



Brussels, 15 October 2019
(OR. en)

13069/19

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'I' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 1)
No. Cion doc.: 6609/19
No. prev. doc.: 12564/19
Subject: IMO - Union submission to be submitted to the 102nd session of the Maritime Safety Committee (MSC 102) of the IMO in London from 13 – 22 May 2020 concerning a proposal for a new output to review the International Code for Application of Fire Test Procedures, 2010
– *Endorsement*

INTRODUCTION

1. On 19 February 2019, the Commission transmitted to the Council a Staff Working Document containing a draft submission to the 101st session of the Maritime Safety Committee (MSC 101) of the International Maritime Organization (IMO) concerning a proposal for a new output (agenda item) to review the International Code for Application of Fire Test Procedures, 2010 (2010 FTP Code).
2. The purpose of the draft submission is to allow for a revision of the 2010 FTP Code in the light of experience gained in its application and the technical development since the most recent revision. Such re-revision will be aimed at making the 2010 FTP Code more technically up-to-date, more user-friendly, thereby providing for a more uniform application.

WORK WITHIN THE COUNCIL

3. The draft submission was first examined by the Shipping Working Party at its meetings on 20 and 27 February 2019. However, at that stage, consensus could not be reached on the substance and the document was never submitted to MSC 101¹.
4. Discussions in the Shipping Working Party were resumed on 27 September 2019 with a view to submitting the proposal for a new output to MSC 102 instead. A compromise was reached which allowed for consensus on the substance of the draft submission at the Shipping Working Party meeting on 4 October 2019. It was also agreed that the Presidency would be allowed to indicate at the time of transmission that the document may be released to the public by the IMO secretariat prior to MSC 102.
5. However, there is no agreement on who should submit the draft submission. The Commission maintains the view that the draft submission should be made by "the European Commission on behalf of the European Union", while the Member States consider that it should be made by the Member States and the European Commission.
6. Given the urgency and importance of the matter, it was agreed at working party level to propose to transmit the submission in the name of the Member States and the European Commission, while taking good note of the position of the Commission.

CONCLUSION

7. In the light of the above, the Permanent Representatives Committee is invited to
 - endorse the text of the draft submission in the annex, with a view to its transmission by the Presidency to the International Maritime Organization.

¹ See doc. 6613/19.

ANNEX

MARITIME SAFETY COMMITTEE
102nd session
Agenda item 21

MSC 102/21/x
Xx October 2019
Original: ENGLISH

WORK PROGRAMME Sub-Committee on Ship Systems and Equipment

Proposal for a new output to review the International Code for Application of Fire Test Procedures, 2010

Submitted by Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the United Kingdom and the European Commission

SUMMARY

Executive summary: This document proposes a new output for the Sub-Committee on Ship Systems and Equipment (SSE) concerning a further review and revision of the International Code for Application of Fire Test Procedures, 2010 and relevant fire test procedures

Strategic direction, if applicable: Other work

Output: Not yet assigned

Action to be taken: Paragraph 19

Related documents: Res. MSC.307(88) 2010 - FTP Code.

Introduction

1 This paper is submitted in accordance with *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) on the submission of proposals for new outputs.

2 The submission contains elements in support of the need to review the “International Code for Application of Fire Test Procedures, 2010 and relevant fire test procedures” in order to allow for new fire protection systems and materials.

Background

3 In December 1996, at its sixty-seventh session, the Committee adopted resolution MSC.61(67) "Adoption of the international code for application of fire test procedures (FTP Code)". The FTP Code became mandatory by an amendment to SOLAS chapter II-2., which entered into force on 1 July 1998.

4 In May 2005, at the eightieth session of the Committee, a comprehensive review of the FTP Code was undertaken following a proposal by Japan. This led to the adoption of resolution MSC.307(88) "International code for application of fire test procedures, 2010 (2010 FTP Code)". This revised code entered into force on 1 July 2012.

5 A new output is proposed for inclusion in the biennial agenda of the SSE Sub-Committee to review and revise resolution MSC.307(88) "International code for application of fire test procedures, 2010 (2010 FTP Code)" in the light of experience gained in the application of this code and the technical development since the most recent revision. Such re-revision will be aimed at making the 2010 FTP Code more technically up-to-date, more user-friendly, thereby providing for a more uniform application.

Scope of the proposal

Interpretations to the 2010 FTP Code

6 Following the adoption of the 2010 FTP Code, technical development continued and experience was gained in the application of the 2010 FTP Code. It lead to the development of unified interpretations. These numerous unified interpretations were adopted as MSC circulars. Additionally, further interpretations have been proposed, some of which have been discussed at Sub-Committee level.

ISO fire test standards

7 Meanwhile, ISO fire test standards, which were referred to in the 2010 FTP Code, were revised, based on the evolution of the technology, in order to facilitate to conduct the fire tests. Therefore, references, in the 2010 FTP Code, to these ISO fire test standards should be reviewed and revised if necessary.

New technologies

8 In addition, new fire protection systems and materials have been developed and are being developed based on the evolution of the shipbuilding and related technologies. However, those systems and materials were not expected or assumed at the stage of the development and the revision of the 2010 FTP Code. Therefore, appropriate action should be taken to accommodate such development of fire protection technologies to enhance the fire safety of ships if they ensure compliance with the fire safety objectives and the functional requirements set out in SOLAS Reg.II-2/2.

IMO's objectives

9 This proposal for a new output to revise resolution MSC.307(88) "International code for application of fire test procedures, 2010 (2010 FTP Code)" lies within the mission statement of IMO to promote safe, secure and environmentally sound, efficient and sustainable shipping.

Need

10 Fire protection for seagoing ships is governed by SOLAS II-2 and the FTP Code. Administrations and organizations recognized on their behalf rely on these standards when approving fire protection matters in ship construction and used materials. Thus the observations in paragraphs 5, 6 and 7 are seen as constituting a compelling need to update the requirements for conducting the fire tests specified in the 2010 FTP Code, including improvements of fire test procedures in the most recent ISO fire test standards which, as mentioned in paragraph 5, could be incorporated into the 2010 FTP Code.

Analysis of the issue

11 The further development of the 2010 FTP Code is one of the important mandatory elements, within SOLAS, to define the level of safety implicitly required for seagoing ships. Improvements of the Code are considered to be within the scope of IMO primary objectives. There are IMO standards, e.g. MSC resolutions and MSC circulars, and references to industry standards therein, e.g. available ISO standards. In order to provide for a more practicable background and harmonized mandatory equipment, updating the FTP Code seems both feasible and proportional.

Analysis of implications

12 It is considered that this proposal will not incur any additional administrative requirements or burdens. Because the revision will update existing requirements, there should be no increase of costs for the maritime industry. On the other hand, the revision will provide a way to further development of fire safety technology and provide positive encouragement to the maritime industry for enhancement of fire safety of ships. In this regard, the completed administrative checklist, as set out in annex 5 to MSC-MEPC.1/Circ.5/Rev.1, is set out in annex 1.

Benefits

13 Revision of the 2010 FTP Code will keep the level of fire safety uniform world-wide, and provide further enhancement of the fire safety of ships under the SOLAS Convention. The revision will also resolve existing problems experienced in the application of the 2010 FTP Code by the Administrations.

Output

14 The proposed output, if agreed, could be considered by the SSE Sub-Committee, with a view to drafting a revised FTP Code for consideration, approval and subsequent adoption by the Committee in future.

15 It is anticipated that, if MSC 102 approves this output for inclusion in the upcoming agenda of the SSE Sub-Committee, this could be completed in three Sub-Committee sessions.

Human element

16 The completed checklist contained in MSC-MEPC.7/Circ.1 is set out in annex 2.

Urgency

17 Since the 2010 FTP Code is recognized as one part of a holistic approach to ensuring the safety of ships, it is suggested that this issue be further considered by the Organization as soon as possible and as a matter of priority. In this regard, the proposed output could be included in the Strategic Plan's list of outputs for the upcoming biennium, as well as in the upcoming biennial agenda for the SSE Sub-Committee, for completion in no more than three sessions.

Action required

18 The Committee is requested to consider the above proposal and justification and include a new output in the Committee's post biennial agenda on "Revision of the FTP Code 2010", with the SSE Sub-Committee being assigned as the coordinating body, with a view to the output being placed on the Sub-Committee's provisional agenda for SSE 8.

Action requested of the Committee

19 The Committee is invited to consider the information provided above and the proposal for a new output in paragraph 18 and take action as appropriate.

ANNEX 1
CHECKLIST FOR IDENTIFYING ADMINISTRATIVE REQUIREMENTS

<ul style="list-style-type: none"> • This checklist should be used when preparing the analysis of implications required in submissions of proposals for inclusion of outputs. For the purpose of this analysis, the term "administrative requirements" is defined in resolution A.1043(27), i.e. administrative requirements are an obligation arising from future IMO mandatory instruments to provide or retain information or data. • • Instructions: 			
<ul style="list-style-type: none"> (A) If the answer to any of the questions below is YES, the Member State proposing an output should provide supporting details on whether the requirements are likely to involve start-up and/or ongoing costs. The Member State should also give a brief description of the requirement and, if possible, provide recommendations for further work (e.g. would it be possible to combine the activity with an existing requirement?). • (B) If the proposal for the output does not contain such an activity, answer NR (Not required). • (C) For any administrative requirement, full consideration should be given to electronic means of fulfilling the requirement in order to alleviate administrative burdens. • 			
<ul style="list-style-type: none"> • 1. Notification and reporting? • Reporting certain events before or after the event has taken place, e.g. notification of voyage, statistical reporting for IMO Members 	<input type="radio"/> N <input checked="" type="radio"/> R	<input checked="" type="radio"/>	
<ul style="list-style-type: none"> • Description of administrative requirement(s) and method of fulfilling it: (if the answer is yes) 			
<ul style="list-style-type: none"> • 2. Record keeping? • Keeping statutory documents up to date, e.g. records of accidents, records of cargo, records of inspections, records of education. 	<input type="radio"/> N <input checked="" type="radio"/> R	<input checked="" type="radio"/>	
<ul style="list-style-type: none"> • Description of administrative requirement(s) and method of fulfilling it:(if the answer is yes) • The existing record keeping is anticipated to continue. The proposal to encourage facilitating reporting results from inspections carried out by non-governmental entities seeks to mitigate any additional burden on Administrations. 			
<ul style="list-style-type: none"> • 3. Publication and documentation? • Producing documents for third parties, e.g. warning signs, registration displays, publication of results of testing 	<input type="radio"/> N <input checked="" type="radio"/> R	<input checked="" type="radio"/>	
<ul style="list-style-type: none"> • Description of administrative requirement(s) and method of fulfilling it (if the answer is yes) 			
<ul style="list-style-type: none"> • 4. Permits or applications? • Applying for and maintaining permission to operate, e.g. certificates, classification society costs 	<input type="radio"/> N <input checked="" type="radio"/> R	<input checked="" type="radio"/>	
<ul style="list-style-type: none"> • Description of administrative requirement(s) and method of fulfilling it:(if the answer is yes) 			
<ul style="list-style-type: none"> • 5. Other identified requirements? 	<input type="radio"/> N <input checked="" type="radio"/> R	<input checked="" type="radio"/>	
<ul style="list-style-type: none"> • 			

ANNEX 2
CHECKLIST FOR CONSIDERING HUMAN ELEMENT ISSUES BY IMO BODIES
(MSC-MEPC.7/Circ.1)

Instructions:

If the answer to any of the questions below is:

- (A) YES, the preparing body should provide supporting details and/or recommendation for further work.
- (B) NO, the preparing body should make proper justification as to why human element issues were not considered.
- (C) NA (Not Applicable), the preparing body should make proper justification as to why human element issues were not considered applicable.

Subject Being Assessed: (e.g. Resolution, Instrument, Circular being considered)

New Unplanned Output to review the Res. 307(88) "International code for the application of fire test procedures, 2010 (2010 FTP Code

Responsible Body: (e.g. Committee, Sub-committee, Working Group, Correspondence Group, Member State)

Maritime Safety Committee and the Sub-Committee for Ship Systems and Equipment

1. Was the human element considered during development or amendment process related to this subject?	Yes	No	✓	NA
2. Has input from seafarers or their proxies been solicited?	Yes	No	✓	NA
3. Are the solutions proposed for the subject in agreement with existing instruments? (Identify instruments considered in comments section)	✓	Yes	No	NA
4. Have human element solutions been made as an alternative and/or in conjunction with technical solutions?	Yes	No	✓	NA
5. Has human element guidance on the application and/or implementation of the proposed solution been provided for the following: <ul style="list-style-type: none"> • Administrations? • Ship owners/managers? • Seafarers? • Surveyors? 	Yes	No	✓	NA
6. At some point, before final adoption, has the solution been reviewed or considered by a relevant IMO body with relevant human element expertise?	Yes	No	✓	NA
7. Does the solution address safeguards to avoid single person errors?	Yes	No	✓	NA
8. Does the solution address safeguards to avoid organizational errors?	Yes	No	✓	NA
9. If the proposal is to be directed at seafarers, is the information in a form that can be presented to and is easily understood by the seafarer?	Yes	No	✓	NA
10. Have human element experts been consulted in development of the solution?	Yes	No	✓	NA

11. HUMAN ELEMENT: Has the proposal been assessed against each of the factors below?			
<input type="checkbox"/> CREWING. The number of qualified personnel required and available to safely operate, maintain, support, and provide training for system.	Yes	No	✓ NA
<input type="checkbox"/> PERSONNEL. The necessary knowledge, skills, abilities, and experience levels that are needed to properly perform job tasks.	Yes	No	✓ NA
<input type="checkbox"/> TRAINING. The process and tools by which personnel acquire or improve the necessary knowledge, skills, and abilities to achieve desired job/task performance	Yes	No	✓ NA
<input type="checkbox"/> OCCUPATIONAL HEALTH AND SAFETY. The management systems, programmes, procedures, policies, training, documentation, equipment, etc. to properly manage risks.	Yes	No	✓ NA
<input type="checkbox"/> WORKING ENVIRONMENT. Conditions that are necessary to sustain the safety, health, and comfort of those on working on board, such as noise, vibration, lighting, climate, and other factors that affect crew endurance, fatigue, alertness and morale.	Yes	No	✓ NA
<input type="checkbox"/> HUMAN SURVIVABILITY. System features that reduce the risk of illness, injury, or death in a catastrophic event such as fire, explosion, spill, collision, flooding, or intentional attack. The assessment should consider desired human performance in emergency situations for detection, response, evacuation, survival and rescue and the interface with emergency procedures, systems, facilities and equipment.	Yes	No	✓ NA
<input type="checkbox"/> HUMAN FACTORS ENGINEERING. Human-system interface to be consistent with the physical, cognitive, and sensory abilities of the user population.	Yes	No	✓ NA

ANNEX 3

CHECK/MONITORING SHEET FOR THE PROCESS OF AMENDMENTS TO THE CONVENTION AND RELATED MANDATORY INSTRUMENTS (PROPOSAL / DEVELOPMENT)

Part I – Submitter of the proposal (refer to section 3.2.1.1)*

1	<i>Submitted by (Document Number and submitter) [MSC 102/21/X] submitted by Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the United Kingdom and the European Commission</i>
2	<i>Meeting session 102nd meeting of the Maritime Safety Committee</i>
3	<i>Date (date of the submission) [xx October 2019]</i>

Part II – Details of the proposed amendment(s) or new mandatory instrument (refer to sections 3.2.1.1 and 3.2.1.2)*

1	<i>Strategic direction</i>
	Other work
2	<i>Title of the output</i>
	Proposal for a new output to review Res.307(88) “International code for the application of fire test procedures, 2010 (2010 FTP Code)
3	<i>Recommended type of amendments (MSC.1/Circ.1481) (delete as appropriate)</i>
	Four-year cycle of entry into force
4	<i>Intended instrument(s) to be amended (SOLAS,</i>
	Res.307(88) “International code for the application of fire test procedures, 2010 (2010 FTP Code)”
5	<i>Intended application (scope, size, type, tonnage/length restriction, service (International/non-international), activity, etc.)</i>
	All ships to which the 2010 FTP Code applies.
6	<i>Application to new/existing ships (i.e. if intended to be a retro-active application)</i>
	Application to new ships
7	<i>Proposed coordinating sub-committee</i>
	Sub-Committee on Ship Systems and Equipment (SSE)
8	<i>Anticipated supporting sub-committees</i>
	n/a
9	<i>Time scale for completion</i>
	[2022]
10	<i>Expected date(s) for entry into force and implementation/application</i>
	[1 January 2024]
11	<i>Any relevant decision taken or instruction given by the Committee</i>
	n/a