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The colourful cruise ship Norwegian Dawn dwarfs the tiny US Coast Guard patrol launch that is shepherding her into New York. With maritime security still a high priority, the completion by the Legal Committee of draft protocols to amend the 1988 Suppression of Unlawful Acts (SUA) Convention and Protocol, ahead of a diplomatic conference to be held later this year, represents an important breakthrough. See page 9 for details.
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The IMarEST is the international membership body and learned society for marine professionals
In 1948, politicians from countries with an interest in shipping did the industry, themselves and their constituents a great service by inaugurating the body which I currently have the honour to serve as Secretary-General. IMO was created so that effective and practicable technical standards for international shipping could be established and their implementation could be universally agreed. In this way, not only could the playing field be levelled, but the wider aims of politicians - aims such as improved safety, fewer accidents, the prevention of ship-sourced pollution, better security and more efficiency – could also be achieved.

Those who participate in this process are generally not politicians themselves, but technical experts in their particular field. Nevertheless, from all over the world, they come to IMO and other international organizations dealing with maritime matters, as representatives of their Governments and with a mandate to act that comes directly from their political masters. They have managed to combine technical expertise with political awareness to produce consensus solutions that enshrine both common sense and practicality. They are, in many ways, the embodiment of "mutual understanding" between shipping and politics.

You only need to look at the statistics to see how successful this approach has been over the years.

IMO was established as a technical body, with politics and economics officially outside its scope. But, in recent years, there has been a discernable shift in emphasis and now we are having to acknowledge that the decisions made in IMO are becoming increasingly influenced by political factors. It is no longer always the technical experts whose opinions hold sway in the end; their political masters in the capital cities around the world are becoming increasingly important players in the work of IMO as they themselves come under pressure, often from public opinion that may not be as well informed as we might like it to be.

This is an area on which we need to pay particular attention, doing whatever we can to improve the industry’s public perception. We should perhaps start by working methodically and systematically to make people, and particularly politicians, not only understand the strategic, economic, political, commercial and social importance and significance of shipping and the industry’s peculiarities and complexities when compared to other modes of transport but also its vital role in world trade and economic development.

At the same time, we should work together assiduously to put our own house in order so that we can demonstrate that shipping is the safe, secure, efficient and environmentally-friendly industry we know it to be. Only then will we be able to maintain the moral high ground and successfully defend the industry against unjustified and unfair accusations. To succeed in this, we must be pro-active in taking all necessary measures to prevent accidents happening in the first place; make sure that the public and politicians are made fully aware of that work; and thereby remove any basis for them to act in a manner that might impact adversely on international shipping.

What is needed is a balance between the aspirations of politicians, who of course have to act and be seen to act in their constituents’ interests; between the commercial interests; and between the technical experts, who traditionally have tried to seek the best solutions to whatever problems have arisen, without being unduly driven by the political or economic framework that surrounds them.

We must take care not to sacrifice sound technical advice, with its long-term benefits for safety and protection of the marine environment, to the short-term horizons that dictate the changing course of politics. And we must not deprive IMO of the valuable voice of all its Members: to make optimum decisions, we need the input of as many as possible – in particular, those whose technical expertise and know-how can influence and be instrumental in the formulation of the decisions of the Organization and the shaping of its policies and strategies. It takes many opinions to make up a balanced judgement, and it is this need for a balanced approach and a sense of proportionality that should characterize our decisions when confronted with dilemmas.
Revised phase-out schedule for single hull tankers enters into force

A revised schedule for the phasing out of single hull oil tankers and a new regulation banning the carriage of heavy grade oil in single hull oil tankers entered into force on 5 April 2005. The measures were adopted in December 2003 as amendments to Annex I of the MARPOL Convention, following the November 2002 sinking of the oil tanker Prestige off the Spanish coast.

A revised regulation 13G of MARPOL Annex I brings forward the phase-out schedule for existing single hull tankers that was first established in 1992 and was subsequently revised in 2001 following the Erika incident. It specifies that tankers of single hull construction should be phased out or converted to a “double hull” according to a schedule based on their year of delivery. The double hull requirements for oil tankers are principally designed to reduce the risk of oil spills from tankers involved in low energy collisions or groundings.

Under the phase-out schedule, “Category 1” single hull oil tankers have been prohibited from trading after 5 April 2005, (for ships delivered on or before 5 April 1982 or earlier) or after their anniversary date in 2005 (for ships delivered after 5 April 1982). Category 1 oil tankers, (commonly known as Pre-MARPOL tankers) include oil tankers of 20,000 tonnes deadweight and above carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo, and tankers of 30,000 tonnes deadweight and above carrying other oils, which do not comply with the requirements for protectively located segregated ballast tanks.

Category 2 oil tankers, which have some level of protection from protectively located segregated ballast tank requirements will be phased out according to their age up to 2010. The year 2010 is also a final cut off date for Category 3 oil tankers which are generally smaller oil tankers. Category 2 oil tankers (commonly known as MARPOL tankers) include oil tankers of 20,000 tonnes deadweight and above carrying crude oil, fuel oil, heavy diesel oil or lubricating oil as cargo, and oil tankers of 30,000 tonnes deadweight and above carrying other oils, which comply with the protectively located segregated ballast tank requirements. Category 3 oil tankers are oil tankers of 5,000 tonnes deadweight and above but less than the tonnage specified for Category 1 and 2 tankers.

Regulation 13H of MARPOL Annex I on the prevention of oil pollution from oil tankers when carrying heavy grade oil (HGO) bans the carriage of HGO in single hull tankers of 5,000 tons deadweight (DWT) and above from 5 April 2005, and in single hull oil tankers of 600 DWT and above but less than 5,000 tons DWT, not later than the anniversary of their delivery date in 2008.
**Exemptions**

The revised regulation 13G allows the Administration (flag State) to permit continued operation of Category 2 or 3 tankers beyond their phase-out date in accordance with the schedule, subject to satisfactory results from the Condition Assessment Scheme (CAS) for oil tankers (adopted in 2001) but the continued operation must not go beyond the anniversary of the date of delivery of the ship in 2015 or the date on which the ship reaches 25 years of age after the date of its delivery, whichever is earlier.

In the case of certain Category 2 or 3 oil tankers fitted with only double bottoms or double sides not used for the carriage of oil and which extend to the entire cargo tank length, or tankers fitted with double hull spaces not meeting the minimum distance protection requirements which are not used for the carriage of oil and which extend to the entire cargo tank length, the Administration may allow a ship to continue operation beyond its phase-out date in accordance with the schedule, provided it was in service on 1 July 2001, the Administration is satisfied by verification of the official records that the ship complied with the conditions specified and that those conditions remain unchanged. Again, such continued operation must not go beyond the date on which the ship reaches 25 years of age after the date of its delivery.

A Party to MARPOL 73/78 may deny entry into the ports or offshore terminals under its jurisdiction of single hull tankers which have been allowed to continue operation under the exemptions mentioned above, or deny ship-to-ship transfer of heavy grade oil in areas under its jurisdiction except when this is necessary for the purpose of securing the safety of a ship or saving life at sea.

Parties to MARPOL applying the provisions allowing for extended operation of Category 2 or 3 tankers and Parties which will deny entry into the ports or offshore terminals under its jurisdiction to those tankers must communicate this information to IMO.

Regulation 13H also allows for continued operation of oil tankers of 5,000 DWT and above, carrying crude oil with a density at 15°C higher than 900 kg/m³ but lower than 945 kg/m³, if satisfactory results of the Condition Assessment Scheme warrant that, in the opinion of the Administration, the ship is fit to continue such operation, having regard to the size, age, operational area and structural conditions of the ship and provided that the continued operation shall not go beyond the date on which the ship reaches 25 years of age after the date of its delivery.

The Administration may allow continued operation of a single hull oil tanker of 600 DWT and above but less than 5,000 DWT, carrying HGO as cargo, if, in the opinion of the Administration, the ship is fit to continue such operation, having regard to the size, age, operational area and structural conditions of the ship, provided that the operation shall not go beyond the date on which the ship reaches 25 years of age after the date of its delivery.

The Administration may exempt an oil tanker of 600 DWT and above carrying HGO as cargo if the ship is either engaged in voyages exclusively within an area under the Party’s jurisdiction, or is engaged in voyages exclusively within an area under the jurisdiction of another Party, provided the Party within whose jurisdiction the ship will be operating agrees. The same applies to vessels operating as floating storage units of HGO.

A Party to MARPOL 73/78 can deny entry into the ports or offshore terminals under its jurisdiction of single hull tankers carrying HGO which have been allowed to continue operation under the exemptions mentioned above, or deny ship-to-ship transfer of heavy grade oil in areas under its jurisdiction except when this is necessary for the purpose of securing the safety of a ship or saving life at sea.

Parties to MARPOL applying the provisions allowing for extended operation of Category 2 or 3 tankers and Parties which will deny entry into the ports or offshore terminals under its jurisdiction to those tankers must communicate this information to IMO.
IMO Secretary-General Efthimios E. Mitropoulos has given UN Secretary-General Kofi Annan a cheque for £86,580, which represents the cash donations to date to the Tsunami Maritime Relief Fund that was inaugurated by IMO in the wake of the 2004 Boxing Day disaster. Mr. Annan, who received the cheque during the recent meeting of the UN Chief Executives Board in Switzerland on 9 April, expressed his thanks and appreciation for the gesture from the maritime community.

Mr. Mitropoulos has requested that the donation be passed on to the Office of President Clinton, who has been appointed as Special Envoy of the United Nations’ Secretary-General for Tsunami-Affected Countries to mobilize continued support for the reconstruction phase. In particular, he requested that the money from the Tsunami Maritime Relief Fund be used specifically for the restoration of the maritime infrastructure and also to support the reconstruction of the fishing industry in the region affected.

The Fund was established in order to co-ordinate the maritime community’s wider response to the UN’s immediate efforts. Contributions have come in from the shipping industry, the IMO staff and individuals and the Fund remains open to provide assistance for the longer term task of capacity building in the affected maritime communities.

UN Secretary-General Kofi Annan receives a cheque for £86,580 from IMO Secretary-General Efthimios E. Mitropoulos, in respect of the cash donations to the Tsunami Maritime Relief Fund that was inaugurated by IMO in the wake of the 2004 Boxing Day disaster.
Draft SUA protocols ready for October Conference

The IMO Legal Committee has completed its work on draft protocols to amend the 1988 Convention and Protocol for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Treaties). The draft protocols will be forwarded for consideration and subsequent adoption to a Diplomatic Conference on the Revision of the SUA Treaties, scheduled to be held at IMO Headquarters in London from 10 to 14 October 2005.

The main purpose of the 1988 SUA Convention is to provide the legal basis for action to be taken against persons committing unlawful acts against ships. These acts include the seizure of ships by force, acts of violence against persons on board ships and the placing of devices on board which are likely to destroy or damage the ship. Under the Convention, Contracting Governments are obliged either to extradite or prosecute alleged offenders. Similar provisions are contained in the SUA Protocol, relating to unlawful acts against fixed platforms located on the continental shelf.

The aim of the two draft Protocols is to strengthen the SUA treaties in order to provide an appropriate response to the increasing risks posed to maritime navigation by international terrorism. Proposed amendments to the treaties in the draft Protocols include a substantial broadening of the range of offences included in Article 8 of the SUA Convention and the introduction of provisions in Article 6 to allow for the boarding of vessels suspected of being involved in terrorist activities.

The Conference will consider these amendments as well as a number of other, related, issues including the political offences clause, the transfer of prisoners clause and the entry into force criteria.

Work on the revision of the SUA treaties follows from the adoption, in 2001, of Assembly resolution A.924(22) which called for a review of the then existing measures and procedures to prevent acts of terrorism which threaten the security of passengers and crews and the safety of ships. The SUA amendments will complement the provisions of SOLAS chapter XI-2 (Special measures to enhance maritime security) and the International Ship and Port Facility Security (ISPS) Code, which entered into force in July 2004, by providing a legal basis for the arrest, detention and extradition of terrorists in the unfortunate event that a terrorist attack against shipping nevertheless occurs.

GloBallast ballast water management project enters new phase

The GEF-UNDP-IMO Global Ballast Water Management Programme (GloBallast), aimed at assisting developing countries in implementing measures to minimize the adverse impacts of aquatic invasive species transferred by ships in ballast water, has begun a new phase, following the initial, successful execution of the five-year US$10.2 million project by IMO.

The preparatory phase of the new project, to be known as GloBallast Partnerships, was initiated on 1 April 2005 with funding of around US$700,000 from the Global Environmental Facility (GEF). This preparatory project will be executed by IMO over a period of 18 months and is expected to provide the groundwork for the full-scale GloBallast Partnerships project (full title: Building Partnerships to Assist Developing Countries to Reduce the Transfer of Harmful Aquatic Organisms in Ships’ Ballast Water), to become operational in 2006/2007.

The main objective is to assist particularly vulnerable countries and/or regions to enact legal and policy reforms to meet the objectives of the International Convention for the Control and Management of Ships’ Ballast Water and Sediments, adopted by IMO in February 2004. The Convention requires ratification by 30 States, representing 35 per cent of world merchant shipping tonnage, in order to enter into force. Assisting States to implement the requirements of the convention is seen as critical if the new instrument is to make a timely entry into force and for its aims to be achieved.

The issue of aquatic invasive species, including the transfer of harmful organisms in ships’ ballast water and sediments, is seen as one of the greatest threats to global marine biodiversity and ecosystems, and as a significant threat to coastal economies and even public health.

GloBallast Partnerships is intended to be a five-year project with a tentative budget of US$17 million, of which, US$10 million will come from in-kind contributions from the participating countries and other interested partners. The remainder of the funding will be in the form of a GEF grant to support incremental costs. The United Nations Development Programme (UNDP) is acting as implementing agency for GEF.

The initial phase – known as PDB – will include the development of a plan to enact legal reforms, identification of a plan to establish criteria for vulnerable areas, a stakeholder involvement plan and a monitoring and evaluation plan.

www.imo.org. No.2 2005 IMO NEWS
On 26 December 2004, I, like the rest of the world, sat glued to my television watching BBC coverage the Indian Ocean tsunami feeling both shocked and saddened by the massive scale of destruction and loss of life that I was seeing and realizing that if this had occurred one year earlier, I would undoubtedly already be on a plane to one of the affected countries as part of the UN humanitarian response. But things had changed and although I remained on the UN Disaster Assessment and Response Team roster linked to my previous work with the Office for the Coordination of Humanitarian Affairs (OCHA) and the United Nations Environment Programme (UNEP), I was no longer an active member having traded my emergency response hat for a position at IMO in April 2004. However, things do not always happen as one expects and UNEP having quickly exhausted its internal resources in deploying experts to the affected areas, requested IMO to release me from my duties and seconded to UNEP to assist in the response to the tsunami. In the spirit of cooperation and recognizing the magnitude of the human impact, the Secretary General, without hesitation, released me from my regular IMO duties to participate in this important mission.

In the beginning there was much discussion as to what my actual role would be. While initial plans were for me to join the response and assessment teams in Aceh to conduct an environmental assessment in Banda Aceh, in the end I was sent to Jakarta to work with the Indonesian Ministry of Environment to develop a proposal for the establishment of an Environmental Crisis Centre in Jakarta with a sub office in Aceh, and to provide input to the environmental dimension of the long restoration and reconstruction task that lie ahead.

Indonesia is a large country and it is important to understand the geographical and political climate in order to have some insight into the response to the tsunami. The overall management of the UN intervention was managed from Aceh, the capital, in close liaison and in full support of the efforts of the Indonesian government, while the operational response was managed from Aceh, the province hit by the tsunami on the island of Sumatra. Banda Aceh, the main city in the province of Aceh, is a full three hours flight from Jakarta. This caused an array of logistical difficulties in the early stages, particularly with respect to communications and getting the many incoming humanitarian responders on flights to Aceh. These problems would eventually be resolved, but in the first weeks of the response represented major obstacles to the Disaster Management Team in Jakarta and to the operations in Aceh.

The carnage wrought by the tsunami has been well-documented, representing the highest loss of human life from any disaster in modern times. Over the course of my four weeks in Indonesia I would see many friends and colleagues with whom I had worked in the past in other disasters come and go en route to or from Banda Aceh. The message from all was the same: the worst destruction and human impact they had ever witnessed of a scale that was absolutely unimaginable, this from seasoned responders who had seen a lot over the years having been involved in some of the world’s worst disasters. The photos I would see over those weeks would confirm this, though one can never truly get the full sense of such a tragedy through a photograph.

Whenever a disaster strikes and a major humanitarian intervention follows, criticism is usually not far behind. The Indian Ocean tsunami that impacted Indonesia which such horrific force, was no exception. The UN was criticized for the slowness of its initial response in delivering humanitarian aid to the affected areas, there was conjecture around and criticism of the response of the Indonesian military and the actions of the Indonesian Government were repeatedly criticized in the local print media. Unfortunately, for better of worse, this is all a normal and typical part of disaster response.

Having participated in the daily UN meetings of the Disaster Management Team and based on my experiences in other emergencies, it normally takes time to institute structure into chaos. Taking into account the exceptional scale and geographical area of impact of this particular disaster as it affected Indonesia, it is unfortunately normal that it will take a little longer to get the operational wheels to turn efficiently in the early stages of the response, notwithstanding the unique logistical difficulties of trying to access the wide swath of Aceh that was affected, where most of the roads remain impassable even now.

Feedback from the UN staff in Aceh and was that the Indonesian military had done a very good job in doing what it could to deliver aid in the early stages following tsunami prior to the arrival of international assistance and this continued throughout the emergency. Security became an issue with the resurgence of the Acehnese rebels in the area, as the region has been fraught with civil wars and...
civil unrest for many years. The Indonesian military were able to provide effective security and because of the threat potential threat were required to restrict the access of international response community to certain areas to protect their safety, but to a far lesser extent than was reported in the media.

It is true that decision-making at the Government level did take some time, particularly with respect to kick starting redevelopment efforts. Having been involved in some of the meetings where various redevelopment scenarios were discussed, I would say that this was largely due to the complexity and inter-related nature of the redevelopment needed - as virtually everything had been wiped out in many villages and in a large part of Banda Aceh - and a desire to avoid the mistakes of the past by rebuilding in a sustainable way that what would limit the potential impacts and loss of life should the area ever be faced with another tsunami. It would seem that this, unfortunately, continues to be a problem according to Jan Egeland, the UN emergency relief coordinator and head of the UN Office for the Coordination of Humanitarian Affairs, commenting at a conference on post-tsunami rehabilitation held in Washington in early May that rebuilding following tsunami has been too slow and frustration is growing among displaced people and urged more cooperation between governments, world bodies such as the United Nations and World Bank and nongovernmental organizations in pushing the rebuilding ahead.

Damage to the maritime sector was relatively minor as compared with other sectors. Primary damage was to the port of Banda Aceh, which was completely destroyed, as were virtually all fishing vessels along the area where the tsunami wave hit. There was initially a strong suspicion that as a result of the earthquake, it was likely that there had been a change to the topography of the ocean floor requiring that the area be hydrographically resurveyed, and that most of the navigational aids that were lost in the tsunami and would need to be completely replaced. In the end, it would turn out that there were significant topographical changes to the coastline and seabed, with some 27 navigational aids destroyed. Hydrographically, the Strait of Malacca was not affected, but parts of the west coast of Banda Aceh were affected and will have to be resurveyed before the lost navigational aids can be rebuilt. A deep underwater survey of the seabed near the epicentre of the earthquake has shown massive disruption to the seabed, but that this is not enough to affect surface navigation in the area. The coastline underwent significant changed in certain areas, with parts of the coastline of Banda Aceh having moved inland at distances varying from a few hundred metres up to 5 kilometres at one point. The impacts to small fishing vessels were also very severe with many entire fishing villages wiped out and all fishing vessels lost.

The original 977 million dollar (USD) tsunami appeal is the largest UN appeal ever launched. It has since been increased by 100 million, now reaching 1.1 billion USD to cover 12 months, thereby extending the coverage of the original six month appeal. Concerns about the use, or rather the misuse, of funds have been a running theme throughout the response and in the redevelopment phase. The current government is a new one, having only recently been elected, and is acutely aware of the attention to this issue. To date things appear to be running smoothly and it is the sincere hope of all involved that this continues.

As for myself, even though I have long since returned to my regular IMO duties following my tsunami experience, I continue to monitor the situation closely with great personal interest as one who has been directly involved, and feel very glad to have been able to assist in some small way to the response and reconstruction efforts of the largest scale natural disaster that world has seen in recent times.
A new draft MARPOL Annex I regulation on oil fuel tank protection was agreed, for submission to the Marine Environment Protection Committee (MEPC 53) in July 2005 for approval. The aim is to prevent or reduce spillage of oil carried as fuel for the ship following accidental damage.

The draft regulation on Oil Fuel Tank Protection is intended to apply to all new ships (and major conversions) with an aggregate oil fuel capacity of 600 m³ and above. The draft regulation gives requirements for the protective location of the fuel tanks and performance standards for accidental oil fuel outflow. A maximum capacity limitation of 2,500 m³ per oil fuel tank is included in the draft regulation.

The draft regulation requires Administrations to also consider general safety aspects, including the need for maintenance and inspection of wing and double bottom tanks or spaces, when approving the design and construction of ships in accordance with the regulation.

Guidelines on on-board exhaust gas cleaning systems

The Sub-Committee finalized draft Guidelines on on-board exhaust gas-SOx cleaning systems as required by MARPOL Annex VI Regulations for the Prevention of Air Pollution from Ships for adoption at MEPC 53. MARPOL Annex VI enters into force on 19 May 2005.

Amendments to SOLAS - personal LSAs

The Sub-Committee agreed draft amendments to SOLAS chapter III, for submission to the Maritime Safety Committee (MSC) at its 80th session in May 2005, to specify the carriage requirements for personal life-saving appliances suitable for infants and large adults. For passenger ships on voyages of less than 24 hours’ duration, a number of infant lifejackets equal to at least 2.5% of the number of passengers on board shall be provided; and for passenger ships on voyages of 24 hours or greater, infant lifejackets shall be provided for each infant on board. The draft amendments also require suitable accessories to be provided if the adult lifejackets provided are not designed to fit persons with chest girth of up to 1750 mm.

Draft amendments to the International Life-Saving Appliance (LSA) Code and the Recommendation on testing of LSA (resolution MSC.81(70)) regarding performance testing and approval standards for SOLAS personal LSA were also finalized for submission to MSC 80 for approval with a view to adoption. An infant’s life jacket symbol was also agreed.

The Sub-Committee continued work on the compatibility of life-saving appliances and agreed that three issues needed further consideration: compatibility of immersion suits and lifejackets; compatibility of immersion suits and lifeboat access and capacity; and compatibility of lifejackets and marine evacuation systems. The aim is to finalize relevant amendments to the LSA Code at DE 49.

Measures to prevent accidents with lifeboats

The Sub-Committee considered measures to prevent accidents with lifeboats, in particular proposed amendments to LSA-related instruments, provisions for on-load release gear and free-fall lifeboats and agreed to hold a working group at DE 49 to discuss all related issues. A correspondence group was established to progress the work intersessionally.

Performance standards for protective coatings

Work on the development of draft performance standards for
Protective coatings commenced with a view to finalization at DE 49. The Sub-Committee agreed that coating performance standards should apply to all coatings used in ballast and void spaces on all types of ships, with a target coating life of 15 years. A correspondence group was established to further develop the draft performance standards for protective coatings and to report to the next session.

**Amendments to Enhanced Survey Programme for bulk carriers and oil tankers**

The Sub-Committee reviewed proposed draft amendments to the enhanced survey programme (resolution A.744) regarding surveys of double hull bulk carriers as well as draft amendments to the Condition Assessment Scheme (CAS) regarding change of flag during CAS surveys. It was agreed that the work should be finalized at the next DE session.

**Passenger ship safety**

The Working Group on Passenger Ship Safety prepared draft SOLAS amendments and supplementary guidelines on alternative designs and arrangements for further consideration by a correspondence group on passenger ship safety. This is part of an overall objective to develop measures to assess alternative designs and arrangements so as to ease the approval of new concepts and technologies, in particular in the design of new passenger ships, provided that an equivalent level of safety is achieved.

Draft standards for essential systems and equipment on passenger ships for safe return to port after a casualty and for three hour time to remain habitable after a casualty were developed, for further consideration at DE 49, subject to input from other relevant technical Sub-Committees. The correspondence will be expected to prepare performance requirements for survival craft used on future passenger ships and to further consider the draft definition for the damage control concept, which states that shipboard damage control includes any measure necessary to control or mitigate the effects of shipboard flooding or fire in order to achieve the established “time to remain habitable” to allow the ship to return to a port or to allow safe and orderly abandonment.

**Shipboard mooring and towing equipment**

The Sub-Committee agreed a draft MSC circular on Guidance on shipboard mooring and towing equipment, for approval by MSC 80. The circular is intended to provide standards for the design and construction of shipboard fittings and supporting hull structures associated with towing and mooring. The Guidance supports regulation II-1/3-8 of the 1974 SOLAS Convention, which is expected to be adopted in 2005 and requires that new displacement type ships (except high speed craft and offshore units) shall be provided with arrangements, equipment and fittings of sufficient safe working load to enable the safe conduct of all towing and mooring operations associated with the normal operations of the ship.

The Sub-Committee also established a correspondence group to develop a revised proposal for draft SOLAS amendments and related guidelines for the assessment of deck equipment to be used in emergency towing, in relation to mandatory emergency towing systems in ships other than tankers of not less than 20,000 dwt.

**Amendments to the HSC and DSC Codes**

Work on the preparation of draft amendments to the 1994 and 2000 High-Speed Craft (HSC) Codes and the Code of Safety for Dynamically Supported Craft (DSC Code) continued with a view to finalization at DE 49. A correspondence group was established to progress the work intersessionally.

**OSV Guidelines**

The Sub-Committee agreed draft amendments to the Guidelines for the design and construction of offshore supply vessels (resolution A.469(XII)), for submission to the Sub-Committee on Stability and Load Lines and on Fishing Vessels’ Safety (SLF).

**Interpretations of SOLAS, 2000 HSC Code and MARPOL**

The Sub-Committee agreed draft MSC circulars on Interpretations to SOLAS chapters II-1 and XII and to the 2000 HSC Code as well as a draft MEPC circular on Interpretations to MARPOL Annex VI, for submission to MSC 80 and MEPC 53 respectively.
Implementation of mandatory IMO instruments - draft Code finalized by Sub-Committee

The draft Code for the implementation of mandatory IMO instruments, which is a key element of the proposed Voluntary IMO Member State Audit Scheme, was finalized by the Sub-Committee. It will be submitted to the Maritime Safety Committee (MSC) in May and the Marine Environment Protection Committee (MEPC) in July for approval and then to the IMO Assembly in November for adoption.

The draft Code is aimed at ensuring the proper and effective implementation of standards and it is intended that it will play an important role in achieving complete and uniform application of IMO standards on all ships to which the IMO Conventions apply. It includes transparent criteria for proper implementation of IMO instruments by flag States, port States and coastal States.

The draft Code includes four parts.

Part 1 – Common Areas includes sections on the objective, strategy, scope, initial actions, communication of information, records and improvement of the Scheme. The Code states that a strategy to meet its objective should be developed, to cover implementation and enforcement of relevant international mandatory instruments, adherence to international recommendations, continuous review and verification of the effectiveness of the Scheme. The Code states that to achieve this, flag States should, on a periodic basis, evaluate their performance with respect to the implementation of administrative processes, procedures and resources necessary to meet their obligations as required by the conventions to which they are Party.

Part 3 – Coastal States includes sections on implementation, enforcement, evaluation and review. The Code states that Coastal States have certain rights and obligations under various mandatory IMO instruments and that, in order to meet their obligations effectively, coastal States should implement policies and guidance which will assist in the implementation and enforcement of their obligations and assign responsibilities within their Administration to update and revise any relevant policies adopted. The flag States should, on a periodic basis, evaluate their performance with respect to the implementation of administrative processes, procedures and resources necessary to meet their obligations as required by the conventions to which they are Party.

Part 4 – Port States also includes sections on implementation, enforcement and evaluation and review. The draft Code states that port States have certain rights and obligations under various mandatory IMO instruments and that when exercising their rights, port States incur additional obligations. Port States should take all necessary measures to ensure their observance of international rules when exercising their rights and fulfilling their obligations and should periodically evaluate their performance.

The draft Code also includes five Annexes: Annexes 1 to 4 cover the obligations of Contracting Governments/Parties and Annex 5 includes tables on the instruments made mandatory under IMO Conventions.

The Sub-Committee also agreed a draft Assembly resolution on the Code.

Casualty investigation code - support for mandatory application

The issue of whether to make the Code for the investigation of marine casualties and incidents (resolution A.849(20), as amended) mandatory was discussed and the Sub-Committee expressed overwhelming support for the idea of making the Code mandatory, either in full or in part.

A Correspondence Group on the review of the Code for the investigation of marine casualties and incidents was established to review initially all issues relating to making the Code mandatory and to prepare a proposed revised draft format for the Code.

While there were various options for making a revised Code mandatory, in full or in part, including the adoption of a new Convention, the general preference was to include a new regulation in SOLAS chapter XI-1.

The Sub-Committee also approved an amended casualty analysis procedure which is aimed at ensuring a more rapid distribution of information and recommendations from the correspondence group on casualty analysis that may be relevant to other Sub-Committees.

Harmonization and co-ordination of port State control activities

The Sub-Committee reviewed information relating to port State control (PSC) activities, including the outcome of the 3rd IMO Workshop for PSC MoU/Agreement Secretaries and Directors of Information Centres and the 2nd Joint Ministerial
Conference of the Paris and Tokyo MoUs on PSC; the in-depth analysis of annual reports of PSC regimes; the world fleet database and the findings of a programme of checks on ship security conducted by the Paris and Tokyo MoUs. The Sub-Committee considered several options for the conduct of its future reviews of PSC-related matters and provisionally agreed to the establishment of a working group on PSC at its next session.

Guidelines for port State control officers on Condition Assessment Scheme (CAS)

A draft MEPC circular on Guidelines for port State control officers (PSCOs) whilst checking compliance with CAS was agreed, for submission to MEPC 53. From 5 April 2005, certain oil tankers will be required to comply with the CAS survey requirements. The first CAS survey should be carried out concurrent with the first intermediate or renewal survey after 5 April 2005, or after the date when the ship reaches 15 years of age, whichever occurs later. The Sub-Committee also invited Administrations to provide the information required by CAS for inclusion in the relevant IMO CAS electronic database. The draft Guidelines recommend that PSCOs make an informed decision on whether an oil tanker should comply with CAS by checking the International Oil Pollution Prevention Certificate (IOPPC) and other relevant statutory certificates and by consulting the IMO CAS database.

The Sub-Committee agreed a draft Guidelines for port State control for MARPOL Annex VI, for submission to MEPC 53. Annex VI, which includes regulations for the prevention of air pollution from ships, enters into force on 19 May 2005.

HSSC - draft amendments agreed for MARPOL Annex VI surveys

Survey guidelines for MARPOL Annex VI Regulations for the prevention of air pollution by ships were agreed, in the form of draft amendments to resolution A.948(23) Revised Survey Guidelines under the Harmonized System of Survey and Certification.

Date of completion of survey

The Sub-Committee agreed a draft MSC/MEPC circular on Interpretations of the date of completion of the survey and verification on which the certificate is based, for submission to MSC 80 and MEPC 53 for approval, to supersede MSC/Circ.1012 - MEPC/Circ.384. The circular has been prepared following the adoption by the MSC of the addition of the words “Completion date of the survey on which this certificate is based” to certificates issued following surveys in respect of both mandatory and non-mandatory instruments. The aim is to clarify, for control purposes, the date of the last survey.

Transfer of class

The Sub-Committee agreed a draft MSC/MEPC circular giving Guidelines for the Administration to apply to ensure the adequacy of transfer of class-related matters between Recognized Organizations, for submission to the MSC and MEPC. The circular gives procedural requirements, including obligations of the gaining and losing Recognized Organizations, when there is transfer of class-related matters from one Recognized Organization to another.

The Sub-Committee also agreed to a draft MSC/MEPC circular on Recommended conditions for extending the period of validity of a certificate, for submission to MSC 80 and MEPC 53 for approval.

Carriage of publications on board ships

A draft MSC/MEPC circular on IMO requirements and recommendations on carriage of publications on board ships was agreed, for submission to the MSC and MEPC for approval. The draft circular lists publications explicitly required by IMO instruments to be carried on board ships as well as those recommended to be carried on board in order to improve the crew’s knowledge and to enhance the implementation of IMO instruments.

Reports on inadequacy of reception facilities

The Sub-Committee agreed a draft MEPC circular on the Revised consolidated format for reporting alleged inadequacy of port reception facilities, which is intended to be more user-friendly and take less time to complete. The intention is to encourage reports to be submitted so that appropriate action can be taken. The Sub-Committee also agreed a draft MEPC circular on Waste reception facility reporting requirements.

Reporting requirements under MARPOL

The Sub-Committee noted the low rate of reporting on infringements of the MARPOL Convention and agreed a draft MEPC circular on Compliance with the reporting requirements under MARPOL, which urges all Parties to MARPOL 73/78 to fulfil their treaty obligations and comply fully with the reporting requirements under the MARPOL Convention, submitting on a yearly basis their annual reports, including nil returns.

www.imo.org. No.2 2005 IMO NEWS 15
The Sub-Committee on Bulk Liquids and Gases agreed draft Guidelines for the application of the revised MARPOL Annex I requirements to Floating Production Storage and Offloading Facilities (FPSOs) and Floating Storage Units (FSUs) to be submitted to the 53rd session of the Marine Environment protection Committee (MEPC) in July 2005 for adoption. The revised MARPOL Annex I Regulations for the prevention of pollution by oil was adopted in October 2004 and is expected to enter into force for ships on 1 January 2007.

Evaluation of safety and pollution hazards of chemicals

Sixteen cleaning additives were approved for inclusion in the next publication of the MEPC circular which provides lists of noxious liquid substances (NLS) with associated categories and minimum carriage requirements which have been established through Tripartite Agreements and registered with the IMO Secretariat (MEPC.2/Circ. series).

The Sub-Committee also agreed draft revised Guidelines for the completion of the BLG Product Data Reporting Form and resolved the practical problems related to the relevant certificates including the problems associated with determining equivalency with respect to gas carriers that may arise in connection with the implementation of the revised MARPOL Annex II, which was adopted in October 2004 and is expected to enter into force on 1 January 2007.

Revision of fire protection requirements of the IBC, IGC, BCH and GC Codes

The Sub-Committee agreed proposed draft amendments to the International Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk (IBC Code), the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code), the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code) and the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (GC Code) aimed at ensuring consistency between the Codes and the revised SOLAS chapter II-2. The Sub-Committee also agreed the addition of Dimethyl Ether and Carbon Dioxide to chapter 19 of the IGC Code and chapter XIX of the GC Code, for approval by the MSC.

Sewage regulations - amendments to standards

MARPOL Annex IV Prevention of pollution by sewage from ships entered into force on 27 September 2003. A revised Annex was adopted on 1 April 2004, with an entry into force date of 1 August 2005. The Sub-Committee established a correspondence group to review resolution MEPC.2(VI) Recommendation on international effluent standards and guidelines for performance tests for sewage treatment plants. The revision is expected to focus on a number of areas, including the need to reflect current trends for the protection of the marine environment and developments in the design and effectiveness of commercially available sewage treatment plants with a view to avoiding the proliferation of differing standards worldwide. The review will aim to identify and offer solutions for any problems related to the implementation of the resolution and will take into account, as necessary, any relevant standards or guidelines developed by the World Health Organization (WHO).

The correspondence group will also develop draft standards for the establishment of the rate of discharge for sewage that has been stored in holding tanks aboard ships.

The Sub-Committee also tasked the correspondence group with developing a recommendation regarding the discharge in a practical, efficient and environmentally-friendly manner, at a distance of more than 12 nautical miles from the nearest land, of untreated animal effluent, not stored in holding tanks, from livestock carriers.

Review of the OSV Guidelines

The Sub-Committee finalised its work on the review of the Guidelines for the transport and handling of limited amounts of hazardous and noxious liquid substances in bulk on offshore support vessels (resolution A.673(16)) and the Guidelines for ballast water management and the Development of ballast water management and the Equivalent Compliance; draft Guidelines for ballast water management and the development of ballast water management plans and draft Guidelines for ballast water exchange. The following guidelines were also finalized for review by the Flag State Implementation (FSI) and Ship Design and Equipment (DE) Sub-Committees before final adoption: draft Guidelines for sediment

Application of MARPOL to FPSOs and FSUs - draft guidelines agreed

The Sub-Committee on Bulk Liquids and Gases agreed draft Guidelines for the application of the revised MARPOL Annex I requirements to FPSOs and FSUs were agreed. They will be submitted to the 53rd session of the MEPC in July 2005 for adoption (pic: APL).
Amendments to suppression of unlawful acts (SUA) treaties finalized

The consideration of draft protocols to amend the 1988 Suppression of Unlawful Acts (SUA) Convention and Protocol was completed by the Legal Committee ahead of a diplomatic conference to be held later this year. For full story, see page 6.

The Committee also continued its consideration of the draft Wreck Removal Convention (WRC) with a view to finalizing as many outstanding issues as possible in order to present as final as possible a draft for consideration by a diplomatic conference tentatively scheduled to be held in the forthcoming biennium. The WRC is intended to provide international rules on the rights and obligations of States and shipowners with respect to wrecks and drifting or sunken cargo which may pose a hazard to navigation and/or pose a threat to the marine environment.

The aim of the Convention is to clarify the rights and obligations regarding the identification, reporting, locating and removal of hazardous wrecks, in particular those found beyond territorial waters. The proposed Convention will also cover the issue of compensation in the event that the coastal State itself needs to take relevant action.

Fair treatment of seafarers

The Committee reviewed the report of the first session of the Joint IMO/ILO Ad Hoc Expert Working Group on the Fair Treatment of Seafarers in the Event of a Maritime Accident, which met in January 2005. The Committee approved a draft resolution for adoption by the twenty-fourth IMO Assembly (which meets in November-December 2005) and by the ILO Governing Body. The resolution calls for the adoption of guidelines on fair treatment of seafarers in the event of a maritime accident as a matter of priority.

Claims for death, personal injury and abandonment of seafarers

The Committee received a progress report on the work of the Joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers. In particular, the Committee noted that ILO has created a database to record information on incidents of abandonment of seafarers. The database is intended to facilitate monitoring of the size and scope of the issues involved.

Implementation of the HNS Convention

The Committee was updated on the status of implementation of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances (HNS) by Sea, 1996.

The HNS Convention is intended to add a vital component to the international regime for compensation for pollution damage at sea. At the end of April 2005, it had been ratified by eight States, representing 5.38 per cent of world merchant shipping tonnage. For entry into force, the HNS Convention requires ratification by 12 States, four of which have not less than two million units of gross tonnage, provided that persons in these States who would be responsible for paying contributions to the general account have received a total quantity of at least 40 million tonnes of contributing cargo in the preceding calendar year. It was noted that the contracting States, as well as the States which in future will accede to the HNS Convention, are legally obliged to submit information on contributing cargo received when depositing their instruments with the Secretary-General of IMO and annually thereafter.

The proposed Unified Interpretation and draft amendments will be submitted to MEPC 53 in July 2005 for consideration.

Shipboard occupational health

Guidelines on the basic elements for a shipboard occupational health and safety programme were finalized for submission to the Joint MSC/MEPC Working Group on the Human Element, which meets during MEPC in July 2005, for consideration.

The voluntary guidelines describe the basic elements of a shipboard occupational health and safety programme, applicable to all vessel types, which may be used by company managers, health and safety personnel or consultants who are implementing, improving or auditing the effectiveness of such a programme.

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Ballast water reception facilities; draft Guidelines for ballast water reception facilities and draft Guidelines on design and construction to facilitate sediment control on ships.

Clarification of the definition of fuel oil in MARPOL Annex I

The Sub-Committee agreed to a Unified Interpretation to regulation 13H(2) of the current MARPOL Annex I and the text of proposed amendments to regulation 21.2.2 of the revised MARPOL Annex I, which clarify the definition of fuel oil. The intention is to fill the perceived gap in the definition of Heavy Grade Oil (HGO) that presently would allow for HGOs other than crude oil, fuel oil, or bitumen, tar and their emulsions, to be carried on board single hulled ships.

The current MARPOL Annex I and the text of proposed amendments to regulation 21.2.2 of the revised MARPOL Annex I, which clarify the definition of fuel oil. The intention is to fill the perceived gap in the definition of Heavy Grade Oil (HGO) that presently would allow for HGOs other than crude oil, fuel oil, or bitumen, tar and their emulsions, to be carried on board single hulled ships.
The IMO’s work on ship recycling

By Sokratis Dimakopoulos

Views expressed in this paper are those of the author and should not be construed as necessarily reflecting the views of IMO or its Secretariat.

Ship recycling contributes to sustainable development and is the most environmentally friendly way of disposing of ships, with virtually every part of the hull and machinery capable of being re-used. However, while the principle of ship recycling is a sound one, the reported status of working practices and environmental standards in recycling facilities in certain parts of the world often leaves much to be desired.

Noting the growing concerns about environmental safety, health and welfare matters in the ship recycling industry, and the need to reduce the environmental, occupational health and safety risks related to ship recycling, as well as the need to secure the smooth withdrawal of ships that have reached the end of their operating lives, IMO has taken swift action to develop a realistic and effective solution to some of the problems associated with ship recycling, which will take into account the particular characteristics of the world of maritime transport.

The issue of ship recycling was first brought to the attention of the IMO Marine Environment Protection Committee (MEPC) at its forty-second session in 1998 and at the following sessions of the Committee it was generally agreed that IMO has an important role to play in ship recycling, including preparation of a ship before recycling commences, and a co-ordinating role towards the ILO and the Basel Convention in recycling matters. At MEPC 47 (March 2002), the Committee agreed that, for the time being, IMO should develop recommendatory guidelines to be adopted by an Assembly resolution.

MEPC 49 (July 2003) finalized the IMO Guidelines on Ship Recycling (“Guidelines”), which were subsequently adopted in 2003 by the IMO Assembly by resolution A.962(23). IMO invited Governments to take urgent action to apply these Guidelines, including their dissemination to the shipping and ship recycling industries, and to report to the MEPC on any experience gained in their implementation.

MEPC 50 (December 2003), realized that the amendments to MARPOL Annex I to accelerate the phase-out of single hull oil tankers would increase the number of vessels to be recycled within a specific period of time, which implied an increased need for ship recycling facilities and capabilities. The Committee adopted resolution MEPC.113(50), recommending that initiatives should be taken to maintain adequate ship recycling facilities at world-wide level and to promote research and development programmes to improve environmental and safety levels in ship recycling operations.

Ship recycling remains a high priority item on the work programme of the MEPC and intensive work is currently under way with the objective of promoting the implementation of the Guidelines, assessing their effectiveness, reviewing them if necessary, and, finally, determining any other required solutions, including the identification of those parts of the Guidelines which may be made mandatory.

Ship recycling remains one of the high priority items in the agenda of the MEPC, which held its fifty-second session from 11 to 15 October 2004. Having considered the need for developing mandatory measures for ship recycling, MEPC agreed that certain parts of the Guidelines might be given mandatory effect and the Working Group on Ship Recycling (WG), established at that session, developed an initial list of the elements of the Guidelines for which a mandatory scheme might be regarded as the most suitable option for their implementation. It was agreed that future work that was needed intersessionally in order to develop this list and to consider issues associated with the possible mandatory application of the identified measures.

Whilst it was suggested that existing IMO instruments, such as MARPOL 73/78, could provide an appropriate vehicle for the implementation of some of the identified measures, the Group agreed that a new IMO instrument could be developed with a view to providing legally binding and globally applicable ship recycling regulations and that further work was needed before a concrete proposal could be made on this issue.

With regard to the development of a reporting system for ships destined for recycling, the WG agreed that this system should be transparent, effective, ensure uniform application and respect commercially sensitive information; developed in such a way as to facilitate the control and enforcement of any mandatory provisions on ship recycling that may be developed by IMO; implemented by the shipowner, the recycling facility, the flag State and the recycling States with the latter two stakeholders having the primary role for ensuring its proper application; should be a stand-alone reporting mechanism and, although existing notification and reporting procedures under other existing legal instruments could be taken into account, should be a workable and effective system, with the minimum required administrative burden and catering for the particular characteristics of world maritime transport.

MEPC 52 developed a draft outline of a reporting system for ships destined for recycling in order to identify, in a schematic
way, what should be reported, to where and by whom. Additional work will be needed, for example on the appropriate time-frames, a harmonized reporting format and the possible need for additional flow of information between stakeholders.

MEPC 52 agreed that a “single list” of the potentially hazardous materials on board should be developed. The “single list” would provide guidance on the identification of potentially hazardous materials aboard ships and the preparation of the relevant inventories. The WG agreed that the “single list” should be user friendly, workable and practicable, specific for shipboard applications, exclude any generic terms and provide information on all hazards and developed an initial layout of the “single list” for further consideration in the intersessional period.

The Committee also considered a number of proposals for amendments to the Guidelines, submitted by the Industry Working Party on Ship Recycling[1], which was invited to prepare a revised text of the proposed amendments to the Guidelines for further consideration in the intersessional period. Following a proposal by Bangladesh, the need, in principle, for the establishment of an International Ship Recycling Fund to promote the safe and environmentally-sound management of ship recycling through the IMO’s technical co-operation activities was agreed. The IMO’s Technical Co-operation Committee was invited to consider further the arrangements to establish such a dedicated fund.

MEPC 52 established a correspondence group to further progress the work in the intersessional period, approved a three-day intersessional meeting of the Working Group on Ship Recycling during the week before MEPC 53 (to be held from 18 to 22 July 2005) to consider the issues related to the terms of reference of the Correspondence Group and agreed to re-establish the Working Group on Ship Recycling at the next session of the Committee.

IMO maintains close co-operation with ILO and the Basel Convention on the issue of ship recycling and the establishment by the three Organizations of the Joint ILO/IMO/Basel Convention Working Group on Ship Scrapping (JWG) is a good example and evidence of this enhanced co-operation at the international level. The overall task set by the three Organizations for the JWG is to act as a platform for consultation, co-ordination and co-operation in relation to their work programmes and activities with regard to issues related to ship recycling. The JWG aims to promote a co-ordinated approach to the relevant aspects of ship recycling with the aim of avoiding duplication of work and overlapping of roles, responsibilities and competencies between the three Organizations, and identifying further needs.

With a view to identifying any possible gaps, overlaps, or ambiguities, the JWG began a comprehensive initial examination of the relevant IMO, ILO and BC guidelines on ship recycling, based on a comparison of the issues presented in each of the guidelines in the form of a matrix, and a draft overview paper outlining the purpose of each of the guidelines, their respective field of application and main contents. This is a large undertaking and intersessional work and further work at the second session will be needed.

The JWG agreed that each Organization should consider the translation of its guidelines into the working languages of the

[1] The Industry Working Party on Ship Recycling was established in February 1999 comprising representatives from BIMCO, INTERCARGO, INTERTANKO, ICS, ITOPF, ITF, and OCIMF with active participation, as observers, also from ECSA and IACS.
Main ship recycling States, and that each should also ensure that a user-friendly web page is established, providing information on ship recycling matters and a link to the other two Organizations’ relevant web-pages and guidelines. It also agreed to invite the ship recycling States to make point-of-contact details for the competent authorities responsible for issues related to ship scrapping publicly available, and to invite Governments and all involved stakeholders to provide information to the three Organizations on any experience gained in the implementation of the guidelines.

It was agreed that the implementation of the guidelines should be also promoted through joint technical co-operation activities, and the JWG has invited Governments and other stakeholders to provide information to the three Organizations on any technical co-operation activities or other relevant initiatives already launched or planned so that these activities can be taken into account in the future technical co-operation programmes of the Organizations. Each Organization will invite the other two to participate in any workshops or seminars they organize, and a section providing information on the guidelines of the other two is to be included in the programme of any such activities. It was agreed that the three Organizations should be asked to consider a global technical co-operation programme on ship scrapping.

The second session of the JWG will be hosted by the Basel Convention in Geneva, Switzerland, either in December 2005 or January 2006.

In conclusion, recycling is one of the basic principles of sustainable development and ship recycling is, generally, the best option for all time-expired tonnage. IMO, therefore, encourages and promotes ship recycling in compliance with the international standards on safety, health and environment.

IMO’s work on ship recycling aims at the development of a realistic, pragmatic, well-balanced, workable and effective solution to the problem of ship recycling, which should take into account the particular characteristics of world maritime transport and the need for securing the smooth withdrawal of ships from trade at the end of their operating lives.

Areas where IMO has focused its attention include, but are not limited to the minimization of the use of hazardous materials in the design, construction and maintenance of ships, without compromising their safety and operational efficiency; the identification of potentially hazardous materials on board ships and the preparation of the relevant inventories (e.g. Green Passport) and the preparation of ships for recycling in such a manner as to reduce environmental and safety risks and health and welfare concerns as far as practicable.

The issue of ship recycling has been given high priority at the MEPC in order that the promotion of the implementation of the IMO Guidelines on Ship Recycling and the consideration of a possible new legally binding IMO instrument on ship recycling are progressed as efficiently and expeditiously as possible.

IMO maintains close co-operation with ILO and the appropriate bodies of the Basel Convention, with the aim of avoiding duplication of work and overlapping of responsibilities and competencies between the three Organizations.

Sokratis Dimakopoulos is the responsible officer in the IMO Secretariat for issues related to ship recycling. He is the Secretary of the MEPC’s Working group on Ship Recycling and Co-Secretary of the IMO/ILO/Basel Convention Joint Working Group on Ship Scrapping.

Ship recycling plan

In accordance with the IMO Guidelines on Ship Recycling, the development and implementation of a recycling plan can help ensure that a ship has been prepared to the maximum extent possible prior to its recycling and that the safety of the ship, prior to delivery, has been taken into account. The ship recycling plan should be developed by the recycling facility in consultation with the shipowner, taking into account the potential hazards which may arise during the recycling operation, the relevant national and international requirements and the facilities available at the recycling facility in terms of materials, handling and the disposal of any wastes generated during the recycling process.

MEPC 52 approved Guidelines for the development of the ship recycling plan, aimed at providing technical information and guidance for its preparation.
**Ship recycling - IMO Guidelines**

The IMO Guidelines on Ship Recycling were adopted on 5 December 2003 by resolution A.962(23).

They were developed to provide guidance to flag, port and recycling States, shipowners, ship recycling facilities, ship builders and marine equipment suppliers as to “best practice”, which takes into account the ship recycling process throughout the life cycle of the ship. The Guidelines seek to encourage recycling as the best means to dispose of ships at the end of their operating lives; provide guidance in respect of the preparation of ships for recycling and minimizing the use of potentially hazardous materials and waste generation during a ship's operating life; foster inter-agency co-operation and encourage all stakeholders to address the issue of ship recycling.

The Guidelines take into account the “Industry Code of Practice on Ship Recycling”[1] and complement other international guidelines addressing this issue; notably those produced under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal focusing on issues related to ship recycling facilities[2], and those of the International Labour Organization addressing working conditions at the recycling facilities.[3]

They place a significant emphasis on the identification of potentially hazardous materials on board ships prior to recycling and introduce the concept of the Green Passport. The Green Passport for ships is a document providing information with regard to materials known to be potentially hazardous utilised in the construction of the ship, its equipment and systems. This document should accompany the ship throughout its operating life and successive owners of the ship should maintain the accuracy of the Green Passport and incorporate into it all relevant design and equipment changes, with the final owner delivering the document, with the ship, to the recycling facility.

Acknowledging that a number of the problems associated with ship recycling might be addressed at the design and construction stage, the Guidelines encourage ship designers and shipbuilders to take due account of the ship’s ultimate disposal when designing and constructing a ship.

The use of materials which can be recycled in a safe and environmentally sound manner, the minimization of the use of materials known to be potentially hazardous to health and the environment, the consideration of structural designs that could facilitate ship recycling and the promotion of the use of techniques and designs which, without compromising safety or operational efficiency, contribute towards the facilitation of the recycling operation are some of the recommendations provided by the Guidelines with regard to the design and construction of ships.

Manufacturers of marine equipment that contains hazardous substances are also encouraged to design the equipment so as to facilitate the safe removal of those substances, or give advice as to how such substances can be safely removed at the end of the working life of the equipment.

Minimization of the use of potentially hazardous substances and of waste generation is also recommended for the lifetime of ships and shipowners are encouraged to make every effort to minimize the amount of potentially hazardous materials on board the ship, including those carried as stores, during routine or major maintenance operations or major conversions and continuously seek to minimize hazardous waste generation and retention during the operating life of a ship and at the end of a ship’s life.

The Guidelines also provide a number of recommendations with regard to the preparation of a ship for recycling, which should begin before the ship arrives at the recycling facility. These preparations include, amongst others: the selection of a recycling facility, of potentially harmful substances and waste at appropriate port reception facilities, and controlled drainage, by the recycling facility, of potentially harmful liquids from the ship.

The Guidelines provide guidance to all stakeholders in the ship recycling process. This includes flag, port and recycling States, authorities of shipbuilding and maritime equipment supplying countries, as well as relevant intergovernmental organizations and commercial bodies such as shipowners, ship builders, marine equipment manufacturers, repairers and recycling facilities. Additional stakeholders include workers, local communities, and environmental and labour bodies.

The Guidelines also refer to the role of the ILO, the Basel Convention and the London Convention 1972/1996 Protocol, making reference to their relevant provisions and guidelines applicable to ship recycling.

Finally, the Guidelines suggest that national or regional organizations should co-operate with Governments in ship recycling States and other interested parties on projects involving the transfer of technology or aid funding to improve facilities and working practices in the recycling facilities.

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[1] In co-operation with other industry organizations, ICS has produced the “Industry Code of Practice on Ship Recycling”, outlining the measures that shipowners should be prepared to take prior to recycling (see www.marisec.org/recycling).


Workshop highlights role of flag States

A n International Workshop on Flag State Implementation, organized by IMO through its Integrated Technical Co-operation Programme (ITCP) was held in March at IMO Headquarters. Its objective was to promote a clear understanding of the duties and responsibilities of flag States regarding merchant, fishing and other vessels flying their flags. It also sought to address the difficulties faced by States in the effective implementation and enforcement of related provisions contained in IMO’s conventions and other international instruments.

A further objective was to inform participants of initiatives and developments at IMO concerning the assessment of compliance by States with the global maritime standards adopted by the Organization through its Conventions, Codes and other instruments.

The procedure for the adoption and ratification of IMO instruments was also detailed, as were the different aspects of flag, port and coastal State jurisdiction. In respect of flag States, it was emphasized that Governments, in accepting, implementing and enforcing IMO instruments, had to make significant investments and embrace fully their commitments.

The efficacy of a flag State may be assessed by, among other things, the extent of its acceptance and implementation of international maritime law instruments, the scope of its national legislation, particularly in relation to the effective implementation of international maritime instruments and the extent of the Maritime Administration’s infrastructure in relation to registration, safety oversight, enforcement and investigation, control and monitoring, and meeting obligations under international maritime law instruments.

However, the meeting concluded that there is no model for an “ideal” Maritime Administration infrastructure and this will depend on several factors, including the number and type of ships registered the international conventions that have been accepted and enacted into national law and the availability of administrative and technical expertise. Nevertheless, States should ensure that adequate resources are provided to their Maritime Administrations to enable them to perform their functions effectively in the exercise of flag, port and coastal State jurisdiction in accordance with relevant international standards.

The meeting agreed that the conduct of investigations into marine casualties and incidents, requiring the appointment and training of accident investigators, is a crucial obligation of flag States that is of global benefit since lessons learned from such investigations can enhance maritime safety and marine environment protection. Training materials on marine accident and incident investigation should be provided with increased frequency to developing countries through IMO’s ITCP.

Presentations on flag State responsibilities related to maritime security, marine environment protection, marine insurance and seafarers underlined the complexity of the related obligations of flag States. Issues highlighted included the need for IMO to consider developing guidance on the extension of maritime security procedures to non-Convention vessels and fishing vessels, the application by flag States of safe manning requirements and ways to ensure that seafarers’ rights are safeguarded in the context of the implementation of the ISPS Code.

It was also agreed that, in fulfilling their obligations under the IMO Conventions to which they are Parties, States should respect their obligation to fulfil the related reporting requirements. The low level of response on certain topics leads to inaccurate statistics and information and frustrates the work of IMO’s governing bodies in assessing how effectively the Conventions are being implemented and enforced.

Several presentations were made on how Governments and industry (classification societies and shipowners’ associations) monitor and assess compliance by flag States with global maritime standards. In this respect, it was concluded that it may not always be possible for administrations of developing flag States to undertake the same level of compliance monitoring as more developed flag States.

While recognizing that the structures and resources available to each flag State will depend on several factors, it was nevertheless acknowledged that the delegation by flag States of statutory survey and certification functions to recognized organizations (ROs) does not equal the delegation of responsibility. Flag States must retain the ability to fulfil their obligation to monitor the work carried out by ROs on their behalf.

The potential for improved flag State performance, resulting from close co-operation between flag and port States through the activities of regional port State control regimes, was highlighted in a presentation by a representative of a major flag State. It was noted that similar experience had been gained in the Caribbean, where flag State performance had also improved as a result of the compliance monitoring carried out by the regional port State control regime.

With a view to improving their performance as flag States, it was agreed that countries should access all available forms of technical assistance and development aid, including through: IMO’s ITCP; regional organizations and development banks; the World Bank and the Global Environment Facility; technical co-operation among developing countries (TCDC); and related industry programmes (e.g. IACS, ITF, etc.).

A strong view was also expressed that IMO should seek to facilitate access by developing States to development aid, specifically in relation to capital investment requirements, and also to the technical assistance that may be provided bilaterally by the Maritime Administrations of developed countries.

A presentation on “Making a case for performance assessment” provided information on the development of compliance monitoring and performance assessment and detailed the responsibilities of the various actors in the implementation and enforcement of global maritime standards. In this respect, advances in this area included the flag State Self-Assessment Form and the on-going development of the
Voluntary IMO Member State Audit Scheme, which was approved in IMO Assembly resolution A.946(23) and is applicable to flag, port and coastal States. It was suggested that both schemes provided States with the opportunity to carry out objective self-evaluations leading to the identification of areas requiring improvements and consequent assistance needs.

Presentations on the work of the two correspondence groups dealing with the draft Code for the implementation of [mandatory] IMO instruments and the Voluntary IMO Member State Audit Schemes gave a clear background to the development of both initiatives and highlighted their obvious interrelations. A schedule for the adoption of both initiatives by the Assembly at its twenty-third session in November 2005 was outlined and the workshop was advised that a global programme of regional training courses for auditors would be initiated in the last quarter of 2005 with part funding from the IMO Technical Co-operation Fund. Further courses would follow during the 2006-2007 biennium.

The Workshop recommended that, following the adoption of the Code on implementation of [mandatory] IMO instruments, the IMO Secretariat should develop a webpage on its public website itemizing the obligations of flag, port and coastal States under existing Conventions and mandatory Codes, with appropriate linkages to the guidance already developed by the Organization for the fulfillment of these obligations. Additionally, a similar approach should be considered for any future Conventions and mandatory Codes that may be developed and adopted by IMO.

The issue of application of IMO rules and regulations to non-Convention ships and fishing vessels came up regularly under many of the topics covered by the Workshop. Among the main issues highlighted was a concern that there are currently no mandatory international requirements on the survey and certification of non-Convention ships, although in 2005 IMO adopted Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels. The Organization has also helped several developing regions to prepare and adopt relevant codes and regulations (for example the Caribbean Cargo Ship Safety Code (vessels under 500 GT) and Small Commercial Vessel Code (vessels under 24 metres), the East and South East Asia Guidelines for Fishing Vessels and the draft national regulations for non-Convention ships that are to made a regional standard by the Mediterranean countries), which were being used as the vessel safety standards in those regions and, in some cases, as the port State control standards also. It was suggested that the countries participating in the Workshop, many of which have only non-Convention ships or small fishing vessels under their flag, should access these instruments through the IMO public website and consider using them as safety standards for their vessels.

The Workshop concluded that the main obstacle to ensuring the safety of non-Convention ships was not simply one of lack of regulations, but one of lack of financial resources and of a comprehensive safety culture, versus the need to secure livelihoods. It was suggested that IMO consider enhancing its focus on building up safety awareness among the seafarers, fishermen and passengers operating and using such ships.

PORT STATE CONTROL

LONDON, 3 – 13 April 2006

This widely recognised and practical intensive course is now in its 18th successive year. The course is designed especially for officials in national marine departments, port or terminal operators, ship managers and shipowners.

The course covers in detail the major IMO conventions and codes along with other relevant international regulations and conventions, inspection systems and documentation. Special sections of the course concentrate on the ISPS code.

The Course is taught by an experienced team of academics and practitioners from the UK, USA and Europe.

Venue: Senate House, University of London
Fees: Sterling £2,650

The course is conducted by the Centre for Maritime Co-operation of the International Chamber of Commerce.

Further details can be obtained from:

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Meeting tackles security issues for non-SOLAS vessels

A seminar on maritime security measures for non-SOLAS vessels was convened at IMO Headquarters on 10 May 2005 by the Japan International Transport Institute. The purpose of the seminar was to help place issues in sharper focus and enable moves towards a common approach to them.

As comprehensive and far reaching as they are, the maritime security measures adopted by IMO in 2002 apply formally to only one sector, albeit an extremely broad one, of the wider maritime community. Because they were adopted as amendments to the Safety of Life at Sea Convention, by definition they apply only to ships that come under the auspices of that Convention – essentially passenger ships, cargo ships of 500 gross tons and above that are engaged in international trade, and mobile offshore drilling units.

Although this means that nearly 100 per cent of the world's international merchant fleet is covered, Governments attending the 2002 Conference were very well aware, at the time of adopting the new measures, that the hundreds of thousands of vessels all over the world that are not covered by the SOLAS Convention nonetheless had the potential to pose a significant security threat. At the same, therefore, the Conference adopted a resolution encouraging Governments to tackle the problem, and it was in that context that this meeting was held.

In his opening address to the meeting, IMO Secretary-General Efthimios E. Mitropoulos referred to the host of different factors that combine to make establishing effective security measures for non-SOLAS shipping a difficult and complex challenge. The immense diversity of the sector in terms of vessel ownership, different vessel types with a multitude of specific or general purposes, in terms of trading patterns and port facilities used, often compounded by the absence of a formal structure of registration and inspection, suggests that a solution that works in one part of the world may not necessarily meet the requirements of another.

He said, “The threat of terrorism is not receding. Moreover, we, in the world of shipping, have to consider issues that reach far beyond the immediate consequences of any terrorist attack, however horrific they may be. We have already taken great steps, under the auspices of the SOLAS Convention, towards addressing the question of security for international shipping and are expanding our work to also cover shipping lanes of strategic significance and importance, such as the Malacca Strait. But even a small ship, used strategically and in the right location, at the right time, could have a major disruptive effect on human life, the environment and local, regional and even international trade – so, finding ways to tackle successfully the security question for non-SOLAS shipping is not just a desirable addition to the work already undertaken, it is a vital and necessary component of it”.

Security fund gets boost

On behalf of the North East Maritime Institute of Fairhaven, USA, Mr Eric Dawicki President of the institute, has donated US$50,000 to the IMO’s International Maritime Security Trust Fund. The fund was established as a multi-donor trust fund to be maintained separately from all other funds established by the Organization with the main purpose of providing support for national initiatives with respect to legal, administrative and operation matters aimed at strengthening maritime security in developing countries and ensuring that the interests of all developing regions are adequately recognized.

All funds available in the IMST Fund have been transferred to the Global Programme on Maritime Security to address relevant activities and projects that are identified as priorities by the developing countries, as well as by donors. There has been great demand for assistance in the implementation of the maritime security regime and the Secretariat, in close collaboration with IMO technical co-operation partners, has made every possible effort to meet the demand. In 2004 alone, five regional and 34 national seminars/workshops or courses on maritime security were delivered and 21 country needs assessment/advisory missions were fielded.
Obituary: Captain Zenon Sdougos

Captain Zenon Sdougos, a long-serving and highly esteemed contributor to the work of the International Maritime Organization, has died at his home in London. He was 89.

Captain Sdougos began his long maritime career as a deck officer in the Greek merchant navy, before joining the Hellenic Coast Guard, where he achieved the rank of Captain. In 1961, he joined the IMO Secretariat to work in the Maritime Safety Division. In 1976 he retired from IMO, having risen to the post of Director of the division.

He then began a new career, as an advisor to the Union of Greek Shipowners, in which capacity he continued to make an outstanding contribution to the work of the Organization. Among many achievements, his important work in the area of navigational safety and the development of the GMDSS will be particularly remembered.

IMO Secretary-General Efthimios E. Mitropoulos said “It was with great sadness that we learned of the death of Captain Sdougos. He was a man of integrity, who had a profound knowledge and understanding of shipping. He was fully committed to the causes of maritime safety and environmental protection and made a major contribution over many years of committed service. His passing will be mourned by all those who knew him.”

IMLI students graduate with flying colours

The International Maritime Law Institute (IMLI) held its 16th Graduation Ceremony on May 14th 2005 at the Maritime Museum in Vittoriosa, Malta. The ceremony was attended by, among others, Mr. Efthimios Mitropoulos and the Hon. Censu Galea, Malta’s Minister for Competitiveness and Communications.

During the ceremony 27 lawyers from 20 States were awarded the Master Degree in International Maritime Law.

A welcoming Address was delivered by the Director of the Institute, Professor David J. Attard, who also presented the degrees to the 16th generation of IMLI lawyers.

Secretary-General Mitropoulos, also Chairman of the IMLI Governing Board, delivered a Graduation Address, in which he quoted United Nations Secretary-General Kofi Annan emphasizing to the UN General Assembly the importance of the rule of law and the need for common solutions to the common problems that we all face today.

Established under the auspices of the IMO, IMLI is an international centre for training specialists in maritime law. Since its establishment in 1989 IMLI has successfully trained 332 lawyers from 103 countries around the world who are now serving the rule of international maritime law and are greatly contributing to IMO’s aim of safer shipping and cleaner oceans.

Algeciras visit to IMO

During the recent visit of officials from the Bahia Port of Algeciras, Spain to IMO, Port President Mr. Manuel Moron Ledro presents a plaque to IMO’s Head of External Relations, Olga Bosquez.

Shipping organization celebrates 100 years

More than 800 Maritime industry people from 60 centres around the world met in Copenhagen in May to celebrate the centenary of the shipping organisation BIMCO.

Founded in 1905 by a small group of Northern European shipowners, BIMCO has grown into a global organisation of 2500 members in 123 countries. The owner-members of BIMCO control a fleet of about 525 million DWT thereby representing 65% of the world’s merchant fleet. BIMCO is accredited as an official observer at IMO. Among its many activities, BIMCO provides practical information and assistance to the maritime community.

“Global Outlook” was been the theme of the Centenary conference. This was reflected in the address of the Danish Foreign Minister, Per Stig Møller, who paid tribute to the shipping industry as “the single most important vehicle for globalisation.”

Outgoing President of BIMCO, C.C. Tung said that the global influence of BIMCO was not merely geographical, but “was demonstrated in the wide spread of interest of our members, who today represented all parts of the maritime industry.” The ability to tap into the experience of shipping experts from around the globe and from every industrial sector, said Mr. Tung, enables BIMCO to bring real value to the negotiating table in its discussion with governments and regulators at the highest level.

Speaking at the opening of the related BIMCO/Sohmen lecture, IMO Secretary-General Efthimios Mitropoulos took the opportunity to express his thanks to BIMCO for also marking its centenary by making a contribution to IMO’s International Search and Rescue Fund.
Northeast Maritime Institute provides technical assistance and advisory services for the implementation of International Conventions, Codes and Regulatory Requirements.
Illuminating information for the maritime world