

SUB-COMMITTEE ON CARRIAGE OF  
CARGOES AND CONTAINERS  
1<sup>st</sup> session  
Agenda item 3

CCC 1/3/XX  
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## **AMENDMENTS TO CSC 1972 AND ASSOCIATED CIRCULARS**

### **Development of an ACEP Database**

**Submitted by the International Chamber of Shipping (ICS) and  
World Shipping Council (WSC)**

#### **SUMMARY**

*Executive summary:* This document identifies a number of outstanding issues regarding the proposed ACEP Database that require clarification by the Organization

*Strategic direction:* 5.2

*High-level action:* 5.2.3

*Planned output:* 5.2.3.1

*Action to be taken:* Paragraph 10

*Related documents:* CCC/1/3; DSC 18/4; DSC 18/13; MSC 93/22

#### **Introduction**

1 This document is submitted in accordance with the provisions of paragraph 6.12.5 of MSC-MEPC.1/Circ.4/Rev.2 on the *Guidelines on the Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* and provides comments on CCC 1/3 on the Development of and ACEP Database.

2 During DSC 18 ICS, WSC and a number of other industry organisations expressed concerns with respect to the proposed ACEP database, highlighting a number of issues which the industry believes need to be answered to ensure that the ACEP Database can meet its stated objective of being a globally applied, and accepted, information resource to both Administrations and industry regarding existing ACEP Programmes

3 As stated in previous industry interventions, the failure of Administrations to provide publically available and accessible information regarding ACEP programmes in accordance with their obligations under the CSC Convention is deeply concerning. This failure deprives

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both Administrators and industry of an important tool to monitor and ensure the validity of ACEP Programmes and the containers which they cover. Whilst the proposals of BIC for a privately administered database to facilitate the public provision of this information have highlighted this significant shortfall in compliance with the CSC Convention, there are still a number of issues that will require clarification by the Organization if the proposed database is to offer an improvement on the current status quo and serve as a tool by which Administrations can meet their statutory obligations under the CSC Convention.

### **Data Accuracy and Accountability**

4 Although CCC 1/3 identifies that the Administration or its appointed competent authority will be solely responsible for the entry of ACEP data into the database, as well as the processes by which they will be notified of relevant developments, it does not address the fundamental question of how to ensure that Administrations make their data available in the database. While it is understood that BIC cannot provide any assurances in this regard, and that only the Organization is able to do so, presently it is not clear how those Parties that at present do not meet their obligations under the CSC Convention would be compelled to comply under the future database. Concrete assurances need to be provided through the Organization that Administrations will commit to make their data available in the database. Furthermore, consideration should be given to how failures to provide regular accurate information will be addressed by the Organization. It is essential that this question is answered if the database is to be shown to be fit for purpose and a better alternative to the current situation as mandated under the Convention, and industry will not be unfairly penalised for the failure of other parties to meet their obligations.

5 It also remains unclear how it will be ensured that an Administration remains responsible for the accuracy and completeness of the data entered into the database regarding its ACEP programmes. Similarly it is uncertain what role, if any, the container owner or operator will have in ensuring information in the database is correct and kept up to date, and what means will be available for them to report errors. Inaccuracies, incomplete and/or incorrect data in the ACEP Database can have significant operational and cost implications for container owners or operators, and it is therefore important for the Sub-Committee to provide assurances that, even though the data is hosted by a third party running the database, responsibility for the accuracy of data lies with those who provide it.

6 Furthermore, clarity is required as to the procedures to be followed in cases where inaccuracies in database entries result in the application of restrictions or penalties against a container owner or operator. As stated above, clarity is required that liability for these inaccuracies lies with the party that has entered the data. A failure to provide such clarity on this issue could see container owners and operators charged not only to provide an information platform for Administrations to meet their obligations under the Convention but, furthermore, in paying charges and administrative costs in the event that they are penalised due to the failures of those who are responsible for the provision of the data.

### **Costing**

7 Detailed cost estimates for the running of the database have still not been provided for scrutiny. DSC 18/4 states “annual operating costs not exceeding the cost of hosting it on a server (around 1000 euros) and the cost of one quarter of a support post at the BIC an estimated total of 20,000 euros per year”, but these figures are solely estimates, and no breakdown has ever been provided as to how the figures were arrived at, nor how they account for fluctuations in future operating costs caused by e.g. decreases in BIC membership or market changes in hosting rates.

8 It is noted that assembly resolution A.28/Res.1062 includes as a criteria for the inclusion of an unplanned output in the Organizations biennial agenda: "Has the analysis of the issue sufficiently addressed the cost to the maritime industry as well as the relevant legislative and administrative burdens?": Whilst this decision postdates the initial introduction of the BIC proposal to DSC, it would seem illogical for a proposal with long-term cost implications for industry to be accepted by the Organization without accurately addressing what the costs to the maritime industry will be. Any such analysis of those costs should, furthermore, detail whether non-BIC members will help defray the costs of the database given that their data can be uploaded to it and, if so, what mechanism will be applied to enable this contribution.

### **Conclusion**

9 Whilst it is clear that the Sub-Committee and its parent body desire to see the ACEP Database proposal taken forward, it remains the case that fundamental questions with respect to its operation remain in need of clarification through the Organization. Pushing the proposal forward without providing answers to these issues runs the risk of the database being unable to meet its stated objective, resulting in complications for all parties involved and increased expense for the BIC members who will fund its operation. As such it is imperative that answers are provided to ensure that the Organization, Administrations and the maritime industry are fully appraised of the dynamics of the proposal.

### **Action requested of the Committee**

10 The Sub-Committee is invited to consider the issues identified and take action as appropriate.

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