



SUB-COMMITTEE ON FLAG STATE  
IMPLEMENTATION  
16th session  
Agenda item 14

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## REVIEW OF THE CODE FOR THE IMPLEMENTATION OF MANDATORY IMO INSTRUMENTS

### Applicability of IMO Conventions to FPSOs and FSUs

Submitted by the International Transport Workers' Federation (ITF)

#### SUMMARY

<b>Executive summary:</b>	This document requests a clarification on the applicability of the SOLAS Convention and the ISM Code to FPSOs and FSUs designed to be released from their moorings and operate under their own power
<b>Strategic Direction:</b>	2
<b>High-Level Action:</b>	2.1.1
<b>Planned Output:</b>	2.1.1.5
<b>Action to be taken:</b>	Paragraph 19
<b>Related documents:</b>	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; MSC 83/27/8; MSC 83/28; STW 39/11/8; STW 39/12; ISM Code and STCW and SOLAS Conventions

#### Introduction

1 Since 2001, the Marine Environment Protection Committee (MEPC) has worked on amendments to Annex I of MARPOL to exempt floating production, storage and offloading facilities (FPSOs) and floating storage units (FSUs) from many of the requirements applicable to an oil tanker as defined in regulation 1 of Annex I of MARPOL.

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:

- .1 MEPC 49 noted the complex issues involved in applying Annex I of MARPOL to FPSOs and FSUs, the arrangements, functions and operations of which fall under the over-riding control of coastal States;

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- .2 FPSOs and FSUs are a form of floating platform and do not fall under the definition of oil tanker in regulation 1.5 of the revised Annex I of MARPOL; and
- .3 the MEPC 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.

3 At MEPC 56, in reply to document MEPC 56/6/9 (ICFTU), it was confirmed that article 2 of MARPOL on the definition of a ship was applicable, for the purposes of the 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 the proposal by Australia (MSC 74/21/3) to develop international requirements for the design, construction, survey and operation of FPSOs and FSUs, the Maritime Safety Committee (MSC), at its seventy-fourth session, forwarded the matter to the Sub-Committee on Bulk Liquid and Gases (BLG) for consideration. Based on the BLG's advice, MSC 76 decided that, 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 (MSC 76/23, paragraph 10.3).

5 MSC 83 considered the proposal by ITF (MSC 83/27/8) that, in light of MEPC 56's decision confirming that article 2 of the MARPOL Convention (definition of a ship) was applicable for the purposes of the MARPOL Convention to FPSOs and FSUs, the Committee should reconsider the above-mentioned MSC 76's decision.

6 While there was wide support for developing adequate safety criteria for FPSOs and FSUs, it was recognized that these criteria should not prejudice the rights of the coastal State. Accordingly, the Committee agreed to forward document MSC 83/27/8 (ITF) to FSI 16 and STW 39 for consideration and advice to MSC 85 on the applicability of IMO conventions to FPSOs and FSUs, before establishing any new work programme item for the sub-committees.

7 The Sub-Committee on Standards of Training and Watchkeeping, at its thirty-ninth session, agreed that requirements of the STCW Convention applied to releasable FPSOs and FSUs when they were underway and invited MSC 85 to take this into account when deciding on safety criteria for FPSOs and FSUs (STW 39/12, paragraph 11.35).

## **Discussion**

8 The status of FPSOs and FSUs as ships is particularly relevant where these vessels have the provision to disconnect their moorings in an emergency and in extreme weather conditions, to operate under their own power and, possibly, to transit into international waters.

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

10 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 oil to pollute the shoreline. This particular vessel 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.

11 Some Administrations have amended their Petroleum Act (or equivalent) so that their Navigation Act (or equivalent) no longer applies to FPSOs or FSUs whilst moored on location. However, when they disconnect, the Navigation Act does apply and the designated master and chief engineer must bear the statutory responsibility. In fact, the safety case for these vessels requires them to be able to disconnect and to flee a cyclone under their own propulsion.

12 Increasingly, the master and chief engineer will operate as process maintenance technicians totally outside the management team with a decreasing number of other maritime qualified technicians. This management team will make all the decisions which are usually under the responsibility of a master and chief engineer whilst moored on location.

13 When a cyclone strikes, the management team will divest themselves of all responsibilities to the technicians designated as the master and the chief engineer, thus inverting the job structure in an emergency. This clearly requires the competency and gives the responsibility to these technicians without the authority to rectify problems regarding machinery or seaworthiness.

14 This clearly does not comply with sections A-II/2 and A-III/2 of the STCW Code or the provisions of SOLAS chapter IX and, given that these vessels are required to flee a cyclone or extreme weather under their own power, gives scant regard to a safety management system, as defined in the International Safety Management Code (ISM Code).

15 Increasingly, the oil production industry is giving little consideration to the normal maritime minimum competency or operational requirements of crews that are integrated into the production process and have reduced qualified marine crew on these vessels. These matters have been addressed at some length for special offshore vessels such as the provisions within the Mobile Offshore Drilling Unit Code (MODU Code) but are totally absent in respect of FPSOs and FSUs. Guidance from the oil production industry seems inadequate or largely ineffective.

## **Summary**

16 ITF is of the view that any FPSO or FSU, capable and required to operate as a ship, and defined as a ship under article 2 of MARPOL, should also be in compliance with the minimum requirements of the STCW Convention and should be able, at all times, to show compliance with the relevant IMO instruments, in particular, the ISM Code.

17 It would only seem 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.

18 The provisions of the STCW Convention and the ISM Code are no less relevant for these large vessels which are full of oil and capable of operating under their own power in both national and international waters.

**Action requested of the Sub-Committee**

19 The Sub-Committee is invited to recommend the reconsideration of the decision of MSC 76 in order to establish safety criteria for FPSOs and FSUs at all times, taking particular note of the applicability of the SOLAS and STCW Conventions and the ISM Code to FPSOs and FSUs.

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