

1. INTERNATIONAL ACTIVITIES

A. International Maritime Organization (IMO), Subcommittee on Safety of Navigation (NAV)

The 49th session of the Subcommittee on Safety of Navigation (NAV 49) was held at IMO Headquarters in London from June 30 – July 4, 2003. The session was attended by 60 member governments, 1 associate member government, and 29 United Nations, intergovernmental, and non-governmental organizations. The United States was represented by the Coast Guard with assistance from the Department of State, the Department of Defense, the National Transportation Safety Board, and a number of private sector advisers.

NAV 49 agenda items included the following: (1) routing of ships, ship reporting, and related matters; (2) requirements for the display and use of automatic identification system (AIS) information on shipborne navigational displays; (3) places of refuge; (4) anchoring, mooring, and towing equipment; (5) feasibility study on carriage of vessel data recorders (VDRs) on existing cargo ships; (6) revision of performance standards for radar reflectors; (7) review of performance standards for radar equipment; (8) large passenger ship safety; (9) measures to enhance maritime security; (10) world-wide radionavigation system; (11) guidance on early abandonment of bulk carriers; and (12) International Telecommunication Union (ITU) matters.

Among significant actions taken at NAV 49 are the following:

1. The Subcommittee considered and approved a number of new and amended ships' routing and reporting measures. The NAV approved: (a) new traffic separation schemes (TSSs) off Ra's al kuh in the Gulf of Oman (Iran) and for the approaches to the Port of Ra's al Khafji in the Persian Gulf (Saudi Arabia); (b) new TSSs, precautionary areas, an area to be avoided (ATBA), and recommended routes in the Adriatic Sea (Albania, Croatia, Italy, Slovenia, and Serbia and Montenegro); (c) an amended TSS off Cape Finisterre (Spain); (d) a new mandatory ATBA off the north-east coast of the North Island of New Zealand (New Zealand); (e) an ATBA in the Paracas National Reserve (Peru); (f) an amendment to the existing charting measure in the Torres Strait (Australia); (g) amendments to the mandatory reporting systems off Cape Finisterre and in the Torres Strait to align them with the respective amended routing schemes; and (h) amendments to the general provisions on ships' routing (GPSR) to clarify the process and timing by which the adoption, designation, and substitution of archipelagic sea lanes will enter into force.
2. The Subcommittee completed the draft guidelines on places of refuge for ships in need of assistance, along with an associated draft Assembly resolution, as well as a draft Assembly resolution on the establishment of a maritime assistance service (MAS) and draft guidelines for the establishment of a MAS. The draft guidelines and associated Assembly resolutions will be forwarded directly to the 23rd Assembly (A 23) for adoption and to the 87th session of the Legal Committee (LEG 87) for legal guidance.

3. The NAV considered the report of the correspondence group on the feasibility of the carriage of VDRs on existing cargo ships. The Committee agreed with the conclusion of the report that retrofitting of existing cargo ships with VDRs was feasible and desirable and that a simplified VDR could be specified for existing cargo ships. The NAV prepared a draft Maritime Safety Committee (MSC) resolution on performance standards for shipborne simplified voyage data recorders, as well as a draft amendment to regulation V/20 of the International Convention for the Safety of Life at Sea (SOLAS Convention) for installation of the simplified VDRs.
4. The NAV reviewed and revised the draft recommendation on functional requirements for long-range identification and tracking of ships and will submit the revision to the 8th session of the Subcommittee on Radiocommunications and Search and Rescue (COMSAR 8). The NAV also considered new proposed performance standards for the presentation of navigation-related information (including AIS), considered the need for harmonization of terms and symbols used to present navigation-related information, and established a correspondence group to progress this work and report to NAV 50. Other NAV actions included: (a) preparation of revised performance standards for radar reflectors and a draft MSC resolution; (b) concluding that further discussion is necessary to revise the performance standards for radar equipment and formation of a correspondence group to address this issue; and (c) preparation of a draft NAV circular containing guidance on the application of AIS binary messages.
5. The NAV considered a document from the ITU Radiocommunication Assembly (ITU-R) that contains a draft new question concerning compatibility of radionavigation and radiolocation services operating in the bands 9000-9200 MHz and 9300-9500 MHz. The question was assigned to ITU Study Group 8 for finalization by 2006. Taking into account the importance of the matter for the safety of life at sea, member governments were invited to actively participate in the study carried out by ITU and submit their comments to NAV 50 for consideration.
6. As instructed by MSC 76, the Subcommittee revised section 21 of resolution A.917(22) regarding guidelines for the onboard operational use of the shipborne automatic identification system (AIS), to more clearly define the circumstances under which a master might switch off the ship's AIS, and further, when such action should or should not be reported to the competent authority if the ship is operating in a mandatory ship reporting system. The NAV evaluated the proposed SOLAS regulation submitted by the United States on long-range tracking and identification of ships. The Subcommittee was of the opinion that, in order for this proposed regulation to progress, it would be necessary for the COMSAR and the MSC to address certain issues, such as the need for a statement of purpose, a discussion of the rights and obligations of contracting governments with regard to receiving and disseminating ships' information, the need for a provision relating to malfunctioning equipment, and the need for an implementation schedule and a description of the area of coverage.

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B. International Maritime Organization (IMO), Marine Environment Protection Committee (MEPC)

The 49th session of the Marine Environment Protection Committee (MEPC 49) was held at IMO Headquarters in London from July 14-18, 2003. Eighty-six member nations, 2 associate members, 4 United Nations specialized agencies, 5 intergovernmental organizations, and 40 non-governmental organizations participated. The United States was represented by the Coast Guard with assistance from the Environmental Protection Agency, the Department of State, the Department of Defense (Navy), the Department of Justice, the Maritime Administration, the National Oceanic and Atmospheric Administration, and several private sector advisers.

MEPC 49 agenda items included the following: (1) control of harmful aquatic organisms in ballast water; (2) recycling of ships; (3) prevention of air pollution from ships; (4) consideration and adoption of amendments to mandatory instruments; (5) control of harmful anti-fouling systems for ships; (6) implementation of the International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC Convention) and the Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances (OPRC-HNS Protocol); (7) identification and protection of Special Areas and Particularly Sensitive Sea Areas (PSSAs); (8) inadequacy of reception facilities; (9) reports of subcommittees; (10) follow-up to the United Nations Conference on Environment and Development (UNCED) and the World Summit on Sustainable Development (WSSD); (11) promotion of implementation and enforcement of the 1973 International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978, as amended, (MARPOL 73/78); (12) technical cooperation program; (13) interpretations and amendments of MARPOL 73/78 and related issues; and (14) future role of formal safety assessment and human element issues.

Significant actions taken at MEPC 49 are as follows:

1. The Committee conducted a comprehensive review of the draft International Convention for the Control and Management of Ships' Ballast Water and Sediments. Considerable progress was made on a number of the treaty's most significant provisions including: (a) agreement on the overall form and structure of the ballast water discharge standard; (b) route exceptions; and (c) provisions concerning additional measures. Remaining outstanding issues will require resolution at the forthcoming diplomatic conference, such as: (a) agreement on the specific values contained in the discharge standard; (b) to what extent existing ships will be subject to the treaty's discharge standard; (c) inclusion of an explicit provision clarifying that nothing in the convention shall be interpreted as preventing a party from requiring more stringent measures than those specified in the treaty; (d) the conditions and procedures applicable to route exceptions; (e) the provisions applicable to establishing additional measures as a condition of port state entry; and (f) the provisions concerning the designation of ballast water exchange areas. In light of the progress made on the draft treaty, the MEPC agreed to proceed with a diplomatic conference for resolution of the remaining outstanding issues and for adoption of the treaty. The diplomatic conference is scheduled to be held from February 9-13, 2004, at IMO Headquarters in London.

2. The MEPC approved a draft Assembly resolution setting out a process to develop a voluntary IMO greenhouse gas (GHG) indexing scheme to be applied to ships. A 2-year work plan was approved for development of the GHG indexing scheme. A number of European nations pressed for automatic consideration of mandatory measures for adoption by the IMO once the GHG indexing scheme is finished. The United States opposed those proposals, and ensured that any future consideration of additional measures would be on an "if needed" basis, without prejudice to their legal form, i.e., voluntary or mandatory. China sought unsuccessfully to limit the operative paragraphs of the resolution to developed countries.
3. With regard to ship recycling, the Committee established a drafting group to prepare: (a) revisions to the draft guidelines for the recycling of ships, (b) a draft Assembly resolution for adoption of the guidelines, and (c) a list of future work items. The resulting draft Assembly resolution and guidelines and the recommended future work items were approved by the MEPC. The draft guidelines recognize that, while the principle of ship recycling may be sound, the working practices and environmental standards in the yards often leave much to be desired. While ultimate responsibility for conditions in the yards has to lie with the countries in which they are situated, other stakeholders must be encouraged to contribute towards minimizing potential problems related to health, safety, and protection of the environment in the recycling facilities. The guidelines will give advice to all stakeholders in the recycling process.
4. With regard to the issue of double hulls for tankers, the Committee considered proposals submitted by the 15 European Union (EU) members to accelerate the phase out of single-hull tankers and ban the carriage of heavy grades of oil in single-hull tankers, as an aftermath of the sinking of the 26-year-old single-hull tanker *Prestige* off the coast of Spain in November 2002. A working group was formed to discuss the implications of the EU proposals, consider alternative proposals, and make recommendations to the MEPC. Upon receiving the report of the working group, the Committee agreed that there was sufficient support for the principles in the EU proposals to hold an extra session of the Committee as MEPC 50 for 2 days in conjunction with the 23rd Assembly to consider amendments to Annex I (oil) of MARPOL 73/78. The United States is not a party to the current IMO phase-out scheme for single-hull tankers because the U.S. Oil Pollution Act of 1990 mandates a different phase-out scheme.
5. Recognizing that, to date, no consensus had been achieved regarding the categorization system to be incorporated into the revised Annex II (noxious liquid substances in bulk) of MARPOL 73/78, the chairman requested that an informal group of experts assist in drafting a compromise solution for consideration by the Committee. A compromise solution, using a 4-category system with accompanying draft text, was approved by the MEPC and will be considered for adoption at MEPC 51.
6. The Committee considered two initial proposals for designation of areas as PSSAs and one area for final designation as a PSSA. The two initial proposals, regarding the extension of the existing Great Barrier Reef PSSA to include the Torres Strait and the designation of the proposed Western European PSSA, were designated in principle and their respective protective measures were forwarded to the Subcommittee on Safety of Navigation (NAV).

The MEPC also agreed to the final designation of the Paracas National Reserve PSSA, Peru, since NAV had approved the protective measure of an area to be avoided at NAV 49 in July 2003.

7. The MEPC approved a draft Assembly resolution on follow-up to the UNCED and the WSSD. This resolution instructs the relevant IMO bodies to include the recommendations of the WSSD in their activities.
8. With regard to the International Convention on the Control of Harmful Anti-fouling Systems on Ships (AFS Convention), the MEPC adopted resolutions providing guidelines for sampling of anti-fouling systems on ships and for port state control inspections of anti-fouling systems on ships. The United States provided the base text for the guidelines for port state control, which will be included in the general IMO guidance publication after the AFS Convention enters into force.
9. Concerning the IMO model audit scheme, the Committee approved working group recommendations related to the marine environment, endorsed the environmentally critical areas to be included in the scheme, approved the draft Assembly resolution on the scheme, and approved the future work plan for the scheme.
10. The Committee approved a draft Assembly resolution on human element vision, principles, and goals for the IMO. This resolution includes information related to fatigue that was proposed by the United States.
11. The MEPC approved a complete revision of Annex I (oil) of MARPOL 73/78, which was prepared by the Subcommittee on Bulk Liquids and Gases (BLG). This revision is editorial in nature, removing outdated regulations and reorganizing the regulations in a more logical manner. These amendments will be considered for adoption at MEPC 52.
12. The Committee adopted revised guidelines and specifications regarding pollution control equipment for machinery space bilges of ships and regarding oil discharge monitoring and control systems for oil tankers. The U.S. proposal to phase out existing equipment that does not meet the revised specifications was referred to the Subcommittee on Ship Design and Equipment (DE) for consideration.
13. The MEPC approved the draft revised survey guidelines under the Harmonized System for Survey and Certification (HSSC). These guidelines will be submitted to the 23rd Assembly.

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