

TECHNICAL COOPERATION COMMITTEE  
65th session  
Agenda item 2

TC 65/INF.12  
1 June 2015  
ENGLISH ONLY

## WORK OF OTHER BODIES AND ORGANIZATIONS

### Conference on the enhancement of safety of ships carrying passengers on non-international voyages

#### Note by the Secretariat

#### SUMMARY

*Executive summary:* This document reports on the background and outcome of the Conference on the enhancement of safety of ships carrying passengers on non-international voyages which was held in Manila, the Philippines on 24 April 2015

*Strategic direction:* 1.1, 1.2, 3.4, 5.1, 7.2, 9, 11, 12.1 and 13

*High-level action:* 1.1.2, 1.2.1, 3.4.1, 5.1.1, 7.2.2, 9.0.1, 11.1.1, 12.1.1 and 13.0.3

*Planned output:* 1.1.2.1, 3.4.1.1, 9.0.1.1 and 12.1.1.1

*Action to be taken:* Paragraph 7

*Related document:* TC 64/14, paragraphs 1.2 and 1.4

#### Background

1 The Secretary-General, in his opening remarks, at the sixty-fourth session of the Committee, called for a new approach in addressing domestic ferry safety and announced his intention to revise and strengthen the related technical assistance programme. In addition, the Secretary-General suggested the development of a set of recommended standards for application to domestic passenger ferries together with guidelines on various safety issues such as those to be addressed when purchasing a second-hand existing ship for domestic ferry operations. The recommendations and guidelines should cover design, engineering, structural modifications, operation, manning, training, and survey and certification and should be compatible with the GlobalRegs which are presently under development.

2 The Committee welcomed the suggestions of the Secretary-General and following consultations with interested Member States and shipping industry stakeholders, through their representative non-governmental organizations on consultative status with the Organization, a series of guidelines were developed by a team involving consultants, IACS, INTERFERRY and the Secretariat. In addition, the Philippines wrote to the Secretary-General offering to host a relating conference.

### **The Conference**

3 The Conference on the enhancement of the safety of ships carrying passengers on non-international voyages (the Conference) was hosted by the Government of the Republic of the Philippines and was held in Manila on 24 April 2015. The Conference was preceded by a preparatory meeting which took place in Manila on 23 April 2015.

4 The purpose of the Conference was to draw attention to the need to enhance the safety of ships carrying passengers on non-international voyages and to consider and make recommendations in relation to a number of relating guidelines which had been developed for the purpose of expanding the already available technical assistance tools. Although the guidelines had been developed as technical assistance tools, these had also been drafted for use by governments, owners, managers, operators and masters of such ships and by designers, consultants and surveyors of the ships in question.

5 The Conference was attended by 12 Member States, one intergovernmental organization, four non-governmental organizations and two universities. The delegation of the Philippines included representatives of all sectors of their domestic ferries industry and representatives from Manila-based diplomatic missions of other Member States.

6 The outcome of the Conference is recorded in the Manila Statement on the enhancement of the safety of ships carrying passengers on non-international voyages which is set out in the annex.

### **Action requested of the Committee**

7 The Committee is invited to take note of the information provided in this document and comment as appropriate.

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**ANNEX**  
**MANILA STATEMENT**  
**ON**  
**ENHANCEMENT OF THE SAFETY OF SHIPS CARRYING PASSENGERS**  
**ON NON-INTERNATIONAL VOYAGES**

adopted in Manila, the Philippines, on 24 April 2015

The Secretary-General<sup>1</sup> of the International Maritime Organization – as a result of the continuing loss of lives in marine casualties involving ships which are not subject to the provisions of the International Convention for the Safety of Life at Sea, 1974, as amended, and in the context of the on-going efforts of the International Maritime Organization (hereinafter referred to as "IMO") to improve the safety of sea and inland waters transport operations in several countries and regions – convened a Conference on the enhancement of safety of ships carrying passengers on non-international voyages (hereinafter referred to as "the Conference"), which was held on 24 April 2015 at the Philippine International Convention Centre in Manila, the Philippines.

The purpose of the Conference was to draw attention to the urgent need to enhance the safety of ships carrying passengers on non-international voyages and to consider and make recommendations in relation to a number of guidelines which have been developed by IMO for the purpose of augmenting the already available technical assistance tools.

The Conference was attended by delegations from:

|           |                   |
|-----------|-------------------|
| AUSTRALIA | MALAYSIA          |
| CAMBODIA  | NEW ZEALAND       |
| CANADA    | NORWAY            |
| CHINA     | PAPUA NEW GUINEA  |
| INDONESIA | PHILIPPINES       |
| JAPAN     | REPUBLIC OF KOREA |

by an observer from the following intergovernmental organization:

SECRETARIAT OF THE PACIFIC COMMUNITY

by observers from the following non-governmental organizations:

INTERNATIONAL CHAMBER OF SHIPPING  
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES  
INTERFERRY  
WORLDWIDE FERRY SAFETY ASSOCIATION

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<sup>1</sup> Refer to document CONF/MAN/INF.3/1 which provides relating extracts from the opening address of the Secretary-General to the 101st session of the Legal Committee, the 94th session of the Maritime Safety Committee and the sixty-fourth session of the Technical Cooperation Committee of IMO.

and by observers from the following higher education institutions:

WORLD MARITIME UNIVERSITY  
UNIVERSITY OF STRATHCLYDE, UNITED KINGDOM

The Conference consisted of a series of presentations and discussions during which the participants shared related knowledge and expertise and exchanged views on salient issues. The programme of the Conference is set out in Attachment 1 to this Statement.

The Conference:

NOTING WITH GREAT CONCERN the continuing unacceptable loss of life and damage to the environment and property due to marine casualties and incidents involving ships carrying passengers on non-international voyages at sea (hereinafter referred to as "domestic ferries"),

BEING AWARE of the fact that domestic ferries are an integral part of national transport systems and in some cases the only possible and/or reasonably affordable means of travel for the public and for the transport of goods,

ACKNOWLEDGING the crucial role of domestic ferry operations in the movement of people and goods, at sea, from mainland to islands, between islands, or along the coast and for socioeconomic development,

REMAINING CONSCIOUS of the fact that the operation of domestic ferries has environmental implications and that in some cases takes place in environmentally sensitive areas,

RECOGNIZING that the safety of domestic ferries is a shared responsibility between and among Governments; local authorities; shipowners, ship-managers, ship-operators; shipboard personnel; maritime education and training institutions; classification societies and organizations which Governments authorize to survey and certify domestic ferries for compliance with the applicable laws, regulations and rules; insurance providers; port authorities, port terminal owners and operators; and the public and civil society as user of the services provided,

RECOGNIZING ALSO that marine casualties and incidents involving domestic ferries can be avoided if adequate laws, regulations and rules are thoughtfully developed, effectively implemented with a rigorous compliance oversight mechanism and vigorously enforced on a non-discriminatory basis and without interference,

RECOGNIZING FURTHER that laws, regulations and rules cannot be:

- (a) adequate unless they address all foreseeable risks and include, issues relating to the safety management and operation of such ships including the education, training and proficiency of the shipboard personnel; and
- (b) adequately implemented and enforced unless the officials who are involved as surveyors and inspectors of ships, as auditors of safety management systems and as examiners for shipboard personnel and the classification societies and organizations which Governments authorize to survey, audit and certify the compliance of domestic ferries and their employees have the required competencies;

ALSO RECOGNIZING the important role of:

- (a) the ship-to-shore and shore-to-ship radiocommunication services, of the promulgation of weather forecasts and of the aids to navigation, including navigational charts, sailing directions and notices to mariners, in preventing marine casualties and incidents; and
- (b) the search and rescue and emergency response services in mitigating the consequences of marine casualties;

FURTHER RECOGNIZING the importance of reporting all marine casualties and incidents involving domestic ferries to marine safety investigation authorities; conducting marine safety investigations by skilled and competent investigators; identifying and publishing casual factors in marine safety investigation reports and of promptly taking appropriate actions in response to the identified casual factors,

BEING AWARE that the existence of national laws addressing issues of limitation of liability of the carrier, compulsory insurance and direct action against insurance providers and for the compensation for loss of life, personal injury and damage to personal property are inherent and required parts of the overall legislative regime relating to the operation of domestic ferries and of the pivotal role such requirements can play in improving and maintaining the required shipboard and shore-based safety culture,

APPRECIATING the presentation by the University of Strathclyde and the World Maritime University on how the guidance on identification of hazards, risk analysis and risk control options and for cost benefit assessment foreseen in the Guidelines for formal safety assessment (FSA) for use in the IMO rule-making process<sup>2</sup> adopted by the Maritime Safety Committee and the Marine Environment Protection Committee of IMO can be used as a tool for a systematic approach in updating existing and enacting new regulatory frameworks relating to the operation of domestic ferries and for determining their adequacy,

NOTING the information provided by Japan in relation to the endorsement by 10th ASEAN-Japan Transport Ministers Meeting in 2012 of the "Project for improvement and harmonisation of safety standards and ship inspection for coastal ships" (hereinafter referred to as the "ASEAN-Japan Project") which aims to secure safety and marine environment protection measures for non-convention ships in the ASEAN region and to enhance ASEAN connectivity by harmonisation of the safety standards of non-convention ships,

NOTING WITH APPRECIATION the presentation by Japan of:

- (a) the Guidelines for setting Navigation Areas in the ASEAN<sup>3</sup> region, which is one of the envisaged outcomes of the ASEAN-Japan Project and providing a methodology for setting navigational areas; and
- (b) the draft Guidelines for development of regulations in the domestic sea area developed by Japan, which provide a methodology for setting safety requirements based on navigational areas;

and the potential for their use in combination with the Guidelines on the safe operation of coastal and inter-island passenger ships not engaged in international voyages which have been developed by IMO for consideration by the Conference,

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<sup>2</sup> Refer to MSC/Circ.1022 - MEPC/Circ.391, MSC/Circ.1023 - MEPC/Circ.392 and MSC/Circ.1180 - MEPC/Circ.4.

<sup>3</sup> Association of Southeast Asian Nations.

NOTING ALSO WITH APPRECIATION the presentation by the Secretariat of the Pacific Community and WELCOMING the progress made by the Pacific Islands Countries and Territories during the Second session of the Pacific Forum on Domestic Ferries (hereinafter referred to as "Pacific Forum") which was held in Suva, Fiji, from 25 to 27 March 2015, and, in particular, the adopted road map, identifying high priorities, actions and indicative timelines, for the purpose of materializing the actions envisaged by the Action Plan for enhancing the safety of domestic ferries operating in their region and which was adopted at the Pacific Forum when it met in Suva, Fiji, from 30 October to 2 November 2012,

BEING ALSO AWARE that in a number of cases and, in particular, in developing countries:

- (a) what the public can afford to pay for domestic ferry services and what the providers of such services are able to charge does not generate revenues which make the services provided commercially economically viable from the private business point of view;
- (b) the only economically feasible alternative is to use as domestic ferries second-hand ships which have been constructed for operations elsewhere and in some cases in restricted navigational areas or under restrictive operational limitations;
- (c) such second-hand ships:
  - (i) are put into service without due consideration of the operational limitations or restrictions under which they have been previously allowed to operate; and
  - (ii) after acquisition are converted or modified without due consideration of the initial design limitations or operational restrictions;
- (d) domestic ferries are repositioned for operations in other navigational areas or routes without due consideration of the operational limitations or restrictions under which they have been previously allowed to operate; and
- (e) domestic ferry operators accede to unwise pressure or demands for the carriage of passengers, or, commercially motivated, recklessly carry passengers, in excess of the number for which the ship in question is certified;

HAVING CONSIDERED the Guidelines on the safe operation of coastal and inter-island passenger ships not engaged in international voyages which have been developed by IMO for consideration by the Conference the aim of which is to provide a satisfactory answer to the question whether a domestic ferry is fit for its intended service,

BEING CONSCIOUS of the fact that:

- (a) the provisions of the International Convention for the Safety of Life at Sea, 1974, as amended (hereinafter referred to as "the 1974 SOLAS Convention") and of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (hereinafter referred to as "the 1978 STCW Convention"), have established the internationally acceptable level of safety for the carriage of passengers on international voyages;

- (b) in a considerable number of cases voyages at sea which are considered as non-international voyages if they were to take place between two different countries will be considered as international voyages and the provisions of the 1974 SOLAS Convention will apply;
- (c) the perils of the sea do not distinguish between ships engaged on international or non-international voyages; or whether the ship complies with the requirements of the 1974 SOLAS Convention or national standards stipulating equivalent or inferior levels of safety; or whether the shipboard personnel meets the qualification requirements of the 1978 STCW Convention or of national standards stipulating equivalent or inferior levels of competency; or whether the people on board are travelling by ship which is certified for international trade or by a domestic ferry;
- (d) the protection of life at sea is a moral obligation and that those travelling by domestic ferries should enjoy the highest practicable standard of safety irrespective of their citizenship;

EMPHASIZING that, in substance and from the technical and operational point of view, the issues which need to be addressed for the purpose of ensuring adequate safety in domestic ferry operations are in essence the same as those which need to be addressed for ships carrying passengers on international voyages,

EMPHASIZING ALSO that the achievement of a level of safety equivalent to that of the 1974 SOLAS Convention does not mean compliance of domestic ferries with the provisions of the 1974 SOLAS Convention without moderating these in the context of the risks which are presented during operations of a restricted nature,

BEING AWARE of the wealth of knowledge and expertise which IMO has accumulated through the regulation of matters relating to operation of ships carrying passengers on international voyage and when providing assistance on issues relating to domestic ferries,

The Conference:

1 ACKNOWLEDGES UNRESERVEDLY and CONCURS with the view of the Secretary-General of IMO that there is an urgent need to enhance the safety of ships carrying passengers on non-international voyages in certain parts of the world;

2 URGES States, in collaboration with the stakeholders involved and interested parties, to review and update their national legislative and administrative requirements and practices relating to the operation of domestic ferries with a view to ensuring that these provide an adequate and robust safety net;

3 RECOMMENDS that States should set as a long-term objective the evolution of their national legislative and administrative requirements and practices relating to the operation of domestic ferries so as these would eventually achieve a level of safety equivalent to that of the 1974 SOLAS Convention and the 1978 STCW Convention;

4 STRONGLY RECOMMENDS the use of the Guidelines on the safe operation of coastal and inter-island passenger ships not engaged in international voyages which have been developed by IMO as finalized by the Conference and set out in Attachment 2 to this Statement and URGES those who use them to provide IMO with information resulting from such use for the purpose of their continuous improvement;

5 STRONGLY URGES States who need technical assistance on matters relating to the operation of domestic ferries to seek such assistance from IMO or from other States;

6 REQUESTS IMO to consider:

- (a) continuing the provisions of technical assistance on matters relating to the operation of domestic ferries, as well as, of ships which are carrying passengers inland on lakes, rivers, estuaries or manmade waterways and its engagement with international and regional governmental and non-governmental organizations having interest in the matter;
- (b) developing further related technical assistance tools for example on matters concerning the protection of the environment and in connection with issues of limitation of liability and compensation;
- (c) continuing to work with the ASEAN countries and Japan in relation to the ASEAN-Japan Project in view of the usefulness of the presented Guidelines for setting Navigation Areas;

7 EXPRESSES DEEP APPRECIATION to the Government of the Republic of the Philippines for the excellent arrangements made for, and for the facilities and generous hospitality provided during the Conference; and to the Government of Japan, the Secretariat of the Pacific Community, the International Association of Classification Societies, INTERFERRY, the Worldwide Ferry Safety Association, the University of Strathclyde, the World Maritime University and the International Maritime Organization for their diligent efforts in preparing for the Conference and ensure its successful conclusion.

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## ATTACHMENT 1

### PROGRAMME

#### **Opening session**

Opening of the Conference and welcome address

*by Mr. Koji Sekimizu, Secretary-General, International Maritime Organization*

Welcome address

*by Dr. Maximo Q. Mejia, Jr., Administrator, Maritime Industry Authority, The Philippines*

Keynote address

*by Honourable Secretary Joseph Emilio Aguinaldo Abaya, Department of Transportation & Communications, The Philippines*

#### **Session 1**

Causes and circumstances of major ferry accidents: 2000 to 2014

*by Dr. Roberta Weisbrod, Executive Director, Worldwide Ferry Safety Association & Ms. Abigail Golden, Research, Programming, and Development Associate, Worldwide Ferry Safety Association*

Identification of hazards to be addressed when regulating using the FSA HAZID as a tool – Fact finding and scoping study using the Philippines as an example

*by Professor Dracos Vassalos, Professor of Maritime Safety & Director of the Ship Stability Research Centre, Department Naval Architecture, Ocean and Marine Engineering, University of Strathclyde, United Kingdom;*

*Dr Luis Guarin, Partner, BrooksBell LLP & Director for Safety Engineering, Safety at Sea Limited, Glasgow, United Kingdom; and*

*Professor Jens-Uwe Schroder-Hinrichs, Acting Associate Academic Dean, Professor (Nippon Foundation Chair) & Head, Maritime Safety and Environmental Administration, World Maritime University*

The ASEAN-Japan transport partnership Project for Improvement and Harmonisation of Safety Standards and Ship Inspection for Coastal Ships

& Guidelines for setting the navigation areas in ASEAN countries

*by Mr. Akihiko Ikeda, Director for Shipbuilding Division, Japan External Trade Organization, Singapore Office*

Guidelines of the development of safety regulation for domestic passenger ships – the Japanese experience

*by Dr. Yoshitaka Ogawa, Head of Ship Structural Standards Research Group, Structure Engineering Department, National Maritime Research Institute, Japan*

Domestic ferry safety in the Pacific: Moving towards a safety culture approach  
*by Mr. Thierry Nervale, Deputy Director Transport, Economic Development Division,  
Secretariat of the Pacific Community*

## **Session 2**

Introduction of the Guidelines on the safe operation of coastal and inter-island passenger ships not engaged in international voyages

*by Dr. Tom Allan, International Maritime Consultant & former Chairman of the Maritime Safety Committee of IMO*

Presentation of the Guidelines relating to the purchase of second hand ships, ships subject to a change of route or area of operation and ships subject to conversion or modification

*by Mr. Paul Sadler, Accredited Representative of the International Association of Classification Societies to IMO*

Presentation of the Guidelines relating to the counting of number of persons on board, voyage planning and enforcement activities undertaken by Administrations

*by Dr. Tom Allan*

Discussion of the Guidelines on the safe operation of coastal and inter-island passenger ships not engaged in international voyages

*coordinated by Dr. Tom Allan and conducted with the support of:*

*Mr. Paul Sadler*

*Mr. Johan Roos, Director of Regulatory Affairs, INTERFERRY and*

*Mr. Mike Langley, Former Senior Fleet Manager, P&O Ferries, United Kingdom*

Coffee break

## **Session 3**

Consideration and adoption of the outcome document  
*coordinated by Dr. Tom Allan*

## **Closing session**

Closing remarks by a participating State

*by Mr. Paul Unas, General Manager & Chief Executive Officer, National Maritime Safety Authority, Papua New Guinea*

Closing remarks – an industry perspective from the Philippines

*by Mr Christopher S. Pastrana, President of PhilRORO Association & Chairman, Archipelago Philippine Ferries Corporation*

Closing remarks on behalf of the hosting State

*by Dr. Maximo Q. Mejia, Jr., Administrator, Maritime Industry Authority, The Philippines*

Closing of the Conference

*by Mr. Koji Sekimizu, Secretary-General, International Maritime Organization*

## ATTACHMENT 2

### **GUIDELINES ON THE SAFE OPERATION OF COASTAL AND INTER-ISLAND PASSENGER SHIPS NOT ENGAGED ON INTERNATIONAL VOYAGES**

#### **1 General**

1.1 These Guidelines have been developed to assist Administrations, owners, donors of ships, managers, masters and crews, consultants and shipyards in the roles they have in facilitating the safe operation of "Coastal and inter-island passenger ships not engaged on international voyages" (hereafter referred to as '**domestic passenger ships**'). These Guidelines provide a **non-exhaustive** (i.e. not necessarily complete) list of issues that should be reviewed and, as appropriate, assessed before a domestic passenger ship enters into service. In essence, the guidelines are intended to be used to help answer the question - is the ship "fit for purpose" for its new role? The scope of these Guidelines is intended to be complimentary to all national laws, regulations and other mandatory requirements that may be applicable.

1.2 The guidelines address issues relating to: the purchase of a second hand ship thereafter to enter into service as a domestic passenger ship; a change in operating limits; the conversion or modification of a ship before the ship enters into service as a domestic passenger ship; passenger counting and voyage planning<sup>4</sup>.

#### **2 Purchase of a second hand ship, change of service limits for an existing passenger ship and conversion or modification of a ship; with a view to putting a domestic passenger ship into service**

2.1 As part of these guidelines the following issues have been highlighted as areas that require particular attention.

- **The purchase of second hand ships.** This addresses the purchase of existing ships which may previously have operated elsewhere on (international or non-international) services with a view to providing a new domestic passenger ship service. It also considers ships which were previously granted exemptions, for example, on the basis of engagement on short international voyages or on international voyages of not more than 20 nautical miles from the nearest land. Before purchase, a stringent technical evaluation and assessment should be undertaken of second hand ships, particularly those that may be imported from abroad; noting that the rules and regulations that applied previously to such ships may not be suitable when considering the intended new area of operation.
- **Change of service limits.** This addresses matters which have to be dealt with when an in-service passenger ship (or one previously operating on international voyages), without any conversion or modification, is repositioned to operate on a service on which it was not previously engaged. It would also apply when dealing with requests to modify the limitations under which the existing operation of the ship was allowed on the service it currently undertakes. Particular consideration should be given to the identification of the geographic limitations or restrictions relevant to the proposed new area of operation, taking into account the expected conditions in the coastal areas and inland waters.

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<sup>4</sup> Also known as passage planning.

- **The conversion or modification of existing ships.** This addresses conversions and modifications which take place after a second hand ship has been purchased and before it enters a new service as a domestic passenger ship. It would also apply to ships converted or modified with a view to continuing to operate on the same service for which it was previously engaged. A thorough evaluation and assessment should be in place prior to commencement of any conversion or modification of second hand ships. It is to be recognised that some ships types and ship arrangements will mean that the proposed conversion or modifications cannot be realised.
- **Counting of number of persons on board.** This advocates that an accurate record (that may identify children and disabled persons) of the number of persons on board the ship for each voyage is vital. Not only may this be a regulatory requirement but the number of persons on board will, inter alia, have an impact on the stability of the ship and in the event of an emergency, the availability of life-saving appliances, the ability of the crew to communicate with and control the passengers and the search and rescue assets that may be deployed. The procedure of recording the number of persons on board for each voyage should be considered during the conduct of audits undertaken in the context of the IMO's International Safety Management (ISM) Code or equivalent domestic legislation.
- **Voyage planning.** This addresses the development of a plan for each voyage or passage, as well as the close and continuous monitoring of the ship's progress and position during the execution of such a plan. The need for voyage planning applies to all ships. There are several factors that may impede the safe navigation of all ships and additional factors that may impede the navigation of large ships or ships carrying hazardous cargoes. These factors will need to be taken into account in the preparation of the plan and in the subsequent monitoring of the execution of the plan. Voyage planning includes appraisal, detailed planning of the whole voyage or passage from berth to berth, the execution of the plan; and the monitoring of the progress of the ship in the implementation of the plan. Reviewing the preparation of a proper voyage plan should be considered during the conduct of audits undertaken in the context of the IMO's International Safety Management (ISM) Code or equivalent domestic legislation.

2.2 It is also of importance that in relation to these domestic passenger ships proper certification and enforcement procedures are in place, as well as procedures for the selection, modification and purchase of these passenger ships. In particular, when considering:

- **the selection and purchase of in-service domestic passenger ships** – care is to be taken as most modern designs have been optimised to a specified route, to ensure maximum operational efficiency, environmental friendliness and commercial return. When considering the operation of domestic passenger ships on new routes and in new areas of operation, a careful assessment should be completed and communicated to the master and other appropriate members of the crew, that takes into account all the features of the new route (including any particular hazards to navigation), in order to facilitate the ship's safe and efficient operation. It is to be noted that compliance with the provisions of the ILO Maritime Labour Convention 2006, as implemented in the national laws of the Administration, may be applicable. A thorough examination should be undertaken of the continued acceptance of any exemptions or equivalent

arrangements that were accepted by the Administration relating to the previous service in which the ship was engaged. Also, due account should be taken of any specific requirements that the new Administration (including any other Administrations who have legitimate interests and control in relation to the route(s) on which the ship will be operating) may have for the intended service that are different from those the ship previously had to comply with. Before the ship enters into its new service, sea and berthing trials should be conducted;

- **the change of the service limits of in-service passenger ships and prior to repositioning a ship from operation in a less exposed type of service to a more exposed type of service** – the capabilities of the ship should be carefully reviewed. Assessments should be made to ensure that the ship is still capable of operating in the changed operating conditions including the climatic conditions;
- **the conversion and modification of ships for operation as domestic passenger ships** – it is important to determine, and take due account of the implications, if the ship has changed as a result of the conversion or modification (for example, from a cargo ship or fishing vessel to a passenger ship or from a passenger ship to a ro-ro passenger ship - or vice-versa. In particular it should be considered if the design and undertaking of the conversion or modifications should be approved, carried out in accordance with recognised standards and overseen by the appropriate third-parties e.g. Administration, Classification Society etc. - especially regarding any necessary re-assessment of the stability characteristics of the ship and the provision of any such updated information to the master; or
- **putting the domestic passenger ship into service, and at regular intervals thereafter** – that an assessment has been carried out to confirm the keeping of a proper register of all persons on board the ship at any one time. The system should be applied to all persons boarding and disembarking from a ship for each voyage and a record made, and a record kept on-board and ashore, of each person regardless of whether that person has been issued with a ticket or is a member of the crew. The system should take account of any changes to personnel embarking or disembarking during a voyage including those who remain on board from a previous voyage. In essence the system should account for all persons on board the ship at all times.

### **3 Issues to be considered before putting a domestic passenger ship into service**

3.1 Is the ship able to sit in the new berth securely? Effective fendering support should be provided as required to protect the ship from contact with any berth structures (quayside, mooring towers, etc.), taking into account the tide and weather parameters?

3.2 Has the intact and damage stability of the ship been re-assessed, as necessary, and found to be satisfactory? Has the master of the ship been provided with such information as is necessary to enable, by rapid and simple processes, accurate guidance as to the stability of the ship under varying conditions of service e.g. in the form of a trim and stability booklet and/or operations manual. Is there a reliable means of determining the loading of the ship, including the mass and distribution of passengers, their luggage and cargo? Is there a reliable means of measuring the ship's draughts clearly at the bow and stern of the ship? Is the intact stability of the ship sufficient to withstand the increased heeling moment that the ship may be exposed to in the new type of service; factoring in, for example, passenger crowding, turning, wind and different wave conditions?

3.3 Have the procedures and policies for the operation of the water-tight doors been reviewed and, if necessary, submitted for approval to reflect the new service conditions?

3.4 Is the new freeboard satisfactory? This may be particularly important for non-decked (open) ships, which may be stable but have an excessive displacement that makes the ship vulnerable to being swamped and consequently sinking (not capsizing). Is the new freeboard of the ship satisfactory for any possible new type of service? Typically, inland and inshore service type ships may have a reduced freeboard which is not adequate for harsher types of service.

3.5 Has the weather-tight and watertight integrity of the ship been fully considered and assessed. Are the master and crew aware of how to use the closing appliances to maintain this integrity, especially when inclement weather and wave conditions are expected?

3.6 Have the necessary calculations and assessments of the global and local strength of the ship been reviewed?

3.7 Has the future need to provide suitable and safe access for survey, maintenance and repairs been reviewed?

3.8 Is the visibility from the navigation bridge adequate?

3.9 Are the necessary navigation lights, shapes and sound signals fitted in accordance with the applicable regulations? In this regard, it is to be noted that the COLREGs<sup>5</sup> also apply to ships not engaged in international voyages. It is also to be noted that local regulations may require different or additional lights and shapes to be displayed to those that the ship had to show in its previous service.

3.10 Is there sufficient propulsive power and are the steering arrangements satisfactory such that the ship can be safely manoeuvred in all anticipated operating conditions?

3.11 Have the auxiliary and emergency power supplies been re-assessed?

3.12 Are there means (alarms) of both being alerted to the presence of high levels of water in all compartments and bilges and its removal (pumps and piping systems)? In particular, if the ship has large ro-ro spaces are the means for draining water from these stability-sensitive spaces adequate and kept clear at all times.

3.13 Does the ship still comply with the appropriate requirements of SOLAS<sup>6</sup> Chapters IV and V, and any other applicable national requirements regarding radio-communications and navigational equipment?

3.14 Are the means of escape adequate and clearly signed?

3.15 Are the means for detecting fire and raising an alarm working properly? Is the public address system working properly?

3.16 Has the arrangement and operability of the fixed and portable fire extinguishing systems and devices been reviewed and assessed?

3.17 Have the necessary structural fire protection arrangements been reviewed?

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<sup>5</sup> Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended.

<sup>6</sup> International Convention for the Safety of Life at Sea, 1974, as amended.

3.18 Have the fire and damage control plans provided/updated as necessary?

3.19 Are the life-saving appliances and systems adequate, in particular to take account of any changes in the number of persons the ship is to be certificated / licensed to carry? If the ship - after conversion - is moved to a new service further from the nearest place of refuge, has consideration been given to the relationship between the life-boats and life-rafts on-board, where the capacity to embark all persons on board the life-saving appliances (LSA) should be greater for the more exposed areas of operation? Is the sheltered nature of the climatic conditions favourable for open reversible life-rafts? For any proposed unsheltered services and/or unfavourable climates, are the ship's life-rafts either automatically self-righting or canopied reversible?

Where equivalents in LSA and evacuation arrangements have been previously approved for particular routes, taking into account closeness to shore, method of evacuation, density of similar vessel traffic in the same area and local support arrangements, have the equivalents been reviewed for suitability in the new operating area? Has a full review been carried out and the revised arrangements submitted for approval?

Does the ship have satisfactory arrangements for dry-shod evacuation of all persons, if required, in the intended area of operation?

3.20 Can the ship continue to comply with the requirements of the various security levels that can be set according to the applicable national regulations? Are systems (physical and / or operational) in place that restrict access to the ship to authorised persons only?

3.21 Does the location, structure and arrangement of the crew and passenger accommodation, and the means of access thereto (including the provision of handrails and guardrails), continue to comply with any relevant national requirements; and provide adequate protection against the expected in-service weather and sea conditions and insulation from noise and vibration? Have the effects on the stability of the ship of passenger crowding been considered; noting that this may be influenced by the physical arrangements that facilitate the means of access around the ship?

3.22 Is the ship still capable of complying with the applicable requirements relating to the discharge (either when operating or in port) of solids, liquids and gaseous emissions? In this regard, it is to be noted that, unless expressly stated otherwise, the provisions of MARPOL<sup>7</sup> also apply to ships not engaged on international voyages.

3.23 Are arrangements, procedures and equipment in place for securing vehicles and cargoes, as necessary? Are dangerous or hazardous cargoes properly stowed and segregated as required?

3.24 If applicable or appropriate, has consideration been given to the ship's ability to return to a port of refuge in the case of specified fire and flooding scenarios?

3.25 If applicable or appropriate, has consideration been given to the redundancy and duplication of the means of controlling such systems as propulsion and steering?

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<sup>7</sup> Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, as amended, and Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended.

3.26 Has consideration been given to ensure that the crew are trained and certificated to meet the relevant national requirements? Has the crew been suitably trained to be capable of operating the ship safely, efficiently and without causing pollution, including port handling, emergency situations including; fire, flood, damage control, crowd control and safe and orderly evacuation? Has this capability been suitably demonstrated to the national administration prior to entering the new service?

3.27 Have the arrangements been reviewed and assessed with a view to protecting the health and safety of the passengers and crew? Have the risks from toxic gases, such as from sewage systems, or from a lack of oxygen, such as in confined or poorly ventilated spaces, been adequately addressed? Are systems in place so that the passengers and crew are informed as to what to do in the event of an emergency?

3.28 In all circumstances has consideration been given to the continued allowance of certificates of equivalence to national regulations which may have been previously applicable to the ship in its former area of operation? Are those equivalences or exemptions still applicable within the new and different operating area and route conditions?

3.29 Are procedures in place, being effectively implemented and under continuous review and assessment/testing that address all aspects of the safe operation of the ship; including lines of communication between personnel, ashore and afloat; procedures for reporting incidents and accidents; and procedures for responding to emergency situations?

3.30 Has the working language of the ship been considered and agreed?

3.31 Has any proposal to convert to using a different fuel, such as liquefied natural gas (LNG) or another of the newer environmentally friendly fuels been proposed and if so was it properly evaluated?

3.32 Are the necessary, up-to-date, accurate and user-friendly shipboard technical operating and maintenance manuals, particularly for safety-critical marine equipment, available on board in the working language of the ship? Does this documentation provide diagrams and drawings explaining the operation of integrated ship systems as well as emergency operation of such ship systems, recognizing that ship systems may be composed of several individual pieces of equipment?

3.33 Are the anchoring and mooring arrangements adequate for the intended service?

## **4 Specific Issues**

4.1 The following annexes address specific issues relating to:

- the purchase of second-hand ships (annex 1);
- ships subject to a change of route or area of operation (annex 2);
- ships subject to conversion or modification (annex 3);
- counting of number of persons on board (annex 4);
- voyage planning (aAnnex 5); and
- enforcement activities undertaken by Administrations (Annex 6).

## ANNEX 1

### **Specific issues for the purchase of a second hand ship with a view to putting it into service as a domestic passenger ship**

#### **General**

As much information as possible should be collated, this information should include; Ship history, Class records, including any conditions and memorandums, planned maintenance records, inspection records, casualty records and general history of the ship.

- For ro-ro ships, are the ramp and passenger gangway gradients and the ship and shore connections able to support safe embarkation and disembarkation of passengers and ro-ro cargo with adequate fenders in place?
- Is the new berth adequate to accommodate the ship's overall length and beam, and is the ship ramp centre-line aligned with the shore berth or if an offset arrangement is required, are the cargo access and any turning requirements ashore close to the ships ramp acceptable?
- Is the new / modified ship able to manoeuvre in and out of the intended harbour and berth configuration with minimum risk of grounding, or contact with shore structures and the shore, within the required tide and wind parameters?
- Has the air draught of the ship been considered, for example, with regard to manoeuvring in high winds and passing under any bridges there may be on the route taking into account tidal ranges?
- Has an assessment been completed on analysis of this information which should include future class, new regulations and the new operational requirements?
- Where items are identified which may impact the future operational role, were risk assessments completed and mitigating solutions found, proposed and approved before entering into service?
- Have the required service speed and turnaround time been identified and the schedule feasibility confirmed?
- Have the ship modelling characteristics, within the harbour approaches and port confines, been verified by manoeuvring and berthing trials prior to going into service?
- Are there physical and operational systems in place that will provide controlled embarkation and disembarkation of the ship at all the ports which the ship will serve in service?
- Do the draught parameters reflect the maximum and minimum draughts expected, taking into account, bunkers, water, stores, passengers and cargo?
- Is external assistance (e.g. tug size and power requirements and availability) for manoeuvring required and available when required?
- In general, has the ship build criteria and specification been reviewed to ensure that the new requirements can be met by the original design and structure standards?

## **Specific Issues**

### ***Stability***

Has the intact and damage stability of the ship been re-assessed, as necessary, and found to be satisfactory? As it is not unusual for the lightweight to increase over a ship's life, has the current lightweight been identified?

### ***Watertight doors***

Has the procedure for opening and operation of water-tight doors been re-assessed?

### ***Freeboard***

Has the freeboard of the ship been assessed and found to be satisfactory?

### ***Load Line - Conditions of Assignment***

Many kinds of modifications will have an influence on Load Line issues. Have any changes to the air and sounding pipes, ventilation openings, scuppers, windows, side-scuttles, external doors, shell doors, access hatches, ladders and railings, bulkheads, hatch covers, sills and coamings, manholes, etc., been fully considered. For example, are there any unprotected openings which may impact on the necessary watertight/weather-tightness of the ship? Are there any places for which suitable drainage arrangements have not been made and is there a risk of entrapped water accumulating; have the necessary guardrails been fitted? In the case of a new area of operation is the bow height satisfactory to limit the amount of green sea on the foredeck which may be experienced in the new service?

### ***Structural strength***

Have the necessary calculations and assessments of the global and local strength of the ship been undertaken, and reviewed and approved as necessary?

### ***Access for survey and maintenance***

Has the design and construction of the new purchase taken into account the future need to provide suitable and safe access for survey, maintenance and repairs?

### ***Visibility from the navigation bridge***

Is the visibility from the navigation bridge adequate for the new service? For example, has the trim of the ship changed or have any obstructions to the visibility occurred as a consequence of the new service?

### ***Navigation lights, shapes and sound signals***

Have the necessary navigation lights, shapes and sound signals fitted been assessed in accordance with the applicable regulations?

### ***Means of propulsion and steering***

Is there sufficient propulsive power and are the steering arrangements satisfactory (including consideration of the immersion of, and loading on, the rudder(s)) for the new service such that the ship can be safely manoeuvred in all anticipated operating conditions?

### ***Auxiliary and emergency power supplies***

Has the auxiliary and emergency power supply been re-assessed in light of any potential additional electrical loads? Likewise is the auxiliary and emergency power supply been re-assessed, following the new purchase, in light of any change in electrical loads as a result of the new operation? As necessary, have any new electrical systems been connected to alternative/emergency sources of power?

### ***Bilge alarm and pumping arrangements***

Are there means to alert the crew to the presence of high levels of water in all compartments and bilges? Can water still flow freely to the suction outlet(s) from all compartments and bilges and have the bilge pumping arrangements (pumps, piping, etc.) been reviewed?

### ***Means of escape***

Are the means of escape adequate for all spaces? Are they suitably signed and illuminated? For all ships, are the means of escape from all spaces suitably signed and illuminated and fit for purpose?

### ***Fire detection and alarm system***

Has the fire detection and alarm system together with the coverage of the public address system been re-assessed?

### ***Fixed and portable fire extinguishing arrangements***

Has the arrangement of any portable fire extinguishing devices been reviewed? In particular, have the capacities of any pumps and tanks been reviewed? Has the fixed and portable fire extinguishing arrangements been assessed for compliance with all domestic requirements and is the system fit for purpose in the new area of operation.

### ***Structural fire protection arrangements***

Have the structural fire protection arrangements of the existing spaces on the ship been reviewed, and as necessary, revised to take account of possible re-categorisation of spaces and/or the fire risk categories? Have the structural fire protection arrangements been assessed for compliance with the relevant national regulations?

### ***Fire and damage control plans***

For all ships – have the fire and damage control plans been provided/updated as necessary?

### ***Life-saving arrangements***

Are the life-saving appliances and systems adequate, in particular to take account of any changes in the number of persons the ship is to be certificated or licensed to carry?

***LSA launching arrangements***

Considering the significant wave height for the new service, does the ship have satisfactory arrangements for transfer of survival craft from the stowed position to the water?

***Carriage of vehicles and cargo***

Are arrangements, procedures and equipment in place for securing vehicles and cargoes, as necessary? Are dangerous or hazardous cargoes properly stowed and segregated as required?

## ANNEX 2

### **Specific issues for ships subject to a change of route or area of operation of a domestic passenger ship**

#### **General**

- Have the ship modelling characteristics within the new harbour approaches and port confines been verified by manoeuvring and berthing trials prior to going into service?
- Has the air draught of the ship been considered, for example, with regard to manoeuvring in high winds and passing under any bridges there may be on the route taking into account tidal ranges?
- Do the draught parameters reflect the maximum and minimum draughts expected, taking into account, bunkers, water, stores, passengers and cargo?
- Is external assistance (e.g. tug size and power requirements and availability) for manoeuvring required and available when required?
- In general has the ship build criteria and specification been reviewed to ensure that the new requirements can be met by the original design and structure standards?

#### **Specific Issues**

##### ***Stability***

Has the intact and damage stability of the ship been re-assessed, as necessary, and found to be satisfactory as a consequence of the change in area of operation?

##### ***Watertight doors***

Has the procedure for the operation of water-tight doors been re-assessed for the new particular routes and areas of operation?

##### ***Freeboard***

Has the freeboard of the ship in the new area of operation been assessed and found to be satisfactory?

##### ***Load Line - Conditions of Assignment***

Does the change in area of operation have an influence on Load Line issues? Have any changes to the air and sounding pipes, ventilation openings, scuppers, windows, side-scuttles, external doors, shell doors, access hatches, ladders and railings, bulkheads, hatch covers, sills and coamings, manholes, etc., been necessary and fully considered. For example, are there any unprotected openings which may impact on the necessary watertight/weather-tightness of the ship; are there any places for which suitable drainage arrangements have not been made and there is a risk of entrapped water accumulating; have the necessary guardrails been fitted? In the case of a new area of operation, is the bow height satisfactory to limit the amount of green sea on the foredeck which may be experienced in the new service?

### ***Structural strength***

Have the necessary calculations and assessments of the global and local strength of the ship as a consequence of the change of service been undertaken, and reviewed and approved as necessary?

### ***Access for survey and maintenance***

Does the access for survey and maintenance require reassessment as a consequence of the change of service?

### ***Visibility from the navigation bridge***

Is the visibility from the navigation bridge adequate for the new area of operation? For example, is the trim of the ship still so as to avoid obstructions to the bridge visibility?

### ***Navigation lights, shapes and sound signals***

After the change of service, are the necessary navigation lights, shapes and sound signals fitted in accordance with the applicable regulations?

### ***Means of propulsion and steering***

Is there sufficient propulsive power and are the steering arrangements satisfactory (including consideration of the immersion of, and loading on, the rudder(s)) for a change of operations, such that the ship can be safely manoeuvred in all anticipated operating conditions?

### ***Auxiliary and emergency power supplies***

Has the auxiliary and emergency power supply been re-assessed in light of any additional electrical loads as a result of the change in area of operation? Likewise has the auxiliary and emergency power supply been re-assessed following the change in operating limits in light of any change in electrical loads as a result of the new operation? As necessary, have any new electrical systems been connected to alternative/emergency sources of power?

### ***Bilge alarm and pumping arrangements***

Are there means to alert the crew to the presence of high levels of water in all compartments and bilges? Can water flow freely to the suction outlet(s) from all compartments and bilges and have the bilge pumping arrangements (pumps, piping, etc.) been reviewed and, if necessary, modified as a consequence of the change of service or operation?

### ***Means of escape***

Have any of the means of escape from the existing spaces on the ship been compromised by the change in area of operation?

### ***Fire detection and alarm system***

Has the fire detection and alarm system been assessed in the new area of operations? Similarly, has the coverage of the public address system been re-assessed?

***Fixed and portable fire extinguishing arrangements***

Has the arrangement of any fixed or portable fire extinguishing devices been reviewed and, if necessary, supplemented as a result the new service? Has the fixed and portable fire extinguishing arrangements been assessed for compliance with all domestic requirements and is the system fit for purpose in the new area of operation.

***Structural fire protection arrangements***

Have the necessary structural fire protection arrangements (including those in ventilation systems) been assessed for compliance within the new area of operation? For the new area of operation have the structural fire protection arrangements been assessed for compliance with the relevant national regulations?

***Life-saving arrangements***

Are the life-saving appliances and systems still adequate for the changing areas of operation in particular to take account of any changes in the number of persons the ship is to be certificated or licensed to carry?

***LSA launching arrangements***

Considering the significant wave height for the new service or area of operation, does the ship have satisfactory arrangements for transfer of survival craft from the stowed position to the water?

## ANNEX 3

### **Specific issues for a ship subject to conversion or modification with a view to it being put into service as a domestic passenger ship**

#### **General**

- For ro-ro ships, are the ramp and passenger gangway gradients able to support safe embarkation and disembarkation of passengers and ro-ro cargo?
- Is the new berth adequate to accommodate the ship's overall length and beam, and is the ship ramp centre line aligned with the shore berth, with adequate fenders in place?
- Is the new / modified ship able to manoeuvre in and out of the intended harbour and berth configuration with minimum risk of grounding, or contact with shore structures and the shore, within the required tide, and wind parameters?
- Has the air draught of the ship been considered (including fitting of any new masts, aerials etc.), for example, with regard to manoeuvring in high winds and passing under any bridges there may be on the route taking into account tidal ranges?
- Have the ship modelling characteristics within the harbour approaches and port confines been verified by manoeuvring and berthing trials prior to going into service?
- Do the draught parameters reflect the maximum and minimum draughts expected, taking into account bunkers, water, stores, passengers and cargo? Is external assistance (e.g. tug size and power requirements and availability) for manoeuvring required and available when required?
- In general has the ship build criteria and specification been reviewed to ensure that the new requirements can be met by the original design and structure standards?

#### **Specific Issues**

##### ***Stability***

Has the intact and damage stability of the ship been re-assessed, as necessary, and found to be satisfactory as a consequence of the conversion or modification?

##### ***Watertight doors***

Has the procedure for operation of water-tight doors been re-assessed?

##### ***Freeboard***

Has the freeboard of the ship after the conversion or modifications been assessed and found to be satisfactory?

### ***Load Line - Conditions of Assignment***

Many kinds of modifications will have an influence on Load Line issues. Have any changes to the air and sounding pipes, ventilation openings, scuppers, windows, side-scuttles, external doors, shell doors, access hatches, ladders and railings, bulkheads, hatch covers, sills and coamings, manholes, etc., been fully considered. For example, are there any unprotected openings which may impact on the necessary watertight/weather-tightness of the ship; are there any places for which suitable drainage arrangements have not been made and there is a risk of entrapped water accumulating; have the necessary guardrails been fitted or are there any spaces that have been created as part of the conversion or modifications that do not have the necessary ventilation arrangements? Is the bow height still satisfactory to limit the amount of green sea on the foredeck which may be experienced in the new service?

### ***Structural strength***

Have the necessary calculations and assessments of the global and local strength of the ship as a consequence of the conversion or modifications been undertaken and reviewed and approved as necessary?

### ***Access for survey and maintenance***

Has the design and construction of the conversion or modification taken into account the future need to provide suitable and safe access for survey, maintenance and repairs?

### ***Visibility from the navigation bridge***

Is the visibility from the navigation bridge adequate after the conversion or modification? For example, has the trim of the ship changed or have any obstructions to the visibility occurred as a result of the conversion or modifications?

### ***Navigation lights, shapes and sound signals***

Has any modification to the ship affected the visibility of the navigation lights or shapes that need to be displayed?

### ***Means of propulsion and steering***

Is there sufficient propulsive power and are the steering arrangements satisfactory (including consideration of the immersion of, and loading on, the rudder(s)) after the conversion or modifications, such that the ship can be safely manoeuvred in all anticipated operating conditions?

### ***Auxiliary and emergency power supplies***

Has the auxiliary and emergency power supply been re-assessed in light of any additional electrical loads as a result of the conversion or modifications? Likewise is the auxiliary and emergency power supply been re-assessed in light of any change in electrical loads as a result of the new operation? As necessary, have any new electrical systems been connected to alternative/emergency sources of power?

### ***Bilge alarm and pumping arrangements***

Are there means to alert the crew to the presence of high levels of water in all compartments and bilges? Can water still flow freely to the suction outlet(s) from all compartments and bilges and have the bilge pumping arrangements (pumps, piping, etc.) been reviewed and, if necessary, modified as a consequence of the conversion or modification?

### ***Means of escape***

Are there adequate means of escape from any new spaces created as a result of the conversion or modifications? Are they suitably signed and illuminated? Have any of the means of escape from the existing spaces on the ship been compromised by the conversion or modifications?

### ***Fire detection and alarm system***

Has the fire detection and alarm system been extended to cover, as necessary, any new areas created as a result of the conversion or modifications? Similarly, has the coverage of the public address system been re-assessed?

### ***Fixed and portable fire extinguishing arrangements***

Has the arrangement of any portable fire extinguishing devices been reviewed and, if necessary, supplemented as a result of any conversion or modification? Has any fixed fire extinguishing system been provided or extended as a consequence of the conversion or modifications? In particular, have the capacities of any pumps and tanks been reviewed and, as necessary, increased to take account of any such additional fixed fire extinguishing system capability?

### ***Structural fire protection arrangements***

Have the necessary structural fire protection arrangements (including those in ventilation systems) been provided as a result of the conversion or modifications? Have the structural fire protection arrangements of the existing spaces on the ship been reviewed, and as necessary, revised to take account of the re-categorisation of spaces and/or the fire risk categories of any new spaces created as a result of the conversion or modifications?

### ***Life-saving arrangements***

Are the life-saving appliances and systems adequate after the conversion or modifications, in particular to take account of any changes in the number of persons the ship is to be certificated / licensed to carry?

### ***LSA launching arrangements***

Has the impact of the conversion or modification been considered for the ship's LSA launching arrangements? Does the ship continue to have satisfactory arrangements for transfer of survival craft from the stowed position to the water?

## ANNEX 4

### **Specific issues in relation to counting of number of persons on board domestic passenger ships**

#### **General**

One of the most important areas for assessment should be the keeping of a proper register of all persons on board the ship at any one time. It is recommended that a counting and registration system, as implemented by the Company<sup>8</sup>, to maintain the necessary information to comply with the regulations is in place.

The system should be applied to all persons, including infants, boarding and disembarking from a ship for a voyage and a record made of each person regardless of whether that person has been issued with a ticket or is a member of the crew. The system should take account of any changes to personnel embarking or disembarking during a voyage including those who remain on board from a previous voyage. In essence the system should account for all persons on board the ship at all times on each voyage.

The system need not be electronic or internet based. A manual system that provides an accurate record of the number of persons on board is considered to be acceptable.

#### **Assessment**

Does the Company / ships have a system to count the number of persons on board the ship at any stage? The "system" does not have to be the same system applied throughout a Company's fleet or, in the case of a particular ship, applied when it operates from different ports, or on alternative routes. Nevertheless, for any one particular voyage the counting and recording of the number of persons on board should be undertaken by the same system.

Is the system that is implemented and maintained by the Company and on the ships in compliance with the national requirements for the counting of persons on board domestic passenger ships?

Does the system:

- apply to all persons boarding and disembarking from a ship for a voyage and is a record made of each person regardless of whether that person has been issued with a ticket or is a member of the crew;
- take account of any changes to personnel embarking or disembarking during a voyage including those who remain on board from a previous voyage;
- take account for all persons on board the ship at all times on each voyage;
- update at each landing/stopping point where persons may embark or disembark the ship;

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<sup>8</sup> The 'Company' is 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 owner of the ship and who on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by the IMO's International Safety Management (ISM) Code.

- take account of persons who have declared a need for special assistance or care in emergency situations and properly recorded;
- comply with national regulations;
- require that the master should ensure that the ship does not depart if the total number of persons on board exceeds the total number that the ship is certified to carry; and
- ensure that the information required for the registration of persons is collected in a manner that causes minimum disruption and delay to those boarding the vessel?

Is the information, recorded by the Company, maintained and readily available to the emergency services in a format that is uncomplicated and easy to understand? Is the information protected from; accidental or unlawful destruction or loss; accidental or unlawful alteration; and unauthorised disclosure or access? Is a suitable back up system available in the event of a breakdown of the main system?

## ANNEX 5

### Specific issues in relation to Voyage Planning on domestic passenger ships

#### General

One of the most important areas for assessment should be the preparation of a proper voyage plan for all voyages the ship is intended to take. It is recommended that such a plan be implemented by the Company<sup>9</sup>, to maintain the necessary information to comply with the regulations in place.

#### Assessment

Has a written voyage plan been developed which covers the entire passage, from berth to berth? Does the plan cover (1) the outbound passage from the departure berth to the sea buoy; (2) the passage from sea buoy to sea buoy; and (3) inbound passage from the sea buoy to the final berth?

Does the voyage plan include the necessary information as relevant to the voyage<sup>10</sup>?

Has the voyage plan been prepared by the Master or navigating officer and verified by at least two qualified officers, (one of which should be the navigation officer or Master)? Has the verification included a review of all legs, waypoints, and courses on all forms of charts in use? If there are requirements to do so, is there an effective system in place to file a copy of the voyage plan ashore (e.g. with the Company, port authority)?

In particular, have all the environmental and navigational hazardous boundaries been clearly marked on all charts used for near-coastal navigation? Does this include specific information regarding hazards to navigation, port and sea conditions, planned environmental operations including exemptions, regulations, no-discharge zones, and sensitive areas?

Does each officer, who participates in the navigation of the ship, review the applicable voyage plan prior to assuming any navigational duties? Has the Master ensured that all officers have reviewed and signed the voyage plan prior to assuming any navigational duties?

Where changes to the voyage plan become necessary along the route (due to weather, medical emergency, change in orders, etc.), has the plan been formally modified and again checked by two qualified officers and approved by the Master? For in-port passages, where there may be insufficient time to go into this level of detail in making changes, are changes discussed by the bridge team, checked by two qualified officers, and agreed?

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<sup>9</sup> The 'Company' is 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 owner of the ship and who on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by the IMO's International Safety Management (ISM) Code.

<sup>10</sup> See section A of the appendix to this annex.

Are voyage plans undertaken as a process that takes into account the following steps:

- **Appraisal:** gathering sources (charts, publications, etc.) and information for the purpose of formulating a rough plan and determining if the passage can be made safely(i.e. ship dimensions relative to waterway dimensions);
- **Planning:** developing and recording the many aspects of a complete voyage plan;
- **Execution:** actually making the passage and carrying out the plan; and
- **Monitoring:** systematically checking and observing to ensure the vessel is following the established plan; making corrections to the passage or to the plan as necessary and in accordance with established procedures?

In formulating voyage plans, it will be important to consider the criteria for watch conditions, especially with respect to distance from the grounding line. Are the plans continuously updated and improved as experience is gained over the route? Are the plans kept up to date, immediately on hand, and actively utilized during the applicable parts of the passage and are they kept as a record for at least [six] months? Do the navigation officers exchange and compare Port Manuals and Port Passage Plans<sup>11</sup> with other Company ships that call at the same ports or have a similar itinerary?

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<sup>11</sup> See Section B of the appendix to this annex.

## APPENDIX TO ANNEX 5

### **A. Does the voyage plan include the following information as relevant to the voyage?**

#### **1 Nautical Charts & Publications**

- A complete set of the latest and updated charts and applicable publications for the area to be navigated;
- The intended track line marked down and labelled on appropriate navigational chart;
- Appropriate markings on the voyage charts to highlight potential hazard areas and other useful local information gathered through past experience in the area;
- Where the ship will necessarily operate in areas where the depth is less than (\*\*) meters (i.e., inside the \*\* - meter curve), the actual grounding line should be obviously marked or highlighted as a "no-go" area;
- Port/sea condition areas should be clearly highlighted; and
- Critical political boundaries and jurisdiction lines should be clearly marked.

#### **2 Electronic Navigation (when appropriate)**

- A complete set of the latest available charts for the area;
- The voyage plan route entered into the GPS and VMS, NACOS, or other Electronic Chart System;
- The relevant depth-meter sounding set as a "Safety Depth" in the Electronic Chart System with at least a 15-minute "look ahead" time; (when appropriate);
- Selected areas in the vicinity of the ship's intended track should be plotted as "Danger Area" using the Chart Additions editor of the Electronic Chart System;
- Highlights and markings added to the electronic charts similar to those on the paper charts;
- Appropriate Navlines or Radar Maps displayed on radar screens; and
- Port/sea condition areas.

#### **3. A Voyage Plan Table including:**

- Waypoint names indicating each course change or significant planned events;
- Latitude and longitude of each indicated waypoint;
- Course and distance between each successive pair of waypoints;

- Planned speed and estimated time on each leg;
- Estimated Time of Arrival (ETA) at each waypoint;
- Port/sea condition;
- Navigational hazardous areas;
- Environmental operations defined including but not limited to: no-discharge areas, incineration, fuel quality (sulphur), speed restrictions, etc.;
- For each leg of the voyage, notations from Master on Navigation methods, frequency of plotted fixes and other instructions (including planned Watch Condition, minimum CPA's and distance from grounding line, when to call the Master, etc.);
- Space for the navigational officer of the watch to record comments about the voyage;
- Lowest sounding expected on each leg and channel width (if applicable);
- Detailed notes for each leg, such as safety ranges/bearings; Wheel Over Points; turn rate, rudder angle or turning radius, where applicable; shoaling; Predominant Set; Bank Effects; and
- Local terminology; VTS Reporting Points, Required Notifications, change in port/sea conditions, set/change Watch Condition, etc.

#### **4 Variable Data:**

- A collection of "changing" information, such as predicted tides & currents, weather, navigational warnings, etc.; and
- Estimated time line of all port and sea conditions.

#### **B. Port Manuals and Port Passage Plans**

It is also recommended that each ship maintains a set of "Port Manuals" as a system for filing information gathered on each of the many ports. Typical items contained in the Port Manuals would include:

- Port Passage Plans and associated information;
- Chartlets for sections of passage;
- Manoeuvring cautions and suggestions gathered from experience;
- Terminal and berth information;
- Mooring diagrams;
- Tide and current information;

- Documents, pamphlets, business cards gathered from pilots and port officials;
- Pilot information;
- Services available (tugs, tenders, repairs, etc.); and
- Information on useful phone numbers, e-mail addresses and web-sites.

It is encouraged to share both Port Passage Plans and voyage plans between ships.

## ANNEX 6

### **Specific issues in relation to the enforcement by Administrations of safety and pollution prevention requirements on domestic passenger ships**

All Administrations have a responsibility to enforce their own Merchant Shipping legislation. The enforcement action that can be taken by each Administration is varied and the sanctions imposed can reflect the seriousness of the legislative breach. The potential defendants are ship owners (which may be Companies or individuals), Masters, officers and crew members, and, in limited circumstances, the ship managers and/or charterers. Prosecution is the ultimate sanction. However, there may other sanctions that the Administration can consider imposing, before prosecution is initiated.

A robust system that verifies compliance with the applicable national legislation (that is documented by the issuance of an appropriate certificate), both before a domestic passenger ship enters service and at regular intervals thereafter, is considered an effective and efficient mechanism to facilitate the safe operation of these ships. However, it is important that proper enforcement procedures are in place. In this context, it is considered important to note that:

- **for the selection and purchase of in-service domestic passenger ships** - most modern ferry designs have been optimised to a specified route and operation, to ensure maximum efficiency, environment and commercial return. As such the Administration may allow certificates of equivalence because of the operating area and route conditions. These equivalents usually reflect sheltered waters, distance from shore or special design features. Therefore, when considering domestic passenger ships for new routes and areas of operation, a careful assessment should be completed to ensure compatibility with the new route requirements, in order to ensure continued safe and efficient operation;
- **for the conversion and modification of ships for, or engaged on, domestic passenger ship operations** - it is important, for enforcement purposes, to determine if the ship type has changed as a result of the conversion or modification - for example, from a cargo ship or fishing vessel to a passenger ship or from a passenger ship to a ro-ro passenger ship (or vice-versa)? A change in ship type will impact on, at least, some of the regulations applicable to the ship and hence their enforcement. In particular, has the design and undertaking of the conversion or modifications been approved and overseen by the appropriate third-parties e.g. Administration, Classification Society etc.? Has the work has been carried out in accordance with a recognised standard? In essence, is the ship "fit for purpose" for its new role? Have all the new structural, safety, propulsion, environmental and navigation requirements been assessed for the new service and are they in accordance with any applicable standards of the Administration?
- **for the change of the service limits of in-service domestic passenger ships and prior to repositioning a ship from operation in a less exposed type of service to a more exposed type of service** (e.g. moved from calmer sea state to heavier sea state, or moved to operate further away from nearest place of refuge) - it is important that the capabilities of the ship should have been carefully reviewed. The capabilities of the ship to be assessed prior to changing "type of service" should include, but are not limited to: intact stability; damage stability; freeboard and bow height; cargo securing equipment and cargo securing manual; global and local strength; means of propulsion and

steering; and the provision of survival craft. As part of any enforcement process, the Administration should take into account the documentation and implementation of these assessments.

In assessing if enforcement action is necessary; it may be helpful to determine if an alleged 'significant' contravention of the regulations has taken place. A 'significant' contravention could be understood as being a contravention of domestic legislation appertaining to the ship or crew, which has the potential to cause, loss of life, serious injury, significant pollution or damage to the environment. All evidence should be collected in accordance with the relevant statutory provisions and legal requirements of the Administration. On completion of the investigation the evidence should be analysed by the investigating officer of the Administration and recommendations made, which may include prosecution action.

Typical offences can be broadly sub-divided into: pollution incidents; non-compliance with the provisions of the COLREGs; other unsafe operations and lack of maintenance prejudicial to the safety of those on-board; the carriage of dangerous goods; fraud with regard to the ship's or crew's documentation.

It is recommended that Administrations should:

- develop a strategic program and policies relating to enforcement activities in relation to domestic passenger ships. In developing these programs and policies consideration should be given, *inter alia*, to scheduled inspection programs, investigations of imminent danger situations, fatalities, catastrophes, complaints, referrals, and follow-up inspections;
- develop a realistic and effective enforcement system that implements the strategic program and policies. This system should include regulations, procedures, manuals, instructions and guidance as necessary that can be used by those tasked with enforcement activities;
- provide technical assistance and training programs to those tasked with enforcement activities, including the development of compliance practices and techniques, and interpretations and clarifications of applicable standards;
- coordinate, if possible, with other neighbouring Regional Administrations; to provide policy, procedural, and technical support for the review and/or development of 'best practice' on enforcement activities relating to domestic passenger ships;
- provide advice and develop responses regarding maritime jurisdiction in the development of possible Memoranda of Understandings between neighbouring Regional Administrations; and
- develop and provide mechanisms to facilitate the promulgation of domestic safety regulations.

### **Issues that are recommended for particular consideration by Administrations**

Administrations should consider if Companies and ships have developed and are effectively implementing policies, procedures and practices relating to: the safe and non-polluting operation of domestic passenger ships in compliance with the relevant regulations; the use of effective lines of communication between personnel, both ashore and afloat; the reporting of accidents and near-misses; and the response to emergency situations.

In particular the responsibility and authority of the Master should be documented and clearly understood throughout the Company and the ship so that there is no misunderstanding that he has the authority to make decisions regarding the safety of the ship and persons on board. To support the Master, assistance should be available ashore from the Company at all times.

There should be procedures in place for key shipboard operations with regard to safety and pollution prevention. These procedures should be assigned to designated personnel to ensure:

- there is sufficient preparation for emergencies to address potential emergency situations (which should be identified), and exercises carried out to respond to these emergencies; and
- the reporting of accidents and near accidents (which should be recorded), and the implementation of any corrective actions, with the aim of facilitating improvements and non-reoccurrence.

One of the most important areas for enforcement should be in relation to the keeping of a proper register of all persons on board the ship at any one time. In accordance with the requirements of the Administration it should be confirmed that a counting system is in place, as implemented by the Company, to maintain the necessary information to comply with the regulations. The system should be applied to all persons boarding and disembarking from a vessel for a voyage and a record made of each person regardless of whether that person has been issued with a ticket or is a member of the crew. The system should take account of any changes to personnel embarking or disembarking during a voyage including those who remain on board from a previous voyage. In essence the system should account for all persons on board the vessel at all times.

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