

SUB-COMMITTEE ON SHIP DESIGN AND  
CONSTRUCTION  
7th session  
Agenda item 6

SDC 7/6/4  
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**MANDATORY INSTRUMENT AND/OR PROVISIONS ADDRESSING SAFETY  
STANDARDS FOR THE CARRIAGE OF MORE THAN 12 INDUSTRIAL PERSONNEL ON  
BOARD VESSELS ENGAGED ON INTERNATIONAL VOYAGES**

**Comments on document SDC 7/6/1**

**Submitted by Vanuatu and ICS**

**SUMMARY**

*Executive summary:* This document comments on the report of the Correspondence Group on Carriage of more than 12 Industrial Personnel (IP) on board Vessels engaged on International Voyages, particularly on the terms of reference for the working group, if re-established, and proposes some amendments thereto in order to ensure that an outstanding issue previously identified by the Sub-Committee is addressed during the finalization of the draft new SOLAS chapter [XV] and draft new IP Code

*Strategic direction,  
if applicable:* 2

*Output:* 2.4

*Action to be taken:* Paragraph 15

*Related documents:* MSC 96/25; MSC 97/22; SDC 5/7, SDC 5/WP.4, SDC 5/15; MSC 99/22; MSC 101/24; SDC 6/WP.4, SDC 6/13; SDC 7/6 and SDC 7/6/1

**Background**

1 This document is submitted in accordance with the provisions of paragraph 6.12.5 of the *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.1) and provides comments on the report of the Correspondence Group on Carriage of more than 12 Industrial Personnel (IP) on board Vessels engaged on International Voyages.

2 The Sub-Committee, at its sixth session (4 to 8 February 2019), re-established the Correspondence Group on Carriage of more than 12 Industrial Personnel on board Vessels engaged on International Voyages, under the coordination of Norway (SDC 6/13, paragraph 6.29). The report of the Correspondence Group was submitted to the seventh session of the Sub-Committee as document SDC 7/6/1 (Norway).

3 The purpose of this document is to comment on the terms of reference for the working group (SDC 7/6/1, paragraph 21) and to propose some amendments thereto in order to ensure that an outstanding issue, previously identified by the Sub-Committee, is addressed during the finalization of the draft new SOLAS chapter [XV] and draft new IP Code.

## Discussion

4 The co-sponsors have observed that the development of the draft new IP Code has a complex history, both in terms of how it evolved as an output and with regard to the decisions that have shaped the development of the draft new SOLAS chapter [XV] and draft new IP Code.

5 The co-sponsors have identified that two problems have persistently posed a challenge for progress on the draft new SOLAS chapter [XV] and draft new IP Code:

- .1 There has been some inconsistency and confusion about the basis for the requirements in the draft new SOLAS chapter [XV] and draft new IP Code, such as whether the provisions should be based on requirements in the SPS Code or requirements for cargo ships in SOLAS, for example:
  - .1 MSC 96 agreed that the draft new IP Code "should be based on the 2008 SPS and the 2000 HSC Codes" (MSC 96/25, paragraph 7.11.2); and
  - .2 then MSC 99 agreed that "the application of the new SOLAS chapter [XV] and the new Code should be limited to ships holding Cargo Ship Safety Certificates" (MSC 99/22, paragraph 10.17.2);
- .2 There has been some inconsistency and confusion about the application of the draft new SOLAS chapter [XV] and draft new IP Code, such as whether the application should be based on the number of IP being carried or an aggregated number of persons on board, for example:
  - .1 MSC 96 agreed that "the number of industrial personnel being transported should be the basis for applying the new SOLAS requirements" (MSC 96/25, paragraph 7.4.3); and
  - .2 then MSC 99 agreed that "the aggregated total maximum number of passengers, industrial personnel and special personnel which may be carried on board in order not to require compliance with the new Code should be 12" (MSC 99/22, paragraph 10.17.1).

6 Despite the recent decision and clarification on the above issues that was provided by the Committee at MSC 101 (MSC 101/24, paragraphs 12.14 and 12.17), which confirmed its decision at MSC 99 (MSC 99/22, paragraph 10.17), the co-sponsors have identified that the underlying issue behind the two problems is that:

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- .1 there is already a complex regulatory framework of IMO instruments that affects ships engaged in offshore industrial activities and which are being applied by Administrations, such as the 2006 OSV Guidelines, the 2008 SPS Code and 2009 MODU Code; and
  - .2 there is considerable diversity in the types of ships involved in offshore industrial activities that transport or accommodate IP, including platform supply vessels (PSV), service operation vessels (SOV) and light construction vessels (LCV).

7 The co-sponsors note that this complexity and diversity were recognized during the development of the *Interim Recommendations on the safe carriage of more than 12 industrial personnel on board vessels engaged on international voyages* (resolution MSC.418(97)), which:

- .1 provide that "Industrial personnel may be carried on board ships meeting the provisions of the 2008 SPS Code or other standards, providing they meet an equivalent level of safety acceptable to the Administration, taking into consideration the number of persons on board" (resolution MSC.418(97), annex, paragraph 6); and
- .2 "INVITES Member States, until such time that the mandatory instrument for the carriage of industrial personnel enters into force, to: [...] apply the annexed Interim Recommendations when regulating ships, regardless of size, carrying more than 12 industrial personnel" (resolution MSC.418(97)).

8 However, the aforementioned *Interim Recommendations*, by definition, only recognize and address the issue until such time that the new SOLAS chapter [XV] and new IP Code enter into force. As such, it remained for the SDC Sub-Committee, specifically its relevant working and correspondence groups, to continue to recognize the complexity and diversity and to establish a permanent solution within the draft new SOLAS chapter [XV] and draft new IP Code.

9 The co-sponsors note that the need to develop a permanent solution has been raised on several occasions. However, it was agreed that the issue should be considered at a later stage of development, for example:

- .1 the Correspondence Group, in its report to SDC 5, indicated that it had "agreed that some kind of grandfathering should be considered at a later stage of the development of the IP Code and associated SOLAS amendments" (SDC 5/7, paragraph 9); and
- .2 SDC 5 endorsed the view that "the new code shall apply to ships regardless of date of construction, taking into account that, in the context of the 1974 SOLAS Convention, as amended, there are no existing ships carrying industrial personnel and some kind of grandfathering should be considered at a later stage of the development, with a view to addressing ships currently transporting industrial personnel based on the provisions of the *Interim Recommendations on the safe carriage of more than 12 industrial personnel on board vessels engaged on international voyages* (resolution MSC.418(97))" (SDC 5/15, paragraph 7.6.3).

## Analysis

10 The co-sponsors consider that, since it is anticipated that the draft new SOLAS chapter [XV] and parts I to IV of the draft new IP Code might be finalized at this session, they must be sufficiently mature to consider that their development is at a "later stage". Therefore, it would be expected that the "some kind of grandfathering" should be considered and developed at this session.

11 When considering a permanent solution at this session, the co-sponsors would like to remind the Sub-Committee of the context for this important discussion:

- .1 ships are already safely transporting and accommodating IP;
- .2 ships are already permitted to engage in the carriage of IP by Administrations under the *Interim Recommendations* issued by the Organization; and
- .3 ships already engaged in the carriage of IP, as permitted by Administrations under the *Interim Recommendations*, are certified in accordance with existing IMO instruments, as applied by those Administrations.

12 The co-sponsors recognize that, in the context of SOLAS, under which the new IP Code will be made mandatory by the new SOLAS chapter [XV], there can be no "existing ships carrying industrial personnel". It is understood that it was for this reason that SDC 5 "noted that partial grandfathering could be necessary" and that "the extent of the grandfathering in relation to operational requirements and equipment versus construction and design requirements will be further considered in the development of the draft new code" (SDC 5/15, paragraph 7.13).

13 The co-sponsors have submitted these comments to remind the Sub-Committee of the need to address the previous agreement on providing "some kind of grandfathering" for ships where Administrations have applied the *Interim Recommendations*.

## Proposal

14 The co-sponsors propose that the Sub-Committee, if it decides to re-establish the working group, amends its terms of reference to:

- .1 ensure that finalization of the draft new SOLAS chapter involves careful consideration of developing "some kind of grandfathering" for ships where Administrations have applied the *Interim Recommendations*:
  - ".1 finalize the draft new SOLAS chapter [XV], including provisions to establish the grandfathering of ships where Administrations have applied the *Interim Recommendations*;" and
- .2 ensure that finalization of parts I to IV of the draft IP Code involves identification of the requirements applicable to "new ships" (i.e. those constructed after an agreed date on or after entry into force) and identification of the requirements which could be applicable to ships where Administrations have applied the *Interim Recommendations*:
  - ".2 finalize parts I to IV of the draft IP Code, including identification of the requirements which could be applicable to ships where Administrations have applied the *Interim Recommendations*."

**Action requested of the Sub-Committee**

15 The Sub-Committee is invited to note the comments provided in paragraphs 4 to 13 above and the proposal in paragraph 14 and take action, as appropriate.

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