

MARITIME SAFETY COMMITTEE
102nd session
Agenda item 7

MSC 102/7/6
24 March 2020
Original: ENGLISH
Pre-session public release:

GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS

Comments on document MSC 102/7/5

Submitted by ASEF and CESA

SUMMARY

Executive summary: This document comments on document MSC 102/7/5 (China and IACS) and provides recommendations for consideration by the Committee

Strategic direction, if applicable: Other work

Output: OW 7

Action to be taken: Paragraph 8

Related documents: MSC 102/7/5; MSC.1/Circ.1247, MSC.1/Circ.1500/Rev.1; MSC-MEPC.5/Circ.8 and Circular Letters Nos.4203, 4204 and 4204/Add.1

Introduction

1 This document is submitted in accordance with 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 comments on the Unified interpretation of SOLAS regulation II-1/3-10 concerning the term "unforeseen delay in delivery of ships" (MSC 102/7/5).

2 Document MSC 102/7/5 (China and IACS) includes a draft MSC circular concerning the unforeseen delay in the delivery of ships under the SOLAS regulation II-1/3-10. The co-sponsors are of the view that document MSC 102/7/5 provides a timely and practical solution to deal with the issues on application of goal-based standards (GBS) for the time being and could be taken forward to conduct further discussions on unforeseen delay in delivery of ships under SOLAS as the issue, though profoundly affecting China, is also affecting the shipbuilding industry in other countries that may need to abide by the GBS requirements.

Discussion

Impacts of COVID-19

3 Due to the outbreak of COVID-19, a number of port States, flag States and shipbuilding countries have been enforcing emergency countermeasures such as personnel quarantines and transport restrictions, which bring significant impacts to shipping and shipbuilding activities. The co-sponsors are of the view that the introduced countermeasures for reasons of public health, either regionally or nationally, pose difficulties for shipping and shipbuilding companies to a variable extent, relating to restricted access to shipyards and ports for crews, workers, inspectors, auditors and surveyors which could result in unforeseen delays of scheduled maritime activities. As indicated in IMO Circular Letter No.4204/Add.1, the enforcement and implementation of some provisions in IMO instruments may be affected.

4 The co-sponsors note the difficulties in resuming formal production in shipyards and related supply chains globally and the risks associated with SOLAS regulation II-1/3-10 as introduced in document MSC 102/7/5. At the current stage, it is a fact that shipyards in certain areas will have some ships being delivered after 1 July 2020 due to such unforeseen delays. The co-sponsors consider that it is necessary to clarify the application scheme of SOLAS regulation II-1/3-10 with the view to ensure satisfactory implementation of GBS in unforeseen circumstances.

Unified interpretation of unforeseen delay in delivery of ships

5 The co-sponsors note that SOLAS regulation II-1/3-10 was developed based on the "three dates" criteria, as contained in document MSC.1/Circ.1500/Rev.1. Regarding the application of the "three dates" criteria, MSC-MEPC.5/Circ.8 provides a Unified Interpretation explaining it and referring to unforeseen delay in delivery of ships in paragraph 3.3 with the footnotes in MSC.1/Circ.1247 and MARPOL Annex I Unified Interpretation.

6 When interpreting the application scheme of provisions, particularly with respect to unforeseen delays in ships' delivery, the contexts and wordings in MSC.1/Circ.1247 and MARPOL Annex I Unified Interpretation 4 are in line with and complementary to each other. Therefore, the co-sponsors believe that the concepts and principles reflected in these two documents, in terms of unforeseen delays in ships' delivery, provide for a harmonized application regime under SOLAS and MARPOL and can be applied to SOLAS regulation II-1/3-10. Considering that the draft MSC circular proposed in document MSC 102/7/5 is harmonized with the above, the co-sponsors fully support this proposal.

Recommendations

7 The co-sponsors welcome Circular Letters Nos.4203 and 4204 issued by the Organization on COVID-19 as very timely and practical guidance to the maritime industry for protecting human health and ensuring the sustainable development of shipping. Bearing in mind the above, the co-sponsors recommend the following for consideration by the Committee:

- .1 to approve the proposal in document MSC 102/7/5 and issue the circular, considering the urgency of enforcing SOLAS regulation II-1/3-10; and
- .2 to annex the above-mentioned circular to further circular letters on COVID-19, if any, with the aim of informing stakeholders, including flag States, port States and companies, of the application of SOLAS regulation II-1/3-10 in the context of unforeseen delay in the delivery of ships and to implement it accordingly.

Action requested of the Committee

8 The Committee is invited to consider the comments and recommendations above and to take action, as appropriate.
