Preparatory Technical Maritime Conference

Record of Proceedings 5(Rev.)

Geneva, 13-24 September 2004

Report of Committee No. 2

1. At its first sitting on 14 September 2004, the Preparatory Technical Maritime Conference constituted three technical committees, including Committee No. 2 to address the draft provisions of the consolidated maritime Convention under Titles 1 to 3. The Committee was originally composed of 107 members (65 Government members, 37 Seafarer members and five Shipowner members). To achieve equality of voting strength, each Government member entitled to vote was allotted 37 votes, each Seafarer member 65 votes and each Shipowner member 481 votes. The composition of the Committee was modified twice during the session, and the number of votes allocated to each member was adjusted accordingly. [1]

2. The Officers of the Committee were as follows:

Chairperson:	Mr. G. Smefjell (Government member, Norway)
Vice-Chairpersons:	Mr. M. Moreno (Government member, Chile)
	Mr. D. Lindemann (Shipowner member, Germany)
	Mr. P. Crumlin (Seafarer member, Australia)
Reporter:	Mr. J. Dirks (Germany)

3. The Committee held 13 sittings.

4. The Committee had before it the Recommended draft consolidated maritime labour Convention (PTMC/04/1) and the Commentary to the recommended draft (PTMC/04/2).

5. The Committee discussed bracketed text in the recommended draft and any consequential changes to mature (unbracketed) text. Due to an extremely heavy work programme, amendments (other than consequential changes) that were submitted to mature text were not discussed.

[1] The modifications were as follows:

(a) 15 September p.m.: 76 members (65 Government members with 6 votes each, 6 Seafarer members with 65 votes each and 5 Shipowner members with 78 votes each).

(b) 17 September: 79 members (68 Government members with 15 votes each, 6 Seafarer members with 170 votes each and 5 Shipowner members with 204 votes each).

Introduction

6. The Chairperson conveyed his thanks both on his own behalf and the Government of Norway for the confidence placed in him. The maritime industry deserved a modern, comprehensive and easy-to-apply maritime labour instrument. Titles 1 to 3 dealt with aspects regulating the daily life of seafarers: minimum requirements for them to work on a ship, conditions of employment, as well as accommodation, recreational facilities, food and catering.

7. A representative of the Secretary-General pointed out that the draft before the Committee was the result of considerable preparatory work, including four sessions of the High-level Tripartite Working Group on Maritime Labour Standards, and two sessions of its subgroup. He detailed the Committee's modus operandi, which had been devised to keep work moving along whilst reflecting the substantial discussion that would take place.

General discussion

8. The Shipowner Vice-Chairperson noted an issue in relation to the definition of a "seafarer". Since a broad definition of the term had been adopted previously, he suggested that it might be preferable to identify parts of the text to adapt the scope of specific provisions to certain categories of seafarers.

9. The Seafarer Vice-Chairperson said these extraordinary times called for an instrument that was enforceable, logical and consistent with recent developments. Changes had occurred in the seafaring environment, with the threat to security in an industry universally regarded as deregulated. He recalled the IMO International Ship and Port Facility Security Code (ISPS Code) and urged that the text of the Committee's work should not be vague or obfuscating, but should be definitive and apportion responsibilities. Governments needed to take on their responsibility, including for making legislative changes. Specifically, the importance of public and private recruitment and placement services had been disregarded in the instrument. The Recruitment and Placement of Seafarers Convention, 1996 (No. 179) had needed a long discussion before its adoption. Public and private recruitment and placement services needed to be properly regulated. An amendment should clarify that, where public services remained, these needed to be recognized and ongoing. With regard to the scope of the term "seafarer", he recalled that the instrument was intended to protect the unprotected. The Committee did not need to go over areas where seafarers were afforded protection under other instruments. The aim was to regulate an industry that was essential not only economically, but in terms of global security.

10. The Reporter of the Committee, speaking on behalf of the Government group, summarized the concerns of the Government group regarding certain Regulations and Standards. There was a concern regarding Regulation 1.3 on training and qualifications, which overlapped with other instruments such as the IMO STCW 95 Convention and the International Safety Management (ISM) Code. There were difficulties concerning Regulation 1.4 on recruitment and placement services. A decision needed to be taken regarding Regulation 1.5 on including a reference to the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), as this also related to the work of Committee No. 1 on Title 5 and the Appendices. Regulation 2.1 on the employment agreement was an issue for various reasons. Regulation 2.3 on hours of work raised the question whether that provision should apply to masters and first engineers and, if so, to what extent. There was a need to refer to the joint work being done by the ILO and IMO regarding Regulation 2.5 on repatriation. Regulation 2.8 on continuity of employment posed difficulties for many governments. The provision on noise and vibration should be moved back to Title 3, and tonnage issues should also be mentioned.

Regulation 1.2 – Medical certificate [2]

New paragraph (to be added after paragraph 2)

11. The Drafting Committee proposed new text for the Committee's consideration:

> The provisions under this Regulation do not apply to persons not ordinarily employed at sea, such as pilots, travelling dockers and portworkers.

12. The Committee adopted the text.

Standard A1.2 – Medical certificate

Paragraph 6

13. The Shipowner Vice-Chairperson proposed a limitation on the scope for certain persons on board ship for short periods, for example to carry out repairs. Paragraph 6(a) was acceptable. They proposed the deletion of the curly brackets around "medical condition" in 6(b).

14. Concerning paragraph 6(a), the Seafarer Vice-Chairperson felt that colour vision was a well-documented issue. A person with defective colour vision could not hold a bridge watch nor work in the engine room. Concerning paragraph 6(b), "medical condition" as opposed to "disease" was also well documented, and the Seafarers had no real problem with the text.

15. The Chairperson suggested the removal of all the curly brackets in this paragraph. The Committee agreed to the removal of all the curly brackets in paragraph 6. The Special Adviser of the Committee had explained that these were references to existing instruments for information only, and were not intended as substantive points.

Paragraph 7

16. The Shipowner Vice-Chairperson had no objection to paragraph 7(a) and was comfortable with keeping the validity of the medical certificate for two years. The group also accepted paragraph 7(b) and six years as the maximum period for colour vision certification.

17. The Seafarer Vice-Chairperson observed that if a person was colour blind, there was no point in renewing the test. However he wondered whether colour vision could be lost over time.

18. The Special Adviser of the Committee explained that although colour vision was thought to be a permanent condition, it could be lost through ageing or disease. In cases where a certificate was required, colour vision needed to be tested every six years.

19. The Government member of the United States explained that in her country, the medical certificate was attached to the certificate of competency as required by the STCW Convention. If the interval for certification was less than the specified five years, this could lead to a contradiction.

[2] This report follows the order of the recommended draft. It does not necessarily reflect the order in which topics were discussed in the Committee.

20. The Chairperson pointed out that the medical certificate was to be valid for a maximum period of two years.

Paragraph 8

21. The Shipowner Vice-Chairperson suggested deleting the portion of the paragraph in square brackets "until the next port of call where he or she can obtain a medical certificate from a qualified medical practitioner", as it might be difficult to find a qualified doctor in the next port of call.

22. The Seafarer Vice-Chairperson recalled that the deletion of this text would leave the provision so open-ended that it could not provide sufficient guarantees that medical certification would be sought. How an urgent medical case would be defined, and by whom, was not clear in this provision. Safeguards were needed to ensure that everyone on board was fit, and it was important that the exception not dilute the rule. Generally, the seafarer should be required to obtain a medical certificate in the next port of call. There was a grey area between the Shipowner group's concerns and the protection of seafarers.

23. The Chairperson observed the text said "… the next port of call *where* he or she can obtain …", meaning a port where a medical certificate from a qualified medical practitioner could be obtained.

24. The Shipowner Vice-Chairperson agreed with this wording, as it addressed his group's concern.

25. The Government member of Denmark remarked that Article 6 of the Medical Examination (Seafarers) Convention, 1946 (No. 73) mentioned a "single voyage". The proposed text seemed open to different interpretations. He preferred to set a time limit, and offered an additional modification to paragraph 8: "In urgent cases the competent authority may allow a person to work without medical certificate *for a limited period not exceeding three months, provided that the seafarer is aged over 18 and has previously obtained a medical certificate which proved that the seafarer was not suffering from a medical condition as mentioned under paragraph 6(b).*"

26. The Government member of Brazil requested clarification. Regulation 1.2 stated that seafarers had to be medically fit in order to fulfil their duties. If this was already in the Regulation, she could not understand why this provision was needed. In addition, who would determine what would be considered an unusual circumstance?

27. The Chairperson said it was the main requirement that all seafarers have medical certification, but there might be circumstances where seafarers may need to get on board urgently and that under these circumstances it might be necessary to do so without a valid medical certificate. This was a decision for the competent authority.

28. The Government member of France supported the text proposed by the Government member of Denmark which would replace Standard A1.2 – Medical certificate, paragraph 8. This would provide flexibility. It was the flag State's responsibility to ensure that seafarers were properly certified. However, the text needed to be more specific about who was considered a qualified medical practitioner.

29. The Special Adviser of the Committee explained that the term "qualified medical practitioner" was not defined in the Convention but was proposed during the High-level Tripartite Meetings. The term "qualified" referred to national medical standards. She understood the concern was to avoid possible examinations by unqualified people. The word "qualified" meant in accordance with national law.

30. The Government member of Germany agreed with the Government members of Denmark and France on replacing paragraph 8 with the proposed text. However, the relationship between paragraphs 8 and 9 would need to be studied if the proposal was accepted.

31. The Special Adviser of the Committee reminded the members that all the text in the current draft was drawn from existing Conventions. The text in paragraph 9 was the exact wording found in Convention No. 73, Article 5; it addressed the problem of a certificate expiring. Paragraph 8 is to address urgent cases to meet, for example, manning requirements in cases where a seafarer become sick. He or she could be replaced by another seafarer.

32. The Seafarer Vice-Chairperson recalled the previous discussion surrounding the word "voyage" and whether it applied to a voyage between ports or had a wider meaning.

33. The Shipowner Vice-Chairperson would be satisfied if the text specified the "next" available port where a qualified medical practitioner was available.

34. The Government member of the Syrian Arab Republic commented that some limits had to be imposed to avoid ambiguity and to protect all on board a vessel. Seafarers had to have medical certificates. The problem was not with the availability of qualified doctors.

35. The Government member of Egypt believed that paragraph 8 was unnecessary. Medical certification was a requirement like all other requirements for seafarers. Doctors were not subject to the competent authority. Seafarers who were ill or needed urgent attention should not be on board as this may endanger the rest of the crew. Medical certification was essential.

36. The Government member of the United Kingdom supported the proposed text from the Government member of Denmark. It offered flexibility, although limited. She took note of the comments made by the Government member of Egypt and pointed out that the words "may allow" in paragraph 8 meant discretion was left with the competent authority.

37. The Shipowner Vice-Chairperson supported the text for paragraph 8 proposed by the Government member of Denmark.

38. The Seafarer Vice-Chairperson said further clarification was still needed, particularly with reference to the limit of three months. Did this mean the "next" available port because it was probable that there could be access to other ports before three months? He expressed concern about diluting the original text. If a vessel did not have the minimum manning, and was in port, it was necessary to recruit a seafarer and ensure that he or she obtained medical certification at the next available opportunity.

39. The Government member of Denmark remarked that the proposed text to paragraph 8 was not speaking of new seafarers but of those who previously had a clean medical certificate. Three months provided flexibility and would normally be enough time for the seafarer to get back to his or her own country for the required medical certification from a known doctor.

40. The Chairperson proposed that the new wording for paragraph 8 as formulated by the Government member of Denmark be referred to the Drafting Committee and re-worded as appropriate.

41. The Chairperson then referred to the Shipowners' concerns with the issue of scope, indicating that the Health Protection and Medical Care (Seafarers) Convention, 1987 (No. 164) covered the issue of scope and defined the term "seafarer".

42. The Shipowner Vice-Chairperson had many concerns about the question of scope. It was unnecessary to require a medical examination for those who were not part of the vessel's crew. People could be hired to perform a specific task for a limited time while residing in the harbour or the harbour vicinity. Second, such a practice would merely overburden the authorities.

43. The Seafarer Vice-Chairperson said that the onus to define terms such as "harbour" or "shore areas" rested with the shipowners. The issue was to ensure that everyone in the seagoing industry was covered by a minimum standard.

44. The Shipowner Vice-Chairperson referred to Article 2 of the Medical Examination (Seafarers) Convention, 1946 (No. 73) which read as follows:

> Without prejudice to the steps which should be taken to ensure that the persons mentioned below are in good health and not likely to endanger the health of other persons on board, this Convention applies to every person who is engaged in any capacity on board a vessel except –
>
> (a) a pilot (not a member of the crew);
>
> (b) persons employed on board by an employer other than the shipowner, except radio officers or operators in the service of a wireless telegraphy company;
>
> (c) travelling dockers (longshoremen) not members of the crew;
>
> (d) persons employed in ports who are not ordinarily employed at sea.

Most of the text cited corresponded to the Shipowners' objectives.

45. The Seafarer Vice-Chairperson was willing to consider the cited text, but had reservations about excluding from the scope of the instrument workers who were employed on a full-time or part-time basis. They could be involved in the day-to-day maintenance, such as ship repair personnel. However, there were occasions when there was a need for specialized services from others. The distinction had to be clear. The Seafarers' group would resist any proposal for their exclusion.

46. The Shipowner Vice-Chairperson observed that with regard to Article 2(b) of Convention No. 73, some categories of personnel appeared as no longer relevant, while new categories of employees needed to be considered. The main intent remained that short-term employees would only be exempted from medical certification on condition that they did not represent any health risks to the crew.

47. The Chairperson and the Special Adviser of the Committee summarized the debate. An explanatory note covering the issues raised would be prepared by the secretariat and sent to the Drafting Committee along with the text proposed by the Government member of Denmark. The text as formulated by the Drafting Committee would then be submitted to the Committee for further discussion and review.

48. The Drafting Committee proposed a text to replace paragraph 8 with the following:

> In urgent cases the competent authority may permit a person to work without a valid medical certificate until the next port of call where he or she can obtain a medical certificate from a qualified medical practitioner, provided that:
>
> (a) the period of such permission does not exceed three months; and
>
> (b) the seafarer concerned is in possession of an expired medical certificate of recent date.

49. The Shipowner Vice-Chairperson said that the text was good. Regarding (a), however, three months was too restrictive. A longer period would be more appropriate.

50. The Seafarer Vice-Chairperson said that obtaining a certificate at the next port of call was more important than exceeding three months without a certificate. This was ample time.

51. The Government member of Norway proposed that a medical certificate be obtained at the next port of call or within three months, whichever came first.

52. The Chairperson said that the provision was clear, and that a medical certificate should be obtained at the next port of call. The time-limit was only in case this could not be done. With this explanation, the text was adopted.

Regulation 1.3 – Training and qualifications

53. The Chairperson read from a letter from the International Maritime Organization dated 9 June 2004, addressed to the Director-General, as follows:

> The IMO Sub-Committee on Standards of Training and Watchkeeping (STW), at its 35th session (26-30 January 2004), agreed that competence for ratings could be included within the STCW Convention and deferred the consideration of preliminary proposals for the development of competence for ratings until the outcome of the Preparatory Technical Maritime Conference of the ILO was available. In considering the advice of the STW Sub-Committee, the Maritime Safety Committee at its 78th session (12-21 May 2004) recognized that currently there are no international standards for the competence of ratings other than those for able-bodied seamen. The Committee agreed that IMO is the appropriate body to deal with standards related to competences for ratings, except for the ship's cook, and instructed the Secretariat to convey this decision to the ILO for consideration by the PTMC …

54. There was some discussion about the advisability of agreeing to transfer the entire responsibility for training and qualifications of seafarers to the IMO, or whether the services of the joint IMO/ILO Training Committee should also be involved, as proposed by the Shipowners. Clear instructions needed to be given to the IMO and a smooth transition phase ensured.

55. Consensus emerged that, as a consequence of the contents of the letter from the ÌMO reproduced above, all references to training and qualifications under Regulation 1.3 (with the exception of those concerning ships' cooks) could be dealt with by the IMO, through its Sub-Committee on Standards of Training and Watchkeeping, taking the provisions of the STCW Convention and the ISM Code into consideration. The involvement of the existing IMO/ILO Training Committee was appropriate, in order only to ensure a smooth transition from one organization to the other, so that no seafarer could be deprived of access to arrangements governing training and qualifications. It was also remarked that Convention No. 74 (1946), concerning the certification of able seamen, could not be disposed of without proper consideration.

56. The Chairperson pointed out that the existing Certification of Able Seamen Convention, 1946 (No. 74) would not disappear if the provisions of this part of the instrument were transferred to the IMO, and that a solution should be found by the ILO.

57. The representative of the International Maritime Organization (IMO) reported that the Maritime Safety Committee, at its 78th Session, had noted that its Sub-Committee on Standards of Training and Watchkeeping (STW) had deferred consideration of preliminary proposals on the competence of ratings until the outcome of the PTMC. Provisions on the competency of ratings could be included in the STCW Convention. There were currently no international standards other than those for able seamen. The STW Sub-Committee had agreed that the IMO was the appropriate body to deal with the competency of ratings (excluding the ship's cook), and a letter had been sent from the Secretary-General of the

IMO to the Director-General of the ILO on this matter. Following the PTMC, the Maritime Safety Committee, at its 79th Session, would instruct the STW Sub-Committee during its 1-10 December 2004 meeting to consider this issue and its possible implications for standards of training relating to ratings. It could then suggest the best way forward, including transitional arrangements if necessary. He suggested that this preparatory Conference give clear directions which the IMO's appropriate Committee and Sub-Committee could then consider.

58. The Chairperson proposed that a small Working Party be composed, led by the Government member of the United States, in order to draw up the specific conditions for the transfer of Regulation 1.3 to the IMO.

59. The Shipowner Vice-Chairperson agreed with this proposal, but cautioned that none of the substance of the provisions should fall by the wayside in the transfer between the two organizations. The legal implications of this transfer needed to be considered as well. The IMO should deal with training for certain functions on board which could include training of able seamen, but also other categories who perform similar functions on board.

60. The Seafarer Vice-Chairperson also endorsed the creation of a small Working Party. Drawing up the terms of reference for the transfer would take some work. It was important that certain minimum provisions should not be lost in the process.

61. The Government member of the United Kingdom asked whether amendments to the text which would appear in the Convention could still be proposed, or whether this was to be done by the Working Party. She wondered whether such amendments should be submitted now.

62. The Chairperson suggested that the Committee wait for the outcome of the Working Party, after which other issues could be raised with the Steering Committee.

63. The Chairperson of the Working Party on the transfer of training and qualifications for seafarers from the ILO to the IMO reported on progress under three headings, namely the proposed new text before the Committee regarding the transfer; mechanisms for the transfer; and how to deal with Regulation 1.3, Standard A1.3 and Guideline B1.3. She started with the least controversial.

64. First, regarding the mechanism for transfer, she stated that an IMO mechanism already existed, namely that provided through the IMO's Sub-Committee on Training and Watchkeeping (STW) which was planning to address this issue at its coming 36th meeting in January 2005, if their offer in the letter of 9 June 2004 (already read out to the Committee) received a positive reply. The Working Party considered the STW Sub-Committee to be the best mechanism and saw no reason for the involvement of the ILO/IMO Training Committee. The Chairperson opened the discussion on this point.

65. The Shipowner Vice-Chairperson was satisfied with the Working Party's proposal, which he found more expedient. The Seafarer Vice-Chairperson agreed and, there being no objection from Government members, the Chairperson announced the Committee's agreement on the mechanism for transfer.

66. The Chairperson of the Working Party then read out the text they proposed regarding the transfer itself, as follows:

> Transfer of Training and Qualifications for Seafarers from ILO to IMO
>
> 1. The Committee agrees that the development of training requirements for seafarers is relevant to the International Maritime Organization (IMO), particularly in the

International Convention on Standards of Training Certification and Watchkeeping for Seafarers (STCW), 1978, as amended.

2. The Committee agrees with the transfer of the principles of the ILO Convention on Certification of Able Seaman, 1946 (No. 74) to IMO.

3. The Committee further agrees that training and qualification requirements for ratings shall be transferred to IMO for inclusion into the International Convention on Standards of Training Certification and Watchkeeping for Seafarers, 1978, as amended.

4. In light of the use of the term "able seamen" in various ILO instruments, it would be appropriate that the IMO makes the relevant reference/definition to this term when developing appropriate training requirements for ratings.

5. The Committee recommends that the following issues be considered by IMO when developing [mandatory] [appropriate] training and qualification requirements for ratings for inclusion into the STCW Convention.

   (a) Training requirements that would ensure that the rating has reached the level of competence to perform his/her duties and responsibilities required of his/her position on board ship.

   (b) Assessment to ensure that the training imparted ensures that the rating has reached the desired level of competence.

   (c) Certification or other documentary evidence by the relevant competent authority indicating that the rating has been trained, assessed and found competent to perform the duties and responsibilities related to his/her position on board ship.

67. The Chairperson of the Working Party explained they had included the reference to Convention No. 74 in paragraph 2, because they wished to emphasize the principles (not the contents) of that Convention. She then explained that the Committee needed to choose between the bracketed options (mandatory or appropriate) in paragraph 5. In the Working Party the Government members had preferred "appropriate", and the Seafarers' group the word "mandatory". In paragraph 4, regarding the use of "able seamen" (the term used in ILO Conventions predating the introduction of the term "seafarers"), the Working Party considered this should be left to the IMO to decide.

68. The Shipowner Vice-Chairperson preferred the term "appropriate" in paragraph 5.

69. The Seafarer Vice-Chairperson declared that "able seamen" should definitely be taken to mean "able seafarers" to cover both the women and the men working in the maritime industry. As to the bracketed text in paragraph 5, his group preferred the term "mandatory" because the term "appropriate" already appeared in paragraph 4 (appropriate training and qualifications requirements for ratings). He pointed out that once these provisions were incorporated into IMO Conventions they would become mandatory anyway.

70. The Government member of Germany requested the deletion of both "appropriate" and "mandatory", considering that it was unnecessary to retain these concepts at this point in the recommended draft. He was supported by the Government members of France and the United Kingdom, and by the Shipowners' group.

71. The Seafarer Vice-Chairperson reiterated his group's concern on this point: if there was any possibility that some mandatory provision could become non-mandatory during the transfer (for example, by being placed in a non-mandatory IMO instrument), then it was essential that this Committee ensure that the full force of ILO Conventions remain undiluted in the transfer of training and qualifications to the IMO. The Seafarers reserved the right to revisit this matter at the Maritime Conference.

72. The Chairperson summed up, stating that the term "able seamen" had to be retained by the Committee at this point, and announced the deletion of both "mandatory" and "appropriate" in paragraph 5, based on the indications given by members.

73. The Chairperson of the Working Party addressed the last part of her report: how to deal with Regulation 1.3, Standard A1.3 and Guideline B1.3. She presented the three options worked out by the Working Party, and a recommendation that the secretariat be asked to examine the legal situation regarding the provisions of Convention No. 74 during the transfer. The three options were as follows:

OPTION 1

Replace existing Regulation 1.3 with the following text:

Seafarers shall be trained, certificated or otherwise appropriately qualified in accordance with instruments of the International Maritime Organization.

Delete the rest of the text currently in the Regulation and under Parts A and B of the Code.

OPTION 2

Keep only paragraph 1 and amend paragraph 3.

1. Seafarers shall not work on a ship unless they are trained or certified as competent or otherwise qualified to perform their duties (modified C.53A3/1).

2. Certification and training in accordance with the instruments adopted by the International Maritime Organization shall be considered as meeting the requirements of paragraph 1.

Delete the rest of the text currently in the Regulation and under Parts A and B of the Code.

OPTION 3

Retain all three paragraphs under the current Regulation 1.3 and amend paragraph 3.

1. Seafarers shall not work on a ship unless they are trained or certified as competent or otherwise qualified to perform their duties (modified C.53A3/1).

2. Seafarers shall not be permitted to work on a ship unless they have successfully completed training for personal safety on board ship [and meet applicable national training requirements, if any, relevant to their position on board ships].

3. Certification and training in accordance with the instruments adopted by the International Maritime Organization shall be considered as meeting the requirements of paragraphs 1 and 2.

Delete the rest of the text currently in the Regulation and under Parts A and B of the Code.

RECOMMENDATION

The Secretariat should be asked to examine the legal situation regarding ILO Convention No. 74 during this transition.

74. The Chairperson of the Working Party explained that Option 1 was favoured by the Governments; Option 2 was proposed by the Shipowners' group, because it left open the possibility of discussing the important issue of the scope of application; and Option 3 was proposed by the Seafarers' group.

75. The Shipowner Vice-Chairperson stated that his group maintained their preference for Option 2.

76. The Seafarer Vice-Chairperson declared that his group saw no reason to change the recommended draft proposal which covered some outstanding issues. However, if the text of Option 3 created any practical problems, the Seafarers were prepared to reconsider by accepting the deletion of the text in square brackets. They wished to ensure that the text

was comprehensive and universally applicable. Their concern had always been to arrive at a text which would provide both for personal safety on board as well as safety with regard to the needs of the vessel.

77. The Government member of Egypt favoured the Shipowners' text.

78. The Government member of the United Kingdom stated that since most of the text of Regulation 1.3 in the recommended draft consisted of unbracketed text, her Government thought the new text contained in Option 1 was sufficient. However, there would be no real problem with either Option 2 or Option 3, except that paragraph 2 of Option 2 referred back to paragraph 1 and therefore did not meet the Shipowners' aim of including provision for training with regard to workers on board ship (e.g., doctors) who were not seafarers.

79. The Seafarer Vice-Chairperson stressed that a distinction needed to be made in this context between competency and training for personal safety. Competency meant knowing the features of a particular vessel, e.g., the location of fire exits, whereas personal safety training meant how to use safety appliances, for instance. Seafarers had a right to induction on personal safety training.

80. The Government member of the United States read out the detailed provisions of Chapter VI of the IMO's STCW Convention regarding emergencies, occupational safety, medical care and survival functions, notably those in the so-called "familiarization training" provisions which concerned personal survival techniques; also those concerning basic safety training. She asked whether the Seafarers' group would be satisfied with the mention of detailed provisions regarding familiarization training.

81. The Seafarer Vice-Chairperson said they were merely seeking to introduce into the consolidated draft Convention a reference clarifying what personal safety on board actually meant.

82. The Government member of Ghana agreed with paragraphs 1 and 2 of Option 3 favoured by the Seafarers, with the exception of the bracketed text, which was unnecessary and might prevent other non-national seafarers from getting personal safety training.

83. The Seafarer Vice-Chairperson agreed to delete the bracketed text in order to move forward.

84. The Chairperson proposed that Option 3, as mature text produced by the High-level Tripartite Working Group on Maritime Labour Standards, be kept, with the text in square brackets deleted. The Committee agreed to this proposal.

85. The Chairperson recalled that three options had been suggested. There had been no support for Option 1; the Shipowners' group had supported Option 2; and the Seafarers' and Government members had supported Option 3. Each maintained its position.

86. The Chairperson suggested that the wording be as follows:

1. Seafarers shall not work on a ship unless they are trained or certified as competent or otherwise qualified to perform their duties.
2. Seafarers shall not be permitted to work on a ship unless they have successfully completed training for personal safety on board ship.
3. Certification and training in accordance with the instruments adopted by the International Maritime Organization shall be considered as meeting the requirements of paragraphs 1 and 2.

87. In response to a query from the Government member of Denmark, the Chairperson pointed out that Standard A1.3 no longer existed. It had been deleted except for paragraph 9, which had been moved to A2.8.

88. The Seafarer Vice-Chairperson observed that the Shipowners were concerned about the problem of induction. It should be possible for seafarers to start work without going through induction training. However, the training should be provided early on in their employment. The Seafarers would agree if this were included in the report.

Standard A1.3 – Training and qualifications

Paragraphs 2, 8 and 9

89. The Seafarer Vice-Chairperson declared that his group intended to raise the issue of vocational training and guidance not in a definitive or overly prescriptive way, but in a way enabling open discussion. Since IMO Conventions did not deal with cooks and caterers, paragraph 8 might be moved to that part of the recommended text dealing with them. Paragraph 9, which contained wording on career development, together with Guideline B1.3.1 (Vocational planning and ongoing training) could be moved to Regulation 2.8.

90. The Shipowner Vice-Chairperson asked about the status of the document containing the new text proposed by the Working Party, which he pointed out contained the proposal on page 3 to "Delete the rest of the text currently in the Regulation and under Parts A and B of the Code", and the rest of the text which was not in square brackets. In other words, as both Shipowners and Seafarers had given their consent, the deal was already done.

91. The Government member of the United States, responding to the preceding Seafarers' suggestion, pointed out that Standard A1.3, paragraph 2, was already covered in all three options in the proposed new text. She therefore proposed doing away with it. The IMO's STCW Convention already covered engineers, deck officers and now ratings, which left only the issue of scope of application to be considered. In a spirit of compromise, she proposed that Standard A1.3, paragraph 9, and Guideline B1.3.1 (Vocational planning and ongoing training) be moved to Regulation 2.8 or Standard A2.8.

92. The Seafarers' group agreed to drop Standard A1.3, paragraph 2. Regarding Standard A1.3, paragraph 9, the Seafarer Vice-Chairperson said that, like career development, vocational guidance applied to all seafarers. That provision should move to Regulation 2.8, with some issues, e.g., guidance for greasers and able seamen to become engineers and deck officers, which might be better suited under Guideline B2.8. Concerning paragraph 8, while the STCW Convention contained references to initial and continuing training, it did not deal with cooks and caterers. This could be dealt with in the provisions of the recommended draft concerning cooks and caterers.

93. With regard to these proposals offered in a spirit of cooperation and compromise, the Shipowner Vice-Chairperson was prepared to keep the issue open at this stage, but preferred to see written proposals before committing to anything.

94. The Chairperson proposed that the Committee refer Standard A1.3, paragraph 9, and Guideline B1.3.1 to the Drafting Committee, requesting it to find appropriate wording in relation to the work the Drafting Committee was already doing for the Committee on Regulation 2.8.

95. The Government member of Denmark, referring to the two provisions proposed for referral to the Drafting Committee, wished it to be made clear that a Member's obligation only concerned seafarers domiciled in that State, and that it was not an obligation of flag States to train foreign seafarers. He requested that this be added when the provision was sent to the Drafting Committee.

96. The Chairperson, recalling that these provisions were intended to be moved to Regulation 2.8, read out the part of that provision which specified "all seafarers domiciled in the territory of a Member".

97. The Seafarer Vice-Chairperson, responding to the intervention of the Government member of Denmark, considered problematic the suggestion that education and training be offered only in the territory where seafarers were domiciled. The Seafarers' group wished to consider the issue further and suggested that the Committee come back to it.

98. The Chairperson stated he would not refer the text to the Drafting Committee until the Committee had revisited the matter.

Paragraph 8

99. The Seafarer Vice-Chairperson recalled that this issue was covered by the STCW Convention on training and should be dealt with under the general discussion of Regulation 2.8. The Shipowner Vice-Chairperson agreed with the Seafarers' group.

100. The Chairperson took it that there was no need for Standard A1.3, paragraph 8, and it was agreed to delete it.

101. The Seafarer Vice-Chairperson agreed to the deletion of paragraph 8 from the text.

Paragraph 9

102. The Seafarer Vice-Chairperson stated that paragraph 9 should be moved to Standard A2.8 [Continuity of] [Career development and regularity of] employment. Responsibility for career development was ultimately with the competent authority in the territory. Flag States and shipowners also had a role, especially with long-standing employees. New text was required that included reference to consultations between seafarers and shipowners regarding career training.

103. The Shipowner Vice-Chairperson agreed with this proposal.

104. The Government member of the United States, speaking on behalf of the Government members, agreed with the transfer of Standard A1.3, paragraph 9 to Standard A2.8, provided it applied to seafarers domiciled in the territory of the Member.

105. The Seafarer Vice-Chairperson agreed with this clarification.

106. The Government members of Denmark and South Africa expressed reservations and wished to comment once the draft of the new text was available.

107. The Government member of Korea, having expressed reservations about the text, suggested inserting "as appropriate" after "ongoing training". A discussion ensued regarding "including [ongoing] training" in the text of paragraph 9. It was decided that "ongoing training as appropriate" would be included in both the Standard and corresponding Guideline.

108. The Chairperson summarized that the brackets would be removed from Standard A1.3 paragraph 9 and Guideline B1.3.1, and the text moved to Standard A2.8 and Guideline B2.8 respectively. He requested the social partners to provide new text.

Paragraph 9
(and Guideline B1.3 – Training and qualifications)

109. The Chairperson recalled the decision to move this Guideline to Regulation 2.8. Two issues were involved: where to place it, and a proposal from the Seafarers' group.

110. The Seafarer Vice-Chairperson proposed that in paragraph 9 of Standard A1.3 after the words "consulting the organizations of shipowners and seafarers concerned", the words "and relevant member States" be added. This was the responsibility of the competent authority in the territorial State, but there should be consultation with the flag State concerned to ensure that national training programmes had their support. This would meet the need for a holistic solution.

111. The Shipowners' group did not object, but suggested deleting the word "ongoing".

112. The Government member of Denmark said that his Government could not be asked to make policy in consultation with other States. He was supported by the Government members of Germany, the Netherlands and Norway.

113. The Government member of the Republic of Korea also supported the Danish objection, saying that in Regulation 2.8 responsibility applied to seafarers domiciled in the territory of the Member. He was supported by the Government member of the United States.

114. The Government member of Canada, who had been on the Drafting Committee, felt that Governments should take the provision into consideration as it stood, without any modification.

115. The Seafarer Vice-Chairperson countered what they saw as a spurious objection, and maintained their earlier position, arguing that the mode of operation between flag States and labour supplying countries was well known. The vocational needs of, e.g., a junior officer from a labour supplying country working on the ship of a flag State should be recognized and there should be consultation between the two States concerned. If States wished to employ seafarers from the labour supplying countries, they should act responsibly towards them.

116. The Chairperson announced that it was his decision to move the text to Regulation 2.8 and to ask the Office to find an appropriate place for it.

Regulation 1.4 – Recruitment and placement

Scope of application of Regulation 1.4

117. The Shipowner Vice-Chairperson stated that the issue was whether certain workers on ships, such as performing artists, scientists and doctors, were to be included in the scope of application of Regulation 1.4. The issue especially concerned passenger vessels and those on which scientific activities were conducted or entertainment provided.

118. The Seafarer Vice-Chairperson pointed out that if such persons were recruited directly, there was no problem as they were unlikely to be forced to accept a 40 per cent agency fee, as many seafarers had to. The aim was to protect persons who were not otherwise

protected in a mostly unregulated industry operating in a global environment. If such workers were being exploited at sea for long periods and were not protected, then the recommended draft should apply to them. The problem was defining an exception without diluting the regulation.

119. After some debate about the necessity of distinguishing between specific seafarers' jobs and other jobs, or whether any individual working on a ship was a seafarer, the Chairperson reminded the Committee that the definition of seafarer was set out in Article 2 ("any person who is employed or engaged or works in any capacity on board a ship to which this Convention applies"). He suggested that the definition of a seafarer contained in Convention No. 179 would represent an acceptable compromise. This was accepted.

Paragraph 3

120. The Shipowner Vice-Chairperson pointed out that certain categories of personnel on board passenger ships were not always engaged by the same recruitment and placement services as for other ships, therefore certain provisions mentioned here did not fit. There was a need for a reduction in scope. Paragraph 3 of Regulation 1.4 – Recruitment and placement, should be deleted since these provisions were already covered under Standard A1.4 – Recruitment and placement, paragraph 5.

121. The Special Adviser of the Committee explained that the structure of the Convention could be seen as hierarchical. "Authority" was embedded in the Articles at a higher level. Specific rights were then raised in the Regulations, which also carried over to the Standards. This could seem repetitious as sometimes the Standard section elaborated on text already authorized. Articles and Regulations were the core of the Convention and could only be changed through normal ILO procedures. Standards, however, would be easier to amend and update in using the proposed simplified procedure. The current text of paragraph 3 had been proposed by the Seafarers in Nantes and its placement in square brackets in Regulation 1.4 had been part of the text agreed to by the High-level Group.

122. The Shipowner Vice-Chairperson withdrew the suggestion to delete paragraph 3 of Regulation 1.4 – Recruitment and placement, and proposed to replace it with "Members shall ensure that recruitment and placement services operating in their territory are subject to supervision and control in accordance with the standards in the Code."

123. The Seafarer Vice-Chairperson remarked that it was their obligation to ensure that labour was not exploited. There were blacklists of seafarers who had stood up for their rights. In certain cases up to 30 per cent of seafarers' wages were confiscated by employment or recruitment agencies. These were some of the worst aspects of the industry and rigour and overview were needed. The issue of certification was important. If it did not exist, the flag State would have no control over the quality of the seafarers serving under its flag. The replacement text proposed by the Shipowners' group did not take this into consideration.

124. The Government member of Japan supported the idea of deleting paragraph 3 of Regulation 1.4 as it presented too many problems. This provision put the flag State in an extremely difficult position, since, in practice, it was not always the Government that approved and regulated recruitment services. Recruitment often took place in the labour-supplying country. However, the flag State did not know exactly and sufficiently how such services were actually operating or regulated in the labour-supplying country. He also proposed the deletion of paragraph 8 of Standard A1.4.

125. The Government member of Canada stated that the flag State, port State and labour-supplying State all had responsibilities. In today's world, in recruitment and placement issues it was standard practice, for example, that a Canadian hiring agency would recruit a

Chinese seafarer for a German ship. Enforcement was the responsibility of the flag State, but only for recruitment and placement services provided to its own ships. Agencies might be operating on a country's territory but not placing seafarers on national ships. He supported the Seafarers' position in maintaining this paragraph but requested a Working Party be created to take up the matter.

126. The Government member of the Russian Federation said his country would have a problem with supervision and enforcement if agencies were recruiting seafarers for ships flying flags of other States.

127. The Government member of Brazil stated that her country did not have private recruitment and placement services. However, licences should be required for agencies to operate in their own territories according to established standard regulations. In that context, the text in paragraph 3 of Regulation 1.4 should underline the importance of providing equal employment rights to all seafarers.

128. The Government member of India asked for clarification on which "category" of personnel on board ship the Committee was addressing. This was a crucial question. She added that wages, collective bargaining and repatriation also came into play here, and a clarification on this was necessary, since sanctions could be imposed on a member State for not complying with the provisions under the Convention.

129. The Chairperson mentioned that Regulation 1.4 needed to be dealt with in terms of the scope of the Convention as a whole. The results of discussions in Committee No. 1 would determine this scope.

130. The Government member of the United Kingdom expressed concern with paragraph 3 of Regulation 1.4 and said it was important to note that regulation of such agencies could be achieved in different ways in each member State. It was difficult to introduce licensing for recruitment and placement agencies in the United Kingdom, as this was a fundamental policy matter. She stressed the need for a flexible approach, as well as wording, that allowed for other forms of regulation.

131. The Government member of Denmark, while recognizing the validity of the concerns expressed by Japan, felt that the draft text as it stood might carry the risk of too much bureaucratic control. He suggested a compromise to read: "Members shall require that any private recruitment and placement services used to employ or engage seafarers to work on ships that fly their flag *be located in a country which has ratified this Convention or the Recruitment and Placement of Seafarers Convention, 1996 (No. 179).*" Such a text would not only have the advantage of being easier to ratify, it would not require a country to request certification from other countries. The ratifying country would be able to recruit only from countries which had ratified the Convention.

132. The Government member of France agreed. The proposal opened up wide possibilities for recruitment. France was accustomed to such provisions in other instruments and therefore could envisage a text which placed the onus on the State to certify recruitment agencies.

133. The compromise text proposed by the Government member of Denmark was also supported by the Government member of Ghana, who stressed the need for a uniform, globally applicable standard, in view of the proliferation of recruitment agencies and the fact that developing countries were those most affected by problems in this respect.

134. The Seafarer Vice-Chairperson needed to consider this compromise text further. The aim was not to rewrite international law: the instruments of the International Maritime Organization (IMO) relied heavily on the obligations of flag States, and it would be unwise

to limit those obligations which enabled international auditing to be conducted. Governments would be abdicating their responsibilities if they did not ensure a proper process of identification and international auditing. The question of responsibility was paramount, notably in light of the broader environment, including security.

135. In view of the variety of reactions expressed by governments, the Shipowner Vice-Chairperson considered that a solution to this issue was becoming increasingly difficult. As the debate seemed to be expanding into one on the role of the flag State, the Shipowners were prepared to refer the proposed text to the Drafting Committee.

136. The Chairperson stated that a Working Party had been set up to study the matter in accordance with a decision taken by the Officers of the Committee and the Steering Committee. The Working Party would be comprised of four Government members (Canada, China, Liberia and the United Kingdom), two Shipowner and two Seafarer members respectively, and chaired by the Government member of the United Kingdom. Any changes in the Regulation would entail consequential changes in the Standard as well. The Working Party would try to come up with a compromise text. The wording proposed by the Government member of Denmark could be used as a reference.

137. The Chairperson of the Working Party on Regulation 1.4 – Recruitment and placement submitted a new text for paragraph 3 for the Committee's consideration:

> 3. In respect of seafarers who work on ships that fly its flag, Members shall require that shipowners who use recruitment and placement services that are based in countries that have not ratified this Convention to employ or engage the seafarers, ensure that the recruitment and placement services conform to the standards set out in the Code in so far as reasonably practicable.

She stated that the rationale for this text was to make flag States require shipowners to perform checks on recruitment agencies in countries that have not ratified the Convention. This might require further changes in other related texts (e.g., the Code in Regulation 1.4, Article 5.5, Title 5), but she felt this was a positive first step and a basis for further discussion.

138. The Shipowner Vice-Chairperson agreed with the Working Party's proposed text.

139. The Seafarer Vice-Chairperson also agreed with the proposed text, except for the last words "so far as reasonably practicable". The term "reasonably" was not an ILO term, and this provision was one that stated a purpose and defined an aim. Aims should not be qualified. Practical problems that might arise should be dealt with under, for example, the Guidelines.

140. Responding to a query from the Shipowners, the Seafarer Vice-Chairperson explained the rationale for proposing new text. The Seafarers did not want countries to avoid ratification of the Convention because their governments were aware of practices that exploited seafarers in the way described within their own territories. The new wording reflected the flexibility the Shipowners were seeking. This would appear under Standard A1.4 – Recruitment and placement, replacing existing paragraph 8.

141. The Committee had before it a proposal from the Drafting Committee:

> *Replace* paragraph 3 with the following text:
>
> 3. In respect of seafarers who work on ships that fly their flag, Members shall require that shipowners who use seafarer recruitment and placement services that are based in countries or territories in which this Convention does not apply, ensure that those services conform to the requirements set out in the Code.

142. The Shipowner Vice-Chairperson supported the remarks of the Shipowner member of the Drafting Committee that were contained in the report, to the effect that Shipowners would be unable to comply with the requirement to ensure that manning agents based in non-ratifying countries conformed to all of the requirements of the Convention. He therefore proposed, as a minimum, that the proposal from the Drafting Committee be amended by replacing the word "ensure" with the word "verify".

143. The Seafarer Vice-Chairperson preferred the word "ensure" for the sake of consistency in the language.

144. The Government member of Norway preferred "ensure".

145. The Government member of the United States commented that the Regulations were in place to provide the general principles and obligations. The Code provided the detail for implementation. For this purpose, the word "ensure" may be better, but she suggested to retain the text as it was.

146. The Committee agreed to keep the word "ensure".

147. The Government member of Japan proposed a subamendment to insert "in accordance with the Code" after the word "ensure". He believed this change would clearly indicate the responsibility of the Shipowners. The subamendment was not seconded and not discussed. However, the Government member of the United Kingdom suggested that the principle be inserted into the record and that it be followed for the whole Convention. The Regulation sets out the principle, the Standard indicates how the Regulation is applied.

148. The Chairperson reported that the ILO Legal Office had received a fax from the Federation of Employers of Ukraine, stating that during social dialogue in Ukraine on Conventions Nos. 166 and 179 an agreed position had been reached on untimely ratification, and making certain proposals. He had decided that this fax was not receivable, since it did not come from a member of the Committee, and was sent to the ILO Legal Office.

149. The Committee agreed.

Standard A1.4 – Recruitment and placement

Paragraph 2

150. A member of the Shipowners' group agreed to remove the brackets around the text.

151. The Seafarer Vice-Chairperson concurred.

152. The Government member of Germany asked whether the words "[and] [or]" did not call for a decision.

153. The Chairperson said this could be taken to mean "and/or" as an option, but the Committee could also decide between them.

154. The Government member of Liberia agreed with the Chairperson that "and/or" was the correct interpretation of the option.

155. The Government member of the United Kingdom proposed that for clarity the connector "or" should be used for all these options.

156. The Committee agreed to take out the brackets and delete "and".

Paragraph 4(b)

157. Recalling the long debate on this point during discussion of Convention No. 185, the Shipowner Vice-Chairperson supported the inclusion of the bracketed phrase "personal travel document", as its cost should be borne by seafarers.

158. Whilst agreeing it was not desirable to reopen that debate, the Seafarer Vice-Chairperson nevertheless pointed out that this was not a fixed cost, that personal travel documents were already expensive and likely to become even more so, given the associated growing security requirements. By contrast, occasionally renewable documents, such as passports and national seafarers' documents, involved reasonable costs.

159. The Government member of the United Kingdom observed that personal travel documents were referred to in Convention No. 179; however, the seafarers' identity documents with which Convention No. 185 was concerned were not travel documents. She requested clarification from the Office as to whether such seafarers' identity documents were being referred to here.

160. The Seafarer Vice-Chairperson asked for further clarification regarding seafarers' identity documents, and specifically visas. Certain countries required a visa for individual seafarers whereas previously only a crew visa was required. Therefore the issue of visas needs to be covered as well.

161. The Chairperson indicated that a full discussion on this item was suspended pending receipt of the Drafting Committee proposal. Two issues could, however, be decided since they related to Regulation 1.5 – Seafarers' identity document, and Standard A1.4, paragraph 4(b), where a personal travel document was referred to.

162. The Shipowner Vice-Chairperson agreed that the seafarers should bear the cost of a personal travel document, but also that the text should make it explicit that the shipowners bore the cost of visas.

163. The Chairperson proposed the brackets be removed and the text sent to the Drafting Committee.

164. The Seafarer Vice-Chairperson pointed out that Convention No. 179 made no mention of passports, which in any case would be covered by the term "personal travel document". His group agreed with the Shipowners' position.

165. The Government member of Denmark drew attention to comment 18, paragraph 2, of the Commentary to the recommended draft and stated that the words "personal travel document" are to be read as the seafarers' identity document. It was his Government's opinion that the text then covered ILO Conventions Nos. 108 and 185. Perhaps a reference to these Conventions was needed to clarify the text.

166. The Chairperson explained that the Drafting Committee would draft a text in the light of the Committee's discussions and expressed preferences; their proposal would not have any impact on the question of the seafarers' identity document.

167. The Shipowner Vice-Chairperson said the Drafting Committee should not be overburdened. The "stand-alone" issue and the "stand-alone" ID card had already been discussed and a clear decision taken that the costs were not to be borne by the shipowners. Clear instructions needed to be given to the Drafting Committee.

168. The secretariat read out a proposed text as follows: "... requests the Drafting Committee to find a wording to add the concept to ensure that the cost of visas was borne not by the seafarer but by the shipowner".

169. The Government member of the Netherlands stated that the term "personal travel document" referred back to the Seafarers' Identity Documents Convention, 1958 (No. 108), while Convention No. 185 explicitly stated that SID was not be to considered a travel document.

170. The Chairperson proposed the removal of the brackets around "personal travel document" and suggested that the Drafting Committee propose a new text for discussion by the Committee.

171. The Seafarer Vice-Chairperson considered that while travel documents did cover passports, they did not include identity documents. If the Committee shared that view there was consensus.

172. The Chairperson confirmed the Committee's decision to delete the brackets and to refer the text to the Drafting Committee with a note that the term "personal travel document" was to be considered in relation to Conventions Nos. 108 and 185.

173. The Drafting Committee proposed that the following text should replace paragraph 4(b):

> Require that no fees or other charges for seafarer recruitment or placement or for providing employment to seafarers are borne directly or indirectly, in whole or in part, by the seafarer, other than the cost of the seafarer obtaining a national statutory medical certificate, the national seafarer's book and a passport or other similar personal travel documents, not including, however, the cost of visas, which shall be fully borne by the shipowner; and

174. A member of the Shipowners' group agreed, provided that "fully" was deleted in the last sentence.

175. The Seafarer Vice-Chairperson concurred.

176. The Committee adopted the text with the deletion of "fully".

Paragraph 4(c)

177. The Committee agreed to take out the curly brackets in paragraph 4, subparagraph (c), clause (vii).

Paragraph 5

178. A member of the Shipowners' group wished this to read as: "…ensure that any licences or certificates or similar authorizations…".

179. The Government member of the United Kingdom wanted to have the option of control either by regulation or by licensing. The changed text did not allow for these options. He suggested introducing the words "any certificates or authorizations are granted or renewed" in order to ensure consistency with earlier paragraphs. The text should clarify that members shall have responsibility regardless of which method they used.

180. The Special Adviser proposed a full stop after territory and to start the next sentence with "Any licences…" This would convey a division between the objectives. The Government member of the United Kingdom agreed.

181. The Seafarer Vice-Chairperson stated that the intent of the provision was not only to supervise and control, but also to ensure that some form of renewable licence or certificate was issued which was reliable. If it could not be verified, then it would be hard to enforce. A clear reference to the process of identification was needed.

182. The Chairperson said it was clear that the obligation was with the competent authority. The Government member of the United Kingdom supported this explanation and the Seafarers agreed.

183. The text accepted by the Committee read:

> 5. The competent authority shall closely supervise and control all seafarer recruitment and placement services operating in its territory. Any licences or certificates or authorizations for operation of private services in its territory are granted or renewed only after verification that the seafarer recruitment and placement service concerned meets the requirements of national laws and regulations.

184. A member of the Shipowners' group suggested replacing "are" in the third sentence with "should be" to make it more operational.

New paragraph 8

185. The Seafarer Vice-Chairperson proposed a new paragraph: "Members shall require that shipowners have adequate procedures to verify, as far as practicable, that seafarers are only recruited or placed through recruitment and placement services that meet the provisions of this Convention." The current paragraph 8 would then become paragraph 9.

186. The Shipowner Vice-Chairperson requested that "have adequate procedures to" be deleted and the Seafarers agreed to the proposed deletion.

187. Following a query by the Government member of Denmark, the Chairperson clarified that it was the responsibility of shipowners to verify that the provisions were met.

188. The Government member of Japan questioned whether shipowners were obliged to use recruitment and placement services.

189. The Chairperson explained that shipowners were not obliged to use such services. If they did so, those services would have to comply with the Standard.

190. The Government member of Germany asked why a distinction had not been made between public and private recruitment and placement services. In addition, did flag States have to ensure that shipowners checked whether services in the seafarers' countries of origin were in compliance with national legislation?

191. The Chairperson, as well as the Chairperson of the Working Party on Regulation 1.4, said that the proposed text made the flag State responsible for ensuring that shipowners conducted the appropriate checks in countries that had not ratified the Convention.

192. The Special Adviser of the Committee said some members of the High-level Group had thought that the distinction between public and private services should be maintained. There had been discussion about developing a certification system, which would not necessarily apply to public recruitment and placement services.

193. The Government member of Denmark observed that text was needed to link Regulation 1.4, paragraph 3 to Standard A1.4, paragraph 8.

194. The Government members of France, Japan, Netherlands and Singapore expressed reservations and offered suggestions for improving the text.

195. The Chairperson offered to send both the Working Party's proposal and the Seafarers' proposal to the Drafting Committee, together with the specific issues raised by Committee members. This was agreed.

Paragraph 8

196. In view of a preference for clarification rather than deletion expressed by the Seafarers' group, the Chairperson stated that he would request an opinion on the purpose of this provision from the Legal Adviser.

197. The Chairperson reminded the Committee that it had sought the opinion of the Legal Adviser on the matter.

198. The Legal Adviser said that the reference to "C.179A5/3" was simply there because the text had been directly taken from that Convention. It was inserted for information only and did not have legal implications.

199. The Seafarer Vice-Chairperson stressed that this standard should not undermine other existing standards. Recruitment and placement were highly sensitive issues for seafarers, and there was much exploitation.

200. The Shipowner Vice-Chairperson did not wish to delete paragraph 8. The square bracketed text was not important, as long as the first part was maintained.

201. The Legal Adviser elaborated that Standard A1.4 contained two levels of responsibility. The first level was the responsibility of the member State. The second level was the responsibility of the shipowner if it had used recruitment and placement services in a country that had not ratified the Convention. Shipowners had the final choice in recruitment and placement.

202. The Government member of Denmark recalled the reason for having the text in paragraph 3 of Article 5 in Convention No. 179. Article 5 requires recruitment and placement agencies to ensure that seafarers are qualified for their positions on board. Paragraph 3 underlines that the Shipowner still has this overall responsibility – even if the agency has to check the seafarers' qualifications.

203. After further discussion, the Committee decided to remove the square brackets in Standard A1.4.8 and the text was adopted.

New paragraph after paragraph 7

204. The text proposed by the Drafting Committee read:

> *Insert* a new paragraph after paragraph 7:
>
> 7bis. Members shall require that shipowners of ships that fly their flag, who use seafarer recruitment and placement services based in countries or territories in which this Convention does not apply, verify, as far as practicable, that those services meet the requirements of this Standard.

205. In light of the discussions on Regulation 1.4, paragraph 3, it was suggested that the word "ensure" replaced "verify" for the sake of consistency.

206. The Government member of South Africa expressed concern about the fact that seafarers whose only contact with the maritime industry and the possibility of employment was through placement and recruitment agencies would be disadvantaged, through no fault of their own, because these agencies did not comply. This was exclusionary.

207. The Drafting Committee proposal was adopted with "ensure" replacing "verify".

Guideline B1.4 – Recruitment and placement

Paragraph 1(h)

208. The Shipowner Vice-Chairperson agreed to remove the curly brackets around this paragraph. The word "and" should be deleted and "or" should be retained.

209. The Committee agreed with these proposals.

Regulation 1.5 – Seafarers' identity document

210. The Chairperson said that this issue had been discussed at the Nantes meeting and that no agreement had been reached on whether there should be some reference to the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185) without having the substance of that instrument in the consolidated Convention.

211. The Shipowner Vice-Chairperson observed that Convention No. 185 should be kept separate from the consolidated Convention and that there was no need for a reference. The Government member of Japan agreed. The wording of Regulation 1.5 was vague and should be deleted.

212. The Seafarer Vice-Chairperson said seafarers were entitled to a document that allowed them access to foreign territory in order to carry out their work. They should not have to pay for such a document, and this issue needed to be resolved. They had previously pointed out that the cost of seafarers' travel documents was onerous and likely to rise in the future.

213. The Government member of Denmark requested legal advice on whether the text of Regulation 1.5 should be maintained as it stood in the draft consolidated Convention. What would happen if a country that had not ratified Convention No. 185 wanted to ratify the consolidated Convention once it was adopted in 2005 or in 2006? Could that country proceed with ratification or would it have to ratify Convention No. 185 first? If countries were issuing their own identity documents which were not in line with Convention No. 185 and the Seafarers' Identity Documents Convention, 1958 (No. 108), then they would have difficulty in ratifying the consolidated Convention.

214. The Special Adviser of the Committee said the inclusion of a text similar to Convention No. 185 into the consolidated Convention had been considered, but it had been decided that a separate Convention was needed. There was concern that problems might arise regarding ratification of Convention No. 185 and the Seafarers' Identity Documents Convention, 1958 (No. 108) if they were linked to the consolidated Convention. The main issue in the discussion should be whether it was important to include the right to a seafarer's identity document in the consolidated Convention as part of seafarers' basic rights. A country should be in a position to issue documents to its own nationals. She would ask for a legal opinion on that matter raised by the Government member of Denmark.

215. The Government member of the United States suggested that Regulation 1.5 be taken out. Convention No. 185 had been adopted and that was sufficient. All seafarers were entitled to their own national identity documents. The Government member of Norway agreed.

216. The Legal Adviser pointed out that Regulation 1.5 made no reference to any particular Convention, neither Convention No. 108 nor Convention No. 185. He then explained that, even if there were a reference to Convention No. 185 (Convention No. 108 would be excluded by virtue of being closed to ratification), such reference would in no way oblige ratifying States to ratify Convention No. 185.

217. The Government member of India requested clarification on a technical issue: although there was a requirement to have a mention of national documents issued to seafarers in this Convention, mentioning Convention No. 185 under this consolidated text might present a legal complication, as Convention No. 185 was a "stand-alone" Convention.

218. Addressing the provision from a practical standpoint, the Government member of the United Kingdom considered that, without any reference to Convention No. 185, the text did not bring any added value. Were a reference to be made to Convention No. 185, however, his Government expected there would be problems, in that Convention No. 185 still required further work and his Government would not proceed to ratify until that work had been completed. Moreover, ratifying one Convention and not the other would present difficulties. His Government therefore preferred the text deleted. Finally, he suggested a more general wording ("seafarers have a right to access documents to facilitate their joining and leaving ships"), which left open the possibility that the document in question might be a passport or visa. This suggestion to delete the text was supported by the Government member of Denmark.

219. The Government member of Norway pointed out that if the text were to be retained, there would be four instruments on seafarers' identity documents: the IMO Convention on Facilitation of International Maritime Traffic, 1965 (Facilitation Convention), Conventions Nos. 108, 185 and the consolidated Convention. Moreover, a tonnage limit was being discussed for this Convention, in which case this provision would apply only to seafarers on ships of a certain size. The only place this text could bring added value was in Title 5, in the context of inspecting ships for certification. A seafarer's identity document would be needed for service on board ship, without specifying what kind of document. It would then be up to States to ratify Convention No. 185 or No. 108. His Government favoured deletion.

220. Originally in favour of retention of the text, the Shipowner Vice-Chairperson now favoured deletion of the text, after hearing all the arguments presented.

221. The Seafarer Vice-Chairperson reminded the Committee that if a seafarer had no identification, whether under Convention No. 185 or any other text, then he/she could not leave the ship. Although this may not be the right place for this provision, there needed to be a reference to this type of documentation for practical reasons.

222. In view of the absence of substantial agreement and the unlikelihood of success of a working group on this issue, the Chairperson announced he would be informing the Steering Committee of this situation. The issue would return under the Step Two process, when the provision would be open for amendment under standard ILO formal procedures. Discussion was therefore adjourned.

223. The Legal Adviser issued a legal opinion concerning the relationship between Convention No. 185 and Regulation 1.5. Regulation 1.5 did not refer to Convention No. 185 and was not intended to embody the substance or obligations of that instrument. The Regulation

sought to ensure that seafarers could obtain an identity document whether or not Members had ratified Convention No. 185. The underlying purpose was to facilitate seafarers' access to foreign territories to perform their duties in decent working conditions. The expression "stand-alone" in relation to Convention No. 185 referred not to the Convention itself, but to the identity document and its use. The term was found at two points in Convention No. 185: Article 3(5) and the model set out in Annex 1. In both places, the reference was to the statement to be contained in the seafarer's identity document, which was to include the words "this document is a stand-alone document and not a passport". In this context, it was clear that the general reference to a seafarer's identity document in Regulation 1.5 was not intended to import the specific obligations of Convention No. 185, and could be fulfilled in various ways, including ratification and compliance with the provisions of Convention No. 185 or Convention No. 108, or, if a State had ratified neither Convention No. 185 nor Convention No. 108, by issuing identity documents – which however might not be recognized in other States.

224. The Shipowner Vice-Chairperson reiterated his position, namely, that he preferred having no mention of the seafarers' identity document in the consolidated Convention, as countries not having ratified Convention No. 185 might produce seafarers' identity documents not in line with Convention No. 185.

225. The Seafarers' Vice-Chairperson recalled his group's position on Standard A1.4, paragraph 4(b), where reference was made in brackets to a "personal travel document". He did not wish to revisit the issue of the cost of travel documents. He reiterated his group's concerns that other documents might be compatible with the text proposed here. If these issues under A1.4.4(b) could be sorted out to the satisfaction of his group, as well as the question of who should bear the cost of travel documents, including passports, the Seafarers could accept the deletion of Regulation 1.5. Seafarers should not have to bear the additional and increasing costs of obtaining visas and passports, especially in view of the increasing frequency with which documents had to be obtained.

226. The Shipowners repeated their position, namely, that seafarers should obtain their own passports. This was the responsibility of seafarers who had to leave their countries. However, there was the question of potential extra costs arising from ships visiting countries which may require visas, the costs of which could vary. Since this was an aspect of life working on ships which seafarers could not influence, the Shipowners could consider that the costs of obtaining such visas should not be borne by seafarers.

227. The Chairperson of the Government group reported that a large majority of governments supported the deletion of Regulation 1.5, for reasons of enforcement and implementation. A small minority of governments felt the issue should be discussed at the forthcoming informal group meeting on Convention No. 185 in Geneva the following week.

228. The representative of the Secretary-General explained that the objective of the informal meeting was to look at procedures for equitably establishing and managing a list of countries meeting the requirements for ratifying Convention No 185. It was not concerned with the implementation of Convention No. 185 or with Regulation 1.5 in this proposed consolidated Convention.

229. The Government member of Egypt considered that Regulation 1.5 should be maintained, and that the cost of travel documents, passports and ID documents should be borne by seafarers.

230. The Government member of Denmark asked whether the result of the Steering Committee's deliberations on Regulations 2.3 and 1.5 was available. The Chairperson

pointed out that these issues had not been sent to the Steering Committee, there had merely been two requests for legal advice.

231. The Seafarer Vice-Chairperson accepted that the Shipowners' group had made concessions regarding the assumption by shipowners of the costs of visas. He also recognized that there was a majority of governments in favour of deleting this provision. In the interests of moving forward, and provided that the Drafting Committee be requested to make a direct reference in Standard A1.4, paragraph 4 (b) to payment by shipowners of the costs of visas, the Seafarers' group could agree to the deletion of Regulation 1.5.

232. The Shipowners' Vice-Chairperson indicated that his group agreed.

233. It was agreed to delete Regulation 1.5. Standard A1.5 and Guideline B1.5 were deleted as a consequence.

Standard A2.1 – Seafarers' employment agreements

Paragraph 4(h)

234. The Shipowner Vice-Chairperson proposed the deletion of the bracketed text in paragraph 4(h), as these issues were covered in Title 4 concerning social security. In some countries, employment agencies had to cite a great many detailed legal requirements already.

235. The Seafarer Vice-Chairperson considered it would be more appropriate to await the outcome of the discussion of Title 4.

236. The Chairperson agreed and suspended discussion of this item.

237. When the discussion was resumed, the Shipowner Vice-Chairperson stated that the sheer volume of social security law in some countries would make it very difficult for shipowners to keep track of changes.

238. The Seafarer Vice-Chairperson agreed it would be difficult to update employment agreements. But seafarers needed to be aware of the rights available to them in a specific flag State, especially where there were entitlements for non-residents. Information in some form should be available on the vessel.

239. The Shipowner Vice-Chairperson stressed that it was not possible for shipowners to inform seafarers of constantly changing social security laws. This was to be the responsibility of the appropriate government agencies in the member States.

240. It was agreed that the words in square brackets [, including a statement as to applicable national provisions] be deleted from paragraph 4(h).

Paragraphs 5 and 6

241. A proposal to replace the text of paragraphs 5 and 6 was made by the Shipowners' group, as follows:

> Members shall establish a minimum period of notice to be given, respectively by seafarers and shipowners, for the termination of a seafarers' employment agreement.
>
> The length of these minimum periods shall be determined through consultation with the organizations of the shipowners and seafarers concerned but should not be less than {seven days} or greater than {30 days}.

A period of notice shorter than the minimum may be given in circumstances which are recognized under national law or regulations or applicable collective bargaining agreements as justifying termination of the employment relationship at shorter notice or without notice.

242. The Shipowners' and the Seafarers' groups agreed that the text should provide for a minimum number of seven days, but were averse to specifying a maximum number. As to the last paragraph, provision should be made for waiving the minimum requirement on compassionate or urgent grounds, and that the Office should be requested to provide guidance accordingly.

243. The Chairperson stated that the words "or greater than {30 days}" in the second paragraph would be deleted. The Government member of Denmark proposed that in the second paragraph the word "through" should be replaced by "after". And the Government member of Japan expressed the view that in the last paragraph the words "(or no notice at all)" should be inserted after "A period of notice shorter than the minimum".

244. The text and proposed editorial changes were referred to the Drafting Committee.

245. The Drafting Committee proposed the following text:

5. Members shall adopt national laws and regulations establishing minimum periods of notice to be given by the seafarers and shipowners for the early termination of a seafarer's employment agreement. The duration of these minimum periods shall be determined after consultation with the organizations of the shipowners and seafarers concerned, but shall not be shorter than seven days.

6. A period of notice shorter than the minimum may be given in circumstances which are recognized under national law or regulations or applicable collective bargaining agreements as justifying termination of the employment agreement at shorter notice or without notice. In determining those circumstances, Members shall ensure that the need of the seafarer to terminate, without penalty, the employment agreement on shorter notice or without notice for compassionate or other urgent reasons be taken into account.

246. The Government member of Japan proposed to subamend the text, but the proposal was not seconded.

247. The text as proposed by the Drafting Committee was adopted.

Standard A2.2 – Wages

Paragraph 6

248. It was pointed out by the Chairperson that the provision referring to "Members that adopted national laws …" was not intended to suggest that Members should adopt national laws.

249. The Shipowner Vice-Chairperson wished the text to be deleted, considering that it was unnecessary.

250. The Special Adviser of the Committee explained the text had been included in order to address the concerns of countries which did not regulate wages, as well as to clarify the application of the provisions in Part B of the Code, which referred to the minimum wage.

251. The Government member of South Africa asked whether the inclusion of paragraph 6 in the Standard would make compulsory something hitherto discretionary.

252. The Special Adviser of the Committee explained that inclusion of the text would mean that a country adopting national laws on seafarers' wages would be obliged to "give consideration" to the guidance provided in Part B of the Code. It would be up to the individual country to decide on how best to achieve its aims when it came to regulating seafarers' wages, but Part B set out what was expected of the country.

253. The Committee agreed to remove the curly brackets around the provisions of Standard A2.2, paragraph 6.

Regulation 2.3 – Hours of work or rest

Paragraph 3

254. The Chairperson said that paragraph 3 was essentially a matter of scope. This issue had been discussed in Nantes and there had been a proposal that masters and chief engineers should be excluded from the Regulation.

255. The Shipowner Vice-Chairperson felt that masters and chief engineers should not fall under all the provisions. He proposed new text for paragraph 3:

> A Member may establish different limits from those fixed in paragraphs 5(b) and (c) of this Regulation for seafarers employed in the positions of master and chief engineer not engaged in regular watchkeeping duties taking into account their overall safety and management responsibilities, and such other seafarers working in a capacity that is not within the shipboard organization to which this Convention applies.

256. The Seafarer Vice-Chairperson said this was a fundamental issue linked to senior personnel who had a vital role to play in the safety and navigation of the ship, as well as in the safety of the crew. This was a proposal to exempt these two extremely important categories of personnel from the Regulation, notwithstanding the demanding hours they worked. The pressures of the maritime industry, quick turn-around time in ports and security risks were all borne by such personnel. This would mean putting the entire crew at risk.

257. The Chairperson referred to Convention No. 180 regarding scope issues, and reminded the Committee that masters were included in the definition of a seafarer contained in this Convention.

258. The Chairperson of the Government group reported that the governments were divided on this issue.

259. The Government member of the United Kingdom said this text had serious implications. In Convention No. 180, a seafarer was defined as anyone employed on a ship, which definitely included the master and chief engineers. The human element was recognized as a priority in international maritime regulations. Fatigue was a hazard and consequently a prime concern for those seeking to learn from accidents at sea. Indeed, fatigue was often identified as a primary cause of major maritime accidents. How could one set of regulations condone, or implicitly encourage, ships to be operated by people who were unfit because of fatigue? The Shipowners' alternative text was not acceptable either. His Government refused to accept any exceptions or relaxations in the consolidated Convention to the minimum periods of rest for any seafarers, including masters and chief engineers.

260. The Government members of France, Germany, Ghana, the Netherlands, Norway and the Syrian Arab Republic supported the position taken by the Government member of the United Kingdom.

261. The Government member of Japan did not disagree that a master was by definition a seafarer, but considered that the nature of his job was different. Masters had full responsibility for maintaining order on the ship, in both normal and emergency conditions. No one could substitute for the master when he was on board ship, and flexibility was required in terms of hours of rest. The Government member of the Republic of Korea agreed with the Government member of Japan and said that the nature of the work of masters and chief engineers not engaged in regular watchkeeping duties on board was different from that of other seafarers. They had full responsibility for ensuring the safety and health of seafarers, the safe operation of ships and the protection of the marine environment in any circumstances. Therefore a strict limit on hours of work or rest should not be applied to masters and chief engineers..

262. A show of hands indicated that a large majority of governments were in favour of deleting paragraph 3 of Regulation 2.3.

263. The Shipowner Vice-Chairperson was only requesting a relaxation of the requirements, citing the many everyday duties incumbent on the master, including the frequent obligation to be present for compulsory inspections while in port.

264. The Seafarer Vice-Chairperson considered the text ambiguous, especially the word "flexibility". The master had a critical central role to play, but in order to retain the capacity to lead, the master needed to rest.

265. The Chairperson announced he would inform the Steering Committee that an impasse had been reached on this issue, which would be returned to subsequently.

Paragraph 12
(grouped with Standard A2.3 – Hours of work and rest, paragraph 12)

266. The Chairperson reported that the bracketed text in these two provisions had been extensively discussed both by the High-level Group and by this Committee. The Steering Committee had been informed about this Committee's discussion on Regulation 2.3 and that, with more than two-thirds of Government members preferring their deletion, there was therefore a majority in favour. On the basis of the groups' equal weighting in the Committee, the Steering Committee had declared that the result was clear. The Seafarers' group agreed.

267. The Government member of Denmark demurred, as he believed the correct procedure would have been either to move on to stage two or to refer the matter to a Working Party. The discussion on this item had been closed by the show of hands on the proposed draft text before his delegation had had the possibility of tabling its amendment proposal, which did not include the possibility of including the chief engineer. He requested clarification from the Office on the Standing Orders for the Conference, the Steering Committee's mandate and the voting procedures.

268. The representative of the Secretary-General responded, stressing that it was not legal advice. In the committees, each group had an equal number of votes, whereas in the Conference the Government group had twice the number of each of the Shipowners' and Seafarers' groups. The Chairperson had communicated a decision of the Steering Committee on a matter on which it had a mandate. The Steering Committee had made its decision on the basis of reported facts, the weighting of votes, and on how events had

occurred within the Committee. The Chairperson had awaited a considered decision by the Committee before communicating it to the Steering Committee.

269. The Government member of Japan was not fully satisfied with the decision of the Steering Committee and anticipated problems regarding future ratification because of this split within the Committee. Nevertheless his Government would continue to make every effort to solve this difficult problem in the future.

270. The Government member of the Republic of Korea proposed maintaining paragraph 12 of Standard A2.3, and supported the Government member of Denmark.

271. The Government member of Denmark returned to the issue of procedure, referring to the Record of Proceedings containing the first report of the PTMC Steering Committee, paragraph 18(a) Step one, subparagraph (vi) (on page 2A/5), which described procedures prescribed when no substantial agreement had been reached. He felt the Committee should have moved on to stage two or referred the issue to a Working Party.

272. The representative of the Secretary-General said that the Steering Committee had felt that substantial agreement had been reached and a majority opinion was clear in the Committee. Minority views were only taken into account regarding text that might be sent to the Drafting Committee.

273. On the suggestion of the Chairperson, the Committee agreed to delete the text of Regulation 2.3, paragraph 3 and that of Standard A2.3, paragraph 12.

Standard A2.3 – Hours of work or rest

Paragraph 12

274. The Special Adviser of the Committee pointed out that the provision in paragraph 12 was similar to that of Regulation 2.3, paragraph 3. She explained that the two provisions were not offered as alternatives, but had actually been proposed by two different representatives on the High-level Working Group in order to address the same issue. The provision under the Standard was of course part of the Code, and hence susceptible to change.

275. The Chairperson also referred this to the Steering Committee.

Regulation 2.5 – Repatriation

Paragraph 2

276. The Shipowner Vice-Chairperson stated that in the light of ongoing consideration of this issue by a joint ILO/IMO Working Group, it was premature for the Committee to discuss paragraph 2.

277. Though in favour of the text, the Seafarer Vice-Chairperson agreed to await the conclusions of the joint ILO/IMO Working Group.

278. The Chairperson noted the text would be left in curly brackets.

279. The Chairperson recalled that the original intention of the Committee had been to wait until the joint ILO/IMO working group had dealt with the issue in paragraph 2. However,

the Committee was informed that that process could take longer than previously assumed. Upon consultation with the Officers, it was agreed to reopen the provision for discussion.

280. The Shipowner Vice-Chairperson was in favour of taking out the curly brackets and including the text of Regulation 2.5 in the consolidated Convention.

281. The Seafarer Vice-Chairperson agreed.

282. The Committee agreed to remove the curly brackets and the text was adopted.

Standard A2.5 – Repatriation

Paragraph 6

283. The Chairperson proposed the text be left in curly brackets, as had been done with Regulation 2.5, paragraph 2.

284. The Shipowner Vice-Chairperson considered the text could be dealt with now, and that it was an issue for the governments.

285. The Seafarer Vice-Chairperson considered the procedure laid down in the text was a logical one.

286. The Government member of Norway considered the paragraph should be deleted, as such a provision came under the International Convention on Arrest of Ships (1999). Arrest required a court order, with built-in legal safeguards. The introduction of the concept of detention (in the text under consideration), which might be the decision of a single inspector, would undermine the Convention mentioned above. The Government member of Denmark supported the Norwegian position.

287. The Government member of Liberia advocated removing the curly brackets and retaining the provision. The International Convention on Arrest of Ships, 1999 (Arrest Convention) covered this, but this provision offered a simplified way of recovering the costs.

288. The Government member of the United Kingdom supported the point made by the Government member of Norway.

289. The representative of the International Christian Maritime Association (ICMA) urged that this issue be dealt with at this preparatory Conference in order to provide protection for seafarers in the decades to come. The instrument would be incomplete and weak without such a provision. Funds from judicial sale were often insufficient to cover repatriation costs. Moreover, when a ship sank, such sale was not possible.

290. The Government member of Norway pointed out that the paragraph referred to a situation where the cost of repatriation had already been paid, and that it proposed a way for Members to recover this cost. ICMA's concern had already been addressed by the decision taken in the provision. Detaining a ship in port did not necessarily contribute to recovering costs.

291. The Shipowner Vice-Chairperson stated that this was a matter for governments. There was a difference between detention and arrest of a vessel. If governments had the opportunity under the Convention to detain a ship, it might prove useful.

292. The Seafarer Vice-Chairperson added that in any case the seafarer should have already been repatriated. Therefore this was a matter for governments to pursue in recovering their costs.

293. The Chairperson called for a show of hands from the Government group: a large majority were in favour of including paragraph 6.

294. The Government member of Norway felt that this result would create problems for both flag States and vessels. Under the Arrest Convention a Shipowner could provide financial security to obtain release from arrest, but not so in the case of detention. There was no mention of appeal procedures.

295. The Government member of Denmark suggested that if a reference that took into account other international conventions were added to the provision, governments could thus discharge their obligations under the Arrest Convention.

296. The Committee agreed that paragraph 6 be referred to the Drafting Committee, taking into account the suggestion made by the Government member of Denmark.

297. The Chairperson introduced two documents. The first was a proposed text from the Drafting Committee to replace existing paragraph 6 with:

> Taking into account international instruments, a Member which has paid the cost of repatriation pursuant to this Code may detain, or request the detention of, the ships of the shipowner concerned until reimbursement has been made in accordance with paragraph 5(a).

The second document was an amendment submitted by the Government members of Denmark and Norway to replace paragraph 6 with the following:

> A Member which has paid the cost of repatriation pursuant to this Code and established a financial claim may detain, or request the detention of, the ships of the shipowner concerned in accordance with the provisions of the International Convention on Arrest of Ships, 1999 (the Arrest Convention) and the corresponding national legislation.

298. The Shipowners and Seafarers were in favour of the Drafting Committee text.

299. The Government member of Denmark, in presenting the joint proposal, said it was important that fair rules be applied in case of detention of ships for the purpose of recovering the cost of seafarer repatriation. The proposal of the Drafting Committee was perhaps not strong enough, but perhaps reference could be made to the Arrest Convention.

300. The Shipowner Vice-Chairperson felt that any method of recovering the costs of repatriation was acceptable, including detention.

301. The Government member of the United Kingdom proposed a subamendment to include a reference to other international instruments, including the Arrest of Ships Convention. The Government member of the United States seconded the proposal.

302. The secretariat read out the text as subamended:

> Taking into account applicable international instruments, including the Convention on the Arrest of Ships, 1999 (the Arrest Convention), a Member which has paid the cost of repatriation pursuant to this Code may detain, or request the detention of, the ships of the shipowner concerned until reimbursement has been made in accordance with paragraph 5(a).

303. The Committee adopted the text with the proposed changes.

Standard A2.6 – Seafarer compensation for the ship's loss or foundering

Paragraph 2

304. The Committee agreed to the removal of the curly brackets and adopted the text of paragraph 2.

Regulation 2.7 – Manning levels

305. The Shipowner Vice-Chairperson proposed the deletion of the whole Regulation. The subject was already dealt with efficiently by the IMO, and the consolidated Convention should not contain provisions which clashed with or repeated provisions in IMO instruments.

306. The Seafarer Vice-Chairperson argued that this issue was essential to the minimum requirements of decent work. The IMO did not engage in a tripartite process. This provision did not make the application of IMO standards a problem; it added value. If manning levels were not properly dealt with, the safety of the vessel and its crew were jeopardized.

307. The Government member of Japan proposed retaining the text but inserting "under all *operating* conditions" to align the text with Standard A2.7 – Manning levels. This view was supported by the Shipowners.

308. The Seafarer Vice-Chairperson expressed concern that adding the modification might narrow the provision and would add no further value to the text.

309. The Chairperson proposed the retention of the existing wording and the removal of the curly brackets. The Committee agreed and the text was adopted.

Standard A2.7 – Manning levels

Paragraph 1

310. The Government member of Norway stated that the current text of A2.7 posed some problems because the subject of responsibility was not clear. It was government's responsibility to determine what were safe manning levels, while it was the shipowner's responsibility to determine what was needed for the daily operations of a vessel. He suggested replacing the proposed text of A2.7 with Article 11 of Convention No. 180 which read as follows:

> *Article 11, Convention No. 180*
>
> 1. Every ship to which this Convention applies shall be sufficiently, safely and efficiently manned, in accordance with the minimum safe manning document or an equivalent issue by the competent authority.
>
> 2. When determining, approving or revising manning levels, the competent authority shall take into account:
>
> (a) the need to avoid or minimize, as far as practicable, excessive hours of work, to ensure sufficient rest and to limit fatigue; and
>
> (b) the international instruments identified in the Preamble.

311. The Government members of Denmark, Germany and the Netherlands agreed and the Government member of Ghana said the proposal was worth considering.

312. The Seafarer Vice-Chairperson stated that the IMO only dealt with minimum safety levels. Article 11, Convention No. 180 had needed expansion, which was why the Office had proposed the current, modernized text in A2.7.

313. The Government members of Brazil, China, France, Japan, Russian Federation, South Africa, Togo, United Kingdom and Venezuela were in favour of retaining the text of A2.7.

314. The Government members of Denmark and Norway reiterated that the ILO text was not clear enough in terms of who exactly determined minimum safety manning levels. They expressed concern about over-regulation. The administration took into account the safe manning of each vessel, but going beyond this was very difficult.

315. Following consultations, the Officers of the Committee proposed keeping the text in the recommended draft, and deleting the last sentence of paragraph 1: "In particular, the crew assigned to navigation and watchkeeping duties shall be sufficient in number to allow the watch to be strengthened when navigating conditions so require". This was accepted by the Committee. The curly brackets were removed and the wording sent to the Drafting Committee.

Paragraph 2

316. The Government member of Norway proposed a restructuring of paragraph 2 to read:

> When determining, approving or revising manning levels, the competent authority shall take into account the need to avoid or minimize excessive hours of work to ensure sufficient rest and to limit fatigue, as well as the principles in applicable international instruments (especially those of the International Maritime Organization) on manning levels in accordance with this Convention.

317. The Committee agreed to remove the curly brackets and approved the text.

Guideline B2.7.1 – Dispute settlement

Paragraph 1

318. The Shipowner Vice-Chairperson proposed removing the word "any" from paragraph 1. The scope was too wide and would allow for complaints that may not be genuine.

319. The Seafarer Vice-Chairperson supported the deletion.

320. The Committee agreed to remove the word "any" and send the text to the Drafting Committee.

321. The Drafting Committee proposed the following text:

> Each Member should maintain, or satisfy itself that there is maintained, efficient machinery for the investigation and settlement of complaints or disputes concerning the manning levels on a ship.

322. The Committee removed the curly brackets around paragraph 1 and adopted the text.

Paragraph 2

323. The Shipowner Vice-Chairperson said that paragraph 2 should be deleted. It should be up to the competent authority to decide on the composition of the machinery for the investigation and settlement of complaints.

324. The Seafarer Vice-Chairperson observed that paragraph 2 was only a guideline and that most governments welcomed consultation with the social partners.

325. In a show of hands, a large majority of Government members preferred to retain the paragraph. The curly brackets were removed and the text was adopted.

326. The Committee decided that the text of the recommended draft would be retained and that the curly brackets would be removed from paragraph 2.

Regulation 2.8 – [Continuity of] [Career development and regularity of] employment in the maritime sector

327. The Shipowner Vice-Chairperson requested information on the objectives pursued at the time of the adoption of the Continuity of Employment (Seafarers) Convention, 1976 (No. 145). Nowhere were continuity and regularity guaranteed in the maritime sector.

328. The Seafarer Vice-Chairperson observed that although the world had moved on since 1976, when Convention No. 145 was adopted, it had not necessarily improved. The maritime industry still operated in an environment of insecurity. There were still good reasons to promote such underlying principles because of the unregulated nature of the industry; efforts to promote the industry and to encourage seafarers to remain at sea were essential. These considerations explained why the Seafarers' group was opposed to deleting references in the regulation to continuity and regularity.

329. The Government member of Canada referred to the loss of the notion of a register of seafarers. In his opinion, in a post-September 11 world, the need for such registers was great and he considered that Guideline B2.8.2 – Register of seafarers should expand on the notion of a seafarers' register to assist in the certification and employment of seafarers.

330. The Chairperson reminded the Committee that Convention No. 185 contained a requirement for a database of seafarers.

331. The Government member of Norway said that his country no longer regarded seafarers as casual labour, making the provisions of Convention No. 145 obsolete. Norway favoured a general policy of keeping people in employment, but not necessarily in the same sector. People should be able to choose to enter or stay in the maritime industry. This regulation was unsatisfactory, even its title was unsatisfactory; and minimum periods of employment could not be guaranteed in the industry. The reference to registers harkened back to Convention No. 145 and to seafarers being "available for employment", a now outdated notion. His Government therefore wished this reference deleted.

332. The Government member of the United Kingdom agreed that Regulation 2.8 needed modernizing, but considered there was cause for concern regarding the growing shortage of skills in the maritime sector. The emphasis in Regulation 2.8 should shift from the notion of continuity to one of skills development. The Government member of the United States agreed with this approach.

333. The Government member of South Africa agreed with the notion of career development but could not agree with proposals to provide minimum periods of employment for seafarers, nor with anything that might discriminate in favour of seafarers as opposed to other categories of workers.

334. Observing that there seemed to be agreement to focus on the promotion of career development and skills development in the industry and on the wish to remove references to regularity and continuity, as well as minimum periods of employment, the Chairperson declared that Regulation 2.8 through to the end of Guideline B2.8.2 – Register of seafarers – would be referred to the Drafting Committee.

335. The Drafting Committee had prepared text which covered Regulation 2.8 as well as its related Standard and Guidelines. The proposed text read:

Replace Regulation 2.8 through Guideline B2.8.2 by the following text:

Regulation 2.8 – Purpose: To promote career and skill development and employment opportunities for seafarers

Members shall have national policies to promote employment in the maritime sector and to encourage career and skill development and greater employment opportunities for seafarers.

Standard A2.8 – Career and skill development and employment opportunities for seafarers

1. Members shall have national policies that encourage career and skill development and employment opportunities for seafarers, in order to provide the maritime sector with a stable and competent workforce. (C.145A2/1)

2. The aim of the policies shall be to help seafarers strengthen their competencies, qualifications and employability.

Guideline B2.8 - Career and skill development and employment opportunities for seafarers

Guideline B2.8.1 - Measures to promote career and skill development and employment opportunities for seafarers

1. Measures to achieve the objectives set out in Standard A2.8 might include:

(a) agreements providing for career development and skills training with a shipowner or an organization of shipowners; or

(b) arrangements for promoting employment through the establishment and maintenance of registers or lists, by categories, of qualified seafarers; or (modified C.145A3)

(c) promotion of opportunities, both on board and ashore, for further training and education of seafarers to provide for skill development and portable competencies in order to secure and retain decent work, to improve individual employment prospects and to meet the changing technology and labour market conditions of the maritime industry.

Guideline B2.8.2 – Register of seafarers

1. Where registers or lists govern the employment of seafarers, these registers or lists should include all occupational categories of seafarers in a manner determined by national law or practice or by collective agreement. (C.145A4/1)

2. Seafarers on such a register or list should have priority of engagement for seafaring. (C.145A4/2)

3. Seafarers on such a register or list should be required to be available for work in a manner to be determined by national law or practice or by collective agreement. (C.145A4/3)

4. To the extent that national laws or regulations permit, the number of seafarers on such registers or lists should be periodically reviewed so as to achieve levels adapted to the needs of the maritime industry. (C.145A5/1)

5. When a reduction in the number of seafarers on such a register or list becomes necessary, all appropriate measures should be taken to prevent or minimize detrimental effects

on seafarers, account being taken of the economic and social situation of the country concerned. (C.145A5/2)

336. In addition to the Drafting Committee text, the Chairperson recalled that a proposal had been submitted by the Government member of Canada on Guideline B.2.8.2 – Register of Seafarers – for the addition of a new paragraph. It could contain:

- Registry of Seafarers, maintained by the member State, for the purpose of setting out articles of agreement (which sets out the terms and conditions under which a crew is employed aboard ship and the general nature of their duties).
- The Official Log Book, which supplements to the articles of agreement by recording the crew training requirements, records of accidents, incidents, births and deaths, inspections of galley, food and water supplies, promotions, and demotions.
- Repatriation of Seafarers (information on the status of repatriation).
- Security (Issuance of SID (Yes or No)).
- Central Records (complete records of sea service permit the individual records for the purposes of pensions; and from the certification point of view, the records allow us to check the experience of applicants for certificates.)
- Record of employment of seafarers.

This proposal had been sent to the Steering Committee, which suggested that the Committee debate both the Drafting Committee and the Canadian proposals together.

337. The Shipowner Vice-Chairperson suggested that the heading for the Regulation be the same as the heading for the Standard as proposed by the Drafting Committee: Career and skill development and employment opportunities for seafarers.

338. The Committee agreed.

339. The Seafarer Vice-Chairperson was prepared to consider Canada's suggestions, but thought that in A2.8, paragraph 2, "employment opportunities" should replace "employability".

340. The Chairperson noted that the Seafarers' change meant a shift of emphasis from the seafarer's competencies to jobs available in the market. The Committee was in favour of the change and adopted it.

341. The Government member of the United States wished to know whether a reference to "seafarers domiciled in the territory" would be added, as previously proposed by the Governments. This was seconded by the Government members of the Netherlands and South Africa.

342. The Committee agreed.

343. The Canadian proposal on the seafarers' register was discussed. It proposed to keep a record of employment as a new addition to Guideline B2.8.2 – Register of seafarers.

344. The Shipowners' group expressed reservations about whether such considerations were in conformity with the ILO's mandate. Data protection was a sensitive issue in national laws. Using a personal data register for other purposes was suspicious.

345. The Seafarers' group proposed that the amended text, in the first sentence, read "may maintain" and leave the application to the discretion of the member States.

346. The Government member of the United States shared the Shipowners' view that the issue was not part of the ILO's remit. This position was supported by the Government members of Belgium, Germany, the Netherlands and the Philippines.

347. The Chairperson ruled that the Government member of Canada's last proposal had not received the necessary support. The Committee adopted the Drafting Committee's text with the three changes:

- to introduce the same heading for the Regulation as the Standard;
- to add at the end of Regulation 2.8 "domiciled in their territories";
- to change the word "employability" in paragraph 2 to "employment opportunities".

Title 3. Accommodation, recreational facilities, food and catering

348. The Special Adviser explained how the text of Title 3 was developed by the High-level Tripartite Working Group in Nantes. As there still were a number of substantial points of disagreement, the Officers of the High-level Tripartite Working Group advised representatives of the Shipowners and Seafarers to meet after Nantes to iron out differences. Decisions taken in Committee No. 1 of the present Conference would impact Title 3, such as the inclusion of a tonnage clause or requirement. Equally, Title 3 contained provisions of great significance for ship design and size, with consequences for Committee No. 1.

349. Before opening the discussion, the Chairperson recalled that it had been agreed at the previous sitting that the Office be asked to find a suitable placing for the text on construction issues in Title 3. He asked the Committee to confirm that the Drafting Committee be requested to do this, not the Office. This was agreed.

350. The Committee used an informal document prepared by the Office which incorporated the proposals made by the Working Party.

351. The Shipowner Vice-Chairperson confirmed the proposed figures. In Guideline B3.1.5 – Sleeping rooms, paragraph 9 [8bis], he completed the sentence by adding "for junior officers, 7.5 m^2 and for senior officers, 8.5 m^2".

352. The Seafarers expressed support for this proposal.

Regulation 3.1 – Accommodation and recreational facilities

Paragraph 3

353. The Shipowner Vice-Chairperson accepted the text and proposed the addition after the word "accommodation" of "and recreational facilities".

354. The Seafarer Vice-Chairperson agreed the text and supported the Shipowner Vice-Chairperson's proposed insertion. The text was adopted as amended.

355. The Government member of the Netherlands, as Chairperson of the Working Party on figures for headroom and tonnage size in this provision, informed the Committee that all the relevant figures in Standard A3.1 – Accommodation and recreational facilities, Guideline B3.1.5 – Sleeping rooms, and Guideline B3.1.7 – Sanitary accommodation had been discussed. It had been agreed to propose that all paragraphs containing such prescriptive figures in Code B (i.e., the guidelines) should move to Code A (i.e., the standard). An exception was made of the provisions of Guideline B3.1.6 – Mess rooms – which it was proposed to leave as a guideline (in Code B). Certain details were still awaited and discussions had resulted in proposals for further text, notably concerning the floor area for sleeping and accommodation rooms for seafarers. It was agreed that the Chairperson of the Working Party should present just the figures agreed upon; the written text would be discussed when available.

Standard 3.1, paragraph 5(a): minimum permitted headroom of not less than 203 cms.

Guideline B3.1.5, paragraph 4: new proposals were made for a minimum floor area per person of seafarers' sleeping rooms for three sizes of ship were as follows:

Ships under 3,000 gross tons: 4.50 m^2

Ships of 3,000 – 10,000 gross tons: 5.50 m^2

Ships above 10,000 gross tons: 7.00 m^2;

Guideline B3.1.5, paragraph 5: minimum floor area per person of seafarers' sleeping rooms that will be occupied by two seafarers: 3.5 m^2. In cargo ships no more than two berths should be assigned per sleeping room in ships under 3,000 gross tons. This should be explicit in the text.

Guideline B3.1, paragraph 6: on passenger ships, minimum floor area of sleeping rooms for seafarers not performing the duty of ships officer:

(a) 4.25 m^2;

(b) 7.50 m^2;

(c) 11.50 m^2;

(d) 14.50 m^2;

A new subparagraph (e) was proposed to provide for the following situation: When more than four persons share a sleeping room in special-purpose ships and training ships, the minimum floor area per person: 3.60 m^2.

Guideline B3.1, paragraph 8: minimum floor area per person in this situation as follows:

Ships under 3,000 gross tons: 7.50 m^2;

Ships of 3,000-10,000 gross tons: 8.50 m^2;

Ships over 10,000 gross tons: 10.00 m^2.

Moreover, the issue of the accommodation of seafarers who perform the duties of ship's officers on passenger ships is not addressed. The Working Party proposed the

insertion of an extra paragraph to cover this point, but felt this was for the Committee to decide.

Guideline B3.1.5, paragraphs 17 and 20: The question of a drawer (paragraph 20) and that of ample space in a clothes locker (paragraph 17) needed to be considered together. The minimum ample space of a clothes locker for each occupant should be: 475 litres, and this space may include a drawer.

Guideline B3.1.6 – Mess rooms, paragraph 3: in ships other than passenger ships, the minimum floor area of mess rooms for seafarers should be 1.5 m^2 per person. This paragraph should stay where it is in this Guideline.

Guideline B3.1.7 – Sanitary accommodation, paragraph 1: One water closet and one tub and/or shower for every six persons or less.

Paragraph 8(d): not more than four persons.

The Working Party's original mandate was to produce agreed figures. The Committee agreed that the Working Party's mandate be expanded to present a draft text for discussion by the Committee.

356. The Shipowner Vice-Chairperson pointed out an error in the proposal for stand-alone drawers. The size recommended by the Shipowners had been 475 litres, and 500 litres if a drawer was included. Since the mandate now included drafting text, the Shipowners' group would be looking primarily at paragraph 5(h) in the Standard for flexibility as regards multiple berths, cabins and similar issues.

357. The Seafarer Vice-Chairperson concurred, adding that it was important that the figures in the report be inserted in Part A. A mature compromise had been reached on the gross tonnage issue. Since tonnage tax currently posed serious problems for the industry, consideration should be given to providing for exemptions in certain cases. Shipowners faced financial pressure in this respect. Seafarers were spending increasing periods at sea and on ships and their opportunities to leave a ship were restricted by increasing security demands. The pressure on seafarers while on board was also growing. Hence the importance of addressing their accommodation needs.

358. The Government member of Japan disagreed with the proposal to move Part B to Part A and called for flexibility along the lines of the scope for exemption clauses provided in paragraph 9 of Guideline B3.1.5 – Sleeping rooms.

359. The Government member of Denmark, with reference to the tonnage limit prescribed in B3.1, presumed that there was agreement on 3,000 gross tons, since the Working Party had looked only at bracketed figures and not at paragraph 9.

360. The Chairperson explained these details would be discussed once the draft text was available.

Standard A3.1 – Accommodation and recreational facilities

Paragraph 2(a)

361. The Shipowner Vice-Chairperson stated that paragraph 2, subparagraph (a), was redundant, as Regulation 4.3 already dealt with the issue and no cross-reference was needed.

362. The Seafarers' group preferred to make a determination once the outcome of the discussions on Regulation 4.3 was known, and suggested this provision be set aside until after further discussion about Title 4.

363. The Chairperson pointed out that the argument relating to this provision was the same as that concerning paragraph 5(t).

364. The Shipowners' Vice-Chairperson would have preferred to delete this provision, but in light of the Seafarers' comments on the record and their request for later consideration of paragraph 5(t) just considered, agreed to the deletion of the curly brackets.

365. The Seafarers agreed and the curly brackets in this provision were deleted.

Paragraph 2

366. The Shipowner Vice-Chairperson was in favour of removing the square brackets around "as practicable" in paragraph 2.

367. The Seafarer Vice-Chairperson said the meaning of "as practicable" was not clear. Did it mean "if is practicable" or "as soon as practicable"? In another part of the recommended draft, there were provisions to the effect that where seafarers' organizations did not exist, other organizations could be consulted. He requested guidance on this point.

368. The Special Adviser of the Committee recalled that much of this text had been negotiated in April 2004. She could not comment definitively, but it was her understanding that this meant "as soon as possible" but without specifying a time limit.

369. The Seafarers' group took it that the meaning was "as soon as possible" and that the text could be worded accordingly.

370. A show of hands indicated that a majority of Government members favoured retaining "as practicable". The Committee deleted the square brackets around this expression.

Paragraph 4

371. The Shipowner Vice-Chairperson was in favour of removing the square brackets around this provision.

372. The Seafarer Vice-Chairperson agreed.

373. The Special Adviser of the Committee stated, in relation to subparagraph (c) of paragraph 4, that there should have been curly brackets around the words "noise and vibration and other ambient factors in the workplace" (as indicated in the commentary). The High-level Tripartite Working Group at its meeting in Nantes had recommended updating the draft instrument to include these factors; there was also the possibility of transferring the provision to Title 4.

374. The Government member of China explained that his Government attached considerable importance to noise and vibration on ships. If this provision was retained in Title 3, then a grandfather clause applied regarding existing vessels whereby they would not be required to meet these provisions. However, if the provision were to be transferred to Title 4, then it would also apply to existing vessels. He suggested including a provision in the recommended draft exempting existing ships from the requirement.

375. The Chairperson pointed out that the issue was being addressed by both Committee No. 2 and Committee No. 3. There had been contact between the two, and a proposal was expected from Committee No. 3 to move provisions covering this question from Title 4 to Title 3, based on the grandfather clause issue.

376. The Government member of the United States reported that the Government group agreed to the removal of the square brackets around paragraph 4. They also proposed the deletion of the words "in the workplace" from subparagraph (c). This proposal was supported by the Government member of Germany.

377. The words "in the workplace" were deleted.

Paragraph 5(a)

378. The Shipowner Vice-Chairperson proposed that "clear" be inserted before "headroom" in both line 1 and line 2, that the square-bracketed figure 208 be removed, and that the square brackets around the figure 198 be removed, leaving simply "198 centimetres;".

379. The Seafarer Vice-Chairperson agreed with the proposal regarding the insertion of "clear", but opted for the retention of the other figure, i.e. " 208 centimetres;".

380. The Chairperson of the Government group indicated there was no consensus within the group on this point; it was for the social partners to decide on a compromise.

381. The Shipowner Vice-Chairperson referred to the fact that other benchmarks and thresholds in the recommended text needed to be determined as well, and suggested they all be referred to a Working Party.

382. The Committee set up a Working Party, with two representatives from the Shipowners' group, two from the Seafarers' group and the Government members of Japan, the Republic of Korea, the Netherlands and the United Kingdom. The Working Party would be chaired by the Government member of the Netherlands, and would deal with all matters in Standard A3.1 relating to headroom and tonnage size.

383. The Chairperson of the Working Party on figures and measurements in Title 3 requested an extension of its mandate in order to set a threshold figure for floor area for sleeping rooms for cargo ships smaller than 3,000 gross tons, between 3,000 gross tons and 10,000 gross tons, and another for cargo ships over 10,000 gross tons. The Working Party also wanted to discuss whether figures should be placed under Part A or B of the Code. The Committee agreed to extend the Working Party's mandate.

384. It was agreed to remove the square brackets and confirm the figure "203" in the original text of the draft.

385. The Chairperson noted that the items moved from Part B to A were represented by letters (u) through (y) on the document from the Working Party.

386. It was agreed that in paragraph (u), the text would include one wash basin for six seafarers. The text now read:

> (u) in all ships a minimum of one toilet, one wash basin and one tub and/or shower for every six seafarers or less who do not have personal facilities should be provided at a convenient location.

387. The Government member of Japan proposed the following text be inserted after the word "location" in paragraph (u): "In the case of special purpose ships, the competent authorities may allow an increased number of seafarers as applied by this provision."

388. Following discussions on the matter, the Committee adopted the proposal of the Working Party.

Paragraph 5(e)

389. The Shipowner Vice-Chairperson proposed the deletion of the square-bracketed text [fresh air] in paragraph 5(e). The Seafarer Vice-Chairperson agreed. The text in square brackets was deleted.

390. The Shipowner Vice-Chairperson proposed the removal of the curly brackets around the words "any separate radio room and any centralized machinery control room" in the same paragraph. The Seafarer Vice-Chairperson agreed. The curly brackets around that text were deleted.

Paragraph 5(h)

391. A discussion took place during which it became apparent that the recommended text did not reflect texts previously agreed between the social partners, and it was unclear whether the bracketed texts were intended to express alternatives or separate issues.

392. The Special Adviser of the Committee explained that decisions were needed as to: (a) whether there were to be any exemptions or exceptions to the provisions of paragraph 5(h); (b) if they were to apply to ships of less than 3,000 gross tons, then they would be handled by the Working Party set up to consider tonnage size issues, inter alia; and (c) if the curly-bracketed text concerning specialized ships or ships used for training purposes related to two separate issues (and not two alternatives), then the issue would be whether exemptions should be applied to specialized ships or to ships for training purposes.

393. The Government member of China proposed to replace paragraph 5(h) with the following:

> In ships other than passenger ships, an individual sleeping room shall be provided for each seafarer, in the case of:
>
> 1. ships of less than 3,000 gross tons;
> 2. special purpose ships;
> 3. tugs;
> 4. high-speed craft;
> 5. ships engaged on short voyages which allow members of the seafarer to go home or to make use of comparable facilities for part of each day.
>
> Exemptions from this requirement may be granted by the competent authority after consultation with the organizations of shipowners and seafarers concerned.

394. The Government member of China believed that since many seafarers who worked on vessels for short voyages lived on land, this clause was not applicable to them.

395. The Committee did not support this proposal.

396. The Government member of Japan made a proposal to the Committee to replace "specialized ships or ships used for training purposes" with "or special ships constructed in compliance with the Code of safety for special purpose ships adopted in the International Maritime Organization in 1983 and subsequent versions (referred to below as "special purpose ships")."

397. The Shipowner Vice-Chairperson believed training vessels were included by definition under special purpose ships, so they supported the Government member of Japan.

398. The Seafarer Vice-Chairperson preferred the term "special purpose ships" which included training ships as well. Cabins were not required for seafarers who did not live on board.

399. The Government member of the United Kingdom believed that the proposal from the Government member of Japan added clarity. The Government member of France also expressed support.

400. The Government member of Norway did not support the proposal from the Government member of Japan, and preferred the original text. The problem for Norway was of a more formal nature in that Norway had not ratified the IMO Code and therefore should not be bound through this instrument.

401. The Shipowner Vice-Chairperson proposed new text that would provide flexibility. When cadets and trainees were on board there were often cases where there were more than two to a cabin. The text read:

> In ships other than passenger ships, special purpose ships and ships of less than 3,000 gross tons, an individual sleeping room shall be provided for each seafarer. The competent authority may allow multiple berth cabins to be provided for cadets, trainees, supernumeraries and for handover purposes for a specified duration of time as agreed by social partners. Under no circumstances, with the exception of the categories of vessels mentioned above, shall there be more than two seafarers occupying any one single cabin.

402. The Seafarer Vice-Chairperson did not see a difference between special purpose ships and training ships. He was not against the text but felt it would be more appropriate in the Guidelines. As it was not controversial, it could be included in the report and the Commentary and revisited at a later date.

403. The Committee agreed lift the curly brackets from paragraph 5(h) and include the proposal of the Government member of Japan. The Chairperson reminded the Committee that this would also affect Standard A3.1 – Accommodation and recreational facilities, paragraph 5(l) – which referred to special purpose ships.

Paragraph 5(l)

404. As with Standard A3.1, paragraph 5(h), it emerged from discussion that the curly bracketed text in paragraph 5(l) did not reflect previously agreed positions between the social partners, notably regarding what constituted specialized ships, ships used for training purposes and specialist training vessels.

Paragraph 5(m)bis

405. Regarding hospital accommodation, it was proposed to insert new text between (m) and (n) as follows:

(m)bis. ships {carrying {15} or more seafarers and engaged in a voyage of more than three days' duration} shall provide separate hospital accommodation to be used exclusively for medical purposes. (modified C.164A11/9) The competent authority may relax this requirement in respect of ships engaged in coastal trade (C.164A11/1). In approving on-board hospital accommodation, the competent authority shall ensure that the accommodation will, in all weathers, be easy of access, provide comfortable housing for the occupants and be conducive to their receiving prompt and proper attention;

After discussion within the Committee it was agreed that Committee No. 3 had not completed work on this item, and this Committee was able to deal with the words in curly brackets and place this item in Standard A.3.1 – Accommodation and recreational facilities.

406. The Shipowners' group wished to add at the beginning of the bracketed text the words "On ships of 10,000 gross tons and over, and", and after the word "separate" the word "designated" and the deletion of the word "exclusively" after the word "used".

407. The Chairperson noted there was agreement on this proposed text as modified by the Shipowners, which would read:

> Ships of 10,000 gross tons or over, and ships carrying 15 or more seafarers and engaged in a voyage of more than three days' duration shall provide separate designated hospital accommodation to be used for medical purposes.

408. The Government member of the Republic of Korea asked for clarification on the category of ships affected, arguing that the application of the provision might be widened by the wording. The Special Adviser re-read the proposed text with modifications from the Shipowners.

409. The Government member of Japan recalled that previously it had been stated that this paragraph had been discussed by Committee No. 3 from a medical care perspective, as it originally appeared in Convention No. 164. Here it concerned the structure of ships, and he recalled agreement that the discussion would not be reopened. The changes proposed by the Shipowners would make it difficult for his Government to accept.

410. The Chairperson reported that one of the social partners had discovered that the issue of the number of seafarers on board had not been discussed in Committee No. 3, which was why the subject was being returned to here.

411. The Seafarer Vice-Chairperson confirmed the Chairperson's explanation. The Seafarers' group had wanted a lower figure than the 15 proposed but considered that any ship of over 10,000 gross tons where space was not at a premium should have a hospital room.

412. The Government member of Japan considered that if the substance of the paragraph taken from Convention No. 164 were to be changed in this way, then medical expertise would be needed on board. The number of sick or injured seafarers had been declining in Japan since the adoption of Convention No. 164 in 1987, and its entry into force in 1991, so it would be difficult to convince the Japanese Parliament of the need for this provision.

413. The Chairperson observed that the proposal maintained the obligation in the current Convention to have accommodation set aside for the treatment of seafarers in ships with 15 seafarers, and in ships of 10,000 gross tons or over on a voyage of more than three days' duration. The issue was one of construction, not a medical issue. The report would refer to the issues raised in this connection. He suggested that the text proposed by the social partners be maintained, and that the report refer to the issues discussed.

414. The Government member of the Republic of Korea accepted the Chairperson's proposal.

415. The proposed text was adopted, but was subsequently deleted in plenary.

416. The Seafarer Vice-Chairperson queried whether "15" was the right figure.

417. The Government member of Japan pointed out that Committee No. 3 had unanimously decided on the figure "15" so there was no reason to reopen the debate in this Committee. This was supported by the Government member of the United Kingdom who had been in Committee No. 3 at the time.

418. The Seafarer Vice-Chairperson accepted the decision, but stated that there were many ships with a crew of under 15, such as small container ships. If seafarers were injured there would be no special area for them to receive specialized medical attention.

419. Following consultation with Seafarer members in Committee No. 3, the Seafarer Vice-Chairperson stated the figure of 15 seafarers was not resolved and there had not been a vote on the topic. He requested this issue be revisited in the plenary. The social partners agreed to meet informally to discuss the matter.

420. It was later clarified that Committee No. 3 had taken a decision to keep Standard A4.1, paragraph 4(a) on hospital accommodation in Title 4 and to move only paragraphs 1-4 of Guideline B4.1.1 to Title 3.

Paragraph 5(n)

421. The Committee agreed to delete the curly brackets in this provision.

Paragraph 5(o)

422. The Committee agreed to delete the curly brackets in this provision.

Paragraph 5(p)

423. The Shipowner Vice-Chairperson wished to delete the text in hard brackets; and proposed the insertion of the text "or common" after the word "separate".

424. The Seafarer Vice-Chairperson recalled earlier comprehensive discussions on this subject in connection with Guideline B3.1 – Mess rooms, paragraph 6. The language here in Standard A3.1, paragraph 5(p) was consistent with the accompanying Guideline.

425. The Committee agreed to delete the square brackets in paragraph 5(p) as well as the Shipowners' proposal. The passage formerly in brackets now read: "provision shall be made for separate or common mess room facilities as appropriate".

Paragraph 5(s)

426. The Committee agreed to the deletion of the brackets around the text in this provision.

Paragraph 5(t)

427. The Shipowner Vice-Chairperson proposed this provision be moved to Title 4, as it was a safety and health issue.

428. The Seafarer Vice-Chairperson questioned whether it was a health and safety issue or an accommodation issue. Questions relating to the structure of ships came under Title 3, and those relating to protection of safety and health under Title 4. In his group's view, paragraph 5(t) referred to facilities, and the only question was whether this was the most appropriate place. He wished the issue to be considered again.

429. The Chairperson proposed the brackets in this provision be deleted and the Seafarers' comments be recorded. The Shipowners' group agreed and the brackets were deleted.

Paragraph 6

430. The Shipowner Vice-Chairperson agreed to the deletion of the curly brackets in this paragraph, but considered the text in square brackets ("in convenient places") was unnecessary and should be deleted.

431. The Seafarers' group agreed to this suggestion, and it was so agreed by the Committee.

Paragraph 7

432. The Shipowner Vice-Chairperson stated that the text proposed was not the correct one. The social partners had earlier reached agreement on a text which differed from that now before the Committee in two places: the words "decently habitable" should be within hard brackets; and the words "and safe" (currently within curly brackets) should be deleted along with the curly brackets. For the Shipowners, therefore, the only question at issue here was the words "decently habitable" within square brackets, which they wanted deleted as they found the term incomprehensible.

433. The Seafarer Vice-Chairperson agreed with the Shipowners' group as regards the social partners' earlier agreed text. His group accepted the deletion of "and safe". But the term "decently habitable" described accommodation that was not only clean and in a good state of repair (which could be achieved on board ship), but also in which seafarers could actually live decently. The intention here definitely added value, though how it was expressed might require further consideration.

434. The Shipowner Vice-Chairperson thought the notion open to subjective interpretation, especially in different parts of the world. However, in a spirit of compromise, his group was willing to remove the brackets around "decently habitable".

435. It was agreed to delete the brackets around "decently habitable " in paragraph 7.

Paragraph 9

436. The Shipowner Vice-Chairperson proposed the deletion of the last sentence "Such grounds may not include financial considerations.", but accepted the deletion of the curly brackets around the remaining text.

437. The Seafarer Vice-Chairperson saw a danger in the deletion of the last sentence, since financial considerations would then be evoked in every instance. And if there were financial considerations, these would have to be explained. The intent here was to take a reasonable approach and, if there were strong grounds, including financial ones, to consult on what they were and agree on a solution. He proposed "Such grounds may include financial considerations after consultations between shipowners and seafarers".

438. The Shipowner Vice-Chairperson pointed out the Seafarers' proposal was new text, and wished to hear the Office's explanation for the wording selected in the text before the Committee.

439. The Special Adviser explained that the text of Title 3 was the result of a long process of negotiation. As explained in the Commentary, subsequent to the Nantes meeting there had been further negotiations between the social partners in order to advance the text for this Conference. However, time pressures had prevented the Office from incorporating all these negotiated changes into the text before the Committee, and the passages concerned were marked by curly brackets in the recommended draft text. The intention of the Office had been to draft a clause stating that any exception or derogation should be based on clear, strong grounds other than financial ones. The Office had chose this format in order to avoid having to insert the same clause after each provision to which it referred.

440. The Seafarer Vice-Chairperson proposed the deletion of the last sentence on the grounds that "strong grounds" were referred to just before in the provision.

441. The Shipowner Vice-Chairperson agreed with this proposal. He then proposed the deletion of the word "particular" in the third line.

442. The Seafarer Vice-Chairperson considered the word "particular" necessary, as one needed to know which circumstances were being considered.

443. The Shipowners' group agreed to retain the word "particular".

444. The social partners having agreed to the deletion of the last sentence of paragraph 9, the Chairperson stated that the curly brackets in paragraph 9 were deleted, and the last sentence deleted.

445. The Government member of the United Kingdom expressed concern that paragraph 9 might risk undermining the substantial equivalence provisions contained in the Articles, since this paragraph could allow exemptions not meeting the mere concept of substantial equivalence.

446. The Seafarer Vice-Chairperson explained that their intention had not been to distance themselves from the concept of substantial equivalence, but that it was a question of the rationale underlying this provision and of how it could be met in some other form.

447. The Shipowners' group agreed with the concerns expressed by the Government member of the United Kingdom.

Guideline B3.1.3 – Heating

Paragraph 2

448. The Shipowner Vice-Chairman, having requested a technical explanation on the fact that steam should not be used for heat transmission, the Government member of Korea explained that there was a possibility of leakage, which would affect seafarers' accommodation. He pointed out the term "heat transmission" should be used, not "heat transport". He was supported by the Seafarers' group.

449. The Committee agreed to delete the brackets around the text in paragraph 2, and to replace "transport" with "transmission".

Guideline B3.1.5 – Sleeping rooms

Paragraph 2

450. The Shipowner Vice-Chairperson proposed the removal of the brackets in paragraph 2, but wished the bracketed words "as practicable" deleted.

451. The Seafarer Vice-Chairperson agreed.

452. It was agreed to delete the brackets in paragraph 2 and to delete the words "as far as practicable".

Paragraph 4

453. The Shipowner Vice-Chairperson agreed to the deletion of the square brackets.

454. The Seafarers concurred.

455. The Committee agreed to delete the square brackets and to move the paragraph to the Standard.

Paragraph 5

456. The Committee approved the proposed text and agreed it be moved to the Standard.

Paragraph. 6

457. The Government member of the Russian Federation observed that the reference in the last sentence in paragraph 4 to the competent authority being able to allow a reduced floor area for passenger ships, special purpose ships and ships of less than 3,000 gross tons was not consistent with paragraph 6(a), which stipulated a minimum floor area per person.

458. The Government member of the Republic of Korea considered that all paragraphs containing specific figures on accommodation should remain under Part B of the Code (the guidelines).

459. The Government member of the United Kingdom disagreed and considered that a very clear indication of the size of cabins was required, notably in cases of a change of flag, The paragraphs in question should be moved to Part A of the Code. He agreed with the Government member of the Russian Federation that there was an inconsistency between paragraphs 4 and 6: paragraph 4 encouraged single berths, but the requirements of paragraph 6(a) along with paragraph 4(c) may not help seafarers obtain single berths. He proposed the deletion of paragraph 6(a).

460. The Shipowners' and Seafarers' groups supported this.

461. Paragraph 6(a) was deleted and the Committee agreed that this paragraph be moved to the Standard.

Paragraph 8

462. Both the Shipowners' group and the Seafarers' group agreed to retain paragraph 8 in full.

463. In view of the large number of small ships operating around Japan, the Government member of Japan proposed that the first figures in paragraph 8 be the same as those in the

Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. l33), with 8(a) stating 6.5 m^2; and 8(b) stating 7.5 m^2.

464. He was supported by the Government members of China and the Republic of Korea.

465. The Government member of the United Kingdom disagreed with the Japanese proposal, recalling that these figures had been negotiated by the Working Party. He was supported by the Government members of France, Germany and Norway.

466. The Shipowner and the Seafarer Vice-Chairpersons confirmed that the figures had been agreed by the social partners.

467. The Chairperson observed that there was a small majority of Government members supporting the proposed figures. That being so, the proposed text of paragraph 8 was accepted and moved to Part A of the Code.

Paragraph 8bis

468. The Government member of the Netherlands, Chairperson of the Working Party, summarized the discussion on floor areas as provided for in the paragraph. The social partners had suggested 7.5 m^2 for junior officers and 8.5 m^2 for senior officers. However, it was necessary to define the terms "junior" and "senior". "Senior" could be defined as management or heads of departments. A consistent concept was required which could be globally implemented but the Working Party had not found a final workable definition. It was important that a definition be found before the Maritime Session of the International Labour Conference. More intersessional work needed to be done.

469. The Chairperson, after consultation with the Officers of the Committee, proposed that the figure 8.5 m^2 be inserted. The Committee agreed and noted that the definition of "junior officers" and the Shipowners' proposed allocation of 7.5 m^2 for "junior officers" was not resolved. There was agreement on different floor areas for junior and senior officers. The definition of the two categories needed further work.

470. The Government member of Japan, taking account of the advice given by the Working Party, said that on sailing training ships no accommodation was provided on deck, only below deck. A new exemption clause should be inserted after the brackets to read: "The competent authority may reduce floor areas on special purpose ships".

471. The Chairperson pointed out that an exemption meant the failure to arrive at an international labour standard regarding the different sizes of rooms. The main goal was to shape a clear, international standard.

472. The Seafarer Vice-Chairperson stressed the need for consistency of application to passenger as well as other specialized vessels.

473. Given that the issue of application of this Convention on domestic fleets had not been resolved in Committee No. 1, the Government member of the United States wished to place on record that its decision would have bearing on the work of Committee No. 2 regarding agreed figures for accommodation and recreational facilities and their impact on future implementation and application.

Paragraph 9

474. The Chairperson pointed out that this proposal was part of the social partners' agreed text.

475. The Government member of the United Kingdom was concerned that the new concept of junior and senior officers might be difficult to implement in practice, and sought guidance from the social partners.

476. The Shipowner Vice-Chairperson proposed to consult in order to find a better definition for this new concept.

Paragraph 10

477. The Chairperson pointed out that it was proposed to move most of this paragraph to Part A of the Code, except for the last sentence "Consideration should be given to extending the facility to the first engineer officer when practicable".

478. The Shipowner Vice-Chairperson proposed the deletion of the passage in curly brackets within the bracketed text, i.e., "after consultation with the organizations of shipowners and seafarers concerned."

479. The Seafarers' group disagreed since this paragraph concerned an exemption and, as such, should involve consultations.

480. The Shipowner Vice-Chairperson explained that this was an issue for the shipowner and the competent authority, but that the Shipowners' group was ready to keep this passage. They stated that they wished to delete the word "individual".

481. The Seafarer Vice-Chairperson argued against the deletion of "individual", as his group did not wish a general statement, but insisted that exemptions should be decided on a ship by ship basis, and on their own merits.

482. The Government member of Germany argued that "individual" should be deleted, as it would entail complex bureaucratic and administrative procedures in practice. He pointed out he was not proposing a general exemption, but one concerning ships of less than 3,000 gross tons and only after consultation with the social partners. He was supported by the Government member of Norway.

483. The Seafarer Vice-Chairperson stated that if the Government member of Germany was not seeking a general exemption, he failed to see why exemptions should not be considered on an individual basis.

484. The Government member of Germany remarked that the important mention was "after consultation with the seafarer and shipowner organizations". This would allow the social partners to prevent sleeping rooms from being too small.

485. The Chairperson suggested the deletion of "individual", which entailed that sentence starting "Ships of less than".

486. The Seafarer Vice-Chairperson agreed.

487. The curly brackets were removed and the text adopted with the deletion of the word "individual". The text was moved to Part A of the Code with a note indicating to which facility it referred.

Paragraphs 18 and 19

488. The Committee agreed to the texts of paragraphs 18 and 19, the removal of the curly brackets and to their being moved to Standard A. The two paragraphs read:

18. The furniture should include a clothes locker of ample space (minimum 475 litres) for each occupant. A drawer or equivalent space of not less than 56 litres should be provided for each occupant. If the drawer is incorporated in the clothes locker then the combined minimum volume of the clothes locker should be 500 litres for each occupant. It should be fitted with a shelf and be able to be locked by the occupant so as to ensure privacy.

19. Each sleeping room should be provided with a table or desk, which may be of the fixed, drop-leaf or slide-out type, and with comfortable seating accommodation as necessary.

Guideline B3.1.6 – Mess rooms

Paragraph 1

489. The Government member of Greece observed that definitions of terms such as "petty officers", "master officers" and "other officers" had not been provided.

490. The Chairperson explained that, as the provision would apply to all individuals working on board ships, definitions were not necessary.

491. The Government member of Germany asked whether the provision was to apply to individual ships or whether it related to national legislation.

492. The Chairperson replied that as B3.1.6 was a Guideline, it would be up to individual governments to determine its application.

493. New text proposed by the Shipowners' group and modified by the Seafarer Vice-Chairperson to include consultation and dialogue with seafarers' representatives read:

> Mess room facilities may be either common or separate. The decision in this respect should be taken after consultation with seafarers' and shipowners' representatives and subject to the approval of the competent authority. Account should be taken of factors such as the size of the ship and the distinctive cultural and /or religious and social needs of the seafarers.

494. The new text was adopted.

Paragraph 3

495. The text was agreed by the Committee. It read:

> 3. In all ships other than passenger ships, the floor area of mess rooms for seafarers should be not less than 1.5 m^2 per person of the planned seating capacity.

Paragraph 4

496. A consequential change was proposed by a Shipowner member to add "In all ships" to the beginning of the sentence. This was endorsed by the Committee. The text now read:

> 4. In all ships mess rooms should be equipped with tables and appropriate seats, fixed or movable, sufficient to accommodate the greatest number of seafarers likely to use them at any one time.

Guideline B3.1.7 – Sanitary accommodation

497. The Shipowners' and Seafarers' groups agreed to have all the curly brackets removed and to move paragraphs 1, 2, 3, 4 and 6 to Part A of the Code.

498. An objection was voiced by the Government member of Japan to moving the paragraphs to Part A without prior discussion.

499. The Government member of the United States, speaking on behalf of the Government members, stated that her group had only deferred to the social partners regarding figures. All other proposals had to be discussed.

500. On the suggestion of the Government member of Canada, the Chairperson sought a show of hands of the Government members concerning the move of the paragraphs to Part A. [The results were not announced in the sitting.]

501. The Government member of Denmark said that governments expressing great concerns on provisions should have the possibility of explaining their concerns to the Committee before the Committee decided on using a show of hands. Furthermore, it would be better to discuss each paragraph separately, since a government could be forced to go against a block of paragraphs even though it only had concerns with one paragraph.

502. Returning to technical matters in the Guideline, the Government member of the United Kingdom queried the lack of reference to handbasins in paragraph 1, and the fact that paragraph 3 provided for fewer facilities on passenger ships undertaking short voyages. These ships usually were ferries.

503. A member of the Shipowners' group explained that seafarers usually did not live on board ferries. Most of the crew returned home at the end of the day and thus needed fewer facilities on board.

504. The Chairperson recalled that there had already been substantial discussion on this point and the decision had been taken to remove the brackets. Then there had been a proposal to move the content of Part B into Part A and the social partners had agreed to this. Seeking governments' views, a substantial majority had been in favour of moving the provisions. He felt therefore that there was substantial agreement. The curly brackets were removed and the text moved from Guideline B3.1.7 to Standard A3.1, tagging paragraphs 1, 2, 3, 4 and 6 of the Guideline on to paragraph 5 of the Standard.

505. The Government member of Japan pointed out that one-third of the Government group were opposed to moving Guideline B3.1.7 to Part A. Some kind of exemption clause was therefore necessary and this should be considered and formulated.

506. The Chairperson said he had taken account of what the Steering Committee had sent. There was a grandfather clause. He intended to stick with the proposal as it now stood.

507. The Government member of Japan noted that paragraph 2 of Guideline B3.1.7 did contain an exemption clause but only for passenger ships, not for special-purpose ships. He felt this would be reasonable and requested that the views of Government members be sought.

508. The Seafarer Vice-Chairperson said that it was difficult to adopt text that had not been discussed.

509. The Chairperson took it that the Committee could move the text to Part A and discuss possible exemptions later.

Paragraph 8(d)

510. The text of this paragraph was approved as drafted. It now read:

(d) Toilets should be situated convenient to, but separate from, sleeping rooms and wash rooms, without direct access from the sleeping rooms or from a passage between sleeping rooms and toilets to which there is no other access: this requirement does not apply where a toilet is located in a compartment between two sleeping rooms having a total of not more than four seafarers;

Guideline B3.1.7bis – Hospital accommodation

511. In Guideline B3.1, *insert* a new guideline "B3.1.7bis – Hospital accommodation" (moved from Guideline B4.1.1, paragraphs 1 to 4 after Guideline B3.1.7, which reads as follows:

1. The hospital accommodation should be designed so as to facilitate consultation and the giving of medical first aid and to help prevent the spread of infectious diseases. (modified C.164A11/5)

2. The arrangement of the entrance, berths, lighting, ventilation, heating and water supply should be designed to ensure the comfort and facilitate the treatment of the occupants. (C.164A11/6)

3. The number of hospital berths required should be prescribed by the competent authority. (C.164A11/7)

4. Sanitary accommodation should be provided for the exclusive use of the occupants of the hospital accommodation, either as part of the accommodation or in close proximity thereto. (C.164A11/8) Such sanitary accommodation comprises a minimum of one water closet, one washbasin and one tub or shower.

512. The Shipowner Vice-Chairperson accepted the proposed text. He reminded the Committee that there would be a person on board qualified to provide first aid. Radio communication also assisted in securing medical information.

513. The brackets were removed and the text was adopted.

514. The Chairperson sought agreement on replacing "water closet" by "toilets" throughout the instrument. The Committee agreed with this replacement throughout the instrument.

Guideline B3.1.10 – Recreational facilities

515. This provision, being part of the text discussed with the Seafarers' group in April 2004 in order to arrive at an agreed text, the Shipowner Vice-Chairperson wished to proceed with discussion in Committee only once that text was available.

516. The Seafarer Vice-Chairperson then presented the modifications agreed with the Shipowners' group in April 2004, as follows:

- remove the brackets in paragraph 4(h);
- remove the brackets around the word "reasonable" in paragraph 4(j);
- transfer the provisions in paragraphs 5 to 7 to Title 4 under Welfare;
- regarding paragraph 4(a), the social partners had agreed to remove the brackets around "a smoking room", but subsequent to the April 2004 meeting, the European Union had made an announcement about the prohibition of smoking in communal areas, so that there should probably be some discussion by the Committee on this point;

- regarding paragraph 4(c), after long discussions, it had been agreed to remove the brackets around the content of paragraph 4(c), but he thought it advisable to seek the views of governments. Moreover, the Seafarers' group considered there should be some mention of funding by shipowners of the films and videos in question; at present the word "funding" did not appear in the provision.

517. The Chairperson stated discussion would be on the basis of the report just made by the Seafarers' group.

518. It was agreed to remove the brackets in paragraphs 4(h) and 4(j). It was agreed to ask the Drafting Committee to find a suitable place in Title 4 for Guideline B3.1.10, paragraphs 5 to 7, and to remove the brackets in these texts.

519. As to paragraph 4(a), concerning the provision of a smoking room, the Government member of Egypt considered that smoking seafarers needed some specific place, or they would simply find alternative places to smoke if prohibited from doing so. This provision afforded the necessary protection.

520. The Chairperson pointed out that the Committee was considering a Guideline only, and it was agreed to remove the brackets in paragraph 4(a).

521. The Seafarer Vice-Chairperson reiterated his group's concern that any costs involved in providing the facilities mentioned in paragraph 4(c), and indeed those mentioned in any of the subparagraphs under paragraph 4, should be borne by the shipowners. Though the chapeau stated that "Consideration should also be given to including the following facilities", his group wished to ensure that this was done at no cost to seafarers.

522. The Shipowner Vice-Chairperson stated that some provisions included in this Guideline (e.g. ship-to-shore telephone communication mentioned in paragraph 4(j)) were not paid for by shipowners. The Seafarers' group agreed that paragraph 4(j) was an exception. The Shipowner Vice-Chairperson then proposed the insertion of the words "at no cost to the seafarers" in the chapeau to paragraph 4, so that it read:

> 4. Consideration should also be given to including the following facilities, at no cost to the seafarers, where practicable:

523. The Chairperson sought agreement that the chapeau should now read as specified above; and proposed that paragraph 4(j) remain unchanged since it referred to charges for the use of these services "being reasonable in amount".

524. The Government member of Japan expressed concern about procedure if the wording "at no cost to the seafarer" were inserted where proposed, since this was unbracketed text.

525. The Chairperson ruled this was a case of a consequential change. It was agreed to make the proposed change to the chapeau to paragraph 4; the Chairperson confirmed that this was a decision by this Committee, and one that did not need to be referred to the Drafting Committee.

Paragraphs 5 to 7

526. The Chairperson recalled that the Drafting Committee had been asked to find an appropriate place for these provisions in Title 4 and to remove the brackets. However, the Drafting Committee had concluded that the current placement, though not ideal, was the most appropriate. The Drafting Committee therefore proposed it be left where it was,

amending the title of Guideline 3.1.10 to read "Recreational facilities, mail and ship visit arrangements".

527. The Seafarers' Vice-Chairperson agreed, so long as there was a reference that this did not apply only to new tonnage.

528. The Chairperson proposed that the report record that this provision did not apply only to new vessels. The proposed changes were agreed.

Guideline B3.1.11 – Prevention of noise and vibration

529. The Committee agreed to insert the proposed new guideline, as follows:

Guideline B3.1.11 – Prevention of noise and vibration

1. Sleeping rooms, mess rooms, recreation facilities, catering facilities and other seafarer accommodation should be located as far as practicable from the engines, steering gear rooms, deck winches, ventilation, heating and air-conditioning equipment and other noisy machinery and apparatus. *(Former Guideline B4.3.2, paragraph 3 (c) (i))*

2. Acoustic insulation or other appropriate sound-absorbing materials should be used in the construction and finishing of bulkheads, overheads and decks within the sound-producing spaces as well as self-closing noise-isolating doors for machinery spaces. *(Former Guideline B4.3.2, paragraph 3 (c) (ii))*

3. Engine rooms and other machinery spaces should be provided, wherever practicable, with soundproof centralized control rooms for engine-room personnel. Working spaces, such as the machine shop, should be insulated, as far as practicable, from the general engine-room noise and measures should be taken to reduce noise in the operation of machinery.

4. The limits for noise levels for working and living spaces should be in conformity with the international guidelines of the International Labour Organization on exposure levels to ambient factors in the workplace and, where applicable, the specific protection recommended by the International Maritime Organization, and with any subsequent amending and supplementary instruments for acceptable noise levels on board ships. A copy of the applicable instruments in English or the working language of the ship should be carried on board and should be accessible to seafarers.

5. Sleeping rooms, mess rooms, recreational accommodation and catering facilities and other seafarer accommodation should not be exposed to excessive vibration.

Regulation 3.2 – Food and catering

530. The Shipowner Vice-Chairperson referred to work undertaken jointly by the Seafarers and Shipowners on the bracketed passages in Regulation 3.2 (paragraph 3), in Standard A3.2 (paragraph 3), and the whole of Guideline B3.2.2., which could now be reported to the Committee for discussion.

531. The Seafarer Vice-Chairperson presented a new text entitled "Joint proposal for Regulation 3.2 by Shipowner and Seafarer groups", and identified the proposed changes as follows. Paragraph 3 of the Regulation had required considerable modification since IMO regulations did not deal with ships' cook issues, and the proposed text read:

3. Seafarers employed as ship's cooks, with responsibility for food preparation, must be trained and qualified for their position on board ship (modified C.69A3). Training should be a course and qualification approved by the competent authority and cover practical cookery, food and personal hygiene, food storage, stock control, environmental requirements in catering health and safety.

532. In the Standard, there were no proposed changes in paragraphs 1 and 2, but a new text was proposed for existing paragraph 3, with the aim of further empowering the master or shipowner, as follows:

> 3. The master or shipowner shall ensure that a seafarer who is engaged as a ships' cook is trained and qualified and found competent for the position in accordance with requirements set out in the laws and regulations of the member concerned.

533. A new paragraph after paragraph 3 was proposed, addressing the issue of what to do when the services of a full-time cook were not required. The insertion read as follows:

> 4. Vessels operating [at their][with a] prescribed manning of less than ten which, by virtue of the size of the crew or the trading pattern, may not be required by the competent authority to carry a full-time cook should train or instruct anyone processing food in the galley in areas including food and personal hygiene and storage of food on board ship.

534. A new paragraph after paragraph 4 was proposed, reading as follows:

> 6. A seafarer who was engaged as a ship's cook must have reached a minimum age of 18.

535. In Guideline B3.2.1, no change was proposed.

536. In Guideline B3.2.2 no change was proposed to existing paragraphs 3 and 4, but these became paragraphs 2 and 3. On the other hand, existing paragraphs 1 and 2 were modified to incorporate more details and to introduce the notions of existing relevant qualifications or experience; they read as follows:

> 1. Seafarers should only be qualified as a ship's cook if they have:
>
> (a) served at sea for a minimum period to be prescribed by the competent authority where such a period could be varied to take into account existing relevant qualifications and experience.
>
> (b) passed an examination prescribed by the competent authority or passed an equivalent examination at an approved cooks' training course. (C.69A4/2).

537. The Chairperson introduced discussion only on the proposed changes.

538. The Government member of Denmark believed the very detailed proposed changes for Regulation 3.2, paragraph 3 belonged in Standard A3.2, and asked the Office for guidance.

539. The Chairperson agreed and proposed moving the last sentence (of the proposed text to replace paragraph 3) beginning "Training should be" to Standard A3.2.

540. The Government member of Japan did not object, but stated that he found confusing the wording of the sentence in question. The terms "training" and "qualification" were different and should be differentiated here. Not to do so might make it difficult to create national policies. He was supported by the Government members of the Netherlands, the Syrian Arab Republic and the United States. The Chairperson considered this was a matter for the Drafting Committee.

541. The Government member of the United States stated that in the first sentence of paragraph 3 of the Regulation the word "and" should be replaced by the word "or", so as not inadvertently to disqualify those seafarers with experience. She was supported by the Government member of Denmark.

542. The Government member of the Netherlands preferred the retention of the word "and" in this passage, and was supported by the Government members of the Russian Federation and the Syrian Arab Republic.

543. The Chairperson proposed the retention of the word "and" in the first sentence of paragraph 3 and this was agreed.

544. The Seafarer Vice-Chairperson emphasized the importance of having ships' cooks who practiced proper hygiene and safety, for the sake of the crew's health. Ships' cooks had to be able to operate in a shifting, sometimes rolling galley, which required training. On-board training might be acceptable, but some form of identifiable competency was needed, backed up by a qualification.

545. Turning to the second sentence of the proposed paragraph 3 of the Regulation, the Shipowner Vice-Chairperson agreed with the suggestion of the Government member of Denmark that it should be moved to Standard A3.2. He also proposed that after the word "approved" in that sentence the words "or recognized" be inserted. The Seafarers' group agreed.

546. The Chairperson declared this proposal accepted and referred to the Drafting Committee to find a suitable wording for this second sentence.

Standard A3.2 – Food and catering

Paragraph 3

547. The Government member of the Russian Federation questioned the inclusion of "master" in the proposed new paragraph 3, as he considered only the shipowner could have this responsibility. His concern was shared by the Government member of Algeria.

548. The Chairperson proposed the deletion of the words "master or". It was so agreed.

549. The proposed new paragraph 4 (containing two bracketed alternatives) was then discussed. The Government member of Denmark preferred the option "with a", which would guarantee that the number on board was restricted. He was supported by the Government member of Germany.

550. The Seafarer Vice-Chairperson referred to the possibility of riding gangs aboard which could increase the number of persons on board, a practice which occurred across the world including on European ships. Though problems might not arise in small vessels, they would arise in other parts of the industry if the instrument carried no provisions pertaining to the requirement of ships' cooks.

551. The Government member of Japan, supported by the Government member of Denmark, observed that the vessels in question might be on domestic voyages or short courses and the question was deciding whether those circumstances warranted having a ship's cook on board when the original number on board suddenly increased significantly. For the Government member of Denmark, compliance would require the application of regulations on hours of work or rest.

552. The Government member of Ghana pointed out that as regards domestic voyages, it should be borne in mind that some coastal trips varied considerably in length and that regulations should take this into account.

553. In connection with domestic voyages, the Government member of Germany suggested it would be useful to consult Article II, paragraph 6 on how to deal with exemption clauses.

554. The Seafarer Vice-Chairperson explained that for short runs with limited crew, the cook's function could be performed by other crew members. If a full-time trained cook was not necessary, at least the person(s) performing that function should have some notions of safety, health and hygiene and basic cooking skills on board ship. The task needed some flexibility in approach so as to help fit the circumstances of domestic trips, short voyages of a few hours and to take into account the question of numbers of persons on board.

555. The Government member of Japan expressed the view that the restriction to under ten people on board was too strict and should be dispensed with, along with the words "by virtue of the size of the crew or the trading pattern". He preferred the Shipowners' earlier proposal specifying tonnage, which he considered more practical than that of the Seafarers.

556. The Seafarer Vice-Chairperson reiterated that the consolidated Convention should reflect key values and not exploit seafarers. His group had concurred with the Shipowners' group on the difficulties that would be posed by specific references to gross tonnage, which were likely to entail changes in national legislation.

557. The Government member of the United Kingdom pointed out that the key issue here was the provision of protection where there was no ship's cook. In the absence of a full-time cook, the person doing the cooking needed training. She preferred the option "with a". She was supported by the Government members of Liberia and the Russian Federation.

558. The Government member of the Islamic Republic of Iran considered that the main aim was flexibility and ease of application. The words "less than" only served to increase the ambiguity of the text.

559. The Government member of Ghana believed that an indicative figure was needed when it came to manning size, otherwise the purpose of the Convention might be sacrificed to excessive flexibility.

560. The Government member of the United States disagreed with the views expressed by the Government member of the United Kingdom. Paragraph 4 contained two intentions: first, that any vessel with a crew of more than ten must recruit a trained and qualified cook; and second, that any vessel with a crew under ten needed the person in charge of handling and preparing food to have some kind of training. Though sympathetic to the problem raised by the Government members of Denmark and Japan, she considered that the issues had to be resolved speedily. She preferred the option "with a".

561. The Government member of Japan wished to have clarified the respective meanings of "full-time cook" and "part-time cook", and whether both needed to be similarly qualified.

562. The Seafarer Vice-Chairperson explained that certain vessels could use, for instance, an able seaman to cook and to perform other operational duties as well. Though it might be less comprehensive, some training was still needed in such cases. The option "with a" could be acceptable, but the question remained of which guidelines to apply in case of a significant manning complement.

563. The Shipowner Vice-Chairperson recognized that the Seafarers had aptly described current practice. For the Shipowners' group, keeping the option "with a" might be satisfactory with only the prescribed manning on board, but it would not be adequate on longer journeys and with larger numbers. This text should be sent to the Drafting Committee, with clear instructions.

564. The Chairperson proposed that the social partners provide a precise formulation for Standard A3.2.4, for submission to the Drafting Committee. The following text was proposed:

> Ships with a prescribed manning of less than ten which operate at this crew level on an ongoing basis which, by virtue of the size of the crew… (etc. as originally proposed).

565. The Committee agreed that the remaining text be submitted to the Drafting Committee for final wording.

566. It was agreed to insert the proposed new paragraph 6 in Standard A3.2.

567. In response to a query by the Government member of Japan, the Legal Adviser explained that full-time cooks were not required by the provision. The size of the vessel and the number of meals being served per day were the factors determining whether cooks were full-time or part-time. However, the requirement for training and qualifications applied to both full-time and part-time cooks.

568. The Seafarer Vice Chairperson suggested replacing "full-time cook" with "fully qualified cook" in paragraph 4 of the joint proposal.

569. The Committee agreed to this proposal.

570. Following the discussions on paragraph 3 of Standard A3.2 and its ramifications for paragraph 4 of the joint submission, a representative of the Secretary-General read out the proposed text:

> Ships operating with a prescribed manning of less than ten which, by virtue of the size of the crew or the trading pattern, may not be required by the competent authority to carry a fully qualified cook should train or instruct anyone processing food in the galley in areas including food and personal hygiene and handling and storage of food on board ship.

571. The Committee agreed to this wording.

New paragraph 3bis

572. The Committee agreed to insert the proposed new paragraph after paragraph 3, as follows:

> The requirements under paragraph 3 shall include a completion of a training course approved by the competent authority, which covers practical cookery, food and personal hygiene, food storage, stock control, and environmental protection and catering health and safety.

Guideline B3.2.2 – Ships' cook

573. The Chairperson reminded the Committee that the text was a joint proposal to replace the original text.

574. The Government member of Denmark asked for the concept of service at sea to be replaced with that of special training, since in his country, ordinary cooks were sometimes trained to become sea cooks without having served at sea.

575. The Chairperson referred him to paragraph 1(b), which stated "passed an examination prescribed by the competent authority or passed an equivalent examination at an approved cooks' training course".

576. The Government member of Denmark wished to know whether both subparagraph (a) and subparagraph (b) of paragraph 1 had to be complied with. He considered the word "or" should be inserted between the two subparagraphs. He wished the reply put on record.

577. The Chairperson stated that the concerns of the Government of Denmark were met by the provision under subparagraph (b). He then asked the Committee members whether they agreed with the insertion of "or" after subparagraph (a).

578. The Seafarer Vice-Chairperson had not wished to impose a particular minimum period of service at sea. Some countries insisted on some period, others on no minimum at all. It was up to the competent authority to decide and, after all, this was a non-binding guideline.

579. The Government member of Denmark wished it recorded that there was a common understanding on this point.

580. In response to a question from the Government member of Egypt regarding the necessity of medical certificates for ships' cooks, the Chairperson stated that ships' cooks were seafarers, and as such covered by the Convention's provisions on health certificates.

581. The Chairperson proposed the wording be left as proposed under Guideline B3.2.2 (with the removal of a redundant "of" after the word "account" in the second line of subparagraph (a). It was so agreed.

Guideline B4.3.2 – Exposure to noise

582. The Chairperson explained that this provision had been transferred to Committee No. 2 from Committee No. 3. There were two types of issues in this Guideline: one dealing with safety and health matters, and the other with the construction of ships.

583. A member of the Shipowners' group stated that the provision was drawn from an IMO resolution. A simple reference to the IMO text would suffice, without repeating the content on decibel levels.

584. The Seafarer Vice-Chairperson recalled that the IMO instrument had not been updated since 1981. Moreover, as it was also not comprehensive on seafarers' safety and health, the subject was within the remit of the ILO. The high deafness rate and arthritic conditions related to vibration were well known. The provision was not prescriptive as it was in the Guidelines.

585. The Government member of the United States, speaking on behalf of the Government group, agreed that the provision should contain a reference to the IMO resolution and not repeat it. Governments could not reach agreement on whether it should go in the Guideline or Standard. A grandfather clause for existing ships should be considered.

586. The Government member of the United Kingdom suggested splitting up the ships' construction issues, which were appropriate for Title 3, from the safety and health issues, which were more appropriate for Title 4.

587. The Government member of Denmark wanted to make some of the provisions on noise and vibration mandatory, not just referred to in the Guideline.

588. The Chairperson announced his intention to seek guidance from the Steering Committee. He summarized that both the Shipowners and the Government members were in favour of a reference to the IMO resolution and not the inclusion of the whole text.

589. The Seafarer Vice-Chairperson supported the Government member of the United Kingdom's suggestion to split up ships' construction issues from safety and health issues. The ILO's Crew Accommodation (Noise Control) Recommendation, 1970 (No. 141) made reference to levels of acceptable noise. Deafness was a very important issue.

590. The Chairperson proposed deleting paragraph 4, subparagraph (a) as it repeated what was in the IMO resolution. Should that resolution change, there would be two different sets of regulations.

591. The Seafarer Vice-Chairperson observed that it would be better to maintain paragraph 4, as it was referring to the IMO resolution. Ambient factors including noise levels were an important issue within the ILO.

592. The Chairperson proposed that the square brackets around Guideline B4.3.2, paragraph 4, subparagraphs (a) to (e) be deleted. The phrase "[as set out below]" in paragraph 4 should also be deleted. The square brackets around "[in English or the working language of the ship]" should be deleted, but the text maintained. He suggested that the Office, at a later stage, find appropriate placement for the text within the Guideline. Provisions regarding construction issues could be placed in Title 3, while issues linked to seafarers and occupational diseases and accidents should come under Title 4, and thus returned to Committee No. 3. The curly brackets in the Guideline could also be deleted.

593. The Committee agreed.

594. The Chairperson asked if there was agreement to replace the text of Guideline B4.3.2 as proposed by the Drafting Committee. This had resulted from splitting the provisions on construction and safety and health. The proposed text read as follows:

> 1. The competent authority in each Member, in conjunction with the competent international bodies and with representatives of organizations of shipowners and seafarers concerned, should review on an ongoing basis the problem of noise on board ships with the objective of improving the protection of seafarers, in so far as practicable, from the adverse effects of exposure to noise (based on R.141; Ambient factors in the workplace: An ILO code of practice, 2001; IMO Resolution A.468(XII) Code on Noise Levels on Board Ships, 1981).
>
> 2. Such review should take into account the adverse effects of exposure to excessive noise on the hearing, health and comfort of seafarers that live and work on board ships and the measures to be prescribed or recommended to reduce shipboard noise to protect seafarers. (modified R.141P1)
>
> 3. Measures to reduce exposure to noise to be considered should include the following:
>
> (a) instruction of seafarers in the dangers to hearing and health of prolonged exposure to high noise levels and in the proper use of noise protection devices and equipment;
>
> (b) provision of approved {ear plugs and/or ear muffs} {personal protective equipment} to seafarers where necessary;
>
> (c) assessment of risk and reduction of exposure levels to noise in sleeping rooms, mess rooms, recreation facilities, catering facilities and other seafarer accommodation, as well as engine rooms and other machinery spaces.

595. The Shipowner Vice-Chairperson proposed to replace the words in curly brackets in paragraph 3(b) of the proposed text with the words "hearing protection equipment".

596. The Committee agreed to delete the curly brackets in the proposed text, with the slight modification proposed by the Shipowners, and the whole proposed text was adopted.

Guideline B4.3.3 – Exposure to vibration

597. A Shipowner member asked how the standards related to vibration exposure could be applied in practice, since there were very few international standards.

598. The Seafarer Vice-Chairperson observed that a reference to vibration was necessary. The necessity to protect seafarers was very broad and not overly prescriptive.

599. The Chairperson recalled that the List of Occupational Diseases Recommendation, 2002 (No. 194) made a reference to diseases due to excessive vibrations.

600. The Government member of Denmark remarked that his delegation had proposed that concerns regarding vibration be mandatory under Standard A4.3 paragraph 4, with specific reference to ISO Standard 6954:2000. This proposal was endorsed by the Seafarer Vice-Chairperson.

601. The Government member of China, supported by the Government member of the United Kingdom, said the ISO Standards were only of a recommendatory nature.

602. The Chairperson proposed the wording "taking into account as appropriate relevant international standards". The Committee accepted. The curly brackets were removed. The Office was to find, at a later stage, the appropriate places for construction issues under Title 3, and seafarers' health issues under Title 4.

603. The Chairperson pointed out that this text from the Drafting Committee also resulted from the splitting of the provisions on noise and vibration between Titles 3 and 4. It was agreed to adopt the following text to replace paragraph 1 in the Guideline, as follows:

> 1. The competent authority in each Member, in conjunction with the competent international bodies and with representatives of organizations of shipowners and seafarers concerned, and taking into account as appropriate, relevant international standards, should review on an ongoing basis the problem of vibration on board ships with the objective of improving the protection of seafarers, in so far as practicable, from the adverse effects of vibration.

Conclusions

Noise and vibration issues

604. The Government member of Denmark recalled that his country had drafted a proposal to make the provisions on noise and vibration mandatory, which he had been unable to table in either Committee No. 3 or in Committee No. 2. Noise was an important issue for seafarer's health and welfare and deserved more time. He wished to make a proposal in accordance with the new drafting at the next meeting to be held on outstanding questions and requested that the question be kept open. He was supported by the Seafarers' group.

605. The Special Adviser of the Committee explained that there was already a reference to noise and vibration in Title 3.1, paragraph 4 and a specific guideline on the issue, so there was a basis for looking at proposals.

606. The Chairperson stated that the Committee agreed that this was an important matter, and that it would be discussed at a subsequent meeting.

607. The Committee concluded its discussions on the bracketed text of the recommended draft Titles 1 to 3. It did not discuss any of the unbracketed text in these provisions.

Closing remarks

608. The representative of the Secretary-General recalled the mandate of the Preparatory Technical Maritime Conference, which had been to review the draft recommended by the High-level Tripartite Working Group on Maritime Labour Standards of a consolidated maritime labour Convention and propose a text, with a view to the adoption of the Convention by the 94th (Maritime) Session of the International Labour Conference.

609. Although substantial progress had been made, there were still a number of issues not resolved by the technical Committee. In this respect, a resolution would be tabled by the Conference to address the amendments submitted to unbracketed text, none of which had been dealt with in the Committee.

Geneva, 24 September 2004. *(Signed)* J. Dirks,
Reporter.

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