



MARITIME SAFETY COMMITTEE  
83rd session  
Agenda item 5

MSC 83/5/14  
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## GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS

### Comments on the report of the Pilot Panel

#### Submitted by Germany

#### SUMMARY

*Executive summary:* This document presents comments on the report of the Pilot Panel, in particular on the group of experts, the procedures of submission, maintenance and monitoring of the rules and on the verification criteria.

*Action to be taken:* Paragraph 15

*Related document:* MSC 83/5/1

1 This document is submitted in accordance with the provisions of paragraph 4.10.5 of the Guidelines on the organization and methods of work of the Committees (MSC-MEPC.1/Circ.1), and provides comments on the report of the Pilot Panel on the trial application of the Tier III verification process using IACS Common Structural Rules (MSC 83/5/1).

2 Germany appreciates the work carried out by the Pilot Panel, and considers the outcome as given in the annex to the report submitted by the Co-ordinator of the Pilot Panel as an excellent basis for the finalization of Tier III.

3 In order to achieve an efficient verification process of GBS for tankers and bulk carriers, such a process should be set up in the most practicable, clear and future-orientated way. To support the achievement of such a process, Germany provides the following comments.

#### Submission of rules

4 While Germany appreciates and supports the role of the Administration in this process, and fully supports the proposal that the start of the verification process be triggered by an Administration, the procedure proposed seems to be rather time-consuming and bureaucratic. It is proposed that the Administration is only tasked to forward a letter of request and upon acceptance of such a request the entire communication including the submission of any paperwork is exercised directly between the Secretariat or the expert group and the owner of Rules. The submitter of Rules should always be their owner, regardless whether this is the Administration or any organization recognized by an Administration.

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### **Maintenance of verification**

5 Noting that one of the major benefits of the classification system is that classification societies are in a position to react in a speedy and suitable manner whenever necessary, a new system should not reduce this advantage to an unnecessary degree. Subsequently, the owner of Rules should make any Rule change available **whenever applicable** rather than on an **annual basis**, as proposed in paragraph 7.1 of annex 1 of document MSC 83/5/1.

6 With regard to the proposal for a request for review to be addressed to the Secretary-General directly, as proposed in paragraph 7.2 of annex 1 of document MSC 83/5/1, it should be noted that classification societies are often recognized by several Member States of IMO, sometimes more than 100. In order to avoid multiple requests or requests when a review is already under way, such requests should be somehow co-ordinated.

### **Group of experts**

7 It is fully supported that the experts should be independent and not affiliated to Member States or recognized organizations. However, noting the structure of the marine industry, it will be difficult to nominate any such expert. In particular, considering the professional criteria listed in paragraph 11 of document MSC 83/5/1, experts available will be either from the classification or academia fields. It is obvious that experts from classification societies are not independent, but experts from universities are likewise often members of the technical committees of classification societies and, therefore, they are not independent either. In order that experts may be nominated in an undisputed way, the phrase “independent and not affiliated” should be further clarified.

8 While Germany considers a simple majority for findings of the group of experts acceptable, all findings which are not unanimous should be reflected accordingly in the report, stating the ratio of votes and the position of the minority.

### **Structural performance monitoring**

9 Recalling that GBS are rules for Rules rather than rules for ships, Germany understands this as a means to monitor the performance of Rules. However, reading the information and documentation requirements and the corresponding evaluation criteria, it is obvious that the majority of criteria depend on the maintenance carried out by the operator rather than the maintenance of a Rule developer. To make such a monitoring system work, ships’ maintenance would need to be standardized and clear and strict maintenance requirements for the ship operation would need to be established in the context of SOLAS.

10 In the annex to annex 3 to document MSC 83/5/1, a number of assessment criteria are given. Germany would like to learn more about the technical justification for these assessment criteria.

### **Intellectual property rights**

11 An issue which has not been addressed so far is the question of confidentiality and protection of intellectual property rights. Noting the details to be submitted to enable a proper review, it is obvious that sufficient protection of the know-how of Rules’ owners requires a high degree of confidentiality. The ratio between transparency and confidentiality needs to be carefully considered in the ongoing discussion.

### **Tier III – verification process**

12 During the previous discussions, Germany and other Member States repeatedly emphasized that Tier III should be a process and not contain additional criteria. Unfortunately, Tier III as proposed in annex 1 of the report does not fully adhere to this principle. For example, paragraph III.6.2.c.3 introduces the mandatory application of corrosion addition. This is a new functional requirement. Furthermore, this is in contradiction to the Tier II functional requirement II.6 allowing for alternative solutions, and it is also in contradiction to III.6.1.c.2. Another example, III.3.c.7 can be understood to implicitly require finite element calculations even though there is no such Tier II functional requirement. When the Committee is reviewing Tier III, such additional requirements and possible contradictions between the tiers or within individual tiers should be carefully considered.

13 In the course of reviewing the information and documentation requirements and comparing these with the evaluation criteria, it was noted that they are not always consistent. For example III.4.b.6 requires the description of all rules taking into consideration slamming and vibratory induced fatigue effects. However, there is no respective evaluation criterion.

14 In summary, it is noted that the Tier III proposal in general is technically extremely specific, in some parts already above state of the art, while other items are below state of the art, and will thus need to be revised in very short intervals, most probably already before entry into force of the GBS. It is proposed to focus in the course of the ongoing discussion on a more general approach to avoid the need for too many updates.

### **Action requested of the Committee**

15 The Committee is invited to note the concerns raised and to task the envisaged working group to review the draft Tier III taking into account the comments made.

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