

ANNEX 4

**RESOLUTION MSC.405(96)
(adopted on 19 May 2016)**

**AMENDMENTS TO THE INTERNATIONAL CODE ON THE ENHANCED PROGRAMME
OF INSPECTIONS DURING SURVEYS OF BULK CARRIERS AND OIL TANKERS, 2011
(2011 ESP CODE)**

THE MARITIME SAFETY COMMITTEE,

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

NOTING resolution A.1049(27), by which the Assembly adopted the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 ("the 2011 ESP Code"), which has become mandatory under chapter XI-1 of the International Convention for the Safety of Life at Sea, 1974 ("the Convention"),

NOTING ALSO article VIII(b) and regulation XI-1/2 of the Convention concerning the procedure for amending the 2011 ESP Code,

HAVING CONSIDERED, at its ninety-sixth session, amendments to the 2011 ESP Code proposed and circulated in accordance with article VIII(b)(i) of the Convention,

1 ADOPTS, in accordance with article VIII(b)(iv) of the Convention, amendments to the 2011 ESP Code 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 1 July 2017 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 the Secretary-General of their objections to the amendments;

3 INVITES Contracting Governments to the Convention to note that, in accordance with article VIII(b)(vii)(2) of the Convention, the amendments shall enter into force on 1 January 2018 upon their acceptance in accordance with paragraph 2 above;

4 REQUESTS the Secretary-General, for the purposes of 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 REQUESTS ALSO 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.

ANNEX

**AMENDMENTS TO THE INTERNATIONAL CODE ON THE ENHANCED PROGRAMME
OF INSPECTIONS DURING SURVEYS OF BULK CARRIERS AND OIL TANKERS, 2011
(2011 ESP CODE)**

ANNEX A

**CODE ON THE ENHANCED PROGRAMME OF INSPECTIONS DURING SURVEYS OF
BULK CARRIERS**

Part A

**CODE ON THE ENHANCED PROGRAMME OF INSPECTIONS DURING SURVEYS OF
BULK CARRIERS HAVING SINGLE-SIDE SKIN CONSTRUCTION**

1 In paragraph 4.2.1.3, the words "hard protective" are inserted after the words "When such breakdown of".

2 Paragraph 5.2.2 is replaced with the following text:

"5.2.2 In order to enable the attending surveyors to carry out the survey, provisions for proper and safe access should be agreed between the owner and the Administration, based on recommendations developed by the Organization.³

³ Refer to the *Revised recommendations for entering enclosed spaces aboard ships*, adopted by the Organization by resolution A.1050(27)."

3 Paragraph 5.2.9 is replaced with the following text:

"5.2.9 The surveyor(s) should always be accompanied by at least one responsible person, assigned by the owner, experienced in tank and enclosed space inspection."

4 Paragraph 5.2.10 is deleted.

Part B

CODE ON THE ENHANCED PROGRAMME OF INSPECTIONS DURING SURVEYS OF BULK CARRIERS HAVING DOUBLE-SIDE SKIN CONSTRUCTION

5 Paragraph 5.2.2 is replaced with the following text:

"5.2.2 In order to enable the attending surveyors to carry out the survey, provisions for proper and safe access should be agreed between the owner and the Administration, based on recommendations developed by the Organization.⁷

⁷ Refer to the *Revised recommendations for entering enclosed spaces aboard ships*, adopted by the Organization by resolution A.1050(27)."

6 Paragraph 5.2.9 is replaced with the following text:

"5.2.9 The surveyor(s) should always be accompanied by, at least, one responsible person, assigned by the owner, experienced in tank and enclosed space inspection."

7 Paragraph 5.2.10 is deleted.

ANNEX B

CODE ON THE ENHANCED PROGRAMME OF INSPECTIONS DURING SURVEYS OF OIL TANKERS

Part A

CODE ON THE ENHANCED PROGRAMME OF INSPECTIONS DURING SURVEYS OF DOUBLE-HULL OIL TANKERS

8 Paragraph 5.2.1.1 is replaced with the following text:

"5.2.1.1 In order to enable the attending surveyors to carry out the survey, provisions for proper and safe access should be agreed between the owner and the Administration, based on recommendations developed by the Organization.¹¹

¹¹ Refer to the *Revised recommendations for entering enclosed spaces aboard ships*, adopted by the Organization by resolution A.1050(27)."

- 9 Paragraph 5.2.6 is replaced with the following text:
- "5.2.6 The surveyor(s) should always be accompanied by at least one responsible person, assigned by the owner, experienced in tank and enclosed space inspection."
- 10 Paragraph 5.2.7 is deleted.

Part B

CODE ON THE ENHANCED PROGRAMME OF INSPECTIONS DURING SURVEYS OF OIL TANKERS OTHER THAN DOUBLE-HULL OIL TANKERS

- 11 Paragraph 5.2.1.1 is replaced with the following text:
- "5.2.1.1 In order to enable the attending surveyors to carry out the survey, provisions for proper and safe access should be agreed between the owner and the Administration, based on recommendations developed by the Organization.¹⁵
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- ¹⁵ Refer to the *Revised recommendations for entering enclosed spaces aboard ships*, adopted by the Organization by resolution A.1050(27)."
- 12 Paragraph 5.2.6 is replaced with the following text:
- "5.2.6 The surveyor(s) should always be accompanied by at least one responsible person, assigned by the owner, experienced in tank and enclosed space inspection."
- 13 Paragraph 5.2.7 is deleted.
