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ANY OTHER BUSINESS

Applicability of IMO Conventions to FPSOs and FSUs

Submitted by the International Transport Federation (ITF)

SUMMARY

Executive summary:	This document requests a clarification on the applicability of SOLAS and STCW Conventions and in particular the ISM Code to FPSOs and FSUs designed to be released from their moorings and operate under their own power
Action to be taken:	Paragraph 14
Related documents:	Resolution MEPC.139(53); Resolution MEPC.142(54); MEPC/Circ.406; MEPC 56/6/9; MEPC 56/WP.10; MSC 74/21/3; MSC 76/23; NAV 53/INF.2; ISM Code; SOLAS Convention and STCW Convention

Introduction

1 Since 2001 the Marine Environmental Protection Committee has worked on amendments to MARPOL Annex I to exempt Floating Production, Storage and Offloading Facilities (FPSOs) and Floating Storage Units (FSUs) from many of the requirements of an oil tanker as defined in chapter I regulation 1.

2 In the Annex to Resolution MEPC.139(53), adopted on 22 July 2005, in introducing the Guidelines issued as MEPC/Circ.406 the following was recorded.

- MEPC at its forty-ninth session noted the complex issues involved in applying the MARPOL Annex I to FPSOs and FSUs, whose arrangements, functions and operations fall under the over-riding control of coastal States.
- FPSOs and FSUs are a form of floating platform and do not lie within the definition of oil tanker in regulation 1.5 of revised MARPOL Annex I.
- The Committee noted that the environmental hazards associated with the quantities of produced oil stored on board operational FPSOs and FSUs are similar to some of the hazards related to oil tankers.

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3 At the fifty-sixth session of the Marine Environment Protection Committee, in reply to the ICFTU document MEPC 56/6/9, confirmed that article 2 of the MARPOL Convention on the definition of a ship was applicable, for the purposes of the (MARPOL) Convention, to FPSOs and FSUs, (MEPC 56/WP.10, paragraph 6.50). This could be taken to mean that companies cannot just consider the vessel as a production platform and take fully into consideration its operational requirements as a ship.

4 Following a document by Australia MSC 74/21/3 proposing the development of international requirements for the design, construction, survey and operation of FPSOs and FSUs, the seventy-fourth session of the Maritime Safety Committee (MSC) forwarded the matter to the Bulk Liquid and Gases (BLG) Sub-Committee for consideration. Based on advice from the Bulk Liquid and Gases Sub-Committee, the seventy-sixth session of the Maritime Safety Committee decided in its report MSC 76/23, 'for the time being' it was not necessary to apply mandatory IMO instruments to address safety related issues for FPSOs and FSUs as the existing safety regime was adequate.

Discussion

5 In the debate at BLG 11 the status of the FPSOs and FSUs as a ship was unclear and dependent on the different definitions of a ship, the application of other IMO Conventions e.g. the STCW, SOLAS and ISM Code was questionable. This is particularly relevant where these vessels have the provision to disconnect their moorings in an emergency and in extreme weather conditions operate under its own power, possibly to transit into international waters.

6 It appears that in the views of some administrations, whilst these vessels must be capable, and regularly required, to operate as a ship they are exempt from all the IMO safety conventions. This is particularly problematic where the interface between production and maritime requirements are not easily defined and maritime crew, without being part of the vessel management process, are expected to assume full responsibility with little notice.

7 Recent incidents have exposed the dangers that this lack of clarity and good operating practice permits and in one case it came close to allowing 12,000 tonnes of crude to pollute the shoreline. This particular vessels had been released five times in one year, had excessive hull growth due to the lack of docking and an engine that had been de-rated and unsuitable to deal with the prevailing weather conditions.

8 It is becoming common practice for oil production companies to totally exclude the master and chief engineer (designated) from any management process and increasingly operators give little consideration to the normal maritime minimum competency or operational requirements of crews that are integrated into the production process.

9 In a recent study, conducted by DNV and submitted by Brazil to the fifty-third Sub-Committee on Safety of Navigation NAV 53/INF.2, they expressed concerns that with the development of offshore oilfields, ever greater numbers of FSUs, FPSOs and other exploration vessels and increased density of traffic, the risk and probability of collisions and accidents are substantially increased.

10 This danger can only be exacerbated by a vessel released from its mooring, poorly prepared, inadequately manned and without the maintenance to ensure a safe passage clear of extreme weather conditions.

Summary

11 We are of the view that any FPSO or FSU, capable and required to operate as a ship, and defined as a ship under MARPOL Article 2 should also be in compliance with the requirements of the ISM Code and the minimum requirements of the STCW Convention. We do not believe that the exemptions in regulation 4 of SOLAS should apply and at all times they should be able to show compliance with the relevant IMO Conventions.

12 It would seem only realistic that where the master and crew are expected to take on the responsibilities of operating a vessel in what is usually a dangerous situation they must at all times have primary input into the maintenance and operating requirements for every eventuality, as prescribed in the ISM Code.

13 The provisions within the SOLAS, STCW Convention and the ISM Code have been evolved out of industry concerns and past maritime disasters and we believe they are no less relevant for large vessels, full of oil, capable of operating under their own power in both national and international waters.

Action requested of the Committee

14 The Committee is invited to consider the outcome of MEPC 56 and reconsider the decision of MSC 76 to establish safety criteria for FPSOs and FSUs at all times, whether moored or detached from the mooring and under its own power, compatible to, or with direct application of the relevant IMO safety conventions.
