# Correspondence Group on Safe Mooring Operations

**\*Consolidated comments following Round 3\***

**Revised 23rd August 2017**

 **TOR 1, Draft revised SOLAS regulation II-1/3-8**

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**ANNEX 1**

**DRAFT REVISED SOLAS REGULATION II-1/3-8**

1 This regulation applies to **[**all**]** ships constructed on or after 1 January 2007.

UK: *does not think the word “all” before ships is necessary. Unless it is otherwise qualified, “ships constructed on or after”… means “all ships constructed on or after”*

OCIMF: Remove square brackets around [all]

Germany: The output agreed by MSC 95 was “Revised SOLAS regulation II-1/3-8 and associated guidelines (MSC.1/Circ.1175) and new guidelines for safe mooring operations for **all** ships”. To stay consistent with the wording used in the instructions from MSC, Germany supports retaining the word “all”.

Marshall Islands: Remove square brackets around “all”.

Italy: Is of the view to keep the word [all].

The Nautical Institute: We have no specific comments on this TOR, however we would align ourselves with ICS and others that Human Centred Design is a more appropriate consideration throughout

ICHCA: Remove square brackets.

Japan: Supports to delete the word [all]. As defined in SOLAS II-1/1.1.3.2, the expression *all ships* means ships constructed before, on or after 1 January 2009. The expression *all ships is not appropriate in the paragraph 1.*

Australia: Chapeaux - remove square brackets and retain the word “all”. These requirements` are meant to be for all ships.

IACS: “All ships” is proposed to be replaced with “all types of ships to which this chapter applies unless specified otherwise and”.

US: Delete “[all]” (because it might create confusion with the term “all ships” as defined in SOLAS Reg II-1/1.3.2).

Coordinators remark: In general it is supported to retain “all”.

.1 Paragraphs 5 and 6 additionally apply to ships constructed on or after 1 January 2024.

OCIMF: Would prefer to see the date of 1 Jan 2024 moved forward to 1 Jan 2020.

Italy: Prefers the date of 1 Jan 2024.

ICHCA: 2024 is too late, come forward as early as can be agreed but certainly no later than 2020.

Coordinators remark: There is no common position for which reason the date has been put in square brackets.

.2 This regulation does not apply to towing arrangements provided in accordance with regulation 3-4.

.3 For the purpose of this paragraph, the expression ship constructed on or after [date of entry into force] means:

Marshall Islands: Including subparagraphs – agree with removing all square brackets.

Italy: Supports “48 months”.

INTERTANKO: 1.3.3 –Three Years would be our choice

ICHCA: Is guided by those with greater knowledge of what is achievable with such amendments but would recommend three years.

Australia: Delete 48 months and keep three years.

US: We have no preference with respect to the in-force period (3 years or 48 months).

.1 for which the building contract is placed on or after [date of entry into force]; or

.2 in the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or after [date of entry into force] plus 6 months; or

.3 the delivery of which is on or after [date of entry into force] plus [[three years]/[48 months]].

OCIMF: We suggest Three Years.

 Marshall Islands: Support three years.

Finland: With regard to the option three years or 48 months in 1.3.3, our preference is conditional to the decision of entry into force, if 1 jan 2020, we support 48 months in order to synchronize with the SOLAS 4-year cycle, if 1 jan 2024 is chosen, then we support “three years”. Although we would support 1.1.2020, we find the adoption timeline tight.

Coordinators remarks: Squarebrackets in .3 can be removed. As to the date three years seems to be the preferred option.

2 Ships shall be provided with arrangements, equipment and fittings of sufficient safe working load **[and mooring lines of sufficient working load limit]** to enable the safe conduct of all towing and mooring operations associated with the normal operation of the ship;

Norway: Will taking in [and mooring lines of ...] change the existing requirement, and is this part of the ToR1 ?

UK: The definition of mooring equipment in Guideline section 2 includes mooring lines. The UK believes this is the correct approach, in order that the whole range of mooring equipment including lines is considered as a complete system.

The words “sufficient working load limit” are used here, but in the Guideline the term “line design breaking force” is used. There should be consistency in terminology between the regulation and the guideline.

BIMCO: Ships shall be provided with mooring arrangements, equipment and fittings of sufficient safe working load [and mooring lines of sufficient working load limit].

BIMCO believes that the text in brackets will be confusing the debate for the individuals who will be required to execute this activity. We therefore do not support the text.

*Mooring arrangements, equipment[, ~~and~~] fittings [and lines] provided in accordance with paragraph..*

The text in brackets is brackets is supported as lines are part of the system.

OCIMF: Suggest text in square brackets is changed to ‘and mooring lines with the appropriate MBLSD’ Further we suggest a reference to MEG is made here to guide the reader to the definition, or include the definition:

For Clarity to the CG the definition is below and OCIMF is not suggesting this definition included as footnote:

MBLSD - The minimum breaking load of new, dry, mooring lines for which a ship’s mooring system is designed, to meet environmental restraint criteria restraint requirements. The MBLSD is the core parameter against which all the other components of a Ship’s mooring system are sized and designed, with defined tolerances.

Germany: There should be consistency between the SOLAS regulation and the guidelines. In the guidelines, the lines are included in equipment. So Germany proposes to delete the text in square brackets and to insert “including lines” after the word equipment.

Proposed text:

*2 Ships shall be provided with ~~mooring~~ arrangements, equipment* ***including lines*** *and fittings of sufficient safe working load* ***~~[and mooring lines of sufficient working load limit]~~*** *to enable the safe conduct of all towing and mooring operations associated with the normal operation of the ship;*

China: Suggest deleting the text in the brackets, the regulation should focus on the arrangement and equipment for towing and mooring operation, the arrangement and equipment should be suitable for the chosen mooring line, but whether the working load limit of mooring line is sufficient should not be regulated here.

SIGTTO: To avoid inconsistencies, suggest text in square brackets is changed to ‘and mooring lines with the appropriate MBLSD’, we support the OCIMF suggestion to reference MEG here.

Marshall Islands: Remove square brackets, but “sufficient working load limit” should be replaced with “minimum breaking load ship design” or “MBLSD” with an appropriate footnote defining the term.

ICS: Whilst not objecting to the inclusion of a reference to mooring lines, ICS prefers the more appropriate reference to MBLSD as the basis for selection.

Italy: Supports the suggestion made by OCIMF to modify the text in the “*and mooring lines with the appropriate MBLSD*”.

Moreover, as already highlighted by OCIMF, also Italy suggests inserting a reference to MEG in the guide in way to allow all parties involved in the operations to have the definition of the MBLSD, or include the definition in the guidelines as indicated by OCIMF.

INTERTANKO: Square bracket not acceptable, consider using the same language and definitions as in the guidelines (MBLSD).

ICHCA: Suggest text is changed to “and mooring lines with the appropriate MBL(SD) and would support OCIMF reference to MEG if this is allowed, if not at least a footnote and the term itself should be clearly defined.

Finland: We support replacing in point 2 “sufficient working load limit” with “minimum breaking load ship design (MBLSD)”.

Japan: There are no provisions which require to provide lines on ships in current SOLAS Convention. Due consideration is needed regarding adding “lines.”

Japan is of the view that the definition working load limit should be clarified.

Australia: Delete text inside the square brackets – we should keep it generic to cover both mooring and towing lines, mooring lines are included in arrangements, equipment and fittings.

IACS: Additional requirements should not be added unless it is made clear that they will not be retroactive. It should be observed that with the current setup of the Regulation any non-editorial amendment inserted in this paragraph has impact on ships already constructed in compliance with the existing SOLAS REGULATION II-1/3-8.

Furthermore, as in the recently revised IACS Recommendation No. 10, the method of choosing mooring lines is based on several assumed conditions, it only provides guidance on minimum recommended mooring lines. Even more, individual calculations to determine necessary mooring lines are subject to many assumptions. Thus, neither the Administration nor Class should approve whether mooring lines of sufficient working load limit were selected. Next to this, it would hardly be possible to implement a unified level of acceptance.

US: The square-bracketed references to mooring lines are unnecessary (because mooring lines are part of a ship’s equipment for normal mooring operations) and should be deleted. The original SOLAS texts of paragraphs (2) & (3) are adequate and need not be changed.

Coordinators remarks: In general there seems to be little support to change the current SOLAS text on this point just as an amendment may have impacts on existing ships as pointed out by IACS. Accordingly text in square brackets has been deleted. To accommodate the requests to underline that lines are part of the equipment the UK and German proposal has been included in square brackets.

3 Arrangements, equipment, fittings [and lines] provided in accordance with paragraph 2 above shall meet the appropriate requirements of the Administration or an organization recognized by the Administration under regulation I/6;\* and

UK: As explained under paragraph 2; “including lines” rather than “and lines”.

OCIMF: Remove square brackets around [and lines]

Germany: As in paragraph 2, Germany proposes to delete the text in square brackets and to insert “including lines” after the word equipment.

Proposed text:

*~~a~~****A****rrangements, equipment* ***including lines****[, ~~and]~~ fittings* ***~~[and lines]~~*** *provided in accordance with paragraph 2 above shall meet the appropriate requirements of the Administration or an organization recognized by the Administration under regulation I/6;\* and*

China: Whether this requirement is retroactive should be specified.

SIGTTO: Remove square brackets and retain text “and lines”.

Marshall Islands: Remove square brackets.

ICHCA: Remove square brackets.

Japan: There are no provisions which require to provide lines on ships in current SOLAS Convention. Due consideration is needed regarding adding “lines.”

Australia: Delete “all lines” inside square brackets – for the same reason as in paragraph 2.

IACS: Additional requirements should not be added unless it is made clear that they will not be retroactive. It should be observed that with the current setup of the Regulation any non-editorial amendment inserted in this paragraph has impact on ships already constructed in compliance with the existing SOLAS REGULATION II-1/3-8

US: The square-bracketed references to mooring lines are unnecessary (because mooring lines are part of a ship’s equipment for normal mooring operations) and should be deleted. The original SOLAS texts of paragraphs (2) & (3) are adequate and need not be changed.

Coordinators remarks: To be consistent with paragraph 2, “Including lines” has been added in square brackets just as text has been slightly adjusted.

4 Each fitting or item of equipment provided under this regulation shall be clearly marked with any **[**restrictions /**Limitation]** associated with its safe operation, taking into account the strength of the supporting ship's structure and its attachment to it **[\*]**.

Norway: [restrictions / limitations]: ‘Limitations’ is more precise and a more recognized term.. at the same time as ‘restrictions’ is the original wording in the regulation.

UK: Each fitting or item of equipment provided under this regulation shall be clearly marked with any limitation associated with its safe operation…”

OCIMF: Suggest ‘Limitations’

Germany: Supports the term “limitation”.

The footnote referring to MSC.1/Circ.1175 in square brackets should be deleted, the reference to this non-mandatory guidance in Paragraph 3 seems to be sufficient.

Marshall Islands: Remove square brackets around “restrictions/limitations”, support “limitations.” It is not clear that the \* is required at the end of sentence.

ICS: Reference to limitations or restrictions is acceptable. However there is no requirement for the “\*” at the end. It may be unnecessary to refer to MSC.1/Circ.1175 and MSC.1/Circ.1175/rev.1 in any paragraph other than paragraph 3. Paragraph 4 can be complied with without the need to refer to specific guidance.

“4 Each fitting or item of equipment provided under this regulation shall be clearly marked with any **limitations** associated with its safe operation, taking into account the strength of the supporting ship's structure and its attachment to it.”

Italy: Supports the suggestion of the OCIMF and Marshall Islands to change the word “*restriction*” with “*limitations*” that it is considered less vague.

ICHCA: Prefer ”limitations.

Finland: We support “limitation” in point 4. (Note our observation in 6.1).

Australia: Support “restrictions”, so delete “limitations”.

IACS: Propose to stick with “restrictions” to not amend this paragraph unless absolutely necessary.

US: Revert to original SOLAS text:

Delete “/limitation” (the term “restriction” has been in use +10 years without problem)

Delete “and its attachment to it” and the asterisk footnote (these are redundant).

Coordinators remarks: The preferred option seems to be “limitations”. Also it is proposed to delete the reference to the “\* footnote”.

5 For ships of 3,000 gross tonnage and above the design of the mooring arrangement and the selection of appropriate mooring equipment shall be based on guidelines developed by the Organization\*\*, to **[ensure safe mooring operation including occupational health and safety during mooring operations and whilst the vessel remains berthed].**

Denmark: The text in square brackets should be maintained. (The current text however should be rearranged so that this text i moved forward i.e.: ………..*the mooring arrangement and the selection of appropriate mooring equipment shall* **ensure safe mooring operation including occupational health and safety during mooring operations and whilst the vessel remains berthed. It** shall be based on guidelines developed by the Organization\*\*)

UK: The words “to ensure safe mooring operation” are not needed.

OCIMF: Remove square brackets; however, the term ‘Occupational Health’ will require a discussion at SDC as there can be varying definitions of the phrase. Alternatively, and more appropriately we support the view proposed by ICS that a Human Centered Design is most appropriate.

Germany: The term “safe mooring operations” is used twice in the proposed text in square brackets. Germany proposes to delete the words “safe mooring operation including” after the word “ensure” and retain the rest of the text in square brackets

Proposed text:

5 For ships of 3,000 gross tonnage and above the design of the mooring arrangement and the selection of appropriate mooring equipment shall be based on guidelines developed by the Organization\*\*, to **~~[~~ensure ~~safe mooring operation including~~ occupational health and safety during mooring operations and whilst the vessel remains berthed~~]~~.**

SIGTTO: Remove square brackets. However, we agree with ICS that the term “occupational health” is not clear and needs further consideration.

Marshall Islands: For Given that the purpose of this regulation is already addressed in paragraph 2, we do not feel the text in the square brackets is necessary and can be deleted. However, we can support replacing the text that is in square brackets with the text proposed by ICS regarding the promotion of human centered design.

ICS: Remains concerned by the reference to “occupational health”. It does not appear to be appreciated that occupational health is a significant matter which covers many aspects of a work environment and working conditions which are outside the scope of a regulation in SOLAS chapter II-1. Furthermore, it is a term not defined in SOLAS chapter II-1 and there is the potential for unintended consequences of defining the term specifically in the context of this work. ICS **would strongly urge** that paragraph 5 is reconsidered. For example, by amending the text to read either:

“5 For ships of 3,000 gross tonnage and above the design of the mooring arrangement and the selection of appropriate mooring equipment shall be based on guidelines developed by the Organization\*\*.”

Or:

“5 For ships of 3,000 gross tonnage and above the design of the mooring arrangement and the selection of appropriate mooring equipment shall be based on guidelines developed by the Organization\*\* **in order to promote human centered design of mooring arrangements**.”

Italy: On this item, Italy supports the comment made by OCIMF.

INTERTANKO: Instead of occupational health, consider using wordings like Human Centered Design

ICHCA: ”Occupational Health” is better than ”Health” but this requires further discussion and MSC.1/Circ.1394 ”Generic Guidelines for Developing IMO Goal Based Standards” which can be used as a reference document where we are in doubt uses the term ”SAFETY” which is defined as the ”absence of unacceptable levels of risk to life, limb and health (from unwilful acts) and should be sufficient for our purposes, can be duly referenced in our text and is already accepted in IMO docs and furthermore can cut through a lot of needless debate.

Finland: We would support the text as proposed in point 5, and remove square brackets, in order to provide consistency with similar requirements in other instruments, i.e. MLC2006 quoted here under:

*Maritime Labour Convention, 2006*

***Regulation 4.3 – Health and safety protection and accident prevention***

*Purpose: To ensure that seafarers’ work environment on board ships promotes*

*occupational safety and health*

1. Each Member shall ensure that seafarers on ships that fly its flag are provided

with *occupational health* protection and live, work and train on board ship in a

safe and hygienic environment.

2. Each Member shall develop and promulgate national guidelines for the management

of *occupational safety and health* on board ships that fly its flag, after consultation

with representative shipowners’ and seafarers’ organizations and taking into

account applicable codes, guidelines and standards recommended by international

organizations, national administrations and maritime industry organizations.

Australia: Support text inside square bracket, so remove square brackets.

IACS: It is proposed to simplify the sentence as “…to ensure occupational health and safety during mooring operations and whilst the vessel remains berthed.”

US: Delete the square-bracketed text (because the overall purpose of the regulation is already expressed in paragraph (2)).

Coordinators remarks: In general the text in square brackets seems supported however in a simplified form. The text by IACS seems to accommodate this purpose. As to the preferred term “occupational health and safety” or “Human Centered Design” these alternatives has been put in square brackets.

6 Ships of less than 3,000 gross tonnage [shall/should] comply with the requirement in paragraph 5 above as far as reasonable and practicable, or with applicable national standards of the Administration which provide an equivalent level of safety.

UK: In a regulation, the word “shall” is appropriate. This is sufficiently qualified by “as far as reasonable and practicable.”

The term “as far as reasonable and practicable appears in different forms in the guidelines (“as far as possible”, “as far as practicable”, “as far as reasonably practicable”). There should be consistent usage. The term in UK legislation is “so far as is reasonably practicable”, but “as far as reasonable and practicable” would also be clear.

OCIMF: For ships less than 3,000 gross tonnage we suggest ‘should’ comply as much as practicable.

Germany: In the view of Germany, the term “shall” should be used in SOLAS regulations.

Marshall Islands: Since this is a regulation we prefer “shall” in the first set of square brackets and “which provide” in the second set of square brackets.

ICS: Noting that this is mandatory not recommendatory text, this paragraph should read:

“6 Ships of less than 3,000 gross tonnage **shall** comply with the requirement in paragraph 5 above as far as reasonable and practicable, or with applicable national standards of the Administration **which provide** an equivalent level of safety.”

Italy: Is of the view to use “should” instead “shall” in the text.

ICHCA: The phrase should be “Should”

Japan: Proposes the expression ”should comply as far as reasonably practicable”

Australia: Delete “should” and keep “shall” as they must comply with either this guidelines or national standards. There is a mandatory notion.

IACS: It is supported to use “should” instead of “shall” because this paragraph is vague and difficult to implement. Every administration may establish standards with an acceptable risk which the administration considers reasonable. Hence the wording “equivalent level of safety” practically would be difficult to comply with.

US: We are not sure that this paragraph is appropriate (it does not seem to be SOLAS practice to include recommendations of this type for non-mandatory vessels).

Coordinators remarks: Opinions are devided on the use of shall or should. Accordingly the two options remain in square brackets.

\* Refer to the Guidance on shipboard towing and mooring equipment, MSC.1/Circ.1175) for ships constructed on or after 1 January 2007 and before [date of entry into force] and MSC.1/Circ.1175/rev.1 for the ships constructed on or after [date of entry into force]).

\*\* Refer to the Guidelines on the design of safe mooring arrangements (MSC.1/Circ.[…])."