

MARITIME SAFETY COMMITTEE
110th session
Agenda item 16

MSC 110/16/2
14 April 2025
Original: ENGLISH
Pre-session public release: ☒

CARRIAGE OF CARGOES AND CONTAINERS

Proposal for a clarification to the draft Revised Recommendations for entering enclosed spaces aboard ships

Submitted by Germany, ICS and WSC

SUMMARY

Executive summary: This document proposes a necessary clarification of paragraph 3.2 of the draft Revised Recommendations for entering enclosed spaces aboard ships, before adoption by MSC 110, in order to ensure its alignment with SOLAS and relevant mandatory Codes.

*Strategic direction,
if applicable:* 6

Output: 6.15

Action to be taken: Paragraph 10

Related document: MSC 110/16

Introduction

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.5), taking into account the draft amendments to MSC-MEPC.1/Circ.5/Rev.5 approved at MSC 109; and provides comments on paragraph 3.2 of document MSC 110/16 (Secretariat).

Background

2 CCC 10 agreed to the draft Revised Recommendations for entering enclosed spaces aboard ships (hereinafter referred to as "draft Revised Recommendations"), as set out in annex 5 of the report of CCC 10 (CCC 10/16), for submission to MSC 110 for adoption.

3 The co-sponsors thank all those who contributed to the development of the draft Revised Recommendations, which is in the crucial interest of significantly improving human safety in enclosed space operations.

4 While agreeing to the draft Revised Recommendations, the Sub-Committee noted, among others, a statement by the delegation of Denmark concerning paragraph 3.2 of the draft Revised Recommendations, which was supported by Germany, ICS and WSC. This discussion is noted in the report of CCC 10 (paragraphs 8.20 and 8.21 of document CCC 10/16). The issue of concern that was expressed in CCC 10 is summarily presented in the paragraphs below.

Problem

5 Paragraph 3.2 of the draft Revised Recommendations currently reads:

"3.2 The company should ensure that the shipper has provided all relevant information relating to the hazards of the cargo to the master or his representative as required by the IMSBC Code, the IMDG Code, the IBC Code and the IGC Code, as applicable. The information should be in a format that is understandable to the ship's crew and distributed to those on board who may be exposed to these hazards".

6 While the term "company" is not defined within the draft Revised Recommendations, it is understood to mean, as per the International Safety Management (ISM) Code: the owner of the ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the shipowner and who on assuming such responsibility has agreed to take over all the duties and responsibility imposed by the Code (commonly referred to as the "ISM company").

7 The co-sponsors understand that the intention of paragraph 3.2 is to recommend that, once the shipper has complied with its obligation to provide the required information, the company should ensure that this information is passed onto the ship's crew and those on board, who may be exposed to the relevant hazards. Indeed, this understanding would be in line with SOLAS regulation VI/2, which reads: "[...] the shipper shall provide the master or his representative with appropriate information on the cargo sufficiently in advance of loading to enable the precautions which may be necessary for proper stowage and safe carriage of the cargo to be put into effect". Similarly, it would be in line with the provisions of the various Codes under SOLAS, for example:

- .1 5.4.1.1.1 of the IMDG Code, which reads "[...] the consignor who offers dangerous goods for transport shall give to the carrier the information applicable to those dangerous goods, including any additional information and documentation as specified in this Code";
- .2 4.2.1 of the IMSBC Code, which reads: "The shipper shall provide the master or their representative with appropriate information on the cargo sufficiently in advance of loading to enable the precautions which may be necessary for proper stowage and safe carriage of the cargo to be put into effect."; and
- .3 the provisions of 16.2 of the IBC Code and other parts of the relevant Codes under SOLAS which follow the same philosophy.

8 However, the literal meaning of paragraph 3.2 incorrectly places this obligation on the company, rather than shipper, as required by SOLAS and the relevant Codes. Not only would this be in misalignment with these mandatory requirements, but it would also be impracticable, as the ISM company cannot possibly ensure that the shipper complies with its own obligations, due to the fact that the shipper is an entity outside of the ISM company's control.

Proposal

9 The co-sponsors propose to amend slightly the text in paragraph 3.2, in order to deliver correctly its intention and to avoid the risk of application of the Revised Recommendations in a manner that is against SOLAS and the relevant Codes. The proposed text clarification is as follows below.

Current draft text (provided in clean version)

"3.2 The company should ensure that the shipper has provided all relevant information relating to the hazards of the cargo to the master or his representative as required by the IMSBC Code, the IMDG Code, the IBC Code and the IGC Code, as applicable. The information should be in a format that is understandable to the ship's crew and distributed to those on board who may be exposed to these hazards".

Proposed clarification to the current draft text

(~~crossed-out text~~ indicates proposed deletion; the text in grey shading indicates proposed addition)

"3.2 The company should ensure that ~~the shipper has provided~~ all relevant information relating to the hazards of the cargo, ~~to the master or his representative as required by~~ as submitted by the shipper in accordance with the applicable requirements of SOLAS regulation VI/2, the IMSBC Code, the IMDG Code, the IBC Code and the IGC Code, ~~as applicable.~~ is provided ~~The information should be~~ in a format that is understandable to the ship's crew and distributed to those on board who may be exposed to these hazards".

Action requested of the Committee

10 The Committee is invited to consider the proposed clarification of the current draft text, as provided in paragraph 9, in order to ensure that the text is aligned with SOLAS and the relevant Codes, prior to adoption, and take action, as appropriate.