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MSC.1/Circ.1565
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**GUIDELINES ON THE VOLUNTARY EARLY IMPLEMENTATION OF AMENDMENTS TO
THE 1974 SOLAS CONVENTION AND RELATED MANDATORY INSTRUMENTS**

1 The Maritime Safety Committee, at its ninety-eighth session (7 to 16 June 2017), following the decision of MSC 97 to:

- .1 reiterate the need to follow the four-year cycle of entry into force of amendments to SOLAS and related mandatory instruments (MSC.1/Circ.1481);
- .2 consider the approaches taken by port State control (PSC) regimes with regard to early implementation of SOLAS amendments-related cases, as appropriate; and
- .3 develop guidelines and identify criteria for a consistent approach to the matters related to voluntary early implementation,

approved the Guidelines on the voluntary early implementation of amendments to the 1974 SOLAS Convention and related mandatory instruments, as set out in the annex.

2 Without prejudicing the amendments procedure specified in article VIII of the International Convention for the Safety of Life at Sea, 1974, as amended (the Convention), and the provisions set out in the *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), the Guidelines, as contained in the annex, provide relevant guidance for the Committee and its subsidiary bodies when considering proposed MSC circulars on the voluntary early implementation of amendments to the 1974 SOLAS Convention and related mandatory instruments.

3 The Guidelines are intended to be read in conjunction with the *Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1481).

4 Contracting Governments to the Convention are invited to bring the annexed Guidelines to the attention of all parties concerned.

ANNEX

GUIDELINES ON THE VOLUNTARY EARLY IMPLEMENTATION OF AMENDMENTS TO THE 1974 SOLAS CONVENTION AND RELATED MANDATORY INSTRUMENTS

1 Introduction

1.1 The Maritime Safety Committee (the Committee), at its ninety-third session, approved the *Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1481). This Guidance reintroduced the four-year cycle of entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments. However, several amendments to the 1974 SOLAS Convention and relevant mandatory instruments, adopted by the Committee after the approval of the Guidance, have been accompanied by MSC circulars inviting voluntarily implementation of these amendments in advance of the entry-into-force date. Following a concern expressed at MSC 96, the Committee, at its ninety-eighth session, approved the present *Guidelines on the voluntary early implementation of amendments to the 1974 SOLAS Convention and related mandatory instruments*.

1.2 These Guidelines describe criteria and a coherent approach to be used by the Committee when taking the decision on issuing MSC circulars on the voluntary early implementation of the amendments to the 1974 SOLAS Convention and related mandatory instruments.

2 Definition of voluntary early implementation

2.1 For the purpose of these Guidelines, "voluntary early implementation" means a decision by a Contracting Government to the Convention to bring into effect the adopted amendment(s), with respect to ships entitled to fly its flag, prior to the entry-into-force date of those amendments.

2.2 Voluntary early implementation is at the sole discretion of a Contracting Government and it should be noted that they may use different terminology in line with their national legislation.

3 Decision on voluntary early implementation

3.1 The Committee may, in certain circumstances, invite Contracting Governments to consider the voluntary early implementation of amendments to the Convention and related mandatory instruments. When making a decision to invite the Contracting Governments to implement amendments earlier, the Committee should consider:

- .1 the entry-into-force date of the amendments, in particular as to whether the Committee agreed to an entry-into-force date outside of the four-year cycle under paragraph 4.1 of the Guidance (MSC.1/Circ.1481);
- .2 the importance of the safety improvements addressed in the amendments;
- .3 the effect of the amendments in improving the occupational health and safety of seafarers;
- .4 the relative importance of the amendments to the Convention;

- .5 the needs of Administrations and industry, when preparing for the entry into force of the amendments;
- .6 the benefits of an early implementation of the amendments for stakeholders; and
- .7 the practicable realities of achieving early implementation.

3.2 Any decision regarding voluntary early implementation should be clearly recorded in the report of the Committee. The Committee should then issue an MSC circular inviting or encouraging "voluntary early implementation", based on the template set out in the appendix to these Guidelines.

3.3 Voluntary early implementation should be communicated by the Contracting Government to the Organization for dissemination through GISIS.

3.4 In addition to the aforementioned communication, a Contracting Government may also consider the use of the existing provisions for equivalent arrangements under SOLAS regulation I/5 to cover the interim period between the date of the voluntary early implementation and the entry-into-force date of the amendment(s).

4 Port State control activities

4.1 A Contracting Government, in line with paragraph 1.2.3 of the *Procedure for Port State Control, 2011* (resolution A.1052(27)), as may be amended, when acting as a port State, should refrain from enforcing its decision to voluntarily early implement amendments to the 1974 SOLAS Convention and/or related mandatory instruments to ships entitled to fly the flag of other Contracting Governments calling at its ports.

4.2 When the Committee has invited voluntary early implementation of the amendments to the 1974 SOLAS Convention and/or related mandatory instruments, the Contracting Governments, when undertaking port State control activities, should take into account the invitation and any subsequent communications by other Contracting Governments through GISIS.

APPENDIX**DRAFT TEMPLATE FOR AN MSC CIRCULAR ON VOLUNTARY EARLY IMPLEMENTATION****VOLUNTARY EARLY IMPLEMENTATION OF THE AMENDMENT[S] TO [...] ADOPTED BY RESOLUTION MSC....**

- 1 The Maritime Safety Committee, at its [...] session ([dates of the session]), adopted the amendment[s] to [...].
- 2 The entry-into-force date of the aforementioned amendment[s] is [date].
- 3 In adopting the amendment[s] to [...], the Committee, having considered the need for [its][their] voluntary early implementation, in accordance with the *Guidelines on the voluntary early implementation of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1565), agreed to invite the Contracting Governments to the International Convention for the Safety of Life at Sea, 1974, as amended, to implement [it][them] prior to the entry-into-force date.
- 4 Voluntary early implementation should be communicated by a Contracting Government to the Organization for dissemination through GISIS.
- 5 In addition to the aforementioned communication, a Contracting Government may also consider the use of the existing provisions for equivalent arrangements under SOLAS regulation I/5 to cover the interim period between the date of the voluntary early implementation and the entry-into-force date of the amendment[s].
- 6 A Contracting Government, in line with paragraph 1.2.3 of the *Procedures for Port State Control, 2011* (resolution A.1052(27)), as may be amended, when acting as a port State, should refrain from enforcing its decision to voluntarily early implement the amendment[s] to [...] to ships entitled to fly the flag of other Contracting Governments, calling at its ports.
- 7 The Contracting Governments, when undertaking port State control activities, should take into account the present invitation and any subsequent notifications communicated by other Contracting Governments through GISIS.
- 8 Contracting Governments are invited to be guided accordingly and to bring the contents of this circular to the attention of all concerned, especially port State control authorities and recognized organizations.