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Agenda item 3

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**MONITORING THE IMPLEMENTATION OF THE HNS CONVENTION:
DEVELOPMENT OF A POSSIBLE DRAFT PROTOCOL TO THE CONVENTION**

Note by the Secretariat

The MSC, at its eighty-fifth session (26 November to 5 December 2008), pursuant to resolution MSC.268(85) (relevant extract attached at annex), adopted the International Maritime Solid Bulk Cargoes (IMSBC) Code, which supersedes the Code of Safe Practice for Solid Bulk Cargoes. Pursuant to the resolution, the Contracting Governments to SOLAS may apply the IMSBC Code, on a voluntary basis, as from 1 January 2009. The Code will take effect, on a mandatory basis, on 1 January 2011 upon the entry into force of amendments to chapters VI and VII of the Convention.

In view of this development, the Secretariat suggests that the Committee consider whether a reference to the IMSBC Code in article 1, paragraph 5(a)(vii) and in article 4, paragraph 3(b) of the HNS Convention should be inserted to replace the existing reference to the Code of Safe Practice for Solid Bulk Cargoes. If the Legal Committee decides to insert the new reference to the IMSBC Code, the following articles will be affected and will be amended as follows:

“Article 1

The articles should read as follows:

5(a)(vii) solid bulk materials possessing chemical hazards covered by ~~International Maritime Solid Bulk Cargoes Code the Code of Safe Practice for Solid Bulk Cargoes, 2004~~, as amended, to the extent that these substances are also subject to the provisions of the International Maritime Dangerous Goods Code ~~as amended in effect in 1996~~, when carried in packaged form; and

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“Article 4

3(b) to damage caused by a radioactive material of class 7 either in the International Maritime Dangerous Goods Code, as amended, or in ~~appendix B of the Code of Safe Practice for Solid Bulk Cargoes,~~ International Maritime Solid Bulk Cargoes Code, as amended.”

ANNEX

**RESOLUTION MSC.268(85)
(adopted on 4 December 2008)****ADOPTION OF THE INTERNATIONAL MARITIME
SOLID BULK CARGOES (IMSBC) CODE**

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

NOTING the adoption by the Committee of resolution MSC.193(79) on the Code of Safe Practice for Solid Bulk Cargoes, 2004,

RECOGNIZING the need to provide a mandatory application of the agreed international standards for the carriage of solid bulk cargoes by sea,

NOTING ALSO resolution MSC.269(85) by which it adopted amendments to chapters VI and VII of the International Convention for the Safety of Life at Sea (SOLAS) 1974, as amended (hereinafter referred to as "the Convention"), to make the provisions of the International Maritime Solid Bulk Cargoes (IMSBC) Code mandatory under the Convention,

HAVING CONSIDERED, at its eighty-fifth session, the text of the proposed International Maritime Solid Bulk Cargoes (IMSBC) Code,

1. ADOPTS the International Maritime Solid Bulk Cargoes (IMSBC) Code, the text of which is set out in the annex to the present resolution;
2. NOTES that, under the aforementioned amendments to chapter VI of the Convention, future amendments to the IMSBC Code shall be adopted, brought into force and shall take effect in accordance with the provisions of article VIII of the Convention concerning the amendments procedures applicable to the Annex to the Convention other than chapter I thereof;
3. INVITES Contracting Governments to the Convention to note that the IMSBC Code will take effect on 1 January 2011 upon entry into force of amendments to chapters VI and VII of the Convention;
4. AGREES that Contracting Governments to the Convention may apply the IMSBC Code in whole or in part on a voluntary basis as from 1 January 2009;
5. REQUESTS the Secretary-General to transmit certified copies of this resolution and its annex to all Contracting Governments to the Convention;

6. FURTHER REQUESTS the Secretary-General to transmit copies of this resolution and its annex to all Members of the Organization which are not Contracting Governments to the Convention;

7. RESOLVES that the annexed IMSBC Code supersedes the Code of Safe Practice for Solid Bulk Cargoes, 2004, adopted by resolution MSC.193(79).
