

LEGAL COMMITTEE 106th session Agenda item 1 LEG 106/1/1 10 February 2019 Original: ENGLISH

F

# ADOPTION OF THE AGENDA

# Annotations to the provisional agenda and provisional timetable

# Note by the Secretariat

SUMMARY		
Executive summary:	This document provides information on actions the Committee will be invited to take in relation to items on its agenda for the 106th session. Annotations to the provisional agenda are contained in annex 1 and the provisional timetable is set out in annex 2.	
Strategic direction, if applicable:	Not applicable	
Output:	Not applicable	
Action to be taken:	As explained under each agenda item	
Related documents:	LEG 106/1 and other documents as specified	

# Annotations to the provisional agenda

1 The annotations to the provisional agenda described in document LEG 106/1 are set out in annex 1. The annotations provide information on the action the Committee will be invited to take under each agenda item.

# Provisional timetable

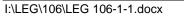
2 A provisional timetable for the conduct of LEG 106, prepared by the Secretariat in consultation with the Chair of the Committee, is set out in annex 2. The timetable is of a tentative nature and is likely to be modified closer to the meeting, as appropriate.

3 The traditional reception of the Committee will be held on the evening of the first day of the 106th session, on Wednesday, 27 March 2019, at 5.45 p.m.

# Action requested of the Committee

4 The Legal Committee is invited to note the information provided, in particular the annotations to the provisional agenda, set out in annex 1, and the provisional timetable, set out in annex 2, and take action as deemed appropriate.

\*\*\*







# ANNEX 1

#### ANNOTATIONS TO THE PROVISIONAL AGENDA

#### 1 Adoption of the agenda

LEG 106/1	Secretariat
LEG 106/1/1	Secretariat

1.1 The Committee will be invited to consider and adopt the provisional agenda (document LEG 106/1). Ad hoc working groups on the following subjects are envisaged to be established during the session:

- .1 maritime autonomous surface ships; and
- .2 measures to prevent unlawful practices associated with the fraudulent registration and fraudulent registries of ships.

#### 2 Report of the Secretary-General on credentials

LEG 106/2

Secretariat

2.1 The Secretary-General will report to the Committee as soon as verification of the credentials received has been completed.

#### 3 Facilitation of the entry into force and harmonized interpretation of the 2010 HNS Protocol

LEG 106/3	Secretariat
LEG 106/3/1	Canada
LEG 106/3/2	IOPC Funds

#### 3.1 The Committee will be invited to note:

- .1 the information on the progress made in the implementation and entry into force of the 2010 HNS Protocol (document LEG 106/3);
- .2 the overview of key issues and considerations for States in the domestic implementation of the 2010 HNS Convention, based on Canada's experience (document LEG 106/3/1); and
- .3 the update on the work carried out by the IOPC Funds Secretariat in relation to the administrative tasks necessary for the setting up of the HNS Fund and its intentions regarding the first session of the HNS Assembly (document LEG 106/3/2).

4 Provision of financial security in case of abandonment of seafarers, and shipowners' responsibilities in respect of contractual claims for personal injury to, or death of seafarers, in light of the progress of amendments to the ILO Maritime Labour Convention, 2006

LEG 106/4	ILO and IMO Secretariats
LEG 106/4/1	International Chamber of Shipping (ICS)
LEG 106/4/2	International Transport Workers'
	Federation (ITF)
LEG 106/4/3	ITF
LEG 106/4/4	ILO Secretariat

- 4.1 The Committee will be invited to note and comment on:
  - .1 the report on the IMO/ILO joint database of abandonment of seafarers, including information on how to report an abandonment case (documents LEG 106/4 and LEG 106/4/4);
  - .2 the information on concerns regarding the current global abandonment situation and will, in this regard, be invited to consider ways in which it can address the current challenges faced by those affected by abandonment (document LEG 106/4/1); and
  - .3 the analysis of incidents of abandonment for the period 1 January to 31 December 2018, and the information on the implementation of the financial security requirement in respect of seafarer repatriation costs and liabilities (documents LEG 106/4/2 and LEG 106/4/3).

#### 5 Fair treatment of seafarers in the event of a maritime accident

LEG 106/5

ITF

5.1 The Committee will be invited to note the report on the outcome of the first regional meeting for Asia on the fair treatment of seafarers in the event of a maritime accident. (document LEG 106/5).

#### 6 Advice and guidance in connection with the implementation of IMO instruments

LEG 106/6	Ukraine
LEG 106/6/1	Russian Federation

6.1 The Committee will be invited to consider the information provided by Ukraine on the implementation of IMO instruments in the maritime areas adjacent to the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation and also to consider a commenting document submitted by the Russian Federation (documents LEG 106/6 and LEG 106/6/1).

# 7 Measures to prevent unlawful practices associated with the fraudulent registration and fraudulent registries of ships

LEG 106/7	Secretariat
LEG 106/7/Add.1	Secretariat
LEG 106/7/1	Secretariat
LEG 106/7/2	United States

LEG 106/7/3	Ukraine
LEG 106/7/4	United Arab Emirates
LEG 106/7/5	United Republic of Tanzania

- 7.1 The Committee will be invited to:
  - .1 consider the report on cases of fraudulent registration and fraudulent registries of ships and the proposed GISIS module on Registries, which will contain a comprehensive database of registries to address the problem (documents LEG 106/7 and LEG 106/7/1);
  - .2 consider the measures proposed to prevent unlawful practices associated with the fraudulent registration and fraudulent registries of ships, and to endorse the proposed LEG Circular on recommended best practices (document LEG 106/7/2);
  - .3 note the information provided by Ukraine on the registration of ships in the Autonomous Republic of Crimea and city of Sevastopol, Ukraine temporarily occupied by the Russian Federation and, to consider the proposal that port State control officers should confirm information about a vessel's flag in the Ship and Company Particulars module of GISIS in order to reduce unlawful practices associated with the fraudulent registration of ships (document LEG 106/7/3);
  - .4 consider the proposal for the establishment of a working group to develop measures to prevent unlawful practices associated with the fraudulent registration and fraudulent registries of ships, and the development of a draft Assembly resolution relating thereto (document LEG 106/7/4); and
  - .5 note the update on the situation regarding ships fraudulently flying the Tanzanian flag.
- 8 Regulatory scoping exercise and gap analysis of conventions emanating from the Legal Committee with respect to Maritime Autonomous Surface Ships (MASS)

LEG 106/8 LEG 106/8/1	Secretariat Secretariat	
LEG 106/8/2	Canada, Denmark, Finland, France,	
	Georgia, Germany, Marshall Islands,	
	Netherlands, Norway, Republic of Korea,	
	United Arab Emirates, United Kingdom,	
	International Group of Protection and	
	Indemnity Associations	
LEG 106/8/3	China	
LEG 106/8/4	Republic of Korea	

- 8.1 The Committee will be invited to:
  - .1 note and comment on a list of mandatory instruments under the purview of the Committee, which may be considered as part of the regulatory scoping exercise for MASS (document LEG 106/8);
  - .2 note the report on the outcome of MSC 99 and MSC 100 regarding the regulatory scoping exercise on MASS and to take this information into account during the regulatory scoping exercise of instruments under its purview (document LEG 106/8/1); and
  - .3 consider proposals for a framework, methodology, work or action plan and instruments for its regulatory scoping exercise on MASS, in particular, the establishment of a working group and an intersessional correspondence group at this session (documents LEG 106/8/2, LEG 106/8/3 and LEG 106/8/4).

### 9 Piracy

LEG 106/9

Secretariat

9.1 The Committee will be invited to note the information on piracy-related matters, (document LEG 106/9).

## 10 Work of other IMO bodies

LEG 106/10

Secretariat

- 10.1 The Committee will be invited to:
  - .1 consider the information on the work undertaken by other IMO bodies since its 105th session which may be of relevance to the Committee, including the outcomes of MSC 99, MSC 100, FAL 42, TC 68, C 120, C 121, MEPC 73 and LC 40; and
  - .2 take action on the decision of C 120 regarding access to information, and the List of certificates and documents required to be carried on board ships, 2017 (FAL.2/Circ.131-MEPC.1/Circ.873-MSC.1/Circ.1586-LEG.2/Circ.3), as approved by MSC 99 (document LEG 106/10).

# 11 Technical cooperation activities related to maritime legislation

LEG 106/11	Secretariat
LEG 106/11/1	Secretariat
LEG 106/11/2	Secretariat
LEG 106/INF.2	Secretariat
LEG 106/INF.3	Secretariat

- 11.1 The Committee will be invited to:
  - .1 note the information on technical cooperation activities relating to maritime legislation from January to December 2018 and the activities of the IMO International Maritime Law Institute (IMLI) for the year 2018 (documents LEG 106/11 and LEG 106/11/1);

- .2 note the information on the IMLI list of dissertations/research projects and maritime legislation drafting projects for the academic years 2017-2018 and 2018-2019, and the dissertation written by Mr. Watchara Chiemanukulkit (Thailand) entitled "Legislative Techniques for the Implementation of IMO Instruments into Domestic Legislation" (documents LEG 106/INF.2 and LEG 106/INF.3); and
- .3 consider and approve the thematic priorities for inclusion in the Integrated Technical Cooperation Programme covering the 2020-2021 biennium (document LEG 106/11/2).

# 12 Review of the status of conventions and other treaty instruments emanating from the Legal Committee

LEG 106/12	Secretariat
LEG 106/12/Add.1	Secretariat

12.1 The Committee will be invited to note the information on the review of the status of the conventions and other treaty instruments emanating from its work, and to comment as it deems appropriate.

13 Work programme

LEG 106/13	Greece,	the	Marshall	Islands,
	International	Group	of P and I	Clubs, and
	ICS	-		
LEG 106/13/1	Secretariat			

- 13.1 The Committee will be invited to:
  - .1 consider a proposal to add a new output on its work programme to develop a Unified Interpretation of the test for breaking the owner's right to limit liability under the 1992 CLC Protocol, the 2010 HNS Protocol and the 1996 LLMC Protocol (document LEG 106/13); and
  - .2 consider the report on the status of its outputs for the current biennium (2018-2019) and the draft outputs for inclusion in the post-biennial agenda (document LEG 106/13/1).

# 14 Election of officers

No document

14.1 The Committee will be invited to elect its Chair and Vice-Chair for 2020, in accordance with its Rules of Procedure.

#### 15 Any other business

LEG 106/15	Georgia, Ukraine and ITF
LEG 106/15/1	ILO

15.1 The Committee will be invited to consider the issue of involvement of seafarers in criminal activities at sea and the violation of seafarers' rights to fair treatment in the event of their detention on suspicion of committing crimes related to maritime trade and transportation. In this regard, the Committee will also be invited to consider a proposal to establish a joint

IMO/ILO/ITF working group to develop guidelines and recommendations to address the issue. In this context, the Committee will also consider a commenting document submitted by ILO (documents LEG 106/15 and LEG 106/15/1).

# 16 Consideration of the report of the Committee on its 106th session

## LEG 106/WP.1

The draft report will be prepared by the Secretariat for consideration and adoption by the Committee.

\*\*\*

### **ANNEX 2**

# PROVISIONAL TIMETABLE

Date		Item	Working groups*
Wednesday, 27	1	Agenda	
March	2	Credentials	
	7	Measures to prevent unlawful practices associated with the fraudulent registration and fraudulent registries of ships	[WG 1]
	8	Regulatory scoping exercise and gap analysis of conventions emanating from the Legal Committee with respect to Maritime Autonomous Surface Ships (MASS)	[WG 2]
	3	Facilitation of the entry into force and harmonized interpretation of the 2010 HNS Protocol	
	4	Provision of financial security in case of abandonment of seafarers, and shipowners' responsibilities in respect of contractual claims for personal injury to, or death of seafarers, in light of the progress of amendments to the ILO Maritime Labour Convention, 2006	
	5	Fair treatment of seafarers in the event of a maritime accident	
	6	Advice and guidance in connection with the implementation of IMO instruments	
Thursday, 28 March	9	Piracy	
	10	Work of other IMO bodies	
	11	Technical cooperation activities related to maritime legislation	
	12	Status of conventions	
	13	Work programme	
	14	Election of officers	
	15	Any other business	
Friday, 29 March	[7 and 8] 16	[Reports of the working groups] Report of the Committee on its 106th session	

<sup>\*</sup>WG 1 Working Group on Measures to prevent unlawful practices associated with the fraudulent registration and fraudulent registries of ships.

WG 2 Working Group on Regulatory scoping exercise and gap analysis of conventions emanating from the Legal Committee with respect to Maritime Autonomous Surface Ships (MASS).