

1. INTERNATIONAL ACTIVITIES

A. International Maritime Organization (IMO), Subcommittee on Fire Protection (FP)

The 47th session of the Subcommittee on Fire Protection (FP 47) was held at IMO Headquarters in London from February 10-14, 2003. The session was attended by delegations from 48 member states and 1 associate member and observers from 13 non-governmental organizations. The United States was represented by the Coast Guard with assistance from the Environmental Protection Agency and a number of private sector advisers.

FP 47 agenda items included: (1) unified interpretations of chapter II-2 of the International Convention for the Safety of Life at Sea (SOLAS Convention) and the Fire Test Procedures (FTP) Code; (2) analysis of fire casualty records; (3) revision of resolution A.654(16) on graphical symbols for fire control plans; (4) revision of the Fishing Vessel Safety Code and Guidelines; (5) large passenger ship safety; (6) performance testing and approval standards for fire safety systems; (7) guidelines for the manufacture and installation of oil mist detectors; (8) sulfur dioxide gas concentration limit for floor coverings; and (9) use of directional sound for passenger evacuation.

Significant actions taken at FP 47 include the following:

1. The Subcommittee established a working group to discuss unified interpretations and related issues submitted to the FP. Activities included: (a) the review of smoke and toxicity limits for products of combustion for floor coverings in the FTP Code, the determination that the sulfur dioxide limits could be increased without compromising fire safety, and the preparation of amendments to the FTP Code for finalization at FP 48; (b) the development of an interpretation of the carriage requirement for emergency escape devices to give administrations guidance on the minimum number and location; (c) the review of existing interpretations with regard to their applicability to the amended SOLAS chapter II-2, and the preparation of a list of obsolete interpretations and a list of interpretations needed for continued guidance; (d) the review of the list of industry interpretations developed by the International Association of Classification Societies with a view towards acceptance as IMO guidance; and (e) the preparation of work items for an intersessional correspondence group with the aim towards finalizing interpretations for acceptance at FP 48. The Subcommittee invited the Maritime Safety Committee (MSC) to consider draft MSC circulars concerning the revision of MSC/circ.847 to harmonize the interpretations.
2. Concerning the analysis of fire casualty records, the Subcommittee, at FP 46, recommended that the existing circular on harmonized reporting procedures needed to be reviewed, and developed a preliminary revised format of the reporting form to capture additional relevant fire casualty information. A drafting group completed work on the revised form at this session. The recommended revisions will be transmitted to the Subcommittee on Flag State Implementation (FSI).

3. The Subcommittee continued its work on large passenger ship safety, a major project throughout the MSC structure and strongly supported by the United States. The primary paper presenting possible areas for improvements in large passenger ship safety was the report of the intersessional correspondence group submitted by Germany. An ad hoc working group was established to further consider the actions requested by the correspondence group, taking into account other papers submitted. Specific fire safety aspects were identified along with possible relevant parameters that could be used to determine the applicability of the measures to be developed. The FP established a correspondence group to develop specific solutions and recommend applicability.
4. An ad hoc working group, chaired by the United States, met for the first time to consider the development of detailed testing standards that administrations could use to approve fire extinguishing systems, fire detection systems, and related equipment. The working group drafted a proposed work plan and timetable for the completion of the work. It was decided to issue a single MSC resolution with multiple annexes to cover all of the necessary fire safety standards. After the resolution is completed, it is expected that it will be adopted as a mandatory code. This work was referred to an intersessional correspondence group, under the coordination of the United States, to advance progress at FP 48.
5. The Subcommittee agreed to a draft Assembly resolution on graphical symbols for shipboard fire control plans, by reference to a new standard of the International Organization for Standardization (ISO). It also completed draft MSC circulars on atmospheric oil mist detectors, partially weathertight hatchway covers on board containerships, and hot work safety.

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B. International Maritime Organization (IMO), Subcommittee on Standards of Training and Watchkeeping (STW)

The 34th session of the Subcommittee on Standards of Training and Watchkeeping (STW 34) was held at IMO Headquarters in London from February 24-28, 2003. The session was attended by delegations from 66 member states, 2 associate members, and 1 United Nations specialized agency, and observers from 22 non-governmental organizations. The United States was represented by the Coast Guard with assistance from the Maritime Administration and a large number of private sector advisers.

STW 34 agenda items included: (1) validation of model training courses; (2) follow-up action to the 1995 Conference of Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention); (3) unlawful practices associated with certificates of competency; (4) casualty analysis; (5) large passenger ship safety; (6) measures to enhance maritime security; and (7) mandatory education and training requirements for fatigue prevention, mitigation, and management.

Among significant actions taken at STW 34 are the following:

1. The Subcommittee agreed that the list of parties giving the STCW Convention full and complete effect, the so-called “white list,” should be updated regularly, after every Maritime Safety Committee (MSC) meeting.
2. The Subcommittee established a working group to consider the issue of unlawful practices associated with certificates of competency in conjunction with the issue of maritime security. The STW: (a) agreed to develop a questionnaire to review the current national database standards, records systems, and anti-fraud measures in use by STCW parties; and (b) endorsed draft MSC circulars regarding guidance on recommended anti-fraud measures and forgery prevention features for certificates and guidance for detecting and preventing unlawful practices associated with certificates.
3. The STW established a working group to discuss issues associated with large passenger ship safety. The Subcommittee: (a) endorsed circulars on additional guidance for the development of training in advanced fire-fighting and the recommended standard of competence for damage control on large passenger ships; (b) established preliminary criterion to be used in defining a large passenger ship; (c) invited proposals regarding the number and level of crew to be trained in emergency response on large passenger ships for consideration at STW 35; and (d) solicited casualty analysis and port state control information to evaluate the effectiveness of existing training for large passenger ships.
4. The Subcommittee established a working group to consider measures to enhance maritime security. The STW: (a) approved course frameworks concerning the proposed model courses for the ship security officer, company security officer, and port facility security officer, which will be used by the developers of the courses; (b) approved terms of reference for the course developers, including a series of project milestones; and (c) established a validation panel to ensure that the model courses conform to the prescribed terms of reference and the requirements of the International Convention for the Safety of Life at Sea (SOLAS Convention) and the International Ship and Port Facility Security (ISPS) Code.
5. The Subcommittee agreed that it is premature to develop mandatory education and training requirements for fatigue prevention, mitigation, and management and that training in fatigue management should be addressed through voluntary guidance. Delegations expressed appreciation of the work by the United States and acknowledged the potential value of training in fatigue management. Many delegations felt that manning levels and work-hour restrictions under international and national requirements are more important methods for combating fatigue. Member governments were asked to submit their experiences with the application of the guidelines in MSC/circ.1014 and specific fatigue-related provisions in the STCW Convention and Code and the International Labor Organization (ILO) Convention on Seafarers’ Hours of Work and the Manning of Ships (ILO 180).

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C. International Maritime Organization (IMO), Subcommittee on Ship Design and Equipment (DE)

The 46th session of the Subcommittee on Ship Design and Equipment (DE 46) was held at IMO Headquarters in London from March 10-14, 2003. The session was attended by delegations from 50 member nations, 1 associate member, and 1 United Nations specialized agency and observers from 25 non-governmental organizations. The United States was represented by the Coast Guard with assistance from the Environmental Protection Agency and several private sector advisers.

DE 46 agenda items included the following: (1) guidelines for on-board nitrogen oxides (NO_x) monitoring and recording devices; (2) revision of resolutions MEPC.60(33) and A.586(14); (3) amendments to resolution A.744(18); (4) large passenger ship safety; (5) revision of the Fishing Vessel Safety Code and Voluntary Guidelines; (6) measures to prevent accidents with lifeboats; (7) interpretations of the 2000 High Speed Craft (HSC) Code; (8) review of fast rescue boat and means of rescue requirements; (9) anchoring, mooring, and towing equipment; (10) carriage and stowage of immersion suits; (11) performance testing and approval standards for International Convention for the Safety of Life at Sea (SOLAS) personal life-saving appliances; (12) amendments to SOLAS requirements on electrical installations; (13) performance standards for water ingress alarms on bulk carriers; (14) steel repair standards and shipbuilding practices; (15) standards for hatch cover securing mechanisms on bulk carriers; (16) application of International Association of Classified Societies (IACS) unified requirements to bulk carriers; (17) alternate hold loading ban for bulk carriers; (18) double-side-skin construction of bulk carriers; and (19) protection of pump-rooms of tankers and access to shore-based computer programs for salvage operations.

Significant actions taken at DE 46 include the following:

1. The DE made considerable progress on bulk carrier safety issues. Specific items of note are:
 - (a) a draft performance standard for water level detectors required by new SOLAS regulation XII/12 and an associated Maritime Safety Committee (MSC) resolution were developed and submitted to MSC 77;
 - (b) a draft MSC circular was developed and submitted to MSC 77, which provides an interpretation to harmonize the water level detector requirements in new SOLAS regulation XII/12 with the pumping availability requirements in new SOLAS regulation XII/13;
 - (c) a draft MSC circular, providing guidelines on early assessment of hull damage and possible need for abandonment of bulk carriers, was developed for referral to the Subcommittees on Safety of Navigation (NAV) and Standards of Training and Watchkeeping (STW) for concurrence prior to approval by MSC 78;
 - (d) a draft MSC resolution on the application of certain IACS unified requirements relating to structural standards for bulk carriers was developed and submitted to MSC 77;
 - (e) a draft MSC circular on ship design, construction, repair, and maintenance, together with guidelines for repair surveys, was developed and submitted to MSC 77;
 - and (f) a draft MSC circular, providing guidelines for bulk carrier hatch cover surveys and owners' inspections and maintenance, was developed

and submitted to MSC 77. The Subcommittee agreed on a preferred option for implementing the MSC 76 decision to ban alternate hold loading on existing bulk carriers. This matter will now be further considered at MSC 77. The DE also made progress: (a) developing technical standards for the new double-side-skin construction requirement for bulk carriers; (b) revising the SOLAS definition of bulk carrier; and (c) considering the appropriate application of structural standards in SOLAS chapter XII to new and existing bulk carriers.

2. On the basis of a widely supported proposal by Canada to the last session, the DE developed draft amendments to SOLAS regulation III/32 to require carriage of immersion suits for all persons on board cargo ships, except that the Administration can exempt ships (other than bulk carriers) operating in warm climates. Also, on the basis of a U.S. proposal that obtained wide support, the Subcommittee approved a draft MSC circular on guidelines for periodic testing of immersion suit seams and closures.
3. Among actions concerning measures to prevent accidents with lifeboats, the DE prepared draft amendments to: (a) SOLAS regulation III/19 to provide flexibility in the requirement for the assigned operating crew to occupy lifeboats when launching the boats during abandon ship drills; and (b) SOLAS regulation III/20 to add a weekly exercise of launching appliances on cargo ships, and a monthly turning out of launching appliances on all ships.
4. The DE completed development of non-mandatory guidelines for on-board NO_x monitoring and recording devices. These devices are used to demonstrate compliance of diesel engines with Annex VI (regulations for the prevention of air pollution from ships) of the 1973 International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978, as amended, (MARPOL Convention). The guidelines will be forwarded to the Marine Environment Protection Committee (MEPC) for approval.
5. The DE completed draft revisions to those sections of the Fishing Vessel Safety Code and Voluntary Guidelines under its purview for submission to the Subcommittee on Stability and Load Lines and on Fishing Vessel Safety (SLF) for coordination purposes.
6. The Subcommittee completed draft revisions to MEPC.60(33) and A.586(14) regarding pollution prevention equipment. Revisions included the use of the latest technologies in addressing oil-water emulsions as well as development of new test procedures to verify compliance with new requirements. The draft revised resolutions will be forwarded to the MEPC for approval.
7. The DE completed development of draft interpretations on the 2000 HSC Code, incorporating contributions from the Subcommittee on Fire Protection (FP) and the Subcommittee on Stability and Load Lines and on Fishing Vessel Safety (SLF), which will be issued as an MSC circular. MSC 77 was invited to approve the draft MSC circular.
8. The Subcommittee continued its work on large passenger ship safety, a major project throughout the MSC structure, which was initiated by the IMO Secretary-General and strongly supported by the United States. The DE considered the report of the correspondence group, coordinated by the United States, presenting possible areas for improvements in large

passenger ship safety. A group of experts was established that significantly advanced the progress on this major MSC project. The correspondence group was re-established, under coordination by the United States, to advance the work for DE 47.

9. The DE developed draft amendments to SOLAS regulation II-1/45, incorporating the revised International Electrotechnical Commission (IEC) standard for tankers, for submission to MSC 78. The Subcommittee also instructed the IMO secretariat to inform the Subcommittee on Bulk Liquids and Gases (BLG) on the outcome of this item, since BLG 8 will further consider the draft amendments to the International Bulk Chemical (IBC) Code and the International Gas Carrier (IGC) Code as prepared by BLG 7.
10. The Subcommittee considered submissions by the United States and Norway regarding risks to survival of lifejacket users and proposals for improved functional requirements for lifejackets to address those risks. A correspondence group was established, under the coordination of the United States, to analyze and prioritize the identified risks and prepare suitable concrete proposals for amendments to the Life-Saving Appliance (LSA) Code and related instruments for further consideration at DE 47.

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D. International Maritime Organization (IMO), Subcommittee on Bulk Liquids and Gases (BLG)

The 8th session of the Subcommittee on Bulk Liquids and Gases (BLG 8) was held at IMO Headquarters in London from March 24-28, 2003. Delegations from 47 member governments, 1 associate member, and 19 non-governmental organizations attended the meeting. The United States was represented by the Coast Guard with assistance from two private sector advisers.

BLG 8 agenda items included the following: (1) matters related to the probabilistic methodology for oil outflow analysis; (2) review of Annex I (oil) of the 1973 International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978, as amended, (MARPOL 73/78); (3) review of Annex II (noxious liquid substances in bulk) of MARPOL 73/78; (4) evaluation of safety and pollution hazards of chemicals and preparation of consequential amendments; (5) amendments to requirements on electrical installations in the International Bulk Chemical (IBC) and International Gas Carrier (IGC) Codes; (6) application of MARPOL Annex I requirements to floating production storage and offloading units (FPSOs) and floating storage units (FSUs); (7) requirements for protection of personnel involved in the transport of cargoes containing toxic substances in all types of tankers; (8) oil tagging systems; (9) revision of the fire protection requirements of the IBC and IGC Codes; (10) ship recycling-related matters; and (11) casualty analysis.

Significant actions taken at BLG 8 include the following:

1. A working group at BLG 7 was tasked with finalizing draft revisions to MARPOL Annex I including the Oil Record Book, the International Oil Pollution Prevention (IOPP) Certificate, and the Unified Interpretations to Annex I. Taking into account the volume of material in Annex I, the working group at BLG 8 was tasked with carefully double checking and fine tuning all proposed changes. This task was completed. Subsequently, the Subcommittee agreed to the revisions for submission to the 49th session of the Marine Environment Protection Committee (MEPC 49) for approval and for adoption at MEPC 50.
2. The BLG agreed that a working group should be convened to review draft MEPC circulars and develop associated guidance that clearly specifies the application of MARPOL Annex I requirements to FPSOs and FSUs. The working group finalized the draft MEPC circulars, including non-mandatory guidelines and a new supplement to the IOPP Certificate. The BLG agreed that FPSOs and FSUs should be considered floating platforms rather than oil tankers or other cargo ships, thus creating another category of vessel within MARPOL 73/78 regulation. The Subcommittee also agreed that the existing supplements to the IOPP Certificate are not readily applied to the construction and equipment of FPSOs and FSUs, and approved a unique supplement that would incorporate the provisions of the approved guidelines. In addition, the Subcommittee agreed to amendments to regulation 21 of MARPOL Annex I and to amendments with respect to the existing unified interpretations.
3. The texts of both the five and the three pollution category systems proposed for the revision of MARPOL Annex II were finalized. Both systems are alternatives being considered by the MEPC for the revision of the Annex. This exercise included harmonizing the format of Annex II with that of MARPOL Annex I.
4. Concerning matters related to the probabilistic methodology for oil outflow analysis, a drafting group finalized guidelines for approval of alternative methods of design and construction of oil tankers and finalized related explanatory notes. The BLG forwarded these outcomes to the MEPC for its approval.
5. Regarding amendments to the IBC and IGC Codes, the requirements in the Codes were harmonized with the requirements in the International Convention for the Safety of Life at Sea (SOLAS) for electrical installations and for fire protection. Draft amendments were forwarded to the Maritime Safety Committee (MSC) for its approval.
6. The Subcommittee considered proposals to: (a) update MSC/Circ.752 on minimum safety standards for ships carrying mixtures, the benzene content of which is 0.5 percent of more; and (b) develop guidelines on material safety data sheets for marine use when handling MARPOL Annex I type cargoes and marine fuel oils. A drafting group prepared a revised draft of MSC/Circ.752, finalized the content of the proposed safety data sheets, and prepared an associated MSC resolution urging states to ensure the supply and carriage of the safety data sheets. The drafting group also prepared a justification for extending the work of the BLG to develop mandatory requirements in SOLAS for the carriage and use of safety data sheets for MARPOL Annex I cargoes and marine fuels. The BLG approved the revised draft

of MSC/Circ.752, agreed to the content of the proposed safety data sheets, and accepted the draft MSC resolution. However, the Subcommittee decided to consult with the World Health Organization and the Subcommittee on Standards of Training and Watchkeeping (STW) concerning the mandatory requirements for MARPOL Annex I safety data sheets before approaching the MSC for approval to continue work on this issue.

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E. International Maritime Organization (IMO), Subcommittee on Flag State Implementation (FSI)

The 11th session of the Subcommittee on Flag State Implementation (FSI 11) was held at IMO Headquarters in London from April 7-11, 2003. The meeting was attended by 66 member governments, 1 associate member, 2 United Nations specialized agencies, 1 intergovernmental organization, and 21 non-governmental organizations. The United States was represented by the Coast Guard with assistance from the Department of State, the National Transportation Safety Board, and two private sector advisers.

FSI 11 agenda items included the following: (1) mandatory reports under the 1973 International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978, as amended, (MARPOL 73/78); (2) casualty statistics and investigations; (3) regional cooperation on port state control; (4) reporting procedures on port state control detentions as well as analysis and evaluation of reports; (5) responsibilities of governments and measures to encourage flag state compliance; (6) review of Assembly resolution A.746(18); (7) self-assessment of flag state performance; (8) illegal, unregulated, and unreported (IUU) fishing; (9) development of guidelines under the 2001 International Convention on the Control of Harmful Anti-fouling Systems (AFS Convention); (10) ship recycling-related matters; (11) measures to enhance maritime security; (12) introduction of the Harmonized System of Survey and Certification (HSSC) into MARPOL Annex VI on prevention of air pollution from ships; (13) development of provisions on transfer of class; and (14) measures to prevent accidents with lifeboats.

Among significant actions taken at FSI 11 are the following:

1. The FSI noted that only 29 parties, including the United States, and 1 one associate member had submitted the required mandatory reports under MARPOL 73/78. The Subcommittee agreed that the result and rate of mandatory reporting was disappointing in view of the simplification of the reporting form. Members were again urged to fulfill their mandatory reporting obligations. The reporting mechanisms for MARPOL violations and waste reception facility discrepancies were also discussed, but no clear decisions were made. Finally, the FSI requested the IMO secretariat to prepare a submission on reporting difficulties associated with inadequate waste reception facilities and to submit it to FSI 12.

2. The Subcommittee agreed to publish the analyses of individual casualty investigation reports and “lessons learned” on the IMO Internet Web Site. It was also agreed to incorporate parts of the IMO formal safety assessment process into the casualty review process. The correspondence group on casualty analysis was reestablished.
3. The regional port state control (PSC) agreements organizations presented reports regarding their activities. The U.S. Coast Guard presented a report showing a continuing decline in the ship detention rate in U.S. ports. The Subcommittee requested that all PSC agreements organizations and the U.S. Coast Guard submit annual reports to FSI 12.
4. A number of flag states submitted a document that contained the basis of a flag state implementation code, which would assist member states with the implementation of IMO instruments. The FSI agreed that the code should be expanded to incorporate not only the responsibilities of flag states, but those of port states and coastal states as well. The matter was referred to a working group, and agreement was reached on the overall outline for the code. An intersessional correspondence group was established to further the work on the port state and coastal state sections.
5. A drafting group reviewed Assembly resolution A.746(18) and prepared an amendment to the 1988 Protocol relating to the International Convention for the Safety of Life at Sea (1988 SOLAS Protocol). The amendment refines the definition of the term “any five-year period,” for referral to the Maritime Safety Committee (MSC) and the Marine Environment Protection Committee (MEPC). The FSI further agreed to recommend to the MSC and MEPC that a continuous item on the review of survey guidelines under the HSSC be added to its work program.
6. The Subcommittee developed and approved two sets of guidelines called for in the AFS Convention. The first provides guidance for port state control officers conducting inspections of ships to verify compliance with the AFS Convention. This guidance will be initially promulgated as an MEPC resolution to be adopted at MEPC 49. After the AFS Convention enters into force, the guidance will be then incorporated into Assembly resolution A.787(19), as amended by resolution A.882(22), regarding procedures for port state control. The second set of guidelines covers sampling to determine if substances controlled under the AFS Convention are present on ships’ hulls.
7. The Subcommittee reviewed the issues concerning the treatment by port states of vessels on their final voyages before recycling. Draft guidelines on recycling of ships were revised by the FSI, which will be referred back to the MEPC.
8. With regard to the introduction of the HSSC into MARPOL Annex VI, amendments to the Annex were reviewed by a drafting group and were approved by the Subcommittee. These amendments will be submitted to the MEPC for approval and subsequent adoption.
9. Discussions regarding measures to enhance maritime security focused on the development of global guidelines for consistent application and enforcement of the International Ship and Port Facility Security (ISPS) Code. Attention was drawn to the rapidly approaching effective

date of July 1, 2004, for the ISPS Code and the need for guidelines. It was determined that an intersessional correspondence group would not be established; instead members were encouraged to informally correspond on the matter. The United States has volunteered to develop the guidelines and lead the informal discussion.

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F. International Maritime Organization (IMO), Legal Committee (LEG)

The 86th session of the Legal Committee (LEG 86) was held at IMO Headquarters in London from April 28 – May 2, 2003. Delegations from 64 member nations, 1 associate member, and 22 intergovernmental and non-governmental organizations attended the session. The United States was represented by the Coast Guard with assistance from the Department of State, the Department of Defense, the Transportation Security Administration, and the Department of Justice.

Significant LEG 86 agenda items included the following: (1) review of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention) and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (SUA Protocol); (2) draft Convention on Wreck Removal (WRC); (3) report on the outcome of the International Conference on the Revision of the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea (Athens Convention); (4) work of the Joint IMO/International Labor Organization (ILO) Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury, and Abandonment of Seafarers; (5) monitoring the implementation of the International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS Convention); (6) places of refuge for ships in need of assistance; and (7) measures to protect crews and passengers against crimes on vessels.

Among major actions taken by LEG 86 are the following:

1. The Committee focused on the revised U.S. text to amend the SUA Convention. These amendments are designed to facilitate, strengthen, and expand international cooperation and coordination in combating criminal activity, particularly terrorist acts. The United States has taken the lead in proposing amendments to the SUA Convention and the SUA Protocol. The United States is coordinating a correspondence group that the LEG has tasked with reviewing the SUA Convention and the SUA Protocol and proposing necessary amendments to the two instruments. At the end of the meeting, the IMO secretariat issued revised terms of reference for the U.S.-led correspondence group, which instruct the group to continue its intersessional work on the draft texts, with a particular focus on developing new criminal offenses. The LEG chairman also instructed the correspondence group to ensure that the revised draft texts take into account human rights concerns. The U.S. delegation plans to follow up on LEG 86

by circulating a white paper concerning the proposed shipboarding provisions to members of the correspondence group.

2. The Committee continued work on the draft WRC in plenary and then convened a WRC working group to continue discussions. The working group revised the text to expressly obligate each state party to require that its registered ship owners comply with conditions established by coastal states pursuant to the WRC in facilitating the removal of wrecks and that each state party take appropriate measures under its national laws to ensure that its registered ship owners comply. The U.S. delegation, along with the delegations of the United Kingdom and Japan, made clear that the WRC could not become binding upon non-parties as an international standard.
3. At the request of the Maritime Safety Committee (MSC), the LEG considered from a legal perspective two draft Assembly resolutions adopting guidelines on places of refuge for vessels, which were prepared by the Subcommittee on Safety of Navigation (NAV). The Committee recognized the need for the IMO to adopt guidelines on places of refuge as soon as possible. The LEG noted that it would be undertaking an examination of the issues of liability and compensation for damage arising from entry of a ship in need of assistance into a place of refuge once there is sufficient data resulting from the questionnaire circulated by the IMO secretariat and the Comité Maritime International (CMI). So as not to delay the draft Assembly resolutions, the Committee determined that the draft guidelines should contain a caveat indicating that the guidelines do not fully address the liability and compensation issues, and that the LEG should be called on to consider and take appropriate action on these financial security issues.
4. At the request of the LEG, the IMO has circulated a questionnaire regarding implementation of the resolutions and related guidelines on claims for death, personal injury, and abandonment of seafarers. The Committee encouraged states to respond to the questionnaire in time for the IMO and CMI to provide data to the next meeting of the Joint IMO/ILO Ad Hoc Expert Working Group.
5. At the request of the LEG, the IMO and the CMI have circulated a questionnaire that seeks to identify existing instruments on the international and national levels dealing with liability and compensation and their application to damage arising from entry of a ship into a place of refuge. The Committee urged states to respond in time so that this data can be provided to LEG 87.
6. The Committee decided to recommend to the IMO Council that, on a planning basis, provision be made for two diplomatic conferences during the 2004-2005 biennium to consider a draft protocol to amend the SUA Convention and the SUA Protocol and to consider a draft WRC.

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G. International Maritime Organization (IMO), Maritime Safety Committee (MSC)

The 77th session of the Maritime Safety Committee (MSC 77) was held at IMO Headquarters in London from May 28 – June 6, 2003, under the chairmanship of Mr. Joseph Angelo of the United States. Eighty-nine member states, 2 associate members, 5 United Nations specialized agencies, 9 intergovernmental organizations, and 37 non-governmental organizations participated. The United States was represented by the Coast Guard with assistance from the Bureau of Customs and Border Protection, the Department of Defense, the Department of State, and several private sector advisers.

MSC 77 agenda items included the following: (1) consideration and adoption of amendments to mandatory instruments; (2) large passenger ship safety; (3) bulk carrier safety; (4) measures to enhance maritime security; (5) proposed IMO model audit scheme; (6) places of refuge; (7) report of the 7th session of the Subcommittee on Dangerous Goods, Solid Cargoes, and Containers (DSC 7); (8) report of the 7th session of the Subcommittee on Radiocommunications and Search and Rescue (COMSAR 7); (9) report of the 47th session of the Subcommittee on Fire Protection (FP 47); (10) report of the 34th session of the Subcommittee on Standards of Training and Watchkeeping (STW 34); (11) urgent matters from the 46th session of the Subcommittee on Ship Design and Equipment (DE 46); (12) urgent matters from the 8th session of the Subcommittee on Bulk Liquids and Gases (BLG 8); (13) urgent matters from the 11th session of the Subcommittee on Flag State Implementation (FSI 11); (14) technical assistance subprogram in maritime safety and security; (15) formal safety assessment; (16) piracy and armed robbery against ships; and (17) implementation of instruments and related matters.

Among significant actions taken at MSC 77 are the following:

1. With regard to maritime security, the MSC made clarifications regarding chapter XI-2 of the International Convention for the Safety of Life at Sea (SOLAS Convention) and the International Ship and Port Facility Security (ISPS) Code in order to assist nations in the practical application of these security measures by July 2004. It was evident that member countries are working to swiftly implement the SOLAS amendments and the ISPS Code and were looking for guidance on implementation to ensure consistency in this vital effort. No significant issues remain to impede implementation of the maritime security requirements by July 2004. Issues addressed included: (a) training and certification of security officers; (b) revision of resolution A.890(21) on safe manning; (c) implementation of the new regulatory regime on maritime security; (d) long-range identification and tracking of ships; (e) guidelines for the authorization of recognized security organizations; (f) the joint International Labor Organization (ILO)/IMO working group on port security, which is developing guidance for port security; (g) directives for Maritime Rescue Coordination Centers (MRCCs); (h) the ship continuous synopsis record; and (i) port state control guidance.
2. A working group made substantial progress on the development of objectives, principles, scope of the audit, a framework document, and a work plan for implementing a voluntary IMO model audit scheme for the purpose of enhancing the performance of member states in implementing IMO conventions. In addition, there was discussion on funding implications

as well as technical cooperation aspects of the audit scheme. The MSC noted completion of a draft Assembly resolution approving the establishment and further development of an IMO model audit scheme.

3. The MSC unanimously adopted amendments to: (a) SOLAS chapter V regarding navigation bridge visibility and ship's reporting requirements to its company; (b) resolution A.744(18) regarding guidelines on the enhanced program of inspections during surveys of bulk carriers and oil tankers; and (c) Annex B of the 1988 Protocol relating to the International Convention on Load Lines (LL Protocol) concerning the regulations for determining load lines and improved standards for hatch covers on bulk carriers.
4. With regard to places of refuge for ships in distress, the MSC decided to maintain the plan of action developed at MSC 76, whereby the 49th session of the Subcommittee on Safety of Navigation (NAV 49) will finalize IMO guidelines on places of refuge and forward them directly to the 23rd Assembly (A 23) for approval. The issues concerning financial guarantees, liability, and compensation were referred to the 87th session of the Legal Committee (LEG 87).
5. The Committee approved the proposed amendments to the SOLAS Convention and the International Convention on Maritime Search and Rescue (SAR Convention) developed by COMSAR 7 relating to the responsibilities of coastal states for persons rescued within their SAR regions. The MSC also established an intersessional correspondence group, coordinated by the United States, to develop guidelines and procedures to implement the new SOLAS and SAR provisions. The guidelines will be finalized at COMSAR 8 and forwarded to MSC 78 for simultaneous adoption with the SOLAS and SAR amendments.
6. With regard to bulk carrier safety, the MSC: (a) adopted performance standards for water ingress alarms; (b) adopted loading and strength standards; (c) approved an MSC circular on interpretation of SOLAS regulation XII/13; (d) approved an MSC circular on ship design, construction, repair, and maintenance relating to steel repair and shipbuilding practices; and (e) approved guidelines for bulk carrier hatch cover surveys and owners' inspections and maintenance.
7. The MSC approved the report of DSC 7 and took the following specific actions: (a) approved an MSC circular on granting exemptions from the provisions of the International Maritime Dangerous Goods (IMDG) Code; and (b) endorsed the establishment of a correspondence group on serious structural deficiencies in containers.
8. The Committee approved the report of COMSAR 7 and took the following specific actions: (a) approved an MSC circular on amendments to the International SafetyNET Manual; (b) approved an MSC circular on future withdrawal of Inmarsat-A services by Inmarsat Ltd.; (c) approved an MSC circular on the procedure for evaluation and possible recognition of mobile satellite systems notified for use in the Global Maritime Distress and Safety System (GMDSS); (d) approved an MSC circular on guidelines to administrations on reporting false alerts; (e) approved draft amendments to SOLAS chapter IV to clarify the testing and maintenance requirements for satellite electronic position-indicating radio beacons (EPIRBs);

(f) adopted an MSC resolution on adoption of the revised performance standards for survival craft portable two-way VHF radiotelephone apparatus; (g) approved the convening of the 10th session of the joint International Civil Aviation Organization (ICAO)/IMO working group on harmonization of aeronautical and maritime SAR; (h) adopted proposed amendments to the IAMSAR Manual; and (i) approved amendments to the SOLAS and SAR Conventions relating the treatment of persons rescued at sea and established an intersessional correspondence group to prepare draft guidelines relating to these amendments.

9. The Committee approved the report of FP47 and took the following specific actions: (a) approved an MSC circular on unified interpretations of revised SOLAS chapter II-2; (b) approved an MSC circular on unified interpretations of guidelines for the approval of fixed water-based local application fire-fighting systems; (c) approved an MSC circular on principles of hot work on board all types of ships; (d) approved an MSC circular on the use of smoke helmet-type breathing apparatus; (e) approved a draft Assembly resolution on graphical symbols for shipboard fire control plans; (f) approved an MSC circular on a code of practice for atmospheric oil mist detectors; and (g) approved an MSC circular on guidelines for partially weathertight hatchway covers on board containerships.
10. The MSC approved the report of STW 34 and took the following specific actions: (a) approved draft amendments to Parts A and B of the Seafarers' Training, Certification and Watchkeeping (STCW) Code; (b) approved an MSC circular on guidance on recommended anti-fraud measures and forgery prevention features for seafarers' certificates; (c) approved an STCW circular on amendments to the STCW Code to provide additional guidance to administrations, shipping companies, and training institutions regarding training of seafarers of large passenger ships in advanced fire-fighting and damage control; (d) noted that the draft model courses, which were developed jointly by the United States and India, had been received and circulated to the validation panel; (e) approved an MSC circular on issues to be considered when introducing new technology on board a ship, such as standardization, training, and the human element; and (f) approved additional competent persons to serve on panels established to assess information communicated to the IMO.
11. The MSC considered urgent matters from DE 46 and took the following specific actions: (a) approved proposed amendments to SOLAS chapter III concerning inspections of lifeboats, conditions in which lifeboat emergency training and drills should be conducted, and carriage requirements for immersion suits, with a view to adoption at MSC 78; (b) approved an MSC circular on guidelines for periodic servicing and maintenance of lifeboats, launching appliances, and on-load release gear; (c) approved an MSC circular on interpretations of the 2000 High Speed Craft (HSC) Code and SOLAS chapter X; and (d) approved an MSC resolution on application of SOLAS regulation III/26 concerning fast rescue boats and means of rescue systems on ro-ro passenger ships.
12. The Committee considered urgent matters from BLG 8 and took the following specific actions: (a) approved an MSC circular on revised minimum safety standards for ships carrying liquids in bulk containing benzene; (b) adopted an MSC resolution on a recommendation concerning material safety data sheets for cargoes and marine fuel oils regulated under Annex I of the 1973 International Convention for the Prevention of Pollution

from Ships, as modified by the Protocol of 1978, (MARPOL 73/78 or MARPOL Convention); and (c) endorsed the BLG's course of action regarding requirements for the protection of personnel involved in the transport of cargoes containing toxic substances in all types of tankers and instructed BLG 9 to consider the proposal to develop mandatory requirements of the carriage and use of safety data sheets.

13. The MSC considered urgent matters from FSI 11 and took the following specific actions: (a) concurred with the revocation of resolutions A.322(IX) and A.442(XI) since the guidance in these resolutions had been incorporated into resolution A.849(20), Code for the Investigation of Marine Casualties and Incidents; and (b) approved, subject to the concurrence of the Marine Environment Protection Committee (MEPC), a draft Assembly resolution on revised survey guidelines under the harmonized system of survey and certification.

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