

SUB-COMMITTEE ON CARRIAGE OF
CARGOES AND CONTAINERS
11th session
Agenda item 10

CCC 11/10/4
16 July 2025
Original: ENGLISH
Pre-session public release: ☑

DEVELOPMENT OF MEASURES TO PREVENT THE LOSS OF CONTAINERS AT SEA

Double reporting of containers lost or drifting at sea

Submitted by ICS, WSC and BIC

SUMMARY

Executive summary: This document refers to the determination by the Legal Committee at its 112th session (LEG 112) that any reporting made pursuant to the new SOLAS requirements on the loss or observation of freight containers drifting at sea would not satisfy the reporting obligations under the Nairobi International Convention on the Removal of Wrecks, 2007. There is a real risk of the imposition of a double reporting requirement on the master for containers lost or drifting at sea. This runs counter to the Organization's long-standing efforts to avoid all forms of double reporting. It is therefore proposed that the working group on measures to prevent loss of containers, should it be established, be instructed to consider the matter of double reporting of containers lost or drifting at sea, and make recommendations to the Sub-Committee on a possible way forward to prevent such double reporting.

*Strategic direction,
if applicable:* 7

Output: 7.20

Action to be taken: Paragraph 14

Related documents: MSC 108/20; LEG 112/16; MSC 110/2/Rev.1 and CCC 11/10

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.6), and comments on document CCC 11/10 (Denmark and Netherlands (Kingdom of the)), containing the report of the Correspondence Group on Development of Measures to Prevent the Loss of Containers at Sea, Revision of MSC.1/Circ.1353/Rev.2 and Development of Performance Standards and Guidelines for Lashing Software.

Background

2 At its 108th session the Maritime Safety Committee (MSC) noted that the Marine Environment Protection Committee (MEPC) at its eighty-first session had adopted amendments to article V of Protocol I of MARPOL concerning revised reporting procedures for the loss of containers by resolution MEPC.384(81), which referred to the reporting requirements under SOLAS regulations V/31 and V/32. The alignment of reporting of containers lost or drifting at sea under SOLAS and MARPOL originated from a proposal to avoid double reporting in such incidents as set out in document CCC 8/11/1 (Australia et al.). Thus, through concurrent decisions by MSC and MEPC, double reporting under two IMO Conventions was avoided.

3 In furtherance of this very objective, MSC 108 invited the Legal Committee to consider the question of whether any reporting made pursuant to the new SOLAS requirements under regulations V/31 and V/32 on the loss or observation of freight containers drifting at sea adopted by resolution MSC.550(108) also satisfied the reporting obligations under the Nairobi International Convention on the Removal of Wrecks, 2007 (Nairobi WRC) (MSC 108/20, paragraph 3.11).

4 At its 112th session, the Legal Committee, having noted that some of the reporting requirements under SOLAS and the Nairobi WRC were materially different, concluded that any reporting made pursuant to the new SOLAS requirements under regulations V/31 and V/32 on the loss or observation of freight containers drifting at sea adopted by resolution MSC.550(108) would not satisfy the reporting obligations under the Nairobi International Convention on the Removal of Wrecks, 2007 (LEG 112/16, paragraphs 10.12 to 10.14).

Discussion

5 The conclusion by LEG 112 means that, effective from 1 January 2026 when the new SOLAS requirements under regulations V/31 and V/32 take effect, the master will be required to undertake double reporting for the same incidents involving containers lost or drifting at sea, one report pursuant to the SOLAS/MARPOL requirements and a separate report pursuant to Nairobi WRC.

6 The Correspondence Group on Development of Measures to Prevent the Loss of Containers at Sea and Revision of MSC.1/Circ.1353/Rev.2 and Development of Performance Standards and Guidelines for Lashing Software has come to the same conclusion (CCC 11/10, annex 1, point 1.6).

7 Establishing or maintaining double reporting requirements contradicts the Organization's steadfast efforts to avoid all forms of double reporting and to facilitate the maximum reuse by authorities of information provided by industry parties, using to the greatest extent possible maritime single windows*.

8 The Secretariat has most helpfully, in document LEG 112/10/4, provided an overview of the reporting requirements under SOLAS and under the Nairobi WRC, respectively.

* Refer, for example, to the annex to the Convention on Facilitation of International Maritime Traffic, standards 1.3*quin* and 1.3*sext*.

9 It would, *prima facie*, appear that the differences in the reporting requirements and the associated data elements between the two instruments, for the purposes of reporting wrecks in the form of containers lost or adrift at sea, not ships, should not be insurmountable. After all, reports under the Nairobi WRC are intended to enable the affected state to determine whether the wreck poses a hazard in accordance with article 6 thereof, and the relevant reports under SOLAS, which fall under chapter V, "safety of navigation", have the same or similar purpose. This strengthens even further the need for alignment and avoidance of the need for the master to provide overlapping reports for the loss of containers during a distress situation, where the primary concern should be the protection of life at sea. It should also be recalled that some of the data elements set out in the Nairobi WRC may not, and contrary to the situation involving ship wrecks, be available at the time of the reporting of containers lost or drifting.

10 For example, article 5(2) (chapeau) of the Nairobi WRC requires the provision of "the name and the principal place of business of *the registered owner*" (emphasis added), where "registered owner" is defined to effectively mean the owner of the ship. Under SOLAS regulation V/32, the identity of the reporting ship shall be provided using the IMO number, name, call sign or MMSI. Provision of the IMO number in GISIS can be used to identify the owner of the ship and its business address, and therefore, this would seem to be one of the points where the apparent difference between the two Conventions can be bridged.

11 Another example is that article 5(2) in the Nairobi WRC requires the "precise location of the wreck". While this data element would seem possible to provide for ship wrecks, in many, if not most, instances of containers lost overboard, the (estimated) location will be that of the ship when the containers were lost or when the loss was discovered, not that of the lost container. This is reflected in SOLAS regulation V/32, paragraph 3.1.2.

Proposal

12 In line with the Organization's efforts to avoid double reporting, which have already been partly achieved through the alignment of SOLAS and MARPOL requirements, it is proposed that the working group on measures to prevent the loss of containers at sea, if established during CCC 11, be instructed, among others to, taking into account the comparison of data elements as set out in document LEG 112/10/4, consider the matter of double reporting of containers lost or drifting at sea, and make recommendations to the Sub-Committee on a possible way forward to prevent such double reporting.

13 In this regard, the working group could consider, for example, whether MSC should be invited to take joint action with LEG for the purposes of avoiding double reporting of containers lost and drifting at sea, as was similarly done with MEPC, and in accordance with the rules, practices and policies of the Organization and its Committees.

Action requested of the Sub-Committee

14 The Sub-Committee is invited to consider the proposal in paragraph 12, and take action, as appropriate.