



MARITIME SAFETY COMMITTEE
85th session
Agenda item 5

MSC 85/WP.5
3 December 2008
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GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS**Report of the Working Group – Part 1**

1 The Working Group on Goal-based New Ship Construction Standards (GBS) met from 27 November to 3 December 2008 under the chairmanship of Capt. P. Little (United States) and was attended by representatives from the following Member Governments:

ARGENTINA	NETHERLANDS
AUSTRALIA	NORWAY
BAHAMAS	PANAMA
BRAZIL	PHILIPPINES
CANADA	POLAND
CHINA	REPUBLIC OF KOREA
CYPRUS	RUSSIAN FEDERATION
DENMARK	SINGAPORE
FINLAND	SOUTH AFRICA
FRANCE	SPAIN
GERMANY	SWEDEN
GREECE	THAILAND
INDIA	TURKEY
IRAN (ISLAMIC REPUBLIC OF)	UKRAINE
ITALY	UNITED KINGDOM
JAPAN	UNITED STATES
MALTA	VENEZUELA (BOLIVARIAN
MARSHALL ISLANDS	REPUBLIC OF)

observers from the following intergovernmental organization:

EUROPEAN COMMISSION (EC)

and observers from the following non-governmental organizations:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL TRANSPORT WORKERS' FEDERATION (ITF)

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BIMCO
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
COMMUNITY OF EUROPEAN SHIPYARDS' ASSOCIATIONS (CESA)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS
(INTERTANKO)
THE INSTITUTE OF MARINE ENGINEERING, SCIENCE AND TECHNOLOGY
(IMarEST)
THE ROYAL INSTITUTION OF NAVAL ARCHITECTS (RINA)

Terms of reference

2 The working group was instructed, taking into account comments, proposals and decisions made in plenary, to:

- .1 finalize the draft SOLAS amendments to make the GBS for bulk carriers and oil tankers mandatory, on the basis of document MSC 85/5 (annex 1), taking into account document MSC 85/5/4 and MSC 85/5/5;
- .2 finalize the draft International goal-based new ship construction standards for bulk carriers and oil tankers on the basis of document MSC 85/5 (annex 2), taking into account documents MSC 85/5/1 (annex 3), MSC 85/5/6 and MSC 85/5/8;
- .3 finalize the draft Guidelines for the information to be included in a Ship Construction File, on the basis of document MSC 85/5 (annex 3), taking into account documents MSC 85/5/5 and MSC 85/5/8 and the recommendations of the Pilot Panel (MSC 85/5/1);
- .4 finalize the draft Guidelines for the verification of compliance with goal-based new ship construction standards for bulk carriers and oil tankers, on the basis of the report of the Pilot Panel (MSC 85/5/1, annex 1), taking into account document MSC 85/5/7 and prepare an associated draft MSC resolution;
- .5 consider the resource implications of the conduct of the verification process, in particular the financing of the GoE, taking into account documents MSC 85/WP.3, MSC 85/5/1 and MSC 83/5/4, as well as the use of self-assessment as an alternate verification process, and prepare relevant proposals for the consideration of the Committee;
- .6 consider the possible need for amendments to other IMO instruments following the eventual adoption of the GBS for bulk carriers and oil tankers, taking into account document MSC 84/5/1, and advise the Committee accordingly; and
- .7 submit a written report to plenary on Thursday, 4 December 2008.

SOLAS amendments to make the GBS for bulk carriers and oil tankers mandatory

3 As instructed, the group considered the draft SOLAS amendments to make the GBS for bulk carriers and oil tankers mandatory, on the basis of document MSC 85/5 (annex 1), taking into account documents MSC 85/5/4 and MSC 85/5/5.

4 The Group considered a proposal from Japan for modifications to the draft SOLAS amendments (MSC 85/5/4) and agreed in general to several principles as follows:

- .1 while GBS represented “rules for rules”, the regulations in SOLAS would apply to ships;
- .2 the implementation schedule for the amendments should provide sufficient time for preparation of submission packages, review of the rules by the Group of Experts, amendment of rules if such a need is identified during the verification process, and the subsequent modification of designs; and
- .3 the need for the Organization to review progress made with regard to the verification in 2012 and to take action as appropriate.

5 A strong majority of the group agreed to the implementation timeframe as proposed by Japan (MSC 85/5/4, annex), noting that such a time frame was needed to accommodate uncertainties associated with the number of rules to be submitted, availability of experts, and length of time needed to conduct the verification.

6 Some delegations were of the view that a shorter timeframe should be adopted to expedite implementation.

7 The Group noted that the agreed implementation timeframe presumed approval of amendments at MSC 85 and may require revision if the amendments are approved at a later session.

8 Regarding the applicability thresholds, the delegation of Germany proposed to refer to the definitions of bulk carrier and oil tanker used in other instruments of the Organization since this would take into consideration the safety and environmental risks associated with these types of ships. However, the majority of the group did not support the proposal.

9 Regarding the applicability thresholds, the group agreed it was reasonable to limit the application of requirements at this time (see draft SOLAS regulation II-1/3-10.1 in annex 1) to keep the implementation process manageable and allow the Organization to gain experience with conducting the verification process. An application that was too broad could potentially overwhelm available resources. The inclusion of a broader scope could be considered at a later date.

10 The Group considered proposals from CESA regarding the Ship Construction File (SCF) (MSC 85/5/5). The group accepted the proposal pertaining to the maintenance of the SCF. However, the majority of the group agreed that the Ship Construction File should be kept aboard the ship and did not accept the proposal from CESA to keep it ashore only.

11 The group agreed to introduce issues pertaining to intellectual property rights, updates associated with change of registry, storage, and availability to the Administration, recognized organization and company in the Guidelines for the information to be included in a Ship Construction File, but not in the draft SOLAS amendments.

12 The group developed draft text of amendments to SOLAS to make GBS for bulk carriers and oil tankers mandatory, as set out in annex 1. A slight majority of the group agreed that the SOLAS amendments for GBS should not be considered for approval at this session unless uncertainties associated with the process, resources, efficiency and viability were resolved.

Other delegations suggested it was important to get the amendments and functional requirements approved at this session to establish the appropriate standards, and that the details could be resolved at subsequent sessions of MSC.

International goal-based ship construction standards for bulk carriers and oil tankers

13 As instructed, the group considered the draft International goal-based ship construction standards for bulk carriers and oil tankers, on the basis of document MSC 85/5 (annex 2), taking into account documents MSC 85/5/1 (annex 3), MSC 85/5/6 and MSC 85/5/8.

14 The group considered the Pilot Panel proposal (MSC 85/5/1) to modify the functional requirement for structural strength and agreed to changes as shown in annex 2.

15 The group also considered the proposals from the Pilot Panel (MSC 85/5/1), Japan (MSC 85/5/6), and the Republic of Korea (MSC 85/5/8) concerning the definition of “net scantlings” and the majority of the group agreed to the revised text shown in annex 2.

16 The delegation of Greece, supported by a few delegations, stated that they would prefer the definition agreed at MSC 83 or, even better, the definition agreed by the Pilot Panel. It was the understanding of the Greek delegation that a definition linked directly to the IACS CSR definition of net scantlings was not appropriate to be used in this context.

17 Although the Committee previously made a decision on the liability of the GBS scheme as noted in paragraph 6.36 of the report of MSC 81 (document MSC 81/25), some members of the group requested an updated legal opinion based on the more mature understanding of GBS and the verification process that is currently available.

18 The group had extensive discussion on whether the rules of a national administration would be subject to verification under GBS. Some members noted that such rules should be included since this could create a gap in the GBS coverage. Other delegations noted that the verification of national rules should be left to the responsibility of individual Administrations and not be conducted by the Organization. The majority of the group agreed that verification of national rules should only apply in cases as allowed under SOLAS regulation II-1/3-1 to eliminate the gap in coverage for the requirements.

19 The group developed the draft text of the International goal-based ship construction standards for bulk carriers and oil tankers, as set out in annex 2.

Guidelines for the verification of compliance with goal-based ship construction standards for bulk carriers and oil tankers

20 As instructed, the group considered the Guidelines for the verification of compliance with goal-based ship construction standards for bulk carriers and oil tankers as set out in annex 1 of the report of the Pilot Panel (MSC 85/5/1), taking into account document MSC 85/5/7 (Japan, CESA).

21 The group had an extensive discussion on the coverage of functional requirements that may not be covered by the rules submitted by a recognized organization and the majority agreed that the structural requirements covered by the Standards were a fundamental building block of GBS and that the recognized organization was expected to submit a documentation package that addressed all functional requirements. However, the group agreed that there was no need to verify a functional requirement that was covered by IMO instruments.

22 The group had extensive discussions on Part A of the Guidelines (Verification process), but was unable to finalize the text. However, the group agreed that a working model of the verification process was needed to support further discussions on the viability, efficiency and resource needs of the verification process as outlined in document MSC 85/5/1. Accordingly, the Group developed the draft text of Part A of the Guidelines, as set out in annex 3, and identified specific areas that require further development and refinement, as follows:

- .1 The relationship between information submitted with the Submitter's documentation package and the recognized organization's quality management system.
- .2 Interim approval of the rules as per paragraph 11 of Part A of the Guidelines. Some delegations noted that it would be unfair to delay final verification of rules until the next meeting of the Maritime Safety Committee (MSC). Other delegations noted it was inappropriate to presume MSC confirmation and that interim approval could cause significant problems if rules applied on an interim basis are not subsequently approved. Regardless, the group noted it was important that ample resources be provided to ensure a prompt response and left the relevant draft text in square brackets for further consideration.
- .3 The relationship between submission of the Group of Experts' report to the MSC and the Organization's document submission procedures.
- .4 The current draft text of the Guidelines should be developed further with regard to the description of periodic rule verification.
- .5 There are no provisions to allow a recognized organization to request a subsequent partial verification in the event the rules change after initial verification.
- .6 The draft text needs to be made consistent with the International goal-based ship construction standards for bulk carriers and oil tankers, namely that the process only applies to the rules of a national administration if they are submitted as equivalent to rules of recognized organization under the provisions of SOLAS regulation II-1/3-1.
- .7 The issue of whether or not members of Groups of Experts might be allowed to consult outside the Group.

23 Regarding appeals of decisions of the Group of Experts, the group agreed that the process should be limited to allowing reconsideration of the recommendation of the Group of Experts, based on the documentation provided by the Submitter, and that appeals should not be used as a means to resubmit new information to an alternate smaller Group of Experts, i.e. the Appeal Board.

24 The group noted that, as proposed by the Pilot Panel, it was anticipated that each expert selected by the Secretary-General would address all functional requirements in the verification process.

25 The group agreed that a three-year limit on membership of a Group of Experts was too restrictive with respect to resources and agreed to remove the limitation. The group agreed that the Group of Experts should consist of 7 to 9 members, depending on the complexity of the submission, and included a provision to allow the Secretary-General to establish smaller Groups

of Experts to consider rule changes or serve as Appeal Boards. Additionally, the majority of the group agreed that a 2/3 majority of the experts should be required for a recommendation to the MSC to ensure it was widely supported. For clarity, a Group of Experts with 7 members would require 5 members to recommend verification, while a Group of Experts with 8 or 9 members would require 6 members each to recommend verification.

26 A majority of the group preferred that the confidentiality agreement to be signed by the members of the Group of Experts (see paragraph 21 of Part A of the Guidelines) be similar in format and scope to that used for the GESAMP group as indicated in annex 2 of document MSC 85/5/2. The group agreed that the Submitter should clearly indicate any confidential and/or proprietary information submitted with the documentation package. However, some delegations noted that this should not be interpreted as restricting in any way the fulfilment of the duties of the experts.

27 The group finalized the provisions of Part B (Information and documentation requirements and evaluation criteria) of the Guidelines as shown in annex 3.

28 The group considered the changes to Tier III.10, Design transparency, proposed by Japan and CESA (MSC 85/5/7) and had an extensive discussion on the merits of the proposals. The group agreed to modify the relevant statement of intent to include the consideration of intellectual property rights as proposed. However, the group did not support the addition of specific information and documentation requirements and evaluation criteria pertaining to intellectual property rights.

29 The majority of the group agreed that, since the purpose of GBS was to ensure ships are safe and environmentally friendly, it was not reasonable to include evaluation criteria pertaining to intellectual property rights and that such consideration was outside the remit of the Organization.

30 The observer from CESA, supported by several other delegations, did not agree with this view of the group and stated that intellectual property rights should be considered as an integral part of the GBS for bulk carriers and oil tankers.

31 While finalizing the text of Part B, the Group agreed to leave the text of paragraphs 10.2.1.1 to 10.2.1.7 in square brackets pending finalization of the Ship Construction File so as to avoid potential duplication of requirements.

32 The delegation of Germany requested that the Organization conduct a legal review of the provisions of 10.2.3.

33 The observer from OCIMF expressed concern that IACS Recommendation No.34, which is the de facto industry standard for application of North Atlantic environmental conditions to the design of tankers and bulk carriers, was not included by the Pilot Panel in the evaluation criteria. OCIMF recommended that the Organization considers the need to establish more detailed criteria to establish a baseline for acceptable environmental criteria under III.2. The majority of the group did not support to include a reference to IACS Recommendation No.34 in the Guidelines.

Guidelines for the information to be included in a Ship Construction File

34 As instructed, the group considered the draft Guidelines for the information to be included in a Ship Construction File on the basis of document MSC 85/5 (annex 3), taking into

account documents MSC 85/5/5 and MSC 85/5/8 and the recommendations of the Pilot Panel (MSC 85/5/1).

35 The results of the group's discussion will be included in part 2 of the report of the group which will be submitted to MSC 86 by the Chairman of the group.

Resource implications of the conduct of the verification process

36 As instructed, the Group started considering potential resource implications of the verification process while discussing the draft SOLAS amendments, the draft International goal-based ship construction standards for bulk carriers and oil tankers, and the draft Guidelines for the verification of compliance of GBS, but did not reach any conclusions nor develop any recommendations due to time constraints. This matter will be addressed further in part 2 of the report of the group.

37 The delegation of Sweden stated that they supported the development GBS for ship structures and believed that the establishment of IMO requirements for structural safety will be a huge step towards IMO coverage of all safety aspects, but that some parts of the functional requirements were too prescriptive and did not directly relate to safety goals. In Sweden's view, the focus of IMO GBS should be to foster a more proactive approach where targets were set for more detailed requirements and standards, creating the possibility to monitor their effectiveness. Structural rules had been developed by private organisations for more than a century without any political interference. Although this had worked satisfactorily, there may be situations where the rules were not sufficient to fulfil safety targets. The GBS scheme enabled IMO to address such shortfalls. Detailed guidelines that describe what should be documented and evaluated by rule developers to comply with GBS (as in Part B of the Guidelines), combined with a self-assessment, would probably cover 99% of what needed to be achieved. In the rare cases when a self-assessment was considered to be insufficient, IMO could take action as needed, which could include assessment by a Group of Experts. New IMO procedures should not be implemented if they were expensive and cumbersome, inhibited future rule development, impacted on responsibility for the rules and hindered further expansion of GBS to other ship types and other areas of safety. Instead, rule developers should be provided with clear instructions of what their rules should achieve and a transparent process for their justification and verification should be required. At this stage Sweden considered a detailed self-assessment presented to IMO as the most effective way forward. Since the proposed SOLAS amendments did not specify a verification procedure, the amendments should be finalized and the verification process reconsidered at a future session, based on the experience gained from the Pilot Panel. The intervention from Sweden was supported by several delegations.

38 Several delegations strongly disagreed with the intervention by Sweden because a proper verification of the rules submitted requires a thorough check of the methodology, assumptions and key parameters. In order for the verification to be credible, it must be performed independent of the author of the rules and by appropriately qualified and skilled experts, otherwise it would simply be a paperwork exercise.

39 The group noted that no specific proposal had been submitted that would help members of the group to understand how an alternate verification scheme based primarily on self-assessment would be established or implemented. As a result, the group was unable to consider the alternate verification scheme suggested by Sweden further at this session.

Possible need for amendments to other IMO instruments

40 Due to time constraints the group had not been able to consider the possible need for amendments to other IMO instruments following the finalization of the GBS for bulk carriers and oil tankers.

Timing of further work

41 The group, recalling that MSC 84 had agreed that MSC 86 should deal with the finalization of the generic guidelines for developing goal-based standards, the development of a plan to validate the results from the safety level concept and the consideration of the long-term implementation of GBS, agreed to recommend to the Committee to re-schedule the activities planned for MSC 86 so that the Verification Guidelines, the provisions for the Ship Construction File and the outcome of the discussion on resources for the verification process could be considered and finalized by a working group at that session with a view to be approved together with the SOLAS amendments to be adopted.

42 The group recommends that the Committee invite Member Governments and international organizations to submit proposals to MSC 86 with a view towards finalizing the GBS for bulk carriers and oil tankers. In particular, submissions should address:

- .1 finalization of Part A of the Guidelines for the verification of compliance with goal-based ship construction standards for bulk carriers and oil tankers (MSC 85/WP.5, annex 3), taking into account the discussions of the working group as noted in paragraphs 15 to 25 of this report;
- .2 finalization of the Guidelines for the information to be included in a Ship Construction File (MSC 85/WP.5/Add.1); and
- .3 development of an alternative verification process based on self-assessment only, taking into account the comments in paragraph 29 of this report.

Action requested of the Committee

43 The Committee is invited to approve the report in general and take action as appropriate, in particular to:

- .1 consider the draft SOLAS amendments to make the GBS for bulk carriers and oil tankers mandatory and take action as appropriate (annex 1 and paragraphs 3 to 12);
- .2 consider the draft International goal-based ship construction standards for bulk carriers and oil tankers and take action as appropriate (annex 2, contained in MSC 85/WP.5/Add.1, and paragraphs 13 to 19);
- .3 consider the progress made with the Guidelines for the verification of compliance with goal-based ship construction standards for bulk carriers and oil tankers and take action as appropriate (annex 3, contained in MSC 85/WP.5/Add.1, and paragraphs 20 to 33);
- .4 note that due to time constraints the group was not able to conclude the Guidelines for the information to be included in a Ship Construction File and resource implications of the verification process by the time this report was prepared and

that part 2 of the report of the group concerning these issues will be prepared after the meeting by the Chairman of the group and submitted to MSC 86 (paragraph 35);

- .5 note the views expressed by the group regarding an alternate approach to verification (paragraphs 37 to 39);
- .6 note that due to time constraints the group had not been able to consider the possible need for amendments to other IMO instruments following the finalization of the GBS for bulk carriers and oil tankers (paragraph 40);
- .7 consider the recommendation of the group to reschedule the GBS related activities at MSC 86 (paragraph 41); and
- .8 invite Member Governments and international organizations to submit proposals to MSC 86 as described in paragraph 42.

ANNEX 1**DRAFT MSC RESOLUTION****ADOPTION OF AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, AS AMENDED**

THE MARITIME SAFETY COMMITTEE,

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

RECALLING FURTHER article VIII(b) of the International Convention for the Safety of Life at Sea (SOLAS), 1974 (hereinafter referred to as “the Convention”), concerning the amendment procedure applicable to the Annex to the Convention, other than to the provisions of chapter I thereof,

RECALLING ALSO that among the strategic directions of the Organization relating to developing and maintaining a comprehensive framework for safe, secure, efficient and environmentally sound shipping is the establishment of goal-based standards for the design and construction of new ships,

CONSIDERING that ships should be designed and constructed for a specified design life to be safe and environmentally friendly, so that, if properly operated and maintained under specified operating and environmental conditions, they can remain safe throughout their service life,

HAVING CONSIDERED, at its [...] session, amendments to the Convention, proposed and circulated in accordance with article VIII(b)(i) thereof,

1. ADOPTS, in accordance with article VIII(b)(iv) of the Convention, amendments to the Convention, the text of which is set out in the Annex to the present resolution;
2. DETERMINES, in accordance with article VIII(b)(vi)(2)(bb) of the Convention, that the said amendments shall be deemed to have been accepted on [], unless, prior to that date, more than one third of the Contracting Governments to the Convention or Contracting Governments the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world’s merchant fleet, have notified their objections to the amendments;
3. INVITES SOLAS Contracting Governments to note that, in accordance with article VIII(b)(vii)(2) of the Convention the amendments shall enter into force on [...] upon their acceptance in accordance with paragraph 2 above;
4. REQUESTS the Secretary-General, in conformity with article VIII(b)(v) of the Convention, to transmit certified copies of the present resolution and the text of the amendments contained in the Annex to all Contracting Governments to the Convention;
5. FURTHER REQUESTS the Secretary-General to transmit copies of this resolution and its Annex to Members of the Organization which are not Contracting Governments to the Convention;

6. RESOLVES to review the progress towards the implementation of SOLAS regulation II-1/3-10 in 2012 and, if proven necessary, to adjust the time periods set forth in paragraph 1 of the regulation.

ANNEX

**CHAPTER II-1
CONSTRUCTION – STRUCTURE, SUBDIVISION AND STABILITY,
MACHINERY AND ELECTRICAL INSTALLATIONS**

**PART A
GENERAL**

Regulation 2 – Definitions

1 The following new paragraph 27 is added after existing paragraph 26:

“27 *Goal-based ship construction standards for bulk carriers and oil tankers* means the *International Goal-based Ship Construction Standards for Bulk Carriers and Oil Tankers* adopted by the Maritime Safety Committee by resolution MSC....(...), as may be amended by the Organization, provided that such amendments are adopted, brought into force and take effect in accordance with the provisions of article VIII of the present Convention concerning the amendment procedures applicable to the annex other than chapter I thereof.”

**PART A-1
STRUCTURE OF SHIPS**

2 The following new regulation II-1/3-10 is added after existing regulation II-1/3-9:

“Regulation 3-10

Goal-based ship construction standards for bulk carriers and oil tankers

1 This regulation shall apply to oil tankers of 150 m in length and above and to bulk carriers of 150 m in length and above, constructed with single deck, top-side tanks and hopper side tanks in cargo spaces, excluding ore carriers and combination carriers:

- .1 for which the building contract is placed on or after 1 January 2015;
- .2 in the absence of a building contract, the keels of which are laid or which are at a similar stage of construction on or after 1 January 2016; or
- .3 the delivery of which is on or after 1 January 2019.

2 Ships shall be designed and constructed for a specified design life to be safe and environmentally friendly, when properly operated and maintained under the specified operating and environmental conditions, in intact and specified damage conditions, throughout their life.

- .1 Safe and environmentally friendly means the ship shall have adequate strength, integrity and stability to minimize the risk of loss of the ship or pollution to the marine environment due to structural failure, including collapse, resulting in flooding or loss of watertight integrity.

- .2 Environmentally friendly also includes the ship being constructed of materials for environmentally acceptable recycling.
- .3 Safety also includes the ship's structure, fittings and arrangements providing for safe access, escape, inspection and proper maintenance and facilitating safe operation.
- .4 Specified operating and environmental conditions are defined by the intended operating area for the ship throughout its life and cover the conditions, including intermediate conditions, arising from cargo and ballast operations in port, waterways and at sea.
- .5 Specified design life is the nominal period that the ship is assumed to be exposed to operating and/or environmental conditions and/or the corrosive environment and is used for selecting appropriate ship design parameters. However, the ship's actual service life may be longer or shorter depending on the actual operating conditions and maintenance of the ship throughout its life cycle.

3 The requirement of paragraph 2 shall be achieved through satisfying applicable structural requirements of a recognized organization or national standards of the Administration complying with the functional requirements of the goal-based ship construction standards for bulk carriers and oil tankers.

4 A Ship Construction File with specific information on how the functional requirements of the goal-based ship construction standards for bulk carriers and oil tankers have been applied in the ship design and construction shall be provided upon delivery of a new ship, and kept on board the ship and updated as appropriate throughout its service. The contents of the Ship Construction File shall be at least equivalent to the framework developed by the Organization.*

* *Refer to MSC.1/Circ.[...] on Guidelines for the information to be included in a Ship Construction File.*"

[annexes 2 and 3 are included in document MSC 85/WP.5/Add.1]
