

MINUTES - INTERNATIONAL REGULATIONS COMMISSION



A session of the International Regulations Commission of the International Sailing Federation was held at 0930 on the 7th November 2008 at the Hotel Melia Castilla, Madrid, Spain.

Please refer to the ISAF website, www.sailing.org for the details of supporting documents.

CONTENT

1.	Minutes of the Previous Meeting	1	6.	Regulation information from regional organisations	6
2.	International Maritime Organisation	1	7.	ISAF Declaration on environmental principles	6
3.	International Standards Organization	4	8.	Hazard to Small Craft caused by lost Shipping Containers	6
4.	International Certificate of Competency (ICC)	5	9.	Any Other Business	6
5.	Windfarms	6			

Present:

Alan Green (Chairman)
Glaucio Briante
John Crebbin

Carl Gerstrom
Ken Kershaw
Michael Stoldt

Apologies:

Ignacio de Ros Sopranis (Vice Chairman)
Bruce Eissner

Abe Rosemberg

Others Present

Jason Smithwick (ISAF Technical Director)
Simon Forbes (ISAF Technical Manager)

Before proceeding to the business of the meeting the Chairman welcomed Carl Gerstrom as a new member of the Commission and also thanked John Crebbin, and in their absence Ignacio de Ros Sopranis and Bruce Eissner who are leaving the Commission for their valuable contribution.

1. MINUTES OF THE PREVIOUS MEETING

(a) Minutes

The minutes of the International Regulations Commission meeting held on the 2 November 2007 were signed as a correct record.

(b) Matters Arising

The issue minuted under 8(d) Any other Business, on Singlehanded sailing was flagged up as an item to be progressed regarding the recommendation that the OSR (Offshore Special Regulations) 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. Action: Int. Regs. Chairman to consult Chairman of OSR Sub-Committee.

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 www.imo.org and in particular www.imodocs.imo.org for which the chairman will arrange individual passwords.

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

- (i) MEPC 57 – 31 March-4 April (Maritime Environmental Protection Committee)

Michael Stoldt noted that following the ratification of the International Convention on the Control of Harmful Anti-fouling Systems on Ships (AFS Convention), only TBT (organotin tributyltin) is currently forbidden under the Annex 1. However the EU Biocidal Products Directive urges EU countries to investigate the environmental impact of biocides and it is possible that countries will apply to add additional systems. MNAs are encouraged to observe closely if there are any applications made to add systems to Annex 1 of the Antifouling Systems Convention.

Carl Gerstrom advised that a ban on antifouling in Denmark had been postponed to 1 January 2012.

The view of the Commission was that it supported all help to the environment providing it was reasonable and practical.

Carl Gerstrom volunteered to attend the next MEPC meeting (MEPC 59 in London 13-17 July 2009 as part of the ISAF team. The meeting of Bulk Liquids and Gasses (BLG13 2-6 March 2009) would also include matters of essential interest to ISAF, notably the report from the correspondence group on the transfer of biofouling of invasive aquatic species. The chairman said it was important that we were well represented at these meetings and he will distribute a timetable to help co-ordinate member's availability.

Michael Stoldt suggested that he could put together a proposal on how ISAF could work with LimnoMar at minimal cost. LimnoMar (www.limnomar.de) is a private and independent laboratory for aquatic research and comparative pathology. They have a large amount of information on anti-fouling products. Carl Gerstrom also noted the website www.fouling-atlas.org.

- (ii) MSC 84 – 7-16 May (Maritime Safety Committee)

Alan Green reported on the IMO working party on Security of non-SOLAS vessels. The draft report would go to MSC95 in December 08 for review and possible adoption. The ISAF team had concentrated on the work remaining as non-mandatory Guidelines, though some governments said they had no mechanism to enable these.

Dan Nowlan reported on the website : www.americaswaterwaywatch.org

John Crebbin felt that the pleasure boat industry would go along with the proposals as we are not in conflict with the commercial needs of the rest of the maritime community. Ken Kershaw was not in favour of the US scheme which asks community members to report suspicious activities to local law enforcement agencies – which he personally felt was inflammatory and unhelpful. He felt that incidents like that on USS Cole which involved the use by terrorists of small power craft, were not representative of a general risk and should not be exaggerated.

The discussion concluded by noting that MNAs should work with their national security agencies as closely as possible to ensure that security measures properly took into account the interests of the small craft

community.

(iii) NAV 54 – 30 June - 4 July (Sub-Committee on Safety of Navigation).

The Chairman expressed his thanks to everyone who had helped and supported the task of opposing the Italian proposal to change COLREGS. They were in particular, Paddy Boyd from (ISA), Stuart Carruthers and Gus Lewis of the RYA, Ted Osborn from the Cruising Association, and other bodies with IMO Consultative Status including in particular IAIN the International Association of Institutes of Navigation and also Maritime New Zealand. He anticipated that the proposal would be deleted as a work item when NAV 54 reported to the MSC 85 in December. *Secretariat note: (A NAV 54 minutes excerpt is attached with these minutes. MSC 85 did not take the proposal any further).*

ISAF with the New Zealand Government and the RYA have organized a seminar on 25 November in London for the Italian Government administration and others to show the effectiveness of education rather than a legislative approach.

Ken Kershaw wished to record his thanks to Alan Green and his team for the sterling work done to achieve the deletion of the Italian proposal which would have significantly affected the sport.

(iv) MEPC 58 – 6-10 October (Maritime Environmental Protection Committee)

The Commission considered the promulgation of the Guidelines for Ballast Water Management Equivalent Compliance (G3). It was noted that only 12 MNAs had responded to the recent questionnaire. It was agreed that future questionnaire should be copied to the Commission members to help prompt replies.

(b) Future IMO meetings

(i) BLG 13 (Bulk Liquids and Gases) – Item 9

Michael Stoldt commented on the paper 'Development Of International Measures For Minimizing The Transfer Of Invasive Aquatic Species Through Bio-Fouling Of Ships'. He felt that of the five ways proposed, he preferred the first option to stick to 'guidelines'. He was concerned that 'mandatory' had crept into the paper, and in particular would not support the reference in Annex II, Item 8(iii), (iv) to 'mandatory instruments'.

(c) Other IMO Reports

(i) IMO Search and Rescue Fund.

It was reported that a letter had been sent to MNAs requesting donations to a Search and Rescue Fund to assist the creation and development of Search and Rescue facilities in under-developed countries. and that a news story will be published and a letter sent to Major Oceanic event organisers. Alan Green felt that this was an opportunity for ISAF to receive money and pass on to IMO to show that ISAF do care about Search and Rescue facilities. Dave Irish was not convinced that this was a core issue for ISAF to be involved

with. Ken Kershaw and John Crebbin supported the idea that ISAF should collect donations to pass to IMO.

(ii) EPIRB and PLB Registration.

Dan Nowlan reported that successful trials had been conducted in the US on direction finding a 406MHz EPIRB. The responses from the MNA questionnaire were noted. There were still reports of some administrations refusing to register an EPIRB or PLB without an MMSI. The Chairman would pursue action in this respect.

(iii) TSS – Traffic Separation Schemes.

Michael Stoldt reported that there is a TSS under consideration running north-south in the North Sea based on a lot of AIS data of ships travelling on the River Elbe - Danish west coast. As there were 30 wind farm applications in the area the proposed TSS would separate shipping from the windfarms. The Chairman reported he had just received a CD with latest IMO regulations on TSS establishment.

(d) MNA Circulars/ Requests for Information.

It was noted that only 12 MNAs had responded to the International Regulations questionnaire issued in early September, making it very difficult for the commission to relate effectively with MNAs.

3. INTERNATIONAL STANDARDS ORGANIZATION

(a) Availability of standards to ISAF stakeholders

Ken Kershaw presented a paper he had prepared in conjunction with the ISAF Secretariat. ISO standards which affect ISAF were of two types – those related to the Recreational Craft Directive (RCD) dealing with boats and those relating to equipment. The RYA, British Marine Federation and British Standards have established a subscription website where registered members can access the ISO standards.

Ken explained that the ISO standards do not of their own right have legal force or authority but are called up by legislation or organizations, like ISAF which does so in the Offshore Special Regulations.

The Scantling Standard is invoked in Europe by the RCD whether boats are for racing or not. He felt that the vast majority of yachts racing within the ISAF environment are within the RCD and not 'intended solely for racing as labeled by the builder.'

Dan Nowlan and Kirk Brown from USA felt that the ISO Standards were used by Yacht Designers as the 'bible'. However for racing sailors determining say, what lifejacket is required (i.e what exactly comprises an ISO-compliant lifejacket) is a maze. At the moment it is up to the supplier and marketer of a product to declare that the product complies with a given ISO standard but the end user has little possibility to confirm the statement since (a) the information is set out within very expensive copyright standards documents and (b) much of an ISO standard specification is too technical for a layman to follow without specialist knowledge and equipment.

Normally the only sanction lies via national trading standards legislation but process via this route can be slow and expensive and cases are comparatively rare.

We should encourage the use by manufacturers of independent quality-assurance organizations (like classification societies, or notified bodies) who take a proportion of sample products at random and verify compliance; and encourage end-users to seek such verification when purchasing. We should also see whether a “plain guide” summary could be written without infringing copyright, summarizing some of the more easily-noticeable features of an ISO standard for an end-user to be aware of.

Jason Smithwick and Henry Thorpe from the ISAF Secretariat had attended ISO working group meetings in Berlin in the summer and noted that lifejacket manufacturers have a major involvement in the drafting of the lifejacket standard but that yacht manufacturers were less involved with drafting the structural standard.

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

Ken Kershaw reported that the ISO 10862 had achieved FDIS (Final Draft International Standard) status with a vote of 88% in favour, with FRA and USA voting against. USA had said they would vote in favour providing comments received were incorporated. FRA voted against due to their concerns over potential litigation liability. Within Europe the standard would be implemented under the Personal Protective Equipment Directive where equipment would be assessed by a Notified Body.

(c) Stability Standard –ISO 12217-2

The stability standard is currently undergoing a five-yearly review. The STIX assessment of ballasted monohulls is in particular under review.

(d) Hull Construction - Scantling Standard – ISO 12215

Part 5 –‘Design pressures for monohulls, design stresses, scantlings determination’ has passed into a full standard.

Part 9 - Sailing boats – Appendages and rig attachment . In June the EBA/ISAF asked the senior leading Working Group to validate this part of the standard. Ken Kershaw hoped that Part 9 will have progressed to FDIS status early in 2009 for approval mid-2009.

(e) Liferaft standard –ISO 9650

It was noted that the Liferaft standard is not invoked by an EU Directive. The RYA is operating a third party assessment of liferafts against ISO 9650 parts 1 and 3. In response to a question from the Chairman, Ken Kershaw advised that the RYA framework that was being applied could be made available to other MNAs, and that the RYA will assess products from any country.

4. INTERNATIONAL CERTIFICATE OF COMPETENCY (ICC)

John Crebbin noted that only 22 countries (9 in the EU) have adopted The United Nations Economic Commission for Europe Inland Water Committee Resolution 40 (International Certificate for Operators of Pleasure Craft). The Commission encourages MNAs to urge their governments to adopt

Resolution 40 and, recognise it as an acceptable assurance of competence in its own right and notify the Executive Secretary of the Economic Commission for Europe accordingly.

5. WINDFARMS

It was noted that the European Boating Association has considered the disparate approach to wind farm regulations in Europe. The EBA has decided to draft Guidelines or a recommended code which may be used as a basis for legislation or best practice. When completed, ISAF will consider putting forward the EBA Code to IMO.

6. REGULATION INFORMATION FROM REGIONAL ORGANISATIONS

(a) European Boating Association

It was noted that the European Boating Association shared information with the International Regulations Commission and that the National Boating Federation (USA) was a member of EBA.

7. ISAF DECLARATION ON ENVIRONMENTAL PRINCIPLES

It was noted that the ISAF Declaration on Environmental Principles can be found at www.sailing.org/environment. A more comprehensive set of environmental guidelines is currently in hand and will be discussed between ISAF and FOEI (Friends of the Earth International) as a possible IMO Guideline document.

8. HAZARD TO SMALL CRAFT CAUSED BY LOST SHIPPING CONTAINERS

A report was received from ISAF Technical co-ordinator Norbert Marin on the loss of shipping containers at sea. According to some estimates, between 3,000 and 10,000 of these are lost into the sea every year. However there was still a need for information regarding any proven incidents of yacht collisions with containers. ISAF is in touch with ICS (the International Chamber of Shipping) which is working on the problem from the ship point of view.

9. ANY OTHER BUSINESS

(a) Liferaft Servicing

Ken Kershaw reported that the Maritime and Coastguard Agency in the United Kingdom were developing a standard to facilitate servicing of small craft liferafts. The European Boating Association had asked and ISO TC 188 agreed to consider an ISO new work item dealing with the servicing of liferafts similar to the SOLAS liferaft service standard.

(b) Yellow strobe lights

John Crebbin reported on a developing trend for fishing boats to display yellow strobe lights, without other lights which made identification difficult.

(c) Mandatory AIS application

The Chairman noted that there is a mandatory requirement for AIS

transponders for small craft in the Bosphorous in Turkey. He will research this further and report.

(d) Flares (Pyrotechnic signals) – standardisation

The Chairman advised that he had been approached by the Chairman of the Jury for the Volvo Ocean race concerning the lack of consistency in the designs of the operation mechanisms of distress flares. Different manufacturer flares were triggered in different ways and this has led to confusion and hesitation on the part of the flare users. The Commission agreed to support efforts to achieve standardisation. Ken Kershaw was requested to report.

(e) E.U. Recreational Craft Directive

Ken Kershaw reported on the European Union Recreational Craft Directive. The 'New Approach' directive is around 15 years old and is being reviewed. It was felt that enforcement authorities didn't have enough power or resources. The new legal framework directive may make more funds available. He advised that it is still possible to add to the wish list of proposed changes through government channels or through ISAF and EBA. EBA has one item on the wish list - it does not believe that 4 design categories are sufficient and would like these to be increased to a minimum of 7 and a maximum of 12. The French state has supported this proposal which will go forward as a review of design categories. The EBA has a presentation and draft letters supporting this proposal and would appreciate further support. Comments from International Regulations Commission members and MNAs will be welcome.

(f) Terms of Reference

It was observed that Regulation 43 regarding the Terms of Reference of the Commission does not indicate that the International Regulations Commission is a permanent commission, which in view of the nature of the commission's work should be the case. It was further proposed that Regulation 43.7(b) be amended by the addition of "issues such as", so that it would read:
"Represent the interests of ISAF – its member National Authorities and all users with IMO and other international or national institutions which concern **issues such as** navigation, manning, construction, equipment, safety and use of recreational craft in conjunction with ...": for consideration and decision by the Executive.

(g) Whales

The Chairman reported on US legislation regarding a 500m moving exclusion zone around cetaceans(whales) off Cape Cod and an advisory maximum speed limit of 10 knots in certain areas.

(h) IMO Environmental Issues

Carl Gerstrom reported that environmental issues under consideration included tanker stack emissions, rain water run-off containers and retention of waste material from sanding varnished surfaces near the water.

(i) DSC Certification

John Crebbin raised concerns regarding local legislation with very onerous DSC operator qualifications. It was agreed that John would write to the Chairman with the specific details.

(j) Commission Membership

The Chairman hoped that areas outside of Europe could be represented on the Commission in future and in particular hoped that a delegate from Australia could be found.

There being no further business proceedings terminated at 1351.

Appendix 1

Excerpt from document NAV 54-25

SUB-COMMITTEE ON SAFETY OF NAVIGATION

54th session - Agenda item 25 - 14 August 2008

Original: ENGLISH

REPORT TO THE MARITIME SAFETY COMMITTEE

7 REVIEW OF COLREGs REGARDING THE RIGHT OF WAY OF VESSELS OVER PLEASURE CRAFT

7.1 The Sub-Committee recalled that MSC 82 had discussed at length document MSC 82/21/4 (Italy) proposing, with a view to establishing the priority of vessels over certain craft, exclusively used for recreational purpose, in order to reduce the risk of collision in restricted areas with high density of pleasure craft and where it was difficult to manoeuvre safely for large vessels, to develop amendments to COLREGs so as to give vessels the right of way over pleasure craft, and, having recognized the need for detailed discussion of technical aspects of the issue, agreed to include, in the Sub-Committee's work programme, a high-priority item on "Review of COLREGs regarding the right of way of vessels over pleasure craft", with one session needed to complete the item.

7.2 The Sub-Committee also recalled that NAV 53 had noted with interest the relevant information provided by Italy (NAV 53/INF.9) for amending the COLREG, as set out in document MSC 82/21/4. Italy wanted to underline that, if this general principle was recognized and endorsed, it would increase the level of safety at sea and would serve to prevent accidents in the future.

7.3 The Sub-Committee further recalled that NAV 53 had noted with interest document NAV 53/21/3 (ISAF), supporting any practical initiative to help prevent accidents, but strongly recommending that the case, set out in document NAV 53/INF.9 (Italy), did not justify the proposed changes to COLREG.

7.4 The Sub-Committee considered document NAV 54/7 (Italy) providing relevant proposals for the revision of the COLREG, as amended, regarding the right of way of vessels over pleasure craft. Italy proposed that Rules 3, 8, 15, 17, 18, 25 and 34 of the COLREG be amended, in order

to reduce the risk of collision especially in areas with high density of pleasure crafts and where it is difficult to operate safely for large vessels.

7.5 The delegation of Italy further clarified that it was alternatively willing, taking into account the ongoing studies aimed at extending the use of AIS for non-SOLAS vessels, to consider the use of AIS (class B) on board pleasure crafts in order to reduce the risk of collision, with particular reference to areas of high density or maritime traffic.

7.6 The Sub-Committee also considered document NAV 54/71 (ISAF and IAIN), fully supporting any practical initiative to help prevent accidents at sea but strongly recommending that the case set out by Italy did not justify the suggested changes to COLREG and could cause confusion and a reduction in safety. COLREG define craft by their ability to keep clear and take into account any restriction in their manoeuvrability. Italy (NAV 53/INF.9) had proposed a fundamental departure from that principle, categorizing vessels by their usage rather than a vessel's own characteristics and ability to manoeuvre. Such a departure could lead to complicated and dangerous situations in which, for example, a sailing vessel trying to keep clear without propulsion power, to do so would have to resort to becoming a vessel not under command (Rule 3(f)), and a commercial vessel would have to spend time identifying whether the small craft concerned was another commercial craft or a pleasure craft.

7.7 The Sub-Committee further considered document NAV 54/7/2 (New Zealand) providing comments on the proposed amendments to the COLREG, as amended and proposed alternative options. New Zealand considered that the proposed amendment would not achieve the objectives for a number of reasons and instead proposed using Rule 1(b) of the COLREG, ships routing measures, national legislation to set regional shipping controls and educational awareness campaigns to highlight the present COLREG for recreational users via licensing or registration.

7.8 A large number of delegations including observers spoke on the issue. Most of the delegations shared Italy's concern regarding the risk of collision especially in areas with high density or pleasure crafts and where it was difficult to operate safely for large vessels. Nevertheless, a large majority was not in favour of amending the COLREG at this stage and instead favoured a local approach based on national regulations, educational awareness campaigns and other practical measures aimed at recreational craft. There was no support for the proposed amendments to the COLREG and Italy was consequently invited to reconsider and revise their proposal, taking into account the results of further studies and developments with regard to non-SOLAS vessels, in respect of AIS (Class B).

7.9 The Sub-Committee requested Members to provide information to interested States to carry out more studies on the issue. The delegation of Italy informed the Sub-Committee that Italy would continue to collect and analyse data on casualty accidents involving vessels and pleasure crafts and at the same time follow the studies within IMO for non-SOLAS vessels, in respect of AIS (Class B). Italy would like also to support the request of the Sub-Committee to interested Member States and international organizations for a coordinated action to continue further studies and to contribute to a very constructive discussion for finding a common solution to this very sensitive matter regarding the risk of collision especially in areas with high density of pleasure crafts, where it was difficult for large vessels to operate safely.

7.10 The Committee was invited to consequently delete the item "Review of COLREGs regarding the right of way of vessels over pleasure craft" from the Sub-Committee's work programme, as the work on this item had been completed.

Appendix 2

IMO Meetings 2009

The table below represents the programme of IMO meetings for 2009.

NAME OF MEETING	SESSION NO.	DATE HELD
Facilitation Committee (FAL)	35	12-16 Jan
Sub-Committee on Radiocommunications and Search and Rescue (COMSAR)	13	19-23 Jan
Sub-Committee on Standards of Training and Watchkeeping (STW)	40	2-6 Feb
Sub-Committee on Fire Protection (FP)	53	16-20 Feb
Sub-Committee on Bulk Liquids and Gases (BLG)	13	2-6 Mar
Sub-Committee on Ship Design and Equipment (DE)	52	16-20 Mar
Legal Committee (LEG)	95	30 Mar -4 Apr
Sub-Committee on Flag State Implementation (FSI)	17	20-24 Apr
International Conference on the Safe and Environmentally Sound Recycling of Ships	-	11-15 May
Maritime Safety Committee (MSC)	86	27 May - 5 Jun
Technical Co-operation Committee (TC)	59	23-25 Jun
Council	102	29 Jun -3 Jul
Marine Environment Protection Committee (MEPC)	59	13-17 Jul
Sub-Committee on Safety of Navigation (NAV)	55	27-31 Jul
Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC)	14	21-25 Sep
Legal Committee (LEG)	96	5-9 Oct
31st Consultative Meeting of Contracting Parties (London Convention 1972) and 4th Meeting of Contracting Parties (London Protocol 1996)	-	26-30 Oct
Council	25th extraordinary	19-20 Nov
Assembly	26	23 Nov - 4 Dec
Council	103	4-4 Dec

* Tentative

*** Meeting held without interpretation and with documentation in original language only