

SUB-COMMITTEE ON FLAG STATE
IMPLEMENTATION
19th session
Agenda item 19

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**REPORT TO THE MARITIME SAFETY COMMITTEE AND THE
MARINE ENVIRONMENT PROTECTION COMMITTEE**

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1 GENERAL

1.1 The Sub-Committee held its nineteenth session from 21 to 25 February 2011 under the chairmanship of Captain D. Hutchinson (Bahamas). The Vice-Chairman, Mrs. J. Gascon (Canada), was also present.

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

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

representatives from the following Associate Member of IMO:

HONG KONG, CHINA

a representative from the following UN entity:

THE REGIONAL MARINE POLLUTION EMERGENCY RESPONSE CENTRE FOR
THE MEDITERRANEAN SEA (REMPEC)

observers from the following intergovernmental organizations:

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

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

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
BIMCO
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS
(IFSMA)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS
(INTERTANKO)
THE INSTITUTE OF MARINE ENGINEERING, SCIENCE AND TECHNOLOGY
(IMarEST)
THE INTERNATIONAL CHRISTIAN MARITIME ASSOCIATION (ICMA)
THE ROYAL INSTITUTION OF NAVAL ARCHITECTS (RINA)
INTERNATIONAL TRANSPORT WORKERS' FEDERATION (ITF)
THE NAUTICAL INSTITUTE (NI)

and representatives from the:

WORLD MARITIME UNIVERSITY (WMU)

1.3 In accordance with rule 45 of the Rules of Procedure, three experts, representing the managers of the IMO ship and company/registered owner identification number schemes, the Management of Equasis and the IMO consultant/observer on the IACS Quality System Certification Scheme (QSCS), attended the meeting.

Secretary-General's opening address

1.4 The Secretary-General welcomed participants and delivered his opening address, the full text of which is reproduced in document FSI 19/INF.19.

Chairman's remarks

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

Statements by delegations

1.6 The Sub-Committee noted an intervention by the delegation of Antigua and Barbuda regarding the hijacking by pirates of the vessel **Beluga Nomination** on 22 January 2011 in the Indian Ocean, 800 nautical miles north of the Seychelles. The statement is set out as annex 12.

1.7 The Sub-Committee also noted an intervention by the delegation of the Philippines on the fate of some of their nationals as crew members on board ships having recently been under attacks by pirates. The statement is set out as annex 13.

1.8 The delegations of the Cook Islands, Malta, Nigeria and ITF intervened thereafter stressing the role of the Organization with regard to matters on piracy and armed robbery against ships.

1.9 The Director, Maritime Safety Division, informed the Sub-Committee that copies of the Best Management Practices to Deter Piracy off the Coast of Somalia and in the Arabian Sea Area (BMP3), as referred to in Circular letter No.3164 dated 14 February 2011 on Responding to the scourge of piracy, and circulated by means of MSC.1/Circ.1337 dated 4 August 2010, will be made available to all delegations attending FSI 19, while expressing appreciation to OCIMF for making those publications available.

1.10 During the exchange of views on these matters, the Sub-Committee noted the following comments:

- .1 IMO should be the competent body to ensure full compliance with the Best Management Practices to Deter Piracy off the Coast of Somalia and in the Arabian Sea Area (BMP3) which are officially endorsed and recommended by the Organization, and for which, flag State Administrations assume the principal responsibility;
- .2 a code of conduct would need to be developed with regard to the presence of armed personnel on board merchant ships; and
- .3 appropriate measures should be developed for the implementation of the BMP and the IMO existing guidelines, and incentive measures should be developed to make their implementation unavoidable.

1.11 The Secretary-General referred to the forthcoming 28 February 2011 meeting with representatives of countries that participate in the anti-piracy campaign off the coast of Somalia by making available naval assets and military aircraft. The meeting will focus on the third objective of the IMO Action Plan launched in early February, namely "to promote greater levels of support from, and co-ordination, with navies" and will discuss matters pertaining to better co-ordination among, and optimal deployment of, naval vessels operating in the Gulf of Aden and in the Western Indian Ocean area as well as the legal basis of their operation for maximum efficiency.

1.12 The Secretary-General highlighted the worrying statistical information showing the low rate of compliance of individual ships, irrespective of the flags they fly, with the BMP guidelines. He, therefore, welcomed the proposals to consider the amalgamation of all relevant guidelines under one IMO instrument.

1.13 The Secretary-General indicated that he would consult with shipping organizations to explore the possibility of consolidating the IMO Guidelines on prevention and suppression of acts of piracy and armed robbery against ships with the industry Best Management Practices and advise MSC 89 accordingly.

1.14 The Sub-Committee, while inviting the MSC to note the discussion that had taken place on piracy-related matters, also invited interested delegations to make relevant submissions to MSC 89 in accordance with the applicable deadlines.

1.15 As news broke out during the meeting about the earthquake in Christchurch (New Zealand), the Chairman conveyed to the delegation of New Zealand the Sub-Committee's and Secretariat's deepest condolences for the victims of this natural disaster, their families and the New Zealander Nation, as a whole.

Adoption of the agenda

1.16 The Sub-Committee adopted the agenda for its nineteenth session (FSI 19/1) and agreed to be guided in its work, in general, by the annotations contained in document FSI 19/1/1. The agenda, as adopted, with the list of documents considered under each agenda item, is set out in document FSI 19/INF.1.

2 DECISIONS OF OTHER IMO BODIES

2.1 The Sub-Committee noted that MEPC 61 and MSC 88 had approved the report of FSI 18 in general and the decisions and comments pertaining to its work made by MEPC 61, MSC 88, NAV 56, FAL 36, DSC 15, DE 54, C 105 and LEG 97 as presented in documents FSI 19/2, FSI 19/2/1 and FSI 19/2/2, from the Secretariat, and took them into account in its deliberations when dealing with relevant agenda items.

Resolution adopted by the MSC

2.2 The Sub-Committee noted that MSC 88 had adopted the amendments to SOLAS regulation V/23 relating to pilot transfer arrangements by resolution MSC.308(88).

Resolutions adopted by the MEPC

2.3 The Sub-Committee noted that MEPC 61 had adopted:

- .1 the 2010 Guidelines for Survey and Certification of Anti-Fouling Systems on Ships by resolution MEPC.195(61); and

- .2 an amendment to Annex VI to MARPOL revising the form for the Supplement of the IAPP Certificate by resolution MEPC.194(61).

Circulars approved by the MSC

2.4 The Sub-Committee noted that MSC 88 had approved:

- .1 MSC.1/Circ.1374 on Information on prohibiting the use of asbestos on board ships; and
- .2 MSC.1/Circ.1375 on Unified interpretation of SOLAS regulation V/23.

2.5 The delegation of the Netherlands welcomed the issuance of the above-mentioned MSC.1/Circ.1374 as a means of raising awareness on this issue and was appreciative of the Secretary-General's initiative to write personally to shipbuilders and equipment suppliers to emphasize the importance of the information disseminated by means of this circular. Stressing however the fact that all parties should take full responsibility on this asbestos-related issue, the delegation of the Netherlands specifically invited Member States to share informally views and best practices by means of correspondence.*

3 RESPONSIBILITIES OF GOVERNMENTS AND MEASURES TO ENCOURAGE FLAG STATE COMPLIANCE

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

3.1 The Sub-Committee noted the information on the IMO Membership and Signatories or Parties to the United Nations Convention on the Law of the Sea (UNCLOS) and/or to the Agreement relating to the implementation of Part XI of UNCLOS, as contained in document FSI 19/3 (Secretariat), while more detailed information can be found on the website of the Division of Ocean Affairs and the Law of the Sea (DOALOS) (<http://www.un.org/depts/los>) and requested the Secretariat to continue providing updated information at each session of the Sub-Committee.

SHIPPING INDUSTRY FLAG STATE PERFORMANCE TABLE

3.2 The Sub-Committee noted the information provided by ICS, *et al.* (FSI 19/INF.16) on the latest Shipping Industry Flag State performance Table, 2010 accompanying the "Shipping Industry Guidelines on Flag State Performance", which summarizes essentially factual information, derived from the public domain with the intention to provide a general understanding of a flag's performance and to encourage ship operators to reflect on a flag's quality before using it.

3.3 The Sub-Committee also noted the reiterated concerns raised by Ireland (FSI 19/3/1) that the table was inaccurate and misleading and treated IMO Member States unfavourably, in particular, discriminated against States which do not have a large fleet of internationally trading vessels or whose vessels trade on a regional basis. Ireland considered that, as the table has been presented to the Sub-Committee and since the table re-publishes IMO information, there is an onus on the Round Table Group (ICS, ISF, BIMCO,

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INTERTANKO and INTERCARGO) as IMO observers to respect the position of IMO Member States, and did not support the publication of the table in its current format requiring the Round Table Group to address the concerns of Ireland as a Member State. The statement is set out in annex 14.

3.4 While the observer from ICS indicated that the preparation of the 2010 table had tried to take into account the comments made at the last session by means of explanatory notes inserted into the reading guidelines accompanying the table, the Sub-Committee considered a substantial amount of critical comments and recommendations for further amendment of the table and its guidelines.

3.5 Having noted with regret that the table had been circulated by means of an IMO meeting document when it had already been published, thereby leaving no opportunity to consider it and to provide corrective input, the Sub-Committee urged the originators and owners of the table to take due notice of the following recommendations and appropriate action when preparing the next table:

- .1 the language in the table should be less negative in the interpretation of single criteria;
- .2 the issuance mechanism of the table once a year does not contemplate the significant changes which may occur during the year and impact on the assessment of performances; and
- .3 without questioning the source of information, its subjective interpretation may distort the information itself, e.g., PSC incentives schemes and ROs' membership to organizations, and should appropriately address the size and trade patterns of national fleets.

3.6 The observer of ICS indicated that the recommendations expressed would be seriously considered before preparing the future table and associated guidelines with the endeavour to satisfy as many of them as possible and to the best of the intent of the publication.

ISSUES RELATING TO THE CONTINUOUS SYNOPSIS RECORDS

3.7 The Sub-Committee recalled that, having recognized that the substantial work required in order to consider the alleged difficulties encountered with the issue of Continuous Synopsis Record (CSR), as raised in document MSC 87/4/3 (Belgium *et al.*), satisfactorily could not be realistically handled in plenary and the short time that had elapsed since the referral of this matter by MSC 87 might not have been sufficient for Members to prepare for an exhaustive consideration of this issue, FSI 18 had agreed to consider this matter at its next session and had invited interested delegations to make relevant submissions.

3.8 Having noted the absence of submissions to this session and having heard from the delegation of Germany, as one of the co-sponsors of document MSC 87/4/3, that the issues raised in the above-mentioned document would have been globally or bilaterally addressed, the Sub-Committee agreed to advise the MSC that the matter did not require further consideration.

PROVISION OF FLEET TONNAGE INFORMATION

3.9 The Sub-Committee noted the information provided by the expert of IHS Global Limited on the provision of fleet tonnage information on the basis of Circular letter No.3004 and Circular letter No.3159, as set out in annex 15.

4 MANDATORY REPORTS UNDER MARPOL

4.1 The Sub-Committee had for its consideration a submission by the Secretariat, providing an analysis and evaluation of deficiency reports and mandatory reports under MARPOL for 2009, and a submission by France containing observations on the use of the port reception facilities module of GISIS.

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

4.3 The Sub-Committee considered document FSI 19/4 (Secretariat) containing a summary on mandatory reports under MARPOL for 2009 submitted by 39 Parties to MARPOL and one Associate Member, in accordance with MEPC/Circ.318.

4.4 From document FSI 19/4, the Sub-Committee noted that:

- .1 eight incidents of spillages of 50 tonnes or more were reported. The types of substance spilled were heavy fuel oil, synthetic fluids, and bilges;
- .2 338 incidental spillages of less than 50 tonnes were reported. The type of substance spilled in almost all cases was oil;
- .3 320 cases of alleged discharge violations were reported. The types of substance allegedly discharged were oil and sewage, except of one case involving garbage;
- .4 according to the received reports, the total number of ships boarded in 2009 for port State control was 40,265, while the total number of ships detained in port or denied entry was 392, or 1.0% of those boarded; and
- .5 833 ships were reported as having IOPP Certification discrepancies, 1,788 ships were reported as having Oil Record Book discrepancies; and 1,540 ships were reported as having MARPOL equipment discrepancies.

4.5 The Sub-Committee also recalled that the Marine Environment Protection Committee at its fifty-eighth session had endorsed the decision of FSI 16 not to require Members to complete Parts 3a and 3b of their MARPOL reports under MEPC/Circ.318 starting from 2008, as the Secretariat would utilize data extracted from the GISIS module on port reception facilities. Consequently, document FSI 19/4 provided the following data extracted from GISIS summarizing reports on alleged inadequacies of port reception facilities that arose in 2009:

- .1 five Parties as flag States (Bahamas, Norway, Sweden, Singapore and United Kingdom/Isle of Man) submitted nine reports of alleged inadequacies of reception facilities;
- .2 the United Kingdom, as port State, submitted two reports on actions taken on alleged inadequacies of reception facilities referred to it. No other port State responded on actions taken on the remaining seven reports; and

- .3 of the nine reports that were submitted, five reports referred to alleged inadequacies of reception facilities under the requirements of Annex I; two under Annex V, one under Annexes I and V, and one under Annexes I, II, V and VI.

4.6 Document FSI 19/4 also provided the following conclusions on the level of compliance with the provisions of MEPC/Circ.318:

- .1 39 mandatory reports under MARPOL were submitted for the year 2009 representing a rate of reporting of 26.0%, as compared to 36 reports submitted for the year 2008 which represented a rate of reporting of 24.3%; and
- .2 11 out of the 39 mandatory reports submitted for the year 2009 were received after the deadline established by paragraph 5 of MEPC/Circ.318 (30 September each year).

4.7 Document FSI 19/4 contained a tabular list of Parties showing: the date each became Party to MARPOL, and for the last five years the Parties which had submitted mandatory reports under MARPOL in accordance with MEPC/Circ.318 and the Parties which had failed to submit reports altogether. The list also included information on Parties who had submitted reports late and therefore whose data had not been included in the summary reports.

4.8 The Sub-Committee urged all Parties to MARPOL to submit mandatory reports in accordance with MEPC/Circ.318, noting that the closing date for the receipt of mandatory reports for the year 2010 was 30 September 2011. The Sub-Committee also requested the Secretariat to update the data and the annexed list to document FSI 19/4, and to submit these to FSI 20 for consideration.

4.9 France introduced documents FSI 19/4/1 and FSI 19/4/1/Corr.1 which provided observations on the use of the port reception facilities' module of GISIS and which made a number of suggestions for improvements to the module. The Secretariat noted that, upon receipt of document FSI 19/4/1, it had consulted with France and was therefore in a position to contribute technically to the discussion on the proposals contained in paragraphs 10 to 17 of document FSI 19/4/1:

- .1 Paragraph 10 requested that the GISIS module should include Secretariat contact points. The Secretariat noted that GISIS already provided, at the top right of the main GISIS screen, a facility for users to e-mail their feedback to the Secretariat. Nevertheless, this feedback facility was not particularly distinctive and for this reason a hyper-link had already been provided on the first page of the module on port reception facilities for contacting the Secretariat by e-mail.
- .2 Paragraph 11 requested an improvement so that users would not have to enter repeated information for when a company provides more than one port reception facility. The Secretariat explained that the architecture of the database already avoided repeated data entries for a company providing more than one facility, as this data is entered once and is then linked (referenced) for each facility for which company is responsible. On the other hand there was some repetition of data entries as the structure of the database treated the reception facility of each category of waste as a separate reception facility. This led to some duplication of entries which, because of the architecture of the database, was difficult to avoid.

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- .3 Paragraph 12 requested that an authorized user who is modifying data on behalf of an Administration should have the option of overwriting the "last update" date, that is assigned by the system, with an earlier date of his/her choice. The rationale for the request being that it might not be desirable, for example for quality control purposes, for the last update date to be assigned just because of a minor editorial amendment. The Secretariat noted that, if the Sub-Committee agreed, authorized users of the module would be provided with the functionality for having the option to specify a date of the last update which is earlier than the date of the actual amendment.
- .4 Paragraph 13 pointed to an irregularity whereby data of port websites were not saved correctly in the database. Following the Secretariat's consultation with France, the source of this malfunction was identified and corrected.
- .5 Paragraph 14 noted that MEPC.1/Circ.671 (Guide to good practice for port reception facility providers and users), which now can be downloaded from the GISIS module, was a very useful document and proposed that the Spanish and French versions of this circular should also be made available to users. The Secretariat would arrange to upload the Spanish and French versions of the document. Furthermore, the Secretariat will also upload the Spanish and French versions of MEPC.1/Circ.469/Rev.1 (Revised consolidated format for reporting alleged inadequacies of port reception facilities) and of resolution MEPC.83(44) (Guidelines for ensuring the adequacy of port waste reception facilities), as the English version of both of these documents is already downloadable from the GISIS module.
- .6 Paragraph 15 requested the development of a software filter to enable port States to gain access to cases of alleged inadequacies concerning only their ports. The Secretariat noted that the procedure for reporting alleged inadequacies required the flag State to report directly to the port State, and also that, annually, there was only a small number of reports of alleged inadequacies. The Secretariat therefore suggested that the programming effort required for the development of the proposed software filter would not be proportional to its benefits.
- .7 Paragraph 16 requested the development of software to enable a port State to extract from the database all information on its own ports. It is understood that this proposal would greatly assist Member States in monitoring and maintaining their data. The Secretariat noted that, if the Sub-Committee agreed, authorized users would be provided with the required functionality.
- .8 Paragraph 17 enquired on the number of visits made to the port reception facilities' module of GISIS and asked for the opinions of its users (shipowners, agents) so as to find out whether the service corresponded to the users' needs. The Secretariat noted that it had already received positive, although informal, feedback and that it would welcome further input from users and providers of port reception facilities. Regarding the request for usage statistics, the Secretariat had obtained the following values for the numbers of visits to the port reception facilities' module of GISIS: In the period 1 to 30 November 2010 there were approximately 6,000 visits to the port reception facilities module, whereas in the period 1 to 28 February 2010 there had been approximately 4,900 visits. Also, in the period 1 to 30 November 2010 there were approximately 80 views of reported

cases of alleged inadequacies, compared to 40 views of reported cases of alleged inadequacies in the period 1 to 28 February 2010.

4.10 Following discussion, the Sub-Committee:

- .1 noted that the Secretariat has already addressed the request for including Secretariat contact points by providing a hyper-link in the first page of the module for contacting the Secretariat by e-mail;
- .2 agreed that it was not practical to amend the structure of the database in order to further simplify the requirements for data entry for facilities providing reception for different categories of wastes;
- .3 requested the Secretariat to provide authorized users of the module with the functionality for having the option to specify a date of the last update which is earlier than the date of the actual amendment (this should assist port States to maintain better control on the accuracy of their data) and to notify MEPC 62 accordingly;
- .4 noted that the Secretariat had already identified and corrected the irregularity identified by France, whereby data of port websites were not saved correctly in the database;
- .5 noted that the three MEPC documents which now can be downloaded from the GISIS module (MEPC.1/Circ.671; MEPC.1/Circ.469/Rev.1; and resolution MEPC.83(44)) were useful to the users of the database and that the Secretariat would therefore make the Spanish and French versions of these documents available for the users to download;
- .6 agreed that the programming effort required for the development of the proposed software filter for enabling port States to gain access to cases of alleged inadequacies concerning only their ports, was not justified on the basis of the expected benefits;
- .7 requested the Secretariat to provide authorized port State users of the module with the functionality for extracting from the database all information on that country's ports, and to notify MEPC 62 accordingly; and
- .8 noted that the Secretariat had obtained for the port reception facilities' module of GISIS the following values for the numbers of visitors and pages viewed in the period 1 to 30 November 2010:
 - .1 approximately 6,000 visits;
 - .2 approximately 80 views of reported cases of alleged inadequacies.

4.11 The delegation of the Bahamas noted that MEPC/Circ.470 on "Waste reception facility reporting requirements", approved by the MEPC in 2005, was in need of amendment because, whereas MEPC 58 had endorsed the decision of FSI 16 not to require Members to complete Parts 3a and 3b of their MARPOL reports under MEPC/Circ.318, on the other hand MEPC/Circ.470 still makes reference to reporting requirements for port States in accordance with Parts 3(a) and 3(b) of MEPC/Circ.318. However, MEPC 58 had also endorsed the Sub-Committee's agreement to consider amending MEPC/Circ.318 at a later stage when it becomes clear whether the reporting requirements for the Annual Statistic Report on

MARPOL-related discrepancies and detentions (Part 4 of MEPC/Circ.318) could also be satisfied through a data extraction from GISIS, thereby avoiding two amendments to MEPC/Circ.318 within a relatively short period of time. Therefore it would be preferable to wait until the Sub-Committee is ready to recommend to the MEPC the amendment of both circulars at the same time.

4.12 The Sub-Committee expressed its thanks to France for the effort it devoted to populating the port reception facilities module of GISIS and for sharing with the membership the lessons learned from that effort.

5 CASUALTY STATISTICS AND INVESTIGATIONS

CASUALTY-RELATED DECISIONS OF OTHER IMO BODIES

Casualties related to non-convention ships

5.1 The Sub-Committee, while recalling that the Council, at its twenty-fifth extraordinary session, had invited the MSC and the Sub-Committee to analyse the significant increase in the loss of life during 2008 and 2009 to date, and to take action as may be necessary, including on any conclusions from the analysis concerning loss of life resulting from incidents or casualties relating to non-convention ships (C/ES.25/3, paragraph 7 and FSI 18/2/2, paragraph 9), instructed the working group to be established (see paragraph 5.9) to advise on the necessary actions to be taken.

IMO Model Course

5.2 The Sub-Committee was advised that, following its recommendation to MSC 88, the Committee had requested the Secretariat to review and update the IMO Model Course 3.11 "Marine Accident and Incident Investigation" at the earliest convenience in co-operation with the Marine Accident Investigators' International Forum (MAIIF) (FSI 19/2/1, paragraph 4.1).

Better utilization of the GISIS database for analysing accidents

5.3 With regard to the importance of a better utilization of the GISIS database for analysing accidents, the Sub-Committee was also advised that MSC 88, while considering the IACS Formal Safety Assessment (FSA) Study on general cargo ships (MSC 88/INF.6 and MSC 88/INF.8), had reiterated its invitation to Member Governments to provide details of their investigation reports to the Organization. The Sub-Committee had been instructed to consider how the collection of accident investigation data by the Organization could be improved (FSI 19/2/1, paragraph 4.3). As at 30 January 2011, the GISIS module on Marine casualties and incidents contained information on 7,821 occurrences, 2,033 full investigation reports and 988 casualty analyses.

5.4 In this context, the Sub-Committee recalled that MSC 86, in considering the validity of the input data on FSA and its transparency, had noted that the current commercially available casualty data lacked detailed descriptions of accidents and causes, and had also noted that GISIS may include more precise information but that it is not an exhaustive casualty database (MSC 86/26, paragraph 17.15).

5.5 The Sub-Committee, in echoing the Committee's recognition of the importance of information on root-causes and details of accidents, stressing the need for causes of accidents to be provided, also recalled that FSI 18 had agreed that there is a need to consider a revision of MSC-MEPC.3/Circ.3, as the reporting format and design of the GISIS module. FSI 18 had also agreed to consider the possibility to improve GISIS casualty data,

including potential data transfers between the European Marine Casualty Information Platform (EMCIP)* and GISIS at its next session. The Sub-Committee instructed the working group to be established to address these various issues and to advise on how to use GISIS as a tool to assist Member States to comply with the reporting requirements under the Casualty Investigation Code and in the monitoring thereof.

Casualty Investigation Code

5.6 While recalling that the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code), which had been adopted by resolution MSC.255(84), had become mandatory under SOLAS regulation XI-1/6 on 1 January 2010, the Sub-Committee was further advised that LEG 97 had agreed that the IMO/ILO Guidelines on fair treatment of seafarers in the event of a maritime accident (resolution LEG.3(91)) should be implemented in tandem with the Casualty Investigation Code (FSI 19/2/2, paragraph 2.1).

REPORT OF THE CORRESPONDENCE GROUP ON CASUALTY ANALYSIS

5.7 The Sub-Committee considered the documents relating to the work of the Correspondence Group on Casualty Analysis (FSI 19/5, FSI 19/5/1 and FSI 19/INF.2) which had been based on 44 analyses of 58 reports of investigations into casualties, conducted during the seven-month intersessional period and referred them to the working group to be established, for review. The report of the correspondence group (FSI 19/5) contained, as annex 1, a draft text of narratives of lessons learned for presentation to seafarers, as annex 2, the analysis of the investigation report on the collision between the large-sized crane barge **Samsung 1** and the tanker **Hebei Spirit**, as annex 3, the analysis of the investigation report on the marine accident on board the **Chicago Express** and, as annex 4, the full report on the analyses of accidents and identification of trends related to the integration of pilots into bridge teams.

STUDY ON HUMAN AND ORGANIZATIONAL FACTORS BY WMU

5.8 The Sub-Committee considered document FSI 19/INF.15 (Secretariat) containing the summary of a study on human and organizational factors conducted by the World Maritime University (WMU) and referred it to the working group to be established for further consideration and advice. The study reviewed 41 casualty investigation reports downloaded from GISIS and complemented with additional reports provided by two authorities, with respect to human and organizational factors identified during the investigations. The review aimed at identifying whether or not these casualty investigation reports reflected the implementation of the Guidelines for the investigation of human factors in marine casualties and incidents (resolution A.884(21), annex, appendix 2) by the safety investigators and highlighted the absence of guidelines appended to the Casualty Investigation Code.

ESTABLISHMENT OF THE WORKING GROUP ON CASUALTY ANALYSIS

5.9 The Sub-Committee agreed to establish the Working Group on Casualty Analysis and instructed it, taking into account the relevant decisions and comments made in plenary, to:

- .1 confirm or otherwise the findings of the correspondence group based on the analysis of individual casualty investigation reports (FSI 19/5, FSI 19/5/1, FSI 19/INF.2 and GISIS), for the Sub-Committee's approval and authorization of their release to the public on GISIS;

* The Sub-Committee received a presentation on EMCIP on Thursday 24 February 2011.

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- .2 confirm or otherwise the draft text of lessons learned for presentation to seafarers (FSI 19/5), for the Sub-Committee's approval and authorization of release on the IMO website in accordance with agreed procedure;
 - .3 consider and advise to refer to the relevant committees and sub-committees those reports reviewed by the analysts and considered by the Working Group on Casualty Analysis and which are of interest to them (FSI 19/5). In doing so, the Working Group should submit supporting information derived from the casualty analysis procedure used for the development of recommendations for consideration by the committees and sub-committees;
 - .4 analyse the significant increase in the loss of life during 2008 and 2009 to date on the basis of the information to be provided by the Secretariat; and advise on the necessary actions to be taken;
 - .5 consider and advise on the study by WMU on human and organizational factors (document FSI 19/INF.15);
 - .6 consider documents FSI 18/20, paragraphs 6.7 and 6.27, and FSI 18/6/3, advise on the possibilities to improve GISIS casualty data, as requested by MSC 87 and MSC 88, in accordance with the recommendations made by the Formal Safety Assessment (FSA) Expert Group (MSC 87/18, paragraphs 22 and 23; MSC 87/26, paragraph 18.6, and FSI 19/2/1, paragraphs 4.2 and 4.3); and provide recommendation for GISIS to support compliance with mandatory reporting requirements under the Casualty Investigation Code;
 - .7 consider the revision of MSC-MEPC.3/Circ.3 as the reporting format and design of GISIS, taking into account comments from plenary and data transfers with EMCIP; and
 - .8 advise on the re-establishment of the Correspondence Group on Casualty Analysis and, if so, prepare draft terms of reference for that group.

REPORT OF THE WORKING GROUP

Summary of casualty analyses

5.10 Having considered the report of the working group (FSI 19/WP.2), the Sub-Committee approved it in general and agreed to bring, by means of an FSI circular to be processed by the Secretariat, the following safety issues to the attention of Administrations with the objective of highlighting the circumstances in future investigation reports:

- .1 identification of all parties involved;
- .2 all relevant ship details;
- .3 description of all crew involved;
- .4 reaching logical conclusions;
- .5 identification of all causal elements; and
- .6 appropriateness of safety recommendations.

5.11 The Sub-Committee agreed to retain the analysis and lessons learned of the investigation report on the collision between the large-sized crane barge **Samsung 1** and the tanker **Hebei Spirit** only for the analysts and the Secretariat for revision of this casualty when the final pending report becomes available in GISIS.

5.12 The Sub-Committee agreed to postpone consideration of analyses and lessons to learn from the incident on the FPSO **Maersk Ngujima-Yin** (C0007527) until all information becomes available in GISIS.

5.13 The Sub-Committee approved the consolidated text of casualty analyses including the casualty analysis of the investigation report on the marine accident on board **Chicago Express**, available in electronic form on IMODOCS, for release to the public on the GISIS module.

Lessons Learned for Presentation to Seafarers

5.14 The Sub-Committee approved the draft text of Lessons Learned for Presentation to Seafarers, as set out in annex 1, for release on the IMO website, according to the agreed procedure (FSI 11/23, paragraph 4.19).

5.15 The Sub-Committee invited flag State Administrations to disseminate marine casualty matter issues and information, i.e. Lessons Learned, among their fleets and seafarers.

Advice on the information provided from a technical perspective in document MEPC 60/16 on fair treatment of seafarers of the "Hebei Spirit"

5.16 The Sub-Committee in considering document MEPC 60/16 on fair treatment of seafarers of the **Hebei Spirit** noted that the 2010 edition of the IMO Guidelines for the development of Shipboards Marine Pollution Emergency Plans (SOPEPs) still contains the same guidance as those referred to in document MEPC 60/16, thereby demonstrating that this guidance is still current. In the light of this casualty it might, however, be prudent to have these guidelines reviewed.

5.17 Since the review of technical aspects and information needs to consider all reports available and all comments are preliminary until all reports are available, the Sub-Committee agreed to consider reviewing the information provided in document MEPC 60/16 on the **Hebei Spirit** casualty when all final reports are made available in GISIS.

Analyses of accidents and identification of trends related to the integration of pilots into bridge teams

5.18 The Sub-Committee, in noting the recurrent causes and situations identified by the analyses of accidents and identification of trends related to the integration of pilots into bridge teams (FSI 19/5, annex 4), agreed to bring the following safety issues, by means of an FSI circular to be processed by the Secretariat, to the attention of Administrations for consideration when conducting future investigations:

- .1 lack of communication between pilot and bridge team;
- .2 language barriers;
- .3 technical deficiencies regarding manoeuvrability or navigational equipment;
- .4 external conditions like weather, current and hydrodynamic interactions;

- .5 pilots with insufficient training and experience; and
- .6 Master or OOW becoming passive, leaving their duties and obligations to the pilot.

5.19 The Sub-Committee agreed to refer the "Analyses of accidents and identification of trends related to the integration of pilots into bridge teams" (FSI 19/5, annex 4) to the NAV and STW Sub-Committees for their information and consideration as appropriate, subject to MSC's endorsement.

Safety issues that need further consideration

5.20 The Sub-Committee agreed to forward the following reports, and analysing material to the relevant sub-committees, subject to MSC's endorsement, for their consideration and action as appropriate:

- .1 the investigation report on the very serious casualty on board the container ship **Chicago Express** (GISIS Incident No. C0007636) to the NAV, SLF, DE and STW Sub-Committees;
- .2 the investigation report on the very serious casualty on board the bulk carrier **La Donna I** (GISIS Incident No. C0007456) to the DSC Sub-Committee;
- .3 the investigation report on the serious casualty on board the cruise ship **Black Watch** (GISIS Incident No. C0007377) to the NAV Sub-Committee; and
- .4 the investigation report on the serious casualty on board the container ship **Beluga Sensation** (GISIS Incident No. C0007575) to the NAV Sub-Committee.

5.21 The Sub-Committee, being aware that a document for requirements for construction and installation of onboard lifting appliances has been submitted to MSC 89 for consideration (MSC 89/22/12), and in view of the very serious and serious incidents reports which have been analysed (**Blest Marine**, C0007807, and **Creciente**, C0006716), agreed to recommend to MSC 89 to include winches in the spectrum of its consideration of the above-mentioned document.

Loss of life during 2008 and 2009 to date

5.22 The Sub-Committee in noting that the preparation of further analysis and consideration of accidents based on data contained in GISIS and other relevant sources provided by the Secretariat, may be useful in order to analyse possible trends related to the loss of life since 2006 agreed to request the Secretariat to continue analysing and identifying, using available data, areas which should be looked into, in more detail, for reporting to FSI 20.

Improve GISIS casualty data and revision of MSC-MEPC.3/Circ.3

5.23 The Sub-Committee agreed to refer the matters related to the possibility to improve GISIS casualty data to the correspondence group to be re-established for detailed consideration, taking into account the relevant decisions and comments made during FSI 18 and FSI 19, including aspects in relation to EMCIP/GISIS data transfers, and the review of MSC-MEPC.3/Circ.3, taking into account the Casualty Investigation Code, FSA inputs, and inputs from EC and MAIIF.

STUDY ON HUMAN AND ORGANIZATIONAL FACTORS

5.24 The Sub-Committee agreed to refer the Study on human and organizational factors made by WMU (FSI 19/INF.15) to the correspondence group to be re-established in the context of its consideration of the possibility to improve GISIS casualty data and the revision of the Guidelines for the investigation of human factors in marine casualties and incidents (annex to resolution A.884(21)), and Guidelines to assist investigators in the implementation of the Code (appendix of the annex to resolution A.849(20)). In this context, the Sub-Committee noted the intervention by the delegation of Australia calling for the examination of incidents carrying a high potential for becoming major casualties.

CORRESPONDENCE GROUP ON CASUALTY ANALYSIS

5.25 The Sub-Committee, taking into account the work completed at this session, agreed to re-establish the Correspondence Group (CG) on Casualty Analysis, under the co-ordination of Germany*, to continue its work intersessionally under the following terms of reference:

- .1 based on the information received from Administrations on investigations into casualties, to conduct a review of the relevant casualty reports referred to the group by the Secretariat and prepare draft lessons learned for presentation to seafarers;
- .2 consider document FSI 18/6/3, and advise on the possibilities to improve GISIS casualty data, as requested by MSC 87, in accordance with the recommendations made by the Formal Safety Assessment (FSA) Expert Group (MSC 87/18, paragraphs 22 and 23 and MSC 87/26, paragraph 18.6) taking into account the relevant decisions and comments made during FSI 18 and FSI 19, including aspects in relation to EMCIP/GISIS data transfers, as well as document FSI 19/INF.15;
- .3 consider and advise on the revision and update of the Guidelines for the investigation of human factors in marine casualties and incidents (annex to resolution A.884(21)), and the Guidelines to assist investigators in the implementation of the Code (appendix of the annex to resolution A.849(20)), with the participation of MAIIF and EC, and the information contained in document FSI 19/INF.15;
- .4 consider and advise on the revision and update of the MSC-MEPC.3/Circ.3 taking into account the Casualty Investigation Code and FSA inputs, and aspects in relation to EMCIP/GISIS data transfers;
- .5 identify safety issues that need further consideration; and
- .6 submit a report to FSI 20.

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WORKING GROUP ON CASUALTY ANALYSIS

5.26 The Sub-Committee agreed that the Working Group on Casualty Analysis should start work on the morning of the first day of FSI 20, in accordance with the Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies (MSC-MEPC.1/Circ.2, as amended), under the following provisional terms of reference subject to further instructions received from plenary:

- .1 confirm or otherwise the findings of the Correspondence Group based on the analysis of individual casualty investigation reports and GISIS, for the Sub-Committee's approval and authorization of their release to the public on GISIS;
- .2 confirm or otherwise the draft text of lessons learned for presentation to seafarers, for the Sub-Committee's approval and authorization of release on the IMO website in accordance with agreed procedure;
- .3 consider and advise to refer to the relevant committees and sub-committees those reports reviewed by the analysts and considered by the Working Group on Casualty Analysis and which are of interest to them. In doing so, the Working Group should submit supporting information derived from the casualty analysis procedure used for the development of recommendations for consideration by the committees and sub-committees;
- .4 consider and advise on the revision and update text of the Guidelines for the investigation of human factors in marine casualties and incidents (annex to resolution A.884(21)), and the Guidelines to assist investigators in the implementation of the Code (appendix of the annex to resolution A.849(20)), and document FSI 19/INF.15;
- .5 consider and advise on the revision and update text of MSC-MEPC.3/Circ.3 taking into account the Casualty Investigation Code and FSA inputs, and aspects in relation to EMCIP/GISIS data transfers; and
- .6 consider and advise on the possibilities to improve GISIS casualty data (FSI 18/6/3, MSC 87/18, paragraphs 22 and 23 and MSC 87/26, paragraph 18.6), including aspects in relation to EMCIP/GISIS data transfers, and the information contained in document FSI 19/INF.15.

REMINDER FOR SUBMISSION OF CASUALTY-RELATED DATA

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

- .1 recall that the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code), resolution MSC.255(84), became mandatory under SOLAS regulation XI-1/6 on 1 January 2010; including mandatory reporting requirement on very serious casualties;
- .2 ensure that the information on reports on marine casualties and incidents are provided to the Secretariat in accordance with the reporting requirements and the revised format annexed to MSC-MEPC.3/Circ.3, bearing in mind that information can be directly reported by Member States on GISIS, including the facility to attach the electronic version of full investigation reports;

- .3 provide information on whether human element was an underlying cause of a casualty or injury;
- .4 provide the Secretariat with information on the number of fishing vessels, fishermen, total losses and lives lost, in accordance with MSC/Circ.539/Add.2 and MSC/Circ.753, so that updated information on the matter can be incorporated in the relevant circulars;
- .5 provide the Secretariat with preliminary information on casualties derived from RCCs, in accordance with MSC/Circ.802-MEPC/Circ.332, possibly through the development of protocols for electronic data transfers, to enable the Organization to provide its Member States with timely and accurate information on casualties;
- .6 indicate in the reports of investigations into casualties whether fraudulent certificates have been involved;
- .7 include precise information on root-causes and details of accidents, specially on the cause of accidents involving general cargo ships, into the final version of a marine safety investigation report;
- .8 consider any potential trend when conducting a marine safety investigation or analysis of marine safety investigation reports;
- .9 recall the recommendation made by MSC-MEPC.7/Circ.7 to encourage the reporting of near-miss occurrences and promote a safe culture; and
- .10 ensure the accuracy of the information available in the Contact Point module of GISIS.

SECRETARIAT'S ACTIVITIES DURING THE FORTHCOMING INTERSESSIONAL PERIOD

5.28 The Sub-Committee was informed by the Secretariat of the following planned activities for reporting to FSI 20 on the progress made:

- .1 revision of the Model Course 3.11 (Marine Accident and Incident Investigation);
- .2 contact with the European Maritime Safety Agency (EMSA) in order to advance the process of collecting data from EMCIP;
- .3 contact with the Maritime Rescue Coordination Centre (MRCC) Stavanger (Norway) in order to explore the possibility to upload alert messages (SITREPS) directly into GISIS; and
- .4 contact with the International Civil Aviation Organization (ICAO) on casualty data collection and analysis-related matters.

6 HARMONIZATION OF PORT STATE CONTROL ACTIVITIES

REPORT OF THE CORRESPONDENCE GROUP ON HARMONIZATION OF PSC ACTIVITIES

6.1 Having recalled that FSI 18 had re-established the Correspondence Group on Harmonization of port State control (PSC) activities, the development of guidelines on port State control under the 2004 BWM Convention and the review of the Guidelines for

inspection of anti-fouling systems on ships, the Sub-Committee considered document FSI 19/6 (Australia) containing the report of the group.

Revised Procedures for PSC

6.2 Having considered the progress made by the group on the draft text of the revision of resolution A.787(19), as amended by resolution A.882(21), using document FSI 18/WP.5 (Secretariat) as a basis together with the agreed updates by the previous working, drafting and correspondence groups and the comments made at FSI 18, the Sub-Committee agreed to refer the report of the group (FSI 19/6) to the Working Group on Harmonization of port State control activities, the development of guidelines on port State control under the 2004 BWM Convention and the review of the Guidelines for inspection of anti-fouling systems on ships to be established under this agenda item (see paragraph 6.20) for detailed consideration.

Designation of bulk carriers

6.3 The Sub-Committee recalled that FSI 18 had agreed to incorporate the following wording into the draft revised PSC Procedures:

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

and instructed the above-mentioned working group accordingly.

6.4 In this context, the Sub-Committee, having received a proposal by the observer of IACS to further incorporate additional text in order to give complementary guidance to PSC officers, instructed the working group to be established to consider the proposal in detail and make recommendation as appropriate.

Pilot transfer arrangements

6.5 Having recalled MSC 87's instruction to take appropriate action in encouraging PSC regimes to formally include pilot ladders as part of the safety equipment (MSC 87/26, paragraph 9.25), the Sub-Committee noted that the correspondence group had added a new item into appendix 6 of the draft PSC procedures and had prepared a draft circular to encourage early implementation of the finalized amendments SOLAS regulation V/23. The Sub-Committee was advised that MSC 88 had adopted these amendments relating to pilot transfer arrangements and had approved MSC.1/Circ.1375 containing a unified interpretation thereof (FSI 19/2/1, paragraph 5.1) and instructed the working group to be established accordingly.

Long-range identification and tracking

6.6 With regard to long-range identification and tracking (LRIT), the Sub-Committee recalled that MSC 87 had referred to it the consideration of the issue of the preparation of Guidance on LRIT-related matters for PSC officers, taking into account the provisions of SOLAS regulation V/19-1, the revised performance standards, MSC.1/Circ.1298 and the report of the eighth session of the *Ad Hoc* LRIT Group (MSC 87/26, paragraph 6.97).

6.7 The Sub-Committee noted that the correspondence group had agreed that two options were available when Guidelines for PSC officers on LRIT are finalized and instructed the working group to be established to further consider the matter, taking into account the relevant outcome of MSC 88 on LRIT matters.

PSC Guidelines related to the ISPS Code

6.8 The Sub-Committee noted that, while control and compliance measures with respect to security-related matters are covered by SOLAS regulation XI-2/9 and in the ISPS Code and the existing guidance is detailed in resolution MSC.159(78) on Interim guidance on control and compliance measures to enhance maritime security (and MSC/Circ.1111), the report of the correspondence group contained a set of guidance that differed from the above-mentioned guidance.

6.9 Having noted that some provisions in the proposed new set of guidance included references to non-mandatory provisions of the ISPS Code, thereby expanding the scope of inspections to be carried out, the Sub-Committee agreed that the new set of guidance should not be incorporated into the draft revised PSC procedures.

Guidelines for PSC officers on the ISM Code

6.10 The Sub-Committee, having recalled that the Committees had approved MSC/Circ.890–MEPC/Circ.354 on Interim guidelines for port State control related to the International Safety Management (ISM) Code and MSC/Circ.1059–MEPC/Circ.401 on Procedures concerning observed ISM Code major non-conformities, considered document FSI 19/6/5 (Paris MoU) on the new ISM guidelines of the Paris MoU.

6.11 The observer of the Paris MoU indicated that the new ISM guidelines were developed to address the practical difficulties faced by PSC officers when carrying out PSC inspections which correspond to spot checks and not to surveys or audits on board ships.

6.12 Following a balanced debate which either supported the need for the Sub-Committee to review existing guidelines on the basis of the specific flag State and port State responsibilities, or to seek additional expertise outside the Sub-Committee to review the matter, the Sub-Committee instructed the working group to keep existing guidelines within the draft revised PSC procedures. Furthermore, the Sub-Committee also instructed the working group to be established to prepare a suitable referral of the matter to the MSC, in the context of its consideration of human element- and ISM Code-related matters, with an invitation to provide the Sub-Committee with necessary feedback for further consideration of the matter, as appropriate.

PSC officers' ranking system

6.13 The Sub-Committee considered document FSI 19/6/8 (Iran, Islamic Republic of) proposing the development of a global ranking system for the PSC officers in order to define some general qualifications to be met, and some specific training conditions that need to be fulfilled, based, in particular, on the distinctions among officers based on their experience and between the inspections of convention and non-convention ships.

6.14 Having generally agreed that the proposed ranking was not perceived as being likely to improve the current system, the Sub-Committee decided not to consider further the proposal contained in document FSI 19/6/8 but requested the Secretariat to bear this proposal in mind when developing training material for PSC officers.

Notification to flag States

6.15 Having recalled that MSC 64 and MEPC 46 had approved MSC/Circ.1011–MEPC/Circ.383 on Measures to improve PSC procedures, in support of a mechanism for a constructive and timely dialogue between flag States and port States on PSC interventions,

the Sub-Committee considered document FSI 19/6/11 (Saint Kitts and Nevis) presenting the alleged lack of reporting to the office designated by this Administration on detentions of ships flying its flag by some PSC regimes and analysis thereof.

6.16 The Sub-Committee agreed to refer document FSI 19/6/11 to the working group to be established in order to ascertain that the draft revised PSC Procedures include suitable references to all pertinent instruments, the GISIS list of flag States' contact points, and to propose additional recommendations using all available means for reporting while complying with the mandatory requirement for notification to relevant flag Authorities.

Formats

6.17 The Sub-Committee recalled that FSI 18 had agreed to a proposed format to streamline information on the outcome of concentrated inspection campaigns (CIC) submitted by PSC regimes (FSI 18/WP.4, annex 1).

6.18 The Sub-Committee also recalled that FSI 18 had agreed to a proposed format to summarize the outcome of PSC activities at a global level (FSI 18/WP.4, annex 2) for further consideration by future IMO Workshops for PSC MoU/Agreement Secretaries and Database Managers.

6.19 In this context, the Sub-Committee reiterated its earlier decision to refer the matter to the forthcoming Fifth IMO Workshop for PSC MoU/Agreement and Database Managers.

ESTABLISHMENT OF THE WORKING GROUP

6.20 The Sub-Committee agreed to establish the Working Group on Harmonization of port State control (PSC) activities, the development of guidelines on port State control under the 2004 BWM Convention and the review of the Guidelines for inspection of anti-fouling systems on ships and instructed it, taking into account the relevant decisions and comments made in plenary to:

- .1 finalize a draft Assembly resolution on Procedures for port State control, 2011 using document FSI 19/6 as a basis; and review the list of guidelines or codes which may address PSC-related matters that would need to be reviewed and/or consolidated within the revised Procedures for PSC (FSI 18/7/6) for preparing the review by all sub-committees prior to consideration by the MSC;
- .2 consider the ISM Code guidelines of the Paris MoU (FSI 19/6/5, annex) and advise the Sub-Committee accordingly;
- .3 prepare guidance for port State control officers on LRIT, taking into account the provision of SOLAS regulation V/19-1, the revised performance standards, MSC.1/Circ.1298 and outcome of the LRIT discussions at MSC 88 and the report of the eighth session of the *Ad Hoc* LRIT Group;
- .4 consider and advise the Sub-Committee on the appropriate actions to be taken to encourage port State control regimes to formally include pilot ladders as part of the safety equipment that their port State control officers would be examining in the course of a port State inspection, taking into account the amendment to SOLAS regulation V/23 relating to pilot transfer arrangements adopted at MSC 88 (FSI 19/2/1) and MSC.1/Circ.1375 on Unified interpretation of SOLAS regulation V/23, and develop relevant guidance;

- .5 further develop the Guidelines on port State control under the 2004 BWM Convention, using annex 3 to document FSI 19/6 as a base document (excluding those parts related to ballast water sampling and analysis where further advice from BLG Sub-Committee is needed), taking into consideration document MEPC 61/INF.19 (Australia);
- .6 finalize the revision of the Guidelines for inspection of anti-fouling systems on ships, using the consolidated version contained in annex 3 to document FSI 18/WP.4 as a base document and taking into account the 2010 Guidelines for Survey and Certification of anti-fouling systems on ships with a view to their adoption by MEPC 62; and
- .7 consider the need to re-establish a correspondence group (under all the relevant agenda items) and prepare its draft terms of reference, as appropriate.

REPORT OF THE WORKING GROUP

6.21 Having received the report of the Working Group on Harmonization of port State control (PSC) activities, the development of guidelines on port State control under the 2004 BWM Convention and the review of the Guidelines for inspection of anti-fouling systems on ships (FSI 19/WP.3), the Sub-Committee took action as indicated in the following paragraphs.

Guidance for port State control officers on LRIT

6.22 The Sub-Committee considered the provision of SOLAS regulation V/19-1, the revised performance standards, MSC.1/Circ.1298, the outcome of the LRIT-related discussions at MSC 88 and the outcome of the eighth session of the *Ad Hoc* LRIT Group to finalize the draft Guidelines for PSC officers related to LRIT, using the annex to document FSI 18/INF.12 (Tokyo MoU) as the basis.

6.23 The Sub-Committee, agreed to include the draft Guidelines for PSC officers related to LRIT, in appendix 9 of the draft Revised PSC Procedures for approval by the MSC.

Safety of pilot transfer arrangement

6.24 The Sub-Committee, having reviewed the suggestions included in the annex to document FSI 19/6 (see paragraph 6.5), agreed to expand the guidance on initial inspection in the draft Revised PSC procedures by including a reference to pilot transfer arrangements in paragraph 2.2.5 thereof, for approval by the MSC.

6.25 The Sub-Committee, having made minor changes to the draft circular contained in annex 2 to document FSI 19/6, agreed to the draft MSC.1 circular on Safety of pilot transfer arrangements, as set out in annex 2, for submission to MSC 89 for approval.

Procedures for port State control, 2011

6.26 The Sub-Committee, having considered the inclusion of the definition of bulk carrier as indicated in paragraph 7.24.4 of document FSI 18/20, agreed to the additional wording and the inclusion of the wording within the definitions of the draft revised PSC Procedures.

6.27 The Sub-Committee, having considered how to improve the fulfilment of reporting requirements by port States, agreed to include additional wording within the port State reporting provisions in paragraph 4.1.3 of the draft revised PSC Procedures.

6.28 The Sub-Committee, having noted that the draft PSC Procedures were not particularly clear with regard to the difference in dealing with vessels of non-parties and vessels below convention size, agreed to an amendment as reflected in the updated section 1.5 and new section 1.6 of the draft revised Procedures.

6.29 The Sub-Committee agreed to submit the draft revised procedures for port State control (Procedures for Port State Control, 2011) and the associated draft Assembly resolution, with the addition of square-bracketed cross-referencing footnotes, under paragraphs 2.3.8 and 4.1.3, and taking into account the MSC's decisions regarding the draft Guidelines for PSC officers related to LRIT and the safety of pilot transfer arrangements (see paragraphs 6.23 and 6.24), as set out in annex 3, to MSC 89 and MEPC 62 for approval, prior to submission to the Assembly at its twenty-seventh session for adoption.

6.30 Having noted that appendix 12 of the draft procedures included references to certificates and other documents to be issued under non-IMO instruments, the Sub-Committee requested the Secretariat to inform external regulatory bodies accordingly.

6.31 Having completed the preparation of the draft revised procedures, the Sub-Committee invited PSC regimes to consider integrating these non-mandatory procedures, as adopted by the Assembly, in their own regulatory regimes.

Guidelines for port State control officers related to the ISM Code

6.32 The Sub-Committee agreed that further development of the guidelines for port State control officers related to the ISM Code, using document FSI 19/6/5 (Paris MoU) as a basis, should be carried out under the existing agenda item on harmonization of port State control activities subject to approval by the MSC and the MEPC and, where appropriate, in co-operation with the Joint MSC/MEPC Working Group on the Human Element.

CORRESPONDENCE GROUP AND TERMS OF REFERENCE

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

- .1 further consider any amendments and additions to the Procedures for port State control, 2011;
- .2 consider further development of the guidelines for port State control officers related to the ISM Code, taking account of document FSI 19/6/5 (Paris MoU); and
- .3 report to FSI 20.

6.34 Following the decision taken under agenda item 16 on biennial agenda, post-biennial agenda and provisional agenda for FSI 20 to reduce the number of correspondence groups which it had previously agreed to establish (see paragraph 16.7), the Sub-Committee agreed that the above-mentioned matters would not be progressed intersessionally.

ANALYSIS OF PSC ACTIVITIES, PRACTICES AND STATISTICS

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

- .1 FSI 19/6/2 (Secretariat) on the progress report on regional PSC regimes;
- .2 FSI 19/6/4 (Paris MoU) on the Introduction of Paris MoU information documents;
- .3 FSI 19/INF.3 (Paris MoU) on the Paris MoU Annual Report 2009;
- .4 FSI 19/INF.5 (Paris MoU) on the Analyses of 2009 Paris MoU statistics;
- .5 FSI 19/INF.8 (Tokyo MoU) on the Summary of Tokyo MoU Activities in 2010;
- .6 FSI 19/INF.10 (Black Sea MoU) on the Black Sea MoU Annual Report 2009;
- .7 FSI 19/INF.11 (Black Sea MoU) on the Analysis of 2009 Black Sea MoU statistics;
- .8 FSI 19/INF.12 (Black Sea MoU) on the Black Sea MoU Annual Report 2010;
- .9 FSI 19/INF.17 (Indian Ocean MoU) on the Indian Ocean MoU PSC activities in 2010; and
- .10 FSI 19/INF.18 (Caribbean MoU) on Report on the activities of the Caribbean MoU in 2010.

6.36 The Sub-Committee was informed of the announcement by the Kingdom of the Netherlands that the Netherlands Antilles was dissolved as of 10 October 2010 and that the name "The Netherlands Antilles" appears on documents should be read as "Curaçao" after 10 October 2010 until their expiry date.

6.37 The Sub-Committee, having invited representatives of other PSC regimes that did not submit a document to this session to provide any relevant information on recent developments, noted that the 2010 Annual report of the Abuja MoU had been distributed to the delegations attending the session. The statements introduced by the representatives of the Abuja, Mediterranean and Riyadh MoUs, are set out in annexes 16, 17 and 18.

6.38 The Sub-Committee invited the regional PSC agreements and the United States to continue submitting their annual reports to the Sub-Committee, preferably in a uniform manner concerning the year of reference of the statistics contained therein, except when the schedule of the session of the Sub-Committee does not allow such a submission to be made in time, and requested the Secretariat to continue providing the Sub-Committee with a progress report on regional PSC agreements.

CONCENTRATED INSPECTION CAMPAIGNS

6.39 The Sub-Committee noted the information contained in the following documents:

- .1 FSI 19/INF.7 (Paris MoU) on the Results of the 2009 Paris MoU Concentrated Inspection Campaign (CIC) on lifeboat launching arrangements; and
- .2 FSI 19/INF.9 (Tokyo MoU) on the Report of the Tokyo MoU Concentrated Inspection Campaign (CIC) on Lifeboat Launching Arrangements in 2009.

6.40 In the specific context of the two above-mentioned information documents which were introduced and required further consideration with a view to deciding whether all or part of their content should be referred to other competent IMO bodies for detailed review, the Sub-Committee recognized the value of the material made available to the Organization by PSC regimes.

6.41 The Sub-Committee agreed that, at future sessions, the outcome of CICs would be best reviewed by a working/drafting group which would be tasked to prepare appropriate material for referral to relevant sub-committees.

6.42 Concerning the specific case of the outcome of these two campaigns on lifeboat launching arrangements, the Sub-Committee, taking into account the particular seriousness of the matter in terms of accident occurrences, requested, following one of several possible options, the Secretariat to call the attention of the forthcoming DE Working Group on Lifeboat Release Hooks (16 to 18 March 2011), DE 55 (21 to 25 March 2011) and STW 43, subject to MSC's endorsement, on the findings which are substantiated in documents FSI 19/INF.7 and FSI 19/INF.9 and might be beneficial to their ongoing work.

6.43 The Sub-Committee invited PSC regimes to conduct CICs in co-operation with other MoUs and continue providing the Sub-Committee with information on the outcome of CICs in the agreed reporting format as set out in annex 1 to document FSI 18/WP.4. PSC regimes were also invited to conduct such campaigns preferably in co-operation with other MoUs and to provide recommendations, together with supporting material, which could be passed to relevant IMO bodies for further consideration.

FIFTH IMO WORKSHOP FOR PSC MoU/AGREEMENT SECRETARIES AND DATABASE MANAGERS

6.44 The Sub-Committee, having considered document FSI 19/6/7 (Secretariat), agreed to the provisional agenda of the Fifth IMO Workshop for PSC MoU/Agreement and Database Managers to be held at IMO Headquarters from 14 to 16 June 2011 with addition of the consideration of the harmonization of the conduct of CICs by several PSC regimes *vis-à-vis* the question of the re-inspection of individual ships in different regions.

INTER-REGIONAL ACTIVITIES

6.45 The Sub-Committee noted the information contained in document FSI 19/INF.4 (United States and the Paris and Tokyo MoUs) on flag Administrations targeted by the United States Coast Guard and the Paris and Tokyo MoUs.

TRANSPARENCY AND HARMONIZATION OF PSC INFORMATION

EQUASIS INFORMATION SYSTEM

6.46 In the context of its consideration of document FSI 19/6/1 (Secretariat) on the Equasis information system, presenting the relevant outcome of the 17th Equasis Editorial Board Meeting (EB 17), the 22nd Equasis Supervisory Committee Meeting (SC 22), the Sub-Committee noted the following elements:

- .1 there had been no change in the criteria to become data providers to Equasis since FSI 18;
- .2 at EB 17, Turk Loydu was formally accepted as a new data provider to Equasis which was effective from November 2010;

- .3 the Hybrid European Targeting and Inspection System (THETIS), the new information system of the Paris MoU, entered into force from 1 January 2011 in support of the Paris MoU new inspection regime (NIR). Equasis will be updated accordingly to import data from THETIS;
- .4 annual statistics of Equasis for the years 2008 and 2009 had been published and are available on the Equasis website (www.equasis.org);
- .5 at SC 22, the United States announced that they were in the process of becoming a full member of Equasis by financially supporting it; and
- .6 the 10th anniversary celebration of Equasis took place at IMO on 29 November 2010, in parallel with MSC 88.

PSC DATA EXCHANGE PROTOCOL

6.47 In the context of facilitating the finalization of data exchange protocols between PSC regimes and the IMO Secretariat for the collection of inspection reports in electronic format, the Sub-Committee considered document FSI 19/6/3 (Secretariat).

6.48 The Sub-Committee noted that the Secretariat had a meeting with the MED MoU Information Centre (CIMED) in Casablanca (Morocco) on 15 and 16 December 2010 and agreed to technical issues to import XML-structured PSC data from CIMED and upload onto GISIS to contain all PSC inspection data in the PSC module.

6.49 The Sub-Committee, having recalled that the Indian Ocean and the Mediterranean MoUs had signed data exchange agreements with the IMO Secretariat during FSI 18, invited PSC regimes which had agreed in principle to provide IMO with the results of PSC inspections to consider signing a data exchange agreement, possibly during the Fifth IMO Workshop for PSC MoU/Agreement and Database Managers or the next session of the Sub-Committee.

FLAG CRITERIA TO BE REGARDED AS A LOW RISK SHIP IN THE PARIS MOU REGION

6.50 The Sub-Committee considered documents FSI 19/6/6 (Paris MoU) and FSI 19/6/10 (Bahamas and Panama) on the flag criteria to be regarded as a low risk ship in the Paris MoU region, while being informed that the United States had just added the flag State criteria of having undergone an IMO audit and having provided the executive summary for eligibility to the scheme for reduced rate of PSC inspections.

6.51 In the context of getting a better understanding of the proposal by the Paris MoU, the Sub-Committee was presented with the following invitations to the Paris MoU listed in document FSI 19/6/10:

- .1 to provide further information on the discrepancy among the PSC regime internal regulation, the EU legislation and the information requested in the draft circular;
- .2 to provide further information on the purpose of this request for additional information;
- .3 to provide further information on the issue of confidentiality; and

- .4 to confirm that the requirements of the internal regulation contained in paragraph 11 of annex 7 of the Paris MoU, can be complied with by a Member State submitting a written statement confirming that a final audit report has been completed.

6.52 In respect of the requests for additional information and clarification set out in paragraphs 13.1 to 13.4 of document FSI 19/6/10, the observer of the Paris MoU advised that it had no additional information to offer to address the concerns expressed.

6.53 Having emphasized the fact that the proposal by the Paris MoU to issue an MSC-MEPC circular promoting the potential advantages, at a regional level, of disclosing audit-related information that the Organization had otherwise decided, globally, to consider as confidential could not be satisfied, owing to the inappropriateness of the proposed instrument, the Sub-Committee considered alternative options and the merits thereof.

6.54 While acknowledging the already achieved wide exposure of the information of low risk ship criteria under the Paris MoU, within and outside the Organization, the Sub-Committee invited the Paris MoU to use the list of flag State central contact points in GISIS to circulate information on the flag criteria of their scheme, awareness of which has increased at the occasion of various IMO bodies having discussed this matter.

PARIS AND TOKYO MOUS NEW PSC CODING SYSTEM

6.55 The Sub-Committee, having considered information contained in document FSI 19/INF.6 on Paris and Tokyo MoUs New PSC Coding System which is open for adherence by any other PSC regime, agreed that matters of how to disseminate new PSC coding to other PSC regimes and how to update coding should be further discussed at the Fifth Workshop for PSC MoU/Agreement Secretaries and Database Managers.

LIST OF NEW REQUIREMENTS

6.56 On the issue of the review of the information gathered by the Secretariat on new requirements with a view to supporting the work on the coding and updating of deficiencies, the Sub-Committee noted the list of new requirements contained in document FSI 19/INF.13 (Secretariat) and agreed to refer the information on new requirement to the Fifth Workshop for PSC MoU/Agreement and Database Managers for further consideration.

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

PSC GUIDELINES ON INSPECTION OF SEAFARERS' WORKING HOURS

7.1 The Sub-Committee, having recalled that MSC 85 had endorsed the views of STW 39 that it would not be appropriate for the guidelines on PSC guidelines on inspection of seafarers' working hours to be issued as an MSC circular, considered the information contained in document FSI 19/7 (Secretariat).

7.2 The Sub-Committee also recalled that the Diplomatic Conference of Parties to the STCW Convention, which was held from 21 to 25 June 2010 in Manila (the Philippines), adopted the 2010 Manila Amendments to the STCW Convention and Code which harmonized the hours of rest requirements with Maritime Labour Convention (MLC) 2006.

7.3 In this context, the Sub-Committee noted an updated software program produced by the International Shipping Federation (ISF), "ISF Watchkeeper 3", which enabled ship operators to maintain individual rest hour records, as required by the 2010 Manila Amendments to the STCW Convention, and assisted flag States and port State control to

verify that rest hours on board ships were in compliance with the amended STCW Convention, as well as the requirements of MLC 2006.

MARITIME LABOUR CONVENTION, 2006

7.4 The Sub-Committee, having recalled that MLC 2006 would come into force twelve months after ratification by at least 30 ILO Member States with a total share of at least 33 per cent of the world's gross tonnage, noted that as of 24 February 2011, 12 ILO Member States had ratified MLC 2006, namely, the Bahamas, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Liberia, the Marshall Islands, Norway, Panama, Saint Vincent and the Grenadines, Spain and Switzerland, with a total share of tonnage of 48 per cent of the world's gross tonnage.

7.5 The Sub-Committee, having supported the co-operation between ILO and IMO in the collection, exchange and dissemination of relevant PSC data, as a means to rationalize the processing of and access to data, was informed that the Secretariat was contributing to the ongoing work within PSC regimes for the development of relevant PSC Guidelines under MLC 2006 and would continue to discuss with the ILO Secretariat with a view to identifying data field and finalizing data format for the transfer of PSC data to GISIS.

7.6 The Sub-Committee, having received information from the Director, Maritime Safety Division, regarding the envisaged entry into force of the Manila Amendments to the STCW Convention, in 2012, prior to MLC 2006, thereby allowing earlier implementation of the provisions on hours of rest, invited delegations, having identified areas that might require further harmonization between the two instruments, to make relevant submissions to the MSC.

Short international voyages on board high-speed passenger craft

7.7 The Sub-Committee considered document FSI 19/7/1 (Egypt) calling for new measures for flag States and port States and management companies' guidelines regarding seafarers' working hours that are engaged on short international voyages on board high-speed passenger craft.

7.8 While recognizing the potential specific hardship of this type of ship and trade, the Sub-Committee concluded that the proposal contained in document FSI 19/7/1 might be premature to consider at this stage and that the effect of the new provisions of the amended STCW Convention on hours of rest should first be monitored.

Compliance with hours of rest requirements

7.9 The Sub-Committee, having noted the information contained in document FSI 19/6/9 (Australia), which it had agreed to consider under this agenda item, on the outcome of an increased focus of PSC activities on hours of work and rest in Australia, invited all delegations holding such information to submit their findings to the STW Sub-Committee.

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

General

8.1 The Sub-Committee recalled that, from 31 May 2005, the International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention) had been open for accession, and noted that, to date, 27 States had ratified the Convention, representing 25.32 per cent of the world's merchant fleet tonnage. The Sub-Committee urged other Member States to ratify this Convention at the earliest possible opportunity.

8.2 The Sub-Committee recalled that FSI 18 had re-established the Correspondence Group on the Harmonization of PSC Activities, the development of guidelines on port State control under the 2004 BWM Convention and the review of the Guidelines for inspection of anti-fouling systems on ships and had instructed it, *inter alia*, to consider the existing guidelines on PSC under the 2004 BWM Convention developed by PSC regimes (FSI 16/8) taking into account the ongoing work of the BLG Sub-Committee and any other information made available to the correspondence group and to advise the Sub-Committee on how to progress the development of such guidelines.

8.3 The Sub-Committee noted that, in view of the significant volume of the work required for the development and completion of the above-mentioned Guidelines, MEPC 61 had agreed to extend the target completion date for the agenda item "Development of Guidelines on port State control under the 2004 BWM Convention" to the year 2013.

8.4 The Sub-Committee noted further that, following consideration of the recommendation of the Ballast Water Review Group with regard to document MEPC 61/INF.19 (Australia) providing useful tools for verification of ballast water management systems by the PSC officers, MEPC 61 instructed FSI 19 to consider that document in the context of the PSC Guidelines currently under development.

Report of the correspondence group

8.5 The Sub-Committee noted that the correspondence group had prepared a draft of the Guidelines for PSC under the 2004 BWM Convention, as set out in annex 3 to document FSI 19/6.

8.6 Having examined the above-mentioned draft Guidelines for PSC under the 2004 BWM Convention, which included a reference to the sampling and analysis protocols currently under development by BLG Sub-Committee, the Sub-Committee noted that BLG 15 had established a correspondence group to further develop the draft BWM circular on ballast water sampling and analysis and to provide a reasoned explanation regarding the compatibility of this guidance with the Guidelines for approval of BWM systems (G8). The Sub-Committee also noted that the intention of the BLG Sub-Committee to finalize the circular on ballast water sampling and analysis at its sixteenth session which is tentatively scheduled from 30 January to 3 February 2012.

8.7 The Sub-Committee noted further that additional guidance should be developed to address those ballast water management systems not fitted with an onboard monitoring system and that further clarification is needed with regard to indicative sampling/analysis and representative sampling to be consistent with article 9.1(c) of the 2004 BWM Convention.

8.8 The delegation of Norway, supported by others, indicated that it would be appropriate to await the outcome of the BLG Sub-Committee on the development of ballast water sampling and analysis protocols before finalizing the draft Guidelines for PSC under the BWM Convention.

8.9 Having noted the views expressed, the Sub-Committee agreed that the development of the Guidelines for PSC under the BWM Convention should remain a high priority output since the Convention was expected to meet the requirements of its entry into force in the near future.

Instructions to the working group

8.10 The Sub-Committee instructed the Working Group on Harmonization of port State control activities, the development of guidelines on port State control under the 2004 BWM Convention and the review of the Guidelines for inspection of anti-fouling systems on ships (see paragraph 6.20) to further develop the draft Guidelines on PSC under the 2004 BWM Convention, using annex 3 to document FSI 19/6 as a basis and excluding those parts related to ballast water sampling and analysis where further advice from the BLG Sub-Committee is needed, taking also into consideration document MEPC 61/INF.19 (Australia).

Report of the working group

8.11 Having considered the part of the report of the working group (FSI 19/WP.3) related to this agenda item, the Sub-Committee noted that due to the time constraints, the group had not been able to progress the development of draft Guidelines on PSC under the 2004 BWM Convention.

8.12 Consequently, the Sub-Committee initially instructed the Correspondence Group on the Harmonization of PSC activities to further develop the Guidelines on port State control under the 2004 BWM Convention, using annex 3 to document FSI 19/6 as a base document and excluding those parts related to ballast water sampling and analysis where further advice from the BLG Sub-Committee is needed, taking also into consideration document MEPC 61/INF.19 (Australia).

8.13 However, following the decision taken under agenda item 16 on biennial agenda, post-biennial agenda and provisional agenda for FSI 20 to reduce the number of correspondence groups which it had previously agreed to establish (see paragraph 16.7), the Sub-Committee agreed to consider the matter at its next session, taking into account the relevant outcome of BLG 16.

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

General

9.1 The Sub-Committee noted that the International Convention on the Control of Harmful Anti-Fouling Systems on Ships had been in force since 17 September 2008 and to date, the Convention had 49 Parties, representing 75.29 per cent of the gross tonnage of the world's merchant fleet.

9.2 The Sub-Committee recalled that FSI 18 had initiated its work on the revision of Guidelines for inspection of anti-fouling systems on ships and the Drafting Group on Harmonization of Port State Control Activities established at that session had prepared a draft of the revised Guidelines (FSI 18/WP.4, annex 4) by redrafting the existing guidelines developed by PSC regimes as contained in documents FSI 17/7/7 (Paris MoU) and FSI 18/INF.13 (Tokyo MoU).

Instructions to the working group

9.3 The Sub-Committee instructed the Working Group on Harmonization of port State control activities, the development of guidelines on port State control under the 2004 BWM Convention and the review of the Guidelines for inspection of anti-fouling systems on ships (see paragraph 6.20) to finalize the revision of the Guidelines for inspection of anti-fouling systems on ships, using annex 3 to document FSI 18/WP.4 as a basis and taking into

account the 2010 Guidelines for survey and certification of anti-fouling systems on ships, with a view to their adoption by MEPC 62.

Report of the working group

9.4 Having considered the part of the report of the working group (FSI 19/WP.3) related to this agenda item, the Sub-Committee approved the draft MEPC resolution on 2011 Guidelines for inspection of anti-fouling systems on ships, as set out in annex 4, for adoption by MEPC 62.

9.5 The Sub-Committee noted that the work on this item had been completed and requested the MEPC to delete this item from its agenda.

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

Availability of mandatory IMO instruments

10.1 The Sub-Committee considered document FSI 19/10 (Islamic Republic of Iran) proposing that updated copies of the instruments covered by the Voluntary IMO Member State Audit Scheme (VIMSAS) should be made available on the IMODOCS website with a limited access to the users, similar to the IMO meeting documents.

10.2 Having recalled that the same issue as raised by the Islamic Republic of Iran had already been considered by the Organization with serious repercussions on the funding of Technical Co-operation activities, the Sub-Committee agreed that it is not an appropriate body for the matter and that it should rather be raised at the level of the Council.

Submissions on national measures for implementation

10.3 The Sub-Committee recalled that FSI 18 had noted with appreciation the information provided by Member Governments on their national measures and achievements and progress made on flag State implementation, and had encouraged other Member States to share information on their national measures aimed at improving their performances. The Sub-Committee was informed about an activity implemented by the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) in the context of the SAFEMED II Project*, which is funded by the European Union, to support Member States' involvement in the work of the Sub-Committee, and had for its consideration the following documents:

- .1 FSI 19/10/1 (Syria), describing the action taken by the Syrian Arab Republic to comply with the Code for the implementation of mandatory IMO instruments, 2007 (resolution A.996(25), as amended) and providing information on the outcome of the national workshop on VIMSAS, held in Lattakia, Syria from 19 to 23 September 2010 under the SAFEMED II Project being implemented by REMPEC;
- .2 FSI 19/10/2 (Tunisia), providing information on the actions taken by the Tunisian Maritime Administration to prepare for the audit in accordance with the Framework and Procedures for VIMSAS;

* The Sub-Committee received a presentation on the SAFEMED II Project on Tuesday, 22 February 2011.

- .3 FSI 19/10/3 (Israel), providing information on the generic VIMSAS project model, in particular, the goals, mission and implementation of the Israeli Maritime Administration; and
4. FSI 19/10/4 (Panama), providing information on how the Republic of Panama has raised its fleet's safety and quality levels in the framework of the Paris MoU over the past three years.

10.4 Several delegations intervened to praise those Member States that had submitted valuable information on their experience and achievements at the national level towards enhanced performances and, in particular, Panama for the significant improvement of ships flying its flag. In this context, the delegations reported the benefit of the good relationship between port States and flag States and encouraged other Member States to follow such a positive path.

10.5 The delegations of Indonesia and Jamaica intervened to introduce Technical Co-operation activities from which they have recently benefitted, in particular, with regard to the preparation of audit under VIMSAS, and expressed appreciation to the Organization and the Authorities of Singapore and Hong Kong, China for their support.

10.6 The Sub-Committee noted the information provided and thanked the Syrian Arab Republic, Tunisia, Israel and Panama for providing this detailed information on their national measures and achievements and progress made on flag State implementation, in particular, on VIMSAS and the reduction of the PSC detention rates. The Sub-Committee encouraged other Member States to share information on their national measures aimed at improving their performances.

11 REVIEW OF THE SURVEY GUIDELINES UNDER THE HSSC

INCLUSION OF SURVEY AND CERTIFICATION PROVISIONS IN THE IMSBC CODE

11.1 The Sub-Committee was advised that DSC 15 had agreed that the development of a common survey and certification scheme was not necessary and that the existing system, using a Statement of Compliance, is sufficient.

UPDATING THE CIRCULAR REGARDING REVISED FORM OF SUPPLEMENT TO IAPP CERTIFICATE

11.2 The Sub-Committee was advised that MEPC 60, while agreeing to amendments to appendix 1 of the revised MARPOL Annex VI (Revised form of supplement of the International Air Pollution Prevention Certificate (IAPP)), had approved MEPC.1/Circ.718 on the Revised form of supplement to the IAPP Certificate. In paragraph 4, the circular states "Member Governments are invited to use the revised form of Supplement to the IAPP Certificate at the earliest possible opportunity when issuing the Supplement in accordance with the revised MARPOL Annex VI".

11.3 The Sub-Committee was further advised that MEPC 61 had understood, in the context of MSC-MEPC.5/Circ.6 on Guidance on the timing of replacement of existing certificates by the certificates issued after the entry into force of amendments to certificates in IMO instruments, that the phrase "at the earliest possible opportunity" in circular MEPC.1/Circ.718 meant "when the first inspection would be due" rather than "immediately". Consequently, MEPC 61 had requested the Sub-Committee to update MEPC.1/Circ.718 accordingly.

11.4 The observer from IACS explained that, when updating MEPC.1/Circ.718, it would be more correct to replace "at the earliest possible opportunity", by "in accordance with MSC-MEPC.5/Circ.6, as appropriate". The Sub-Committee agreed to instruct the drafting group to be established (see paragraph 11.14) to update MEPC.1/Circ.718 accordingly.

11.5 The delegation of China drew the attention of the Sub-Committee to a perceived problem that may arise with newbuildings in connection with the use of the supplement to the IAPP Certificate. When the IAPP Certificate is issued for the first time to a newbuilding, the ship has not received any bunkers and consequently is not in possession of the relevant bunker delivery notes that are required as documentary evidence for the appropriate tick boxes of the supplement to the IAPP Certificate. Therefore, for the supplement of the IAPP of a newbuilding, either the tick boxes are not ticked, or if ticked the ship does not have the required documentary evidence (bunker delivery notes) and it was suggested that in either case the ship might subsequently face problems with PSC.

11.6 Following discussion, the Sub-Committee noted that possible means for addressing the perceived problem included the development of a Unified Interpretation or an MEPC circular, or even amending again the supplement to the IAPP Certificate. The Sub-Committee agreed to bring these views to the attention of the MEPC for action as appropriate.

APPLICATION OF AMENDMENTS TO SOLAS CHAPTER III AND THE LSA CODE

11.7 The Sub-Committee was advised that DE 54, while considering documents DE 54/6 (Secretariat) and DE 54/6/1 (United Kingdom) had supported both documents in principle and had agreed that further clarifications of all the issues involved were needed, in particular concerning replacement/substitution of life-saving appliance (LSA); provisions of accessories for oversized lifejackets; carriage of infant lifejackets on all passenger ships; application of amendments to the International Life-Saving Appliance (LSA) Code to new and existing ships; alignment of amendments to the LSA Code with amendments to the Revised recommendation on testing of LSA; and practical problems with using the date of installation of LSA on board ships. DE 54, in view of the ongoing work of the Sub-Committee on the matter, had agreed that the two documents and the comments made in plenary should be referred to this session of the Sub-Committee for further consideration.

11.8 The Sub-Committee considered document FSI 19/11/3 (IACS), in which IACS had concerns regarding the proposal in document DE 54/6 that application of the amendments to the LSA Code should be based on the date of equipment installation, and provides a proposal to address these concerns by means of an interpretation.

11.9 Following the consideration of the matter during which opposed views were expressed, in particular, regarding the time difference which may exist between the time of purchase and the time of installation of LSA, the Sub-Committee instructed the drafting group to be established to prepare draft terms of reference for further consideration by correspondence of this issue.

AMENDMENTS TO RESOLUTION A.997(25)

11.10 The Sub-Committee considered document FSI 19/11 (Secretariat), prepared in co-operation with Mr. J.-F. Fauduet (France), the Chairman of the FSI 18 Working Group on the Review of the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) and the Code for the implementation of IMO mandatory instruments. Annex 1 to the document contains a draft Assembly resolution on the Survey Guidelines under the HSSC, 2011, which would revoke resolutions A.997(25) and A.1020(26). Annex 2 to the document contains the draft amendments to the Survey Guidelines deriving

from the amendments to mandatory instruments that entered into force up to and including 31 December 2010 to which FSI 18 had agreed. Annex 2 also contains the draft amendments which the Secretariat further developed, mainly using those amendments to mandatory instruments that were expected to enter into force between 1 January 2011 and 31 December 2011. The Secretariat listed in annex 3 those amendments to the mandatory instruments which have not been dealt with so far and which are left for further development of draft amendments to the Survey Guidelines.

11.11 In this context, the Sub-Committee requested the Secretariat, based on the draft amendments to the Survey Guidelines to be finalized at this session, to prepare the consolidated text of the draft Revised Survey Guidelines, as an annex to the Sub-Committee report for consideration by MSC 89 and MEPC 62 prior to submission to the Assembly at its twenty-seventh session for adoption, as a consolidated Assembly resolution.

11.12 The Sub-Committee also considered documents FSI 19/11/1 and FSI 19/INF.13, by the Secretariat containing lists of new and outstanding requirements which were adopted since the last session together with references to other potentially relevant instruments in context of the Sub-Committee's work on continuous review of the Survey Guidelines under the HSSC and on the harmonization of PSC activities.

11.13 The Sub-Committee referred the detailed consideration of document FSI 19/11, together with documents FSI 17/11, FSI 17/INF.9, FSI 18/INF.15, FSI 18/12/2 and FSI 19/INF.13, which contain lists of requirements under mandatory instruments, to the drafting group to be established.

ESTABLISHMENT OF THE DRAFTING GROUP

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

- .1 update MEPC.1/Circ.718;
- .2 finalize draft amendments to the Survey Guidelines under the HSSC, 2009 (resolution A.997(25), as amended by resolution A.1020(26)), together with the text of the draft Assembly resolution, using document FSI 19/11, as a basis, and taking into account information of the lists of requirements contained in documents FSI 17/11, FSI 17/INF.9, FSI 18/INF.15, FSI 18/12/2 and FSI 19/INF.13, for approval by MSC 89 and MEPC 62, prior to submission to the Assembly at its twenty-seventh session with a view to adoption, as a consolidated Assembly resolution;
- .3 finalize the list of amendments to mandatory instruments not yet included in the Survey Guidelines contained in annex 3 to document FSI 19/11, taking into account the information of the lists of requirements mentioned in paragraph .2, with a view to maintaining the status of the mandatory items for future amendments to the Survey Guidelines; and
- .4 advise on the re-establishment of a correspondence group to work on review of the Survey Guidelines under the HSSC and prepare draft terms of reference, including the issue regarding the application of the proposed amendments to the LSA Code, as appropriate.

REPORT OF THE DRAFTING GROUP

11.15 Having considered the report of the drafting group (FSI 19/WP.5), the Sub-Committee took the decisions reflected in the following paragraphs.

Revised form of supplement to IAPP Certificate

11.16 The Sub-Committee, taking into account the outcome of MEPC 61, agreed to the text of a draft MEPC circular on the Revised form of supplement to international air pollution prevention certificate, to amend MEPC.1/Circ.718, as set out in annex 5, for consideration by MEPC 62 for approval.

Application of amendments to the LSA Code

11.17 The Sub-Committee, taking into account the outcomes of DE 54 and MSC 88, noted annex 2 to document DE 54/6 (Secretariat) and document FSI 19/11/3 (IACS) and agreed that the matter be considered intersessionally under the terms of reference of the correspondence group to be established (see paragraph 11.22).

Amendments to resolution A.997(25)

11.18 The Sub-Committee agreed that the survey and inspection related to alternative design and arrangements contained in SOLAS regulations II-1/55, II-2/17 and III/38 need further consideration by the correspondence group to be established.

11.19 The Sub-Committee agreed to the draft amendments to the Survey Guidelines, together with the text of a draft Assembly resolution and authorized the Secretariat, when preparing the consolidated text of the draft Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2011, as set out in annex 6, to effect any editorial corrections that may be identified and to renumber paragraphs, for consideration and approval by MSC 89 and MEPC 62, prior to submission to the Assembly at its twenty-seventh session for adoption.

11.20 The Sub-Committee noted the list of amendments to mandatory instruments not yet included in the Survey Guidelines, as set out in annex 4 to document FSI 19/WP.5, with a view to maintaining the status of the mandatory items for future amendments to the Survey Guidelines.

Re-establishment of the correspondence group

11.21 The Sub-Committee agreed that the Correspondence Group* on the Review of the Survey Guidelines under the HSSC and the annexes to the Code for the implementation of mandatory IMO instruments be re-established, taking into account the following:

*

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- .1 the need for continuously updating the Survey Guidelines under the HSSC and the annexes to the Code for the implementation of mandatory IMO instruments, as relevant IMO Conventions and codes are subject to regular amendments;
- .2 the entry into force of the BWM Convention;
- .3 the importance of ensuring consistency worldwide; and
- .4 facilitating the contributions from experts in the subject matter.

11.22 The Sub-Committee, therefore, agreed to the following terms of reference:

- .1 consider the proposed amendment to the LSA Code contained in annex 2 to document DE 54/6 (Secretariat) with a view to evaluating its implication, and the aim of bringing a pragmatic recommendation, taking into account, *inter alia*,
 - .1 concerns mentioned in paragraph 4 of document FSI 19/11/3 (IACS);
 - .2 views expressed in the plenary of FSI 19; and
 - .3 existing interpretations and guidelines addressing equipment specified by IMO instruments;
- .2 consider possible pragmatic ways or measures for survey and inspection of the alternative design and arrangements contained in SOLAS regulations II-1/55, II-2/17 and III/38;
- .3 identify amendments to IMO instruments which affect the Survey Guidelines under the HSSC, using as a basis, annex 4 to document FSI 19/WP.5;
- .4 develop amendments to the Survey Guidelines under the HSSC, on the basis of the draft consolidated text of the Survey Guidelines under the HSSC, 2011 (annex 6); and
- .5 submit a report to FSI 20.

11.23 The Sub-Committee concurred with the group's expression of its deep appreciation to Mr. J.-F. Fauduet (France) for his contributions to IMO over many years, particularly, during the past six years as the Chairman of the working/drafting group and the Coordinator of the correspondence group.

12 CONSIDERATION OF IACS UNIFIED INTERPRETATIONS

12.1 The Sub-Committee was advised that MSC 88, having noted the Sub-Committee's view that document FSI 18/13, containing the IACS unified interpretations relating to the implementation of resolution A.997(25), as amended, with regard to initial statutory surveys, is a very valuable document intended for IACS' own use, at both stages of drawings review and initial on site survey, had invited Member Governments to note the document while encouraging IACS to keep it up to date.

12.2 The Sub-Committee was also advised that no documents were submitted under this agenda item at this session.

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

FURTHER DEVELOPMENT OF THE VOLUNTARY IMO MEMBER STATE AUDIT SCHEME

13.1 The Sub-Committee recalled that FSI 18 had agreed on the sequence of the work of the Sub-Committee to meet the 2015 deadline for making the audit scheme mandatory.

13.2 The Sub-Committee considered the relevant part of the report of the Correspondence Group on the Development of Code for Recognized Organizations and making the Code for implementation of mandatory IMO instruments and the auditing mandatory (FSI 19/13/1) containing the draft revised Code for the implementation of mandatory IMO instruments (Code for implementation) based on the areas specified in the terms of reference.

13.3 The Sub-Committee also considered documents FSI 19/13/4 (United States), FSI 19/13/6 (China), FSI 19/13/7 (China) containing draft amendments to the mandatory IMO instruments concerned and proposals for the revision of the Code for implementation, as well as documents FSI 19/2, FSI 19/13/3 and FSI 19/13/8, by the Secretariat, providing information on the related outcome of MEPC 61, MSC 88 and STW 42.

13.4 The Sub-Committee also considered document FSI 19/13/5 (Japan) recommending that the Organization should pursue the establishment of a more cost-effective and more continuous audit scheme instead of just making the current audit scheme mandatory and consider Continuous Monitoring Approach (CMA) which is under consideration by ICAO while drawing the Sub-Committee's attention to the importance of the close coordination between the Sub-Committee and the Joint Working Group on the Member State Audit Scheme (JWGMSA) in considering amendments to mandatory IMO instruments.

13.5 The Sub-Committee further considered proposals by the delegation of the United States to amend both the Code for implementation and the Code for recognized organizations (RO Code) in providing definitions to preserve the sovereignty of flag States in their delegation of authority to recognized organizations and the quality in the content of such delegations.

13.6 After a lengthy debate on the procedural aspects of the above-mentioned proposals by the United States, the Sub-Committee agreed to refer them to the working group to be established (see paragraph 13.8) for consideration in the context of both instruments only after other issues raised in the documents submitted at this session have been addressed and insertion into the two instruments, as appropriate.

13.7 In this context, the delegation of the Cook Islands stated that what should be a relatively smooth process has been made unnecessarily complex when the issue is actually rather simple. In fully respecting the sovereign rights of Member States, there should be no issue, in the Sub-Committee's deliberations on the Code for implementation and the RO Code, with respect to mutual recognition concerning how these codes require flag States to instruct, regulate, control and monitor their ROs and the work they provide on ships flying their flag.

Establishment of the working group

13.8 The Sub-Committee agreed to establish the Working Group on the Development of the Code for Recognized Organizations and making the Code for implementation of mandatory IMO instruments and the auditing mandatory and instructed it, taking account the relevant decisions and comments made in plenary, with a view to reporting to MSC 89 and MEPC 62, to:

- .1 progress the review of the Code for implementation;
- .2 develop draft amendments to the 1966 Load Lines Convention, 1988 Load Lines Protocol, 1974 SOLAS Convention, 1988 SOLAS Protocol, each annex of MARPOL, 1969 Tonnage Convention and COLREG, taking into account documents FSI 18/WP.3, FSI 19/2, FSI 19/13/3, FSI 19/13/4, FSI 19/13/5, FSI 19/13/6 and FSI 19/13/7; and
- .3 advise on the possible referral of intersessional work on making the Code for implementation to the correspondence group that might be established under item 14 together with draft terms of reference as appropriate.

Report of the working group

13.9 Having considered the relevant part of the report of the working group (FSI 19/WP.4) containing a detailed description of the proposed amendments to the draft Code for implementation, the Sub-Committee took the decisions reflected in the following paragraphs.

Review of the Code for the implementation of mandatory IMO instruments

13.10 The Sub-Committee agreed to the draft revised Code for implementation proposed to be renamed as "IMO Instruments Implementation Code" (IIIC) as the new title for the Code for implementation in its mandatory form, as set out in annex 7, for consideration and approval by the MSC and the MEPC, for submission to the Assembly at an appropriate session, for adoption.

Development of draft amendments to mandatory IMO instruments

13.11 The Sub-Committee noted the following considerations for the process of making the IMO Instruments Implementation Code and auditing mandatory and rationale thereof:

- .1 the IMO Instruments Implementation Code should be adopted by the Organization by means of an Assembly resolution;
- .2 the IMO Instruments Implementation Code will be made mandatory by direct referencing of the resolution in the various mandatory instruments, as well as specific provisions for its application and auditing of its provisions and the treaty concerned; and
- .3 the IMO Instruments Implementation Code will be "frozen" in each applicable instrument and that future amendments to it will be adopted through an Assembly resolution and the consequential amendment will be done to the respective mandatory instruments with respect to the previous reference to the IMO Instruments Implementation Code to update the new resolution number.

13.12 The Sub-Committee noted the draft preliminary texts (FSI 19/WP.4, annex 2), which should form the basis for the development of draft amendments to mandatory instruments to be considered in detail at FSI 20. The Sub-Committee invited comments and proposals on the draft text of amendments to make the IMO Instruments Implementation Code and auditing mandatory to be submitted to its next session.

Intersessional work

13.13 The Sub-Committee noted the recommendation of the group that there was no need for intersessional work to be carried out with regard to the review of the IMO Instruments Implementation Code and draft amendments to make the IMO Instruments Implementation Code and auditing mandatory.

REVIEW OF THE CONSOLIDATED AUDIT SUMMARY REPORTS

13.14 The Sub-Committee noted that the Council, at its 105th session, had requested the MSC and the MEPC to consider the fourth consolidated audit summary report (C 105/6/1) and advise the Council, in due course, of the outcome of their consideration.

AMENDMENTS TO RESOLUTION A.996(25)

13.15 The Sub-Committee considered document FSI 19/13 (Secretariat), prepared in co-operation with the Chairman of the FSI 18 Working Group on the Review of the Survey Guidelines under the HSSC and the Code for the implementation of IMO mandatory instruments. Annex 1 to document FSI 19/13 contains a draft Assembly resolution on the Code for the implementation of mandatory IMO instruments, 2011, which would revoke resolutions A.996(25) and A.1019(26). Annex 2 contains the draft amendments to the Code for implementation deriving from the amendments to mandatory instruments that entered into force up to and including 1 January 2011 to which FSI 18 had agreed. Annex 2 also contains the draft amendments to the Code for implementation which the Secretariat further developed, mainly using those amendments to mandatory instruments, including the Manila Amendments to the annex to the STCW Convention and the Manila Amendments to the STCW Code, that were expected to enter into force between 1 January 2011 and 1 July 2012. The Secretariat listed in annex 3 those amendments which have not been dealt with so far and which are left for further development of draft amendments to the Code for implementation.

13.16 In this context, the Sub-Committee agreed that, based on the draft amendments to the Code for implementation to be finalized at this session, the Secretariat be ultimately requested to prepare the consolidated text of the draft Revised Code for implementation, as an annex to the Sub-Committee's report for consideration by MSC 89 and MEPC 62 prior to, through the Council at its twenty-sixth extraordinary session, submission to the Assembly at its twenty-seventh session with a view to adoption, as a consolidated Assembly resolution.

13.17 The Sub-Committee also considered documents FSI 19/13/2 and FSI 19/INF.14, by the Secretariat, containing a list of amendments to mandatory instruments, adopted since the last session of the Sub-Committee, which might be relevant to the development of amendments to the Code for Implementation, as well as providing information on the outcome of MSC 88, *inter alia*, regarding procedures of any expansion or reduction of the scope to the Code for implementation.

REFERRAL TO THE DRAFTING GROUP

13.18 The Sub-Committee agreed to refer the detailed consideration of document FSI 19/13, together with documents FSI 16/INF.4, FSI 17/INF.10, FSI 18/14/1, FSI 18/12/2 and FSI 19/INF.14, which contain lists of relevant amendments to mandatory instruments, to the Drafting Group on the Review of the Survey Guidelines under the HSSC and the Code for the Implementation of Mandatory IMO Instruments, which had been established under agenda item 11 (see paragraph 11.14), under the following terms of reference:

- .1 finalize draft amendments to the Code for the implementation of mandatory IMO instruments, 2009 (resolution A.996(25), as amended by resolution A.1019(26)), together with the text of the draft Assembly resolution, using document FSI 19/13, as a basis, and taking into account information of the lists of requirements contained in documents FSI 16/INF.4, FSI 17/INF.10, FSI 18/14/1, FSI 18/12/2 and FSI 19/INF.14, for approval by MSC 89 and MEPC 62, prior to, through the Council at its twenty-sixth extraordinary session, submission to the Assembly at its twenty-seventh session with a view to adoption, as a consolidated Assembly resolution;
- .2 finalize the list of amendments to mandatory instruments not yet included in the Code contained in annex 3 to document FSI 19/13, taking into account the information of the lists of requirements mentioned in subparagraph .1, with a view to maintaining the status of the mandatory items for future amendments to the Code for implementation; and
- .3 advise on the re-establishment of a correspondence group to work on review of the Code for implementation and prepare draft terms of reference as appropriate.

Report of the drafting group

13.19 Having considered the relevant part of the report of the drafting group (FSI 19/WP.5), the Sub-Committee took the decisions reflected in the following paragraphs.

13.20 The Sub-Committee agreed to the draft amendments to the Code for implementation, together with the text of a draft Assembly resolution and authorized the Secretariat, when preparing the consolidated text of the draft Code for the implementation of mandatory IMO instruments, 2011, as set out in annex 8, to effect any editorial corrections that may be identified, for consideration and approval by MSC 89 and MEPC 62, prior to, through the Council at its twenty-sixth extraordinary session, submission to the Assembly at its twenty-seventh session for consideration with a view to adoption.

13.21 The Sub-Committee noted the list of amendments to mandatory instruments not yet included in the Code for implementation, as set out in annex 7 to document FSI 19/WP.5, with a view to maintaining the status of the mandatory items for future amendments to the Code for implementation.

13.22 The Sub-Committee agreed to instruct to the Correspondence Group on the Review of the Survey Guidelines under the HSSC and the annexes to the Code for the implementation of mandatory IMO instruments which it had re-established under item 11 (see paragraph 11.22) to:

- .1 identify amendments to IMO instruments which affect the Code for implementation, using as a basis, annex 7 to document FSI 19/WP.5, taking into account the decisions made by the Committees; and
- .2 develop amendments to the annexes to the Code for Implementation, on the basis of the draft consolidated text of the Code for the implementation of mandatory IMO instruments, 2011 (annex 8).

14 DEVELOPMENT OF A CODE FOR RECOGNIZED ORGANIZATIONS

14.1 The Sub-Committee considered document FSI 19/14 (United States) on the relevant part of the report of the Correspondence Group on the Development of a Code for Recognized Organizations and making the Code for implementation of mandatory IMO instruments and the auditing mandatory containing the draft RO Code progressed using the roadmap format provided in the terms of reference.

14.2 The Sub-Committee also considered documents FSI 19/14/1 (IACS) and FSI 19/14/2 (China), containing comments on the draft RO Code, as developed by the correspondence group.

Referral to the working group

14.3 The Sub-Committee agreed to refer the detailed consideration of documents FSI 19/14, FSI 19/14/1 and FSI 19/14/2 to the Working Group on the Development of a Code for Recognized Organizations and making the Code for implementation of mandatory IMO instruments and the auditing mandatory which it had established under agenda item 13 (see paragraph 13.8) under the following terms of reference, taking into account the relevant decisions and comments made in plenary (see also paragraphs 13.5 to 13.7):

- .1 further develop the draft RO Code on the basis of the report of the correspondence group (FSI 19/14), taking into account documents FSI 19/14/1 and FSI 19/14/2; and
- .2 consider whether it is necessary to re-establish the correspondence group and, if so, prepare terms of reference for consideration by the Sub-Committee.

Report of the working group

14.4 Having considered the relevant part of the report of the working group (FSI 19/WP.4), the Sub-Committee took decisions as reflected in the following paragraphs.

Target completion date

14.5 The Sub-Committee agreed to request the MSC and the MEPC to extend the target completion date of the output on the development of a RO Code to the year 2012.

Nature of the RO Code

14.6 The Sub-Committee requested the Secretariat to prepare the draft text of a relevant instrument to adopt the RO Code, as appropriate, and draft amendments to existing instruments to make the RO Code mandatory on the basis of the following proposed sequence of events:

- .1 the RO Code should be made mandatory under the 1974 SOLAS Convention, the MARPOL Convention and the 1988 Load Lines Protocol, by amending mandatory provisions referring to resolutions A.739(18) and A.789(19), under the tacit acceptance procedure;
- .2 references to resolutions A.739(18) and A.789(19) in all relevant instruments and footnotes should also be amended;

- .3 the RO Code could be adopted by means of an MSC-MEPC resolution, as appropriate;
- .4 resolutions A.739(18) and A.789(19) should be revoked after the RO Code enters into force and appropriate adjustment made to the various mandatory instruments.

14.7 The Sub-Committee agreed to its future consideration of the time period between the adoption of the RO Code and the entry into force of the regulations mandating the RO Code to allow for Administrations to complete the assessments of their ROs.

Copyrights and ISO standards

14.8 The Sub-Committee requested the Secretariat to verify with ISO the use of texts derived from various ISO standards to develop the draft RO Code, on the issue of copyrights.

Proposals

14.9 The Sub-Committee, having agreed on the principle of the proposal contained in document FSI 19/14/2 (China), also agreed to forward the draft text¹ proposed by the United States and shown in square brackets in the draft RO Code (FSI 19/WP.4, annex 3) to MSC 89 and MEPC 62 for consideration and decision, as appropriate.

Establishment of a correspondence group

14.10 The Sub-Committee agreed to establish the Correspondence Group* on the Development of a Code for Recognized Organizations, and instructed it, taking into account any relevant outcome of MSC 89 and MEPC 62, to:

- .1 progress the review of the RO Code, based on the report of the working group (FSI 19/WP.4), in particular to:
 - .1 review the text in Part I for consistency and harmonization of the language and transfer paragraph 6.6.3 from Part I to Part II;
 - .2 review the appendices to Part I;
 - .3 define and consider the use of the term "statutory certification and services" throughout the RO Code;
 - .4 consider the inclusion of the proposals contained in documents FSI 19/14/1 (IACS) and FSI 19/14/2 (China); and
 - .5 include MSC/Circ.710–MEPC/Circ.307 (Model agreement for the authorization of ROs acting on behalf of the Administration), MSC/Circ.1010–MEPC/Circ.382 (Communication of information on the authorization of ROs) and MSC-MEPC.5/Circ.2 (Guidelines for

¹ See paragraphs 13.5 to 13.7.

*

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Administrations to ensure the adequacy of transfer of class-related matters between ROs) as non-mandatory provisions, as appropriate; and

- .2 submit a report to FSI 20.

15 MEASURES TO PROTECT THE SAFETY OF PERSONS RESCUED AT SEA

15.1 The Sub-Committee recalled that COMSAR 14 had concluded that the Secretariat would conduct urgent consultations among interested parties in order to:

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

15.2 The Sub-Committee also recalled that FSI 18, having noted that the Secretariat had taken the matter forward with a group of interested parties including Italy, Malta and Spain, for informal consultations, in the consideration of the primary concern of IMO for the integrity of the search and rescue and, consequentially, the safety of life at sea regime, had agreed to consider the matter further at its next session, as appropriate and extend target completion date to 2011.

15.3 The Sub-Committee noted that FAL 36 had agreed that the problems were in reality the disembarkation of large numbers of persons rescued at sea who turn out to be undocumented migrants or asylum seekers after being transported/trafficked and that the 2005 Amendments to the Annex to the FAL Convention which introduced the words "persons rescued at sea" in section 2H Standard 2.20 had not focussed on the actual crux of the matter and were clearly insufficient to enable effective disembarkation of such persons, bearing in mind the complexity of the problem.

15.4 The Sub-Committee was advised that FAL 36 had invited Contracting Governments to the FAL Convention to consider the matter intersessionally and submit proposals and comments to FAL 37 as to if and how the FAL Convention could be strengthened in this regard especially in the context of the review of the Convention.

15.5 The Sub-Committee noted that MSC 88 had approved the biennial agendas of COMSAR and FSI Sub-Committees with extended target completion date for "measures to protect the safety of persons rescued at sea" to 2011 and agreed to consider this item as one of the urgent matters emanating from FSI 19 for consideration by MSC 89.

15.6 The Sub-Committee agreed to await the outcome of COMSAR 15 and FAL 37 before considering the matter further and invited MSC 89 to extend the current target completion date to 2012 and to include this output as an accepted output for the next biennium.

15.7 The delegation of Malta intervened to inform the Sub-Committee that the above-mentioned informal consultations have started in a very cordial atmosphere and that it was too early to provide further details on their outcome.

16 BIENNIAL AGENDA AND PROVISIONAL AGENDA FOR FSI 20

REVIEW OF WORK PROGRAMME AND AGENDA

General

16.1 The Sub-Committee recalled that, at its last session, it was informed that the Assembly had requested the Committees to review and revise, during the current biennium, their respective Guidelines on the organization and method of work (Committees' Guidelines), with a view to bringing them in line with the Council's Guidelines on the application of the Strategic Plan and the High-level Action Plan, as adopted by resolution A.1013(26).

16.2 The Sub-Committee also recalled that, in pursuance of the above request, MSC 87 had prepared a draft revision of the Committees' Guidelines, which was endorsed at MEPC 61, taking into account the provisions of the Migration Plan prepared by the Council. MSC 88, having agreed to additional revisions, had requested the Secretariat to prepare a consolidated version of the draft revised Guidelines, for consideration by MSC 89 with a view to approval.

16.3 The Sub-Committee further recalled that, to facilitate the transition, MSC 87 had instructed the subsidiary bodies to prepare their respective biennial agendas for the next biennium at their forthcoming sessions, in accordance with the draft revised Guidelines, taking into account that:

- .1 outputs selected for the biennial agenda should be phrased in SMART (specific, measurable, achievable, realistic and time-bound) terms; and
- .2 where the target completion year for a specific output goes beyond the 2012-2013 biennium, an interim output should be placed in the biennial agenda with a target completion year of 2012 or 2013, as appropriate, and a related output should be placed in the Committee's post-biennial agenda with the anticipated completion year,

and requested the Secretariat, in consultation with the Chairman, to prepare the initial proposals for consideration by the sub-committees accordingly.

Biennial agenda, post-biennial agenda and provisional agenda for FSI 20

16.4 Taking into account the progress made during this session, the decisions of MEPC 61 and MSC 88 and the provisions of the Guidelines on the organization and method of work (MSC–MEPC.1/Circ.2, as amended), the Sub-Committee prepared its draft biennial agenda for the 2012-2013 biennium in SMART terms, including proposed outputs for the Committee's post-biennial agenda under the purview of the Sub-Committee, and the provisional agenda for FSI 20 (FSI 19/WP.6), based on the biennial agenda approved by MSC 88 (MSC 88/26/Add.1, annex 20), as set out in annexes 9 and 10, respectively, for consideration by MSC 89 and MEPC 62.

16.5 The Sub-Committee, having considered annex 5 to document FSI 19/WP.6 containing the list of correspondence groups established by all IMO bodies at their last sessions, recommended to the Committees to consider how best this list could be maintained for consideration by the most appropriate IMO body and decide as deemed appropriate.

16.6 Having considered the merits of allowing working and drafting groups to start their work prior to consideration of their relevant items in plenary for maximizing efficiency, the Sub-Committee requested the Secretariat to prepare similar arrangements at future sessions as much as practicable.

ARRANGEMENTS FOR THE NEXT SESSION

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

- .1 casualty statistics and investigations;
- .2 review of the Survey Guidelines under the HSSC and the annexes to the Code for the Implementation of Mandatory IMO instruments; and
- .3 development of a Code for Recognized Organizations.

16.8 The Sub-Committee provisionally agreed to establish working/drafting groups at FSI 20 on the following subjects:

- .1 casualty statistics and investigations;
- .2 review of the Survey Guidelines under the HSSC and the annexes to the Code for the Implementation of Mandatory IMO instruments;
- .3 Code for Recognized Organizations and making the Code for implementation of IMO mandatory instruments and the auditing mandatory; and
- .4 harmonization of port State control activities and development of guidelines on port State control under the 2004 BWM Convention.

Status of planned outputs for the 2010-2011 biennium

16.9 The Sub-Committee prepared the report on the status of planned outputs of the High-level Action Plan of the Organization and priorities for the 2010-2011 biennium relevant to the Sub-Committee, set out in annex 11, and invited the Committees to note the status.

DATE OF THE NEXT SESSION

16.10 The Sub-Committee noted that its nineteenth session has been tentatively scheduled to take place from 26 to 30 March 2012 at the Headquarters of IMO.

17 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2012

17.1 The Sub-Committee unanimously re-elected Capt. Dwain Hutchinson (Bahamas) as Chairman, and Ms. Julie Gascon (Canada) as Vice-Chairman, for 2012.

18 ANY OTHER BUSINESS

Global Integrated Shipping Information System (GISIS)

18.1 While recalling that the Assembly, at its twenty-sixth session, had adopted resolution A.1029(26) on the Global Integrated Shipping Information System (GISIS), the Sub-Committee noted the information contained in document FSI 19/18 (Secretariat) whereby GISIS presently consists of sixteen modules, with a further eight under

development, for the collection, processing and sharing of shipping-related data in order to assist Member States and the Secretariat in carrying out their respective and complementary duties, generate reports and provide information about shipping to the public.

18.2 With regard to the potential fulfilment of reporting requirements through GISIS, the Sub-Committee noted that further consideration on this matter is scheduled to take place at FSI 20.

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

18.4 Following the interventions by the delegations of France and the Netherlands, the Sub-Committee requested the Secretariat to develop an online GISIS user manual, to consider the removal of existing restrictions applying to the number of queries to be made by IMO Members in the module on ship identification and to harmonize the information contained in the module on simulators with the IMO Compendium of Maritime Training Institutes (CMTI).

Expressions of appreciation

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

Mr. Jean-François Fauduet (France) (on retirement);
Mr. Santiago Villalba (Argentina) (returning home);
Mr. George M. Arku (Liberia) (returning home);
Mr. Denis Compton (United States) (on retirement);
Dr. Peter Swift (INTERTANKO) (on retirement);
Mr. John Bainbridge (ITF) (on retirement);
Mr. Miguel Palomares (on retirement);
Mr. Javier Llorens (on retirement); and
Mr. Malamine Thiam (on retirement).

19 ACTION REQUESTED OF THE COMMITTEES

19.1 The Maritime Safety Committee, at its eighty-ninth session, is invited to:

- .1 note the discussions which took place at FSI 19 on piracy-related matters (paragraphs 1.6 to 1.14);
- .2 note the recommendation of the Sub-Committee to include winches in the spectrum of its consideration of document MSC 89/22/12 (Chile *et al.*) in view of the very serious and serious incidents reports which have been analysed (**Blest Marine**, C0007807, and **Creciente**, C0006716) (paragraph 5.21);
- .3 approve the inclusion of the draft Guidelines for PSC officers related to LRIT as appendix 9 of the draft Revised PSC procedures (paragraph 6.23);
- .4 approve the expansion of the guidance on initial inspection in the draft Revised PSC procedures to include pilot transfer arrangements (paragraph 6.24);

-
- .5 approve the draft MSC.1 circular on Safety of pilot transfer arrangements (paragraph 6.25 and annex 2);
 - .6 approve, subject to MEPC's concurrent decision, the draft Revised Procedures for Port State Control and the associated draft Assembly resolution, for submission to the Assembly at its twenty-seventh session for adoption (paragraph 6.29 and annex 3);
 - .7 approve, subject to MEPC's concurrent decision, the further development of the Guidelines for port State control officers related to the ISM Code in co-operation with the Joint MSC/MEPC Working Group on the Human Element, as appropriate (paragraph 6.32);
 - .8 endorse the request to the Secretariat to call the attention of the DE Working Group on Lifeboat Release Hooks, DE 55 and STW 43 on the findings of the concentrated inspection campaigns on lifeboat launching arrangements which are substantiated in documents FSI 19/INF.7 and FSI 19/INF.9 (paragraph 6.42);
 - .9 approve, subject to MEPC's concurrent decision, the draft Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2011, as consolidated by the Secretariat, and the associated draft Assembly resolution for submission to the Assembly at its twenty-seventh session for adoption (paragraph 11.19 and annex 6);
 - .10 approve, subject to MEPC's concurrent decision, the draft revised Code for the implementation of mandatory IMO instruments in its mandatory form, proposed to be renamed as "IMO Instruments Implementation Code" (IIIC) as the new title for the Code for implementation, for submission to the Assembly at an appropriate session, for adoption (paragraph 13.10 and annex 7);
 - .11 note the considerations for the process of making the IMO Instruments Implementation Code and auditing mandatory and rationale thereof (paragraph 13.11);
 - .12 approve, subject to MEPC's concurrent decision, the draft Code for the implementation of mandatory IMO instruments, 2011, as consolidated by the Secretariat, and the associated draft Assembly resolution for submission, through the Council at its twenty-sixth extraordinary session, to the Assembly at its twenty-seventh session for adoption (paragraph 13.20 and annex 8);
 - .13 extend, subject to MEPC's concurrent decision, the target completion date of the output on the development of a Code for Recognized Organizations (RO Code) to the year 2012 in order to finalize the RO Code (paragraph 14.5);
 - .14 note the request to the Secretariat to prepare the draft text of a relevant instrument to adopt the Code for Recognized Organizations (RO Code) and draft amendments to existing instruments to make the RO Code mandatory, and the future consideration of the time period between the adoption of the RO Code and the entry into force of the regulations mandating the RO Code (paragraphs 14.6 and 14.7);

- .15 consider the draft text shown in square brackets in the draft Code for Recognized Organizations (RO Code) and decide, as appropriate, subject to MEPC's concurrent decision (paragraph 14.9 and FSI 19/WP.4, annex 3);
- .16 note the Sub-Committee's decision to await the outcome of COMSAR 15 and FAL 37 before considering further the measures to protect the safety of persons rescued at sea, and agree to extend the current target completion date to 2012, and, to include this output as an accepted output for the next biennium (paragraph 15.6);
- .17 approve the Sub-Committee's draft biennial agenda and provisional agenda for FSI 20 (paragraph 16.4 and annexes 9 and 10); and
- .18 note the status of planned outputs of the High-level Action Plan of the Organization and priorities for the 2010-2011 biennium relevant to the Sub-Committee (paragraph 16.9 and annex 11).

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

- .1 note that mandatory reports required under MARPOL were submitted by just over one quarter of the Parties for 2009, and urge all Parties to MARPOL to submit mandatory reports in accordance with MEPC/Circ.318 (paragraphs 4.6 to 4.8);
- .2 endorse the actions taken to improve the GISIS module on port reception facilities, including the improvements that the Secretariat had implemented, or was in the process of implementing, and the additional functionality that the Sub-Committee had requested the Secretariat to develop (paragraphs 4.10.1, 4.10.3, 4.10.4, 4.10.5, 4.10.7 and 4.10.8);
- .3 approve, subject to MSC's concurrent decision, the draft Revised Procedures for Port State Control and the associated draft Assembly resolution, for submission to the Assembly at its twenty-seventh session for adoption (paragraph 6.29 and annex 3);
- .4 approve, subject to MSC's concurrent decision, the further development of the Guidelines for port State control officers related to the ISM Code in co-operation with the Joint MSC/MEPC Working Group on the Human Element, as appropriate (paragraph 6.32);
- .5 note the decision on further development of the Guidelines for port State control under the 2004 BWM Convention (paragraphs 8.11 to 8.13);
- .6 consider, with a view to adoption, the draft MEPC resolution on 2011 Guidelines for inspection of anti-fouling systems on ships (paragraph 9.4 and annex 4);
- .7 note the completion of work on the output "Review of the Guidelines for inspection of anti-fouling systems on ships" and delete this item from the Sub-Committee's agenda (paragraph 9.5);

-
- .8 consider the perceived port State control problem identified by the Sub-Committee regarding the first issuance of an IAPP Certificate to a newbuilding, prior to the ship having received any bunkers and consequently when not being in possession of the required bunker delivery notes; and decide whether the perceived problem warrants the development of a Unified Interpretation or MEPC circular, or further amendments of the supplement to the IAPP Certificate (paragraphs 11.5 and 11.6);
 - .9 approve the draft MEPC circular on the Revised form of supplement to International Air Pollution Prevention Certificate, to amend MEPC.1/Circ.718 (paragraph 11.16 and annex 5);
 - .10 approve, subject to MSC's concurrent decision, the draft Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2011, as consolidated by the Secretariat, and the associated draft Assembly resolution for submission to the Assembly at its twenty-seventh session for adoption (paragraph 11.19 and annex 6);
 - .11 approve, subject to MSC's concurrent decision, the draft revised Code for the implementation of mandatory IMO instruments in its mandatory form, proposed to be renamed as "IMO Instruments Implementation Code" (IIIC) as the new title for the Code for implementation, for submission to the Assembly at an appropriate session, for adoption (paragraph 13.10 and annex 7);
 - .12 note the considerations for the process of making the IMO Instruments Implementation Code and auditing mandatory and rationale thereof (paragraph 13.11);
 - .13 approve, subject to MSC's concurrent decision, the draft Code for the implementation of mandatory IMO instruments, 2011, as consolidated by the Secretariat, and the associated draft Assembly resolution for submission, through the Council at its twenty-sixth extraordinary session, to the Assembly at its twenty-seventh session for adoption (paragraph 13.20 and annex 8);
 - .14 extend, subject to MSC's concurrent decision, the target completion date of the output on the development of a Code for Recognized Organizations (RO Code) to the year 2012 (paragraph 14.5);
 - .15 note the request to the Secretariat to prepare the draft text of a relevant instrument to adopt the Code for Recognized Organizations (RO Code) and draft amendments to existing instruments to make the RO Code mandatory, and the future consideration of the time period between the adoption of the RO Code and the entry into force of the regulations mandating the RO Code (paragraphs 14.6 and 14.7);
 - .16 consider the draft text shown in square brackets in the draft Code for Recognized Organizations (RO Code) and decide, as appropriate, subject to MSC's concurrent decision (paragraph 14.9 and FSI 19/WP.4, annex 3);
 - .17 approve the Sub-Committee's draft biennial agenda and provisional agenda for FSI 20 (paragraph 16.4 and annexes 9 and 10); and

- .18 note the status of planned outputs of the High-level Action Plan of the Organization and priorities for the 2010-2011 biennium relevant to the Sub-Committee (paragraph 16.9 and annex 11).

19.3 The Maritime Safety Committee, at its ninetieth session, is invited to approve the report in general and, in particular, to:

- .1 consider the Sub-Committee's advice that the alleged difficulties encountered with the issue of Continuous Synopsis Record (CSR), as raised in document MSC 87/4/3 (Belgium *et al.*), do not require further consideration and decide as appropriate (paragraph 3.8); and
- .2 note the follow-up action to the issuance of MSC.1/Circ.1374 on Information on prohibiting the use of asbestos on board ships (paragraph 2.5);
- .3 endorse the referral of the analyses of accidents and identification of trends related to the integration of pilots into bridge teams (FSI 19/5, annex 4) to the NAV and STW Sub-Committees, for their information and consideration as appropriate (paragraph 5.19);
- .4 endorse the referral of the following investigation reports and analysing material to the relevant sub-committees, for their consideration and action as appropriate (paragraph 5.20):
- .4.1 the investigation report on the very serious casualty on board the container ship **Chicago Express** (GISIS Incident No. C0007636) to the NAV, SLF, DE and STW Sub-Committees;
- .4.2 the investigation report on the very serious casualty on board the bulk carrier **La Donna I** (GISIS Incident No. C0007456) to the DSC Sub-Committee;
- .4.3 the investigation report on the serious casualty on board the cruise ship **Black Watch** (GISIS Incident No. C0007377) to the NAV Sub-Committee; and
- .4.4 the investigation report on the serious casualty on board the container ship **Beluga Sensation** (GISIS Incident No. C0007575) to the NAV Sub-Committee; and
- .5 consider how best the list of correspondence groups established by all IMO bodies at their last sessions (FSI 19/WP.6, annex 5) could be maintained for consideration by the most appropriate IMO body and decide as deemed appropriate (paragraph 16.5).

(Annexes 1, 2, 3, 4, 5, 6, 7 and 8 will be issued as an addendum to this document)

ANNEX 9

DRAFT BIENNIAL AGENDA FOR THE 2012-2013 BIENNIUM IN SMART TERMS AND ITEMS TO BE PLACED ON THE COMMITTEE'S POST-BIENNIAL AGENDA THAT FALL UNDER THE PURVIEW OF THE SUB-COMMITTEE*

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

* Items printed in bold have been selected for the draft provisional agenda for FSI 20, as shown in annex 2. Struck-out text indicates proposed deletions and shaded text indicates proposed changes. Deleted outputs will be maintained in the report on the status of planned outputs.

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

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)					
PLANNED OUTPUTS 2012-2013 (resolution A.[...](27))		Parent organ(s)	Coordinating organ(s)	Involved organ(s)	Target completion year
Number**	Description				
2.0.2.2	Review of the [Code for the Implementation of Mandatory IMO Instruments][IMO Instrument Implementation Code (IIIC)] and consolidated audit summary reports, and making the Code and auditing mandatory	MSC/MEPC	FSI		2013
5.1.2.1.1	Mandatory instruments: making the provisions of MSC.1/Circ.1206/Rev.1 mandatory***	MSC	DE	FSI NAV STW	2012
5.1.2.1.2	Non-mandatory instruments: guidelines for standardization of lifeboat control arrangements	MSC	DE	FSI NAV STW	2012
5.1.2.3	Measures to protect the safety of persons rescued at sea	MSC	FSI		2012
5.2.1.22	Development of a non-mandatory instrument on regulations for non-convention ships	MSC	FSI		2013
2.0.2.2 5.2.1.23	Review and update of the Survey Guidelines under the HSSC and the annexes to the [Code for the Implementation of Mandatory IMO Instruments][IMO Instrument Implementation Code (IIIC)]	MSC/MEPC	FSI		Ongoing
5.3.1.6	Promote the harmonization of port State control activities and collect PSC data	MSC	FSI		Ongoing
12.1.2.1/2 12.3.1.1	Collection and analysis of casualty data to identify trends and develop knowledge and risk-based recommendations	MSC	FSI	All sub-committees	Ongoing

*** The output has been divided into two parts. The previous output name was "Measures to prevent ...". Depending on the outcome of DE 55.

ANNEX 10

PROVISIONAL AGENDA FOR FSI 20

- Opening of the session
- 1 Adoption of the agenda
 - 2 Decisions of other IMO bodies
 - 3 Responsibilities of Governments and measures to encourage flag State compliance
 - 4 Mandatory reports under MARPOL
 - 5 Casualty statistics and investigations
 - 6 Harmonization of port State control activities
 - 7 PSC Guidelines on seafarers' hours of rest and PSC guidelines in relation to the Maritime Labour Convention, 2006
 - 8 Development of guidelines on port State control under the 2004 BWM Convention
 - 9 Comprehensive analysis of difficulties encountered in the implementation of IMO instruments
 - 10 Review of the Survey Guidelines under the HSSC and the annexes to the [Code for the Implementation of Mandatory IMO Instruments][IMO Instrument Implementation Code (IIC)]
 - 11 Consideration of IACS Unified Interpretations
 - 12 Review of the [Code for the Implementation of Mandatory IMO Instruments][IMO Instrument Implementation Code (IIC)]
 - 13 Development of a Code for Recognized Organizations
 - 14 Measures to protect the safety of persons rescued at sea
 - 15 Illegal unregulated and unreported (IUU) fishing and related matters
 - 16 Biennial agenda and provisional agenda for FSI 21
 - 17 Election of Chairman and Vice-Chairman for 2013
 - 18 Any other business
 - 19 Report to the Committees

ANNEX 11

REPORT ON THE STATUS OF PLANNED OUTPUTS IN THE HIGH-LEVEL ACTION PLAN

Planned output number in the High-level Action Plan for 2010-2011	Description ^a	Target completion year ^b	Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Status of output for Year 1 ^c	Status of output for Year 2 ^c	References ^d
1.1.2.21	Policy input/guidance to ILO: development of PSC guidelines in the context of the Maritime Labour Convention (MLC), 2006	Continuous	MSC	FSI		Ongoing	Ongoing	MSC 87/20, paragraph 8.14; FSI 19/19, section 7
1.1.2.22	Policy input/guidance to IMO/FAO Working Group on IUU fishing and related matters: safety regulations for fishing vessels and fishermen	Continuous	MSC	FSI	SLF	Postponed	Postponed	
1.1.2.2	Cooperation with IACS: consideration of unified interpretations	Continuous	MSC			Ongoing	Ongoing	MSC 78/26, paragraph 22.12; FSI 19/19, section 12
1.1.2.4	Cooperation with ILO: port State control of seafarer's working hours	2013	MSC	FSI		In progress	In progress	MSC 87/20, paragraph 8.14; FSI 19/19, section 7

* Proposed modifications to target completion year subject to the approval of MSC 89 and MEPC 62, as appropriate.

Planned output number in the High-level Action Plan for 2010-2011	Description ^a	Target completion year ^b	Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Status of output for Year 1 ^c	Status of output for Year 2 ^c	References ^d
1.1.2.24	Policy input/guidance to PSC regimes: related IMO developments	Continuous	MSC	FSI		Ongoing	Ongoing	MSC 80/24, paragraph 21.16; FSI 19/19, section 6
2.0.1.13 5.2.2.2	Development of guidelines on port State control under the 2004 BWM Convention	2013	MEPC	FSI		In progress	In progress	MEPC 52/24, paragraph 2.21.2; FSI 19/19, section 8
2.0.1.18	Code for Recognized Organizations	2012	MSC	FSI		In progress	In progress	MSC 84/24, paragraph 22.27; FSI 19/19, section 14
2.0.1.27	Mandatory reports under MARPOL	Continuous	MEPC	FSI		Ongoing	Ongoing	MEPC/Circ.318; FSI 19/19, section 4
2.0.2.2	A revised Code for the Implementation of Mandatory IMO Instruments	Continuous	MSC MEPC	FSI		Ongoing	Ongoing	MSC 83/28, paragraph 25.27; FSI 19/19, section 13
4.0.2.1	Guidance on the establishment or further development of information systems (databases, websites, etc.) as part of the Global Integrated Shipping Information System (GISIS) platform, as appropriate	Continuous	MSC MEPC		FSI	Ongoing	Ongoing	FSI 19/19, sections 5, 6, 7 and 18
4.0.2.2	Development and management of mandatory IMO number schemes	Continuous	MSC MEPC	FSI		Ongoing	Ongoing	FSI 18/20, section 3

Planned output number in the High-level Action Plan for 2010-2011	Description ^a	Target completion year ^b	Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Status of output for Year 1 ^c	Status of output for Year 2 ^c	References ^d
4.0.2.3	Protocols on data exchange with other international, regional and national data providers	Continuous	MSC MEPC	FSI		In progress	In progress	FSI 19/19, sections 4, 6 and 18
5.1.2.1	Measures to prevent accidents with lifeboats	2012	MSC	DE	FSI NAV STW	Postponed	In progress	
5.1.2.3	Measures to protect the safety of persons rescued at sea	2012	MSC	COMSAR	FSI	In progress	In progress	MSC 84/24, section 22; FSI 19/19, section 15
5.2.1.23	Non-mandatory instruments: revised Survey Guidelines under the Harmonized System of Survey and Certification	Continuous	MSC MEPC	FSI		Ongoing	Ongoing	MSC 72/23, paragraph 21.27; FSI 19/19, section 11
5.3.1.3	Non-mandatory instruments: revised procedures for port State control (resolution A.787(19), as amended by resolution A.882(21))	Continuous	MSC MEPC	FSI		Ongoing	Ongoing	MSC 71/23, paragraph 20.16; MSC 80/24, paragraph 21.16; FSI 19/19, section 6
5.3.1.6	Harmonized PSC procedures	Continuous	MSC MEPC	FSI		Ongoing	Ongoing	MSC 71/23, paragraph 20.16; MSC 80/24, paragraph 21.16; FSI 19/19, section 6

Planned output number in the High-level Action Plan for 2010-2011	Description ^a	Target completion year ^b	Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Status of output for Year 1 ^c	Status of output for Year 2 ^c	References ^d
5.3.1.7	Methodology for the in-depth analysis of annual PSC report	Continuous	MSC MEPC	FSI		Ongoing	Ongoing	MSC 71/23, paragraph 20.16; MSC 80/24, paragraph 21.16; FSI 19/19, section 6
5.3.1.8	A risk assessment comparison between marine casualties and incidents and PSC inspections	Continuous	MSC MEPC	FSI		Postponed	Postponed	FSI 18/20, section 3
7.1.2.10	Measures to promote the AFS Convention	[2011] [2012]	MEPC		FSI	In progress	[In progress]	FSI 19/19, section 9
12.1.2.1	Guidelines for all sub-committees on the casualty analysis process	Continuous	MSC	FSI		Ongoing	Ongoing	FSI 18/20, section 3
12.1.2.2	A casualty analysis process effectively implemented and monitored	Continuous	MSC	FSI		Ongoing	Ongoing	MSC 68/23, paragraphs 7.16 to 7.24; FSI 19/19, section 5
12.3.1.1	Guidance on the development of GISIS and on access to information	Continuous	MSC MEPC	FSI		Ongoing	Ongoing	FSI 19/19, sections 5, 6, 7 and 18
12.3.1.2	PSC-related data collected and disseminated in cooperation with PSC regimes	Continuous	MSC	FSI		Ongoing	Ongoing	FSI 19/19, sections 6 and 7

Planned output number in the High-level Action Plan for 2010-2011	Description ^a	Target completion year ^b	Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Status of output for Year 1 ^c	Status of output for Year 2 ^c	References ^d
12.3.1.3	Reports of incidents involving dangerous goods or marine pollutants in packaged form on board ships or in port areas	Continuous	MSC	DSC	FSI	Ongoing	Ongoing	FSI 19/19, section 5
12.1.2.2	Casualty analysis	Continuous	MSC	FSI	All sub-committees	Ongoing	Ongoing	MSC 70/23, paragraphs 9.17 and 20.4; FSI 19/19, section 5

Notes:

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

ANNEX 12

STATEMENT BY THE DELEGATION OF ANTIGUA AND BARBUDA UNDER ITEM 1

On Saturday 22 January 2011 the Antiguan and Barbudan flagged vessel the **Beluga Nomination**, a 6296 GT multipurpose heavy lift project carrier, was attacked and seized by pirates in the Indian Ocean about 800 nautical miles north of the Seychelles. The vessel, with a crew of twelve, was on a commercial voyage from Malta via the Seychelles and Indian Ocean to the South Korean port of Masan.

Based on the information received from the shipowners, we can report that the crew sought shelter in an established citadel after making an emergency call to the UKMTO. Unfortunately, the pirates were able to gain access to the citadel on Tuesday 25 January 2011 before a Danish frigate, responding to the distress, was able to rendezvous with the vessel.

It was further reported that one crew member was killed in the ordeal apparently after members of the crew refused to restart the vessel. Two other crew members who had escaped the vicious attack via the free fall life boat were later rescued by the Danish warship **HDMS Esbern Snare** some 300 nautical miles away from the Somali coastline. It has been established that there are seven crew members presently being held by the pirates, and that to date, two crew members remain unaccounted for.

The Government and people of Antigua and Barbuda wish to convey to the family and relatives of the deceased seaman our sincere regrets for their loss. We also hope for the speedy reunion with their family, those seamen currently being held hostage and the seamen whose whereabouts are still unknown. We firmly support the owners of this vessel as they seek to bring about a favourable outcome to this unfortunate incident.

We also wish to use this opportunity to extend our profound appreciation to the various naval forces and coast guards personnel that are assiduously engaged in the counter piracy operations in this ever expanding volatile arena, and trust that together we can find the solution to ensure that our vessels, and those who serve on them, can sail the oceans free of fear.

The scourge of Piracy and Armed Robbery at Sea is of great concern to the Maritime Administration of Antigua and Barbuda and we join in the collective condemnation of this act.

ANNEX 13

STATEMENT BY THE DELEGATION OF THE PHILIPPINES UNDER ITEM 1

We condemn the hijacking of the **Beluga Nomination** which resulted in the confirmed murder of one Filipino seafarer. Another Filipino seafarer's murder is being verified. A third Filipino seafarer who jumped overboard was rescued by responding naval forces for which we thank the Danish Navy.

We have voiced our concern at the meeting of the WG1 of CGPCS last Thursday and are informed that the appropriate police authorities are conducting a criminal investigation of this accident. We eagerly await the result of that investigation.

We ask that this Organization reiterate that piracy can never be politically acceptable, regardless of frequency and number of those victimized. We ask that the ROEs of naval forces in the area place emphasis on the safety of the crew before any action to attempt a rescue could be considered.

ANNEX 14

STATEMENT BY THE DELEGATION OF IRELAND UNDER ITEM 3

Thank you Mr Chairman and I would like to present our paper FSI 19/3/1. The ICS, ISF, BIMCO, INTERTANKO and INTERCARGO which are referred to as the "Round Table Group" published their updated "Shipping Industry Flag State Performance Table (hereinafter "table"), 2009" and presented it to FSI 18 as document FSI 18/INF.31. The table purports to help in assessing the performance of flag States. The table contains information under several headings such as incentive schemes, ratification of conventions, reporting and IMO attendance amongst others. The table puts so-called "black blobs" against States and registers which in the opinion of the Round Table Group have possible negative performance. The table for 2009 published by the Round Table Group had several black blobs against Ireland under the incentive schemes, STCW and IMO attendance.

Ireland has long held concerns regarding the data published in the table. Ireland has raised its concerns bi-laterally with the Round Table Group and also at FSI 18 seeking to resolve the issues. Unfortunately, the Round Table Group has not addressed our concerns and they have again printed the table in 2010, submitted to this meeting as paper FSI 19/INF.16, and the table still treats Ireland and other Member States unfairly. This is unfortunate considering that the table is prepared by observers to the IMO in relation to IMO Member States. Full details of our concerns are given in our paper.

Ireland does not support the publication of the table in its current format. Ireland invites the Round Table Group to advise the Sub-Committee on how they will address the concerns of an IMO Member State and how they will rectify the inaccuracies and unfairness of the table. I request that my statement is recorded in the report of this meeting.

ANNEX 15

STATEMENT BY THE EXPERT OF THE MANAGERS OF THE IMO NUMBER SCHEMES UNDER ITEM 3

The IMO Tonnage Assessment project was set up by the Secretariat to enable flag Administrations to update the fleet tonnage figures that are used by the Secretariat in the Member States annual assessment.

These tonnage figures have traditionally been taken from the long-standing time series – the World Fleet Statistics – published by IHS-Fairplay.

The project involves the distribution of fleet lists to Member States by IHS-Fairplay and a timetable for updating and correcting the data by the Administration.

The first year of the project in 2010 was very successful. We circulated fleet lists to 80 Administrations, to e-mail contacts that had been notified to us in advance. We received feedback from 43 Administrations. A great deal of work was put in by us, in collaboration with Administrations, to reconcile the fleet updates with our database, with completion by the deadline of end October 2010.

The 2011 project will begin at the end of June 2011, with the circulation of fleet lists to Administrations. It is important that we receive an e-mail contact for your Administration in advance of this date if you wish to participate in the project. For those Administrations with which we now have a regular exchange of fleet data, it will not be necessary to supply an e-mail contact.

Finally, I should point out that the project is not just a one-way flow of fleet data from the Administration to IHS-Fairplay. In reconciling fleet totals, we are pleased to feed back information that we collect from our network of sources of ship data.

ANNEX 16

STATEMENT BY THE OBSERVER OF THE ABUJA MOU UNDER ITEM 6

The West and Central Africa Memorandum of Understanding on port State control presents its compliments to the chairman and the distinguished delegations at the FSI.

Abuja MoU presents a brief summary of its Annual Report 2010, copies of which were distributed to IMO Member States on the first day of this session. The Annual Report contains the activities undertaken by the MoU for the past 10 months and port State inspections reported within the same period. Due to the fact that the Abuja MoU Secretariat was still receiving PSI reports from Member Administrations as late as the first week of February 2011, we were unable to meet the deadline for submission of documents for consideration at FSI. The activities reported in the Annual Report include the following:

- the Abuja MoU held its Committee meeting and its 1st Extraordinary meeting of the bureau in February 2010 and November 2010 respectively. The focus of the two meetings was to introduce some institutional changes at the Secretariat including the appointment of a new Secretary General for the MoU;
- PSCOs from Member Administrations participated in all the PSC training opportunities offered by the IMO, Paris MoU, Tokyo MoU and the Indian Ocean MoU;
- the Republic of Cote D'Ivoire submitted its letter of acceptance of the MoU and thus became the 11th full member;
- the Republic of South Africa formally informed the Secretariat that it has commenced the process of becoming a full member of the MoU;
- the Secretariat established a Register of port State control officers in the region with full particulars of the officers;
- the Secretariat established four specialised working groups to ensure greater participation of a greater number of members in the activities of the MoU.

The Secretariat's strategic plans for the future and for which action has commenced include:

- workshop for heads of maritime Administrations in the Abuja MoU region to be hosted by the Federal Republic of Nigeria;
- port State control officers training to be hosted by the Republic of Congo;
- exchange programmes with other advanced MoUs;
- establishment of information system and database for Abuja MoU.

ANNEX 17

STATEMENT BY THE OBSERVER OF THE MEDITERRANEAN MOU UNDER ITEM 6

Translation:

Mister Chairman,

Please allow me to present brief information on behalf of the Mediterranean MoU concerning its activities; unfortunately it was not possible to submit this within the time allowed by the Sub-Committee's rules.

Statistically speaking, the year 2009 saw the numbers of inspections and detentions stabilize, both showing an increase of some 10 per cent compared with 2008. Further details are available on the public website www.medmou.org, which I invite you to consult.

This MoU has continued to cooperate with other regimes and agreements, especially the Black Sea MoU, with which a joint undertaking has been implemented for the exchange of skills and procedures and the real-time sharing of information.

Regarding 2010, I welcome in particular the assistance provided by IMO and REMPEC towards implementation of the information exchange agreement signed with the Organization during FSI 18, as a result of which MedMoU will supply the GISIS database with information on the results of the port State control inspections conducted by its Member States.

In this connection I should like to reiterate my request of yesterday encouraging other regimes and agreements to conclude information exchange agreements with IMO.

We are also paying close attention to the work of the joint Paris MoU – Tokyo MoU working group on a system of codification, to which we offer our encouragement and whose participants we thank. The outcome of this group will enable improved harmonization and information exchange among regimes and agreements and thus facilitate more flexible and transparent information on port State control activities.

ANNEX 18

STATEMENT BY THE OBSERVER OF RIYADH MOU UNDER ITEM 6

Mr. Chairman & delegates,

The Riyadh-MoU has entered its 4th year of operation with the Committee having their 8th meeting in Abu-Dhabi, United Arab Emirates, also for the first time. In May 2010, we conducted our first Extra-ordinary meeting in Manama, Kingdom of Bahrain, whereby many topics were covered with great achievements so far.

Concentrated Inspection Campaigns – From October-December 2010, the R-MoU conducted its first CIC on SOLAS chapter V Safety of Navigation, with a very good response and co-operation from the maritime and shipping industries.

Co-operation – The Riyadh-MoU PSCOs since 2008 have been invited to join other MoUs on their seminars, training and workshops and therefore we would like to thank other MoUs & the IMO for giving the R-MoU's PSCOs opportunities to train alongside with other PSCOs.

Annual Meetings: The R-MoU Secretariat was invited to attend other MoU's Annual Committee meetings and as such, the Secretary attended the PMOU's 43rd meeting held in Dublin last May.

Training: The R-MoU is very actively conducting in house training and Seminars in many subjects for its PSCOs in order to update them with the latest changes from the Conventions as well as matters related to Port State matters.

Lastly, the R-MoU conducts inspections on daily basis with result being posted in our data base, which is available to all on our website.

Thank you all.
