

MARITIME SAFETY COMMITTEE
110th session
Agenda item 11

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SHIP DESIGN AND CONSTRUCTION

Comments on document MSC 110/11

Submitted by Marshall Islands, Republic of Korea, Türkiye, United Kingdom and IACS

SUMMARY

Executive summary: This document comments on document MSC 110/11 and proposes a revision of MSC.1/Circ.1511/Rev.1 on *Unified interpretations of SOLAS regulations II-2/9 and 13* to reflect the confirmation by SDC 11 regarding the term "lower part" used in SOLAS regulations II-2/13.4.1 and 13.4.2 in connection with the means of escape from spaces below the bulkhead deck.

*Strategic direction, 7
if applicable:*

Output: 7.1

Action to be taken: Paragraph 15

Related documents: SDC 11/10/3, SDC 11/17 and MSC 110/11

Introduction

1 This document is submitted in accordance with the provisions of paragraph 6.12.5 of the document on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.6) and comments on document MSC 110/11 (Secretariat) containing the report of the eleventh session of the Sub-Committee on Ship Design and Construction (SDC 11).

Background

2 SDC 11 considered document SDC 11/10/3 (IACS), proposing to revise the unified Interpretation (UI) of SOLAS regulations II-2/9 and 13 (MSC.1/Circ.1511/Rev.1) in relation to SOLAS regulations II-2/13.4.1 and 13.4.2 to clarify the term "lower part" used in connection with the means of escape from machinery spaces below the bulkhead deck.

3 While agreeing that operational issues resided in different interpretations of the UIs of SOLAS regulations II-2/9 and 13 (MSC.1/Circ.1511/Rev.1) in relation to regulations SOLAS II-2/13.4.1 and 13.4.2, SDC 11 did not agree with the proposed amendment to the UI,

noting that it did not meet the safeguards. In particular, the proposed inclusion of the specific height limit of up to 2.3 m above the lowest deck level for the acceptable location of the escape trunk was considered as going beyond the interpretation of requirements.

4 However, SDC 11 confirmed that the lower part of the space in the current version of MSC.1/Circ.1511/Rev.1 should be regarded as "either the lowest deck level or a platform or passageway" (SDC 11/17, paragraph 10.18).

5 The majority of delegations were further of the view that the UI was not intended to be understood as "whichever is the lowest" of the lowest deck level, platform or passageway.

6 In addition, SDC 11 noted the statements of some delegations expressing that, following the rejection of the subject amendment to the UI of SOLAS regulation II-2/13.4 in MSC.1/Circ.1511/Rev.1, interested delegations should submit a revised proposal, or a proposal for a new output, with a view to addressing the regulation itself (SDC 11/17, paragraph 10.20).

Discussion

7 SOLAS regulations II-2/13.4.1 and 13.4.2 require one of the escape ladders from machinery spaces of category A to be located within a protected enclosure from "the lower part of the space", which it serves, to a safe position outside the space. MSC.1/Circ.1511/Rev.1 interprets "the lower part of the space" as the lowest deck level, platform or passageway within the space.

8 The shipping industry is currently facing challenges where ships are detained or conditions are issued following port State control (PSC) inspections. These issues arise due to the divergent interpretation between PSC Authorities and flag Administrations in relation to the escape arrangements from the machinery spaces, in particular the beginning of the ladder within a protected enclosure in the "lower part" of the machinery space. Specifically, recently, "the lower part of the space" has been considered, by PSC, to refer to the lowest deck level only, while the flag Administration(s) for the subject ship(s) have considered passageways and platforms in the lower part of the space when approving the arrangement.

9 It is important to emphasize that the co-sponsors are not aware of incidents or accidents that have occurred due to the specific escape trunk arrangements.

10 Based on paragraphs 10.18 and 10.20 of document SDC 11/17, the co-sponsors propose that the confirmation in paragraph 4 above be reflected in MSC.1/1511/Rev.1. The draft modification, as set out in the annex, is strictly limited to this editorial clarification, which has already been confirmed by SDC 11. It does not attempt to provide other clarifications, nor alter the technical substance of the current UI.

Safeguards for UIs

11 The proposed revision of MSC.1/Circ.1511/Rev.1 is considered to observe the safeguards, as follows:

- .1 the UI does not amend mandatory requirements in the SOLAS Convention. The current version of MSC.1/Circ.1511/Rev.1 already clarifies a vague phrase ("lower part of the space") in SOLAS regulations II-2/13.4.1 and 13.4.2; and the suggested revision provides an editorial clarification to ensure a consistent understanding of the accepted interpretation;

- .2 the UI does not go beyond the interpretation of mandatory requirements. Neither the current version of MSC.1/Circ.1511/Rev.1, nor the proposed revision, alter the intent of SOLAS regulations II-2/13.4.1 and 13.4.2; and
- .3 the UI does not contradict the mandatory requirements. Neither the current version of MSC.1/Circ.1511/Rev.1, nor the proposed revision, provide solutions that violate the requirements in SOLAS regulations II-2/13.4.1 and 13.4.2.

Urgency

12 The enhanced clarity is of paramount importance and urgency due to the current lack of predictability and potential implications for shipowners, shipbuilders, operators, designers, flag Administrations and recognized organizations.

13 Over the past few years, 10 ships have been detained, while close to 70 ships have been issued with conditions requiring the escape trunk arrangements to be addressed to avoid detentions in the future. Another 2,150 ships could potentially fall within the criterion chosen by the PSC Authority which has led to detentions and assigned conditions. The affected ships are of various types (bulk carriers, container ships, general cargo ships, oil tankers, other tankers, passenger ships, ro-ro ships) flying the flags of almost fifty different States.

Proposal

14 Based on the discussion above, the co-sponsors propose that the confirmation by SDC 11 in paragraph 10.18 of document SDC 11/17 be reflected as a revision of MSC.1/Circ.1511/Rev.1, as presented in the annex.

Action requested of the Committee

15 The Committee is invited to consider the foregoing, the proposal in paragraph 14 and the draft revision of MSC.1/Circ.1511/Rev.1, as set out in the annex, and to take action, as appropriate.

ANNEX

PROPOSED REVISION OF THE UNIFIED INTERPRETATIONS OF SOLAS REGULATIONS II-2/9 AND 13

The following changes to MSC.1/Circ.1511/Rev.1 are proposed:*

"...

Regulation 13.4.1

...

3 Machinery spaces may include working platforms and passageways, or intermediate decks at more than one deck level. In such case, the "lower part of the space" should be regarded as **either** the lowest deck level, **or** a platform or passageway within the space. At deck levels, other than the lowest one, where only one means of escape other than the protected enclosure is provided, self-closing fire doors should be fitted in the protected enclosure at that deck level. Smaller working platforms in-between deck levels, or only for access to equipment or components, need not be provided with two means of escape (regulation II-2/13.4.1.1).

...

Regulation 13.4.2

...

3 Machinery spaces of category A may include working platforms and passageways, or intermediate decks at more than one deck level. In such case, the "lower part of the space" should be regarded as **either** the lowest deck level, **or** a platform or passageway within the space. At deck levels, other than the lowest one, where only one means of escape other than the protected enclosure is provided, self-closing fire doors should be fitted in the protected enclosure at that deck level. Smaller working platforms in-between deck levels, or only for access to equipment or components, need not be provided with two means of escape (regulation II-2/13.4.2.1).

..."

* Tracked changes are indicated using "grey shading" to highlight new insertions.