

MARITIME SAFETY COMMITTEE
90th session
Agenda item 25

MSC 90/25/18
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WORK PROGRAMME

Comments on the proposal for a clarification to SOLAS regulation V/27

Submitted by the International Chamber of Shipping (ICS)

SUMMARY

<i>Executive summary:</i>	This document comments on document MSC 90/25/14 by Australia et al. proposing a new unplanned output that offers a clarification to SOLAS regulation V/27
<i>Strategic direction:</i>	5.2
<i>High-level action:</i>	5.2.4
<i>Planned output:</i>	No related provisions
<i>Action to be taken:</i>	Paragraph 12
<i>Related documents:</i>	Resolutions A.817(19) and MSC.232(82); MSC 90/10/1 and MSC 90/25/14

1 This document comments on document MSC 90/25/14 by Australia et al. and is submitted in accordance with the provisions of paragraph 6.12.5 of MSC-MEPC.1/Circ.4 on "Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies".

Introduction

2 MSC 90/25/14 proposes a new unplanned output that includes an amendment to SOLAS regulation V/27, Nautical Charts and Nautical Publications, through the provision of footnotes to provide guidance on the use of electronic nautical publications and to clarify the term "adequate and up to date".

Compelling need

3 The co-sponsors of MSC 90/25/14 highlight that, although guidance exists in SN.1/Circ.266/Rev.1 regarding the importance of maintaining ECDIS software, there is no regulatory requirement for ship operators to update ECDIS systems already in use at sea.

4 ICS agrees that a particular compelling need has been established and recognizes that there should be a mechanism to ensure that ECDIS software updates should be developed, made readily accessible and are applied. The compelling need is highlighted in the case of identified anomalies referenced in document MSC 90/10/1.

Scope of the proposal

5 Document MSC 90/25/14 proposes the introduction of three new footnotes into SOLAS regulation V/27. ICS is concerned that, although a compelling need has been established to resolve issues such as ECDIS anomalies, the proposed footnotes include a number of vague terms that may not sufficiently address the compelling need and might also introduce unintended and unanticipated consequences.

6 Proposed footnote 1. states, "*where electronic nautical publications are carried, they shall be readily accessible at all times by the use of a computer on the bridge dedicated to navigational tasks. Adequate backup arrangements shall be provided in the event the primary electronic means becomes unavailable*".

ICS seeks clarification regarding the term "*a computer dedicated to navigational tasks*". It is particularly unclear whether the intention is to specify that a computer is to be used solely for nautical publications or whether the computer could be a component of the ship's ECDIS or, alternatively, whether a computer on the bridge that is used for bridge administrative tasks would be acceptable. Furthermore, the requirement for an adequate backup is also vague. The proposed footnote 1. introduces a requirement for a backup for nautical publications; however, SOLAS regulation V/27 does not itself require a backup for these documents. Should such a requirement be established, it would raise the question of whether all SOLAS required publications will need to have "*adequate backup*".

7 Proposed footnote 2. states, "*where ECDIS is used to meet the chart carriage requirements, adequate implies that all necessary nautical charts (of appropriate scale) for the intended voyage are available on board. Up-to-date charts are electronic nautical charts of the latest available edition as corrected by official updates and conform to [IMO implemented] IHO standards*".

ICS has concern that the proposed footnote would seek to effectively amend the existing performance standard for ECDIS in resolution MSC.232(82) that states: "*When the relevant chart information is not available in the appropriate form, ... some ECDIS equipment may operate in the Raster Chart Display System (RCDS) mode.*" ICS notes that, where there are gaps in the provision and quality of ENCs, the proposed footnote 2. would technically restrict navigation in these areas of ENC deficiency. The prohibition of the use of RCDS charts, in such areas, would therefore have serious consequences for the safety of navigation.

8 Proposed footnote 3. states, "*ECDIS hardware, software and the electronic nautical charts must comply with applicable and relevant standards as promulgated by IMO from time to time*".

ICS questions whether hardware should be referenced in this SOLAS footnote as there is no SOLAS requirement to periodically update hardware (equipment). Furthermore, there has been no compelling need established to justify the inclusion of such a de facto requirement. ICS also considers the use of the term, in this footnote, "*from time to time*" is an additional vague expression and that further clarification is required.

Implications to the maritime industry

9 The co-sponsors of document MSC 90/25/14 state that there will be no additional cost or administrative burden to the maritime industry. ICS, however, considers that the unjustified inclusion of a de facto "hardware" (equipment) requirement would result in an unintended but significant cost for the replacement and upgrade of ECDIS. Although compliant with the existing Performance Standard in resolution A.817(19) or MSC.232(82),

an ECDIS might not meet new "*applicable and relevant standards as promulgated by the IMO from time to time*". Once again, this is a vague term that could lead to unintended and unanticipated consequences. ICS also considers that the likelihood of software updates being provided without any additional cost to the industry is low; therefore, advice in document MSC 90/25/14 that there will be no additional cost or administrative burden to the maritime industry is again challenged.

10 ICS supports the proposal for a new unplanned output that will offer clarification to the regulatory requirements for nautical charts and nautical publications. ICS, however, does not support the proposed amendments to facilitate these necessary clarifications.

Proposal

11 It is proposed that the new unplanned output is approved; however, the proposed amendments by Australia et al. in document MSC 90/25/14 should not be approved without further detailed consideration. It is also proposed that any other SOLAS amendment that may be proposed under this output should be carefully considered in order to avoid introducing new unjustified requirements, vague expressions and unintended consequences.

Action requested of the Committee

12 The Committee is invited to consider the proposal in paragraph 11 and decide, as appropriate.
