

**BAN THƯ KÝ IMO VIỆT NAM
VĂN PHÒNG IMO VIỆT NAM**

**CỘNG HOÀ XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập – Tự do – Hạnh phúc**

Số: 64 /BTK-VPIMOVN
V/v: Hướng dẫn về hiệu lực của các
sửa đổi Công ước SOLAS 1974 và
các Văn kiện bắt buộc có liên quan

Hà Nội, ngày 13 tháng 10 năm 2014

Kính gửi:

- Vụ Hợp tác Quốc tế (Bộ GTVT);
- Vụ Pháp chế (Bộ GTVT);
- Cục Đăng kiểm Việt Nam;
- Các Thành viên Ban Thư ký IMO Việt Nam.

Tổ chức Hàng hải Quốc tế (IMO) gửi các Quốc gia thành viên Thông tri số MSC.1/Circ.1481 ngày 11/06/2014 về “Hướng dẫn về hiệu lực của các sửa đổi Công ước SOLAS 1974 và các Văn kiện bắt buộc có liên quan”.

Tại kỳ họp lần thứ 93 của Ủy ban MSC đã thông qua “Hướng dẫn về hiệu lực của các sửa đổi Công ước SOLAS 1974 và các Văn kiện bắt buộc có liên quan” và yêu cầu các Quốc gia thành viên xem xét hướng dẫn để áp dụng. Toàn bộ nội dung có trong phần phụ lục của Thông tri.

Mục đích của thông tri nhằm nhắc nhở việc tuân thủ, ngoài ra có đưa ra một số qui định cụ thể nhằm thực thi nghiêm chỉnh các quy định về hiệu lực của các sửa đổi Công ước.

Văn phòng IMO Việt Nam xin gửi nguyên bản Thông tri MSC.1/Circ.1481 để Quý cơ quan, Quý thành viên xử lý theo thẩm quyền./.

Nơi nhận:

- Như trên;
- TTK - Thứ trưởng Nguyễn Văn Công (để b/c);
- Website CHHVN;
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MSC.1/Circ.1481
11 June 2014

**GUIDANCE ON ENTRY INTO FORCE OF AMENDMENTS TO THE 1974 SOLAS
CONVENTION AND RELATED MANDATORY INSTRUMENTS**

1 The Maritime Safety Committee (the Committee), at its ninety-third session (14 to 23 May 2014), reiterating the decision of MSC 59 related to the four-year cycle for the entry into force of amendments to the 1974 SOLAS Convention, reinstated the four-year cycle and, in this respect, approved the *Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments*, as set out in the annex.

2 Members are invited to take into account the annexed Guidance when considering the work arrangements of the Committee and its subsidiary bodies and when deciding on the entry-into-force date of amendments to the 1974 SOLAS Convention and related mandatory instruments.

ANNEX

GUIDANCE ON ENTRY INTO FORCE OF AMENDMENTS TO THE 1974 SOLAS CONVENTION AND RELATED MANDATORY INSTRUMENTS

1 Introduction

1.1 The Committee, at its ninety-second session, recalled that the four-year cycle for the entry into force of amendments to the 1974 SOLAS Convention had been agreed in the past by MSC 59 (MSC 59/33, paragraphs 26.1 to 26.7) allowing shorter periods under exceptional circumstances if, on the basis of experience, it was deemed necessary to do so in order to rectify a mistake or for any other compelling reason. The Committee noted, however, that this practice had been discontinued during recent years.

1.2 The Committee, at its ninety-third session, noting the work done intersessionally in relation to the process of amending the SOLAS Convention and related mandatory instruments, approved the present *Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments* (the Guidance).

1.3 The main objective of this Guidance is the implementation of a four-year cycle for the entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments, as described below.

2 Timeline for implementation

2.1 The Committee agreed that the first four-year cycle would commence on 1 January 2016 with a corresponding entry-into-force date of 1 January 2020. For the first four-year cycle, amendments after 1 July 2018 not adopted under conditions of exceptional circumstance, as described in paragraph 4.1 below, would enter into force not earlier than 1 January 2024.

2.2 Any amendment adopted in 2014 or 2015 would enter into force on a date as may be agreed by the Committee.

3 Four-year cycle of entry into force

3.1 Amendments to the 1974 SOLAS Convention, other than amendments to an article of the Convention or to chapter I of the annex to the Convention, should be developed bearing in mind a pre-defined four-year entry-into-force interval. Amendments outside this period should only be allowed under exceptional circumstances, as described in paragraph 4.1 below.

3.2 At the adoption stage, the Committee should agree on the date of entry into force of the amendments, taking into account the four-year cycle for entry into force, as described in paragraph 2.1 above. In doing so, the provisions of article VIII(b)(vi)(2) of the Convention related to the required acceptance period should be observed.

3.3 The minimum period defined in the Convention between adoption and entry into force of amendments is 18 months (i.e. one year for acceptance plus six months to enter into force). Therefore, amendments adopted less than 18 months before the end of a four-year cycle of entry into force should enter into force at the end of the next four-year cycle.

3.4 The four-year cycle of entry into force should not apply to those instruments which have an already agreed set cycle of amendment (e.g. IMDG and IMSBC Codes).

4 Exceptional circumstances

4.1 Notwithstanding the main objective of this Guidance, exceptional circumstances requiring expedited actions may occur. Such exceptional circumstances might be:

- .1 as a result of a serious casualty¹ or near miss that had the potential to cause a serious casualty where it is clear that similar incidents are likely to occur affecting a significant amount of the world fleet if no action were taken and either:
 - .1 the current SOLAS regulatory framework is inadequate to prevent a recurrence; or
 - .2 there is no current regulation to address the issue and a regulation is urgently required;

or

- .2 the need for amendments due to developments or changes in other regulatory regimes (e.g. those adopted by other international organizations) that cannot be addressed by any other means within the four-year cycle.

¹ Refer to the Revised harmonized reporting procedures – Reports required under SOLAS regulations I/21 and XI-1/16, and MARPOL articles 8 and 12 (MSC-MEPC.3/Circ.4).