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OF IMO INSTRUMENTS
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**REPORT TO THE MARITIME SAFETY COMMITTEE AND THE
MARINE ENVIRONMENT PROTECTION COMMITTEE**

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1 GENERAL

1.1 The eighth session of the Sub-Committee on Implementation of IMO Instruments (III), was held remotely from 25 to 29 July 2022 (Circular Letter No.4501), chaired by Ms. Claudia Grant (Jamaica). The Vice-Chair of the Sub-Committee, Mr. Marek Rauk (Estonia), was also present.

1.2 The session was attended by Members and Associate Members; representatives from the United Nations Programmes, specialized agencies and other entities; observers from intergovernmental organizations with agreements of cooperation; observers from non-governmental organizations in consultative status and experts invited under rule 47 of the Maritime Safety Committee and the Marine Environment Protection Committee, as listed in document III 8/INF.1.

Opening address of the Secretary-General

1.3 The Secretary-General welcomed participants and delivered his opening address, the full text of which can be downloaded from the IMO website at the following link:
[Sub-Committee on Implementation of IMO Instruments \(III 8\) - opening remarks](#)

Chair's remarks

1.4 The Chair thanked the Secretary-General for his words of guidance and encouragement and assured him that his advice and requests would be given every consideration in the deliberations of the Sub-Committee.

Measures taken to facilitate the remote session

1.5 The Sub-Committee noted that at the extraordinary session of all IMO Committees (ALCOM/ES), held in September 2020, the Committees jointly approved the *Interim guidance to facilitate remote sessions of the Committees during the COVID-19 pandemic* (MSC-LEG-MEPC-TCC-FAL.1/Circ.1) and had agreed, in particular, to waive rule 3 of their respective rules of procedure, in part, to allow sessions to be held remotely; as well as other relevant rules.

Adoption of the agenda and related matters

1.6 The Sub-Committee endorsed the arrangements proposed in documents III 8/1/2 and Add.1, including the proposals for documents to be either considered during the virtual meeting (III 8/1/2, annex 1) or by correspondence, prior to the virtual meeting (III 8/1/2, annex 2). The proposals also included arrangements for the following three virtual working groups to be established and to start working, after consideration of this item, under the draft terms of reference, as contained in annex 2 to document III 8/1/2, as modified by paragraphs 5 and 6 of document III 8/1/2/Add.1:

- .1 Working Group on the Analysis of Marine Safety Investigation Reports under agenda item 4;
- .2 Working Group on III Code Implementation Guidance and IMSAS-related Matters under agenda items 8 and 9; and
- .3 Working Group on the Survey Guidelines under the HSSC, the Non-exhaustive List of Obligations, and the Guidance on Remote Surveys, Audits and Verifications under agenda items 10, 11 and 12.

1.7 In relation to the item dealt with by correspondence (term of reference specified in document III 8/1/2, annex 2, paragraph 4.6.8, in relation to document MEPC 76/13/1), the Sub-Committee noted the statement by IACS confirming the view expressed at MEPC 61 and informing that its members, who were acting as recognized organizations, followed the instructions issued by governments when authorizing recognized organizations to act on their behalf; those instructions covered both international instruments and national requirements, which could be additional to those international instruments. In the ensuing discussion, IACS's intervention was supported unanimously.

1.8 The Sub-Committee also agreed to authorize the release of documents III 8/WP.7 and III 8/WP.8 (Chair), which had been prepared in order to facilitate the consideration of the PSC regimes' annual reports and statistical data as a whole; and the work to be carried out by the Working Group on the Analysis of Marine Safety Investigation Reports under agenda item 4, as requested by MSC 105 and MEPC 78.

1.9 The Sub-Committee adopted the agenda (III 8/1) and agreed to be guided in its work, in general, by the annotations to the provisional agenda, arrangements and the provisional timetable in documents III 8/1/1, III 8/1/2 and Add.1.

1.10 The Sub-Committee noted that some specific annexes had been provided in English only due to the limited time and resources available to translate them, and invited the Secretariat to explore how this could be addressed and to continue consultations with the relevant delegations.

Presentation

1.11 While the plenary session of the Sub-Committee was adjourned on Thursday, 28 July 2022, delegations were invited to attend a presentation related to the International Quality Assessment Review Body (IQARB), organized by the observer delegations of IACS and IUMI on "Update on the further development of International Quality Assessment Review Body (IQARB)".

2 DECISIONS OF OTHER IMO BODIES

2.1 The Sub-Committee noted the decisions and comments pertaining to its work made by MEPC 76, MSC 104, MEPC 77, MSC 105 and MEPC 78, as well as C 125, LEG 108, CCC 7, TC 71, A 32, SDC 8, HTW 8, SSE 8, C/ES.35, LEG 109, PPR 9 and FAL 46, as reported in documents III 8/2 and Add.1, III 8/2/1 and Add.1, III 8/2/2 Add.1 (Secretariat), and took them into account in its deliberations when dealing with the relevant agenda items.

Ongoing armed conflict between the Russian Federation and Ukraine and its effect on international shipping

2.2 On the issue of the impact of the ongoing armed conflict between the Russian Federation and Ukraine on international shipping, the Sub-Committee, noted, inter alia, the following views:

- .1 the aggression by the Russian Federation against Ukraine, which threatened Ukraine's territorial integrity and sovereignty, including its territorial waters, was condemned;
- .2 the ongoing armed aggression was a breach of international law and the UN Charter, undermined global security and stability, and caused massive loss of life and injury to civilians;

- .3 solidarity with Ukraine and its people was expressed;
- .4 the Russian Federation had failed to uphold its responsibilities as a full-time member of the UN Security Council;
- .5 concerns were expressed relating to the impact of the ongoing armed aggression by the Russian Federation against Ukraine on the safety and security of navigation, merchant shipping, lives of seafarers, the protection of the marine environment, global supply chains and food security;
- .6 the ongoing armed aggression by the Russian Federation, which included attacks on commercial ships, ports and other critical infrastructure located on shore, threatened the marine environment, particularly in the Black Sea and the Sea of Azov;
- .7 C/ES.35 had requested relevant IMO Committees to consider the implications of the ongoing conflict for the implementation of IMO instruments, and therefore the Sub-Committee should exhaustively consider the implications for the implementation of the Organization's instruments; and
- .8 the Russian Federation should immediately cease its military action and unconditionally withdraw all its military forces and equipment from the entire territory of Ukraine, fully respecting the territorial integrity, sovereignty and independence of Ukraine.

2.3 The full text of statements made by the delegations of Australia, Canada, France on behalf of the States of the European Union (supported by Belgium, Cyprus, Denmark, Germany, Greece, Italy, Latvia, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Spain and Sweden), Georgia, Japan, New Zealand, Türkiye, Ukraine, the United Kingdom and the United States is set out in annex 8.

2.4 The Sub-Committee noted the view of the Russian Federation that the above-mentioned views were not supported by facts regarding attacks on civilian ships and civilian port infrastructure, in particular, in relation to their impact on the global supply chains of goods, including grain, and that this situation was a direct consequence of the unilateral restrictive measures put in place against the Russian Federation. The full statement made by the Russian Federation is set out in annex 8.

2.5 In this context, the Sub-Committee noted the information provided by the Secretary-General on the agreements under the Initiative on the Safe Transportation of Grain and Other Foodstuffs from Ukrainian Ports, signed on 22 July 2022 in Istanbul, to establish a humanitarian maritime corridor to allow ships to export critical cargoes of grain and foodstuffs from Ukraine. The Sub-Committee further noted that, with respect to the establishment of a Joint Coordination Centre (JCC) in Istanbul, Türkiye, IMO had seconded two staff members, the Director, Legal Affairs and External Relations Division and the Special Advisor to the Secretary-General on Maritime Security, who supported the development of the agreements from a technical viewpoint and will support the JCC in Istanbul. This is in line with the decision made by the IMO Council, at its thirty-fifth extraordinary session in March 2022, on the establishment of a blue safe maritime corridor in the Black Sea and the Sea of Azov.

3 CONSIDERATION AND ANALYSIS OF REPORTS ON ALLEGED INADEQUACY OF PORT RECEPTION FACILITIES

Annual enforcement reports on PRFs for 2020 and 2021

3.1 The Sub-Committee recalled that the compliance of ships with the discharge requirements of MARPOL depended largely on the availability of adequate port reception facilities (PRFs), especially within Special Areas, and that each Party to MARPOL must notify the Organization, for transmission to the port State concerned, of all cases where the facilities were alleged to be inadequate.

3.2 The Sub-Committee also recalled that the format for reporting alleged inadequacies of PRFs was set out in appendix 1 of the *Consolidated guidance for port reception facility providers and users* (MEPC.1/Circ.834/Rev.1), and that the actual reporting of inadequacies was accommodated by a dedicated module in the Global Integrated Shipping Information System (GISIS). Consequently, flag States should report their cases directly into GISIS, following which the concerned port State received a notification of the alleged inadequacy.

3.3 The Sub-Committee considered document III 8/3 (Secretariat), which provided a summary of 105 reports on alleged inadequacies of PRFs for 2021 submitted by eight Parties to MARPOL, and comparative elements with the 2020 annual enforcement report.

3.4 The Sub-Committee considered further ways of assessing progress in response from port States to alleged inadequacy reports, as well as ways of more prominently displaying non-responding port States in GISIS, while noting the ongoing efforts of the Secretariat to improve and streamline reporting on alleged inadequacies of PRFs in GISIS.

3.5 In this context, the Sub-Committee reminded all Member States:

- .1 that following the update of the Port Reception Facilities Module in GISIS, flag States had, since 1 March 2018, full access to the module and should directly report their cases without having to submit the information to the Secretariat; and
- .2 of the importance of reporting alleged inadequacies of reception facilities to the Organization. To progress IMO's efforts to reduce pollution caused by marine plastic litter from ships, it was crucial that inadequacies were accurately reported to address existing problems, including based on analysis of data in the module and identifying any trends for further actions.

Difficulties encountered with reception facilities for exhaust gas cleaning residues

3.6 The Sub-Committee considered document III 7/3/1 (China) on difficulties with reception facilities for exhaust gas cleaning systems (EGCS) residues encountered by port States and corresponding proposals, noting that owing to time constraints, III 7 had agreed to defer consideration of this document to III 8.

3.7 Prior to considering document III 7/3/1, the Sub-Committee took note of the relevant developments at MEPC 77 and MEPC 78 related to EGCS and PRFs. In particular, the Sub-Committee noted that since document III 7/3/1 had been submitted to III 7 (April 2020), MEPC 77 (November 2021) had adopted resolution MEPC.340(77) on *2021 Guidelines for exhaust gas cleaning systems*, also including a section on EGCS residues, while MEPC 78 (June 2022) had approved MEPC.1/Circ.900 on *2022 Guidance regarding the delivery of EGCS residues to port reception facilities*, as well as MEPC.1/Circ.899 on *2022 Guidelines*

for risk and impact assessments of the discharge water from exhaust gas cleaning systems. In this context, the Sub-Committee noted that some of the concerns and proposals contained in document III 7/3/1 had already been addressed in the above-mentioned guidelines and guidance documents; for example, the provision of information on the volume and physical state of EGCS residues had been covered by the *2022 Guidance regarding the delivery of EGCS residues to port reception facilities.*

3.8 Following a brief discussion on document III 7/3/1, the Sub-Committee encouraged Member States and international organizations to submit their best management practices and experience gained, as well as difficulties that they might have faced in implementing the guidance related to EGCS and PRFs, to future sessions of the Sub-Committee under the standing agenda item on "Consideration and analysis of reports on alleged inadequacy of port reception facilities".

GISIS PRF module – proposed data transfer mechanism

3.9 The Sub-Committee was advised that MEPC 77 had instructed the III Sub-Committee to consider document MEPC 77/14 (Austria et al.), proposing the development of a data transfer mechanism for the PRF module in GISIS and to advise MEPC accordingly (MEPC 77/16, paragraph 14.3).

3.10 The Sub-Committee, having noted the support for the proposal, agreed to recommend to MEPC that the Secretariat be requested to undertake a review of the full functionality and interoperability of the PRF module in GISIS, with a view to looking into the resources required to develop and implement the data transfer mechanism outlined in document MEPC 77/14 and update the Sub-Committee in due course.

4 LESSONS LEARNED AND SAFETY ISSUES IDENTIFIED FROM THE ANALYSIS OF MARINE SAFETY INVESTIGATION REPORTS

Matters considered by correspondence prior to the virtual meeting

4.1 In accordance with the arrangements of the remote session, as outlined in document III 8/1/2 (Chair) and its annex 2 (section 1 on agenda item 4), the Sub-Committee considered, by correspondence, prior to the virtual meeting, the following documents:

- .1 III 8/4 (Sweden), providing a Report of the Correspondence Group on Analysis of Marine Safety Investigation Reports;
- .2 III 8/4/1 (Secretariat), providing information on the Review of marine safety investigation reports and consolidated list of casualty analyses;
- .3 III 8/4/2 (Secretariat), providing information on the Outstanding reports of investigation into very serious marine casualties;
- .4 III 8/4/3 (Australia), providing information on the Inadequate standards and regulations for cargo handling spaces of specialized self-unloading bulk carriers;
- .5 III 8/4/4 (Republic of Korea), providing information on the Lessons learned from the marine accidents of **Auto Banner** and **Responder**;
- .6 III 8/4/5 (China) on Lessons learned and preventive measures identified from accidents involving entering enclosed spaces aboard ships;

- .7 III 8/INF.3 (INTERCARGO), providing information on the Bulk Carrier Casualty Report 2012-2021; and
- .8 III 8/INF.15 (China), providing information on Lessons learned from the dangerous situations of ship's loss of control resulting from insufficient air pressure in the main engine of ships navigating in narrow channels.

4.2 The Sub-Committee endorsed the Chair's proposals presented in section 1 of annex 2 to document III 8/1/2.

Casualty-related decisions of other IMO bodies

4.3 The Sub-Committee noted the information on the decisions of other IMO bodies on casualty-related matters (III 8/2, III 8/2/Add.1 and III 8/2/2), and, in particular, the following outcome of MSC 104, HTW 8 and MSC 105:

- .1 MSC 104 had recalled MSC 101's consideration of document MSC 101/10/3 (IACS), raising concerns on the risk matrix and risk assessment criteria in the Procedure for identifying safety issues developed by III 5 (III 5/15, annex 2), and that MSC 101 had instructed the FSA Experts Group to review the criteria in the Procedure and submit a report to MSC 102 (MSC 101/24, paragraphs 17.5 and 17.6);
- .2 MSC 104, having considered the report of the FSA Experts Group (MSC 102/12) together with comments from IACS (MSC 102/12/1), as well as its earlier decisions on the actions requested (MSC 104/18, paragraph 1.8), in particular that the Committee had (MSC 104/18, paragraphs 10.4.2 and 10.4.3) noted the agreement from the FSA Experts Group on the risk assessment criteria in the Procedure for identifying safety issues developed by III 5 (III 5/15, annex 2) which should be revised and that documented examples of how the Procedure was to be utilized should be included, had therefore instructed III 8 to review the risk assessment criteria in the Procedure, taking into account documents MSC 102/12 and MSC 102/12/1, and submit a revised draft procedure to the Committee for consideration;
- .3 HTW 8, while considering the Guidance framework for the application of casualty cases and lessons learned to seafarers' education and training, had agreed to the draft guidance framework for the application of casualty cases and lessons learned to seafarers' education and training, as set out in annex 2 to document HTW 8/WP.7, except for the appendix, containing links to relevant websites for marine casualty investigation; and had invited the III Sub-Committee to review and complete the above-mentioned information, for submission to the Committee with a view to approval (HTW 8/16, paragraph 4.17);
- .4 MSC 105, while considering the outcome of III 7 on analysis of the effectiveness and appropriateness of identified provisions of the mandatory IMO instruments, had, inter alia, instructed the III Sub-Committee to review SOLAS regulation XI-1/6 (Additional requirements for the investigation) under its existing agenda item "Lessons learned and safety issues identified from the analysis of marine safety investigation reports" (MSC 105/20, paragraph 13.10.3.2); and

- .5 MSC 105 had considered document MSC 104/15/16 (Vanuatu et al.), proposing to amend the Casualty Investigation Code to mandate a root cause investigation (MSC 105/20, paragraph 18.36). During the discussion, while a majority of delegations had supported the proposal in principle, concerns were raised about the extent of investigation, in particular concerning proposed new paragraphs 6.3.1.8 and 6.3.2 of chapter 6 of the Casualty Investigation Code in terms of legal basis and possible conflicts with existing legislation, such as the GBS under the SOLAS Convention; and the STCW Convention (MSC 105/20, paragraph 18.37). Consequently, the Committee had instructed the III Sub-Committee to assess the proposal, taking into account the above views, and report back to the Committee (MSC 105/20, paragraph 18.38).

Report of the Correspondence Group on Analysis of Marine Safety Investigation Reports

4.4 The Sub-Committee considered the report of the Correspondence Group on Analysis of Marine Safety Investigation Reports (III 8/4) (Sweden) containing information based on the analysis of the 33 marine casualties and incidents listed in document III 8/4/1 (Secretariat) and, in particular, the following outcome:

- .1 two safety issues were identified in the following areas: safety measure during PSC inspection and safety risk related to how containers are to be secured on deck;
- .2 two safety issues were further analysed following III 7: man overboard from fishing vessels and pilot ladder-related deficiencies;
- .3 collisions and occupational accidents were further analysed as the types of casualties which occurred more frequently than others;
- .4 ISM Code-related concern on unsatisfactory implementation of safety management systems were highlighted; and
- .5 progress made on the procedure for identifying safety issue.

4.5 The Sub-Committee referred document III 8/4 to the Working Group on Analysis of Marine Safety Investigation Reports to be established under this agenda item for detailed consideration.

Progress made on the procedure for identifying safety issues including the review of the risk assessment criteria

4.6 Having noted the decision of MSC 104 may be relevant to the work of the Sub-Committee, in particular concerns on the risk matrix and risk assessment criteria in the Procedure for identifying safety issues developed by III 5 (III 5/15, annex 2), the Sub-Committee instructed the Working Group on Analysis of Marine Safety Investigation Reports to be established under this agenda to consider the information provided taking into consideration the progress made on the Procedure for identifying safety issues as per the Correspondence Group report.

Proposed amendment of the Casualty Investigation Code – mandatory root cause investigation

4.7 While considering the proposal to amend the Casualty Investigation Code to mandate a root cause investigation, the Sub-Committee instructed the Working Group on Analysis of Marine Safety Investigation Reports to be established under this agenda to assess the proposal, taking into consideration the discussions at MSC 105 (MSC 105/20, paragraph 18.36).

Outstanding reports of investigation into very serious marine casualties

4.8 Regarding documents III 8/4/2 (Secretariat), regarding Outstanding reports of investigation into very serious marine casualties, the Sub-Committee instructed the Working Group on Analysis of Marine Safety Investigation Reports to be established under this agenda to consider the information provided and to provide feedback on the way forward.

Lessons learned from marine accidents

4.9 While considering documents III 8/4/3 (Australia), III 8/4/4 (Republic of Korea), III 8/4/5 and III 8/INF.15 (China) related to the lessons learned from marine accidents, the Sub-Committee instructed the Working Group on Analysis of Marine Safety Investigation Reports to be established under this agenda to consider information provided highlighting the safety issues identified during the marine safety investigation.

Review of SOLAS regulation XI-1/6

4.10 Having noted instructions of MSC 105 on the appropriateness and effectiveness of IMO legislation, the Sub-Committee instructed the Working Group on Analysis of Marine Safety Investigation Reports to be established under this agenda to consider the information given, taking into consideration document III 8/WP.8 (Secretariat) providing the outcome from the initial assessment of SOLAS regulation XI-1/6 by III 7, as well as additional background information, as requested by MSC 105, from the outcome of audits under IMSAS, in particular root causes related specifically to the findings with reference to this provision.

Bulk carrier casualty report 2012-2021

4.11 While considering the information on bulk carrier casualty statistics and analysis for the periods 2012-2021, as contained in document III 8/INF.3 (INTERCARGO), the Sub-Committee, instructed the Working Group on Analysis of Marine Safety Investigation Reports to be established under this agenda to note the information provided.

Establishment of the working group

4.12 The Sub-Committee established the Working Group on Analysis of Marine Safety Investigation Reports under the following terms of reference:

- .1 confirm or otherwise the findings of the Correspondence Group based on the analysis of individual marine safety investigation reports and GISIS, for the Sub-Committee's approval and authorization of their release to the public on GISIS (III 7/17, paragraph 4.41.1) (III 8/4, paragraph 33.13);
- .2 confirm the reviewed text of lessons learned from marine casualties, for the Sub-Committee's approval and authorization of release, in accordance with the agreed procedure (III 7/17, paragraph 4.41.2) (III 8/4, paragraph 33.1 and 33.2);

- .3 consider and advise whether those reports with safety issues reviewed by the analysts and considered by the Working/Drafting Group should be referred to the relevant committees and sub-committees indicating potential safety deficiencies. In doing so, the Working/Drafting Group should submit supporting information derived from the Casualty Analysis Procedure, used to develop recommendations for consideration by the committees and sub-committees according to agreed procedures (**Yu Hai 1** and **MSC Zoe**) (III 7/4, paragraph 4.41.3) (III 8/4, paragraph 33.3 and 33.4);
- .4 consider the procedure to refer safety investigation reports with safety issues to relevant committees and sub-committees, indicating potential safety deficiencies and make recommendations (III 7/4, paragraph 4.41.4) (III 8/4, paragraph 33.12);
- .5 consider the analysis on the safety issue related to man overboard from fishing vessels and draw conclusions and make recommendations, in particular on invitations to the NCSR and SSE Sub-Committees for their consideration, regarding use of PFD and the introduction of modern technologies in the human search and rescue system with respect to fall overboard (III 7/17, paragraph 4.41.5) (III 8/4, paragraph 33.5);
- .6 note the concern of the Correspondence Group regarding the pilot ladder-related safety issues including associated boarding arrangements, and draw conclusions and make recommendations, in particular on the consideration of a new output for a revision of relevant SOLAS regulations and associated instruments, as well as consideration of development of a pilot transfer code, providing consolidated guidelines for pilot transfer arrangements, taking into account document MSC 104/15/23 proposing a new related output, which was deferred to MSC 106 for its consideration (III 7/17, paragraph 4.41.5) (III 8/4, paragraph 33.6);
- .7 continue further analysing collisions with fishing vessels and draw conclusions and make recommendations (III 7/17, paragraph 4.41.6) (III 8/4, paragraph 33.7);
- .8 continue further analysing occupational accident fall from height and draw conclusions and make recommendations, in particular on the consideration of a proposal to MSC for new output on guidelines addressing the identified safety issues for working from height or over the side, with the HTW Sub-Committee as the coordinating body (III 7/17, paragraph 4.41.6) (III 8/4, paragraph 33.8);
- .9 consider further analysis on the ISM Code-related concern on unsatisfactory implementation of safety management systems, include the findings from the analysis of fall from height in the continued analysis and draw conclusions and make recommendations (III 7/17, paragraph 4.41.7) (III 8/4, paragraphs 33.9 and 33.11);
- .10 consider the observations on the quality of marine safety investigation reports and for action as deemed appropriate (III 8/4, paragraph 33.14);
- .11 consider and propose methods for encouraging Member States to include more details in investigation reports (III 8/4, paragraph 33.10);

- .12 consider and review the risk assessment criteria in the Procedure for identifying safety issues developed by III 5 (III 5/15, annex 2), taking into account documents MSC 102/12, MSC 102/12/1 and the decision made at MSC 104 (III 8/2, section 2 paragraphs 2.1 to 2.2) (MSC 104/18, paragraph 10.4);
- .13 consider, review and complete the Guidance framework for the application of casualty cases and lessons learned to seafarers' education and training, as set out in annex 2 to document HTW 8/WP.7, except for the appendix;
- .14 consider the proposal for a new output on amendments to the Casualty Investigation Code to mandate a root cause investigation, as contained in document MSC 104/15/16 (Vanuatu et al.) and assess the proposal, in particular regarding the concerns raised during the session about the extent of investigation, in particular concerning proposed new paragraphs 6.3.1.8 and 6.3.2 of chapter 6 of the Casualty Investigation Code in terms of legal basis and possible conflicts with existing legislation, taking into account discussion at MSC 105 (III 8/2/Add.1, section 2, paragraphs 2.1 to 2.3) (MSC 105/20, paragraphs 18.36 to 18.38);
- .15 consider document III 8/4/2 (Secretariat) on Outstanding reports of investigation into very serious marine casualties for action as appropriate;
- .16 consider documents III 8/4/3 (Australia), III 8/4/4 (Republic of Korea), III 8/4/5 (China) and III 8/INF.15 (China) regarding Lessons learned from marine accidents for detailed review and action, as appropriate;
- .17 note document III 8/INF.3 (INTERCARGO) on Bulk Carrier Casualty Report 2012-2021;
- .18 review SOLAS regulation XI-1/6 (Additional requirements for the investigation) as referred by MSC 105, which might include development of relevant amendments or guidelines/interpretations, with a view to reporting back to the Committee, subject to receiving additional background information to be provided by the Secretariat (MSC 105/20, paragraph 13.10.3.2);
- .19 advise on the re-establishment of the Correspondence Group, at this session, and the Working/Drafting Group on Analysis of Marine Safety Investigation Reports, at the next session, which could start their work on the morning of the first day of III 9, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5/Rev.2 on *Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*. If so, prepare draft terms of reference for the two Groups; and
- .20 submit a written report on Friday, 29 July, for consideration by plenary.

MATTERS CONSIDERED DURING THE VIRTUAL MEETING

Report of the Working Group on Analysis of Marine Safety Investigation Reports

4.13 Having approved the report of the Working Group (III 8/WP.3), in general, the Sub-Committee took decisions as reflected in the paragraphs below.

Report of the Correspondence Group

Analysis of individual marine safety investigation reports

4.14 The Sub-Committee approved the findings of the Correspondence Group on Analysis of Marine Safety Investigation Reports, based on the analysis of individual marine safety investigation reports, as reviewed by the Working Group on Analysis of Marine Safety Investigation Reports, taking into consideration the input from the discussion during the session, with some minor amendments and rewording of the text, and authorized the release of the analyses to the public in the GISIS MCI module.

4.15 With regard to the feedback on the quality of marine safety investigation reports analysed, having noted the discussion of the Working Group, the Sub-Committee requested the Secretariat to bring the observations made on 35 marine safety investigation reports to the attention of Administrations by means of a III.3 circular, with the objective of improving future marine safety investigation reports

4.16 The Sub-Committee, having noted the importance of those observations as highlighted in the discussion of the Working Group, and in particular the view that the Secretariat's input on the consolidation of previous analyses in a graphical form would be an asset for future recommendations for Technical Cooperation activities, as well as for identifying some trends, requested the Secretariat to take the necessary action in order to provide a consolidated report of previous observations on the quality of marine safety investigation reports in a graphical form to the next session of the Sub-Committee.

Lessons Learned from marine casualties for release on the IMO website

4.17 The Sub-Committee approved 15 cases (out of 16) of Lessons Learned from marine casualties reported as compiled by the Member States and the Correspondence Group on Analysis of Marine Safety Investigation Reports, as set out in annex 1, for release on the IMO website, following the review to be carried out by the Secretariat.

4.18 While noting the Working Group's views that the quality of the Lessons Learned, since the new change requesting Member States to submit them while also submitting marine safety investigation reports, appeared inadequate, the Sub-Committee requested the Secretariat to amend the functionality of MCI 2 so that Member States could be reminded to use the existing Guidelines for the Correspondence Group on Analysis of Marine Safety Investigation Reports when preparing Lessons Learned.

Safety issues that need further consideration

Safety measures during a PSC inspection

4.19 The Sub-Committee, noted the discussion of the Working Group, in particular in relation to the investigation report of **Yu Hai 1**, which revealed that the ship remained in an unseaworthy condition for an extended period (but remained within the port and did not depart) without any rectification of the detainable deficiencies. The Sub-Committee also noted that the ship had been detained under PSC seven times in the five years prior to the grounding, as well as that a vessel was always under the responsibility of the Master, regardless of the detainable deficiencies reported during a PSC inspection. In this context, the Sub-Committee agreed that further action was not needed on the proposed safety issue related to safety measures during PSC, highlighted by the Correspondence Group in relation to the casualty of **Yu Hai 1**.

Securing containers on deck

4.20 The Sub-Committee noted the concerns raised by the investigation of the **MSC Zoe** (III 8/4, paragraphs 7 through 11), as well as the views expressed by the Working Group, including the information of the work being undertaken by the Top Tier joint industry project (JIP) on securing containers safety, as described in MSC 104/17/4 and the Committee's invitation (MSC 105/20, paragraph 19.3) to interested Member States to participate therein as appropriate.

4.21 In this context and taking into consideration the scope and timeline of the Top Tier JIP, the Sub-Committee agreed to invite MSC to note discussions on document III 8/4 regarding how containers should be secured at sea taking into account that the work was being undertaken by the Top Tier JIP on securing containers safety, as described in MSC 104/17/4, and instructed the Correspondence Group to be established, to develop a proposal for a new output for preventing loss of containers at sea.

Collisions with fishing vessels

4.22 Regarding collisions with fishing vessels, which was a part of casualties occurring more frequently than others, the Sub-Committee agreed that more research should be carried out to obtain sufficient and robust data to reach conclusions and instructed the Correspondence Group to be established accordingly, taking into account the relevant provisions in the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F) and COLREG 1972.

Occupational accidents - falls from height

4.23 The Sub-Committee noted that the Working Group reviewed the analysis provided by the Correspondence Group, highlighting the following safety issues:

- .1 the procedures in ship manager's safety management systems for working at height or over the side were not always effectively implemented and did not always achieve their intended purpose;
- .2 tasks that involved the risk of falling from height were not always considered as "working at height"; therefore, no control measures to avoid falls or minimize their consequences were implemented;
- .3 personal protective equipment (PPE), intended to reduce the risk of falling from height or over the side, was not being used or might not be the most appropriate for the planned work;
- .4 onboard safety training did not appear to be achieving its intended purpose; and
- .5 onboard management supervision and control of seafarers performing shipboard tasks that required working at height or over the side was ineffective and needed to be improved.

4.24 In this regard, the Sub-Committee invited flag States to draw attention to the following issues, apparent in their conducting of ISM audits:

- .1 non-implementation of safety management system procedures for working from height and over the side, and pre-task hazard assessments;

- .2 ineffectiveness of pre-task risk assessments and safety meetings;
- .3 non-use of PPE;
- .4 ineffective supervision of seafarers exposed to risk of falls from height; and
- .5 ineffectiveness of onboard training regarding the use of PPE intended to reduce the risk of falling from height or over the side.

4.25 Consequently, the Sub-Committee agreed to invite MSC to note the above highlighted points and discussions which might justify a new output, and instructed the Correspondence Group to be established, to develop a proposal for a new output on guidelines addressing the identified safety issues of seafarers exposed to risk of falls from height (including, but not limited to, access to and egress from the location where the work will be conducted, working from height and work over the side), with the Sub-Committee on Human Element, Training and Watchkeeping (HTW) as the coordinating body.

Man overboard from fishing vessels

4.26 With regard to the safety issues resulting in man overboard from fishing vessels, the Sub-Committee took note of the following points:

- .1 the attitude within the fishing industry concerning personal flotation devices (PFDs) needs to be changed in order to increase the use of PFDs as essential for survival; and
- .2 modern technology allows better means to relocate a person falling overboard from fishing vessels. Introduction of such technology for increasing the ability of survival could be considered.

4.27 In this regard, the Sub-Committee invited the Sub-Committee on Navigation, Communications, Search and Rescue (NCSR), the Sub-Committee on Ship Systems and Equipment (SSE) and HTW Sub-Committee to note the analysis contained in document III 8/4 (annex 3) on the safety issues resulting in man overboard from fishing vessels in relation to the use of personal flotation devices (PFDs) and possible application of the existing technology such as SART and take action as appropriate.

Pilot ladder-related safety issues

4.28 On the subject of pilot ladder-related safety issues, including associated boarding arrangements, the Sub-Committee took note of fruitful discussion within the Working Group including the concern related to the lack of clear and consolidated regulatory standards (paragraphs 6 to 8, annex 4 to document III 8/4), in particular the following findings from the Correspondence Group:

- .1 regulations and associated instruments appeared at times to be unclear or ambiguous, resulting in different parties interpreting the rules differently. The regulations were also spread over many different documents, which was likely to increase the difficulty of having a unified interpretation; and
- .2 pilot transfer arrangements, especially pilot ladders, were used frequently, hence susceptible to damage. Since they were usually stowed away, such damage was not likely to be identified.

4.29 Consequently, the Sub-Committee invited MSC 106 to note document III 8/4 (annex 4) regarding pilot ladder-related safety issues, including associated boarding arrangements, and take action as appropriate when considering document MSC 104/15/23, proposing a new output to amend SOLAS regulation V/23 and associated instruments to improve the safety of pilot transfer arrangements.

ISM Code-related concern on unsatisfactory implementation of safety management systems

4.30 Taking into account the relevance of the subject and the availability of information, the Sub-Committee agreed that this was a wide and comprehensive issue which should be addressed through the work of the Correspondence Group to be established, for further analysis.

Progress made on the procedure for identifying and forwarding safety issues and risk assessment criteria

4.31 The Sub-Committee considered the outcome of MSC 104 regarding the concerns on the risk matrix and risk assessment criteria in the Procedure for identifying safety issues developed by III 5 (III 5/15, annex 2), as well as the work of the Correspondence Group on further developing the procedure to refer safety investigation reports with safety issues to relevant committees and sub-committees, taking into consideration the experience and comments captured in annex 3 to document III 5/4, as well as the content of document MSC-MEPC.1/Circ.5/Rev.3 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*.

4.32 In this regard, the Sub-Committee noted the intense discussion and views expressed during the Working Group on the proposal from the report of the Correspondence Group (III 8/4, annex 7), including the methodology adopted for the ranking of identified hazards, to prioritize them and to discard scenarios judged to be of minor significance, described in paragraph 5.2.2 of Circular MSC-MEPC.2/Circ.12/Rev.2 on *Revised guidelines for Formal Safety Assessment (FSA) for use in the IMO rule-making process*.

4.33 In this regard, the Sub-Committee was advised, based on the discussion of the Working Group, of the following:

- .1 the Procedure has been under development for a few years and therefore there was a consideration of different options for finalizing it without further delay; and
- .2 the document MSC MEPC.2/Circ.12/Rev.2, in its paragraph 5.2.2, provides a background for ranking and, in its appendix 4, provides an example of defining frequency and consequence categories, as well as possible ways of establishing risk levels for ranking purposes, which could be used by analysts and the CGs/WGs for ranking safety issues.

4.34 In this context the Sub-Committee noted the wider support within the Working Group towards providing a direct reference to paragraph 5.2.2 and appendix 4 of MSC-MEPC.2/Circ.12/Rev.2 in the Procedure since this option fulfilled the criteria mentioned in the instruction from MSC 104, and therefore agreed to the updated Procedure for identifying and forwarding safety issues, as set out in annex 2, for submission to MSC 106 for its consideration and approval, as appropriate.

4.35 Taking into consideration the interim situation, as this was an updated Procedure, the Sub-Committee endorsed the Working Group's decision that the Correspondence Group to be established, during its coming intersession, should use the opportunity to try out the Procedure and report its suitability to III 9.

Proposal for a new output to amend the Casualty Investigation Code to mandate a root cause investigation

4.36 The Sub-Committee noted that the Working Group considered document MSC 104/15/16 (Vanuatu et al.) proposing to amend the Casualty Investigation Code to mandate a root cause investigation, taking into consideration the concerns which were raised about the extent of investigation, in particular the proposed new paragraphs 6.3.1.8 and 6.3.2 of chapter 6 of the Casualty Investigation Code (CIC), in terms of legal basis and possible conflicts with existing legislation, such as the GBS under SOLAS 1974; and the STCW Convention (MSC 105/20, paragraphs 18.36 and 18.37).

4.37 The Sub-Committee noted that during in-depth discussion in the Working Group, the following views were expressed:

- .1 the expression "chain of responsibility" is used in a different way from the CIC chapter 16; the expression as per the document MSC 104/15/16 is related to liabilities, which are strictly forbidden by the CIC;
- .2 the expression "exhaustive" used in the text tends to suggest a never-ending investigation. There is no need to reopen an investigation in the CIC because of the exhaustive characteristic of it;
- .3 the human factor items proposed in the text of the paper contradicts the human factor analysis in resolution A.1075(28), which already contains all the definitions needed for an effective safety investigation;
- .4 paragraphs 16.5, 21.2.4 of the Casualty Investigation Code (CIC) and the MAIF manual are sufficient to explain the depth of any investigation required, and many accident investigation bodies are already following the recommendations as indicated in paragraph 16.5 of the CIC;
- .5 changes to the CIC should be holistic, taking into account the inter-relation of other associated documents; and
- .6 while understanding the concern raised by the submitters, moving paragraph 16.5 to chapter 6 of CIC would imply that this provision would only be then limited to very serious marine casualties, and would not be applicable to other marine casualties, and such a situation should be avoided.

4.38 Consequently, the Sub-Committee noted the concerns that the proposal contained in document MSC 104/15/16 for a new output to amend the Casualty Investigation Code to mandate root cause investigations might be against the principles of the Casualty Investigation Code itself and the Assembly resolution A.1075(28) on *Guidelines to assist investigators in the implementation of the casualty investigation code (resolution MSC.255(84))*, and therefore recommended the MSC not to support the proposal.

Lessons learned from the marine accidents

4.39 Regarding document III 8/4/3, there was full support in the Working Group on the importance to bring forward the safety issues, as highlighted below:

- .1 Compliance with the requirements of the IMSBC Code was ineffective in mitigating the risk of fire in **Iron Chieftain's** self-unloader (SUL) spaces. The ship's fire safety risk assessment had identified that the risk of fire in the

SUL spaces was unacceptable due to the absence of an effective means of fire detection and suppression. Measures to address the risk were either inadequate or ineffective. It was considered that there was opportunity to improve the requirements for ships to put in place effective measures to detect a fire in the space of origin and provide alarm for effective fire fighting; and

- .2 taking into account the correlation between the three incidents, there was support for a new output to develop improved fire safety standards/regulations for the cargo handling spaces of specialized SUL bulk carriers.

4.40 In this context, the Sub-Committee endorsed the Working Group's recommendation that the Correspondence Group to be established, taking into consideration the revised Casualty Analysis Procedure, should use the safety issue identified in III 8/4/3 to test the Procedure as a sample case, and report to III 9.

4.41 With respect to document III 8/4/4, the Sub-Committee, having noted the submission from the Republic of Korea, highlighted that marine safety investigation reports that were available in GISIS MCI, should go through the casualty analysis process with an assignment to the same analyst for consistency in the review of the reports.

4.42 In consideration of document III 8/4/5, the Sub-Committee, having noted that the related investigation reports were not yet available in the GISIS MCI module, invited the marine safety investigating State to upload the reports in GISIS so that they could be analysed for potential identification of safety issues and/or lessons learned and further consideration, as appropriate.

4.43 Furthermore, having noted the importance of the issue brought forward by China and that there was general support in the Working Group for the findings to be highlighted, the Sub-Committee invited CCC 8 to consider document III 8/4/5 on Lessons Learned and preventive measures identified from accidents involving entering enclosed spaces aboard in relation to the existing output (6.15) "Revision of the Revised recommendations for entering enclosed spaces aboard ships (resolution A.1050(27))" of the CCC Sub-Committee.

Outstanding reports and progress made on the completion of the GISIS-related redesign work

4.44 In noting document III 8/4/2 (Secretariat), regarding outstanding reports of investigation into very serious marine casualties, the Sub-Committee was advised of the commitment by the Secretariat for resources to be allocated to upgrade the functionalities of the MCI2 module in order to enhance reporting and engage on data feeds into the new module, with a view to commencing a more robust casualty data analysis as soon as possible.

4.45 In deliberating this document, the support of Member States towards the effort made by the Secretariat through their initiatives as per document III 8/4/2 was noted. However, the Sub-Committee noted the concern raised by the Working Group regarding the ongoing continuous attempt to stay with MCI 2 without fixing associated problems might adversely impact the submission of reports, in particular the concern expressed by some members regarding the issues experienced in populating GISIS MCI modules. The Sub-Committee noted the views highlighting that this was a major issue, in particular the insistence on keeping MCI 2 as a primary tool to report marine casualties from 2022. In this context, the Sub-Committee requested the Secretariat to consider carrying out a robust testing of MCI 2 for a period as long as necessary to ensure the MCI 2 worked properly and soundly.

4.46 The Sub-Committee also noted that there were provisions within the Secretariat to engage Member States under the capacity-building activities and data exchange protocols; and that Member States should reach out to the Secretariat if there was a lack of expertise in this field.

Guidance framework for the application of casualty cases and Lessons Learned to seafarers' education and training

4.47 In consideration of the draft guidance framework for the application of casualty cases and Lessons Learned to seafarers' education and training, in particular the appendix, containing links to relevant websites for marine casualty investigation, as set out in annex 2 to document HTW 8/WP.7, the Sub-Committee noted that the following views were expressed in the Working Group:

- .1 the concern was raised with regard to paragraph 4.3 of the draft guidance (HTW 8/WP.7, annex 2) since it suggested that only some organizations listed in the appendix (Websites for Marine Casualty Investigation) published their reports on casualties, which might not be the case;
- .2 the downside of having a prescribed list within the document was that the list might not remain updated and therefore, such a list should not be included in a static document; and
- .3 the option to move forward with the list should be inclusive of all accident investigation organizations that published reports, or otherwise not to list any of them.

4.48 Based on the above, the Sub-Committee endorsed the Group's recommendation that the appendix to the draft guidance framework for the application of casualty cases and Lessons Learned to seafarers' education and training, as set out in annex 2 to document HTW 8/WP.7, be removed and paragraph 4.3 of the draft guidance be replaced by the alternative text:

"Training institutions collect cases in a timely manner through different channels, including sources such as the GISIS MCI module, official websites of Member States and relevant organizations that publish casualty information, shipping companies, classification societies and insurance agencies."

4.49 Consequently, the Sub-Committee agreed to submit the above considerations to MSC 106 for its consideration and approval as appropriate, as requested by HTW 8.

4.50 The Sub-Committee, having noted the approach that training institutes took in using casualty investigation reports, requested the Secretariat to ensure wider visibility of published casualty investigation reports so as to ease accessibility of reports for training institutes, and, in doing so, a link to the IMO GISIS module where Member States' reports were published could be considered as a way forward.

Appropriateness and effectiveness of SOLAS regulation XI-1/6 (Additional requirements for the investigation)

4.51 The Sub-Committee noted that the Working Group had considered document III 8/WP.8 presenting background information for review of SOLAS regulation XI-1/6 based on the outcome of the analysis of the four consolidated audit summary reports (CASRs) containing 68 audits under the IMO Member State Audit Scheme (IMSAS) and had reviewed the effectiveness and appropriateness of SOLAS regulation XI-1/6, as referred by MSC 105 (MSC 105/20, paragraph 13.10.3.2).

4.52 In this context, the Sub-Committee recalled the preliminary analysis of the Country Survey Questionnaire, contained in annex 3 to document III 4/4, citing that only one third of the IMO Member States had responded to that questionnaire in 2016, as well as noting the summary of a preliminary analysis of the responses received from 42 Administrations representing 62.79% of the GT of world merchant fleet as indicated in paragraph 9 of document III 4/4.

4.53 The Sub-Committee noted the fact that the analysis available in WP.8 was based on limited data from four CASRs (68 audits from 2016 to 2019), and endorsed the Working Group's view that data from a larger population after more Member States were audited under IMSAS might be necessary to provide a clearer picture of the matter before further consideration.

4.54 The Sub-Committee noted the assessment of the Working Group that there was insufficient information to draw parallels with the analysis in WP.8 as well as their deliberation on the recurrent findings under this regulation, which had concluded that:

- .1 there was no ambiguity in the formulation of SOLAS regulation XI-1/6;
- .2 there was no need for development of additional guidelines since the text of the regulation was very clear and was supplemented by the Casualty Investigation Code;
- .3 capacity limitations with individual Member States could be a factor for ineffective implementation of the regulation; and
- .4 the root causes or actual underlying reasons for recurrence of findings under this regulation could be elsewhere within individual Member States, and development of additional guidelines for this regulation might not necessarily improve implementation.

4.55 The Sub-Committee noted as well the Working Group's view regarding the availability of information on whether an ambiguity of SOLAS regulation XI-1/6 had been identified by any audited Member State as the root cause of a finding during IMSAS audit. In this context, taking into consideration that such information would be available with the audited Member States, the Sub-Committee invited interested Member States to submit a proposal concerning a review of the appropriateness and effectiveness of SOLAS regulation XI-1/6.

Bulk carrier casualty report 2012-2021

4.56 The Sub-Committee noted with appreciation the information on bulk carrier casualty statistics and analysis between the years 2012-2021, as contained in document III 8/INF.3 (INTERCARGO).

Correspondence Group on Analysis of Marine Safety Investigation Reports and terms of reference

4.57 The Sub-Committee, taking into account the work completed at this session, re-established the Correspondence Group on Analysis of Marine Safety Investigation Reports, under the coordination of Sweden,¹ to continue its work intersessionally, using IMO Space facilities, under the following terms of reference:

¹ **Coordinator:** Capt. Jörgen Zachau
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- .1 based on the information received from Administrations on investigations into casualties, conduct a review of the marine safety investigation reports assigned by the Secretariat, prioritizing very serious marine casualties which have occurred since 1 January 2010 involving SOLAS ships; and prepare a summary list of draft lessons learned from marine casualties, where available;
- .2 review the draft text of lessons learned from marine casualties, for the Sub-Committee's consideration prior to release in accordance with the agreed procedure;
- .3 develop a proposal for a new output on guidelines addressing the identified safety issues of seafarers exposed to risk of falls from height (including, but not limited to, access to and egress from the location where the work will be conducted, working from height and work over the side), with the Sub-Committee on Human Element, Training and Watchkeeping (HTW) as the coordinating body;
- .4 identify safety issues and make recommendations that needed further consideration by the Sub-Committee, taking into consideration the discussion at the Working Group;
- .5 carry out further analysis on both potential safety issues, collision with fishing vessels and ISM Code-related concern on unsatisfactory implementation of safety management systems and draw conclusions and make recommendations;
- .6 develop a proposal for a new output for preventing loss of containers at sea;
- .7 use all safety issue cases, including the safety issue identified in document III 8/4/3, as samples for an interim application to test the updated Procedure for identifying and forwarding safety issues for its suitability; and
- .8 submit a report to III 9.

Working/Drafting Group on Analysis of Marine Safety Investigation Reports

4.58 The Sub-Committee agreed that the Working/Drafting Group on Analysis of Marine Safety Investigation Reports, should start its work on the morning of the first day of III 9, in accordance with MSC-MEPC.1/Circ.5/Rev.3 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, under the following provisional terms of reference, subject to further instructions to be received from plenary:

- .1 confirm or otherwise the findings of the Correspondence Group based on the analysis of individual marine safety investigation reports and GISIS, for the Sub-Committee's approval and authorization of their release to the public on GISIS;
- .2 confirm the reviewed text of Lessons Learned from marine casualties, for the Sub-Committee's approval and authorization of release in accordance with the agreed procedure;

- .3 consider and advise whether those reports with safety issues reviewed by the analysts and considered by the Working Group should be referred to the relevant committees and sub-committees indicating potential safety deficiencies. In doing so, the Working/Drafting Group should submit supporting information derived from the Casualty Analysis Procedure, used to develop recommendations for consideration by the committees and sub-committees according to agreed procedures;
- .4 consider the proposal for a new output on guidelines addressing the identified safety issues of seafarers exposed to risk of falls from height (including, but not limited to, access to and egress from the location where the work will be conducted, working from height and work over the side), with the Sub-Committee on Human Element, Training and Watchkeeping (HTW) as the coordinating body;
- .5 consider the proposal for a new output for preventing loss of containers at sea;
- .6 consider the sample case on the updated procedure for identifying and forwarding safety issues; and
- .7 consider the analysis made on the feedback on the observation on the quality of the report.

REMINDER FOR SUBMISSION OF CASUALTY-RELATED DATA

4.59 The Sub-Committee reminded Member States to:

- .1 submit investigation reports as required by the *Code of International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident* (Casualty Investigation Code) (resolution MSC.255(84)), mandatory under SOLAS regulation XI-1/6 since 1 January 2010, in order to assist a more global analysing process, particularly on very serious marine casualties, together with lessons learned;
- .2 encourage marine safety investigation authorities to further develop the systematic investigation method and investigation report structure in accordance with the *Guidelines to assist investigators in the implementation of the Casualty Investigation Code* (resolution MSC.255(84)) (resolution A.1075(28));
- .3 ensure that the information on reports on marine casualties and incidents is provided to the Secretariat in accordance with the reporting requirements and the revised format annexed to MSC-MEPC.3/Circ.4/Rev.1, bearing in mind that information could be directly reported by Member States on GISIS (resolution A.1074(28) on *Notification and circulation through the Global Integrated Shipping Information System (GISIS)*), including the facility to attach the electronic version of full investigation reports;
- .4 provide the Secretariat with preliminary information on casualties derived from Rescue Coordination Centres (RCCs), in accordance with MSC/Circ.802-MEPC/Circ.332, possibly through the development of protocols for electronic data transfers, to enable the Organization to provide its Member States with timely and accurate information on casualties;

- .5 consider any potential trend when conducting a marine safety investigation or analysis of marine safety investigation reports;
- .6 encourage the reporting of near-miss occurrences and promote a safe culture as recommended in MSC-MEPC.7/Circ.7 and MSC.1/Circ.1015; and
- .7 ensure the accuracy of the information available in the Contact Points module of GISIS.

5 MEASURES TO HARMONIZE PORT STATE CONTROL (PSC) ACTIVITIES AND PROCEDURES WORLDWIDE

Analyses of PSC activities, practices and statistics

5.1 The Sub-Committee recalled that III 7 had invited the nine regional PSC regimes and the United States to continue submitting their annual reports to the Sub-Committee in the agreed format, as set out in annex 3 to document FSI 20/WP.5, and had requested the Secretariat to continue providing the Sub-Committee with a progress report on regional PSC agreements.

5.2 The Sub-Committee noted with appreciation the substantial amount of information provided by PSC regimes in the following documents on annual reports, recent developments and results of CICs:

- .1 III 8/INF.7, III 8/INF.8, III 8/INF.9 and III 8/INF.10 (Black Sea MoU) on the 2021 Annual Report, Recent developments and PSC activities in the Black Sea MoU region, including amendments to the Memorandum for the Black Sea MoU, Results of the 2019 CIC on Emergency Systems and Procedures and Results of the 2021 CIC on Stability in General;
- .2 III 8/INF.11 and III 8/INF.12 (Caribbean MoU) on the Results of the 2021 Caribbean MoU Concentrated Inspection Campaign (CIC) on Ballast Water Management Convention and Caribbean MoU on Port State Control Status of activities and inspections;
- .3 III 8/INF.13 and III 8/INF.14 (Indian Ocean MoU) on the Indian Ocean MoU PSC Activities, in particular, Pilot training project on Inspection of Fishing Vessels, and Results of the 2021 Concentrated Inspection Campaign (CIC) on Ship Stability in General;
- .4 III 8/INF.26 (Paris MoU) on the Paris MoU Annual Report 2021;
- .5 III 8/WP.7 (Riyadh MoU) on the Riyadh MoU PSC Activities for 2021 and Report of the 2021 Concentrated Inspection Campaign (CIC);
- .6 III 8/INF.24 (Tokyo MoU) on the Tokyo MOU PSC Data for 2021;
- .7 III 8/INF.27 (Viña del Mar Agreement) on the Viña del Mar Agreement Concentrated Inspection Campaign (CIC) 2021; and
- .8 III 8/INF.4 (United States) on the United States Coast Guard 2021 Port State Control Report.

5.3 The Sub-Committee invited all PSC regimes to continue submitting annual reports to the Sub-Committee, using the format as set out in annex 3 to document FSI 20/WP.5.

5.4 In its consideration of document III 8/5/1 (Secretariat), providing updated information on recent developments concerning the nine regional PSC regimes and the United States Coast Guard (USCG), the Sub-Committee was informed that:

- .1 the information regarding the activities from all regional PSC regimes in 2019 and 2020 was available, while, for 2021, only the information covering the activities of nine PSC regimes could be used for the preparation of the document. In 2019, 92,229 inspections were carried out, 63,761 in 2020 and 74,574 in 2021. Still in 2019, 2,300 detentions were reported, 1,530 in 2020 and 1,714 in 2021 based on partial information. As a result, the overall detention rate decreased from 2.4% in 2020 to 2.3% in 2021 based on partial information;
- .2 in 2021, PSC regimes organized about 18 major training/technical cooperation activities; and
- .3 detailed information on the recent developments in the 10 PSC regimes was available in the annex to document III 8/5/1.

5.5 In this context, the Sub-Committee requested the Secretariat to:

- .1 continue providing the Sub-Committee with information on progress report on PSC regimes; and
- .2 bring the matter of harmonized comprehensive sets of data to the attention of the IMO Workshop for PSC MoU/Agreement Secretaries and Database Managers.

5.6 The Sub-Committee noted with appreciation the information provided in document III 8/INF.13 (Indian Ocean MoU) on Pilot training project on Inspection of Fishing Vessels and document III 8/INF.8 (Black Sea MoU) on amendments to the Memorandum for the Black Sea MoU.

5.7 The Sub-Committee noted document III 8/5/6 (Russian Federation) on comments on document III 8/INF.26 – Paris MoU Annual Report 2021, informing that the Paris MoU Committee had unanimously voted to suspend the membership of the Russian Federation from the Memorandum. Furthermore, that starting from 5 March 2022, Russian users were disconnected from Paris MoU information systems Thetis, RuleCheck and Maritime Knowledge Centre (MaKCs).

5.8 With regard to document III 8/5/6 (Russian Federation), the delegation of France supported the decision of the Paris MoU to suspend the membership of the Russian Federation and stated, inter alia, that the European Maritime Safety Agency (EMSA) was an agency of the European Union and not a contractor of the Paris MoU and had the right to terminate the access of the Russian Federation to Thetis, Rule Check and Maritime Knowledge Centre (MaKCs). Furthermore, the delegation of France indicated that it did not consider the information contained in document III 8/5/6 as being accurate and, in this context, was supported by the delegations of Cyprus, Denmark, Germany, Greece, Italy, Malta, the Netherlands, Norway, Poland, Portugal, Spain, the United States and the European Commission.

5.9 The delegation of the Russian Federation stated that the information contained in document III 8/5/6 (Russian Federation) was factual and indicated that the cancellation of Russian users' access to the Paris MoU information systems also resulted in the interruption

of the exchange of information with other PSC MoUs and Agreements. Thus, Russian PSCOs could not check the ship risk profile and evaluate the need for inspection, which might lead to an increased number of substandard ships operating in the region. Additionally, it made it impossible to provide relevant statistical information. Finally, the delegation of the Russian Federation expressed its commitment to continue performing PSC inspections following the established procedures of the Paris MoU as far as possible without access to the information systems.

5.10 The delegation of Ukraine supported the actions taken by the Paris MoU and EMSA concerning the Russian Federation. Additionally, regarding document III 8/INF.8 (Black Sea MoU), the delegation of Ukraine stressed that the Black Sea MoU Secretariat should correctly reflect present day realities in the Black Sea region and that expressions like "tense" did not reflect the war context in the region. The full text of the statement made by the delegation of Ukraine concerning document III 8/INF.8 is set out in annex 8.

Performance of flag Administrations and recognized organizations

5.11 The Sub-Committee recalled that III 7 had encouraged PSC regimes to provide information on the performance of recognized organizations (ROs) in order to assist flag Administrations in authorizing recognized organizations to act on their behalf.

5.12 Concerning document III 8/INF.25 on flag Administrations targeted by the Paris MoU and the Tokyo MoU and the United States Coast Guard, the Sub-Committee noted that, over a three-year period from 2019 to 2021, only one flag Administration (Togo) was targeted for inspection in all three regions and no flag Administration was targeted in two regions.

5.13 The Sub-Committee invited PSC regimes to provide information on the performances of flag Administrations and ROs in particular, in order to assist flag Administrations in selecting high performing ROs to act on their behalf.

Transparency and harmonization of PSC information

Equasis information system

5.14 The Sub-Committee recalled that FSI 16 had requested the Secretariat to continue informing the Sub-Committee about the Electronic Quality Shipping Information System (Equasis) and had reiterated its invitation to representatives of the Management Unit of Equasis to attend future sessions.

5.15 In its consideration of document III 8/5/2 (Secretariat) containing information on recent developments concerning the Equasis information system, the Sub-Committee noted, with appreciation, the efforts of Equasis in providing quality information, including that:

- .1 in 2021, Equasis had initiated the discussion with IACS for the update of the data-exchange protocol to include the provision of interim certificates for ISM SMC and ISM DOC and information on statutory certificates. Additionally, in 2021, the Equasis Management Unit had developed a video about EQUASIS for use on the website and at events explaining what Equasis was and how it worked. The video was currently available on the Equasis website and had the participation of Equasis funding members, IMO and some Equasis data providers;
- .2 in 2021, the total number of distinct users for the Equasis website showed an increase compared to the same period for 2020. During the same period, the volume of data consulted remained at very high levels, with over 24.78 million views of Equasis pages;

- .3 concerning the challenge of double reporting, Equasis had implemented an interim measure on its website that aggregated common information on one line when two PSC regimes sent data related to a single inspection. Reports to different PSC regimes information systems were still visible in the system, in accordance with the Equasis principle not to interpret and change the data, but these reports were presented in one line to clearly indicate that there was one single inspection (or detention); and
- .4 Equasis had taken note of ideas that had been discussed during the IMO Expert Group on Data Harmonization (EGDH) to create a unique identifier of a PSC inspection which could be beneficial for electronic exchanging of data between port States, but also for addressing the double reporting issue.

Unique identifier of a port State control inspection

5.16 In its consideration of document III 8/2/2/Add.1 (Secretariat), the Sub-Committee was advised that FAL 46 had agreed to inform the III Sub-Committee about the approval of the new data set on "Port State control inspection history data" and, having recalled that EGDH 5 had discussed the creation of a unique identifier of a port State control inspection, which could be beneficial for the electronic exchange of data between port States, but that EGDH 5 did not consider further this topic because this task was outside the remit of the Group, invited the III Sub-Committee to examine the possibility of creating a unique identifier of a port State control inspection.

5.17 The observer delegation of the Paris MoU stated, in relation to document III 8/2/2/Add.1 (Secretariat), that the need for a unique identifier for PSC inspections was not adequately substantiated in the reports of FAL 46 and EGDH 5 and that there was a need to clarify further the PSC dataset approved by FAL 46, and the concept of a unique identifier at a future workshop for PSC MoU/Agreement Secretaries and Database Managers for the various PSC regimes to then make a better estimate of the feasibility and desirability of the datasets and the possible impacts thereof on their processes.

5.18 The Sub-Committee noted the information provided in document III 8/5/2 (Secretariat), in particular regarding the matter and reiterated its invitation to representatives of Equasis to attend future sessions.

5.19 The Sub-Committee noted the view of the observer delegation of the Paris MoU concerning document III 8/2/2/Add.1 (Secretariat) and invited Member States and international organizations to submit proposals to the next meeting.

Review of IMO Model Course 3.09 on PSC

5.20 The Sub-Committee recalled that III 6, while considering the justification for a new output on "producing a new entrant training manual for PSC personnel", noted that IMO Model Course 3.09 on Port State Control (2001 Edition) might require updating.

5.21 The Sub-Committee considered document III 8/5/4 (China) demonstrating the importance of the IMO Model Course 3.09 on Port State Control for the training of PSC-related personnel, the role it could play in harmonizing PSC activities and procedures worldwide, as well as the fact that the current version of the model course was behind the development of relevant international regulations and proposing to consider starting the work of its review and possible revision.

5.22 In this context, the Sub-Committee was informed that, in accordance with the *Revised guidelines for the development, review and validation of model courses* (MSC-MEPC.2/Circ.15/Rev.1), a model course that required substantial changes to remain consistent with or to address new changes to the relevant conventions, codes, industry practices or emerging technology was considered as being a new model course for the purpose of its revision and should be developed in accordance with procedures for new model courses.

5.23 The Sub-Committee was also informed that, in accordance with MSC-MEPC.2/Circ.15/Rev.1 to revise IMO Model Course 3.09 on Port State Control, a developer and a review group would be required to develop and review the revised IMO Model Course 3.09 on Port State Control prior to submission to the Sub-Committee for validation.

5.24 All delegations who spoke on this matter supported the revision of IMO Model Course 3.09 on Port State Control. Thus, the Sub-Committee agreed to initiate the revision of IMO Model Course 3.09 on Port State Control in accordance with the *Revised guidelines for the development, review and validation of model courses* (MSC-MEPC.2/Circ.15/Rev.1).

5.25 In light of the decision, the Sub-Committee agreed that the existing output "Validated model training courses" be applied and a new item be added to the provisional agenda for III 9.

5.26 Subsequently, the Sub-Committee invited Member States and international organizations to indicate their willingness either as developer to revise IMO Model Course 3.09 on Port State Control or as review group members/coordinators for Model Course 3.09 on Port State Control, and to notify the Secretariat accordingly.

5.27 The delegations of Australia and New Zealand volunteered to assist in the development or the review of Model Course 3.09.

5.28 In this regard, the delegation of China expressed willingness to undertake the review and update of Model Course 3.09 on Port State Control as a developer.

5.29 The Sub-Committee thanked the delegations of Australia, China and New Zealand for their willingness to take the lead in reviewing and updating Model Course 3.09 on Port State Control. Furthermore, the Sub-Committee invited Member States and international organizations to indicate their willingness to the Secretariat to be part of the review group for Model Course 3.09 as members or coordinator of the group.

Guidelines and Procedures for PSCOS

Report of the Correspondence Group

5.30 The Sub-Committee was advised that the Assembly, at its thirty-second session, had adopted resolution A.1155 (32) on the *Procedures for port State control, 2021*.

5.31 The Sub-Committee recalled that III 7 had re-established the Correspondence Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide, under the coordination of the European Commission, to continue working on the Procedures for PSC under the terms of reference specified in paragraph 5.42 of document III 7/17.

5.32 In this context, the Sub-Committee considered document III 8/5 (European Commission), containing the report of the intersessional Correspondence Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide. Annex 1 to document III 8/5 presented the proposed amendments to the *Procedures for port*

State control, 2021 (resolution A.1155(32)) while annex 2 contained draft guidance developed for PSCOs on suspension of inspection for inclusion in the Procedures for PSC, which needed to be finalized and, if agreed by the Sub-Committee, included in the guidance.

5.33 On the basis of the support of the delegations who commented on the draft guidance developed for PSCOs on suspension of inspection, the Sub-Committee agreed to include annex 2 in the Procedures for PSC and instruct the Drafting Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide to be established under agenda item 6 to review the report of the Correspondence Group (III 8/5) in relation to amendments to *Procedures for port State control, 2021* (resolution A.1155(32)), taking into account the decisions and comments made in plenary.

Reinspection and follow-up inspection

5.34 The Sub-Committee considered document III 8/5/3 (China) proposing to introduce definitions and necessary guidelines for reinspection and follow-up inspection and providing draft amendments to the *Procedures for port State control, 2021* (resolution A.1155(32)) with regard to procedures for rectification of deficiencies and release.

5.35 In the ensuing discussion, the Sub-Committee noted that various views were expressed as follows:

- .1 The various PSC regimes have very different practices concerning re-inspections and follow-up inspections. Thus, an in-depth discussion between the experts within the framework of a Working Group is needed.
- .2 Members States need to share information concerning outstanding deficiencies and the status of follow-up inspections if the proposal is to be implemented across all PSC regimes.
- .3 There are still issues that need to be resolved before the amendments or the concept or what the amendments are trying to accomplish can be considered.
- .4 The draft amendments and, in particular, the definition of the reinspection, should be discussed in detail in a working group with the PSC experts from the different PSC regimes.
- .5 More time is needed to examine the proposed amendments as there are issues related to the harmonization of the various PSC regimes.
- .6 Annex 2 to document III 8/5 will introduce a definition for re-inspections in the Procedures for PSC. The definition can be further improved through the amendments proposed in document III 8/5/3.

5.36 The majority of delegations who spoke expressed concerns indicating that the matter needed to be discussed at the level of the Working Group, where PSC experts would be able to provide input not only concerning the proposed definitions but also on the changes to the procedures concerning the harmonization of the various PSC regimes.

5.37 As a consequence, the Sub-Committee instructed the Drafting Group to be established under agenda item 6 to prepare terms of reference for a correspondence group to prepare terms of reference for the WG to be established at III 9 for consideration of the proposed amendments provided in document III 8/5/3.

Withdrawn or abrogated outdated International Labour Organization (ILO) conventions

5.38 The Sub-Committee considered document III 8/5/5 (Black Sea MoU), commenting on document III 8/5 and proposing to:

- .1 amend appendix 12 to the Procedures for PSC (List of certificates and documents) to provide for the decision of ILO to withdraw the Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No.180) and abrogate the Medical Examination (Seafarers) Convention, 1946 (No.73); and
- .2 add the Statement of Compliance – Fuel Oil Consumption Reporting to the list of documents in Part A of appendix 12 to the Procedures for PSC as a consequence of the amendments made by the Correspondence Group in appendix 2 and section 2.7.2.3 of appendix 18 to the Procedures for PSC.

5.39 The Sub-Committee instructed the Drafting Group to be established under agenda item 6 to prepare terms of reference for a correspondence group to further consider the proposed amendments provided in paragraphs 12 and 13 of document III 8/5/5.

Statements of Compliance – Fuel Oil Consumption Reporting

5.40 The Sub-Committee considered document III 8/5/7 (Marshall Islands) commenting on document III 8/5 and proposing amendments to section 5 of appendix 2 and paragraph 2.7.2.3 of appendix 18 to the Procedures for PSC.

5.41 Several delegations supported the proposed amendments, as contained in document III 8/5/7. Several other delegations, while supporting the intent of the proposed amendments, suggested that these should be further considered. In this regard, two delegations expressed the view that the use of the phrase "pragmatic approach" in the proposed amendments could be further improved. Furthermore, one other delegation indicated that the proposed amendments, as drafted, might cause unnecessary disputes between the PSCOs and ships concerning the clarity of evidence submitted by ship.

5.42 The observer delegation of IACS, supported by the delegation of the UAE, recommended that, to achieve a certain degree of consistency in implementing the proposed amendments, the report of the Sub-Committee should reflect the intent of the proposal, namely that ships should not be unduly penalized when they find themselves in a situation described in document III 8/5/7.

5.43 The delegation of Argentina indicated that caution was needed when addressing the proposed amendments as language that was too broad could undermine the rules the Sub-Committee was trying to address.

5.44 After discussion, the Sub-Committee instructed the Drafting Group to be established under agenda item 6 to prepare terms of reference for a correspondence group to further consider the proposed amendments provided in document III 8/5/7.

List of new requirements

5.45 With respect to documents III 8/10/1 (Secretariat) and III 8/INF.5 (Secretariat) containing a list of new requirements adopted by MSC 103, MEPC 76, MSC 104, MEPC 77 and A 32, the Sub-Committee instructed the Drafting Group to be established under agenda item 6 to prepare terms of reference for a correspondence group to further consider the tables, as set out in the annex to document III 8/INF.5 with a view to amending appendix 19 to the Procedures for PSC (List of instruments relevant to port State control procedures), as appropriate.

Guidelines for port State control under the BWM Convention (resolution MEPC.252(67))

5.46 The Sub-Committee was advised that MEPC 77 had authorized the III Sub-Committee to review the *Guidelines for port State control under the BWM Convention* (resolution MEPC.252(67)), with a view to it being added as a new appendix to the Procedures for PSC in its future version, in accordance with the methodology agreed by the Committees (MEPC 77/16, paragraphs 10.5 to 10.6).

5.47 The delegation of Canada stated that MEPC 77 had instructed the III Sub-Committee to review the *Guidelines for port State control under the BWM Convention* with a view to incorporating them into the Procedures for PSC procedures. Subsequently, MEPC 78 had established a Correspondence Group in connection with the experience-building phase associated with the BWM Convention. The Correspondence Group was expected to, among other things, review the substance of the *Guidelines for port State control under the BWM Convention* based on the experience gained. Thus, the delegation of Canada, while not objecting to the review and addition of the *Guidelines for port State control under the BWM Convention* as a new appendix to the Procedures for PSC, noted that further revision was likely to be required after the completion of the work of the relevant Correspondence Group established by MEPC 78.

5.48 The Sub-Committee noted the statement of Canada and instructed the Drafting Group to be established under agenda item 6 to prepare terms of reference for a correspondence group to review and add the Guidelines as a new appendix to the Procedures for PSC, taking into account the 2018 and 2020 amendments to the BWM Conventions adopted by MEPC.297(72) and MEPC.325(75), respectively.

Interim guidance on control and compliance measures to enhance maritime security (resolution MSC.159(78))

5.49 The Sub-Committee was advised that MSC 105 had authorized the III Sub-Committee to review the *Interim guidance on control and compliance measures to enhance maritime security* (resolution MSC.159(78)), with a view to inclusion as a new appendix to the Procedures for PSC in a future version, in accordance with the methodology agreed by the Committees, noting that the resolution made reference to IMO instruments which in the meantime had been revoked or superseded (MSC 105/20, paragraph 13.9).

5.50 Accordingly, the Sub-Committee instructed the Drafting Group to be established under agenda item 6 to prepare terms of reference for a correspondence group to review and add the guidance as a new appendix to the Procedures for PSC.

2022 Guidelines for inspection of anti-fouling systems on ships (resolution MEPC.357(78))

5.51 The Sub-Committee was advised that MEPC 78, having considered the draft updated guidelines concerning anti-fouling systems on ships, prepared by PPR 9, adopted three MEPC resolutions and instructed the III Sub-Committee to review the *2022 Guidelines for inspection of anti-fouling systems on ships* (resolution MEPC.357(78)), with a view to them being added as a new appendix to a future version of the Procedures for PSC control in accordance with the methodology agreed by the Committees (MEPC 78/17, paragraph 9.8).

5.52 The Sub-Committee instructed the Drafting Group to be established under agenda item 6 to prepare terms of reference for a correspondence group to review and add the guidelines as a new appendix to the Procedures for PSC.

Short-term carbon intensity reduction measures

5.53 The Sub-Committee was advised that MEPC 78 had agreed, in principle, the draft amendments to the *Procedures for port State control, 2021* (resolution A.1155(32)), as set out in the annex to document MEPC 78/7/10 (China, Japan and the European Commission), and referred those draft amendments to III 8 for further consideration, and, in particular, instructed the III Sub-Committee (MEPC 78/17, paragraphs 7.73.1 to 7.73.3) to:

- .1 consider whether the implementation plan and/or the plan of corrective actions for a ship rated as D for three consecutive years, or rated as E, should be regarded as a detainable deficiency if these were not implemented by the ship as planned at the time of the inspection;
- .2 identify whether any further guidance needed to be developed on this issue; and
- .3 advise MEPC 79 accordingly.

5.54 Regarding the proposed amendments to the Procedures for PSC, as set out in the annex to document MEPC 78/7/10 (China, Japan and the European Commission), except the unresolved issue, as contained in square brackets on page 129 of the annex to document MEPC 78/7/10, i.e. the proposed new sub-paragraph 2.7.2.11 of appendix 18, the Sub-Committee instructed the Drafting Group to be established under agenda item 6 to prepare terms of reference for a correspondence group to work intersessionally with a view to incorporating the proposed amendments (apart from the proposed new sub-paragraph 2.7.2.11) to the Procedures for PSC.

5.55 With regard to the issue whether the implementation plan and/or the plan of corrective actions for a ship rated as D for three consecutive years, or rated as E, should be regarded as a detainable deficiency if these were not implemented by the ship as planned at the time of the inspection, the Sub-Committee had extensive and constructive discussions, during which divergent views were expressed.

5.56 In the ensuing discussion, several delegations emphasized the importance of effective enforcement of the CII (carbon intensity indicator) framework to ensure harmonized implementation and compliance, while also stressing that there was a need to continue efforts of IMO in the reduction of GHG emissions and that, in doing so, ships should not be unduly penalized.

5.57 Many delegations expressed the view that this issue should not be regarded as a detainable deficiency and identified a number of practical difficulties with enforcing the plan of corrective actions, such as, inter alia, a lack of clear evaluation criteria, a longer implementation period of several of those corrective actions, factors outside the immediate control of the shipowners, or corrective actions that would be more appropriate to be enforced by the flag State rather than the port State. Several of these delegations expressed the view that the lack of clear and unambiguous criteria for detention and release of a detained ship would risk impairing the credibility of PSCOs. Several delegations, in stating that some CII correction factors were still under development, suggested that more work was needed before the Organization could agree on detainable deficiencies in relation to the CII implementation plan and/or the plan of corrective actions.

5.58 The statements made by the observer delegations of ICS and CLIA are set out in annex 8.

5.59 Many delegations, in expressing the need to gather further experience with the enforcement of the corrective action plan, stated that at this stage the issue should not be listed as a detainable deficiency in the Procedures for PSC, and suggested to defer further consideration of this issue to the review of the short-term GHG reduction measure to be undertaken by 1 January 2026.

5.60 Several delegations stated that it was too early to decide at this stage whether or not the issue should be regarded as a detainable deficiency. These delegations, in expressing the view that some elements could be enforced by PSCOs and others by the flag Administration (e.g. in the context of the ISM audit), stated that further clarity on the enforcement of CII regulations and the respective roles of flag and port States in this regard should be provided in the future, and saw merit in further analysing this issue in the light of experience to be gained after entry into effect of the short-term GHG reduction measure.

5.61 Several delegations, in highlighting the importance of a robust enforcement regime to support the implementation of the CII regulations, expressed the view that PSCOs should be able to detain a ship if it had been made clear that it did not comply with CII guidelines. Some of these delegations also supported the need to develop further guidance for PSCOs to better enforce the implementation plan documenting how the required annual operational CII would be achieved during the next three years and the plan of corrective actions to achieve the required annual operational CII, including possible evaluation criteria.

5.62 Several delegations expressed a preference to refer the matter back to MEPC for further discussion, while other delegations highlighted that MEPC 78 specifically requested this Sub-Committee to provide some advice as the Sub-Committee responsible for port State control issues.

5.63 Following extensive consideration, the Sub-Committee agreed that at this stage there was no support within the Sub-Committee to regard as a detainable deficiency the absence of implementation by the ship as planned at the time of the inspection of the three-year implementation plan and/or the plan of corrective actions for a ship rated as D for three consecutive years, or rated as E, and agreed to advise MEPC 79 accordingly.

5.64 The Sub-Committee also noted that several Member States had emphasized the need to provide further clarity to Administrations, port State control as well as flag State authorities on how the enforcement of CII regulations might be improved in the future. To this effect, the Sub-Committee further noted that interested Member States, international organizations and PSC regimes could submit analysis and proposals to a future MEPC session, including on possible CII enforcement scenarios.

Terms of reference for the Drafting Group

5.65 The Sub-Committee instructed the Drafting Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide to be established under agenda item 6 to, inter alia (see paragraphs 6.6 and 14.10):

- .1 review the report of the Correspondence Group (III 8/5) in relation to amendments to *Procedures for port State control, 2021* (resolution A.1155(32)) (III 7/17, paragraph 5.43);
- .2 prepare terms of reference for a correspondence group to:
 - .1 further consider the proposed amendments provided in paragraphs 12 and 13 of document III 8/5/5;

- .2 further consider the proposed amendments provided in document III 8/5/7;
- .3 further consider the tables as set out in the annex to document III 8/INF.5 with a view to amending appendix 19;
- .4 review the *Guidelines for port State control under the BWM Convention* (resolution MEPC.252(67)) with a view to their inclusion as a new appendix to the Procedures for port State control, taking into account 2018 and 2020 amendments to the BWM Convention (MEPC 77/16, paragraph 10.6);
- .5 review the *Interim guidance on control and compliance measures to enhance maritime security* (resolution MSC.159(78)) with a view to their inclusion as a new appendix to the Procedures for port State control (MSC 105/20, paragraph 13.9);
- .6 review the *2022 Guidelines for inspection of anti-fouling systems on ships* (resolution MEPC.357(78)) with a view to their inclusion as a new appendix to the Procedures for port State control (MEPC 78/17, paragraph 9.8); and
- .7 review the draft amendments in relation to the short-term GHG reduction measure as agreed, in principle, by MEPC 78, as set out in document MEPC 78/7/10, while deleting the text in square brackets in the proposed new sub-paragraph 2.7.2.11 of appendix 18, subject to confirmation by MEPC 79.

Report of the Drafting Group

5.66 Having approved the report of the Drafting Group (III 8/WP.6), in general, and having considered the relevant part of the report, with respect to measures to harmonize port State control (PSC) activities and procedures worldwide, the Sub-Committee took decisions as reflected in the following paragraphs (see paragraph 14.11).

Procedures for port State control

5.67 With respect to the draft term of reference concerning the *Guidelines for port State control under the BWM Convention* (resolution MEPC.252(67)), the Sub-Committee noted that these Guidelines might be amended in the future as they were currently being reviewed as part of the experience-building phase associated with the BWM Convention (MEPC 78/17, paragraph 4.33.1.2).

5.68 Concerning the review of the report of the Correspondence Group (document III 8/5), the Sub-Committee noted that the Drafting Group considered only the outstanding issues due to the limited time available and therefore recommended the re-establishment of the Correspondence Group, bearing in mind that the amendments to the *Procedures for port State control, 2021* (resolution A.1155(32)) needed to be finalized prior to potential direct submission to A 33 for adoption.

Re-establishment of the Correspondence Group

5.69 The Sub-Committee re-established the Correspondence Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide, coordinated by the European Commission (EC),² using the IMO Space facilities, under the following draft terms of reference (see paragraph 14.14):

- .1 review annex 2 to document III 8/5 concerning Guidance for PSCOs on Suspension of Inspection for inclusion as a new appendix to the Procedures for port State control;
- .2 prepare terms of reference for the Working Group to be established at III 9 for consideration of the proposed amendments provided in document III 8/5/3 taking into account the comments and decision taken by III 8;
- .3 consider the draft amendments to the *Procedures for port State control, 2021* (resolution A.1155(32)), as set out in annex 1 to document III 8/5, taking into account documents III 8/5/5 (Black Sea MoU) and III 8/5/7 (Marshall Islands);
- .4 consider the tables as set out in the annex to document III 8/INF.5 with a view to updating appendix 19 of the Procedures (List of instruments relevant to port State control procedures);
- .5 review the *Guidelines for port State control under the BWM Convention* (resolution MEPC.252(67)) with a view to them being added as new appendix to the Procedures for port State control in its future version;
- .6 review the *Interim guidance on control and compliance measures to enhance maritime security* (resolution MSC.159(78)) with a view to inclusion as a new appendix to a future version to the Procedures for port State control;
- .7 review the *2022 Guidelines for inspection of anti-fouling systems on ships* (resolution MEPC.357(78)) with a view to them being added as a new appendix to a future version of the Procedures for port State control; and
- .8 review the draft amendments in relation to the short-term GHG reduction measure as agreed, in principle, by MEPC 78 as set out in document MEPC 78/7/10, while deleting the text in square brackets in the proposed new sub-paragraph 2.7.2.11 of appendix 18, subject to confirmation by MEPC 79;

Future meetings of the PSC Working/Drafting Group

5.70 Given the amount of work required to be completed by the Working/Drafting Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide, if established at the next session of the Sub-Committee, the Sub-Committee agreed that the Working/Drafting Group should start its work on the morning of the first day, during III 9, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5/Rev.3, and the review of the report of the Correspondence Group should be considered as a priority (see paragraph 14.15).

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5.71 The Sub-Committee noted the Drafting Group's recommendation that a working group should be established rather than a drafting group at III 9, taking into consideration the need to finalize the draft Assembly resolution on Procedures for PSC during III 9.

6 DEVELOPMENT OF AN ENTRANT TRAINING MANUAL FOR PSC PERSONNEL

Development of an entrant training manual for PSC personnel

6.1 The Sub-Committee was advised that MSC 103 and MEPC 76, having considered a proposal for a new output prepared by III 6 (III 6/15, annex 5) to develop a training manual for new entrant PSC personnel, which would be regularly updated, for voluntary use, agreed to include in the biennial agenda of the III Sub-Committee for 2022-2023 and the provisional agenda for III 8 an output on "Development of an entrant training manual for PSC personnel", with a target completion year of 2023 (MSC 103/21, paragraphs 18.35 and 18.36; MEPC 76/15, paragraphs 10.1 to 10.2).

6.2 In this respect, the Sub-Committee had for its consideration document III 8/6 (China), putting forward principles and draft framework of the entrant training manual for PSC personnel based on training experience of new entrant PSC personnel in China, with reference to Model Course 3.09 and Procedures for port State control, 2021 (resolution A.1155(32)).

6.3 Some delegations supported the development of the training manual for new entrant PSC personnel, as proposed in document III 8/6. One other delegation supported the idea that the training manual for new entrant PSC personnel be developed in parallel with the IMO Model Course 3.09 on Port State Control.

6.4 Most delegations that commented on the proposal in document III 8/6 supported the principle of the proposal and stated that the training manual for new entrant PSC personnel should be developed after the finalization of the IMO Model Course 3.09 on Port State Control.

6.5 Following the discussion, the Sub-Committee, while recognizing the broad support for the principle of the proposal, agreed that the training manual for new entrant PSC personnel should be developed after the finalization of the IMO Model Course 3.09 on Port State Control.

Establishment of the Drafting Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide (Agenda items 5 and 14)

6.6 The Sub-Committee, in accordance with the provisions given in paragraph 15 of document III 8/1/2 (Chair), taking into account decisions in plenary under agenda items 5, 6 and 14, established the Drafting Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide with the terms of reference set out in paragraphs 5.65 and 14.10).

7 IDENTIFIED ISSUES RELATING TO THE IMPLEMENTATION OF IMO INSTRUMENTS FROM THE ANALYSIS OF PSC DATA

7.1 The Sub-Committee noted that no document had been submitted under this item at this session and recalled that for several years there had been no submissions under this agenda item.

7.2 Having recalled the diverse set of topics on the Sub-Committee's agenda, and the existence of comprehensive sets of data already available in various GISIS modules, such as, and not limited to, Member State Audit, Marine Casualty Investigation, Port Reception Facilities and port State control, the Sub-Committee was advised that these data sets might provide a good basis for identifying issues in implementation.

7.3 The Sub-Committee considered the proposal made by the Chair during III 8 to rename output (7.5), currently on the agenda of the Sub-Committee, as "Identified issues relating to the implementation of IMO instruments from the analysis of data" with extension of scope of the output in order to make progress for the Organization to start using its various sets of data, analysing them, and identifying trends and issues in the implementation of mandatory IMO instruments.

7.4 Noting the view that the modules in the GISIS platform were mostly used as a platform for data collection and that there was a need to examine how GISIS could be improved to include an interface for data consultation and extraction of various data sets to facilitate data analysis, the Sub-Committee agreed to rename the output as "Identified issues relating to the implementation of IMO instruments from the analysis of data" with extension of scope of the output (7.5) subject to endorsement by the Committees.

8 ANALYSIS OF CONSOLIDATED AUDIT SUMMARY REPORTS

Matters considered by correspondence prior to the virtual meeting

8.1 In accordance with the arrangements of the remote session, as outlined in document III 8/1/2 (Chair) and its annex 2 (section 2 on agenda item 8), the Sub-Committee considered, by correspondence, prior to the virtual meeting, document III 8/8 (China) regarding the proposal for the improvements in the analysis of consolidated audit summary reports (CASRs).

8.2 The Sub-Committee also considered, by correspondence, the following relevant outcome of III 7 and other IMO bodies, as outlined in paragraphs 2.1 to 2.3 of document III 8/1/2:

- .1 MSC 105 and MEPC 78 endorsed the outcome of III 7 on the analysis of the four consolidated audit summary reports (CASRs), regarding the five main areas of recurrent findings and observations, the highest numbers of references recorded against the specific provisions of the mandatory IMO instruments, and the four main areas of root causes;
- .2 in particular, III 7, on the basis of the review of the most recurrent references to the mandatory IMO instruments in findings and observations from Member State audits, as well as the associated root causes, conducted initial analysis of the effectiveness and appropriateness of identified provisions of the mandatory IMO instruments and agreed to recommend MSC to, among other things, refer SOLAS 1974, regulation IV/5, to the NCSR Sub-Committee for further review (III 7/17, paragraphs 7.22 to 7.27 and appendix 5 to annex 4); and
- .3 in the above context, MSC 105, inter alia, instructed III 8 to first prepare a justification for a new output for NCSR, to be submitted to MSC 106 for approval (MSC 105/20, paragraph 13.10; MEPC 78, paragraph 10.8).

8.3 During the virtual meeting, the Sub-Committee endorsed the Chair's proposals in section 2 of annex 2 to document III 8/1/2, as set out in paragraph 8.4.

Establishment of the Working Group

8.4 The Sub-Committee established the Working Group on III Code Implementation Guidance and IMSAS-related Matters under, among others, the following terms of reference (see paragraph 9.4):

- .1 consider document III 8/8 (China) containing the proposal for the improvements in the analysis of consolidated audit summary reports (CASRs), in particular, regarding inclusion of the outcome from the audit follow-up process in the analysis; and
- .2 prepare a justification for a new output for NCSR based on decisions taken at MSC 105 for submission to MSC 106 for consideration (MSC 105/20, paragraph 13.10.3.1).

MATTERS CONSIDERED DURING THE VIRTUAL MEETING

Report of the Working Group

8.5 Having approved the report of the Working Group on III Code Implementation Guidance and IMSAS-related Matters (III 8/WP.4), in general, and having considered the relevant part of the report, with respect to the analysis of consolidated audit summary reports (CASRs), the Sub-Committee took decisions as reflected in the following paragraphs (see paragraph 9.5).

Proposal for the improvements in the analysis of Consolidated Audit Summary Reports (CASRs)

8.6 The Sub-Committee noted that the Working Group had considered the proposals put forward by China in paragraph 12 and 13 of document III 8/8, and endorsed the Working Group's recommendation that:

- .1 Member States be encouraged to share their experiences in implementing IMO instruments, in particular, in implementing the agreed CAPs in aspects related to human, material and financial resources, through submission to future sessions of the Sub-Committee; and
- .2 Member States be encouraged to provide best practices, if any, for effective implementation of the agreed CAPs and any difficulties encountered in the implementation, through the audit follow-up process

by submitting them to future sessions of the Sub Committee

8.7 In this context, the Sub-Committee requested the Secretariat to prepare and submit to a future session of the Sub-Committee the analysis of the audit follow-up, in a dedicated report separate from the report on analysis of CASRs, including proposing an initial methodology for further refinement by the Sub-Committee.

Justification for a new output for NCSR Sub-Committee

8.8 The Sub-Committee agreed to the proposed justification for a new output on "review of the appropriateness and effectiveness of SOLAS 1974, regulation IV/5 (Provision of radiocommunication services)" for NCSR, as prepared by the Working Group, for submission to MSC 106 for consideration, as set out in annex 3.

9 DEVELOPMENT OF GUIDANCE IN RELATION TO IMSAS TO ASSIST IN THE IMPLEMENTATION OF THE III CODE BY MEMBER STATES

Matters considered by correspondence prior to the virtual meeting

9.1 In accordance with the arrangements of the remote session, as outlined in document III 8/1/2 (Chair) and its annex 2 (section 3 on agenda item 9), the Sub-Committee considered, by correspondence, prior to the virtual meeting, the following documents:

- .1 III 8/9 (the Netherlands), containing the report of the Correspondence Group on the Guidance in relation to the IMO Member State Audit Scheme (IMSAS) to assist in the implementation of the III Code by Member States;
- .2 III 8/INF.16 (China), providing information on the updated enquiry system of the Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code); and
- .3 III 8/INF.17 (China), containing information on the Chinese terms in the IMO Multilingual Glossary on the IMO Member State Audit Scheme.

9.2 The Sub-Committee was informed, by correspondence, of the following relevant outcomes of III 7 and other IMO bodies, as outlined in paragraphs 3.1 and 3.2 of document III 8/1/2:

- .1 MSC 103 and MEPC 76 agreed to include in the biennial agenda of the Sub-Committee for 2022-2023 and the provisional agenda for III 8 an output on "Development of guidance in relation to IMSAS to assist in the implementation of the III Code by Member States" with a target completion year of 2023 (MSC 103/21, paragraphs 18.37 and 18.38) (MEPC 76/15, paragraphs 10.1 and 10.2); and
- .2 III 7 agreed to establish the Correspondence Group on III Code Implementation Guidance under the coordination of the Netherlands to consider the structure for the draft III Code implementation guidance, and review the major areas of findings/observations identified in audits, related shortcomings and underlying difficulties, and identify provisions of the III Code for which Member States would benefit from developing associated guidance, and proceed to further develop the content of the draft III Code implementation guidance.

9.3 During the virtual meeting, the Sub-Committee endorsed the Chair's proposals in section 3 of annex 2 to document III 8/1/2, as set out in paragraph 9.4.

Terms of reference for the Working Group

9.4 The Sub-Committee established the Working Group on III Code Implementation Guidance and IMSAS-related Matters, under the following terms of reference, inter alia (see paragraph 8.4):

- .1 note documents III 8/INF.16 (China) on Information on the updated enquiry system of the Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code) and III 8/INF.17 (China) on Information on the Chinese terms in the IMO Multilingual Glossary on IMO Member State Audit Scheme;

- .2 consider the need for further development of more detailed guidance on evaluation and review for the coastal and port State sections (III 8/9, paragraphs 8 and 17.1);
- .3 consider the structure, scope and level of detail of the proposed draft III Code implementation guidance (III 8/9, paragraphs 12 and 17.2, and the annex);
- .4 consider the proposal to further develop a Non-exhaustive list tool for use by Member States, e.g. through GISIS, and request the Secretariat to submit a proposal on this matter to III 9 (III 8/9; paragraphs 15 and 17.3);
- .5 review and further develop, using the annex to document III 8/9 as a basis, draft guidance in relation to the IMO Member State Audit Scheme (IMSAS) to assist in the implementation of the III Code by Member States (the III Code Implementation Guidance) (III 8/9, paragraph 17.4);
- .6 advise on the re-establishment of the Correspondence Group, at this session, and the Working/Drafting Group on III Code Implementation Guidance and IMSAS-related Matters, at the next session, which could start their work on the morning of the first day of III 9, in accordance with paragraph 5.19 of MSC MEPC.1/Circ.5/Rev.3. If so, prepare draft terms of reference for those Groups under agenda items 8 and 9, as appropriate; and
- .7 submit a written report under agenda items 8 and 9 by Friday, 29 July 2022, for consideration by the plenary.

MATTERS CONSIDERED DURING THE VIRTUAL MEETING

Report of the Working Group

9.5 Having considered the relevant part of the report of the Working Group on the III Code Implementation Guidance and IMSAS-related Matters (III 8/WP.4) with respect to the Development of guidance in relation to IMSAS to assist in the implementation of the III Code by Member States, the Sub-Committee took decisions as reflected in the following paragraphs (see paragraph 8.5):

Information on the updated enquiry system of the Non-exhaustive List of Obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)

9.6 The Sub-Committee noted document III 8/INF.16 on the updates of the enquiry system of the Non-exhaustive List of Obligations under instruments relevant to the IMO Instruments Implementation Code (III Code).

Proposal to add Chinese terms to the IMO Multilingual Glossary on IMO Member State Audit Scheme

9.7 The Sub-Committee noted document III 8/INF.17 on the proposal to add Chinese terms to the IMO Multilingual Glossary on the IMO Member State Audit Scheme and requested the Secretariat to take action, as appropriate.

9.8 In this context, the Sub-Committee invited other Member States whose language was also an official language of IMO (Arabic and Russian) and interested Member States to submit similar information documents to further sessions of the Sub-Committee.

Development of guidance in relation to IMSAS to assist in the implementation of the III Code by Member States – Report of the Correspondence Group

9.9 The Sub-Committee noted that the Working Group had considered document III 8/9 on the report of the Correspondence Group, in particular with respect to action requested of the Sub-Committee and agreed on:

- .1 the need for further development of more detailed guidance on evaluation and review for the coastal and port State sections (III 8/9, paragraphs 8 and 17.1);
- .2 the structure, scope and level of details of the draft III Code implementation guidance (III 8/9, paragraphs 12 and 17.2, and the annex); and
- .3 the draft III Code implementation guidance as a solid basis for further development of this Guidance (III 8/9, paragraph 17.4).

9.10 Subsequently, the Sub-Committee noted that the Working Group in its discussion had:

- .1 recalled the information on the enquiry system of the Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code) presented by China (documents III 7/7/3 and III 8/INF.16);
- .2 noted that the mention of the web-based tool was reflected in the draft III Code implementation guidance as a footnote (annex, part A, paragraph 1.15); and
- .3 recalled (III 7/17, paragraph 7.48) that the Member State Audit (MSA) module in GISIS was already furnished with the regulation tree based on the Non-exhaustive list and it was in use as a referencing tool within the MSA module in GISIS. The regulation tree was administered and maintained internally by the Organization.

9.11 In this context, the Sub-Committee endorsed the Working Group's recommendation that a Non-exhaustive list tool be developed for use by Member States, e.g. through GISIS, and therefore, requested the Secretariat to submit a proposal on this matter to a future session of the Sub-Committee (III 8/9; paragraphs 15 and 17.3), including consultation with China based on the developed web-based tool. In this connection, the footnote, in square brackets in the draft III Code implementation guidance (III 8/9, annex), referring to the web-based tool presented by China should be removed at this stage.

9.12 With regard to the section on "Delegation of authority", the Sub-Committee noted the proposal by the United States stating that as the work of IQARB progressed, it was anticipated that it would become an important resource for Member States in the verification of recognized organizations' (ROs') quality management system (QMS) elements included in the RO Code. Member States might choose to include the reports and Factual Statements of IQARB as a supplement to their RO oversight responsibilities required by the III Code, while awaiting the outcome of MSC vis-à-vis IQARB which would occur prior to the planned completion of the work on this guidance at III 9.

9.13 In this regard, the Sub-Committee also noted the different views were expressed in the Working Group, as follows:

- .1 some of the delegations were in favour of including the "Factual Statements" issued by the International Quality Assessment Review Body (IQARB) to be recognized during IMSAS audits as part of the oversight programme of ROs implemented by Member States;
- .2 some of the delegations expressed the view that including Factual Statements from IQARB in the Guidance might be too detailed and specific at this stage; and
- .3 other delegations expressed the view that III Code Implementation Guidelines were intended, as a primary objective, to clarify the implementation of the III Code provisions. IQARB Factual Statements might assist Member States, in particular developing States, in implementing their oversight programme of ROs.

9.14 In this context, the Sub-Committee noted the Working Group's view that further considerations could be taken into account based on any decision by MSC, while there was a proposal for the inclusion of a new paragraph in the draft guidance, as follows:

"The RO Code allows for the use of cooperative agreements and information sharing on RO performance via memorandums of cooperation with other Member States who utilize all or some of the same ROs. In addition, Member States may take into account the Factual Statements issued by the International Quality Assessment Review Body (IQARB) for those organizational elements of the RO Code which are general in nature and related to the implementation of a Quality Management System".

9.15 With regard to other sections of the III Code Implementation Guidance, the Sub-Committee noted that the following views were expressed in the Working Group:

- .1 to review the preamble and introduction of the III Code Implementation Guidance to align with the objectives of the III Code;
- .2 to review paragraph 1.4 on the strategy section as views on this subject matter were divided between the delegations, as follows:
 - .1 to keep the existing text as it was;
 - .2 to delete some expressions within (the words "flag administrations");
 - .3 to be clearer and more concise; and
 - .4 to review existing paragraphs in order to capture a more realistic situation among Member States' maritime structure;
- .3 similar views were expressed regarding the strategy section, paragraphs 1.2, 1.3, 1.6, 1.7 and 1.10 in relation to making the Guidance more general and to consider some issues, encountered in audits as best practices and not as a rule to be followed by Member States; and
- .4 under section "delegation of authority", additional views were expressed regarding paragraph 2.5 in relation to only keeping the RO Code provisions as reference and not resolutions A.739(18) and A.789(19).

Re-establishment of the Correspondence Group

9.16 The Sub-Committee re-established the Correspondence Group on III Code Implementation Guidance, under the coordination of the Netherlands,³ using IMO Space facilities, under the following terms of reference,:

- .1 further develop and finalize the draft text of the III Code implementation guidance on the basis of document III 8/9, taking into account document III 8/WP.4, in particular with respect to:
 - .1 a more detailed guidance on “evaluation and review” for the coastal and port State sections;
 - .2 introduction and preamble of the III Code Implementation Guidance;
 - .3 strategy section;
 - .4 delegation of authority's section;
 - .5 delegation of authority's section, including analyse referencing only to RO Code;
 - .6 consideration of including in the draft guidance the Factual Statements issued by IQARB, taking into account any decision by MSC, and prepare relevant text as appropriate; and
 - .7 finalization of the text of the draft III Code implementation guidance with a view to reflecting the non-mandatory status of the guidance;
- .2 consider a vehicle for adoption/approval of the draft III Code implementation guidance and prepare the draft text of draft circular/circular letter for consideration by III 9; and
- .3 submit a written report to III 9.

Working/Drafting Group on III Code Implementation Guidance and IMSAS-related Matters

9.17 The Sub-Committee agreed that the Working/Drafting Group on III Code Implementation Guidance and IMSAS-related Matters, if re-established, should commence its work on the morning of the first day, in accordance with paragraph 5.19 of MSCMEPC.1/Circ.5/Rev.3 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, under the following terms of reference, subject to further instructions to be received from the plenary:

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- .1 review the report of the Correspondence Group, in particular with respect to the following as may be proposed by the Correspondence Group:
 - .1 more detailed guidance on “evaluation and review” for the coastal and port State sections;
 - .2 introduction and preamble of the III Code implementation guidance;
 - .3 strategy section;
 - .4 delegation of authority's section, including Factual Statements issued by IQARB; and
 - .5 delegation of authority's section, analyse referencing only to RO Code;
- .2 finalize the text of the III Code implementation guidance, together with the text of the draft circular/circular letter for adoption/approval; and
- .3 submit a report to III 9.

10 UPDATED SURVEY GUIDELINES UNDER THE HARMONIZED SYSTEM OF SURVEY AND CERTIFICATION (HSSC)

MATTERS CONSIDERED BY CORRESPONDENCE PRIOR TO THE VIRTUAL MEETING

10.1 In accordance with the arrangements of the remote session, as outlined in document III 8/1/2 (Chair) and its annex 2 (section 4 on agenda item 10), the Sub-Committee considered, by correspondence, prior to the virtual meeting, the following documents:

- .1 III 8/10 (China), containing the reports of the Correspondence Group on the Review of the Survey Guidelines under HSSC and the Non-exhaustive List of Obligations under Instruments Relevant to the III Code and presenting, among other things, the proposed amendments to Survey Guidelines under the HSSC, 2021 (part 1 of annex 1 to III 8/10) deriving from the amendments to the relevant mandatory instruments due to enter into force up to and including 1 November 2022, pending further developing with a view to submission in a consolidated form to A 33 for adoption, as appropriate; the proposed amendments to Survey Guidelines (part 2 of annex 1 to III 8/10) deriving from the amendments to SOLAS 1974 and related mandatory instruments adopted in accordance with the four-year cycle system with the date of entry into force between 1 January 2024 and 31 December 2025 for the continuous and further development after III 8; and status of development of draft amendments to the Survey Guidelines (annex 2 to III 8/10);
- .2 III 8/10/1 and III 8/INF.5 (Secretariat), containing the lists of new and outstanding requirements, which were adopted by MSC 103, MEPC 76, MSC 104, MEPC 77 and A 32;
- .3 III 8/10/2 (China), proposing to formulate a unified format of recording date in certificates, aiming at avoiding unnecessary misunderstanding either through amendments to the Survey Guidelines under the HSSC or development of a circular; and

- .4 III 8/INF.18 (China), providing information on three disputed cases arising from revalidation of certificates according to *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2021* (resolution A.1156(32)).

10.2 The Sub-Committee also considered, by correspondence, the following relevant outcomes of other IMO bodies, as outlined in paragraphs 4.1 to 4.3 of document III 8/1/2, as supplemented by paragraph 5 of document III 8/1/2/Add.1 (Chair):

- .1 MSC 104 and MEPC 77 noted that A 31, having considered document A 31/10/2 (Germany et al.), in connection with the draft Assembly resolution on the Survey Guidelines, had noted that a number of delegations supported the proposals contained therein, in particular regarding the principle that draft amendments to the Guidelines should be linked to mandatory requirements; and the Committees instructed III 8 to consider the matter, taking into account documents MSC 102/2/3 (Russian Federation et al.), MSC 102/2/4 (Russian Federation et al.), MSC 103/2/1 (Secretariat), MSC 103/2/2 (Austria et al.) and MSC 104/1/2/Add.1 (Chair); to seek the Committees' advice in case of any policy decision needed; and to report back to the Committees accordingly (MSC 104/18, paragraphs 2.4 and 2.5);
- .2 with regard to the procedure for revising standards referenced in IMO instruments proposed in document MSC 103/16/4 (China), MSC 103, having noted that more thorough deliberation of the procedure proposed in document MSC 103/16/4 was required, agreed to refer the matter to the III Sub-Committee for further consideration and invited interested Member States and international organizations to submit relevant proposals to III 8 (MSC 103/21, paragraph 16.11);
- .3 MEPC 77 instructed the III Sub-Committee to consider document MEPC 77/14/5 (China), providing comments on document MEPC 76/15/Add.1 (Secretariat) and inviting the Committee to clarify the definition of UNSP barges in MARPOL Annex VI (2021 Revised). MEPC 77 requested the III Sub-Committee to advise it accordingly (MEPC 77/16, paragraph 14.8); and
- .4 MEPC 78 instructed the III Sub Committee to consider the information and proposals in document MEPC 76/13/1 (World Coatings Council) and advise the Committee accordingly (MEPC 78/17, paragraph 15.6).

10.3 During the virtual meeting, the Sub-Committee endorsed the Chair's proposals in section 4 of annex 2 to document III 8/1/2, as modified by paragraphs 5 and 6 of document III 8/1/2/Add.1, as set out in paragraph 10.4.

Establishment of the Working Group

10.4 The Sub-Committee established the Working Group on the Survey Guidelines under the HSSC, the Non-exhaustive List of Obligations, and the Guidance on Remote Surveys, Audits and Verifications under, among others, the following terms of reference (see paragraphs 11.4 and 12.5):

Process of updating the Survey Guidelines under HSSC

- .1 consider the matter with regard to process of updating the Survey Guidelines under HSSC, taking into account documents MSC 102/2/3 (Russian Federation et al.), MSC 102/2/4 (Russian Federation et al.), MSC103/2/1 (Secretariat), MSC 103/2/2 (Austria et al.) and MSC 104/1/2/Add.1 (Chair); seek the Committees' advice in case of any policy decision needed;

Procedure for revising standards referenced in IMO instruments

- .2 consider further the matter regarding procedure for revising standards referenced in IMO instruments proposed in document MSC 103/16/4 (China), taking into account discussion at MSC 103;

Definition of UNSP barges

- .3 consider document MEPC 77/14/5 (China) regarding request for clarification of the definition of unmanned non-self-propelled (UNSP) barges in MARPOL Annex VI, as adopted by resolution MEPC.328(76);

Amendments to the Survey Guidelines under the HSSC

- .4 consider document III 8/10/2 (China) on Proposals on harmonizing the format of certificate date under the framework of IMO conventions;
- .5 note document III 8/INF.18 (China) on Disputed cases arising from revalidation of certificates;
- .6 review and continue to develop, using document III 8/10 (China) (part 1 of annex 1) as the basis, draft amendments to the *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2021* (resolution A.1156(32)), deriving from amendments to the relevant mandatory instruments entering into force up to and including 31 December 2023, taking into account documents III 8/10 (annex 2) and III 8/INF.5, for finalization at the next session with a view to submission, as a consolidated form, to A 33 for adoption, as appropriate;
- .7 identify in documents III 8/10 (annex 2) and III 8/INF.5, as referred to by document III 8/10/1 (Secretariat), taking into account part 2 of annex 1 to document III 8/10, those items which have not been dealt with so far and left for further development of amendments to the Survey Guidelines, with a view to maintaining the status of the items for future amendments; and

Survey and certification under AFS 2001

- .8 consider the information and proposals in document MEPC 76/13/1 (World Coatings Council) and advise the MEPC accordingly (MEPC 78/17, paragraph 15.6).

MATTERS CONSIDERED DURING THE VIRTUAL MEETING

Report of the Working Group

10.5 Having approved the report of the Working Group on the Survey Guidelines under the HSSC, the Non-exhaustive List of Obligations, and the Guidance on Remote Surveys, Audits and Verifications (III 8/WP.5), in general, and having considered the relevant part of the report, with respect to the Survey Guidelines under the HSSC, the Sub-Committee took decisions as reflected in the following paragraphs (see paragraphs 11.5 and 12.6).

Process of updating the Survey Guidelines under HSSC

10.6 The Sub-Committee was advised that:

- .1 MSC 78 and MEPC 49 had agreed that the FSI (now III) Sub-Committee should coordinate the review of the Survey Guidelines so that whenever an amendment to a statutory instrument was developed which entailed consequential amendments to the Guidelines, such amendments should be developed by the Sub-Committee under its continuous item on "Review of Survey Guidelines under the HSSC (resolution A.948(23))" before the entry into force of related amendments to mandatory instruments (MSC 78/26, paragraph 10.12 and MEPC 49/22, paragraph 10.2.9) (MSC 104/18, paragraph 2.3); and
- .2 MSC 104 and MEPC 77 noted that A 31, having considered document A 31/10/2 (Germany et al.), in connection with the draft Assembly resolution on the Survey Guidelines, had noted that a number of delegations supported the proposals contained therein, in particular regarding the principle that draft amendments to the Guidelines should be linked to mandatory requirements; and the Committees instructed III 8 to consider the matter, taking into account documents MSC 102/2/3 (Russian Federation et al.), MSC 102/2/4 (Russian Federation et al.), MSC 103/2/1 (Secretariat), MSC 103/2/2 (Austria et al.) and MSC 104/1/2/Add.1 (Chair), to seek the Committees' advice in case of any policy decision needed, and to report back to the Committees accordingly (MSC 104/18, paragraphs 2.4 and 2.5).

10.7 In this connection, the Sub-Committee noted that the Working Group had considered the matter, taking into account the following documents:

- .1 documents MSC 102/2/3 and MSC 102/2/4 (Russian Federation et al.), discussing the process of updating the Survey Guidelines and proposing amendments to MSC.1/Circ.1587 and MSC.1/Circ.1500/Rev.1 (MSC 102/2/3) and a new draft MSC-MEPC circular (MSC 102/2/4), respectively, to ensure that new survey items should be approved for inclusion in the Guidelines only when such items can be directly linked to requirements in mandatory instruments that are, or by the time of adoption of the updated Guidelines will be, in force;
- .2 document MSC 103/2/1 (Secretariat), providing information on the current process and practice of updating the Survey Guidelines;
- .3 document MSC 103/2/2 (Austria et al.), commenting on documents MSC 102/2/3 and MSC 102/2/4 and suggesting that the direct link to mandatory requirements should not mean that, in describing how the items should be surveyed, additional details and items intrinsically linked to the mandatory requirements are excluded from the scope of the Survey Guidelines; and
- .4 document MSC104/1/2/Add.1 (Secretariat), providing information on the response received to the actions proposed by the MSC Chair in document MSC 104/1/2, particular relevant comments by the United Arab Emirates (UAE) and IACS on the clarification of the phrase "directly linked to requirements in mandatory instruments", as well as their support of the proposal in paragraph 11 of MSC 103/2/2, including proceeding with the identification of any existing gaps between the Survey Guidelines under the HSSC and the mandatory requirements.

10.8 Consequently, the Sub-Committee:

- .1 recommended the Committees to re-affirm the methodology agreed by MSC 78 and MEPC 49 (MSC 78/26, paragraph 10.12; MEPC 49/22, paragraph 10.2.9) that the III Sub-Committee should coordinate the review so that whenever an amendment to a statutory instrument was adopted which entailed consequential amendments to the Survey Guidelines, draft amendments to the Survey Guidelines should be developed by the Sub-Committee under its continuous item on "Updated Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)" before the entry into force of the amendments;
- .2 agreed that the principle that draft amendments to the Survey Guidelines should be derived from and linked to mandatory requirements, which, however, should not mean that in describing how the items should be surveyed, additional and effective implementing measures directly linked to the mandatory requirements were excluded from the scope of the Survey Guidelines under the HSSC;
- .3 agreed also that the phrase "directly linked to requirements in mandatory instruments" should be understood as "the Survey Guidelines under the HSSC should include survey instructions for items based on mandatory instruments";
- .4 instructed the Correspondence Group to be established, to identify any existing gaps between the Survey Guidelines under the HSSC and the mandatory requirements with a view to removing those items not directly linked to requirements in mandatory instruments, and in doing so, prepare a plan for the review exercise; and
- .5 recommended the Committees that such a review exercise with regard to identification of any existing gaps should not prevent approval and adoption of updated Survey Guidelines under the HSSC as usual, given that the review exercise might take time to complete.

Procedure for revising standards referenced in IMO instruments

10.9 The Sub-Committee was advised that, with regard to the procedure for revising standards referenced in IMO instruments proposed in document MSC 103/16/4 (China), MSC 103 noted that the following views were expressed (MSC 103/21, paragraph 16.10):

- .1 the procedure would ensure that references to industry standards in IMO instruments were updated appropriately when such standards had been revised and, therefore, should be supported;
- .2 resolution A.911(22) on *Uniform wording for referencing IMO instruments* should be taken into account when referencing industry standards in IMO instruments, together with the earlier relevant discussion at NCSR 8;
- .3 cases where updating referenced standards could lead to more than minor changes should be carefully considered and how the proposed procedure would be documented should be clarified; and

- .4 international standardization organizations had greater expertise in examining standards than IMO bodies and interested parties should take part in their work.

10.10 The Sub-Committee noted that the Working Group, due to the scope and complexity of the issue and time constraints, was unable to progress the matter and instructed the Correspondence Group to be established, to consider further the proposed procedure in document MSC 103/16/4 in relation to the revision of standards referenced in IMO instruments, taking into account the discussion had at MSC 103.

Definition of UNSP barges

10.11 The Sub-Committee recalled that III 6 had finalized the draft amendments to MARPOL Annexes I, IV and VI concerning the exemption of unmanned non-self-propelled (UNSP) barges from survey and certification requirements, together with the associated draft MEPC.1 circular on guidelines for exemption of UNSP barges from the survey and certification requirements under the MARPOL Convention, which were adopted respectively by resolutions MEPC.328(76) and MEPC.330 (76) with expected entry into force on 1 November 2022, together with approval of the *Guidelines for exemption of UNSP barges from the survey and certification requirements under the MARPOL Convention* (MEPC.1/Circ.892).

10.12 The Sub-Committee noted that in the Working Group's discussion on document MEPC 77/14/5 (China), commenting on document MEPC 76/15/Add.1 (Secretariat) for clarification of the definition of UNSP barges in MARPOL Annex VI (2021 Revised) concerning exemption of UNSP barges from survey and certification requirements, the following views were expressed:

- .1 different MARPOL Annexes (MARPOL Annexes I, IV and VI) have separate definitions of UNSP barges as individual MARPOL Annexes deal with different pollution sources. To allow different definitions of UNSP barges in MARPOL Annexes I, IV and VI is the result of lengthy discussion over years at the III Sub-Committee. Nevertheless, in practice, it might be assumed that separate exemption certificates under MARPOL Annexes I, IV and VI are usually issued altogether to a UNSP barge; and
- .2 in paragraph 3.4 of the *Guidelines for exemption of UNSP barges from the survey and certification requirements under the MARPOL Convention* (MEPC.1/Circ.892), it states "Exemption requirements may not be met where, whether temporarily or permanently, the barge has a means of generating oil residues, exhausts gas emissions, sewage, or other pollutants as defined in MARPOL Annexes I, IV or VI. In such cases, the exemption of survey and certification requirements for the applicable MARPOL Annexes should not be granted", which provides guidance for the Administration or its authorized organizations on the exemption of UNSP barges in MARPOL Annex VI.

10.13 Consequently, the Sub-Committee concurred with the Group's decision that no further action was required and that MEPC 79 be advised accordingly.

Survey and certification under AFS 2001

10.14 The Sub-Committee was advised that:

- .1 MEPC 78, following the adoption of resolution MEPC.331(76) by MEPC 76 of amendments to the Anti-Fouling Systems (AFS) Convention introducing controls on cybutryne, which were expected to come into force on 1 January 2023, had adopted, among others, resolution MEPC.358(78) on *2022 Guidelines for survey and certification of anti-fouling systems on ships*; and
- .2 MEPC 61 had noted the information provided by the observer from IPPIC (now the World Coatings Council) (MEPC 61/14) in respect of its concerns over the type-approval schemes for anti-fouling paint products by recognized organizations (MEPC 61/24, paragraph 14.3).

10.15 In this context, the Sub-Committee noted that the Working Group had considered document MEPC 76/13/1 (World Coatings Council), expressing concerns over the type-approval schemes for anti-fouling paint products by recognized organizations and in practice, such pre-qualification of anti-fouling paints was causing confusion and an unnecessary bureaucratic and costly burden on the marine industry.

10.16 The Sub-Committee confirmed that under the AFS Convention there was no such a requirement for type-approval as pre-qualification for anti-fouling paint products for issuance of International Anti-fouling System Certificates, though it should be at the discretion of the Administration to decide if more than what was required under the provisions of the Convention was needed and MEPC 79 would be advised accordingly.

Amendments to the Survey Guidelines under the HSSC

10.17 The Sub-Committee was advised that the Assembly, at its thirty-second session, had adopted resolution A.1156(32) on the *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2021*. In this regard, the Sub-Committee recalled that III 7 had established the Correspondence Group on the Review of the Survey Guidelines under the HSSC and the Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code), under the coordination of China, to, inter alia, continue updating the Survey Guidelines to include the requirements deriving from amendments to relevant IMO instruments entering into force up to and including 31 December 2023, with a view to submission of draft amendments to the Survey Guidelines to the Committees for approval and to A 33 for adoption.

10.18 The Sub-Committee noted document III 8/INF.18, providing information on three disputed cases arising from revalidation of certificates according to *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2021* (resolution A.1156(32)).

10.19 The Sub-Committee noted that in consideration of document III 8/10/2, the following views were expressed in the Working Group:

- .1 there were no mandatory requirements on the date format of certificates issued under most IMO instruments;
- .2 the proposal in document III 8/10/2 (China) had some merits which would be useful in harmonizing the date format of these certificates;
- .3 different Member States might have different date formats, e.g. DD/MM/YYYY, YYYY/MM/DD and three letters representing month. In this respect, ISO 8601 might be referred to;

- .4 the matter might also affect seafarers' certificates, which was beyond the scope of this output; and
- .5 any changes to the requirements on the date format might require consequential amendments to the certificates and it should be applicable to newly issued certificates only.

10.20 In this context, the Sub-Committee encouraged Member States and international organizations to submit proposals to the Committees for a new output in accordance with the Committees' method of work.

10.21 The Sub-Committee noted that, due to time constraints, the Working Group was unable to review the draft amendments to the *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2021* (resolution A.1156(32)), as contained in annex 1 to document III 8/10, and deferred the following to III 9:

- .1 the review of draft amendments to the *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2021* (resolution A.1156(32)); and
- .2 the identification of status of development of those items in documents III 8/10 (annex 2) and III 8/INF.5 as referred to by document III 8/10/1.

10.22 The Sub-Committee agreed that the draft amendments to the Survey Guidelines needed to be further developed to include the requirements deriving from amendments to relevant IMO instruments entering into force up to and including 31 December 2023, with a view to submission of draft amendments to III 9 for finalization prior to potential direct submission in the consolidated form to A 33 for adoption, subject to approval by the Committees. As planned, there was also a need to separately develop further draft amendments to the Survey Guidelines for adoption in accordance with the four-year cycle of entry into force of amendments to SOLAS 1974 and related mandatory instruments.

Re-establishment of the Correspondence Group

10.23 The Sub-Committee re-established the Correspondence Group⁴ on the Survey Guidelines under the HSSC, the Non-exhaustive List of Obligations, and the Guidance on Remote Surveys, Audits and Verifications, using the IMO Space facilities, under the following terms of reference (see paragraph 11.15 and 12.16):

- .1 identify any existing gaps between the Survey Guidelines under the HSSC and the mandatory requirements with a view to removing those items not directly linked to requirements in mandatory instruments, and in doing so, prepare a plan for the review exercise, bearing in mind that such a review exercise should not prevent approval and adoption of an updated Survey Guidelines under the HSSC as usual, given that such a review exercise might take time to complete;

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- .2 further consider the proposed procedure in document MSC 103/16/4 (China) in relation to the revision of standards referenced in IMO instruments, taking into account the discussion had at MSC 103;
- .3 continue to develop further, using part 1 of annex 1 to document III 8/10 as the basis, draft amendments to the *Survey Guidelines under the harmonized system of survey and certification (HSSC)*, deriving from the amendments to the relevant IMO mandatory instruments which would enter into force up to and including 31 December 2023, taking into account annex 2 to document III 8/10, III 8/INF.5, annex to III 8/WP.5, and outcomes of MSC 105, MEPC 78 and future sessions of MSC and MEPC, as appropriate, with a view to submission of draft amendments, to III 9 for finalization prior to the potential direct submission in the consolidated form to A 33 for adoption, subject to approval by the Committees, and separately, develop further draft amendments to the Survey Guidelines in accordance with the four-year cycle of entry into force of amendments to SOLAS 1974 and related mandatory instruments, as appropriate;
- .4 continue to identify further, using annex 2 to document III 8/10 as basis, III 8/INF.5 and outcomes of MSC 105, MEPC 78 and future sessions of MSC and MEPC, as appropriate, those items which have not been dealt with so far and left for further development of amendments to the Survey Guidelines, with a view to maintaining the status of the items for future amendments; and
- .5 submit a report to III 9.

Working/Drafting Group on the Updated Survey Guidelines Under the HSSC, the Non-Exhaustive List of Obligations Under Instruments Relevant to the III Code and the Guidance on Remote Surveys, Audits and Verifications

10.24 The Sub-Committee agreed that the Working/Drafting Group on the Updated Survey Guidelines under the HSSC, the Non-Exhaustive List of Obligations under Instruments Relevant to the III Code and the Guidance on Remote Surveys, Audits and Verifications, if re-established at the next session, should start its work on the morning of the first day of III 9, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5/Rev.3 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* under the following terms of reference (see paragraphs 11.16 and 12.17), subject to further instructions to be received from the plenary:

- .1 finalize draft amendments to the Survey Guidelines under the Harmonized System of Survey and Certification, deriving from the amendments to the relevant mandatory instruments which would enter into force up to and including 31 December 2023, as might be proposed by an intersessional correspondence group, taking into account documents III 8/10 (part 1 of annex 1), III 8/INF.5, and the outcomes of MSC 105, MEPC 78 and future sessions of MSC and MEPC, as appropriate, with a view to submission of draft amendments, finalized in consolidated form, for adoption at A 33.

11 NON-EXHAUSTIVE LIST OF OBLIGATIONS UNDER INSTRUMENTS RELEVANT TO THE IMO INSTRUMENTS IMPLEMENTATION CODE (III CODE)

MATTERS CONSIDERED BY CORRESPONDENCE PRIOR TO THE VIRTUAL MEETING

11.1 In accordance with the arrangements of the remote session, as outlined in documents III 8/1/2 (Chair) and its annex 2 (section 5 on agenda item 11), the Sub-Committee considered by correspondence, prior to the virtual meeting, the following documents:

- .1 III 8/10 (China), containing the report of the Correspondence Group on the Review of the Survey Guidelines under HSSC and the Non-exhaustive List of Obligations under Instruments Relevant to the III Code and presenting, inter alia, the proposed amendments to the *2021 Non-exhaustive list of obligations under instruments relevant to the III Code* (resolution A.1157(32)) (annex 3 to III 8/10), taking into account new provisions, the entry into force of which extends until 1 January 2024, together with the status of development of the draft amendments to the Non-exhaustive list of obligations (annex 4 of III 8/10);
- .2 III 8/11 and III 8/INF.6 (Secretariat), containing a list of provisions deriving from amendments to mandatory instruments, as adopted by MSC 103, MEPC 76, MSC 104 and MEPC 77, which might be relevant to the development of amendments to the *2021 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)*; and
- .3 III 8/11/1 (China) proposing to mark the obligations relevant to the IMO Instruments Implementation Code (III Code) in the newly adopted amendments to IMO instruments, so as to give full play to the role of the IMO Member State Audit Scheme (IMSAS) and to assist Member States in the implementation of the III Code.

11.2 The Sub-Committee also considered, by correspondence, the following relevant outcomes of other IMO bodies, as outlined in annex 2, paragraph 5.1 of document III 8/1/2:

"MSC 104 instructed III 8 to review the items related to the STCW Convention and Code contained in the 2021 Non-exhaustive list under its related current output, in light of the provisions of the *Framework and Procedures for the IMO Member State Audit Scheme* (resolution A.1067(28)), under its related current output; taking into account document MSC 104/17/9 (China), as well as the mandatory requirements in the STCW Convention and the STCW Code, in order to clarify the purpose and scope of the IMSAS audit, in consultation with the HTW Sub-Committee (MSC 104/18, paragraph 13.6)."

11.3 During the virtual meeting, the Sub-Committee endorsed the proposals in section 5 of annex 2 to document III 8/1/2, as set out in paragraph 11.4.

Terms of reference for the Working Group

11.4 The Sub-Committee established the virtual Working Group on the Survey Guidelines under the HSSC, the Non-exhaustive List of Obligations, and the Guidance on Remote Surveys, Audits and Verifications, under the following terms of reference, inter alia (see paragraphs 10.4 and 12.5):

Obligations related to the STCW Convention and Code

- .1 review the items related to the STCW Convention and Code contained in the 2021 Non-exhaustive list under its related current output, in light of the provisions of the *Framework and Procedures for the IMO Member State Audit Scheme* (resolution A.1067(28)), under its related current output; taking into account document MSC 104/17/9 (China) and discussion at MSC 104, as well as the mandatory requirements in the STCW Convention and the STCW Code, in order to clarify the purpose and scope of the IMSAS audit, in consultation with the HTW Sub-Committee;

Marking the obligations in newly adopted amendments to IMO instruments

- .2 consider document III 8/11/1 (China) on Proposal on marking the obligations relevant to the IMO Instruments Implementation Code (III Code) in IMO instruments;

Amendments to the Non-exhaustive list of obligations

- .3 review and continue to develop, using as the basis documents III 8/10 (China) (annex 3), draft amendments to *the 2021 Non-exhaustive list of obligations under instruments relevant to the IMO instruments implementation Code* (resolution A.1157(32)), deriving from amendments to relevant mandatory instruments due to enter into force up to and including 1 July 2024, taking into account documents III 8/10 (annex 4) and III 8/INF.6, for finalization at the next session with a view to submission, in a consolidated form, to A 33 for adoption, as appropriate; and
- .4 identify, in documents III 8/10 (annex 4) and III 8/INF.6, as referred to by document III 8/11 (Secretariat), those items which have not been dealt with so far and left for further development of amendments to the Non-exhaustive list of obligations with a view to maintaining the status of the items for future amendments.

MATTERS CONSIDERED DURING THE VIRTUAL MEETING

Report of the Working Group

11.5 Having considered the relevant part of the report of the Working Group on the Survey Guidelines under the HSSC, the Non-exhaustive List of Obligations, and the Guidance on Remote Surveys, Audits and Verifications (III 8/WP.5), with respect to the Non-exhaustive list, the Sub-Committee took decisions as reflected in the following paragraphs (see paragraphs 10.5 and 12.6).

Obligations related to the STCW Convention and Code

11.6 The Sub-Committee was advised that:

- .1 MSC 104, with regard to the draft *2021 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)*, had considered document MSC 104/17/9 (China) on clarification of the obligations of Parties in relation to the STCW Convention, as described in the *2019 Non-exhaustive list of obligations under instruments relevant to the IMO instruments implementation Code (III Code)* (resolution A.1141(31)) (MSC 104/18, paragraph 13.2);
- .2 in this context, MSC 104 had recalled that paragraph 7.2.2 of part I of the annex to the *Framework and Procedures for the IMO Member State Audit Scheme* (resolution A.1067(28)), which stated "with regard to the STCW Convention, as amended, the audit should not seek to duplicate existing mandatory audit requirements contained in that Convention. Only the aspects of that Convention that are specified therein should be covered by audits." (MSC 104/18, paragraph 13.3); and

- .3 MSC 104 had agreed to the need to reaffirm the limited scope of IMSAS audits under the STCW Convention and Code and, in the context of approving the draft Assembly resolution on the 2021 Non-exhaustive list, had approved a proposal by the Chair to amend the third preambular paragraph of the draft resolution as follows (MSC 104/18, paragraph 13.5), which was adopted later by the Assembly by resolution A.1157(32):

"RECALLING FURTHER resolution A.1141(31), by which it adopted the *2019 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)* (hereafter referred to as the "Non-exhaustive list of obligations") for guidance on the implementation and enforcement of IMO instruments, in particular ~~concerning~~ including the identification of auditable areas relevant to the IMO Member State Audit Scheme, as provided in mandatory provisions of relevant IMO instruments, following successive revocation of resolutions A.1121(30), A.1105(29) and A.1077(28)."

11.7 In this context, the Sub-Committee noted that the Working Group had considered the items related to the STCW Convention and Code contained in the 2021 Non-exhaustive list, taking into account document MSC 104/17/9 (China) and discussion at MSC 104, as well as the mandatory requirements in the STCW Convention and the STCW Code, in order to clarify the purpose and scope of the IMSAS audit.

11.8 Consequently, the Sub-Committee:

- .1 agreed that the purpose of the Non-exhaustive list of obligations was to support implementation of IMO Member State Audit Scheme (IMSAS) by providing guidance on the implementation and enforcement of the mandatory IMO instruments, in particular concerning the identification of auditable areas relevant to IMSAS, as provided in mandatory provisions of relevant IMO instruments;
- .2 agreed that, in light of paragraph 7.2.2 of part I of the annex to the *Framework and Procedures for the IMO Member State Audit Scheme* (resolution A.1067(28)), Non-exhaustive list of obligations should be limited to the areas subject to IMSAS in accordance with regulation I/16 of the STCW Convention, i.e. provisions provided in section A-I/16 of the STCW Code;
- .3 invited the HTW Sub-Committee to concur with the outcome of discussion and submit to MSC for its consideration and confirmation, as appropriate, in particular with respect to the purpose of the Non-exhaustive list of obligations and the auditable areas subject to IMSAS in relation to the STCW Convention and the STCW Code (i.e. provisions provided in section A-I/16 of the STCW Code); and
- .4 instructed the Correspondence Group to be established, to review the *2021 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)* (resolution A.1157(32)) as per principles set out in paragraphs 11.8.1 and 11.8.2, and taking into account document MSC 104/17/9.

Marking the obligations in newly adopted amendments to IMO instruments

11.9 The Sub-Committee noted that in consideration of document III 8/11/1 (China), the following views were expressed in the Working Group:

- .1 such marking, as a standalone, could not differentiate States' responsibilities as port, coastal and flag States, and might detract from the clarity of presentation for other users of the list;
- .2 the potential root causes to the audit findings, as contained in the *Fifth Consolidated Audit Summary Report (CASR)* (Circular Letter No.4442), did not suggest the necessity of the marking, and the effect of such marking in addressing the issue of the insufficient implementation of obligations was unclear;
- .3 the Non-exhaustive list of obligations by nature was indicative and already included an annex that outlined upcoming amendments; and
- .4 the frequency of publication of the Assembly resolution on the Non-exhaustive list of obligations should be increased from two years to one year with better cross-referencing description.

11.10 Consequently, the Sub-Committee noted that the Working Group did not support the proposal contained in document III 8/11/1 and endorsed the Working Group's decision that no further action needed to be taken.

Amendments to the Non-exhaustive list of obligations

11.11 The Sub-Committee recalled that III 7 had agreed that the annexes to the *2021 Non-exhaustive list of obligations under instruments relevant to the IMO instruments Implementation Code*, which was subsequently adopted by the Assembly as resolution A.1157(32), needed to be further amended in order to keep the list updated with amendments to the relevant mandatory IMO instruments entering into force up to and including 1 July 2024.

11.12 The Sub-Committee also recalled that III 7 had established the Correspondence Group on the Review of the Survey Guidelines under the HSSC and the Non-exhaustive list of obligations, under the coordination of China, to, inter alia, continue to develop the draft amendments to the Non-exhaustive list of obligations, with a view to submission of draft amendments to the Non-exhaustive list, as finalized in consolidated form, for adoption at A 33.

11.13 In this regard, the Sub-Committee noted that, due to time constraints, the Working Group was unable to review the proposed draft amendments to the *2021 Non-exhaustive list of obligations under instruments relevant to the IMO instrument implementation Code* (resolution A.1157 (32)), as contained in annex 3 of document III 8/10 and deferred the following to III 9:

- .1 the review of the proposed draft amendments to the *2021 Non-exhaustive list of obligations under instruments relevant to the IMO instrument implementation Code* (resolution A.1157 (32)); and
- .2 the identification of status of development of those items in documents III 8/10 (annex 4) and III 8/INF.6 as referred to by document III 8/11.

11.14 The Sub-Committee agreed that the draft amendments to the *2021 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code* (resolution A.1157 (32)) needed to be further developed to include the provisions deriving from relevant amendments to mandatory IMO instruments entering into force up to and including 1 July 2024, with a view to submission of draft amendments to III 9 for finalization prior to potential direct submission in consolidated form to A 33 for adoption, subject to approval by the Committees.

Terms of reference for the Correspondence Group

11.15 The Sub-Committee instructed the Correspondence Group on the Survey Guidelines under the HSSC, the Non-exhaustive List of Obligations, and the Guidance on Remote Surveys, Audits and Verifications re-established under agenda item 10 (see paragraphs 10.23 and 12.16), using the IMO Space facilities, to:

- .1 review the *2021 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)* (resolution A.1157(32)) as per principles set out in paragraphs 26.1 and 26.2, and taking into account document MSC 104/17/9;
- .2 continue to develop further, using annex 3 to document III 8/10, draft amendments to the *Non-exhaustive List of Obligations under instruments relevant to the IMO Instrument Implementation Code (III Code)*, deriving from those amendments to the relevant IMO instruments which would enter into force up to and including 1 July 2024, taking into account annex 4 to document III 8/10, document III 8/INF.6, the outcome of MSC 105, MEPC 78 and future sessions of MSC and MEPC, as appropriate, with a view to submission of draft amendments to III 9 for finalization prior to potential direct submission in consolidated form to A 33 for adoption, subject to approval by the Committees; and
- .3 continue to identify further, using annex 4 to documents III 8/10 as a basis, III 8/INF.6 and outcomes of MSC 105, MEPC 78 and future sessions of MSC and MEPC, as appropriate, those items which had not been dealt with so far and left for further development of amendments to the Non-exhaustive list of obligations with a view to maintaining the status of the items for future amendments.

Working/Drafting Group on the Updated Survey Guidelines Under the HSSC, the Non-Exhaustive List of Obligations Under Instruments Relevant to the III Code and the Guidance on Remote Surveys, Audits and Verifications

11.16 With reference to its decision that the Working/Drafting Group on the Updated Survey Guidelines under the HSSC, the Non-Exhaustive List of Obligations under Instruments Relevant to the III Code and the Guidance on Remote Surveys, Audits and Verifications, if re-established at the next session, should start its work on the morning of the first day of III 9, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5/Rev.3 (see paragraph 10.24), the Sub-Committee agreed with the following terms of reference, subject to further instructions to be received from the plenary:

- .1 finalize draft amendments to the *Non-exhaustive List of Obligations under instruments relevant to the IMO Instrument Implementation Code (III Code)*, deriving from those amendments to the relevant IMO instruments which will enter into force up to and including 1 July 2024, as might be proposed by an intersessional correspondence group, taking into account documents III 8/10 (annex 3), III 8/INF.6, and the outcomes of MSC 105, MEPC 78 and future sessions of MSC and MEPC, as appropriate, with a view to submission of draft amendments, finalized in consolidated form, for adoption at A 33.

12 DEVELOPMENT OF GUIDANCE ON ASSESSMENTS AND APPLICATIONS OF REMOTE SURVEYS, ISM CODE AUDITS AND ISPS CODE VERIFICATIONS

MATTERS CONSIDERED BY CORRESPONDENCE PRIOR TO THE VIRTUAL MEETING

12.1 In accordance with the arrangements of the remote session, as outlined in document III 8/1/2 (Chair) and its annex 2 (section 6 on agenda item 12), the Sub-Committee considered by correspondence, prior to the virtual meeting, the following documents:

- .1 III 8/12 (China), proposing a draft guidance on assessments and applications of remote ISM Code audits, aiming to regulate the specific procedures of remote audits, to ensure the safe operation of ships, and thus to safeguard maritime safety and prevent marine pollution from ships;
- .2 III 8/12/1 (Austria et al.), suggesting to amend resolutions A.1118(30) and A.1156(32) to provide guidance on the use of remote audits and surveys, respectively, and also providing principles for the development of Guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications;
- .3 III 8/12/2 (China), proposing draft guidance on remote surveys to promote the development of a unified guidance on assessments and applications of remote surveys;
- .4 III 8/12/3 (Türkiye), providing comments on document III 8/12/1, in particular with regard to the content of the draft guidance;
- .5 III 8/INF.2 (Italy), containing technical information for developing guidelines for inspection techniques in support of remote inspections and informing, in particular, on current R&D activities to assess the effectiveness and reliability of inspections and surveys carried out with the assistance of digital and robotic technologies; and
- .6 III 8/INF.19 (IACS), providing the draft guidance on remote statutory surveys and draft guidance for performance of ISM/ISPS remote audits/verifications.

12.2 During the virtual meeting, the Sub-Committee endorsed the Chair's proposals in section 6 of annex 2 to document III 8/1/2 with respect to terms of reference for the Working Group on the Survey Guidelines under the HSSC, the Non-exhaustive list of obligations, and the Guidance on remote surveys, audits and verifications, as set out in paragraph 12.5.

12.3 At the same time, the Sub-Committee also endorsed the Chair's proposal in responding to a statement from IACS, calling for the introduction of remote inspection under the Maritime Labour Convention, 2006 in alignment with remote ISM audits and ISPS verifications, to be developed by ILO (III 8/1/2/Add.1, paragraphs 3 to 4) and agreed to:

- .1 request the Secretariat to liaise with the ILO Secretariat to draw attention of ILO on the matter; and
- .2 reflect the statement by IACS in the report of III 8.

12.4 In this context, the statement of IACS is set out in annex 8.

Terms of reference for the Working Group

12.5 The Sub-Committee established the Working Group on the Survey Guidelines under the HSSC, the Non-exhaustive List of Obligations, and the Guidance on Remote Surveys, Audits and Verifications under, among others, the following terms of reference (see paragraphs 10.4 and 11.4):

- .1 taking into account documents III 8/12 (China), III 8/12/1 (Austria et al.), III 8/12/2 (China), III 8/12/3 (Türkiye), III 8/INF.2 (Italy) and III 8/INF.19 (IACS), and discussion at MSC 104:
 - .1 consider the framework and structure for the output on Development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications, which may include, as proposed, amendments to both the Survey Guidelines under the HSSC (resolution A.1156(32)) and the Revised guidelines on the implementation of the ISM Code by Administrations (resolution A.1118(30)), as well as development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications; and
 - .2 proceed to further develop the content of the draft guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications, as well as review amendments to both the Survey Guidelines under the HSSC (resolution A.1156(32)) and the Revised Guidelines on the implementation of the ISM Code by Administrations (resolution A.1118(30)); and
- .2 advise on the re-establishment of the Correspondence Group, at this session, and the Working/Drafting Group on the Survey Guidelines under the HSSC, the Non-exhaustive list of obligations, and the Guidance on remote surveys, audits and verifications, at the next session, which could start their work on the morning of the first day of III 9, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5/Rev.3. If so, prepare draft terms of reference for those Groups under agenda items 10, 11 and 12, as appropriate.

MATTERS CONSIDERED DURING THE VIRTUAL MEETING

Report of the Working Group

12.6 The Sub Committee considered the relevant part of the report of the Working Group on the Survey Guidelines under the HSSC, the Non-exhaustive List of Obligations, and the Guidance on Remote Surveys, Audits and Verifications (III 8/WP.5), with respect to Development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications and took decisions as reflected in the following paragraphs (see paragraphs 10.5 and 11.5).

Development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications

12.7 The Sub-Committee was advised that MSC 104, having considered documents MSC 104/15/3 (Republic of Korea), MSC 104/15/6 (Austria et al.), MSC 104/15/12 (Austria et al.), MSC 104/15/24 (China) and MSC 104/INF.2 (China), had noted views that the work should also address the following matters (MSC 104/18, paragraphs 15.2 and 15.3):

- .1 technical aspects of remote and in-person surveys, ISM Code audits and ISPS Code verifications should be equivalent in order to comply with the intended purpose of the provisions in relevant IMO instruments;
- .2 consideration of categories and timing of surveys, ISM Code audits and ISPS Code verifications, or items/activities therein, which could be conducted remotely;
- .3 avoidance, as much as practicable, of additional burdens for shipowners, managers and crew in the management and operation of ships;
- .4 cooperation between the III Sub-Committee and the HTW Sub-Committee on the matter, as necessary; and
- .5 the issuing of electronic mandatory certificates on board ship, as far as practicable, to facilitate port State control officers' inspections and their judgment in line with a single new output to develop guidance on assessments and applications of remote surveys.

12.8 The Sub-Committee was also advised that, consequently, MSC 104 and MEPC 77 had agreed to include a new output on "Development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications", in the biennial agenda of the III Sub-Committee for 2022-2023 and the provisional agenda for III 8, with a target completion year of 2024 (MSC 104/18, paragraph 15.5; MEPC 77/16, paragraph 11.14).

12.9 The Sub-Committee noted that, in considering documents III 8/12, III 8/12/1, III 8/12/2, III 8/12/3, III 8/INF.2 and III 8/INF.19, the following views, inter alia, were expressed in the Working Group:

- .1 challenges for remote surveys, ISM Code audits and ISPS Code verifications, in particular, in relation to the use of information and communication technology (ICT), training and personal qualification, verification, etc. might be similar across the three areas. Therefore, it was suggested that three individual sets of guidance on remote surveys, ISM Code audits and ISPS Code verifications be developed as separate annexes under a consolidated framework or umbrella;
- .2 remote ISM Code audits and ISPS Code verifications might have more similarities, such as verification of records and being interview-based; while ISPS Code verifications had their own procedures which had higher confidential requirements. They were different from and easier than remote surveys, which were expected to carry out item-by-item checks on whether all these things were working or in order;
- .3 initial and renewal surveys should not be carried out remotely. In any case, periodical, annual and intermediate surveys should not be fully replaced by remote activities (III 8/12/1), while others stated that in some cases it might be allowed. In general, not all survey activities were suitable to be performed remotely and as a cautionary measure in this initial use of remote activities for periodical surveys in normal circumstances;
- .4 certain substantial elements in relation to ISM Code audits and ISPS Code verifications, such as observation of conditions and activities on board ships, might be not suitable for a remote approach. Therefore, it was proposed that at this stage periodical audits on board should not be fully replaced by remote activities;

- .5 document III 8/12/1 provided a good legal framework, contained information that addressed concerns and outlined principles in relation to remote surveys, ISM Code audits and ISPS Code verifications, which gained full support from the Group to serve as a basis document;
- .6 two options were proposed to proceed with this output/work: (1) a two-phases approach; or (2) an all-in-one approach. The first approach planned to first develop amendments to the HSSC Guidelines and the ISM Code Implementation Guidelines, then develop guidance on remote surveys, ISM Code audits and ISPS Code verifications; the second approach sought to develop both amendments and guidance in parallel. In this regard, interim measures were explored, given the urgent demand of the proposed amendments to Survey Guidelines as contained in III 8/12/1(annex 1); and
- .7 once the guidance was developed, it should be open for review and amendments, taking into account the future development of ICT.

Framework, road map, methodology and way forward

12.10 In this context, the Sub-Committee agreed that the framework for the output should consist of the following three parts or sub-outputs:

- .1 amendments to the Survey Guidelines under the HSSC (part 1);
- .2 amendments to the Revised Guidelines on the implementation of the International Safety Management (ISM) Code (part 2); and
- .3 development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications (part 3).

12.11 The Sub-Committee also agreed that the guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications (part 3) should be structured as one document containing principles and common areas (part 3-0) and three sets of guidance: Guidance on assessments and applications of remote surveys (part 3-1); Guidance on assessments and applications of remote ISM Code audits (part 3-2); and Guidance on assessments and applications of remote ISPS Code verifications (part 3-3).

12.12 With respect to the road map, the Sub-Committee noted the following discussion in the Working Group:

- .1 a majority of delegations was of the view that the Survey Guidelines under the HSSC were regularly reviewed and amended every two years, thus the development of amendments to the Survey Guidelines under the HSSC in relation to the remote survey should be given priority, given the urgent demand of the proposed amendments to Survey Guidelines as contained in III 8/12/1 (annex 1) with the aim of finalizing the draft amendments at III 9 with a view to adoption at A 33 in 2023; and
- .2 some delegations were of the view there were important matters of principle to be agreed upon in the Correspondence Group to be established, and in their view these matters needed to be approved or endorsed by MSC and MEPC before being adopted and suggested that if the amendments were duly agreed in time, they should be referred to MSC 107 and MEPC 80 before being sent to the Assembly for adoption at A 33.

12.13 Consequently, the Sub-Committee agreed to the road map as follows:

- .1 amendments to the Survey Guidelines under the HSSC (part 1) and amendments to the Revised Guidelines on the implementation of the International Safety Management (ISM) Code (part 2) (to be adopted by A 33 in 2023);
- .2 guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications (part 3) for consistency and harmonization (to be completed in 2024); and
- .3 further amendments to the Survey Guidelines under the HSSC (part 1) and amendments to the Revised Guidelines on the implementation of the International Safety Management (ISM) Code (part 2) (to be adopted A 34 in 2025).

12.14 The Sub-Committee, having recognized the importance of principles, terminology, scope of application in normal and extraordinary (force majeure) circumstances, eligibility, conditions for equivalency and common areas related to the remote surveys, ISM audits and ISPS verifications as well as the urgency of the development of amendments to the Survey Guidelines under the HSSC, endorsed the Working Group's recommendation that the Correspondence Group to be established should follow the methodology and the way forward to progress the work of the output, as specified in paragraph 5 of annex 4.

12.15 In this regard, the Sub-Committee invited MSC 106 and MEPC 79 to note the progress made, in particular the framework of the output, road map and methodology and way forward as provided in annex 4.

Terms of reference for the Correspondence Group

12.16 The Sub-Committee instructed the Correspondence Group on the Survey Guidelines under the HSSC, the Non-exhaustive List of Obligations, and the Guidance on Remote Surveys, Audits and Verifications re-established under agenda item 10 (see paragraphs 10.23 and 11.15), using the IMO Space facilities, to:

- .1 further develop and finalize amendments to the *Survey Guidelines under the HSSC, 2021* (resolution A.1156(32)) and the *Revised Guidelines on the implementation of the ISM Code by Administrations* (resolution A.1118(30)) as well as develop the guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications as per "Outline of the way forward", as contained in the annex 4.

Working/Drafting Group on the Updated Survey Guidelines Under the HSSC, the Non-Exhaustive List of Obligations Under Instruments Relevant to the III Code and the Guidance on Remote Surveys, Audits and Verifications

12.17 With reference to its decision that the Working/Drafting Group on the Updated Survey Guidelines under the HSSC, the Non-Exhaustive List of Obligations under Instruments Relevant to the III Code and the Guidance on Remote Surveys, Audits and Verifications, if re-established at the next session, should start its work on the morning of the first day of III 9, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5/Rev.3 (see paragraph 10.24), the Sub-Committee agreed with the following terms of reference, subject to further instructions to be received from the plenary:

- .1 review and develop further draft guidance on assessments and applications of the remote surveys, ISM Code audits and ISPS Code verifications, as might be proposed by an intersessional correspondence group, and finalize draft amendments to the Survey Guidelines under the HSSC and draft amendments to the *Revised Guidelines on the implementation of the ISM Code by Administrations* (resolution A.1118(30)) in relation to the remote surveys and ISM audits with a view to adoption by A 33, as appropriate.

13 UNIFIED INTERPRETATION OF PROVISIONS OF IMO SAFETY, SECURITY AND ENVIRONMENT-RELATED CONVENTIONS

13.1 Following consideration by correspondence, prior to the virtual meeting, in accordance with the arrangements of the remote session, as outlined in annex 2 of document III 8/1/2 (section 7 on agenda item 13), the Sub-Committee noted that no document had been submitted under this agenda item at this session.

14 FOLLOW-UP WORK EMANATING FROM THE ACTION PLAN TO ADDRESS MARINE PLASTIC LITTER FROM SHIPS

14.1 The Sub-Committee was advised that MEPC 73 had adopted the *Action Plan to Address Marine Plastic Litter from Ships* (resolution MEPC.310(73)) (Action Plan) and agreed that the measures in the Action Plan would be reviewed at MEPC 74, based on follow-up proposals.

14.2 The Sub-Committee was also advised that MEPC 74 had approved the scope of work for the III Sub-Committee in relation to marine plastic litter from ships.

14.3 The Sub-Committee recalled that, owing to time constraints, III 7 had agreed to defer consideration of document III 7/11 (Secretariat) on the Scope of work of the III Sub-Committee in relation to the Action Plan to Address Marine Plastic Litter from Ships to III 8.

14.4 The Sub-Committee noted the following relevant developments on the matter at MEPC 76, MEPC 77, PPR 9 and MEPC 78, as reported in documents III 8/2/1, III 8/2/1/Add.1 and III 8/2/2 (Secretariat):

- .1 MEPC 76 had approved MEPC.1/Circ.893 on *Provision of adequate facilities at ports and terminals for the reception of plastic waste from ships* and MEPC.1/Circ.894 on *Sharing of results from research on marine litter and encouraging studies to better understand microplastics from ships*;
- .2 MEPC 77 had:
 - .1 adopted resolution MEPC.341(77) on *Strategy to address marine plastic litter from ships*; and
 - .2 noted the updated status of each action contained in the Action Plan and encouraged submissions to future sessions regarding those actions which required proposals to progress the work, as set out in MEPC 77/WP.9;
- .3 PPR 9 had:
 - .1 invited interested Member States and international organizations to submit documents with draft guidelines on best practices related to response to and the clean-up of plastic pellets transported by ship, to a future session of the Sub-Committee; and

- .2 established the Correspondence Group on Marine Plastic Litter from Ships to develop, inter alia, draft amendments to the *2017 Guidelines for the implementation of MARPOL Annex V* to support implementation of the contemplated draft amendments to MARPOL Annex V being developed to enhance the reporting of lost fishing gear; and
- .4 MEPC 78 had:
 - .1 agreed that a goal-based requirement under MARPOL Annex V for the mandatory marking of fishing gear should be developed and had instructed the PPR Sub-Committee to develop draft amendments to MARPOL Annex V and associated guidelines;
 - .2 invited Member States to submit information on the implementation of fishing gear marking systems, including how the diversity of fisheries and fishing gear had been accommodated, specific technical or legal considerations that had been taken into account, and other relevant experience regarding fishing gear marking to help inform the process of developing a mandatory goal-based requirement;
 - .3 instructed the PPR Sub-Committee to develop an MEPC circular to promote the implementation of fishing gear marking systems and the FAO Voluntary Guidelines for the Marking of Fishing Gear, taking into account additional work by FAO, such as the technical manual on marking of fishing gear being developed by FAO; and
 - .4 approved draft amendments to MARPOL Annex V to make the Garbage Record Book mandatory also for ships of 100 gross tonnage and above and less than 400 gross tonnage, as prepared by PPR 9, with a view to adopting them at MEPC 79.

14.5 The Sub-Committee further noted recent developments by port State control (PSC) regimes to develop PSC procedures that included fishing vessels, namely that;

- .1 the Paris MoU Task Force had been working on a pilot project for the inspection of fishing vessels of 24 meters and above, to be launched on 1 January 2024. It further noted that the focus of such inspections would not only be in compliance with MARPOL Annex V requirements but also with other conventions in force relevant to fishing vessels, and that participation in the pilot project by members of the Paris MoU was voluntary; and
- .2 the Indian Ocean MoU (IOMoU) had initiated a pilot training project on Inspection of Fishing Vessels (refer document III 8/INF.13 (IOMoU)), funded by Australia, delivered in collaboration with IOTC, covering all the relevant instruments of SOLAS, MARPOL, STCW-F, CTA 2012 and ILO C188 Conventions, for the purpose of training PSCOs/PSM compliance officers carrying out fishing vessel inspection.

14.6 With a view to expediting the work under this output, the Sub-Committee instructed the Correspondence Group to be established to progress the work intersessionally.

14.7 In this context, a number of delegations supported the view that FAO, through the FAO/ILO/IMO Joint Working Group on IUU Fishing, as well as representatives from regional fisheries management organizations (RFMOs) and/or domestic entities with appropriate expertise, should be invited to participate in the Correspondence Group.

14.8 One delegation, while agreeing with the establishment of the Correspondence Group, expressed their concern that important issues like this would be discussed at the Correspondence Group, which might limit the wide participation of interested Member States, in particular those with a small delegation. That delegation also stressed the importance of participation from FAO experts and that the guidelines to be developed by the Sub-Committee should be in line with fishing practices.

14.9 Following discussion, the Sub-Committee:

- .1 noted the scope of work assigned to it in relation to marine plastic litter from ships, as approved by MEPC 74 and set out in paragraphs 8 and 9 of annex 21 to document MEPC 74/18/Add.1 (Secretariat); and
- .2 instructed the Drafting Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide to be established under agenda item 6, to prepare terms of reference for a correspondence group to work intersessionally.

Terms of reference for the Drafting Group

14.10 The Sub-Committee instructed the Drafting Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide established under agenda item 6 to, inter alia (see paragraphs 5.65 and 6.6):

- .1 prepare terms of reference for a correspondence group to work intersessionally, taking into account document III 7/11 (Secretariat).

Report of the Drafting Group

14.11 Having considered the relevant part of the report of the Drafting Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide (III 8/WP.6), with respect to the Action Plan to Address Marine Plastic Litter from Ships, the Sub-Committee took decisions as reflected in the following paragraphs (see paragraph 5.66).

Terms of reference for the Correspondence Group

14.12 The Sub-Committee noted that, in considering the draft terms of reference under agenda item 14, the Drafting Group had discussed the following proposed draft terms of reference concerning the work under the scope of the Sub-Committee detailed in paragraph 2.2 of document III 7/11:

- .1 consider proposals for enhancing the enforcement of MARPOL Annex V, including, where possible, through a risk-based approach, and consider if it is appropriate to prepare draft amendments to the Procedures for PSC;
- .2 consider proposals for enhancing the enforcement of MARPOL Annex V, including, where possible, through a risk-based approach; and consider the development of draft amendments to the Procedures for PSC;

- .3 contemplate the possibility for enhancing the enforcement of MARPOL Annex V, including, where possible, through a risk-based approach and advice on the need to amend the Procedures for PSC; and
- .4 consider alternative approaches for enhancing the enforcement of MARPOL Annex V, including, where possible, through a risk-based approach and advice on the need to amend the Procedures for PSC.

14.13 The Sub-Committee also noted that, in the Drafting Group, one delegation proposed the following draft terms of reference, indicating that the terms of reference should be consistent with the approved scope of work of the Sub-Committee as detailed in document III 7/11:

- .1 prepare a circular reminding Member States of the need to enforce MARPOL Annex V on fishing vessels through PSC measures; and
- .2 develop proposals to amend or enhance Procedures for PSC to include fishing vessels and promote the enforcement of MARPOL Annex V, including, where possible, through a risk-based approach.

14.14 Consequently, the Sub-Committee instructed the Correspondence Group to be established (see paragraph 5.69), using the IMO Space facilities, to:

- .1 prepare a draft MEPC circular reminding Member States to enforce MARPOL Annex V on fishing vessels through PSC measures; and encourage port State control regimes to develop PSC procedures that include fishing vessels; and
- .2 consider proposals for enhancing the enforcement of MARPOL Annex V, including, where possible, through a risk-based approach, and consider if it is appropriate to prepare draft amendments to the Procedures for PSC.

Working/Drafting Group at III 9

14.15 With reference to its decision regarding the Working/Drafting Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide, if established at the next session of the Sub-Committee, the Sub-Committee agreed that the Working/Drafting Group should start its work on the morning of the first day, during III 9, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5/Rev.3, and the review of the report of the Correspondence Group should be considered a priority (see paragraph 5.70).

15 BIENNIAL AGENDA AND PROVISIONAL AGENDA FOR III 9

15.1 The Sub-Committee was advised that:

- .1 MSC 104 and MEPC 77 had agreed to include a new output on "Development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications", in the biennial agenda of the III Sub-Committee for 2022-2023 and the provisional agenda for III 8, with a target completion year of 2024 (MSC 104/18, paragraph 15.5; MEPC 77/16, paragraph 11.14);
- .2 MSC 105 had agreed to include in its post-biennial agenda an output on "Scoping exercise and enhancement of the effectiveness of provisions on fatigue and seafarers' hours of work and rest", with two sessions needed

to complete the item, assigning the HTW Sub-Committee as the coordinating organ, in association with the III Sub Committee as and when requested by the HTW Sub-Committee (MSC 105/20, paragraph 18.31); and

- .3 MEPC 78 had agreed to amend the title of the existing output 1.26 to "Revision of MARPOL Annex IV and associated guidelines" from "Revision of MARPOL Annex IV and associated guidelines to introduce provisions for record-keeping and measures to confirm the lifetime performance of sewage treatment plants" (MEPC 78/17, paragraph 14.11).

Biennial status report for the 2022-2023 biennium

15.2 Taking into account the items remaining on the post-biennial agenda of the Committees and the progress made at this session, the Sub-Committee prepared the biennial status report for the 2022-2023 biennium, as set out in annex 5, for consideration by MSC 106 and MEPC 79.

Proposed provisional agenda for III 9

15.3 Taking into account the progress made at the session and the relevant decisions of MSC 104 and MEPC 77, the Sub-Committee prepared its proposed provisional agenda for III 9, as set out in annex 6, for consideration by MSC 106 and MEPC 79.

Correspondence Groups established at this session

15.4 The Sub-Committee established Correspondence Groups on the following subjects, due to report to III 9:

- .1 Lessons Learned and Safety Issues Identified from the Analysis of Marine Safety Investigation Reports;
- .2 Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide;
- .3 III Code Implementation Guidance; and
- .4 Survey Guidelines under the HSSC, the Non-exhaustive List of Obligations, and the Guidance on Remote Surveys, Audits and Verifications.

Arrangements for the next session

15.5 The Sub-Committee agreed to establish at its next session working/drafting groups on the following subjects:

- .1 Lessons learned and safety issues identified from the analysis of marine safety investigation reports;
- .2 Measures to harmonize port State control (PSC) activities and procedures worldwide;
- .3 III Code implementation guidance and IMSAS-related matters; and
- .4 Survey guidelines under the HSSC, the Non-exhaustive list of obligations, and the guidance on remote surveys, audits and verifications.

15.6 The Chair, taking into account the submissions received, would advise the Sub-Committee well in time for III 9 on the final selection of such groups.

Date for the next session

15.7 The Sub-Committee noted that the ninth session of the Sub-Committee had been tentatively scheduled to take place from 31 July to 4 August 2023.

Consideration of the outcome of III 9

15.8 Owing to the above-mentioned tentative schedule of III 9 and bearing in mind that III 9 might be expected to finalize draft Assembly resolutions, in particular on matters related to PSC; the Survey Guidelines under the HSSC, including the part containing remote surveys; the revised Guidelines on the implementation of the ISM Code by Administrations, regarding remote ISM audits; and the Non-exhaustive list of obligations, the Sub-Committee invited the Committees to authorize III 9 to report the outcome of its work on matters that would require the adoption of draft Assembly resolutions to A 33 directly.

16 ELECTION OF CHAIR AND VICE-CHAIR FOR 2023

16.1 In accordance with the Rules of Procedure of the Maritime Safety Committee and the Marine Environment Protection Committee, the Sub-Committee unanimously re-elected Ms. Claudia Grant (Jamaica) as Chair and Mr. Marek Rauk (Estonia) as Vice-Chair, both for 2023.

17 ANY OTHER BUSINESS

Model courses and e-Learning

17.1 The Sub-Committee was advised that TC 68 had invited MEPC and MSC to identify and prioritize which of the IMO model courses could be considered for conversion into e-Learning courses and to consider reviewing the *Revised guidelines for the development, review and validation of model courses* (MSC-MEPC.2/Circ.15), if deemed appropriate.

17.2 The Sub-Committee was also advised that MSC 102 had requested the III Sub-Committee to consider how e-Learning training material could assist with the implementation of instruments other than the STCW Convention and to advise the Committee accordingly (MSC 102/24, paragraph 13.3).

17.3 The Sub-Committee was advised further that TC 69, while noting that the matter had been referred to the III Sub-Committee, had recalled that the original intention had been for MEPC and MSC to identify opportunities where e-Learning could be progressed to support the effective implementation of mandatory instruments, rather than to focus on e-Learning aspects of IMO model courses, which was already being done by maritime training institutions (TC 69/16, paragraph 9.5).

17.4 The Sub-Committee recalled that III 7, in the absence of submissions, had invited the Member States, international organizations, training institutions and the Secretariat to submit relevant information and/or proposals to III 8 (III 7/17, paragraph 14.29).

17.5 While acknowledging the interest shown by delegations on the role of model courses and e-Learning, in particular decisions on the matters by IMO organs and e-Learning related training activities carried out so far by IMO, the Sub-Committee noted the progress made in the development of e-Learning.

17.6 In this context, following discussion on document III 8/17, the Sub-Committee:

- .1 noted that there were two types of e-Learning courses:
 - .1 self-enrolment courses open to interested parties in the maritime industry that may undertake a particular course at any time; and
 - .2 authorized enrolment courses that will be periodically delivered at the national, regional or global levels and for which participation will be at the invitation of IMO;
- .2 noted that some of the e-Learning courses, such as the OPRC and casualty investigation TTT, were developed on the basis of IMO model courses, but tailored for their specific purpose and objective, while some other e-Learning courses, such as the IMSAS auditors' course, were developed from the previous training courses' material and experience gained, meaning that e-Learning courses may be developed without the existence of relevant model courses;
- .3 noted that the use of e-Learning training should not replace in-person training and should complement the delivery of in-person technical cooperation activities; and
- .4 invited the Committees to consider instructing sub-committees to develop a plan for the development of e-Learning courses to assist with the implementation of instruments other than the STCW Convention, in the areas under their remit, in terms of priority and type of e-Learning course, taking into account the List of IMO Model Courses as set out in annex 7, but not limited to the List.

Guidance to assist competent authorities in the implementation of the 2012 Cape Town Agreement

17.7 The Sub-Committee was advised that the Assembly, at its thirty-second session, had adopted resolution A.1161(32) on *Entry into force and implementation of the 2012 Cape Town agreement*. To date, there were 17 Contracting States for the 2012 Cape Town Agreement, compared to the 22 States required for the fulfilment of the entry-into-force criteria of the Agreement, and an aggregate number of 1,925 fishing vessels of 24 metres in length and over operating on the high seas, compared to the required number of 3,600 fishing vessels.

17.8 In this context, the Sub-Committee urged once again the Member States and, in particular, the signatories of the 2019 Torremolinos Declaration to take necessary measures to ensure that the entry-into-force criteria of the 2012 Cape Town Agreement were met, at the latest, by the target date of 11 October 2022, the tenth anniversary of its adoption.

17.9 With regard to the development of the guidance to assist competent authorities in the implementation of the Cape Town Agreement of 2012, as presented in documents III 7/14/1, III 7/14/4 and III 8/17/1 (Iceland et al.) and comments on Guidelines III 8/17/2 (Iceland et al.), the Sub-Committee was also advised that MSC 102 had considered document MSC 102/22/13 (Iceland et al.), pointing out that Signatory States to the Torremolinos Declaration would benefit from guidance to address issues related to the implementation of the Agreement. In this regard, the co-sponsors had notified the Committee that they intended to form a group of interested parties, in which other interested delegations were encouraged to participate to draft the guidance to assist competent authorities in implementing the 2012 Cape Town Agreement.

17.10 The Sub-Committee was also advised that MSC 105 had postponed consideration of the new output to develop guidance to assist competent authorities in the implementation of the Cape Town Agreement of 2012 (MSC 104/15/27) to MSC 106 (MSC 105/20, paragraph 18.46).

17.11 While acknowledging the interest shown by delegations to contribute to the work of the above-mentioned group of interested parties led by Spain, the Sub-Committee noted that the views expressed at III 7 had been considered by the group when revising the guidance (III 8/17/1, paragraph 6), in particular the view that the scope of the guidance be limited to matters under the purview of the Organization, in order to support fully the entry into force of the Cape Town Agreement, and the call for the harmonization of inspection regimes under the respective instruments of FAO and IMO.

17.12 The Sub-Committee noted the importance for fishers of having a similar maritime safety standard as seafarers engaged on board merchant ships and the invitation was extended to countries and/or international organizations wishing to join the group of interested parties to contribute to the ongoing work on development of the guidelines.

17.13 The Sub-Committee also noted the information provided in documents III 8/17/1 and III 8/17/2, which provided draft implementation guidance in English and Spanish languages, bearing in mind that MSC 106 was expected to consider a new output on "Development of guidance to assist competent authorities in the implementation of the Cape Town Agreement of 2012".

17.14 The statement made by the observe delegation of PEW is set out in annex 8.

18 CONSIDERATION OF THE REPORT OF THE SUB-COMMITTEE

18.1 The draft report of the Sub-Committee (III 8/WP.1) was prepared by the Secretariat, in consultation with the Chair, and considered by the Sub-Committee during the virtual meeting held on 29 July 2022. Subsequently, the Secretariat, in consultation with the Chair, prepared and published on IMODOCS the final draft report (III 8/WP.1/Rev.1) incorporating the changes to document III 8/WP.1 that had been agreed during its consideration in the virtual meeting. Thereafter, delegations wishing to comment on the final draft report were given a deadline of Wednesday, 10 August 2022, 23.59 (UTC+1) to do so by correspondence in accordance with paragraph 21 of the *Interim guidance to facilitate remote sessions of the Committees during the COVID-19 pandemic* (MSC-LEG-MEPC-TCC-FAL.1/Circ.1).

18.2 With no comments having been received, the report of the Sub-Committee was finalized by the Secretariat in consultation with the Chair. The session was closed at 23.59 (UTC+1) on 10 August 2022.

19 ACTION REQUESTED OF THE COMMITTEES AND OTHER SUB-COMMITTEES

19.1 The Maritime Safety Committee, at its 106th session, is invited to:

- .1 note discussions on document III 8/4 regarding how containers should be secured at sea, taking into account that the work was being undertaken by the Top Tier joint industry project (JIP) on securing containers safety, as described in MSC 104/17/4 (Australia et al.), and that the Correspondence Group on Analysis of Marine Safety Investigation Reports was instructed to develop a proposal for a new output for preventing loss of containers at sea (paragraphs 4.20 and 4.21);

- .2 note the discussions on document III 8/4 (annex 6) regarding occupational accidents (falls from height), which might justify a new output, and that the Correspondence Group on Analysis of Marine Safety Investigation Reports was instructed to develop a proposal for a new output on guidelines addressing the identified safety issues of seafarers exposed to risk of falls from height with the Sub Committee on Human Element, Training and Watchkeeping (HTW) as the coordinating body (paragraphs 4.23 to 4.25);
- .3 note document III 8/4 (annex 4) regarding pilot ladder-related safety issues, including associated boarding arrangements, and take action as appropriate when considering document MSC 104/15/23, proposing a new output to amend SOLAS regulation V/23 and associated instruments to improve the safety of pilot transfer arrangements (paragraphs 4.28 and 4.29);
- .4 consider the updated Procedure for identifying and forwarding safety issues, which provides a direct reference to paragraph 5.2.2 and appendix 4 of MSC-MEPC.2/Circ.12/Rev.2 in terms of the risk matrix and risk assessment criteria in light of the instruction by MSC 104 (paragraph 4.34 and annex 2);
- .5 note the concerns that the proposal contained in document MSC 104/15/16 for a new output to amend the Casualty Investigation Code to mandate root causes might be against the principles of the Casualty Investigation Code itself and the Assembly resolution A.1075(28) on Guidelines to assist investigators in the implementation of the Casualty Investigation Code (resolution MSC.255(84), and endorse the recommendation of the Sub-Committee not to support the proposal (paragraphs 4.37 and 4.38);
- .6 consider the recommendation of the Sub-Committee that the appendix to the draft guidance framework for the application of casualty cases and Lessons Learned to seafarers' education and training (HTW 8/WP.7, annex 2) be removed and paragraph 4.3 of the draft guidance be replaced by the alternative text as indicated in paragraph 4.48 (paragraphs 4.47 and 4.49);
- .7 note the outcome of the consideration regarding appropriateness and effectiveness of SOLAS regulation XI-1/6 (Additional requirements for the investigation) based on the outcome of the analysis of the first four Consolidated Audit Summary Reports (CASRs) by the Sub-Committee, as referred to by MSC 105 (paragraphs 4.54 and 4.55);
- .8 endorse, subject to a concurrent decision by MEPC, the recommendation of the Sub-Committee to rename output (7.5) as "Identified issues relating to the implementation of IMO instruments from the analysis of data" with extension of scope of the output (paragraph 7.4);
- .9 consider justification for, and decide on the inclusion of, a new output on "Review of the appropriateness and effectiveness of SOLAS 1974, regulation IV/5 (Provision of radiocommunication services)" for the NCSR Sub-Committee (paragraph 8.8 and annex 3);
- .10 reaffirm, subject to a concurrent decision by MEPC, the agreed methodology (MSC 78/26, paragraph 10.12; MEPC 49/22, paragraph 10.2.9) that the III Sub-Committee should coordinate the review so that whenever an amendment to a statutory instrument is adopted which entails consequential amendments to the Survey Guidelines, draft amendments to the Survey

Guidelines should be developed by the Sub-Committee under its continuous item on "Updated Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)" before the entry into force of the amendments (paragraph 10.8.1);

- .11 agree, subject to a concurrent decision by MEPC, to the principle that draft amendments to the Survey Guidelines should be derived from and linked to mandatory requirements, which, however, should not mean that in describing how the items should be surveyed, additional and effective implementing measures directly linked to the mandatory requirements are excluded from the scope of the Survey Guidelines under the HSSC (paragraph 10.8.2);
- .12 endorse, subject to a concurrent decision by MEPC, the view of the Sub-Committee that the phrase "directly linked to requirements in mandatory instruments" should be understood as "the Survey Guidelines under the HSSC should include survey instructions for items based on mandatory instruments" (paragraph 10.8.3);
- .13 endorse, subject to a concurrent decision by MEPC, the recommendation of the Sub-Committee that the review exercise to identify any existing gaps between the Survey Guidelines under the HSSC and the mandatory requirements, with a view to removing those items not directly linked to requirements in mandatory instruments, should not prevent approval and adoption of updated Survey Guidelines under the HSSC as usual, given that the review exercise might take time to complete (paragraph 10.8.5);
- .14 note the progress made in relation to output (1.18) on "Development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications", in particular the framework of the output, road map and methodology as well as the way forward (paragraph 12.15 and annex 4);
- .15 approve, subject to a concurrent decision by MEPC, the biennial status report for the 2022-2023 biennium (paragraph 15.2 and annex 5);
- .16 approve, subject to a concurrent decision by MEPC, the provisional agenda for III 9 (paragraph 15.3 and annex 6);
- .17 authorize the Sub-Committee, subject to a concurrent decision by MEPC, to report the outcome of its work on matters, in particular related to PSC; the Survey Guidelines under the HSSC, including the part containing remote surveys; the revised Guidelines on the implementation of the ISM Code by Administrations, regarding remote ISM audits; and the Non-exhaustive list of obligations that would require the adoption of draft Assembly resolutions to A 33 directly (paragraph 15.8);
- .18 instruct, subject to a concurrent decision by MEPC, sub-committees to develop a plan for the development of e-Learning courses to assist with the implementation of instruments other than the STCW Convention in the areas under their remit in terms of priority and type of e-Learning course, taking into account the List of IMO Model Courses as set out in annex 7, but not limited to the List (paragraph 17.6.4 and annex 7); and
- .19 approve the report in general.

- 19.2 The Marine Environment Protection Committee, at its seventy-ninth session, is invited to:
- .1 note the outcome of consideration of document MEPC 77/14 (Austria et al.) and request the Secretariat to undertake a review of the full functionality and interoperability of the PRF module in GISIS, with a view to looking into the resources required to develop and implement the data transfer mechanism outlined in document MEPC 77/14 (paragraph 3.10);
 - .2 note the discussion on the PSC procedures related to short-term carbon intensity reduction measures, in particular the conclusion that at this stage there was no support within the Sub-Committee to regard as a detainable deficiency the absence of implementation by the ship as planned at the time of the inspection of the three-year implementation plan and/or the plan of corrective actions for a ship rated as D for three consecutive years, or rated as E (paragraphs 5.53 to 5.64);
 - .3 endorse, subject to a concurrent decision by MSC, the recommendation of the Sub-Committee to rename output (7.5) as "Identified issues relating to the implementation of IMO instruments from the analysis of data" with extension of scope of the output (paragraph 7.4);
 - .4 reaffirm, subject to a concurrent decision by MSC, the agreed methodology (MSC 78/26, paragraph 10.12; MEPC 49/22, paragraph 10.2.9) that the III Sub-Committee should coordinate the review so that whenever an amendment to a statutory instrument is adopted which entails consequential amendments to the Survey Guidelines, draft amendments to the Survey Guidelines should be developed by the Sub-Committee under its continuous item on "Updated Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)" before the entry into force of the amendments (paragraph 10.8.1);
 - .5 agree, subject to a concurrent decision by MSC, that the principle that draft amendments to the Survey Guidelines should be derived from and linked to mandatory requirements, which, however, should not mean that in describing how the items should be surveyed, additional and effective implementing measures directly linked to the mandatory requirements are excluded from the scope of the Survey Guidelines under the HSSC (paragraph 10.8.2);
 - .6 endorse, subject to a concurrent decision by MSC, the view of the Sub-Committee that the phrase "directly linked to requirements in mandatory instruments" should be understood as "the Survey Guidelines under the HSSC should include survey instructions for items based on mandatory instruments" (paragraph 10.8.3);
 - .7 endorse, subject to a concurrent decision by MSC, the recommendation of the Sub-Committee that the review exercise to identify any existing gaps between the Survey Guidelines under the HSSC and the mandatory requirements with a view to removing those items not directly linked to requirements in mandatory instruments should not prevent approval and adoption of updated Survey Guidelines under the HSSC as usual, given that the review exercise might take time to complete (paragraph 10.8.5);
 - .8 note the discussion on document MEPC 77/14/5 (China) regarding clarification of the definition of UNSP barges in MARPOL Annex VI and endorse the Sub-Committee's conclusion that no further action is required (paragraphs 10.11 to 10.13);

- .9 endorse the Sub-Committee's conclusion in its consideration of document MEPC 76/13/1 (World Coatings Council) that under the AFS Convention there is no such a requirement for type-approval as pre-qualification for anti-fouling paint products for issuance of an International Anti-fouling System Certificate, though it should be at the discretion of the Administration to decide if more than what is required under the provisions of the Convention is needed (paragraph 10.16);
- .10 note the progress made in relation to output (1.18) on "Development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications", in particular the framework of the output, road map and methodology and way forward (paragraph 12.15 and annex 4);
- .11 approve, subject to a concurrent decision by MSC, the biennial status report for the 2022-2023 biennium (paragraph 15.2 and annex 5);
- .12 approve, subject to a concurrent decision by MSC, the provisional agenda for III 9 (paragraph 15.3 and annex 6);
- .13 authorize the Sub-Committee, subject to a concurrent decision by MSC, to report the outcome of its work on matters, in particular related to PSC; the Survey Guidelines under the HSSC, including the part containing remote surveys; the revised Guidelines on the implementation of the ISM Code by Administrations, regarding remote ISM audits; and the Non-exhaustive list of obligations that would require the adoption of draft Assembly resolutions to A 33 directly (paragraph 15.8);
- .14 instruct, subject to a concurrent decision by MSC, sub-committees to develop a plan for the development of e-Learning courses to assist with the implementation of instruments other than the STCW Convention in the areas under their remit in terms of priority and type of e-Learning course, taking into account the List of IMO Model Courses as set out in annex 7, but not limited to the List (paragraph 17.6.4 and annex 7); and
- .15 approve the report in general.

19.3 The Sub-Committee on Navigation, Communications, Search and Rescue (NCSR), at its tenth session, the Sub Committee on Ship Systems and Equipment (SSE), at its ninth session, and the Sub Committee on Human Element, Training and Watchkeeping (HTW), at its ninth session, were invited to note the analysis contained in document III 8/4 (annex 3) on the safety issues resulting in man overboard from fishing vessels in relation to use of personal flotation devices (PFDs) and possible application of the existing technology such as SART and take action as appropriate (paragraphs 4.26 and 4.27).

19.4 The Sub-Committee on Carriage of Cargoes and Containers (CCC), at its eighth session, was invited to consider document III 8/4/5 on Lessons Learned and preventive measures identified from accidents involving entering enclosed spaces aboard in relation to the existing output (6.15) "Revision of the Revised recommendations for entering enclosed spaces aboard ships (resolution A.1050(27))" of the CCC Sub-Committee (paragraph 4.43).

19.5 The Sub-Committee on Human Element, Training and Watchkeeping (HTW), at its ninth session, was invited to concur with the outcome of the discussion and submit to MSC 107 for its consideration and confirmation, as appropriate, in particular with respect to the purpose of the Non-exhaustive list of obligations and the auditable areas subject to IMSAS in relation to the STCW Convention and the STCW Code (i.e. provisions provided in section A-I/16 of the STCW Code) (paragraph 11.8).

ANNEX 1

LESSONS LEARNED FROM MARINE CASUALTIES

1 FATAL ACCIDENT

Very serious marine casualty: Enclosed space accident with three fatalities

What happened?

During the passage of a general cargo ship laden with a cargo of wood chips, the bosun sent an able seaman to a forward store to pick up some soap powder to be used to clean the deck. When the able seamen had not returned about 20 minutes later, the bosun and cadet then went to investigate, but also failed to reappear.

Around half an hour later, the chief officer went on deck to check up on the crew members undertaking the cleaning but could not find anybody and decided to also investigate. Arriving at the entrance of the forward store, he looked down the stairway below deck and saw all three fellow crew members lying, unconscious, at the bottom of the stairs. The chief officer raised the alarm and the three crew members were recovered by their colleagues wearing BA sets and first aid was administered.

The crew members were then transferred ashore by rescue helicopter, but despite further medical efforts, were tragically declared deceased. The atmosphere in the store was subsequently found to be oxygen-deficient and the cause of death for all three crew members was hypoxemia (low levels of oxygen in their blood stream).

Why did it happen?

- .1 Wood chip cargoes can be subject to oxidation, leading to a depletion of oxygen and an increase in carbon dioxide in the cargo space, which can also pervade into adjacent spaces.
- .2 The cargo in the hold was being naturally ventilated, which meant that the atmosphere in the hold would have been transmitted into a fan room situated above the store. A gas tight door between the fan room and the mast house had been left open, which would have allowed the deficient atmosphere to pass into the mast house and then down to the store below, as carbon dioxide is heavier than air.
- .3 Another possible route for the deficient atmosphere to pass from the cargo hold into the store was via a non-gas-tight access hatch and door into another store space adjacent to the store where the accident occurred.
- .4 The able seamen had not checked the atmosphere and would have been overcome by the deficient atmosphere shortly after entering the store. It appears that in attempting to rescue the able seaman, the bosun and cadet, who also did not check the atmosphere and were not wearing BA sets, also succumbed.
- .5 No attention was paid to the dangers that the cargo posed.
- .6 The cargo declaration and safety sheet provided by the shipper upon loading highlighted that the risk was not disseminated to the crew members.

- .7 The chief officer did not check the IMSBC Code in order to identify the potential risks; no risk assessment was conducted.
- .8 Spaces in the vicinity of the cargo hold were entered with no awareness of the possible risk of the atmosphere being deficient.
- .9 Set procedures were not followed by the crew members for entering an enclosed space.

What can we learn?

- .1 The risks associated with cargoes subject to oxidation need to be carefully considered when loading and carrying them. As indicated in the International Maritime Solid Bulk Cargoes Code (IMSBC Code), regarding woodchips, this cargo may be subject to oxidation leading to depletion of oxygen and increase of carbon dioxide. This can not only affect the cargo space but also adjacent and connecting spaces.
- .2 The risks of the potentially hazardous cargo hold atmosphere pervading into adjoining and connecting spaces need to be properly assessed and mitigated.
- .3 The ventilation arrangement for the cargo hold was complicated and the network of connecting storerooms to spaces in the vicinity of its fan room and the hold itself meant that a series of connecting spaces could be affected by the atmosphere. When carrying hazardous cargoes, it is vital that the crew understand the implications of ventilating the cargo and the impact that this may have on adjoining and connecting spaces, which may not be directly adjacent to the cargo hold. Any such spaces need to be properly closed and made gas-tight.
- .4 To create awareness, prepare and conduct a risk assessment; disseminate the shipper's declaration and cargo information sheet appropriately; and raise awareness amongst crew members of any hazards associated with the cargo.
- .5 Senior officers concerned with cargo and safety should collect all available information of the cargo and given risks in order to take all necessary action.
- .6 Risk assessments are to be done as per Safety Management System requirements. All necessary enclosed spaces procedures need to be followed and appropriate precautions taken before attempting to enter any potentially enclosed space. This includes undertaking adequate checks of the atmosphere before and during entry using calibrated gas detection equipment as well as appropriate PPE at all times.
- .7 Although it can be instinctive to rush to the aid of a stricken colleague, this accident highlights the importance of having an emergency response plan and taking adequate precautions before entering an enclosed space to assist someone. Conducting regular enclosed space drills is an essential part of preparing for such scenarios.

Who may benefit?

Ship operators, masters and navigational officers and crew.

2 SUBMARINE OIL PIPELINE RUPTURE

Very serious marine casualty: Fire, fatalities and pollution

What happened?

The main engine of a laden bulk carrier failed to start in the afternoon, which delayed her departure schedule. The engine crew members therefore worked for more than seven hours to solve it. She departed the berth in the evening to anchor outside the port. En route, the pilot showed the master the intended anchoring position on the chart. Whilst approaching the anchoring position, the master asked the pilot if the port anchor could be lowered 1 metre above water in preparation for anchoring, and the pilot agreed. The ship was transiting a charted-restricted area with submarine oil pipelines in depths of about 18 metres.

The master ordered the chief mate in their native language (which the pilot did not understand) to lower one shackle (28 metres) in the water. One shackle of anchor cable was then lowered into the water. The cable soon became tight, and the master ordered it heaved in. The pilot asked what was happening and the master advised him of the situation. The pilot asked for the anchor to be heaved up quickly as there were oil pipelines in the area.

The main engine was used to stop the ship and half a shackle of cable was heaved in. The pilot reported the lowering of the anchor to the pilot station as the ship moved past the area. The ship anchored near the southern end of the restricted area and the pilot left the ship.

Whilst leaving the bulk carrier, there was no oil odour reported by the pilot and no one was sure of what happened. This situation was not reported to either the local Harbour Master or the oil refinery company for further inspection.

During the night, oil refinery operators detected oil in the water, but they could not define the source of it. At the time, the crude oil was still pumped through the ruptured subsea pipe.

In the morning, locals ashore also reported the presence of oil. About midmorning, a fire on the water started forward of the ship and engulfed it. The cause of the fire could not be established. Fire-fighting ships were deployed and about an hour later the fire stopped. The ship was significantly damaged by fire and a crew member was injured. Five persons in two boats nearby lost their lives due to the fire. Following the blaze, the oil company closed the oil transfer via subsea pipes.

Several days later, the source from the oil was found from one subsea pipe which was cut into two pieces and dragged far from its original location. The surrounding oil companies with local people, harbour master officers, military and police officers working together contained the oil by using manual and automatic methods. However, due to the large amounts of it, some of the oil flowed from the bay to the strait. In this accident, thousands of tonnes of crude oil affected more than 10,000 hectares of marine ecosystem in the bay.

Why did it happen?

- .1 The master pilot exchange of essential information was inadequate and was only known by the master and pilot. The given information about the intended anchor position did not include information of subsea pipelines.

- .2 A single common working language was not used during the pilotage. This led the pilot to be incapable of revising the master's order to lower the anchor to the seabed and finally fouling and rupturing the pipeline.
- .3 The absence of a reporting system for an unusual situation to the local authorities disabled the efforts of minimizing damage to the environment.
- .4 The master's workload before the pilotage may have influenced his performance. Some studies suggest that the fatigue and language switch (between native and international language) are linked to the unnoticed error.
- .5 Without a leak detection system on the ruptured pipe and occurrence notification, the oil refinery company did not know about the situation and continuously pumped the crude oil. Consequently, a strong oil odour was spread in the city several hours prior to the fire.
- .6 The existing procedure of piloting did not cover the reporting of unusual situations or near misses. Therefore, the source of oil spill in the bay could not be located immediately.

What can we learn?

- .1 The master and pilot exchanging essential information is vital for effective bridge resource management (BRM).
- .2 Using a single, common working language is central to clear, unambiguous communication to support effective BRM.
- .3 An anchor must never be lowered in areas where there are submarine pipelines and precautions to prevent its lowering must be in place.
- .4 If an anchor is accidentally lowered to the seabed where pipelines exist, authorities must be notified, and the cable released to avoid fouling/rupturing a pipeline.
- .5 Adequate measures to manage an emergency response to a pipeline rupture must be in place.

Who may benefit?

Seafarers, shipowners and operators, pilots, pilotage services, oil companies and harbour masters.

3 FALL WHILE LOADING

Very serious marine casualty: Stevedore fatality

What happened?

While conducting cargo loading activities on board a 135 m, 14,000 GT refrigerated cargo/container ship, a stevedore fell about 6 m between decks in the refrigerated cargo hold. The stevedore was fatally injured in the fall.

Why did it happen?

The stevedore was last seen rigging a portable ladder for access between cargo hold decks. He was alone at the time of the fall and the investigation concluded that he lost his balance while rigging the ladder and fell.

What can we learn?

- .1 All shipboard activities should be considered from a risk management perspective.
- .2 Work at height, including that by contractors or shore labour, should not be conducted alone and without proper assessment of the risks and use of appropriate equipment.
- .3 Stevedoring activities on board ship should include formal supervision to monitor tasks and manage risks.

Who may benefit?

Stevedores, seafarers, management.

4 OCCUPATIONAL ACCIDENT

Very serious marine casualty: Crew member squeezed with fatal consequences

What happened?

While assisting on the removal of the pontoon hatch covers on the 5,000 GT containership, a crew member on the hatch coaming signalled that he wanted to hitch a ride on the gantry crane, moving forward. As the crane moved, the crew member was caught between the gantry crane post and the pile of pontoon hatch covers, severely injuring him. The crew member was seen from the quay sitting before he fell from the hatch coaming down to the main deck passage 2.7 m below. He was deceased as a result of his injuries.

Why did it happen?

- .1 The crew member intended to take a short cut as he moved on the hatch coaming by riding on the gantry crane through a passage that was too narrow, despite the company procedures not allowing such behaviour.
- .2 From his position, the crane operator did not see the crew member, as he rode on the crane.

What can we learn?

- .1 Managing occupational risk assessment and safety awareness as well as complying safety instructions should always continue.
- .2 Proper orientation on the company's SMS procedures and effective pre-work safety meeting should be undertaken by newly-joined cadets and crew members.
- .3 Working and walking at hatch coaming while discharging/loading of container cargoes should be prevented.

Who may benefit?

Shipping companies, crew members.

5 FIRE/EXPLOSION

Very serious marine casualty: Fire in cargo hold, resulting in four deceased and one missing

What happened?

A fire started in the cargo hold of the 150,000 GT container ship. The crew failed in fighting the fire and evacuated the ship. However, one crew member was missing and four were dead.

As most of the evidence was destroyed by fire, the cause of the fire has not conclusively been determined. However, there was evidence that the integrity of Sodium Dichloroisocyanurate Dihydrate (SDID) in no. 3 cargo hold had been compromised.

Why did it happen?

- .1 The hazards of dangerous goods with oxidizing properties (and those with secondary hazard of chemical decomposition) like SDID, were not captured in the IMDG Code, which allowed an inappropriate placing of the containers.
- .2 The containers with this cargo were situated below deck with CO₂-arrangements, which was ineffective to fight the fire.

What can we learn?

- .1 Secondary hazards may not be captured in the IMDG Code.
- .2 Fire-fighting response for an oxidiser requires the use of abundant water, which may not be achieved promptly.
- .3 Stowed under-deck, if the main fixed fire-fighting means are CO₂, may be ineffective to tackle fires associated with certain materials.
- .4 Decision-making to allocate resources for the abandoning of ship while attempting to fight the fire should not be delayed.

Who may benefit?

Seafarers, shipowners, ship operators.

6 LOSS OF LIFE

Very serious marine casualty: Loss of life

What happened?

The tugboat's messenger line snapped and hit both the Chief Mate, who died; and the Boatswain, who suffered injuries.

Following the Chief Mate's order to fasten the tug's line, an AB threw a heaving line to the tug. The Boatswain put the heaving line on the drum in order to heave up the heaving line, the messenger line and tug's line and fasten the latter to the bollards.

He confirmed that the Chief Mate instructed him to pass the heaving line directly to the capstan and to the winch's drum. He stated that the Chief Mate could not have seen the rope since the forecastle ventilator cap obstructed the view. AB confirmed that the end of the rope passed the centre fairlead, i.e. it was inside the forecastle ca 60-70 cm.

He clearly saw that the tug rope was too thick with protection around the end and the splicing part and that it could not pass through the centre fairlead. Later the messenger line parted two meters from the connection point with the tug's rope.

Why did it happen?

- .1 The lack of sound judgement or underestimation of the situation.
- .2 The Chief Mate's view, in commanding the mooring winch, was completely obstructed by the forecastle ventilator cap hiding the fairlead and the rope passing through it.
- .3 The fastening of the tugboat was not in accordance with common practice. The other bollard should have been used for the proper fastening method, i.e. fixing the tug's rope of bollard using rope's stopper.
- .4 The overall diameter of the spliced end surpassed the inner height of the centre fairlead.

What can we learn?

Diameters of fairleads and maximum thickness of ropes to be used need to be part of the risk assessments in relation with tug fastening and the berthing processes.

Who may benefit?

Seafarers, shipowners.

7 FIRE/EXPLOSION AND LOSS OF LIVES

Very serious marine casualty: Fire on passenger cargo ship

What happened?

On a 1,000 GT passenger cargo ship in transit the oiler noticed a sudden increase of cooling water temperature and decrease of lube oil pressure on one of the main engines. Shortly after smoke emitted at the sides of the crank case, followed by a sudden burst of flames. The oiler was unable to put out the fire and had to leave the area. Meanwhile, the engine cadet had notified the rest of the crew. The fire was followed by an explosion.

The master prepared for abandoning the ship as new attempts to fight the fire was executed without success, and CO₂ was released. The fire was decreased, but after 20 minutes it burst out again.

Coast Guard ships and other nearby ships rendered assistance and began to rescue the 200 passengers.

Why did it happen?

- .1 A lube oil pump failed, and subsequently the temperature raised.
- .2 The lube oil pump during the last drydocking was replaced by a reconditioned pump.

What can we learn?

- .1 An independent fire pump located away from the engine room would make it easier during emergencies.
- .2 Routine checks of fuel, lubricating system and hydraulic oil pipes, their fittings, connections and securing arrangements, preferably at the same frequency as crankcase inspections of the main and auxiliary engines; may have discovered the failing standard of the lube oil pump.
- .3 Care should be taken not to over tighten fittings during these checks.
- .4 Remote closing arrangements on all inlet and exhaust blowers and heat dampers on passenger cargo ships would have made it easier to fight the fire.
- .5 Procedures for operating the fixed CO2 system for the officers and crew would make the operation faster and safer.

Who may benefit?

Seafarers, shipowners, passengers.

8 OCCUPATIONAL ACCIDENT RESULTING IN LOSS OF LIFE

Very serious marine casualty: Twist lock falling on head, causing fatality

What happened?

A damaged twist lock fell from container on to a stevedore who was working in the vicinity. The stevedore sustained severe injuries and was deceased during surgical operation.

Why did it happen?

- .1 The twist lock was damaged.
- .2 Safety gears were not worn by the stevedore.

What can we learn?

- .1 Lashing gears maintenance is important if reduction of accidents is going to be successful.
- .2 Proper Personal Protecting Equipment are to be used while working.

Who may benefit?

Seafarers, shipowners.

9 CONTACT WITH BOTTOM

Very serious marine casualty: Constructive total loss

What happened?

A bulk carrier with loaded drafts of 21 m contacted the bottom laden with about 300,000 MT of iron ore after a decision to deviate from the buoyed channel while proceeding to sea from the load port. Based on charts of the area, the sea floor was mud and sand. As contact with the bottom appeared, flooding of multiple voids and a WBT was reported almost immediately. It was determined that the fixed and portable pumps could not keep up with the flooding, so the ship was moved into shallower water, where it was intentionally grounded.

The ship was re-floated after about half of the cargo had been lightered. It was then re-anchored in deeper water. The damage survey identified extensive damage of the starboard side main deck, side shell and bottom shell along the entire length of the cargo length. The ship was declared a total constructive loss and scuttled with the remaining cargo on board after all hazardous materials had been removed.

Why did it happen?

- .1 The ship deviated from the buoyed channel and then passed within 1 NM of a 20 m shoal.
- .2 The decision to deviate from the buoyed channel or how to pass the shoals that were indicated on the available nautical charts was not questioned.
- .3 Ineffective Bridge Resource Management (BRM) during the ship's outbound transit.
- .4 The ship's manager's navigation watch standing procedures did not provide clear expectations and guidance regarding the use of BRM by members of the ship's bridge team when the Master had the conn.
- .5 The charted depths in the vicinity of the shoal did not provide a clear indication of the full range of depths within the 20-30 m contour. There was also a difference between how the shoal was depicted on available nautical charts.
- .6 The calculated tides were not updated when the ship's departure from the terminal was delayed by about 45 minutes. In addition, the calculated tides did not consider corrections for both the time and height of the tide that were published in the coastal State's coast pilot and the terminal's guidance.
- .7 The available nautical charts did not indicate that a portion of the buoyed channel is dredged or details regarding its minimum dredged depth.

What can we learn?

- .1 The importance of remaining in buoyed channels and to avoid passing close to charted hazards to navigation based on minimal charted depths.
- .2 The importance of effective BRM, even when the ship's Master has the conn.

- .3 The importance of updating calculated tides when there is a change to the ship's arrival or departure time. In addition, calculated tides should consider the corrections included in the coastal State's nautical publications and port guides.
- .4 Masters and navigation watch officers should be aware of any differences between how the available nautical charts for an area might depict shoals and other potential hazards to navigation.
- .5 The importance of including dredged channels on nautical charts.

Who may benefit?

Ship managers, ship masters, navigation watch officers, and hydrographic organizations.

10 FIRE/EXPLOSION

Very serious marine casualty: Loss of life

What happened?

A tanker berthed to a petrochemical plant to load Propane/Propylene gas. Following the completion of the necessary procedures, loading operations initiated late in the evening with the gas phase, proceeding to the liquid phase.

Approximately 6 minutes after proceeding to the liquid phase, gas leakage started from the loading manifold and within the following seconds a massive explosion occurred, and fire broke out. With the effect of explosion and fire, the crew abandoned the tanker by jumping into the water. The fire was extinguished in 30 minutes with the fire-fighting operations and the cooling continued for a day.

With the search and rescue operations, the crew was evacuated from sea. However, one crew member lost his life due to drowning.

Why did it happen?

As a result of the accident investigation, it was concluded that the fire broke out by the burst of the loading/unloading hose that enables the connection between the ship/terminal since the increasing pressure in the cargo lines remained above the agreed pressure for 6 minutes after proceeding to the liquid loading phase. Possibly one of the valves on the ship cargo circuits that was closed/ had been closed caused the pressure on the lines to increase.

What can we learn?

- .1 Importance of active participation to abandonment drills.
- .2 Importance of efficient continuous tank level monitoring according to relevant procedures.
- .3 Necessity of integrate an early alerting mechanism for rapid pressure changes.

Who may benefit?

Seafarers, terminal operators, shipowners, ship operators.

11 CAPSIZING

Very serious casualty: Loss of large amount of livestock

What happened?

A 3,800 gross live-stock carrier completed loading animals and feed in the morning and the pilot was on board shortly after. Manoeuvre commenced with two tugs. While pulled by tugs, fore & aft, the ship did not move away from the berth and developed a heeling of about 5 degrees to the port side. The pilot used the main engine, running at half ahead and, combined with the side pull/trust rendered by tugboats, managed to move the ship away from the berth. The master and the pilot continued the manoeuvre outbound. The ship seemed to come to an upright position after the pulling action stopped. Very soon after casting off, the ship ordered turn to port, under the effect of fore/aft tug and rudder, reaching new course. Immediately after let go, the aft tug ship commenced to list to starboard, similar to the port side one, by about 3-5 degrees.

The list to starboard did not diminish but furthermore, under the effect of fore tug and rudder port hard over command, the ship continued to quickly heel to starboard. The heeling process continued reaching about 40-45 degrees. The master and pilot became aware that something was wrong with the ship's stability, and they tried to stop the ship, stayed clear of the fairway channel and decided to return to any safe berth. Even once stopped, the list continued and soon reached about 50-60 degrees to starboard, showing the signs of total loss of stability. The master called for Ship Abandonment. All crew were rescued. One crew member fell into water but was immediately recovered and transported by ambulance to the hospital where his condition was checked okay and released same day. However, the livestock of 14,600 heads were lost.

Why did it happen?

The ship completed loading livestock and then the truck with animal feed and hay arrived alongside. Crew attempted to load animal feed received in 1 m big bags, but as found out during the witnesses hearing, the installation used to load such feed into silo tanks was broken at that time and the bags were loaded on top of Sun Deck (upmost deck) and on the deck ahead of the bridge. It is assumed, as per statements, that between 100 to 120 metric tons have been loaded in these positions.

The ship was loaded with aft section aground and this contact was not investigated before the ship left the berth. The ship capsized because of poor distribution/loading of cargo on livestock decks and weights (big bags of animal feed) on the uppermost decks, with no assessment of the initial stability before commencing the voyage. Leaving the berth in an unstable equilibrium, due to heel produced by tug action, centrifugal forces developed at turns at various rudder angles, up to hard over, and created a heeling moment which shifted the livestock and weights on board (the free surface effects of partly filled compartments was also accountable for); combined with negative up righting stability momentum, occurred as a consequence of unstable equilibrium, which lead to a total loss of stability and capsizing.

What can we learn?

- .1 Initial stability calculations should be done before leaving port.
- .2 Such stability calculation to be reviewed and eventually amended/approved by a qualified and competent harbour master authority and managers.
- .3 In the event that a pilot has any concerns about the ability of a ship to safely depart a berth, these should be immediately reported to port and PSC authorities for appropriate action.

Who may benefit?

Seafarers, terminal operators, shipowners, ship operators, pilots.

12 CONTACT WITH FISHING GEAR AND CAPSIZING

Very serious marine casualty: Contact with fishing gear and foundering leading to loss of lives

What happened?

A 19-metre fishing vessel engaged in trawling capsized (foundered) when a laden very large crude carrier (VLCC) passed about 140 metres astern while manoeuvring to avoid collision with multiple fishing vessels. The towline of the fishing vessel may have been hit and the fishing vessel's stern immediately pulled under water. There were between 20-30 fishing vessels engaged in trawling in the area. The fishing vessels were generally proceeding to the southwest at a speed of 2-3 knots. The VLCC was proceeding to the west, northwest at about 7 knots.

Two of the three crew members who were on board the fishing vessel went missing and presumed dead.

The incident occurred about one hour after sunset in coastal waters seaward of the port approach channel. The weather was good with Beaufort Force 4 winds and seas less than 1 m. The VLCC's bridge team included the Master, the Officer on Watch (OOW), an additional Officer in charge of a navigational watch (OICNW), helmsman, and lookout. The bridge team was using all available means to assess the risk of collision, including the ship's Automatic Radar Plotting Aid (ARPA) and the Automatic Identification Systems (AIS) information displayed on both the Electronic Chart Display and Information System (ECDIS) and radar.

The operator of the fishing vessel was alone in the wheelhouse. He stated he was looking forward and was not using the vessel's AIS to monitor vessel traffic in the area. The two crew members were working on the aft deck and did not report seeing the VLCC until it was directly astern. The fishing vessel was displaying the lights for a power-driven vessel when underway. It was not displaying the lights for a vessel engaged in trawling. A white spotlight was pointed aft in the direction to the trawl.

Why did it happen?

- .1 The large number of fishing vessels engaged in trawling while crossing almost perpendicular to the ship's course as it approached the anchorage at the entrance of the port approach channel created an increased risk of collision.
- .2 The fishing vessel did not maintain an effective lookout as required by the COLREG nor did it display the lights required for a power-driven vessel engaged in trawling.
- .3 The bridge team on board the VLCC may not have recognized the potential risk of passing astern of the fishing vessel

What can we learn?

- .1 Dangers of one person on watch only.
- .2 The importance of compliance with the COLREG by all vessels.
- .3 The importance of using all available means to assess the risk of collision.
- .4 The need for ships' masters and navigation watch officers to recognize the potential risks associated with passing close astern of a fishing vessel engaged in trawling.

Who may benefit?

Ship managers, ships masters and navigation watch officers, fishing industry.

13 OCCUPATIONAL ACCIDENT

Very serious casualty: Fall overboard

What happened?

While unlashng the outboard container at unprotected openings near ship side, a crew member fell overboard into the sea while he could not balance himself after removing the long and heavy lashing rod. Search efforts spanned over nearly nine hours by ships and a helicopter in the vicinity, to no avail.

The crew member did not wear a fall arrestor nor a floatation device on the occasion. The Company did not specify that the review of RA for lashing and unlashng tasks must be done on-site, which cast doubt on the effectiveness of the review of the RA. The Company's PPE matrix did not include the need of personal floatation device when performing unlashng task at outboard rows near ship side where there was a potential risk of drowning for a person falling in the water.

Why did it happen?

The investigation revealed that the review of the risk assessment for the unlashng task was ineffective as the safety control measures identified were not implemented. In addition, the Company's SMS did not require wearing of floatation device when working near the ship side.

What can we learn?

Shipping companies should review the SMS procedures to clearly identify risks involved in different tasks and provide clear guidance to its fleet of ships what type of PPE should be worn accordingly. The supervisor and crew onboard ship should carry out risk assessment effectively prior the tasks are commenced. If the risk assessment was done for the same task, then the review of the risk assessment should also be done effectively prior to the commencement of the task.

Who may benefit?

Seafarers, shipping companies.

14 OCCUPATIONAL ACCIDENT

Very serious marine casualty: Collapsing crane causing crane operator loss of life

What happened?

During cargo operations with an Offshore Supply Vessel (OSV), the starboard pedestal mounted crane on board a 1966 built, self-elevating accommodation unit collapsed. The incident occurred while the crane was being used to shift the position of a container that was on board the OSV. The crane cab, gantry structure and boom fell onto the OSV's deck. It then slipped overboard and sank with the crane operator in the cab.

The crane operator's body was recovered from the crane cab during a subsea search. No crew members on board the OSV were injured. The OSV suffered minor damage.

The weather at the time of the incident was good with winds of 10 kts and seas of less than 1 m.

Why did it happen?

The crane collapsed as a result of a structure failure in the pedestal structure. The likely cause of this failure was material fatigue. The manufacturer of the crane had previously issued service letters addressing fatigue cracks in cranes of similar design and construction but had not indicated that these letters could also apply to the model of the crane that failed.

The operator's procedures for lifting operations did not establish requirements for managing dynamic amplification factors when making offboard lifts, nor did the load chart posted in the cab of the crane include SWLs for onboard and offboard lifts. The standards in place when the crane was designed and built did not require that dynamic amplification factors be considered. The crew on board the unit had routinely conducted lifting operations without complying with the operator's procedures.

What can we learn?

- .1 The need for ship operators and third-party inspectors to be aware of the potential for material fatigue in older equipment.
- .2 The need for ship operators to ensure that procedures for use of lifting gear are appropriate for the types of operations that will be conducted.
- .3 The importance of conducting all lifting procedures in accordance with established procedures.

Who may benefit?

Ship operators, crew members, classification society surveyors, flag States.

15 FOUNDERING

Very serious marine casualty: Flooding causing loss of lives

What happened?

A cargo ship, manned with a master and 11 crew members, left a wharf and was anchoring before proceeding. The ship then received winds and waves that had increased due to a typhoon approaching. The ship heeled to the starboard side and subsequently rolled over and was flooded due to taking on sea water into the interior of the cargo holds and thereby foundered around the anchorage.

The master and three crew members were rescued, but the other eight crew members died.

Why did it happen?

It is considered probable that the accident occurred because the cargo ship foundered since sea water, which was being retained due to wave uprush on the upper deck, began flooding due to taking on sea water in the interior of the cargo holds. Moreover, her steering was uncontrollable, and she was receiving winds and wave uprush from the port fore side to port side. Furthermore, her hull greatly heeled to the starboard side, and she continued to be flooded due to taking on sea water in the interior of the cargo holds. Subsequently, the cargo ship rolled over due to her decreasing stability and flooding due to taking on sea water into the interior of the cargo holds progressed, with the result being that she foundered.

It is considered probable that the Retained Water on the deck began flooding due to taking on sea water in the interior of the cargo holds because the lids for opening parts of the ventilation cylinders of the cargo holds were in an open condition, and the water receiver railings at the connection parts between the panels of the hatch covers of the cargo holds had a number of broken holes and some parts of the panels were deformed, and thereby the hatch covers were not securely weather-tight. In addition, it is considered probable that wave uprush on the deck further increased because her dry draft had been decreasing due to ingress water into the interior of the cargo holds and the Retained Water.

It is considered probable that the ship was in a state in which her steering was uncontrollable because ingress water that infiltrated into the marine diesel oil (MDO) tank interior through air vents on the upper deck was supplied to the diesel generator engines with MDO through the fuel oil (FO) supply line of the diesel generator engines, and then the diesel generator engines experienced combustion failure or misfiring, and subsequently stopped, and thereby the blackout occurred.

It is considered probable that after the steering was uncontrollable and the ship was receiving further increased winds and wave uprush from the port fore side to port side, she heeled to the starboard side due to receiving winds and waves and came to roll on that angle, and then heeling to the starboard side gradually increased due to receiving strong wind and heavy waves due to the typhoon. It is considered probable that after she attained the angle of stability in maximum condition, and subsequently the lateral heeling angle increased due to continuous waves, because this thereby led to the lateral heeling angle attaining the angle of loss of residual stability and she rolled over to the starboard side.

What can we learn?

- .1 Closing of opening parts on exposed decks such as lids of opening parts of the ventilation cylinders of cargo holds etc., in case stormy weather and rough seas are expected, must be performed.
- .2 Masters should secure significant dry draft in any sea condition, and should have crew members carry out adjustment of the ship's condition and arrange loading capacity and the timing of bunkering with the Management company.
- .3 Masters should direct crew members to have them carry out the Discharging Operation for fuel oil tanks not only periodically as routine work, but also on a timely basis in a condition of rolling and pitching in stormy weather and rough seas so as not to supply fuel oil with infiltrated water into the FO lines of generator engines, etc.

- .4 Masters should conduct refresher training for crew members concerning survival techniques at sea for getting ready for abandon ship, such as taking out belongings, escape behaviour from the interior of the ship, putting on a life jacket and immersion suit, dressing warmly, etc.
- .5 The Management company and the owner should implement necessary maintenance including the Receivers to secure weather-tightness of the hatch cover of the cargo holds themselves. Moreover, it is desirable that the air vent pipe construction of ships managed by the Management company and the owner be remodelled to automatically prevent the infiltration of water such as an automatic opening and closing-type air vent head at the top of a pipe head or drain discharging pipe.

Who may benefit?

Masters, crew, owner and management companies.

ANNEX 2

PROCEDURE FOR IDENTIFYING AND FORWARDING SAFETY ISSUES

OBJECTIVE

1 The primary objective of this procedure is to provide guidance to the analyst on identifying safety issues in Marine Safety Investigations Reports and on how to enable the III Sub-Committee to bring them forward within the Organization in the most convenient way to improve maritime safety and protection of the marine environment.

DEFINITIONS

2 For the purpose of this document, the following definitions apply:

- .1 "safety issue" is defined as an issue that encompasses one or more contributing factor(s) and/or other unsafe condition(s);
- .2 "severe consequence" is defined as a single fatality or multiple serious injuries, severe material damage or severe damage to the environment; and
- .3 "catastrophic consequence" is defined as multiple fatalities, total loss or catastrophic damage to environment.

3 For terms not defined in this document, see chapter 2 of the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code) (resolution MSC.255(84)), as amended, and *Guidelines to assist investigators in the implementation of the Casualty Investigation Code* (resolution A.1075(28)), as may be amended.

PROCEDURE FOR IDENTIFYING SAFETY ISSUES

4 The *Guidelines to assist investigators in the implementation of the Casualty Investigation Code* (resolution MSC.255(84)), as adopted by resolution A.1075(28), advise that an analysis of a marine casualty or marine incident should support:

- .1 reconstruction of the marine casualty or marine incident as a sequence of events;
- .2 identification of linked accident events and contributing factors at all appropriate levels; and
- .3 safety analysis and development of recommendations.

5 The identified accident events and contributing factors underpinning a marine casualty or marine incident are hazards.

6 An analyst should identify those hazards that present a safety issue that had or will have either severe or catastrophic consequences; is likely to happen again if not addressed; and the concern is not recognized in the existing provision. While doing so, the analyst can

consider (but not be limited to) the following list of significant factors and take guidance from appendix 4 of *Revised guidelines for Formal Safety Assessment (FSA) for use in the IMO rule-making process* (MSC-MEPC.2/Circ.12/Rev.2), which provides an example of one way of defining frequency and consequence categories, as well as possible ways of establishing risk levels for ranking purposes.

Persons

- .1 How many persons could be affected by the hazard?
- .2 How many operating or maintenance personnel are following or are subject to the practices or procedures in question?

Property

- .1 What could the extent of damage be to the vessel, equipment or property?
- .2 How many pieces of equipment are there that might have similar defects?

Environment

- .1 What could be the environmental impact?

7 The analyst will have ready access to all marine safety investigation reports submitted to the Organization and to all data submitted to the GISIS Marine Casualties and Incidents (MCI) modules.

8 Recognizing that not all marine safety investigation reports will be submitted to the GISIS MCI modules, using other reliable resources to help evaluate any potential safety deficiencies is encouraged.

9 The appointed analyst will bring the identified safety issue(s) to the attention of the Correspondence Group. Depending on the extent of the identified safety issue, the Correspondence Group Coordinator may appoint an analyst to assist with the coordination of the identified safety issue.

10 The Correspondence Group, under the coordination of the Correspondence Group Coordinator, will make a proposal on whether and how to forward the safety issue within the Organization in the most appropriate way. While doing so, the Correspondence Group Coordinator can consider (but not be limited to) the following list of organizational factors:

- .1 Is the subject addressed by the proposal considered to be within the scope of the mission of IMO?
- .2 Has the safety issue previously been identified but not forwarded or addressed?
- .3 Are the benefits (e.g. enhanced maritime safety, protection of the marine environment, or facilitation of maritime traffic) that are expected to be derived from the inclusion of the proposed output clearly stated?

- .4 Do adequate industry standards exist or are they being developed?
- .5 Would a decision to reject or postpone the commencement of the work in relation to the proposal pose an unreasonable risk to the Organization's overall mission?

FORWARDING SAFETY ISSUES

11 The Correspondence Group Coordinator will ask the Secretariat to determine if there is a related existing output and if the identified safety issue is included in the scope of that output.

12 If there is an existing output and the safety issue is within its scope, the III Sub-Committee should be invited to consider forwarding the safety issue to the relevant Sub-Committee for their consideration.

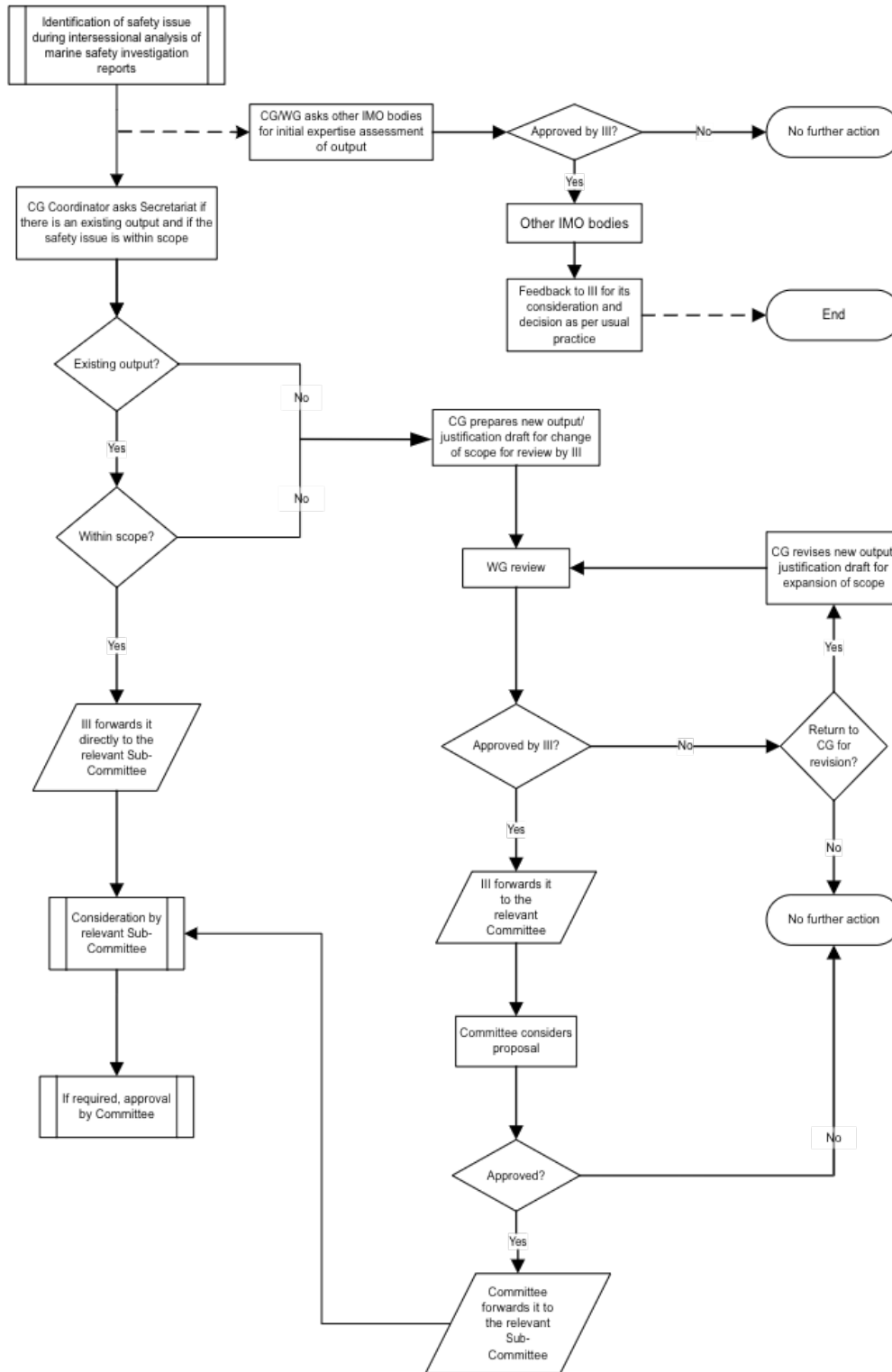
13 If there is no existing output, or the identified safety issue is not included in the scope of that output, the III Sub-Committee should be invited to consider drafting a proposed new output or justification for a change of scope for forwarding to the relevant Committee in accordance with the provisions of *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.3). The Correspondence Group should prepare any other information (e.g. casualty reports containing the safety issue, and relevant information) to support the proposed new output or justification for the change of scope and provide this to the III Sub-Committee.

14 If the Correspondence Group or the Working Group, if established, for any reason cannot decide whether the safety issue is relevant for an output or not (e.g. by not having the technical expertise in the matter concerned), the safety issue could be escalated to the attention of other IMO bodies for their initial expertise assessment. If so, the wording of what is expected from the other bodies should be carefully considered so as not to allow any misunderstanding.

15 The flow chart based on MSC-MEPC.1/Circ.5/Rev.3, as set out in the appendix, should be used as guidance in the consideration of forwarding safety issues.

APPENDIX

CONSIDERATION OF SAFETY ISSUES BASED ON MSC-MEPC.1/CIRC.5/REV.3



ANNEX 3

JUSTIFICATION FOR NEW OUTPUT ON REVIEW OF THE APPROPRIATENESS AND EFFECTIVENESS OF SOLAS 1974, REGULATION IV/5 (PROVISION OF RADIOCOMMUNICATION SERVICES)

Introduction

1 This proposal is submitted in accordance with paragraphs 4.6 and 4.10 of the Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies (MSC-MEPC.1/Circ.5/Rev.3) and annex 3 to Resolution A.1111(30) on Application of the Strategic Plan of the Organization.

2 It is proposed to add a new output on the review of the appropriateness and effectiveness of SOLAS 1974, regulation IV/5 (Provision of radiocommunication services).

Background

3 Reference is made to documents III 5/15 (paragraphs 7.30 to 7.39, and annexes 10 and 11 "Criteria for the assessment of the effectiveness and appropriateness of the IMO legislation", and "Methodology for assessment of the appropriateness and effectiveness of the IMO legislation"); and documents MSC 101/24 (paragraphs 10.10.3 and 10.10.4) and MEPC 75/18 (paragraph 11.7) endorsing the outcome of III 5 and approving the aforementioned methodology.

4 The Sub-Committee, at its seventh session, in document III 7/17 (paragraphs 7.22 to 7.27 and appendix 5, annex 4), based on the review of the most recurrent references to the mandatory IMO instruments in findings and observations from Member States audits, as well as the associated root causes, conducted an analysis of the effectiveness and appropriateness of identified provisions of the mandatory IMO instruments and identified and considered, inter alia, that SOLAS 1974, regulation IV/5, might need to be assessed with regard to difficulty incurred in its implementation and as agreed in MSC 105 to refer the said SOLAS 1974 provision to the NCSR Sub-Committee for further review.

5 MSC 105/20 (paragraphs 13.10.3) concurred with the outcome of III/7 and referred the initial analysis of the criteria for the determination of the appropriateness and effectiveness to NCSR, for review/revision, which might include the development of relevant amendments or guidelines/interpretations, and to report back to the Committee, while instructing III 8 to first prepare a justification for a new output, to be submitted to MSC 106 for approval.

IMO's objectives

6 The proposal falls under the scope of IMO's mission to promote safe, secure, environmentally sound, efficient and sustainable shipping through cooperation, including consideration of the effective implementation of IMO instruments, with a view to their universal and uniform application.

7 Furthermore, the proposed new output is related to strategic direction (SD) 1: Improve implementation and to an existing work programme on the "Analysis of consolidated audit summary reports" (CASRs), which allows to establish an "assessment of the effectiveness and appropriateness of the IMO legislation". SD 1 directs IMO to provide Member States and the industry with the information they need to better identify and understand barriers to implementation, and to consider ways to eliminate them.

Need

8 In order to achieve effective, efficient and consistent implementation and enforcement of the provisions of the mandatory IMO instruments included in the scope of the Scheme, harmonized interpretation and implementation of the provisions of the III Code are considered paramount. This also includes development of relevant policies through issuance of national legislation, interpretations and guidance, as well as through establishment of necessary resources and processes.

9 Analysis of audit outcomes, using major areas of findings and observations identified through audits, as well as most frequent references under specific conventions revealed the main areas which lack effectiveness in implementation and enforcement of the relevant IMO instruments and the III Code. Therefore, it is important to consider if the texts of the provision clearly describe the obligation, if there is a need for further clarification regarding implementation, if the wording is adequate for the intended objective of the provision, if the provision adds an unnecessary administrative burden or if the provision is still relevant/needed/obsolete and/or any other issue.

10 The aforementioned assessment revealed the need for further clarification, which indicates the potential inadequacy of the provision (document III 7/17, paragraphs 7.22 to 7.27 and appendix 5, annex 4).

Analysis of the issue

11 SOLAS 1974, regulation IV/5 states that:

"Each Contracting Government undertakes to make available, as it deems practical and necessary either individually or in co-operation with other Contracting Governments, appropriate shore-based facilities for space and terrestrial radiocommunication services having due regard to the recommendations of the Organisation".

12 As SOLAS 1974, regulation IV/5 established that Contracting Governments undertake to make available, as it "deems practical and necessary" to have appropriate shore-based facilities for space and terrestrial radiocommunication; Contracting Governments could benefit from adequate assessment criteria and/or additional guidelines to determine their needs and capabilities according to their maritime jurisdiction rather than an amended version of the said SOLAS 1974 provision. Therefore, once analysis and more information are supplied, NCSR may develop such assessment criteria in order to guide Contracting Governments.

13 In addition, it needs to be considered that, the whole SOLAS 1974, Chapter IV, including regulation 5, was just reviewed and adopted by MSC 105, and is awaiting tacit acceptance and entry into force from 1 January 2024.

14 The aforementioned actions will increase Member States' awareness in these matters in terms of the level of consequence on concerned parties resulting from failure to meet the obligation as required by this specific provision.

Analysis of implications

15 It is anticipated that this proposal does not incur any additional administrative cost to the maritime industry. A checklist for identifying capacity-building implications and administrative requirements is included in appendices 1 and 3, respectively.

Benefits

16 It is expected that developing further clarification/guidance in relation to SOLAS 1974, regulation IV/5, will clarify and assist in the effective and consistent implementation of the requirement.

17 Additional clarification/guidance will facilitate the global and consistent implementations of these provisions.

Industry standards

18 There are no related industry standards and none are envisaged to be developed.

Output

19 The proposed new title of the output is "Review of the appropriateness and effectiveness of SOLAS 1974, regulation IV/5 (Provision of radiocommunication services)".

Human element

20 The completed Checklist for considering human element issues by IMO bodies (MSC-MEPC.7/Circ.3) is set out in appendix 2. In general, this proposal is not considered to have implications for the human element.

Urgency

21 The work on the output should be completed in a maximum of two sessions, with the NCSR Sub-Committee.

Action required

22 The III Sub-Committee requests that the Committees consider the above justification for a new output on "Review of the appropriateness and effectiveness of SOLAS 1974, regulation IV/5 (Provision of radiocommunication services)" for inclusion in the biennial agenda for 2023-2024 and take action, as appropriate.

APPENDIX 1

Checklist for the identification of capacity-building implications

2 For Administrations

- Is new legislation required? Yes
- Is there a requirement for new equipment and/or systems? Yes
 - Does equipment manufacturing capacity exist internationally? Yes
 - Do equipment repair/servicing facilities exist internationally? Yes
 - Is there capacity to develop new systems? Yes
- Will the implementation require additional financial resources? Yes
- Is there a need for additional human resources or new skills? Yes
- Will there be a need to upgrade current infrastructure? Yes
- Is there enough lead time towards implementation? Yes
- Will a rapid implementation procedure be adopted? Yes
- Is there a substantial modification of existing standards? No
- Will a guide to implementation be needed? No

2 For the industry

- Would the industry require new and/or enhancement of existing systems? Yes
 - Does capacity exist internationally to develop new systems? Yes
- Is there a need for additional training of seafarers? No
 - Do related and validated training courses exist? Yes
 - Are sufficient simulation training courses available internationally? Yes
- Will there be a requirement for new equipment? Yes
 - Does manufacturing capacity exist internationally? Yes
- Is there repair/servicing and/or retrofitting and does maintenance capacity exist internationally? Yes

APPENDIX 2

Checklist for considering and addressing the human element

	1 Question	2 Yes/ No	3 IMO references	4 Considerations	5 Instructions
	Workload		Other relevant references may be added Strike out references that are not relevant	If answer to question is "yes", identify considerations. If answer is "no" make proper justification	Identify how human element considerations should be addressed in the output
1	Does the "output" affect workload?	No			

	1 Question	2 Yes/ No	3 IMO references	4 Considerations	5 Instructions
1.1	On board, especially in the already intensive phases of the voyage and port operations to:		Revised guidelines for the operational implementation of the International Safety Management (ISM) Code by Companies (MSC-MEPC.7/Circ.8) Guidelines on fatigue (MSC.1/Circ.1598) Principles of minimum safe manning (resolution A.1047(27)) Guidelines for the investigation of accidents where fatigue may have been an issue (MSC/Circ.621)		
1.1.1	Operations including navigation, cargo and engineering				
1.1.2	Maintenance of the ships' structure and its equipment				
1.1.3	Onboard administration in support of the ships' management systems				

	1 Question	2 Yes/ No	3 IMO references	4 Considerations	5 Instructions
1.1.4	Onboard administration related to regulation involving flag States, classification societies, port State and other bodies such as charterers and port authorities				
1.1.5	Increased workload or time pressure on personnel if involved in implementation of changes prior to the implementation date				
1.2	Ashore, in a manner that would affect the ships operation to:				
1.2.1	Companies' administration				
1.2.2	Flag State, port State and classification societies administration such that certification and other processes are compromised or delayed				
Decision-making			Other relevant references may be added Strike out references that are not relevant	If answer to question is "yes", identify considerations. If answer is "no" make proper justification	Identify how human element considerations should be addressed in the output

	1 Question	2 Yes/ No	3 IMO references	4 Considerations	5 Instructions
2	Does the "output" impact decision-making on board the ship?	No			
2.1	By confusion with existing requirements and regulations				
2.2	By changing responsibilities as laid out in the ISM Code				
2.3	By creating complexity in its implementation and/or in the safety management systems				
2.4	By requiring increased mental effort, such as the need to find, transform and analyse data or result in the need to make judgements based on incomplete information				
2.5	By limiting the time available to establish situational awareness, decide, communicate (possibly across time zones) or check				
2.6	By increasing reliance on judgement and administrative controls to manage major risks such as oil spills and collisions				

	1 Question	2 Yes/ No	3 IMO references	4 Considerations	5 Instructions
	Living and working environment		Other relevant references may be added Strike out references that are not relevant	If answer to question is "yes", identify considerations. If answer is "no" make proper justification	Identify how human element considerations should be addressed in the output
3	Does the "output" affect the living and working environment?	No	Guidelines on the basic elements of a shipboard occupational health and safety programme (MSC-MEPC.2/Circ.3) Guidelines on fatigue (MSC.1/Circ.1598)		
3.1	By interfering with existing arrangements for abandonment, fire-fighting and other emergency plans or procedures				
3.2	By introducing new materials that could create an explosion, fire, environmental or occupational health risk				
3.3	By introducing new high energy sources such as high-voltage, high-pressure fluids				
3.4	By affecting access or egress and causing lack of ventilation in working spaces				
3.5	By affecting the habitability of accommodation spaces due to				

	1 Question	2 Yes/ No	3 IMO references	4 Considerations	5 Instructions
	noise, vibration, temperatures, dust and other contaminants				
	Operation and maintenance		Other relevant references may be added Strike out references that are not relevant	If answer to question is "yes", identify considerations. If answer is "no" make proper justification	Identify how human element considerations should be addressed in the output
4	Does the "output" affect the operation and maintenance of the ship, its structure or systems and equipment?	No	Revised guidelines for the operational implementation of the International Safety Management (ISM) Code by Companies (MSC-MEPC.7/Circ.8) Guidelines for bridge equipment and systems, their arrangement and integration (BES) (SN.1/Circ.288) Principles of minimum safe manning (resolution A.1047(27)) Issues to be considered when introducing new technology on board ships (MSC/Circ.1091)		

	1 Question	2 Yes/ No	3 IMO references	4 Considerations	5 Instructions
			<p>Guidelines on software quality assurance and human-centred design for e-navigation (MSC.1/Circ.1512)</p> <p>Guidelines for the standardization of user interface design for navigation equipment (MSC.1/Circ.1609)</p>		
4.1	By introducing equipment that the user may find difficult to operate or maintain or may be unreliable				
4.2	By introducing new and/or novel technology, or technology that changes the role of the person				
4.3	By introducing requirements for new competencies and roles				
4.4	By overloading existing infrastructure such as power generation and ventilation systems				
4.5	By poor integration with existing systems and controls				

	1 Question	2 Yes/ No	3 IMO references	4 Considerations	5 Instructions
4.6	By introducing new and unfamiliar operations/procedures				
4.7	By introducing new and unfamiliar operating interfaces				
4.8	By introducing risks to the ship during any modifications required prior to the implementation date of the output				
Measures to address the human element			Other relevant references may be added Strike out references that are not relevant	If answer to question is "yes", identify considerations. If answer is "no" make proper justification	Identify how human element considerations should be addressed in the output
5	Does the "output" require changes to:	No	Shipboard technical operating and maintenance manuals (MSC.1/Circ.1253) Revised guidelines for the operational implementation of the International Safety Management (ISM) Code by Companies (MSC-MEPC.7/Circ.8)		
5.1	Training				
5.2	Practical skill development and competences				

	1 Question	2 Yes/ No	3 IMO references	4 Considerations	5 Instructions
5.3	Operating, management and/or maintenance procedures				
5.4	Information/manuals for operation and maintenance				
5.5	Spares outfit				
5.6	Occupational safety requirements including guarding and PPE				
5.7	Shore support				

APPENDIX 3

Checklist for identifying Administrative Requirements

This checklist should be used when preparing the analysis of implications required in the submissions of proposals for inclusion of outputs. For the purpose of this analysis, the term "administrative requirement" is defined, in accordance with resolution A.1043(27), as an obligation, arising from a mandatory IMO instrument, to provide or retain information or data.

Instructions:

(A) If the answer to any of the questions below is YES, the Member State proposing an output should provide supporting details on whether the requirements are likely to involve start-up and/or ongoing costs. The Member State should also give a brief description of the requirement and, if possible, provide recommendations for further work, e.g. would it be possible to combine the activity with an existing requirement.

(B) If the proposal for the output does not contain such an activity, answer NR (Not required).

(C) For any administrative requirement, full consideration should be given to electronic means of fulfilling the requirement in order to alleviate administrative burdens.

<p>1 Notification and reporting? Reporting certain events before or after the event has taken place, e.g. notification of voyage, statistical reporting for IMO Members, etc.</p>	NR	<p>Yes <input type="checkbox"/> Start-up <input checked="" type="checkbox"/> Ongoing</p>
Description of administrative requirement(s) and method of fulfilling it: (if the answer is yes)		
<p>2 Record keeping? Keeping statutory documents up to date, e.g. records of accidents, records of cargo, records of inspections, records of education, etc.</p>	NR	<p>Yes <input type="checkbox"/> Start-up <input type="checkbox"/> Ongoing</p>
Description of administrative requirement(s) and method of fulfilling it: (if the answer is yes)		
<p>3 Publication and documentation? Producing documents for third parties, e.g. warning signs, registration displays, publication of results of testing, etc.</p>	NR	<p>Yes <input type="checkbox"/> Start-up <input type="checkbox"/> Ongoing</p>
Description of administrative requirement(s) and method of fulfilling it: (if the answer is yes)		
<p>4 Permits or applications? Applying for and maintaining permission to operate, e.g. certificates, classification society costs, etc.</p>	NR	<p>Yes <input type="checkbox"/> Start-up <input type="checkbox"/> Ongoing</p>
Description of administrative requirement(s) and method of fulfilling it: (if the answer is yes)		
<p>5 Other identified requirements?</p>	NR	<p>Yes <input type="checkbox"/> Start-up <input type="checkbox"/> Ongoing</p>
Description of administrative requirement(s) and method of fulfilling it: (if the answer is yes)		

ANNEX 4

OUTLINE OF THE WAY FORWARD

DEVELOPMENT OF GUIDANCE ON ASSESSMENTS AND APPLICATIONS OF REMOTE SURVEYS, ISM CODE AUDITS AND ISPS CODE VERIFICATIONS

Output and framework

- 1 The framework for the output consists of the following three parts:
 - .1 amendments to Survey Guidelines under the HSSC (part 1);
 - .2 amendments to the Revised guidelines on the implementation of the International Safety Management (ISM) Code (part 2); and
 - .3 development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications (part 3).

Road map

- 2 The road map for the sub-outputs is planned as follows:

No.	Sub-output	Target completion year
1	Amendments to the Survey Guidelines under the HSSC (part 1) and amendments to the Revised guidelines on the implementation of the International Safety Management (ISM) Code (part 2)	2023 (to be adopted at A 33)
2	Guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications (part 3)	2024
3	Further amendments to the Survey Guidelines under the HSSC (part 1) and amendments to the Revised guidelines on the implementation of the International Safety Management (ISM) Code (part 2)	2025 (to be adopted at A 34)

Contents of the guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications (part 3)

- 3 The guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications (part 3) should be structured as one document containing principles and common areas (part 3-0), and three guidance:
 - .1 Guidance on assessments and applications of remote surveys (part 3-1);
 - .2 Guidance on assessments and applications of remote ISM Code audits (part 3-2); and
 - .3 Guidance on assessments and applications of remote ISPS Code verifications (part 3-3).

Outputs and documents

4 The Sub-Committee agreed that the Correspondence Group established at III 8, should develop the following sub-output, using corresponding base documents, and taking into account the relevant documents, as specified in the table:

No.	Sub-output	Base document	Documents to be taken into account
1	Amendments to Survey Guidelines under the HSSC (part 1)	III 8/12/1 (Austria et al.) (annex 1)	III 8/12 (China) III 8/12/2 (China) III 8/12/3 (Türkiye) III 8/INF.2 (Italy) III 8/INF.19 (IACS)
2	Amendments to the Revised guidelines on the implementation of the International Safety Management (ISM) Code (part 2)	III 8/12/1 (annex 2)	III 8/12 III 8/12/2 III 8/12/3 III 8/INF.2 III 8/INF.19
3	Development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications (principle and common area, part 3-0)	III 8/12/1 (annex 3)	III 8/12 III 8/12/2 III 8/12/3 III 8/INF.2 III 8/INF.19
3.1	Guidance on assessments and applications of remote surveys (part 3-1);	III 8/12/1 III 8/12/2 III 8/INF.19 (annex 1)	III 8/12 III 8/12/3 III 8/INF.2
3.2	Guidance on assessments and applications of remote ISM Code audits (part 3-2);	III 8/12/1 III 8/12 III 8/INF.19 (annex 2)	III 8/12/2 III 8/12/3 III 8/INF.2
3.3	Guidance on assessments and applications of remote ISPS Code verifications (part 3-3)	III 8/12/1 III 8/INF.19 (annex 2)	III 8/12 III 8/12/2 III 8/12/3 III 8/INF.2

Notes:

- .1 III 8/12/1 contains in its annexes amendments to both the Survey Guidelines under the HSSC (resolution A.1156(32)), the Revised guidelines on the implementation of the ISM Code by Administrations (resolution A.1118(30)) and principles for the guidance on assessments and applications of remote surveys; ISM Code audits and ISPS Code verifications;
- .2 III 8/12/2 and III 8/INF.19 contain in their annexes guidance for remote surveys;

- .3 III 8/12 and III 8/INF.19 contain in their annexes guidance for remote ISM Code audits; and
- .4 III 8/INF.19 contains in its annex guidance for remote ISPS Code verifications.

Recommended methodology and the way forward for the Correspondence Group established at III 8

5 The Sub-Committee recommended that the Correspondence Group established at III 8, should take the following steps to progress the work of output 1.18:

Step 1: consideration and development of principles and terminology, including definitions, scope of application in normal and extraordinary (force majeure) circumstances, eligibility, and conditions for equivalency.

Step 2: development of common areas, including use of ICT (software, hardware, connectivity, etc.), training and personnel qualifications, risk assessment, validation, data security, reports and records.

Step 3: development of:

- .1 amendments to Survey Guidelines under the HSSC (part 1);
- .2 guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications (principles and common areas, part 3-0);
- .3 amendments to the Revised guidelines on the implementation of the International Safety Management (ISM) Code (part 2);
- .4 guidance on assessments and applications of remote ISM Code audits (part 3-2);
- .5 guidance on assessments and applications of remote ISPS Code verifications (part 3-3); and
- .6 guidance on assessments and applications of remote surveys (part 1).

ANNEX 5

**BIENNIAL STATUS REPORT AND OUTPUTS ON THE COMMITTEE'S POST-BIENNIAL AGENDA
THAT FALL UNDER THE PURVIEW OF THE SUB-COMMITTEE**

BIENNIAL STATUS REPORT 2022-2023

Sub-Committee on Implementation of IMO Instruments (III)									
Reference to SD, if applicable	Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ	Status of output for Year 1	Status of output for Year 2	References
1. Improve implementation	1.4	Analysis of consolidated audit summary reports	Annual	Assembly	MSC/MEPC/LEG/TCC/III	Council	Ongoing		MEPC 61/24, paragraph 11.14.1; MSC 88/26, paragraph 10.8; C 120/D, paragraphs 7.1 and 7.2; MSC 105, paragraph 13.10; MEPC 78, paragraph 10.7; III 8/19, section 8
1. Improve implementation	1.5	Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)	Annual	MSC/MEPC	III		Ongoing		MEPC 64/23, paragraph 11.49; MSC 91/22, paragraph 10.30; MEPC 52/24, paragraph 10.15; MEPC 72/17, paragraph 2.7.5; and MEPC 74/18, paragraph 11.3; MSC 104/18, paragraph 13.7.3;

Sub-Committee on Implementation of IMO Instruments (III)										
Reference to SD, if applicable	Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ	Status of output for Year	Status of output for Year 1	Status of output for Year 2	References
										MEPC 77/16, paragraph 10.9; III 8/19, section 11
1. Improve implementation	1.11	Measures to harmonize port State control (PSC) activities and procedures worldwide	Continuous	MSC/MEPC	HTW/PPR/NCSR	III	Ongoing			MSC 101/24, paragraph 21.48; MEPC 75/18, paragraphs 11.10 and 11.11; MSC 104, paragraph 13.7.1; MEPC 77, paragraphs 10.5 and 10.6; III 8/19, section 5
1. Improve implementation	1.14 (new)	Development of guidance in relation to Mandatory IMO Member State Audit Scheme (IMSAS) to assist in the implementation of the III Code by Member States	2023	MSC/MEPC	III		In progress			MSC 103/21, paragraph 18.38; III 8/19, section 9
1. Improve implementation	1.18 (new)	Development of guidance on assessment and applications of remote surveys, ISM Code audits and ISPS Code verifications	2024	MSC/MEPC	III		In progress			MSC 104/18, paragraph 15.5; MEPC 77/17, paragraph 11.14; III 8/19, section 12
1. Improve implementation	1.26	Revision of MARPOL Annex IV and associated guidelines	2023	MEPC	III/HTW	PPR	No work requested			MEPC 71/17, paragraphs 14.8 and 14.9; MEPC 72/17, paragraph

Sub-Committee on Implementation of IMO Instruments (III)										
Reference to SD, if applicable	Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ	Status output Year	of for 1	Status of output for Year 2	References
										15.10;MEPC 73/19, paragraph 15.19; PPR 6/20, Section 14; MEPC 74/18, paragraph 14.5; MEPC 78/17, paragraph 14.11
	Notes:	MEPC 74 agreed to expand the scope of the existing output 1.26 and amend the title of the output from "Amendments to the 2012 Guidelines on implementation of effluent standards and performance tests for sewage treatment plants (resolution MEPC.227(64)) to address inconsistencies in their application" to read "Revision of MARPOL Annex IV and associated guidelines to introduce provisions for record-keeping and measures to confirm the lifetime performance of sewage treatment plants". MEPC 78 agreed to amend the title of the existing output 1.26 to "Revision of MARPOL Annex IV and associated guidelines"								
2. Integrate new and advancing technologies in the regulatory framework	2.8	Development of guidelines for cold ironing of ships and consideration of amendments to SOLAS chapters II-1 and II-2	2023	MSC	III/HTW/SDC	SSE	No work requested			MSC 98/23, paragraph 20.36; SSE 7/21, section 11; HTW 8/16, section 15; SSE 8/20, section 18
2. Integrate new and advancing technologies in the regulatory framework	2.9 (new)	Development of amendments to VDR performance standards and carriage requirements	2023	MSC	III	NCSR	No work requested			MSC 101/24, paragraphs 21.39 to 21.44
4. Engage in ocean governance	4.3	Follow-up work emanating from the Action Plan to Address Marine Plastic Litter from Ships	2023	MEPC	III/HTW/PPR		In progress			MEPC 77/16, paragraph 8.26; III 8/19, section 14

Sub-Committee on Implementation of IMO Instruments (III)										
Reference to SD, if applicable	Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ	Status of output for Year	Status of output for Year 1	Status of output for Year 2	References
6. Address the human element	6.1	Role of the human element	Continuous	MSC/MEPC	III/PPR/CCC/SDC/SSE/NCSR	HTW	No work requested			MSC 89/25, paragraphs 10.10, 10.16 and 22.39 and annex 21;
6. Address the human element	6.2	Validated model training courses	Continuous	MSC/MEPC	III/PPR/CCC/SDC/SSE/NCSR	HTW	Ongoing			MSC 100/20, paragraphs 10.3 to 10.6 and 17.28; MSC 105/20, section 16; III 8/19, section 5
6. Address the human element	6.5	Development of measures to facilitate mandatory seagoing service required under the STCW Convention	2023	MSC	III	HTW	No work requested			MSC 101/24, paragraphs 21.29 and 21.30
6. Address the human element	6.10	Development of an entrant training manual for PSC personnel	2023	MSC/MEPC	III		Postponed			MSC 103/21, paragraph 18.36 III 8/19, section 6
Notes:		III 8 agreed that the output on development of an entrant training manual for PSC personnel should be developed after the finalization of the IMO Model Course 3.09 on port State control								
6. Address the human element	6.14	Development of amendments to the STCW Convention and Code for the use of electronic certificates and documents of seafarers	2022	MSC	III	HTW	No work requested			MSC 100/20, paragraph 17.12;
7. Ensure regulatory effectiveness	7.1	Unified interpretation of provisions of IMO safety, security, environment, facilitation, liability and compensation-related conventions	Continuous	MSC/MEPC/FAL/LEG	III/PPR/CCC/SDC/SSE/NCSR		Ongoing			MSC 76/23, paragraph 20.3; MSC 78/26, paragraph 22.12; III 8/19, section 13

Sub-Committee on Implementation of IMO Instruments (III)										
Reference to SD, if applicable	Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ	Status of output for Year	Status of output for Year 1	Status of output for Year 2	References
7. Ensure regulatory effectiveness	7.4	Lessons learned and safety issues identified from the analysis of marine safety investigation reports	Annual	MSC/MEPC	III		Ongoing			MSC 92/26, paragraph 22.29; III 8/19, section 4
7. Ensure regulatory effectiveness	7.5	Identified issues relating to the implementation of IMO instruments from the analysis of PSC data	Annual	MSC/MEPC	III		Ongoing			MSC 96/25, paragraph 23.13; MEPC 69/21, paragraph 19.11; III 8/19, section 7
Notes: III 8 agreed to rename the output as "Identified issues relating to the implementation of IMO instruments from the analysis of data" with extension of scope of the output subject to endorsement by the Committees										
7. Ensure regulatory effectiveness	7.7	Consideration and analysis of reports on alleged inadequacy of port reception facilities	Annual	MEPC	III		Ongoing			MEPC 69/21, paragraph 19.11; MEPC 73/19, paragraphs 8.3 and 8.11; MEPC 74/18, paragraphs 4.33, 4.34 and 8.22; III 8/19, section 3
7. Ensure regulatory effectiveness	7.14 (new)	Revision of ECDIS Guidance for good practice (MSC.1/Circ.1503/Rev.1) and amendments to ECDIS performance standards (resolution MSC.232(82))	2023	MSC	III	NCSR	No work requested			MSC 100/20, paragraph 17.9; MSC 102/24, paragraph 21.14; MSC 104/18, paragraph 15.19

Sub-Committee on Implementation of IMO Instruments (III)										
Reference to SD, if applicable	Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ	Status of output for Year	Status of output for Year 1	Status of output for Year 2	References
7. Ensure regulatory effectiveness	7.27	Updated Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)	Annual	MSC/MEPC	III		Ongoing			MEPC 68/21, paragraphs 14.5 and 14.6; MSC 79/23, paragraphs 9.19 and 9.20; MEPC 72/17, paragraphs 7.4 and 4.24 to 4.33; MSC 104, paragraph 13.7.2; MEPC 77/16, paragraph 10.7; III 8/19, section 10
7. Ensure regulatory effectiveness	7.28	Consideration of reports of incidents involving dangerous goods or marine pollutants in packaged form on board ships or in port areas	Annual	MSC/MEPC	III	CCC	No work requested			CCC 7/15, section 9
7. Ensure regulatory effectiveness	7.31	Finalization of a non-mandatory instrument on regulations for non-convention ships	2022	MSC	III		Postponed			MSC 96/25, paragraph 9.4; MSC 101/24, paragraph 21.38; MSC 104, section 5; MSC 105, section 4
Notes:		MSC 102, having considered that MSC 101 had included an item on "measures to improve domestic ferry safety", agreed that the III Sub-Committee should not proceed with the development of a model course (as instructed by MSC 96), pending further instructions from the MSC taking into account the outcome of the work on measures to improve domestic ferry safety (MSC 102/24, para 14.10)								

OUTPUTS ON THE COMMITTEES' POST-BIENNIAL AGENDA THAT FALL UNDER THE PURVIEW OF THE SUB-COMMITTEE

POST-BIENNIAL AGENDA

Sub-Committee on Implementation of IMO Instruments (III)								
Number	Biennium (when the output was placed on the post-biennial agenda)	Reference to strategic direction, if applicable	Description	Parent organ(s)	Associated organs(s)	Coordinating organ(s)	Timescale (sessions)	References
154	2016-2017	6	Development of amendments to regulation 19 of MARPOL Annex VI and development of an associated Exemption Certificate for the exemption of ships not normally engaged on international voyages	MEPC	III		2	MEPC 71/17, paragraph 14.15
191	2022-2023	6	Scoping exercise and enhancement of the effectiveness of provisions on fatigue and seafarers' hours of work and rest	MSC	III	HTW	2	MSC 105/20, paragraph 18.31

ANNEX 6

DRAFT PROVISIONAL AGENDA FOR III 9

- Opening of the session
- 1 Adoption of the agenda
 - 2 Decisions of other IMO bodies
 - 3 Consideration and analysis of reports on alleged inadequacy of port reception facilities (7.7)
 - 4 Lessons learned and safety issues identified from the analysis of marine safety investigation reports (7.4)
 - 5 Measures to harmonize port State control (PSC) activities and procedures worldwide (1.11)
 - 6 Validated model training courses (6.2)
 - 7 Identified issues relating to the implementation of IMO instruments from the analysis of **PSC**²data (7.5)
 - 8 Analysis of consolidated audit summary reports (1.4)
 - 9 Development of guidance in relation to IMSAS to assist in the implementation of the III Code by Member States (1.14)
 - 10 Updated Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) (7.27)
 - 11 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code) (1.5)
 - 12 Development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications (1.18)
 - 13 Unified interpretation of provisions of IMO safety, security and environment-related conventions (7.1)
 - 14 Follow-up work emanating from the Action Plan to Address Marine Plastic Litter from Ships (4.3)
 - 15 Biennial agenda and provisional agenda for III 10
 - 16 Election of Chair and Vice-Chair for 2024
 - 17 Any other business
 - 18 Report to the Committees

² Subject to approval by MSC 106 and MEPC 79.

ANNEX 7

LIST OF IMO MODEL COURSES

- 1 Acts to be Taken to Prevent Acts of Piracy and Armed Robbery, 2011 Edition
- 2 Advanced training for chemical cargo tanker operations, 2016 Edition
- 3 Advanced training for liquefied gas tanker cargo operations, 2015 Edition
- 4 Advanced training for masters, officers, ratings and other personnel on ships subject to the IGF Code, 2019 Edition
- 5 Advanced training for oil tanker cargo operations, 2015 Edition
- 6 Advanced training for ships operating in polar waters, 2017 Edition
- 7 Advanced Training in Fire Fighting, 2000 Edition
- 8 Assessment, Examination & Certification of Seafarers, 2017 Edition
- 9 Automatic Identification Systems (AIS), 2019 Edition
- 10 Basic training for liquefied gas tanker cargo operations, 2014 Edition
- 11 Basic training for masters, officers, ratings and other personnel on ships subject to the IGF Code, 2019 Edition
- 12 Basic training for oil and chemical tanker cargo operations, 2014 Edition
- 13 Basic training for ships operating in polar waters, 2017 Edition
- 14 Chemical Tanker Cargo & Ballast Handling, 2007 Edition
- 15 Chief Engineer Officer and Second Engineer Officer on a Fishing Vessel, 2008 Edition
- 16 Chief Engineer Officer and Second Engineer Officer, 2014 Edition
- 17 Company Security Officer, 2011 Edition
- 18 Dangerous, hazardous and harmful cargoes, 2014 Edition
- 19 Electro-technical Engineer, 2014 Edition
- 20 Electro-Technical Rating, 2019 Edition
- 21 Elementary First Aid, 2000 Edition
- 22 Energy Efficient Operation of Ships, 2014 Edition
- 23 Engine-Room Simulator, 2017 Edition
- 24 Fire Prevention and Fire Fighting, 2000 Edition
- 25 Flag State Implementation, 2010 Edition
- 26 General Operator's Certificate for GMDSS, 2015 Edition
- 27 Hull and Structural Surveys, 2004 Edition
- 28 Leadership & Teamwork, 2014 Edition
- 29 LNG Tanker Cargo & Ballast Handling Simulator, 2019 Edition
- 30 LPG Tanker Cargo & Ballast Handling Simulator, 2007 Edition
- 31 Marine Environmental Awareness, 2011 Edition
- 32 Maritime English, 2015 Edition
- 33 Master and Chief Mate, 2014 Edition
- 34 Medical Care, 2000 Edition
- 35 Medical First Aid, 2000 Edition
- 36 Officer in Charge of a Navigational Watch on a Fishing Vessel, 2008 Edition
- 37 Officer in charge of Engineering Watch, 2014 Edition
- 38 Officer in charge of Navigational Watch, 2014 Edition
- 39 Oil Tanker Cargo & Ballast Handling Simulator, 2002 Edition
- 40 Onboard Assessment, 2017 Edition
- 41 Operational use of ECDIS, 2012 Edition
- 42 Operational Use of Integrated Bridge Systems including Integrated Navigation Systems, 2005 Edition
- 43 Passenger Ship Crisis Management and Human Behaviour Training, 2018 Edition
- 44 Passenger Ship Crowd Management Training, 2018 Edition
- 45 Personal Safety & Social Responsibilities, 2016 Edition
- 46 Port Facility Security Officer, 2015 Edition

- 47 Port State Control, 2001 Edition
- 48 Proficiency in Crisis Management and Human Behaviour Training including Passenger Safety, Cargo Safety and Hull Integrity Training, 2000 Edition
- 49 Proficiency in Fast Rescue Boats, 2000 Edition
- 50 Proficiency in Personal Survival Techniques, 2019 Edition
- 51 Proficiency in Survival Craft & Rescue Boats (other than Fast Rescue Boats), 2000 Edition
- 52 Radar, ARPA, Bridge Teamwork and Search and Rescue Navigation at Management Level, 2019 Edition
- 53 Radar Navigation, Radar Plotting and use of ARPA Radar Navigation at Operational level, 2017 Edition
- 54 Ratings as Able Seafarer Deck, 2017 Edition
- 55 Ratings as Able Seafarer Engine, 2019 Edition
- 56 Ratings forming part of a watch in a manned engine-room or designated to perform duties in a periodically unmanned engine-room, 2017 Edition
- 57 Restricted Operator's Certificate for GMDSS, 2015 Edition
- 58 Safe Handling and Transport of Solid Bulk Cargoes, 2019 Edition
- 59 Safe Packing of Cargo Transport Units (CTU), 2001 Edition
- 60 Safety Investigation into Marine Casualties & Incidents, 2014 Edition
- 61 Safety of Fishing Operations (Support Level), 2005 Edition
- 62 Safety Training for Personnel Providing Direct Service to Passengers in Passenger Spaces, 2018
- 63 SAR Administration (IAMSAR Manual, Vol I), 2014 Edition
- 64 SAR Mission Coordinator (IAMSAR Manual, Vol II), 2020 Edition
- 65 SAR On-Scene Coordinator (IAMSAR Manual, Vol III), 2014 Edition
- 66 Second-Class Radioelectronic Certificate for GMDSS Radio Personnel, 2002 Edition
- 67 Security Awareness Training for all Port Facility Personnel, 2011 Edition
- 68 Security Awareness Training for all Seafarers, 2012 Edition
- 69 Security Awareness Training for Port Facility Personnel w/ Designated Security Duties, 2018 Edition
- 70 Security Training for Seafarers with Designated Security Duties 2012 Edition
- 71 Ship Security Officer, 2012 Edition
- 72 Ship Simulator & Bridge Teamwork, 2002 Edition
- 73 Skipper on a Fishing Vessel, 2008 Edition
- 74 Survey of Electrical Installations, 2004 Edition
- 75 Survey of Fire Appliances & Provisions, 2004 Edition
- 76 Survey of Life-Saving Appliances & Arrangements, 2004 Edition
- 77 Survey of Machinery Installations, 2004 Edition
- 78 Survey of Navigational Aids & Equipment, 2004 Edition
- 79 Train the Simulator Trainer and Assessor, 2012 Edition
- 80 Training Course for Instructors, 2017 Edition
- 81 Use of Leadership & Managerial Skills, 2018 Edition

ANNEX 8

STATEMENTS BY DELEGATIONS AND OBSERVERS*

ITEM 2

Statement by the delegation of Australia

"Thank you Madam Chairwoman,

Australia joins others in condemning the Russian Federation's unilateral, illegal, and immoral aggression against the people of Ukraine. The invasion is a gross violation of international law. The Russian Federation's actions present an immediate and ongoing threat to the safety of shipping and the marine environment in the Black Sea and the Sea of Azov. The 35th Extraordinary session of the Council adopted a statement condemning the Russian Federation's invasion of Ukraine and, since then, the Organization's Committees and Sub-Committees have developed measures within their respective remits to address the impacts from the ongoing invasion. Despite these measures and the continued requests from Member States for the Russian Federation to cease its aggressive actions against Ukraine, the invasion continues to put the lives of seafarers at risk. Australia implores the Russian Federation to immediately cease its aggression against Ukraine and withdraw its forces. We demand the Russian Federation ensure the welfare of seafarers and the safety of ships impacted by its actions; respect the territorial integrity and political independence of Ukraine; and meet its obligations under relevant IMO instruments by ensuring their implementation to the fullest extent. Australia remains a steadfast supporter of Ukraine's sovereignty and territorial integrity and will continue to work with the IMO and Member States to support Ukraine's rights as a port, flag and coastal State and to protect seafarers and others impacted by the Russian Federation's ongoing aggression against Ukraine."

Statement by the delegation of Canada

"Thank you Chair.

Canada condemns in the strongest possible terms Russia's egregious attack on Ukraine.

Russia must be held accountable for its barbaric assault on Ukraine. Canada continues to explore all other avenues to limit and sanction Russia's unjustified and illegal aggression and to counteract its propaganda.

We stand in solidarity with Ukraine and call on Russia to immediately cease its aggression and withdraw from Ukraine's sovereign territory and to respect its agreements.

The invasion is contrary to international law and severely threatens the safety of and security of merchant shipping, the protection of the marine environment, the lives of seafarers and the integrity of global supply lines.

I ask that my statement be attached to the record of decision."

* Statements have been included in this annex as provided by delegations and observers, in the order in which they are listed in the report, sorted by agenda item, and in the language of submission (including translation into any other language if such translation was provided). Statements are accessible in all official languages on audio file at: <http://docs.imo.org/Meetings/Media.aspx>

Statement by the delegation of France

"Madame la Présidente,

D'emblée, au nom des États membres de l'Union européenne qui sont tous membres de l'OMI, la France souhaite exprimer sa pleine solidarité avec l'Ukraine et le peuple ukrainien, dont la vie a été affectée par la guerre d'agression de la Russie contre l'Ukraine, que nous condamnons avec la plus grande fermeté possible. L'Union européenne est aux côtés de l'Ukraine et de son peuple. La guerre d'agression injustifiable, non provoquée et illégale de la Russie contre l'Ukraine constitue une violation flagrante du droit international et de la Charte des Nations unies. Elle porte atteinte à la sécurité et à la stabilité européenne et mondiale, et cause des pertes massives en vies humaines et des blessures aux civils.

Nous exigeons de la Fédération de Russie qu'elle cesse immédiatement ses actions militaires, qu'elle retire sans condition toutes ses forces et ses équipements militaires de l'ensemble du territoire ukrainien, qu'elle respecte pleinement l'intégrité territoriale, la souveraineté et l'indépendance de l'Ukraine à l'intérieur de ses frontières internationalement reconnues. Nous exigeons également que la Fédération de Russie se conforme à la résolution 68/262 de l'Assemblée générale des Nations Unies sur "l'intégrité territoriale de l'Ukraine" et aux résolutions de l'Assemblée générale des Nations Unies adoptées le 2 mars et le 24 mars respectivement, sur "l'agression contre l'Ukraine" (A/RES/ES-11/1) et sur "les conséquences humanitaires de l'agression contre l'Ukraine" (A/RES/ES-11/2)."

Statement by the delegation of Georgia

"Thank you Chair.

Russian Federation's unprovoked and unjustified military invasion of Ukraine poses an unprecedented threat to maritime safety and security, welfare of seafarers and the marine environment in the Black Sea and the Sea of Azov. We stand in full solidarity with Ukraine and the Ukrainian people.

Georgia calls on the Russian Federation to immediately cease its military activities and withdraw all its forces and armaments from Ukraine, as well as respect its obligations under relevant international treaties and conventions.

Georgia once again reiterates its unwavering support for the independence, sovereignty and territorial integrity of Ukraine within its internationally recognized borders.

Thank You."

Statement by the delegation of Japan

"Thank you Chair,

Russia's aggression against Ukraine is a unilateral attempt to change the status quo by force and an infringement of Ukraine's sovereignty and territorial integrity, which constitutes a clear violation of international law, and is a grave breach of the United Nations Charter. It shakes the very foundations of the international order and is absolutely unacceptable, and Japan condemns Russia's actions in the strongest terms.

Thank you."

Statement by the delegation of New Zealand

"New Zealand condemns in the strongest possible terms Russia's invasion of Ukraine. It is a clear act of aggression, a blatant breach of Ukraine's sovereignty and territorial integrity, and a violation of international law.

New Zealand recognizes that Russia's invasion of Ukraine is putting the safety and security of all maritime transport in the region at risk and is endangering the life of seafarers on board merchant ships sailing near and in the Black Sea, the Sea of Azov waters and the Kerch Strait."

Statement by the delegation of the Russian Federation

"Российская делегация решительно отвергает все безосновательные обвинения, сделанные в адрес России делегацией Украины и другими, в особенности касательно атак на гражданские суда и гражданскую портовую инфраструктуру. Эти обвинения не подтверждены никакими фактами украинской стороной. Более того у российской стороны имеются обратные доказательства о причастности украинской стороны к таким атакам.

Со своей стороны еще раз подтверждаем, что наша делегация находится в постоянном контакте по этому вопросу с Секретариатом в лице специального советника Генерального Секретаря и предоставляет Секретариату свежие данные, основанные на имеющихся фактах.

Подтверждаем также то обстоятельство, что Российская Федерация, в полном соответствии с итогами 35-й внеочередной сессии Совета, создала гуманитарный безопасный коридор в Чёрном море для выхода иностранных судов из украинских портов в открытое море. Это подтверждает, что Российская Федерация уделяет большое внимание вопросу безопасности мореплавания в регионе. К сожалению, тот факт, что акватории этих портов были заминированы украинской стороной, не позволил судам безопасно покинуть порты, пройти до гуманитарного коридора и воспользоваться им. В этой связи отмечаем, что существует также угроза загрязнения морской среды, связанная с риском подрыва гражданских судов на минах, выставленных Украиной в своем территориальном море, часть из которых была сорвана с якорей из-за штормовой погоды и бесконтрольно дрейфует в западной части Черного моря и достигает берегов некоторых стран.

Кроме того хотели бы отметить, что разминирование фарватеров портов в регионе Азовского моря было завершено Российской Федерацией. Эти порты вернулись к нормальной работе.

В отношении влияния текущей ситуации в данном районе на глобальные цепочки поставок товаров, в том числе зерна, что было отмечено некоторыми делегациями, еще раз сообщаем, что это является прямым следствием введения незаконных односторонних ограничительных мер против Российской Федерации.

В этой связи мы хотели бы подтвердить то, что уже было озвучено турецким коллегой, а именно, что 22 июля с.г. в городе Стамбуле состоялась церемония

одновременного подписания двух документов по морским поставкам украинского зерна и экспорту российской сельскохозяйственной продукции. Стараниями всех сторон, участвовавших в переговорах, удалось сохранить комплексный деполитизированный характер этих договоренностей, тем самым обеспечив максимально возможное движение навстречу развивающимся странам – импортерам продовольствия. Наша страна будет и впредь верна своим обязательствам в этой сфере. Сторонами данных инициатив, в частности, по транспортировке украинского зерна выступали Россия, Турция и Украина при вспомогательной роли ООН. Целью является содействие безопасному судоходству для экспорта зерна, продовольствия и удобрений из портов Украины в Чёрном море. Документ предусматривает порядок прохода судов, их досмотр, мониторинг функционирования гуманитарного коридора, модальности разминирования и предотвращения опасных инцидентов силами специального Совместного координационного центра в Стамбуле с участием представителей России, Украины и Турции при подключении также сотрудников ООН.

Рассчитываем, что в предстоящий период будут предприняты все необходимые усилия для эффективного выполнения указанных соглашений. В этой связи хотели бы поблагодарить за добросовестное содействие сотрудников ООН, а также наших турецких коллег и партнеров.

В заключении, что касается заявления делегации Украины относительно “удара” по порту Одесса, отмечаем, что высокоточными ракетами большой дальности морского базирования уничтожен находившийся в доке украинский военный корабль, а также склад поставленных киевскому режиму противокорабельных ракет “Harpoon”. Таким образом, это были высокоточные удары исключительно по военным объектам, никоим образом не затрагивающие гражданскую инфраструктуру, в том числе связанную с отгрузкой зерна, которая как раз обозначена в подписанном соответствующем соглашении.

The delegation of the Russian Federation strongly rejects all groundless allegations made against Russia by the Ukrainian delegation and others, in particular regarding attacks on civilian ships and civilian port infrastructure. These accusations are not confirmed by any facts by the Ukrainian side. Moreover, the Russian side has evidence to the contrary about the involvement of the Ukrainian side in such attacks.

For our part, we reaffirm that our delegation is in constant contact on this issue with the Secretariat, represented by the Special Adviser to the Secretary-General, and provides the Secretariat with up-to-date data based on the available facts.

We also confirm the fact that the Russian Federation, in full compliance with the outcomes of the 35th Extraordinary Session of the Council, has created a safe humanitarian corridor in the Black Sea for the exit of foreign ships from the Ukrainian ports to the open sea. This confirms the fact that the Russian Federation pays great attention to the issue of the safety in the region. Unfortunately, the fact that the waters of these ports were mined by the Ukrainian side has not allowed ships to safely leave the ports, reach the humanitarian safe corridor and use it. In this regard, we note that there is also a threat of marine pollution associated with the risk of explosion of civilian ships on mines laid by Ukraine in its territorial sea, some of which were torn from anchors due to stormy weather and are drifting uncontrollably in the western part of the Black Sea reaching the coasts of some countries in the region.

In addition, we would like to note that the demining of the fairways of ports in the Sea of Azov region was completed by the Russian Federation. These ports are now back to normal operation.

With regard to the impact of the current situation in the region on the global supply chains of goods, including grain, as was noted by some delegations, we reiterate that this is a direct consequence of the introduction of illegal unilateral restrictive measures against the Russian Federation.

In this regard, we would like to confirm what has already been said by our Turkish colleague, namely, that on July 22 of this year, the ceremony of simultaneous signing of two documents- on sea deliveries of Ukrainian grain and export of Russian agricultural products- took place in Istanbul. Through the efforts of all parties involved in the negotiations, it became possible to maintain the complex depoliticized nature of these agreements, thereby ensuring the maximum possible movement towards developing countries - food importers. Our country will continue to be faithful to its commitments in this area. The parties to these initiatives, in particular, on the transportation of Ukrainian grain were Russia, Türkiye and Ukraine, with the supporting role of the UN. The goal is to promote safe shipping for the export of grain, food and fertilizers from the Ukrainian ports in the Black Sea. The document provides for the procedure for the passage of ships, their inspection, monitoring the functioning of the safe humanitarian corridor, the modality of demining and preventing dangerous incidents by the special Joint Coordination Centre in Istanbul with the participation of representatives of Russia, Ukraine and Türkiye, with the involvement of UN staff.

We hope that in the coming period all the necessary efforts will be made for the effective implementation of these agreements. In this regard, we would like to thank the UN staff, as well as our Turkish colleagues and partners, for their conscientious assistance.

In conclusion, with regard to the statement of the Ukrainian delegation regarding the "strike" on the port of Odessa, we would like note the following. The sea-based high-precision long-range missiles destroyed the Ukrainian warship located in the dock, as well as a warehouse of "Harpoon" anti-ship missiles supplied to the Kiev regime. Thus, these were high-precision strikes exclusively on military targets, in no way affecting civilian infrastructure, including those related to the shipment of grain, which is indicated in the signed relevant agreement."

Statement by the delegation of Türkiye

"Türkiye has been carrying out an intense diplomacy traffic to find a way out of the crisis.

Turkish authorities have been engaged in constant dialogue with their Russian and Ukrainian counterparts, as well as UN officials throughout the delicate process.

Our intention was to contribute to the international efforts to prevent a global food crisis.

Following President Erdoğan's outreach to both sides at the highest level, technical talks on exporting Ukrainian grain were held in Istanbul on 13 July 2022 with the participation of the Turkish, Russian, and Ukrainian military delegations, as well as the UN.

After further intense negotiations, the parties reached an agreement that was signed in Istanbul on 22 July 2022.

Implementation and supervision of this highly important plan will be carried out by the joint coordination centre in Istanbul.

We would like to commend the efforts of the United Nations in reaching an agreement. In this regard, we express our appreciation for the technical support provided by our able Secretariat and Secretary-General.

With the Istanbul agreement, a new lifeline has been opened from the Black Sea to many countries of the world.

Now, the implementation phase of the agreement is crucial. As always, Türkiye will continue to shoulder its responsibility and spare no effort until peace prevails in our region.

Madame Chair, we would like to ask this statement to be attached to the report of the Sub-Committee.

Thank you."

Statement by the delegation of Ukraine

"Madam Chair,

Eight sessions of this Sub-Committee, 8 years of Russia's aggression against Ukraine, with all documented facts of Russia's illegal actions, from the very attempted occupation of Crimea to the total ruination of the city of Mariupol and many others that resisted the Russian barbaric scourge.

The scope of irrefutable facts of internationally unlawful acts committed by Russia during these years is ample. This includes violations of international maritime law, by which Russia precluded Ukraine from lawfully exercising its sovereign rights as a coastal State in the waters adjacent to Crimea, as well as an intentional breach of instruments like SOLAS, MARPOL, FAL, SAR and others (turning off AIS by smuggler ships entering the closed ports in Crimea, jamming GPS signals, disseminating false coastal warnings, blocking the passage of ships through the Kerch Strait, running fraudulent registration of vessels etc).

In 2022 it even reverted to the practice of naval blockade of the vast maritime territories in the northern part of the Black Sea and the Sea of Azov, bombardment of the port infrastructure and attacks on civil vessels just because this is part of the Russian terrorist war doctrine. Russia also used sea mines as uncontrolled drifting ammunition – a weapon of indiscriminate action, which primarily threatens civilian shipping in the entire area of the Black Sea and the Sea of Azov.

Let's be aware - Russian actions are nothing but a contempt of the IMO Convention, as they go in contrast with the goals of the establishment of IMO.

Sadly, only the full-scale invasion of Ukraine launched by Russia in February 2022 opened the eyes of the IMO Member States who started to realize the truth – this deceitful terrorist-state should be stopped from reaching its evil goals.

The resolutions of the UNGA 11th emergency session, as well as the decisions of the IMO C.ES 35 and MSC 105 called upon Russia to unconditionally stop attacks against civilians and critical infrastructure and withdraw its forces from Ukraine.

Unfortunately, the aggressor state deliberately ignores the calls of the international community, does not cease its war-waging plans and resorts to new threats and terror.

What Russia understands is sanctions and the force exerted on its army at the battlefield, making it flee like rats from the sinking ship, brilliantly demonstrated by its troops at the Serpent Island.

Madam Chair,

Last Friday, all of you could observe the inspired representatives of the UN and Türkiye celebrating the fact that they expertly helped to broker the Russia-UN grain export agreement.

The recently signed agreement envisages that the parties to the military conflict will not undertake any attacks against merchant vessels and other civilian vessels and Ukrainian port facilities engaged in the transportation of grain and other agricultural commodities.

Yet, no matter what Russia promises, it will find ways not to implement it. It took less than 24 hours for Russia to launch a missile attack on the port of Odesa to question the agreement and promises it made to the UN and Turkey in the document signed in Istanbul. This clearly shows that the Kremlin with its capital named Moscow is not trustworthy.

This blatant attack is Putin's spit in the face of the Agreement's guarantors. We call on the UN and Türkiye to ensure that Russia complies with its obligations for the safe functioning of the grain corridor.

We once again reiterate that in case of failure of the agreement for grain exports, Russia bears full responsibility for the deepening of the global food crisis.

I thank you, Madam Chair, and request that this delegation's position is reflected in the Sub-Committee's report and this statement is appended at annex."

Statement by the delegation of the United Kingdom

"Thank you, Chair,

The United Kingdom and our international partners stand united in condemning the Russian government's unprovoked, premeditated and barbaric attack against a sovereign democratic state. Russia's assault on Ukraine is an egregious violation of international law, the UN Charter and the international rules-based order.

It is clear the Russian government was never serious about engaging in diplomacy – and was instead focussed only on deceit and furthering their territorial ambitions. As a Permanent Member of the UN Security Council, Russia has a particular responsibility to uphold international peace and security. Instead, it is violating the borders of another country and its actions are causing widespread suffering. As a free and democratic country, Ukraine has the right to determine its own future.

To ensure the security and defence of all our Allies, the UK will continue to work with them to ensure that Russia cannot further undermine global stability.

We will continue to support the Ukrainian government in the face of this assault on their sovereignty and territorial integrity. We hold the people of Ukraine in our hearts and minds at this terrible moment in their nation's history.

The United Kingdom and the international community stand against this naked aggression and for freedom, democracy and the sovereignty of nations around the world.

Thank you, Chair."

Statement by the delegation of the United States

"Thank you Chair.

The United States' views on Russia's unprovoked, illegal and brutal invasion of Ukraine have been well noted in IMO meetings. Those views remain unchanged as does our solidarity with Ukraine and its people against Russia's aggression and its absurd propaganda and disinformation. Russia's continuing war against Ukraine is in contravention to the spirit of Article 1 in the IMO Convention. The United States strongly condemns Russia's devastating invasion and once again calls on Russia to immediately withdraw its forces from Ukraine, including its territorial waters.

Thank you Chair."

ITEM 5

Statement by the delegation of Ukraine

"Mr. Chair,

With regard to the document III 8/INF.8 submitted by the Black Sea MoU, Ukraine would like to draw the originator's attention to the need to correctly display present-day realities in the Black Sea region. It deals with, namely, courteous use of language and interpretation related to Russia's invasion of Ukraine.

Such an expression, for example, like "tense" does not absolutely reflect war landscape in the region, and run counter to the defined terms used throughout the resolutions and other documents adopted under the aegis of the United Nations and its specialized agencies, including IMO.

Specifically, we want to recall UN General Assembly Resolution ES-11/1 of 2 March 2022, as well as IMO Maritime Safety Committee Resolution MSC.495(105) dated 28 April 2022, which should set the standard in the case of using the right terminology related to the aggression against Ukraine.

To that end we urge the Secretariat of the Black Sea MoU to re-examine its approach to drafting documents in order to avoid misunderstandings in the future. In that context, the Council Decision (EU) 2022/762 of 12 May 2022 within the Port State Control Committee of the Paris Memorandum of Understanding also serves as a model for borrowing.

We kindly ask you, Madam Chair, to enclose these remarks into the relevant operational part of the final report."

Statement by the observer from ICS

"Thank you Chair, and good day to all.

ICS thanks the Secretariat for document III 8/2/1/Add.1 and reconfirms its support for the timely implementation of a robust and fair CII system that incentivizes further efficiency gains.

However, we note that from 1 January 2023, the CII system enters its initial three-year review period, which is likely to reveal areas for improvement that must be rectified before the system can be considered complete.

For example, the report of the carbon intensity correspondence group (MEPC 78/7/11) recommended that the G5 guidelines should be termed interim and I can quote "in recognition of the need for comprehensive review of the Guidelines as part of the review of the measures that must be completed by 2026." Hence, the version of CII that will come into force in 2023 is not finalized and should be considered as work in progress.

With regard to the CII Implementation Plans and Corrective Action Plans, shipowners will need a degree of flexibility with respect to their implementation, and it is unreasonable to expect them to follow to the letter the schedule of actions detailed in the SEEMP, other than to require all actions to be complete within the end of a reporting period.

Noting that port State control inspections are unlikely to align with the end of a CII reporting period, it is unlikely that port State control will be well placed to confirm alignment with a CII Implementation Plan, or Corrective Action Plan.

In summary, ICS' view is that it is inappropriate for port State control to detain ships due to apparent non-compliance with an interim CII rating system, or apparent misalignment with implementation or corrective action plans.

The due dates for completion of such plans and intermediate target ratings will align with the end of CII annual reporting periods, not necessarily with the times a port State control inspection is undertaken.

Thank you Chair and we request that this statement is included in the final report."

Statement by the observer from CLIA

"Thank you, Chair.

CLIA is fully in alignment with the intervention made by ICS and BIMCO.

CLIA does not support establishing detainable deficiencies for an interim CII rating system that is still under review for cruise ships.

At ISWG-GHG 12, a number of delegations pointed out the inadequacy of the current CII metric for cruise passenger ships and its perverse incentives for this ship type. MEPC 78 subsequently invited interested Member States and international organizations to collect relevant data during this initial implementation period of the CII rating system and to report this information ahead of the review of the CII regulations and guidelines to be completed prior to 2026. CLIA, as part of a broader effort within the Cruise Ship Safety Forum, has convened an experts' group made up of cruise operators, shipyards, classification societies, flag States and other IMO Member States, and international organizations with a view towards developing a practical, appropriate, and effective alternative CII metric for cruise passenger ships. CLIA will submit an initial progress report to MEPC 79 as part of ongoing efforts to improve the interim CII rating system.

In addition, it is unclear how a port State would determine whether a plan of corrective action was implemented. A CII rating can be impacted by many factors outside of the ship owner's control including inclement weather and time spent in port. Accordingly, a ship receiving a D or E rating after implementing a plan of corrective action does not mean that the ship owner did not make a meaningful effort to improve the operational efficiency of the ship. CLIA believes further work on the interim G5 guidelines is necessary to address these issues before this can be considered a detainable deficiency.

Given the interim nature of the G5 guidelines, widely acknowledged flaws with the existing metric for cruise passenger ships, and ongoing work to develop a more appropriate metric, it would be inappropriate for port States to detain ships for non-compliance with the CII rating system prior to the completion of the review period.

Thank you, Chair."

ITEM 12

Statement by the observer from IACS

"Since the introduction of the Maritime Labour Convention (MLC) by the ILO, there is a constant increase of ships which have the same validity dates of the Safety Management Certificate, International Ship Security Certificate and Maritime Labour Certificate, aligning periods of their validity. Consequently, in large number of cases, periodical ISM and ISPS audits onboard are performed at the same occasion and together with periodical MLC inspections in an "aligned" way.

The MLC is the responsibility of the ILO. The consideration and introduction of remote ISM audits and ISPS verifications at the IMO without consideration and introduction of the same for the MLC at the ILO, in practice, will create a gap between regulated performance of remote onboard ISM audits and ISPS verifications and non-regulated performance of remote MLC inspections. This could lead to the impossibility of performing "aligned" ISM audits, ISPS verifications and MLC inspections on occasions when performance of the ISM audits and ISPS verifications in a remote way are permitted. Without the follow-up action towards and in the ILO, the performance of the MLC inspections in a remote way will not be regulated, and MLC inspections will always require the physical attendance of an inspector onboard.

To address this gap and permit continued alignment, if alignment is needed, IACS proposes that the IMO and the Member States consider approaching the ILO to encourage the commencement of creation and issuance of guidelines for remote MLC inspections at the earliest opportunity."

ITEM 17

Statement by the observer from PEW

"Thank you, Madam Chair.

The III 8 meeting is the last IMO meeting before the target date of 11 October 2022, by which both entry-into-force criteria of the Cape Town Agreement for the Safety of Fishing Vessels are expected to be satisfied.

The Pew Charitable Trusts welcomes all steps taken by Member States to accede to this first-ever treaty to protect fishers' lives at sea. The Cape Town Agreement is indeed close to becoming a success, after the first tries of 1977 and 1993.

We understand that the Covid-19 pandemic may have impeded Member States in the roll-out of their internal accession process. That is why we wish to encourage them to continue pursuing their efforts so as to achieve this highly positive objective, which has been expected by fishers for more than 45 years now.

We welcome the work of the group of interested Parties on the development of a dedicated guidance on the implementation of the Agreement; we address our particular thanks to Mr. Victor Jiménez Fernández of Spain, for his excellent coordination. The comprehensive work of the group is accessible in English in document III 8/17/1 on matters concerning both new and existing fishing vessels.

Regarding existing fishing vessels, The Pew Charitable Trusts is happy to share that a Spanish translation has been made available to Member States in document III 8/17/2. This translation can be easily accessed by everyone online, and we hope it will be helpful in facilitating the implementation of the Agreement.

The Pew Charitable Trusts would like to thank you, Madam Chair, and all the Member States which are on the road to securing the historic entry into force of the Cape Town Agreement. We are looking forward to the Maritime Safety Committee's agreement to the proposal for a new output on the development of the guidance in November this year.

We would like this statement to be recorded in the report. Thank you."
