

MARITIME SAFETY COMMITTEE
100th session
Agenda item 3

MSC 100/3/2
26 September 2018
Original: ENGLISH

**CONSIDERATION AND ADOPTION OF AMENDMENTS
TO MANDATORY INSTRUMENTS**

Comments on document MSC 100/3

Submitted by IACS and the Secretariat

SUMMARY

Executive summary: After further review of the text, this document proposes modifications to the draft amendments to the 2011 ESP Code approved at MSC 99 with a view to adoption at this session

*Strategic direction,
if applicable:* Other work

Output: OW 2

Action to be taken: Paragraph 5

Related documents: MSC 99/22; MSC 100/3 and Circular Letter No.3848

Background

1 The Maritime Safety Committee, at its ninety-ninth session (MSC 99), approved draft amendments to the 2011 ESP Code, which were circulated in accordance with SOLAS article VIII to all IMO Members and Contracting Governments to the 1974 SOLAS Convention as Circular Letter No.3848, dated 30 May 2018, for consideration with a view to adoption at this session.

Discussion

2 During the preparation of the draft consolidated text of the ESP Code, which will be submitted to the Sub-Committee on Ship Design and Construction (SDC) for consideration at its sixth session (SDC 4/16, paragraph 9.5.2), a further review of the draft amendments to the 2011 ESP Code proposed for adoption at this session (MSC 100/3, annex) highlighted the following:

- .1 minor editorials were identified in the text in paragraphs 10, 18, 22, 24, 34, 37, 39, 41, 43, 45, 47, 49, 51, 80, 85, 87, 90, 103, 114, 121, 122, 220, 223, 225, 229, 249, 251, 254, 258, 269, 279, 283, 284, 286, 287, 289, 319, 329,

331, 373, 374, 385, 430, 435, 440, 455, 459, 468, 477, 502, 503, 508, 514, 517, 533, 541, 578, 616, 618, 644, 663, 677, 680, 745, 763, 764, 825, 827, 835, 872, 877 and 881. Many of these corrections replace the phrase "is to" by "are to", and vice versa, depending on the context referred to. Another example is changing "DWT" to "dwt";

- .2 that in the following paragraphs/sections of the 2011 ESP Code containing mandatory requirements, the word "should" needed to be aligned with the mandatory language used in the IACS Unified Requirement (UR) Z10 series:
 - .1 paragraph 4.2.3.3 of part A of annex A;
 - .2 paragraph 1.1.5, section 5.5 and paragraph 6.3.2 of part B of annex A;
 - .3 paragraphs 1.1.4, 2.1.3 and 2.1.6, section 5.5, and paragraph 6.1.3 of part A of annex B; and
 - .4 paragraphs 1.1.4 and section 5.5 of part B of annex B.
- .3 annex 13 to part A of annex B was inadvertently made recommendatory, except for appendix 3, which should be kept as recommendatory as per annex III of IACS UR Z10.4;
- .4 that recommendatory appendix 3 of annex 12 to part B of annex B was inadvertently made mandatory; and
- .5 some further specific modifications, as set out in the annex, were identified.

Proposals

3 Following the above discussion, it is proposed to instruct the Drafting Group on Amendments to Mandatory Instruments to:

- .1 correct minor editorials in paragraphs 10, 18, 22, 24, 34, 37, 39, 41, 43, 45, 47, 49, 51, 80, 85, 87, 90, 103, 114, 121, 122, 220, 223, 225, 229, 249, 251, 254, 258, 269, 279, 283, 284, 286, 287, 289, 319, 329, 331, 373, 374, 385, 430, 435, 440, 455, 459, 468, 477, 502, 503, 508, 514, 517, 533, 541, 578, 616, 618, 644, 663, 677, 680, 745, 763, 764, 825, 827, 835, 872, 877 and 881 of the annex to the draft MSC resolution (MSC 100/3, annex);
- .2 align paragraphs and sections of the 2011 ESP Code containing mandatory requirements (see paragraph 2.2 above) with the mandatory language used in IACS Unified Requirement (URs) Z10 series;
- .3 delete the footnote to the title of annex 13 to part A of annex B (paragraph 671 of the annex to the draft MSC resolution (MSC 100/3, annex)) and amend its language accordingly, replacing the word "should" with the phrase "is to" or "are to" in paragraphs 1.1, 1.2, 2 (not including the second word "should"), 2.1.1, 2.1.2, 2.2.1, 2.2.1.1, 2.2.1.2, 1 (appendix 1) and 8 (appendix 1);
- .4 amend the second sentence of paragraph 2 of annex 12 to part B of annex B and appendix 3 of this annex with non-mandatory language, correcting paragraph 873 and removing paragraphs 879 to 893 of the annex to the draft MSC resolution (MSC 100/3, annex); and

.5 consider further specific modifications, as set out in the annex, and advise the Committee accordingly.

4 IACS herewith confirms its readiness to provide the drafting group with proposals on how the editorials listed in paragraphs 2.1 to 2.5 should be corrected.

Action requested of the Committee

5 The Committee is invited to note the discussion in paragraph 2, consider the proposals in paragraph 3 and note the offer in paragraph 4; and take action, as appropriate.

ANNEX

DRAFT MODIFICATIONS TO THE DRAFT AMENDMENTS TO THE 2011 ESP CODE (MSC 100/3, ANNEX)¹

1 To improve its readability, paragraph 5.6.3 of part A of annex A (see paragraph 77 of the annex to the draft MSC resolution) should be further amended to read as follows:

"Surveys of tanks or applicable holds by means of boats or rafts ~~are may~~ only ~~to be~~ undertaken with the agreement of the surveyor, who is to take into account the safety arrangements provided, including weather forecasting and ship response under foreseeable conditions and provided the expected rise of water within the tank does not exceed 0.25 m."

2 In order to make correct reference to IACS CSR, the following corrections should be made:

- .1 footnote 7 in paragraph 110 should be corrected as "Chapter 13 ~~Section 3 of Chapter 3~~ of IACS CSR for Bulk Carriers or Chapter 13 ~~Section 3 of Chapter 3~~ of Part 1 of IACS CSR BC&OT.";
- .2 footnote 14 in paragraph 353 should be corrected as "Section 3 of Chapter 3 of IACS CSR for Bulk Carriers or ~~Section 3 of Chapter 3 Chapter 13~~ of Part 1 of IACS CSR BC&OT.";
- .3 footnotes 20 and 22 in paragraph 539 should be corrected as "Refer to paragraph ~~2.1.2.1~~ 1.4.2.1 of Section 12 of IACS CSR for Oil Tankers or Section 2 of Chapter 13 of Part 1 of IACS CSR BC&OT.";
- .4 footnote 21 in paragraph 539 should be corrected as "Refer to paragraph ~~2.1.2~~ 1.4.2 of Section 12 of IACS CSR for Oil Tankers or Section 2 of Chapter 13 of Part 1 of IACS CSR BC&OT."; and
- .5 the footnote number "20" of paragraph 8.2.2 of paragraph 539 should be replaced with "21".

3 To improve clarity, in paragraph 8.2.2 of part A of annex A (see paragraph 110 of the annex to the draft MSC resolution), and in paragraph 8.2.2 of part B of annex A (see paragraph 353 of the annex to the draft MSC resolution), the definition of t_m should be further amended to read as follows, respectively:

" t_m measured thickness, in mm, on one item, i.e. average thickness on one item using the various measurements taken on this same item during periodical ~~ships in service~~ surveys of ships in service."

4 To improve its comprehension, in section 5.3 of annex 5 of part A of annex A (see paragraph 160 of the annex to the draft MSC resolution), the text "where the firm failed to informed of any alteration referred to in 4 to the organization recognized by the Administration as required"; should be replaced with the text "where the firm failed to report to the organization recognized by the Administration any alteration referred to in 4, as required".

¹ Tracked changes are created using "strikeout" for deleted text and "grey shading" to highlight all modifications and new insertions, including deleted text.

5 Section 1.4.1 of part B of annex A (see paragraph 258 of the annex to the resolution), reference is inadvertently made to single side skin construction, when this part refers to double-side skin construction bulk carriers. Consequently, this text should be modified as follows:

"On bulk carriers of 20,000 tonnes deadweight (DWT) and above starting with renewal survey No.3, at renewal and intermediate hull surveys, the survey of hull structure and piping systems to which this Code applies is to be carried out by at least two exclusive surveyors of a recognized organization. ~~On bulk carriers of 100,000 DWT and above of single side skin construction at the intermediate hull survey between 10 and 15 years of age, the survey of hull structure and piping systems to which this Code applies is to be performed by at least two exclusive surveyors.~~"

6 Again, to improve readability, in section 12 of annex 4A to part B of annex A (see paragraph 378 of the annex to the draft MSC resolution), and in section 12 of annex 7A to part A of annex B (see paragraph 581 of the annex to the draft MSC resolution), and in section 12 of annex 6A to part B of annex B (see paragraph 795 of the annex to the draft MSC resolution), the first sentence should be further amended to read as follows respectively:

"This section of the survey programme is to, ~~using the tables provided below,~~ provide details of the hull damages for at least the last three years in way of the cargo holds, ballast tanks and void spaces within the cargo length area, ~~using the tables provided below.~~"

7 Again, to improve its comprehension, in paragraph 5.3 of annex 5 to part B of annex A (see paragraph 399 of the annex to the draft MSC resolution), the text "where the firm failed to informed of any alteration referred to in 4 to the organization recognized by the Administration as required"; should be replaced with the text "where the firm failed to report to the organization recognized by the Administration any alteration referred to in 4, as required".

8 To improve its readability, in annex 11B to part A of annex B (see paragraph 663 of the annex to the draft MSC resolution), note 3 to report TM1-DHT(CSR) should be further amended to read as follows:

"Measurements should be taken at the forward and aft areas of all plates ~~and where plates~~ cross ballast/cargo tank boundaries, separate measurements for the area of plating in way of each type of tank are to be recorded."
