

## **MINUTES - INTERNATIONAL REGULATIONS COMMISSION**



A session of the International Regulations Commissions of the International Sailing Federation was held at 0930 on the 2<sup>nd</sup> November 2007 at the Palacio Estoril, Estoril, Portugal.

*Please refer to the ISAF website, [www.sailing.org](http://www.sailing.org) for the details of supporting documents.*

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#### **Present:**

Alan Green (Chairman)

Ken Kershaw

Ignacio de Ros Sopranis (Vice Chairman)

Michael Stoldt

Bruce Eissner

Glauco Briante

#### **Apologies:**

John Crebbin

#### **Others Present**

Simon Forbes (ISAF Technical Manager)

Henry Thorpe (ISAF Technical Coordinator)

Carl Gerstrom

Barry Harmsworth

Dan Nowlan (US Sailing)

David Irish (ISAF Vice President) In Part

Teo Ping Low (ISAF Vice President) In Part

Before proceeding to the business of the meeting a silence was held for committee member Jean Lemoine who sadly passed away during the last year. The committee extends its condolences to his family.

## **1. MINUTES OF THE PREVIOUS MEETING**

### **(a) Minutes**

The minutes of the International Regulations Commission meeting held on the 3 November 2006 were signed as a correct record.

### **(b) Matters Arising**

As there were many issues discussed under matters arising, for presentation these are covered in these minutes under the agenda item or Any Other Business.

## **2. INTERNATIONAL MARITIME ORGANISATION**

The Chairman expressed personal thanks to those individuals that have attended as part of the ISAF team at IMO meetings. He encouraged all members present to look at the IMO website and in particular [www.imodocs.imo.org](http://www.imodocs.imo.org) and informed members of the user name and password.

### **(a) A report was received from the chairman on IMO meetings:**

(i) DE 50 – 5- 9 March (Ship Design and Equipment)

There was no ISAF representative at the meeting which mainly concerned large ships. The Chairman asked for somebody to offer to look at the dangers to small craft from shipping containers lost overboard (and floating). As an observer, Barrie Harmsworth (Dubai-UAE) volunteered to write a report for the Commission. If suitable, the data will form the basis of a paper to IMO.

(ii) LRIT (Long Range Identification and Tracking of ships)

It was anticipated that LRIT by satellite would be operational by the end of 2008. All SOLAS ships will automatically report position, course and speed to an IDE (International Data Exchange). Data will be available only to entitled users (coastal state, port state, flag state, and when an emergency warrants, environmental protection and search and rescue agencies). US estimates 3000 ships in any 24 hours within 1000 miles of coast. No extension of LRIT to small craft yet mentioned, but watch this space.

Security or Big Brother? LRIT, HARTS (Harbour Craft Transponder System), AIS and non-SOLAS vessel security all raise the question. Blanket policy impossible so case-by-case consideration and vigilance on style of interpretation by authorities, of growing importance.

(iii) COMSAR 11 – 19 -23 February (Sub-Committee on Search and Rescue) – No issues reported.

(iv) MEPC 56 – 9-13 July (Marine Environment Protection Committee)

Environmental, transportation of alien species etc. Andrew Moon led the delegation to MEPC 56. ISAF has now re-submitted environment guidance paper to IMO on transportation of alien aquatic species on hull fouling, in bilge and ballast water, environmentally friendly actions like no detergents, oil filter on bilge, minimize use of 2-stroke petrol engines. This was following consultation with RYA via Stuart Carruthers, the 'Green Blue' initiative, Andrew Moon, Michael Stoldt, ISAF technical department and others.

This ISAF action was triggered by a badly drafted IMO paper from FOEI (Friends of the Earth International). The aim of the ISAF Commission is to have small craft dealt with in effect by the RYA policy of 'education not legislation'. The ISAF paper proposes "*Guidelines*" whereas the FOEI draft "*Code of Conduct*" could, in accordance with IMO normal procedure, have been taken as a basis for national legislation. The matter has now been referred to the Sub Committee on Bulk Liquids and Gases (BLG 12) to be held in February 2008. Michael Stoldt noted that care should be taken in drafting, for instance 'unacceptable risk' should be changed to 'lowest risk' and regarding 2-stroke engines the phrase 'which are highly polluting' should be deleted. The Chairman advised that the paper had already been lodged with IMO.

(v) MSC 83 – 3-12 October (Maritime Safety Committee)

**Standards** – The Chairman reported that Norway had tested a significant number of lifejackets in accordance with the LSA/SOLAS Code – none had complied with the SOLAS test. Previously pyrotechnics were found below standard by Japanese testing. The Commission noted ISO standards eg Liferrafts, Lifejackets, are frequently self-certified by the manufacturer.

Ken Kershaw said it was a concern and that more testing should be made of equipment purporting to comply with standards.

It was agreed that Ken Kershaw would draft a document (for publication on the ISAF website) encouraging consumers to look for items with an independent verification (Standards Authority mark eg BSI kite mark, classification society approval).

**Security** - ISPS (International Ship and Port Security) Code now in operation - has standard requirements for ship voyage reporting to arrival ports, ships' officers and port officials to have photo passes, specific security duties, ports to have security fences etc.

IMO now working on the security of non-SOLAS ships (viz outside ISPS and SOLAS chapter XI-2) in response to incidents like the small craft attack on *USS Cole*, etc. A correspondence group co-ordinated by UK Dept for Transport will report November/December 08. ISAF well represented with EBA and RYA support. It was agreed to add Michael Stoldt to the correspondence group. This work is divided into 4 categories:

- commercial non-passenger vessels
- passenger vessels
- fishing vessels
- pleasure craft

Finland, Sweden, Norway, Denmark possibly fearing imposition of impractical/costly registration/controls, tried but failed get pleasure craft removed from debate. ISAF succeeded in having inserted in correspondence group terms of reference that resulting guidelines *will not be intended to form the basis of legislation*. Watch this space.

Dan Nowlan as an observer noted that in June the US Department of Homelands Security had proposed tracking on all small craft which is estimated to involve more than 20 million vessels. Dan offered to circulate to the committee an update on the progress of the scheme. Teo Ping Low reported on the unique arrangement in Singapore Harbour of HARTS (Harbour Craft Transponder System). All small craft are now tracked by port authority beacons (data sent on GSM/GPRS phone network). The cost to the boat owner is around 5 US dollars for the transponder, though dinghies and rescue boats are exempt from carrying them. TP also noted they are useful as a safety beacon and that the Singapore Sailing Federation will send a report to the International Regulations Commission.

Bruce Eissner noted the system in Halifax, Canada where the Halifax Port traffic control is conducted by VHF radio. Bruce Eissner and Will

Apold will provide a report for the International Regulations Commission.

(vi) NAV 53 – 23-27 July (Sub-Committee on Safety of Navigation)

COLREGS. It was noted that an Italian IMO submission (December 2006) wants a fundamental change to the COLREGS to give “commercial” vessels absolute right of way over “pleasure” craft. Alan Green and team at MSC 82 made robust intervention. ISAF strongly opposes as impractical and dangerous (The Italian MNA agrees with ISAF). Paddy Boyd led delegation at NAV 53 meeting assisted by much lobbying by *ISAF at IMO* teams and very good support from RYA (Stuart Carruthers) and Cruising Association (Ted Osborn). 15 IMO delegations (including UK) say they will support ISAF paper for final meeting due in July 2008. However not all IMO national delegations support ISAF eg Australia, Canada. Lobbying/networking is ongoing.

(b) IMO Area of Continuing Monitoring

(i) IMO Search and Rescue Fund

IMO SAR Fund (IMO uses it to help build new maritime Search and Rescue facilities in poor countries) – a letter has been letter drafted for ISAF President to sign inviting MNAs and offshore event organisers and sponsors to contribute via ISAF.

(ii) EPIRB and PLB Registration

(Emergency Position Indicating Radio Beacons) German yachtsmen’s problems with registering a personal EPIRB beacon not associated with a specific craft may lead to ISAF submitting to IMO a paper to encourage governments to welcome registration, not restrict it.

(iii) TSS - Traffic Separation Schemes

The Commission noted that an ISAF submission to IMO is being considered regarding the standard procedure to be followed when a new TSS is proposed by a maritime authority. The submission would seek to ensure that all small craft interests such as ISAF MNAs shall be consulted.

The Chairman reported that there are many new Traffic Separation Schemes and Particularly Sensitive Sea Areas (PSSAs) being defined and that he had personally circulated copies of recent proposals to MNAs prior to IMO meetings. There was generally not much response from MNAs (UK and one or two others excepted).

Attendance at IMO and other organizations by ISAF representatives under the umbrella of the International Regulations Commission approached about 50 person/days in year 11/07-11/08.

(c) IMO World Maritime Day

IMO World Maritime Day was marked by the IMO in London in September. ISAF was represented by Alan Green.

(d) MNA Circulars/ Requests for Information

- (i) Annual questionnaire to MNAs. The Chairman advised that an annual International Regulations Commission questionnaire would be sent shortly. It would include a reminder on studying plans for Traffic Separation Schemes, reporting local/national regulatory problems to the Commission and AIS anomalies, etc.
- (ii) Contacting Search and Rescue authorities in advance – It was noted that Chile had reported a new SAR incident, involving the rescue of a non-racing solo sailor in their region which they didn't have prior knowledge of. Chile had invited ISAF (we have good relations since working on Adventure Craft IMO circular 2003/4) to co-sponsor a paper encouraging member governments and NGOs to urge craft on an oceanic passage to tell SAR they are coming. (Ref ISAF OSR Appendix H, 1999.) The paper would be for a COMSAR meeting 12-14 August 2008. The Committee agreed to do this and to ask the ISAF media department to help. It was noted that contact with cruising organisations would be important on this issue and this was in line with the Strategic Plan Vision (sailing in all its forms) Objective 3 (Media) improve availability of ISAF information and Objective 6 (Accessibility and Equipment) "support cruising" etc.

### **3. INTERNATIONAL STANDARDS ORGANIZATION**

(a) Quick Release System for Trapeze Harnesses – ISO 10862

Ken Kershaw reported on developments regarding the drafting of the ISO standard for quick-release systems for trapeze harnesses which would be invoked in the EU by the Personal Protective Equipment Directive.

On the 17 September the standard was published by ISO as a draft.

Generally standards are published for 9 months to a year as a draft and a further 9 months to a year as a final draft.

In view of the standard's relevance to RRS 40.2 Ken Kershaw wrote to the ISO Central Secretariat asking them if there was anything they could do to speed up the timescale.. ISO had applied emergency timescale procedures which mean the standard could be effective before the 2008 Olympic Competition. A guillotine date of 27 February 2008 has been applied and if there are no significant concerns the standard will have FDIS status with final adoption just before the Olympic competition 2008.

Bruce Eissner questioned the effect of the standard and Ken advised that it was based on a kite-surfing standard covering accessibility of the release device, inadvertent release, operation out of line and a re-use test.

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(b) Stability Standard –ISO 12217-2

Ken Kershaw reported that the standard was subject to a 5–year review and that there were no particular items to report.

(c) Hull Construction - Scantling Standard – ISO 12215

Ken Kershaw reported that Part 5 of the standard (Design pressure for Monohulls, Design stresses, Scantlings determination) will be published within 6 months.

There is also progression on: Part 9 – Appendages and Rig attachment, Part 6 - Structural Arrangement and Details, Part 7 – Scantling Determination of Multihulls, Part 8 – Rudders.

It was noted that the late Jim Hartvig-Andersen had done good work in attending ISO Scantling meetings for several years on behalf of ISAF, all of which work had been much appreciated. Since his death nobody had replaced him but others involved are providing ISAF with adequate reports and representation.

(d) Liferaft standard –ISO 9650

The liferaft standard has been in effect for 18 months and the ISAF standard is virtually the same as the Part 1, Type 1, Group A with four specific caveats. The liferaft manufacturers are slowly adopting the 9650 standard.

(e) ISAF representation at ISO

(i) Ken Kershaw reported that at the last plenary meeting, ISAF was adopted as a liaison member of the ISO Small Craft Working Group. It was noted that the next meeting would be in Berlin 10-12 June 2008. The Chairman asked Michael Stoldt if he or another DSV representative would be able to attend.

(ii) Ken Kershaw noted that ISO does not have a regulatory function, but exists to publish and maintain standards. Manufacturers may say they have built to ISO standards, or may get a classification society to verify the product. The Int. Regs. Commission took the view that every piece of life-saving equipment should have an authoritative third party confirmation of compliance with the relevant standard.

The Chairman said it would be useful for ISAF to highlight to consumers the value of an item which has successfully undergone third party assessment in comparison with a similar item which has only been self-certified by the manufacturer. Ken Kershaw agreed to draft a statement for the ISAF web site.

(iii) Bruce Eissner was concerned that ISO standards invoked in the Offshore Special Regulations were not readily available to equipment inspectors and sailors alike.

Standards can be ordered from national standards organizations or from ISO in Geneva but (except by manufacturers who each may need only one copy) are often regarded as prohibitively expensive.

Bruce Eissner said that US Sailing may be forced to summarise the standards, as they would not purchase hundreds of copies of individual documents to distribute to volunteer Offshore Special Regulations inspectors. For such important safety-related material what was needed was 'open information', freely available. He felt that ISAF should not continue to refer in ISAF publications specifications that for any reason are not easily available to the users. As an observer Dan Nowlan suggested that ISAF Offshore Special Regulations could quote specific paragraphs from ISO standards to reduce or avoid the copyright charge.

Ken Kershaw said it was possible to negotiate with ISO. The RYA had access to 60 international standards relating to the RCD, purchased for a single fee of £2,500.

The RYA/British Standards Institute/British Marine Federation have bulk access to 40 ISO standards for an initial fee of £400. ISO has a policy where 10% of any one standard may be copied for the purpose of development work, but this did not fit the ISAF requirement.

Ken Kershaw on behalf of the Int Regs Commission would prepare a report on how ISAF could arrange to most effectively access relevant ISO standards. Secondly he would advise how ISAF should instigate with ISO a change of policy so that standards become free on the internet. (We would like to see the same policy with IMO documents but will not act on this yet). It was appreciated that the organizations presently derive a substantial part of their operating income from sales of publications.

#### **4. INTERNATIONAL CERTIFICATE OF COMPETENCY (ICC)**

It was noted that the European Boating Association encourages countries to adopt UN Resolution 40. A full description of the arrangement (courtesy RYA) is:-

"The United Nations Economic Commission for Europe Inland Water Committee Resolution 40 (hereafter called Resolution 40) International Certificate for Operators of Pleasure Craft (known in the UK as the International Certificate of Competence (ICC)) is documentary assurance from one government to another that the holder meets the levels of competence laid down in Resolution 40. It is NOT a qualification.

The resolution states that the ICC may be issued by a government to its nationals and residents who are bound for the waters of foreign countries on vessels registered by that government, on condition that it accepts the requirements and conditions set out in Resolution 40. This means that a UK ICC allows UK Citizens and bonafide UK residents in UK registered pleasure craft (up to 24m in length) to visit the waters of foreign states that participate in Resolution 40, without the need to comply with those states' Cabotage laws, particularly their national certification requirements which in many cases are compulsory.

The UK is one of only a few countries which have fully accepted Resolution 40. Many countries have not adopted Resolution 40, some still apply Resolution 14 which Resolution 40 was intended to replace. Others only apply Resolution 40 in part or with caveats attached. In reality, however, the ICC is more widely accepted as proof of the holder's competence. Spain, Greece and Portugal for example, have not adopted Resolution 40 but are still likely to ask visitors for an ICC.

Some states may accept UK (RYA) ICC as an alternative to their national qualification on their nationally flagged vessels, but this should NEVER be assumed. The onus is on ICC holders to determine its acceptability by foreign states. The ICC was never intended to be an alternative to individual national qualification requirements.

The advice to anyone planning to charter abroad is to obtain from the charter company (preferably in writing) details of the certification they require, what cruising area this is acceptable for and that this certification will also meet the requirements of the relevant authorities in the area concerned.

The RYA is working towards wider acceptance of Resolution 40 and conformity in its application. Once Resolution 40 is universally adopted, the ICC may then become more like an international driving licence in application for visitors."

## **5. WINDFARMS**

In response to concerns regarding Wind Farm exclusion areas raised by Michael Stoldt at the previous meeting, the Chairman had discussed the matter with the IMO Secretariat and been advised that if anything was to be done, a proposal paper would need to be submitted.

Glauco Briante said that there is full de-regulation in Italy regarding wind farms and construction has commenced in the Adriatic. Bruce Eissner reported on windfarm developments in Nantucket Sound where there are a lot of pleasure craft as well as LNG offshore pipeline points which are prohibited areas. As an observer Carl Gerstrom reported that the European Boating Association has done a study on windfarms, floating windmills and drilling rigs.

Agreed that the application of UNCLOS (United Nations Convention on the Law of the Sea) Article 60 to wind farm exclusion areas by Germany, will be examined for the ISAF Int Regs Commission by Ignacio Ros de Sopranis. The study will compare/contrast/look for best practice in other European experience (with help from the European Boating Association), also the Netherlands, Halifax, Nova Scotia (Will Apold) and Nantucket Sound. It was noted that the RYA has a good working agreement in the UK with the UK government. The study may need more personnel resources and RdS will advise if this is the case. The aim is to define and promote best practice.



## **6. REGULATION INFORMATION FROM REGIONAL ORGANISATIONS**

### **(a) European Boating Association**

Carl Gerstrom advised that the EBA Environment Group had been dealing with the Helsinki Commission (HELCOM) Baltic Marine Environment Protection Commission regarding sewage. He would be happy to provide more information if needed.

### **(b) Accident Reporting.**

Ken Kershaw reported that the European Boating Association was prepared to collate accident reporting and statistics. Questions on these should be added to the forthcoming ISAF MNA Questionnaire.

The Chairman referred to the UK Marine Accident Investigation Branch (MAIB) Reports as an excellent example. It was agreed that the ISAF website should index/hyperlink to similar organisations at an international level. It was noted that US Sailing has a very good database on the web. Bruce Eissner was not aware of any failures of safety gear, only of failure to be rescued due to not using proper techniques.

## **7. FRP RECYCLING**

A paper on a particular Fibre/glass-reinforced plastic FRP/(GRP) grinding/recycling machine was received. Recycling of old boats is expected to become a future issue.

## **8. ANY OTHER BUSINESS**

### **(a) Commission Membership**

Following the death of Jean Lemoine the Executive had agreed (subject to approval from his MNA) for Abe Rosemberg (Brasil) to become a new member. The Executive was prepared to appoint further new members and the chairman asked for suggestions which would enable the Commission to be better informed about matters outside Europe.

### **(b) LED Navigation Lights**

Ken Kershaw noted that LED technology for navigation lights was becoming more common. At present there are a number of different standards, the technology is developing quickly and ISO is being urged to progress a standard.

### **(c) Antifouling**

The International Convention on the Control of Harmful Anti-fouling Systems on Ships (AFS Convention) will come into force at the end of 2008. The convention specifies harmful systems and gives nations a possibility to add further types to be forbidden under national legislation. There is also a deadline in August 2008 regarding the EU Biocidal Products Directive. In accordance with this directive also governments can make special rules for their area. The 'flag-state' legislation in Denmark coming into force in 2009 will ban all anti-fouling biocides but with no viable replacement yet known.

The ISAF position on the Anti Fouling Convention was already well established as supportive and those countries which have not yet ratified it should be encouraged to do so.

(d) Single Handed Sailing

A paper by Philip Tollhurst on single-handed oceanic racing was noted. The International Regulations Commission comments were to:

- (i) agree to engage positively with oceanic racing single-handers
- (ii) not agree some details in the paper but rather than comment in detail to concentrate on principles
- (iii) not agree that any amount of electronic aids can release the obligation to comply with COLREG Rule 5: "*Every vessel shall at all times maintain a proper look-out by sight and hearing..*". Rule 5 continues "*..as well as by all available means appropriate in the circumstances....*". Thus the other "available means" are additional, not alternative.
- (iv) appreciate receiving the paper but Philip Tolhurst's rationale on COLREGS should be at internal discussion level and not ISAF policy. All commission members very clear on this.
- (v) recommend the OSR (Offshore Special Regs) committee be tasked to create a recommended minimum list of requirements for single-handed oceanic sailing (AIS, radar detectors etc.). minimum training (including sleep management) etc.
- (vi) not agree to licence solo sailors, only to give them best possible guidance.

(e) AIS class B - (Automatic Identification System).

The Chairman reported that the IEC (International Electrotechnical Commission) has completed the standard, but it is not ratified yet in all countries. The technology is good but equipment works only over short range and (like all systems) can fail. Class B transmissions may legally be silenced by certain class A stations and even when "on" may not be seen on minimal but legal display units on ships. The Commission expect that eventually all AIS data (A and B) will be combined by shore authorities with that collected by LRIT. IMO is keen to receive from its members (e.g. ISAF) specific reports of AIS anomalies.

(f) International Regulations Commission activities on website

It was agreed to post details of International Regulations Commission initiatives and information on the ISAF web site and to discuss with ISAF media staff other ways of promoting IRC topics and activities.

(g) IALA (International Association of Lighthouse Authorities)

It was noted that IALA had sent out a questionnaire asking mariners for their views on current buoyage systems. No reason is yet known for this.

(h) Terms of Reference

The Chairman proposed and the Commission agreed that the terms of reference 43.7 (a) should be corrected, delete "of" insert "or" ( Monitor any legislation **of** actions...)

(i) Age limits – young sailors

Glauco Briante reported that Italy has state legislation on the minimum age of young sailors in organized events. There is a minimum age of 12 years old for sailors in boats with a sail larger than an Optimist. He asked do other countries do this? Barry Harmsworth as an observer offered to discuss the issue outside the meeting. An MNA questionnaire to be considered only if problem persists.

(j) Guide to Environmentally Sound Large Sporting Events

Michael Stoldt highlighted the publication called 'Guide to Environmentally Sound Large Sporting Events' which sets down best practice.

[www.oeko.de/oekodoc/598/2007-144-en.pdf](http://www.oeko.de/oekodoc/598/2007-144-en.pdf)

There being no further business proceedings terminated at 1338.