

## WORK PROGRAMME

### Comment on the proposal for a revision of resolution A.486(XII) on Recommendation on the use of adequately qualified Deep-Sea Pilots in the North Sea, English Channel and Skagerrak

Submitted by Singapore, Liberia, Marshall Islands, International Chamber of Shipping (ICS) and Cruise Lines International Association (CLIA)

#### SUMMARY

<i>Executive summary:</i>	This document comments and seeks clarification on a proposal in MSC 90/25/2 by Austria <i>et al</i> for the inclusion of an unplanned output to revise resolution A.486(XII) to include an additional annex detailing factors to be taken into account when considering the use of a deep-sea pilot.
<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 15
<i>Related documents:</i>	Resolution A.486(XII), MSC 90/25/2

1. This document comments on MSC 90/25/2 by Austria *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 90/25/2 proposes the revision of Resolution A.486(XII) which was adopted in 1981 and recommends the use of adequately qualified deep-sea pilots in the North Sea, English Channel and Skagerrak. It is proposed to update the annex with the details of competent authorities and in addition a new additional annex is proposed detailing factors to be taken into account when considering the use of a deep-sea pilot.

#### Scope of proposal

3. The co-sponsors support the revision of the Resolution to ensure that the list of competent authorities is up to date and can support the proposed amendments to the deep-sea pilot's Identity Card. The co-sponsors however, have concerns regarding the proposed additional annex and the justification provided in MSC 90/25/2.

## **Need or Compelling Need**

4. MSC 90/25/2 does not establish that there is a Need or Compelling Need for the new additional annex. The statement that, '*Deep-sea pilotage substantively contributes to the safety of navigation in the North Sea, English Channel and Skagerrak*', on its own and without the provision of information or supporting evidence does not demonstrate a compelling need.

## **Analysis of the Issues Involved**

5. Paragraph 7 of MSC 90/25/2 advises that the use of deep-sea pilots is low as an estimated 2000 vessels use the service a year, compared to the estimated 80,000 vessels that transit the straits each year. It is unclear what value this information adds, if statistics of accidents or navigational incidents in the areas were provided this would allow for a more informed analysis of the issues involved. The co-sponsors consider that the information provided is subjective and that a full analysis of the issue has not been presented. Furthermore, seeking to increase the number of deep-sea pilots used based on advice that they are employed by only a small proportion of shipping does not itself justify an increased use of the service.

## **Cost to the maritime industry**

6. Paragraph 8 states that there will be no additional costs to the maritime industry. It is unlikely that deep-sea pilotage will be offered free of charge to shipping companies and therefore the statement in this paragraph is questioned.

## **Benefits which would accrue from the proposal**

7. Paragraph 10 suggests that there will be an '*enhancement of the effectiveness of the Bridge Team for the safety of navigation and the protection of the marine environment*'. No supporting evidence is provided to prove that this will be the case.

## **Do adequate Industry Standards exist?**

8. The co-sponsors of MSC 90/25/2 consider there are no industry standards available, however, the co-sponsors note that there are several industry best practice documents that address this subject, and in particular the ICS Bridge Procedures Guide provides established and widely recognised guidance to industry.

## **Do the benefits justify the Proposed Action?**

9. The justification for the proposed action in paragraphs 9 and 17 that '*the proposed revision does not introduce any further legislative or administrative burden*', does not in the view of the co sponsors constitute a justification for the proposal. The co-sponsors believe that proposals should not be adopted just because there is no anticipated extra legislative or administrative burden.

## **Comments on the content of Annex to MSC 90/25/2**

10. MSC 90/25/2 proposes a new annex for the Resolution titled, '*Factors to be taken into account when considering the use of a Deep-Sea Pilot*'. The co-sponsors express concern regarding the apparent purpose of the annex, and consider the content to be subjective.

11. The co-sponsors have the following comments on the content of the proposed Annex 1:

- The proliferation of navigational hazards, such as oil/gas installations and offshore renewable energy installations;

Consideration of these factors should always be carried out in any area of operation and the presence of navigational hazards or offshore installations should be addressed during passage planning. Locations of such hazards should be advised to shipping through hydrographic offices, notices to mariners, navigational warnings and other sources. It would be a matter of considerable concern if deep-sea pilots received preferential or exclusive knowledge of any navigational hazards or known installations.

- The possibility of adverse weather conditions and/or poor visibility;

The presence of a deep-sea pilot will not stop adverse weather or poor visibility, in addition the *International Regulations for the Preventing of Collisions at Sea* clearly set out the actions required of a ship in poor visibility. The function and perceived benefit of carrying a deep-sea pilot during such conditions, as referenced in MSC 90/25/2, is therefore unclear.

- Port rotation schedule requirements;

Port scheduling arrangements would have little impact on an assessment to determine if a deep-sea pilot is required. The pilot cannot be a member of the ship's crew and his or her presence will not relieve the Master of the responsibility for safe navigation. The argument that a deep-sea pilot's presence on board will relieve the Master and crew from navigational watches and their associated responsibilities is not supported as this would contravene numerous international regulations.

- The availability of Vessel Traffic Services in the areas to be transited.

Coverage of VTS for areas under the current Resolution are well established, the North Sea, English Channel and Skagerrak all have comprehensive VTS services. The presence or otherwise of a deep-sea pilot has no bearing on the provision of such services.

The IMO agreed definition of a VTS is "*a service implemented by a competent authority, designed to improve the safety and efficiency of vessel traffic and to protect the environment. The service should have the capability to interact with the traffic and to respond to traffic situations developing in the VTS area*". The co-sponsors would be concerned if proposals were approved that appeared to suggest the need for a deep-sea pilot in order for a ship to communicate with and receive advice from VTS.

### **Training and Certification**

12. When considering the use of a deep-sea pilot it is reasonable for an operator to take into account the training, experience and certification requirements for deep sea pilots. The proposed new annex to MSC 90/25/2 proposes, '*factors to be taken into account when considering the use of a deep-sea pilot*', if the annex is to be adopted it would be prudent to include a consideration of the services available including the training and certification requirements of deep-sea pilots. Training and certification of deep-sea pilots might also be considered by the STW Sub-Committee.

### **Proposal**

13. It is proposed that the Resolution is revised to include appropriate details of Competent Authorities; however, it is recommended that the additional proposals made in MSC 90/25/2, taking into account the analysis above, are not approved.

14. It is also proposed that the STW Sub-Committee consider the training and certification requirements for deep-sea pilots and furthermore if the Committee agrees to the inclusion of the additional annex it is further proposed that the additional annex include only Factors 1, 3 and 7 from Annex 1 of MSC 90/25/2, with an additional Factor, to address, *'Training, experience and certification of deep-sea pilots'*.

**Action requested of the Committee**

15. The Committee is invited to support the proposal in paragraph 13 that the Resolution is revised to bring its content up to date. Should however, the Committee supports the inclusion of the new annex proposed in MSC 90/25/2 consideration is requested of the proposal in paragraph 14.