

IMO grows stronger teeth

A summary of the principal decisions impacting tanker shipping taken at the 77th Session of the IMO's Maritime Safety Committee.

The meeting focused on IMO's increasing policing role

All sessions of IMO's Maritime Safety Committee seem to be gatherings of critical importance these days. However, by any standards the 77th Session (MSC 77), held in London this past May 28-June 6, was a meeting of particular significance. In many of their key discussions delegates considered the possibility of entrusting IMO with greater powers for use in the drive for improved maritime safety. Two proposed initiatives, in particular, were discussed. First, IMO is being asked to become arbiter of the performance standards of flag states in meeting their obligations as signatories of IMO conventions. Secondly, MSC reviewed a new proposal that IMO should play a larger role in determining the standards to which new ships are built. The following paragraphs highlight the main tanker decisions taken at MSC 77.

IMO and goal-based ship standards

Bahamas and Greece proposed to the IMO Council at its 89th Session in November 2002 that IMO should extend its role by developing goal-based ship construction standards. The initiative was prompted by fears that the current modus operandi is open to abuse because shipyards can exert commercial pressure on classification societies to reduce scantlings and thus reduce ship steelweight.

MSC 77 agreed to forward its discussion on the proposals to the 90th Session of the Council on June 16-20 for its consideration in the context of the development of the Organization's Strategic Plan. The Council was also invited to include a new item on "Goal-based new ship construction standards" in the MSC work programme and place it on the agenda for MSC 78, scheduled for May 2004. Delegations have been invited to submit, to MSC 78, specific proposals on goal-based standards and design philosophy in order to clarify and define their meaning.

Discussions at MSC 77 focused on the contribution of the International Association of Classification Societies (IACS) to the enhancement of safety standards; whether there is a need for further improvements; and the complementary roles of IMO and IACS in the common effort to raise the technical standards of shipping and eliminate substandard ships.

While acknowledging the good overall maritime safety record that has been achieved, a considerable majority of the MSC 77 delegations nevertheless supported the Greece/Bahamas proposal. They agreed that IMO should commence a programme to devise basic goal-based standards for the design and construction of new ships, while continuing to draw on the experience, knowledge and expertise of IACS and others.

ESP amendments

MSC 77 adopted amendments to the Guidelines on the enhanced programme of inspections during surveys of bulk carriers and oil tankers, i.e. Resolution A.744(18). A new Appendix 3 has been added to Annex 12 of Annex B of the Guidelines, relating to the sampling method of thickness measurements for longitudinal strength evaluation and repair methods. The amendments are expected to enter into force on January 1, 2005.

Places of refuge

The MSC 77 discussion on the issue of places of refuge for ships in distress included consideration of two draft IMO Assembly resolutions. These comprised Guidelines on

places of refuge for ships in need of assistance and Guidelines on a Maritime Assistance Service (MAS), both prepared by the IMO Sub-committee on Safety of Navigation (NAV).

MSC 77 instructed the Sub-committee to take a number of points into consideration when finalising the draft resolutions at its upcoming July 2003 session (NAV 49). It also requested NAV 49 to submit the drafts to the IMO Legal Committee, which meets in October, prior to submission to the Assembly in November-December 2003. MSC 77 agreed to insert the following caveat in the draft Guidelines on places of refuge for ships in need of assistance: "These guidelines do not address the issue of liability and compensation for damage resulting from a decision to grant or deny a ship a place of refuge." An operative paragraph requesting the Legal Committee to consider, as a matter of priority, the Guidelines from its own perspective, including the provision of financial security to cover coastal state expenses and/or compensation issues, was also added.

Proposed IMO Model Audit Scheme

MSC 77 further considered the development of a proposed IMO Model Audit Scheme. Such a scheme would be designed to help promote maritime safety and environmental protection by assessing how effectively IMO member states implement and enforce relevant IMO convention standards, and by providing them with feedback and advice on their current performance.

The joint MSC/Marine Environment Protection Committee (MEPC)/Technical Cooperation Committee (TCC) working group on the voluntary IMO Model Audit Scheme met during MSC 77. MSC noted the group's progress in developing the following:

- the draft Framework for Member State Audits;
- the draft Procedures for Member State Audits;
- the list of substantive issues for the development of the scheme; and
- the draft workplan for the development of the scheme, in particular, the proposed establishment of a correspondence group and the convening of the joint MSC/MEPC/TCC working group before the June 2004 and June 2005 MSC meetings.

MSC 77 approved the report of the group as far as maritime safety and security matters were concerned, and invited the Council to take account of the progress being made.

Flag State Implementation Code

At its 11th Session in April 2003 the IMO Sub-committee on Flag State Implementation (FSI 11) had agreed that a new proposed draft Code for the implementation of IMO instruments (FSI Code) would play an important part in ensuring complete and uniform implementation of IMO standards by all stakeholders, i.e. flag states, port states and coastal states.

The FSI Code initiative follows a proposal to develop amendments to the Guidelines to assist flag states in the implementation of IMO instruments, i.e. Resolution A.847(20). Such amendments would introduce transparent criteria for proper implementation of IMO conventions by flag states and transform the Guidelines into a "FSI Code", to be made mandatory at a later stage.

MSC 77 endorsed, in principle, the view that the Code should apply to all stakeholders, i.e. flag, coastal and port states. There was also a need for compatibility between the proposed Code and the proposed Model Audit Scheme.