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CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

Proposals on the draft amendments to the forms of Safety equipment certificate for cargo ships and Safety radio certificate for cargo ships and other forms

Submitted by Liberia, Panama and IACS

SUMMARY

Executive summary: This document proposes additional modifications to the forms of Safety equipment certificate for cargo ships and Safety radio certificate for cargo ships and other forms, in line with the draft amendments to SOLAS chapters III and IV, and its appendix (Certificates), as approved by MSC 104 for adoption at MSC 105; and seeks clarification of the Committee on the date by which the certificate should be reissued

Strategic direction, 2 if applicable:

Output: 2.10

Action to be taken: Paragraph 16

Related documents: NCSR 8/14/1/Add.2; MSC 104/12 and MSC 104/18, paragraph 12.7

Introduction

1 At MSC 104, IACS informed the Committee of its intention to submit a proposal to MSC 105 on an additional consequential amendment to the 1988 SOLAS Protocol to exclude the survey of radio installations used in life-saving appliances from the Cargo Ship Safety Equipment Certificate as a result of the relocation of the related requirements contained in SOLAS chapter III to SOLAS chapter IV (MSC 104/18, paragraph 12.7).

2 This document provides those additional consequential amendments to the appendix (Certificates) of the 1974 SOLAS Convention, concerning the modernization of the Global Maritime Distress and Safety System (GMDSS), which were approved at MSC 104 with a view towards adoption at MSC 105 (MSC 104/18, paragraph 12.6 and NCSR 8/14/1/Add.2, annex 2).

Discussion

The need for an additional amendment to the forms of Safety equipment certificate for cargo ships and Safety radio certificate for cargo ships

3 The draft amendments, among others, entirely remove the radio installation provisions for life-saving appliances from SOLAS regulation III/6.2, i.e. two-way VHF radiotelephone apparatus and search and rescue locating devices, and consolidate them into draft SOLAS regulation IV/7 "Radio equipment: General".

4 SOLAS regulation I/8(b)(i) does not refer to SOLAS chapter IV "Radiocommunications" and explicitly excludes radio installations for life-saving appliances from the scope of surveys of life-saving appliances and other equipment of cargo ships, as follows:

"Regulation 8

Surveys of life-saving appliances and other equipment of cargo ships

...

- (b) The surveys referred to in paragraph (a) shall be carried out as follows:
- (i) the initial survey shall include a complete inspection of the fire safety systems and appliances, life-saving appliances and arrangements except radio installations, the shipborne navigational equipment, means of embarkation for pilots and other equipment to which chapters II-1, II-2, III and V apply to ensure that they comply with the requirements of the present regulations, are in satisfactory condition and are fit for the service for which the ship is intended. ..."

5 At the same time, SOLAS regulation I/9(b)(i) includes the radio installations used in life-saving appliances in the scope of survey of radio installations of cargo ships, as follows:

"Regulation 9

Surveys of radio installations of cargo ships

...

- (b) The surveys referred to in paragraph (a) shall be carried out as follows:
- (i) the initial survey shall include a complete inspection of the radio installations of cargo ships, including those used in life-saving appliances, to ensure that they comply with the requirements of the present regulations;..."

6 However, the draft amendments to the appendix (Certificates) of the 1974 SOLAS Convention, as approved by MSC 104, do not propose to delete the wording "radio installation used in life-saving appliances" from section 2.3 of the form of Safety equipment certificate for cargo ships; it currently states the following:

"2 That the survey showed that:

...

- 2.3 the ship was provided with a line-throwing appliance and radio installations used in life-saving appliances in accordance with the requirements of the Convention;"

7 In this regard, it should be noted that section 2.2 of the existing form of Safety radio certificate for cargo ships already refers to the functioning of the radio installations used in life-saving appliances as follows:

- "2 That the survey showed that:
...
2.2 the functioning of the radio installations used in life-saving appliances complied with the requirements of the Convention;"

8 Based on the discussion in paragraphs 3 to 7, it is the view of the co-sponsors that section 2.3 of the form of Safety equipment certificate for cargo ships should be amended to delete the wording "and radio installation used in life-saving appliances", and, as a consequence, to insert the verification of "provision" of radio installations used in life-saving appliances in section 2.2 of the form of Safety radio certificate for cargo ships.

Clarification on the date by which the certificates are to be re-issued

9 The co-sponsors understand that the amendments to SOLAS chapter IV, and to the corresponding parts of the 1994 and 2000 HSC Codes, the 1983 and 2008 SPS Codes and the 1979, 1989 and 2009 MODU Codes do not bring substantive changes to the radio installations on existing ships, as they are introduced mostly to accommodate any new future technologies or the existing arrangements by generalizing, modifying and/or relocating the expressions therein.

10 Therefore, it is considered that the re-writing of SOLAS chapter IV (including the changes made to SOLAS chapter III), and the corresponding parts of subsidiary IMO instruments, falls into the case of paragraph 3.1 of MSC-MEPC.5/Circ.6 on *Guidance on the timing of replacement of existing certificates by the certificates issued after the entry into force of amendments to certificates in IMO instruments*, as follows:

"3 Both Committees agreed to approve the following guidance with regard to the replacement of existing certificates by the certificates issued after the entry into force of amendments to certificates in all IMO instruments (such as the Load Lines Convention, the SOLAS Convention and the MARPOL Conventions and codes made mandatory under these Conventions):

- .1 in cases where the ship has not to comply with new requirements, the certificate (and its supplement, if any) is not re-issued until its expiry; ...".

Proposals

11 To address the points made in paragraphs 3 to 8, the co-sponsors propose that section 2.3 of the form of Safety equipment certificate for cargo ships be amended as shown below*, and as illustrated in annex 1 to this document:

- "2.3 the ship was provided with a line-throwing appliance ~~and radio installations used in life-saving appliances~~ in accordance with the requirements of the Convention;"

* Here and throughout the document, the tracked changes are indicated using "strikeout" for deleted text and "grey shading" to highlight all modifications and new insertions, including deleted text.

12 Furthermore, it is proposed that section 2.2 of the form of Safety radio certificate for cargo ships be amended as follows, and as illustrated in annex 2 to this document:

"2.2 the provision and functioning of the radio installations used in life-saving appliances complied with the requirements of the Convention;"

13 In addition, it would be prudent to make similar changes to the forms of Safety certificate for passenger ships and Safety certificate for cargo ships, as shown in annexes 3 and 4 of this document.

14 Similarly, although the Special Purpose Ship Safety Certificate is not mandatory, it is still recommended to make similar changes to the form of Safety certificate for special purpose ships, as shown in annex 5 to this document.

15 Regarding the discussion in paragraphs 9 and 10, it is suggested that the Committee confirm in its report the understanding of the co-sponsors that the amendments to SOLAS chapters III and IV, and other IMO instruments, related to the modernization of the GMDSS, to be adopted or approved at this session, do not require the re-issuance of the relevant certificates until their expiry date, in accordance with the provisions of MSC-MEPC.5/Circ.6, paragraph 3.1.

Action requested of the Committee

16 The Committee is invited to consider the proposals in paragraphs 11 to 15, including the proposed additional modifications set out in the annexes, and take action as appropriate.

ANNEX 1

**DRAFT MODIFICATIONS TO THE FORM OF SAFETY EQUIPMENT CERTIFICATE
FOR CARGO SHIPS**

(RELEVANT PART ONLY)

"...

THIS IS TO CERTIFY:

- 1 That the ship has been surveyed in accordance with the requirements of regulation I/8 of the Convention.
- 2 That the survey showed that:
 - 2.1 the ship complied with the requirements of the Convention as regards fire safety systems and appliances and fire control plans;
 - 2.2 the life-saving appliances and the equipment of lifeboats and rescue boats were provided in accordance with the requirements of the Convention;
 - 2.3 the ship was provided with a line-throwing appliance ~~and radio installations used in life-saving appliances~~ in accordance with the requirements of the Convention; ..."

ANNEX 2

**DRAFT MODIFICATIONS TO THE FORM OF SAFETY RADIO CERTIFICATE
FOR CARGO SHIPS**

(RELEVANT PART ONLY)

"...

THIS IS TO CERTIFY:

- 1 That the ship has been surveyed in accordance with the requirements of regulation 1/9 of the Convention.
- 2 That the survey showed that:
 - 2.1 the ship complied with the requirements of the Convention as regards radio installations;
 - 2.2 the **provision and** functioning of the radio installations used in life-saving appliances complied with the requirements of the Convention.
- 3 That an Exemption Certificate has/has not³ been issued. ..."

ANNEX 3

**DRAFT MODIFICATIONS TO THE FORM OF SAFETY CERTIFICATE
FOR PASSENGER SHIPS**

(RELEVANT PART ONLY)

"...

THIS IS TO CERTIFY:

- 1 That the ship has been surveyed in accordance with the requirements of regulation I/7 of the Convention.
- 2 That the survey showed that:
 - 2.1 the ship complied with the requirement of the Convention as regards:
 - .1 the structure, main and auxiliary machinery, boilers and other pressure vessels;
 - .2 the watertight subdivision arrangements and details;
 - .3 the following subdivision load lines:

Subdivision load lines assigned and marked on the ship's side amidships (regulation II-1/18) ⁴	Freeboard	To apply when the spaces in which passengers are carried include the following alternative spaces
P1		
P2		
P3		

- 2.2 the ship complied with part G of chapter II-1 of the Convention using as fuel/N.A.¹;
- 2.3 the ship complied with the requirements of the Convention as regards structural fire protection, fire safety systems and appliances and fire control plans;
- 2.4 the life-saving appliances and the equipment of lifeboats, liferafts and rescue boats were provided in accordance with the requirements of the Convention;
- 2.5 the ship was provided with a line-throwing ~~appliance and radio installations used in life saving appliances~~ in accordance with the requirements of the Convention;
- 2.6 the ship complied with the requirements of the Convention as regards radio installations;
- 2.7 the ~~provision and~~ functioning of the radio installations used in life-saving appliances complied with the requirements of the Convention;..."

ANNEX 4

**DRAFT MODIFICATIONS TO THE FORM OF SAFETY CERTIFICATE
FOR CARGO SHIPS**

(RELEVANT PART ONLY)

"...

THIS IS TO CERTIFY:

- 1 That the ship has been surveyed in accordance with the requirements of regulations I/8, I/9 and I/10 of the Convention.
- 2 That the survey showed that:
 - 2.1 the condition of the structure, machinery and equipment as defined in regulation I/10 was satisfactory and the ship complied with the relevant requirements of chapter II-1 and chapter II-2 of the Convention (other than those relating to fire safety systems and appliances and fire control plans);
 - 2.2 the ship complied with part G of chapter II-1 of the Convention using _____ as fuel/N.A. ⁴;
 - 2.3 the last two inspections of the outside of the ship's bottom took place on _____ and _____(dates);
 - 2.4 the ship complied with the requirements of the Convention as regards fire safety systems and appliances and fire control plans;
 - 2.5 the life-saving appliances and the equipment of the lifeboats, liferafts and rescue boats were provided in accordance with the requirements of the Convention;
 - 2.6 the ship was provided with a line-throwing appliance ~~and radio installations used in life-saving appliances~~ in accordance with the requirements of the Convention;
 - 2.7 the ship complied with the requirements of the Convention as regards radio installations;
 - 2.8 the ~~provision and~~ functioning of the radio installations used in life-saving appliances complied with the requirements of the Convention; ..."

ANNEX 5

**DRAFT MODIFICATIONS TO THE FORM OF SAFETY CERTIFICATE
FOR SPECIAL PURPOSE SHIPS**

(RELEVANT PART ONLY)

"...

THIS IS TO CERTIFY:

- 1 That the ship has been surveyed in accordance with the provisions of 1.6 of the Code.
- 2 That the survey showed that:
 - 2.1 the ship complied with the provisions of the Code as regards:
 - .1 the structure, main and auxiliary machinery, boilers and other pressure vessels; and
 - .2 the watertight subdivision arrangements and details;
 - 2.2 the ship complied with the provisions of the Code as regards structural fire protection, fire safety systems and appliances and fire control plans;
 - 2.3 the life-saving appliances and the equipment of the lifeboats, liferafts and rescue boats were provided in accordance with the provisions of the Code;
 - 2.4 the ship was provided with a line-throwing appliance ~~and radio installations used in life-saving appliances~~ in accordance with the provisions of the Code;
 - 2.5 the ship complied with the provisions of the Code as regards radio installations;
 - 2.6 the ~~provision and~~ functioning of the radio installations used in life-saving appliances complied with the provisions of the Code; ..."
