

### **Resolution of Comments on Round 3 Preliminary Draft Report and Information Paper**

A summary of comments on the Round 3 Preliminary Draft Report (distributed by the coordinator's email dated 30 August 2012), and the resolution of each, follows.

- 1 **Comment: Report Body, Paragraph 5, Correspondence Group Website** One participant suggested that the details about the correspondence group website be stopped after the first sentence.

**Resolution:** The suggested change has been incorporated.

- 2 **Comment: Report Body, Paragraph 4, Method of Work, and Paragraph 6, Results Obtained by the Group** One participant suggested that issues for which it was agreed that discussion in plenary is needed, be clearly identified in the body of the report to the Sub-Committee, adding that such issues were the more contentious ones, and that input from Member States who did not participate in the Correspondence Group is needed. The participant suggested that a further action requested from the Sub-Committee would be to consider the issues so identified, and to provide appropriate guidance to the working group (if established).

**Resolution:** Paragraph 4.2 has been revised and a new paragraph 6.4 added to highlight the work done by the group in this regard, and to provide more detail on the related outcomes of Round 2. However, based on the Round 2 Questionnaire results, no issues received sufficient support under the framework used for consensus utilized elsewhere in the group's work to warrant identification of any such issues to the Sub-Committee, or to request such Sub-Committee action (Annex 1 of the draft report categorizes a single issue (Issue 3.a) as "Agree With Consensus" for discussions in plenary, but this was based on only 6 corresponding "Needed" votes, with an equal number voting "Neither Agree nor Disagree, and one voting "Disagree"). Further, because of the way the Round 2 Questionnaire was constructed, it is not clear from the Questionnaire results that the most contentious issues were deemed by participants to necessarily require discussions in plenary. Rather, it could be that some participants felt that further development and discussions at a working group level could achieve consensus, even when consensus was lacking within the correspondence group.

- 3 **Comment: Report Body, Paragraph 6, Results Obtained by the Group** One participant expressed the view that the initial draft report does not adequately address the required tasking under the group's Terms of Reference; specifically, paragraph 9.8, sub-paragraphs .3 and .4, of document SLF 54/17. The participant suggested that the missing information could be included, based on comments made during the course of the group's work.

**Resolution:** After a careful review of the cited paragraphs of the Terms of Reference against the content of draft report and information paper, as amended to reflect the group's comments, the Coordinator concluded that while the two documents, as amended, collectively provide the necessary information, the report could better highlight areas of potential improvement that were identified by the group but were not further pursued. Accordingly, a new paragraph 6.4 was added to describe these areas in general terms, referring to applicable annexes for further details.

- 4 **Comment: Report Body, Paragraph 6.2, Results for Round 2** One participant disagreed with the characterization in the last sentence of this paragraph that there was insufficient time for further development of the draft Assembly Resolution on reduced gross tonnage, expressed support for finalizing this resolution using a working group at SLF 55, and offered a specific proposed approach for such a reduced gross tonnage parameter.

**Resolution:** The last sentence has been revised to delete the characterization concerning insufficient time, and instead include a brief description of the specific information within the draft resolution that requires further development. Regarding further work on this resolution, the Round 2 Questionnaire results do not support a recommendation by the group for continued development of this resolution at SLF 55, although the Sub-Committee could task an SLF 55 working group on tonnage with such action, using Annex 5 to the draft information paper as a starting point.

- 5 **Comment: Report Body, Paragraph 7.2, Amending the TM Convention** Several participants commented that the text did not match the information presented in the associated table, offering several possible solutions, including revising the paragraph to read: “of those who expressed a preference, the majority were in favour of amending the Convention, with the majority of the group overall being undecided”, or removing the table altogether.

**Resolution:** After careful consideration of these comments, the Coordinator concluded that the best way to resolve the concerns underlying these comments was to revise the table to include more complete data on the Round 2 Questionnaire results, and to incorporate text changes to eliminate unnecessary characterizations of these results. Paragraph 7.2 and the associated table have been revised accordingly.

- 6 **Comment: Report Annex 2, General** Several participants offered suggested changes to the text and/or figures of the revisions identified in this annex.

**Resolution:** The Coordinator agrees that the suggested changes are relevant and should be noted by all group participants. However, because the group’s work on development and evaluation of specific text and figures to address the identified issues concluded with the end of the Round 2 work per the group’s Action Plan, no corresponding changes were made to the annex.

- 7 **Comment: Report Annex 2, Interpretations for Issues 3.f and 3,h** One participant requested that references to these issues be included in the Annex.

**Resolution:** Although the preliminary report did not make this clear, reference to these issues were omitted from the annex because they did not meet the consensus criterion of “Needed With Consensus” as identified in the column with the heading “Revising the Unified Interpretations” in the Annex 1 table, nor did they receive the 7 or more “Needed” votes to appear in Annex 2. Additional detail to this effect has been included in the footnote to Annex 2 to the report and also in the body of the report. Note that there is nothing to preclude the Sub-Committee at SLF 55 from expanding, restricting, or otherwise modifying the list of issues to be addressed by the working group (if established), based on discussions or other input, such as papers from Member States/non-governmental organizations.

- 8 **Comment: Report Annex 2, Interpretation R2(5)-X for Issue 3.o** One participant observed that the group expressed a preference for Proposal 2 as indicated by “Preferred” votes from 7 Member States/non-governmental organizations in the Round 2 Questionnaire results. Accordingly, this proposal should be included in green font.

**Resolution:** The Annex has been revised to include Proposal 2 for this Interpretation. It appears that the proposal was inadvertently omitted during initial drafting when a cutoff of a minimum of 8 preferred votes was being applied before all of the Round 2 results were fully compiled and verified. The 7 “preferred” vote cutoff was ultimately adopted when analysis showed an average of 12 responses per issue, making 7 votes (instead of 8) the cutoff for an effective majority vote under this framework.

- 9 **Comment: Report Annex 2, Interpretation R6(3)-X for Issue 6.d** One participant observed that the group expressed a preference for Proposal 2, as indicated by “Preferred” votes from 7 Member States/non-governmental organizations in the Round 2 Questionnaire results. Accordingly, this proposal should be included in green font.

**Resolution:** The Annex has been revised to include Proposal 2 for this Interpretation, for the same reasons as stated above.

- 10 **Comment: Information Paper Annex 3** One participant commented that a proposed new interpretation under Issue 3.c, labeled as “R.2(7)-12” and submitted during the first phase of the Round 2 via a Proposed Revision Form, was omitted, and requested that corresponding corrections be made.

**Resolution:** In developing the Round 2 Question, the Coordinator included the proposed interpretation labeled “R.2(7)-12” as part of Proposal 5 under related Issue 5.a, and it appears in Annex 3 of the draft information paper as well. As explained in the Round 2 instructions, the Coordinator developed “composite” proposals, “fragmented” proposals and made other changes for a variety of reasons, with participants asked to contact the Coordinator if there were any objections. In view of the absence of any such objections, and the fact that the Round 2 Questionnaire results were based on inclusion of this proposed revision as part of Issue 5.a., the requested changes were not incorporated.

- 11 **Comment: Information Paper Annexes 3 and 4, General** One participant commented that these annexes do not specifically identify the level of support for each proposal, noting that only a few may have expressed a preference for the proposal that was most preferred. The participant suggested including the specific numbers of votes for each proposal (e.g., to simplify the work of a possible working group at SLF 55).

**Resolution:** The suggested changes have been incorporated in these annexes.

- 12 **Comment: Information Paper Annex 4, General** One participant suggested that changes offered in general terms through comments made during the course of the group’s work be included in this annex.

**Resolution:** While expanding the report to include such information has some merit in the Coordinator’s view, doing so would be inconsistent with the Action Plan’s framework for progressing the work, under which specific text changes for the TM Convention and associated interpretations were requested for evaluation during Round 2. Consequently, the suggested changes were not made.

- 13 **Coordinator Comment:** The final draft documents additionally include a number of corrections and changes of an editorial or otherwise non-substantive nature that were identified by the Coordinator during preparation of these documents. All changes may be identified using the “Track Changes” feature in the MS Word versions of the associated documents, posted on the group’s website at: <http://www.uscg.mil/imo/sf/tonnagecg.asp>.