INTERNATIONAL MARITIME ORGANIZATION

E

SUB-COMMITTEE ON DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS
18th session
Agenda item 13

DSC 18/13
30 September 2013
Original: ENGLISH

REPORT TO THE MARITIME SAFETY COMMITTEE

TABLE OF CONTENTS

Section		Page
1	GENERAL	3
2	DECISIONS OF OTHER IMO BODIES	3
3	REVIEW OF GENERAL CARGO SHIP SAFETY	3
4	DEVELOPMENT OF AMENDMENTS TO CSC 1972, AND ASSOCIATED CIRCULARS	4
5	DEVELOPMENT OF MEASURES TO PREVENT LOSS OF CONTAINERS	4
6	DEVELOPMENT OF AMENDMENTS TO THE IMSBC CODE AND SUPPLEMENTS, INCLUDING EVALUATION OF PROPERTIES OF SOLID BULK CARGOES	7
7	DEVELOPMENT OF AMENDMENTS TO THE IMDG CODE AND SUPPLEMENTS, INCLUDING HARMONIZATION WITH THE UNITED NATIONS RECOMMENDATIONS ON THE TRANSPORT OF DANGEROUS GOODS	18
8	REVISION OF THE GUIDELINES FOR PACKING OF CARGO TRANSPORT UNITS	23
9	DEVELOPMENT OF AMENDMENTS TO SOLAS AND THE RELEVANT CODES CONCERNING MANDATORY CARRIAGE OF APPROPRIATE ATMOSPHERE TESTING INSTRUMENTS ON BOARD SHIPS	25
10	CASUALTY AND INCIDENT REPORTS AND ANALYSIS	28
11	BIENNIAL AGENDA AND PROVISIONAL AGENDA FOR DSC 19	29
12	ANY OTHER BUSINESS	31
13	ACTION REQUESTED OF THE COMMITTEES	32

LIST OF ANNEXES

ANNEX 1 DRAFT AMENDMENTS TO SOLAS REGULATION VI/2

ANNEX 2 DRAFT GUIDELINES REGARDING THE VERIFIED GROSS MASS OF A CONTAINER CARRYING CARGO

ANNEX 3 DRAFT AMENDMENTS TO MARPOL ANNEX III

ANNEX 4 DRAFT AMENDMENTS TO SOLAS CHAPTER XI-1

ANNEX 5 DRAFT MSC CIRCULAR ON GUIDELINES TO FACILITATE THE SELECTION OF PORTABLE ATMOSPHERE TESTING INSTRUMENTS FOR ENCLOSED SPACES AS REQUIRED BY SOLAS REGULATION XI-1/7

ANNEX 6 DRAFT MSC RESOLUTION ON AMENDMENTS TO THE CODE FOR THE CONSTRUCTION AND EQUIPMENT OF MOBILE OFFSHORE DRILLING UNITS

ANNEX 7 DRAFT MSC RESOLUTION ON AMENDMENTS TO THE CODE FOR THE CONSTRUCTION AND EQUIPMENT OF MOBILE OFFSHORE DRILLING UNITS, 1989

ANNEX 8 DRAFT MSC RESOLUTION ON AMENDMENTS TO THE CODE FOR THE CONSTRUCTION AND EQUIPMENT OF MOBILE OFFSHORE DRILLING UNITS, 2009 (2009 MODU CODE)

ANNEX 9 PROPOSED BIENNIAL AGENDA FOR THE 2014-2015 BIENNIUM UNDER THE PURVIEW OF THE CCC SUB-COMMITTEE

ANNEX 10 PROPOSED PROVISIONAL AGENDA FOR CCC 1

ANNEX 11 REPORT ON THE STATUS OF PLANNED OUTPUTS OF THE HIGH-LEVEL ACTION PLAN OF THE ORGANIZATION AND PRIORITIES FOR THE 2012-2013 BIENNIUM

ANNEX 12 STATEMENTS BY DELEGATIONS AND OBSERVERS

1 GENERAL

Introduction

1.1 The Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC) held its eighteenth session from 16 to 20 September 2013, under the chairmanship of Mr. Xie Hui (China). The Vice-Chairman, Mr. Patrick Van Lancker (Belgium), was also present.

1.2 The session was attended by delegations from Member Governments, United Nations and specialized agencies, observers from international organizations and non-governmental organizations in consultative status, as listed in document DSC 18/INF.1.

Secretary-General's opening address

1.3 The Secretary-General welcomed participants and delivered his opening address, the full text of which can be downloaded from the IMO website at the following link: http://docs.imo.org/Meetings/Media.aspx.

Chairman's remarks

1.4 In responding, the Chairman thanked the Secretary-General for his words of guidance and encouragement and assured the Secretary-General that his advice and requests would be given every consideration in the deliberations of the Sub-Committee.

Adoption of the agenda and related matters

1.5 The Sub-Committee adopted the agenda (DSC 18/1) and agreed to be guided during the session by the annotated agenda (DSC 18/1/1) and the proposed working arrangements for the session (DSC 18/1/2). The agenda, as adopted, with the list of documents considered under each agenda item, is set out in document DSC 18/INF.23.

Statement by Japan on the loss of the MOL COMFORT

1.6 The delegation of Japan, commenting on the loss of the containership **MOL Comfort** in the Indian Ocean in mid-June of this year, stated that, while the Bahamas had been investigating the incident, since Japan is also related to this incident in some respects regarding the ship's construction, survey and operation, the Government of Japan had established a Committee on large containership safety at the end of July to investigate how to prevent a similar event. Japan would report the conclusion of this investigation to the Organization and the flag State in due course.

2 DECISIONS OF OTHER IMO BODIES

2.1 The Sub-Committee noted the outcomes of MEPC 64, C 109, MSC 91, FP 56, BLG 17, FSI 21, FAL 38, STW 44, MEPC 65, MSC 92 and C 110 relevant to the work of the Sub-Committee, as reported in documents DSC 18/2, DSC 18/2/1 and DSC 18/2/2, and took them into account in its deliberations when dealing with relevant agenda items.

3 REVIEW OF GENERAL CARGO SHIP SAFETY

3.1 The Sub-Committee recalled that, with regard to the final recommendations on risk control options (RCOs) included in the FSA study on General Cargo Ship Safety submitted by IACS, MSC 90 had agreed to an action plan for the relevant sub-committees regarding the review of general cargo ship safety and instructed those sub-committees to take action accordingly, based on annex 4 to document MSC 90/WP.7.

3.2 The Sub-Committee considered document DSC 18/3 (Secretariat), informing it that the Sub-Committee was assigned the task to further examine RCO 17 relating to improvement of cargo stowage, especially of bulk cargoes (other than grain) and heavy items, as is set out in document MSC 88/19/2.

3.3 Having noted that no concrete proposals were submitted and that the relevant instruments (e.g. IMSBC Code, CSS Code) generally cover stowage of bulk cargoes and heavy items, the Sub-Committee recommended to MSC 93 that no further action be taken.

Completion of the work on this output

3.4 The Committee was invited to note that the work on this output had been completed.

4 DEVELOPMENT OF AMENDMENTS TO CSC 1972 AND ASSOCIATED CIRCULARS

General

4.1 The Sub-Committee recalled that, with regard to the issue of the ACEP database, DSC 17 had invited BIC to develop a pilot database with voluntary information from Member States and international organizations, in order to facilitate the discussion at this session.

Development of the ACEP Database

4.2 The Sub-Committee considered document DSC 18/4 (BIC), providing information on the pilot ACEP database project developed by BIC, which includes answers to questions raised at DSC 17 (i.e. costs involved, validation of the data, auditing and ACEP programmes with no BIC registered identification codes), and noted the statement by the observer from BIC that BIC will cover the development and operating costs for the proposed database, if formally established.

4.3 Having noted the concerns expressed by several industry organizations on the breakdown of the costs, accuracy of the data and ACEP programmes with no BIC registered identification codes, the Sub-Committee agreed, in general, that the pilot BIC database should be developed as a global ACEP database, taking into account that BIC members would bear the associated costs. In this connection, the observers from WSC, ICS and BIMCO made a statement, which is set out in annex 12.

4.4 Taking into account the above decision, the Sub-Committee requested BIC to update CCC 1 on the progress made with the development of the global ACEP database and to explain how the linkage to GISIS should be arranged.

Extension of the target completion date

4.5 The Committee was invited to endorse, in principle, the above decision and extend the target completion date for this output to 2014.

5 DEVELOPMENT OF MEASURES TO PREVENT LOSS OF CONTAINERS

GENERAL

5.1 The Sub-Committee recalled that DSC 17 had established a correspondence group to further consider the draft amendments to SOLAS regulation VI/2 related to mandatory verification of gross weight of containers and the draft guidelines related thereto, and identify any issues that may arise from the application of the aforementioned draft amendments.

5.2 The Sub-Committee also recalled that DSC 17 had considered other measures to prevent the loss of containers and had decided how to proceed with those measures.

VERIFICATION OF CONTAINER WEIGHTS

5.3 The Sub-Committee considered the report of the Correspondence Group on Development of Measures to Prevent Loss of Containers (DSC 18/5), containing draft amendments to SOLAS regulation VI/2 (annex 1) and the related draft Guidelines regarding verified gross mass of a container carrying cargo (annex 2), together with document DSC 18/5/4 (ITF), proposing modifications of the draft SOLAS amendments and draft Guidelines prepared by the group to delete paragraph 4.2 of SOLAS regulation VI/2.

5.4 While some delegations expressed support for the proposal in document DSC 18/5/4, the majority of delegations supported the draft amendments to SOLAS and the draft Guidelines prepared by the correspondence group. In this context, the Sub-Committee noted the importance of proper enforcement and implementation of the amendments (e.g. relating to port State control, transhipment and other technical matters) and agreed that these matters should be further considered by a working group.

PREVENTING THE USE OF COUNTERFEIT REFRIGERANTS

5.5 The Sub-Committee recalled that DSC 17 had invited the industry to submit, through IICL, a document on the use of counterfeit refrigerants to this session.

5.6 The Sub-Committee considered document DSC 18/5/1 (IICL), containing the outcome of the industry's Informal Correspondence Group on Preventing the Use of Counterfeit Refrigerants, which provides recommendations on how to reduce the risk of additional R-40 (Methyl Chloride/chloromethane/HCC40) contamination, taking into account the AHRI (Air-Conditioning, Heating and Refrigeration Institute) Standard 700-2012, which could form the foundation for the development of "industry best practices", and noted with appreciation the above information and recommendations, and encouraged IICL to develop the aforementioned industry best practices.

5.7 In this context, the Sub-Committee considered document DSC 18/5/5 (ICS and WSC), proposing modifications of the draft amendment to paragraph 7.3.7.2.4 of the IMDG Code, as contained in the report of the E&T Group (DSC 18/7/1), relating to the documentary check and the test for contamination, in particular, to align the provision with the best practice guidance provided in document DSC 18/5/1.

5.8 Following the discussion, the Sub-Committee, having generally agreed to the proposals in document DSC 18/5/1, instructed the working group to further consider matters related to preventing the use of counterfeit refrigerants, taking into account document DSC 18/5/5, and to advise the Sub-Committee on how to deal with the matter of responsibility, including any proposed modifications of the draft amendment to paragraph 7.3.7.2.4 of the IMDG Code, with a view towards finalization by E&T 20.

REVISION OF ISO 3874 (FREIGHT CONTAINERS – HANDLING AND SECURING)

5.9 The Sub-Committee recalled that DSC 17 had invited ISO to consider the possible need for revising ISO 3874 (Series 1 freight containers – Handling and securing), taking into account the comments made at DSC 17, and to advise the Sub-Committee accordingly.

5.10 In considering document DSC 18/5/2 (ISO), advising that ISO is now undertaking the work to revise ISO 3874 and seeking clarification regarding the scope of the mandate given to ISO on this subject, the Sub-Committee requested ISO to revise ISO 3874, taking into account the report of the Lashing@sea project (see document DSC 17/7/3).

OTHER MEASURES TO PREVENT LOSS OF CONTAINERS

Proposed new SOLAS regulation VI/5.3

5.11 The Sub-Committee recalled that DSC 17 had invited the IMO/ILO/UNECE Group of Experts to consider a new draft SOLAS regulation VI/5.3, as contained in document DSC 17/7/1 (Germany), and requested the Secretariat to take action accordingly.

5.12 In this regard, the Sub-Committee, having noted that the Group of Experts had considered this issue within the discussion on the CTU Code, decided not to consider the matter further.

Lashing equipment

5.13 Having recalled that DSC 17 had agreed to further consider matters related to lashing equipment at this session, taking into account document DSC 17/7/3 (ICHCA), MSC/Circ.745 and annex 14 to the CSS Code, the Sub-Committee decided that the issue should be further considered in the revision of ISO 3874 (see paragraph 5.10).

ESTABLISHMENT OF THE WORKING GROUP

5.14 Having considered the above issues, the Sub-Committee established a Working Group on Container Safety (see also paragraph 8.4) and instructed it, taking into account the comments and decisions made in plenary, to:

.1 finalize draft amendments to SOLAS regulation VI/2 and the draft Guidelines regarding verified gross mass of a container carrying cargo, based on document DSC 18/5; and

.2 further consider the matter related to preventing the use of counterfeit refrigerants, taking into account document DSC 18/5/5, and advise the Sub-Committee on how to deal with the matter of responsibility, including the proposed modifications of the draft amendment to paragraph 7.3.7.2.4 of the IMDG Code, for referral to E&T 20 for finalization.

REPORT OF THE WORKING GROUP

5.15 Having considered the part of the report of the working group (DSC 18/WP.3) dealing with the agenda item, the Sub-Committee approved it in general and took action as outlined hereunder.

Draft amendments to SOLAS chapter VI

5.16 The Sub-Committee, having considered the exemption for containers carried on a chassis or a trailer when such containers are driven on or off a ro-ro ship engaged in short international voyages, which was included in the draft Guidelines, and having agreed that such an exemption should be incorporated in the regulation, agreed to the draft amendments to SOLAS regulation VI/2, as set out in annex 1, for submission to MSC 93 for approval with a view to subsequent adoption.

Draft Guidelines regarding the verified gross mass of a container carrying cargo

5.17 The Sub-Committee, having concurred with the view that Contracting Governments acting as port States should verify compliance with SOLAS requirements and that modifications should be made to the draft Guidelines in line with the above-mentioned decision relating to exemptions (see paragraph 5.16 above), agreed to the draft MSC circular on Guidelines regarding the verified gross mass of a container carrying cargo, as set out in annex 2, for submission to MSC 93 for approval.

5.18 The Sub-Committee invited Member States and international organizations to submit any comments on the aforementioned draft SOLAS amendments and the associated Guidelines directly to MSC 93 for consideration.

Matters related to preventing the use of counterfeit refrigerants

5.19 The Sub-Committee agreed, in principle, to the draft amendments to chapter 7 of the IMDG Code (DSC 18/WP.3, annex 3) for submission to E&T 20 for further consideration, with a view to finalization.

5.20 In this connection, the Sub-Committee instructed E&T 20 to consider the impact of the draft amendments to paragraph 7.3.2.2 on other parts of the IMDG Code, and to prepare any necessary consequential amendments to the Code, as appropriate. The Committee was invited to endorse the above decision.

5.21 In this regard, the Sub-Committee, having noted the concern about draft paragraph 7.3.2.2.1 of the IMDG Code that would stipulate mandatory requirements in the Code, which are already required in the 1972 CSC, requested E&T 20 to further consider the matter.

COMPLETION OF THE WORK ON THE OUTPUT

5.22 The Sub-Committee invited the Committee to note that the Sub-Committee's work on the output had been completed.

6 DEVELOPMENT OF AMENDMENTS TO THE IMSBC CODE AND SUPPLEMENTS, INCLUDING EVALUATION OF PROPERTIES OF SOLID BULK CARGOES

GENERAL

6.1 The Sub-Committee recalled that E&T 18 had finalized the draft amendments (02-13) to the IMSBC Code and that MSC 92 had adopted them by resolution MSC 354(92), which is expected to enter into force on 1 January 2015 and on a voluntary basis from 1 January 2014.

6.2 The Sub-Committee also recalled that DSC 17 had re-established the Correspondence Group on Transport of Iron Ore Fines in Bulk to prepare draft individual schedules for iron ore fines and had instructed it to submit a report to DSC 18.

6.3 The Sub-Committee noted that, after this session, E&T 21 (spring 2014) will be instructed to prepare the draft text of amendments (03-15) to the IMSBC Code, for consideration at the first session of the new Sub-Committee on Carriage of Cargoes and Containers (CCC 1).

6.4 The Sub-Committee further noted that MSC 91 had authorized the Sub-Committee to issue a DSC circular on early implementation of the draft schedules for iron ore fines, if the aforementioned draft schedules are agreed.

REPORT OF E&T 18

6.5 The Sub-Committee considered the report of E&T 18 (DSC 18/6) and, having approved it in general, took the following actions:

.1 noted that the amendments (02-13) to the IMSBC Code were adopted by MSC 92, by resolution MSC 354(92);

.2 endorsed the view of the group that, for the future, it would be a worthwhile exercise to undertake a review of the Code in order to ensure that language is harmonized across all the schedules and the sections of the Code;

.3 noted that MSC.1/Circ.1395/Rev.1, containing the lists of solid bulk cargoes for which a fixed gas fire-extinguishing system may be exempted or for which a fixed gas fire-extinguishing system is ineffective, was approved by MSC 92;

.4 noted that MSC.1/Circ.1454, containing the *Guidelines for developing and approving procedures for sampling, testing and controlling the moisture content for solid bulk cargoes that may liquefy*, was approved by MSC 92;

.5 noted that MSC.1/Circ.1453, containing *the Guidelines for the submission of information and completion of the format for the properties of cargoes not listed in the IMSBC Code and their conditions of carriage in the IMSBC Code*, was approved by MSC 92;

.6 noted that MSC.1/Circ.1452 on *Early implementation of amendment 02-13 to the IMSBC Code* was approved by MSC 92;

.7 noted the discussions of the group regarding the inclusion of new hazard group listings of MHB cargoes in the IMSBC Code;

.8 noted the group's view that a numerical reference should be inserted next to the MHB class in order to identify the hazard and agreed to refer the matter to the working group for further consideration;

.9 endorsed the view of the group that the inclusion of a notational listing system for identifying MHB cargoes within the Code would be useful;

.10 agreed, in principle, to the draft appendix, as prepared by the Secretariat (DSC 18/6/9), including the Bulk Cargo Shipping Names in three languages (English, French and Spanish), and agreed to refer the document to the working group for further consideration, in particular the question whether the new appendix should be included in the next amendments to the IMSBC Code;

.11 agreed to the recommendations of the group to include the relevant MSC circulars approved by MSC 92 into the Supplement of the forthcoming publication of the IMSBC Code; and

.12 noted that the Secretariat had circulated the draft amendments (02-13) to the IMSBC Code in accordance with SOLAS article VIII, for consideration and adoption by MSC 92, as well as the relevant draft MSC circulars, which were finalized by the group.

OUTCOME OF MEPC 64, MEPC 65, FP 56 AND MSC 92

Implementation of the revised MARPOL Annex V

6.6 The Sub-Committee, having considered documents DSC 18/6/1 and DSC 18/6/4 (Secretariat), noted that MEPC 64 had agreed to the provisional classification of solid bulk cargoes under the revised MARPOL Annex V (MEPC.1/Circ.791) and instructed DSC 18 to consider how the long-term implementation of the provisions of MARPOL Annex V concerning cargo residues could be facilitated by amendments to the IMSBC Code. The Sub-Committee also noted that MEPC 65 had agreed to instruct the Sub-Committee to compile a list of solid bulk cargoes classified as harmful to the marine environment (HME), with a view to addressing the difficulties experienced by shipowners and operators in obtaining HME declarations.

6.7 In this connection, the Sub-Committee considered documents DSC 18/6/10 (Norway) and DSC 18/INF.5 (Norway), providing proposals on how the Sub-Committee could proceed in its work in identifying and compiling a list of solid bulk cargoes that are potential HME candidates and, in document DSC 18/INF.5, cargoes that are not expected to be classified as HME. In particular, the Sub-Committee noted that Norway had invited Member States and industry to submit data on the composition and eco toxicological properties of the cargoes listed in the IMSBC Code; when considering proposals for new individual schedules to be included in the IMSBC Code, the environmental properties of the cargo should be considered; to consider ways to introduce flexibility for the HME classification of solid bulk cargoes of very variable composition listed under the same schedule or the same BCSN; and to consider the involvement of the scientific experience of the GESAMP Working Group to achieve harmonized classification of complex cargoes.

6.8 The Sub-Committee, while recognizing the value of the proposal, noted the complexity of the issue (e.g. how to identify HMEs, involvement of GESAMP type mechanism, relationship between MARPOL Annex V and the IMSBC Code) and agreed to instruct the working group to further consider the above documents, based on the instructions received from MEPC 65.

Fire-extinguishing arrangements in cargo spaces

6.9 The Sub-Committee considered document DSC 18/6/1, containing the outcome of FP 56 regarding fire-extinguishing arrangements in cargo spaces related to the IACS Unified Interpretation SC 250, and noted that MSC 92 had approved MSC.1/Circ.1456 on Unified interpretations of SOLAS chapter II-2 and the FSS and FTP Codes, which covers the issue as requested by FP 56. Therefore, no further action on this issue was necessary.

Assessment of capacity-building implications for the implementation of new measures

6.10 The Sub-Committee noted that MSC 92, in considering the *Preliminary assessment capacity-building implications for the implementation of new measures* (MSC 92/16), taking into account that no validated training exists for enabling seafarers and port personnel to improve safe transport and operation procedures involving solid bulk cargoes, had instructed DSC 18 to consider whether a training course should be developed and to advise the Committee accordingly (document DSC 18/2/2).

6.11 Subsequently, the Sub-Committee agreed to refer this matter to the working group for further consideration, in particular how best to develop such a training course.

REPORT OF THE CORRESPONDENCE GROUP

6.12 The Sub-Committee considered the report of the Correspondence Group on Transport of Iron Ore Fines in Bulk (DSC 18/6/13, DSC 18/6/14 and DSC 18/INF.9), together with the related documents submitted to the session, and having approved the report in general, took action as indicated hereunder:

.1 noted the report of the Iron Ore Technical Working Group (TWG), which had assessed the safe carriage condition of iron ore fines in bulk in the context of the correspondence group, in particular part 5 of the report (DSC 18/6/14), together with the following related documents:

.1 DSC 18/INF.10 and Corr.1 (Australia and Brazil) (part 1 of the report of the TWG), which assessed the adequacy of current IMSBC Code methods for determining transportable moisture limit (TML) for iron ore fines;

.2 DSC 18/INF.11 and Corr.1 (Australia and Brazil) (part 2 of the report of the TWG), describing the characteristics of vessel motions and forces affecting iron ore fines during transit, the impact of vessel size and sea conditions (swell, sea and wind) and the stability of vessels in various cargo behaviour scenarios;

.3 DSC 18/INF.12 and Corr.1 (Australia and Brazil) (part 3 of the report of the TWG), which explored potential adjustments to one of the existing routine iron ore fines tests, to better reflect the characteristics of iron ore fines and the actual in-hold shipping conditions; and

.4 DSC 18/INF.13 and Corr.1 (Australia and Brazil) (part 4 of the report of the TWG), providing further evidence to substantiate the applicability of the adjusted routine iron ore fines test, using real-world conditions, a variety of well-established geotechnical methods, numerical modelling and cargo observation;

.2 noted the comments in the final round of the group (DSC 18/INF.9);

.3 noted the questions and comments of the correspondence group participants that the results of the research had not fully been discussed by the participants and the TWG;

.4 noted that the majority of the correspondence group had agreed with the recommendations by the TWG on the adequacy of current methods for determining TML;

.5 agreed to include the new test procedure for determining TML of iron ore fines;

.6 agreed, in principle, to the draft amendment to appendix 2 to the Code on the new test procedure, as set out in annex 1 to document DSC 18/6/13, while some reservations were raised regarding the need for two different individual schedules for iron ore fines depending on their TML, taking into account document DSC 18/6/27 (Australia and Brazil), addressing the current methods for determining TML;

.7 noted the discussion on the scope of "evaluated and verified research";

.8 considered the principle for granting an exemption from requirements for Group A cargoes based on goethite content and ship size, together with documents:

.1 DSC 18/6/29 (Australia and Brazil), informing that the independently verified research showed that iron ore fines with a goethite content of 25 per cent is liable to liquefy and the research also clearly showed that iron ore fines with a goethite content of 35 per cent is not liable to liquefy, as indicated in document DSC 18/INF.13; and

.2 DSC 18/6/28 (P&I Clubs, INTERCARGO, ICS and BIMCO), commenting on goethite content and proposing not to include ship size for exemption in the IMSBC Code,

and decided to use goethite content of 35 per cent as a threshold for exemption from requirements for Group A cargoes;

.9 taking into account the decision on the above-mentioned principle:

.1 endorsed the view that an appropriate requirement on determination and declaration of goethite content should be incorporated into the individual schedule; and

.2 noted that the group had agreed to prepare single individual schedules for Group A Iron Ore Fines with exemption provisions;

.10 agreed that no further amendments to appendix 2 are necessary;

.11 agreed on the criteria for identification of IRON ORE (Group C) and IRON ORE FINES (Group A) based on grain size;

.12 referred the expression of the aforementioned criteria in individual schedules to the working group for further consideration**;**

.13 agreed, in principle, with the text in the sections Description, Characteristics, Hazard, Stowage and Segregation, Hold Cleanliness, Weather Precautions, Loading, Precautions, Ventilation, Carriage, Discharge and Clean-Up, of the draft individual schedule for IRON ORE FINES as contained in annex 2 of the correspondence group's report (part 1), and referred them to the working group for finalization of the individual schedule for iron ore fines; and

.14 agreed, in principle, with the draft amendment to the draft individual schedule for IRON ORE, as contained in annex 2 of the of the correspondence group's report (part 2).

6.13 Having considered the above issues, the Sub-Committee agreed that matters related to the MHB criterion, not only for iron ore fines but also for other cargoes, may be further considered at the next session, taking into account any relevant documents submitted on the subject. In addition, the Sub-Committee agreed that problems related to cargo liquefaction should continue to be reported to the Organization.

PROPOSALS FOR INDIVIDUAL SCHEDULES IN THE IMSBC CODE

6.14 The Sub-Committee, having recalled that the Working Group on Amendments to the IMSBC Code had been released early to undertake a preliminary consideration of the proposals for individual schedules in the Code, based on documents DSC 18/6/5, DSC 18/6/8, DSC 18/6/11, DSC 18/6/12, DSC 18/6/15 to 20, DSC 18/6/22, DSC 18/6/23 to 26, DSC 18/INF.2, DSC 18/INF.6, DSC 18/INF.14, DSC 18/INF.16 and DSC 18/INF.17 to 19, agreed to consider these proposals, taking into account the preliminary consideration by the group, as reported verbally by the group's Chairman (Dr. Ota of Japan).

New Caledonian nickel ores

6.15 The Sub-Committee considered document DSC18/6/11 (France), presenting the method and means envisaged for use in refining the parameters of Vibrating Table with Penetration Bit (VTPB) testing in order to define a transportability test specific to New Caledonian nickel ores, and referred the document to the working group for further consideration and advice.

Direct Reduced Iron (C) (By-product fines)

6.16 The Sub-Committee considered documents DSC 18/6/6, DSC 18/6/7 and DSC 18/INF.3 (Venezuela), proposing to amend the existing schedule for Direct Reduced Iron (C); and providing additional information on loading statistics for DRI (C) and Guidelines for the Application of subsection 1.5 of the IMSBC Code relevant to DRI (C) cargo, together with documents DSC 18/6/2 and DSC 18/6/3 (IIMA). While some delegations supported the proposal, in particular as a new schedule, many delegations expressed concerns about the potential hazards of DRI (C) even though mechanical ventilation equipment would be available. After a lengthy discussion, the Sub-Committee decided to refer the above documents to the working group for further consideration with a view to advising the Sub-Committee on how best to proceed on this matter.

Wood Pellets

6.17 The Sub-Committee considered documents DSC 18/6/5 and DSC 18/INF.2 (Canada), providing a new research outcome, which aims to qualify WOOD PELLETS for inclusion in MSC/Circ.1395 on List of solid bulk cargoes for which a fixed gas fire-extinguishing system may be exempted, looking into the properties and fire risks of WOOD PELLETS not containing any additives and/or binders, and noted that Canada proposed to include WOOD PELLETS NOT CONTAINING ANY ADDITIVES AND/OR BINDERS in that circular as cargo which constitutes a low fire risk. Taking into account that the working group agreed, in principle, to the proposal, the Sub-Committee decided to refer the matter to the working group for further consideration, with a view to referral to E&T 21 for inclusion in the draft amendments to the IMSBC Code.

Glass Cullet in bulk

6.18 The Sub-Committee considered document DSC 18/6/8 (Sweden), proposing a new schedule and the MSDS for glass cullet in bulk, and, taking into account that the working group agreed, in principle, to the proposal, decided to refer the matter to the working group for further consideration, with a view to referral to E&T 21 for inclusion in the draft amendments to the IMSBC Code.

Sintered Iron Ore

6.19 The Sub-Committee considered documents DSC 18/6/12 and DSC 18/INF.6 (Philippines), proposing a revised new schedule and the MSDS for sintered iron ore, as requested by DSC 17, and invited the delegation of the Philippines to provide further information on long-term health hazards, taking the MHB criteria into consideration.

Boric acid

6.20 The Sub-Committee considered documents DSC 18/6/22 and DSC 18/INF.16 (United States), proposing a revised new schedule and the MSDS for Boric acid, in response to the previous discussion in the Sub-Committee and the E&T 18, and, taking into account that the working group agreed, in principle, to the proposal, decided to refer the matter to the working group for further consideration, with a view to referral to E&T 21 for inclusion in the draft amendments to the IMSBC Code.

Iron and steel slag and its mixture

6.21 The Sub-Committee considered documents DSC 18/6/15 and DSC 18/INF.14 (Japan), proposing a new individual schedule for iron and steel slag and its mixture, and invited the delegation of Japan to provide further information on health hazards, in particular in relation to chromium content, taking the MHB criteria into consideration.

Scale generated from the iron and steel making process

6.22 The Sub-Committee considered documents DSC 18/6/16 and DSC 18/INF.14 (Japan), proposing a new individual schedule for scale generated from the iron and steel making process, and invited the delegation of Japan to provide further information on long-term health hazards, taking into account the contents of the material.

Chemical gypsum

6.23 The Sub-Committee considered documents DSC 18/6/17 and DSC 18/INF.14 (Japan), proposing a new individual schedule for chemical gypsum, and, taking into account that the working group agreed, in principle, to the proposal, decided to refer the matter to the working group for further consideration, with a view to referral to E&T 21 for inclusion in the draft amendments to the IMSBC Code.

Manganese component ferroalloy slag

6.24 The Sub-Committee considered documents DSC 18/6/18 and DSC 18/INF.14 (Japan), proposing a new individual schedule for manganese component ferroalloy slag, and invited the delegation of Japan to provide further information on health hazards, in particular "inhalation toxicity".

Non-ferrous metal slag

6.25 The Sub-Committee considered documents DSC 18/6/19 and DSC 18/INF.14 (Japan), proposing a new individual schedule for non-ferrous metal slag, and invited the delegation of Japan to provide further information on health hazards, in particular "inhalation toxicity".

Clinker ash

6.26 The Sub-Committee considered documents DSC 18/6/20 and DSC 18/INF.14 (Japan), proposing a new individual schedule for clinker ash, and, taking into account that the working group did not agree to the proposal, invited the delegation of Japan to provide further information to E&T 21 and/or CCC 1, as appropriate.

Anhydrous sodium silicate

6.27 The Sub-Committee considered documents DSC 18/6/24 and DSC 18/INF.17 (Italy), proposing a new individual schedule for anhydrous sodium silicate, and, taking into account that the working group agreed, in principle, to the proposal, decided to refer the matter to the working group for further consideration, with a view to referral to E&T 21 for inclusion in the draft amendments to the IMSBC Code.

Anhydrous calcium sulphate

6.28 The Sub-Committee considered documents DSC 18/6/25 and DSC 18/INF.18 (Italy), proposing a new individual schedule for anhydrous calcium sulphate, and invited the delegation of Italy to provide further information on the health hazards of "inhalation toxicity".

Aluminium fluoride

6.29 The Sub-Committee considered documents DSC 18/6/26 and DSC 18/INF.19 (Italy), proposing a new individual schedule for aluminium fluoride, and invited the delegation of Italy to resubmit the draft individual schedule after review by the working group of this cargo.

Evaluation of the properties and sampling of solid bulk cargoes

6.30 The Sub-Committee considered document DSC 18/6/21 (IBTA and IIMA), commenting on amendment 02-13 to the IMSBC Code, adopted by MSC 92, and recommending a further evaluation of the proposed stockpile sampling requirements, in view of their implications for both the safety of personnel and the quality of the samples taken.

6.31 In considering the above document, the Sub-Committee, following a brief discussion, referred the matter to the working group for further consideration.

Inconsistencies for Seed Cake entries

6.32 The Sub-Committee considered document DSC 18/6/23 (Italy), proposing to amend some inconsistencies for seed cake entries in appendix 4 (Index) in amendment 02-13 of the IMSBC Code, by amending the cargo group of those cargoes from "B" to "B or C", and, having noted the need for updated information, invited the delegation of Italy to submit further information to E&T 21 for preliminary consideration, with a view to taking a decision at CCC 1.

ESTABLISHMENT OF THE WORKING GROUP

6.33 The Sub-Committee established the Working Group on Amendments to the IMSBC Code and instructed it, taking into account comments and decisions made in plenary (with priority on matters related to iron ore fines), to:

.1 further consider the proposals emanating from E&T 18, taking into account document DSC 18/6 (paragraphs, 45.8, 45.9 and 45.10);

.2 consider the matter related to a new section for substances harmful to the marine environment (HME) within the IMSBC Code in relation to the Revised MARPOL Annex V, which would include a list of solid bulk materials, taking into account documents DSC 18/6/10 and DSC 18/INF.5;

.3 consider how to develop a training course enabling seafarers and port personnel to improve the safe transport and operation procedures involving solid bulk cargoes and advise the Sub-Committee accordingly;

.4 consider the matter related to iron ore fines, in particular a new test procedure for determining TML of iron ore fines; and the principle for exemption from requirements for Group A cargoes based on goethite content, based on the report of the correspondence group and the Iron Ore Technical Working Group, taking into account documents DSC 18/6/27, DSC 18/6/28 and DSC 18/6/29;

.5 finalize the draft amendment to the individual schedule for iron ore and the draft schedule for iron ore fines;

.6 prepare a draft DSC circular on early implementation of the draft amendments to the IMSBC Code relating to the draft schedule for iron ore fines, if necessary;

.7 further consider proposals for individual schedules and relevant requirements in the IMSBC Code, based on documents DSC 18/6/2, DSC 18/6/3, DSC 18/6/5, DSC 18/6/6, DSC 18/6/7, DSC 18/6/8, DSC 18/6/11, DSC 18/6/12, DSC 18/6/15 to 20, DSC 18/6/21, DSC 18/6/22, DSC 18/6/23 to 26, DSC 18/INF.2, DSC 18/INF.3, DSC 18/INF.6, DSC 18/INF.14, DSC 18/INF.16 and DSC 18/INF.17 to 19; and

.8 prepare the terms of reference for the Editorial and Technical Group, for its twenty-first session (E&T 21).

REPORT OF THE WORKING GROUP

6.34 Having received the report of the working group (DSC 18/WP.4), the Sub-Committee approved it in general and took action as indicated hereunder.

Numerical reference to the MHB class

6.35 The Sub-Committee endorsed the views and recommendation of the group regarding the need for a numerical reference to be inserted in the individual schedules in the section for "Characteristics" and next to the MHB class.

Bulk Cargo Shipping Names in three languages

6.36 The Sub-Committee agreed to the recommendation of the group regarding the inclusion of a new appendix in the IMSBC Code, containing the Bulk Cargo Shipping Names in the English, French and Spanish languages.

Establishment of correspondence group on HME substances

6.37 The Sub-Committee noted the deliberations of the group on the need to compile a new section for substances harmful to the marine environment within the IMSBC Code in relation to the Revised MARPOL Annex V by developing a corresponding indicative list of solid bulk cargoes.

6.38 Having considered the group's recommendations, the Sub-Committee established a Correspondence Group on HME Substances within the IMSBC Code in relation to the Revised MARPOL Annex V, under the coordination of Japan,* and instructed it, taking into account document DSC 18/WP.4, to:

.1 consider the amendments to the IMSBC Code to facilitate the implementation of MARPOL Annex V, based on the 2012 Guidelines for the Implementation of MARPOL Annex V (resolution MEPC.219(63));

.2 with regard to issues related to an indicative list of solid bulk cargoes that may be classified as harmful to the marine environment, to:

.1 consider how to use the list;

.2 acquire information on classification of cargoes; and

.3 consider the utilization of experts on the evaluation of hazardous materials, including involvement of the GESAMP working group on the evaluation of the hazards of harmful substances carried by ships and of industry experts;

.3 submit a progress report to E&T 21; and

.4 submit a final report to CCC 1.

6.39 The Sub-Committee invited MEPC 66 to consider the aforementioned course of action and to instruct CCC 1, as appropriate.

Assessment of capacity-building implications for the implementation of new measures

6.40 The Sub-Committee noted the group's opinion on the need to develop validated training material to facilitate the safe transport and operation procedures involving solid bulk cargoes and agreed that an IMO model course on the safe transport of solid bulk cargoes should be developed. Consequently, the Sub-Committee invited MSC 93 to endorse the above recommendation and requested the Secretariat to take action accordingly.

6.41 In this connection, the Sub-Committee noted with appreciation the willingness of the delegation of Australia to make available its expertise on the IMSBC Code, if requested, for the development of the training material on the safe transport of solid bulk cargoes.

Transport of Iron Ore Fines

New test procedure for determining TML of iron ore fines

6.42 The Sub-Committee noted the deliberations of the group regarding the draft amendment to appendix 2 to the IMSBC Code for the inclusion of a new test procedure for determining the TML of Iron Ore Fines and agreed to the corresponding draft amendments for inclusion in the draft amendment 03-15 of the Code, to be prepared by E&T 21.

* **Coordinator:**
Dr Susumu Ota
Director, Centre for International Cooperation
National Maritime Research Institute
6-38-1 Shinkawa, Mitaka-shi
Tokyo 181-0004, Japan
Tel: +81-422-41-3789
Email: ohta@nmri.go.jp

6.43 Subsequently, the Sub-Committee endorsed the action taken by the group for iron ore fines containing 35 per cent or more of total goethite, to which the individual schedule for IRON ORE should be applied, and agreed to apply the requirement for goethite content declaration to Iron Ore Fines containing 35 per cent or more of total goethite, when carried in accordance with the individual schedule for IRON ORE.

6.44 The Sub-Committee also noted the group's deliberations on the potential health hazards that may be associated with iron ore fines and agreed to the draft individual schedule for IRON ORE FINES and draft amendment to the individual schedule for IRON ORE for inclusion in the draft amendment 03-15, to be prepared by E&T 21.

Early implementation of the draft amendments to the IMSBC Code relating to the draft schedule for iron ore fines

6.45 The Sub-Committee agreed to the draft DSC circular on Early implementation of the draft amendments to the IMSBC Code relating to the draft schedule for iron ore fines, as set out in annex 4 to document DSC 18/WP.4, and requested the Secretariat to issue it after E&T 20 (to be issued as DSC.1/Circ.71), as instructed by MSC 92.

Proposals for individual schedules in the IMSBC Code

6.46 The Sub-Committee endorsed the decisions taken by the group regarding the proposal for individual schedules to be included in the IMSBC Code and to instruct E&T 21 to take action, as appropriate, taking into account paragraphs 20 to 37 of document DSC 18/WP.4.

6.47 With regard to DRI (C), the delegation of Belgium stated that, if the cargo is not listed in appendix 1 to the IMSBC Code, it should be carried in accordance with subsection 1.3 of the Code.

Miscellaneous issues relating to amendment 03-15

Evaluation of the properties and sampling of solid bulk cargoes

6.48 The Sub-Committee endorsed the views of the group with regard to the evaluation of the properties and the sampling of solid bulk cargoes and agreed to the decision of the group that no amendments to the IMSBC Code are necessary in this context.

Inconsistencies for Seed Cake entries

6.49 The Sub-Committee agreed with the group's recommendation to instruct E&T 21 to review appendix 4 of the IMSBC Code in order to correct any inconsistencies for seed cake entries in the index for solid bulk cargoes.

Terms of reference for E&T 21

6.50 The Sub-Committee agreed to the terms of reference for E&T 21, as set out in paragraph 41 of document DSC 18/WP.4, with an addition that E&T 21 would also evaluate new substances and amendments to existing schedules submitted to the group, if any, and requested the Secretariat to take action accordingly.

6.51 Subsequently, the Sub-Committee instructed E&T 21, on the basis of comments made and decisions taken at DSC 18, to prepare draft amendments (03-15) to the IMSBC Code, for submission to CCC 1.

6.52 The Sub-Committee noted that the provisional agenda for E&T 21 will be available in due course. In this regard, the Sub-Committee thanked Dr. Ismael Cobos of Spain for accepting to chair the next E&T Group on the IMSBC Code (i.e. E&T 21 and E&T 22, both in 2014).

7 DEVELOPMENT OF AMENDMENTS TO THE IMDG CODE AND SUPPLEMENTS, INCLUDING HARMONIZATION WITH THE UNITED NATIONS RECOMMENDATIONS ON THE TRANSPORT OF DANGEROUS GOODS

GENERAL

7.1 The Sub-Committee recalled that MSC 90 had adopted amendments (36-12) to the IMDG Code by resolution MSC.328(90), which will enter into force on 1 January 2014 and which have been used on a voluntary basis from 1 January 2013.

7.2 The Sub-Committee also recalled that the editorial corrections to the IMDG Code's amendment 35-10 were issued by means of a note verbale (A1/C/12.04 (NV.1) (English), A1/C/12.04 (NV.2) (French) and A1/C/12.04 (NV.3) (Spanish)).

7.3 The Sub-Committee noted that the Editorial and Technical Group (E&T) had met, at its nineteenth session, from 22 to 26 April 2013, and had prepared the draft amendment 37-14 as well as the draft editorial corrections to amendment 36-12 to the IMDG Code.

7.4 The Sub-Committee further noted that the draft amendment 37-14 to the IMDG Code will be finalized by E&T 20, for submission directly to MSC 93 for adoption, with a view to their coming into effect on a voluntary basis from 1 January 2015 and on a mandatory basis from 1 January 2016.

REPORT OF E&T 19

7.5 The Sub-Committee considered the report of E&T 19 (DSC 18/7/1) and, having approved it in general, took the following actions:

.1 approved, in principle, the draft editorial corrections to the IMDG Code's amendment 36-12, instructing E&T 20 to finalize them, and requested the Secretariat to issue a note verbale before amendment 36-12 enters into force on 1 January 2014;

.2 requested the Secretariat to verify that the printed and electronic publications are also corrected accordingly;

.3 agreed to the draft amendments to MARPOL Annex III, as set out in annex 3, for submission to MEPC 66 for approval;

.4 having noted the deliberations of the group with regard to the relationship between the requirements of the IMDG Code and SOLAS chapter II-2 for the carriage of vehicles in spaces other than those identified in SP 961, agreed that the draft amendments for SP 961 and SP 962 be forwarded to SSE 1 for its information. In this context, the Sub-Committee considered document DSC 18/7/3 (Germany), proposing an amendment to the draft text of SP 962 on the transport of flammable liquid powered vehicles and internal combustion engines, and, while noting some concerns about the proposal (e.g. open-ended for competent authorities), referred the document to E&T 20 for further consideration, together with an outstanding

concern, as discussed in document FP 56/9/12, raised by the observer from IACS related to the draft amendments for SP 961 and SP 962 in the context of SOLAS regulations II-2/19 and II-2/20;

.5 endorsed the group's recommendation on reorganization of column (16) of the dangerous goods list and instructed E&T 20 to finalize it, taking into account document DSC 18/7/6 (Secretariat), providing the example of the column 16 reorganization;

.6 endorsed the group's recommendation on classification of mixtures with marine pollutants;

.7 having noted the group's view on non-declared and misdeclared dangerous goods, took action on the following documents:

.1 DSC 18/7/4 (Germany), proposing the introduction of the function of a safety adviser for the transport of dangerous goods in the IMDG Code, and having noted the concerns expressed by some delegations (e.g. training and effective implementation of the IMDG Code are more important, and the proposal would cause an additional burden for Administrations), decided to refer this document to E&T 20 for further consideration, with a view to discussing possible measures that could be further considered to address the problem of non-declared and misdeclared dangerous goods; and

.2 DSC 18/7/12 (ICS), recommending amendments to MSC.1/Circ.1442 on Inspection programmes for cargo transport units carrying dangerous goods in order to improve the ability of Member States and industry to address the problem of misdeclaration of dangerous goods, and decided to invite ICS to submit concrete proposals to a future session;

.8 with regard to water-reactive materials, endorsed the recommendation of the group to refer the draft amendments to the EmS Guidelines to SSE 1 for advice, with a view to reporting its outcome to MSC 93, if any, when the Committee approves the amendments to the EmS Guidelines;

.9 endorsed the group's recommendation to harmonize the symbols (labels and placard illustrations) with those in the United Nations Recommendations on the Transport of Dangerous Goods, taking into account that the Secretariat had requested the United Nations Economic Commission for Europe (UNECE) to provide the master format of those symbols so that IMO can make use of them in the next edition of the Code;

.10 noted that the group had invited the United Nations TDG Sub-Committee to consider several issues related to harmonization of the IMDG Code with the United Nations Recommendations and with regard to the packaging requirements of water-reactive materials which are included in the draft amendment to the Code, decided to defer those amendments to amendment 38-16 to the IMDG Code, bearing in mind that the United Nations TDG Sub-Committee would further consider the matter, taking into account that the Sub-Committee has already agreed, in principle, to the contents of the amendments;

.11 approved, in principle, the draft amendment (37-14) to the IMDG Code and instructed E&T 20 to finalize them;

.12 approved, in principle, the draft amendments to the EmS Guidelines and instructed E&T 20 to finalize them; and

.13 noted the group's concerns regarding the volume of work on the draft CTU Code to be considered at DSC 18 and endorsed the group's recommendation that a working group on this matter be established at this session.

Establishment of a correspondence group on revision of DSC/Circ.12

7.6 In considering E&T 19's discussion on the safety of old IMO type portable tanks and recalling that Member States and international organizations had been invited to submit documents to DSC 18 regarding revisions to DSC/Circ.12, the Sub-Committee, taking into account documents DSC 18/7/10 and DSC 18/INF.15 (United States), established a Correspondence Group on Revision of DSC/Circ.12, under the coordination of the United States,* and instructed it, taking into account the outcome of the discussions at E&T 20, to:

.1 using the draft DSC circular set out in document DSC 18/INF.15 as a basis, consider the adequacy of the proposed language concerning the continued use of IMO type portable tanks and road tank vehicles as well as of the language concerning provisions for the design, construction, inspection and testing of IMO type portable tanks and road tank vehicles; and provide recommendations;

.2 consider if additional information is needed to ensure that tank owners, operators, certifying and inspection authorities, and others engaged in the transport of dangerous goods in IMO portable tanks and road tank vehicles designed, constructed and approved before 1 January 2003, can meet their responsibilities;

.3 prepare draft revisions to the Guidance on the continued use of existing IMO type portable tanks and road tank vehicles for the transport of dangerous goods (DSC/Circ.12); and

.4 submit a report to CCC 1.

OUTCOME OF OTHER IMO BODIES

7.7 The Sub-Committee, when considering the outcome of MSC 91 (DSC 18/7) on matters related to the FSA study on safe sea transport of dangerous goods and the outcome of FP 56 (DSC 18/7) on matters related to the requirements of the IMDG Code and SOLAS chapter II-2, noted that the aforementioned matters had already been addressed by E&T 19 (see paragraph 7.5).

---

* **Coordinator:**
Mr. Steve Webb
U.S. Department of Transportation
Pipeline & Hazardous Materials Safety Administration
Office of Hazardous Materials Standards
1200 New Jersey Avenue, S.E., E24-422
Washington D.C. 20590, United States of America
Phone: +1-202-366-4579
Email: steven.webb@dot.gov

Outcome of FAL 38

General Review of the FAL Convention

7.8 The Sub-Committee considered document DSC 18/7/2 (Secretariat), informing it that FAL 38, having considered a proposal from IVODGA (FAL 38/4/1) to amend FAL Form 7 (Dangerous Goods Manifest), had referred the issue to DSC 18 for consideration. It was noted that FAL 38, noting that the current version of FAL Form 7 makes reference to MARPOL Annex III (regulation 4.3) but that resolution MEPC.193(61) will renumber this regulation as 4.2, had agreed to make the consequential amendment at FAL 39 since the resolution will then be in force.

7.9 In this regard, the Sub-Committee also noted that FAL 38, having considered the report of a working group (FAL 38/WP.4), had agreed to await the advice from DSC 18, which could then be taken into account at FAL 39.

7.10 In considering the above documents, the Sub-Committee noted several comments regarding the chemical name of marine pollutants and consignor/consignee and referred the documents to E&T 20 for further consideration.

Facilitation of shipments of dangerous cargoes

7.11 The Sub-Committee noted document DSC 18/7/2 (Secretariat), informing it that FAL 38 had considered information on the mechanism to coordinate efforts to resolve difficulties in the carriage of the IMDG Code Dangerous Goods, including class 7 radioactive materials, and, taking into account its neutral impact on the budget and the limited effect on the workload of IMO staff, had agreed with the recommendation that the Secretariat finalize the trial of the mechanism and maintain it on a permanent basis until the matter is resolved.

7.12 The Sub-Committee also noted that FAL 38 had noted that the figures (number of cases) remained as noted by FAL 37 and that the IMO database continued to be accessible to IAEA and ICAO. In this regard, it was noted that a synopsis of the database showed that, out of the 236 reports, there were 182 relating to sea mode, 51 to air mode and three to land mode.

7.13 It was further noted that FAL had agreed to continue cooperating with relevant agencies and organizations on issues surrounding the delays and denials of shipments of class 7 radioactive materials.

Outcome of STW 44

Training requirements for fire-fighting when water-reactive materials are involved

7.14 In considering document DSC 18/7/2 (Secretariat), the Sub-Committee noted, in particular, that STW 44 had agreed that the scope of the competence to fight and extinguish fires could be extended to address problems concerning water-reactive materials which in most cases could be extinguished with water. It was also noted that STW 44, having noted that the contents of model courses were based on the competences identified in the tables in the STCW Code, was of the view that amendments to the STCW Code would be required.

7.15 In this context, the Sub-Committee noted that STW 44 had invited interested Member States and international organizations to submit a proposal to MSC 93 for a new unplanned output to amend the STCW Code to extend the scope of the competence "fight and extinguish fires" to address fire-fighting involving water-reactive materials.

MARINE POLLUTANTS

Technical name supplementing the proper shipping name – MARPOL requirement

7.16 In the context of marine pollutants, the Sub-Committee considered the following documents:

.1 DSC 18/7/5 (Belgium), proposing to create and include a new special provision (SP) within the IMDG Code, which will contain an explanation on when the proper shipping name for marine pollutants needs to be supplemented with the chemical name, attaching the draft text of that new SP and the list of UN Numbers (substances) to which the new SP would apply; and

.2 DSC 18/7/13 (IPPIC and CEFIC), providing an alternative solution to the problem and complementing the proposal by Belgium, by amending provision 3.1.2.9.1 in the IMDG Code.

7.17 The Sub-Committee, having noted that the majority of delegations preferred the proposal in document DSC 18/7/13, decided to refer the draft amendment to provision 3.1.2.9.1 of the IMDG Code to E&T 20 for inclusion in the draft amendments to the IMDG Code. Notwithstanding the above decision, the Sub-Committee agreed to forward the proposed new special provision contained in document DSC 18/7/5 to E&T 20 for further technical consideration, as appropriate.

List of potential marine pollutants

7.18 The Sub-Committee considered document DSC 18/7/8 (Republic of Korea), addressing the issue of marine pollutant information contained in the dangerous goods list, with regard to the substances that meet the criteria for environmentally hazardous substances, according to the GESAMP Hazard Profiles, and proposing a list of potential marine pollutants.

7.19 Having noted that the majority of the delegations supported the proposal, the Sub-Committee referred the document to E&T 20 to verify the list (e.g. solution and/or solid) for inclusion in the draft amendments to the IMDG Code.

Requirements for the transport of small quantities of environmentally hazardous substances

7.20 The Sub-Committee considered document DSC 18/7/9 (United States), proposing to amend a number of provisions in order to align the IMDG Code with provisions adopted within the eighteenth revised edition of the United Nations Model Regulations on the Transport of Dangerous Goods, and, whilst noting some concerns on the impact on the marine environment, agreed to refer the document to E&T 20 for inclusion in the draft amendments to the IMDG Code, taking into account that the proposal would facilitate international multi-modal transport.

7.21 The delegation of Australia, noting the decision of the Sub-Committee to delete the need to provide documentation and to apply markings to Marine Pollutants for packages containing a net quantity per single or inner packaging of 5 *l* or less for liquids or having a net mass of 5 kg or less for solids, which will no longer be subject to the IMDG Code by virtue of changes to chapter 2.10 of that Code, stated that Australia does not agree with this diminution of safety in respect of the marine environment. Australia was concerned that this limits the ability of shipmasters to correctly stow and respond to, and report on, incidents related to Marine Pollutants as they will be unaware that Marine Pollutants are carried on board. The full text of the statement is set out in annex 12.

OTHER PROPOSALS RELATED TO AMENDMENT 37-14

Asbestos under UN 2212 and UN 2590

7.22 The Sub-Committee considered document DSC 18/INF.8 (Netherlands), proposing a consequential amendment to column 17 of the dangerous goods list for UN 2212, which is based on the latest amendments agreed by the UN Committee of Experts to the substance names for entry UN 2212 "Asbestos, amphibole" and for entry UN 2590 to read "Asbestos, chrysotile", together with document DSC 18/7/11 (ITF), commenting on the proposal by the Netherlands. The Sub-Committee agreed to refer the above documents to E&T 20 for inclusion in the draft amendments to the IMDG Code, with the proposal contained in document DSC 18/7/11 to be modified to be a special provision, taking into account that column 17 of the dangerous goods list is recommendatory.

Outcome of the TDG Sub-Committee at its 43rd session

7.23 The Sub-Committee noted document DSC 18/INF.21 (Secretariat), informing it about the progress made by the United Nations TDG Sub-Committee of Experts on the draft nineteenth revised edition of the United Nations Model Regulations on the Transport of Dangerous Goods, which is expected to be finalized in December 2014, and agreed that E&T 20 should take the report into account when finalizing the amendments to the IMDG Code.

DRAFT AMENDMENTS (37-14) OF THE IMDG CODE AND INSTRUCTIONS TO E&T 20

7.24 The Sub-Committee authorized E&T 20 to finalize the draft amendments (37-14) to the IMDG Code, based on documents submitted to DSC 18 and the comments and decisions taken at this session, instructing it to also take into consideration the outcome of the United Nations TDG Sub-Committee (DSC 18/INF.21). The group was also instructed to identify and correct any editorial mistakes in amendment 36-12 to the IMDG Code and submit a written report to CCC 1.

7.25 The Sub-Committee requested the Secretary-General to circulate the final draft amendments (37-14) to the IMDG Code in accordance with SOLAS article VIII, as prepared by E&T 20, for consideration and subsequent adoption by MSC 93.

7.26 The Sub-Committee noted that the provisional agenda for E&T 20 has been issued as document E&T 20/1.

8 REVISION OF THE GUIDELINES FOR PACKING OF CARGO TRANSPORT UNITS

GENERAL

8.1 The Sub-Committee recalled that DSC 17, having noted the outcome of the Group of Experts for the revision of the IMO/ILO/UNECE Guidelines for packing of cargo transport units (CTUs) and that the draft CTU Code would be submitted to this session, had urged Member States and international organizations to participate in the work of the Group of Experts.

8.2 In this connection, the Sub-Committee considered the following documents submitted on the matter:

.1 DSC 18/8 (Secretariat), informing that the Group of Experts for the revision of the IMO/ILO/UNECE Guidelines for packing of cargo transport units held three sessions in Geneva and, at its third session, the Group prepared the final draft of the Code of Practice for Packing of Cargo Transport Units (draft CTU Code), as set out in the annex;

.2 DSC 18/INF.7 (Secretariat), containing comments and proposals on the draft Code from Belgium, Germany and Japan;

.3 DSC 18/8/1 (Slovakia and Sweden), proposing modifications to the draft CTU Code on bedding arrangements, based on the full scale test results contained in document DSC 18/INF.4 (Slovakia and Sweden);

.4 DSC 18/8/2 (Belgium), proposing both fundamental and editorial modifications to the draft CTU Code; and

.5 DSC 18/7/7 (Republic of Korea), proposing to amend the provisions of conditions for a container packing certificate in subsection 5.4.2.1 of the IMDG Code to include texts that require the confirmation of the CSC Safety Approval Plate and the validity of ACEP or Periodic Examination Scheme of a container/vehicle to mitigate any risk to safety that may be caused by potential structural deficiencies of a container/vehicle.

8.3 While the Sub-Committee noted with appreciation the work done by the Group of Experts, some concerns were raised about the draft Code with regard to the volume of the Code, its usability, several technical matters (e.g. bedding arrangements), how to finalize the draft Code and whether it should be made publicly available once finalized.

INSTRUCTIONS TO THE WORKING GROUP

8.4 Following the discussion, the Sub-Committee instructed the Working Group on Container Safety (established under item 5), taking into account the comments and decisions made in plenary, to:

.1 consider the draft CTU Code (DSC 18/8), taking into account documents DSC 18/7/7, DSC 18/8/1, DSC 18/8/2, DSC 18/INF.4 and DSC 18/INF.7, in particular how to reduce the volume of the draft Code (e.g. splitting the current draft into two, so that the first part would be the draft Code and the second part would be another document, for example training materials), and which proposals and comments should be reflected in the draft Code, and advise the Sub-Committee accordingly; and

.2 advise the Sub-Committee on how best to finalize the Code (e.g. referring comments and decisions by the Sub-Committee, through the IMO Secretariat, to the Group of Experts), taking into account that the fourth session of the Group of Experts has been tentatively scheduled to take place in November 2013.

REPORT OF THE WORKING GROUP

8.5 Having considered the part of the report of the working group (DSC 18/WP.3) dealing with the agenda item, the Sub-Committee approved it in general and took action as outlined hereunder.

Draft Code of Practice for Packing of Cargo Transport Units (CTU Code)

8.6 In considering methods to reduce the volume of the draft Code, the Sub-Committee noted that the group had agreed that the draft CTU Code should be user-friendly (e.g. colour indexed) and divided into three parts, as follows:

.1 main body;

.2 annexes, which are referenced in the main body; and

.3 appendices, containing informative material.

8.7 In addition, the Sub-Committee noted that the group had decided that the draft Code should be available on the web, free of charge, for ease of dissemination. In order to facilitate the dissemination of the Code, the IMO/ILO/UNECE Secretariat should consider creating a website dedicated to CTUs. In this connection, the representative of the UNECE informed the Sub-Committee that the UNECE could check the possibility of the creation of the website and report to the Group of Experts on this matter. The representative also informed the Sub-Committee that the latest information of the Group of Experts can be found on the following website: http://www.unece.org/trans/wp24/guidelinespackingctus/intro.html.

8.8 Having considered the above matters, the Sub-Committee agreed to the recommendations, as set out in annex 4 to document DSC 18/WP.3, for submission to the Group of Experts for consideration and requested the Secretariat to take action accordingly.

8.9 Having noted that the above recommendations are not an extensive list of proposed amendments to the draft CTU Code, the Sub-Committee invited Member States and international organizations to submit further comments and proposals directly to the UNECE Secretariat[*], not later than 8 October 2013, for consideration by the Group of Experts. In this regard, the Sub-Committee also invited ISO to review the current Options 1 and 2 and the formulas contained in document DSC 18/8/1, taking into account relevant existing ISO standards, and submit any conclusions and recommendations arising from this review directly to the Group of Experts for consideration.

8.10 In considering how best to finalize the Code, the Sub-Committee agreed that the draft CTU Code, after finalization by the Group of Experts, should be submitted directly to MSC 93 for approval and requested the Secretariat to take action, as appropriate. Subsequently, the Sub-Committee urged Member States and international organizations to attend the next session of the Group of Experts, which will take place at the *Palais des Nations* in Geneva, from 4 to 6 November 2013 (for more information online go to: http://www.unece.org/trans/wp24/guidelinespackingctus/intro.html).

Completion of the work on the output

8.11 The Sub-Committee invited the Committee to note the above actions and that the work on the output had been completed.

9 DEVELOPMENT OF AMENDMENTS TO SOLAS AND THE RELEVANT CODES CONCERNING MANDATORY CARRIAGE OF APPROPRIATE ATMOSPHERE TESTING INSTRUMENTS ON BOARD SHIPS

General

9.1 The Sub-Committee recalled that DSC 17, having received the report of the Working Group on Amendments to SOLAS to Mandate Enclosed Space Entry and Rescue Drills (DSC 17/WP.4), agreed to a justification for a new output to develop amendments to the SOLAS Convention and relevant codes concerning mandatory carriage of appropriate atmosphere testing instruments on board ships (DSC 17/17, annex 8), for consideration by

[*] **Contact:**
Mrs. Valérie Blanchard
Associate Economic Affairs Officer
Sustainable Transport Section
Transport Division
United Nations Economic Commission for Europe
CH-1211 Genève 10
Switzerland
Tel.: +41 22 917 23 92
Email: valerie.blanchard@unece.org

MSC 91, together with the Sub-Committee's recommendation that the highest priority be given to urgently developing relevant SOLAS carriage requirements for oxygen meters.

9.2 The Sub-Committee noted that MSC 91 had agreed to include the new output in the 2012-2013 biennial agenda of the Sub-Committee and in the provisional agenda for this session, taking into account document MSC 91/13/3 (Australia, P&I Clubs and IACS), with a target completion year of 2013, in association with the FP, BLG and STW Sub-Committees, as and when requested by the DSC Sub-Committee.

Draft amendment to SOLAS chapter XI-1

9.3 The Sub-Committee had for its consideration the following documents:

.1 DSC 18/9 (Secretariat), informing that BLG 17, having noted that since the proposed draft amendment to SOLAS chapter XI-1 would apply to every ship, agreed that careful consideration is needed in order to develop such requirements and that highest priority be given to oxygen meters;

.2 DSC 18/9/1 (Secretariat), informing that STW 44, having noted the views expressed in subparagraphs of paragraph 1 of document DSC 18/9/1, agreed that multi-meters should be required to be carried on board, and that ship crews should be properly trained in the use of calibrated meters to ensure the safe atmosphere within enclosed spaces;

.3 DSC 18/9/2 (Spain and Australia), proposing draft amendments relating to the carriage requirements for instruments that test the atmosphere of enclosed spaces, and which are consistent with the relevant provisions of resolution A.1050(27) on *Revised recommendations for entering enclosed spaces aboard ships* that clearly refer to "appropriate testing of the atmosphere", and stating that the testing is not restricted to merely testing the oxygen level in the space;

.4 DSC 18/INF.20 (Spain and Australia), providing additional information to document DSC 18/9/2, including a table addressing regulations where portable equipment is already required to avoid duplication of such equipment; and

.5 DSC 18/9/3 (IACS), in supporting documents DSC 18/9/2 and DSC 18/INF.20 and in order to facilitate the selection of a portable atmosphere testing instrument for enclosed spaces, proposing draft Guidelines that could be referred to in an appropriate footnote to any new regulation.

9.4 Following an extensive discussion, the Sub-Committee, having noted that a significant majority of delegations supported draft SOLAS regulation XI-1/7 relating to the carriage requirements for instruments that test the atmosphere of enclosed spaces (DSC 18/9/2), together with associated draft Guidelines (DSC 18/9/3), agreed that a working group should consider how to avoid a duplication of instruments (e.g. in the regulation or the footnote) and the issue of training of seafarers, including any consequential amendments to relevant codes. The Sub-Committee also agreed to limit the scope of the amendments to measuring oxygen, flammable and toxic gases (carbon monoxide and hydrogen sulphide) in enclosed spaces.

Establishment of a working group

9.5 Having considered the above documents, the Sub-Committee established a Working Group on Mandatory Carriage of Appropriate Atmosphere Testing Instruments and instructed it, taking into account the comments and decisions made in plenary (see also paragraph 10.6), in particular that the objective of the amendments is to measure oxygen, flammable and toxic gases (carbon monoxide and hydrogen sulphide), to:

.1 finalize the draft new SOLAS regulation XI-1/7, based on document DSC 18/9/2, including consideration of how to avoid duplication of instruments, which are already required, and of a footnote to refer the draft Guidelines;

.2 finalize the draft Guidelines to facilitate the selection of portable atmosphere testing instruments for enclosed spaces as required by SOLAS regulation XI-1/7, with the possible attachment of a table showing current requirements for instruments to measure gases (e.g. table included in document DSC 18/INF.20) and, if possible and where relevant, what type of instruments are required depending on ship types, based on document DSC 18/9/3;

.3 if time permits, consider consequential amendments to relevant codes concerning mandatory carriage of instruments, bearing in mind that SOLAS chapter XI-1 covers all ship types including high-speed crafts; and

.4 if time permits, consider training issues related to atmosphere testing instruments.

REPORT OF THE WORKING GROUP

9.6 Having considered the report of the working group (DSC 18/WP.5), the Sub-Committee approved it in general and, having agreed to further clarify the intention of the new draft SOLAS regulation XI-1/7 and the associated guidelines, took the following actions:

.1 agreed to the draft new SOLAS regulation XI-1/7 relating to the carriage requirements for portable atmosphere testing instruments for enclosed spaces, as set out in annex 4, for submission to MSC 93 for approval and subsequent adoption;

.2 agreed to the draft MSC circular on Guidelines to facilitate the selection of portable atmosphere testing instruments for enclosed spaces as required by SOLAS regulation XI-1/7, as set out in annex 5, for submission to MSC 93 for approval;

.3 agreed to the draft consequential amendments to the Code for the construction and equipment of mobile offshore drilling units (1979, 1989 and 2009 MODU Codes), together with associated MSC resolutions, as set out in annexes 6 to 8, respectively, for approval, in principle, by MSC 93 with a view to subsequent adoptions, in conjunction with the adoption of the associated SOLAS amendments;

.4 agreed not to amend the HSC and DSC Codes; and

.5 agreed that training issues related to atmosphere testing instruments were already adequately covered in the STCW Convention and, therefore, no further action is necessary in this regard.

Completion of the work on the output

9.7 The Sub-Committee invited the Committee to note the above actions and that the work on the output had been completed.

10 CASUALTY AND INCIDENT REPORTS AND ANALYSIS

General

10.1 The Sub-Committee recalled that DSC 17, having considered the results of container inspection programmes based on submissions from Member Governments, expressed its appreciation to those Governments and requested Member Governments to continue to submit such reports in accordance with MSC.1/Circ.1442.

10.2 The Sub-Committee also recalled that, with regard to the investigation report on the very serious casualty on board the bulk carrier **La Donna I**, DSC 17 had invited Member States and international organizations to submit comments and proposals to DSC 18.

Inspection programmes for cargo transport units carrying dangerous goods

10.3 The Sub-Committee noted documents DSC 18/10 (Germany), DSC 18/10/1 (Belgium), DSC 18/10/2 (Netherlands), DSC 18/10/3 and Corr.1 (Republic of Korea), which have been submitted related to inspection programmes; and document DSC 18/INF.22 (Secretariat), containing the consolidated results of container inspection programmes. Taking into account additional information provided during the session by the delegations of Chile and the United States, the Sub-Committee was informed that, among 71,043 CTUs inspected, 8,752 CTUs were found with deficiencies, which means 12.3 per cent of the CTUs inspected had deficiencies. Total deficiencies were 10,426 and, as to the type of deficiencies, placarding and marking accounts for 45 per cent, followed by securing/stowage inside the unit for 27 per cent, labelling for 8 per cent and packaging for 7 per cent.

10.4 In this respect, the Sub-Committee expressed its appreciation to those Governments that submitted results of container inspection programmes and its concern about the high rate of deficiencies and the lack of adherence to the provisions of the IMDG Code.

10.5 Subsequently, the Sub-Committee invited Member States to continue submitting such reports and urged Member States that have not yet carried out container inspection programmes to do so and to submit the relevant information to the Organization in accordance with MSC.1/Circ.1442.

Investigation report on the very serious casualty on board the bulk carrier La Donna I

10.6 The Sub-Committee, having noted that no comments were submitted on the report of the investigation into the **La Donna I** casualty (GISIS Incident No.C0007456) (DSC 17/INF.19) and that cause of the casualty is related to the current work on development of amendments to SOLAS and the relevant codes concerning mandatory carriage of appropriate atmosphere testing instruments on board ships, forwarded document DSC 17/INF.19 to the Working Group on Mandatory Carriage of Appropriate Atmosphere Testing Instruments on board Ships, established under agenda item 9, for information purposes (see paragraph 9.5).

10.7 Consequently, the Sub-Committee agreed that the consideration of the casualty investigation report related to **La Donna I** has been completed and requested the Secretariat to inform III 1 accordingly.

11 BIENNIAL AGENDA AND PROVISIONAL AGENDA FOR DSC 19

General

11.1 The Sub-Committee noted that MSC 92 had approved the Sub-Committee's 2012-2013 biennial agenda, as set out in annex 1 to document DSC 18/2/2, and the provisional agenda for DSC 18, which has been circulated under the symbol DSC 18/1.

Review and reform of the Organization

11.2 The Sub-Committee noted document DSC 18/2/2 (Secretariat), related to the review and reform of the Organization, informing that MSC 92 had approved the names and terms of reference for the new subsidiary bodies of the MSC and MEPC (MSC 92/26, annex 40), in particular that a new Sub-Committee on Carriage of Cargoes and Containers (CCC) will replace this Sub-Committee starting from the 2014-2015 biennium. It was also noted that MSC 92 had approved the biennial agendas for 2014-2015 and the provisional agendas for the first sessions of the new sub-committees (MSC 92/26, annexes 41 and 42), and that the CCC Sub-Committee's biennial agenda for the 2014-2015 biennium and the provisional agenda for CCC 1 are reproduced in annexes 2 and 3, respectively, to document DSC 18/2/2.

11.3 The Sub-Committee further noted that MSC 92 had approved the proposals for the High-level Action Plan of the Organization and priorities for the 2014-2015 biennium for matters under the purview of the Maritime Safety Committee (MSC 92/26, annex 44), which was endorsed by C 110; instructed the Secretariat to undertake a holistic review of the outputs to ensure consistency across the work of the Organization, taking into account document MSC 92/23/6; and requested the Secretariat to submit any changes to the annexed proposals emanating from NAV 59 and DSC 18 to CWGSP 13 or C/ES.27, as appropriate.

Biennial agenda and provisional agenda for CCC 1

11.4 Taking into account the progress made during this session, the Sub-Committee prepared the CCC Sub-Committee's biennial agenda for the 2014-2015 biennium and the provisional agenda for CCC 1 (DSC 18/WP.2), based on the biennial agenda approved by MSC 92, as set out in annexes 9 and 10, respectively, for submission to CWGSP 13 or C/ES.27, as appropriate, and for approval by MEPC 66 and MSC 93, bearing in mind that the Secretariat will undertake a holistic review of the outputs after DSC 18.

Arrangements for the next session

11.5 The Sub-Committee agreed that working and/or drafting groups should be established at CCC 1 on the following subjects:

.1 development of international code of safety for ships using gases or other low-flashpoint fuels; and

.2 harmful to the marine environment (HME) substances within the IMSBC Code in relation to the Revised MARPOL Annex V,

whereby the Chairman of the DSC Sub-Committee and the Secretariat, taking into account the submissions received on the respective subjects, would advise the CCC Sub-Committee well in time before CCC 1 on the final selection of such groups.

11.6 The Sub-Committee established correspondence groups on the following subjects, due to report to CCC 1:

.1 development of international code of safety for ships using gases or other low-flashpoint fuels (established by BLG 17);

.2 HME substances within the IMSBC Code in relation to the Revised MARPOL Annex V; and

.3 revision to the Guidance on the continued use of existing IMO type portable tanks and road tank vehicles for the transport of dangerous goods (DSC/Circ.12 and corrigenda).

Status of planned outputs

11.7 The Sub-Committee prepared the report on the status of planned outputs of the High-level Action Plan of the Organization and priorities for the 2012-2013 biennium relevant to the Sub-Committee, as set out in annex 11, and invited the Committee to note the status.

Intersessional meetings

11.8 Having noted that MSC 92 approved the following intersessional meetings, which were also endorsed by C 110:

.1 the second meeting of the E&T Group for the IMDG Code, to be held from 23 to 27 September 2013, directly after DSC 18, and

.2 the first meeting of the E&T Group for the IMBSC Code, to take place in the first half of 2014,

the Sub-Committee invited MEPC 66 and MSC 93 to approve the second meeting of the E&T Group for the IMSBC Code, to be held directly after CCC 1.

Date of the next session

11.9 The Sub-Committee noted that the first session of the CCC Sub-Committee has been tentatively scheduled to take place from 8 to 12 September 2014.

New proxy email addresses for sub-committees and expert groups

11.10 The Sub-Committee noted the information from the Secretariat that new email addresses have been created to streamline the internal distribution of sub-committee and expert group submissions and related queries (i.e. submissions and queries will now go directly to the responsible officer(s) for action). Subsequently, the Sub-Committee noted that the new email address for the CCC Sub-Committee is **ccc@imo.org** and the new email address for the E&T Group is **etgroup@imo.org**. The new email addresses have already been included in the invitation letters for the 2014 sub-committee meetings and agendas (issued to date) in lieu of the "info@imo.org" email address.

11.11 In this context, the Sub-Committee was advised that the "info@imo.org" email address will continue to remain active; however, delegations were urged to use the new email addresses to assist the Secretariat in implementing the streamlined system.

12 ANY OTHER BUSINESS

Fire safety of self-unloading bulk carriers

12.1 The Sub-Committee noted the statement by the delegation of the Bahamas that, in 2010, a Bahamas-flagged self-unloading bulk carrier suffered a serious fire located in the cargo conveyor tunnel which caused major damage. Whilst the direct cause of the fire was traced to a poor control of hot-work, they informed the Sub-Committee that the United Kingdom's Marine Accident Investigation Branch made two recommendations to the Bahamas, as flag State, regarding fire safety of self-unloading bulk carriers.

12.2 It was further noted that in response to this casualty, a group of operators of self-unloading bulk carriers, representing a large proportion of the world's internationally trading fleet, came together to research improvements in fire safety measures, taking into account the special circumstances which are found in cargo conveyor tunnels during discharge operations. While the above group is still working, it was decided that it would be of benefit to introduce into section 3 of the IMSBC Code a general requirement to carry out fire safety risk assessments in these areas. It was noted that the operators involved in the research group already do such assessments.

12.3 The delegation of the Bahamas advised the Sub-Committee that it intends to submit an information document to the E&T Group (IMSBC Code) and to the Maritime Safety Committee on this matter and invited Member States to contact the Bahamas should they require more information or wish to join in taking this matter forward.

Expression of appreciation

12.4 The Sub-Committee, having been informed of the restructuring of the Committees' subsidiary bodies and that this session would be the last meeting of the DSC Sub-Committee, expressed its deep appreciation to the past and present Chairmen, Vice-Chairmen and Secretaries, for the outstanding contributions they had made over many years to the attainment of IMO's objectives in general and to the work of the Organization, especially this Sub-Committee, which they had served with unique distinction.

Expression of condolence and sympathy

12.5 The Sub-Committee noted, with great sadness, the passing away of Captain Alec Bilney, who was well known throughout the IMO community, having represented shipowners at the Organization on a breadth of important subjects for many years. The Sub-Committee appreciated his contribution to the work of the Organization and requested the delegation of ICS to convey the Sub-Committee's sincere sympathy to his family and colleagues. The Sub-Committee also expressed its sympathy to the victims in Mexico, due to the hurricanes that hit the country recently.

13 ACTION REQUESTED OF THE COMMITTEES

13.1 The Maritime Safety Committee, at its ninety-third session, is invited to:

.1 with regard to the risk control option related to improvement of cargo stowage, as recommended in the IACS FSA study on general cargo ship safety, endorse the decision that no further action be taken on this matter (paragraph 3.3);

.2 endorse, in principle, the decision that the pilot BIC ACEP database be developed as a global ACEP database (paragraphs 4.3 to 4.5);

.3 approve the draft amendments to SOLAS regulation VI/2 related to mandatory verification of gross mass of a container, with a view to subsequent adoption (paragraph 5.16 and annex 1);

.4 approve the draft MSC circular on Guidelines regarding the verified gross mass of a container carrying cargo (paragraphs 5.17 and 5.18 and annex 2);

.5 with regard to matters related to preventing the use of counterfeit refrigerants, endorse the Sub-Committee's decision to amend chapter 7 of the IMDG Code (paragraph 5.20);

.6 note that SSE 1, taking into account the report of E&T 20, has been invited to note the Sub-Committee's consideration regarding fire-extinguishing arrangements in cargo spaces (paragraph 6.9);

.7 endorse the Sub-Committee's decision that an IMO model course on the safe transport of solid bulk cargoes should be developed and requested the Secretariat to take action accordingly (paragraph 6.40);

.8 note that the work on iron ore fines was finalized and that an associated DSC circular on early implementation of the draft amendments to the IMSBC Code relating to the draft schedule for iron ore fines was issued accordingly, as instructed by MSC 92 (paragraphs 6.42 to 6.45);

.9 note that the Sub-Committee instructed E&T 21 to prepare the draft amendments (03-15) to the IMSBC Code, for submission to CCC 1 (paragraphs 6.50 and 6.51);

.10 with regard to the relationship between the requirements of the IMDG Code and SOLAS chapter II-2 for the carriage of vehicles in spaces other than those identified in SP 961, note that SSE 1 has been invited to note the draft amendments for SP 961 and SP 962 (paragraph 7.5.4);

.11 with regard to water-reactive materials, note that SSE 1 has been invited to consider the draft amendments to the EmS Guidelines and forward any comments directly to MSC 93 (paragraph 7.5.8);

.12 note that the Sub-Committee authorized E&T 20 to finalize the draft amendments (37-14) to the IMDG Code and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, for consideration and subsequent adoption by MSC 93 (paragraphs 7.24 and 7.25);

.13 note that the Sub-Committee forwarded its recommendations on the draft CTU Code to the IMO/ILO/UNECE Group of Experts, for consideration at their fourth meeting in November 2013, and agreed that the aforementioned Code, after finalization by the Group of Experts, should be submitted directly to MSC 93 for approval (paragraphs 8.6 to 8.10);

.14 approve the draft new SOLAS regulation XI-1/7 relating to the carriage requirements for portable atmosphere testing instruments for enclosed spaces, with a view to subsequent adoption (paragraph 9.6.1 and annex 4);

.15 approve the draft MSC circular on Guidelines to facilitate the selection of portable atmosphere testing instruments for enclosed spaces as required by SOLAS regulation XI-1/7 (paragraph 9.6.2 and annex 5);

.16 approve, in principle, the draft consequential amendments to the Code for the construction and equipment of mobile offshore drilling units (1979, 1989 and 2009 MODU Codes), together with associated MSC resolutions, relating to the carriage requirements for portable instruments that test the atmosphere of enclosed spaces, with a view to subsequent adoption in conjunction with the adoption of the associated amendments to SOLAS regulation XI-1/7 (paragraph 9.6.3 and annexes 6 to 8);

.17 endorse the Sub-Committee's view that training issues related to atmosphere testing instruments are already adequately covered in the STCW Convention and, therefore, no further action is necessary in this regard (paragraph 9.6.5);

.18 note that consideration of the casualty investigation report related to the bulk carrier **La Donna I** has been completed and forwarded to III 1 accordingly (paragraph 10.7);

.19 approve the biennial agenda of the CCC Sub-Committee for the 2014-2015 biennium (paragraph 11.4 and annex 9);

.20 approve the proposed provisional agenda for CCC 1 (paragraph 11.4 and annex 10);

.21 note the report on the status of planned outputs of the High-level Action Plan of the Organization and priorities for the 2012-2013 biennium relevant to the Sub-Committee (paragraph 11.7 and annex 11);

.22 approve the second meeting of the E&T Group for the IMSBC Code, to be held directly after CCC 1, to finalize the next set of amendments to the IMSBC Code (paragraph 11.8); and

.23 approve the report in general.

13.2 The Marine Environment Protection Committee, at its sixty-sixth session, is invited to:

.1 note the Sub-Committee's deliberations on the need to compile a new section for substances harmful to the marine environment (HME) within the IMSBC Code in relation to the Revised MARPOL Annex V by developing an indicative list of solid bulk cargoes, and the establishment of a correspondence group accordingly (paragraphs 6.37 to 6.39);

.2 in relation to the draft amendments to the IMDG Code due to the harmonization with other modes of transport with respect to the exclusion of class 7 materials from Marine Pollutants/Environmentally Hazardous Substances requirements, as consequential amendments, approve draft amendments to MARPOL Annex III (paragraph 7.5.3 and annex 3);

.3 approve the biennial agenda of the CCC Sub-Committee for the 2014-2015 biennium (paragraph 11.4 and annex 9);

.4 approve the proposed provisional agenda for CCC 1 (paragraph 11.4 and annex 10); and

.5 note the report on the status of planned outputs of the High-level Action Plan of the Organization and priorities for the 2012-2013 biennium relevant to the Sub-Committee (paragraph 11.7 and annex 11).

13.3 The Facilitation Committee, at its thirty-ninth session, with regard to the general review of the FAL Convention, is invited to note that the Sub-Committee, having noted several comments regarding the chemical name of marine pollutants and consignor/consignee, referred documents FAL 38/4/1 and FAL 38/WP.4 to E&T 20 for further consideration (paragraph 7.10).

***

ANNEX 1

DRAFT AMENDMENTS TO SOLAS CHAPTER VI

Part A
General Provisions

Regulation 2 – Cargo information

1 The new paragraphs 4, 5 and 6 are added after the existing paragraph 3, as follows:

"4 In the case of cargo carried in a container*, except for containers carried on a chassis or a trailer when such containers are driven on or off a ro-ro ship engaged in short international voyages as defined in regulation III/3, the gross mass according to paragraph 2.1 of this regulation shall be verified by the shipper, either by:

.1 weighing the packed container using calibrated and certified equipment; or

.2 weighing all packages and cargo items, including the mass of pallets, dunnage and other securing material to be packed in the container and adding the tare mass of the container to the sum of the single masses, using a certified method approved by the competent authority of the State in which packing of the container was completed.

5 The shipper of a container shall ensure the verified gross mass** is stated in the shipping document. The shipping document shall be:

.1 signed by a person duly authorized by the shipper; and

.2 submitted to the master or his representative and to the terminal representative sufficiently in advance, as required by the master or his representative, to be used in the preparation of the ship stowage plan***.

6 If the shipping document, with regard to a packed container, does not provide the verified gross mass and the master or his representative and the terminal representative have not obtained the verified gross mass of the packed container, it shall not be loaded on to the ship.

---

* The term "container" has the same meaning as that term is defined and applied in the International Convention for Safe Containers (CSC), 1972, as amended, taking into account the *Guidelines for the approval of offshore containers handled in open seas* (MSC.1/Circ.860) and the Revised Recommendations on harmonized interpretation and implementation of the International Convention for Safe Containers, 1972, as amended (CSC.1/Circ.138/Rev.1).

** Refer to the Guidelines regarding the verified gross mass of a container carrying cargo (MSC.1/Circ.[…]).

*** This document may be presented by means of EDP or EDI transmission techniques. The signature may be electronic signature or may be replaced by the name in capitals of the person authorized to sign."

***

ANNEX 2

DRAFT MSC CIRCULAR

GUIDELINES REGARDING THE VERIFIED GROSS MASS OF A CONTAINER CARRYING CARGO

1 The Maritime Safety Committee, at its [ninety-third session (14 to 23 May 2014)], having considered the proposal by the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers, at its eighteenth session (16 to 20 September 2013), approved the *Guidelines regarding the verified gross mass of a container carrying cargo*, as set out in the annex.

2 The Guidelines are intended to establish a common approach for the implementation and enforcement of the SOLAS requirements regarding the verification of the gross mass of packed containers.

3 Member Governments are invited to bring the annexed Guidelines to the attention of all parties concerned.

ANNEX

GUIDELINES REGARDING THE VERIFIED GROSS MASS OF A CONTAINER CARRYING CARGO

Introduction

1 To ensure the safety of the ship, the safety of workers both aboard ships and ashore, the safety of cargo and overall safety at sea, the International Convention for the Safety of Life at Sea (SOLAS), as amended, requires in chapter VI, part A, regulation 2 that packed containers' gross mass are verified prior to stowage aboard ship. The shipper is responsible for the verification of the gross mass of a container carrying cargo (hereinafter "a packed container"). The shipper is also responsible for ensuring that the verified gross mass is communicated in the shipping documents sufficiently in advance to be used by the ship's master or his representative and the terminal representative in the preparation of the ship stowage plan. In the absence of the shipper providing the verified gross mass of the packed container, the container should not be loaded on to the ship unless the master or his representative and the terminal representative have obtained the verified gross mass through other means.

2 The purpose of these Guidelines is to establish a common approach for the implementation and enforcement of the SOLAS requirements regarding the verification of the gross mass of packed containers. The Guidelines provide recommendations on how to interpret and apply the provisions of the SOLAS requirements. They also identify issues that may arise from the application of these requirements and provide guidance for how such issues should be resolved. Adherence to these Guidelines will facilitate compliance with the SOLAS requirements by shippers of containerized shipments, and they will assist other parties in international containerized supply chains, including shipping companies and port terminal facilities and their employees, in understanding their respective roles in accomplishing the enhancement of the safe handling, stowage and transport of containers.

Definitions

3 For the purpose of these Guidelines:

3.1 *Administration* means the Government of the State whose flag the ship is entitled to fly.

3.2 *Calibrated and certified equipment* means a scale, weighbridge, lifting equipment or any other device, capable of determining the actual gross mass of a packed container or of packages and cargo items, pallets, dunnage and other packing and securing material, that meets the accuracy standards and requirements of the State in which the equipment is being used.

3.3 *Cargo items* has the same general meaning as the term "cargo" in the International Convention for Safe Containers, 1972, as amended (hereinafter referred to as "the CSC"), and means any goods, wares, merchandise, liquids, gases, solids and articles of every kind whatsoever carried in containers pursuant to a contract of carriage. However, ship's equipment and ship's supplies[1], including ship's spare parts and stores, carried in containers are not regarded as cargo.

[1] Refer to the revised Recommendations on the safe transport of dangerous cargoes and related activities in port areas (MSC.1/Circ.1216).

3.4 *Container* has the same meaning as the term "container" in the CSC and means an article of transport equipment:

(a) of a permanent character and accordingly strong enough to be suitable for repeated use;

(b) specially designed to facilitate the transport of goods, by one or more modes of transport, without intermediate reloading;

(c) designed to be secured and/or readily handled, having corner fittings for these purposes; and

(d) of a size such that the area enclosed by the four outer bottom corners is either:

(i) at least 14 m^2 (150 sq. ft.); or

(ii) at least 7 m^2 (75 sq. ft.) if it is fitted with top corner fittings.

3.5 *Contract of carriage* means a contract in which a shipping company, against the payment of freight, undertakes to carry goods from one place to another. The contract may take the form of, or be evidenced by a document such as sea waybill, a bill of lading, or multi-modal transport document.

3.6 *Gross mass* means the combined mass of a container's tare mass and the masses of all packages and cargo items, including pallets, dunnage and other packing material and securing materials packed into the container (see also *"Verified gross mass"*).

3.7 *Package* means one or more cargo items that are tied together, packed, wrapped, boxed or parcelled for transportation. Examples of packages include, but are not limited to, parcels, boxes, packets and cartons.

3.8 *Packed container* means a container, as previously defined, loaded ("stuffed" or "filled") with liquids, gases, solids, packages and cargo items, including pallets, dunnage, and other packing material and securing materials.

3.9 *Packing material* means any material used or for use with packages and cargo items to prevent damage, including, but not limited to, crates, packing blocks, drums, cases, boxes, barrels, and skids. Excluded from the definition is any material within individual sealed packages to protect the cargo item(s) inside the package.

3.10 *Securing material* means all dunnage, lashing and other equipment used to block, brace, and secure packed cargo items in a container.

3.11 *Ship* means any vessel to which SOLAS chapter VI applies. Excluded from this definition are roll-on/roll-off (ro-ro) ships engaged on short international voyages[2] where the containers are carried on a chassis or trailer and are loaded and unloaded by being driven on and off such a ship.

[2] SOLAS regulation III/2 defines "short international voyage" as an international voyage in the course of which a ship is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety, and which does not exceed 600 miles in length between the last port of call in the country in which the voyage begins and the final port of destination.

3.12 *Shipper* means a legal entity or person named on the bill of lading or sea waybill or equivalent multimodal transport document (e.g. "through" bill of lading) as shipper and/or who (or in whose name or on whose behalf) a contract of carriage has been concluded with a shipping company.

3.13 *Shipping document* means a document used by the shipper to communicate the verified gross mass of the packed container. This document can be part of the shipping instructions to the shipping company or a separate communication (e.g. a declaration including a weight certificate produced by a weigh station).

3.14 *Tare mass* means the mass of an empty container that does not contain any packages, cargo items, pallets, dunnage, or any other packing material or securing material.

3.15 *Terminal representative* means a person acting on behalf of a legal entity or person engaged in the business of providing wharfage, dock, stowage, warehouse, or other cargo handling services in connection with a ship.

3.16 *Verified gross mass* means the total gross mass of a packed container as obtained by one of the methods described in paragraph 7 of these Guidelines. (see also *"gross mass").*

Scope of applicability

4 The SOLAS requirements to verify the gross mass of a packed container apply to all containers to which the CSC applies, and which are to be stowed onto a ship determined by the Administration to be subject to SOLAS chapter VI.

For example (but not limited to), a packed container on a chassis or trailer to be driven on a ro-ro ship is subject to the SOLAS requirements, if the ship has been determined by the Administration to be subject to SOLAS chapter VI and is not engaged on short international voyages. However, cargo items tendered by a shipper to the master for packing into a container already on board the ship are not subject to these SOLAS requirements.

The term container includes tank-containers, flat-racks, bulk containers etc. Also included are containers carried on a chassis or a trailer except when such containers are driven on or off a ro-ro ship engaged in short international voyages (see definition of ship). Excluded from the definition is any type of vehicle[3]. Also excluded from the definition are "offshore containers" to which the CSC, according to the *Guidelines for the approval of offshore containers handled in open seas* (MSC/Circ.860) and the *Revised Recommendations on harmonized interpretation and implementation of the International Convention for Safe Containers, 1972, as amended* (CSC.1/Circ.138/Rev.1), does not apply.

Main principles

5 The responsibility for obtaining and documenting the verified gross mass of a packed container lies with the shipper.

6 A container packed with packages and cargo items should not be loaded onto a ship to which the SOLAS regulations apply unless the master or his representative and the terminal representative have obtained, in advance of vessel loading, the verified actual gross mass of the container.

[3] Refer to the Revised Recommendations on harmonized interpretation and implementation of the International Convention for Safe Containers, 1972, as amended (CSC.1/Circ.138/Rev.1).

Methods for obtaining the verified gross mass of a packed container

7 The SOLAS regulations prescribe two methods by which the shipper may obtain the verified gross mass of a packed container:

7.1 Method No.1: Upon the conclusion of packing and sealing a container, the shipper may weigh, or have arranged that a third party weighs, the packed container.

7.2 Method No.2: The shipper (*or, by arrangement of the shipper, a third party*), may weigh all packages and cargo items, including the mass of pallets, dunnage and other packing and securing material to be packed in the container, and add the tare mass of the container to the sum of the single masses using a certified method as described in paragraphs 7.2.3 and 7.2.3.1. Any third party that has performed some or all of the packing of the container should inform the shipper of the mass of the cargo items and packing and securing material that the party has packed into the container in order to facilitate the shipper's verification of the gross mass of the packed container under Method No.2. As required by SOLAS VI/2, paragraph 5, the shipper should ensure that the verified gross mass of the container is provided sufficiently in advance of vessel loading. How such information is to be communicated between the shipper and any third party should be agreed between the commercial parties involved.

7.2.1 Individual, original sealed packages that have the accurate mass of the packages and cargo items (including any other material such as packing material and refrigerants inside the packages) clearly and permanently marked on their surfaces, do not need to be weighed again when they are packed into the container.

7.2.2 Certain types of cargo items (e.g. scrap metal, unbagged grain and other cargo in bulk) do not easily lend themselves to individual weighing of the items to be packed in the container. In such cases, usage of Method No.2 would be inappropriate and impractical, and Method No.1 should be used instead.

7.2.3 The method used for weighing the container's contents under Method No.2 is subject to certification and approval as determined by the competent authority of the State in which the packing and sealing of the container was completed.[4]

7.2.3.1 How the certification is to be done will be up to the State concerned, and could pertain to either the procedure for the weighing or to the party performing the weighing or both.

7.3 If a container is packed by multiple parties or contains cargo from multiple parties, the shipper as defined in paragraph 3 is responsible for obtaining and documenting the verified gross mass of the packed container. If the shipper chooses Method No.2 to obtain the verified gross mass, the shipper is then subject to all the conditions given in paragraphs 7.2, 7.2.1, 7.2.2, and 7.2.3.

Documentation

8 The SOLAS regulations require the shipper to verify the gross mass of the packed container using Method No.1 or Method No.2 and to communicate the verified gross mass in a shipping document. This document can be part of the shipping instructions to the shipping company or a separate communication (e.g. a declaration including a weight certificate produced by a weigh station utilizing calibrated and certified equipment on the route between the shipper's origin and the port terminal). In either case, the document should clearly highlight that the gross mass provided is the "verified gross mass" as defined in paragraph 3.

[4] Reference to the relevant MSC Circular regarding contact information for the competent authority.

9 Irrespective of its form, the document declaring the verified gross mass of the packed container should be signed by a person duly authorized by the shipper. The signature may be an electronic signature or may be replaced by the name in capitals of the person authorized to sign it.

10 It is a condition for loading onto a ship to which the SOLAS regulations apply that the verified gross mass of a packed container be provided, preferably by electronic means such as Electronic Data Interchange (EDI) or Electronic Data Processing (EDP), to the ship's master or his representative and to the terminal representative sufficiently in advance of ship loading to be used in the preparation and implementation of the ship stowage plan.

10.1 Because the contract of carriage is between the shipper and the shipping company, not between the shipper and the port terminal facility, the shipper may meet its obligation under the SOLAS regulations by submitting the verified gross mass to the shipping company. It is then the responsibility of the shipping company to provide information regarding the verified gross mass of the packed container to the terminal representative in advance of ship loading. Similarly, the shipper may also submit the verified gross mass to the port terminal facility representative upon delivery of the container to the port facility in advance of loading.

10.1.1 The master or his representative and the terminal representative should enter into arrangements to ensure the prompt sharing of verified container gross mass information provided by shippers. Existing communication systems may be used for the transmission and sharing of such verified container gross mass information.

10.1.2 At the time a packed container is delivered to a port terminal facility, the terminal representative should have been informed by the shipping company whether the shipper has provided the verified gross mass of the packed container and what that gross mass is.

10.2 There is no SOLAS prescribed time deadline for the shipper's submission of the verified gross mass other than such information is to be received in time to be used by the master and the terminal representative in the ship stowage plan. The finalization of the ship stowage plan will depend on ship type and size, local port loading procedures, trade lane and other operational factors. It is the responsibility of the shipping company with whom the shipper enters into a contract of carriage to inform the shipper, following prior discussions with the port terminal, of any specific time deadline for submitting the information.

Equipment

11 The scale, weighbridge, lifting equipment or other devices used to verify the gross mass of the container, in accordance with either Method No.1 or Method No.2 discussed above, should meet the applicable accuracy standards and requirements of the State in which the equipment is being used.

Intermodal container movements and transhipments

12 The verified gross mass of a packed container should be provided to the next party taking custody of the container.

12.1 If a packed container is transported by road, rail or a vessel to which the SOLAS regulations do not apply and delivered to a port terminal facility without its verified gross mass, it may not be loaded onto a ship to which the SOLAS regulations apply unless the master or his representative and the terminal representative have obtained the verified gross mass of the container on behalf of the shipper (see also paragraph 19).

12.2 If a packed container is delivered to a port terminal facility by a ship to which the SOLAS regulations apply for transhipment onto a ship to which the SOLAS regulations also apply, each container being delivered is required by the SOLAS regulations to have had a verified gross mass before loading onto the delivering ship. All packed containers discharged in the transhipment port should therefore already have a verified gross mass and further weighing in the transhipment port facility is not required. The delivering ship should inform the port terminal facility in the transhipment port of the verified gross mass of each delivered packed container. The master of the ship onto which the transhipped, packed containers are to be loaded and the port terminal facility in the transhipment port may rely on the information provided by the delivering vessel. Existing ship-port communication systems may be used for the provision of such information in agreement between the commercial parties involved.

Discrepancies in gross mass

13 Any discrepancy between a packed container's gross mass declared prior to the verification of its gross mass and its verified gross mass should be resolved by use of the verified gross mass.

14 Any discrepancy between a verified gross mass of a packed container obtained prior to the container's delivery to the port terminal facility and a verified gross mass of that container obtained by that port facility's weighing of the container should be resolved by use of the latter verified gross mass obtained by the port terminal facility.

Containers exceeding their maximum gross mass

15 SOLAS regulation VI/5 requires that a container not be packed to more than the maximum gross mass indicated on the Safety Approval Plate under the International Convention for Safe Containers (CSC), as amended. A container with a gross mass exceeding its maximum permitted gross mass may not be loaded onto a ship.

Containers on road vehicles

16 If the verified gross mass of a packed container is obtained by weighing the container while it is on a road vehicle, (e.g. chassis or trailer), the tare mass of the road vehicle (and, where applicable, the tractor) should be subtracted to obtain the verified gross mass of the packed container. The subtraction should reflect the tare mass of the road vehicle (and, where applicable, the tractor) as indicated in their registration documents as issued by the competent authority of the State where these assets are registered. The mass of any fuel in the tank of the tractor should also be subtracted.

17 If two packed containers on a road vehicle are to be weighed, their gross mass should be determined by weighing each container separately. Simply dividing the total gross mass of the two containers by two after subtracting the mass of the road vehicle and the tractor, where applicable, would not produce an accurate verified gross mass for each container, and should not be allowed.

Empty containers

18 Shippers of empty containers and operators of empty containers are encouraged to have practices and arrangements in place to ensure that they are empty. The tare weight will visually appear on the container in accordance with the International Organization for Standardization (ISO) standard for container marking and identification[5]) and should be used.

[5] Refer to standard ISO 6346 – Freight containers – Coding, identification and marking.

Contingencies for containers received without a verified gross mass

19 Notwithstanding that the shipper is responsible for obtaining and documenting the verified gross mass of a packed container, situations may occur where a packed container is delivered to a port terminal facility without the shipper having provided the required verified gross mass of the container. Such a container should not be loaded onto the ship until its verified gross mass has been obtained. In order to allow the continued efficient onward movement of such containers, the master or his representative and the terminal representative may obtain the verified gross mass of the packed container on behalf of the shipper. This may be done by weighing the packed container in the terminal or elsewhere. The verified gross mass so obtained should be used in the preparation of the ship loading plan. Whether and how to do this should be agreed between the commercial parties, including the apportionment of the costs involved.

Master's ultimate decision whether to stow a packed container

20 Ultimately, and in conformance with the Code of Safe Practice for Cargo Stowage and Securing[6], the ship's master should accept the cargo on board his ship only if he is satisfied that it can be safely transported. Nothing in the SOLAS regulations limit the principle that the master retains ultimate discretion in deciding whether to accept a packed container for loading onto his ship. Availability to both the terminal representative and to the master or his representative of the verified gross mass of a packed container sufficiently in advance to be used in the ship stowage plan is a prerequisite for the container to be loaded onto a ship to which the SOLAS regulations apply. It does, however, not constitute an entitlement for loading.

Enforcement

21 Like other SOLAS provisions, the enforcement of the SOLAS requirements regarding the verified gross mass of packed containers falls within the competence and is the responsibility of the SOLAS Contracting Governments. Contracting Governments acting as port States should verify compliance with these SOLAS requirements. Any incidence of non-compliance with the SOLAS requirements is enforceable according to national legislation.

22 The ultimate effectiveness and enforcement of the SOLAS container gross mass verification requirement is that a packed container, for which the verified gross mass has not been obtained sufficiently in advance to be used in the ship stowage plan, will be denied loading onto a ship to which the SOLAS regulations apply. Any costs associated with the non-loading, storage, demurrage or eventual return of the container to the tendering shipper of the container should be subject to contractual arrangements between the commercial parties.

Effective date of the SOLAS requirements regarding verified gross mass of a container carrying cargo

23 The SOLAS requirements regarding verified gross mass of a container carrying cargo (SOLAS regulation VI/2) are expected to enter into force in July 2016.

***

[6] Refer to the *Code of Safe Practice for Cargo Stowage and Securing* (resolution A.714(17)) and subsequent amendments.

ANNEX 3

DRAFT MEPC RESOLUTION

AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

(MARPOL Annex III)

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee (the Committee) conferred upon it by international conventions for the prevention and control of marine pollution,

NOTING article 16 of the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1973 Convention") and article VI of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1978 Protocol") which together specify the amendment procedure of the 1978 Protocol and confer upon the appropriate body of the Organization the function of considering and adopting amendments to the 1973 Convention, as modified by the 1978 Protocol (MARPOL),

HAVING CONSIDERED draft amendments to Annex III of MARPOL,

1. ADOPTS, in accordance with article 16(2)(d) of the 1973 Convention, the amendments to Annex III of MARPOL, the text of which is set out at annex to the present resolution;

2. DETERMINES, in accordance with article 16(2)(f)(iii) of the 1973 Convention, that the amendments shall be deemed to have been accepted on […….] unless, prior to that date, not less than one third of the Parties or Parties the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objection to the amendments;

3. INVITES the Parties to note that, in accordance with article 16(2)(g)(ii) of the 1973 Convention, the said amendments shall enter into force on [……..…] upon their acceptance in accordance with paragraph 2 above;

4. REQUESTS the Secretary-General, in conformity with article 16(2)(e) of the 1973 Convention, to transmit to all Parties to MARPOL certified copies of the present resolution and the text of the amendments contained in the annex;

5. REQUESTS FURTHER the Secretary-General to transmit to the Members of the Organization which are not Parties to MARPOL copies of the present resolution and its annex.

ANNEX

AMENDMENTS TO MARPOL ANNEX III

REGULATIONS FOR THE PREVENTION OF POLLUTION BY HARMFUL SUBSTANCES CARRIED BY SEA IN PACKAGED FORM

APPENDIX TO ANNEX III

Criteria for the identification of harmful substances in packaged form

The first sentence of the appendix to Annex III of MARPOL is replaced with the following:

"For the purpose of this Annex, substances other than radioactive material* identified by any one of the following criteria are harmful substances**.

* Refer to class 7 of the IMDG Code.

** The criteria is based on those developed by the United Nations Globally Harmonized system of Classification and Labelling of Chemicals (GHS), as amended. For definitions of acronyms or terms used in this appendix, refer to the relevant paragraphs of the IMDG Code."

***

ANNEX 4

DRAFT AMENDMENT TO SOLAS CHAPTER XI-1

1 Add new regulation 7 as follows:

"**Regulation 7**

Atmosphere testing instrument for enclosed spaces

Every ship to which chapter I applies shall carry an appropriate portable atmosphere testing instrument or instruments[*]. As a minimum, these shall be capable of measuring concentrations of oxygen, flammable gases or vapours, hydrogen sulphide and carbon monoxide prior to entry into enclosed spaces[**]. Instruments carried under other requirements may satisfy this regulation. Suitable means shall be provided for the calibration of all such instruments. "

***

[*] Refer to the *Guidelines to facilitate the selection of portable atmosphere testing instruments for enclosed spaces* (MSC Circ…).

[**] Refer to the *Revised Recommendations for entering enclosed spaces aboard ships*, adopted by the Organization by resolution A.1050(27).

ANNEX 5

GUIDELINES TO FACILITATE THE SELECTION OF PORTABLE ATMOSPHERE TESTING INSTRUMENTS FOR ENCLOSED SPACES AS REQUIRED BY SOLAS REGULATION XI-1/7

Introduction

1 These Guidelines are to facilitate the selection of a portable atmosphere testing instrument for enclosed spaces as required by SOLAS regulation XI-1/7. They are intended to be read in conjunction with this SOLAS regulation and the *Revised recommendations for entering enclosed spaces aboard ships* (resolution A.1050(27)). They are not intended to constitute a performance standard for such equipment.

2 It should be noted that, given a ship's specific characteristics and operations, additional atmospheric hazards in enclosed spaces may be present that may not be detected by the instrument recommended to be selected by these Guidelines, and in such cases, if known, additional appropriate instruments should be carried.

General

3 These Guidelines refer to the instrument that is used to test the atmosphere in an enclosed space before entry and at appropriate intervals thereafter until all work is completed. They do not refer to a personal gas detector that is intended to be carried by an individual whilst inside the enclosed space.

4 The instrument should be capable of remote sampling and detection for all gases that it is designed for, without interference from the atmosphere or other characteristics of the intervening space.

5 Upon activation, the instrument should perform a "self-test" which indicates that the instrument is functioning correctly.

6 Training requirements should be considered when selecting the instrument. Any atmosphere testing should be performed by trained personnel.

Gases and vapours to be measured

7 The instrument should be capable of measuring and displaying concentrations of:

.1 oxygen;

.2 flammable gases or vapours (% of LFL);

.3 carbon monoxide; and

.4 hydrogen sulphide,

8 The instrument should clearly and unambiguously show which gas or vapour it is measuring (noting that the display may be switchable or menu accessible).

9 If the instrument is fitted with an alarm function, it should activate at the appropriate level as determined by the flag State Administration.

Use of the instrument for atmosphere testing of enclosed spaces on board ships

10 The instrument should be suitably protected, having due regard for the environment and temperatures in which it is expected to operate.

11 The instrument should be capable of being easily carried.

12 The instrument should be suitably protected from the ingress of dust and water.

13 The minimum battery life of the instrument (with fresh batteries of recommended type) should be 10 hours.

14 The instrument should be intrinsically safe.

15 The instrument display should be readable in all lighting conditions.

Calibration

16 The manufacturers' instructions should have clearly defined calibration requirements.

17 If the instrument is fitted with an alarm or shutdown function that activates if the manufacture's calibration interval is exceeded, this should not stop the instrument from functioning during actual use and the unit should not restart once the alarm or function has been activated.

Instruction manual

18 The instrument should be provided with a manual that describes its features and alarms and explains how to calibrate, operate and maintain it. The information in this manual should be available in the working language of the ship.

***

ANNEX 6

DRAFT MSC RESOLUTION

AMENDMENTS TO THE CODE FOR THE CONSTRUCTION AND EQUIPMENT OF MOBILE OFFSHORE DRILLING UNITS (MODU CODE)

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING ALSO that the Assembly, when adopting resolution A.414(XI) on the *Code for the Construction and Equipment of Mobile Offshore Drilling Units* (MODU Code), authorized the Committee to amend the Code as necessary after due consultation with relevant organizations as the Committee deems necessary,

RECOGNIZING the need for introduction into this Code of provisions for enclosed space entry and rescue drills,

HAVING CONSIDERED, at its [ninety-fourth] session, the recommendations made by the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers, at its eighteenth session,

1. ADOPTS amendments to the MODU Code, set out in the annex to the present resolution;

2. INVITES all Governments concerned to take appropriate steps to give effect to the annexed amendments to the Code by [1 July 2016].

ANNEX

AMENDMENTS TO THE MODU CODES

1 After chapter 14 "Operation requirements", insert new chapter 15 as follows:

"**CHAPTER 15**

SPECIAL MEASURES TO ENHANCE SAFETY

1.1 ATMOSPHERE TESTING INSTRUMENT FOR ENCLOSED SPACES

1.1.1 Each unit should carry an appropriate portable atmosphere testing instrument or instruments*. As a minimum, these should be capable of measuring concentrations of oxygen, flammable gases or vapours, hydrogen sulphide and carbon monoxide prior to entry into enclosed spaces**. Instruments carried under other requirements may satisfy this regulation. Suitable means should be provided for the calibration of all such instruments

1.1.2 Such instruments should be in addition to those provided with the unit's fire-fighter's outfits.

---

* Refer to the Guidelines to facilitate the selection of portable atmosphere testing instruments for enclosed spaces (MSC Circ…).

** Refer to the *Revised Recommendations for entering enclosed spaces aboard ships*, adopted by the Organization by resolution A.1050(27)."

***

ANNEX 7

DRAFT MSC RESOLUTION

AMENDMENTS TO THE CODE FOR THE CONSTRUCTION AND EQUIPMENT OF MOBILE OFFSHORE DRILLING UNITS, 1989 (1989 MODU CODE)

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING ALSO that the Assembly, when adopting resolution A.649(16) on the *Code for the Construction and Equipment of Mobile Offshore Drilling Units, 1989* (1989 MODU Code), authorized the Committee to amend the Code, when appropriate, taking into consideration the developing design and safety features after due consultation with appropriate organizations,

RECOGNIZING the need for introduction into this Code of provisions for enclosed space entry and rescue drills,

HAVING CONSIDERED, at its [ninety-fourth] session, the recommendations made by the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers, at its eighteenth session,

1. ADOPTS amendments to the 1989 MODU Code, set out in the annex to the present resolution;

2. INVITES all Governments concerned to take appropriate steps to give effect to the annexed amendments to the 1989 MODU Code by [1 July 2016].

ANNEX

1 After chapter 14 "Operating requirements", insert new chapter 15 as follows:

"**CHAPTER 15**

SPECIAL MEASURES TO ENHANCE SAFETY

1.1 ATMOSPHERE TESTING INSTRUMENT FOR ENCLOSED SPACES

1.1.1 Each unit should carry an appropriate portable atmosphere testing instrument or instruments[*]. As a minimum, these should be capable of measuring concentrations of oxygen, flammable gases or vapours, hydrogen sulphide and carbon monoxide prior to entry into enclosed spaces [**]. Instruments carried under other requirements may satisfy this regulation. Suitable means should be provided for the calibration of all such instruments.

1.1.2 Such instruments should be in addition to those provided with the unit's fire-fighter's outfits.

---

[*] Refer to the Guidelines to facilitate the selection of portable atmosphere testing instruments for enclosed spaces (MSC Circ…).

[**] Refer to the *Revised recommendations for entering enclosed spaces aboard ships*, adopted by the Organization by resolution A.1050(27)."

***

ANNEX 8

DRAFT MSC RESOLUTION

AMENDMENTS TO THE CODE FOR THE CONSTRUCTION AND EQUIPMENT OF MOBILE OFFSHORE DRILLING UNITS, 2009 (2009 MODU CODE)

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING ALSO that the Assembly, when adopting resolution A.1023(26) on the *Code for the Construction and Equipment of Mobile Offshore Drilling Units, 2009 (2009 MODU Code)*, authorized the Committee to amend the Code as appropriate, taking into consideration development in the design and technologies, in consultation with appropriate organizations,

RECOGNIZING the need for introduction into this Code of provisions for enclosed space entry and rescue drills,

HAVING CONSIDERED, at its [ninety-fourth] session, the recommendations made by the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers, at its eighteenth session,

1. ADOPTS amendments to the 2009 MODU Code, set out in the annex to the present resolution;

2. INVITES all Governments concerned to take appropriate steps to give effect to the annexed amendments to the 2009 MODU Code by [1 July 2016].

ANNEX

DRAFT AMENDMENTS TO THE 2009 MODU CODE

1 After chapter 14 "Operating requirements", insert new chapter 15 as follows:

"**CHAPTER 15**

SPECIAL MEASURES TO ENHANCE SAFETY

1.1 ATMOSPHERE TESTING INSTRUMENT FOR ENCLOSED SPACES

1.1.1 Each unit should carry an appropriate portable atmosphere testing instrument or instruments[*]. As a minimum, these should be capable of measuring concentrations of oxygen, flammable gases or vapours, hydrogen sulphide and carbon monoxide prior to entry into enclosed spaces is safe to enter[**]. Instruments carried under other requirements may satisfy this regulation. Suitable means should be provided for the calibration of all such instruments.

1.1.2 Such instruments should be in addition to those provided with the unit's fire-fighter's outfits."

---

[*] Refer to the Guidelines to facilitate the selection of portable atmosphere testing instruments for enclosed spaces (MSC Circ…).

[**] Refer to the *Revised Recommendations for entering enclosed spaces aboard ships*, adopted by the Organization by resolution A.1050(27)."

***

ANNEX 9

PROPOSED BIENNIAL AGENDA FOR THE 2014-2015 BIENNIUM

SUB-COMMITTEE ON CARRIAGE OF CARGOES AND CONTAINERS (CCC)					
PLANNED OUTPUTS 2014-2015					
Number	**Description**	**Parent organ(s)**	**Coordinating organ(s)**	**Associated organ(s)**	**Target completion year**
1.1.2.2	Consideration of IACS unified interpretations	MSC / MEPC		III / NCSR / PPR / SDC / SSE / CCC	Continuous
5.2.1.3	Development of international code of safety for ships using gases or other low-flashpoint fuels	MSC	CCC	SDC/SSE	2015
~~5.2.1.7~~	~~Review of general cargo ship safety~~	~~MSC~~		~~III / NCSR / PPR / SDC / SSE / CCC~~	~~2014~~
5.2.3.1	Development of amendments to CSC 1972 and associated circulars	MSC	CCC		2014
~~5.2.3.2~~	~~Development of measures to prevent loss of containers~~	~~MSC~~	~~CCC~~	~~HTW / SSE~~	~~2015~~
5.2.3.3	Development of amendments to the IMSBC Code and supplements ~~including evaluation of properties of solid bulk cargoes~~	MSC / MEPC	CCC		Continuous
5.2.3.4	Development of amendments to the IMDG Code and supplements ~~including harmonization with the UN Recommendations on the transport of dangerous goods~~	MSC	CCC		Continuous
5.2.3.8	Amendments to MARPOL Annex III, as required	MEPC	CCC		Continuous
12.3.1.3	Casualty and incident reports and analysis	MSC / MEPC	CCC	III	Continuous

***

ANNEX 10

PROPOSED PROVISIONAL AGENDA FOR CCC 1

Opening of the session and election of Chairman and Vice-Chairman for 2014

1 Adoption of the agenda

2 Decisions of other IMO bodies

3 Development of amendments to CSC 1972 and associated circulars

4 Development of international code of safety for ships using gases or other low-flashpoint fuels

5 Development of amendments to the IMSBC Code and supplements

6 Development of amendments to the IMDG Code and supplements

7 Consideration of IACS unified interpretations

8 Casualty and incident reports and analysis

9 Biennial agenda and provisional agenda for CCC 2

10 Election of Chairman and Vice-Chairman for 2015

11 Any other business

12 Report to the Committees

***

ANNEX 11

REPORT ON THE STATUS OF PLANNED OUTPUTS OF THE HIGH-LEVEL ACTION PLAN OF THE ORGANIZATION AND PRIORITIES FOR THE 2012-2013 BIENNIUM

SUB-COMMITTEE ON DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS (DSC)								
Planned output number in HLA Plan for 2012-2013	**Description**	**Target completion date**	**Parent organ(s)**	**Coordinating organ(s)**	**Associated organ(s)**	**Status of output for Year 1**	**Status of output for Year 2**	**References**
1.1.2.22	Policy input/guidance to IAEA: development of carriage requirements for class 7 radioactive material and development of guidance for coastal States on emergencies at sea involving radioactive material	Continuous	MSC	DSC		Ongoing	Ongoing	DSC 18/13, section 7
1.1.2.27	Policy input/guidance to UN Sub-Committee on Dangerous Goods: harmonization of multimodal transport of dangerous goods	Continuous	MSC	DSC		Ongoing	Ongoing	DSC 18/13, section 7
1.1.2.36	Policy input/guidance to IAEA: facilitation of the shipment of class 7 radioactive materials, including delays and denials	Continuous	FAL	DSC		Ongoing	Ongoing	DSC 18/13, section 7

SUB-COMMITTEE ON DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS (DSC)								
Planned output number in HLA Plan for 2012-2013	**Description**	**Target completion date**	**Parent organ(s)**	**Coordinating organ(s)**	**Associated organ(s)**	**Status of output for Year 1**	**Status of output for Year 2**	**References**
1.3.5.1	Harmonized provisions relating to the safe, secure and efficient carriage of dangerous goods following participation in the activities of UNCOE TDG, GHS, and IAEA	Continuous	MSC/MEPC	DSC		Ongoing	Ongoing	DSC 18/13, section 7
5.2.1.7	Review of general cargo ship safety	2014	MSC		DSC		Completed	DSC 18/13, section 3
5.2.2.6	Mandatory instrument: development of amendment to SOLAS to mandate enclosed space entry and rescue drills	2012	MSC	DSC	BLG	Completed		DSC 17/17, section 5
5.2.3.1	Mandatory instruments: development of amendments to CSC 1972 and circulars	2012	MSC	DSC		In progress	In progress	DSC 18/13, section 4
5.2.3.2	Mandatory instruments: development of measures to prevent loss of containers	2013	MSC	DSC		In progress	Completed	DSC 18/13, section 5
5.2.3.3	Mandatory instruments: development of amendments to the IMSBC Code, including evaluation of properties of solid bulk cargoes	Continuous	MSC/MEPC	DSC		In progress	In progress	DSC 18/13, section 6
5.2.3.4	Mandatory instruments: development of amendments to the IMDG Code and supplements	Continuous	MSC	DSC		In progress	In progress	DSC 18/13, section 7

SUB-COMMITTEE ON DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS (DSC)								
Planned output number in HLA Plan for 2012-2013	**Description**	**Target completion date**	**Parent organ(s)**	**Coordinating organ(s)**	**Associated organ(s)**	**Status of output for Year 1**	**Status of output for Year 2**	**References**
5.2.3.5	Mandatory instruments: harmonization of the IMDG Code with the UN Recommendations on the Transport of Dangerous Goods	Continuous	MSC	DSC		Ongoing	Ongoing	DSC 18/13, section 7
5.2.3.6	Mandatory instruments: review of fire protection arrangements for the stowage of water-reactive materials	2012	MSC	DSC	FP	Completed		DSC 17/17, section 11
5.2.3.8	Mandatory instruments: amendments to MARPOL Annex III, as required	Continuous	MEPC	DSC		Ongoing	Ongoing	
5.2.3.9	Non-mandatory instruments: revised Guidelines for packing of cargo transport units	2013	MSC	DSC		In progress	Completed	DSC 18/13, section 8
5.2.3.11	Provisions for the installation of equipment for detection of radioactive sources or radioactive contaminated objects	2012	MSC	DSC		Completed at previous session		DSC 16/15, section 9
5.2.3.12	Development of amendments to SOLAS and the relevant codes concerning mandatory carriage of appropriate atmosphere testing instruments on board ships	2014	MSC	DSC			Completed	DSC 18/13, section 9

SUB-COMMITTEE ON DANGEROUS GOODS, SOLID CARGOES AND CONTAINERS (DSC)								
Planned output number in HLA Plan for 2012-2013	**Description**	**Target completion date**	**Parent organ(s)**	**Coordinating organ(s)**	**Associated organ(s)**	**Status of output for Year 1**	**Status of output for Year 2**	**References**
5.3.1.3	Non-mandatory instruments: consideration of the efficacy of the Container Inspection Programme	2013	MSC	DSC		Completed at previous session		DSC 16/15, section 8
5.3.1.7	Non-mandatory instrument: Development of guidance for Approved Continuous Examination Programmes (ACEP)	2013	MSC	DSC		Completed		DSC 17/17, section 8
7.1.2.19	Development of criteria for the evaluation of environmentally hazardous solid bulk cargoes in relation to the revised MARPOL Annex V	2012	MEPC			Completed		DSC 17/17, section 9
12.3.1.3	Consideration of reports of incidents involving dangerous goods or marine pollutants in packaged form on board ships or in port areas	Continuous	MSC/MEPC	DSC	FSI	Ongoing	Ongoing	DSC 18/13, section 10

***

ANNEX 12

STATEMENTS BY DELEGATIONS AND OBSERVERS*

ITEM 4

Joint statement by WSC/ICS/BIMCO

We should like to thank BIC for having brought the issue of public availability of lists of ACEP programmes to the attention of this Sub-Committee. It is regrettable that the requirement that Administrations must make such lists publicly available still has not been implemented. The lack of such publicly available lists deprives both Administrations and container operators from an important tool to monitor and ensure the validity of ACEP programmes and containers covered by them. This could lead to the improper stoppage of containers or the imposition of restrictions on their onward transportation. However, first and foremost, data regarding ACEP programmes remain regulatory data to ensure compliance. As such, the data should be collected, verified and updated by Administrations, and it should be made publicly available by Administrations. It should not be the task of an industry association, at costs and expenses to be borne by the regulated industry, to fulfil what essentially is an enforcement and compliance task and obligation of an Administration. We therefore continue to urge this Sub-Committee to identify possible solutions in the public domain, including the option of the Organization operating a central database. Specifically, we respectfully encourage the Sub-Committee to consider the possibility of the Organization discussing with BIC the possibility of it taking over, and operating, the database prototype BIC has developed. This would mean that the Organization would not have to spend resources on the development of the database, only on its operation. We make this proposal because - in order to be of genuine value to Administrations and inspectors - there needs to an assurance that all Administrations with ACEP programmes will commit to make their data available in the database. The BIC proposal provides no such an assurance, – since a private association cannot make requirements of Administrations. By the same token, it is difficult to comprehend how the Organization within the current legal framework could require all concerned Administrations to make their data available to a privately run and operated database. The BIC submission also fails to explain what responsibility, if any, participating Administrations would have for ensuring that the uploaded data is correct and up to date. We are very concerned that under the BIC proposal it would fall to container operators to verify the accuracy of their own data in the database. –It is fundamental that Administrations remain responsible for the accuracy and completeness of the data regarding its programmes in the database, otherwise we will find ourselves in the absurd situation where the regulated are, in effect, required to regulate the regulators. Similarly, the BIC submission leaves unanswered what steps, if any, should be considered if a container incorrectly is subjected to "holds" or restrictions due to incorrect and/or outdated data in the database. Nor does the submission provide detailed cost estimates, as requested by DSC 17, in order to facilitate discussion of this fundamental question at this session of the sub-Committee. An operating cost figure is mentioned in the submission, but there is no breakdown whatsoever which substantiates it. In our view it would set an unfortunate and unwelcome precedent for the Organization to endorse any commercial endeavour with such far reaching regulatory implications as the proposed database without an exhaustive breakdown of the costs involved. Lastly, while the submission does confirm that a BIC-operated database could include ACEP numbers for non-BIC members, it does not provide any concrete suggestion

* Statements have been included in this annex in the order in which they were given, sorted by agenda items, and in the language of submission (including translation into any other language if such translation was provided). Statements are available in all the official languages on audio file: http://docs.imo.org/Meetings/Media.aspx

as to whether it will and, if so, whether and how those parties will contribute to the costs of the database's operation. In conclusion, Mr. Chairman, while it is well-intentioned, we do not support the BIC submission, and believe that further analysis of the issue of public availability of ACEP data is needed. Consequently, we do not believe that any decision could reasonably be made by this meeting of the Sub-Committee on the basis on the submission before us.

ITEM 7

Statement by the delegation of Australia

Australia notes the decision of the sub-committee to delete the need to provide documentation and apply markings to Marine Pollutants code for packages containing a net quantity per single or inner packaging of 5 *l* or less for liquids or having a net mass of 5 kg or less for solids. These will no longer be subject to the IMDG code by virtue of changes to Chapter 2.10 of that code.

Australia do not agree with this diminution of safety in respect of the marine environment which limits the ability of the master to correctly stow and respond to, and report on, incidents related to Marine Pollutants as they will be unaware they are carried on board.

More critically Australia consider it inappropriate that the subcommittee change the intent of the application of Annex III of the MARPOL convention through a change to a subsidiary code noting that regulation 1.4 of Annex III notes that packages with residue remaining are to be treated as marine pollutants. It cannot be concluded from this that the wording of the convention envisaged packages of 5 litres, or a container load of packages of 5 litres, would be excluded from the requirements of Annex III and this should be considered by MEPC.