

MARITIME SAFETY COMMITTEE
93rd session
Agenda item 22

MSC 93/22
30 May 2014
Original: ENGLISH

REPORT OF THE MARITIME SAFETY COMMITTEE ON ITS NINETY-THIRD SESSION

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INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The ninety-third session of the Maritime Safety Committee (MSC) was held at the IMO Headquarters from 14 to 23 May 2014, under the chairmanship of Mr. Christian Breinholt (Denmark). The Vice-Chairman of the Committee, Mr. M Segar (Singapore), was also present.

1.2 The session was attended by delegations from Members and Associate Members; by representatives from the United Nations Programmes, specialized agencies and other entities; by observers from intergovernmental organizations with agreements of cooperation; and by observers from non-governmental organizations in consultative status; as listed in document MSC 93/INF.1.

1.3 The session was also attended by the Chairman of the Council, Mr. JG Lantz (United States); the Chairman of the Marine Environment Protection Committee (MEPC), Mr. A Dominguez (Panama); and the Chairman of the Facilitation Committee (FAL), Mr. Y Melenas (Russian Federation).

Opening address of the Secretary-General

1.4 The Secretary-General welcomed participants and delivered his opening address, the full text of which can be downloaded from the IMO website at the following link: <http://www.imo.org/MediaCentre/SecretaryGeneral/Secretary-GeneralsSpeechesToMeetings>.

Chairman's remarks

1.5 The Chairman thanked the Secretary-General for his opening address and stated that his advice and requests would be given every consideration in the deliberations of the Committee.

Adoption of the agenda and related matters

1.6 The Committee adopted the agenda (MSC 93/1) and agreed that its work would be guided by the provisional timetable (MSC 93/1/1), on the understanding that it was subject to adjustments and to the progress made each day, and the arrangements for working and drafting groups (MSC 93/1/2). The agenda, as adopted, with a list of documents considered under each agenda item, is set out in document MSC 93/INF.15.

Credentials

1.7 The Committee noted that credentials of the delegations attending the session were in due and proper form.

Expression of condolences

1.8 The Committee expressed its condolences to the families and friends of all those who lost their lives in the mining accident in Soma, Turkey, and in the sinking of the ferry **Miraz-4** on the River Meghna in Bangladesh.

2 DECISIONS OF OTHER IMO BODIES

Outcome of TC 63, C 110, C 111, C/ES.27, A 28 and MEPC 66

2.1 The Committee noted the decisions of TC 63 (MSC 93/2), C 110, C 111 and C/ES.27 (MSC 93/2/1), A 28 (MSC 93/2/2) and MEPC 66 (MSC 93/2/3) and took appropriate action under the relevant agenda items.

3 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

GENERAL

3.1 Contracting Governments to the 1974 SOLAS Convention were invited to consider and adopt proposed amendments to:

- .1 chapters II-1, II-2 and III and a new chapter XIII of the 1974 SOLAS Convention, as amended, in accordance with the provisions of article VIII of the Convention;
- .2 the International Code for Fire Safety Systems (FSS Code), as amended, in accordance with the provisions of article VIII and regulation II-2/3.22 of the Convention;
- .3 the International Life-Saving Appliance (LSA) Code, as amended, in accordance with the provisions of article VIII and regulation III/3.10 of the Convention;
- .4 the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code), as amended, in accordance with the provisions of article VIII and regulation VII/8.1 of the Convention;
- .5 the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code), as amended, in accordance with the provisions of article VIII and regulation VII/11.1 of the Convention;
- .6 the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code), in accordance with the provisions of article VIII and regulation XI-1/2 of the Convention; and
- .7 the International Maritime Dangerous Goods (IMDG) Code, in accordance with the provisions of article VIII and regulation VII/1.1 of the Convention.

3.2 More than one third of the Contracting Governments to the 1974 SOLAS Convention were present during the consideration and adoption of the said amendments by the expanded Maritime Safety Committee, in accordance with articles VIII(b)(iii) and VIII(b)(iv) of the Convention. The proposed amendments to the 1974 SOLAS Convention and to codes mandatory under the Convention had been circulated, in accordance with SOLAS article VIII(b)(i), to all IMO Members and Contracting Governments to the Convention by Circular Letters No.3405 and Corr.1 of 30 September 2013 and 4 November 2013, respectively, and No.3414 of 21 October 2013.

3.3 Parties to the 1978 STCW Convention were invited to participate in the consideration and adoption of proposed amendments to chapter I of that Convention and a new section A-I/16 in part A of the STCW Code. More than one third of the Parties to the 1978 STCW Convention were present during the consideration and adoption of the said amendments by the expanded Maritime Safety Committee, in accordance with the provisions of article XII(1)(a)(iv) and regulation I/1.2.3 of the Convention. The proposed amendments to the 1978 STCW Convention and part A of the STCW Code had been circulated in accordance with article XII(1)(a)(i) of the Convention to all IMO Members and Parties to the Convention, by Circular Letter No.3402 of 5 September 2013.

3.4 Parties to the 1988 Load Lines Protocol were invited to consider and adopt proposed amendments to the Protocol. More than one third of the Parties to the Protocol were present during the consideration and adoption of the said amendments by the expanded Maritime Safety Committee, in accordance with the provisions of paragraph 2(f)(ii)(bb) of article VI of the Protocol. The proposed amendments to the 1988 Load Lines Protocol had been circulated, in accordance with article VI of the Protocol, to all IMO Members and Parties to the Protocol by Circular Letter No.3392 of 15 August 2013.

3.5 The Committee was also invited to consider and:

- .1 adopt a draft MSC resolution on *Amendments to the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code)*;
- .2 adopt a draft MSC resolution on *Amendments to the Code for Existing Ships Carrying Liquefied Gases in Bulk (EGC Code)*;
- .3 adopt a draft MSC resolution on *Amendments to the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (GC Code)*;
- .4 adopt a draft MSC resolution on *Amendments to the Revised recommendation on testing of life-saving appliances (resolution MSC.81(70))*;
- .5 adopt a draft MSC resolution on *Requirements for periodic servicing and maintenance of lifeboats and rescue boats, launching appliances and release gear*;
- .6 approve a draft MSC circular on *Guidelines for validating the construction of a completed adult reference test device (RTD)*;
- .7 approve a draft MSC circular on *Guidelines on safety during abandon ship drills using lifeboats*;
- .8 approve a draft MSC circular on *Recommendation on safety measures for existing vehicle carriers carrying motor vehicles with compressed hydrogen or natural gas in their tanks for their own propulsion as cargo*;
- .9 approve a draft MSC circular on *Guidelines for the design, performance, testing and approval of mobile water monitors used for the protection of on-deck cargo areas of ships designed and constructed to carry five or more tiers of containers on or above the weather deck*; and
- .10 approve a draft MSC-MEPC circular on Products requiring oxygen-dependent inhibitors.

PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION

Proposed amendments to SOLAS chapter II-1

Regulation 29 – Steering gear

3.6 The Committee recalled that the proposed amendments to SOLAS regulation II-1/29 had been developed by DE 57 and approved by MSC 92 and noted that no comments had been submitted on the draft amendments.

3.7 Taking into account comments provided in item 1 of the annex to document MSC 93/17/5 (United Kingdom), the Committee considered the application requirements of the proposed amendments to SOLAS regulation II-1/29 and agreed that the new requirements should apply to new and existing ships.

3.8 Subsequently, the Committee confirmed the contents of the proposed amendments to SOLAS regulation II-1/29, subject to additional modifications to clarify application requirements and editorial improvements, if any.

Proposed amendments to SOLAS chapter II-2

Regulation 1 – Application

Regulation 3 – Definitions

Regulation 4 – Probability of ignition

Regulation 9 – Containment of fire

Regulation 10 – Fire-fighting

Regulation 13 – Means of escape

Regulation 16 – Operations

Regulation 18 – Helicopter facilities

New regulation 20-1 – Requirements for vehicle carriers carrying motor vehicles with compressed hydrogen or natural gas in their tanks for their own propulsion as cargo

3.9 The Committee recalled that the proposed amendments to SOLAS regulations II-2/1, 3, 4, 9, 10, 13, 16 and 18 and the new SOLAS regulation II-2/20-1 had been developed by FP 56 and approved by MSC 92.

Regulation 18

3.10 The Committee considered document MSC 93/3/9 (Japan), commenting on the draft amendments to SOLAS regulation II-2/18 in relation to the provisions of resolution A.911(22) on *Uniform wording for referencing IMO instruments* and proposing to:

- .1 adopt an MSC resolution on *Performance standards for helicopter facility foam fire-fighting appliances* containing the equivalent requirements set out in MSC.1/Circ.1431 on *Guidelines for the approval of helicopter facility foam fire-fighting appliances*, which were referred to in the draft amendments to SOLAS regulation II-2/18 as a footnote; and
- .2 modify the draft amendments to SOLAS regulation II-2/18 in order to refer to the above MSC resolution instead of MSC.1/Circ.1431 so as to make its provisions mandatory under the Convention.

3.11 In considering the above document, some delegations supported the proposal, while others were of the view that the new performance standards would introduce unintended mandatory requirements, which could affect a large number of ships that occasionally operated with helicopters. In addition, it was noted that if the Committee was to adopt the amendments to SOLAS regulation II-2/18 as presented in document MSC 93/3, existing mandatory safety requirements would be deleted.

3.12 After an extensive discussion, the Committee decided to refer the draft amendments to SOLAS regulation II-2/18 and document MSC 93/3/9 to SSE 2 for further consideration under "Any other business", with one session needed to finalize the draft amendments.

3.13 In this connection, the Committee, having considered document MSC 93/3/11 (IACS), agreed that the new requirements for helicopter facilities should apply to new ships only and instructed SSE 2 to clearly reflect the application requirements in the draft amendments.

Regulation 13

3.14 The Committee considered document MSC 93/3/12 (Japan), commenting on the draft amendments to SOLAS regulation II-2/13.4 and proposing additional amendments to the existing paragraph 4.2.2 (to be renumbered as 4.2.4) in order to allow dispensation from two means of escape, as contained in the draft paragraphs 4.2.2 and 4.2.3 ("Escape from machinery control rooms in machinery spaces of category A" and "Escape from main workshops in machinery spaces of category A"), and did not agree with the proposed additional amendments. The Committee also considered document MSC 93/3/13 (IACS), commenting on the application of SOLAS regulation II-2/13.4, and agreed that the aforementioned requirements should apply to new ships only.

3.15 Having considered documents MSC 93/3/12 and MSC 93/3/13, the Committee agreed to forward draft SOLAS regulation II-2/13.4 for finalization. In light of that decision, the delegation of Sweden made a statement regarding workshops, the full text of which is set out in annex 32.

Regulations 4 and 16

3.16 The Committee considered document MSC 93/3/15 (IACS), proposing modifications to the draft amendments to SOLAS regulations II-2/4.5.5 and 16.3.3 and the IBC Code (see paragraph 3.40), including new related amendments to SOLAS regulation II-2/1, with a view to clarifying application requirements related to new and existing ships and equivalent arrangements or means of protection in lieu of fixed installations.

3.17 While introducing the proposal, the IACS observer stated that the issues presented in paragraphs 9.3 and 10 of document MSC 93/3/15 had been overtaken by decisions made at MEPC 66 (see paragraph 3.41) and, thus, it had decided to withdraw those proposals. Moreover, the reference to paragraph "16.3.3", as set out in paragraph 9.1 of document MSC 93/3/15, should be amended to read "16.3.3.3".

3.18 After a brief discussion, the Committee agreed with the proposals set out in document MSC 93/3/15, including the modifications mentioned in paragraph 3.17.

Regulations 1, 3, 4, 9, 13, 16 and 20-1

3.19 The Committee, having considered document MSC 93/3/16 (Finland) proposing modifications to the footnote referred to in the draft amendments to SOLAS regulation II-2/9.7.5.1.1.3 (fire safety of galley ranges) based on the provisions of resolution A.911(22) related to industry standards referred to in IMO conventions or other mandatory instruments, did not agree with the proposed modifications.

3.20 The Committee also considered the comments and observations provided in items 2, 3, 4 and 7 of the annex to document MSC 93/17/5 (United Kingdom) and:

- .1 agreed that the draft amendments to SOLAS regulations II-2/4.5.5.1.1 and 4.5.5.1.3 and the new SOLAS regulation II-2/20-1 should apply to ships constructed before the application date of the chapter (i.e. 1 July 2012) and that further consideration should be given to application requirements for ships constructed before 1 July 2002; and

- .2 noted the information related to the draft amendments to SOLAS regulations II-2/3 and II-2/9.7 and that the issues related to the draft amendments to SOLAS regulations II-2/13 and 16 had been addressed when considering documents MSC 93/3/13 and MSC 93/3/15 (see paragraphs 3.15 to 3.18).

3.21 The Committee further considered urgent matters emanating from SSE 1 and agreed with the additional modifications to the proposed amendments to SOLAS regulation II-2/9.7.1.1, as set out in paragraphs 2.5 and 2.7 of document MSC 93/12.

3.22 The Committee also considered the proposed amendments to SOLAS regulation II-2/4.5.5.3.2 and agreed to delete the square brackets along with the text.

Regulation 10

3.23 The Committee noted the concerns expressed by the delegation of the Bahamas, supported by ITF, relating to the requirements for carriage of a water mist lance, which could expose seafarers to significant danger, concerns which they had also expressed when the draft amendments had been approved at MSC 92 (MSC 92/26, paragraph 8.11).

3.24 Having considered the above issues, the Committee confirmed the contents of the proposed amendments to SOLAS chapter II-2, including the above modifications, subject to editorial improvements, if any.

Proposed amendments to SOLAS chapter III

Regulation 3 – Definitions

Regulation 20 – Operational readiness, maintenance and inspections

3.25 The Committee recalled that the proposed amendments to SOLAS regulations III/3 and 20 had been developed by DE 57 and approved by MSC 92, and noted that no comments on the draft amendments had been received.

3.26 During the consideration of the above draft amendments, several concerns were expressed with regard to a number of conflicting requirements for periodic servicing and maintenance of lifeboats and rescue boats, launching appliances and release gear set out in the draft amendments (MSC 93/3, annex 2) and the associated draft MSC resolution on *Requirements for periodic servicing and maintenance of lifeboats and rescue boats, launching appliances and release gear* (MSC 93/3/4, annex 1).

3.27 In this context, the following views were expressed:

- .1 it was not clear whether the examination and operational test referred to in paragraphs 11.2.2 and 11.4.2 of the draft amendments to SOLAS regulation III/20 should be conducted by "properly trained personnel familiar with the system" and "properly trained personnel familiar with the appliance", respectively, or by "service providers" authorized by the Administration, or by "personnel appropriately trained and certified for the work to be done", in accordance with paragraphs 3.1 and 3.2 and 4.1 to 4.3 of the draft resolution;
- .2 the above terms should be clarified with a view to achieving a unanimous understanding;
- .3 to solve the issues, three relevant activities could be identified, as follows:
- .1 maintenance, which could be carried out by the ship's crew;

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- .2 annual thorough examination and operational test, which could be carried out by properly trained personnel familiar with the system/appliance, such as a shipboard person or an authorized service provider; and
 - .3 repair and overhaul of equipment, which should be carried out by the manufacturer or authorized service provider;
 - .4 the terms "periodic servicing" and "annual servicing" specified in paragraph 11.5 of the draft amendments to regulation III/20 and paragraph 5.3 of the annex to the draft resolution, respectively, were not defined and should therefore be replaced with the term "maintenance, annual thorough examination and repair and overhaul";
 - .5 the use of the term "periodic servicing" was not an issue, but "maintenance" should not be included as part of "periodic servicing";
 - .6 a possible solution to address the issue could be to delete the words "familiar with the system" and "familiar with the appliance" in paragraphs 11.2.2 and 11.4.2 respectively, and include a reference to "properly trained personnel in accordance with chapter 8 of the *Requirements for periodic servicing and maintenance of lifeboats and rescue boats, launching appliances and release gear*";
 - .7 there was an inconsistency between paragraph 11.5 of the draft amendments to regulation III/20, where the weekly and monthly inspections were excluded, and paragraph 4.1 of the annex to the draft resolution, where they were required;
 - .8 consideration should be given to the inclusion of requirements for properly trained personnel familiar with the system in the existing SOLAS regulation III/20.11.1.2;
 - .9 the requirement of paragraph 4.1 of the annex to the draft resolution would impose an unnecessary burden on the senior ship's officer – for example, for tasks requiring the oil level to be checked – and could be replaced instead with the requirement "under the direction" of the senior ship's officer; and
 - .10 the review of all the above inconsistencies would be beyond the drafting exercise and, therefore, the draft amendments should be referred back to the relevant sub-committee.

3.28 After consideration, the Committee, noting the number of inconsistencies between the requirements of the draft amendments to SOLAS regulations III/3 and 20 and the draft MSC resolution on *Requirements for periodic servicing and maintenance of lifeboats and rescue boats, launching appliances and release gear*, agreed that the views expressed in paragraph 3.27.3 above could be the basis for solving the issues and decided to refer the above-mentioned draft amendments, including document MSC 93/3/4, to SSE 2 for further consideration on the matters raised in paragraph 3.27 under "Any other business", with one session needed to finalize the draft amendments.

Proposed new SOLAS chapter XIII – Verification of compliance with the provisions of the Convention**Regulation 1 – Definitions****Regulation 2 – Application****Regulation 3 – Verification of compliance**

3.29 The Committee recalled that the proposed new SOLAS chapter XIII had been developed by FSI 20 and approved by MSC 91 to make the use of the IMO Instruments Implementation Code (III Code) mandatory.

3.30 The Committee noted, as reported in document MSC 93/3/6, that A 28, having considered the recommendations made by the MSC and the MEPC, had adopted resolutions A.1070(28) on *IMO Instruments Implementation Code (III Code)*; A.1067(28) on *Framework and procedures for the IMO Member State Audit Scheme*; A.1068(28) on *Transition from the Voluntary IMO Member State Audit Scheme to the IMO Member State Audit Scheme*; A.1083(28) on *Amendments to the International Convention on Load Lines, 1966*; A.1084(28) on *Amendments to the International Convention on Tonnage Measurement of Ships, 1969*; and A.1085(28) on *Amendments to the Convention on the International Regulations for Preventing Collisions at Sea, 1972*.

3.31 In this context, the Committee also noted that the Assembly, in adopting resolutions A.1083(28), A.1084(28) and A.1085(28), had agreed to a number of modifications, as set out in paragraphs 40, 44 and 49 of document A 28/6(b)/2, and had invited the MSC and the MEPC to take them into account when considering the corresponding amendments to the SOLAS, MARPOL and STCW Conventions and the 1988 LL Protocol to make the use of the III Code mandatory, with a view to aligning them with those adopted by the Assembly.

3.32 The Committee further noted that MEPC 66 had adopted, in line with the text of the amendments adopted by A 28, resolutions MEPC.246(66) on *Amendments to MARPOL Annexes I, II, III, IV and V* and MEPC.247(66) on *Amendments to MARPOL Annex VI*, to make the use of the III Code mandatory.

3.33 Having considered the draft new SOLAS chapter XIII, the Committee confirmed its contents, subject to further relevant modifications to align the text of the new chapter with the text of the resolutions adopted by the Assembly, including editorial improvements, if any.

Date of entry into force of the proposed amendments

3.34 The Committee agreed that the amendments to SOLAS chapters II-1 and II-2 and the new SOLAS chapter XIII proposed for adoption at the current session should be deemed to have been accepted on 1 July 2015 and should enter into force on 1 January 2016.

3.35 The Committee also agreed that, in order to clearly reflect the decisions of A 28, the amendments to SOLAS chapter XIII should be adopted by a separate MSC resolution (i.e. one for the amendments to SOLAS chapters II-1 and II-2 and one for the new SOLAS chapter XIII).

PROPOSED AMENDMENTS TO MANDATORY CODES**Proposed amendments to the FSS Code**

3.36 The Committee recalled that the proposed amendments to the FSS Code had been developed by FP 56 and approved by MSC 92 and, having noted that no comments had been submitted on the draft amendments, confirmed their contents, subject to editorial improvements, if any.

3.37 The Committee agreed that the above amendments to the FSS Code proposed for adoption at the current session should be deemed to have been accepted on 1 July 2015 and should enter into force on 1 January 2016.

Proposed amendments to the LSA Code

3.38 The Committee recalled that the proposed amendments to the LSA Code had been developed by DE 57 and approved by MSC 92 and, having noted that no comments had been submitted on the draft amendments, confirmed their contents, subject to editorial improvements, if any.

3.39 The Committee agreed that the above amendments to the LSA Code proposed for adoption at the current session should be deemed to have been accepted on 1 July 2015 and should enter into force on 1 January 2016.

Proposed amendments to the IBC Code

3.40 The Committee recalled that the proposed amendments to the IBC Code had been developed by BLG 17 and SLF 55 and approved by MEPC 65 and MSC 92.

3.41 The Committee noted that PPR 1 had requested MEPC 66 and MSC 93 to concur with the deletion of the asterisk at the end of paragraph 15.13.5.1 of the draft amendments to the IBC Code (MSC 93/20/6, paragraph 2.1).

3.42 In this context, the Committee also noted that MEPC 66 had agreed not to delete the asterisk and had instead added a footnote to subparagraphs 15.13.5.1 and 15.13.5.2 referring to the MSC-MEPC circular on Products requiring oxygen-dependent inhibitors, as approved by MEPC 66 subject to concurrent decision by MSC 93, and adopted resolution MEPC.250(66) on *Amendments to the IBC Code*, including additional amendments to paragraphs 15.13.5.1 and 15.13.5.2 making reference to SOLAS regulation II-2/4.5.5, as amended, to cover new and existing ships respectively. MEPC 66 had also requested MSC 93 to consider and decide on the final text of the above-mentioned footnote when adopting the corresponding amendments to the Code (MEPC 66/21, paragraphs 6.16, 6.17, 6.61, 6.62 and 21.2.2).

3.43 Having noted the decisions taken by MEPC 66, the Committee confirmed the contents of the draft amendments to the IBC Code, as adopted by MEPC 66, subject to editorial improvements, if any.

3.44 The Committee agreed that the above amendments to the IBC Code proposed for adoption at the current session should be deemed to have been accepted on 1 July 2015 and should enter into force on 1 January 2016, in line with the amendments adopted by MEPC 66.

Proposed amendments to the IGC Code

3.45 The Committee recalled that the proposed amendments to the IGC Code, containing the revised IGC Code, had been developed by BLG 17 and SLF 55 and approved by MSC 92.

3.46 The Committee considered documents MSC 93/3/7 and MSC 93/3/8 (Japan, United States and SIGTTO) and agreed with the proposed modifications to the draft revised IGC Code in order to clarify the terms "toxic products", "water spray", "water application" and similar expressions for consistency of textual expression and other additional editorial modifications.

3.47 The Committee also had for its consideration document MSC 93/3/14 (Republic of Korea), proposing that the application date of the draft revised IGC Code be based on "three dates" instead of a single "keel-laying date" to avoid major design changes to ships awaiting construction under an existing contract.

3.48 In considering the above proposal, the Committee noted the following views expressed during the discussion:

- .1 the application date based on "three dates" could be used, but with different options for delivery date (e.g. two, three or four years; see also subparagraphs .2 and .3 below);
- .2 an application date based on "three dates" with a delivery date of two years should be used to avoid delays in implementation;
- .3 gas carriers were very complex ships which required at least four years for delivery;
- .4 the current definition of the application of the draft revised IGC Code was consistent with the 1993 IGC Code and SOLAS regulation VII/11, which implemented the IGC Code and relied solely on a single "keel-laying date";
- .5 there were a considerable number of gas carriers under contract which would require design modifications to comply with the revised IGC Code as currently drafted, and, to address this, a possible way forward could be to delay the entry into force or implementation of the revised IGC Code by six months (i.e. to 1 July 2016); and
- .6 should the "three dates" proposal be accepted, a considerable number of modifications to the draft text of the revised IGC Code would be required, including possible amendments to SOLAS.

3.49 Taking into account the above views, the Committee, while at first noting that the majority of delegations that had spoken supported the "three dates" option, recognized the difficulty of that option (see paragraph 3.48.6) and agreed, bearing in mind the importance of adopting the amendments to the IGC Code at the current session, to use a single "keel-laying date" with an entry-into-force or implementation date delayed by six months as the compromise solution (i.e. 1 July 2016).

Proposed amendments to the ESP Code

3.50 The Committee recalled that the proposed amendments to the ESP Code had been developed by DE 57 and approved by MSC 92 and, having noted that no comments had been submitted on the draft amendments, confirmed their contents, subject to editorial improvements, if any.

3.51 The Committee agreed that the above amendments to the ESP Code proposed for adoption at the current session should be deemed to have been accepted on 1 July 2015 and should enter into force on 1 January 2016.

Proposed amendments to the IMDG Code

3.52 The Committee recalled that the proposed amendments to the IMDG Code had been agreed by DSC 18, finalized by E&T 20 and circulated in accordance with article VIII of the 1974 SOLAS Convention and the amendment procedure for the IMDG Code agreed by MSC 75 (MSC 75/24, paragraph 7.36.3).

3.53 Having noted that no comments had been submitted on the draft amendments, the Committee confirmed their contents, including the additional modifications to the IMDG Code as a result of the entry into force of amendments to the CSC 1972 on 1 July 2014 (MSC 93/3/Add.2), subject to editorial improvements, if any.

3.54 The Committee agreed that the above amendments to the IMDG Code proposed for adoption at the current session should be deemed to have been accepted on 1 July 2015 and should enter into force on 1 January 2016 and that SOLAS Contracting Governments could apply the amendments in whole or in part on a voluntary basis from 1 January 2015.

PROPOSED AMENDMENTS TO THE 1978 STCW CONVENTION, AS AMENDED, AND STCW CODE

Proposed amendments to chapter I – General provisions

3.55 The Committee recalled that the proposed amendments to the STCW Convention and Code had been developed by STW 44 and approved by MSC 92 and noted that no comments on the proposed amendments had been submitted.

3.56 The Committee noted that the proposed amendments to the STCW Convention and Code were related to the III Code and that the proposed amendments to the STCW Code also contained draft amendments related to "Minimum in-service eyesight standards for seafarers".

3.57 The Committee, having recalled the related decisions of A 28 (see paragraphs 3.30 and 3.31), confirmed the draft amendments to chapter I of the STCW Convention and Code, subject to further relevant modifications to align the text of the draft amendments with the text of the resolutions adopted by the Assembly, including editorial improvements, if any.

3.58 The Committee agreed that the amendments to the STCW Convention and Code proposed for adoption at the current session should be deemed to have been accepted on 1 July 2015 and should enter into force on 1 January 2016, in line with the date of entry into force of other related amendments to make the use of the III Code mandatory.

PROPOSED AMENDMENTS TO THE 1988 LOAD LINES PROTOCOL

Proposed amendments to annex I – Regulations for determining Load Lines, and new annex IV – Verification of compliance with the provisions of the protocol

3.59 The Committee recalled that the proposed amendments to the 1988 Load Lines Protocol had been developed by FSI 20 and approved by MSC 91 and noted that no comments on the proposed amendments had been submitted.

3.60 Recalling the previous decisions related to the outcome of A 28 (see paragraph 3.30 and 3.31), the Committee confirmed the draft amendments to annex 1 and the new annex IV of the 1988 Load Lines Protocol, subject to further relevant modifications to align the text of the draft amendments with the text of the resolutions adopted by the Assembly, including editorial improvements, if any.

3.61 The Committee agreed that the above amendments to the 1988 Load Lines Protocol proposed for adoption at the current session should be deemed to have been accepted on 1 July 2015 and should enter into force on 1 January 2016, in line with the date of entry into force of other related amendments to make the use of the III Code mandatory.

NON-MANDATORY INSTRUMENTS**Proposed consequential amendments to the BCH, EGC and GC Codes**

3.62 The Committee recalled that the proposed amendments to the BCH, EGC and GC Codes had been developed by SLF 55 in order to be adopted in conjunction with the associated mandatory carriage requirements for stability instruments on board tankers under the IBC and IGC Codes.

3.63 The Committee noted that the draft amendments to the BCH Code had already been adopted by MEPC 66, with minor amendments, by resolution MEPC.249(66).

3.64 Having noted that no comments on the proposed amendments had been submitted, the Committee confirmed their contents, subject to editorial improvements, if any.

3.65 The Committee agreed that the above amendments to the BCH, EGC and GC Codes proposed for adoption at the current session should be deemed to have been accepted on 1 July 2015 and should enter into force on 1 January 2016, subject to final consideration of the entry-into-force date of the IGC Code (see paragraph 3.49).

RELATED DRAFT MSC RESOLUTIONS AND CIRCULARS**Draft MSC resolution on Amendments to the revised recommendation on testing of life-saving appliances (resolution MSC.81(70)) and draft MSC circular on Guidelines for validating the construction of a completed adult reference test device (RTD)**

3.66 The Committee recalled that MSC 92 had approved the draft MSC resolution on *Amendments to the revised recommendation on testing of life-saving appliances (resolution MSC.81(70))* and, in principle, the draft MSC circular on *Guidelines for validating the construction of a completed adult reference test device (RTD)* (MSC 93/3/3, annexes 1 and 2, respectively), to be adopted at the current session in conjunction with the associated draft amendment to the LSA Code (see paragraph 3.39).

3.67 The Committee noted that no comments on the draft MSC resolution and circular had been received and confirmed their contents, subject to editorial improvements, if any.

Draft MSC resolution on Requirements for periodic servicing and maintenance of lifeboats and rescue boats, launching appliances and release gear and draft MSC circular on Guidelines on safety during abandon ship drills using lifeboats

3.68 The Committee recalled that MSC 92 had approved the draft MSC resolution on *Requirements for periodic servicing and maintenance of lifeboats and rescue boats, launching appliances and release gear* and, in principle, the draft MSC circular on *Guidelines on safety during abandon ship drills using lifeboats* (MSC 93/3/4, annexes 1 and 2, respectively), to be adopted in conjunction with the associated draft amendments to SOLAS regulations III/3 and 20.

3.69 The Committee, recalling its previous decision related to the draft amendments to SOLAS regulations III/3 and 20 and the associated draft MSC resolution and circular (see paragraph 3.28), and having considered the proposal contained in document MSC 93/3/10 (Dominica), agreed not to refer the above proposal to SSE 2.

Draft MSC circular on Recommendation on safety measures for existing vehicle carriers carrying motor vehicles with compressed hydrogen or natural gas in their tanks for their own propulsion as cargo

3.70 The Committee recalled that the draft MSC circular on *Recommendation on safety measures for existing vehicle carriers carrying motor vehicles with compressed hydrogen or natural gas in their tanks for their own propulsion as cargo* (SSE 1/21, annex 1) had been developed by SSE 1, to be approved in conjunction with the adoption of the draft new SOLAS regulation II-2/20-1.

3.71 Having noted that no comments on the proposed draft MSC circular had been received, the Committee confirmed its contents, subject to editorial improvements, if any.

Draft MSC circular on Guidelines for the design, performance, testing and approval of mobile water monitors used for the protection of on-deck cargo areas of ships designed and constructed to carry five or more tiers of containers on or above the weather deck

3.72 The Committee recalled that that MSC 92 had approved, in principle, the draft MSC circular on *Guidelines for the design, performance, testing and approval of mobile water monitors used for the protection of on-deck cargo areas of ships designed and constructed to carry five or more tiers of containers on or above the weather deck* (FP 56/23, annex 5), to be approved in conjunction with the adoption of the amendments to SOLAS regulation II-2/10.

3.73 Having noted that no comments on the proposed draft MSC circular had been received, the Committee confirmed its contents, subject to editorial improvements, if any.

Draft MSC-MEPC circular on Products requiring oxygen-dependent inhibitors

3.74 The Committee recalled that MEPC 66 had approved the draft MSC-MEPC circular on Products requiring oxygen-dependent inhibitors (PPR 1/16, annex 5), which was related to the draft amendments to the IBC Code (see paragraph 3.42), subject to concurrent approval by MSC 93 and, having noted that no comments on the draft MSC-MEPC circular had been received, confirmed its contents, subject to editorial improvements, if any.

ESTABLISHMENT OF THE DRAFTING GROUP

3.75 Following discussion, the Committee established an ad hoc drafting group and instructed it, taking into account decisions taken in plenary, to prepare, for consideration by the Committee with a view to adoption or approval, as appropriate:

- .1 the final text of the draft amendments to the 1974 SOLAS Convention, as amended, including the FSS, IBC, IGC, IMDG, LSA and ESP Codes, together with the associated draft MSC resolutions;
- .2 the final text of the draft amendments to the 1978 STCW Convention and STCW Code and the associated draft MSC resolutions;
- .3 the final text of the draft amendments to the 1988 Load Lines Protocol, as amended, and the associated draft MSC resolution;
- .4 the final text of the draft amendments to the BCH, EGC and GC Codes, and the associated draft MSC resolutions, as applicable;

- .5 the final text of the draft MSC resolution on *Amendments to the revised recommendation on testing of life-saving appliances (resolution MSC.81(70))*;
- .6 the final text of the draft MSC circular on *Guidelines for validating the construction of a completed adult reference test device (RTD)*;
- .7 the final text of the draft MSC circular on *Recommendation on safety measures for existing vehicle carriers carrying motor vehicles with compressed hydrogen or natural gas in their tanks for their own propulsion as cargo*;
- .8 the final text of the draft MSC circular on *Guidelines for the design, performance, testing and approval of mobile water monitors used for the protection of on-deck cargo areas of ships designed and constructed to carry five or more tiers of containers on or above the weather deck*; and
- .9 the final text of the draft MSC-MEPC circular on Products requiring oxygen-dependent inhibitors.

REPORT OF THE DRAFTING GROUP

3.76 Having considered the report of the drafting group (MSC 93/WP.5), the Committee approved it in general and took action as indicated below.

Adoption of amendments to SOLAS

3.77 The expanded Committee, including the delegations of 102 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the draft amendments to the Convention, prepared by the drafting group (MSC 93/WP.5, annexes 1 and 2), including an editorial correction to the proposed amendments to SOLAS regulation II-1/29.4.2 to include the words", including ships constructed before 1 January 2009, "after the words "regardless of the date of construction", and adopted the amendments unanimously by resolutions MSC.365(93) and MSC.366(93), as set out in annexes 1 and 2.

3.78 In adopting the above resolutions, the Committee confirmed that the application requirements of SOLAS regulations II-2/4.5.5.1.1 and 4.5.5.1.3 should apply to ships constructed on or after 1 July 2002 but before 1 January 2016, and that the retroactive requirement in new SOLAS regulation II-2/20-1.2.2 should apply to all existing ships, regardless of the date of construction.

3.79 The expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the Convention should be deemed to have been accepted on 1 July 2015 (unless, prior to that date, objections were communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 January 2016, in accordance with the provisions of article VIII thereof.

3.80 In the context of the above decision, the delegation of the Republic of Korea, supported by Germany and Japan, recommended issuing an MSC circular on Early implementation of the amended provisions of SOLAS regulation II-1/29 so as to allow compliance with the requirements of paragraphs 3.2 and 4.2 of the above regulation by following one of the methods listed under the amended regulations before the entry-into-force date of the related amendments.

3.81 Consequently, the Committee approved MSC.1/Circ.1482 on Early implementation of the amendments to SOLAS regulation II-1/29 and, in this respect, instructed the Secretariat to prepare and disseminate the circular as soon as possible.

Adoption of amendments to the FSS, LSA, IBC, IGC, ESP and IMDG Codes

3.82 The expanded Committee considered the final text of the draft amendments to the FSS, LSA, IBC, IGC, ESP and IMDG Codes, prepared by the drafting group (MSC 93/WP.5, annexes 3 to 8), and, having noted the editorial modifications to the draft amendments to the IGC Code, in particular those related to the implementation/application date of the Code which had been agreed as "1 July 2016" (i.e. six months after the entry-into-force date), adopted the amendments unanimously by resolutions MSC.367(93), MSC.368(93), MSC.369(93), MSC.370(93), MSC.371(93) and MSC.372(93), as set out in annexes 3 to 8 respectively, with the following modifications:

- .1 in the footnote added to the draft amendments to paragraphs 15.13.5.1 and 15.13.5.2 of chapter 15 of the IBC Code, the reference to "MSC/Circ.879-MEPC/Circ.348 and Corr.1 on Equivalency arrangements for the carriage of styrene monomer" was replaced with "MSC-MEPC.2/Circ.14 on Products requiring oxygen-dependent inhibitors"; and
- .2 in paragraph 6.2 of the draft amendments to the Certificate of Fitness of the IBC Code and of the draft amendments to the Model Form of International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk set out in appendix 2 of the IGC Code, the words "one or more of" were added after the words "loading shall be made in accordance with".

3.83 In adopting the above resolutions, the Committee:

- .1 noted the additional editorial modifications to the text of the draft amendments to the IBC Code, as adopted by resolution MEPC.250(66), and instructed the Secretariat to harmonize the text of the amendments with those adopted by MEPC 66; and
- .2 agreed that the revised provision of subparagraph 11.1.1.1 of chapter 11 to the IBC Code, as adopted by resolution MEPC.250(66), applied to chemical carriers constructed on or after 1 January 2016.

3.84 The expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the FSS, LSA, IBC, IGC, ESP and IMDG Codes should be deemed to have been accepted on 1 July 2015 (unless, prior to that date, objections were communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 January 2016, in accordance with the provisions of SOLAS article VIII.

Adoption of amendments to the 1978 STCW Convention, as amended, and the STCW Code

3.85 The expanded Committee, including the delegations of 102 Parties to the 1978 STCW Convention, considered the final text of the draft amendments to the 1978 STCW Convention, as amended, and the STCW Code, prepared by the drafting group (MSC 93/WP.5, annexes 9 and 10), and adopted the amendments unanimously by resolutions MSC.373(93) and MSC.374(93), as set out in annexes 9 and 10, respectively.

3.86 In adopting the above resolutions, the expanded Committee determined, in accordance with article XII(1)(a)(vii)(2) of the 1978 STCW Convention, that the adopted amendments to the Convention and Code should be deemed to have been accepted on 1 July 2015 (unless, prior to that date, objections were communicated to the Secretary-General, as provided for in article XII(1)(a)(vii) of the Convention) and should enter into force on 1 January 2016, in accordance with the provisions of article XII of the 1978 STCW Convention.

Adoption of amendments to the 1988 Load Lines Protocol

3.87 The expanded Committee, including the delegations of 72 Parties to the 1988 Load Lines Protocol, considered the final text of the draft amendments to the Protocol, prepared by the drafting group (MSC 93/WP.5, annex 11), and adopted the amendments unanimously by resolution MSC.375(93), as set out in annex 11.

3.88 In adopting the above resolution, the expanded Committee determined, in accordance with article VI of the 1988 Load Lines Protocol, that the adopted amendments to the Protocol should be deemed to have been accepted on 1 July 2015 (unless, prior to that date, objections were communicated to the Secretary-General, as provided for in article VI of the 1988 Load Lines Protocol) and should enter into force on 1 January 2016, in accordance with the provisions of article VI of the 1988 Load Lines Protocol.

Non-mandatory instruments

3.89 The Committee considered the final text of draft amendments to non-mandatory instruments, including related draft MSC resolutions and circulars, prepared by the drafting group (MSC 93/WP.5, annexes 12 to 19).

3.90 After consideration, the Committee, having agreed to include the words "one or more of" after the words "loading shall be made in accordance with" in paragraph 6.2 of the draft amendments to the Certificate of Fitness of the BCH, EGC and GC Codes, adopted amendments to:

- .1 the BCH Code, by resolution MSC.376(93), as set out in annex 12;
- .2 the EGC Code, as set out in annex 13; and
- .3 the GC Code, by resolution MSC.377(93), as set out in annex 14.

3.91 In adopting the above resolutions, the Committee noted the additional editorial modifications to the text of the draft amendments to the BCH Code, as adopted by resolution MEPC.249(66), and instructed the Secretariat to harmonize the text of the amendments with those adopted by MEPC 66.

3.92 The Committee also adopted resolution MSC.378(93) on *Amendments to the revised recommendation on testing of life-saving appliances* (resolution MSC.81(70), as amended), as set out in annex 15, and approved:

- .1 MSC.1/Circ.1470 on *Guidelines for validating the construction of a completed adult life jacket reference test device (RTD)*;
- .2 MSC.1/Circ.1471 on *Recommendation on safety measures for existing vehicle carriers carrying motor vehicles with compressed hydrogen or natural gas in their tanks for their own propulsion as cargo*;

- .3 MSC.1/Circ.1472 on *Guidelines for the design, performance, testing and approval of mobile water monitors used for the protection of on-deck cargo areas of ships designed and constructed to carry five or more tiers of containers on or above the weather deck*; and
- .4 MSC-MEPC.2/Circ.14 on Products requiring oxygen-dependent inhibitors.

INSTRUCTIONS TO THE SECRETARIAT

3.93 The Committee authorized the Secretariat, when preparing the authentic texts of the amendments adopted at the current session, to make any editorial corrections that might be identified, including updating references to renumbered paragraphs, and to bring to the attention of the Committee any errors or omissions that required action by the Contracting Governments to the 1974 SOLAS Convention or Parties to the 1978 STCW Convention or the 1988 Load Lines Protocol.

STATEMENTS MADE

3.94 The delegation of Greece made a declaration in relation to the adoption of the amendments concerning the III Code, the text of which is set out in annex 32. The delegations of Belgium, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia, Spain, Sweden and the United Kingdom associated themselves with the declaration made by the delegation of Greece.

3.95 In response to the above-mentioned declaration, the delegation of Japan made a statement, the text of which is set out in annex 32. The delegations of Australia, the Bahamas, Canada, China, the Cook Islands, Liberia, the Marshall Islands, New Zealand, Panama, the Philippines, the Republic of Korea, the Russian Federation, Singapore, Tuvalu, the United States and Vanuatu associated themselves with the statement made by the delegation of Japan.

3.96 The delegation of the United States made a statement in relation to the III Code, as set out in annex 32. The delegation of China associated itself with the statement made by the delegation of the United States.

3.97 The delegation of the Republic of Korea made a statement in relation to the adopted amendments to the IGC Code, as set out in annex 32.

4 MEASURES TO ENHANCE MARITIME SECURITY

4.1 The Committee recalled its previous discussions on the need for SOLAS Contracting Governments to adopt domestic legislation that gave full and complete effect to the provisions of SOLAS chapter XI-2 ("Special measures to enhance maritime security") and the ISPS Code. The Committee also reiterated its concern that some States had incorporated the ISPS Code into their domestic legislation without accommodating many of the enabling provisions to properly provide for adequate implementation and enforcement.

4.2 In considering documents MSC 93/4 (Australia et al.) and MSC 93/4/Corr.1 on *Guidelines for the development of national maritime security legislation*, the majority of delegations that spoke expressed the view that the proposal would serve as a tool for SOLAS Contracting Governments needing assistance in drafting domestic legislation to implement SOLAS chapter XI-2 and the ISPS Code including the enforcement of their provisions.

4.3 The Committee concluded, however, that further work on the guidelines was necessary to reflect the rationale behind their provisions and that further benefits might be expected by adding advice on how the provisions could be incorporated into domestic legislation. In noting that various legal regimes existed globally, the Committee agreed that the voluntary character of the guidelines should be reflected more clearly by amending or adding text to that effect.

4.4 The observer from ITF supported the proposal in document MSC 93/4 in general but expressed reservations with respect to paragraph 4.8.1 on port security incidents. The full text of the statement is set out in annex 32.

4.5 The Committee further considered document MSC 93/4/1 (IFSMA), which proposed amendments to the guidelines contained in document MSC 93/4 to ensure that seafarers were granted shore leave and were able to receive visitors and representatives from seafarers' welfare organizations through linkage to the *Guidelines on the Convention on Facilitation of International Maritime Traffic* (FAL Convention), which addressed, inter alia, shore leave for seafarers.

4.6 The Committee supported the IFSMA proposal in principle but agreed that the wording needed to be aligned with the wording of resolution A.1090(28) on *Fair treatment of crew members in respect of shore leave and access to shore-side facilities*.

Establishment of a correspondence group

4.7 To progress the work intersessionally, the Committee established the Correspondence Group on Maritime Security, under the coordination of the United States¹, and instructed it to review and finalize the draft *Guidance on development of national maritime security legislation*, taking into account comments and proposals made at the current session, and submit a report to MSC 94.

5 GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS

Background

5.1 The Committee recalled that MSC 87, on adopting the goal-based ship construction standards for bulk carriers and oil tankers and GBS Guidelines, had approved the timetable and schedule of activities for the implementation of the GBS verification scheme. The agreed deadline of submission for requests for GBS verification audits was 31 December 2013.

5.2 The Committee also recalled that, with regard to the development of interim guidelines for the safety-level approach (SLA) to the IMO rule-making process, MSC 92 had invited Member Governments and international organizations to submit comments and proposals on elements for consideration in the development of such guidelines to the current session.

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Implementation of the GBS verification audits

5.3 The Committee noted document MSC 93/5 (Secretariat), providing progress on the implementation of GBS verification audits, in particular that 13 recognized organizations (ROs) had submitted requests for GBS verification audits by the end of 2013.

Safety-level approach (SLA)

5.4 The Committee considered document MSC 93/5/1 (Germany), summarizing the future work on the further development of the Goal-Based Standards Safety-level Approach (GBS-SLA) regarding the development of safety objectives as well as functional requirements for the approval of alternative designs and arrangements for regulations of SOLAS chapter III on life-saving appliances. The Committee agreed that the relevant outcome of SSE 1 should be considered by the GBS Working Group at a future session, taking into account the mapping of the relationship between functional requirements as proposed by Germany.

The NATO Naval Ship Code

5.5 The Committee noted document MSC 93/INF.6 (Norway) on the NATO Naval Ship Code, which could serve as a good example for the development of any future SOLAS regulations that are to be goal-based, and also noted the sponsor's intention to make a presentation on the contents of the Code at a future session.

6 PASSENGER SHIP SAFETY

Background

6.1 The Committee recalled that MSC 92:

- .1 had re-established its Working Group on Passenger Ship Safety to consider the preliminary recommendations arising from the marine casualty investigation into the capsizing of the passenger ship **Costa Concordia** (MSC 92/6/3); and
- .2 having considered the working group's report and approved revised long-term action plan on passenger ship safety (MSC 92/WP.8/Rev.1, annex 2), had invited Italy to provide further information on the casualty investigation report and instructed the FSA Experts Group and the SDC and III Sub-Committees to undertake further work.

6.2 The Committee noted the information provided on the outcome of MSC 92 and SDC 1 (MSC 93/6).

Costa Concordia casualty investigation report and recommendations

6.3 The Committee considered document MSC 93/6/1 (Italy), providing an update of the information available on the investigation of the **Costa Concordia** accident regarding the penetration depth suffered by the **Costa Concordia**, in the light of the recommendation for a double skin to protect watertight compartments (WTCs) containing vital equipment, and the relocation of the UHF radio switchboard above the bulkhead deck.

6.4 After some discussion, the Committee decided to refer document MSC 93/6/1 to the working group for detailed consideration and advice, as appropriate.

6.5 In this context, the delegation of Italy clarified that it had provided all the information available on the investigation of the **Costa Concordia** accident and was not planning to provide any further information unless expressly requested by the Committee.

Seating capacity width in lifeboats

6.6 The Committee considered documents MSC 93/6/5 (RINA), recommending a review of the seating capacity width in lifeboats, and MSC 93/6/14 (CLIA), providing comments on the issue.

6.7 In the ensuing discussions, the Committee noted the following views expressed:

- .1 no compelling need had been demonstrated;
- .2 this was not an issue identified in the report of the marine casualty investigation into the loss of the passenger ship **Costa Concordia**;
- .3 regular drills and tests conducted by several Member Governments and CLIA did not indicate that there was a need to conduct such a review; and
- .4 it was an important safety-related subject which should not be overlooked.

6.8 In light of the foregoing, the Committee decided not to pursue the proposal further.

Survivability of passenger ships

6.9 The Committee recalled that MSC 92 had:

- .1 forwarded matters related to the survivability of passenger ships, including the EMSA and GOALDS studies, to SDC 1 for consideration; and
- .2 re-established the Experts Group on Formal Safety Assessment (FSA) to review the EMSA and GOALDS studies and advise MSC 93 accordingly.

6.10 In this connection, the Committee noted that SDC 1 had decided to forward documents SDC 1/6 (Japan) and SDC 1/INF.7 (Japan), commenting on the subdivision index *R* and providing information on the results of the study on survivability of passenger ships, to MSC 93 for consideration together with the report of the FSA Experts Group (MSC 93/6/2).

6.11 The Committee briefly considered the report of the intersessional meeting of the FSA Experts Group (MSC 93/6/2), together with documents MSC 93/6/3 (European Commission), MSC 93/6/13 (Japan) and MSC 93/6/16 (CESA and Interferry).

6.12 After some discussion, the Committee decided to refer the above documents, together with documents SDC 1/6 and SDC 1/INF.7, to the working group for detailed consideration and advice, as appropriate.

Damage stability

6.13 The Committee considered documents MSC 93/6/6, MSC 93/6/7, MSC 93/6/8, MSC 93/6/9, MSC 93/6/10, MSC 93/6/11, MSC 93/6/12 and MSC 93/INF.11 (CLIA) on matters related to damage stability and took the following actions:

- .1 expressed appreciation for the proactive approach of the cruise ship industry for enhancing the safety of passenger ships;

- .2 noted that there was a need to consider the impact on all types of passenger ships and not only cruise ships;
- .3 noted that pragmatic operational and management solutions were also important;
- .4 agreed that the working group should consider whether the proposed recommendations:
 - .1 were already covered by existing regulations;
 - .2 were already covered by existing planned outputs; and
 - .3 would require proposals for new unplanned outputs, in accordance with the Committees' Guidelines; and
- .5 decided to refer these documents, as well as document MSC 93/6/16, to the working group for detailed consideration and advice.

6.14 The Committee also noted a statement by IFSMA, as set out in annex 32.

Availability of updated SAR cooperation plans

6.15 The Committee considered document MSC 93/6/15 (Finland), providing information on the findings regarding availability of required updated SOLAS passenger vessels' SAR cooperation plans, and, having noted the following views expressed during the discussion, agreed to refer the above documents to the working group for detailed consideration and advice:

- .1 some issues had been identified relating to the information held by MRCC Falmouth;
- .2 Member Governments and the industry had started to take action to address the issues identified;
- .3 additional guidelines might be needed for port State control; and
- .4 the only mandatory requirement was to have on board a plan for cooperation with appropriate search and rescue services in the event of an emergency (SOLAS regulation V/7); the preparation, distribution and updating of such plans, as laid out in the *Guidelines for preparing plans for cooperation between search and rescue services and passenger ships* (MSC/Circ.1079), was not mandatory and, as such, was subject to domestic legislation.

6.16 The delegation of the United Kingdom, recalling the importance of updating SAR cooperation plans, advised that it would bring the concerns raised to the attention of MRCC Falmouth.

Status and purpose of the long-term action plan on passenger ship safety

6.17 The Committee noted that the Council, at its twenty-seventh extraordinary session (C/ES.27), had requested clarification on the status and purpose of the long-term action plan on passenger ship safety (MSC 93/6/4).

6.18 After some discussion, the Committee instructed the working group to consider the status and purpose of the long-term action plan on passenger ship safety with a view to responding to the request of C/ES.27.

Recommended interim measures

6.19 The Committee recalled that MSC 92 had approved the *Recommended interim measures for passenger ship companies to enhance the safety of passenger ships* (MSC.1/Circ.1446/Rev.2) and, in this context, had noted the view of the Working Group on Passenger Ship Safety that, in the future, a decision needed to be taken regarding the final status of the guidance.

6.20 After some discussion, the Committee instructed the working group to consider the status of the recommended interim measures (MSC.1/Circ.1446/Rev.2), and advise the Committee accordingly.

Establishment of the working group

6.21 The Committee established a Working Group on Passenger Ship Safety and instructed it, taking into account comments and proposals made in plenary, to:

- .1 consider document MSC 93/6/1, containing the updated information provided on the **Costa Concordia** casualty investigation report and recommendations, and advise the Committee accordingly;
- .2 consider documents MSC 93/6/2, MSC 93/6/3, MSC 93/6/13, MSC 93/6/16, SDC 1/6 and SDC 1/INF.7 on matters related to the survivability of passenger ships and advise the Committee accordingly;
- .3 consider documents MSC 93/6/6, MSC 93/6/7, MSC 93/6/8, MSC 93/6/9, MSC 93/6/10, MSC 93/6/11, MSC 93/6/12, MSC 93/6/16 and MSC 93/INF.11 on matters related to damage stability and advise on whether the proposed work should be undertaken; if so, prioritize the work to be undertaken (i.e. target completion dates for each task) and consider whether any of the proposed work could be conducted under an existing output(s) or if a new unplanned output was required, preparing relevant justifications, if the matter was urgent;
- .4 consider document MSC 93/6/15 on the availability of SAR cooperation plans and advise the Committee accordingly;
- .5 consider the status and purpose of the long-term action plan on passenger ship safety (MSC 93/6/4) with a view to responding to the request of C/ES.27 and advise the Committee accordingly;
- .6 consider the status of the *Recommended interim measures for passenger ship companies to enhance the safety of passenger ships* (MSC.1/Circ.1446/Rev.2) and advise the Committee accordingly (MSC 92/26, paragraph 6.24);
- .7 update the revised long-term action plan on passenger ship safety (MSC 92/WP.8/Rev.1, annex 2), including the prioritization of the work to be undertaken and the status of the work currently under way, taking into account the preliminary recommendations (MSC 92/6/3 and MSC 93/6/1),

the **Costa Concordia** casualty investigation report (MSC 92/INF.6) and other documents submitted to the session, as appropriate; and

- .8 submit a report to plenary by Thursday, 22 May 2014.

REPORT OF THE WORKING GROUP

6.22 Having considered the report of the working group (MSC 93/WP.6), the Committee approved it in general and took action as indicated hereunder.

Costa Concordia casualty investigation report and recommendations

6.23 The Committee endorsed the group's view that the existing goal-based approach, with regard to onboard communications in an emergency, was sufficient and that there was no need for reconsideration of the requirements set out in SOLAS regulation III/6.4.1.

6.24 The Committee instructed III 1 to complete its consideration of the report on the grounding of the **Costa Concordia** as a matter of priority and upload the lessons learned to GISIS immediately upon completion, and to bring to the attention of MSC 94 the contributing factors, issues raised, lessons learned and observations on the human element to enable it to update its long-term action plan related to passenger ship safety.

Survivability of passenger ships

6.25 In considering matters related to the survivability of passenger ships, the Committee:

- .1 endorsed the group's view that there was no need for a two-phased approach to consider an increase in subdivision index R ;
- .2 endorsed the recommendation of the FSA Experts Group on the validation of the EMSA and GOALDS studies, and forwarded document MSC 93/6/2 (FSA Experts Group) to SDC 2 for use when considering an increase in the subdivision index R ;
- .3 instructed the SDC Sub-Committee to continue the technical consideration of an increase in the required subdivision index R as part of the comprehensive package of revisions to SOLAS chapter II-1 subdivision and damage stability regulations, taking into account the outcome of the EMSA 3 studies as they became available; and
- .4 agreed that there would be a need for the FSA Experts Group to validate the EMSA 3 study and that this could be done by authorizing, at a future session of the Committee, a meeting of the FSA Experts Group a day prior to SDC 3 in 2016, with a view to the group reporting its outcome directly to the SDC Sub-Committee.

Damage stability

6.26 In considering matters related to the survivability of passenger ships, the Committee took the following actions:

- .1 instructed SDC 2 to include the item of "double hull in way of main engine rooms" under the existing planned output 5.2.1.13 on amendments to SOLAS chapter II-1 subdivision and damage stability regulations;

- .2 instructed SDC 2 to include the items "open watertight doors" and "monitoring and assessing risk from operation of watertight doors", taking into account the watertight door aspects in document MSC 93/6/8, under the existing planned output 5.1.1.5 on the review of conditions under which passenger ship watertight doors might be opened during navigation, and to prepare amendments to SOLAS regulation II-1/22 and MSC.1/Circ.1380;
- .3 invited Member Governments and interested organizations to provide information on flooding simulations, as appropriate; and
- .4 instructed HTW 2 to include the item "enhanced damage stability training" under the existing planned output 5.2.2.2 on the review of STCW passenger ship-specific safety training.

6.27 Having considered the proposed new unplanned output on "amendments to SOLAS chapter II-1, part B-4, Stability Management, to include requirements on damage control drills for passenger ships", the Committee, after some discussion, agreed:

- .1 to change the word "adequate" to "appropriate" in paragraph 12 of annex 1 of document MSC 93/WP.6, taking into account that the group had noted that requirements for drills were increasing and that the frequency should be carefully considered (see paragraph 38.3 of document MSC 93/WP.6);
- .2 that the scope of the output should not be extended to ships other than passenger ships;
- .3 that development or amendment of guidelines should also be part of the output;
- .4 that the unplanned output should be placed on the biennial agenda, as it was very closely related to ongoing work in the SDC Sub-Committee; and
- .5 to include in the 2014-2015 biennial agenda of the SDC Sub-Committee, and provisional agenda for SDC 2, an unplanned output to develop amendments to SOLAS chapter II-1, part B-4, Stability Management, to include requirements on damage control drills for passenger ships and prepare associated guidelines, if appropriate, with a target completion year of 2016.

6.28 Having considered the proposed new unplanned output on "the revision of section 3 on damage control plans of the *Guidelines for damage control plans and information to the master* (MSC.1/Circ.1245), to include enhancements to the damage control plan for passenger ships", the Committee, after some discussion, agreed:

- .1 that the scope of the output should not be extended to ships other than passenger ships;
- .2 that the scope was for new passenger ships and for those existing passenger ships that would need to update the damage control plan following significant alterations to the ship;
- .3 that the unplanned output should be placed on the post-biennial agenda, noting that results of the work undertaken under the unplanned output agreed in paragraph 6.27 should be available before conducting work under this unplanned output; and

- .4 to include in the post-biennial agenda of the Committee an unplanned output on "the revision of section 3 on damage control plans of the *Guidelines for damage control plans and information to the master* (MSC.1/Circ.1245), to include enhancements to the damage control plan for passenger ships", assigning the SDC Sub-Committee as the coordinator.

SAR Cooperation Plans

6.29 In considering matters related to SAR Cooperation Plans, the Committee:

- .1 noted the view expressed by the delegation of Argentina that the long-term action plan already included an item on reviewing the effectiveness of plans for cooperation of passenger ships with appropriate search and rescue services required by SOLAS regulation V/7.3, and that action should be taken;
- .2 encouraged Member Governments and interested organizations to raise awareness of the existence and responsibilities related to SAR Cooperation Plans;
- .3 encouraged Member Governments to inspect SAR Cooperation Plans on board passenger ships visiting their ports, compare provided information to the MRCC Falmouth database, and report, as appropriate, their findings to the Committee;
- .4 noted the concerns expressed by the delegation of Italy that, in its view and making reference to resolution A.911(22) on *Uniform wording for referencing IMO instruments*, while the requirement set out in SOLAS regulation V/7 – that passenger ships should have on board a plan for cooperation with appropriate SAR services – was mandatory, the associated guidelines set out in MSC/Circ.1079 were of a recommendatory nature; in its opinion, it was important to establish the status of the guidelines with respect to any inspection campaign;
- .5 noting that there was no agreement on the above matter within the group, agreed that the status of the guidelines could be further discussed at MSC 94; and
- .6 invited Member Governments and interested organizations to submit relevant information to MSC 94, in order to identify particular issues in the communication of SAR Cooperation Plans between the stakeholders involved.

Recommended interim measures

6.30 The Committee, having noted the discussion on the status of the recommended Interim measures for passenger ship companies to enhance the safety of passenger ships (MSC.1/Circ.1446/Rev.2), agreed to keep the circular updated as matters progressed and to delete the word "interim" when next revising the circular.

Status and purpose of the long-term action plan on passenger ship safety

6.31 The Committee, with a view to responding to the request of C/ES.27, agreed that the status and purpose of the long-term action plan was to:

- .1 identify items related to the findings of the investigation into the loss of the **Costa Concordia**;

- .2 provide a list (table 1) of potential issues to be taken forward to enhance passenger ship safety, requiring full justification in accordance with the Committees' Guidelines; and
- .3 identify items (table 2) that were on the agendas of the relevant sub-committees and track the actions being taken by them and the Committee on passenger safety issues.

6.32 In this regard, the Committee endorsed the group's view that the list of potential issues on the long-term action plan should be finalized at MSC 94 and encouraged Member Governments to submit proposals with justifications for unplanned outputs for the items detailed in table 1. The Committee also agreed that those potential issues for which full justification was not submitted by MSC 96 (May/June 2016) should be deleted from table 1.

Revised long-term action plan on passenger ship safety

6.33 The Committee approved the updated revised long-term action plan on passenger ship safety, as set out in annex 3 to document MSC 93/WP.6, and instructed the Secretariat to update the long-term action plan on the basis of the outcome of the current session of the Committee and reissue the working paper as a Rev.1.

7 TRAINING AND WATCHKEEPING

REPORT OF THE FORTY-FOURTH SESSION OF THE SUB-COMMITTEE

General

7.1 The Committee recalled that MSC 92 had considered urgent matters emanating from the forty-fourth session of the Sub-Committee on Standards of Training and Watchkeeping (STW) (MSC 92/26, section 14).

7.2 The Committee, having considered the remaining issues emanating from STW 44 (STW 44/19 and MSC 93/7), approved, in general, the report of STW 44 and took action as indicated hereunder.

Guidelines for the reactivation of the Safety Management Certificate following an operational interruption of the SMS due to lay-up over a certain period

7.3 The Committee, noting the concurrent decision by MEPC 66, approved MSC-MEPC.7/Circ.9 on *Guidelines for the reactivation of the Safety Management Certificate following an operational interruption of the SMS due to lay-up over a certain period*.

Guidance on safety when transferring persons at sea

7.4 The Committee, noting the concurrent decision by MEPC 66, approved MSC-MEPC.7/Circ.10 on *Guidance on safety when transferring persons at sea*.

Amendments to the ISM Code for the transfer of ship maintenance and failure records

7.5 The Committee, noting the concurrent decision by MEPC 66, endorsed the decision of the Sub-Committee not to develop amendments to the ISM Code for the transfer of ship maintenance and failure records.

General Cargo Ship Safety

7.6 The Committee concurred with the view of the Sub-Committee that the STCW Convention and Code adequately covered training requirements relating to risk control options (RCOs) 8, 23 and 26 of the FSA study on general cargo ship safety, and agreed that no further action was required (see also paragraphs 15.4 to 15.16).

8 SAFETY OF NAVIGATION

REPORT OF THE FIFTY-NINTH SESSION OF THE SUB-COMMITTEE

General

8.1 The Committee approved, in general, the report of the fifty-ninth session of the Sub-Committee on Safety of Navigation (NAV) (NAV 59/20 and MSC 93/8) and took action as indicated hereunder.

Adoption of new traffic separation scheme (TSS)

8.2 In accordance with resolution A.858(20), the Committee adopted the following new traffic separation schemes, as set out in annex 16, for dissemination by means of COLREG.2/Circ.65:

- .1 "On the Pacific coast of Panama"; and
- .2 "At the approaches to Puerto Cristobal".

Amendments to existing traffic separation schemes (TSSs)

8.3 The Committee approved the editorial amendments to COLREG.2/Circ.64, as amended, on amendments to the existing traffic separation scheme "Off Ushant" for dissemination by means of COLREG.2/Circ.64/Corr.2.

Routeing measures other than TSSs

8.4 In accordance with resolution A.858(20), the Committee adopted the following new routeing measures other than separation schemes, including revocation of the existing routeing measures other than traffic separation schemes, as set out in annex 17, for dissemination by means of SN.1/Circ.326:

- .1 two-way routes in the Great Barrier Reef and Torres Strait;
- .2 recommendations on navigation for the new traffic separation scheme "On the Pacific coast of Panama" (Part 1 "Gulf of Panama");
- .3 precautionary area for the new traffic separation scheme "At the approaches to Puerto Cristobal"; and
- .4 revoked the existing Area To Be Avoided and a Mandatory No Anchoring Area at El Paso deep-water port in the Gulf of Mexico.

Implementation of the adopted routing measures and mandatory ship reporting systems

8.5 The Committee decided that the adopted new and amended routing measures detailed in paragraphs 8.2 and 8.4.1 to 8.4.3 (see annexes 16 and 17) and the revocation of the existing routing measures in paragraph 8.4.4 (see annex 17) should be implemented six months after their adoption, on 1 December 2014 at 0000 hours UTC.

BeiDou satellite navigation system

8.6 In accordance with resolution A.886(21), the Committee adopted resolution MSC.379(93) on *Performance standards for shipborne "BeiDou" satellite navigation system (BDS) receiver equipment*, as set out in annex 18.

ITU matters

8.7 The Committee endorsed the action taken by the Sub-Committee in instructing the Secretariat to forward the liaison statement to ITU-R Working Party 5B, concerning the revision of Recommendation M.1371-4, and noted that the Secretariat had done so intersessionally.

8.8 The Committee endorsed the action taken by the Sub-Committee in instructing the Secretariat to forward the liaison statement to ITU-R JTG 4-5-6-7 and Working Parties 5A, 5B and 5D on additional comments in relation to frequency bands identified by ITU-R for future assessment of the suitability for International Mobile Telecommunications (IMT), and noted that the Secretariat had done so intersessionally.

E-navigation matters

8.9 The Committee noted the progress on e-navigation matters, the endorsement by the Sub-Committee of the preliminary draft of the e-navigation Strategy Implementation Plan (SIP) and the re-establishment of a correspondence group to progress the work intersessionally.

8.10 The Committee noted the relevant discussions at NAV 59 regarding the convening of an intersessional meeting on e-navigation. In this context, the delegation of Norway drew attention to the fact that as the Correspondence Group on e-navigation had submitted the draft SIP for consideration by NCSR 1, it was now necessary for Member Governments to volunteer to undertake the tasks identified in the SIP within the time frame set out in it. Bearing in mind the limited time available owing to the heavy agenda of NCSR 1 for discussing these issues, Norway was of the view that it would be appropriate to convene an intersessional meeting to achieve the best possible way forward to ensure the timely implementation of the tasks identified in the SIP.

8.11 Having noted the previous decision of NAV 59 on the issue and the views of delegations at the current session that were not in support of the proposal, the Committee decided that there was no need to convene an intersessional meeting for this purpose.

Policy on use of AIS Aids to Navigation

8.12 The Committee approved MSC.1/Circ.1473 on Policy on use of AIS aids to navigation.

8.13 The Committee approved SN.1/Circ.243/Rev.1 on *Amendment to guidelines for the presentation of navigation-related symbols, terms and abbreviations*.

Revised Assembly resolutions on recommendations on the use of adequately qualified deep-sea pilots

8.14 The Committee endorsed the action taken by the Sub-Committee in forwarding, to the twenty-eighth session of the Assembly for adoption, the draft revised Assembly resolutions on the following, which it noted the Assembly had adopted as resolutions A.1080(28) and A.1081(28), respectively:

- .1 Recommendation on the use of adequately qualified deep-sea pilots in the North Sea, English Channel and Skagerrak; and
- .2 Recommendation on the use of adequately qualified deep-sea pilots in the Baltic Sea.

Revision of MSC.1/Circ.1260 on Unified interpretations of COLREG 1972, as amended

8.15 The Committee approved MSC.1/Circ.1260/Rev.1 on Unified interpretations of COLREG 1972, as amended.

MSC circular on Guidance on the Bridge Navigational Watch Alarm System (BNWAS) auto function

8.16 The Committee approved MSC.1/Circ.1474 on Guidance on the Bridge Navigational Watch Alarm System (BNWAS) auto function.

9 DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS**REPORT OF THE EIGHTEENTH SESSION OF THE SUB-COMMITTEE****General**

9.1 The Committee approved, in general, the report of the eighteenth session of the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC), (DSC 18/13 and Corr.1 and MSC 93/9) and took action as indicated hereunder.

Review of general cargo ship safety

9.2 Regarding the risk control option related to improvement of cargo stowage, as recommended in the IACS FSA study on general cargo ship safety, the Committee decided to consider this matter under agenda item 15 (see paragraphs 15.4 to 15.16).

Development of the ACEP database

9.3 Notwithstanding the concerns expressed by ICS regarding the lack of a detailed breakdown of operational and maintenance costs of the BIC ACEP database and the possible precedent that the BIC ACEP database set with respect to the payment for States' responsibilities under a mandatory IMO instrument, the Committee endorsed, in principle, the Sub-Committee's decision that the pilot BIC ACEP database should be developed as a global ACEP database.

Verification of the gross mass of a container***Casualty involving the containership MOL Comfort***

9.4 The Committee had the following documents for its consideration:

- .1 MSC 93/9/2 (Bahamas and Japan), providing comments on verification of container mass and informing of the related recommendations in the interim casualty investigation report of the Japanese Committee on Large Container Ship Safety in response to the loss of **MOL Comfort** (e.g. recommendation on verification of the actual weight of container cargoes provided by the shipper as a safety measure for large containerships); and
- .2 MSC 93/INF.14 (Bahamas and Japan), providing the interim report on the casualty investigation of the large containership **MOL Comfort**, including temporary safety measures based on this report.

9.5 During the ensuing discussions, the Committee noted the following views expressed on the information contained in the above documents and on the issue of verification of the gross mass of containers:

- .1 the interim report on the casualty investigation of the large containership **MOL Comfort** was welcomed, while the results of further investigations and simulations aimed at clarifying the cause of the accident, establishing potential additional safety measures to prevent the occurrence of similar accidents and determining the scope of ships to which the safety measures ought to apply were anticipated with interest;
- .2 it was necessary that the requirements for verification of the gross mass of containers should be implemented globally at the earliest opportunity, for the enhancement of the safety of large containerships;
- .3 the draft new mandatory requirements on verification of the gross mass of containers, together with the associated guidelines, would provide the required certainty regarding the gross mass of containers;
- .4 the draft new mandatory requirements on verification of the gross mass of containers involved a high level of dependence on the good faith actions of the shipper;
- .5 the exception for containers carried on a chassis or trailer when they were driven on or off ro-ro ships engaged in short international voyages incurred a risk of overloading, with a consequential risk to the structural integrity of the loading deck and to the stability of the ship if overweight containers were loaded on high decks; and
- .6 in addition to the verification of the gross mass of containers, further measures such as the revision of ISO 3874 (Series 1 freight containers – Handling and securing) being carried out by the ISO/TC 104 at the request of DSC 17 would have a positive impact on preventing the loss of containers.

Draft amendments to SOLAS regulation VI/2

9.6 Having considered the above views, the Committee approved the draft amendments to SOLAS regulation VI/2 related to mandatory verification of gross mass of a container, as set out in annex 19, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to subsequent adoption at MSC 94.

9.7 In this connection, the Committee also approved MSC.1/Circ.1475 on *Guidelines regarding the verified gross mass of a container carrying cargo*.

Preventing the use of counterfeit refrigerants

9.8 With regard to matters related to preventing the use of counterfeit refrigerants, the Committee endorsed the Sub-Committee's decision to amend chapter 7 of the IMDG Code (see paragraph 3.82).

Fire-extinguishing arrangements in cargo spaces

9.9 The Committee noted that SSE 1, taking into account the report of E&T 20, had been invited to note the Sub-Committee's consideration regarding fire-extinguishing arrangements in cargo spaces.

Assessment of capacity-building implications for the implementation of new measures

9.10 The Committee endorsed the Sub-Committee's decision that an IMO model course on the safe transport of solid bulk cargoes should be developed and requested the Secretariat to take action accordingly.

Amendments to the IMSBC Code***Transport of iron ore fines***

9.11 The Committee noted that the work on iron ore fines had been finalized and that an associated DSC circular (DSC.1/Circ.71) on early implementation of the draft amendments to the IMSBC Code relating to the draft schedule for iron ore fines had been issued accordingly, as instructed by MSC 92.

Draft amendments (03-15) to the IMSBC Code

9.12 The Committee noted that the Sub-Committee had instructed E&T 21 to prepare the draft amendments (03-15) to the IMSBC Code, for submission to CCC 1.

Amendments to the IMDG Code***Relationship between the requirements of the IMDG Code and SOLAS chapter II-2***

9.13 With regard to the relationship between the requirements of the IMDG Code and SOLAS chapter II-2 for the carriage of vehicles in spaces other than those identified in SP 961, the Committee noted that the Sub-Committee had invited SSE 1 to note the draft amendments for SP 961 and SP 962 (SSE 1/21, paragraph 20.28).

Amendments to the EmS Guide

9.14 With regard to water-reactive materials, the Committee noted that the Sub-Committee had invited SSE 1 to consider the draft amendments to the EmS Guide and forward any comments directly to MSC 93 (SSE 1/21, paragraph 20.27).

9.15 In this regard, the Committee had for its consideration document MSC 93/9/Add.1 (Secretariat), containing the proposed amendments to the EmS Guide and the associated draft MSC circular, as prepared by E&T 20. Following discussion, the Committee approved MSC.1/Circ.1476 on Amendments to the Emergency Response Procedures for Ships Carrying Dangerous Goods (EmS) Guide, to be used in conjunction with the amendments (37-14) to the IMDG Code, as adopted by resolution MSC.372(93) (see paragraph 3.82).

Draft amendments (37-14) to the IMDG Code

9.16 The Committee noted that the Sub-Committee had authorized E&T 20 to finalize the draft amendments (37-14) to the IMDG Code and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, for consideration and subsequent adoption by MSC 93, as considered under agenda item 3 (see paragraph 3.2).

IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units (CTU Code)

9.17 The Committee noted that the Sub-Committee had forwarded its recommendations on the draft CTU Code to the IMO/ILO/UNECE Group of Experts for consideration at its fourth session, in November 2013, and had agreed that the Code, after finalization by the Group of Experts, should be submitted directly to MSC 93 for approval.

9.18 Consequently, the Committee had for its consideration document MSC 93/9/1 (Secretariat), containing the finalized draft CTU Code. Having noted that the UNECE Inland Transport Committee, at its seventy-sixth session, had endorsed the IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units (CTU Code) without changes, the Committee approved the CTU Code, as set out in annex 20.

9.19 In considering the above document, the Committee noted that the IMO/ILO/UNECE Group of Experts had agreed not to include some annexes in the final draft CTU Code since they were too detailed and could impair the readability of the Code, and that the removed annexes had been published on the UNECE website as informative material. Taking into account the recommendations of the Group of Experts, the Committee decided to reinstate on the agenda for CCC 1 the existing output on *Revised guidelines for packing of cargo transport units* (5.2.3.5) to further improve the informative material and, consequently, agreed to extend the target completion date to 2015. Interested Member Governments and international organizations were invited to submit comments and proposals to CCC 1.

9.20 The Committee requested the Secretariat to inform ILO and UNECE accordingly of the above decisions.

Mandatory carriage of portable atmosphere-testing instruments for enclosed spaces

Draft amendments to SOLAS chapter XI-1

9.21 The Committee approved the draft new SOLAS regulation XI-1/7 relating to the carriage requirements for portable atmosphere-testing instruments for enclosed spaces, as set out in annex 21, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 94.

9.22 In this connection, the Committee also approved MSC.1/Circ.1477 on *Guidelines to facilitate the selection of portable atmosphere-testing instruments for enclosed spaces as required by SOLAS regulation XI-1/7*.

Early implementation of draft new SOLAS regulation XI-1/7

9.23 In approving draft new SOLAS regulation XI-1/7, the Committee recalled that MSC 92 had adopted new SOLAS regulation III/19 on emergency training and drills with an entry-into-force date of 1 January 2015, requiring each enclosed space entry and rescue drill to include checking and use of instruments for measuring the atmosphere in enclosed spaces (resolution MSC.350(92) and SOLAS regulation III/19, paragraph 3.6.2.3).

9.24 The Committee, recognizing that paragraph 3.6.2.3 of SOLAS regulation III/19 did not introduce carriage requirements for atmosphere-testing instruments for enclosed spaces and having noted that the earliest expected entry-into-force date of the draft new SOLAS regulation XI-1/7 would be 1 July 2016, decided to prepare an MSC circular to encourage SOLAS Contracting Governments to implement draft new SOLAS regulation XI-1/7 early, in order to expedite the carriage of portable atmosphere-testing instruments for enclosed spaces.

9.25 Having considered the draft MSC circular on early implementation (MSC 93/WP.10), the Committee approved, in principle, the draft MSC circular on early implementation of new regulation 7 of SOLAS chapter XI-1 on atmosphere-testing instruments for enclosed spaces, for final approval at MSC 94 in conjunction with the adoption of the associated draft SOLAS amendments (see paragraph 9.21). Consequently, the Secretariat was requested to forward the above draft MSC circular to MSC 94 accordingly.

Draft consequential amendments to the 1979, 1989 and 2009 MODU Codes

9.26 The Committee approved, in principle, the draft amendments to the Code for the Construction and Equipment of Mobile Offshore Drilling Units (1979, 1989 and 2009 MODU Codes), together with associated MSC resolutions (DSC 18/13, annexes 6 to 8), relating to the carriage requirements for portable instruments that test the atmosphere of enclosed spaces, with a view to subsequent adoption in conjunction with the associated new SOLAS regulation XI-1/7.

Training issues related to atmosphere-testing instruments

9.27 The Committee endorsed the Sub-Committee's view that training issues related to atmosphere-testing instruments were already adequately covered in the STCW Convention and therefore decided that no further action was necessary in that regard.

Investigation report on the very serious casualty on board the bulk carrier *La Donna I*

9.28 The Committee noted that the Sub-Committee's consideration of the casualty investigation report related to the bulk carrier **La Donna I** had been completed and forwarded to III 1 accordingly.

10 SHIP DESIGN AND CONSTRUCTION**REPORT OF THE FIRST SESSION OF THE SUB-COMMITTEE**

10.1 The Committee approved, in general, the report of the first session of the Sub-Committee on Ship Design and Construction (SDC), (SDC 1/26 and MSC 93/10) and took action as indicated hereunder.

Unified interpretations of the 1969 TM Convention

10.2 The Committee considered the draft TM.5 circular on unified interpretations of the 1969 TM Convention, together with document MSC 93/10/13 (United States), proposing modifications to the text in square brackets in the draft unified interpretations (interpretation for regulation 1(3)), in order to address the concerns raised at SDC 1 on the novel craft interpretation, and to incorporate necessary changes to one other interpretation (Int. A.3(2)(d)-1) on matters similarly left up to each Administration.

10.3 Following discussion, the Committee, having agreed to the modifications set out in the annex to document MSC 93/10/13, except for the proposal related to interpretation R.2(5)-3.2, approved TM.5/Circ.6 on Unified interpretations to the 1969 TM Convention.

Survivability of passenger ships

10.4 The Committee noted that documents SDC 1/6 and SDC 1/INF.7 had been forwarded to the current session for consideration together with the report of the FSA Experts Group (MSC 93/6/2) under agenda item 6 (see paragraph 6.10).

10.5 The Committee also noted that the recommendations forwarded to SDC 1 by the Working Group on Passenger Ship Safety (MSC 92/WP.8/Rev.1) related to the survivability of passenger ships would be further considered at SDC 2.

10.6 In the context of the above, the Committee considered document MSC 93/10/20 (China), providing a proposal on the extent of penetration for ro-ro passenger ships with long lower hold (LLH) and the index *R* for passenger ships with a length of 150 m or under, and decided to refer the document to SDC 2 for consideration in conjunction with matters related to the survivability of passenger ships under the existing output on "Revision of SOLAS chapter II-1 subdivision and damage stability regulations".

Draft amendments to the 2011 ESP Code

10.7 The Committee considered the draft amendments to the 2011 ESP Code, together with document MSC 93/10/10 (IACS), providing comments on the draft amendments and, in particular, the decision of the Sub-Committee not to include in this package of draft amendments provisions relating to the provision by the master of a statement regarding cargo tank testing.

10.8 Following discussion, the Committee, having agreed to the proposals set out in document MSC 93/10/10, with minor modifications, approved the draft amendments to the 2011 ESP Code, as set out in annex 22, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 94.

10.9 In light of the above decision, the Committee noted the concern of some delegations that it would not be appropriate to allow the ship's crew to undertake the testing of cargo oil tanks under the direction of the master.

Use of fibre-reinforced plastic (FRP) within ship structures

10.10 The Committee endorsed the view that the background for the objectives in part A of SOLAS chapter II-2 should be reconsidered before deciding on the restricted use of fibre-reinforced plastic (FRP) materials within ships' structures, taking into account that a correspondence group had been established to progress the work on that output.

Evacuation analysis for new and existing passenger ships

10.11 The Committee noted that the recommendation forwarded to SDC 1 by the Working Group on Passenger Ship Safety (MSC 92/WP.8/Rev.1) to consider the mandatory application of evacuation analysis to non-ro-ro passenger ships would be further considered at SDC 2. The Committee decided to further consider the matter under agenda item 20 (see paragraph 20.11).

General cargo ship safety

10.12 The Committee noted the progress made on matters related to the review of general cargo ship safety (see also paragraphs 15.4 to 15.16).

Application of the performance standard for alternative means of corrosion protection for cargo oil tanks of crude oil tankers (resolution MSC.289(87))

10.13 The Committee approved MSC.1/Circ.1478 on *Unified interpretation on the application of the performance standard for alternative means of corrosion protection for cargo oil tanks of crude oil tankers (resolution MSC.289(87))*.

Application of the performance standard for protective coatings for cargo oil tanks of crude oil tankers (PSPC-COT) (resolution MSC.288(87))

10.14 The Committee considered the draft MSC circular on *Unified interpretation on the application of the performance standard for protective coatings for cargo oil tanks of crude oil tankers (resolution MSC.288(87))*, together with document MSC 93/10/14 (INTERTANKO), proposing a modification to the suggested unified interpretation of the definition of "GOOD condition" of the coating.

10.15 Following discussion, the Committee, having agreed to the proposals set out in document MSC 93/10/14, approved MSC.1/Circ.1479 on *Unified interpretation on the application of the performance standard for protective coatings for cargo oil tanks of crude oil tankers (resolution MSC.288(87))*.

Review of the draft IGF Code

10.16 The Committee noted that the Sub-Committee had completed its review of the draft IGF Code, for matters referred to it by the BLG Sub-Committee, for referral to MSC 94. In this regard, the Committee decided to further consider matters related to the draft IGF Code under agenda item 21 (see also paragraphs 21.9 to 21.12).

Development of a mandatory Code for ships operating in polar waters

10.17 The Committee recalled that MEPC 66 had considered the outcome of SDC 1 regarding the draft International Code for Ships Operating in Polar Waters (Polar Code) and decided to finalize its work at MEPC 67, with a view to the adoption of the environment related-parts of the Code and the associated draft amendments to MARPOL at MEPC 68 (see paragraph 10.51).

Antarctic Treaty Consultative Meeting

10.18 The Committee noted the information provided by the Secretary-General regarding the Antarctic Treaty Consultative Meeting (ATCM XXXVII), held in Brasilia, Brazil, from 28 April to 7 May 2014, which had welcomed the development of the draft (Polar Code by the Organization. The Committee also noted that ATCM XXXVII had recognized the benefits of having a Polar Code pertaining to ship safety and environmental protection.

Draft new SOLAS chapter XIV

10.19 The Committee considered draft new chapter XIV of SOLAS to make the Polar Code mandatory, together with the following documents:

- .1 MSC 93/10/2 (Germany), proposing to:
 - .1 incorporate definitions of "*Arctic waters*" and "*Antarctic area*" in the new SOLAS chapter;
 - .2 modify draft regulation 1.3.1 to eliminate the reference to SOLAS regulation 1.3;
 - .3 delete the reference to UNCLOS; and
 - .4 modify the application to require all ships – not just those on international voyages – to comply with the Code;
- .2 MSC 93/10/3 (Argentina), proposing to:
 - .1 delete the term "*all ships*" in regulation 1.3, which in its view was superfluous;
 - .2 delete the term "*international voyages*" in regulation 2.1 since the Arctic and the Antarctic were not differentiated in the definitions;
 - .3 delete regulation 2.4 regarding "*operational limitations*" since it could not be expected that ships operating in polar water would have no operational limitations; and
 - .4 exclude non-commercial ships from part I-A since they were not certified in accordance with SOLAS and were excluded from part II-A (Environmental protection measures) of the Code;
- .3 MSC 93/10/12 (Canada), proposing the retention of a clause in the draft new SOLAS chapter XIV to clarify the relationship between the Polar Code, other international agreements and international law; and
- .4 MSC 93/10/17 (Canada and the United States), providing the view that the applicability for part I-A of the draft Code should match the applicability in the *Guidelines for ships operating in polar waters* (resolution A.1024(26)), and apply to "ships operating in the Antarctic waters or while engaged in international voyages in Arctic waters".

Use of the terms "all ships" and "international voyages" in draft regulations 1 and 2 respectively

10.20 In the opening discussion on the application provisions of draft new SOLAS chapter XIV, the Chairman of the Committee expressed his understanding that the intention of the Organization was to apply the provisions of the Polar Code to new and existing ships certificated under the SOLAS Convention, whether or not such ships were engaged on international voyages. With this understanding, non-SOLAS ships that operated in polar areas would not be required to meet the Code requirements, but could do so.

10.21 In light of the above, and following an in-depth discussion, the Committee agreed to the Chairman's understanding and instructed the working group to review the application provisions, contained in draft regulations 1 and 2, of draft new SOLAS chapter XIV and prepare the text accordingly.

10.22 Subsequently, having considered the proposals contained in the documents submitted on matters related to draft new SOLAS chapter XIV (see also paragraph 10.19), and following discussion, the Committee instructed the working group to:

- .1 transfer the definitions for "*Arctic waters*" and "*Antarctic area*" from the Code into draft regulation XIV/1;
- .2 delete the remaining square brackets in regulation 1, in particular paragraphs 1.1, 1.4 and 1.5, and retain the text;
- .3 further consider the savings clause in regulation 2;
- .4 delete regulation 2.4 regarding "*operational limitations*";
- .5 delete the remaining square brackets in regulation 3 and retain the text; and
- .6 further consider the scope of application of the draft Polar Code, taking into account the scope of application of SOLAS chapter V.

Draft International Code for Ships Operating in Polar Waters (Polar Code)

10.23 In considering the draft International Code for Ships Operating in Polar Waters (Polar Code) (SDC 1/26, annex 3), the Committee took action as described hereunder.

Scope of application of the Polar Code

10.24 In regard to the application of the Code, the Committee had for its consideration the following documents:

- .1 MSC 93/10/3 (Argentina), proposing (paragraph 17) to exempt existing ships from some damage stability requirements and the carriage of equipment for measuring ice thickness, and a new paragraph to compel all new ships operating in polar waters to comply with the provisions of part I-A that are applicable according to type or category of ship, air temperature, ice conditions or any other parameter specified in the regulation; and
- .2 MSC 93/10/9 (Russian Federation), proposing to exempt the Bering Sea from the geographical scope of application of the Polar Code in the Arctic polar area.

10.25 Following discussion, the Committee did not agree to the proposal (MSC 93/10/9) to exempt the Bering Sea from the geographical scope of application of the Polar Code in the Arctic polar area, as the proposal would be a significant change and the boundaries had been agreed previously, taking into account all the hazards in the Arctic area. Furthermore, the Committee did not agree to the proposal contained in paragraph 17 of document MSC 93/10/3, as the proposed text was not clear.

10.26 Consequently, the Committee noted the intervention by the delegation of the Russian Federation with regard to the Committee's decision not to exempt the Bering Sea from the geographical scope of application of the Polar Code. In the opinion of the delegation, the environmental characteristics of the northern part of the Bering Sea resembled non-Arctic freezing seas.

Definition and use of temperature in the Polar Code

10.27 The Committee had for its consideration the following documents:

- .1 MSC 93/10/4 (Argentina), proposing (paragraphs 1 to 7):
 - .1 to add the definitions of "thin first-year ice" and "old ice", in accordance with the WMO sea-ice nomenclature;
 - .2 that in paragraph 4.1 of section 4, the word "risk", in square brackets, should be retained since that assessment was a critical element in the process of certifying polar ships and it should therefore be clear what type of assessment was required; and to insert a new paragraph 4.2;
 - .3 that since the alternative paragraph 5.4, in section 5, was not in fact an alternative but an additional provision to clarify how to demonstrate compliance with the provisions of the Code, the alternative text should be amended and included as paragraph 5.5; and
 - .4 that since, in paragraph 1.3.1, the phrase "every ship that is on a voyage that is in whole or in part in polar waters" could be interpreted differently to the provisions of SOLAS draft regulation XIV/3.1, the phrase in paragraph 1.3.1 should be replaced with the words "ships operating in polar waters" in accordance with that regulation; and
- .2 MSC 93/10/18 (United States), providing information for considering design margins in the definition of polar service temperature (PST) and modifying the draft requirements related to performance standards in the draft Polar Code.

10.28 Following discussion, the Committee agreed to refer the aforementioned documents to the working group for further consideration, as appropriate.

Hull, machinery and equipment

10.29 In considering matters related to hull, machinery and equipment, the Committee had for its consideration the following documents:

- .1 MSC 93/10/4 (Argentina), proposing (paragraphs 11 and 12):
 - .1 in chapter 3 (Ship structure), to remove the term "polar service temperature" from paragraphs 3.2.1.1 and 3.3.1; and

- .2 in chapter 6 (Machinery installations), to delete the whole of the chapeau in square brackets and, in paragraph 6.2.1.3, replace the words "ships intended to operate in ice" with the words "a ship required to be ice-strengthened in accordance with chapter 3", a phrase that could be used in the few cases in which it appeared rather than being included as a definition; also to delete paragraph 6.3.5 and to move paragraph 6.3.4 to paragraph 6.3.5, since it was related not to the functional requirement in paragraph 6.2.1.2.3 but to paragraph 6.2.1.3.1;
- .2 MSC 93/10/5 (Canada and Norway), discussing how existing and new ships could be assigned a category and equivalent ice class based on structural analysis and risk assessment, intended to supplement the generic approximate equivalency tables in part I-B of the draft Polar Code by providing a method for developing a ship specific assessment, in an updated approach that took into account the comments made at SDC 1; and
- .3 MSC 93/10/8 (Norway), commenting on the outcome of SDC 1 with regard to draft chapter 3 (Ship structure) of the Code and proposing to amend regulation 3.3.2 to make clear in the Code that a category C ship did not have complete freedom to operate in polar areas in all ice conditions less severe than those identified for a category B ship without any additional strength requirements.

10.30 Following discussion, the Committee agreed to refer the aforementioned documents to the working group for further consideration, as appropriate.

Navigational and operational matters and the Polar Water Operational Manual

10.31 The Committee had for its consideration the following documents:

- .1 MSC 93/10/1 (Canada), providing proposals for a standardized table of contents for the Polar Waters Operational Manual (PWOM), and for additional guidance on detailed contents, in order to assist Administrations in reviewing the scope, reduce the complexity of training and lessen the possibility of misunderstanding;
- .2 MSC 93/10/4 (Argentina), proposing (paragraphs 10 and 13 to 15):
 - .1 in chapter 2 (PWOM), modifications that would need to be considered in detail by a working group;
 - .2 in chapter 7 (Operational safety), in order to avoid both overlap and gaps in regulation between various regimes related to the operational safety of the crew, to retain paragraph 7.3 with modifications;
 - .3 in chapters 9 and 10 (Life-saving appliances and arrangements/Safety of navigation), to delete "the polar service temperature" from paragraph 9.2.2.1 since it was covered in paragraph 1.4.2, and to delete paragraph 10.3.1.1.1 since there was no guaranteed international service coverage and no performance standards for issuing and receiving ice information; and

- .4 in chapter 12 (Voyage planning), it should be made clear, when advice was requested of NCSR 1 with respect to paragraph 12.5, that the aim was for companies to have a system or service that enabled them to monitor the position of their ships in real time and for that information to be available to search and rescue services as well as to maritime assistance services in the areas in which the ship was operating;
- .3 MSC 93/10/6 (Canada), discussing how ship capabilities and limitations and compliance with other requirements of the Polar Code would be recorded, and proposing ways to capture those aspects in the Polar Ship Certificate and its supporting documentation;
- .4 MSC 93/10/7 (Canada), considering the administrative burden that might be encountered by a ship making its first or only occasional voyages in polar waters and proposing to use the PWOM to alleviate that burden, and proposing to develop guidance on which certificates and documents required to be carried on board were considered to be affected by operations in polar waters, and incorporate it in parts I-B and II-B of the Code; also proposing to add a new provision to the introduction of the draft Code to indicate that the PWOM could be used to supplement any or all of the certificates and documents required to be carried on board, as listed in parts I-B and II-B;
- .5 MSC 93/10/11 (Australia, New Zealand, IHO), proposing revisions to the preamble and chapter 10 (Safety of navigation) of the draft Polar Code;
- .6 MSC 93/10/15 (Germany), proposing amendments to chapter 12 (Voyage planning) of the draft Polar Code, specifically to replace the words "wildlife" and "cetaceans" (which are in square brackets) by the term "marine mammals", including cetaceans (whales, dolphins and porpoises), pinnipeds (walrus, seals and sea lions) as well as polar bears; and
- .7 MSC 93/10/19 (CLIA), commenting on chapter 10 (Safety of navigation) regarding the potential need to install two independent echo-sounding devices on board ships; in this context, CLIA research indicated that no compelling need had been presented for requiring two independent echo-sounding devices.

10.32 Following an in-depth discussion, the Committee noted, in particular, the views that the PWOM was mandatory under the Polar Code; however, its contents were of recommendatory nature. In this context, the ship's operational limitations should be recorded in the Polar Ship Certificate.

10.33 Subsequently, the Committee agreed to refer document MSC 93/10/19 to NCSR 1 for consideration in conjunction with the matters referred to it by SDC 1 (see also paragraphs 10.37.1, 10.42 and 10.49). The Committee also agreed to refer the documents related to navigational and operational matters and the Polar Water Operational Manual (see also paragraph 10.31) to the working group for further consideration, as appropriate.

Goal-based standards

10.34 Having considered document MSC 93/10/16 (United States), commenting on the current approach to using goal-based standards and functional requirements in part I-A (Safety measures) of the draft Polar Code and proposing an approach similar to the text of SOLAS chapter II-2, the Committee instructed the group to further consider the matter.

Draft text of part I-B of the Polar Code

10.35 The Committee had for its consideration document MSC 93/INF.4 (Norway), presenting in the annex a consolidated version of the existing draft text of part I-B of the Polar Code, containing proposals submitted to but not discussed at SDC 1, and the outcome of HTW 1, and agreed to refer the document to the working group for further consideration.

Outcome of other IMO bodies

10.36 The Committee noted that:

- .1 chapters 10 and 11 and paragraph 12.5 of the draft Code had been forwarded to NCSR 1, for consideration with a view to finalization and submission directly to MSC 94;
- .2 chapters 8 and 9 of the Code had been forwarded to SSE 1, for consideration of the need to develop new performance or test standards, with a request to forward any comments and proposals directly to MSC 93; and
- .3 chapter 13, and the discussion on the level of qualifications for different ships and operations, had been forwarded to HTW 1, for consideration and advice directly to MSC 93.

10.37 In the context of the above, the Committee endorsed the recommendation of SSE 1 to replace the term "as practicable" with "as far as practical" in the draft Polar Code, as the latter term provided the flexibility intended, and instructed the working group to take action accordingly.

10.38 The Committee considered the proposed further amendments to chapter 13 of the draft Polar Code, set out in paragraph 11.17 and annex 3 of document HTW 1/21, together with document MSC 93/11/2 (Canada), proposing that a qualified person(s) other than a member of the crew be provided (i.e. an ice-navigator), and agreed to refer the draft text of chapter 13 to the working group for further consideration with a view to finalization. With regard to document MSC 93/11/2, the Committee did not agree to refer it to the working group, as there was extensive discussion at HTW 1 and it would not be appropriate to reopen the discussion at the current stage.

Workshop on Safe Ship Operations in the Arctic Ocean

10.39 The Committee noted with appreciation document MSC 93/INF.12 (Finland), presenting the outcome of the Workshop on Safe Ship Operations in the Arctic Ocean, held at the IMO Headquarters on 28 February 2014. The workshop had been hosted by IMO along with the Arctic Options: Holistic Integration for Arctic Coastal Marine Sustainability Project, funded by the US National Science Foundation, French Centre Nationale de la Recherche Scientifique and the Arctic Climate Change, Economy and Society Project funded by the European Commission.

Establishment of the Polar Code Working Group

10.40 Having considered the above matters, the Committee established the Polar Code Working Group and instructed it, taking into account comments and decisions made in plenary, to

- .1 finalize the draft new SOLAS chapter XIV, based on annex 2 to document SDC 1/26, taking into account documents MSC 93/10/2, MSC 93/10/3, MSC 93/10/12 and MSC 93/10/17; and
- .2 finalize the draft International Code for Ships Operating in Polar Waters (Polar Code), based on annex 3 to document SDC 1/26, taking into account the documents submitted to the current session, except documents MSC 93/10/19 and MSC 93/11/2, and annex 3 to document HTW 1/21.

Report of the working group

10.41 Having considered the report of the working group (MSC 93/WP.7 and Add.1), the Committee approved it in general and took action as described hereunder.

Draft new SOLAS chapter XIV

10.42 The Committee endorsed the group's recommendation to instruct NCSR 1 to further consider whether the scope of application of chapters 10 and 11 of the draft Polar Code should also include different types and sizes of ships or if it would be sufficient to address that matter in phase 2 (non-SOLAS ships) of the Polar Code.

10.43 In light of the above, the Committee noted the group's view that there was an urgent need to start the second phase of the development of the Polar Code. The Committee also noted the views of some delegations requesting that caution should be exercised in the new phase, as different types of ships had different safety requirements and the draft Polar Code had been developed as an add-on to SOLAS.

10.44 Subsequently, the Committee approved the draft new SOLAS chapter XIV, as set out in annex 23, and requested the Secretary-General to circulate it in accordance with SOLAS article VIII, with a view to adoption at MSC 94.

10.45 In this connection, the Committee noted the views of some delegations that the words "whether or not engaged in international voyages" should be included in the draft regulation 2.1 (Application). Notwithstanding the above, the Committee agreed that the aforementioned draft regulation was drafted accurately, reflecting the decision of the Committee, and should remain without square brackets.

Draft International Code for Ships Operating in Polar Waters (Polar Code)***Polar Waters Operational Manual (PWOM)***

10.46 The Committee noted the group's decision to include a sample table of contents and additional guidance on detailed contents for the Polar Waters Operational Manual (PWOM) as an appendix to the draft Polar Code, which was divided into parts I (Safety measures) and II (Environmental protection measures).

10.47 In this connection, the Committee endorsed the group's recommendation to refer part II (Environmental protection measures) of the sample table of contents and the additional guidance on detailed contents for the PWOM to MEPC 67, as set out in annex 1 to document MSC 93/WP.7/Add.1, for consideration in conjunction with the introduction and part II-A of the draft Polar Code. The Secretariat was requested to take action accordingly.

Operational safety

10.48 The Committee endorsed the group's decision to delete chapter 7 (Operational safety) of the draft Polar Code and renumber the subsequent chapters, in order to avoid overlapping with other international instruments.

Safety of navigation and communication

10.49 The Committee endorsed the group's recommendation to refer the following matters to NCSR 1, for consideration in conjunction with the finalization of chapters 10 (Safety of navigation) and 11 (Communication) of the draft Polar Code:

- .1 consider paragraphs 14 and 15 of document MSC 93/10/4 (Argentina), regarding international service coverage and the lack of performance standards for issuing and receiving ice information, and report systems, respectively;
- .2 consider paragraphs 10, 13 and 14 of document MSC 93/10/16 (United States), commenting on the legal effect of the lack of linkage between specific functional requirements and regulations in chapters 10 and 11; in that context, consider also section 1.1 of part I-A of the draft Code (MSC 93/WP.7/Add.1, annex 2);
- .3 note that in other chapters of the Code the words "ships intended to operate in ice" had been replaced by the words "ships ice-strengthened in accordance with chapter 3" and definitions had been developed for the terms "operation in ice" and "ships intended to operate in low air temperatures";
- .4 consider restructuring the regulations in chapters 10 and 11 for consistency with other chapters of the Code, noting the issue raised in subparagraph .2 above;
- .5 based on the changes referred to in subparagraph .3 above, consider the appropriate application of the various measures in chapters 10 and 11;
- .6 consider the additional guidance in part I-B regarding the personal and group survival equipment; and
- .7 consider the record of additional equipment and operational limitations for the Polar Ship Certificate for navigation and communication equipment.

Draft Polar Code

10.50 Having considered the above matters, the Committee approved, in principle, the draft International Code for Ships Operating in Polar Waters, as set out in annex 24, with a view to adoption in conjunction with the associated draft new SOLAS chapter XIV.

10.51 The Secretariat was requested to advise MEPC 67 accordingly on the above outcome, as appropriate.

11 HUMAN ELEMENT, TRAINING AND WATCHKEEPING

URGENT MATTERS EMANATING FROM THE FIRST SESSION OF THE SUB-COMMITTEE

General

11.1 The Committee considered urgent issues emanating from the first session of the Sub-Committee on Human Element, Training and Watchkeeping (MSC 93/11) and took action as indicated hereunder.

Implementing the provisions of regulation VI/6 of the STCW Convention for training, familiarization and certification on security

11.2 The Committee, bearing in mind the urgent need for providing guidance to port State control officers, endorsed the Sub-Committee's approval of STCW.7/Circ.21 on Advice for port State control officers, recognized organizations and recognized security organizations on action to be taken in cases where seafarers do not carry certification required in accordance with regulation VI/6 of the STCW Convention and section A-VI/6, paragraphs 4 and 6 of the STCW Code after 1 January 2014.

Clarification of training and certification requirements for ship security officers and seafarers with designated security duties

11.3 The Committee, bearing in mind the urgent need for providing guidance to port State control officers, endorsed the Sub-Committee's approval of STCW.7/Circ.22 on Advice for port State control officers, recognized organizations and recognized security organizations clarifying training and certification requirements for ship security officers and seafarers with designated security duties.

Development of guidance for the implementation of the 2010 Manila Amendments

11.4 The Committee, taking into account the need for further guidance on implementation of the 2010 Manila Amendments, agreed to extend the target completion date of the output on "Development of guidance for the implementation of the 2010 Manila Amendments", until the end of the transitional arrangements, i.e. 2017.

Development of guidance regarding training of personnel in charge of or involved in tug-barge operations

11.5 The Committee endorsed the Sub-Committee's decision not to take any further action related to the output "Development of guidance regarding training of personnel in charge of, or involved in tug-barge operations", and agreed to delete it from the biennial agenda of the Sub-Committee (see paragraph 20.6).

Development of a mandatory code for ships operating in polar waters

11.6 The Committee recalled that, under agenda item 10, it had considered the draft text of chapter 13 of the Polar Code developed by the Sub-Committee along with the proposal by Canada (MSC 93/11/2). In this context, the Committee had referred the draft text of chapter 13 to the Polar Code Working Group for finalization (see paragraph 10.38).

11.7 During the consideration of the draft report of the Committee, the delegation of Canada made a statement as set out in annex 32.

Development of a globally consistent format for the certificate of training and education issued under the STCW Convention

11.8 The Committee endorsed the Sub-Committee's decision not to take any further action related to the output "Development of a globally consistent format for the certificate of training and education issued under the STCW Convention", and agreed to delete it from the biennial agenda of the Sub-Committee (see paragraph 20.6).

Other issues

11.9 The Committee, in noting the concerns expressed by the Sub-Committee regarding new planned and unplanned outputs that had been included in the Sub-Committee's agenda and that, after detailed consideration, had not merited any further action or output as the issues had either already been adequately addressed by existing regulations or not been considered necessary, agreed to discuss the matter further under agenda items 19 and 20 (see sections 19 and 20).

SECRETARY-GENERAL'S REPORT PURSUANT TO STCW REGULATION I/7, PARAGRAPH 2

11.10 The Committee noted that no reports pursuant to STCW regulation I/7, paragraph 2 had been submitted to the current session for consideration.

SECRETARY-GENERAL'S REPORT PURSUANT TO STCW REGULATION I/8

11.11 In introducing the report (MSC 93/WP.3), the Director of the Maritime Safety Division, on behalf of the Secretary-General, advised the Committee that, in preparing the reports required by STCW regulation I/8, paragraph 2, the Secretary-General had solicited and taken into account the views of the competent persons selected from the list established pursuant to paragraph 7 of section A-I/7 of the STCW Code and circulated as MSC.1/Circ.797. The reports, as required by MSC.1/Circ.1449, were comprised of:

- .1 the Secretary-General's report to the Committee;
- .2 a description of the procedures followed; and
- .3 a summary of the conclusions reached in the form of a comparison table.

11.12 Having considered the Secretary-General's reports attached to document MSC 93/WP.3, the Committee confirmed that the procedures for the assessment of information provided had been correctly followed in respect of three STCW Parties, and requested the Secretariat to issue an updated circular as MSC.1/Circ.1164/Rev.13.

11.13 The delegation of the Cook Islands, in noting that at many meetings of the Committee STCW Parties had been found to be giving full and complete effect to the provisions of regulations I/7 and I/8 of the STCW Convention, expressed its concern that such STCW Parties did not automatically recognize certificates, under regulation I/10, issued by other Parties also found to be giving the Convention full and complete effect. In its opinion, the Committee should discuss the issue in order to identify the impediments that apparently prevented them from doing so.

APPROVAL OF COMPETENT PERSONS

11.14 The Committee approved additional competent persons nominated by Governments (MSC 93/11/1), and requested the Secretariat to issue an updated circular as MSC/Circ.797/Rev.25.

12 SHIP SYSTEMS AND EQUIPMENT

URGENT MATTERS EMANATING FROM THE FIRST SESSION OF THE SUB-COMMITTEE

General

12.1 The Committee considered urgent issues emanating from the first session of the Sub-Committee (MSC 93/12) and took action as indicated hereunder.

Recommendation on safety measures for existing vehicle carriers carrying motor vehicles with compressed hydrogen or natural gas in their tanks for their own propulsion as cargo

12.2 The Committee decided to consider the draft MSC circular on *Recommendation on safety measures for existing vehicle carriers carrying motor vehicles with compressed hydrogen or natural gas in their tanks for their own propulsion as cargo* under agenda item 3 (see paragraph 3.92.2). In this regard, the delegation of Norway made a statement reserving its position on the above draft circular, the full text of which is set out in annex 32.

Development of a new framework of requirements for safety objectives and functional requirements for the approval of alternative design and arrangements for SOLAS chapters II-1 (Parts C, D and E) and III

12.3 The Committee noted, in the context of its work on the application of amendments to SOLAS, the Sub-Committee's view that there should be explanatory notes and background information to support the implementation of life-saving appliance requirements.

12.4 The Committee also noted the concern expressed regarding abandon ship drills with fully loaded lifeboats and that the outcome of any proposed amendments to the testing requirements for lifeboats should maintain the existing level of functional assurance for life-saving appliances.

Free-fall lifeboats with float-free capability

12.5 Having noted that the work on development of amendments to the LSA Code for free-fall lifeboats with float-free capability had been completed, the Committee agreed to withdraw its previous agreement reached at MSC 78 to keep in abeyance the part of the proposed amendments to SOLAS chapter III mandating the use of free-fall lifeboats with float-free capability on bulk carriers, which had been agreed, but not adopted, while awaiting verification of the availability of such equipment (MSC 78/26, paragraph 5.28).

Draft amendments to SOLAS chapter II-2

Draft SOLAS regulation II-2/9.7.1.1

12.6 The Committee decided to consider the Sub-Committee's recommendations related to draft new SOLAS regulation II-2/9.7.1.1 under agenda item 3 (see paragraph 3.21).

12.7 In this connection, the Committee approved MSC.1/Circ.1480 on Unified interpretation of SOLAS regulation II-2/9.7.1.1, for application to existing ships only.

Draft Polar Code

12.8 The Committee recalled that the Sub-Committee's recommendations related to the draft Polar Code had already been dealt with under agenda item 10 (see paragraph 10.37).

12.9 In this connection, the Committee noted that the Sub-Committee, having considered finalized chapters 8 (Fire safety/protection) and 9 (Life-saving appliances and arrangements) of the draft Polar Code, as requested by SDC 1, had agreed that additional performance or test standards might be necessary but had decided that a detailed discussion should not begin until the Polar Code had been adopted by the Committees.

International Code of safety for ships using gas or other low-flashpoint fuels (IGF Code)

12.10 The Committee noted that the Sub-Committee had reviewed the relevant parts of the draft IGF Code referred by BLG 16 and that the outcome had been forwarded to CCC 1.

Scope of application and drafting of amendments to the LSA Code

12.11 The Committee noted, in the context of its work on application of amendments to SOLAS, the Sub-Committee's view on the scope of application and drafting of amendments to the LSA Code.

Test laboratories recognized by Administrations and availability of halons

12.12 The Committee noted the Sub-Committee's decision to reissue the annual FP circulars on halons and recognized test laboratories as SSE circulars and update them only as and when necessary in lieu of issuing them annually.

LIFEBOAT RELEASE AND RETRIEVAL SYSTEMS MODIFIED UNDER MSC.1/Circ.1392

12.13 In considering document MSC 93/12/1 (Dominica), raising the need to identify a means to assure that lifeboat release and retrieval systems modified under MSC.1/Circ.1392 remained fully compliant with the requirements of the applicable LSA Code and proposing that the process of approving the modified lifeboat release and retrieval systems should be re-evaluated to ensure that they still met the intent of the regulations, the Committee noted the information and the related discussion at SSE 1. In considering the specific proposal in paragraph 6 of document MSC 93/12/1, the Committee decided not to take any specific action on the proposal to re-evaluate the process of approving the modified lifeboat release and retrieval systems. Nevertheless, the Committee noted the concerns raised by the delegation of Dominica and encouraged Member Governments to be aware of the issues highlighted in the above document in regard to the approval process.

13 TECHNICAL COOPERATION ACTIVITIES RELATING TO MARITIME SAFETY AND SECURITY**Developments concerning technical cooperation activities and model courses**

13.1 The Committee noted document MSC 93/13 (Secretariat), reporting on the 32 regional, 34 national and 65 global safety- and security-related activities implemented for the period January to December 2013 and providing information on safety- and security-related activities to be undertaken in 20 14 and 2015, listed in documents TC 63/4(a) and TC 63/14 containing the approved Integrated Technical Cooperation Programme for the biennium.

13.2 The Committee also noted document MSC 93/13/1 (Secretariat), containing the information that 72 model courses had been published in English, of which 30 had been translated into French and 34 into Spanish. Of the translated courses, 27 had been published in French and 25 in Spanish, while the translation of other courses was being undertaken in a phased manner within existing resources.

13.3 In appreciating the information provided on the implementation of technical cooperation activities and the development of model courses, the Committee urged Governments and industry to contribute to the Technical Cooperation Fund, as appropriate.

14 CAPACITY BUILDING FOR THE IMPLEMENTATION OF NEW MEASURES

General

14.1 The Committee recalled that MSC 92 (MSC 92/26, paragraph 16.4) had requested the Vice-Chairman of the Committee, in consultation with the Chairman and assisted by the Secretariat, to submit to MSC 93 a preliminary assessment of the capacity-building implications and technical assistance needs related to the approved amendments to mandatory instruments and the new unplanned outputs related to mandatory instruments, which had been approved at that session.

Assessment of capacity-building implications for the implementation of new measures

14.2 The Committee considered document MSC 93/14 (Vice-Chairman), providing the outcome of the preliminary assessment referred to above and noted that generally, all 17 items in annex 2 relating to amendments to mandatory instruments had been found to have no capacity-building implications. However, there was a need for technical assistance related to updates to domestic legislation which could be undertaken through the Organization's technical cooperation and assistance to Member States. With respect to the assessment of the items in annex 3 to document MSC 93/14, the Committee agreed that the outputs might need to be monitored in due course.

14.3 The Committee, having agreed that it would not be necessary to establish the Ad Hoc Capacity-building Needs Analysis Group (ACAG), requested the Vice-Chairman, in consultation with the Chairman and with the assistance of the Secretariat, to submit to MSC 94 a preliminary assessment of capacity-building implications or technical assistance needs related to the amendments to mandatory instruments and the new outputs related to proposed new measures approved at the current session.

15 FORMAL SAFETY ASSESSMENT, INCLUDING GENERAL CARGO SHIP SAFETY

General

15.1 The Committee recalled that MSC 90, having considered part of the report of the GBS/FSA Working Group (MSC 90/WP.7), had forwarded the final recommendations for risk control options (RCOs) included in the FSA study on general cargo ship safety (MSC 88/19/2) to the relevant sub-committees for advice.

15.2 The Committee also recalled that MSC 91, having considered the report of the FSA Experts Group (MSC 91/WP.6), had forwarded the recommendations contained in the FSA study on the safe sea transport of dangerous goods (DSC 16/6) and the FSA study on crude oil tankers (MEPC 58/17/2 and MEPC 58/INF.2) to the relevant sub-committees.

15.3 The Committee further recalled that MSC 92 had re-established the Experts Group on Formal Safety Assessment (FSA) and instructed it to review the EMSA and GOALDS studies (SLF 55/INF. 6, SLF 55/INF.7, SLF 55/INF.8 and SLF 55/INF.9). MSC 92 had also forwarded the EMSA and GOALDS studies together with relative commenting documents to SDC 1 for further consideration from the technical point of view (see paragraphs 6.9 and 10.4).

Outcome of the sub-committees

15.4 The Committee considered the outcomes of DSC 18, NAV 59, SDC 1, HTW 1 and SSE 1, related to FSA studies on general cargo ship safety, passenger ship safety, safe sea transport of dangerous goods and crude oil tankers (MSC 93/15), and took action as indicated in paragraphs 15.5 to 15.12.

General cargo ship safety

15.5 The Committee noted that DSC 18, having noted that the relevant instruments (i.e. IMSBC Code, CSS Code) generally covered stowage of bulk cargoes and heavy items, had recommended to the Committee that no further action should be taken on the matter and invited it to note that the work on that output had been completed (see also paragraph 15.15).

15.6 The Committee noted that NAV 59, with regard to RCO 2 (ECDIS with AIS and RADAR, only for newbuildings), RCO 27 (Anchoring watch alarm integrated in ECDIS; no additional costs if ECDIS is already integrated on bridge) and RCO 32 (Combine watch alarm with autopilot), having noted that the RCOs were found to be cost-effective on the basis of GCAF (Gross Cost of Averting a Fatality), had agreed that no further action was necessary and invited the Committee to note that the work on that output had been completed (see also paragraph 15.15).

15.7 The Committee noted that SDC 1, having decided that more time was necessary to consider measures to strengthen the maintenance responsibilities for ship machinery in the context of implementing the safety management system and ship survey requirements, had invited Member States and international organizations to submit comments and proposals to SDC 2. In light of the above, the Committee agreed to extend the target completion year for that output to 2015.

Passenger ship safety

15.8 The Committee recalled that the report of the FSA Experts Group on review of the EMSA and GOALDS studies and the outcome of SDC 1 related to passenger ship safety (documents MSC 93/6/2 and MSC 93/6, respectively) had been considered under agenda item 6 (see paragraph 6.9).

Safe sea transport of dangerous goods

15.9 The Committee noted that STW 44 had invited interested Member States and international organizations to submit proposals to MSC 93 for a new unplanned output to amend the STCW Code to extend the scope of the competence "fight and extinguish fires" to address fire-fighting involving water-reactive materials.

15.10 Having noted that no document had been submitted for consideration at the current session, the Committee decided that no further action was necessary and noted that the work on that output was completed.

Crude oil tankers

15.11 The Committee noted that HTW 1 had decided to further consider RCO 8 (Hot work procedures training) at its next session, taking into account that a number of the issues raised in RCO 8 had already been addressed in section A-V/1 with the adoption of the 2010 Manila Amendments and that no documents had been submitted to HTW 1 on the matter.

15.12 The Committee also noted that SSE 1, having briefly considered documents MEPC 58/17/2 and MEPC 58/INF.2 (Denmark), providing information on the FSA study on crude oil tankers carried out within the research project SAFEDOR, had invited Member Governments and international organizations to submit comments and proposals to SSE 2.

Procedure for reviewing the outcomes of FSA studies

15.13 The Committee considered the IACS proposal to develop more specific procedures on how the sub-committees should be more clearly tasked to address RCOs referred to them from an FSA study, which had been positively reviewed by the FSA Expert Group and subsequently endorsed by the Committee. After a lengthy discussion, the Committee, having decided that developing a specific procedure was necessary, agreed, in particular, that:

- .1 a new procedure should be developed in the form of guidelines for the Committee with a view to providing the sub-committees with clear instructions on how the endorsed RCOs should be further addressed;
- .2 there would be a link between consideration of new unplanned outputs and RCOs to be proposed;
- .3 a new procedure should be taken into account by Member Governments and international organizations while carrying out FSA studies;
- .4 appendix 10 of the annex to the *Revised guidelines for Formal Safety Assessment (FSA) for use in the IMO rule-making process* (MSC-MEPC.2/Circ.12) should be revised accordingly; and
- .5 a working group on Formal Safety Assessment should be established at MSC 94 to deal with the issue, possibly as a joint working group with the GBS issues (see paragraphs 5.4 and 20.30).

15.14 In view of the above, the Committee invited Member Governments and international organizations to submit comments and proposals to MSC 94.

IACS recommendations and observations regarding the work of sub-committees related to FSA studies on general cargo ship safety

15.15 Taking into account the decisions in paragraphs 15.13 and 15.14, the Committee agreed to consider the recommendations and observations in document MSC 93/15/1 (IACS), providing a comprehensive status report and analysis in order to facilitate a holistic overview of the work that the relevant sub-committees had done in reviewing the RCOs referred by the Committee from the IACS FSA study on general cargo ship safety, at a later stage based on the new procedure for reviewing the outcomes of FSA studies.

FSA training course

15.16 The Committee, having noted the kind offer of IACS to hold a one-day FSA training course, free of charge, to delegates attending III 1 and provide the Organization with a complimentary presentation to be uploaded onto the IMODOCS, thanked IACS for their effort in facilitating a wider understanding of the FSA process.

Reporting of accidents and incidents

15.17 The Committee considered document MSC 93/15/2 and Corr.1 (ICS et al.), reviewing the requirement for flag States to report accidents and incidents and offering the following observations:

- .1 it would provide more robust and valuable input to the Organization if the provisions in the current regulations, which made reporting conditional on subjective judgements (e.g. "when it judges that such information may assist in determining what changes in the present convention might be desirable"), were to be supplemented by the conducting and submission of objective analysis;
- .2 it was possible to rate the quality of reporting by flag States by comparing to other sources of information, which could be done systematically by the Organization; and
- .3 there would be significant benefits if the GISIS casualty module database were to be made fully searchable and programmable.

In discussing how to collect comprehensive casualty investigation data of a high standard, the Committee noted the problem of under-reporting as well as the benefits to be gained from the analysis of casualty investigation report data and welcomed any measures that might improve reporting by all stakeholders involved, but did not support the proposal to rate a report's quality.

15.18 The Committee identified specific issues that might require further technical detailed consideration; in particular, the potential reasons for the alleged under-reporting by flag States and the difference between the number of initial and final reports, and the need for the GISIS module on marine casualties and incidents (MCI) to support fully the search and analysis of the information contained therein.

15.19 Having identified the Sub-Committee on Implementation of IMO Instruments (III) as the competent technical body for reviewing those issues in detail, the Committee instructed that Sub-Committee to consider the specific issues (see paragraph 15.18), taking into account the views expressed, and the guidance to be provided to the Secretariat on improved programmability and search functions of the MCI module, under its agenda item on "Casualty analysis and statistics", and to advise MSC 94 accordingly on how best to proceed.

15.20 The Committee also invited interested Member Governments and international organizations to submit comments on the issues raised in document MSC 93/15/2 to MSC 94.

Time basis Ship Safety Assessment Model for a novel ship design

15.21 The Committee noted document MSC 93/INF.9 (Republic of Korea) on the time-basis Ship Safety Assessment Model (SSAM) for novel ship design, which was developed as an example of a definite FSA generic model.

Extension of the target completion year

15.22 Having considered all matters under the agenda item, the Committee agreed to extend the target completion year for the output on "Review of general cargo ship safety (5.2.1.3)" to 2015.

16 PIRACY AND ARMED ROBBERY AGAINST SHIPS**General**

16.1 The Committee, in considering document MSC 93/16 (Secretariat) noted that the number of worldwide piracy attacks had decreased and that no SOLAS ship had been hijacked in the western Indian Ocean area since May 2012 as a welcome result of the robust actions taken by the international naval forces in the region, the shipboard measures implemented by shipping companies, masters and their crews as well as the deployment of professional security teams. However, the Committee noted with concern the situation in the Gulf of Guinea which had not substantially improved as nine ships had been reported hijacked in 2012 and another nine ships had been reported hijacked in 2013.

16.2 The Committee noted the request by the Assembly to review the provisions of resolution A.1069(28) on *Prevention and suppression of piracy, armed robbery against ships and illicit maritime activity in the Gulf of Guinea* and to develop, where and when necessary, guidance and recommendations so as to enable Member Governments and the shipping industry to implement its provisions, taking into account current and emerging trends and practices.

16.3 The Committee recalled the action taken in the region to address the issue which had led to the adoption of the Code of Conduct concerning the repression of piracy, armed robbery against ships and illicit maritime activity in West and Central Africa (the Code of Conduct) in June 2013. It expressed appreciation for the contributions received for the IMO West and Central Africa Maritime Security Trust Fund from China, Japan, and the United Kingdom as well as the financial support of Norway. The Committee also noted that a revised and comprehensive IMO strategy for implementing sustainable maritime security measures in West and Central Africa had been developed and was being implemented. The strategy had been made public by the Secretariat on the IMO website at <http://www.imo.org/OurWork/Security/WestAfrica/Pages/WestAfrica.aspx>.

16.4 The delegation of Cameroon informed the Committee of the latest developments in the region's efforts to suppress piracy and other maritime crimes since the Heads of State and Government meeting in Yaoundé, Cameroon, in June 2013, including the implementation process for the Code of Conduct and a series of meetings to develop the Interregional Coordination Centre envisaged by the Heads of State. The full statement by the delegation of Cameroon is set out in annex 32.

16.5 While there was consensus on the benefits of the technical cooperation activities undertaken by the IMO Secretariat so far in supporting implementation of the Code of Conduct, some delegations were of the view that additional measures needed to be taken in order to eliminate piracy, including strengthening communication and collaboration amongst States in the region. However, a number of delegations also drew attention to the work currently being carried out in the region by Member States and regional bodies. The delegation of Nigeria requested that Member States be integrated into the process of developing capacity-building initiatives in the region and decisions related to expenditures under the Trust Fund.

16.6 The delegation of Angola, while commending the table-top exercises conducted under the IMOs strategy, requested that a report on the exercises be provided to the Committee with an evaluation of whether the expected output of the exercises were being met by the States that had participated in the activity. The full statement by the delegation of Angola is set out in annex 32.

16.7 The delegation of Ghana informed the Committee that a national information sharing centre, located in Ghana, was now operational and manned 24 hours a day. The delegation of Liberia stated that ownership by States in the region was key to successful realization of the objectives of the Code.

16.8 The Committee also noted the update on the activities of the ReCAAP Information Sharing Centre and the full statement by the observer from ReCAAP-ISC is set out in annex 32.

16.9 The observer from BIMCO raised the concerns of ICS, BIMCO, INTERTANKO and INTERCARGO that the number of attacks in the Gulf of Guinea region was not decreasing and the general trend was in fact upwards; that the number of kidnappings of crews was growing; and that this level of risk is unacceptable. The full statement by the observers from BIMCO, ICS, INTERTANKO and INTERCARGO is set out in annex 32.

16.10 The Secretary-General, in response to the interventions made by delegations under the current agenda item, expressed his appreciation for the outcomes of various meetings and activities as part of the effort to implement the provisions of the Code of Conduct. Unlike the Djibouti Code of Conduct, this Code of Conduct was an ECCAS, ECOWAS and Gulf of Guinea Commission initiative, supported by IMO. He also thanked those Member States that had provided donations to the West and Central Africa Maritime Security Trust Fund and assured delegations that the IMO Secretariat would ensure that the Fund was properly managed and that activities financed from it would be of benefit to all West and Central African countries affected by piracy and other illicit activities. The Secretariat would also ensure that updated information on the measures taken was communicated to the Committee and the other relevant bodies of the Organization, namely the Technical Cooperation Committee and the Council. The Secretary-General further stressed the need to establish a national and port security regime in each country and activities coordinated under the Organization's technical cooperation programme, including the table-top exercises, would be part of the strategy to establish or strengthen such security regimes. The Maritime Trade Information Sharing Centre in Accra, Ghana, which had been established with the assistance of OCIMF and had been very recently opened, was another important step in working towards the resolution of piracy and other illicit activity in the region. The Secretary-General stressed the need for full and accurate incident reports from States and the shipping industry. In concluding his intervention, the Secretary-General encouraged Member States, IGOs and NGOs to contribute financially to the West and Central Africa Maritime Security Trust Fund and welcomed any in-kind contributions.

16.11 The Committee concluded the item by urging Member States to support the implementation of IMO projects on maritime security for West and Central Africa by financially contributing to the IMO West and Central Africa Maritime Security Trust Fund or through in-kind contributions.

Interim guidelines on measures relating to the welfare of seafarers and their families affected by piracy off the coast of Somalia

16.12 The Committee in considering document MSC 93/16/1 (Italy et al.), noted that Working Group 3 of the Contact Group on Piracy off the Coast of Somalia had developed interim guidelines addressing welfare of seafarers and their families affected by Somalia-based piracy.

16.13 While the Committee supported the goals of the draft guidelines, the majority of the delegations that spoke were of the view that, notwithstanding the provisions in resolution A.1044(27) on *Piracy and armed robbery against ships in waters off the coast of Somalia*, the guidelines were a matter for ILO to consider as many of the aspects fall under its purview and were complementary to the 2006 Maritime Labour Convention (MLC). There was also concern that elements of the proposal might be inconsistent with the latest amendments to the MLC.

16.14 The delegation of Norway recalled that resolution A.1044(27) called on the Organization to review and improve guidelines to seafarers and that the Organization therefore did have a role to play in issuing such guidance.

16.15 The Committee therefore instructed the Secretariat to forward the document to ILO for its review and further action to progress the guidelines and to advise the Committee of the actions taken at its next session.

Private armed security – ISO Publicly Available Specification (PAS) 28007

16.16 The Committee recalled the decision of MSC 90 that ISO would be best placed to develop standards on private maritime security companies (PMSC) with guidance from IMO, and that MSC.1/Circ.1443 on *Interim guidance to private maritime security companies providing privately contracted armed security personnel (PCASP) on board ships in the High Risk Area*, which included guidance on rules on the use of force, had accordingly been provided to ISO to assist in developing the new ISO standard.

16.17 The Committee further recalled that at MSC 91, ISO had reported on progress on the new ISO Publicly Available Specification (PAS) 28007, which had been published in November 2012, and that ISO was working on the inclusion of the "Rules for the Use of Force" (MSC 92/INF.14) as part of the amendment to ISO PAS 28007 ("100 Series Rules").

16.18 The Committee, in considering document MSC 93/16/2 (ISO), noted that following the development of ISO PAS 28007 a PMSC could now be certified to that voluntary industry standard as part of efforts by the industry to facilitate uniform international implementation. The Committee further noted details of the approach taken by the United Kingdom in this regard.

16.19 The Committee, in considering document MSC 93/16/3 (Marshall Islands and BIMCO), noted the concern expressed in the document that some Governments might be considering using the International Code of Conduct for Private Security Service Providers (ICoC), rather than ISO PAS 28007, as a standard for the approval of PCASP.

16.20 The delegation of the United Kingdom, in response to the concern raised by the co-sponsors, stated that the United Kingdom was not aware of any State using the ICoC for PMSC certification. The ICoC was a set of principles, not a standard.

16.21 The Committee welcomed the work done by ISO in developing ISO PAS 28007, and several Member States informed the Committee that their national bodies had already certified and would continue to certify PMSCs using ISO PAS 28007 and therefore supported the ISO proposal to amend MSC.1/Circ.1406/Rev.2 to make reference to ISO PAS 28007.

16.22 The delegation of Germany welcomed the development of an international standard, but could not support the insertion in MSC.1/Circ.1406/Rev.2 of the sentence proposed in the ISO document for several reasons, including that such a reference would mean requesting certification to ISO 28007 without taking into account alternative and possibly more effective

measures, such as national licensing and certification procedures comparable or even broader in scope. The IMO guidelines were intended to give general guidance for the deployment of PCASP on vessels and were designed to be the basis for national implementation. The integration of a specific requirement concerning the concrete implementation of the certification therefore exceeded the purpose of the guidelines.

16.23 The delegation of Norway pointed out that ISO PAS 28007 certification was a helpful indicator in assisting Member States in assessing PMSC, and that it was understood that domestic law would prevail, regardless of the nature of the ISO standard, although these should be viewed as complementary rather than conflicting instruments.

16.24 Some delegations stated that their Administrations had developed national standards beyond the requirements of ISO PAS 28007 and PMSCs had already been certified against those national standards. Some delegations also reiterated the previous agreement of the Committee that the employment of PCASP was a matter for the flag State to decide.

16.25 The observer from ISO reminded the Committee that in response to its decision that it did not support self-certification or self-regulation by PMSCs, the Committee had requested ISO to develop standards for PMSCs based on IMO guidance and that ISO had published ISO PAS 28007 and made it available for independent certification. ISO standards were voluntary and that, as ISO did not accredit, ISO had approached the International Accreditation Forum (IAF), which had the only formal international accreditation system to progress the matter. ISO further noted that individual Governments could and did make changes based on their individual national requirements. The full statement by ISO is set out in annex 32.

16.26 Following an extensive discussion, the Committee agreed that the work carried out by ISO in developing the standard should be reflected and referenced appropriately in IMO guidance on PMSCs in MSC.1/Circ.1406/Rev.2 but that it would require some careful consideration of the wording in order to accommodate proposals made in plenary. While several delegations urged the Committee to agree on an amended text at the current session, the majority of delegations that spoke proposed to defer the matter to the next session.

16.27 The Committee thanked ISO for its work and again encouraged Member States to bring the ISO PAS 28007 to the attention of their national standards bodies; and PMSCs, shipowners and other stakeholders to study and use the PAS as appropriate. In addition, regarding the accreditation and certification process, Member States should contact their national accreditation bodies, which were accredited by the IAF. The list of recognized IAF member bodies could be found on the IAF website (<http://www.iaf.nu>).

16.28 The Committee reaffirmed its support for ISO PAS 28007, and encouraged Member States to submit documents to its next session on how best to reflect the value of ISO PAS 28007 in IMO guidance on the use of PCASP.

Measures taken to counter piracy against ships in waters off the coast of Somalia, Gulf of Aden and the western Indian Ocean

16.29 The Committee noted the information provided in document MSC 93/16/INF.5 (Islamic Republic of Iran) on the escort programme of the Government of the Islamic Republic of Iran for Iranian-flagged ships and others; and the national policy on qualified armed personnel on board its ships.

16.30 The delegation of Oman welcomed the effort made by the international community in suppressing Somalia-based piracy, which had led to the current situation of piracy off the coast of Oman had been extinct. Consequently, the delegation of Oman requested to remove

the Sea of Oman from the High Risk Area, as defined in the industry-developed Best Management Practices (BMP 4). The full statement is set out in annex 32.

16.31 The observer from ICS, in response to Oman's request, stated that information received from naval forces indicated that owing to continued activity by Somali pirates there was still a risk of piracy in the waters of the Sea of Oman. The Round Table of international shipping associations (ICS, BIMCO, INTERTANKO and INTERCARGO) had therefore agreed, for the time being, to keep the geographical limits of the HRA as they were.

Information on international cooperation on counter-piracy measures to ensure the safety of seafarers on foreign-flagged vessels against piracy

16.32 The Committee noted the information provided in document MSC 93/INF.10 (Republic of Korea) on the benefits of establishing a cooperation system among flag States, shipowners and the State(s) of the nationality of the seafarer utilizing the counter-piracy system of each State to protect seafarers of numerous nationalities on board a ship.

17 IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS

Implementation of the IMSBC Code

17.1 The Committee, recalling that MSC 92 had adopted amendments to the IMSBC Code which were envisaged to enter into force (under SOLAS chapter VI) from 1 January 2015, considered document MSC 93/17 (INTERCARGO and IACS), drawing the attention of all stakeholders to the importance of the full and proper implementation of and compliance with the provisions of SOLAS chapter VI and the IMSBC Code in order to facilitate the safety of crews, ships and cargoes.

17.2 The Committee noted that since the IMSBC Code had entered into force, a number of casualties had been reported involving ships carrying cargoes addressed by the Code, which had resulted in the loss of many seafarers' lives. Accordingly, many delegations expressed support for the concerns raised in document MSC 93/17. During the ensuing discussion, the Committee:

- .1 noted that the Code was not directed at a particular ship type, or indeed at ships above a certain size, and was therefore relevant to all ships carrying dry cargoes in bulk; thus, the provisions of the Code were not only relevant to large dedicated bulk carriers, but also to smaller general cargo ships carrying solid bulk cargoes that might be engaged on coastal voyages;
- .2 urged all the stakeholders involved in operating ships carrying solid bulk cargoes to ensure that cargoes were loaded, carried and unloaded in accordance with the requirements of the applicable statutory requirements, especially the provisions of the IMSBC Code, in order to facilitate the safety and structural integrity of the ships at all times;
- .3 drew the attention of all stakeholders to the publications, guides and flowcharts that industry associations, classification societies and other organizations had produced to facilitate the implementation of the IMSBC Code; and
- .4 invited delegations to consider what further actions they could take to promote the global implementation of and compliance with the provisions of SOLAS chapter VI and the IMSBC Code to all stakeholders involved in the transport of solid bulk cargoes.

17.3 In this context, the Secretary-General stated that, taking into account the 2014 theme for the World Maritime Day, "IMO conventions: effective implementation", and in order to enhance global compliance with the Code, the Secretariat would develop a new technical cooperation programme within the framework of the ITCP in consultation with all stakeholders involved in the transport of solid bulk cargoes and would provide information on the support that IMO could provide on the matter to the next session of the Committee.

17.4 The Committee also considered document MSC 93/17/4 (Democratic People's Republic of Korea), proposing to review SOLAS chapter VI with a view to requiring the retention of cargo information on board for the purpose of verification by port State Authorities and also to consider the methodology for verifying effective implementation of the Code through the IMO Member State Audit Scheme, and decided that the above proposals would constitute new unplanned outputs. Consequently, the Committee invited interested Member States to submit proposals for new unplanned outputs in accordance with the Committees' Guidelines.

Clarification on the application of SOLAS regulation II-2/10.5.2.2

17.5 The Committee considered document MSC 93/17/1 (IACS), seeking clarification on whether SOLAS chapter II-2 required portable foam equipment to be provided in all machinery spaces with internal combustion machinery or solely in category A machinery spaces, and agreed to amend the title of SOLAS regulation II-2/10.5.2 to specify its application to machinery spaces of category A only and instructed the Secretariat to prepare a draft amendment for further consideration by the Committee.

17.6 Having considered the draft amendment prepared by the Secretariat (MSC 93/WP.12), the Committee approved the draft amendment to SOLAS regulation II-2/10.5.2, as set out in annex 25, with a view to subsequent adoption at MSC 94.

List of codes, recommendations, guidelines and other safety- and security-related non-mandatory instruments

17.7 The Committee recalled that MSC 87 had agreed to the process whereby the Secretariat would update the list by issuing annual circulars, listing only amendments to the list, and had also instructed the sub-committees to review specific extracts of the list, as prepared by the Secretariat, every four years, for subsequent approval of a revised consolidated list by the Committee.

17.8 The Committee also recalled that MSC 87, while noting that a continuously updated consolidated list would be made available for electronic download using the GISIS facilities, had invited individual Member States to enter information into GISIS, once the module had been developed, on the implementation of non-mandatory instruments that had been adopted by means of Assembly or Committee resolutions only and to upload the corresponding domestic legislation, as deemed appropriate.

17.9 The Committee was advised that in response to the initiative of MSC 87 for the establishment of a list of comprehensive codes, recommendations, guidelines and other non-mandatory instruments, the Legal Committee and the Facilitation Committee had finalized lists, which had been issued as LEG.2/Circ.2 and posted on the IMO website respectively, while similar action remained to be taken by the Marine Environment Protection Committee, as it deemed appropriate.

17.10 In this context, the Committee considered documents MSC 93/17/3 and MSC 93/INF.2 (Secretariat), containing information on the status of development of a GISIS module regarding a comprehensive list of codes, recommendations, guidelines and other non-mandatory instruments as well as a proposal for an alternative solution for updating the list.

17.11 Following discussion, the Committee agreed to the alternative solution to the four-year cycle of the updating procedure and took action as follows:

- .1 authorized the Secretariat to migrate the consolidated list, as contained in the annex to document MSC 93/INF.2, into the relevant GISIS module and to update it directly thereafter;
- .2 subject to concurrent decisions by the Legal Committee and the Facilitation Committee, requested the Secretariat to migrate the information contained in the lists finalized by these Committees into GISIS;
- .3 also requested the Secretariat to inform the MEPC about the recent developments on this matter, as appropriate;
- .4 invited relevant IMO bodies, when developing a new instrument, to consider the consequential impact of its approval and/or adoption on existing non-mandatory instruments so that the list can be kept updated conveniently; and
- .5 also invited Member States, IGOs and NGOs to provide the Secretariat with feedback in order to maintain the accuracy of the lists, while issues of a more sensitive nature would be reported to the relevant Committee by the Secretariat for consideration.

Guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments

17.12 The Committee recalled the decisions of MSC 92 related to the drafting of amendments to the 1974 SOLAS Convention and related mandatory codes and that it had established a Correspondence Group on Development of Guidance on Drafting of Amendments to the 1974 SOLAS Convention and Related Mandatory Codes to progress the work intersessionally (MSC 92/26, paragraphs 3.67 and 3.86 to 3.88).

17.13 The Committee considered the report of the Correspondence Group on Development of Guidance on Drafting of Amendments to the 1974 SOLAS Convention and Related Mandatory Instruments (MSC 93/17/2), including, inter alia, a draft MSC circular on *Guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments*² (the draft guidance), a preliminary road map for the implementation of the four-year cycle for the entry into force of amendments to the SOLAS Convention and related mandatory instruments and a proposal for the further development of a drafting dictionary; along with the following commenting documents:

- .1 MSC 93/17/5 (United Kingdom), supporting the conclusions of the correspondence group and providing examples of drafting errors/omissions contained in recently adopted amendments;

² The name of the draft Guidance was changed by the correspondence group from "related mandatory codes" to "related mandatory instruments".

- .2 MSC 93/17/6 (Germany), recalling the interim solution taken at MSC 91 related to the amendments to SOLAS chapter II-2 adopted by resolution MSC.338(91) and proposing to revise SOLAS chapter II-2 once the draft guidance was approved;
- .3 MSC 93/17/7 (Germany), proposing modifications to the draft guidance and recommending to establish a working group at the current session to address the drafting issues related to the scope of application of codes (specifically the LSA Code) as part of the draft guidance; and
- .4 MSC 93/17/8 (United States), proposing modifications to the definition of exemptions, the check/monitoring sheet, the format of application dates and editorial modifications to the draft guidance, including a phased approach by separating the reinstatement of the four-year cycle of entry into force from the remainder of the draft guidance and issuing a separate circular pending resolution of the outstanding issues.

17.14 In order to facilitate the consideration of the correspondence group's report and the related commenting documents, the Chairman invited the Committee to consider the issues and proposals in the following order:

- .1 finalization of the draft guidance, including the road map for implementation;
- .2 maintenance of a list of new and amended regulations;
- .3 development of a drafting dictionary for terminologies used in IMO instruments; and
- .4 revision of SOLAS chapter II-2.

17.15 Having agreed with the proposed way forward, the Committee took action as indicated in paragraphs 17.16 to 17.31.

Draft guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments and road map for implementation

17.16 The Chairman stressed the importance of making progress and finalizing the guidance as soon as possible in order to avoid having to deal with so many drafting-related issues and misinterpretations during the consideration of draft amendments, in particular at the approval and adoption stages. To progress the matter, the Chairman invited the Committee to consider:

- .1 whether the draft guidance should be divided into two circulars, one reinstating the four-year cycle of entry into force of adopted amendments and another addressing drafting-related issues, as proposed in document MSC 93/17/8; and
- .2 if so, whether a drafting or working group should be established and instructed to progress the preparation of the above draft MSC circulars and to consider and recommend how to deal with the remaining open issues.

17.17 In considering the above options, the following views were expressed:

- .1 the draft guidance should be divided into two circulars, as indicated above;
- .2 the draft circular related to the four-year cycle of entry into force of amendments could be finalized at the current session in order to apply the guidance without any further delay;
- .3 the draft MSC circular related to drafting issues should be further progressed, leaving aside issues that might require further consideration, and that, if time permits, it could be finalized at the current session as "interim" guidance; and
- .4 the Drafting Group on Amendments to Mandatory Instruments, which had been established under agenda item 3, should be instructed to prepare and finalize the above circulars, as appropriate, and, depending on progress made, consideration should be given to the establishment of a working group at MSC 94 to continue working on the subject.

17.18 After some discussion, the Committee agreed that the guidance should be divided into two circulars, as indicated above, and that the Drafting Group on Amendments should be instructed in that respect (see paragraph 17.23).

Maintenance of a list of new and amended regulations

17.19 The Committee considered the recommendations of the correspondence group on the maintenance of a list of new or amended regulations and agreed that this should be considered in the future as part of the outstanding issues related to the drafting guidance.

Development of a drafting dictionary for terminologies used in IMO instruments

17.20 The Committee considered the proposal for the development of a drafting dictionary for terminologies in IMO instruments and agreed that this should also be considered in the future as one of the outstanding issues.

Revision of SOLAS chapter II-2

17.21 The Committee recalled that:

- .1 the amendments to SOLAS chapter II-2 adopted by resolution MSC.308(88) had modified, inter alia, the general application date of the chapter (i.e. regulation I) without revising the chapter, leading to some misinterpretations of the application requirements of existing regulations and further issues with the drafting of new amendments to the chapter;
- .2 during the consideration of proposed amendments to SOLAS chapter II-2, MSC 91 had decided, as an interim solution, that the general application date of the chapter should remain unchanged and that the scope and date of application of the draft amendments under consideration should be defined within the new or amended regulations, as appropriate; in doing so, MSC 91 had recognized that this was a temporary solution which would allow the Committee to proceed with the adoption of the draft amendments to SOLAS chapter II-2 and that a long-term approach for amending the SOLAS Convention and related mandatory codes was urgently required; in

this context, MSC 91 had adopted resolution MSC.338(91) which amended, inter alia, the title of SOLAS regulation II-2/1 by adding a footnote to clarify issues related to the application date of the chapter; and

- .3 MSC 92 had agreed, inter alia, that the general application date of a chapter should only be changed if a comprehensive revision of the chapter was made and, after that, the application date of new requirements should be indicated under each new or amended regulation.

17.22 In this context, the Committee agreed that the revision of SOLAS chapter II-2 should be considered after finalizing the drafting guidance.

Instructions for the Drafting Group on Amendments to Mandatory Instruments

17.23 Having considered the issues above, the Committee instructed the Drafting Group on Amendments to Mandatory Instruments established under agenda item 3 (see paragraph 3.75), taking into account comments and decisions made in plenary, to:

- .1 prepare a draft MSC circular on guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments, including the definition of exceptional circumstances and the road map of implementation; and
- .2 progress the preparation of a draft MSC circular on guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments, excluding issues that might require further consideration, and advise how to progress the matter.

Report of the drafting group

17.24 On receipt of the part of the report of the drafting group (MSC 93/WP.5/Add.1) related to this agenda item, as amended with an editorial correction to include the words "the scope of application of" before the words "LSA Code" in action point 19.6 and to the reference to MSC-MEPC.3/Circ.4 in the footnote in annex 1, the Committee took action as outlined hereunder.

Draft guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments

17.25 The Committee, having agreed to remove the square brackets around the proposed dates in paragraphs 2.1 and 2.2 of the annex to the draft MSC circular, approved MSC.1/Circ.1481 on *Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments*.

Draft interim guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments

17.26 The Committee approved MSC.1/Circ.1483 on *Interim guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments*, with the following minor modifications to the annex of the interim guidance:

- .1 in paragraph 3.2.1.4, the reference to paragraph "3.2.1.2.15" was updated to read "3.2.1.3.15";

- .2 in paragraph 3 of annex 1, the words "on or after a date that is [date 2 (and 3, 4 – that are after date 1)]" were replaced with the words "on or after [date 1]"; and
- .3 in annex 2, the words "where possible" in the footnote under the table related to part III of the check/monitoring sheet and in parts I and II of the guidance notes for completing the forms were replaced with the words "to the fullest extent possible".

17.27 The Committee noted that the interim guidance had been revised leaving aside issues that would require further consideration at a future date.

17.28 Having approved the above interim guidance, the Committee:

- .1 instructed its subsidiary bodies to use the interim guidance during the preparation of amendments to the 1974 SOLAS Convention and related mandatory instruments;
- .2 invited interested parties and the subsidiary bodies to submit recommendations and proposals for improvement after taking into account the experience gained from the use of the interim guidance; and
- .3 invited MEPC 67 to note the approval of the interim guidance as it contained references to MSC-MEPC.1/Circ.4/Rev.3 on *Guidelines on the Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (the Committees' Guidelines).

Issues requiring further consideration

17.29 In order to continue the work related to remaining issues, the Committee agreed that a working group should be established at MSC 94. To that end, the Committee approved terms of reference for the working group, as set out in paragraph 14 of document MSC 93/WP.5/Add.1, and invited interested parties to submit comments and proposals to MSC 94.

17.30 The Committee also agreed that the working group should start its work immediately on the first day of the meeting and be allowed, if necessary, to continue working on Thursday and Friday, and report to MSC 95, with the understanding that the consideration of the remaining open issues should be completed no later than MSC 95.

17.31 As part of the remaining open issues, the Committee instructed SSE 2 to give urgent consideration to the issues related to the scope of application of the LSA Code and to report to MSC 95 on the status of the considerations. In this context, the Committee, noting that SSE 2 would meet after MSC 94, agreed to include as part of the terms of reference of the working group to be established at MSC 94 (see paragraph 17.29) the preparation of clear instructions to SSE 2 with regard to the issues needing consideration in relation to the scope of application of the LSA Code.

18 RELATIONS WITH OTHER ORGANIZATIONS

18.1 The Committee noted the decisions of C 110 and C/ES.27 (MSC 93/18) relating to relations with non-governmental organizations and applications for consultative status and related matters.

19 APPLICATION OF THE COMMITTEES' GUIDELINES

19.1 The Committee recalled that FAL 38 had revised the *Guidelines on the organization and method of work of the Facilitation Committee* (FAL.3/Circ.209) and had invited the Maritime Safety Committee to note the revision and to consider if the editorial improvements made by FAL 38 should be included in the relevant guidelines of the MSC and MEPC in due course.

19.2 The Committee also recalled that MSC 92 had agreed to request the Secretariat to prepare a document for consideration at MSC 93, setting out the revised text prepared by FAL 38, so that the Committee could take a decision on the matter.

19.3 The Committee recalled further that A 28 had adopted resolution A.1062(28) on *Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization*. That resolution included some of the editorial improvements made by FAL 38 and further requested the Committees to review and revise, during the 2014-2015 biennium, their guidelines on the organization and method of their work, taking account of the revised guidelines adopted by aforementioned resolution, as appropriate.

19.4 In this regard, the Committee noted that MEPC 66 had agreed to await the outcome of consideration by MSC 93 of the relevant documents prepared by the Secretariat (MSC 93/19 and MSC 93/WP.8) before taking any decision.

19.5 Having considered the proposed amendments to the Committees' Guidelines contained in the annex to document MSC 93/WP.8, the Committee approved them, in general, but noted that the editorial improvements regarding the establishment of splinter groups in a working group had removed the important concept of unanimous agreement in the existing Committees' Guidelines. Therefore, the Committee reinstated the concept of unanimous agreement for establishing splinter groups in paragraph 5.20 of the guidelines and authorized the Secretariat to make any necessary editorial amendments and to inform MEPC 67 of the Committee's decision.

19.6 Subsequently, the Committee approved the draft MSC-MEPC circular 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 set out in annex 26, subject to concurrent approval by MEPC 67, and noted that the amended provisions would be applicable to submissions to MSC 95 and all Sub-Committee meetings thereafter.

Consideration of pink paper's role

19.7 The Committee, having noted the concern raised by the Democratic People's Republic of Korea on the decision of C 109 and MSC 91 to discontinue the use of pink paper, considered the proposal that a new section called "Pink Paper" be added to the currently available five sections in the documents categories under IMODOCS system, which were "Circular Letters", "Circulars", "Meeting Documents", "Notes Verbales" and "Treaties".

19.8 After a brief discussion, the Committee agreed that the proposed additional section to IMODOCS would be helpful and requested the Secretariat to consider how best to implement possible changes to IMODOCS and to report to MEPC 67 and MSC 94 accordingly. The Committee further agreed that any new facility to be provided by IMODOCS should be reflected in paragraph 6.4 of the Committees' Guidelines.

20 WORK PROGRAMME

SUB-COMMITTEE ON CARRIAGE OF CARGOES AND CONTAINERS (CCC)

Biennial status report of the Sub-Committee and provisional agenda for CCC 1

20.1 The Committee, recalling its decision under agenda item 9 (see paragraph 9.19) to reinstate on the agenda for CCC 1 the existing output on "Revised guidelines for packing of cargo transport units (5.2.3.5)", approved the Sub-Committee's biennial status report and the provisional agenda for CCC 1, as set out in annexes 27 and 28 respectively.

SUB-COMMITTEE ON HUMAN ELEMENT, TRAINING AND WATCHKEEPING (HTW)

Development of a new model course on COLREG

20.2 The Committee considered document MSC 93/20/3 (Turkey), proposing to develop a new model course related to the 1972 Convention on the International Regulations for Preventing Collisions at Sea (COLREG), and document MSC 93/20/7 (IMLA), commenting on the proposal, and, taking into account that the proposal was a duplication of the work already completed by the HTW Sub-Committee, agreed not to include the proposed output in the post-biennial agenda of the Committee.

Review of the MODU Code, LSA Code and MSC.1/Circ.1206/Rev.1, in light of the investigations of the 2010 *Deepwater Horizon* incident

20.3 The Committee recalled that, following consideration of document MSC 93/20/5 (United States, Marshall Islands and IADC), it had agreed to include in the biennial status report of the Sub-Committee and the provisional agenda of SSE 2 an unplanned output on "Review MODU Code, LSA Code and MSC.1/Circ.1206/Rev.1", with a target completion date of 2016, in association with the HTW Sub-Committee as and when requested by the SSE Sub-Committee.

Development of guidance for the implementation of the 2010 Manila Amendments

20.4 The Committee recalled that, under agenda item 11 (see paragraph 11.4), taking into account the need for further guidance on implementation of the 2010 Manila Amendments, it had extended the target completion date of the output on "Development of guidance for the implementation of the 2010 Manila Amendments", until the end of the transitional arrangements, i.e. 2017.

Damage control drills for passenger ships

20.5 The Committee recalled that, following consideration of the recommendations of the Working Group on Passenger Ship Safety (see paragraphs 6.27.5 and 20.15), it had agreed to include in the biennial status report of the SDC Sub-Committee and the provisional agenda of SDC 2 a new unplanned output on "Amendments to SOLAS chapter II-1 and associated guidelines on damage control drills for passenger ships", with a target completion year of 2016, in association with the HTW Sub-Committee as and when requested by the SDC Sub-Committee.

Biennial status report of the Sub-Committee and provisional agenda for HTW 2

20.6 The Committee approved the Sub-Committee's biennial status report and the provisional agenda for HTW 2, as set out in annexes 27 and 28 respectively.

SUB-COMMITTEE ON IMPLEMENTATION OF IMO INSTRUMENTS (III)**Consolidated audit summary report**

20.7 Taking into account the relevant outcome of A 28 (MSC 93/2/2), the Committee agreed to refer the Seventh Consolidated Audit Summary Report (A 28/9/1) to III 1 for detailed consideration under the agenda item on "Comprehensive analysis of difficulties encountered in the implementation of IMO instruments" and instructed the Sub-Committee to report the outcome of its consideration to MSC 94.

Biennial status report of the Sub-Committee and provisional agenda for III 1

20.8 The Committee confirmed the Sub-Committee's biennial status report and the provisional agenda for III 1, as set out in annexes 27 and 28 respectively.

SUB-COMMITTEE ON NAVIGATION, COMMUNICATIONS AND SEARCH AND RESCUE (NCSR)**Recognition of Galileo as a component of the WWRNS**

20.9 The Committee considered documents MSC 93/20/2 and MSC 93/INF.7 (Austria, et al.), proposing the GNSS system established under the EU Galileo programme as a component of the IMO WWRNS, and agreed to include in the biennial status report of the Sub-Committee an unplanned output on "Recognition of Galileo as a component of the WWRNS", with a target completion date of 2016, instructing NCSR 1 to place that output on the provisional agenda of NCSR 2.

Biennial status report of the Sub-Committee and provisional agenda for NCSR 1

20.10 The Committee approved the Sub-Committee's biennial status report and confirmed the provisional agenda for NCSR 1, as set out in annexes 27 and 28 respectively.

SUB-COMMITTEE ON SHIP DESIGN AND CONSTRUCTION (SDC)**Making mandatory the application of evacuation analysis to passenger ships**

20.11 The Committee, having considered document MSC 93/20/4 (France, Germany, Spain and CLIA), proposing to expand the existing output on "Review of the recommendations on evacuation analysis for new and existing passenger ships (5.1.1.3)" to include amendments to SOLAS regulation II-2/13 and chapter 13 of the FSS Code, to make mandatory the application of evacuation analysis to all types of passenger ships, agreed to expand the scope of the output 5.1.1.3, replacing the existing title with "Amendments to SOLAS and FSS Code to make evacuation analysis mandatory for new passenger ships and review of the recommendation on evacuation analysis for new and existing passenger ships", and to include it in the biennial status report of the Sub-Committee and provisional agenda for SDC 2, with a target completion date of 2016. The Committee confirmed that there should be no requirements on survey or certification associated with this work.

Mandatory Code for ships operating in polar waters

20.12 Taking into account the large number of substantive outputs on the proposed provisional agenda of SDC 2, the Committee agreed to defer the discussion on the second phase of the planned output on "Mandatory Code for ships operating in polar waters (5.2.1.15)", to the next biennium and, therefore, included that output on the post-biennial agenda of the Committee.

20.13 In light of the above decision, the delegation of Germany, supported by the delegations of Canada and New Zealand, stated its preference to maintain the output on the agenda for SDC 2, taking into account the work done to date and the importance of continuing the discussion on the second phase of the planned output related to non-SOLAS ships.

Damage control drills for passenger ships

20.14 The Committee recalled that, following consideration of the recommendations of the Working Group on Passenger Ship Safety (see paragraph 6.27.5), it had agreed to include in the biennial status report of the SDC Sub-Committee and the provisional agenda of SDC 2 a new unplanned output on "Amendments to SOLAS chapter II-1 and associated guidelines on damage control drills for passenger ships", with a target completion year of 2016, in association with the HTW Sub-Committee as and when requested by the SDC Sub-Committee.

Guidelines for damage control plans and information to the master

20.15 The Committee recalled that, following consideration of the recommendations of the Working Group on Passenger Ship Safety (see paragraph 6.28.4), it had agreed to include in the post-biennial agenda of the Committee an new output on "Revision of section 3 of the Guidelines for damage control plans and information to the master (MSC.1/Circ.1245) for passenger ships", with two sessions needed to complete the item, assigning the SDC Sub-Committee as the coordinating organ.

Biennial status report of the Sub-Committee and the provisional agenda for SDC 2

20.16 The Committee approved the Sub-Committee's biennial status report and the provisional agenda for SDC 2, as set out in annexes 27 and 28 respectively.

SUB-COMMITTEE ON SHIP SYSTEMS AND EQUIPMENT (SSE)

Review of the MODU Code, LSA Code and MSC.1/Circ.1206/Rev.1, in light of the investigations of the 2010 *Deepwater Horizon* incident

20.17 The Committee considered document MSC 93/20/5 (Marshall Islands, United States and IADC), proposing to review the MODU and LSA Codes and MSC.1/Circ.1206/Rev.1 in light of the investigations of the 2010 **Deepwater Horizon** incident, and agreed to include in the biennial status report of the Sub-Committee and the provisional agenda of SSE 2 an unplanned output on "Review of the MODU Code, LSA Code and MSC.1/Circ.1206/Rev.1", with a target completion date of 2016, in association with the HTW Sub-Committee as and when requested by the SSE Sub-Committee.

20.18 The delegation of Spain drew the Committee's attention to the need for consistency between the provisions of any future revisions to MSC.1/Circ.1206 and the MSC resolution to be made mandatory under SOLAS chapter III.

Biennial status report of the Sub-Committee and provisional agenda for SSE 2

20.19 The Committee approved the Sub-Committee's biennial status report and the provisional agenda for SSE 2, as set out in annexes 27 and 28 respectively.

SUB-COMMITTEE ON POLLUTION PREVENTION AND RESPONSE (PPR)

20.20 The Committee, in considering the outcome of PPR 1 on matters related to maritime safety (MSC 93/20/6), noted that a significant number of questions had been received by Member Governments, international organizations and the Secretariat on the application of new SOLAS regulation VI/5-2 related to the prohibition of the blending of bulk liquid cargoes and production processes during sea voyages, which had entered into force on 1 January 2014, and that PPR 1 had invited interested Member Governments and international organizations to submit proposals to MSC 93 (PPR 1/16, paragraph 3.26).

20.21 The Committee considered document MSC 93/20/8 (Liberia, Marshall Islands, Norway, Panama, ICS, BIMCO and INTERTANKO), proposing to develop guidance on the application of SOLAS regulation VI/5-2, and agreed to instruct PPR 2, under its existing output on "Unified interpretation to provisions of IMO environmental related Conventions (1.1.2.3)", to consider the questions contained in paragraph 8 of the aforementioned document and advise MSC 95 accordingly. Interested Member Governments and international organizations were invited to submit relevant information and proposals to PPR 2.

ENDORSEMENT OF OUTPUTS

20.22 In accordance with the relevant provisions of the *Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization* (resolution A.1062(28)), the Committee, having agreed to the sub-committees' biennial agendas and the provisional agendas for their forthcoming sessions, invited the Council to endorse, for inclusion in the current High-level Action Plan, the following unplanned outputs agreed by the Committee:

- .1 recognition of Galileo as a component of the WWRNS (see paragraph 20.9);
- .2 review of the MODU Code, LSA Code and MSC.1/Circ.1206/Rev.1, based on the investigation of the **Deepwater Horizon** incident (paragraph 20.17); and
- .3 amendments to SOLAS chapter II-1 and associated guidelines on damage control drills for passenger ships (see paragraph 20.14).

20.23 The Committee also invited the Council to endorse, for inclusion in the current High-level Action Plan, the replacement of the existing title of output 5.1.1.3, with "Amendments to SOLAS and FSS Code to make evacuation analysis mandatory for new passenger ships and review of the recommendation on evacuation analysis for new and existing passenger ships" (see paragraph 20.11). Matters related to the request by C/ES.27 (C/ES.27/D, paragraph 3.2(vii)) to review the continuous planned outputs listed in annex 2 of document C/ES.27/3 would be considered at MSC 94.

STATUS OF PLANNED OUTPUTS FOR THE 2014-2015 BIENNIUM

20.24 Having recalled that the status of planned outputs would only be produced after the session as an annex to the Committee's report to avoid any unnecessary duplication of work, the Committee invited the Council to note the biennial status report of the Maritime Safety Committee, as set out in annex 29.

POST-BIENNIAL AGENDA OF THE COMMITTEE

20.25 The Committee, having noted that the updated post-biennial agenda would only be produced after the session as an annex to the Committee's report to avoid any unnecessary duplication of work, invited the Council to note the updated post-biennial agenda of the Maritime Safety Committee, as set out in annex 30.

FOLLOW UP OF THE TWENTY-EIGHTH SESSION OF THE ASSEMBLY

20.26 The Committee considered the outcome of the twenty-eighth session of the Assembly (MSC 93/20/1) and noted the action that it had been requested to take in the context of resolutions adopted by the Assembly, as follows:

- .1 in the context of resolution A.1060(28), *Strategic Plan for the Organization (for the six-year period 2014 to 2019)*, when making recommendations for Committees' biennial agendas during the Strategic Plan period, to bear in mind the desirability of not scheduling more than one diplomatic conference in each year, save in exceptional circumstances;
- .2 in the context of resolution A.1061(28), *High-level Action Plan of the Organization and priorities for the 2014-2015 biennium*:
 - .1 when reporting on its work to the Assembly at its twenty-ninth regular session and to the Council at its sessions during the 2014-2015 biennium, to ensure that it reported progress towards fulfilling the Organization's aims and objectives using the framework of the strategic directions, high-level actions and planned biennial outputs;
 - .2 when considering proposals for unplanned outputs, to ensure, in accordance with resolution A.1062(28) and the Guidelines for the organization and method of their work, as appropriate, that the issues to be addressed were those that fell within the scope of the Strategic Plan and the High-level Action Plan;
 - .3 in accordance with resolution A.1062(28), to submit to the Council for endorsement any unplanned outputs that it might approve during the 2014-2015 biennium for inclusion in the High-level Action Plan for that biennium;
 - .4 to ensure full observance of the Guidelines contained in resolution A.1062(28), which provided 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 that were flexible, manageable, proportional, transparent and balanced;
 - .5 in underlining the specific responsibilities of the chairmen, vice-chairmen and secretaries of the Council, committees and sub-committees, to ensure a consistent and rigorous application of resolution A.1062(28) and the Guidelines on the organization and methods of work of the respective committees and their subsidiary bodies; and

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- .6 to ensure that the high-level actions and related outputs, especially those involving amendments to existing conventions (particularly those that had been in force for a short period), took fully into account the directives in resolution A.500(XII); and that due attention was given to the requirement that a well-documented compelling need must be demonstrated for the development and adoption of new or revised standards;
- .3 in the context of resolution A.1062(28), *Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization*, to review and revise, during the 2014-2015 biennium, the Committees' guidelines for the organization and method of work, taking account of the *Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization*, as appropriate;
- .4 in the context of resolution A.1069(28), *Prevention and suppression of piracy, armed robbery against ships and illicit maritime activity in the Gulf of Guinea*, to review the provisions of that resolution as well as any salient provisions of related resolutions that had been or might be adopted by the Security Council in that respect and to develop, where and when necessary, guidance and recommendations so as to enable Member Governments and the shipping industry to implement its provisions, taking into account current and emerging trends and practices;
- .5 in the context of resolution A.1070(28), *IMO Instruments Implementation Code (III Code)*, to keep the Code under review and, in coordination with the Council, to propose amendments thereto to the Assembly;
- .6 in the context of resolution A.1071(28), *Revised guidelines on the implementation of the International Safety (ISM) Code by Administrations*, to keep the revised guidelines under review and to amend them as necessary;
- .7 in the context of resolution A.1072(28), *Revised guidelines for a structure of an integrated system of contingency planning for shipboard emergencies*, to keep the revised guidelines under review and amend them as necessary in the light of experience gained;
- .8 in the context of resolution A.1076(28), *Amendments to the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2011*, to keep the survey guidelines under review and amend them as necessary;
- .9 in the context of resolution A.1077(28), *2013 non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code*, to keep the list under review and, under the coordination of the Council, to propose amendments thereto to the Assembly;
- .10 in the context of resolution A.1078(28), *IMO ship identification number scheme*, to keep the scheme under review for further improvement as might be necessary;

- .11 in the context of resolution A.1079(28), *Recommendations for the training and certification of personnel on mobile offshore units (MOUs)*, to keep the recommendations under review and amend them as necessary; and
- .12 in the context of resolution A.1086(28), *Entry into force and implementation of the 2012 Cape Town Agreement*, to monitor the progress made regarding the entry into force of the Agreement and to take action as it deemed appropriate.

20.27 Furthermore, the Assembly, while considering the agenda item on strategy, planning and reform, had decided that proposals for amendments to resolutions to be kept under review by the committees should be made strictly in compliance with the workload management mechanism of the resolution A.1062(28) and the relevant committee's Guidelines on the organization and method of work.

INTERSESSIONAL MEETINGS

20.28 The Committee, taking into account the decisions made at MSC 92, MEPC 66 and the current session, approved/confirmed, as appropriate, the following intersessional meetings and invited the Council to endorse the above decisions:

- .1 the twenty-second session of the E&T Group for the IMSBC Code, to be held at IMO Headquarters directly after CCC 1 from 15 to 19 September 2014;
- .2 the twenty-first session of the ICAO/IMO Joint Working Group on Search and Rescue, to be held at IMO Headquarters from 15 to 19 September 2014, as approved by MSC 92;
- .3 the twentieth session of the PPR Working Group on the Evaluation of Safety and Pollution (ESPH), to be held from 29 September to 3 October 2014, as approved by MSC 92 and MEPC 65;
- .4 the tenth session of the Joint IMO/ITU Experts Group on Maritime Radiocommunication Matters, to be held at IMO Headquarters from 6 to 10 October 2014, as approved by MSC 92; and
- .5 a session of PPR Working Group on the Evaluation of Safety and Pollution (ESPH), to be held in 2015, as approved by MEPC 66.

SUBSTANTIVE ITEMS FOR INCLUSION IN THE COMMITTEE'S AGENDAS FOR THE NEXT TWO SESSIONS AND PROPOSED ARRANGEMENTS FOR MSC 94

Substantive items for inclusion in the agendas for MSC 94 and MSC 95

20.29 The Committee agreed to substantive items to be included in the agendas of its ninety-fourth and ninety-fifth sessions, as set out in document MSC 93/WP.11, as amended.

Establishment of working and drafting groups during MSC 94

20.30 The Committee, taking into account the decisions made under various agenda items, anticipated that working and drafting groups on the following subjects might be established at the Committee's ninety-fourth session:

- .1 passenger ship safety;
- .2 goal-based standards and formal safety assessment (joint);
- .3 drafting of amendments to SOLAS and related mandatory instruments; and
- .4 consideration and adoption of amendments to mandatory instruments.

20.31 The Committee agreed that the Ad Hoc Capacity-building Needs Analysis Group (ACAG) might also need to be established.

Duration and dates of the next two sessions

20.32 The Committee noted that its ninety-fourth session had been tentatively scheduled to take place from 17 to 21 November 2014 and that its ninety-fifth session had been tentatively scheduled to be held in June 2015.

21 ANY OTHER BUSINESS

Inconsistencies in the records of equipment under SOLAS

21.1 In considering the inconsistencies in the records of equipment under SOLAS (MSC 93/21/2), the Committee noted the views expressed in the document that the lack of an entry for the total number of persons accommodated by free-fall lifeboats in the Record of Equipment for the Cargo Ship Safety Equipment Certificate and the Cargo Ship Safety Certificate was an unintended oversight.

21.2 Following discussion, the Committee approved draft amendments to section 2 of the Record of Equipment for the Cargo Ship Safety Certificate (Form C) and the Record of Equipment for the Cargo Ship Safety Equipment Certificate (Form E), as set out in annex 31, and requested the Secretary-General to circulate the draft amendments in accordance with SOLAS article VIII, with a view to adoption at MSC 94.

Safety evaluation of the *Interim guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships under adverse weather conditions*

21.3 The Committee recalled that MSC 91, bearing in mind the entry-into-force date (1 January 2013) of chapter 4 of MARPOL Annex VI and as requested by MEPC 64, had approved the *Interim guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse conditions* (MSC-MEPC.2/Circ.11).

21.4 In this context, the Committee noted the comments on the safety aspects of the *Interim guidelines for determining minimum propulsion power to maintain the manoeuvrability of ships in adverse weather conditions* (MSC-MEPC.2/Circ.11) and the proposals based on the results of a pertinent study carried out by the National Technical University of Athens (NTUA) (MSC 93/21/5).

21.5 The Committee recalled also that, at MSC 91, the delegation of Greece had expressed the view that the figures assigned for ship types "a" and "b" in the interim period would not safeguard the safety of ships in adverse weather conditions, since engines would have maximum continuous ratings (MCRs) 30% lower than the MCRs of typical bulk carriers currently built. The sea and weather environment specified in MSC-MEPC.2/Circ.11 was substantially milder than that assumed by the 2008 IS Code. The harmonization with the existing weather and loading conditions included in the 2008 IS Code was reasonable and should be attempted. Therefore, Greece proposed a modification of the interim guidelines at level 1 (minimum power line assessment) for bulk carriers (BCs), and an elaboration of the interim guidelines at level 2 (simplified assessment method).

21.6 The Committee noted further the results of an independent study on the aforementioned matter (MSC 93/INF.13), carried out by the Department of Naval Architecture and Marine Engineering/Laboratory for Ship and Marine Hydrodynamics of the National Technical University of Athens (NTUA). In the study, the actual performance of four typical bulk carriers of deadweight 30,000 tonnes, 57,000 tonnes, 79,000 tonnes and 176,000 tonnes respectively and a VLCC of deadweight 306,000 tonnes was calculated using available lines plans and sea trial data.

21.7 During the ensuing debate, a number of delegations expressed concerns about the safety implications, particularly in adverse weather conditions, and pertinent questions were raised on the methodology used and the findings presented. It was generally acknowledged that consideration of the matter fell within the purview of MEPC. The observer delegation of IFSMA, in supporting the proposal, raised its concern and expressed the necessity for adequate propulsion power for vessels in both normal and adverse weather conditions. Accordingly, the Committee agreed to refer documents MSC 93/21/5 and MSC 93/INF.13 for further consideration by MEPC 67.

Matters related to the draft IGF Code

21.8 The Committee recalled that SDC 1 had completed its review of the draft IGF Code on matters referred to it by the BLG Sub-Committee, for referral to MSC 94, and had agreed to forward the two options on the threshold values for the length of the fuel tanks and F_{cn} to MSC 94 for decision (allowing further validation of the threshold values) (SDC 1/26, paragraphs 24.3 and 24.4).

21.9 The Committee also recalled that SDC 1 had endorsed the protective location criteria for LNG fuel tanks under sections 5.3.4 and 5.3.5 of the draft IGF Code.

21.10 The Committee had the following documents for its consideration:

- .1 MSC 93/21/3 (France), commenting on the draft amendments to section 5 of the draft IGF Code related to the location of fuel tanks within the scope of the deterministic and probabilistic approaches for passenger ships, and proposing an interpretation for minimum distance criteria to be applied at the turn of the bilge area between the side and the bottom shell; and
- .2 MSC 93/21/4 (France), indicating that the installation in the lower part of a passenger ship of one or several LNG tanks designed to reach the value $F_{cn} = 0.02$ did not necessarily imply an increase of the global risk level for the ship and the population on board, and proposing a value of $F_{cn} = 0.02$ for passenger ships and 0.04 for cargo ships.

21.11 During the ensuing discussions, the Committee noted that the views expressed on the interpretation in document MSC 93/21/3 of how to apply the minimum distance criteria in order to obtain the required distance for the fuel tank at the turn of the bilge was welcome and should be further discussed at CCC 1. With regard to document MSC 93/21/4, the delegation of Norway expressed the following views, which prevented them from supporting the proposals contained in the aforementioned document:

- .1 there was little confidence in the quantification given in document MSC 93/21/4 since it was based on a HAZID for which the hazard rankings were subjective statements about risks by a group of experts;
- .2 the IGF Code was not a risk-based design standard, and even if it were, the requirements in such risk-based standards were formulated for each function and there was no option to trade risk for one scenario against risks from other scenarios, as presented in document MSC 93/21/4; such an approach would only be allowed under "alternatives and equivalents";
- .3 for the Risk Index (RI) to equal the Severity Index (SI) + Frequency Index (FI), as described in the FSA Guidelines, there was a requirement for SI and FI to be defined on a logarithmic scale, which was not the case;
- .4 the frequency had been underestimated in the HAZID and even a minor adjustment reversed the conclusion reached; and
- .5 there was a need to further validate the threshold values, which should be considered further at MSC 94.

21.12 Having considered the above views and having recalled that SDC 1 had requested the Secretariat to refer the outcome on matters related to the IGF Code, together with proposed amendments to section 5 of the draft IGF Code (annex 3 of document SDC 1/WP.5/Add.1) to MSC 94 for consideration and action, as appropriate, the Committee agreed that document MSC 93/21/3 and the related outcome of SDC 1 should be referred to CCC 1 for consideration with a view to finalization, whereas document MSC 93/21/4 should be referred to MSC 94 with the expectation that Member Governments and international organizations would submit comments and proposals on the issue of the threshold values and Fcn, under the MSC 94 agenda item on the outcome of CCC 1.

"Out of specification" marine fuels

21.13 The Committee noted that MEPC 66 had requested MSC 93 to note the discussion on fuel oil quality and its possible impact on crew health, ship safety and environmental protection, and had agreed to develop possible control measures and invited relevant proposals to MEPC 67 (see MSC 93/2/3 and MEPC 66/21, paragraphs 4.17 and 4.18).

21.14 In this context, the Committee, bearing in mind the discussion at MEPC 66 and recent problems faced by ships with "out of specification" marine fuels, noted the information provided in document MSC 93/INF.8 (ICS and IPTA) regarding recent cross industry consideration of the potential safety implications arising from the supply of "out of specification" marine fuels, and the suggestion by the co-sponsors that consideration should be given to development of:

- .1 unified IMO guidance on sampling, verification and documentation of fuel supplied on board, to cover both SOLAS and MARPOL aspects; and
- .2 requirements for random inspection and sampling prior to loading on board.

21.15 Following an extensive discussion, the Committee recognized that "out of specification" marine fuels were a very serious issue, that they posed a safety risk to ships and that the Committee should coordinate with MEPC to consider the issue for ship safety, as well as environmental and health issues. Consequently, the Committee agreed to invite Member Governments and international organizations to submit proposals to MSC 94, to be considered in conjunction with the outcome of MEPC 67 on the issue, with a view to developing a specific way forward. In light of that decision, the Committee urged Member Governments, in the meantime, to strengthen their oversight capacity of bunker fuel suppliers.

IMO/IACS cooperation on the IACS Quality System Certification Scheme (QSCS)

21.16 The Committee recalled that MSC 92, having noted the developments in the scheme following the transition to the assumption by accredited certification bodies (ACBs) of sole and independent responsibility for audit and assessment of compliance with the scheme, as indicated in the IMO observer's report annexed to MSC 92/25/1, and that the arrangement between IACS and IMO regarding the IMO observer's participation in the scheme was to come to an end in June 2013, had requested the Secretariat to continue IMO participation in IACS QSCS for the following two years, with financial contributions provided by IACS, and to provide reports during the current biennium.

21.17 In this regard, the Committee noted the status of IMO/IACS cooperation on the IACS Quality System Certification System (QCSC) (MSC 93/21/6), as follows:

- .1 in accordance with the participation agreement between IMO and IACS, the IMO consultant/observer had continued participating in the implementation of the scheme since the previous report to the Committee (MSC 92/25/1);
- .2 the latest report submitted by the IMO observer based on his participation was set out in the annex to the document, which focused on the development of the scheme following the transition to ACBs assuming sole and independent responsibility for audit and assessment of compliance with the scheme; and
- .3 in his report, the IMO consultant/observer, having expressed the need for greater attention regarding the audit of statutory matters, also focused on room for improvement concerning the depth and content of some audits within the areas of ships in operation and process control, particularly following through on all potential audit trails, and raised concern at the reduced number of experienced auditors available to be utilized by ACBs.

21.18 The Committee, having noted the information provided by the IMO consultant/observer on the IACS Quality System Certification Scheme and its transition to accredited certification bodies (ACBs), requested the Secretariat to continue the arrangement for IMO participation in the IACS Quality System Certification Scheme, with financial contributions provided by IACS, and to provide a report to MSC 95.

Establishment of "Day of the ship accident preventive measure" on a global basis

21.19 In considering the proposal (MSC 93/21) for establishing globally a designated "Day of the ship accident preventive measure" that sought the attention of all stakeholders on the importance of establishing measures for preventing ship accidents in order to ensure the safety of crew, ships and properties and the protection of marine environment, the Committee did not agree to the proposal.

Report of the eleventh meeting of the Conference of the Parties to the Basel Convention

21.20 The Committee noted an overview (MSC 93/21/) of decision BC-11/17 on cooperation between the Basel Convention and IMO adopted by the eleventh meeting of the Conference of the Parties to the Basel Convention (28 April to 10 May 2013). In this regard, the Committee also recalled that MEPC 66 (31 March to 4 April 2014) had considered such an overview (MEPC 66/INF.26) and noted it.

Global Integrated Shipping Information System (GISIS)

21.21 The Committee noted the information provided on GISIS (MSC 93/INF.3), in particular regarding:

- .1 Member States' use of the reporting facilities available through GISIS to fulfil their reporting obligations under the various IMO instruments (resolution A.1074(28)); and
- .2 direct reporting facilities for Member States in the module on contact points to collect and display the details of national Administrations in charge of matters related to continuous synopsis records (CSRs).

Outcome of the IMO Symposium on the Future of Ship Safety

21.22 The Committee, having noted that the outcome of the IMO Symposium on the Future of Ship Safety (MSC 92/25/3) had been deferred by MSC 92 owing to time constraints, considered the recommendations contained in the statement of the participants to the symposium, as set out in paragraph 6 of the document, which addressed matters related to risk assessment, data collection, new technology, the human element and the man/machine interface, all of which had been identified as future challenges.

21.23 In considering document MSC 92/25/3, the Committee noted the views expressed by several delegations that the symposium's recommendations were good overall goals that had already been adequately captured within the Committee's work programme. Therefore, the Committee decided only to note the aforementioned recommendations.

21.24 Subsequently, the Secretary-General expressed his sincere appreciation to those that had contributed to the success of the symposium and expressed the view that the Committee was moving in the right direction in its approach to the future of ship safety.

Place of refuge

21.25 The observer delegation of INTERTANKO made a statement regarding the chemical tanker **Maritime Maisie**, which had suffered major structural damage on 29 December 2013. In this regard, the delegation raised its concern that despite repeated attempts by the stakeholders involved, a place of refuge had not been granted until 14 April 2014 even though the structure of the vessel had suffered progressive deterioration. INTERTANKO made reference to the provisions in resolution A.949(23) on *Guidelines on places of refuge for ships in need of assistance*, but also acknowledged that the State had no obligation to act. The Committee noted its intention to submit a document to the next session of the Committee.

21.26 Responding to the concern raised by INTERTANKO, the delegation of Japan stated that coastal States had the right to make the final decision whether to accept a request for a place of refuge from a damaged or disabled ship on a case-by-case basis, taking into consideration the need to give the highest priority to removing the threat to public safety. In the case of the **Maritime Maisie** incident, the Government, given its concern about damage to public safety from the risk of toxic gas from the residual cargo and after weighing all the factors and risks in a balanced manner as set out in the guidelines, had concluded that it was difficult to grant a place of refuge. The delegation of Japan, therefore, reaffirmed its view that its Government had given due regard to the guidelines and that it would also take appropriate action in the case of future incidents.

Expression of appreciation

21.27 The Committee expressed appreciation to the following delegates and members of the Secretariat, who had recently relinquished their duties, retired or been transferred to other duties, or were about to do so, 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:

- Ms. Christine Caceres (Secretariat) (on retirement);
- Mr. Stan Deno (CLIA) (on retirement);
- Mr. Fer van de Laar (IAPH) (on retirement);
- Captain Christer Lindvall (IFSMA) (on retirement);
- Ms. Florence Onumonu (Secretariat) (on retirement);
- Mr. Ranjeet Singh (Singapore) (on transfer);
- Mrs. Jane Thompson (Secretariat) (on retirement);
- Mr. David Tongue (ICS) (on retirement); and
- Ms. Tatiana Zatsepina (Secretariat) (on retirement).

22 ACTION REQUESTED OF OTHER IMO ORGANS

22.1 The Council, at its 112th session, was invited to:

- .1 consider the report of the ninety-third session of the Maritime Safety Committee and, in accordance with Article 21(b) of the IMO Convention, transmit it, with its comments and recommendations, to the twenty-eighth session of the Assembly (paragraph 1);
- .2 note the adoption by the Committee of amendments to the 1974 SOLAS Convention and the mandatory codes and resolutions related thereto, the amendments to the 1978 STCW Convention and STCW Code, the amendments to the 1988 Load Lines Protocol and the approval/adoption of non-mandatory instruments (paragraphs 3.77 to 3.92);
- .3 note the progress made on the implementation of GBS verification audits, in particular that 13 recognized organizations (ROs) had submitted requests for GBS verification audits by the end of 2013 (paragraph 5.3);
- .4 note the actions taken by the Committee on issues related to passenger ship safety and, in particular, the clarification provided regarding the status and purpose of the long-term action plan on passenger ship safety (paragraphs 6.22 to 6.33);

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- .5 note the approval of the IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units (CTU Code) (paragraph 9.18);
 - .6 note the approval of draft new SOLAS chapter XIV (to make the Polar Code mandatory), for circulation in accordance with SOLAS article VIII, with a view to adoption at MSC 94 in conjunction with the Polar Code (paragraphs 10.19 to 10.22, 10.42 to 10.44 and annex 23);
 - .7 note the approval, in principle, of the draft International Code for Ships Operating in Polar Waters, for consideration at MSC 94 with a view to adoption in conjunction with the associated SOLAS amendments (paragraphs 10.23 to 10.39, 10.46 to 10.50 and annex 24);
 - .8 note the decision taken to migrate the list of codes, recommendations, guidelines and other non-mandatory instruments finalized by the Committees (MSC 93/INF.2) into GISIS and that relevant IMO bodies had been invited, when developing a new instrument, to consider the consequential impact of its approval and/or adoption on existing non-mandatory instruments so that the above list could be kept updated (paragraphs 17.7 to 17.11);
 - .9 note that the Committee had approved revisions to the Committees' Guidelines on the organization and method of work (MSC-MEPC.1/Circ.4/Rev.2), subject to concurrent approval by MEPC 67, for dissemination as MSC-MEPC.1/Circ.4/Rev.3 (paragraphs 19.1 to 19.6 and annex 26);
 - .10 note that the Secretariat had been requested to consider adding a new section in IMODOCS for draft amendments to mandatory instruments agreed by IMO organs for adoption and that relevant reports would be submitted to MEPC 67 and MSC 94 accordingly (paragraph 19.8);
 - .11 endorse the unplanned and expanded outputs agreed at the session for inclusion in the High-level Action Plan and priorities for the 2014-2015 biennium (paragraphs 20.22 and 20.23);
 - .12 note the biennial status report of the Maritime Safety Committee (paragraph 20.24 and annex 29);
 - .13 note the updated post-biennial agenda of the Maritime Safety Committee (paragraph 20.25 and annex 30); and
 - .14 endorse the intersessional meetings approved for 2014 and 2015 (paragraph 20.28).

22.2 The Marine Environment Protection Committee, at its sixty-seventh session, was invited to:

- .1 note the concurrent adoption, by resolution MSC.369(93), of the amendments to the IBC Code (paragraphs 3.82 to 3.84 and annex 5);
- .2 note the concurrent adoption, by resolution MSC.376(93), of the amendments to the BCH Code (paragraphs 3.90 and 3.91 and annex 12);
- .3 note the concurrent approval of MSC-MEPC.2/Circ.14 on *Products requiring oxygen-dependent inhibitors* (paragraph 3.92.4);

- .4 note the concurrent approval of MSC-MEPC.7/Circ.9 on *Guidelines for the reactivation of the Safety Management Certificate following an operational interruption of the SMS due to lay-up over a certain period* (paragraph 7.3);
- .5 note the concurrent approval of MSC-MEPC.7/Circ.10 on *Guidance on safety when transferring persons at sea* (paragraph 7.4);
- .6 note the concurrent endorsement of the decision by STW 44 not to develop amendments to the ISM Code concerning the transfer of ship maintenance and failure records (paragraph 7.5);
- .7 note the approval of draft new SOLAS chapter XIV (to make the Polar Code mandatory), for circulation in accordance with SOLAS article VIII, with a view to adoption at MSC 94 in conjunction with the Polar Code (paragraphs 10.19 to 10.22, 10.42 to 10.44 and annex 23);
- .8 note the approval, in principle, of the draft International Code for Ships Operating in Polar Waters, for consideration at MSC 94 with a view to adoption in conjunction with the associated SOLAS amendments (paragraphs 10.23 to 10.39, 10.46 to 10.50 and annex 24);
- .9 note the decision taken to migrate the list of codes, recommendations, guidelines and other non-mandatory instruments finalized by the Committees (MSC 93/INF.2) into GISIS and that relevant IMO bodies had been invited, when developing a new instrument, to consider the consequential impact of its approval and/or adoption on existing non-mandatory instruments so that the above list could be kept updated (paragraphs 17.7 to 17.11);
- .10 note the approval of the *Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1481), which reinstated the four-year entry-into-force interval agreed at MSC 59 (paragraph 17.25);
- .11 note the approval of the *Interim guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1483) (paragraph 17.26);
- .12 approve the draft MSC-MEPC circular on *Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, taking into account that the amended provisions would be applicable to submissions to MSC 95 and all Sub-Committee meetings thereafter (paragraphs 19.1 to 19.6 and annex 26);
- .13 note that the Secretariat had been requested to consider adding a new section in IMODOCS for draft amendments to mandatory instruments agreed by IMO organs for adoption and that relevant reports would be submitted to MEPC 67 and MSC 94 accordingly (paragraph 19.8);
- .14 note that the Committee, in considering the proposed provisional agenda for SDC 2, had decided to defer consideration of matters related to the application of the Polar Code to non-SOLAS ships to the next biennium and, consequently, moved output 5.2.1.15 to the Committee's post biennial agenda (paragraph 20.12);

- .15 note that PPR 2 had been instructed, under its existing output on "Unified interpretation to provisions of IMO environmental related Conventions (1.1.2.3)", to consider the questions related to the application of SOLAS regulation VI/5.2 contained in paragraph 8 of document MSC 93/20/8 and advise MSC 95 accordingly, and that interested Member Governments and international organizations had been invited to submit relevant information and proposals to PPR 2 (paragraphs 20.20 and 20.21);
- .16 note that the outputs referred to the MEPC and MSC by C/ES.27 for consideration of scope would be considered at MSC 94 (paragraph 20.23);
- .17 note the concurrent approval for an intersessional meeting of the PPR Working Group on the Evaluation of Safety and Pollution (ESPH) to be held in 2015 (paragraph 20.28.5);
- .18 note that documents MSC 93/21/5 and MSC 93/INF.15 related to minimum propulsion power had been forwarded to MEPC 67 for consideration (paragraphs 21.3 to 21.7); and
- .19 note the outcome of discussions on fuel oil quality and its possible impact on crew health, ship safety and environmental protection and that the Committee had invited proposals to MSC 94, for consideration in conjunction with the outcome of MEPC 67, and urged Member Governments, in the meantime, to strengthen their oversight capacity of bunker fuel suppliers (paragraphs 21.13 to 21.15).

22.3 The Legal Committee, at its 102nd session, was invited to concur with the request to the Secretariat to migrate the information contained in the list of codes, recommendations, guidelines and other safety- and security-related non-mandatory instruments finalized by the Committees into GISIS (paragraph 17.11).

22.4 The Technical Cooperation Committee, at its sixty-fourth session, was invited to:

- .1 note the discussion on developments concerning technical cooperation activities and model courses (paragraphs 13.1 to 13.3);
- .2 note the outcome on matters related to capacity building for the implementation of new measures (paragraphs 14.1 to 14.3);
- .3 note the discussions on technical cooperation activities related to piracy and armed robbery against ships (paragraphs 16.1 to 16.11); and
- .4 note that the Secretariat would develop a new technical cooperation programme within the framework of the ITCP, in consultation with all stakeholders involved in the transport of solid bulk cargoes, and that information on the support that IMO could provide on the matter would be submitted to MSC 94 (paragraph 17.3).

22.5 The Facilitation Committee, at its thirty-ninth session, was invited to:

- .1 note the decisions taken on matters related to the preparation of draft guidance on the development of national maritime security legislation (paragraphs 4.1 to 4.7);

- .2 concur with the request to the Secretariat to migrate the information contained in the list of codes, recommendations, guidelines and other safety- and security-related non-mandatory instruments finalized by the Committees into GISIS (paragraph 17.11);
- .3 note the approval of the *Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1481), which reinstated the four-year entry-into-force interval agreed at MSC 59 (paragraph 17.25);
- .4 note the approval of the *Interim guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1483) (paragraph 17.26);
- .5 note that the Committee, taking into account the outcome FAL 38, had approved revisions to the Committees' Guidelines on the organization and method of work (MSC-MEPC.1/Circ.4/Rev.2), subject to concurrent approval by MEPC 67 (paragraphs 19.1 to 19.6 and annex 26); and
- .6 note that the Secretariat had been requested to consider adding a new section in IMODOCS for draft amendments to mandatory instruments agreed by IMO organs for adoption and that relevant reports would be submitted to MEPC 67 and MSC 94 accordingly (paragraph 19.8).

(The annexes will be issued as addenda to this document)
