High-level Action Plan of the Organization and priorities for the 2010-2011 biennium relevant to the Sub-Committee (FSI 18/WP.6, annex 4), as set out in annex 5, which the Committees are invited to note.

Proposed outputs for the 2012-2013 biennium in SMART terms

17.15 As requested, the Sub-Committee prepared a list of proposed outputs for the 2012-2013 biennium in SMART (specific, measurable, achievable, realistic and time-bound) terms (FSI 18/WP.6, annex 5), as set out in annex 6, which the Committees are invited to note.

ARRANGEMENTS FOR THE NEXT SESSION

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

- .1 casualty statistics and investigations;
- .2 harmonization of port State control activities; and
- .3 development of a Code for Recognized Organizations and making the Code for implementation of IMO mandatory instruments and the auditing mandatory.

17.17 The Sub-Committee provisionally agreed to establish three working groups and one drafting group at FSI 19 on the following subjects, respectively:

- .1 casualty statistics and investigations;
- .2 development of a Code for Recognized Organizations and making the Code for implementation of IMO mandatory instruments and the auditing mandatory;
- .3 harmonization of port State control activities; and
- .4 review of the Survey Guidelines under the HSSC and the Code for the implementation of mandatory IMO instruments.

DATE OF THE NEXT SESSION

17.18 The Sub-Committee noted that its nineteenth session has been tentatively scheduled to take place from 21 to 25 February 2011 at the Headquarters of IMO.

18 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2011

18.1 The Sub-Committee unanimously elected Capt. Dwain Hutchinson (Bahamas) as Chairman, and Ms. Julie Gascon (Canada) as Vice-Chairman, for 2011.

19 ANY OTHER BUSINESS

Global Integrated Shipping Information System (GISIS)

19.1 While being advised that the Assembly, at its twenty-sixth session, had adopted resolution A.1029(26) on the Global Integrated Shipping Information System (GISIS), the Sub-Committee recalled that GISIS had 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 18/19 (Secretariat) whereby GISIS presently consists of sixteen modules, with a further eight 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 With regard to the potential fulfilment of reporting requirements through GISIS, the Sub-Committee recalled the progress made on this issue in the context of its consideration of document FSI 18/3/3 (see paragraphs 3.10 and 3.11).

19.4 The Sub-Committee reiterated its support to the Secretariat for the further development of GISIS.

Development of the Global Record of Fishing Vessels

19.5 The Sub-Committee noted that A 26, in the operative paragraph 7 of resolution A.1029(26), requests the Secretary-General to continue developing GISIS in close cooperation with Member States, the IMO organs, international organizations and all other stakeholders of the global maritime community.

19.6 Having considered document FSI 18/INF.29 on the development of the Global Record of Fishing Vessels, the Sub-Committee noted that the FAO Secretariat had started conducting a pilot trial in May 2010 to test the concept of the Global Record of Fishing Vessels with data on fishing vessels provided by the North East Atlantic Fisheries Commission (NEAFC) and hosted by GISIS during the trial period, and that conducting this pilot trial does not imply any long-term commitment.

19.7 The Sub-Committee noted the proposed presentation of the progress in the development of the Global Record of Fishing Vessels to the third meeting of the joint IMO/FAO Ad Hoc Working Group on IUU Fishing and Related Matters.

Use of asbestos

19.8 The Sub-Committee noted the concerns expressed by the delegation of the Netherlands regarding the use of asbestos on board ships. Having recalled that, as from July 2002, the new installation of materials that contain asbestos has been prohibited for all ships with the exception of a few special ship types dealing with very high temperatures and pressures, and as from 1 January 2011, for all ships, the new installation of materials that contain asbestos shall be prohibited, the Netherlands indicated that, as already discussed during DE 53, asbestos is still used in many locations.

19.9 The delegation reported that they were, recently, confronted with a new-building ship, provided with statutory certificates, and with an asbestos free declaration, that appeared to have more than 5,000 gaskets containing asbestos in the piping systems

on board. They were found all over the ship and it took almost half a year to remove all these gaskets and to replace them with asbestos free gaskets. From this case, the Netherlands learned that asbestos is still available and used for ships' purposes and that only a few people are aware that asbestos is still applied on ships worldwide, notwithstanding the ban on the use of it.

19.10 Having informed the Sub-Committee that it was the delegation's intention to submit a document to FSI 19 on this issue, the Netherlands further indicated that, in the near future, when the Ship Recycling Convention is in force, there will be an obligation for ships to have an Investigation of Hazardous Material (IHM) that may be the solution to this problem. Within the scope of this IHM, special attention should, then, be given to materials containing asbestos and there may be a real challenge when and if, on ships delivered after July 2002, asbestos is found on board, as these ships will not comply with SOLAS requirements, and, therefore, all asbestos will have to be removed from the ship, which will be an enormous task as already mentioned before.

Expressions of appreciation

19.11 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. Matthew Lee (Singapore) (on transfer);
- Mr. Doug Rabe (United States) (on retirement);
- Mr. Richard Day (on retirement);
- Mrs. Monica Mbanefo (Secretariat) (on retirement);
- Mr. Alexander Petrov (Secretariat) (on retirement); and
- Miss Claude Faudot (Secretariat) (on early retirement).

20 ACTION REQUESTED OF THE COMMITTEES

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

- .1 note that the Sub-Committee agreed to discontinue the work on study on the combination of casualty and port State control data and requested the Secretariat to continue liaising with WMU in order to monitor potential progress that could be made in the future conduct of the study (paragraph 3.4);
- .2 note that the Sub-Committee requested the Secretariat to process and utilize the material developed for addressing the safety of non-Convention ships in the context of Technical Co-operation activities, as appropriate (paragraph 3.8);
- .3 request the Secretariat to review and update the IMO's Model Course 3.11 "Marine Accident and Incident Investigation" at the earliest convenience in cooperation with MAIIF (paragraph 6.20);
- .4 note the view of the Sub-Committee that document FSI 18/INF.17 on Port State Control Officer Exchange Programme should be brought to the attention of the Technical Co-operation Committee (paragraph 7.21);

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- .5 note the Sub-Committee's recommendations that the Fifth IMO Workshop for PSC MoU/Agreement Secretaries and Directors of Information Centres be scheduled to take place from 21 to 23 June 2011 and the name of the workshop be changed to "IMO Workshop for PSC MoU/Agreement Secretaries and Database Managers" in the context of the Integrated Technical Co-operation Programme (paragraphs 7.34 and 7.35);
- .6 note the Sub-Committee's view that document FSI 18/13, containing the IACS unified interpretations relating to the implementation of resolution A.997(25), as amended, with regard to initial statutory surveys, is a very valuable document intended for IACS' own use, at both stages of drawings review and initial on site survey and invite Member States to note the document while encouraging IACS to keep it up to date (paragraph 13.3);
- .7 note the views of the Sub-Committee on how the analysis of consolidated audit summary reports should be carried out by the Sub-Committee (paragraph 14.12):
- .8 with regard to the issue of making the Code for the implementation of mandatory IMO instruments and auditing mandatory (paragraphs 14.24 and 14.25):
- .8.1 concur with the view of the Sub-Committee that the tacit acceptance procedure is the preferred way forward to amend instruments to make the Code mandatory;
 - .8.2 instruct the Sub-Committee to proceed with the development of texts of amendments on the basis that they will be brought into force under the tacit acceptance procedure;
 - .8.3 consider whether to proceed with the development of amendments to the 1969 Tonnage Convention, taking into account that any such amendment will have to follow the explicit amendment procedure;
 - .8.4 consider whether the STCW Convention should be amended during this round of developments aiming at making the Code mandatory, in view of the fact that the Convention has just been fully revised by the Manila Conference, and, if so, to refer the issue to the STW Sub-Committee in view of the existing verification regime currently contained in that Convention;
 - .8.5 concur with the view of the Sub-Committee that there would be no tangible benefit to be derived from amending the 1978 SOLAS Protocol; and
 - .8.6 consider whether the 1966 Load Lines Convention, in addition to the 1988 Load Lines Protocol, should also be amended, taking into account that the tacit acceptance procedure is not available for the 1966 LL Convention;

- .9 concur with the view of the Sub-Committee on the areas of the Code for implementation which would need to be amended at this stage (paragraph 14.28);
- .10 note the view of the Sub-Committee on the timeframe and schedule of the activities of the Sub-Committee to institutionalize the IMO Member State Audit Scheme (paragraph 14.29);
- .11 concur with the Sub-Committee's recommendation that any proposals to reduce or expand the scope of the Code for the implementation of mandatory IMO instruments should be, first, submitted by Member Governments to the Committees for consideration (paragraph 14.33);
- .12 note the progress made in the development of a Code for Recognized Organizations (paragraphs 15.24 to 15.32);
- .13 approve the Sub-Committee's biennial agenda (paragraph 17.11 and annex 2);
- .14 approve the inclusion of the proposed output in the post-biennial agenda of the Sub-Committee with 2 sessions for completion (paragraph 17.12 and annex 3);
- .15 approve the Sub-Committee's provisional agenda for FSI 19 (paragraph 17.13 and annex 4);
- .16 note the report of the status of the planned outputs of the High-level Action Plan of the Organization and priorities for the 2010-2011 biennium relevant to the Sub-Committee (paragraph 17.14 and annex 5); and
- .17 note the list of proposed outputs for the 2012-2013 biennium in SMART terms (paragraph 17.15 and annex 6).

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

- .1 note that mandatory reports required under MARPOL are being submitted only by one quarter of the Parties; and urge all Parties to MARPOL to submit mandatory reports in accordance with MEPC/Circ.318 (paragraphs 4.5 to 4.8);
- .2 endorse the Sub-Committee's agreement that Member States should populate and maintain current information on their port reception facilities in the Port Reception Facilities Database (PRFD), and also enter, maintain and update their country contact information (both as flag and also as port State) into the GISIS PRFD; and for this purpose endorse the continued monitoring of the GISIS PRFD, for both population levels and usage, on an as needed basis or on request from MEPC or from FSI, as appropriate (paragraphs 5.6.1 and 5.6.2);
- .3 concur with the Sub-Committee, in connection with work item 5.2 ("Revision of the IMO Comprehensive Manual on Port Reception Facilities"), that the Comprehensive Manual on Port Reception Facilities remained a very useful tool and in need of updating on the basis of the guidance contained

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- at annex 2 to the correspondence group's report (FSI 18/5). For the revision of the Manual, consider either seeking donations from Member States and NGOs, or requesting the Technical Co-operation Committee, at its sixty-first session, to include this as a priority item under a Global Programme of the Integrated Technical Co-operation Programme (paragraph 5.6.6);
- .4 in connection with work item 6.1 ("Development of Assistance and Training Programme"), approve the proposed plan for the strengthening of PRFs, as outlined in annex 3 to the correspondence group's report (FSI 18/5), and endorse this as a priority theme for the next ITCP biennium 2012-2013 (paragraph 5.6.7);
- .5 endorse the Sub-Committee's agreement that work items 2.1, 3.2, 4.1, 4.2, 4.3, 5.2, and 6.1 of the Action Plan on Tackling the Inadequacy of Port Reception Facilities are completed and therefore that the Sub-Committee's work on the Action Plan has been satisfactorily completed (paragraphs 5.6.3 to 5.6.8);
- .6 note the Sub-Committee's conclusion that the Hong Kong Convention already makes adequate provisions for the environmentally sound management of all wastes removed from ships at ship recycling facilities, and consequently the Sub-Committee's agreement to refer back to MEPC 61, for the Committee's further consideration, the proposal by the Islamic Republic of Iran (documents MEPC 60/6/6 and FSI 18/5/1) for making provisions in all Annexes of MARPOL for waste reception arrangements at ship recycling facilities (paragraphs 5.7 and 5.8);
- .7 consider, with a view to adoption by an MEPC resolution the revised Guidelines for Survey and Certification of Anti-fouling Systems on Ships (resolution MEPC.102(48)) (paragraph 12.21 and annex 1);
- .8 note the views of the Sub-Committee on how the analysis of consolidated audit summary reports should be carried out by the Sub-Committee (paragraph 14.12);
- .9 with regard to the issue of making the Code for implementation of mandatory IMO instruments and auditing mandatory (paragraphs 14.24 to 14.26):
- .9.1 concur with the view of the Sub-Committee that the tacit acceptance procedure is the preferred way forward to amend instruments to make the Code mandatory;
- .9.2 instruct the Sub-Committee to proceed with the development of texts of amendments on the basis that they will be brought into force under the tacit acceptance procedure;
- .9.3 consider whether each Annex to MARPOL would have to be amended with the appropriate text, either by adding a new chapter to an Annex or separating the Annex into a Part A for the technical regulations and a Part B to contain regulations, as appropriate;

- .10 concur with the view of the Sub-Committee on the areas of the Code for implementation which would need to be amended at this stage (paragraph 14.28);
- .11 note the view of the Sub-Committee on the timeframe and schedule of the activities of the Sub-Committee to institutionalize the IMO Member State Audit Scheme (paragraph 14.29);
- .12 concur with the Sub-Committee's recommendation that any proposals to reduce or expand the scope of the Code for the implementation of mandatory IMO instruments should be, first, submitted by Member Governments to the Committees for consideration (paragraph 14.33);
- .13 note the progress made in the development of a Code for Recognized Organizations (paragraphs 15.24 to 15.32);
- .14 approve the Sub-Committee's biennial agenda (paragraph 17.11 and annex 2);
- .15 approve the inclusion of the proposed output in the post-biennial agenda of the Sub-Committee with 2 sessions for completion (paragraph 17.12 and annex 3);
- .16 approve the Sub-Committee's provisional agenda for FSI 19 (paragraph 17.13 and annex 4);
- .17 note the report of the status of the planned outputs of the High-level Action Plan of the Organization and priorities for the 2010-2011 biennium relevant to the Sub-Committee (paragraph 17.14 and annex 5); and
- .18 note the list of proposed outputs for the 2012-2013 biennium in SMART terms (paragraph 17.15 and annex 6).

ANNEX 1

DRAFT MEPC RESOLUTION

**2010 GUIDELINES FOR SURVEY AND CERTIFICATION
OF ANTI-FOULING SYSTEMS ON SHIPS**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

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

RECALLING ALSO that the International Conference on the Control of Harmful Anti-fouling Systems for Ships, 2001, held in October 2001, adopted the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001 (the AFS Convention) together with four Conference resolutions,

NOTING that Article 10 of the AFS Convention prescribes that ships shall be surveyed and certified in accordance with the regulations of annex 4 of the Convention,

NOTING ALSO that regulation 1(4)(a) of annex 4 of the AFS Convention refers to the guidelines to be developed by the Organization and Conference resolution 2 urges the Organization to develop these guidelines as a matter of urgency for them to be adopted before the entry into force of the Convention,

NOTING FURTHER that, by resolution MEPC.102(48), it adopted on 11 October 2002 the Guidelines for Survey and Certification of Anti-fouling Systems on Ships,

RECOGNIZING the need to revise the 2002 Guidelines,

HAVING CONSIDERED a revised text of the Guidelines for Survey and Certification of Anti-fouling Systems on Ships prepared by the Sub-Committee on Flag State Implementation at its eighteenth session,

1. ADOPTS the 2010 Guidelines for Survey and Certification of Anti-fouling Systems on Ships, as set out in the Annex to this resolution;
2. INVITES Governments to apply the 2010 Guidelines;
3. RECOMMENDS that the Guidelines be reviewed on a regular basis; and
4. REVOKES resolution MEPC.102(48).

* * *

ANNEX

REVISED GUIDELINES FOR SURVEY AND CERTIFICATION OF ANTI-FOULING SYSTEMS ON SHIPS

1 General

1.1 Article 10 of the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001, hereinafter referred to as "the Convention", prescribes that ships shall be surveyed and certified in accordance with the regulations of annex 4 of the Convention. The purpose of this document is to provide the Guidelines for Surveys and Certification of Anti-fouling Systems on Ships referred to in regulation 1(4)(a) of annex 4, hereinafter referred to as the "Guidelines", that will assist the Administrations and recognized organizations, in the uniform application of the provisions of the Convention and assist companies, shipbuilders, manufacturers of anti-fouling systems, as well as other interested parties to understand the process of the surveys and issuance and endorsement of the certificates.

1.2 These Guidelines provide the procedures for survey to ensure that a ship's anti-fouling system complies with the Convention, and those necessary for issuance and endorsement of an International Anti-fouling System Certificate. A guidance for compliant anti-fouling systems is given in the Appendix I to this annex.

1.3 These Guidelines apply to surveys of ships of 400 gross tonnage and above engaged in international voyages, excluding fixed or floating platforms, floating storage units (FSUs), and floating production storage and off-loading units (FPSOs), as specified in regulation 1(1) of annex 4 to the Convention.

1.4 The sole purpose of the survey activities described in these Guidelines is to verify compliance with the provisions of the Convention. Consequently, such surveys do not relate to any aspect not regulated by the Convention even if such aspects relate to the performance of an anti-fouling system on the hull of a ship, including the quality of workmanship during the application process.

1.5 In the event that a new survey method is developed, or in the event that the use of a certain anti-fouling system is prohibited and/or restricted, or in the light of experience gained, these Guidelines may need to be revised in the future.

2 Definitions

For the purposes of these Guidelines:

2.1 "Administration" means the Government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of a State, the Administration is the Government of that State. With respect to fixed or floating platforms engaged in exploration and exploitation of the sea-bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of their natural resources, the Administration is the Government of the coastal State concerned.

2.2 "Anti-fouling system" means a coating, paint, surface treatment, surface, or device that is used on a ship to control or prevent attachment of unwanted organisms.

2.3 "Company" means the owner of the ship or any other organization or person such as the manager or the bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner of the ship and who, on assuming such responsibility, has agreed to take over all duties and responsibilities imposed by the International Safety Management (ISM) Code.

2.4 "Gross tonnage" means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in annex 1 to the International Convention on Tonnage Measurement of Ships, 1969, or any successor convention.

2.5 "International voyage" means a voyage by a ship entitled to fly the flag of one State to or from a port, shipyard, or offshore terminal under the jurisdiction of another State.

2.6 "Length" means the length as defined in the International Convention on Load Lines, 1966, as modified by the Protocol of 1988 relating thereto, or any successor convention.

2.7 "Ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft, fixed or floating platforms, floating storage units (FSUs) and floating production storage and off-loading units (FPSOs).

3 General requirements for surveys

3.1 An initial survey covering at least the scope as in paragraph 1 of appendix II of these Guidelines should be held before the ship is put into service and the International Anti-fouling System Certificate required under regulation 2 or 3 of annex 4 to the Convention is issued for the first time.

3.2 A survey should be carried out whenever an anti-fouling system is changed or replaced. Such surveys should cover the scope as in paragraph 2 of appendix II to these Guidelines.

3.3 A major conversion affecting the anti-fouling system of a ship may be considered as a newbuilding as determined by the Administration.

3.4 Repairs generally do not require a survey. However, repairs affecting approximately twenty-five (25) per cent or more of the anti-fouling system, should be considered as a change or replacement of the anti-fouling system.

3.5 A non-compliant anti-fouling system controlled under annex 1 of the Convention, that undergoes repair must be repaired, or replaced with a compliant anti-fouling system.

4 Request for survey

4.1 Prior to any survey, a request for survey should be submitted by the Company to the Administration, or to a recognized organization along with the ship's data required in the International Anti-fouling System Certificate as listed:

- .1 Name of ship
- .2 Distinctive number or letters
- .3 Port of registry

- .4 Gross tonnage
- .5 IMO number.

4.2 A request for survey should be supplemented by a declaration and supporting information from the anti-fouling system manufacturer, confirming that the anti-fouling system applied, or intended to be applied to the ship is in compliance with the requirements of the Convention (with an identification of the version of the Convention referred to). Such declaration should provide the following information contained in the Record of Anti-fouling System, as can be found in appendix 1 to annex 4 to the Convention:

- .1 Type of anti-fouling system*
- .2 Name of anti-fouling system manufacturer
- .3 Name and colour of anti-fouling system
- .4 Active ingredient(s) and their Chemical Abstract Service Registry Number (CAS number(s)).

Information required by the surveyor regarding compliance of product with the Convention should be found in a declaration from the anti-fouling system manufacturer which may be provided on the anti-fouling system container and/or on supportive documentation (such as Material Safety Data Sheets (MSDSs), or similar). A link between the supportive documentation and the relevant container should exist.

5 Conduct of surveys

5.1 Initial Surveys (Surveys in accordance with regulation 1(1)(a) of annex 4 to the Convention)

- .1 The initial survey should verify that all applicable requirements of the Convention are complied with.
- .2 As part of the survey, it should be verified that the anti-fouling system specified by the documentation submitted with the request for survey complies with the Convention. The survey should include verification that the anti-fouling system applied is identical to the system specified in the request for survey.
- .3 Taking into account experience gained and the prevailing circumstances, the initial survey should include the tasks as listed in paragraph 1 of appendix II to these Guidelines.
- .4 The verification tasks set out in paragraph 5.1.2 should be conducted at any time, either before, during, or after the anti-fouling system has been applied to the ship, as deemed necessary to verify compliance. No checks or tests must affect the integrity, structure or operation of the anti-fouling system.

* *Examples of suitable wording could be: Organotin-free self polishing type, Organotin-free ablative type, Organotin-free conventional, Biocide-free silicon type paint, others. In the case of an anti-fouling system containing no active ingredients, the words "biocide-free" should be used.*

5.2 Surveys when the anti-fouling systems are changed or replaced (Surveys in accordance with regulation 1(1)(b) of Annex 4 to the Convention)

- .1 If the existing anti-fouling system is confirmed by an International Anti-fouling System Certificate not to be controlled under annex 1 of the Convention, the provisions described in paragraph 5.1 apply.
- .2 If the existing anti-fouling system is declared not to be controlled under annex 1 of the Convention, without being documented by an International Anti-fouling System Certificate, a verification should be carried out to confirm that the anti-fouling system complies with the requirements of the Convention. This verification may be based on sampling and/or testing and/or reliable documentation, as deemed necessary based on experience gained and the existing circumstances. Documentation for verification could, e.g., be MSDSs, or similar, a declaration of compliance from the anti-fouling system manufacturer, invoices from the shipyard and/or the anti-fouling system manufacturer. To verify the new anti-fouling system, the provisions described in paragraph 5.1 apply.
- .3 If the existing anti-fouling system has been removed, the removal should be verified in addition to the provisions described in paragraph 5.1.
- .4 If a sealer coat has been applied, a verification should be carried out to confirm that the name, type and colour of the sealer coat applied to the ship match those specified in the request for survey, and that the existing anti-fouling system has been covered with that sealer coat. Additionally the provisions described in paragraph 5.1 apply.
- .5 An existing anti-fouling system controlled under annex 1 of the Convention:
 - .1 applied on/after 1 January 2003 or a later date if specified by the Administration, should be removed according to subparagraph 5.2.3;
 - .2 applied before 1 January 2003 or a later date if specified by the Administration, should be removed or covered by a sealer coat according to subparagraph 5.2.4.
- .6 The survey should include the tasks as listed in paragraph 2 of Appendix II to these Guidelines.

5.3 Surveys of existing ships requesting only an International Anti-fouling System Certificate

- .1 If the existing anti-fouling system is declared not to be controlled under annex 1 of the Convention, a verification should be carried out to confirm that the anti-fouling system complies with the requirements of the Convention. This verification may be based on sampling and/or testing and/or reliable documentation, as deemed necessary based on experience gained and the existing circumstances. Such documentation could be MSDSs or similar, a declaration of compliance from the anti-fouling system manufacturer, invoices from the shipyard and/or the anti-fouling system manufacturer. If this information raises no reasonable doubt that the system applied is compliant with annex 1 of the Convention, the International Anti-fouling System Certificate may be issued on this basis.

6 Issuing or endorsing the International Anti-fouling System Certificate

6.1 The International Anti-fouling System Certificate along with the Record of Anti-fouling Systems should be:

- .1 issued upon satisfactory completion of the initial survey;
- .2 issued upon acceptance of another Party's International Anti-fouling System Certificate; or
- .3 endorsed upon satisfactory completion of a survey for change or replacement of an anti-fouling system.

* * *

Appendix I

Guidance for compliant anti-fouling systems

For the purpose of compliance with annex 1 of the Convention, small quantities of organotin compounds acting as a chemical catalyst (such as mono- and di- substituted organotin compounds) are allowed, provided that they are present at a level which does not provide a biocidal effect to the coating. On a practical level, when used as a catalyst, an organotin compound should not be present above 2,500 mg total tin per kilogram of dry paint.

* * *

Appendix II

*Guidance for surveys under the International Convention on the Control of Harmful
Anti-fouling Systems on Ships (AFS 2001)*

- (FI) 1 Initial survey** (AFS 2001, annex 4, regulation 1(1)(a))
- (FI) 1.1 confirming that a Declaration and supporting information from the anti-fouling system manufacturer, specifying that the anti-fouling system and, where applicable, the sealer coat intended to be applied to the ship are in compliance with the requirements of the Convention, is provided (AFS 2001);
- (FI) 1.2 verifying that the relevant containers of the anti-fouling system show same data as the supporting information (AFS 2001);
- (FI) 1.3 confirming that the existing anti-fouling system, controlled under annex 1 of the Convention has been removed or that a sealer coat has been applied (AFS 2001);
- (FI) 1.4 verifying, where applicable, that the relevant containers of the sealer coat applied show same data as the supporting information (AFS 2001);
- (FI) 1.5 where supporting information from the anti-fouling system manufacturer is not available or does not provide sufficient information, sampling or testing or other checks conducted on site, of the anti-fouling system;
- (FI) 1.6 for ship of 24 m or more in length but less than 400 GT and engaged in international voyages, confirming that the owner or owner's authorized agent has completed a Declaration on Anti-fouling System (AFS 2001).
- (FR) 2 Surveys when anti-fouling systems are changed or replaced** (AFS 2001, annex 4, regulation 1(1)(b))
- (FR) 2.1 confirming that a Declaration and supporting information from the anti-fouling system manufacturer, specifying that the anti-fouling system and, where applicable, the sealer coat intended to be applied to the ship are in compliance with the requirements of the Convention, is provided (AFS 2001);
- (FR) 2.2 verifying that the relevant containers of the anti-fouling system show same data as the supporting information (AFS 2001);
- (FR) 2.3 confirming that the existing anti-fouling system, controlled under annex 1 of the Convention has been removed or that a sealer coat has been applied (AFS 2001);
- (FR) 2.4 verifying, where applicable, that the relevant containers of the sealer coat applied show same data as the supporting information (AFS 2001);
- (FR) 2.5 for ship of 24 m or more in length but less than 400 GT, confirming that the owner or owner's authorized agent has completed a Declaration on Anti-fouling System (AFS 2001);
- (FR) 2.6 endorsement of the Record of Anti-fouling Systems.

ANNEX 2
BIENNIAL AGENDA*

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)					
PLANNED OUTPUTS 2010-2011 (resolution A.1012(26))		Parent organ(s)	Coordinating organ(s)	Involved organ(s)	Target completion year
Number	Description				
1.1.2.2	Consideration of IACS unified interpretations	MSC		FSI	Ongoing
1.1.2.4	PSC guidelines on seafarers' working hours and PSC guidelines in relation to the Maritime Labour Convention, 2006	MSC	FSI		2010 2011
2.0.1.13 5.2.2.2	Development of guidelines on port State control under the 2004 BWM Convention	MEPC	FSI		2010 2013
2.0.1.18	Development of a Code for Recognized Organizations	MSC	FSI		2010 2011
2.0.1.25 2.0.2.7/8	Comprehensive analysis of difficulties encountered in the implementation of IMO instruments	MSC/MEPC	FSI		Ongoing
2.0.1.25 5.3.1.8	Responsibilities of Governments and measures to encourage flag State compliance	MSC/MEPC	FSI		Ongoing
2.0.1.27	Mandatory reports under MARPOL	MEPC	FSI		Ongoing

* Outputs printed in bold letters have been selected for the provisional agenda for FSI 19, shown in annex 2. Struck-out text indicates completed outputs and shaded text indicates proposed additions and/or changes.

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)					
PLANNED OUTPUTS 2010-2011 (resolution A.1012(26))		Parent organ(s)	Coordinating organ(s)	Involved organ(s)	Target completion year
Number	Description				
2.0.2.2	Review of the Code for the Implementation of Mandatory IMO Instruments	MSC/MEPC	FSI		Ongoing
5.1.2.3	Measures to protect the safety of persons rescued at sea	MSC	FSI		2010 2011
5.2.1.22	Non-mandatory instruments: regulations for non-convention ships	MSC		FSI	In progress
5.2.1.23	Review of the Survey Guidelines under the HSSC	MSC	FSI		Ongoing
7.1.2.10	Review of the Guidelines for inspection of anti-fouling systems on ships	MEPC	FSI		2010 2011
5.3.1.6 5.3.1.7 12.3.1.2	Harmonization of port State control activities	MSC	FSI		Ongoing
7.1.3.1 7.1.3.2	Port reception facilities-related issues	MEPC	FSI		2010
12.1.2.1/2 12.3.1.1/3	Casualty statistics and investigations	MSC	FSI		Ongoing

ANNEX 3
POST-BIENNIAL AGENDA ITEM

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)								
PROPOSED POST-BIENNIAL OUTPUT				Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Timescale (sessions)	Remarks
Number	Reference to Strategic Directions *	Reference to High-level Actions *	Description					
FSI 1	1.1.2	1.1.2.1	Cooperation with FAO: preparation and holding of the third session of the IMO/FAO Working Group on IUU fishing and related matters, including safety regulations for fishing vessels and fishers, the entry into force of the 1993 Torremolinos Protocol, port State measures to fight against IUU fishing and development of a Global record for fishing vessels	MSC/MEPC	FSI	SLF	2	

* Numbers refer to the planned outputs for the 2010-2011 biennium.

ANNEX 4

PROVISIONAL AGENDA FOR FSI 19

- 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 Casualty statistics and investigations
 - 6 Harmonization of port State control activities
 - 7 PSC Guidelines on seafarers' working hours and PSC guidelines in relation to the Maritime Labour Convention, 2006
 - 8 Development of guidelines on port State control under the 2004 BWM Convention
 - 9 Review of the Guidelines for inspection of anti-fouling systems on ships
 - 10 Comprehensive analysis of difficulties encountered in the implementation of IMO instruments
 - 11 Review of the Survey Guidelines under the HSSC
 - 12 Consideration of IACS Unified Interpretations
 - 13 Review of the Code for the Implementation of Mandatory IMO Instruments
 - 14 Development of a Code for Recognized Organizations
 - 15 Measures to protect the safety of persons rescued at sea
 - 16 Biennial agenda and provisional agenda for FSI 20
 - 17 Election of Chairman and Vice-Chairman for 2012
 - 18 Any other business
 - 19 Report to the Committees

ANNEX 5

REPORT ON THE STATUS OF PLANNED OUTPUTS

Planned output number in the High-level Action Plan for 2010-2011	Description^a	Target completion year^b	Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Status of output for Year 1^c	Status of output for Year 2^c	References^d
1.1.2.21	Policy input/guidance to ILO: development of PSC guidelines in the context of the Maritime Labour Convention (MLC), 2006	Continuous	MSC	FSI		Ongoing		MSC 87/20, paragraph 8.14; FSI 18/20, section 8
1.1.2.22	Policy input/guidance to IMO/FAO Working Group on IUU fishing and related matters: safety regulations for fishing vessels and fishermen	Continuous	MSC	FSI	SLF	Postponed		
1.1.2.2	Cooperation with IACS: consideration of unified interpretations	Continuous	MSC			Ongoing		MSC 78/26, paragraph 22.12; FSI 18/20, section 13
1.1.2.4	Cooperation with ILO: port State control of seafarer's working hours	2011 [*]	MSC	FSI		In progress		MSC 87/20, paragraph 8.14; FSI 18/20, section 8

* Subject to the approval of MSC 88.

Planned output number in the High-level Action Plan for 2010-2011	Description ^a	Target completion year ^b	Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Status of output for Year 1 ^c	Status of output for Year 2 ^c	References ^d
1.1.2.24	Policy input/guidance to PSC regimes: related IMO developments	Continuous	MSC	FSI		Ongoing		MSC 80/24, paragraph 21.16; FSI 18/20, section 7
2.0.1.13 5.2.2.2	Development of guidelines on port State control under the 2004 BWM Convention	2013 [*]	MEPC	FSI				MEPC 52/24, paragraph 2.21.2; FSI 18/20, section 9
2.0.1.18	Code for Recognized Organizations	2011 ^{**}	MSC	FSI		In progress		MSC 84/24, paragraph 22.27; FSI 18/20, section 15
2.0.1.27	Mandatory reports under MARPOL	Continuous	MEPC	FSI		Ongoing		MEPC/Circ.318; FSI 18/20, section 4
2.0.2.2	A revised Code for the Implementation of Mandatory IMO Instruments	Continuous	MSC MEPC	FSI		Ongoing		MSC 83/28, paragraph 25.27; FSI 18/20, section 14

* Subject to the approval of MEPC 61.

** Subject to the approval of MSC 88.

Planned output number in the High-level Action Plan for 2010-2011	Description ^a	Target completion year ^b	Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Status of output for Year 1 ^c	Status of output for Year 2 ^c	References ^d
4.0.2.1	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	Continuous	Committees		FSI	Ongoing		FSI 18/20, sections 5, 6, 7, 8 and 19
4.0.2.2	Development and management of mandatory IMO number schemes	Continuous	MSC	FSI		Ongoing		FSI 18/20, section 3
4.0.2.3	Protocols on data exchange with other international, regional and national data providers	Continuous	Committees	FSI		In progress		FSI 19/20, sections 4, 7 and 19
5.1.2.1	Measures to prevent accidents with lifeboats	2011 [*]	MSC	DE	FSI NAV STW	In progress		

* Subject to the outcome of DE 54 and MSC 88.

Planned output number in the High-level Action Plan for 2010-2011	Description ^a	Target completion year ^b	Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Status of output for Year 1 ^c	Status of output for Year 2 ^c	References ^d
5.1.2.3	Measures to protect the safety of persons rescued at sea	2011	MSC	COMSAR	FSI	In progress		MSC 84/24, section 22; FSI 18/20, section 16
5.2.1.23	Non-mandatory instruments: revised Survey Guidelines under the Harmonized System of Survey and Certification	Continuous	MSC	FSI		Ongoing		MSC 72/23, paragraph 21.27; FSI 18/20, section 12
5.3.1.3	Non-mandatory instruments: revised procedures for port State control (resolution A.787(19), as amended by resolution A.882(21))	Continuous	MSC	FSI		Ongoing		MSC 71/23, paragraph 20.16; MSC 80/24, paragraph 21.16; FSI 18/20, section 20
5.3.1.6	Harmonized PSC procedures	Continuous	MSC	FSI		Ongoing		MSC 71/23, paragraph 20.16; MSC 80/24, paragraph 21.16; FSI 18/20, section 20

Planned output number in the High-level Action Plan for 2010-2011	Description ^a	Target completion year ^b	Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Status of output for Year 1 ^c	Status of output for Year 2 ^c	References ^d
5.3.1.7	Methodology for the in-depth analysis of annual PSC report	Continuous	MSC	FSI		Ongoing		MSC 71/23, paragraph 20.16; MSC 80/24, paragraph 21.16; FSI 18/20, section 20
5.3.1.8	A risk assessment comparison between marine casualties and incidents and PSC inspections	Continuous	MSC	FSI		Postponed		FSI 18/20, section 3
12.1.2.1	Guidelines for all sub-committees on the casualty analysis process	Continuous	MSC	FSI		Ongoing		FSI 18/20, section 3
12.1.2.2	A casualty analysis process effectively implemented and monitored	Continuous	MSC	FSI		Ongoing		MSC 68/23, paragraphs 7.16 to 7.24; FSI 18/20, section 6
12.3.1.1	Guidance on the development of GISIS and on access to information	Continuous	MSC	FSI		Ongoing		FSI 18/20, sections 5, 6, 7, 8 and 19

Planned output number in the High-level Action Plan for 2010-2011	Description ^a	Target completion year ^b	Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Status of output for Year 1 ^c	Status of output for Year 2 ^c	References ^d
12.3.1.2	PSC-related data collected and disseminated in cooperation with PSC regimes	Continuous	MSC	FSI		Ongoing		FSI 18/20, sections 5, 7 and 8
12.3.1.3	Reports of incidents involving dangerous goods or marine pollutants in packaged form on board ships or in port areas	Continuous	MSC	DSC	FSI	Ongoing		FSI 18/20, section 6
12.1.2.2	Casualty analysis	Continuous	MSC	FSI	All Sub-Committees	Ongoing		MSC 70/23, paragraphs 9.17 and 20.4; FSI 18/20, section 6

Notes:

- a When individual outputs contain multiple deliverables, the format should report on each individual deliverable.
- b The target completion date should be specified as a year, or indicate that the item is continuous. This should not indicate a number of sessions.
- c The entries under the "Status of output" columns are to be classified as follows:
 - "completed" signifies that the outputs in question have been duly finalized;
 - "in progress" signifies that work on the related outputs has been progressed, often with interim outputs (for example, draft amendments or guidelines) which are expected to be approved later in the same biennium;
 - "ongoing" signifies that the outputs relate to work of the respective IMO organs that is a permanent or continuous task; and
 - "postponed" signifies that the respective IMO organ has decided to defer the production of relevant outputs to another time (for example, until the receipt of corresponding submissions).
- d If the output consists of the adoption/approval of an instrument (e.g., resolution, circular, etc.), that instrument should be clearly referenced in this column.

ANNEX 6

PROPOSED OUTPUTS FOR THE 2012-2013 BIENNIUM IN SMART TERMS

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)					
PLANNED OUTPUTS 2012-2013 (resolution A.[...](27))		Parent organ(s)	Coordinating organ(s)	Involved organ(s)	Target completion year
Number *	Description				
1.1.2.2	Consideration of IACS unified interpretations	MSC		FSI	Ongoing
1.1.2.4	Development of revised PSC guidelines on seafarers' working hours taking into account the Maritime Labour Convention, 2006	MSC	FSI	STW	2013
1.1.2.22	Preparation and holding of the third meeting of the Joint FAO/IMO <i>ad hoc</i> Working Group on IUU Fishing and Related Matters (JWG)	MSC	FSI	SLF	2013
2.0.1.13 5.2.2.2	Development of guidelines on port State control under the 2004 BWM Convention	MEPC	FSI		2013
2.0.1.25 2.0.2.7/8	Comprehensive analysis of difficulties encountered in the implementation of IMO instruments and development of recommendations for IMO bodies	MSC/MEPC	FSI		Ongoing
2.0.1.25 4.0.1.1/2 5.3.1.8	Comprehensive review of issues related to the responsibilities of Governments and development of measures to encourage flag State compliance	MSC/MEPC	FSI		Ongoing
2.0.1.27	Assessment of the mandatory reporting under MARPOL and identification of supporting measures	MEPC	FSI		Ongoing

* Numbers refer to the planned outputs for the 2010-2011 biennium.

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)					
PLANNED OUTPUTS 2012-2013 (resolution A.[...](27))		Parent organ(s)	Coordinating organ(s)	Involved organ(s)	Target completion year
Number*	Description				
2.0.2.2	Review of the Code for the Implementation of Mandatory IMO Instruments and consolidated audit summary reports, and making the Code and auditing mandatory	MSC/MEPC	FSI		Ongoing
5.2.1.23	Review and update of the Survey Guidelines under the HSSC	MSC	FSI		Ongoing
5.3.1.6	Promote the harmonization of port State control activities and collect PSC data	MSC	FSI		Ongoing
12.1.2.1/2 12.3.1.1	Collection and analysis of casualty data to identify trends and develop knowledge and risk-based recommendations	MSC	FSI	All sub-committees	Ongoing

* Numbers refer to the planned outputs for the 2010-2011 biennium.