



ASSEMBLY
25th session
Agenda item 5(b)

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CONSIDERATION OF THE REPORTS OF THE COMMITTEES OF THE ASSEMBLY

(b) Reports of other committees

Report of the Technical Committee to the Plenary

INTRODUCTION

1 The Technical Committee (Committee 2) held its meetings on 21 (p.m.), 22 (a.m.) and 26 to 28 November 2007.

2 The Committee unanimously elected Mr. N. Ferrer (Philippines) as Chairman and Mrs. A. Jost (Germany) and Mr. B. Rachid (Algeria), as first and second Vice-Chairmen, respectively.

3 The Committee adopted its agenda (A 25/C.2/1) and, as instructed by the Plenary, considered Assembly agenda items 7, 8, 9, 11, 13, 14 and 16; and took action as indicated hereunder.

CONSIDERATION OF ASSEMBLY AGENDA ITEMS

ITEM 7 – STRATEGY AND PLANNING

(b) Review of the High-level Action Plan of the Organization and biennium priorities

4 The Committee considered the draft High-level Action Plan of the Organization and priorities for the 2008-2009 biennium and the associated draft Assembly resolution, as contained in document A 25/7(b), insofar as the high-level actions and biennial priorities proposed therein relate to the Maritime Safety Committee, the Marine Environment Protection Committee and the Facilitation Committee and, as applicable, the Secretariat.

5 Noting that Committee 1 approved the aforementioned draft Assembly resolution, the Committee considered document A 25/C.2/WP.2 (Secretariat) proposing modifications to the planned outputs for the 2008-2009 biennium in the draft High-level Action Plan and, having agreed to the modifications, approved the draft Assembly resolution and recommended to the Plenary to adopt the draft Assembly resolution on High-level Action Plan of the Organization and priorities for the 2008-2009 biennium, set out in annex 1.

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ITEM 8 – VOLUNTARY IMO MEMBER STATE AUDIT SCHEME

6 The Committee considered document A 25/8 (together with documents A 25/8/1 and A 25/8/2), in particular paragraph 18 thereof, which contained the actions requested of the Assembly and with respect to:

- .1 paragraphs 18.1 and 18.2, recalled that the Plenary had already invited Member States to continue to nominate as many qualified auditors as possible and encouraged Member States that had not yet volunteered for audits to do so as and when they are ready and as early as possible;
- .2 paragraph 18.3, noted the number of audits conducted so far and the average cost of an audit;
- .3 paragraph 18.4, welcomed the completion and circulation of the auditor's manual, annexed to document A 25/8/1, which was now being used by auditors and in the auditors' training programme, and expressed its thanks and appreciation to the Secretariat for preparing the manual;
- .4 paragraph 18.5, noted the ongoing preparatory work for the holding of an auditors' meeting in 2008 and the commitment made by Sweden to contribute towards the cost of holding the auditors' meeting, as well as the offer of the Republic of Korea to assist in this regard; and
- .5 paragraph 18.6 and document A 25/8/2, endorsed the proposed course of action by the Secretary-General for the circulation of future consolidated audit summary reports, either as a Council or Assembly document, as appropriate, and requested the Maritime Safety Committee and the Marine Environment Protection Committee to consider the aforementioned document, containing the first consolidated audit summary report and for the Committees to inform the Council, in due course, of the outcome of their consideration.

7 The Committee noted document A 25/8/3 (Chile), providing information on its experience in preparation for, and the conduct of, the audit, which has been submitted for information of the Assembly, and thanked Chile for sharing its experience.

ITEM 9 – CONSIDERATION OF THE REPORTS AND RECOMMENDATIONS OF THE MARITIME SAFETY COMMITTEE**General**

8 The Committee considered, in general, the outcome of the work of the Maritime Safety Committee (MSC) during its eighty-first, eighty-second and eighty-third sessions, which included the outcome of the Committee's subsidiary bodies (as outlined in paragraphs 26 to 69 of document A 25/9 and paragraphs 16 to 39 of document A 25/9/Add.1) and the preparation of draft Assembly resolutions (as presented in the annexes to documents A 25/9 and A 25/9/Add.1); and took action as indicated in the following paragraphs.

Amendments to conventions and safety-related codes and guidelines

9 The Committee noted the adoption by the MSC:

.1 **at its eighty-first session**, of amendments to:

- .1 chapters II-2, III, IV and V of the 1974 SOLAS Convention;
- .2 the 1988 SOLAS Protocol;
- .3 the 1978 STCW Convention; and
- .4 the FSS Code, the IMDG Code, the LSA Code and the STCW Code and the Guidelines for the authorization of organizations acting on behalf of the Administration,

which are expected to enter into force on 1 July 2010, if deemed accepted on 1 January 2010, except for the amendments to SOLAS chapter V relating to LRIT, the IMDG Code and the STCW Code, which are due to enter into force on 1 January 2008. The amendments to the 1988 SOLAS Protocol are expected to enter into force following acceptance by two-thirds of the Parties to the Protocol.

.2 **at its eighty-second session**, of amendments to:

- .1 chapters II-1, II-2, III and XII of, and to the appendix to the Annex to, the 1974 SOLAS Convention;
- .2 the 1988 SOLAS Protocol;
- .3 the 1988 LL Protocol; and
- .4 the FSS Code, the LSA Code, the IGC Code, the 1994 HSC Code, the 2000 HSC Code and the IBC Code,

which are expected to enter into force on 1 July 2008, if deemed accepted on 1 January 2008, except for amendments to SOLAS chapter II-1 (parts A, B and B-1) and the IBC Code, which are expected to enter into force on 1 January 2009, if deemed accepted on 1 July 2008, and the relevant amendments to SOLAS chapters II-1, II-2 and III and the FSS Code related to the passenger ship safety initiative, which are expected to enter into force on 1 July 2010, if deemed accepted on 1 January 2010.

The Committee also noted that the MSC adopted a mandatory Performance standard for protective coatings for dedicated seawater ballast tanks in all types of ships and double-side skin spaces of bulk carriers, which is expected to become effective on 1 July 2008, following the entry into force of the amendments to SOLAS regulation II-1/3-2; and

.3 **at its eighty-third session**, of amendments to:

- .1 chapters IV and VI of, and to the appendix to the Annex to, the 1974 SOLAS Convention;
- .2 the 1988 SOLAS Protocol; and
- .3 the INF Code,

which are expected to enter into force on 1 July 2009, if deemed accepted on 1 January 2009.

Passenger ship safety

10 The Committee noted that, during the period under review, the MSC had finalized its work on the passenger ship safety initiative with the adoption of a comprehensive set of amendments to SOLAS chapters II-1, II-2 and III and the FSS Code and approval of a large number of associated technical and operational guidance disseminated by means of circulars and, having recognized the need for consequential work to be carried out by sub-committees, assigned new tasks to the respective sub-committees. The Committee also noted that the MSC had taken prompt action to address the fire safety of cabin balconies on new and existing passenger ships in the wake of fire on board the cruise ship **Star Princess** with the adoption of amendments to SOLAS chapter II-2 and the FSS Code to provide restrictions on the use of combustible materials on cabin balconies. In addition, the Committee noted that the MSC had approved draft SOLAS amendments concerning measures to prevent the build-up of fire-fighting water in closed vehicle, ro-ro and special category spaces in the light of the tragic loss of life on the passenger ship **Al Salaam Boccaccio 98**, with a view to adoption at MSC 84.

Measures to enhance maritime security

11 The Committee noted that the MSC had considered, during the period under review, issues relating to the implementation of the special measures to enhance maritime security and had approved or adopted a number of MSC circulars or resolutions to this end; as well as that the MSC had decided to deal with security aspects of the operation of ships which do not fall within the scope of SOLAS chapter XI-2 and the ISPS Code.

12 Having noted that the MSC had adopted the Revised Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic (resolution MSC.228(82)) (also adopted by the FAL Committee by resolution FAL.9(34)) to replace the Guidelines adopted by resolution A.872(20), the Committee noted the action taken by the MSC pursuant to resolution A.985(24) and, in the context of operative paragraph 3 thereof, confirmed that resolution A.872(20) was revoked with effect as from 1 April 2007 (see also paragraph 80).

Goal-based new ship construction standards

13 The Committee noted that the MSC had continued its work, in parallel, on both the prescriptive approach for GBS for bulk carriers and oil tankers and GBS based on the safety level approach and, having approved, in principle, the Tier I goals and Tier II functional requirements of the GBS for bulk carriers and oil tankers, had made progress on the development of draft SOLAS amendments to make the GBS for bulk carriers and oil tankers mandatory and prepared an associated draft International goal-based new ship construction standards for bulk carriers and

oil tankers, while, with regard to GBS based on safety level approach, it had noted the outcome of the group's work on that approach.

14 The Committee noted that the MSC, having considered the outcome of the Pilot Project on trial application of the Tier III verification process using the IACS Common Structural Rules, approved the project plan for a second trial application of the Guidelines for the verification of compliance with GBS; and, having agreed to the work plan for the development of the goal-based standards, bearing in mind that both the prescriptive approach and the safety level approach should move forward as integral elements of IMO GBS, decided to focus efforts, at MSC 84, on the unified GBS framework and safety level approach and, at MSC 85, on finalization of the GBS for bulk carriers and oil tankers, including Tier III and the associated SOLAS amendments.

Long-range identification and tracking of ships (LRIT)

15 The Committee noted that the MSC had considered, during the period under review, issues relating to LRIT and had adopted amendments to SOLAS chapter V in respect of long-range identification and tracking of ships; the associated Performance standards and functional requirements; and Arrangements for the system's timely establishment.

16 The Committee also noted that the MSC, with a view to ensuring the timely implementation of the LRIT system by 30 December 2008, had:

- .1 accepted the contingency offer of the United States to host, build and operate, on an interim basis, the International LRIT Data Exchange (IDE) which will play a pivotal role in the establishment and functioning of the LRIT system by enabling LRIT Data Centres to communicate with each other and exchange information;
- .2 adopted amendments to the Performance standards and functional requirements for LRIT and authorized the MSC Chairman, in co-operation with the Secretariat, to approve an MSC circular on Guidance on LRIT-related matters through which a number of technical standards and specifications relating to the LRIT system will be disseminated; and
- .3 established an *ad hoc* LRIT Group and authorized it, in the period between MSC 83 and MSC 84, to, *inter alia*, consider and agree, on behalf of the MSC, amendments to technical specification and standards.

17 The delegation of the Marshall Islands advised the Committee of their offer made at MSC 83 (MSC 83/28, paragraph 6.95), namely to make available a mini-International LRIT Data Centre based upon the technology being used by their National LRIT Data Centre (NDC) to those SOLAS Contracting Governments not contemplating to establish their own NDC or to join a Regional or Co-operative LRIT Data Centre.

18 The Committee noted that MSC 83 had agreed that SOLAS Contracting Governments should be able to request and receive and use LRIT information for safety and environmental protection purposes.

Implementation of the revised STCW Convention

19 The Committee noted further efforts made by the MSC, during the period under review, towards achieving a wide and effective implementation of the revised STCW Convention, in particular the confirmation of STCW Parties found to give full and complete effect to the provisions of the Convention and approved MSC circulars attaching a list of such Parties.

Sub-Committees reports

General

20 The Committee noted that the MSC, during the period under review, provided guidance to, and supervised and set work programmes of, all its nine subsidiary bodies and approved their reports. The Committee noted the decisions on important issues emanating from the sessions of the MSC's subsidiary bodies, in addition to those referred to in paragraph 32.

Mandatory application of the BC Code and amendments to SOLAS chapters VI and VII

21 The Committee, having noted the progress made on the development of the mandatory BC Code and amendments to SOLAS chapters VI and VII to make it mandatory, noted also that the MSC had endorsed the timetable on the development of the mandatory BC Code and, in particular, noted the anticipated voluntary application of the Code from 1 January 2009 pending its official mandatory application date of 1 January 2011.

Revision of the Intact Stability Code

22 The Committee noted that the MSC had approved the draft International Code on Intact Stability, 2008 and the associated draft amendments to the 1974 SOLAS Convention and the 1988 LL Protocol to make the Code mandatory, for consideration at MSC 85 with a view to adoption; and a draft MSC circular on Explanatory Notes to the Code with a view to its formal approval simultaneously with the adoption of the Code.

Code of International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code)

23 The Committee noted that the MSC had approved the draft Code of International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code) and the associated draft amendments to SOLAS chapter XI-1 making the Code mandatory, with a view to adoption at MSC 84.

Illegal, unreported and unregulated (IUU) fishing and related matters

24 The Committee noted that the MSC, having considered the report of the second meeting of the Joint IMO/FAO *Ad Hoc* Working Group on IUU Fishing and Related Matters (JWG), had agreed that IMO, in consultation with FAO, should explore the legal options presented to the JWG to facilitate the entry into force of the 1993 Torremolinos Protocol, including the possibility of preparation of the draft Agreement relating to the implementation of the Protocol. The MSC had also agreed that the two Organizations should undertake appropriate consultations with the interested Governments with a view to identifying the revisions to the 1993 Torremolinos Protocol which may be needed to make the Protocol acceptable to the required number of Governments to ensure its early entry into force and assist Governments to adopt measures

needed to accept and implement the Protocol; and that the IMO Secretariat, in co-operation with the FAO Secretariat, should consider organizing international events for a focused consideration, at a decision-making level, of the entry into force of the 1993 Torremolinos Protocol and the 1995 STCW-F Convention.

Technical assistance sub-programme in maritime safety and security

25 The Committee noted that the MSC had noted the information provided on the activities executed under the Integrated Technical Co-operation Programme (ITCP) for the 2006-2007 biennium, including the information on consultancy missions, training courses, seminars and workshops held at national, regional and global levels, linkage between the ITCP and the Millennium Development Goals and impact assessment exercise; and, in particular, noted the information regarding the progress on the domestic ferry safety pilot project jointly implemented in Bangladesh by IMO and INTERFERRY and the final meeting (8 to 9 November 2007) of the Ministers of Côte d'Ivoire, Ghana, Guinea, Liberia and Sierra Leone to sign the Multilateral Agreement on regional co-operation of search and rescue activities, as well as information provided on the Abuja MoU and its programme of capacity development for the period 2007-2010.

Capacity-building for the implementation of new measures

26 The Committee noted that the MSC had agreed on the proposed criteria for assessment of capacity-building when proposing the development of new instruments or amendments to existing instruments and had requested the Secretariat to prepare draft amendments to the Committee's Guidelines and submit these to MEPC 57 and MSC 84 for consideration. The Committee further noted that the MSC had agreed, in principle, to establish an *ad hoc* working group on capacity-building and technical co-operation for the implementation of new instruments and approved the draft Assembly resolution on the need for capacity-building for the development and implementation of new, and amendments to existing, instruments, for submission to this session of the Assembly for adoption.

Piracy and armed robbery against ships

27 The Committee noted that the MSC, during the period under review, had continued monitoring developments concerning piracy and armed robbery against ships on the basis of statistical information and progress in the implementation of anti-piracy projects run by the Organization and had devised plans for future action. The Committee further noted initiatives by Member Governments to counter piracy and armed robbery at sea and that the MSC had agreed to encourage Administrations and port and coastal States to develop, or review and update, their national strategies for tackling piracy and armed robbery against ships, particularly to consider whether bilateral or multilateral agreements designed to reduce the incidence of such acts are viable and to report the outcome of this consideration for the MSC to enable international co-ordination through the Organization. The Committee also noted the activities of the Secretariat in conducting workshops and seminars on combating piracy.

Role of the human element

28 The Committee noted that, during the period under review, the MSC, in co-operation with the MEPC took appropriate decisions relating to, *inter alia*, the report of the Inter-Industry Working Group on the reported incidents of explosions on chemical and product carriers; the Organization's strategy to address the human element; research relating to the human element; the report of a Group of Independent Experts established by the Secretary-General to undertake an assessment review of the impact and effectiveness of the implementation of the ISM Code; and a proposal by ILO to establish a joint ILO/IMO working group to address matters within the competence of both Organizations relating to seafarers training, hours of work and rest, seafarer fatigue, career and skills development and opportunities for seafarers' employment.

Safety of general cargo ships

29 The Committee noted that, during the period under review, the MSC had agreed, in general, that there was an urgent need to consider the safety of general cargo ships, taking into account the current safety level of this type of ship; that more detailed information, analysis of the causes of accidents involving general cargo ships and related FSA studies are needed to facilitate the identification of the problem areas of such ships and consideration of appropriate measures to be taken; and that a working group needed to be established in the future to consider the relevant issues in detail.

Formal safety assessment

30 The Committee noted that, during the period under review, the MSC had approved the draft amendments to the Guidelines for formal safety assessment (FSA) for use in the IMO rule-making process (FSA Guidelines) and the Guidance on the use of human element analysing process (HEAP) and formal safety assessment (FSA) in the IMO rule-making process, in particular regarding guidance for carrying out an FSA review; structure of the FSA group of experts; selection of experts and procedure for establishing the FSA group of experts; and project management for large FSA studies. The Committee also noted that the MSC, having discussed how to deal with the reports on the FSA studies so far submitted to the Organization, had agreed, in general, that a group of experts needed to be established to consider the matter further at a future session.

Consideration of draft Assembly resolutions

31 The Committee considered the recommendations made by the MSC at its eighty-first and eighty-third sessions and the associated draft Assembly resolutions related to maritime safety, as set out in the annexes to documents A 25/9 and A 25/9/Add.1, having agreed to consider the draft Assembly resolutions related both to maritime safety and marine environment protection under Assembly agenda item 11 (Consideration of the reports and recommendations of the Marine Environment Protection Committee). The various discussions and the substantive amendments agreed in respect of the proposed draft resolutions are reflected in the following subparagraphs. Subject to the amendments indicated hereunder, the Committee recommends that the Assembly adopt the resolutions on the following subjects, the amended texts of which are given in annex 2 with the numbers preceding the title of each resolution corresponding to those shown in that annex:

(1) *Guidelines on voyage planning for passenger ships operating in remote areas*

In considering the draft resolution (1), the Committee agreed:

- .1 in operative paragraph 2 of the resolution, to replace the words “vessels flying their countries’ flag” by the words “ships entitled to fly the flag of their States”; and
- .2 with regard to the annex to the resolution, to replace, in paragraph 2.2.1, the word “age” by the words “the date” and the word “it” by the word “ice”.

(2) *Criteria for the provision of mobile satellite communication systems in the Global Maritime Distress and Safety System (GMDSS)*

In considering the draft resolution (2), the Committee agreed to replace:

- .1 in the seventh preambular paragraph, the word “IMSO” by the words “International Mobile Satellite Organization (IMSO)”;
- .2 in operative paragraph 1, the word “GMDSS” by the words “Global Maritime Distress and Safety System (GMDSS)”;
- .3 in operative paragraph 2, the words “flying their States’ flag” by the words “entitled to fly the flag of their States”.

With regard to the annex to the draft resolution, the Committee agreed to replace, in paragraph 7.1.1 of the annex, the date “2009” by the date “2007”.

(3) *Need for capacity-building for the development and implementation of new, and amendments to existing, instruments*

In considering the draft resolution (3), the Committee, having considered the recommendation of the Legal Committee (document LEG 93/13, paragraph 12(a).8) to replace, in operative paragraph 2, the word “after” by the words “during or in parallel with”, agreed to retain the word “after”.

Following the proposal by the delegation of the Bahamas, the Committee agreed to include a new operative paragraph 4 as follows:

- “4. INSTRUCTS all IMO organs, under the coordination of the Council, to make arrangements, within their work programmes and guidelines on the organization and method of their work, such as to enable as many Member States as possible to participate actively in the work of such organs and their subsidiary bodies;”

and renumber the existing operative paragraph 4 as operative paragraph 5.

Guidelines and recommendations approved by the MSC

32 The Committee noted (A 25/9, paragraph 93 and A 25/9/Add.1, paragraph 58) the list of guidelines and other recommendations approved by the MSC during the period under review, which had been brought to the attention of Member Governments through appropriate circulars or other means.

Approval of the reports of the Maritime Safety Committee

33 Having noted other actions taken by the MSC during the period under review, as reported in documents A 25/9 and A 25/9/Add.1, the Committee recommends that the Plenary approve the reports of the MSC at its eighty-first, eighty-second and eighty-third sessions.

MSC Chairman and Vice-Chairman

34 The Committee noted that, at its eighty-third session, the MSC unanimously elected Mr. Neil Ferrer (Philippines) as Chairman and Mr. Christian Breinholt (Denmark) as Vice-Chairman, for both 2007 and 2008.

Expressions of appreciation

35 The Committee noted the progress made by the MSC during the period under review and expressed appreciation to its Chairmen, the late Mr. Igor Ponomarev (Russian Federation) for 2006, Mr. Neil Ferrer (Philippines) for 2007, the Vice-Chairmen, Mr. N. Ferrer (Philippines) for 2006 and Mr. C. Breinholt (Denmark) for 2007, and the Chairmen and Vice-Chairmen and other officers of the MSC's subsidiary bodies for their contribution to the MSC's achievements.

36 The Committee expressed deep appreciation to the Governments of Turkey and Denmark for hosting the eighty-second and eighty-third sessions, respectively, and supporting them financially; to the colleagues and friends in the Turkish and Danish maritime administrations and the peoples of Istanbul and Copenhagen for the exquisite hospitality and friendship they extended to all throughout the stays in those Capital Cities; for their strong support to, and co-operation with the IMO staff in the organization, preparation and running of the meetings; and for their contribution to the successful outcomes of MSC 82 and MSC 83.

Expression of condolences

37 The Committee noted with deep sadness the untimely death of the Maritime Safety Committee's Chairman for 2006, the late Mr. Igor Ponomarev, the Permanent Representative of the Russian Federation who had actively and tirelessly contributed to the work of the Organization for over 13 years. During that period, he had ably and enthusiastically chaired the DE Sub-Committee, a number of MSC working and drafting groups, and MSC 81 as well as this Committee at the twenty-fourth session of the Assembly.

ENTRY INTO FORCE AND IMPLEMENTATION OF THE 1993 TORREMOLINOS PROTOCOL

38 The Committee considered a draft Assembly resolution on Entry into force and implementation of the 1993 Torremolinos Protocol (A 25/9/1, annex) submitted by the Secretary-General to enhance the Organization's efforts to promote the safety of fishermen and fishing vessels and, having approved the draft resolution, set out in annex 3, recommends it to the Plenary for adoption.

ITEM 11 – CONSIDERATION OF THE REPORTS AND RECOMMENDATIONS OF THE MARINE ENVIRONMENT PROTECTION COMMITTEE

General

39 The Committee considered, in general, the outcome of the work of the Marine Environment Protection Committee (MEPC) during its fifty-fourth, fifty-fifth and fifty-sixth sessions (as outlined in paragraphs 6 to 128 of document A 25/11) and the preparation of draft Assembly resolutions (as presented in paragraph 102.1 of document A 25/11); and took action as indicated in the following paragraphs.

Adoption of amendments to mandatory instruments

40 The Committee noted the adoption by the MEPC:

- .1 **at its fifty-fourth session**, of amendments to MARPOL Annex I and Annex IV and the BCH Code, which entered into force on 1 August 2007;
- .2 **at its fifty-fifth session**, of amendments to:
 - .1 MARPOL Annex I and the Condition Assessment Scheme (CAS), which are due to enter into force on 1 March 2008; and
 - .2 the revised MARPOL Annex III, which are expected to enter into force on 1 January 2010, if deemed accepted on 1 July 2009 in line with the timeframe leading to the entry into force of the 2008 Amendments to the IMDG Code; and
- .3 **at its fifty-sixth session**, of amendments to:
 - .1 MARPOL Annex I and Annex IV, which are expected to enter into force on 1 December 2008, if deemed accepted on 1 June 2008;
 - .2 the 1973 Intervention Protocol, which are expected to enter into force within three months, if deemed accepted at the end of six months after they have been communicated to all Parties to the Protocol for acceptance; and
 - .3 the IBC Code concerning chapters 11, 17, 18 and 19 of the Code, which are expected to enter into force on 1 January 2009, if deemed accepted on 1 July 2008.

Prevention of air pollution from ships

Revision of MARPOL Annex VI and the NOx Technical Code

41 The Committee noted that the MEPC had undertaken a revision of MARPOL Annex VI and the NOx Technical Code with the support of the BLG Sub-Committee and that MEPC 56 had approved a revised timetable for such revision with a view to approval at MEPC 57 and adoption at MEPC 58, of the revised MARPOL Annex VI and the Code.

Reduction of greenhouse gas emissions from ships

42 The Committee noted the progress made by the MEPC in taking follow-up actions to resolution A.963(23) on IMO policies and practices related to reduction of greenhouse gas emissions from ships, including the adoption, at MEPC 55, of a work plan, with a timetable ending at MEPC 59 to develop a CO₂ Emission Indexing Scheme, a CO₂ emission baseline, and technical, operational and market-based methods.

43 The Committee noted that MEPC 56 had decided to undertake an update of the 2000 IMO GHG Study with a view to assisting the MEPC to make well-informed decisions for the control of greenhouse gas emissions from ships.

44 In noting the remarks made by the Secretary-General to the Plenary, that, following consultations with the MEPC Chairman and in consonance with the great importance and urgency that the international community, led by the Secretary-General of the United Nations, attaches to the control of greenhouse gas emissions worldwide, he intended to suggest, to MEPC 57, a possible way forward to expedite the work on GHG emissions from ships, the Committee expressed support for the initiative.

45 With regard to the update of the 2000 IMO Study on GHG emissions approved by MEPC 56, the Committee expressed appreciation to the delegations that, during the session and at the Plenary of the Assembly, had pledged financial contributions towards the cost of the update, in particular the delegations of Germany (€25,000), the Netherlands (€35,000) and Sweden (US\$20,000).

Harmful aquatic organisms in ballast water***Adoption of guidelines required under the BWM Convention***

46 The Committee noted that, during the period under review, the MEPC had adopted the following guidelines required under the BWM Convention:

- .1 Guidelines for approval and oversight of prototype ballast water treatment technology programmes;
- .2 Guidelines for sediment reception facilities;
- .3 Guidelines for ballast water reception facilities;
- .4 Guidelines for ballast water exchange design and construction standards;
- .5 Guidelines on design and construction to facilitate sediment control on ships;
- .6 Guidelines on designation of areas for ballast water exchange;
- .7 Guidelines for additional measures regarding ballast water management including emergency situations; and
- .8 Guidelines for risk assessment under regulation A-4 of the BWM Convention,

and that the MEPC had also adopted the Guidelines for ballast water exchange in the Antarctic Treaty area.

Approval of ballast water management systems that make use of Active Substances

47 The Committee noted that, during the period under review, the MEPC had given Basic Approval to the following ballast water management systems that make use of Active Substances:

- .1 Paraclean Ocean System, proposed by Germany;
- .2 Electro Clean System, proposed by the Republic of Korea;
- .3 Special Pipe Ballast Water Management System combined with ozone treatment, proposed by Japan;
- .4 EctoSys™ electrochemical System, proposed by Sweden;
- .5 NK Ballast Water Treatment System, proposed by the Republic of Korea; and
- .6 PureBallast System, proposed by Norway and Sweden, which was also given Final Approval.

Availability of ballast water treatment technologies

48 The Committee noted that the MEPC, with the support of the Ballast Water Review Group, had conducted a review, at MEPC 55 and MEPC 56, of the availability of ballast water treatment technologies to achieve the performance standard required under regulation D-2 of the BWM Convention by 1 January 2009, the first date when certain new ships must comply with the standard.

49 The Committee noted that, although MEPC 56 had recognized that a limited number of ballast water treatment technologies would be available to meet the first implementation date of the BWM Convention, it remained concerned that the capability of all ships subject to regulation B-3.3 of the Convention to meet the D-2 standard in 2009 could be affected by procedural and logistical problems. Therefore, MEPC 56 had invited submissions to MEPC 57 aimed at how to ensure that the shipowners facing problems related to unavailability of ballast water treatment technologies are not legally penalized, with a view to taking a final decision at that session.

Recycling of ships

Development of the draft convention

50 The Committee noted that the MEPC had made good progress in the development of the draft legal instrument entitled “International Convention for the Safe and Environmentally Sound Recycling of Ships”. MEPC 56, noting that a large number of regulations remained in square brackets, instructed an intersessional meeting of the Working Group on Ship Recycling in January 2008 to further develop the draft convention and to reduce the number of square brackets in the draft convention to the minimum possible by consensus or by clear majority.

Proposed diplomatic conference on ship recycling

51 The Committee recalled that the budget for the diplomatic conference had already been approved by the ninety-seventh session of the Council and noted that MEPC 56 had approved a revised work plan for finalizing the draft convention, including the holding of the diplomatic conference in April 2009.

Identification and protection of special areas and PSSAs

Special Areas under MARPOL

52 The Committee noted that MEPC 56, recognizing that adequate reception facilities for the southern South African waters Special Area under MARPOL Annex I and for the Gulfs area Special Area under MARPOL Annexes I and V, had been provided by the States bordering those areas, established the date of 1 August 2008 when the stringent discharge requirements for the two Special Areas shall take effect.

Designation of PSSAs

53 The Committee also noted that MEPC 56 had approved, in principle, the designation of the Papahānaumokuākea Marine National Monument (north-west Hawaiian Islands) of the United States as a new PSSA with a view to final designation at MEPC 57 after the associated protective measures had been considered by the NAV Sub-Committee.

Pilotage in the Torres Strait PSSA

54 Referring to the Torres Strait PSSA designated by resolution MEPC.133(53) and the pilotage for the PSSA introduced by Australia, the delegation of Singapore reiterated the summation of the MEPC Chairman at MEPC 55 that resolution MEPC.133(53) was recommendatory in nature. The delegation of Singapore emphasized that the resolution provided no international legal basis for mandatory pilotage in the Torres Strait, or any other strait used for international navigation; and called on Australia to align its action with the understanding agreed at MEPC 55. As requested, the statement by the delegation of Singapore is attached in annex 7. In the course of the ensuing debate, the delegations of Brazil, China, Cyprus, Ghana, Italy, Marshall Islands, Panama, the Republic of Korea, the Russian Federation, the United Kingdom and the United States associated themselves with this statement. During consideration of document A 25/C.2/WP.1/Add.1 (Committee's draft report), the delegations of Finland, Greece, Japan, Mexico, Norway, South Africa, Sri Lanka, Thailand, Vietnam and the United Arab Emirates associated themselves with the statement of the delegation of Singapore.*

55 In response, the delegation of Australia stated that the matter had been fully discussed in IMO and the pilotage system for the Torres Strait was consistent with UNCLOS, as an extension of the existing pilotage arrangements in the Great Barrier Reef PSSA; this was well understood by all Committees and recorded in their reports. The delegation of Australia stressed that the purpose of the pilotage system for the Torres Strait was to prevent damage to a unique marine environment, which imposed no hindrance or impairment to the shipping industry. As requested, the statement by the delegation of Australia is attached in annex 8. The delegation of Papua New Guinea

* After the closure of the meeting the delegations of the Bahamas, Bangladesh, Cambodia, India, Kenya, the Maldives, Malta, Myanmar, Nigeria and Saudi Arabia expressed their wish to be associated with the statement by the delegation of Singapore.

associated itself with this statement. During consideration of document A 25/C.2/WP.1/Add.1 (Committee's draft report), the delegations of Germany and New Zealand associated themselves with the statement of the delegation of Australia.

56 The delegation of Denmark expressed understanding and shared the concerns which lay behind the Australian initiative. The delegation believed that there were ways to attain mandatory pilotage in a strait used for international navigation and would continue to support any future efforts to achieve mandatory pilotage in the Torres Strait and similar exposed areas, at the IMO, or at any other competent level.

57 The delegation of the Netherlands agreed with the Chairman's summation at MEPC 55 that resolution MEPC.133(53) was of a recommendatory nature.

58 The Committee recalled the debate on the matter at previous sessions of the MEPC, and especially the decision of MEPC 55, which was included in paragraphs 8.8 to 8.15 of the report of MEPC 55 (MEPC 55/23) and, taking into consideration the overwhelming majority of delegations expressing their support for the position of Singapore and the United States, the Committee re-affirmed the decision reached at MEPC 55 that resolution MEPC.133(53) is recommendatory in nature.

Interpretations and amendments to MARPOL and related instruments

59 The Committee noted the work carried out by the MEPC concerning unified interpretations of MARPOL Annex I; handling of oil residues and bilge water; translocation of invasive aquatic species through bio-fouling of ships; performance of shipboard pollution prevention equipment; review of MARPOL Annex V; application of regulation 4.1.3 of MARPOL Annex II; proposed phase-out of existing pollution prevention equipment; and applicability of the MARPOL Convention to FPSOs and FSUs.

Inadequacy of port reception facilities

60 The Committee noted that the MEPC had approved an Action Plan on Port Reception Facilities, which contained a list of work items to be undertaken by the Committee and the FSI Sub-Committee, with a view to improving the provision and use of port reception facilities for the reduction of marine pollution.

Implementation of the OPRC Convention and the OPRC-HNS Protocol and relevant conference resolutions

61 The Committee noted that MEPC 55 had approved the Guidance Document on planning and response to chemical releases in the marine environment and that MEPC 56 had approved the revised text of the Manual on Oil Pollution – Section V: Administrative aspects of oil spill response.

62 The Committee noted that MEPC 56, having considered a number of submissions for new work concerning pollution preparedness and response, including Guidance Documents on establishment of coordinated Joint Information Centres during oil spill response; on Incident Command System; on oil spill response in fast currents; on identification and observation of spilled oil; and on oil spill response offshore *in situ* burning, had referred them to the next session of the OPRC-HNS Technical Group for consideration.

Reports of Sub-Committees and other subsidiary bodies

63 The Committee noted the action taken by the MEPC concerning reports of the sub-committees, which had dealt with environmental issues, including the adoption of guidelines and circulars or amendments thereto prepared by the sub-committees.

Work of other bodies

64 The Committee noted the action taken by the MEPC concerning the revitalization of GESAMP after a long period of re-orientation and review, and after it had received substantial support (US\$1,100,000) from the Swedish International Development Co-operation Agency (SIDA) for the period from 2006 to 2008.

Technical co-operation sub-programme for the protection of the marine environment

65 The Committee noted the many activities carried out by the Secretariat, including training courses, seminars and workshops for the developing countries which were held at the national, regional and global levels.

66 The Committee also noted the activities carried out for the major projects under the direct supervision of the Organization's Marine Environment Division, as follows:

- .1 the Project on Building Partnerships for Environmental Protection and Management of the Seas of East Asia (PEMSEA), funded by the GEF;
- .2 the preparatory (PDF-B Project) and full-size Projects on Building Partnerships to Assist Developing Countries to Reduce the Transfer of Harmful Aquatic Organisms in Ships' Ballast Water (GloBallast Partnerships), funded by the GEF;
- .3 the Project on the Development of a Regional Marine Electronic Highway (MEH) Demonstration Project in the Straits of Malacca and Singapore, funded by the World Bank; and
- .4 the EC/MEDA-financed project on EUROMED Co-operation on Maritime Safety and Prevention of Pollution from Ships (SAFEMED).

Consideration of draft Assembly resolutions

Draft Assembly resolutions relating both to maritime safety and marine environment protection

67 The Committee considered the draft Assembly resolutions relating both to maritime safety and marine environment protection prepared jointly by the MSC and the MEPC, as set out in the annex to document A 25/11. The various discussions and amendments agreed in respect of proposed draft resolutions are reflected in the following subparagraphs. Subject to the amendments indicated hereunder, the Committee recommends that the Assembly adopt the resolutions on the following subjects, the amended texts of which are given in annex 4 with the number preceding the title of each resolution corresponding to those shown in that annex:

(1) *Revised Code for the Implementation of Mandatory IMO Instruments*

In considering the draft resolution (1), the Committee agreed:

.1 to change the title of the draft resolution as follows:

“Code for the Implementation of Mandatory IMO Instruments, 2007”,

and to consequential modifications to the draft resolution and the annex thereto; and

.2 to replace operative paragraph 2 of the draft resolution by the following:

“2. URGES Governments of all States in their capacity as flag, port and coastal States to implement the Code on a national basis;”.

(2) *Revised Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)*

In considering the draft resolution (2), the Committee agreed to change the title of the draft resolution as follows:

“Survey Guidelines under the Harmonized System of Survey and Certification, 2007”,

and to consequential modifications to the draft resolution and the annex thereto.

Approval of the reports of the Marine Environment Protection Committee

68 Having noted the other actions taken by the MEPC during the period under review, as reported in document A 25/11, the Committee recommends that the Plenary approve the reports of the MEPC at its fifty-fourth, fifty-fifth and fifty-sixth sessions.

MEPC Chairman and Vice-Chairman

69 The Committee noted that the MEPC, at its fifty-sixth session, unanimously re-elected Mr. Chrysostomou (Cyprus) as Chairman and Mr. Chatterjee (India) as Vice-Chairman, for 2008.

Expressions of appreciation

70 The Committee noted the progress made by the MEPC during the period under review and expressed appreciation to its Chairman, Mr. A. Chrysostomou (Cyprus), its Vice-Chairman, Mr. Chatterjee (India), as well as the Chairmen and Vice-Chairmen and other officers of the MEPC's subsidiary bodies for their contribution to the MEPC's achievements.

CONSIDERATION OF THE DRAFT ASSEMBLY RESOLUTION PROPOSED BY THE SECRETARY-GENERAL

71 The Committee considered the draft Assembly resolution entitled “Application of the International Convention for the Control and Management of Ships’ Ballast Water and Sediments, 2004” contained in document A 25/11/1 and, following consideration of the written

comments on the matter contained in documents A 25/11/2 (United States) and A 25/11/3 (ICS, INTERCARGO, INTERTANKO and BIMCO) as well as the outcome of informal consultations, established an *ad hoc* working group under the chairmanship of Mr. Charles (Bud) Darr of the United States and instructed it to prepare a revised text of the draft resolution for consideration by the Committee.

72 The delegation of Brazil expressed concern about the above procedure and stated that this kind of procedure should not become a common practice in the ambit of the Organization. Nonetheless, with the protection of the environment in mind, the delegation could support the adoption of the resolution at this time, so as to speed up ratification and subsequent entry into force of the Convention.

73 Having considered the report of the group (A 25/C.2/WP.3), the Committee approved the report in general and, in particular:

- .1 endorsed that this resolution refers to an understanding regarding the enforcement of regulation B-3.3 for ships constructed in 2009 and that, with regard to ships constructed in 2010, the MEPC should keep this issue and the immediate availability of type-approved technology under review; and
- .2 approved the draft Assembly resolution on Application of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, as set out in annex 5, and recommends it to the Plenary for adoption.

74 The Secretary-General expressed his appreciation to the Chairman of the *ad hoc* working group for his hard work during the informal consultations and his stewardship of the group; and also to all the delegations who had contributed with submissions and participated in the deliberations. The close co-operation and willingness to compromise shown by all involved was clear proof of IMO's long-standing tradition of taking decisions by consensus and this spirit of co-operation should be nurtured and further strengthened in the future. He was convinced that, once the approved draft resolution had been adopted by the Plenary, a good service would have been rendered to international shipping. As to any lessons that could be learned from the issue, the Secretary-General cautioned against being overoptimistic in the future by, among other things, underestimating the time needed for a new treaty instrument to come into force, and also that care should be taken when laying down dates in future conventions, the implementation of which may rely, in particular, on technologies which may not be available when needed.

ITEM 13 – CONSIDERATION OF THE REPORTS AND RECOMMENDATIONS OF THE FACILITATION COMMITTEE

General

75 The Committee considered, in general, the outcome of the work of the Facilitation Committee (FAL) during its thirty-third and thirty-fourth sessions (document A 25/13) and took action as indicated in the following paragraphs.

Amendments to the 1965 FAL Convention

76 The Committee noted that FAL 34 had approved draft amendments to the FAL Convention regarding arrival, stay and departure of ships; contents and purpose of documents;

arrival and departure of persons; requirements and procedures; measures to facilitate clearance of cargo, passengers, crew and baggage; and facilitation for ships engaged on cruises and for cruise ship passengers, with a view to adoption at FAL 35.

General review and implementation of the FAL Convention

Review of Standards and Recommended Practices in the Annex to the Convention to which differences have been registered by Contracting Governments

77 The Committee noted that the FAL Committee had reaffirmed the need for the review of Standards and Recommended Practices to which differences had been registered by FAL Contracting Governments and that this task remained one of the strategic directions identified in the Role, mission, strategic direction and work of the Committee, as adopted during FAL 32. Accordingly, FAL 34 had approved a FAL circular on Review of Standards and Recommended Practices inviting FAL Contracting Governments to complete questionnaires providing up-to-date information concerning any differences to the Standards they have adopted and on the implementation of the Recommended Practices and had invited Member States, which are not FAL Contracting Governments, to complete and return similar questionnaires in order to find out, *inter alia*, what obstacles they were facing in order to accede to the Convention.

Development of an explanatory manual to the Convention

78 The Committee noted that the FAL Committee had made substantial progress on the development of an explanatory manual to the FAL Convention and that FAL 34 had re-established a correspondence group to continue such work intersessionally.

Electronic means for the clearance of ships

79 The Committee noted that the FAL Committee had made progress on matters relevant to the transmission, by electronic means, of information relating to the clearance of ships and the revision of the IMO Compendium on facilitation and electronic business, including other electronic data interchange related issues.

Prevention and suppression of illicit trade, including drugs, WMD and people

Adoption of Revised Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic

80 The Committee noted that the FAL Committee, following relevant decisions of MSC 82, had adopted resolution FAL.9(34) on Revised Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic. These Revised Guidelines replace, as from 1 April 2007, the Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic adopted by resolution A.872(20). The Committee recalled, as indicated in paragraph 12, that it had confirmed, in conformity with resolution A.985(24), that resolution A.872(20) is revoked with effect from 1 April 2007.

Proposal for the creation of an IMO Stowaway Focal Point

81 The Committee noted that the FAL Committee had agreed to conduct, to the extent existing resources allow, a trial of an IMO Stowaway Focal Point to be established within the Secretariat and that the primary function of such a Stowaway Focal Point would be to provide assistance, during the working hours of the Secretariat, for the resolution of stowaway cases only when parties involved in any such cases had been unable to resolve them within the means available to them. In this context, the Committee noted that the Secretary-General had established a Stowaway Focal Point within the Secretariat, as requested by the FAL Committee.

Persons rescued at sea

82 The Committee noted that, due to a very limited participation by Member Governments in the work of the Correspondence Group on Administrative procedures for disembarking persons rescued at sea, it was unable to make much progress on the issue and that the FAL Committee, having noted the support of Member Governments and non-governmental organizations to continue the work of the correspondence group, had agreed to re-establish the correspondence group.

Securing and facilitating international trade

83 The Committee noted that the FAL Committee had agreed that many aspects of supply chain security were outside the purview of the Organization and that the Organization should focus on the ship- and port facility-related components of the supply chain, which were covered by SOLAS chapter XI-2 and the ISPS Code, having also agreed that the World Customs Organization (WCO) had primacy with respect to supply chain security. The Committee further noted that the FAL Committee had approved the MSC/FAL circular on Securing and facilitating international trade which, *inter alia*, provided information on the WCO SAFE Framework of Standards and the WCO AEO Guidelines and highlighted a number of issues Member States need to address when developing guidance on the implementation of the Convention and SOLAS chapter XI-2 and the ISPS Code, in the context of the WCO SAFE Framework of Standards and the WCO AEO Guidelines.

Ship/port interface: facilitation of shipments of dangerous cargoes***Ad hoc mechanism within the Secretariat to coordinate efforts to speedily resolve difficulties in the carriage of IMDG Code class 7 radioactive materials***

84 In the context of facilitating the shipment of IMDG Code class 7 radioactive materials, the Committee noted that the FAL Committee had considered a proposal, made in pursuance of the specific requests of resolution A.984(24) on Facilitation of the carriage of IMDG Code class 7 radioactive materials including those in packaged form used in medical or public health applications, which, amongst others, requested the Secretary-General to explore the possibility of establishing an *ad hoc* mechanism within the Organization to coordinate efforts to speedily resolve difficulties in the carriage of IMDG Code class 7 radioactive materials. The FAL Committee, subsequently, had approved, in principle and subject to the results of a trial, the *ad hoc* mechanism within the Secretariat to coordinate efforts to speedily resolve difficulties in the carriage of IMDG Code class 7 radioactive materials, whereby the Secretariat will monitor, facilitate and coordinate the resolution of such difficulties.

85 In the context of this item, the Committee noted that the Secretary-General had established an IMO Focal Point on the resolution of difficulties in the carriage of dangerous goods including class 7 radioactive materials as requested by the Assembly.

Institutionalization of the Committee

86 The Committee noted, with considerable interest, information from the Chairman of the FAL Committee that, as at 31 October 2007, 111 of the 167 Member States had accepted the 1991 amendments to the IMO Convention on the institutionalization of the Facilitation Committee (the 1991 amendments). Accordingly, only a further one acceptance was still needed in order to make up the total of 112 required to enable the amendments to enter into force twelve months later, in accordance with the provisions of Article 66 of the IMO Convention.

87 Consequently, the Committee urged Member States that have not yet accepted the amendments, to consider doing so, at their earliest convenience. The Committee considered that once it was formally institutionalized, the FAL Committee could be in a better position to fulfil its role of complementing the work of other Committees by ensuring an appropriate balance between their regulatory tasks and the maintenance of the desired efficiency in shipping operations.

Approval of the reports of the Facilitation Committee

88 Having noted the other actions taken by the FAL Committee, as contained in document A 25/13, the Committee recommends that the Plenary approve the reports of the FAL Committee on its thirty-third and thirty-fourth sessions.

FAL Committee Chairman and Vice-Chairman

89 The Committee noted that FAL 34 had unanimously re-elected Mr. C. Abela (Malta) as Chairman and Captain A.E. Hill (Liberia) as Vice-Chairman, for 2008.

Expressions of appreciation

90 The Committee noted the progress made by the FAL Committee during the period under review and expressed appreciation to its Chairman, Mr. C. Abela (Malta) and the Vice-Chairman, Captain A.E. Hill (Liberia) for their contributions to the FAL Committee's achievements.

ITEM 14 – CONSIDERATION OF PROPOSED AMENDMENTS TO THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

91 The Committee considered the proposed amendments to annex IV of the International Regulations for Preventing Collision at Sea, 1972 set out in the annex to document A 25/14 including a recommendation of COMSAR 11 endorsed by MSC 83 (document A 25/14/Add.1) that, in the context of the proposed amendments, the term "Recognised Mobile Satellite Service Providers (RMSSP)" should revert to "Inmarsat", since there was currently no proposal to include the new term into SOLAS chapter IV.

92 Following consideration of the draft resolution, the Committee, agreed to replace:

- .1 in operative paragraph 2, the dates "[.. November 2009]" and "[.. May 2008]" by the dates "1 December 2009" and "1 June 2008" respectively; and

- .2 in operative paragraph 4, the date “[.. May 2008]” by the date “1 June 2008”; and to add, at the end of the paragraph, the words “, in accordance with the provisions of paragraph 4 of article VI of the Convention”,

and with regard to the annex to the draft resolution, the Committee agreed to replace subparagraph (m) of paragraph 1 by the following:

- “(m) ship-to-shore distress alert transmitted by the ship's Inmarsat or other mobile satellite service provider ship earth station”.

93 The Committee, having approved the modified draft amendments and resolution, set out in annex 6, recommends them to the Assembly for adoption. The Committee also recommends that the Assembly determine, in accordance with paragraph 4 of article IV of the Convention on the International Regulations for Preventing Collisions at Sea, 1972, that the amendments should, as proposed by the Committee in paragraph 92.1 above, enter into force on 1 December 2009, 24 months after their adoption by the Assembly, unless they are objected to by more than one third of the Contracting Parties to the Convention within six months following the date of their adoption (i.e., 1 June 2008).

ITEM 16 – CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER, 1972 AND THE 1996 PROTOCOL THERETO: REPORT ON THE PERFORMANCE OF SECRETARIAT FUNCTIONS AND OTHER DUTIES

94 The Committee considered the main activities carried out during the period under review within the framework of the London Convention and Protocol and noted in general, the reports of the 28th and 29th Consultative Meetings of Contracting Parties to the London Convention and the 1st and 2nd Meetings of Contracting Parties to the London Protocol (A 25/16 and Add.1).

95 In this context, the Committee noted the progress with the development of practical guidance for mariners to manage spoilt cargoes aimed at completion in 2008, as well as the plan to accelerate the provision to the MEPC of guidance on best management practices of removal of TBT paints from ships, and other marine structures, in the light of the entry into force of the Anti-Fouling Systems Convention on 17 September 2008. Once completed, these efforts would be regarded as important achievements in the co-operation between the London Convention and Protocol and the MEPC.

ANY OTHER BUSINESS

96 The Committee had no issues to consider under this agenda item.

ACTION REQUESTED OF THE ASSEMBLY

97 The Assembly is invited to consider the report of Committee 2 and to:

- .1 adopt the draft resolution on High-level action plan of the Organization and priorities for the 2008-2009 biennium (paragraph 5 and annex 1);
- .2 endorse the course of action proposed by the Secretary-General relating to the Voluntary IMO Member State Audit Scheme (paragraph 6.5);

- .3 confirm that resolution A.872(20) is revoked as from 1 April 2007 (paragraph 12);
- .4 adopt the draft resolutions (1) to (3) relating to maritime safety (paragraph 31 and annex 2);
- .5 approve the reports of the MSC at its eighty-first, eighty-second and eighty-third sessions (paragraph 33);
- .6 adopt the draft resolution relating to the 1993 Torremolinos Protocol (paragraph 38 and annex 3);
- .7 note with appreciation the kind contributions pledged by Germany, the Netherlands and Sweden towards the updating of the IMO GHG study (paragraph 45);
- .8 adopt the draft resolutions (1) and (2) relating both to maritime safety and marine environment protection (paragraph 67 and annex 4);
- .9 approve the reports of the MEPC at its fifty-fourth, fifty-fifth and fifty-sixth sessions (paragraph 68);
- .10 adopt the draft resolution relating to application of the BWM Convention (paragraph 73.1 and annex 5);
- .11 approve the reports of the FAL Committee at its thirty-third and thirty-fourth sessions (paragraph 88);
- .12 adopt the draft resolution relating to the adoption of the amendments to the International Regulations for Preventing Collisions at Sea, 1972 (paragraph 93 and annex 6);
- .13 note the reports of the 28th and 29th Consultative Meetings of Contracting Parties to the London Convention and the 1st and 2nd Meetings of Contracting Parties to the London Protocol, in particular the progress with the development of practical guidance for mariners to manage spoilt cargoes, as well as the plan to accelerate the provision to the MEPC of guidance on best management practices of removal of TBT paints from ships, and other marine structures (paragraphs 94 and 95); and
- .14 approve the report of Committee 2 in general.

ANNEX 1

DRAFT ASSEMBLY RESOLUTION

HIGH-LEVEL ACTION PLAN OF THE ORGANIZATION AND PRIORITIES
FOR THE 2008-2009 BIENNIUM

THE ASSEMBLY,

RECALLING the directives contained in resolution A.500(XII) concerning co-ordination of the work of the Committees by the Council, taking into account the views of the Committees on priorities and their responsibilities for substantive technical and legal matters,

RECALLING ALSO the directives contained in resolutions:

- A.777(18) on Work methods and organization of work in Committees and their subsidiary bodies;
- A.900(21) on Objectives of the Organization in the 2000s; and
- A.901(21) on IMO and technical co-operation in the 2000s,

RECALLING FURTHER resolutions A.970(24) and A.971(24), by which it approved, respectively, the Strategic Plan for the Organization for the six-year period 2006 to 2011 and the High-level Action Plan of the Organization and priorities for the 2006-2007 biennium,

HAVING ADOPTED resolution A.[...](25) providing an updated Strategic Plan for the Organization for the six-year period 2008 to 2013,

HAVING CONSIDERED the recommendations of the Council, at its twenty-fourth extraordinary session, for the adoption of an updated high-level action plan and related priorities for the 2008-2009 biennium, which have been prepared on the basis of the Strategic Plan and inputs from the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee and the Facilitation Committee,

1. APPROVES the High-level Action Plan of the Organization and Priorities for the 2008-2009 Biennium, set out in the Annex to the present resolution;
2. REQUESTS the Council, the Maritime Safety Committee, the Legal Committee, the Marine Environment Protection Committee, the Technical Co-operation Committee and the Facilitation Committee, when reporting on their work to the Assembly at its twenty-sixth regular session, and to the Council at its sessions during the 2008-2009 biennium, to ensure that they report progress towards fulfilling the Organization's aims and objectives using the framework of the strategic directions, high-level actions and planned biennial outputs;
3. FURTHER REQUESTS the Council and all the Committees, when considering proposals for new work programme items, to ensure that, in accordance with their guidelines for the organization and method of their work and, as appropriate, that of their subsidiary bodies, the issues to be addressed are those which fall within the scope of the Strategic Plan and the High-level Action Plan;

4. ALSO REQUESTS the Council, on a priority basis and through its *ad hoc* Working Group on the Organization's Strategic Plan, to develop guidelines for all IMO organs on the application of the Strategic Plan and the High-level Action Plan, including guidance for the assessment of work programme items and for the format and content of reports on work carried out by the respective bodies of the Organization;
5. REQUESTS the Council and the Committees to review and revise the guidelines for the organization and method of their work in the light of the guidelines developed by the Council on the application of the Strategic Plan and the High-level Action Plan;
6. EMPHASIZES that the high-level actions and related outputs, especially those involving amendments to existing conventions, particularly those which have been in force for a short period, should take fully into account the directives in resolution A.500(XII); and that due attention should be given to the requirement that a well-documented compelling need must be demonstrated for the development and adoption of new or revised standards;
7. REITERATES ITS REQUEST to the Council and all the Committees, when making recommendations for their biennial work programmes, to bear in mind the desirability of not scheduling more than one diplomatic conference in each year, save in exceptional circumstances;
8. REVOKES resolution A.971(24).

ANNEX

[A 25/7(b), annex, as amended]

ANNEX 2**DRAFT ASSEMBLY RESOLUTIONS RELATED TO MARITIME SAFETY****(1) GUIDELINES ON VOYAGE PLANNING FOR PASSENGER SHIPS
OPERATING IN REMOTE AREAS**

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO regulation 6 of chapter V of the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended, on the Ice patrol service, including the Appendix to chapter V on Rules for the management, operation and financing of the North Atlantic Ice Patrol,

RECALLING FURTHER resolution A.893(21) on Guidelines for voyage planning,

NOTING that the Maritime Safety Committee, at its seventy-third session, agreed to enhance the safety of passenger ships from a holistic perspective, including consideration of concerns related to operations in remote areas,

NOTING ALSO that the Maritime Safety Committee, at its seventy-sixth session, and the Marine Environment Protection Committee, at its forty-eighth session, approved Guidelines for ships operating in Arctic ice-covered waters, which were, thereafter, issued as MSC/Circ.1056 – MEPC/Circ.399,

RECOGNIZING the need to develop guidelines to supplement resolution A.893(21), particularly for passenger ships operating in remote areas, in order to prevent incidents of groundings and collisions, and, thereby, enhance safety of life at sea,

HAVING CONSIDERED the recommendation made by the Maritime Safety Committee at its eighty-first session:

1. ADOPTS Guidelines on voyage planning for passenger ships operating in remote areas, set out in the Annex to the present resolution;
2. INVITES Governments to bring the annexed Guidelines to the attention of masters of ships entitled to fly the flag of their States, shipowners, ship operators and managers, shipping companies, maritime pilots, training institutions, tour operators, ice patrol and ice breaking services and all other parties concerned, for information and action as appropriate;
3. REQUESTS the Maritime Safety Committee to keep the said Guidelines under review and to amend them as appropriate.

ANNEX**GUIDELINES ON VOYAGE PLANNING FOR PASSENGER SHIPS
OPERATING IN REMOTE AREAS**

[MSC 81/25/Add.1, annex to annex 11, as amended]

(2) CRITERIA FOR THE PROVISION OF MOBILE SATELLITE COMMUNICATION SYSTEMS IN THE GLOBAL MARITIME DISTRESS AND SAFETY SYSTEM (GMDSS)

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety,

RECALLING ALSO that regulation IV/5 of the International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended in 1988, requires each Contracting Government to undertake to make available, either individually or in co-operation with other Contracting Governments, as they may deem practical and necessary, appropriate shore-based facilities for space and terrestrial radiocommunication services, having due regard to the recommendations of the Organization,

TAKING INTO ACCOUNT resolution 322(Rev.Mob-87) of the World Administrative Radio Conference, 1987, relating to coast stations and coast earth stations assuming watchkeeping responsibilities on certain frequencies in connection with the implementation of distress and safety communications for the Global Maritime Distress and Safety System (GMDSS),

TAKING ALSO INTO ACCOUNT resolution 3, Recommendation on the early introduction of the Global Maritime Distress and Safety System (GMDSS) elements, adopted by the 1988 SOLAS Conference introducing the System,

NOTING the Provision of radio services for the GMDSS (resolution A.801(19)), as amended,

NOTING ALSO that future mobile satellite communication systems might have the potential to offer maritime distress and safety communications,

NOTING FURTHER the decision of the Maritime Safety Committee, at its eighty-second session, that the oversight of future satellite providers in the GMDSS should be undertaken by the International Mobile Satellite Organization (IMSO),

RECOGNIZING that mobile satellite communication systems for use in the GMDSS should fulfil performance criteria adopted by the Organization,

RECOGNIZING ALSO the need for the Organization to have in place criteria, against which the capabilities and performance of mobile satellite communication systems for use in the GMDSS may be verified and evaluated,

1. ADOPTS Criteria for the provision of mobile satellite communication systems in the Global Maritime Distress and Safety System (GMDSS), set out in the Annex to the present resolution;

2. INVITES Governments, when permitting ships entitled to fly the flag of their States to carry maritime mobile satellite equipment for use in the GMDSS, to require those ships to carry equipment, which can utilize only those satellite systems that have been recognized by IMO and conform to the performance standards adopted by the Organization for use in the GMDSS, in accordance with the criteria set out in sections 2 to 5 of the Annex;
3. REQUESTS the Maritime Safety Committee to:
 - (a) apply the criteria, set out in the Annex to the present resolution, via the procedure, set out in section 2 of the Annex, for the evaluation of satellite systems notified by Governments for possible recognition for use in the GMDSS, within the context of the relevant regulations of SOLAS chapter IV; and
 - (b) ensure that mobile satellite communication systems recognized by the Organization for use in the GMDSS are compatible with all appropriate SOLAS requirements, and also that such recognition takes into account existing operational procedures and equipment performance standards;
4. REQUESTS ALSO the Maritime Safety Committee to keep this resolution under review and take appropriate action as necessary to secure the long-term integrity of the GMDSS;
5. REVOKES resolution A.888(21) and MSC/Circ.1077.

ANNEX

CRITERIA FOR THE PROVISION OF MOBILE SATELLITE COMMUNICATION SYSTEMS IN THE GLOBAL MARITIME DISTRESS AND SAFETY SYSTEM (GMDSS)

[MSC 83/28/Add.1, annex to annex 17, as amended]

**(3) NEED FOR CAPACITY-BUILDING FOR THE DEVELOPMENT
AND IMPLEMENTATION OF NEW, AND AMENDMENTS
TO EXISTING, INSTRUMENTS**

THE ASSEMBLY,

RECALLING resolution A.500(XII) whereby it directed the Council and the Committees to entertain proposals for new conventions or amendments to existing conventions only on the basis of clear and well-documented demonstration of compelling need, taking into account the undesirability of modifying conventions not yet in force or of amending existing conventions unless such latter instruments have been in force for a reasonable period of time and experience has been gained of their operation, having regard to the costs to the maritime industry and the burden on the legislative and administrative resources of Member States,

NOTING WITH SATISFACTION progress achieved in the implementation of the provisions of resolution A.500(XII),

APPRECIATING the efforts of the Council, through the Organization's Strategic Plan, to enhance the importance of capacity-building to ensure universal and uniform application of the Organization's instruments,

FURTHER NOTING that, unless the Council, the Committees and their subsidiary bodies adopt a cradle to grave approach in relation to matters concerning capacity-building, technical co-operation and assistance, the chances of success in the ratification and effective implementation of IMO instruments may be reduced by the level of unpreparedness or lack of capacity that Governments, particularly of developing countries, experience at the point when implementation of such instruments is urgently required,

CONSIDERING that the lack of capacity within States has a direct relationship to the level and quality of implementation of existing, new and/or amended instruments and that the low speed of ratification is partly due to the lack of understanding of the original intentions of the instrument and what is required of Member States in order to realize full benefits of implementation,

TAKING INTO ACCOUNT that, even though States may have ratified newly adopted or amended instruments, the lack of preparation through capacity-building and training, or the absence of a guidance document to implementation, results in an undesirable lack of success to effective implementation of these instruments,

1. DIRECTS the Council to coordinate the work of the Committees and their subsidiary bodies towards ensuring, as far as possible, a balanced level of implementation of new instruments;
2. RECOMMENDS that the Council and the Committees consider, as a means to promote and enhance capacity-building efforts, proposals for the development of new instruments and/or amendment to existing ones after an assessment of implications for capacity-building and technical co-operation has been undertaken;

3. FURTHER RECOMMENDS that the Committees establish a mechanism for the identification of new instruments requiring the provision of technical assistance prior to implementation; identification of issues requiring special focus when developing technical co-operation and assistance activities relating to the implementation of new measures; and the identification of new instruments requiring a simplified guide for implementation;
4. INSTRUCTS all IMO organs, under the coordination of the Council, to make arrangements, within their work programmes and guidelines on the organization and method of their work, such as to enable as many Member States as possible to participate actively in the work of such organs and their subsidiary bodies;
5. REQUESTS the Council to monitor progress on the implementation of this policy on a regular basis.

ANNEX 3

DRAFT ASSEMBLY RESOLUTION

ENTRY INTO FORCE AND IMPLEMENTATION
OF THE 1993 TORREMOLINOS PROTOCOL

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety,

BEING DEEPLY CONCERNED that the conditions for the entry into force of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (hereinafter referred to as the Torremolinos Protocol) have, fourteen years after its adoption, still not been met owing to the fact that an insufficient number of Governments with the required aggregate number of fishing vessels under their flag have so far deposited, with the Secretary-General, instruments of ratification, acceptance, approval or accession to it to enable it to enter into force,

RECALLING ALSO resolution A.925(22) on Entry into force and implementation of the 1993 Torremolinos Protocol and the 1995 STCW-F Convention, by means of which it urged Governments to consider accepting the two instruments at the earliest opportunity; and requested the Maritime Safety Committee to review the situation concerning their entry into force and, in the light of such review, to take action as it deemed appropriate,

WELCOMING the outcome of the Seminar on the Implementation of the Torremolinos Protocol, held in Beijing, People's Republic of China, in September 2004, which, having identified technical and other difficulties encountered in relation to the implementation of the Protocol, recommended solutions to address them,

WELCOMING ALSO the outcome of the second session of the Joint FAO/IMO *Ad Hoc* Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters, held in Rome, Italy, from 16 to 18 July 2007, which, having considered the options suggested in a legal study presented at the said session and aimed at facilitating the entry into force of the Protocol, recommended that such options be further explored; in particular, the possibility of preparing a draft Agreement relating to the implementation of the Torremolinos Protocol with a view to its adoption by an appropriate IMO body,

HAVING NOTED the decisions of the Maritime Safety Committee, at its eighty-third session, on the outcome of the aforementioned session of the Joint FAO/IMO *Ad Hoc* Working Group,

REMAINING CONVINCED that the continuing and alarmingly high number of fishermen's lives and of fishing vessels reportedly lost every year could be substantially reduced by the global, uniform and effective implementation of the Torremolinos Protocol, the entry into force of which would make a significant contribution to maritime safety, in general and that of fishing vessels, in particular:

1. REITERATES ITS STRONG RECOMMENDATION to Governments to consider ratifying, accepting, approving or acceding to the Torremolinos Protocol at the earliest possible opportunity;
2. INVITES Governments to consider the feasibility of establishing uniform regional standards, as called for in article 3(5) of the Torremolinos Protocol, communicating to the Organization any such action for circulation to other Parties to the Protocol for information;
3. ENDORSES the decision of the Maritime Safety Committee, at its eighty-third session, to explore the options recommended by the second session of the Joint FAO/IMO *Ad Hoc* Working Group on Illegal, Unregulated and Unreported Fishing and Related Matters to facilitate and expedite the earliest possible entry into force of the Torremolinos Protocol; and encourages the Committee to take any action it may deem necessary and appropriate towards such an end;
4. REQUESTS the Maritime Safety Committee to review the situation concerning entry into force of the Torremolinos Protocol and, in the light of such review, to take action as it deems appropriate;
5. REQUESTS the Secretary-General to take any such additional measures as may be required aimed at assisting Member Governments in the process of becoming Parties to, and implementing the Torremolinos Protocol.

ANNEX 4

**DRAFT ASSEMBLY RESOLUTIONS RELATED TO BOTH MARITIME SAFETY
AND MARINE ENVIRONMENT PROTECTION****(1) CODE FOR THE IMPLEMENTATION OF MANDATORY
IMO INSTRUMENTS, 2007**

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO that, by resolution A.973(24), it adopted the Code for the Implementation of Mandatory IMO Instruments,

RECOGNIZING the need for the above Code to be revised to take account of the amendments to the IMO instruments referred to above, which have entered into force or become effective since the adoption of resolution A.973(24),

BEING AWARE of the request of the seventh session of the UN Commission on Sustainable Development (CSD 7) that measures be developed to ensure that flag States give full and complete effect to the IMO and other relevant conventions to which they are Party, so that the ships of all flag States meet international rules and standards,

RECOGNIZING that Parties to the relevant international conventions have, as part of the ratification process, accepted to fully meet their responsibilities and to discharge their obligations under the conventions and other instruments to which they are Party,

REAFFIRMING that States have the primary responsibility to have in place an adequate and effective system to exercise control over ships entitled to fly their flag, and to ensure that they comply with relevant international rules and regulations in respect of maritime safety, security and protection of the marine environment,

REAFFIRMING ALSO that States, in their capacity as port and coastal States, have other obligations and responsibilities under applicable international law in respect of maritime safety, security and protection of the marine environment,

NOTING that, while States may realize certain benefits by becoming Party to instruments aiming at promoting maritime safety, security and the prevention of pollution from ships, these benefits can only be fully realized when all Parties carry out their obligations as required by the instruments concerned,

NOTING ALSO that the ultimate effectiveness of any instrument depends, *inter alia*, upon all States:

- (a) becoming Party to all instruments related to maritime safety, security and pollution prevention and control;

- (b) implementing and enforcing such instruments fully and effectively;
- (c) reporting to the Organization, as required,

NOTING FURTHER that, in the context of the Voluntary IMO Member State Audit Scheme, the enactment of appropriate legislation and its implementation and enforcement are the three key issues on which a Member State's performance can be measured,

BEARING IN MIND that the Voluntary IMO Member State Audit Scheme contains references to the Code for the Implementation of Mandatory IMO Instruments, as appropriate; and that the Code, in addition to providing guidance for the implementation and enforcement of IMO instruments, forms the basis of the Audit Scheme, in particular concerning the identification of the auditable areas,

HAVING CONSIDERED the recommendations made by the Maritime Safety Committee, at its eighty-third session and the Marine Environment Protection Committee, at its fifty-sixth session,

1. ADOPTS the Code for the Implementation of Mandatory IMO Instruments, 2007, set out in the Annex to the present resolution;
2. URGES Governments of all States in their capacity as flag, port and coastal States to implement the Code on a national basis;
3. REQUESTS the Maritime Safety Committee and the Marine Environment Protection Committee to keep the Code under review and, in co-ordination with the Council, to propose amendments thereto to the Assembly;
4. REVOKES resolution A.973(24).

ANNEX

CODE FOR THE IMPLEMENTATION OF MANDATORY IMO INSTRUMENTS, 2007

[MSC 83/28/Add.1, annex to annex 32, as amended]

* * *

**(2) SURVEY GUIDELINES UNDER THE HARMONIZED SYSTEM
OF SURVEY AND CERTIFICATION, 2007**

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO the adoption by:

- (a) the International Conference on the Harmonized System of Survey and Certification, 1988, of the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974, and the Protocol of 1988 relating to the International Convention on Load Lines, 1966, which, *inter alia*, introduced the harmonized system of survey and certification under the International Convention for the Safety of Life at Sea, 1974 and the International Convention on Load Lines, 1966, respectively;
- (b) resolution MEPC.39(29), of amendments to introduce the harmonized system of survey and certification into the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the 1978 Protocol relating thereto (MARPOL 73/78);
- (c) resolution MEPC.132(53), of amendments to introduce the harmonized system of survey and certification to the MARPOL Annex VI; and
- (d) the resolutions given below, of amendments to introduce the harmonized system of survey and certification into:
 - (i) the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code) (resolutions MEPC.40(29) and MSC.16(58));
 - (ii) the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code) (resolution MSC.17(58)); and
 - (iii) the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code) (resolutions MEPC.41(29) and MSC.18(58)),

RECALLING FURTHER that, by resolution A.948(23), it adopted the Revised Survey Guidelines under the Harmonized System of Survey and Certification, with a view to assisting Governments in the implementation of the requirements of the aforementioned instruments,

RECOGNIZING the need for the Revised Survey Guidelines to be further revised to take account of the amendments to the IMO instruments referred to above, which have entered into force or become effective since the adoption of resolution A.948(23),

HAVING CONSIDERED the recommendations made by the Maritime Safety Committee, at its eighty-third session and the Marine Environment Protection Committee, at its fifty-sixth session,

1. ADOPTS the Survey Guidelines under the Harmonized System of Survey and Certification, 2007, set out in the Annex to the present resolution;
2. INVITES Governments carrying out surveys required by the relevant IMO instruments to follow the provisions of the annexed Survey Guidelines;
3. REQUESTS the Maritime Safety Committee and the Marine Environment Protection Committee to keep the Survey Guidelines under review and amend them as necessary;
4. REVOKES resolution A.948(23).

ANNEX

SURVEY GUIDELINES UNDER THE HARMONIZED SYSTEM OF SURVEY AND CERTIFICATION, 2007

[MSC 83/28/Add.1, annex to annex 35]

ANNEX 5

DRAFT ASSEMBLY RESOLUTION

**APPLICATION OF THE INTERNATIONAL CONVENTION FOR THE CONTROL
AND MANAGEMENT OF SHIPS' BALLAST WATER AND SEDIMENTS, 2004**

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING FURTHER the adoption by the International Conference on Ballast Water Management for Ships, held at the Organization's Headquarters in 2004, of the International Convention for the Control and Management of Ships' Ballast Water and Sediments (hereinafter referred to as "the Convention"),

RECALLING ALSO Article 2, paragraph 4 of the Convention, which requires Parties to endeavour to co-operate for the purpose of effective implementation, compliance and enforcement of the Convention,

DESIRING to ensure that the Convention enters into force without further delay so that the marine environment benefits, as soon as possible, from its wide and effective implementation,

BEING CONSCIOUS of the need to provide certainty and confidence in the application of the Convention, thereby assisting shipping companies, ship owners, managers and operators, as well as the shipbuilding and equipment manufacturing industries, in the timely planning of their operations,

RECOGNIZING that, regarding the development of ballast water treatment technologies, there are uncertainties as to whether type-approved technologies would be immediately available for all ships subject to regulation B-3.3 and therefore, to address the ships to which this regulation would apply to first, this resolution provides an understanding only for those ships constructed in 2009,

FURTHER RECOGNIZING that ships subject to regulation B-3.3 constructed in 2009 should not be subject to enforcement of the requirements of that regulation if type-approved technology is not immediately available to achieve the D-2 standard set forth in the Convention,

NOTING that Article 18 of the Convention prescribes the conditions for entry into force, and until those conditions are met, the Convention itself cannot be enforced upon any ships,

1. CALLS ON States, which have not yet done so, to ratify, accept, approve or accede to the Convention as soon as possible;

2. RECOMMENDS that States, henceforth ratifying, accepting, approving or acceding to the Convention, accompany their instrument of ratification, acceptance, approval or accession, as appropriate, with a declaration or otherwise communicate to the Secretary-General their intention to apply the Convention, on the basis of the following understanding, also taking into account paragraph 3:

“A ship subject to regulation B-3.3 constructed in 2009 will not be required to comply with regulation D-2 until its second annual survey, but no later than 31 December 2011.”

3. RECOMMENDS ALSO that, following the entry into force of the Convention, Parties to the Convention ensure that ships affected by the understanding described in paragraph 2 comply with either regulation D-1 or D-2 until such time as regulation D-2 is enforced;

4. RECOMMENDS FURTHER that, at their earliest convenience, Contracting States to the Convention make the above-mentioned declaration or otherwise notify the Secretary-General of their intention to apply the Convention, in accordance with the understanding contained in paragraph 2;

5. REQUESTS the Secretary-General to inform all Member States, Contracting States, and Parties to the Convention which may not be Members of the Organization, of any declarations or communications received from States pursuant to this resolution;

6. REQUESTS the Marine Environment Protection Committee to:

- .1 keep this resolution under review;
- .2 revise or withdraw the recommendations in paragraphs 2, 3 and 4 as appropriate;
- .3 review, not later than at its fifty-eighth session, in particular, the issue of a ship subject to regulation B-3.3 constructed in 2010 and the immediate availability of type-approved technology for such a ship to meet the D-2 standard; and
- .4 inform the Assembly accordingly.

ANNEX 6

DRAFT ASSEMBLY RESOLUTION

**ADOPTION OF AMENDMENTS TO THE INTERNATIONAL REGULATIONS
FOR PREVENTING COLLISIONS AT SEA, 1972**

THE ASSEMBLY,

RECALLING article VI of the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (hereinafter referred to as “the Convention”), on amendments to the Regulations,

HAVING CONSIDERED the amendments to the International Regulations for Preventing Collisions at Sea, 1972, adopted by the Maritime Safety Committee, at its eighty-second session, and communicated to all Contracting Parties in accordance with paragraph 2, article VI of the Convention; and also the recommendations of the Maritime Safety Committee concerning the entry into force of these amendments,

1. ADOPTS, in accordance with paragraph 3, article VI of the Convention, the amendments, set out in the Annex to the present resolution;
2. DECIDES, in accordance with paragraph 4, article VI of the Convention, that the amendments shall enter into force on 1 December 2009 unless by 1 June 2008 more than one third of Contracting Parties to the Convention have notified their objection to the amendments;
3. REQUESTS the Secretary-General, in conformity with paragraph 3, article VI of the Convention, to communicate these amendments to all Contracting Parties to the Convention for acceptance;
4. INVITES Contracting Parties to the Convention to submit any objections they may have to the amendments not later than 1 June 2008, where after the amendments will be deemed to have been accepted to enter into force as determined in the present resolution, in accordance with the provisions of paragraph 4 of article VI of the Convention.

ANNEX

**AMENDMENTS TO THE INTERNATIONAL REGULATIONS FOR PREVENTING
COLLISIONS AT SEA, 1972, AS AMENDED**

[A 25/14, annex to the annex, as amended]

ANNEX 7

**STATEMENT BY THE DELEGATION OF SINGAPORE
CONCERNING PILOTAGE IN THE TORRES STRAIT PSSA**

Thank you, Mr. Chairman. Yee Cheok Hong speaking on behalf of the delegation of Singapore.

I will like to refer to paragraph 73 of Assembly document A 25/11 on pilotage in the Torres Strait PSSA. Singapore views this matter with importance.

In particular, this delegation like to draw the attention of this Committee to the decision reached at the 55th session of the MEPC regarding MEPC resolution.133(53). This resolution is on the “Designation of the Torres Strait as an Extension of the Great Barrier Reef Particularly Sensitive Sea Area”.

As clearly outlined in Assembly document A 25/11 on the consideration of the MEPC’s reports and recommendations, the MEPC at its 55th session had agreed with the summation of the MEPC Chairman that resolution MEPC.133(53) is of a recommendatory nature.

The MEPC Chairman has stated that, historically, when the MEPC adopts resolutions with an operative paragraph beginning with the word “RECOMMENDS” the content of that paragraph is of a recommendatory nature; therefore any different interpretation would necessitate the revision of all resolutions adopted by the MEPC. The MEPC then took a decision by consensus that the said resolution is recommendatory in nature. This means that the MEPC resolution and IMO did not provide approval for the imposition of mandatory pilotage in the Torres Strait, or any other straits used for international navigation.

In line with this, the majority of the delegations, who spoke on this issue at the 55th session of the MEPC, reiterated and emphasized that resolution MEPC.133(53) provided no international legal basis for mandatory pilotage in the Torres Strait, or any other strait used for international navigation.

This delegation would like to request this Committee and the Assembly to reaffirm the decision on the Torres Strait taken at the 55th session of the MEPC.

Further, in line with the support of an overwhelming majority of the delegations who spoke at the 55th session of the MEPC, this delegation reiterates the call to Australia to align its action with the understanding agreed by the MEPC on resolution MEPC.133(53).

Singapore recognizes and fully appreciates the environmental sensitivity relating to the Torres Strait, and has strongly encouraged our ships to take a pilot when transiting the Torres Strait. However, for the reasons stated, we cannot accept the imposition of mandatory pilotage in the Torres Strait.

This delegation would also like to request that this Statement be recorded and attached to the report of this Committee and the Assembly.

Thank you.

ANNEX 8**STATEMENT BY THE DELEGATION OF AUSTRALIA
CONCERNING PILOTAGE IN THE TORRES STRAIT PSSA**

Thank you, Mr. Chairman. Gary Prosser speaking on behalf of the delegation of Australia.

Delegates will be aware that the system of pilotage in the Torres Strait has been fully discussed in this Organization since the proposal was first introduced by Australia and Papua New Guinea in 2003, including at MEPC 49, 52 and 53, NAV 50, MSC 79 and LEG 89.

The terms of resolution MEPC.133(53) were developed and agreed at MSC 79 and adopted at MEPC 53. The words of the resolution and the nature of Australia's system of pilotage for the Torres Strait, as an extension of the existing pilotage arrangements in the Great Barrier Reef, were well understood by all Committees and recorded in their reports. We have canvassed in depth the reasoning for a PSSA and I do not wish to engage further on this.

The measures introduced in Australia's legislation conform to resolution MEPC.133(53) and the law of the sea, as reflected in the 1982 United Nations Convention on the Law of the Sea (UNCLOS), to which Australia is a party.

Matters related to UNCLOS were fully addressed in Australia's submission to the 89th session of the Legal Committee in document LEG 69/15 and I will not repeat these legal arguments.

I ask delegates to pause and give some consideration to the implications of the statement by the delegation of Singapore.

In the event of a subsequent maritime incident in the Torres Strait the attention of the world would be focussed on the damage to a unique environment, the threat to the livelihood of the Torres Strait people and the economic impact on local fishing, tourism and aquaculture industries. In such, circumstances, people would recognize that the loss and destruction could have been avoided by the simple measure of pilotage of ships, which imposes no hindrance or impairment to the shipping industry.

Mr. Chairman, I would ask delegates to reflect on what has actually changed since October 2006 when the pilotage regime was introduced into Torres Strait. The uptake of pilots has risen from about 40% to 100% compliance, facilitating safe passage without delays for the shipping or any enforcement action being required. In this light, Australia's system of pilotage can be seen as an effective and proportionate response to a real threat.

I would like to register this delegation's disappointment with such an issue being raised at this time – which has already been comprehensively debated, discussed and resolved – without formal notice.

Mr. Chairman, I will provide a copy of this statement to the Secretariat and request that it be included in the report.

Thank you.