

COMITE DE LA SECURITE MARITIME DE L'OMI
72e SESSION, MAI 2000

AMENDEMENTS AU CHAPITRE V DE LA CONVENTION SOLAS

Référence: LC 18/2000 du 14/4/2000

Monsieur,

Vous trouverez ci-joint, en annexe A, les amendements au chapitre V de la Convention SOLAS, adoptés par le Comité de la sécurité maritime de l'OMI (MSC 72). Les questions pendantes devant être examinées à l'occasion de la réunion MSC 73 de novembre 2000 sont indiquées entre crochets.

Le texte de la règle 2.2, discuté et accepté pratiquement à l'unanimité lors de la réunion informelle des Etats membres, organisée immédiatement avant la 2e Conférence hydrographique internationale extraordinaire, a été soumis par le BHI en tant que document MSC 72/10/14 au MSC 72 de mai 2000. Au cours de la réunion informelle organisée par l'OHI, un texte anglais a été utilisé. Ce texte avait été traduit à partir du texte espagnol accepté, alors, par les Etats membres hispanophones de l'OHI et l'article indéfini "un" avait été remplacé par l'article défini "le", pour lire :

*"Une carte marine [officielle] ou une publication nautique [officielle] est une carte ou une publication spécifique, ou encore une base de données compilée spécialement pour l'élaboration d'une telle carte ou publication, qui est conçue pour répondre aux impératifs de la navigation maritime et qui est publiée de manière officielle par **le** gouvernement, **le** service hydrographique accrédité ou toute autre institution gouvernementale compétente, ou sous leur tutelle."*

(NB: les mots en caractères gras indiquent seulement la modification effectuée et n'apparaissent pas en caractère gras dans le texte soumis à l' OMI.)

Bien que le texte reproduit ci-dessus soit celui présenté lors de la réunion de l'OHI, seule la portée du terme "officielle" a été discutée au cours de cette réunion. L'article "le" n'ayant pas été mis entre crochets, le MSC 72 a décidé que "le" ne pourrait pas remplacer "un" et que "un" serait placé entre crochets dans l'attente d'une décision du MSC 73, en novembre 2000.

Le BHI a été informé, par le président du MSC, que l'ordre du jour du MSC 73 était déjà extrêmement chargé et que la finalisation des amendements au chapitre V de la Convention SOLAS ne serait pas facilitée si les Etats membres devaient entrer dans d'interminables discussions au sujet d'un mot. Il a été demandé au BHI de bien vouloir régler la question dans le cadre de l'OHI puis de soumettre, si possible, un document reflétant l'opinion de l'OHI sur la question. Tout en ne déniaient pas aux Etats membres la possibilité de soumettre des documents au MSC, il est instamment demandé que tout soit fait afin que cette dernière question pendante soit résolue dans le cadre de l'OHI.

L'utilisation de l'article "un" dans le texte présente le désavantage de ne pas spécifier quel gouvernement peut autoriser la publication de la carte officielle.

Il a par ailleurs été fait remarquer au BHI que l'utilisation de l'article "le" crée également un problème pour l'OMI car il ne spécifie pas, lui non plus, de quel gouvernement il s'agit. S'agit-il du gouvernement de l'Etat du pavillon, du gouvernement de l'Etat côtier ou du gouvernement de l'Etat contractant ? De nombreux Etats membres ont exprimé leur préoccupation à ce sujet lors du MSC72.

De plus, certains Services hydrographiques mettent à disposition des portefeuilles mondiaux concernant des zones où n'existe aucun Service hydrographique et où aucun Etat n'est membre de l'OHI. Si l'autorisation de tous les gouvernements était nécessaire avant la publication officielle d'une carte, cela signifierait que, dans une grande partie du monde, tout particulièrement dans la zone africaine, aucune carte ne pourrait être disponible avant que des négociations approfondies n'aient eu lieu. Le BHI est d'avis que, même si les intérêts des Etats détenteurs des données doivent être protégés, il n'est pas dans l'intérêt du navigateur d'établir des prescriptions qui rendraient extrêmement difficile une couverture cartographique mondiale.

En tenant compte des préoccupations évidentes des Etats membres l'insertion d'une note en bas de page pourrait résoudre le problème. Cette note pourrait être similaire à celles des règles 9.3, 18.1, 18.2, 18.4, 19.1.2.5, 20, et 34.1.

Afin d'apporter une solution à la question de l'utilisation de l'article "un" par rapport à l'article "le", il est donc suggéré aux Etats membres d'envisager l'adoption du texte suivant :

Règle 2.2

"Une carte marine ou une publication nautique est une carte ou une publication spécifique, ou encore une base de données compilée spécialement pour l'élaboration d'une telle carte ou publication, qui est conçue pour répondre aux impératifs de la navigation maritime et qui est publiée de manière officielle par un gouvernement, un service hydrographique accrédité ou toute autre institution gouvernementale compétente, ou sous leur tutelle."*

** Se reporter aux résolutions et recommandations de l'Organisation hydrographique internationale concernant l'utilisation et le transfert des données.*

Le BHI est d'avis que l'ajout de cette note en bas de page protégera, dans les circonstances actuelles et autant que faire se peut, les intérêts en matière de droit d'auteur des Etats qui, normalement, produisent, distribuent et tiennent à jour les cartes des zones maritimes placées sous leur responsabilité et, également, les intérêts du navigateur, dans les autres parties du monde.

Il est demandé aux Etats membres de bien vouloir compléter le bulletin de vote joint en annexe B et de le faire parvenir au BHI **avant le 31 août 2000.**

Veillez agréer, Monsieur, l'assurance de ma haute considération.

Pour le Comité de direction,


Contre-amiral Neil GUY
Directeur

PJ: Annexe A : Amendments to SOLAS, Chapter V (anglais seulement)
Annexe B : Bulletin de vote.

**AMENDMENTS TO SOLAS CHAPTER V
AS ADOPTED AT MSC 72, MAY 2000
REGULATION 1
APPLICATION**

1 Unless expressly provided otherwise, this chapter shall apply to all ships on all voyages, except:

.1 ~~ships of war~~ warships, naval auxiliary or other vessels-ships owned or operated by a Contracting Government and used ~~for the time being~~ only on government non-commercial service; } and

.2 ships solely navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the St. Lambert Lock at Montreal in the Province of Quebec, Canada.

However, warships, naval auxiliaries or other ships owned or operated by a Contracting Government and used only on government non-commercial service are encouraged to act in a manner consistent so far as reasonable and practicable, with this chapter.

2 The Administration may decide to what extent this chapter shall apply to ships operating solely in waters landward of the baselines which are established in accordance with international law.

3 A rigidly connected composite unit of a pushing vessel and associated pushed vessel, when designed as a dedicated and integrated tug and barge combination, shall be regarded as a single ship for the purpose of this chapter.

4 The Administration shall determine to what extent the provisions of regulations 15, 16, 17, 18, 19, 20, 21, 22, 23, 24,25, 26, 27 and 28 shall not apply to the following categories of ships:

.1 ships below 150 gross tonnage of all voyages; ~~and~~

.2 ships below 500 gross tonnage not engaged on international voyages~~};~~; and

.3 fishing vessels. }

**REGULATION 2
DEFINITIONS AND CLARIFICATIONS**

For the purpose of this chapter:

1 *Constructed* in respect of a ship means a stage of construction where:

.1 the keel is laid; or

.2 construction identifiable with a specific ship begins; or

.3 assembly of that ship has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material whichever is less.

2. ~~Official~~-Nautical chart or ~~official~~-Nautical publication is a special-purpose map or book, or a specially compiled database from which such a map or book is derived, that is issued officially by or on the authority of [a] Government, authorized Hydrographic Office, or other relevant government institution, and is designed to meet the requirements of marine navigation.

3 *All ships* means any ship, vessel or craft irrespective of type and purpose.

REGULATION 9 HYDROGRAPHIC SERVICES

1 Contracting Governments undertake to arrange for the collection and compilation of hydrographic data and the publication, dissemination and keeping up to date of all nautical information necessary for safe navigation.

2 In particular, Contracting Governments undertake to co-operate in carrying out, as far as possible, the following nautical and hydrographic services, in the manner most suitable for the purpose of aiding navigation:

- .1 to ensure that hydrographic surveying is carried out, as far as possible, adequate to the requirements of safe navigation;
- .2 to prepare and issue ~~official~~ nautical charts, sailing directions, lists of lights, tide tables and other ~~official~~ nautical publications, where applicable, ~~satisfying the needs of~~ ~~necessary for~~ safe navigation;
- .3 to promulgate notices to mariners in order that nautical charts and publications are kept, as far as possible, up to date.
- .4 to provide data management arrangements to support these services.

3 Contracting Governments undertake to ensure the greatest possible uniformity in charts and nautical publications and to take into account, whenever possible, relevant international resolutions and recommendations.*

** Footnote reads: Refer to the appropriate resolutions and recommendations adopted by the International Hydrographic Organization.*

4 Contracting Governments undertake to co-ordinate their activities to the greatest possible degree in order to ensure that hydrographic and nautical information is made available on a world-wide scale as timely, reliably, and unambiguously as possible.

REGULATION 18 APPROVAL AND SURVEYS OF NAVIGATIONAL SYSTEMS AND EQUIPMENT, AND PERFORMANCE STANDARDS

1 Navigational systems and equipment required to meet the requirements of this chapter shall be of a type approved by the Administration.*

2 Navigational systems and equipment, including associated back-up arrangements, where applicable, ~~required installed to perform the onboard functional requirements of this chapter~~ on or after [1 July 2002] to perform the functional requirements of this chapter shall conform to appropriate performance standards not inferior to those adopted by the Organization. *

** Footnote includes: Refer to the following recommendations adopted by the Organization by the resolutions indicated:*

.....
Recommendation on performance standards for Electronic Chart Display and Information Systems (ECDIS) (resolution A.817(19), as amended);
.....

3 When navigational systems and equipment are replaced or added to on ships constructed before [1 July 2002], such navigational systems and equipment shall, in so far as is reasonable and practicable, comply with the requirements of paragraph 2.

~~3~~ Navigational systems and equipment fitted prior to the adoption by the Organization of related performance standards, except for Electronic Chart Display and Information System (ECDIS) fitted to comply with regulation 19.20.1.2.4, may be exempted from full compliance with such standards at the discretion of the Administration, having due regard to any recommended criteria the Organization might adopt in connection with the standards concerned.

~~4~~ Navigational systems and equipment installed prior to the adoption of performance standards by the Organization may subsequently be exempted from full compliance with such standards at the discretion of the Administration, having due regard to the recommended criteria adopted by the Organization. However, for an Electronic Chart Display and Information System (ECDIS) to be accepted as satisfying the chart carriage requirement of regulation 19.1.2.4, that system shall conform to the relevant performance standards not inferior to those adopted by the Organization in effect on the date of installation, or, for systems installed before 1 January 1999, not inferior to the performance standards adopted by the Organization on 23 November 1995*.

* *Footnote: Recommendation of Performance Standards for Electronic Chart Display and Information Systems (ECDIS) (resolution A.817(19)), as amended, and resolution MSC.86(70).*

~~5~~⁴ The Administration shall require that the manufacturers have a quality control system audited by a competent authority to ensure continuous compliance with the type approval conditions. Alternatively, the Administration may use final product verification procedures where the compliance with the type approval certificate is verified by a competent authority before the product is installed on board ships.

~~6~~⁵ Before giving approval to navigational systems or equipment embodying new features not covered by this chapter, the Administration shall ensure that such features support function at least as effective as those required by this chapter.

~~7~~⁶ When equipment for which performance standards have been developed by the Organization, is carried on ships subject to the carriage requirements under regulation 19.1 in addition to those items of equipment required by regulation 19.1, such equipment shall be subject to approval and shall as far as practicable comply with performance standards not inferior to those adopted by the Organization.

Regulation 19

Carriage requirements ~~and performance standards~~ for shipborne navigational systems and equipment

1.1 Application and requirements

Subject to the provisions of regulation 1.4:

- 1.1.1 Ships constructed on or after [1 July 2002] shall be fitted with navigational systems and equipment which will fulfil the requirements as prescribed in paragraphs 1.2 to 1.10.
- 1.1.2 Ships constructed before [1 July 2002] shall:
 - .1 subject to the provisions of paragraphs 1.1.2.2 and 1.1.2.3, unless they comply fully with this regulation, continue to be fitted with equipment which fulfils the requirements prescribed in regulations V/11, V/12 and V/20 of the International Convention for the Safety of Life at Sea, 1974 in force prior to [1 July 2002];

- .2 be fitted with the equipment or systems required in paragraph 1.2.6 not later than the first survey after [1 July 2002] at which time the radio direction-finding apparatus referred to in V/12 (p) of the International Convention for the Safety of Life at Sea, 1974 in force prior to [1 July 2002] shall no longer be required; and
- .3 be fitted with the system required in paragraph 1.5 not later ~~that~~ than the dates specified in paragraph 1.5.1.2 and .1.5.1.3.

~~1.1.3 When navigational systems and equipment are replaced or added to on ships constructed before [1 July 2002], such navigational systems and equipment shall, in so far as is reasonable and practicable, comply with the requirements of regulation 19-18 of this chapter.~~

Shipborne navigational equipment and systems

Subject to the provisions of paragraph 1.1:

- 1.2 All ships irrespective of size shall have:
 - .1 a properly adjusted standard magnetic compass, or other means, independent of any power supply to determine the ship's heading and display the reading at the main steering position;
 - .2 a pelorus or compass bearing device, or other means, independent of any power supply to take bearings over an arc of the horizon of 360°;
 - .3 means of correcting heading and bearings to true at all times;
 - .4 ~~{official} paper~~ nautical charts ~~or an Electronic Chart Display and Information System (ECDIS)~~ and ~~{official}~~ nautical publications to plan and display the ship's route for the intended voyage and to plot and monitor positions throughout the voyage; an Electronic Chart Display and Information System (ECDIS) may be accepted as meeting the chart carriage requirements of this subparagraph;
 - .5 ~~means to~~ back up arrangements to meet the functional requirements of subparagraph .4, if this function is partly or fully fulfilled by electronic means;*

** Footnote: An appropriate folio of paper nautical charts may be used as a back-up arrangement for ECDIS. Back-up arrangements not inferior to resolution A.817(19), as amended, Recommendation of Performance Standards for Electronic Chart Display and Information Systems (ECDIS) are also acceptable.*

- .6 a receiver for a global navigation satellite system or a terrestrial radionavigation system, or other means, suitable for use at all times throughout the intended voyage to establish and update the ship's position by automatic means;
 - .7 if less than 150 gross tonnage and if practicable, a radar reflector~~*~~, or other means, to enable detection by ships navigating by radar at both 9 and 3 GHz;
 - .8 when the ship's bridge is totally enclosed and unless the Administration determines otherwise, a sound reception system, or other means, to enable the officer in charge of the navigational watch to hear sound signals and determine their direction;
 - .9 a telephone, or other means, to communicate heading information to the emergency steering position, if provided.
- 1.3
 - 1.4

Automatic identification systems (AIS)

- .1 All ships of 300 gross tonnage and upwards engaged on international voyages and cargo ships of 500 gross tonnage and upwards not engaged on international voyages and passenger ships, irrespective of size, shall be fitted with AIS, as follows:
 - .1.1 ships constructed on or after ~~{1 July 2002}~~;
 - .1.2 ships engaged on international voyages constructed before ~~{1 July 2002}~~:
 - .1.2.1 in the case of passenger ships ~~irrespective of size and tankers of all sizes~~, not later than ~~{1 July 2003}~~;
 - .1.2.1bis in the case of tankers, not later than the first [safety equipment survey] after 1 July 2003;
 - .1.2.2 in the case of ships, other than passenger ships and tankers, of 50,000 gross tonnage and upwards, not later than ~~{1 July 2004}~~;
 - .1.2.3 in the case of ships, other than passenger ships and tankers, of 10,000 gross tonnage and upwards but less than 50,000 gross tonnage, not later than ~~{1 July 2005}~~;
 - .1.2.4 in the case of ships, other than passenger ships and tankers, of 3,000 gross tonnage and upwards but less than 10,000 gross tonnage, not later than ~~{1 July 2006}~~;
 - .1.2.5 in the case of ships, other than passenger ships and tankers, of 3000 gross tonnage and upwards but less than 3,000 gross tonnage, not later than ~~{1 July 2007}~~; and
 - .1.3 ships not engaged on international voyages constructed before [1 July 2002], not later than [1 July 2008].
 - .2 The Administration may exempt ships from the application of the requirements of this paragraph when such ships will be taken permanently out of service within two years after the implementation date specified in paragraph .1. Additionally, an Administration may exempt vessels flying its flag on its domestic trade where the density of shipping in the judgement of the Administration does not justify AIS.
 - .3 AIS shall:
 - .1 provide automatically to appropriately equipped shore stations, other ships and aircraft information, including the ship's identity, type, position, course, speed, navigational status and other safety-related information;
 - .2 receive automatically such information from similarly fitted ships;
 - .3 monitor and track ships; and
 - .4 exchange data with shore-based facilities.
 - .4 The requirements of ~~this~~ paragraph 1.5.3 shall not be applied to cases where international agreements, rules or standards provide for the protection of navigational information.
 - .5 AIS shall be operated taking into account the guidelines adopted by the Organization.
- 1.5

* Footnote: Refer to resolution A.861(20) – Recommendation on Performance Standards for Voyage Data Recorders (VDRs).

1 To assist in casualty investigations, ships, when engaged on international voyages shall be fitted with a Voyage Data Recorder (VDR) as follows:

- .1 passenger ships constructed on or after ~~[1 July 2002];~~
- .2 ro-ro passenger ships constructed before [1 July 2002] not later than the first survey after ~~[1 July 2002];~~
- .3 passenger ships other than ro-ro passenger ships constructed before ~~[1 July 2002]~~ not later than ~~[1 January 2004];~~
- ~~.4 all ships other than passenger ships of 20,000 gross tonnage and over constructed on or after [1 July 2002] not later than [1 January 2004];~~
- .54 all ships other than passenger ships of 3,000 gross tonnage and ~~over upwards~~~~(but less than 20,000)~~ constructed on or after ~~[1 July 2002]~~ ~~not later than [1 January 2006];~~ and
- ~~.6 all ships other than passenger ships of 20,000 gross tonnage and over constructed before [1 July 2002] not later than [1 January 2007]; and~~
- ~~.7 all ships other than passenger ships of 3,000 gross tonnage and over (but less than 20,000) constructed before [1 July 2002] not later than [1 January 2009].~~

2 The VDR required by this regulation shall meet performance standards which are not inferior to those adopted by the Organization and shall be of a type approved in accordance with regulation 18 of this chapter.

3 Administrations may exempt ships, other than ro-ro passenger ships, constructed before [1 July 2002] from being fitted with a VDR where it can be demonstrated that interfacing a VDR with the existing equipment on the ship is unreasonable and impracticable.

4 The voyage data recorder (VDR) system, including all sensors, shall be subjected to an annual performance test. The test shall be conducted by an approved testing or servicing facility to verify the accuracy, duration and recoverability of the recorded data. In addition, tests and inspections shall be conducted to determine the serviceability of all protective enclosures and devices fitted to aid location. A copy of a certificate of compliance issued by the testing facility stating the date of compliance and the ~~[applicable]~~ performance standards, shall be retained on board the ship.

Regulation 27

~~[Official]~~ Nautical charts and **nautical** publications

~~[Official]~~ Nautical charts and ~~[official]~~ nautical publications, such as sailing directions, lists of lights, notices to mariners, tide tables, and all other ~~[official]~~ nautical publications necessary for the intended voyage shall be adequate and up to date.

Regulation 34

Safe navigation and avoidance of dangerous situations

~~[1 The master and the officer in charge of the navigational watch shall plan and conduct each voyage to keep their ship clear of obstructions to navigation and, dangerous shoals, and take due notice of relevant nautical information. To this end, they shall make appropriate use of the navigational systems and equipment at their disposal. When receiving ice warnings or in dangerous weather, the master and the officer in charge of the navigational watch shall take such measures as necessary to avoid dangers, particularly to the safety of the persons on board, and to the safety of navigation or to the marine environment.*]~~

1 Prior to proceeding to sea, the master shall ensure that the intended voyage has been planned using the appropriate nautical charts and nautical publications for the area concerned, taking into account the guidelines and recommendations developed by the Organization*.

** Footnote: Refer to the Guidelines for Voyage Planning, resolution A.893(21).*

2 The voyage plan shall identify a route which:

- .1 makes proper use of available routing measures;
- .2 ensures sufficient sea room for the safe passage of the ship throughout the voyage;
- .3 anticipates all known navigational hazards and adverse weather conditions; and
- .4 takes into account the marine environmental protection measures that apply, and avoids as far as possible actions and activities which could cause damage to the environment.

23 The owner, charterer, or manager of a ship or any other person, shall not prevent or restrict the master of the ship from taking or executing any decision which, in the master's professional judgement, is necessary for safe navigation and protection of the marine environment.

BULLETIN DE VOTE

(à retourner au BHI avant le 31 août 2000)

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Date de réponse:

AMENDEMENTS AU CHAPITRE V DE LA CONVENTION SOLAS

APPROUVEZ-VOUS, POUR LA REGLE 2.2, LE LIBELLE SUIVANT, AVEC L'AJOUT D'UNE NOTE EN BAS DE PAGE ?

Règle 2.2

"Une carte marine ou une publication nautique est une carte ou une publication spécifique, ou encore une base de données compilée spécialement pour l'élaboration d'une telle carte ou publication, qui est conçue pour répondre aux impératifs de la navigation maritime et qui est publiée de manière officielle par un gouvernement, un service hydrographique accrédité ou toute autre institution gouvernementale compétente, ou sous leur tutelle."*

- *Se reporter aux résolutions et recommandations de l'Organisation hydrographique internationale concernant l'utilisation et le transfert des données.*

OUI

NON

COMMENTAIRES :

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Signature :