

**REPORT TO THE MARITIME SAFETY COMMITTEE AND THE
MARINE ENVIRONMENT PROTECTION COMMITTEE**

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4, 6, 11 and 12 are issued as an addendum to this document)*

1 GENERAL

1.1 The Sub-Committee on Implementation of IMO Instruments held its sixth session from 1 to 5 July 2019, chaired by Ms. Claudia Grant (Jamaica). The Vice-Chair, Mr. Marek Rauk (Estonia), was also present.

1.2 The session was attended by delegations from Member Governments and Associate Members of IMO, representatives from the United Nations and specialized agencies and observers from intergovernmental organizations and non-governmental organizations in consultative status, as listed in document III 6/INF.1.

1.3 In accordance with rule 45 of the Rules of Procedure, experts representing the managers of the IMO ship and company/registered owner identification number schemes and the Management of Equasis attended the meeting.

Opening address of the Secretary-General

1.4 After welcoming participants, the Secretary-General delivered his opening address, the full text of which can be downloaded from the IMO website at the following link: <http://www.imo.org/MediaCentre/SecretaryGeneral/Secretary-GeneralSpeechesToMeetings>

Chair's remarks

1.5 The Chair thanked the Secretary-General for his opening address and stated that his words of encouragement as well as his advice and requests would be given every consideration in the deliberations of the Sub-Committee.

Adoption of the agenda

1.6 The Sub-Committee adopted the agenda (III 6/1) and agreed, in general, to be guided in its work by the annotations to the provisional agenda contained in document III 6/1/1.

2 DECISIONS OF OTHER IMO BODIES

2.1 The Sub-Committee noted the decisions and comments pertaining to its work made by MEPC 73, MSC 100, NCSR 6, SDC 6, PPR 6, SSE 6, LEG 106, FAL 43, HTW 6, MEPC 74 and MSC 101, as reported in documents III 6/2 and Add.1, III 6/2/1 and III 6/2/2 (Secretariat), and took them into account in its deliberations when dealing with the relevant agenda items.

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

Annual enforcement reports on port reception facilities for 2018

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 MARPOL 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 port reception facilities was set out in appendix 1 of the *Consolidated guidance for port reception facility providers and users* (MEPC.1/Circ.834), 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 now report their cases directly into GISIS, following which the port State concerned received a notification of the alleged inadequacy.

3.3 The Sub-Committee further recalled that, following the request of III 5, the annual enforcement report on inadequacies of port reception facilities for 2017 (III 5/3) was taken into account by MEPC 73 in drafting resolution MEPC.310(73) on *Action plan to address marine plastic litter from ships*.

3.4 The Sub-Committee considered document III 6/3 (Secretariat) containing summary information on reported cases of alleged inadequacies of PRFs, as posted in GISIS for 2018, and noted that, since its publication on IMODOCS, one case had been withdrawn from GISIS, namely case 77, as listed in the annex to document III 6/3. Taking the withdrawal of that case into account, the Sub-Committee noted that:

- .1 there were 96 reported cases of alleged inadequacies of PRFs in 2018, 21 more cases than in 2017, received from six flag States, one Associate Member and one territory of the United Kingdom; and
- .2 the alleged inadequacies per MARPOL annex could be summarized as follows:
 - .1 three reports covered more than one annex of MARPOL;
 - .2 13 reports related to MARPOL Annex I wastes (oily substances);
 - .3 85 reports related to MARPOL Annex V (garbage) only;
 - .4 one report addressed MARPOL Annex IV (sewage) and MARPOL Annex VI (air pollution) waste categories;
 - .5 a relatively high number of MARPOL Annex V-related cases concerned the inability to deliver organic (food) waste, including because of (locally) applicable quarantine regulations;
 - .6 in 46 cases the problems encountered related to the unavailability of port reception facilities, while in 27 cases unreasonable charges for using the facilities were reported; and
 - .7 in 32 cases, the port State concerned provided a response to the alleged inadequacy claim.

3.5 Recalling that the first consolidated audit summary report (CASR) under the IMO Member State Audit Scheme (IMSAS) demonstrated that the lack of provision of port reception facilities, in particular under MARPOL Annexes I, IV and V, was among the most recurrent of MARPOL-related audit findings, the Sub-Committee noted that the Secretariat, through the Organization's Integrated Technical Cooperation Programme (ITCP), supported the presence of adequate reception facilities in developing countries to prevent the pollution of the marine environment.

3.6 In the ensuing discussion, a number of delegations expressed concerns about the lack of reported follow-up action in GISIS by the concerned port States, potentially discouraging flag States from reporting alleged inadequacies of PRFs and, in this regard, the Sub-Committee requested the Secretariat to look into possible ways of more prominently displaying non-responding port States in GISIS.

3.7 In conclusion, the Sub-Committee agreed on the importance of reporting alleged inadequacies of PRFs to the Organization; notably, to progress IMO efforts to reduce pollution caused by marine plastic litter from ships, it was crucial that inadequacies were accurately reported to address existing problems.

Action plan to address marine plastic litter from ships

3.8 The Sub-Committee noted paragraphs 10 to 15 of document III 6/2/1 (Secretariat), reporting on the outcome of MEPC 73 and MEPC 74 in relation to resolution MEPC.310(73) on *Action plan to address marine plastic litter from ships*, and recalled that the Action Plan encouraged Parties to MARPOL Annex V to implement their obligation to provide adequate facilities at ports and terminals for the reception of garbage.

3.9 The Sub-Committee also noted that, to progress the work on the relevant short-term actions contained in the *Action plan to address marine plastic litter from ships*, MEPC 74 had approved the relevant scope of work for the PPR, III and HTW Sub-Committees.

3.10 In this regard, the Sub-Committee further noted that MEPC 74 had:

- .1 agreed to add output 4.3 (Follow-up work emanating from the *Action plan to address marine plastic litter from ships*) to the provisional agenda of III 7, with two sessions required to complete the work;
- .2 approved the following scope of work for III 7:
 - .1 consider action 8 of the *Action plan to address marine plastic litter from ships*, namely the preparation of a circular reminding Member States to enforce MARPOL Annex V on fishing vessels through PSC measures and to encourage port State control MoUs to develop Procedures for PSC that included fishing vessels, and advise the Committee on progress; and
 - .2 consider proposals for enhancing the enforcement of MARPOL Annex V, including, where possible, through a risk-based approach, and if appropriate prepare draft amendments to the Procedures for PSC; and
- .3 requested the Secretariat to also include the outcomes of investigations of reports of alleged inadequacies of PRFs in the document submitted by the Secretariat under this agenda item (Annual enforcement reports on port reception facilities), with a view to facilitating the identification of themes relating to the delivery and handling of plastic waste.

3.11 With regard to the approved scope of work, the Sub-Committee recalled the outcome of the third session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing (JWG), and the relevant action items as agreed by MEPC 72 (MEPC 72/17, paragraphs 10.5 to 10.21) and MSC 99 (MSC 99, paragraphs 9.6 to 9.17), including whereby the Committees:

- .1 requested the Secretariat to contribute to the promotion of the implementation of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) of the Food and Agriculture Organization of the United Nations (FAO) and the organization of joint capacity-development programmes; and

- .2 encouraged port State control (PSC) regimes to implement PSMA in a coordinated way with other types of inspections which might be carried out on ships to which both IMO requirements (i.e. requirements of SOLAS chapter V, MARPOL and STCW-F, for fishing vessels, and IMO requirements for cargo ships considered as "fishing vessels" under the Agreement) and the Agreement applied.

3.12 The Sub-Committee also recalled document III 5/14/1 (FAO, ILO and IMO Secretariats) providing information on the follow-up to the recommendations of JWG 3 and noted that the provisional agenda for JWG 4 (see paragraphs 14.1 to 14.4) addressed the above-mentioned scope of work, and that the outcomes of JWG 4 should be considered when developing this new scope of work.

3.13 In conclusion, the Sub-Committee noted that the Secretariat would take action as requested and that the approved scope of work relevant to the *Action plan to address marine plastic litter from ships* by MEPC 74 would be considered in the provisional agenda for the next two sessions of the Sub-Committee.

3.14 The Sub-Committee invited Member Governments and international organizations to submit proposals to III 7 for enhancing the enforcement of MARPOL Annex V, including, where possible, through a risk-based approach, and if appropriate, proposals for draft amendments to the Procedures for PSC, and furthermore, to submit proposals developing Procedures for PSC that included fishing vessels, taking into account the follow up to the recommendation of JWG 3 and the outcome of JWG 4, as appropriate.

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

Casualty-related decisions of other IMO bodies

4.1 The Sub-Committee noted the information on the decisions of other IMO bodies on casualty-related matters (III 6/2 and Add.1 and III 6/2/2) and, in particular, the following outcome of MSC 100 and MSC 101:

- .1 MSC 100 instructed the Sub-Committee to consider whether Model Course 3.11 on Marine Accident and Incident Investigation might need to be revised and, if that was the case, to do so in accordance with the *Revised guidelines for the development, review and validation of model courses* (MSC-MEPC.2/Circ.15/Rev.1) at the earliest opportunity, in consultation with the Secretariat in order to streamline the process (MSC 100/20, paragraph 10.3.2);
- .2 MSC 101 considered the safety issue of the presence of cargo vapours in non-hazardous closed spaces, based on the analyses of the reports of investigations into the three fire incidents on board **Liang Sheng**, **Royal Diamond 7** and **Border Heather**, and instructed SSE 7 to consider this safety issue for advice to the Committee, as appropriate; and
- .3 MSC 101, after consideration of document MSC 101/10/3 (IACS), referring to the Procedure for identifying safety issues, as agreed by III 5 (III 5/15, annex 2), instructed the IMO Experts Group on Formal Safety Assessment to review the Procedure and to provide its views and recommendations to III 7.

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

4.2 The Sub-Committee considered the report of the Correspondence Group on Analysis of Marine Safety Investigation Reports (III 6/4) containing information based on the analysis of the 27 marine casualties and incidents listed in document III 6/4/1 (Secretariat). The Group did not identify any safety issue but potential safety deficiencies in the following reviewed areas: fatal accidents involving elevators, fatal accidents related to collisions with fishing vessels and fatal accidents due to fall from height.

4.3 The Sub-Committee referred document III 6/4 to the Working Group on Analysis of Marine Safety Investigation Reports to be established under this agenda item for detailed consideration of the actions requested of it.

STELLAR DAISY marine safety investigation report

4.4 The Sub-Committee, in considering document III 6/4/3 (Marshall Islands) on the loss of the very large ore carrier (VLOC) **Stellar Daisy**, noted the statements made by the delegations of Australia and Brazil, as set out in annex 16, and instructed the working group to be established to review the safety issues identified by the investigating State, taking into account the reported intention of the Marshall Islands to make appropriate proposals to MSC 102, addressing the recommendations in the report related to IMO instruments.

Safe pilotage practice

4.5 With regard to the issue of safe pilotage practice, the Sub-Committee considered document III 6/4/4 (IMPA) providing an overview of lessons learned and safety issues identified from the analysis of marine safety investigation reports regarding recent incidents involving ultra large containerships (ULCSs) whilst under pilotage.

4.6 Having supported the need to carry out a preliminary review of the issue, taking into account the *Recommendations on training and certification and on operational procedures for maritime pilots other than deep-sea pilots* (resolution A.960(23)), and the developments in the fields of the design and performance of ULCSs, also in the context of the operation of ports, the Sub-Committee agreed that the document already contained valuable material allowing the working group to be established to initiate the review process, while concurring with the need for additional information to become available in the future.

Marine Safety Investigation Reports and GISIS-related entries

4.7 With regard to the recording of marine safety investigation reports in the Marine Casualties and Incidents (MCI) module of GISIS, the Sub-Committee considered document III 6/4/5 (Singapore), containing a proposal to introduce additional choices under the "Cooperation" section of the module, in particular regarding the option for a flag State to indicate that it had participated in the investigation conducted by another State, without necessarily agreeing with the investigation findings.

4.8 The Sub-Committee expressed general support for the consideration of this issue, particularly in the context of the development of the new taxonomy, while stressing the need to promote cooperation among States in the conduct of investigations into casualties. The Sub-Committee instructed the working group to be established to consider document III 6/4/5 in detail in order to develop recommendations on the "Cooperation" section of the new taxonomy, as appropriate.

Bulk carrier casualty report 2009-2018

4.9 The Sub-Committee noted the information on bulk carrier casualty statistics and analysis between the years 2009 and 2018, as contained in document III 6/INF.8 (INTERCARGO).

Taxonomy and new provision in GISIS MCI

4.10 The Sub-Committee noted the information contained in document III 6/INF.25 (Secretariat) on the latest progress made on the ongoing redesign work for the introduction of the new facility, in the current taxonomy, for States reporting on marine safety investigations to include lessons learned in the GISIS MCI module, as well as the development and testing of the new taxonomy in accordance with MSC-MEPC.3/Circ.4/Rev.1.

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

4.11 As agreed by III 5 (III 5/15, paragraph 4.35), the Sub-Committee established the Working Group on Analysis of Marine Safety Investigation Reports under the following terms of reference, taking into account comments and decisions made in plenary and using document III 6/4 as a basis:

- .1 confirm or otherwise the findings of the Correspondence Group on Analysis of Marine Safety Investigation Reports based on the analyses 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 review, adjust and consolidate the draft text of lessons learned from marine casualties, for the Sub-Committee's approval and authorization of release on the IMO website 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 Group should submit supporting information derived from the Marine safety investigation report analysis procedure used to develop recommendations for consideration by the committees and sub-committees according to agreed procedures;
- .4 consider the concern of the Correspondence Group regarding the review of the three potential safety issues (III 5/WP.3, paragraph 16 and annex 2) and consider the possibility of conducting a deeper analysis, for action, as appropriate;
- .5 consider the amended Marine safety investigation report analysis procedure, taking into account the relevant outcome of MSC 101 on the Procedure for identifying safety issues to be reviewed by the IMO Experts Group on Formal Safety Assessment, with a view to making recommendations to III 7, as appropriate, and determine the interim process between the old and new analysis procedure;
- .6 consider the invitation by the Correspondence Group to continue to encourage marine safety investigation authorities to further develop the systematic investigation method and investigation report structure in accordance with the recently revised *Guidelines to assist investigators in the implementation of the Casualty Investigation Code (resolution MSC.255(84))* (resolution A.1075(28)), for action, as appropriate;

- .7 regarding the development and testing for facilitating the identification and collating of safety issues in marine safety reports, consider and advise on how to continue to classify safety issues, communicated as safety deficiencies, in accordance with IMO instruments, taking into account the relevant decision of MSC 101;
- .8 note the overview of marine safety investigation report analysis, for action, as appropriate;
- .9 consider the observations on the quality of marine safety investigation reports for action, as appropriate;
- .10 consider whether IMO Model Course 3.11 on Marine Accident and Incident Investigation might need to be revised and, if that were the case, to do so in accordance with the *Revised guidelines for the development, review and validation of model courses* (MSC-MEPC.2/Circ.15/Rev.1) at the earliest opportunity, in consultation with the Secretariat, in order to streamline the process (III 6/2, paragraph 4.1);
- .11 consider and advise on the way to disseminate the safety issue on the presence of cargo vapours in non-hazardous closed spaces to SSE 7, based on the analyses of the reports of investigations into the three fire incidents on board **Liang Sheng**, **Royal Diamond 7** and **Border Heather** and the relevant details provided by the Secretariat;
- .12 conduct a preliminary review of the lessons learned and safety issues identified from the analysis of marine safety investigation reports regarding recent incidents involving ULCSs whilst under pilotage, as presented in document III 6/4/4 (IMPA) and develop recommendations;
- .13 consider document III 6/4/5 (Singapore) in order to develop recommendations on the "Cooperation" section of the new taxonomy, for action, as appropriate;
- .14 consider document 6/4/3 (Marshall Islands) in relation to the **Stellar Daisy** casualty and develop recommendations regarding the safety issues identified by the investigating State, taking into account the reported intention of the Marshall Islands to make appropriate proposals to MSC 102, for action, as appropriate;
- .15 make recommendations on:
 - .1 the way to achieve comprehensive reporting so that all relevant sections of the new taxonomy are completed; and
 - .2 a strategy for increasing the reporting rate on very serious casualties and the collection of casualty data to support trend analysis; and
- .16 advise on the re-establishment of the Correspondence Group on Analysis of Marine Safety Investigation Reports, at this session, and the Working/Drafting Group on Analysis of Marine Safety Investigation Reports, at the next session, which could start its work on the morning of the first day of III 7, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5/Rev.1 on *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.

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

4.12 Having approved the report of the Working Group on Analysis of Marine Safety Investigation Reports (III 6/WP.3), in general, the Sub-Committee took decisions as reflected in the following paragraphs.

Analysis of individual marine safety investigation reports

4.13 The Sub-Committee approved the findings of the Correspondence Group on Analysis of Marine Safety Investigation Reports, as reviewed by the Working Group on Analysis of Marine Safety Investigation Reports, and the analyses of individual marine safety investigation reports to be released to the public in the GISIS MCI module, having requested the Secretariat to create a link, in IMODOCS, between substantive documents, such as document III 6/4/1, and the consolidated text of the analyses.

4.14 In endorsing the view that certain types of casualties occurring more frequently than others could be identified using the existing data from casualty analyses conducted in the past, the Sub-Committee agreed that the work to identify such types and to derive patterns and/or draw conclusions for future consideration should be carried out intersessionally.

4.15 With regard to the feedback on the quality of marine safety investigation reports analysed, the Sub-Committee agreed to bring the observations referred to in paragraph 7 of document III 6/WP.3 to the attention of Administrations by means of a III.3 circular, to complement III.3/Circ.6 to be processed by the Secretariat, with the objective of improving future marine safety investigation reports.

Amendment to the procedure on casualty analysis

4.16 Having recalled that the Marine safety investigation report analysis procedure set out in annex 2 of document III 6/4, consists of the main text and appendix 1 (Graphical presentation), appendix 2 (Format for a marine safety investigation report quality analysis), appendix 3 (Procedure for identifying safety issues) and appendix 4 (Format for risk assessment findings and recommendations for further action), the Sub-Committee noted document MSC 101/10/3 (IACS), on the basis of which MSC 101 referred the Procedure for identifying safety issues to the IMO Experts Group on Formal Safety Assessment (FSA), for review. As a consequence, the Sub-Committee also noted that, while awaiting the outcome of the review by the FSA Group and the Committee's decision on the matter, the Procedure for marine safety investigation report analysis, the revision of which had been initiated as far back as III 4, would not be used until further notice.

Safety issues

4.17 The Sub-Committee agreed that the following three potential safety issues would require a more focused and concerted effort by a smaller group of analysts, in accordance with the Procedure for identifying safety issues, to be reviewed by the FSA Group:

- .1 fatal accidents involving elevators;
- .2 fatal accidents related to collisions involving fishing vessels; and
- .3 fatal accidents due to fall from height,

having also agreed that the fatal accidents related to safety issues .2 and .3 be issued as Lessons learned from marine casualties.

4.18 With regard to the potential safety issue and safety deficiency related to fatal accidents involving elevators, the Sub-Committee, taking into account that onboard elevators might not be addressed by the current work of the SSE Sub-Committee on "Requirements for onboard lifting appliances and anchor handling winches", referred the matter to the SSE Sub-Committee for further consideration on the basis of the findings set out in annex 1 on Safety issue concerning elevators for consideration by the SSE Sub-Committee.

4.19 The Sub-Committee recalled that III 5 had referred the safety issue of the presence of cargo vapours in the forecastle spaces as the primary cause of the fire incidents on board **Liang Sheng, Royal Diamond 7** and **Border Heather** to SSE 7 for further consideration. Since the possibility of release of inflammable vapours into non-hazardous closed spaces on these vessels had not been identified during surveys by the flag States and/or the recognized organizations or port State inspections, III 5 had also agreed that the risks present in these non-hazardous closed spaces might not be adequately covered in the ship construction or survey regulations. The Sub-Committee, in turn, agreed to complement the information to be provided to SSE 7 with the details of the safety issue set out in annex 2 on Details of the safety issue regarding the presence of cargo vapours in non-hazardous closed spaces.

Lessons learned from marine casualties

4.20 The Sub-Committee approved the text of 10 Lessons learned, prepared by the Correspondence Group on Analysis of Marine Safety Investigation Reports, and the two additional Lessons learned prepared by the Working Group on Analysis of Marine Safety Investigation Reports Group (see paragraph 4.17), as set out in annex 3, for release on the IMO website, following the review to be carried out by the Secretariat.

4.21 While recalling that, consequent to the decision at III 5 regarding the preparation of Lessons learned by the Investigating States, the GISIS MCI module has been modified for the uploading of this information by marine safety investigating States (see paragraph 4.10), the Sub-Committee noted that, in the interim, analysts could be requested to prepare Lessons learned for those cases which had been submitted to GISIS MCI module prior to its modification.

Revision of IMO Model Course 3.11

4.22 The Sub-Committee recommended to the MSC that a review of IMO Model Course 3.11 on Marine Accident and Incident Investigation was not necessary at this stage, having noted that:

- .1 the course had last been revised in 2014;
- .2 there were no regulatory changes on the subject necessitating a review of the model course at this stage; and
- .3 the feedback was positive regarding the use of the course for the training of investigators.

Safe pilotage practice

4.23 Following the preliminary review by the Working Group of the lessons learned and safety issues identified from the analysis of marine safety investigation reports regarding recent incidents involving safe pilotage practice on ULCSs, as presented in document III 6/4/4 (IMPA), the Sub-Committee endorsed the view that the issue might not be limited to ULCSs and might also be associated with other types of large ships.

4.24 Having identified the following three categories of issues:

- .1 shortcomings of master-pilot exchange;
- .2 technical issues related to the performance of rudders, propellers, etc.; and
- .3 commercial pressure and performance indicators,

the Sub-Committee invited Member States to provide additional information on these issues from their national database about near misses, incidents, marine casualties and lessons learned in safe pilotage practice, for further consideration, the outcome of which could be circulated to the International Association of Ports and Harbours (IAPH) for the information of port authorities.

4.25 The Sub-Committee also invited Member States to bring resolution A.960(23) to the attention of the authorities responsible for pilotage and to stress the importance of effective pilot-master exchange of information.

STELLAR DAISY marine safety investigation report

4.26 Following consideration of document III 6/4/3 (Marshall Islands) in relation to the **Stellar Daisy** casualty by the Working Group, the Sub-Committee agreed that the marine safety investigation report submitted by the Marshall Islands be analysed, bearing in mind the fact that the safety issues identified by the investigating State might be reported to MSC 102.

4.27 The Sub-Committee, having also noted the information provided by the Republic of Korea that they had secured photos and videos, and had retrieved the VDR from the wreckage, and their marine safety investigation on the **Stellar Daisy** casualty was expected to be completed by end of 2019, also agreed that the marine safety investigation report of the Republic of Korea be analysed after its submission.

"Cooperation" section of the new taxonomy

4.28 Following consideration of the current limitations of the GISIS MCI module, as highlighted in document III 6/4/5 (Singapore), regarding options to reflect cooperation among substantially interested States, the Sub-Committee agreed, in principle, with the proposal of a text box for a Substantially Interested State on reasons for selecting "None" in the "Cooperation" section of the GISIS MCI module.

4.29 In this context, the Sub-Committee also agreed that the GISIS MCI module should allow categorization of documents which were not investigation reports and entrusted the Secretariat to make the necessary related amendments to the GISIS MCI module with a flexible approach.

Comprehensive reporting

4.30 The Sub-Committee noted that the Working Group had considered possible ways to achieve comprehensive reporting and a strategy for increasing the reporting rate of very serious marine casualties. In this context, the Sub-Committee endorsed the recommendation that the investigating State should be ultimately responsible for the creation of the entries related to a casualty under investigation with the support of a robust notification mechanism, and that further recommendations on strategy for increasing the reporting rate on very serious casualties and the collection of casualty data to support trend analysis could be provided after the new taxonomy had been implemented in accordance with MSC-MEPC.3/Circ.4/Rev.1.

4.31 With regard to potential duplicate entries in the GISIS MCI module, which could be the consequence of the use of different sources and could result in inaccurate statistics, the Sub-Committee invited Member States to review entries in the GISIS MCI module and to inform the Secretariat accordingly.

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

4.32 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 the IMO Space facilities, under the following terms of reference:

- .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 involving SOLAS ships which have occurred since 1 January 2010, and prepare draft Lessons learned from marine casualties, where necessary;
- .2 identify safety issues and make recommendations for further consideration by the Sub-Committee;
- .3 identify the type of casualties which occur more frequently than others using the existing data on all casualty analyses conducted in the past, and derive patterns and/or draw conclusions for consideration by the Sub-Committee; and
- .4 submit a report to III 7.

Working/Drafting Group on Analysis of Marine Safety Investigation Reports

4.33 The Sub-Committee agreed that the Working/Drafting Group on Analysis of Marine Safety Investigation Reports, if re-established, should start its work on the morning of the first day of III 7, in accordance with MSC-MEPC.1/Circ.5/Rev.1 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 on Analysis of Marine Safety Investigation Reports, based on the analyses 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 or otherwise the draft text of Lessons learned from marine casualties, for the Sub-Committee's approval and authorization of release on the IMO website in accordance with the agreed procedure;

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- .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; and
- .4 make recommendations based on a review of the findings of the Correspondence Group about the type of casualties which occurred more frequently than others using the existing data from casualty analyses conducted in the past.

Reminder for submission of casualty-related data

4.34 The Sub-Committee reminded Member States to:

- .1 submit reports of investigation as required by 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)), mandatory under SOLAS regulation XI-1/6 since 1 January 2010, in order to assist a more global analysing process, particularly on very serious 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 was 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 (*Notification and circulation through the Global Integrated Shipping Information System* (GISIS) resolution A.1074(28)), including the facility to attach the electronic version of full investigation reports;
- .4 provide the Secretariat with preliminary information on casualties derived from 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

GUIDELINES AND PROCEDURES FOR PSCOs

Report of the Correspondence Group

5.1 The Sub-Committee recalled that III 5 had established the Correspondence Group on Measures to Harmonize Port State control (PSC) Activities and Procedures Worldwide, and identified issues relating to the implementation of IMO instruments from the analysis of PSC data, under the coordination of the European Commission, to develop, for finalization at this session, the draft revision of the *Procedures for port State control, 2017* (Procedures for PSC), annexed to resolution A.1119(30).

5.2 Having considered documents III 6/5 (European Commission), containing the report of the Correspondence Group, and III 6/5/5 (Secretariat), presenting the relevant outcome of HTW 6 and MEPC 74, both related to the revision of the Procedures for PSC, the Sub-Committee referred the two documents, as well as the relevant outcome of MEPC 73, including annex 15 of document PPR 5/24, and MSC 101, to the Working Group for detailed consideration with a view to finalizing the draft Assembly resolution on Procedures for PSC, 2019, at this session.

Consistent implementation of the 0.50% global sulphur limit (IMO 2020)

5.3 With regard to the package of instruments, including treaty amendments, guidelines and guidance supporting the consistent implementation of the 0.50% sulphur limit, as finalized by MEPC 74 and MSC 101 (see also III 6/5/5, paragraphs 7 to 13), the Sub-Committee noted with appreciation a presentation by the Secretariat setting out the relevance of these instruments, in particular in the context of PSC inspections. The presentation is available in IMODOCS under the symbol III 6/INF.26.

5.4 In the ensuing discussion, several delegations expressed their disappointment with the Sub-Committee's inability to review the *2019 Guidelines for port State control under MARPOL Annex VI Chapter 3*, as adopted by resolution MEPC.321(74), recalling the Sub-Committee's coordinating role in developing guidelines for PSC and amendments thereto. In this context, the Sub-Committee recalled the earlier decision of III 3 that individual PSC guidelines should be appended to the Procedures for PSC rather than being issued as stand-alone instruments (III 3/14, paragraph 5.15).

5.5 Several delegations also expressed their concerns over the lack of practicality of some guidance documents, such as the *Guidance for port State control on contingency measures for addressing non-compliant fuel oil* (MEPC.1/Circ.881).

5.6 The Sub-Committee, while recognizing that the amended Assembly resolution on *Procedures for PSC, 2019* would be adopted close to the 1 January 2020 entry-into-force date for the 0.5% sulphur limit, noted that MEPC 74 had approved the *2019 Guidelines for port State control under MARPOL Annex VI Chapter 3* and issued it as MEPC resolution MEPC.321(74).

5.7 Following discussion, the Sub-Committee instructed the Working Group to be established to consider ways of adequately reflecting resolution MEPC.321(74) on the *2019 Guidelines for port State control under MARPOL Annex VI chapter 3*, without amending its contents, in the draft Assembly resolution on *Procedures for PSC, 2019*.

5.8 The Sub-Committee invited MEPC 75 and MSC 102 to recall that MSC 97 and MEPC 70 had endorsed the methodology agreed by III 3 for developing guidelines for PSC and amendments thereto, under the coordination of the Sub-Committee, for consolidation within the Procedures for PSC (MEPC 70/18, paragraph 10.10 and MSC 97/22, paragraph 9.6), when deciding on the attribution of new tasks to sub-committees.

5.9 The Sub-Committee also noted that the *2019 Guidelines for port State control under MARPOL Annex VI Chapter 3* had been prepared without guidelines for the enforcement of provisions in chapter 4 of MARPOL Annex VI on regulations on energy efficiency for ships, and that MEPC 74 had invited Member Governments and international organizations to submit concrete proposals to PPR 7 for consideration, with a view to amending the Guidelines at a future session.

5.10 In this context, and in view of the above-mentioned methodology for developing guidelines for PSC and amendments thereto, the Sub-Committee invited PPR 7 to refer its future amendments to the *2019 Guidelines for port State control under MARPOL Annex VI chapter 3* to III 7 for review, and to invite MEPC 76 to take into consideration that review by III 7.

5.11 A number of delegations also stressed the important role of port and coastal States in ensuring fuel oil safety whilst complying with the global 0.50% sulphur limit and effectively controlling bunker fuel suppliers, and welcomed the ongoing work of MSC in this regard, recalling the recently adopted resolution MSC.465(101) on *Recommended interim measures to enhance the safety of ships relating to the use of oil fuel* and the associated *Action plan for measures to enhance the safety of ships relating to the use of oil fuel*.

5.12 The Sub-Committee further noted the information provided in document III6/INF.23 (Paris and Tokyo MoUs) on the results of the 2019 Concentrated Inspection Campaign (CIC) on MARPOL Annex VI and the information campaign relating to the imminent entry into force of the 0.50% global sulphur limit carried out by both MoUs, which started on 1 January 2019. The Sub-Committee invited interested delegations, in particular PSC regimes, to submit their experiences in enforcing the new low sulphur in fuel oil requirement to the next session of the Sub-Committee, including following new (joint) CICs.

Training manual for new entrant as flag State surveyor and port State inspector

5.13 The Sub-Committee considered annex 3 of document III 6/5 containing a justification for a draft new output under the work programme on this agenda item related to the development of an entrant training manual for PSC personnel.

5.14 In agreeing that the manual should specifically address PSC personnel and be of a voluntary nature, the Sub-Committee referred the draft justification for a new output to the working group to be established for finalization, with a view to submission to MEPC 75 and MSC 102 for consideration and action as appropriate.

Guidelines for control of operational requirements and Guidance on procedures for operational controls

5.15 Recalling that III 5 had invited the delegation of Australia and other interested delegations, in particular PSC regimes having developed similar guidance, to submit developed and detailed text amending the *Guidelines for control of operational requirements* (appendix 7) to III 6 (III 5/15, paragraph 5.7), the Sub-Committee considered documents III 6/5/3 (Australia) on *Guidelines for control of operational requirements* and III 6/5/6 (Paris MoU) on *Guidance on procedures for operational controls in relation to procedures for the control of operational requirements*.

5.16 In the ensuing discussion, several delegations expressed the view that, while there was a need to better structure and align the existing appendix 7 of the Procedures for PSC with operational control provisions, it would not be appropriate to refer to flag State responsibilities, as defined under the United Nations Convention on the Law of the Sea (UNCLOS), in these IMO guidelines. Several delegations further expressed the view that the guidelines would need to be aligned with the *Guidelines for port State control officers on the ISM Code* (appendix 8), but that it would not be indispensable for PSCOs to engage with the flag State in the event that significant shortcomings or repeated deficiencies were found.

5.17 Generally endorsing the need to review appendix 7 of the Procedures for PSC, while recognizing that these would not have to be finalized at this session for insertion in the *Procedures for PSC, 2019*, the Sub-Committee referred documents III 6/5/3 and III 6/5/6 to the working group to be established for further consideration.

New requirements relevant to PSC activities

5.18 The Sub-Committee instructed the working group to be established to take into account the information contained in documents III 5/8/1, III 5/INF.12, III 6/8/1 and III 6/INF.4 (Secretariat) on relevant new requirements in order to facilitate the development of the tables of reference concerning new requirements relevant to PSC activities, as appropriate.

Performance of flag Administrations and recognized organizations

5.19 With regard to document III 6/INF.24 (United States and Paris and Tokyo MoUs) on flag Administrations targeted by the Paris and Tokyo MoUs and the United States Coast Guard (USCG), the Sub-Committee noted that, over the three-year period from 2016 to 2018, two flag Administrations (Togo and United Republic of Tanzania) had been targeted for inspection in all three regions and seven flag Administrations (Barbados, Cambodia, Cook Islands, Mongolia, Palau, Saint Kitts and Nevis and Sierra Leone) had been targeted in two regions.

5.20 The Sub-Committee invited PSC regimes to provide information on the performances of flag Administrations and recognized organizations (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

5.21 In the context of its consideration of document III 6/5/2 (Secretariat) on the Equasis information system, the Sub-Committee noted that the Riyadh MoU had been credited to become the ninth PSC regime to provide PSC inspection data to Equasis, but certain issues with the transmission of data still had to be overcome. Equasis had signed a Data Sharing Agreement with the Abuja MoU on 11 February 2019 and their data would be integrated with the Equasis Database before the end of 2019.

5.22 The Sub-Committee was informed that the interim solution proposed by Equasis to address the issue of the reporting of a detention in a port of a State that was a member of two PSC MoUs, as brought to the attention of III 5, had now been implemented and was presented for ease of reference in the annex to document III 6/5/2.

5.23 In expressing its appreciation for the efforts of Equasis to develop and implement the above-mentioned interim solution, the Sub-Committee invited Equasis to continue seeking a permanent solution to the duplication of inspection information.

5.24 The Sub-Committee noted that the issue of duplication of reporting of PSC inspections in data systems, which would be expected to be considered by the Eighth IMO Workshop for PSC MoU/Agreement Secretaries and Database Managers involved, but was not limited to, third party usage.

5.25 Furthermore, the Sub-Committee noted that the Technical Unit of Equasis, hosted by the French Maritime Administration, was developing underperforming lists of ships for the Tokyo and Indian Ocean MoUs, as well as lists reflecting the data stemming from the USCG E-Zero Programme. These developments were also expected to be available before the end of 2019.

Analysis of PSC activities, practices and statistics

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

5.27 Having considered documents III 6/5/1 and Add.1 (Secretariat), the Sub-Committee was informed that, with regard to the activities of all regional PSC regimes in 2017, 90,308 inspections had been carried out and 2,583 detentions were reported to have taken place. The overall detention rate was 2.86% in 2017.

5.28 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 6/INF.2 and III 6/INF.3 (Abuja MoU) on the results of the 2018 CIC on Life-saving Appliances and the 2018 Annual Report;
- .2 III 6/INF.14 and III 6/INF.15 (Black Sea MoU) on the 2018 Annual Report and recent developments and PSC activities;
- .3 III 6/INF.20 (Caribbean MoU) on the 2018 status of activities and inspections;
- .4 III 6/INF.5 and III 6/INF.6 (Indian Ocean MoU) on the results of the 2017 CIC on Safety of Navigation, and PSC Activities;
- .5 III 6/INF.11 and III 6/INF.12 (Mediterranean MoU) on the 2017 Annual Report and the 2017 CIC on Safety of Navigation;
- .6 III 6/5/6 and III 6/INF.22 (Paris MoU) on the 2018 Annual Report;
- .7 III 6/INF.18 and III 6/INF.19 (Riyadh MoU) on the 2018 Annual Report and the results of the 2018 CIC on Safety of Propulsion and Auxiliary Machinery;
- .8 III 6/INF.16 and III 6/INF.17 (Tokyo MoU) on the summary of 2018 activities and the 2018 Annual Report;
- .9 III 6/INF.21 (Viña del Mar Agreement) on the 2018 Annual Statistical Report;
- .10 III 6/INF.23 (Paris and Tokyo MoUs) on Results of the 2018 CIC on MARPOL Annex VI; and
- .11 III 6/INF.10 (United States) on the 2018 USCG PSC Report.

5.29 The Sub-Committee also noted the information provided by the delegation representing the International Labour Organization (ILO), concerning the enforcement of the Maritime Labour Convention and the Work in Fishing Convention (C 188), and by the delegation representing FAO, on the promotion of PSMA. The ILO and FAO statements are set out in annex 16.

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

IMO WORKSHOP FOR PSC MOU/AGREEMENT SECRETARIES AND DATABASE MANAGERS

5.31 The Sub-Committee recalled that III 5 had considered the recommendations of the Seventh IMO Workshop for PSC MoU/Agreement Secretaries and Database Managers (PSCWS) (held from 24 to 26 October 2017). In this context, III 5 had supported the holding of future workshops which were open meetings and involved the participation of the chairs of the committees of the PSC regimes.

5.32 In order to facilitate the preparation of PSCWS 8, which was envisaged to take place in the second half of 2020, the Sub-Committee instructed the working group to be established to identify potential subject matters that the workshop could consider.

ESTABLISHMENT OF THE WORKING GROUP

5.33 The Sub-Committee established the Working Group on Measures to Harmonize PSC Activities and Procedures Worldwide, and identified issues relating to the implementation of IMO instruments from the analysis of PSC data, under the following terms of reference, taking into account comments and decisions made in plenary, with items .1 and .3 as priorities at this session:

- .1 finalize the draft Assembly resolution on *Procedures for PCS, 2019*, to revoke resolution A.1119(30) for direct submission to A 31 for adoption, using document III 6/5 as the basis; in this context, take into account the information on new requirements presented in documents III 5/8/1, III 5/INF.12, III 6/8/1 and III 6/INF.4; and the relevant outcome of HTW 6, MEPC 73 – including annex 15 of document PPR 5/24 – MEPC 74 and MSC 101, and to consider ways of adequately reflecting resolution MEPC.321(74) on *2019 Guidelines for port State control under MARPOL Annex VI chapter 3*, without amending its contents, in the draft Assembly resolution on *Procedures for PCS, 2019*;
- .2 consider documents III 6/5/3 (Australia) and III 6/5/6 (Paris MoU) in relation to developing additional guidance under appendix 7 of the annex to the *Procedures for PSC on Guidelines for control of operational requirements*, time permitting;
- .3 finalize the drafting of a justification for a new output on a Training manual for new entrant as flag State surveyor/port State inspector regularly updated, for voluntary use, using annex 3 of document III 6/5 as the basis, taking into account the recommendations of the Seventh IMO Workshop for PSC MoU/Agreement Secretaries and Database Managers, for submission to MEPC 75 and MSC 102;

- .4 identify potential subject matters that the Eighth IMO Workshop for PSC MoU/Agreement Secretaries and Database Managers could consider, including the in-depth analysis of annual PSC reports, and the reporting of a detention in a port of a State that is a member of more than one PSC regime, taking into account document III 6/5/2 (Secretariat) on the Equasis information system; and
- .5 advise on the re-establishment of the Correspondence Group on Measures to Harmonize Port State Control Activities and Procedures Worldwide, at this session, and the Working/Drafting Group on Measures to Harmonize Port State Control Activities and Procedures Worldwide, and identified issues relating to the implementation of IMO instruments from the analysis of PSC data, at the next session, which could start its work on the morning of the first day of III 7, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5 on *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.

REPORT OF THE WORKING GROUP

5.34 Having approved the report of the Working Group on Measures to Harmonize PSC Activities and Procedures Worldwide, and identified issues relating to the implementation of IMO instruments from the analysis of PSC data (III 6/WP.4), in general, the Sub-Committee took decisions as reflected in the following paragraphs.

Methodology for the preparation of draft Procedures for PSC

5.35 While considering the draft amendments to the *Procedures for port State control, 2017* (resolution A.1119(30)), the Sub-Committee noted the general concern expressed by many delegations about the Sub-Committee's ability to effectively review and propose changes to, draft amendments to the Procedures for PSC, before they were agreed by other IMO bodies, in the context of its preparation of a draft Assembly resolution on Procedures for PSC to be adopted by the Assembly.

Amendments relevant to the use of electronic record books

5.36 Further to the approval by MEPC 73, and as instructed by the Committee, the Sub-Committee considered the draft amendments to the Procedures for PSC concerning the use of electronic record books, as set out in annex 15 of document PPR 5/24, for their possible inclusion in the amendments to resolution A.1119(30) (MEPC 73/19, paragraph 11.31), and agreed to incorporate some of them in the draft Assembly resolution on *Procedures for port State control, 2019*.

5.37 The Sub-Committee, recalling that the definition of an electronic record book was part of the amendments to the different MARPOL Annexes, as adopted by MEPC 74 (resolutions MEPC.314(74) and MEPC.316(74)), agreed that there was no need to include a specific definition of an electronic record book under MARPOL in section 1.7 of the Procedures for PSC.

5.38 The Sub-Committee also agreed not to include the proposed amendments to appendix 4, part 4, sections 5.7 to 5.9 of the Procedures for PSC, referring to the endorsement of the Cargo Record Book in cases where electronic record books were used and questioning the enforceability of the proposed text.

5.39 Recalling that the adopted amendments to the different MARPOL Annexes concerning the use of electronic record books would not enter into force until 1 October 2020, the Sub-Committee invited PPR 7 to further review those draft amendments to the Procedures for PSC on the use of electronic record books, as presented in annex 15 of document PPR 5/24, that had not already been included in the Procedures for PSC and to invite MEPC 75 to request III 7 to review those amendments before consolidation into the Procedures for PSC.

Decision criteria for appendix 12 (List of Certificates and Documents)

5.40 The Sub-Committee agreed not to insert the decision criteria for introducing any future certificates and documents into part A of appendix 12 of the Procedures for PSC, as contained in annex 2 of document III 6/5, since these criteria would not be of relevance to PSCOs when carrying out inspections.

5.41 In this context, the Sub-Committee also agreed that the following criteria should be kept for reference when deciding on future inclusion of certificates and documents in part A of appendix 12 of the Procedures for PSC:

"Decision criteria for appendix 12, part A to introduce any future certificates and documents into part A in a consistent way:

A certificate or document will be included in part A when one of the following criteria is met:

- .1 Ship Certification: Certificates or documents certifying compliance with codes and conventions (e.g. Safety Construction Certificate, International Oil Pollution Prevention Certificate (IOPP Certificate), Safety Management Certificate) or giving essential information related to those certificates (e.g. Continuous Synopsis Record (CSR), unattended machinery space (UMS) evidence);
- .2 Crew Certification: Crew certificates (e.g. Certificate of Competency (CoC), endorsements) and associated documents necessary for verification under the initial inspection; and
- .3 Ship operations: Documents related to the mandatory recording of such operations (e.g. Oil Record Book (ORB), Garbage Record Book, Records of Seafarers' Hours of Work or Hours of Rest, Emission Control Areas (ECA) Record of Fuel Oil Changeover) or to the mandatory support of these operations (e.g. Charts, bulk loading/unloading sequence)."

Guidelines for port State control officers on the ISM Code

5.42 Having considered the outcome of the review of appendix 8 of the Procedures for PSC on *Guidelines for port State control officers on the ISM Code* (HTW 6/WP.4, annex 2) by HTW 6, the Sub-Committee agreed on the definitions of "ISM-related" and "ISM deficiency", and also agreed to add a new column to form B of the *Report of inspection in accordance with IMO port State control procedures*, as contained in appendix 13 of the Procedures for PSC, to mark whether the nature of the deficiency was ISM-related. The Sub-Committee further agreed to keep the text proposed by HTW 6 in paragraph 1.4 of appendix 8 of the Procedures for PSC, concerning the working language of the safety management system (SMS) documentation.

Guidelines for port State control officers on certification of seafarers, manning and hours of rest

5.43 The Sub-Committee also considered the outcome of the review by HTW 6 of appendix 11 of the Procedures for PSC on *Guidelines for port State control officers on certification of seafarers, manning, and hours of rest*, as set out in annex 3 of document HTW 6/WP.4. With regard to the specific occurrences considered as clear grounds leading to a more detailed inspection (appendix 11, paragraph 6.3.2), the Sub-Committee agreed to delete sub-paragraphs 5 to 15, considering that there were no clear references to these listed occurrences in the STCW 1978 Convention, as amended.

5.44 Furthermore, with regard to the examples of detainable deficiencies according to the STCW 1978 and SOLAS 1974 Conventions (appendix 11, paragraph 7.3.3), the Sub-Committee agreed to keep all the examples in the text as these could provide some useful guidance to PSCOs in carrying out their inspections.

Consistent implementation of the global 0.50% sulphur limit (IMO 2020)

5.45 Having considered ways of reflecting adequately resolution MEPC.321(74) on *2019 Guidelines for port State control under MARPOL Annex VI chapter 3*, without amending its contents, in the draft Assembly resolution on *Procedures for PSC, 2019*, the Sub-Committee agreed to insert the full resolution as a new appendix 18 and to include the review of relevant parts of the Procedures for PSC, 2019 in the draft terms of reference for the correspondence group to be re-established, to ensure consistency with the *2019 Guidelines for port State control under MARPOL Annex VI chapter 3*.

Draft Assembly resolution on *Procedures for port State control, 2019*

5.46 Following consideration by the Working Group of the information on new requirements contained in documents III 5/8/1, III 5/INF.12, III 6/8/1 and III 6/INF.4, the Sub-Committee approved the draft Procedures for port State control, 2019, to revoke resolution A.1119(30), for submission to A 31, for consideration and adoption, as authorized by MEPC 74 and MSC 101, as set out in annex 4. In this context, the Sub-Committee requested the Secretariat to prepare the draft requisite Assembly resolution and to make any editorial corrections to the draft Assembly resolution that might be identified before finalization.

Guidelines for control of operational requirements

5.47 Regarding the consideration of documents III 6/5/3 (Australia) and III 6/5/6 (Paris MoU) in relation to developing additional guidance under appendix 7 of the Procedures for PSC, 2017 on *Guidelines for control of operational requirements*, the Sub-Committee, having noted that the Working Group had recommended that the guidelines be developed in two sections, i.e. a section addressing mandatory drills and a section addressing the assessment of compliance with operational requirements, instructed the Correspondence Group to be re-established to further develop additional guidance under appendix 7, taking into account the two above-mentioned documents.

New output on new entrant training manual for PSC personnel

5.48 Taking into account the recommendations of the Seventh IMO Workshop for PSC MoU/Agreement Secretaries and Database Managers (III 5/15, paragraph 5.43), the Sub-Committee agreed to the justification for a new output on "producing a new entrant training manual for PSC personnel", regularly updated, for voluntary use, for submission to MEPC 75 and MSC 102 for consideration and action, as appropriate, as set out in annex 5, and noted that IMO Model Course 3.09 on Port State Control (2001 Edition) might require updating.

Eighth IMO Workshop for PSC MoU/Agreement Secretaries and Database Managers (PSCWS 8)

5.49 With regard to potential subject matters that could be addressed by the Eighth IMO Workshop for PSC MoU/Agreement Secretaries and Database Managers (PSCWS 8), scheduled to take place in the second half of 2020, the Sub-Committee agreed with the following seven possible items:

- .1 in-depth analysis of annual PSC reports;
- .2 duplication of inspection information in a port of a State that is a member of more than one PSC regime, taking into account document III 6/5/2 (Secretariat) on the Equasis information system and existing data sharing agreements;
- .3 issues related to GISIS, including the data exchange between PSC MoUs and GISIS and facilities to upload deficiencies that have been corrected, and their possible follow-up;
- .4 possible harmonization of Review Procedures in case of detention;
- .5 possible harmonization of Ship Risk Profile, Targeting Factors for PSC and RO Responsibility;
- .6 possible impact on PSC in follow-up to analyses of the consolidated audit summary reports from the IMO Member State Audit Scheme (IMSAS) audits (Circular Letter No.3772 and Circular Letter No.3879 and documents III 5/7 and III 5/INF.3); and
- .7 information update on matters related to ILO and the Maritime Labour Convention, 2006.

5.50 In discussing the potential subject matters for PSCWS 8, the Sub-Committee also considered issues related to the use of body cameras during PSC inspections, both by PSCOs and ship crew, and the need to assess the merits and disadvantages of their use. While agreeing that PSCWS 8 would not be the appropriate forum to discuss this matter, the Sub-Committee also agreed that it would be useful to discuss this matter at III 7, on the basis of relevant submissions.

5.51 The Sub-Committee, having noted the suggestion that PSCWS 8 look into oil fuel safety issues, including effective control on fuel oil suppliers to ensure both safety and environmental compliance of oil fuel supplied by Member States, considered that, since PSCWSs were normally attended by PSC regimes' secretariats and database managers, the matter at hand would be best raised at III 7.

Re-establishment of the Correspondence Group

5.52 The Sub-Committee, taking into account the work completed at this session, re-established the Correspondence Group on Measures to Harmonize PSC Activities and Procedures Worldwide, and identified issues relating to the implementation of IMO instruments from the analysis of PSC data, under the coordination of the European Commission,² to continue its work intersessionally, using the IMO Space facilities, under the following terms of reference:

- .1 develop additional guidance under appendix 7 of the Procedures for PSC on *Guidelines for control of operational requirements*, taking into account documents III 6/5/3 (Australia) and III 6/5/6 (Paris MoU);
- .2 identify possible areas where there may be a need for additional guidance on relevant conventions currently not covered by the Procedures for PSC or any modification of the existing guidelines of the Procedures; upon identification of a specific area, the Correspondence Group may consider the development of the necessary guidelines, as appropriate; and
- .3 report to III 7.

5.53 With regard to the use of IMO Space facilities, the Sub-Committee requested the Secretariat to look into the technical issues which had restricted the work of the Correspondence Group during the previous intersessional period.

5.54 The delegation of the Cook Islands suggested developing guidelines for PSC to ensure that oil fuel delivered and used on board was compliant with flashpoint limits as per SOLAS regulation II-2/4.2.1.

5.55 In the ensuing debate, the Sub-Committee noted the different views expressed: on the one hand, the adoption of resolution MSC.465(101) on *Recommended interim measures to enhance the safety of ships relating to the use of oil fuel* and the associated *Action plan for measures to enhance the safety of ships relating to the use of oil fuel* provided a sufficient basis for PSC regimes to develop additional guidance for the safety of ships and shipping with regard to oil fuels being delivered in their ports; on the other hand, such development of additional guidance in the context of PSC would have been premature, since the regulatory work of MSC on flashpoint-related issues had only just started; coastal States could use legal provisions in place; and the organization and logistics for the delivery of compliant fuel were primarily the responsibility of coastal States and outside the scope of PSC activities.

5.56 Following discussion, the Sub-Committee endorsed the recommendation of the Working Group that this matter could initially be addressed under point .2 of the terms of reference of the Correspondence Group (identifying possible areas of additional guidance), and be taken up at III 7, as appropriate, taking into account the ongoing work of MSC in this regard.

Future meetings of the Working/Drafting Group

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5.57 Given the amount of work required to be completed by the Working/Drafting Group on Measures to Harmonize PSC Activities and Procedures Worldwide, and identified issues relating to the implementation of IMO instruments from the analysis of PSC data, when established, the Sub-Committee agreed that the Working/Drafting Group should start its work on the morning of the first day, if established, during III 7, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5/Rev.1, and the review of the report of the Correspondence Group should be considered as a priority.

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

In-depth analysis of annual PSC reports

6.1 The Sub-Committee recalled that III 4, having considered the statistical analysis of PSC data prepared by the Secretariat (III 4/5/1 and Add.1), had emphasized the importance of data exchange between PSC regimes and IMO and the significance of determining the purposes of gathering PSC data, as well as the intended use by IMO of the statistical analysis of such data (III 4/15, paragraph 6.6).

6.2 While reiterating the referral by III 5 of the matter of the in-depth analysis of annual PSC reports to the Eighth IMO Workshop for PSC MoU/Agreement Secretaries and Database Managers (PSCWS 8), with a view to developing, with the assistance of database managers, a methodology, in order to develop an appropriate process and selection of data ideal for that process, the Sub-Committee, recalling its earlier decision (paragraph 5.49):

- .1 referred documents III 4/5/1 and Add.1, and III 5/INF.20 (Secretariat) and III 6/INF.13 (Black Sea MoU) on Analysis of 2017 Black Sea MoU Statistics to the workshop;
- .2 requested the Secretariat to provide PSCWS 8 with detailed clarification on the purpose of the collection of PSC data under the relevant instruments and the intended use of and access to such a compilation in an electronic format; and
- .3 referred the detailed consideration of the interim solution proposed by Equasis to address the issue of the reporting of a detention in a port of a State that was a member of two PSC MoUs, as presented in the annex to document III 6/5/2, to PSCWS 8 in the context of the in-depth analysis of annual PSC reports.

7 ANALYSIS OF CONSOLIDATED AUDIT SUMMARY REPORTS

Communication of information by Member States

7.1 The Sub-Committee recalled that III 5 had considered the information contained in document III 5/7/1 (China) and had prepared draft guidance on communication of information by Member States contained in document III 5/15, annex 12, for consideration by MEPC 74 and MSC 101, with a view to approval.

7.2 The Sub-Committee also recalled that the Secretariat had been requested by III 5 to prepare a draft Assembly resolution for consideration by III 6, together with the approved guidance, as may be amended by the committees, for consideration by A 31, with a view to adoption.

7.3 The Sub-Committee was advised that MEPC 74, due to time constraints, had agreed to defer the consideration of the action items related to the analysis of the consolidated audit summary reports (CASRs) stemming from III 5 to MEPC 75, and at the same time, instructed the Sub-Committee to take necessary actions as per the instruction of MSC 101 based on its consideration of the outcome of III 5.

7.4 The Sub-Committee was also advised that MSC 101 had considered the actions requested of it by III 5 related to the analysis of CASRs and that, specifically in relation to the draft guidance on the communication of information by Member States, the Committee had approved the draft guidance aimed at assisting Member States in meeting their reporting obligations under the applicable IMO instruments, to be considered by A 31, with a view to adoption, together with an associated Assembly resolution to be developed by the Secretariat for consideration by III 6.

7.5 The Sub-Committee considered document III 6/7 (Secretariat), containing the draft resolution on *Guidance on communication of information by Member States* and pertinent information for enhancements in the communication of information by Member States.

7.6 The Sub-Committee approved the draft Assembly resolution on *Guidance on communication of information by Member States*, as set out in annex 6, for direct submission to A 31 for consideration and adoption, as authorized by MEPC 74 and MSC 101. The Sub-Committee requested the Secretariat to forward the draft Assembly resolution to A 31 and authorized it, when preparing the final text of the draft resolution, to effect any editorial corrections that might be identified, as appropriate.

7.7 Having noted that the GISIS module on Reporting Requirements/Dashboard (RRD) currently included all mandatory reporting requirements contained in the instruments within the scope of the IMO Member State Audit Scheme (IMSAS), as well as the Anti-Fouling Systems Convention, 2001 (AFS 2001) and the Ballast Water Management Convention, 2004 (BWM 2004), the Sub-Committee agreed to task 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, if established, to review and update the GISIS RRD module, and, inter alia, to:

- .1 analyse the actual entries and identify any discrepancies (III 5/15, paragraph 7.42.1);
- .2 populate the additional information in all columns of the GISIS RRD module and check the data for consistency (III 5/15, paragraph 7.42.2); and
- .3 identify the suitable notification mechanism, including automatic alerts, to raise the awareness of Member States (III 5/15, paragraph 7.43).

Proposals to develop additional guidance documents to assist in the implementation of the III Code

7.8 The Sub-Committee recalled that III 3 had noted that Member States could benefit from the development of a more detailed descriptive guidance, clarifying specific requirements of the IMO Instruments Implementation Code (III Code) and providing guidance for their implementation in order to assist Member States with regard to the number of requirements of the III Code, related to the established major areas of findings. III 3 had also noted the fact that the provisions of the III Code were presented in a generic manner, which might have contributed to the lack of clarity in their implementation (III 3/14, paragraph 7.26 and annex 2).

7.9 The Sub-Committee also recalled that III 5 had considered documents III 5/7 and III 5/INF.3 (Secretariat) containing the summary and the full analysis of the first CASR under IMSAS, respectively. III 5 had noted the need for the development of a more detailed descriptive document, which would include practical guidance on the implementation and enforcement of the mandatory IMO instruments, based on developed policies and processes in accordance with the III Code.

7.10 The Sub-Committee noted the information contained in document III 6/7/1 (China) analysing the difficulties in the implementation of the provisions of the III Code encountered by flag States, based on the most recurrent findings in the flag State area from mandatory audits, and proposing to develop a manual to assist in its implementation. The Sub-Committee also noted the information contained in document III 6/7/2 (China) analysing specific audit findings included in CASRs, related to the evaluation and review of performance in flag, coastal and port State areas, and proposing to develop guidance to assist in the implementation of the III Code by Member States.

7.11 The Sub-Committee also noted the information contained in document III 6/INF.9 (Canada, Denmark, Jamaica, Netherlands and United States) proposing to develop a Member State manual for IMSAS based on Circular Letter No.3425 (Auditor's Manual for IMSAS) to assist Member States in preparing for future audits under IMSAS, and following up from the decisions made by III 5 in terms of the need for additional support to Member States in their preparation for the audit (III 5/15, paragraphs 7.23 to 7.25, and annex 8).

7.12 In the ensuing discussion on the way forward with regard to the proposed development of additional guidance documents, the Sub-Committee noted, inter alia, the following views:

- .1 a large majority of delegations that intervened supported the proposals that there was a need to develop guidelines to assist in the implementation of the III Code by Member States, and this should include all parts of the III Code (general, flag, coastal and port State areas of activities); in addition, some delegations expressed the view that such guidelines should:
 - .1 not go beyond the scope of the mandatory IMO instruments covered by the Scheme and not interfere with the systems established under existing mandatory requirements (e.g. statutory certification);
 - .2 be of a non-mandatory nature and developed in a non-prescriptive manner to allow for the necessary flexibility in their use by Member States;
 - .3 focus on recurrent areas of findings and observations identified in audits under the Scheme; and
 - .4 use as a basis the draft Member State manual for IMSAS (III 6/INF.9) and further expand its contents to include more detailed practical guidance to assist in the implementation of the III Code;
- .2 some delegations expressed the view that there was no need to develop further guidance for the implementation of the III Code, as requisite interpretations and guidance could be provided to Member States through the Integrated Technical Cooperation Programme (ITCP), and that the existing "Auditor's Manual" already provided adequate guidance to Member States;

- .3 other delegations expressed the view that further comprehensive analysis of the difficulties in the implementation of the provisions of the III Code and identification of problematic areas was required prior to commencing the development of the proposed guidance, taking also into account financial consequences; and
- .4 several delegations expressed the view that the guidance proposed to be developed should not only serve as a guide in the preparation of the audit but also assist Member States in the implementation of various provisions of the III Code on a daily basis.

7.13 The Sub-Committee, having noted that the principles and policies for the Audit Scheme were contained in the *Framework and procedures for the IMO Member State Audit Scheme* (resolution A.1067(28)), which was under the purview of the Council and the Assembly, and not the committees, agreed that the proposed guidance should be predominantly restricted to the implementation of the III Code by Member States. In addition, the Sub-Committee was advised that the use of the III Code by Parties to the mandatory instruments included in the scope of the Scheme was made mandatory through amendments to eight treaties, and, although the Secretariat had identified a need for improvement in certain areas of the III Code while administering the Scheme, this did not justify the amendment process for the III Code itself. In this regard, the proposed guidelines could incorporate some of the interpretations or clarifications of existing provisions of the III Code in order to facilitate their consistent implementation.

7.14 Following the discussion set out above, and acknowledging that the development of the proposed guidelines went beyond its existing work programme, the Sub-Committee agreed to propose a new output to MSC and MEPC. In this context, the Sub-Committee established the Drafting Group on the Development of Justification for a New Output on "Development of additional guidance in relation to the IMO Member State Audit Scheme (IMSAS)", and instructed it, taking into account the comments made and decisions taken in plenary, to prepare a draft justification for a new output proposal on "Development of additional guidance in relation to IMSAS" for consideration by the Committees for action, as appropriate.

Report of the Drafting Group

7.15 Having approved the report of the Drafting Group on the Development of Justification for a New Output on "Development of additional guidance in relation to the IMO Member State Audit Scheme (IMSAS)" (III 6/WP.6), in general, the Sub-Committee took decisions as reflected in the following paragraphs.

7.16 The Sub-Committee decided not to refer to the proposed new guidance in relation to IMSAS as "additional", taking into account that there was no other guidance developed to assist in the implementation of the III Code. The Sub-Committee also decided that the wording "to assist in the implementation of the III Code" should be reflected in the title of the justification for the new output.

7.17 The Sub-Committee agreed to the justification for a new output on "Development of guidance in relation to IMSAS to assist in the implementation of the III Code", for submission to MEPC 75 and MSC 102 for consideration and action, as appropriate, as set out in annex 7.

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

Model agreement for the authorization of ROs acting on behalf of the Administration

8.1 The Sub-Committee recalled that III 5 had agreed to the text of the draft Model Agreement, together with the associated draft MSC-MEPC.5 circular on Model agreement for the authorization of recognized organizations acting on behalf of the Administration for submission to MEPC 74 and MSC 101 for approval.

8.2 The Sub-Committee was advised that MSC 101, following detailed consideration of proposed amendments in document MSC 101/10/2 (Marshall Islands et al.), agreed with those of an editorial nature, in general did not support those of a substantive nature, but stressed the fact that the Model Agreement should remain fully in line with the mandatory provisions of the RO Code.

8.3 The Sub-Committee was also advised that MSC 101 instructed III 6 to further consider and review the draft Model Agreement, taking into account document MSC 101/10/2 and the concerns raised in plenary.

8.4 Having considered the proposed changes to the Model Agreement and having determined those proposed changes that were substantial and which should not be considered for insertion, the Sub-Committee instructed the Working Group, established under agenda item 9, to finalize the draft revised Model Agreement, together with the associated draft MSC-MEPC.5 circular, using document MSC 101/10/2 as the basis, incorporating all the proposed changes of an editorial nature, and to consider possible improvement to the second half of the sentence in paragraph 6.5.5 of the Model Agreement, which should be retained, with a view to submission to MEPC 75 and MSC 102, for approval.

List of certificates and documents required to be carried on board ships

8.5 The Sub-Committee recalled that FAL 41, MEPC 70 and MSC 97 and LEG 104 had approved FAL.2/Circ.131-MEPC.1/Circ.873-MSC.1/Circ.1586-LEG.2/Circ.3 containing the revised *List of certificates and documents required to be carried on board ships, 2017*.

8.6 The Sub-Committee also recalled that MEPC 64 and MSC 91 had concurred with the recommendation of FSI 20 for the Sub-Committee to initiate revisions of the list, as might be necessary, and had endorsed the request to the Secretariat to prepare a note containing those requirements which might result in the revision of the above-mentioned circular and/or amendment to appendix 12 of the *Procedures for Port State Control, 2011* (resolution A.1052(27)), as appropriate.

8.7 In this context, the Sub-Committee considered document III 6/8/2 (Secretariat) providing a list of potential additions and draft amendments to the annex to FAL.2/Circ.131-MEPC.1/Circ.873-MSC.1/Circ.1586-LEG.2/Circ.3.

8.8 The delegation of Germany reminded the Sub-Committee of the consideration of the issue at III 2 regarding electronic certificates and record book in relation to the List of certificates required to be carried on board ships, and, in this context, expressed the view that it was now the appropriate time to consider the issue, given that MEPC 74 had adopted resolutions MEPC.314(74) and MEPC.316(74) to amend MARPOL Annexes I, II, V and VI, as well as resolution MEPC.312(74) on *Guidelines for the use of electronic record books under MARPOL*.

8.9 Following the discussion, the Sub-Committee instructed the working group to be established under agenda item 9, to develop, using document III 6/8/2 as the basis, amendments to FAL.2/Circ.131-MEPC.1/Circ.873-MSA.1/Circ.1586-LEG.2/Circ.3 on *List of certificates and documents required to be carried on board ships, 2017*, with a view to submission, in a consolidated form, to MEPC 75 and MSC 102 for approval, prior to submission to FAL 45 and LEG 108, as appropriate, taking into account the comments made in plenary.

Exemption of survey and certification requirements under the MARPOL Convention for unmanned non-self-propelled (UNSP) barges

8.10 The Sub-Committee recalled that III 5 had endorsed the recommendations that both issues concerning different definitions of UNSP barges under each individual MARPOL Annex or a unified definition for MARPOL Annexes I, IV and VI, and the exemption from relevant technical and operational requirements of MARPOL Annexes I, IV and VI for UNSP barges needed to be further considered intersessionally. III 5 had agreed to task 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 to develop draft amendments to MARPOL Annexes I, IV and VI concerning the exemption of UNSP barges from survey and certification requirements, together with the associated draft Guidelines for exemption of UNSP barges from survey and certification requirements.

8.11 In this context, the Sub-Committee had for its consideration the relevant part of document III 6/8 (China) containing the report of the above-mentioned Correspondence Group which included, inter alia, the further developed draft amendments to MARPOL Annexes I, IV and VI and the associated draft MEPC.1 circular on Guidelines for exemption of the survey and certification requirements under the MARPOL Convention for unmanned non-self-propelled barges.

8.12 With respect to the three alternative approaches on the exemption of survey and certification requirements under the MARPOL Convention for UNSP barges raised in document III 6/8, the Sub-Committee recalled that III 1 had noted that MARPOL Annexes I, IV and VI did not have specific provisions to allow an exemption from survey and certification requirements, although MARPOL Annexes I and VI did contain some regulations dealing with exemptions while MARPOL Annex IV did not contain any regulation on exemptions. In this context, III 1 had invited MEPC 67, regarding the draft guidelines to be developed, to consider if it was necessary to develop amendments to MARPOL Annexes I, IV and VI or relevant unified interpretations, as appropriate, to allow the exemption of unmanned and non-self-propelled barges from survey and certification requirements.

8.13 The Sub-Committee also recalled that MEPC 68 had instructed III 2 to further consider, with a view to finalization, the draft amendments to MARPOL concerning the exemption of UNSP barges from survey and certification requirements, under its agenda item "Updated Survey Guidelines under the Harmonized System of Survey and Certification", taking into account documents MEPC 68/12/4 and MEPC 68/12/10, and to finalize the associated draft guidelines, as contained in annex 7 of document III 1/18, ensuring consistency with the draft MARPOL amendments.

8.14 Following discussion, the Sub-Committee did not agree with the three alternative approaches raised in document III 6/8 since they were beyond the mandate received from MEPC 68, with one approach having already been considered by III 1 and MEPC 68, and another approach proposing amendments to provisions of MARPOL on exception which might not be pertinent.

8.15 In considering the text within square brackets, as contained in annex 1 of document III 6/8, regarding the technical and operational requirements to be exempted from MARPOL Annexes I, IV and VI for UNSP barges, the Sub-Committee recalled that III 2 had endorsed the Working Group's conclusion (III 2/WP.4) that regulations 12, 13 and 14 of MARPOL Annex I need not be covered by the exemption because they were obviously not applicable to UNSP barges. However, there was general support for technical and operational requirements being retained in the text of draft amendments to MARPOL Annexes I, IV and VI.

8.16 During the ensuing discussion, the following concerns were expressed:

- .1 the invalidity of certificates on the proposed conditions in the draft amendments would cause substantial practical problems; responsibility for assessing the validity of a certificate would be transferred from flag State to port State;
- .2 there was the lack of a compelling need to provide requirements in MARPOL for exemption for a limited number of ships; and
- .3 the draft amendments developed by the Correspondence Group lacked logic with regard to how risks to the marine environment were addressed.

8.17 Subsequently, the Sub-Committee instructed the working group to be established under agenda item 9 to finalize the draft amendments to MARPOL concerning the exemption of UNSP barges from survey and certification requirements and the associated draft guidelines, using annexes I and 2 of document III 6/8 as the basis and taking into account discussions and decisions made in plenary, with a view to submission to MEPC 75 for approval.

Amendments to the Survey Guidelines under HSSC

8.18 The Sub-Committee recalled that III 4 had established 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, 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 2019, with a view to submission of draft amendments to the Survey Guidelines to the Committees at A 31 for adoption.

8.19 The Sub-Committee was advised that MEPC 73, while approving BWM.2/Circ.70 on *Guidance for the commissioning testing of ballast water management systems*, had instructed the above-mentioned Correspondence Group to ensure that the validation of ballast water management systems (BWMS) at their commissioning be incorporated in the *Survey Guidelines under HSSC, 2019* for all ships, including new ballast water management system installations on existing ships.

8.20 The Sub-Committee had for its consideration the following documents:

- .1 III 6/8 (China) containing the report of the Correspondence Group and presenting, inter alia, the draft amendments to the Survey Guidelines in relation to the BWM Convention (III 6/8, annex 3); the draft amendments to the Survey Guidelines, deriving from the amendments to the relevant IMO instruments entering into force up to and including 31 December 2019 (III 6/8, part 1 of annex 4); and the draft amendments to the Survey Guidelines, deriving from the amendments to the relevant IMO instruments entering into force between 1 January 2020 and 31 December 2021 (III 6/8, part 2 of annex 4) for continuous and further development after III 6, as appropriate; and

- .2 III 6/8/1 and III 6/INF.4 (Secretariat) containing the list of new and outstanding requirements adopted by MEPC 73 and MSC 100.

8.21 Following discussion, the Sub-Committee instructed the working group to be established under agenda item 9 to:

- .1 finalize the proposed draft amendments to the Survey Guidelines under HSSC, 2017, as contained in annex 3 and part 1 of annex 4 of document III 6/8, deriving from the amendments to the relevant IMO instruments entering into force up to and including 31 December 2019, including those in relation to the BWM Convention, with a view to submission to A 31 for adoption;
- .2 prepare the draft terms of reference of a correspondence group to be established at this session to continue developing draft amendments to the Survey Guidelines under HSSC, taking into account the proposed draft amendments, deriving from the amendments to the relevant IMO instruments entering into force between 1 January 2020 and 31 December 2021, as contained in part 2 of annex 4 of document III 6/8; and
- .3 consider the list of new and outstanding requirements, as contained in document III 6/INF.4.

REPORT OF THE WORKING GROUP

8.22 Having approved the report of the Working Group on the Survey Guidelines under HSSC and the Non-exhaustive List of Obligations under Instruments Relevant to the III Code (III 6/WP.5), in general, and having considered the relevant part of the report, with respect to the Survey Guidelines under HSSC, the Sub-Committee took decisions as reflected in the following paragraphs.

Model agreement for the authorization of ROs acting on behalf of the Administration

8.23 The Sub-Committee excluded the proposed amendments that were not considered as being of an editorial nature from the draft Model agreement for the authorization of recognized organizations acting on behalf of the Administration, as contained in document MSC 101/10/2, while considering the proposed editorial changes, and approved some of the latter.

8.24 The Sub-Committee decided to retain the second half of the sentence in paragraph 6.5.5 of the draft Model Agreement in order to ensure consistency with paragraph 5.3.2.4 of part 3 of the RO Code.

8.25 As a result, the Sub-Committee agreed to the text of the draft Model agreement for the authorization of recognized organizations acting on behalf of the Administration, together with the associated draft MSC-MEPC.5 circular, as set out in annex 8, for submission to MEPC 75 and MSC 102 for approval.

8.26 The observer delegation of IACS made a statement in relation to the draft Model agreement for the authorization of recognized organizations acting on behalf of the Administration, as set out in annex 16. The delegations of the Bahamas and the Russian Federation associated themselves with the above-mentioned statement.

List of certificates and documents required to be carried on board ships

8.27 The Sub-Committee noted the progress made with respect to the following amendments to the List of certificates and documents required to be carried on board ships:

- .1 insertion of a new paragraph in the cover note of the circular to address the issue of electronic certificates and record books together with a footnote making reference to the *Guidelines for the use of electronic certificates* (FAL.5/Circ.39/Rev.2) and *Guidelines for the use of electronic records under MARPOL* (resolution MEPC.312(74));
- .2 addition of confirmation of compliance as per the provisions of MARPOL Annex VI regulation 5.4.5 and MEPC.1/Circ.876 under the item "Ship energy efficiency management plan (SEEMP)";
- .3 addition of references to resolutions MEPC.125(53), MEPC.174(58) and MEPC.279(70) under the item "Type approval certificate for ballast water management system (BWMS)"; and
- .4 addition of a reference to resolution MEPC.314(74) under the item "Garbage record book".

8.28 The Sub-Committee agreed that it was necessary for the updated version of FAL.2/Circ.131-MEPC.1/Circ.873-MSC.1/Circ.1586-LEG.2/Circ.3 on the *List of certificates and documents required to be carried on board ships, 2017* to reflect the amendments to MARPOL Annex I, II and V, as adopted by MEPC.314(74), the amendments to MARPOL Annex VI, as adopted by MEPC.316(74), and the amendments to the NO_x Technical Code 2008, as adopted by MEPC.317(74), so that the issue regarding electronic record books under MARPOL could be addressed comprehensively. The issue regarding documents required on board ships by the IGF Code would also need to be considered further.

8.29 In this context, the Sub-Committee also agreed to task the correspondence group to be established to further develop the draft amendments to FAL.2/Circ.131-MEPC.1/Circ.873-MSC.1/Circ.1586-LEG.2/Circ.3 on the basis of the amendments finalized at this session (see paragraph 8.40).

Exemption of survey and certification requirements under the MARPOL Convention for UNSP barges

8.30 With respect to the text in square brackets, as contained in annex 1 of document III 6/8, regarding the technical and operational requirements to be exempted from MARPOL Annexes I, IV and VI for UNSP barges, the Sub-Committee noted the following views expressed:

- .1 there would be a logic problem or loophole that the operational requirements such as discharge of oil or sewage could be exempted from a ship;
- .2 those technical and operational requirements listed in the text of the draft amendments to MARPOL Annexes I, IV and VI were obviously not applicable to UNSP barges since they did not have on board sources of relevant pollutants of the marine environment, which MARPOL Annexes I, IV and VI defined; and

- .3 the terms of references as given by MEPC 68 were clearly about the exemption of UNSP barges from survey and certification requirements under MARPOL Annexes I, IV and VI.

8.31 In this context, the Sub-Committee agreed to remove the technical and operational requirements within square brackets from the text of the draft amendments to MARPOL Annexes I, IV and VI and to add a new section 2.2 on "Technical and operational requirements" to the draft Guidelines for exemption of unmanned non-self-propelled (UNSP) barges from the survey and certification requirements under the MARPOL Convention.

8.32 With regard to the issue of the invalidity of certificates on proposed conditions in the draft amendments to MARPOL, the Sub-Committee agreed that the relevant paragraphs in the proposed amendments to MARPOL Annexes I, IV and VI and associated Guidelines be removed, as the text would lead to conflict with the current well-established practice in IMO conventions.

8.33 The Sub-Committee agreed to the draft amendments to MARPOL Annexes I, IV and VI concerning the exemption of UNSP barges from survey and certification requirements, as set out in annex 9, together with the associated draft MEPC.1 circular on Guidelines for exemption of unmanned non-self-propelled (UNSP) barges from the survey and certification requirements under the MARPOL Convention, as set out in annex 10, for submission to MEPC 75 for consideration and approval, as appropriate.

Amendments to Survey Guidelines under HSSC

8.34 With respect to the proposed amendments to the Survey Guidelines under HSSC in relation to the BWM Convention, the Sub-Committee amended several survey items to take into account the different requirements of the three versions of the Guidelines (G8) (i.e. resolutions MEPC.125(53), MEPC.174(58) and MEPC.279(70)) and the Code for approval of ballast water management systems (BWMS Code).

8.35 The Sub-Committee, with regard to the consideration of the proposed survey item (BI) 1.1.3.17 in connection with the instruction of MEPC 73 to ensure that the validation of BWMS at their commissioning was incorporated in the Survey Guidelines, agreed to retain the proposed item in the Survey Guidelines, bearing in mind that it derived from amendments to regulation E-1 of the BWM Convention, which were expected to be adopted by MEPC 75.

8.36 The Sub-Committee approved the draft Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2019, together with the draft requisite Assembly resolution, to revoke resolution A.1120(30), as set out in annex 11, for submission to A 31 for consideration and adoption, as authorized by MEPC 74 and MSC 101.

8.37 Regarding the items identified in documents III 6/8 (annex 5) and III 6/INF.4 that had not been dealt with so far, the Sub-Committee noted that the Working Group had finalized the list of amendments to mandatory instruments not yet included in the Survey Guidelines, as set out in annex 6 of document III 6/WP.5, with a view to maintaining the status of the mandatory items for future amendments to the Survey Guidelines.

8.38 The Sub-Committee agreed to the need to:

- .1 continue the development of the respective survey items deriving from amendments to mandatory IMO instruments entering into force up to and including 31 December 2021, for inclusion in the Survey Guidelines in order to keep them updated in the future; and

- .2 develop, separately, 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.

Editorial corrections

8.39 The Sub-Committee authorized the Secretariat, when preparing the final text of the draft Model agreement for the authorization of recognized organizations acting on behalf of the Administration; the amendments to MARPOL Annexes I, IV and VI; the Guidelines for exemption of unmanned non-self-propelled (UNSP) barges from survey and certification requirements under MARPOL Convention; and the *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2019*, to effect any editorial corrections that might be identified and to renumber paragraphs, as appropriate, as annexes to the report of the Sub-Committee.

Re-establishment of the Correspondence Group

8.40 The Sub-Committee re-established the Correspondence Group³ on the Review of the Survey Guidelines under HSSC and the Non-exhaustive List of Obligations under Instruments Relevant to the III Code to continue its work intersessionally, using the IMO Space facilities, under the following terms of reference (see paragraphs 7.7 and 9.11):

- .1 further develop, using annex 2 of document III 6/WP.5 as the basis, amendments to FAL.2/Circ.131-MEPC.1/Circ.873-MSA.1/Circ.1586-LEG.2/Circ.3 on *List of certificates and documents required to be carried on board ships, 2017* with a view to submission, in a consolidated form, to MEPC 76, MSC 103, FAL 45 and LEG 108, for approval;
- .2 continue to develop, using part 2 of annex 4 of document III 6/8 as the basis, draft amendments to the Survey Guidelines under HSSC, deriving from the amendments to the relevant mandatory instruments due to enter into force up to and including 31 December 2021, taking into account the outcome of MEPC 74, MSC 101 and future sessions of MSC and MEPC, as appropriate, with a view to submission of draft amendments, as finalized in a consolidated form for adoption at A 32 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;
- .3 identify in document III 6/WP.5 (annex 6) and the outcome of MEPC 74, MSC 101 and future sessions of MSC and MEPC, relevant new instruments and amendments which have not been dealt with so far and have been left for further development of amendments to the Survey Guidelines, with a view to maintaining the status of the items for future amendments; and
- .4 submit a report to III 7.

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Working/Drafting Group on the Updated Survey Guidelines under HSSC and the Non-exhaustive List of Obligations under Instruments Relevant to the III Code

8.41 The Sub-Committee agreed that the Working/Drafting Group on the Review of Survey Guidelines under HSSC and the Non-exhaustive list of Obligations under Instruments Relevant to the III Code should start its work on the morning of the first day of III 7, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5/Rev.1 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 paragraph 9.12), subject to further instructions to be received from plenary:

- .1 review and finalize draft amendments to FAL.2/Circ.131- MEPC.1/Circ.873- MSC.1/Circ.1586-LEG.2/Circ.3 on *List of certificates and documents required to be carried on board ships, 2017*, with a view to submission, in a consolidated form, to MEPC 76, MSC 103, FAL 45 and LEG 108 for approval; and
- .2 review the draft amendments to the Survey Guidelines under the Harmonized System of Survey and Certification, deriving from the amendments to the relevant mandatory instruments due to enter into force up to and including 31 December 2021, as might be proposed by an intersessional correspondence group, taking into account document III 6/WP.5 (annex 6) and the outcome of MEPC 74, MSC 101 and future sessions of MSC and MEPC, as appropriate, with a view to submission of draft amendments, finalized in a consolidated form, for adoption at A 32.

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

Amendments to the non-exhaustive list of obligations

9.1 The Sub-Committee recalled that III 5 had agreed that the draft amendments to the *2017 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)* (resolution A.1121(30)) needed to be further developed intersessionally to include the requirements deriving from all amendments to the relevant mandatory IMO instruments entering into force up to and including 1 July 2020, with a view to the submission of the draft 2019 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code to A 31 for adoption.

9.2 The Sub-Committee also recalled that III 5 had established 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, under the coordination of China, to, inter alia, continue to develop the draft amendments to the Non-exhaustive list of obligations.

9.3 In this context, the Sub-Committee had for its consideration the following documents:

- .1 III 6/8 (China), containing the report of the Correspondence Group and presenting, inter alia, the proposed amendments to the *2017 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)* (resolution A.1121(30)), taking into account new provisions, the entry into force of which extended until 1 July 2020; and
- .2 III 6/9 (Secretariat), containing a list of provisions deriving from amendments to mandatory instruments, as adopted by MEPC 73 and MSC 100, which might be relevant to the development of amendments to the *2017 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)* (resolution A.1121(30)).

9.4 The Sub-Committee referred the consideration of the relevant part of document III 6/8, using annex 6 of the document, as the basis, and taking into account document III 6/9, to the working group to be established, for detailed review for finalization of the text of draft amendments to the *2017 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)* (resolution A.1121(30)), deriving from the amendments to the relevant mandatory instruments due to enter into force up to and including 1 July 2020, for submission to A 31, in a consolidated form, for adoption.

Establishment of the Working Group

9.5 The Sub-Committee established the Working Group on the Updated Survey Guidelines under HSSC and the Non-exhaustive List of Obligations under Instruments Relevant to the III Code under the following terms of reference, taking into account the outcome of its consideration of matters under agenda items 8 and 9, and the decisions and proposals made in plenary:

Terms of reference under agenda item 8

- .1 review and finalize the draft Model agreement for the authorization of recognized organizations acting on behalf of the Administration, together with the associated draft MSC-MEPC.5 circular, taking into account document MSC 101/10/2 within the context of the instructions received from MSC 101, with a view to submission to MEPC 75 and MSC 102 for approval;
- .2 develop, using document III 6/8/2 as a basis, amendments to FAL.2/Circ.131-MEPC.1/Circ.873-MSC.1/Circ.1588-LEG.2/Circ.3 and Corr.1 on *List of certificates and documents required to be carried on board ships, 2017*, with a view to submission, in a consolidated form, to MEPC 75, MSC 102, FAL 45 and LEG 108, for approval;
- .3 consider the text within square brackets, as contained in annex 1 of document III 6/8, regarding the technical and operational requirements to be exempted from MARPOL Annexes I, IV and VI for UNSP barges as well as the concern raised in plenary on the invalidity of certificates, and decide as appropriate;
- .4 finalize the draft amendments to MARPOL Annexes I, IV and VI and the associated draft MEPC.1 circular on Guidelines for exemption of UNSP barges from survey and certification requirements under the MARPOL Convention, using annexes 1 and 2 of document III 6/8, with a view to submission to MEPC 75 for approval and bring forward any concerns, if deemed necessary, to MEPC for guidance;
- .5 finalize the draft amendments to the *Survey Guidelines under HSSC (HSSC), 2017* (resolution A.1120(30)), deriving from amendments to the relevant mandatory instruments due to enter into force up to and including 31 December 2019, together with the text of the draft Assembly resolution, using document III 6/8 (annex 3 and part 1 of annex 4) as the basis, and taking into account document III 6/INF.4, with a view to submission, in a consolidated form, to A 31 for consideration and adoption, as appropriate;

- .6 identify in documents III 6/8 (annex 5) and III 6/INF.4, while taking into account part 2 of annex 4 of document III 6/8, those items which have not been dealt with so far and have been left for further development of amendments to the Survey Guidelines with a view to maintaining the status of the items for future amendments;

Terms of reference under agenda item 9

- .7 finalize the draft amendments to the *2017 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)* (resolution A.1121(30)), deriving from amendments to relevant mandatory instruments due to enter into force up to and including 1 July 2020, together with the text of a draft Assembly resolution, using document III 6/8 (annex 6) as the basis, and taking into account document III 6/INF.4, with a view to submission, in a consolidated form, to A 31 for consideration and adoption, as appropriate;
- .8 identify in documents III 6/8 (annex 7) and III 6/9 those items which have not been dealt with so far and have been 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; and
- .9 advise on the re-establishment of the Correspondence Group and the Working/Drafting Group on the Survey Guidelines under HSSC, on the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) and the Non-exhaustive List of Obligations under Instruments Relevant to the IMO Instruments Implementation Code (III Code), at the next session, which could start their work on the morning of the first day of III 7, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5/Rev.1 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*; if so, prepare the draft terms of reference for those two groups under agenda items 8 and 9, as appropriate.

REPORT OF THE WORKING GROUP

9.6 Having considered the relevant part of the report of the Working Group on the Updated Survey Guidelines under HSSC and the Non-exhaustive List of Obligations under Instruments Relevant to the III Code (III 6/WP.5), with respect to the Non-exhaustive list of obligations, the Sub-Committee took decisions as reflected in the following paragraphs.

Amendments to the non-exhaustive list of obligations

9.7 The Sub-Committee approved the draft 2019 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code), together with the draft requisite Assembly resolution, to revoke resolution A.1121(30), as set out in annex 12, for submission to A 31 for consideration with a view to adoption, as authorized by MEPC 74 and MSC 101.

9.8 With respect to the items identified in documents III 6/8 (annex 7) and III 6/9 that had not been dealt with so far and had been left for further development of amendments to the Non-exhaustive list of obligations, the Sub-Committee noted that the Working Group had finalized the list of amendments to mandatory instruments not yet included in the draft Non-exhaustive list of obligations, as set out in annex 8 of document III 6/WP.5, with a view to maintaining the status of the mandatory items for future amendments to the Non-exhaustive list.

9.9 The Sub-Committee agreed that the annexes to the Non-exhaustive list of obligations needed to be further amended in the future, in order to keep the list updated with amendments to the relevant IMO instruments entering into force up to and including 1 July 2022.

Editorial corrections

9.10 The Sub-Committee authorized the Secretariat, when preparing the final text of the *2019 Non-exhaustive list of obligations under instruments relevant to the III Code*, to effect any editorial corrections that might be identified and renumber paragraphs, as appropriate, as an annex to the report of the Sub-Committee.

Terms of reference for the Correspondence Group

9.11 The Sub-Committee instructed 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, established under agenda item 8 (see paragraphs 7.7 and 8.40), to:

- .1 continue to develop draft amendments to the Non-exhaustive list of obligations under instruments relevant to the IMO Instrument Implementation Code, deriving from those amendments to the relevant IMO instruments which would enter into force up to and including 1 July 2022, taking into account document III 6/WP.5 (annex 8) and the outcome of MEPC 74, MSC 101 and future sessions of MSC and MEPC, with a view to submission of draft amendments to the Non-exhaustive list, as finalized in a consolidated form, for adoption at A 32; and
- .2 identify in document III 6/WP.5 (annex 8) and the outcome of MEPC 74, MSC 101 and future sessions of MSC and MEPC relevant new instruments and amendments which have not been dealt with so far and have been 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 at next session

9.12 Having recalled its earlier decision that the Working/Drafting Group on the Review of Survey Guidelines under HSSC and the Non-exhaustive List of Obligations under Instruments Relevant to the III Code should start its work on the morning of the first day of III 7, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5/Rev.1 (see paragraphs 8.41), the Sub-Committee agreed with the following terms of reference, subject to further instructions to be received from plenary:

- review the draft amendments to the Non-exhaustive list of obligations under instruments relevant to the IMO Instrument Implementation Code, deriving from those amendments to the relevant IMO instruments which will enter into force up to and including 1 July 2022, as might be proposed by an intersessional correspondence group, taking into account document III 6/WP.5 (annex 8) and the outcomes of MEPC 74, MSC 101 and future sessions of MSC and MEPC, as appropriate, with a view to submission of draft amendments, finalized in a consolidated form, for adoption at A 32.

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

10.1 The Sub-Committee noted that no documents had been submitted under this agenda item at this session.

11 FINALIZATION OF A NON-MANDATORY INSTRUMENT ON REGULATIONS FOR NON-CONVENTION SHIPS

11.1 The Sub-Committee recalled that MSC 96 had endorsed the recommendation of III 2 that an IMO model course be developed on the basis of existing draft documents, which were currently available in IMODOCS, including the completion of the Procedural Guide in accordance with MSC-MEPC.2/Circ.15 on *Revised guidelines for the development, review and validation of model courses*.

11.2 The Sub-Committee also recalled that III 3, having noted the work already carried out through consultancy to develop the *Guide for regulating the safety of passenger ships not covered by SOLAS: generic principles and functional requirements*, had agreed to the existing arrangements for the selection of a course developer.

11.3 The Sub-Committee was advised that MSC 100 had considered document MSC 100/19/6 (China) proposing measures to improve domestic passenger ships' safety, and agreed that a more detailed proposal for a new output would be necessary, also taking into account the possible involvement of other committees, e.g. the Technical Cooperation Committee.

11.4 The Sub-Committee was also advised that MSC 101, having considered document MSC 101/21/20 (China) proposing to introduce a comprehensive approach to improve domestic ferry safety and document MSC 101/23/1 (Secretariat) proposing to include an item on "Measures to improve domestic ferry safety":

- .1 agreed to include an item on "Measures to improve domestic ferry safety" in the provisional agenda for MSC 102, and that the work be carried out under existing output OW 33 (Finalization of a non-mandatory instrument on regulations for non-convention ships), with four sessions needed to complete the work;
- .2 concurred with the recommended way forward in dealing with matters pertaining to domestic ferry safety as proposed by China in document MSC 101/21/20 and the Secretariat in document MSC 101/23/1, in particular to:
 - .1 develop Model Regulations on Domestic Ferry Safety;
 - .2 provide guidance on the incorporation of Model Regulations on Domestic Ferry Safety in domestic law;
 - .3 develop online training material on domestic ferry safety; and
 - .4 continue to provide technical assistance to countries in need through the Organization's ITCF;
- .3 approved a plan of work subject to any necessary adjustments in the future;

- .4 agreed to request the Secretariat to lead the way forward in collaboration with interested parties;
- .5 invited Member States, particularly China, and international organizations to actively contribute to the development of Model Regulations on Domestic Ferry Safety and related developments; and
- .6 requested the Secretariat to report to MSC 102 on progress made.

11.5 Following discussion, the Sub-Committee, having noted the potential overlap between its work and the plan of work approved by MSC 101 under the current output, invited MSC 102 to review the previous instruction to the Sub-Committee to develop a model course on the safety of passenger ships not covered by SOLAS on the basis of the existing material, e.g. GlobalReg and the Manila Statement, taking into account the decision by MSC 101 regarding the development of the Model Regulations on Domestic Ferry Safety under the current output.

12 BIENNIAL AGENDA AND PROVISIONAL AGENDA FOR III 7

Committees' decisions

12.1 While considering document III 6/WP.2 (Chair), the Sub-Committee was advised that MEPC 74 had agreed to add output 4.3 on "Follow-up work emanating from the Action Plan to address marine plastic litter from ships" to the provisional agenda of III 7, with two sessions required to complete the work.

12.2 The Sub-Committee was also advised that it had been assigned as associated organ in:

- .1 the output on "Validated model training courses" by MSC 100;
- .2 the output on "Revision of ECDIS-Guidance for good practice" (MSC.1/Circ.1503/Rev.1), assigned to the NCSR Sub-Committee by MSC 100;
- .3 the output on "Development of amendments to the STCW Convention and Code for the use of electronic certificates and documents of seafarers" assigned to the HTW Sub-Committee by MSC 100;
- .4 the output on "Development of measures to facilitate mandatory seagoing service required under the STCW Convention" assigned to the HTW Sub-Committee by MSC 101; and
- .5 the output on "Development of amendments to VDR performance standards and carriage requirements" assigned to the NCSR Sub-Committee by MSC 101.

12.3 The Sub-Committee was further advised that MSC 101 had agreed to move the continuous output "Measures to harmonize port State control (PSC) activities and procedures worldwide" to strategic direction 1 (SD 1). Having noted that the issue of the allocation of outputs under "Other work" had been raised several times in different bodies, MSC 101 requested the Secretariat to submit a revised list of outputs to MSC 102, allocating the outputs currently under "Other work" to suitable SDs, for consideration by the Committee and eventual submission to the Council for endorsement.

Biennial status report for the 2018-2019 biennium

12.4 Taking into account the progress made at this session, the Sub-Committee prepared the biennial status report for the 2018-2019 biennium, as set out in annex 13, to be noted by MEPC 75 and MSC 102.

Proposed biennial agenda for the 2020-2021 biennium

12.5 Taking into account the progress made at this session, the Sub-Committee prepared the proposed biennial agenda for the 2020-2021 biennium and outputs on the Committees' post-biennial agendas that fell under the purview of the Sub-Committee, as set out in annex 14, for approval by MEPC 75 and MSC 102.

Proposed provisional agenda for III 7

12.6 Taking into account the progress made at this session and the relevant decisions of MEPC 73, MSC 100, MEPC 74 and MSC 101, the Sub-Committee prepared its proposed provisional agenda for III 7, as set out in annex 15, for approval by MEPC 75 and MSC 102.

Correspondence groups established at this session

12.7 The Sub-Committee established correspondence groups on the following subjects, due to report to III 7:

- .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 – Identified issues relating to the implementation of IMO instruments from the analysis of PSC data; and
- .3 Updated Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) – Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code).

Arrangements for the next session

12.8 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 – Identified issues relating to the implementation of IMO instruments from the analysis of PSC data;
- .3 Analysis of consolidated audit summary reports;
- .4 Updated Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) – Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code); and
- .5 Recommendations of the Fourth Session of the Joint FAO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters.

12.9 The Chair, taking into account the submissions received, would advise the Sub-Committee well in time for III 7 on the final selection of such groups.

Date for the next session

12.10 The Sub-Committee noted that the seventh session of the Sub-Committee had been tentatively scheduled to take place from 20 to 24 July 2020.

13 ELECTION OF CHAIR AND VICE-CHAIR FOR 2020

13.1 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 2020.

14 ANY OTHER BUSINESS

Illegal, Unreported and Unregulated Fishing and Related Matters

14.1 The Sub-Committee noted the issuance of Circular Letter No.3936 on the Fourth session of the Joint FAO/ILO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters (JWG 4), to be held in Torremolinos, Málaga, Spain, from 23 to 25 October 2019.

14.2 The Sub-Committee was advised that MSC 101 had noted the information in document MSC 101/23/6 (Secretariat) regarding the Ministerial Conference on Fishing Vessel Safety and Illegal, Unreported and Unregulated (IUU) Fishing (see Circular Letter No.3932), scheduled to be held from 21 to 23 October 2019 in Torremolinos, Spain, co-sponsored by IMO and the Government of Spain, with the kind support of FAO and the Pew Charitable Trusts.

14.3 The Sub-Committee was also advised that MSC 101 had considered document MSC 101/10/1 (Secretariat) on the preparation of JWG 4, taking into account the decision of the Governing Body of ILO authorizing ILO's participation as a full member in the Joint Working Group and the appointment of two representatives of employers and two representatives of workers. In this context, the Committee:

- .1 agreed to hold, pending final endorsement by the Council, JWG 4 from 23 to 25 October 2019 (Circular Letter No.3936), directly after the Ministerial Conference on Fishing Vessel Safety and IUU Fishing, planned to be held in the same location, in Torremolinos, Spain, from 21 to 23 October 2019;
- .2 approved the provisional agenda of JWG 4, and instructed JWG 4 to submit its report to III 7 for review;
- .3 agreed that the list of delegations of Member States representing IMO at JWG 4 be composed of Argentina, Canada, China, the Cook Islands, Denmark, Liberia, Norway, the Republic of Korea, Spain and Turkey, while agreeing that the meeting remained open to participation by observers of all other Member States, IGOs and NGOs; and
- .4 instructed III 7 to report the outcome of its consideration of the report of JWG 4 to MEPC 76 and MSC 103.

14.4 The Sub-Committee noted with concern that, to date, there were 11 Contracting States to the 2012 Cape Town Agreement, half the number required by the entry-into-force criteria of the Agreement, and less than half the requisite number of fishing vessels of 24 metres in length and over operating on the high seas.

14.5 In this context, the Sub-Committee strongly urged Member States to take necessary measures to ensure that the entry-into-force criteria of the Cape Town Agreement be met by the target date of 11 October 2022, the tenth anniversary of its adoption.

Global Integrated Shipping Information System

14.6 The Sub-Committee considered document III 6/14/1 (Chile) on the GISIS module on ship particulars, which raised the issue of potential discrepancies between data extracted from the GISIS module and the list of ships produced by the managers of the IMO number schemes (IHS Maritime & Trade) in the context of the tonnage assessment, and called for new data exchange and extraction facilities.

14.7 While noting the supporting interventions by several delegations and the fact that IHS Maritime & Trade had been able to address individual cases of discrepancies, the Sub-Committee requested the Secretariat, in cooperation with the managers of the IMO Ship Identification Number Scheme, to submit a document to III 7, reviewing existing processes associated with the updating of, and access to, the world fleet database, and putting forward additional facilities and proposals aimed at improving the use of the GISIS module and the accuracy of the information contained therein.

Unauthorized and unlawful practices associated with class and statutory certificates

14.8 The Sub-Committee noted the information contained in document III 6/14/2 (Ukraine) on unauthorized and unlawful practices associated with class and statutory certificates in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation.

14.9 In this context, the Sub-Committee also noted the intervention by the delegation of the Russian Federation, the statement of which is set out in annex 16.

14.10 Still in the same context, the Sub-Committee further noted the interventions by the delegations of Finland, on behalf of the European Union, and the United States, the statements of which are set out in annex 16. The delegations of Estonia, Norway and the United Kingdom and the observer delegation of the European Commission associated themselves with the statements made by the delegations of Finland and the United States. The delegations of Germany and Sweden associated themselves with the statement made by the delegation of Finland.

Expression of appreciation

14.11 The Sub-Committee expressed its appreciation to the following delegates and members of the Secretariat, who had recently retired or had been transferred to other duties or were about to be, for their invaluable contribution to its work, and wished them a long and happy retirement or, as the case might be, every success in their new duties:

- Capt. Thomas F. Heinan (Marshall Islands) (on retirement);
- Mrs. Natalia Kharchenko (Tokyo and Black Sea MoUs) (on new duties);
- Mr. Dilip Mehrotra (Indian Ocean MoU) (on retirement);
- Her Excellency Nicole Taillefer (France) (on retirement);
- Mr. Paul Sadler (IACS) (on retirement);
- Mr. Greg Shark (United States) (on retirement); and
- Dr. Yang Zan (China) (on retirement).

15 ACTION REQUESTED OF THE COMMITTEES AND OTHER SUB-COMMITTEES

- 15.1 The Marine Environment Protection Committee, at its seventy-fifth session, is invited to:
- .1 recall that MSC 97 and MEPC 70 had endorsed the methodology agreed by III 3 for developing guidelines for PSC and amendments thereto, under the coordination of the Sub-Committee, for consolidation within the Procedures for PSC (MEPC 70/18, paragraph 10.10 and MSC 97/22, paragraph 9.6), when deciding on the attribution of new tasks to sub-committees (paragraph 5.8);
 - .2 note that the Sub-Committee approved the draft Procedures for Port State Control, 2019, together with the draft requisite Assembly resolution, for submission to A 31 for consideration with a view to adoption, as authorized by MEPC 74 and MSC 101 (paragraph 5.46 and annex 4);
 - .3 consider the justification for, and decide on the inclusion of, a new output on "Producing a new entrant training manual for PSC personnel", regularly updated, for voluntary use, subject to concurrent decision by MSC (paragraph 5.48 and annex 5);
 - .4 note that the Sub-Committee approved the draft Guidance on communication of information by Member States, together with the draft requisite Assembly resolution, for submission to A 31 for consideration with a view to adoption, as authorized by MEPC 74 and MSC 101 (paragraph 7.6 and annex 6);
 - .5 consider the justification for, and decide on the inclusion of, a new output on "Development of guidance in relation to IMSAS to assist in the implementation of the III Code", subject to concurrent decision by MSC (paragraph 7.17 and annex 7);
 - .6 approve, subject to concurrent decision by MSC, the MSC-MEPC.5 circular on Model agreement for the authorization of recognized organizations acting on behalf of the Administration (paragraph 8.25 and annex 8);
 - .7 approve 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 with a view to adoption at MEPC 76 (paragraph 8.33 and annex 9);
 - .8 approve the draft MEPC.1 circular on Guidelines for exemption of unmanned non-self-propelled (UNSP) barges from the survey and certification requirements under the MARPOL Convention (paragraph 8.33 and annex 10);
 - .9 note that the Sub-Committee approved the draft Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2019, together with the draft requisite Assembly resolution, for submission to A 31 for consideration with a view to adoption, as authorized by MEPC 74 and MSC 101 (paragraph 8.36 and annex 11);
 - .10 note that the Sub-Committee approved the draft 2019 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code), together with the draft requisite Assembly resolution, for submission to A 31 for consideration with a view to adoption, as authorized by MEPC 74 and MSC 101 (paragraph 9.7 and annex 12);

- .11 note the biennial status report of the Sub-Committee for the 2018-2019 biennium (paragraph 12.4 and annex 13);
- .12 approve, subject to concurrent decision by MSC, the proposed biennial agenda for the 2020-2021 biennium and outputs on the Committees' post-biennial agendas that fall under the purview of the Sub-Committee (paragraph 12.5 and annex 14);
- .13 approve, subject to concurrent decision by MSC, the proposed provisional agenda for III 7 (paragraph 12.6 and annex 15); and
- .14 approve the report in general.

15.2 The Maritime Safety Committee, at its 102nd session, is invited to:

- .1 recall that MSC 97 and MEPC 70 had endorsed the methodology agreed by III 3 for developing guidelines for PSC and amendments thereto, under its coordination of the Sub-Committee, for consolidation within the Procedures for PSC (MEPC 70/18, paragraph 10.10 and MSC 97/22, paragraph 9.6), when deciding on the attribution of new tasks to sub-committees (paragraph 5.8);
- .2 note that the Sub-Committee approved the draft Procedures for Port State Control, 2019, together with the draft requisite Assembly resolution, for submission to A 31 for consideration with a view to adoption, as authorized by MEPC 74 and MSC 101 (paragraph 5.46 and annex 4);
- .3 consider the justification for, and decide on the inclusion of, a new output on "Producing a new entrant training manual for PSC personnel", regularly updated, for voluntary use, subject to concurrent decision by MEPC (paragraph 5.48 and annex 5);
- .4 note that the Sub-Committee approved the draft Guidance on communication of information by Member States, together with the draft requisite Assembly resolution, for submission to A 31 for consideration with a view to adoption, as authorized by MEPC 74 and MSC 101 (paragraph 7.6 and annex 6);
- .5 consider the justification for, and decide on the inclusion of, a new output on "Development of guidance in relation to IMSAS to assist in the implementation of the III Code", subject to concurrent decision by MEPC (paragraph 7.17 and annex 7);
- .6 approve, subject to concurrent decision by MEPC, the MSC-MEPC.5 circular on Model agreement for the authorization of recognized organizations acting on behalf of the Administration (paragraph 8.25 and annex 8);

- .7 note that the Sub-Committee approved the draft Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2019, together with the draft requisite Assembly resolution, for submission to A 31 for consideration with a view to adoption, as authorized by MEPC 74 and MSC 101 (paragraph 8.36 and annex 11);
- .8 note that the Sub-Committee approved the draft 2019 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code), together with the draft requisite Assembly resolution, for submission to A 31 for consideration with a view to adoption, as authorized by MEPC 74 and MSC 101 (paragraph 9.7 and annex 12);
- .9 note the biennial status report of the Sub-Committee for the 2018-2019 biennium (paragraph 12.4 and annex 13);
- .10 approve, subject to concurrent decision by MEPC, the proposed biennial agenda for the 2020-2021 biennium and outputs on the Committees' post-biennial agendas that fall under the purview of the Sub-Committee (paragraph 12.5 and annex 14);
- .11 approve, subject to concurrent decision by MEPC, the proposed provisional agenda for III 7 (paragraph 12.6 and annex 15);
- .12 review the previous instruction to the Sub-Committee to develop a model course on the safety of passenger ships not covered by SOLAS on the basis of the existing material, e.g. GlobalReg and the Manila Statement, taking into account the decision by MSC 101 regarding the development of the Model Regulations on Domestic Ferry Safety under the current output on "finalization of a non-mandatory instrument on regulations for non-convention ships" (paragraph 11.5); and
- .13 approve the report in general.

15.3 The Sub-Committee on Ship Systems and Equipment (SSE), at its seventh session, is invited to consider the potential safety issue and safety deficiency related to fatal accidents involving elevators (paragraph 4.18 and annex 1).

15.4 SSE 7 is also invited to use the additional information provided in the context of its consideration of the safety issue regarding the presence of cargo vapours in non-hazardous closed spaces (paragraph 4.19 and annex 2).

15.5 The Sub-Committee on Pollution Prevention and Response (PPR), at its seventh session, is invited to refer its future amendments to the *2019 Guidelines for port State control under MARPOL Annex VI Chapter 3* to III 7 for review, and to invite MEPC 76 to take into consideration that review by III 7 (paragraph 5.10).

15.6 PPR 7 is also invited to further review the draft amendments to the Procedures for PSC on the use of electronic record books, as presented in annex 15 of document PPR 5/24, that have not already been included in the Procedures for PSC and to invite MEPC 75 to request III 7 to review those amendments before consolidation into the Procedures for PSC (paragraph 5.38).

ANNEX 1

SAFETY ISSUE CONCERNING ELEVATORS FOR CONSIDERATION BY SSE 7

Background

1 The Working Group on Casualty Analysis reviewed item 7.1 tabled in III 6/4 and the findings made from three cases of fatal accidents involving elevators.

Analysis

2 While the specific circumstances of each of the accidents differed, they all involved a sole crew member within an elevator shaft. The elevator shaft is a hazardous space that requires preventative controls to be in place to minimize the risk to crew members. The safety systems which serve as preventative controls are only as strong as their weakest link (the less effective controls in the hierarchy). In all cases, the safety system implemented engineering and administrative controls in combination to provide a safe work environment. Administrative controls are reliant on crew members following procedures. In each of the accidents, the procedures were specific to the particular elevator and the crew members did not act as expected; therefore, the controls were ineffective. The Group noted that there were no mandatory international minimum standards regarding design, maintenance, inspection and safe operation of elevators and associated machinery for maritime environments.

Findings

3 In each of the accidents, the sole crew member was able to access and remain in the elevator shaft while the elevator was still capable of operation.

4 There are no mandatory requirements or uniform standards available to prevent the unintended operation (movement) of the elevator while a crew member is in the elevator shaft.

Safety recommendation for consideration

5 There is a need for a common minimum requirement or standard to be developed at a global level for the design, maintenance, inspection and safe operation of elevators and associated machinery. This will assist manufacturers, service providers, companies, classification societies and flag State administrations to apply a common approach and carry out inspections based on a common minimum requirement or standard.

ANNEX 2

DETAILS OF SAFETY ISSUE FOR CONSIDERATION BY SSE 7

1 The following information is provided by III 6 for SSE 7 to take into account when considering the safety issue regarding the presence of cargo vapours in non-hazardous closed spaces that was identified by III 5 based on marine safety investigations of fire incidents on board **Liang Sheng** in 2014, **Royal Diamond 7** in 2012 and **Border Heather** in 2008, as instructed by MSC 101 (MSC 101/24, paragraph 10.5).

2 In the case of the oil/chemical tanker Liang Sheng (C0009521), cargo vapours entered the forecastle stores, or bosun's stores, via cargo piping connected to a pipe that extended from the forecastle stores' ventilation ducting to the cargo deck; the purpose of the line being to evacuate gas from the vessel's cargo tanks using the ventilation fan. The pipe had been fitted before the vessel was delivered from the shipyard in 2010. In the cases of the 2008-built oil/chemical tanker Royal Diamond 7 (C0008579) and the 2004-built oil/chemical tanker Border Heather (C0006331), cargo vapours entered the forecastle stores when the gas evacuation line was connected to the cargo piping. The cargo vapours entered the forecastle stores through openings in the supply duct for the gas extractor fan. Additional details can be found in the marine safety investigation reports for each of these three cases. The reports are available in the MCI module of GISIS.

3 SOLAS regulation II-1/45.11, which is applicable to tankers constructed on or after 1 January 2007, includes requirements for the installation of electrical equipment, cables and wiring in hazardous locations on tankers unless it conforms with the standards not inferior to those acceptable to the Organization. This regulation permits the installation of electrical equipment, cables and wiring in locations not covered by such standards, provided a risk assessment is conducted to ensure that an equivalent level of safety is assured. When determining whether a space is a hazardous space, it is necessary to determine if the space contains any potential sources of release. Potential sources of release include vents and other openings to cargo tanks and cargo piping and seals for valves and flanges (IEC Standard 60092-502:1999 – Electrical installations on ships – Tankers – Special Features, table 1).

4 MSC.1/Circ.1557 dated 25 November 2016 identifies differences between SOLAS and related codes (IBC and IGC Codes) and IEC 60092-502. It is noted that this circular is applicable only for ships constructed on or after 1 January 2017.

5 The forecastle stores spaces on Liang Sheng, Royal Diamond 7 and Border Heather were not identified as a hazardous space although piping that could be connected to the ship's cargo system was located in these spaces on each of the three ships.

6 The relevant marine safety investigation reports include recommendations to the classification societies of Royal Diamond 7 and Border Heather to submit proposals to IACS to develop a unified requirement or unified interpretation to either designate any space containing piping that can be connected to the ship's cargo system as a hazardous space or to ensure that there is a gastight boundary between any piping that can be connected to the ship's cargo system and any space through which it passes. There is no record these recommendations were acted on.

7 III 6 recommends SSE 7 consider the need to develop an appropriate instrument that is retroactively applicable to ships constructed before 1 January 2017 addressing this safety issue and taking into consideration the information provided in paragraphs 1-6.

ANNEX 3

LESSONS LEARNED FROM MARINE CASUALTIES

1 EXPLOSION

Very serious marine casualty: Explosion in tank, causing fatality

What happened?

A 700 GT chemical tanker had discharged a cargo of base oil. En route to the next port, the vessel was performing tank cleaning operations. Prior to tank cleaning, there was no flushing of cargo tanks and pumps carried out by the crew.

Concurrently with the tank cleaning, the chief engineer performed a welding operation on the ventilation duct of one of the cargo tanks. The welding caused ignition of the cargo vapours in the ventilation duct, which caused an explosion in the cargo tank. Three crew members working in the vicinity suffered injuries, including the chief engineer. The chief engineer succumbed to his injuries as a result of the explosion.

Why did it happen?

Prior to the commencement of tank cleaning operations, the ship's crew did not flush the cargo tanks and pumps. During the tank cleaning operations, the base oil remaining in the cargo pumps likely sprayed onto the cargo tanks, became airborne in the ventilation duct and vaporized. This vapour subsequently ignited when welding was conducted on the duct, causing the explosion.

There was no procedure in the company's safety management system (SMS) to ensure that tanks were flushed to remove previous cargo contents prior to tank cleaning.

The hot work procedures as per the company's SMS were not complied with. The advice of the second engineer on the dangers of welding during tank cleaning operations was disregarded, due to the belief that the base oil was a high flash point cargo, that the area to be welded was small and that the job would be over quickly. None of the crew on board stopped the task, although it was deemed to be dangerous considering the tank cleaning operations.

What can we learn?

- Flushing of cargo tanks, etc., prior to tank cleaning should be part of the work procedure when cleaning tanks after unloading petroleum products.
- Crew members should be instructed to conduct gas-free operations after preparing ventilation lines through which cargo pumps will be ventilated.
- Hot work procedures must be properly followed to ensure the safety of the ship and its crew.
- No task should be allowed to continue if risk assessments have not been properly conducted with a view to minimizing the risk.

- When a crew member becomes cognizant of an unsafe condition, act, error or omission or a lack of understanding that could result in an undesired result, the crew member must take measures to stop work together with the master and safety officer, if time is available, or independently if time is unavailable.

Who may benefit?

Seafarers, shipowners and operators.

2 COLLISION

Very serious marine casualty: Collision resulting in fire, sinking and multiple fatalities

What happened?

An 85,000 GT oil tanker and a 40,000 GT bulk carrier were involved in a collision during the dark hours of the evening. The oil tanker was carrying 100,000 MT of condensate.

The oil tanker was on a northerly course while the bulk carrier was on its starboard bow proceeding on a south-westerly course. Prior to the collision, each vessel was aware of the presence of the other.

The bow of the bulk carrier collided with the starboard hull of No.2 and No.3 ballast tanks of the oil tanker, breaching the cargo tanks. The collision resulted in the cargo of condensate catching fire, which then led to explosions on board and subsequently resulted in the sinking of the oil tanker and the loss of all of its 32 crew. The bulk carrier suffered extensive damage to the bow as well as to the accommodation and structure as the result of being stuck to the burning oil tanker before it separated.

Both vessels were being navigated under the charge of their respective third officers assisted by an able seafarer (deck) as the lookout. The third officer of the bulk carrier had just taken over the watch from the chief officer prior to the collision. The officer of the oil tanker seems to have influenced the lookout's knowledge with his own erroneous perception of the situation.

Why did it happen?

The oil tanker's watchkeeping officer perceived the bulk carrier as a small vessel and appears to have believed that smaller vessels were to give way to big vessels like the oil tanker. The officer did not take action when the lookout advised him to do so.

The bulk carrier's watchkeeping personnel had not noticed the oil tanker's presence up until the time of collision, nor the flashing signals given by the oil tanker, and they relied on AIS as the sole means of collision avoidance. There were inadequacies in the bridge watch handover procedures on the bulk carrier.

Neither vessel complied with the requirements of rule 5 of COLREGs to maintain a proper lookout by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions and did not make a full appraisal of the situation and of the risk of collision. Both vessels failed to comply with the requirements of rule 7 of COLREGs to use all available means appropriate to the prevailing circumstances and conditions to determine if risk of collision existed.

Alteration of bulk carrier's course to starboard, which started 15 minutes prior to the collision, developed the situation into a collision, which would have otherwise been clear.

There was also non-compliance with other COLREGs, i.e. rule 16 (Action by give-way vessel – by the oil tanker), and rule 17 (Action by stand-on vessel) when the two vessels were in a crossing situation.

What can we learn?

- All vessels must use all available means to assess risk of collision and take appropriate collision avoidance actions as required by COLREGs.
- AIS alone should not be used for assessing risk of collision. Proper use of radar equipment for systematic observation is important to avoid decision-making based on assumptions and scanty information.
- Safety of navigation should be the primary responsibility of watchkeeping officers to ensure the safety of vessels under their charge while taking into account surrounding traffic conditions.
- Companies should encourage a lower authority gradient to allow crew to speak up and raise concerns when information or advice is disregarded by higher-ranking officers.

Who may benefit?

Seafarers, shipowners and operators.

3 FIRE

Very serious marine casualty: Fire in a cargo hold and total loss

What happened?

As the 2,000 GT cargo ship, with a master and 10 other crew members aboard, was waiting to begin loading of waste metal and other miscellaneous scrap at a berth, a fire broke out in the aft cargo hold.

The vessel foundered during fire-fighting operations and became a total loss. An oil spill occurred, but there were no fatalities or injuries.

Why did it happen?

A fire that broke out in the scrap loaded aft cargo hold spread because fire-fighting by water-spraying was ineffective and appropriate fire-fighting methods using the vessel's fixed carbon dioxide fire-extinguishing system were not employed, as the master did not think of using such system. The crew did not have sufficient experience in fire drills for a fire in the vessel's cargo holds and information was not shared between the vessel and the shipowner regarding effective fire-fighting methods.

The sprayed water was obscured by the scrap's surface layer and did not reach the fire's origin.

It is fairly likely that a spark created by contact between metal objects, a battery or similar was the cause of the fire, which ignited combustible material.

What can we learn

- Masters should build a thorough system for appropriate and efficient fire fighting in case of fire by considering and determining appropriate fire-fighting methods in accordance with the cargo's characteristics prior to any incident by consulting with the stevedoring company.
- Masters should pay full attention to the following points regarding fire-fighting methods for fires within piled scrap:
 - Fire fighting by water-spraying may not be effective because the sprayed water can be obscured by the scrap surface layer and not reach the fire's origin.
 - Insulation material and other combustible items with low specific gravity may float in a burning state even when the water level in the cargo holds rises from continuous water-spraying and continue to burn on the water's surface.
 - Fire fighting using fixed carbon dioxide fire-extinguishing system is effective for fires involving scrap metal.
 - When a vessel has multiple cargo holds, measures such as immediately closing and sealing the hatch covers of cargo holds other than the cargo hold with the fire shall be taken to prevent a fire's spread.
- Masters should provide reliable information on fire-fighting equipment aboard their vessel to the fire-fighting organization.
- Shipowners should provide thorough instruction to masters of their vessels to unflinchingly execute the measures described above and should also implement training in accordance with the measures.
- Shipowners should fully understand cargo characteristics and communicate information on those characteristics to vessels scheduled for cargo-handling in order for the crew to take necessary measures prior to loading. Shipowners should also build a thorough system for appropriate and efficient fire-fighting on board vessels by checking the fire-fighting equipment on those vessels and comprehending the appropriate fire-fighting methods.
- Fire-fighting organizations should study more effective fire-fighting by taking into account the specific nature of fires on scrap-carrying vessels.
- Masters and shipowners should implement measures as soon as possible to control oil, such as closing air vents and setting up oil fences, whenever the danger of an oil spill from a vessel arises.
- Whenever there is a danger of an oil spill from a vessel in a port, the port management body should consider the measures to control the oil taken by the master and owner of the vessel and, as necessary, implement measures to control the oil, such as setting up an oil fence, as soon as possible.

Who may benefit?

Seafarers, shipowners, fire-fighting organizations, port managers.

4 GROUNDING

Very serious marine casualty: Grounding and total loss

What happened?

While moored at a berth, the 1,800 GT cargo ship was subjected to wind and waves occurring with the approach of a typhoon. Its mooring ropes broke and it drifted within the port. It subsequently attempted to move out of the port using its engine; however, ship manoeuvring became difficult and it ran aground on wave dissipating blocks of the breakwater on the opposite bank of the berth.

The ship's engine-room and other areas flooded and the ship became a total loss. However, there were no fatalities or injuries among its crew.

Why did it happen?

The vessel drifted within the port because its mooring ropes broke and, although it attempted to head out of the port using its engine, it was subsequently subjected to wind and waves, ship manoeuvring became difficult, and it drifted and ran aground on wave dissipating blocks.

It was subjected to wind and waves that expedited the hull's motion, as it was using mooring ropes with reduced strength due to fatigue degradation and age degradation, and consequently the load applied to the mooring ropes exceeded their strength.

Although more mooring ropes were added, the master's use of multiple mooring ropes of different diameters together and mooring of the ship with ropes made slack contributed to the breaking of the mooring ropes.

What can we learn

- For the use of mooring ropes, masters should conduct appropriate maintenance inspections, should not use ropes that have lost strength from degradation, and should not use ropes of different diameters together.
- Regarding the berth mooring method in heavy weather, masters should appropriately add mooring ropes so that load is distributed evenly.
- When heavy weather attributable to a typhoon or other phenomenon is predicted, masters should:
 - strive to accurately ascertain and predict weather and sea conditions;
 - accurately ascertain port characteristics; and
 - quickly execute necessary heavy-weather countermeasures, including considering evacuation.

- Masters should be wary of becoming overconfident in their own abilities and experience and of easily adopting an optimistic view based on assumptions resulting from habit, even in ports where they have extensive experience entering and leaving.
- Management companies should fully provide notification concerning the points mentioned above to masters and crew members on the ships they manage, using examples of past accidents that have occurred in the port for illustration.
- Management companies should provide further professional training that addresses the use of inappropriate mooring methods – namely, mooring with slack mooring ropes – and have their masters and crew members act accordingly.

Who may benefit?

Seafarers, ship managers.

5 FLOODING AND FOUNDERING

Very serious marine casualty: Engine-room flooding and foundering

What happened?

A 1,200 GT general cargo ship, which was carrying iron slag on a cabotage voyage in good weather conditions, raised a Mayday call through VHF Channel 16, stating that its engine-room was flooding and that the ship was gradually sinking. The master then ordered his crew to launch the rescue boat to abandon the sinking ship. A containership navigating in the vicinity responded to the Mayday call and successfully rescued all 10 crew members from the rescue boat. The 10 crew members were later transferred to a coastguard boat.

As a result of the flooding, the general cargo ship sank and was declared a total loss.

There was no oil pollution, crew injury or death arising from the incident.

Why did it happen?

The 1984-built general cargo ship had carried out periodic maintenance and repair of the sea water pipelines (pipe, valve, seal, gasket) in the engine-room during dry-docking.

Hull areas below the waterline were also blasted and painted, and 42 anodes were renewed.

The result of the underwater plate thickness measurement had showed no appreciable diminution in the thickness of the steel plate; hence, no bottom plate steel renewal was made.

However, considering the age of the vessel, it was postulated that corrosion, decay and failure in the sea water pipelines may have been contributory to the flooding.

The chief engineer had noted during his shift that the bilge alarm in the engine-room had been activated when it reached the set level, and he had pumped out the bilges. He had also given instructions to the duty engineer to check the bilge level at the beginning of each shift.

The duty engineer was working in the engine-room workshop when he received the bilge water alarm. He acknowledged the alarm, but he did not immediately investigate the source of the bilge water alarm. Later, when realizing that the bilge alarm light had kept blinking, he went down to check the engine-room bilges, joined by the chief engineer.

They were however not able to identify the source of the flooding, as the water level had risen above the engine floor plate. At this level, it was also impossible to start the bilge pump. To prevent damage, the chief engineer stopped the main engine, went up to the bridge and apprised the master of the situation in the engine-room.

The master subsequently raised a Mayday call through VHF Channel 16 and ordered his crew to launch the six-person capacity rescue boat for abandoning the ship. The general alarm was not rung, and he also did not give instructions to his crew to close all water-tight compartments before abandoning the ship.

The rescue boat was launched, and all 10 crew were mustered and they boarded the six-person capacity rescue boat. One crew member abandoned the ship without wearing his lifejacket.

What can we learn?

- Pay particular attention to mechanical, structural or material failure due to the ship's age. Particular attention should be given to the seawater pipelines in older ships due to the higher probability of developing corrosion, decay and failure, which could contribute to flooding.
- Keep effective engine-room watch and control. The duty engineer should not be distracted from performing his or her main engine watchkeeping duty. When he first received the alarm, the duty engineer was in the engine-room workshop. Immediate and prompt action at the first instance in identifying the source of the flooding would have provided sufficient time for mitigation actions to be taken.
- The importance of conducting regular and periodic training and drills. Had regular and periodic training and drills been done on board, the master would have rung the general alarm and would have given instruction to close the watertight compartments. The master would also have ordered the launching of the 16-person life raft instead of the six-person rescue boat for the 10 crew members to abandon ship. The crew too would have been drilled to close the watertight compartments, and to assemble at the muster point with their lifejackets appropriately worn. Ringing the general alarm would also have made the crew more aware of the situation and the closing of the watertight compartments would have slowed down the rate of sinking.



Who may benefit?

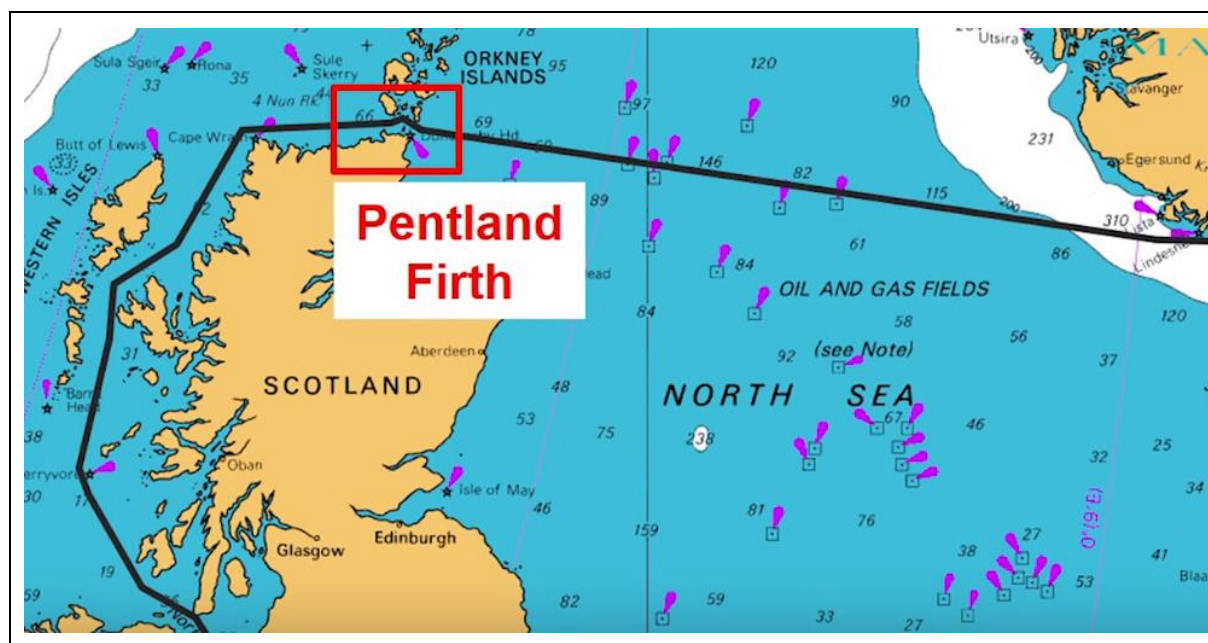
Seafarers, shipowners and operators, flag Administrators.

6 CAPSIZE AND SINKING

Very serious marine casualty: Capsize and sinking with loss of lives

What happened?

A cement carrier, loaded with about 2,100 tonnes of cement in bulk, departed with the intention to take the ship north around Scotland through the Pentland Firth.



As the ship crossed the North Sea, the weather deteriorated significantly, reducing the ship's speed and delaying its anticipated time of arrival.

Once inside the Pentland Firth, a crossing ferry sighted the cement carrier upright, making slow headway and pitching heavily into the large waves.

The fully laden cement carrier capsized in extremely violent sea conditions while transiting the Pentland Firth. The rapid nature of the capsizing had denied the crew any opportunity to raise a distress call or to abandon the ship in a controlled manner.

Twenty-five hours later, a roll-on roll-off passenger ferry sighted its upturned hull and raised the alarm.

An extensive search followed but regrettably none of the eight crew was found, presumably all had perished.

Why did it happen?

- Although there is insufficient evidence to determine the cement carrier's exact stability condition at the time of the capsizing, there were shortcomings in its stability management. The ship was found to have been loaded improperly, not in accordance with procedures for loading cement cargoes, potentially increasing its vulnerability to capsize.
- The investigation found that the ship capsized when it encountered violent storm conditions created by a strong tidal stream and opposing gale force winds. This combination of factors created treacherous sea conditions that were impassable for small vessels. The ship had slowed down to reduce the effect of pitching and pounding in the heavy seas, but this had led to the loss of steering control and probable capsizing to port.
- The capsizing itself was likely exacerbated by a shift in the cement cargo when the ship heeled beyond 30°.
- Such extremely violent storm conditions were predictable and are commonly experienced. The onboard decision to enter the Pentland Firth was a result of insufficient passage planning and underestimation of the sea conditions.
- The master's decision to transit the Pentland Firth at that time was probably influenced by actual or perceived commercial pressures and his personal determination to succeed.
- The cement carrier was put to sea with significant shipboard safety deficiencies relating to its rescue boat launching arrangements and bilge pumping system in the void spaces beneath the cement cargo holds.
- The rapid nature of the capsizing denied the crew the opportunity to broadcast a distress message or the chance of a controlled abandonment. The emergency position-indicating radio beacon (EPIRB) was probably released from its housing but then became trapped in the upturned hull and therefore did not float free to the surface or transmit.

What can we learn?

- Six hours on/six hours off watchkeeping routine in short coastal trading cargo vessels can generate high levels of fatigue. Additional problems will almost certainly increase the hours of work and disrupt normal working routines. Deteriorating sea conditions will adversely affect the quality of sleep. Thus, there was a significant risk of crew suffering the effects of fatigue, affecting the outcome of decisions.

- Six of the eight crew members were serving on board the ship on their first contract. As a result, the crew had limited collective experience, and this would have increased the master's operational burden and reduced the level of support available to him, and made it more difficult for the crew on their first contract to challenge the master's decisions regarding the operational conduct of the vessel.
- The investigation has identified that industry and commercial pressures at all levels of management and oversight of this ship had an impact on the ship's operations. These factors would inevitably have had an effect on the master's decision-making and on his willingness to accept higher levels of risk to achieve his goals.
- Owners and masters have the pivotal role of embedding and promoting a strong safety culture among their crews. If they do not take a positive approach to safety management, then it is likely their crew will adopt similar attitudes, and a poor safety culture will result. Learning lessons from less serious marine incidents or near misses can significantly improve safety awareness and help promote safety culture.
- Passage planning requires that all hazards be taken into account and avoided; the extraordinarily violent and fatal sea conditions were predictable, well-documented in nautical publications and could have been avoided.

Who may benefit?

Seafarers, shipowners and operators, flag Administrators.

7 Fire

Very serious casualty: Engine-room fire resulting in one fatality

What happened?

A suction dredger was dredging for a cargo of sand approximately 12 miles off the coast when a fire occurred in the engine-room. The watchkeeping engineer, who was the sole occupant in the engine-room, was using an angle grinder to attempt to repair a leak in a low-pressure fuel return line on the main engine fuel system while the engine was running. The fire started when high-energy sparks from the angle grinder ignited the atomized fuel from the leak and the diesel-soaked overalls he was wearing.

The engineer managed to escape the engine-room and was evacuated by helicopter to a hospital, where he later died because of serious burn injuries.

The intensity of heat and smoke prevented the crew from making a direct attack on the fire, so they activated the fixed CO₂ fire-fighting system in the engine-room and provided boundary cooling, which was successful in extinguishing the fire.

Why did it happen?

- The brackets securing the low-pressure fuel lines had loosened in service due to corrosion and vibration, allowing fretting to occur and a hole to develop in a fuel line.

- The flag regulator had not promulgated the IMO circular which recommends six-monthly inspections of low-pressure fuel lines. The operator's planned maintenance system did not require inspection of low-pressure fuel lines, nor had the generally poor condition of the low-pressure fuel system been detected through the classification society surveys.
- The use of an angle grinder was not included in the operator's list of hot work activity, and consequently a work permit was not routinely issued for any time a portable grinder was used.
- The presence of atomized fuel coupled with the wicking effect of the engineer's diesel-saturated coveralls resulted in an extremely flammable garment susceptible to ignition by sparks from the angle grinder.
- Although the severity of the engineer's injuries was such that any action taken by the crew was unlikely to have saved his life, the crew's actions were not consistent with best medical advice.

What can we learn?

- It is important that surveyors, ship operators and ships' crew routinely inspect low-pressure fuel systems in accordance with IMO guidance to ensure that the systems remain fit for purpose at all times.
- The high-energy sparks generated by abrasive wheels during grinding and cutting operations (including portable angle grinders) contain sufficient energy to ignite flammable substances, and this should therefore be recognized and treated as hot work activities.
- Working alone in hazardous workspaces should ideally be avoided, but at least be managed by an effective communication system that ensures the safety of the worker.
- Coveralls worn in engine-rooms or any area where there is a risk of fire should be made from fabric of low flammability, but regardless of the fabric used, this does not provide assurance against ignition and flame-spread, particularly when contaminated by flammable substances.
- It is important that injured persons be treated by persons trained to the appropriate medical standards and that the best medical advice is followed.
- At the same time as managing the risk of hypothermia, it is important that cooling of extensive burns be undertaken without delay, particularly within the first 30 minutes.
- Any response to a fire or other emergency must be fully coordinated in accordance with good industry practice and shipboard procedures.
- Once a fixed CO₂ fire-extinguishing system has been activated, the room in which the plant is located should not be entered without first checking that the atmosphere inside the room is safe.

Who may benefit?

Seafarers, shipping owners and operators, surveyors, flag Administrations.

8 Fall overboard

Very serious casualty: Crew member dies when falling overboard onto bunker barge

What happened?

A containership was exchanging containers in a sheltered port. A bunker barge was moored alongside the ship transferring about 700 metric tonnes of fuel oil on board the ship via a six-inch-diameter bunker hose. The bunker hose had been lifted on board using the ship's stores crane and connected to the ship's bunker manifold. The weather was fine with light winds. The ship was stable at the berth and the deck in the area of the bunker manifold was dry and free from contaminants.

The bunker hose passed through a section of the ship's rail where the top bar of the rail could be removed, allowing the bunker hose to rest on a round bar to prevent chaffing and kinking. During bunkering, the hose was further supported from above by a strop connected to the ship's stores crane.

Once bunkering was complete, an engine-room wiper and a fitter were tasked with disconnecting the bunker hose from the bunker manifold. The wiper and the fitter together removed seven of the eight bolts securing the bunker hose flange to the ship's manifold. The fitter then grabbed the bunker hose under his right arm while the wiper removed the last bolt. As soon as the flange disengaged from the last bolt, the hose swung outboard pulling the fitter towards the ship's rail, whereupon he lost his balance and toppled through the opening where the bunker hose had passed through the rail. The fitter fell several meters to the deck of the bunker barge below and was fatally injured.

Why did it happen?

The head of the ship's stores crane, from which the bunker hose was suspended, was positioned out towards the ship's rail instead of directly above the bunker manifold, which resulted in the bunker hose swinging out towards the ship's rail once it had been disconnected.

What can we learn?

- It is important when working with suspended loads to remain vigilant to the factors that will cause the load to shift.
- A safety line is an effective way of controlling suspended loads that may be liable to shifting unexpectedly.

Who may benefit?

Seafarers.

9 Foundering

Very serious marine casualty: Foundering due to hull-to hull interaction

What happened?

An 11 m work boat was acting as the lines boat assisting the berthing of a 68 m, 1,000 GT motor tanker. With the ship underway, the work boat was manoeuvred close in to the ship's bow in order to retrieve a mooring line. In this position, the hull-to-hull interaction forces caused the work boat to turn across in front of the ship's bow. The resulting collision capsized the work boat. Both occupants made it safely clear and suffered only minor injuries.

Why did it happen?

The work boat was manoeuvred in very close to the moving ship to aid the retrieval of the mooring line. In this position, close to the ship's hull, the coxswain of the work boat underestimated the interaction forces acting between the two vessels.

What can we learn?

- Interaction forces between two moving vessels can be sufficiently large to seriously affect the manoeuvrability of either or both vessels. This is particularly important for small vessels when manoeuvring close to a larger vessel, as the forces can quickly cause a dangerous situation to arise.
- Masters and coxswains of all vessels, including port service vessels and work boats, should be fully aware of and trained in the dangers associated with hull-to-hull interaction.

Who may benefit?

All vessel crew members including port service providers.

10 Fatality

Very serious marine casualty: Crew member falling overboard onto wharf below

What happened?

On a 123 m long, 5,300 GT chemical/oil tanker, an able seaman was fatally injured while throwing rubbish from the ship's second deck into a rubbish container on the wharf 8 m below. The able seaman was in the area reserved for life-raft stowage and launching, protected only by two chains strung across the opening in the handrails. He lost his balance, and as the chains were insufficient to restrain him, he fell over the side onto the wharf below.

Why did it happen?

The risks associated with the task had not been sufficiently well assessed and preventative measures to guard against a fall from height were not implemented.

The chains in place protecting a gap in the handrails were insufficient to provide protection if leant or fallen against. The gap was more than 2 metres longer than it should have been. This had escaped notice since the ship was built.

What can we learn?

- All shipboard activities should be considered from a risk management perspective.
- All work near the ship's side needs to be assessed in regard to the dangers of falling from height. This accident highlights how flexible barriers such as chains may be insufficient to prevent or arrest a fall.
- The risks involved in seemingly routine tasks can be perceived to be lower when the tasks are undertaken with a degree of autonomy, freedom of choice and are thought to be within one's own control. A positive illusion of control is established where the risk is underestimated and a person is therefore more willing to accept the risk and exposure to hazards.

Who may benefit?

All seafarers, shipowners and operators, surveyors.

11 Fall from height

Very serious marine casualty

What happened?

These lessons learned are based on the analysis of the findings made from six cases of serious accidents as a result of a fall from height. Working at height is a high-risk activity that must be properly managed. A formal risk assessment and suitable personal protection equipment must be used to ensure the hazards are mitigated for the entire duration that the crew member is working at height.

Why did it happen?

Of the six cases that were examined, five cases occurred on dry bulk carriers and one on a dry cargo vessel. Four cases occurred whilst cleaning a cargo hold, one occurred whilst work was done with a wire rope on a crane grab and one was a fall down a crane trunk. In one case, a permit to work aloft was issued, in one case it was not, and in another there was no risk assessment made.

In three cases, the report concluded that the crew member was cleaning the cargo hold at the time of the accident. In all three cases, the crew member either slipped or lost their balance and fell after releasing the safety harness or safety line as they transferred from one point to another. There is also evidence that in all three cases the crew member's perception of risk was low and they felt in control when they released their safety harness or safety lines at relatively low height. Heights ranged from 4 metres down to as low as 1 metre. In all three cases, the crew were using portable ladders and in two of the three cases they were transferring from one ladder to another when they released their safety harness.

What can we learn?

- The use of portable ladders when working at height should where possible be avoided and other means of access be considered.

- There is a risk that crew members working at relatively low height can perceive the risk to be acceptable.
- Safety harnesses and safety lines should be released only after crew members are safely on the ground.
- Two lanyard harness is an effective tool to mitigate the risk of a fall from height if there is a need to unclip a safety harness when moving from one point to another.

Who may benefit?

Seafarers, shipowners and operators

12 Collision with fishing vessels

Very serious casualties: Collision between merchant ships and fishing vessels resulting in foundering and fatalities

What happened?

In six cases between 2010 and 2016 collisions occurred between merchant ships and fishing vessels, following which the fishing vessel subsequently foundered, resulting in multiple fatalities. One common theme in these cases is that the officer of the watch, although suspecting that a collision might have occurred, did not positively establish that a collision had taken place and continued the voyage.

Why did it happen?

In two cases, the officer of the watch of the merchant ship did not identify they were on a collision course with the fishing vessel, while in the other four cases vessels were identified visually, by radar or using AIS, but sufficient action was not taken to avoid a collision. Bad weather and darkness were contributing factors in half of the cases. Inadequate use of electronic navigation aids was also evident in some cases.

What can we learn?

- It is vital officers of the watch maintain a proper lookout using all available means to identify other vessels and determine if they may be on a collision course. Officers must be familiar with their bridge equipment and employ sensible CPA limits.
- Where a vessel is detected, sufficient early action should be taken when the vessel is the give-way vessel. If determined to be the stand-on vessel, officers of the watch must remain ready to take avoiding action to prevent a collision as required under COLREGs. If in doubt, never hesitate to call the master.
- If an officer of the watch suspects a collision may have occurred, every effort must be made to establish all vessels are safe and render any assistance that may be required.

Who may benefit?

Seafarers and ship operators.

ANNEX 5

JUSTIFICATION FOR A NEW OUTPUT ON "NEW ENTRANT TRAINING MANUAL FOR PSC PERSONNEL"

Introduction and background

1 This document is submitted in accordance with paragraph 4.10 of the annex to MSC.MEPC.1/Circ.5/Rev.1 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* on the submission of proposals for new outputs, taking into account resolution A.1111(30) on *Application of the Strategic Plan of the Organization* and proposes a new output for the development of a new training manual for port State control (PSC) personnel.

IMO's objectives

2 This proposal is within the scope of IMO's mission to promote safe, secure, environmentally sound, efficient and sustainable shipping through cooperation. The development of a training manual will facilitate harmonized training for the new entrant PSC officers (PSCOs) in the different PSC regimes. This new output is not directly related to a strategic direction, however it falls under an existing work programme that has been accepted as "Other work" with the following description: "*On measures to harmonize port State control (PSC) activities and procedures worldwide*".

3 The proposal is in line with IMO's mission statement for the period 2018-2023 and within the scope of the implementation of the strategic directions established in the Strategic Plan, if applicable; if output is not directly related to the strategic directions, then it is recommended that it be accepted as "Other work".

Need

4 In order to achieve a globally harmonized and efficient port State control system, there is a need to develop a training manual, for voluntary use, that will assist the new entrant PSCOs with receiving the appropriate training and with improving their competence when conducting PSC inspections.

5 So far each PSC regime has been developing its own training standards for PSCOs. Therefore, there is no cooperation in the development of training schemes for new entrant PSCOs. The development of this manual at IMO will allow Member States to cooperate in developing and promoting a harmonized training scheme that will aim to develop the competencies of PSCOs.

Analysis of the issue

6 The development of a harmonized system of PSC inspections needs to start from the training that will be provided to the future PSCOs. In this respect a training manual will consolidate the following:

- .1 distance learning programmes;
- .2 seminars and training courses;
- .3 expert training;
- .4 exchange programmes; and
- .5 number and types of ships inspected.

Analysis of implications

7 This provides an analysis of the implications of the proposal, addressing the cost to the maritime industry as well as the relevant legislative and administrative burdens (including the proposed method(s) of fulfilling any resulting administrative requirement).

8 There would be no cost to the maritime industry or administrative requirements arising from this output. The checklist for identifying administrative requirements, as set out in the annex 1, has been completed.

Benefits

9 This provides evidence that the benefits vis-à-vis enhanced maritime safety, maritime security and protection of the marine environment expected to be derived from the inclusion of the new item justify the proposed action.

10 The development of a new training manual is intended to:

- .1 highlight the training requirements for new entrant PSCOs;
- .2 establish the preparatory training material upon which new entrant PSCOs will be assessed;
- .3 establish a harmonized training scheme;
- .4 improve the quality and harmonization of inspections worldwide; and
- .5 improve the unified implementation of IMO mandatory instruments.

11 The new training manual may also be used to train flag State surveyors, at the discretion of the flag State Administration.

Industry standards

12 There are no related industry standards on PSC inspection training.

Output

13 The intended output is specifically aimed at improving the training of new entrant PSCOs and global harmonization of the PSC inspection procedure.

Human element

14 The completed checklist for considering human element issues by IMO bodies (MSC-MEPC.7/Circ.1) is set out in annex 2.

Urgency

15 The proposed item is in line with the current IMO Strategic Plan. There is urgency in addressing the issue of developing a PSC training manual.

16 The work on the output should be completed in two sessions.

Action required

17 The Committee is invited to include a new output on this work programme for the development of a training manual for new entrant PSCOs.

ANNEX 1

CHECKLIST FOR IDENTIFYING ADMINISTRATIVE REQUIREMENTS

<p>This checklist should be used when preparing the analysis of implications required in 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.</p> <p>Instructions:</p> <p>(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.</p> <p>(B) If the proposal for the output does not contain such an activity, answer NR (Not required).</p> <p>(C) For any administrative requirement, full consideration should be given to electronic means of fulfilling the requirement in order to alleviate administrative burdens.</p>		
<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 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 2

**CHECKLIST FOR CONSIDERATION OF HUMAN
ELEMENT ISSUES BY IMO BODIES**

Instructions: If the answer to a question below is:	
(A) YES , the preparing body should provide supporting details and/or recommendation for further work.	
(B) NO , the preparing body should give proper justification as to why human element issues were not considered.	
(C) NA (Not Applicable) – the preparing body should give proper justification as to why human element issues were not considered applicable.	
Subject being assessed: (e.g. resolution, instrument, circular being considered)	
Responsible body: (e.g. committee, sub-committee, working group, correspondence group, Member State)	
1. Was the human element considered during development or amendment process related to this subject?	Yes No NA
2. Has input from seafarers or their proxies been solicited?	Yes No NA
3. Are the solutions proposed for the subject in agreement with existing instruments? (Identify instruments considered in comments section)	Yes No NA
4. Have human element solutions been implemented as an alternative and/or in conjunction with technical solutions?	Yes No NA
5. Has human element guidance on the application and/or implementation of the proposed solution been provided for the following:	
• Administrations?	Yes No NA
• Shipowners/managers?	Yes No NA
• Seafarers?	Yes No NA
• Surveyors?	Yes No NA
6. At some point, before final adoption, was the solution reviewed or considered by a relevant IMO body with relevant human element expertise?	Yes No NA
7. Does the solution address safeguards to avoid single person errors?	Yes No NA
8. Does the solution address safeguards to avoid organizational errors?	Yes No NA
9. If the proposal is to be directed at seafarers, is the information in a form that can be presented to and easily understood by the seafarer?	Yes No NA
10. Were human element experts consulted during development of the solution?	Yes No NA
11. HUMAN ELEMENT: Has the proposal been assessed against the factors below?	
CREWING. The number of qualified personnel required and available to safely operate, maintain, support and provide training for system.	Yes No NA
PERSONNEL. The necessary knowledge, skills, abilities and experience levels that are needed to properly perform job tasks.	Yes No NA
TRAINING. The process and tools by which personnel acquire or improve the necessary knowledge, skills and abilities to achieve desired job/task performance.	Yes No NA
OCCUPATIONAL HEALTH AND SAFETY. The management systems, programmes, procedures, policies, training, documentation, equipment, etc. to properly manage risks.	Yes No NA

WORKING ENVIRONMENT. Conditions that have an impact on the safety, health and comfort of those working on board, such as noise, vibration, lighting, climate and other factors that affect crew endurance, fatigue, alertness and morale.	NA
HUMAN SURVIVABILITY. System features that reduce the risk of illness, injury or death in a catastrophic event such as fire, explosion, spill, collision, flooding or intentional attack. The assessment should consider desired human	NA
HUMAN FACTORS ENGINEERING. Human/system interface to be consistent with the physical, cognitive and sensory abilities of the user population.	NA
Comments: (1) Justification if answers are NO or Not Applicable. (2) Recommendations for additional human element assessment needed. (3) Key risk management strategies employed. (4) Other comments. (5) Supporting documentation.	

ANNEX 7

JUSTIFICATION FOR A NEW OUTPUT ON DEVELOPMENT OF GUIDANCE IN RELATION TO THE IMO MEMBER STATE AUDIT SCHEME (IMSAS) TO ASSIST IN THE IMPLEMENTATION OF THE III CODE BY MEMBER STATES

Introduction

1 This proposal is submitted in accordance with paragraphs 4.6 and 4.10 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.1) and annex 3 of resolution A.1111(30) dated 8 December 2017.

2 It is proposed to add a new output on "Development of guidance in relation to IMSAS to assist in the implementation of the III Code by Member States".

Background

3 Reference is made to documents III 6/7/1 and III 6/7/2 (China), which examined the need for the development of guidance documents to assist in the implementation of the *IMO Instruments Implementation (III) Code* (resolution A.1070(28)) by Member States. Additionally, reference is also made to document III 6/INF.9 (Canada et al.), which contained a draft Member State manual for the IMO Member State Audit Scheme, aiming to assist Member States in the implementation of the III Code, as well as the effective preparation for the conduct of and reporting from audits under the Scheme.

4 Following the discussion during III 6, the Sub-Committee decided to develop a justification for a new output, with a view to developing additional guidance in relation to IMSAS to assist in the implementation of the III Code by Member States for submission to MEPC 75 and MSC 102, in accordance with MSC-MEPC.1/Circ.5/Rev.1. The Sub-Committee agreed that the proposed guidance should be of a non-mandatory nature and developed in a non-prescriptive manner to allow for necessary flexibility in its use by Member States.

IMO objectives

5 The proposal falls under the scope of the IMO 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.

6 Furthermore, the proposed new output is related to strategic direction 1: Improve implementation, and to an existing work programme on the "Analysis of consolidated audit summary reports". SD 1 directs IMO to provide States and the industry with the information they need to better identify and understand barriers to implementation, and to consider ways to eliminate those barriers, including through analysis of the findings from the Member State Audit Scheme and/or data from other sources, as well as to promote the exchange of best practices among all stakeholders.

Need

7 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, including development of relevant policies through issuance of national legislation, interpretations and guidance, as well as through establishment of necessary resources and processes, is considered paramount.

8 Analysis of audit outcomes, using major areas of findings and observations identified through audits, as well as most frequent references under specific conventions (III 5/15, paragraphs 7.20 and 7.21), revealed the main areas lacking effectiveness in the implementation and enforcement of the relevant IMO instruments and the III Code.

9 Furthermore, the analysis of difficulties encountered by the audited States has also revealed a lack of awareness, understanding and interpretations of relevant mandatory requirements (III 5/15, paragraph 7.22).

10 The aforementioned analysis demonstrates the need for additional assistance to Member States, which includes the development of a more detailed descriptive document, which would include practical guidelines for the implementation of the III Code (III 5/15, paragraphs 7.23 and 7.24).

Analysis of the issue

11 It is considered that by developing the proposed guidance in relation to IMSAS to assist in the implementation of the III Code by Member States more detailed guidance for the application of the provisions of the III Code would be presented in a generic manner in order to be applicable in all circumstances.

12 Some guidance on the implementation of the provisions of the III Code are currently available in the Auditor's Manual (Circular Letter No.3425 and Corr.1); however, these are mostly related to interpretation of its provisions for the purpose of the audit process itself.

Analysis of implications

13 It is anticipated that this proposal does not incur any additional administrative requirements or burdens and there will be no additional cost to the maritime industry. The *Checklist for identifying administrative requirements* is included in appendix 1.

Benefits

14 It is expected that the proposed guidance document will assist in the effective and consistent implementation of the III Code by Member States, which in turn will facilitate implementation and enforcement of the requirements stemming from the mandatory IMO instruments included under the scope of the Scheme.

Industry standards

15 There are no related industry standards, nor are such standards envisaged to be developed.

Output

16 The proposed new title of the output is "Development of guidance in relation to IMSAS to assist in the implementation of the III Code by Member States".

17 The output will be:

- .1 Specific: complete development of the guidance within the procedures of the Committees.

- .2 Measurable: completed, approved and disseminated guidance under an appropriate vehicle (e.g. circular or circular letter).
- .3 Achievable: the III Sub-Committee has the expertise required and Member States should contribute.
- .4 Realistic: the issue has already been identified in previous III sessions and it is expected to complete the guidance within the biennium 2020-2021.
- .5 Time-bound: it is estimated that two sessions would be needed.

Human element

18 The completed *Checklist for considering human element issues by IMO bodies* (MSC-MEPC.7/Circ.1) is set out in appendix 2. In general, this proposal is not considered to have implications for the human element.

Urgency

19 The work on the output should be completed in a maximum of two sessions, with the Sub-Committee on the Implementation of IMO Instruments (III) as the associated organ. The item should be included in the biennial agenda for 2020-2021 and the provisional agendas for III 7 and 8.

Action required

20 The III Sub-Committee requests the Committees to consider the above justification for a new output on "Development of guidance in relation to IMSAS to assist in the implementation of the III Code by Member States" for inclusion in the biennial agenda for 2020-2021 and the provisional agendas for III 7 and 8.

APPENDIX 1

CHECKLIST FOR IDENTIFYING ADMINISTRATIVE REQUIREMENTS

<p>This checklist should be used when preparing the analysis of implications required in 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.</p> <p>Instructions:</p> <p>(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.</p> <p>(B) If the proposal for the output does not contain such an activity, answer NR (Not required).</p> <p>(C) For any administrative requirement, full consideration should be given to electronic means of fulfilling the requirement in order to alleviate administrative burdens.</p>		
<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 type="checkbox"/> Ongoing</p>
<p>Description of administrative requirement(s) and method of fulfilling it: (if the answer is yes)</p>		
<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>
<p>Description of administrative requirement(s) and method of fulfilling it: (if the answer is yes)</p>		
<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>
<p>Description of administrative requirement(s) and method of fulfilling it: (if the answer is yes)</p>		
<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>
<p>Description of administrative requirement(s) and method of fulfilling it: (if the answer is yes)</p>		
<p>5 Other identified requirements?</p>	NR	<p>Yes <input type="checkbox"/> Start-up <input type="checkbox"/> Ongoing</p>
<p>Description of administrative requirement(s) and method of fulfilling it: (if the answer is yes)</p>		

APPENDIX 2

CHECKLIST FOR CONSIDERATION OF HUMAN ELEMENT ISSUES BY IMO BODIES

Instructions:	
If the answer to a question below is:	
(A) YES , the preparing body should provide supporting details and/or recommendation for further work.	
(B) NO , the preparing body should give proper justification as to why human element issues were not considered.	
(C) NA (Not Applicable) – the preparing body should give proper justification as to why human element issues were not considered applicable.	
Subject being assessed: IMO Instruments Implementation (III) Code	
Responsible body: Sub-Committee on Implementation of IMO Instruments (III)	
1. Was the human element considered during development or amendment process related to this subject?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
2. Has input from seafarers or their proxies been solicited?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
3. Are the solutions proposed for the subject in agreement with existing instruments? (Identify instruments considered in comments section)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
4. Have human element solutions been implemented as an alternative and/or in conjunction with technical solutions?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
5. Has human element guidance on the application and/or implementation of the proposed solution been provided for the following:	
• Administrations?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
• Shipowners/managers?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
• Seafarers?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
• Surveyors?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
6. At some point, before final adoption, was the solution reviewed or considered by a relevant IMO body with relevant human element expertise?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
7. Does the solution address safeguards to avoid single person errors?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
8. Does the solution address safeguards to avoid organizational errors?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
9. If the proposal is to be directed at seafarers, is the information in a form that can be presented to and easily understood by the seafarer?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
10. Were human element experts consulted during development of the solution?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
11. HUMAN ELEMENT: Has the proposal been assessed against the factors below?	
<input type="checkbox"/> CREWING. The number of qualified personnel required and available to safely operate, maintain, support and provide training for system.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
<input type="checkbox"/> PERSONNEL. The necessary knowledge, skills, abilities and experience levels that are needed to properly perform job tasks.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
<input type="checkbox"/> TRAINING. The process and tools by which personnel acquire or improve the necessary knowledge, skills and abilities to achieve desired job/task performance.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
<input type="checkbox"/> OCCUPATIONAL HEALTH AND SAFETY. The management systems, programmes, procedures, policies, training, documentation, equipment, etc. to properly manage risks.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
<input type="checkbox"/> WORKING ENVIRONMENT. Conditions that have an impact on the safety, health and comfort of those working on board, such as noise, vibration, lighting, climate and other factors that affect crew endurance, fatigue, alertness and morale.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA

<input type="checkbox"/> HUMAN SURVIVABILITY. System features that reduce the risk of illness, injury or death in a catastrophic event such as fire, explosion, spill, collision, flooding or intentional attack. The assessment should consider desired human performance in emergency situations for detection, response, evacuation, survival and rescue and the interface with emergency procedures, systems, facilities and equipment.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
<input type="checkbox"/> HUMAN FACTORS ENGINEERING. Human/system interface to be consistent with the physical, cognitive and sensory abilities of the user population.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
Comments: The proposal is in agreement with the III Code (resolution A.1070(28)).	

ANNEX 8

DRAFT MSC-MEPC.5 CIRCULAR

MODEL AGREEMENT FOR THE AUTHORIZATION OF RECOGNIZED ORGANIZATIONS ACTING ON BEHALF OF THE ADMINISTRATION

1 The Marine Environment Protection Committee, at its [...] and the Maritime Safety Committee, at its [...], approved the *Model agreement for the authorization of recognized organizations acting on behalf of the Administration* prepared by the Sub-Committee on Implementation of IMO Instruments at its [sixth session (1 to 5 July 2019)], as set out in the annex, to assist Administrations when formalizing, in writing, a delegation of authority agreement for the purpose of having statutory certification and services rendered by a recognized organization (RO) on their behalf.

2 The *IMO Instruments Implementation Code* (III Code) (resolution A.1070(28)), in paragraph 18.2, and the *Code for Recognized Organizations* (RO Code) (resolutions MSC.349(92) and MEPC.237(65)), in paragraph 8.2.1 of part 2, prescribe that the Administration should establish the legal basis on which the authorization of statutory certification and services is administered and should regulate such authorization in accordance with the applicable requirements of the international mandatory instruments. The authorization should have, as its basis, a formal written agreement between the Administration and the RO which, as a minimum, includes the elements set out in appendix 3 of the RO Code, or equivalent legal arrangements, and which may be based on the Model Agreement as set out in this circular.

3 The Model Agreement covers the elements included in appendix 3 of the RO Code. The appendix to the Model Agreement is an integral part of the Model Agreement. The Administration should specify the scope and extent of the delegated duties and authorities in an appendix to its agreements with ROs based on the appendix of the Model Agreement.

4 It is recognized that the legal system of the individual Administration as well as additional national requirements may require adaptation of the wording provided in the annex to this circular.

5 The guidance provided by the Model Agreement together with its appendix is considered to meet the minimum standard for a formal written agreement as set forth in both the III Code and RO Code. This model agreement, at the discretion of the Administration, may be supplemented by additional matters and/or may be formulated in more detail.

6 Member Governments are invited to use the Model Agreement when concluding a formal agreement with organizations acting on their behalf.

7 This circular supersedes MSC/Circ.710 and MEPC/Circ.307.

ANNEX

MODEL AGREEMENT

**AGREEMENT GOVERNING THE DELEGATION OF STATUTORY
CERTIFICATION AND SERVICES FOR SHIPS REGISTERED IN [STATE]
BETWEEN [ADMINISTRATION] AND [RECOGNIZED ORGANIZATION]**

1 Application

This Agreement delegates authority and sets forth the conditions for cooperation between [State] (hereinafter referred to as "the Administration") and the recognized organization (hereinafter referred to as "the RO") with respect to the performance of statutory certification and services on behalf of the Administration, as outlined in the *Code for Recognized Organizations* (RO Code) (resolutions MSC.349(92) and MEPC.237(65)).

2 Purpose

2.1 The purpose of this Agreement is to delegate authority to the RO to perform statutory certification and services and to define the scope, terms, conditions and requirements of that delegation.

3 General conditions

3.1 Statutory certification and services comprise the assessment of [State] registered ships and/or ship management companies in order to determine the compliance of such ships/companies with the applicable requirements of the international conventions, codes and national legislation (hereinafter referred to as "applicable instruments") and the issuance of, or in support of the issuance of, relevant certificates and documents as set out in the appendix hereto.

3.2 In so far as the statutory certification and services covered by this Agreement are concerned, the RO agrees to cooperate with port State control authorities to facilitate the rectification of reported deficiencies or other discrepancies on behalf of the Administration when so requested, and report to the Administration.

3.3 Statutory services rendered and statutory certificates issued by the RO will be accepted as services rendered by or certificates issued by the Administration provided that the RO maintains compliance with the provisions of the RO Code and the national requirements.

4 The execution of functions under authorization

4.1 Functions in accordance with the general authorization:

- .1 the RO is hereby authorized to carry out statutory certification and services on behalf of the Administration with respect to ships, registered in [State], and/or companies responsible for operating such ships, to the extent specified in the appendix to this Agreement and to require repairs to ships in accordance with the applicable instruments;

- .2 surveys shall be carried out in accordance with applicable instruments and, where applicable, the *Survey Guidelines under the Harmonized System of Survey and Certification, 2019* (resolution A.[...](31), as may be amended); and
- .3 the RO and others acting on its behalf are authorized to take relevant control measures in accordance with their standard procedures or as explicitly advised otherwise by the Administration as is necessary to ensure that matters subject to surveys, audits and inspections correspond substantially with the particulars of the ship's certificates or the requirements of applicable instruments.

4.2 Functions in accordance with special (additional) authorization

Authorizations for services outside the scope of the appendix to this Agreement will be dealt with as mutually agreed on a case-by-case basis.

4.3 Relationship between the Organization's statutory and other related activities

The RO and its staff shall not engage in any activities that may conflict with their independence of judgement and integrity in relation to their statutory certification and services. The RO and its staff responsible for carrying out the statutory certification and services shall not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the item subject to the statutory certification and services, nor the authorized representative of any of these parties. The RO shall not be substantially dependent on a single commercial enterprise for its revenue.

5 Legal basis of the functions under authorization

5.1 Acts, regulations and supplementary provisions

This Agreement is made pursuant to the [legal authority] and in compliance with the RO Code and any supplementary provisions made by the Administration.

5.2 Interpretations

While interpretations of the applicable instruments, as well as the determination of equivalents or the acceptance of substitutes to the requirements of the applicable instruments are the prerogative of the Administration, the RO will cooperate in their establishment as necessary.

5.3 Deviations and equivalent solutions

Exemptions and deviations from, and equivalents to, the requirements of the applicable instruments are the prerogative of the Administration and must be approved by the Administration prior to issuance.

In instances where, temporarily, the requirements of an applicable instrument cannot be met under particular circumstances, the RO will specify such measures or supplementary equipment as may be available to permit the ship to proceed to a suitable port where permanent repairs or rectifications can be effected or replacement equipment fitted.

6 Reporting to the Administration

6.1 Procedures for reporting in the case of general authorization

The RO shall establish relevant procedures for reporting to the Administration in the case of general authorization, in accordance with the requirements of the RO Code and the additional requirements of the Administration.

6.2 Procedures for reporting in the case of special authorization.

The RO shall establish relevant procedures for reporting to the Administration in the case of special authorization, in accordance with the requirements of the RO Code and the additional requirements of the Administration accompanying each special authorization.

6.3 Reporting on classification of ships (assignment of class, changes and withdrawals, as applicable).

6.4 Reporting of cases where a ship did not in all respects remain fit to proceed to sea without danger to the ship or persons on board, or presenting unreasonable threat of harm to the environment.

6.5 Other reporting:

- .1 whenever a request for classification of a ship to which statutory requirements apply, that will be or has been registered in [the register] is received, the RO shall immediately inform the Administration;
- .2 the RO shall notify the Administration immediately upon becoming aware of a situation involving a major deficiency or serious safety-related issue that would normally be considered sufficient to detain a ship from proceeding to sea pending correction;
- .3 the RO shall notify the Administration immediately upon becoming aware of a situation aboard a ship or within a company responsible for operating such ships involving a major non-conformity, as defined in the revised *Guidelines on the implementation of the International Safety Management (ISM) Code by Administrations* (resolution A.1118(30), as may be amended);
- .4 the above notifications shall contain the name of the company or ship, the IMO number, the official number, if applicable, and a description of the major non-conformity, deficiency or issue;
- .5 the RO shall inform the Administration, as soon as possible, of any dangerous occurrences, accidents, machinery or structural breakdowns, or failures that they are aware of on a ship;
- .6 the RO shall report to the Administration in writing the names and official numbers, if applicable, of any ships removed from the RO's list of classed/certified ships for which the RO has performed statutory certification and services. The report should contain a description of the reason(s) for removal from class, and this should be made within thirty (30) days of the removal becoming effective; and

- .7 in cases of transfer of the certification of the ship from one RO to another, the gaining organization shall, within one month from the issuance of the certificates, advise the Administration and the losing organization of the date of issue of the certificates and confirm the date, place and action taken to satisfy each overdue survey, overdue recommendation and overdue condition of class.

7 Development of rules and/or regulations – Information

7.1 Cooperation in connection with the development of rules and/or regulations – liaison meetings.

The RO shall allow participation in the development and review of its rules, procedures and/or regulations, specifically in the review process prior to finalization, by representatives of the Administration.

7.2 Exchange of rules and/or regulations and information:

- .1 the Administration will provide the RO with all necessary documentation for the purpose of the RO's provision of statutory certification and services; and notify the RO of any additions, deletions or revisions thereto in advance of their effective date and specify whether the Administration's standards go beyond convention requirements in any respect;
- .2 the Administration shall be granted access upon request to all plans and documents including reports and records on surveys, audits and inspections on the basis of which certificates are, or have been issued or endorsed by the RO;
- .3 the RO should provide free electronic access to the latest editions of its rules and/or regulations applicable to ships under the scope of authorization in the appendix and listing of ships in its class; and
- .4 the RO and the Administration, recognizing the importance of technical liaison, agree to cooperate towards this end and maintain an effective dialogue.

7.3 Language and form

The RO shall establish, publish and systematically maintain its rules and/or regulations printed and/or in electronic environment, an up-to-date version of which shall be provided in the English language, for the design, construction and certification of ships and their associated essential engineering systems.

8 Other conditions

8.1 Remuneration

Unless agreed otherwise, remuneration for statutory certification and services carried out by the RO on behalf of the Administration will be charged by the RO directly to the party requesting such services.

8.2 Rules for administrative proceedings

8.3 Confidentiality

In so far as activities related to this Agreement are concerned, both the RO and the Administration shall be bound by confidentiality provisions to be agreed between them.

8.4 Liability and financial responsibility:

- .1 in the context of this Agreement, if a liability is finally and definitively imposed by a court of law on the State of the Administration for loss or damage which is proved in a court of law to have been caused by any wilful act, omission or gross negligence of the RO, its officers, employees or others who were acting on behalf of the RO pursuant to this Agreement, the Administration is entitled to seek from the RO compensation up to but not exceeding the amount of financial liability, as agreed bilaterally between the RO and the Administration;
- .2 while acting for the Administration under this Agreement, the RO shall be free to create contracts direct with its clients and such contracts may contain the RO's normal contractual conditions for limiting its legal liability; and
- .3 in the context of this Agreement, a professional indemnity or professional liability insurance is to be effected by the RO.

8.5 Entry into force

The agreement commences on [Date].

8.6 Termination

This Agreement may be terminated by either Party by giving the other Party 12 months written notice.

8.7 Breach of agreement

If this Agreement is breached by one of the Parties, the other Party will notify the violating Party of its breach in writing to allow the notified Party the opportunity to remedy the breach within [...] days, failing which the notifying Party has the right to terminate the Agreement immediately.

8.8 Settlement of disputes

The Agreement shall be governed by and construed in accordance with [Agreed State] law. Any dispute arising in connection with this Agreement which cannot be settled by private negotiations between the Parties shall be settled finally by arbitration in [Agreed location] according to [Agreed State] law, or by the tribunal (courts).

8.9 Use of subcontractors:

- .1 the RO shall perform statutory certification and services by the use of only exclusive surveyors and auditors, being persons solely employed by the RO, duly qualified, trained and authorized to execute all duties and activities incumbent upon their employer, within their level of work responsibility;

- .2 however, if the RO finds in exceptional and duly justified cases that its own exclusive surveyor is not available, the RO shall inform the Administration who may then nominate an exclusive surveyor of another RO;
- .3 in accordance with applicable instruments, the RO may choose to outsource any service that affects conformity to requirements or accepts work of a third party approved by the RO. The RO shall ensure that it fully controls the performance of such services through its quality management system. For the purpose of accountability to the Administration, the work performed by the subcontracted organization or service supplier constitutes the work of the RO; and
- .4 while still remaining responsible for the certification on behalf of the Administration, the RO may subcontract radio surveys to non-exclusive surveyors in accordance with the RO Code and the national requirements.

8.10 Amendments

Amendments to the Agreement and the appendix will become effective only after consultation and written agreement between the Administration and the RO.

9 Specification of the authorization from the Administration to the organization (refer to the appendix)

10 The Administration's supervision of duties delegated to the organization

The Administration shall be entitled to satisfy itself that the RO is performing its services in compliance with the RO Code and this agreement by establishing, or participating in as applicable, an RO oversight programme for the purpose of supervising the duties delegated to the RO under this Agreement by audits, inspections, supplementary surveys, vertical contract audits or other monitoring activities. For the purpose of this paragraph:

- .1 the Administration shall have access to the documentation of the quality management system of the RO;
- .2 the Administration shall have access to the internal instructions, circulars and guidelines of the RO;
- .3 the Administration shall have access to the RO's documentation relevant to the Administration's fleet;
- .4 the RO shall fully cooperate with the Administration's inspection and verification work;
- .5 the RO shall keep the information and statistics appropriately on cases such as, but not limited to, damage and casualties relevant to the Administration's fleet; and
- .6 the RO shall keep the information and statistics of port State control detentions and deficiencies allocated to the responsibility of the RO.

APPENDIX

of the

**AGREEMENT GOVERNING THE DELEGATION OF STATUTORY
CERTIFICATION AND SERVICES FOR SHIPS REGISTERED IN [STATE]
BETWEEN [ADMINISTRATION] AND [RECOGNIZED ORGANIZATION]
DATED [DATE] WITH EFFECT FROM [DATE] COVERING THE:**

APPLICABLE INSTRUMENTS

and

DEGREE OF AUTHORIZATION

1 The RO is hereby authorized as listed below to carry out statutory certification and services and require repairs on behalf of the Administration in accordance with the applicable instruments.

The Administration shall specify the scope of authorization granted to an RO, considering the following:

- .1 ship types and sizes;
- .2 conventions and other instruments, including relevant national legislation;
- .3 approval of drawings;
- .4 approval of materials and equipment;
- .5 surveys, audits, inspections;
- .6 issuance, endorsement and/or renewal of certificates;
- .7 corrective actions;
- .8 withdrawal or cancellation of certificates; and
- .9 reporting requirements.

The following three types of authorizations apply as noted:

- F: Full Authorization to perform plan review, carry out surveys, inspections and audits, and issue and/or revoke necessary interim and full-term certificates.
- P: Partial Authorization to perform plan review, carry out surveys, inspections and audits, and possibly issue interim certificates (specific guidance to be provided by the Administration and full-term certificate is to be issued by the Administration).
- L: Limited Authorization to account for other special categories not covered by the above, such as case-by-case authorization or geographical limitations.

2 The listing of instruments and type of authorization is as follows:

To be followed by a listing of the applicable instruments with specific identification of the desired authorization (F/P/L) as applicable.

ANNEX 9

DRAFT AMENDMENTS TO MARPOL ANNEXES I, IV AND VI CONCERNING THE EXEMPTION OF UNSP BARGES FROM SURVEY AND CERTIFICATION REQUIREMENTS

(Note: Proposed amendments are shown in additions/~~deletions~~.)

ANNEX I

REGULATIONS FOR THE PREVENTION OF POLLUTION BY OIL

Regulation 1

Definitions

1 The following new paragraph 39 is added after the existing paragraph 38:

"39 Unmanned non-self-propelled (UNSP) barge means a barge that:

.1 is not propelled by mechanical means;

.2 carries no oil (as defined in regulation 1.1 of this Annex);

.3 has no machinery fitted that may use oil or generate oil residues;

.4 has no fuel oil tank, lubricating oil tank and bilge/oil residues tank;
and

.5 has neither persons nor living animals on board."

Regulation 3

Exemption and waivers

2 The existing paragraph 2 is replaced with the following:

"2 Particulars of any such exemption, except those under paragraph 7 of this regulation, granted by the Administration shall be indicated in the Certificate referred to in regulation 7 of this Annex."

3 The following new paragraph 7 is added after the existing paragraph 6:

"7 The Administration may exempt an unmanned non-self-propelled (UNSP) barge¹ from the requirements of regulations 6.1 and 7.1 of this Annex, by an International Oil Pollution Prevention Exemption Certificate for Unmanned Non-self-propelled Barges, for a period not exceeding 5 years provided that the barge has undergone a survey to confirm that conditions referred to in regulations 1.39.1 to 1.39.5 of this Annex are met."

¹ Refer to the *Guidelines for exemption of unmanned non-self-propelled barges from the survey and certification requirements under the MARPOL Convention* (MEPC.1/Circ.[...]).

Regulation 9

Form of certificate

4 The existing paragraph is numbered as paragraph 1 and the following new paragraph 2 is added after paragraph 1:

"2 The International Oil Pollution Exemption Certificate for Unmanned Non-self-propelled Barges shall be drawn up in the form corresponding to the model given in appendix IV to this Annex and shall be at least in English, French or Spanish. If an official language of the issuing country is also used, this shall prevail in the event of a dispute or discrepancy."

Appendices

5 The following new appendix IV is added after the existing appendix III:

"APPENDIX IV

Form of Exemption Certificate for UNSP Barges

**INTERNATIONAL OIL POLLUTION PREVENTION EXEMPTION CERTIFICATE FOR
UNMANNED NON-SELF-PROPELLED BARGES**

Issued under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended, (hereinafter referred to as "the Convention") under the authority of the Government of:

.....
(full designation of the country)

by
*(full designation of the competent person or organization
authorized under the provisions of the Convention)*

Particulars of ship²

Name of ship
Distinctive number or letters
Port of registry
Gross tonnage

THIS IS TO CERTIFY:

- 1 that the unmanned non-self-propelled barge has been surveyed in accordance with regulation 3.7 of Annex I to the Convention;
- 2 that the survey shows that the unmanned non-self-propelled barge:
 - .1 is not propelled by mechanical means;
 - .2 carries no oil (as defined in regulation 1.1 of MARPOL Annex I);
 - .3 has no machinery fitted that may use oil or generate oil residues;
 - .4 has no fuel oil tank, lubricating oil tank and bilge/oil residues tank; and
 - .5 has neither persons nor living animals on board.
- 3 That the ship is exempted, under regulation 3.7 of Annex I to the Convention, from the certification and related survey requirements of regulations 6.1 and 7.1.

² Alternatively, the particulars of the ship may be placed horizontally in boxes.

This Certificate is valid until (dd/mm/yyyy).....

subject to the exemption conditions being maintained.

Completion date of the survey on which this certificate is based (dd/mm/yyyy).....

Issued at
(place of issue of certificate)

Date (dd/mm/yyyy).....

(date of issue) (signature of authorized official issuing the Certificate)

(seal or stamp of the issuing authority, as appropriate)"

ANNEX IV

REGULATIONS FOR THE PREVENTION OF POLLUTION BY SEWAGE FROM SHIPS

Regulation 1

Definitions

1 The following new paragraph 16 is added after the existing paragraph 15:

"16 Unmanned non-self-propelled (UNSP) barge means a barge that:

.1 is not propelled by mechanical means;

.2 has neither persons nor living animals on board;

.3 is not used for holding sewage during transport; and

.4 has no arrangements that could produce sewage as defined in regulation 1.3."

Regulation 3

Exceptions

2 The existing title of the regulation is replaced by the following:

"Exceptions and Exemptions"

3 The following new paragraph 2 is added after the existing paragraph 1:

"2 The Administration may exempt an unmanned non-self-propelled (UNSP) barge³ from the requirements of regulations 4.1 and 5.1 of this Annex, by an International Sewage Prevention Exemption Certificate for Unmanned Non-self-propelled Barges, for a period not exceeding 5 years provided that the barge has undergone a survey to confirm that conditions referred to in regulations 1.16.1 to 1.16.4 of this Annex are met."

Regulation 7

Form of certificate

4 The existing paragraph is numbered as paragraph 1 and the following new paragraph 2 is added after paragraph 1:

"2 The International Sewage Prevention Exemption Certificate for Unmanned Non-self-propelled Barges shall be drawn up in the form corresponding to the model given in appendix II to this Annex and shall be at least in English, French or Spanish. If an official language of the issuing country is also used, this shall prevail in the event of a dispute or discrepancy."

3 Refer to the Guidelines for exemption of unmanned non-self-propelled barges from the survey and certification requirements under the MARPOL Convention (MEPC.1/Circ.[...]).

Appendices

- 5 The existing appendix is numbered as appendix I and the following new appendix II is added after appendix I:

"APPENDIX II

Form of Exemption Certificate for UNSP Barges

**INTERNATIONAL SEWAGE POLLUTION PREVENTION EXEMPTION CERTIFICATE FOR
UNMANNED NON-SELF-PROPELLED BARGES**

Issued under the provisions of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended, (hereinafter referred to as "the Convention") under the authority of the Government of:

.....
(full designation of the country)

by
*(full designation of the competent person or organization
authorized under the provisions of the Convention)*

Particulars of ship⁴

Name of ship
Distinctive number or letters
Port of registry
Gross tonnage

THIS IS TO CERTIFY:

1 that the unmanned non-self-propelled barge has been surveyed in accordance with regulation 3.2 of Annex IV to the Convention;

2 that the survey shows that the unmanned non-self-propelled barge:

- .1 is not propelled by mechanical means;
- .2 has neither persons nor living animals on board;
- .3 is not used for holding sewage during transport; and
- .4 has no arrangements that could produce sewage as defined in regulation 1.3 of MARPOL Annex VI.

3 that the ship is exempted, under regulation 3.2 of Annex IV to the Convention, from the certification and related survey requirements of regulations 4.1 and 5.1.

⁴ Alternatively, the particulars of the ship may be placed horizontally in boxes.

This Certificate is valid until (dd/mm/yyyy).....

subject to the exemption conditions being maintained.

Completion date of the survey on which this certificate is based (dd/mm/yyyy).....

Issued at
(place of issue of Certificate)

Date (dd/mm/yyyy).....
(date of issue) (signature of authorized official issuing the Certificate)

(seal or stamp of the issuing authority, as appropriate)"

ANNEX VI

REGULATIONS FOR THE PREVENTION OF AIR POLLUTION FROM SHIPS

Regulation 2

Definitions

1 The following new paragraph 57 is added after the existing paragraph 56:

"57 Unmanned non-self-propelled (UNSP) barge means a barge that:

.1 is not propelled by mechanical means;

.2 has no system, equipment and/or machinery fitted that may generate emissions regulated by this Annex; and

.3 has neither persons nor living animals on board."

Regulation 3

Exceptions and Exemptions

2 The following new paragraph 4 is added after the existing paragraph 3.2:

"Unmanned non-self-propelled (UNSP) barges

4 The Administration may exempt an unmanned, non-self-propelled (UNSP) barge⁵ from the requirements of regulations 5.1 and 6.1 of this Annex, by an International Air Pollution Prevention Exemption Certificate for Unmanned Non-self-propelled Barges, for a period not exceeding 5 years provided that the barge has undergone a survey to confirm that conditions referred to in regulations 2.57.1 to 2.57.3 of this Annex are met."

Regulation 8

Form of certificates and Statements of Compliance related to fuel oil consumption reporting

3 The following new paragraph 4 is added after the existing paragraph 3:

"International Air Pollution Exemption Certificate for Unmanned Non-self-propelled Barges

4 In accordance with regulation 3.4 of this Annex, the International Air Pollution Exemption Certificate for Unmanned Non-self-propelled Barges shall be drawn up in the form corresponding to the model given in appendix XI to this Annex and shall be at least in English, French or Spanish. If an official language of the issuing country is also used, this shall prevail in the event of a dispute or discrepancy.

⁵ Refer to the *Guidelines for exemption of unmanned non-self-propelled barges from the survey and certification requirements under the MARPOL Convention (MEPC.1/Circ.[...])*.

Appendices

4 The following new appendix XI is added after the existing appendix X:

"APPENDIX XI

Form of Exemption Certificate for UNSP Barges

**INTERNATIONAL AIR POLLUTION PREVENTION EXEMPTION CERTIFICATE FOR
UNMANNED NON-SELF-PROPELLED BARGES**

Issued under the provisions of the Protocol of 1997, as amended, to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, (hereinafter referred to as "the Convention") under the authority of the Government of:

.....
(full designation of the country)

by
(full designation of the competent person or organization
authorized under the provisions of the Convention)

Particulars of ship⁶

Name of ship.....

Distinctive number or letters

Port of registry

Gross tonnage

THIS IS TO CERTIFY:

1 that the unmanned non-self-propelled barge has been surveyed in accordance with regulation 3.4 of Annex VI of the Convention;

2 that the survey shows, the unmanned non-self-propelled:

.1 is not propelled by mechanical means;

.2 has no system, equipment and/or machinery fitted that may generate emissions controlled by MARPOL Annex VI; and

.3 has neither persons nor living animals on board;

3 that the ship is exempted, under regulation 3.4 of Annex VI of the Convention from the certification and related survey requirements of regulations 5.1 and 6.1.

⁶ Alternatively, the particulars of the ship may be placed horizontally in boxes.

This Certificate is valid until (dd/mm/yyyy)

subject to the exemption conditions being maintained.

Completion date of the survey on which this certificate is based (dd/mm/yyyy)

Issued at
(place of issue of Certificate)

Date (dd/mm/yyyy).....
(date of issue) (signature of authorized official issuing the Certificate)

(seal or stamp of the issuing authority, as appropriate)"

ANNEX 10

DRAFT MEPC.1 CIRCULAR

GUIDELINES FOR EXEMPTION OF UNMANNED NON-SELF-PROPELLED (UNSP) BARGES FROM THE SURVEY AND CERTIFICATION REQUIREMENTS UNDER THE MARPOL CONVENTION

1 The Marine Environment Protection Committee, at its [... session (...)], adopted amendments to MARPOL Annexes I, IV and VI concerning the exemption of unmanned non-self-propelled (UNSP) barges from survey and certification requirements, by resolution MEPC.[...].

2 The Marine Environment Protection Committee, at its [... session (...)], with a view to providing more specific guidance for the application of relevant requirements of the MARPOL Convention, approved the *Guidelines for exemption of unmanned non-self-propelled (UNSP) barges from the survey and certification requirements under the MARPOL Convention*, prepared by the Sub-Committee on Implementation of IMO Instruments, at its sixth session, as set out in the annex.

3 Member Governments are invited to use the annexed Guidelines when exempting UNSP barges from the relevant provisions of the MARPOL Convention, and to bring them to the attention of all parties concerned.

ANNEX

GUIDELINES FOR EXEMPTION OF UNMANNED NON-SELF-PROPELLED (UNSP) BARGES FROM THE SURVEY AND CERTIFICATION REQUIREMENTS UNDER THE MARPOL CONVENTION

1 Introduction

1.1 The Guidelines are intended to provide specific guidance for flag States, port States and relevant parties, including shipowners and operators, on the application of the relevant requirements of the MARPOL Convention concerning exemption of unmanned non-self-propelled (UNSP) barges from the survey and certification requirements pursuant to the amendments to MARPOL Annexes I and IV, as adopted by resolution MEPC.[...], and the amendments to MARPOL Annex VI, as adopted by resolution MEPC.[...].

1.2 For the purpose of reducing the administrative burden of flag States, port States and relevant parties, an exemption of a UNSP barge from the survey and certification requirements under MARPOL Annexes I, IV and VI may be granted. In this connection, the exemption certificate(s) for a UNSP barge should be issued by the Administration, in accordance with regulations 3.7 and 9.2 of MARPOL Annex I, regulations 3.2 and 7.2 of MARPOL Annex IV, regulations 3.4 and 8.4 of MARPOL Annex VI, using the forms set out in the appendices of MARPOL Annexes I, IV and VI.

1.3 Such certificates should be issued either by the Administration or by any person or organization duly authorized by it. In every case, the Administration assumes full responsibility for the certificates.

2 Application

2.1 The Guidelines are applicable to the exemption(s) of UNSP barges from certain requirements as regulated in regulation 3.7 of MARPOL Annex I, regulation 3.2 of MARPOL Annex IV and regulation 3.4 of MARPOL Annex VI.

2.2 Technical and operational requirements

2.2.1 Technical requirements of MARPOL Annex I, IV, and VI are not applicable to UNSP barges. The following regulations are not required to be complied with if the UNSP barge is exempted:

- .1 MARPOL Annex I:
regulations 12 (Tanks for oil residues (sludge)), 12A (Oil fuel tank protection), 13 (Standard discharge connection), 14 (Oil filtering equipment) and 16 (Segregation of oil and water ballast and carriage of oil in forepeak tanks);
- .2 MARPOL Annex IV:
regulations 9 (Sewage systems) and 10 (Standard discharge connections);
and
- .3 MARPOL Annex VI:
regulations 12 (Ozone-depleting substances), 13 (Nitrogen oxides (NO_x)), 14 (Sulphur oxides (SO_x)) and 16 (Shipboard incineration).

2.2.2 As UNSP barges do not have on board sources of relevant pollutants of the marine environment, as defined in MARPOL Annexes I, IV and VI, operational requirements in the following provisions of MARPOL are not applicable to UNSP barges:

- .1 MARPOL Annex I:
regulations 15 (Control of discharge of oil), 17 (Oil Record Book Part I – Machinery space operations) and 37 (Shipboard oil pollution emergency plan); and
- .2 MARPOL Annex IV:
regulation 11 (Discharge of sewage).

3 Procedures for granting exemptions

3.1 The shipowner or operator should apply for exemption(s) from the Administration, or the RO acting on its behalf, with relevant information on the UNSP barge exemption(s) conditions and relevant drawings (General Arrangement Plan, Capacity Plan and any other plans or documents, as necessary).

3.2 The Administration, or the RO acting on its behalf, should review the General Arrangement Plan, Capacity Plan and other relevant information to confirm that the relevant conditions referred to in regulation 3.7 of MARPOL Annex I, regulation 3.2 of MARPOL Annex IV, or regulation 3.4 of MARPOL Annex VI, as appropriate, are met.

3.3 After a satisfactory review of the submitted plans and information, a survey of the UNSP barge should be carried out to confirm if the actual arrangements on board comply with the exemption conditions, as appropriate.

3.4 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.

3.5 Based on satisfactory results of the survey, certificates for exemption of a UNSP barge from survey and certification requirements under MARPOL Annexes I, IV and/or VI, as per regulations 3.7 and 9.2 of MARPOL Annex I, regulations 3.2 and 7.2 of MARPOL Annex IV, regulations 3.4 and 8.4 of MARPOL Annex VI and forms set out in appendices of MARPOL Annexes I, IV and VI, respectively, should be issued by the Administration or, by the RO acting on its behalf.

4 Maintenance of conditions after survey

After issuance of any of those exemption certificates, the UNSP barge should maintain its exemption conditions in accordance with the definitions specified in regulation 1.39 of MARPOL Annex I, regulation 1.16 of MARPOL Annex IV, and regulation 2.57 of MARPOL Annex VI. The exemption certificate(s) cease(s) to be valid if any of the approved exemption conditions are not met or any conversion or alteration has occurred affecting the conditions under which the exemption certificate(s) is(are) issued. The shipowner or operator has to inform the Administration and port State of such non-compliance. In the event of such a conversion or alteration, the Administration, or the RO acting on its behalf, may re-issue a corresponding exemption certificate(s) to the UNSP barges, based on a further review of the arrangements, in order to verify that the UNSP barge complies with the definitions as applicable.

5 Pushing and towing

During towing or pushing operations, the exemption certificates for each UNSP barge should be available to the towing or pushing vessel.

ANNEX 13

BIENNIAL STATUS REPORT FOR THE 2018-2019 BIENNIUM

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	1.3	Validated model training courses	Continuous	MSC/MEPC	III / PPR / CCC / SDC / SSE / NCSR	HTW	Ongoing	Ongoing	MSC 100/20, paragraphs 10.3 to 10.6 and 17.28; III 6/15, section 4
1. Improve implementation	1.4	Analysis of consolidated audit summary reports	Annual	Assembly	MSC / MEPC / LEG / TCC / III	Council	Completed	Completed	MEPC 61/24, paragraph 11.14.1; MSC 88/26, paragraph 10.8; C 120/D, paragraphs 7.1 and 7.2; III 6/15, section 7
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		Completed	Completed	MEPC 64/23, paragraph 11.49; MSC 91/22, paragraph 10.30; MEPC 52/24, paragraph 10.15; III 6/15, section 9
5. Enhance global facilitation and security of international trade	5.13 (New)	Development of amendments to the STCW Convention and Code for the use of electronic certificates and documents of seafarers	2020	MSC	III	HTW		No work requested	MSC 100/20, paragraph 17.12

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
6. Ensure regulatory effectiveness	6.4	Lessons learned and safety issues identified from the analysis of marine safety investigation reports	Annual	MSC/MEPC	III		Completed	Completed	MSC 92/26, paragraph 22.29; III 6/15, section 4
6. Ensure regulatory effectiveness	6.5	Identified issues relating to the implementation of IMO instruments from the analysis of PSC data	Annual	MSC/MEPC	III		Completed	Completed	MSC 96/25, paragraph 23.13; MEPC 69/21, paragraph 19.11; III 6/15, section 6
6. Ensure regulatory effectiveness	6.7	Consideration and analysis of reports on alleged inadequacy of port reception facilities	Annual	MEPC	III		Completed	Completed	MEPC 69/21, paragraph 19.11; III 6/15, section 3
6. Ensure regulatory effectiveness	6.15	Role of the human element	Continuous	MSC/MEPC	III / PPR / HTW CCC / SDC / SSE / NCSR		Ongoing	Ongoing	MSC 89/25, paragraphs 10.10, 10.16 and 22.39 and annex 21
OW. Other work	OW 10	Measures to harmonize port State control (PSC) activities and procedures worldwide	Continuous	MSC/MEPC	HTW / PPR / NCSR	III	Ongoing	Ongoing	MEPC 66/21, paragraph 18.8; MSC 94/21, paragraph 18.2.1; MEPC 68/21, paragraph 17.3; MSC 101/24, paragraph 21.48; III 6/15, section 5
Notes: MSC 101 agreed to reassign the continuous output "Measures to harmonize port State control (PSC) activities and procedures worldwide" to SD 1 for the 2020-2021 biennium.									
OW. Other work	OW 16	Updated Survey Guidelines under the Harmonized System of	Annual	MSC/MEPC	III		Completed	Completed	MEPC 68/21, paragraphs 14.5 and 14.6;

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
		Survey and Certification (HSSC)							FSI 12/22, paragraph 9.4; MSC 79/23, paragraphs 9.19 and 9.20; III 6/15, section 8
OW. Other work	OW 33	Finalization of a non-mandatory instrument on regulations for non-convention ships	2019 2022	MSC	III		No work requested	Postponed	MSC 96/25, paragraph 9.4; MSC 101/24, paragraph 21.38; III 6/15, section 11
Notes: MSC 101 agreed to include an item on "Measures to improve domestic ferry safety" in the provisional agenda for MSC 102, also agreeing that the work be carried out under existing output OW 33 (Finalization of a non-mandatory instrument on regulations for non-convention ships), with four sessions needed to complete the work.									
OW. Other work	OW 49	Review the Model Agreement for the authorization of recognized organizations acting on behalf of the Administration	2018 2019	MSC/MEPC	III		Completed	Completed	MSC 97/22 , paragraph 19.7 III 6/15 section 8

ANNEX 14

**PROPOSED BIENNIAL AGENDA FOR THE 2020-2021 BIENNIUM AND OUTPUTS ON
THE COMMITTEES' POST-BIENNIAL AGENDAS THAT FALL UNDER THE PURVIEW OF THE SUB-COMMITTEE**

Reference to SD, if applicable	Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ
1. Improve implementation	1.3	Validated model training courses	Continuous	MSC / MEPC	III / PPR / CCC / SDC / SSE / NCSR	HTW
1. Improve implementation	1.4	Analysis of consolidated audit summary reports	Annual	Assembly	MSC / MEPC / LEG / TCC / III	Council
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	
1. Improve implementation	[...]¹	Measures to harmonize port State control (PSC) activities and procedures worldwide	Continuous	MSC / MEPC	HTW / PPR / NCSR	III
Notes: MSC 101 agreed to reassign the continuous output "Measures to harmonize port State control (PSC) activities and procedures worldwide" to SD 1 for the 2020-2021 biennium.						
1. Improve implementation	1.26	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	2021	MEPC	III / HTW	PPR

¹ Number of the output to be assigned by C 122.

Reference to SD, if applicable	Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ
1. Improve implementation	[...]² new	Development of measures to facilitate mandatory seagoing service required under the STCW Convention	2021	MSC	III	HTW
1. Improve implementation	[...]²³ new	Development of guidance in relation to IMSAS to assist in the implementation of the III Code by Member States	2021	MSC and MEPC	III	
1. Improve implementation	[...]³ new	New entrant training manual for PSC personnel	Two sessions	MSC and MEPC	III	
2. Integrate new and advancing technologies in the regulatory framework	2.8	Development of guidelines for cold ironing of ships and of amendments to SOLAS chapters II-1 and II-2, if necessary	2020	MSC	III/HTW/SDC	SSE
Notes: Description amended and HTW was added as associated organ						
4. Engage in ocean governance	4.3	Follow-up work emanating from the Action Plan to address marine plastic litter from ships	2021	MEPC	PPR/III/HTW	

² Number of the output to be assigned by C 122.

³ Subject to approval by MEPC 75 and MSC 102.

Reference to SD, if applicable	Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ
5. Enhance global facilitation and security of international trade	5.13 new	Development of amendments to the STCW Convention and Code for the use of electronic certificates and documents of seafarers	2020	MSC	III	HTW
6. Ensure regulatory effectiveness	6.1	Unified interpretation of provisions of IMO safety, security and environment-related conventions	Continuous	MSC / MEPC	III / PPR / CCC / SDC / SSE / NCSR	
Notes:	A 28 expanded the output to include all proposed unified interpretations to provisions of IMO safety, security and environment-related conventions.					
6. Ensure regulatory effectiveness	6.4	Lessons learned and safety issues identified from the analysis of marine safety investigation reports	Annual	MSC / MEPC	III	
6. Ensure regulatory effectiveness	6.5	Identified issues relating to the implementation of IMO instruments from the analysis of PSC data	Annual	MSC / MEPC	III	
6. Ensure regulatory effectiveness	6.7	Consideration and analysis of reports on the alleged inadequacy of port reception facilities	Annual	MEPC	III	
6. Ensure regulatory effectiveness	6.15	Role of the human element	Continuous	MSC / MEPC	III / PPR / CCC / SDC / SSE / NCSR	HTW

Reference to SD, if applicable	Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ
OW. Other work	OW 16	Updated Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)	Annual	MSC / MEPC	III	
OW. Other work	OW 19	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
OW. Other work	OW 33	Finalization of a non-mandatory instrument on regulations for non-convention ships	2022	MSC	III	

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

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
173	2018-2019	2	Development of amendments to VDR performance standards and carriage requirements	MSC	III/ NCSR		2	MSC 101/24, paragraph 21.30
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
164	2018-2019	6	Revision of ECDIS Guidance for good practice (MSC.1/Circ.1503/Rev.1)	MSC	III	NCSR	2	MSC 100/20, paragraph 17.9

ANNEX 15

DRAFT PROVISIONAL AGENDA FOR III 7

- 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 (6.7)
 - 4 Lessons learned and safety issues identified from the analysis of marine safety investigation reports (6.4)
 - 5 Measures to harmonize port State control (PSC) activities and procedures worldwide [(OW 10)]
 - 6 New entrant training manual for PSC personnel*
 - 7 Identified issues relating to the implementation of IMO instruments from the analysis of PSC data (6.5)
 - 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*
 - 10 Updated Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) (OW 16)
 - 11 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code) (1.5)
 - 12 Unified interpretation of provisions of IMO safety, security and environment-related conventions (6.1)
 - 13 Follow-up work emanating from the Action Plan to address marine plastic litter from ships (4.3)
 - 14 Biennial status report and provisional agenda for III 8
 - 15 Election of Chair and Vice-Chair for 2021
 - 16 Any other business
 - 17 Report to the Committees

* Subject to approval by MEPC 75 and MSC 102.

ANNEX 16

STATEMENTS BY DELEGATIONS

ITEM 4 – Statement by the delegation of Australia

The Australian delegation wish to thank the Republic of the Marshall Islands for their detailed and well considered report and also note the intervention of Brazil. Australia notes the intention to make submission to MSC 102 with respect to the recommendations. Australia generally support the recommendations and would be happy to work with Marshall Islands and others to progress this work.

With regard to the recommendations Australia make the following observations:

1. With respect of the recommendations made in regard to Class KR, Australia would suggest that recommended review of the rules of steel ships, as reflected in section 2.c of Part 6 of the report, also be passed to IACS for consideration noting there may be implications for the rules of other class societies.
2. The recommendations for changes to the requirements for bulk carriers contained in SOLAS Chapter XII and the ESP Code made in section 3.c, d and f of part 6 of the report are supported and Australia are happy to work with Marshall Islands on these recommendations should this be desired.
3. The recommendation that the IMSBC Code be amended to require the testing of group A cargoes be tested by an independent third party laboratories causes Australia some concern and we support Brazil in this regard. In remote locations this would be practically impossible and a requirement to have an independent third party may preclude the use of government test facilities. In Australia's view reliance on an effective audit system under the moisture management arrangements is an effective solution in our experience. As such Australia are of the view this recommendation should not be made to MSC 102. If you have received this transmission in error please note that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the E-mail or attachments and any use of this material is prohibited. Please notify the sender by return email and delete all copies of this transmission and attachments.

ITEM 4 – Statement by the delegation of Brazil

The Brazilian delegation thanks the Marshall Islands for this submission and also for carrying out a detailed marine safety investigation on the **Stellar Daisy** accident.

Brazil, as a coastal state and responsible for a vast SAR area in the South Atlantic, had an active participation in the rescue operations of **Stellar Daisy**. Our SAR teams supported SAR Uruguay in all possible ways, but sadly the result of the operations were not the one expected, twenty-two souls were lost. On behalf of the Brazilian Government I would like to express, once again, our deepest condolences and sympathy to those families that have lost loved ones in this tragic accident.

Madam Chair, the **Stellar Daisy** casualty investigation report was carefully considered by the Brazilian Maritime Authority. In this context, it is important to acknowledge that the IMO has an outstanding and positive record of taking prompt and robust action to improve safety and security of our seafarers, the marine environment and ships themselves, when dealing with marine accidents and incidents.

However, to maintain such a high standard and performance, the Organization has always tackled head on the main causes of accidents with a view to avoiding potential future accidents as was the case in the dreadful **Prestige** oil spill or the foundering of the **Costa Concordia**.

In the case of the **Stellar Daisy**, the casualty investigation report clearly states, in its executive summary, that "the likely direct cause of **Stellar Daisy** foundering was a rapid list to port following a catastrophic structural failure of the ship's hull that resulted in a loss of buoyancy and uncontrolled flooding". And the report carries on, "The structural damage was likely due to a combination of factors, including the strength of the ship's structure being compromised over time due to material fatigue, corrosion, unidentified structural repairs, multi-port loading, and the forces imposed on the hull as a result of the weather conditions **Stellar Daisy** encountered between 29 and 31 March 2017".

Considering the outcome of the **Stellar Daisy** casualty investigation report, Brazil is of the opinion that we should focus on the main and direct causes of the accident and not on factors that are not possible or feasible to be properly investigated or substantiated.

It is also relevant to recall that the news initially published on the **Stellar Daisy** accident mentioned that liquefaction of the cargo was the main factor of the accident. However, after information obtained from the only two survivors, liquefaction as the cause became unfounded and the probable structural collapse of the ship became the most obvious one.

Madam Chair, despite this fact, the Brazilian Maritime Authority further enquired VALE, the shipper of the cargo, about the accident and requested more details about the procedures employed in loading the ship, which were promptly provided by their competent department.

In spite of these events, the Brazilian Maritime Authority also sent a technical team to the Guaíba Island, place of loading of the cargo, to audit the documents regarding the loading process of the ship **Stellar Daisy**. The audit did not find any evidence of non-compliance with the safety procedures for the shipment of cargo. Hence, it was concluded that the shipment of the cargo was carried out in accordance with the protocols established by the IMSBC Code.

Madam Chair, the report in its Section 6 – Recommendations, paragraph 3, sub-item (e), recommends to the Administrator to consider submitting a proposal to the IMO to amend the IMSBC Code to include that testing of Group A cargoes be conducted by independent third-party laboratories. Group A cargoes are those which may liquefy if shipped at a moisture content exceeding their Transportable Moisture Limit.

The **Stellar Daisy** casualty investigation report also clearly states that cargo liquefaction was neither the main nor the probable cause, or even the potential factor that could have contributed to the loss of the **Stellar Daisy** vessel.

Furthermore, Brazil sees no relevance in the proposal to have Group A cargoes tested by independent third-party laboratories as this is already addressed in the IMSBC Code. Section 4.4.3 of the Code provides for the participation of a representative of the ship master (for example, an independent cargo surveyor) to inspect, sample and test the cargo.

Therefore, Brazil agrees to include the review of the marine safety investigation report on the loss of **Stellar Daisy** in the Terms of Reference for the Working Group on Analysis of Marine Safety Investigation Reports, but with one caveat, as previously stated, that the working group should focus on the issues related to the direct causes and primary factors of the foundering of the **Stellar Daisy**, which resulted in the loss of twenty-two seafarers.

Safety and security of our seafarers, the environment and ships are paramount for the Brazilian Authorities and we are willing to fully cooperate with the working group.

ITEM 5 – Statement by the representatives of the ILO and FAO Secretariats

I will take this opportunity to provide information on the Maritime Labour Convention, 2006, as amended (the MLC), which of course is a relevant Convention, along with IMO Conventions, in the regional port State control agreements.

First, the ILO is 100 years old this year. As part of our centenary celebration, we are seeking to achieve 100 ratifications of the MLC by the end of the year. As of today the Convention has been ratified by 93 Member States. States which have not yet ratified the Convention are urged to do so.

The draft Assembly Resolution on Procedures for Port State Control, 2019, as seen in document III/6/5, already discussed, refers in paragraph 1.2.8 to the guidance on port State control based on the MLC provided in the ILO publication *Guidelines for port State control officers carrying out inspections under the Maritime Labour Convention, 2006*.

Please note that last year the Special Tripartite Committee of the MLC, 2006, adopted a resolution to establish a subsidiary body, to:

- .1 work by correspondence to amend the ILO Guidelines for flag State inspections under the MLC, 2006 and the Guidelines for port State control officers carrying out inspections under the MLC, 2006 to reflect the amendments to the Convention;
 - .2 circulate the output, before finalization, to all member States for comment;
- and
- .3 submit the outcome of this work to the ILO Governing Body for authorization to publish the amended Guidelines on the ILO website.

This was endorsed by the ILO Governing Body at its 334 session in October-November 2018 and we intend to establish this body and begin this work later this year, continuing into next year.

The MLC amendments concerned are those adopted in 2014, 2016 and 2018, which include, among other things, the requirement to carry on board a certificate or other documentary evidence of financial security for cases of abandonment.

On a separate matter, the ILO appreciates receiving from port States reports of detentions related to the MLC, 2006. These can be sent to the email address mlc@ilo.org

Furthermore, with respect to training, we encourage maritime authorities and others to make full use of the Maritime Labour Academy, which has several training tracks on the Convention, and, in fact, is holding two courses in Turin, Italy this week.

Finally, as concerns inspection of fishing vessels, we look forward to more ratifications of the Work in Fishing Convention, 2007 (No. 188), which is in force and has been ratified, to date, by 14 States, with several more ratifications in the pipeline. The ILO has adopted flag and port State control guidelines for this Convention, and we are finalizing training material to supplement these guidelines. The Guidelines are available at no cost on the ILO website at www.ilo.org/fishing

ITEM 8 – Statement by the observer delegation of the International Association of Classification Societies (IACS)

IACS regrets that III 6 has rejected a number of proposals made by IACS and the co-sponsors of MSC 101/10/2 that had been proposed in order to avoid the finalization of a model agreement that, in the view of IACS, if used as an actual agreement between a Member State and a recognized organization, would make the conclusion of such an agreement challenging because of:

- .1 the use of vague and undefined terminology;
- .2 an impractical and burdensome degree of reporting not required by the RO Code; and
- .3 the inclusion of text contained only within the non-mandatory guidance in part 3 of the RO Code.

ITEM 14 – Statement by the delegation of the Russian Federation

В связи с документом Украины III 6/14/2 хотели бы отметить, что Комитет безопасности на море на своей недавно завершившейся 101-й сессии в очередной раз постановил, что ИМО не является надлежащей площадкой для обсуждения вопроса, поднимаемого Украинской стороной. При этом Комитет предложил заинтересованным сторонам при необходимости информировать ИМО посредством циркулярных писем Секретариата ИМО (пункт 23.28 MSC 101/WP.1/Add.1). Стоит отметить, что данный канал используется обеими сторонами.

В частности в ноте Представительства Российской Федерации при Международной морской организации, распространенной циркулярным письмом Секретариата ИМО № 3801 от 19 декабря 2017 г., которую недавно процитировал наш украинский коллега, российская сторона представила необходимую информацию, в том числе по вопросу, который поднимается Украиной в ее документе на эту сессию. Эта информация по-прежнему актуальна и достоверна, в противовес тому, что было заявлено только что украинским коллегой.

Решение об отсутствии у ИМО компетенции для обсуждения данных вопросов принимается КБМ, начиная с 96-ой сессии. Рассчитываем, что Подкомитет III как подотчетный орган КБМ будет неуклонно следовать этому решению.

On the document which Ukraine has submitted to this session and which has just been presented (III 6/14/2) our delegation would like to note the following. Our guide Committee (the Maritime Safety Committee) at its recently concluded 101st session once again decided that our Organization was not the appropriate forum to discuss the issues raised by the Ukrainian side. In doing so, the Committee invited interested parties to notify IMO, if necessary, by means of IMO circular letters (MSC 101/WP.1/Add.1, paragraph 23.28). It is worth noting that this channel (of communication) is used by both parties (Russia and Ukraine).

In particular, the Mission of the Russian Federation to the International Maritime Organization in its Note circulated by means of Circular Letter No. 3801 of 19 December 2017, which our Ukrainian colleague just quoted from, the Russian side provided the necessary information, including on the issue raised by Ukraine in its document for this session (III 6/14/2). This information is still relevant and reliable, to the contrary of what the Ukrainian colleague just said.

The decision that IMO does not have competence to discuss these issues has been taken by our guide Committee (MSC) starting from MSC 96. We consider that the Sub-Committee (III) as a subordinate body to the MSC will steadfastly follow this decision.

ITEM 14 – Statement by the delegation of Finland on behalf of the European Union

We thank Ukraine for document 6/14/2 and take note of the information provided therein.

Five years on from the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation, the European Union remains firmly committed to Ukraine's sovereignty and territorial integrity.

The European Union reiterates that it does not recognise and continues to condemn this violation of international law. It remains a direct challenge to international security, with grave implications for the international legal order that protects the unity and sovereignty of all states.

Moreover, the European Union condemns the lengthy Russian inspection regime for cargo vessels coming from Ukraine's ports in the Azov Sea or heading towards them and the hindrance to shipping that Russia's construction of the Kerch Bridge between the Crimean Peninsula and the Russian Federation has caused.

Our position on the unjustified use of force by Russia near the Kerch Strait on 25 November 2018, its negative impact in the Black and Azov Seas and the Russian Federation's violations of international law in that context is well-known. We urge the Russian Federation to comply without delay with the order of the International Tribunal for the Law of the Sea delivered on 25 May this year and to immediately release the 24 detained Ukrainian servicemen and allow them to return to Ukraine, to release and return to Ukraine's custody the vessels, and call on both parties to refrain from taking any action which might aggravate or extend the dispute. We reiterate that respect for international court rulings is fundamental for an international rules-based order.

The European Union remains committed to fully implementing its non-recognition policy, including through restrictive measures. The EU calls again on UN Member States to consider similar non-recognition measures in line with the UN General Assembly Resolution 68/262.

ITEM 14 – Statement by the delegation of the United States

The United States thanks the distinguished delegation of Ukraine for its paper III 6/14/2, and we note the concerns it raises regarding Russia's unlawful actions in and around occupied Crimea, including the maritime areas adjacent to Crimea.

Russia's occupation of Crimea remains an unprecedented challenge to European and Trans-Atlantic security, necessitating deeper and increased security cooperation. Russia's actions have considerable implications for the safety and security of navigation in the sea areas in and around Crimea and the safety and competence of seafarers.

Russia demonstrated its disregard for international norms with its unjustified attack on Ukrainian naval vessels on November 25, 2018. We reiterate our call for Russia to immediately return Ukraine's naval vessels and personnel seized in the attack, and to cease their unlawful efforts to restrict access to the Kerch Strait and Sea of Azov. Russia must respect Ukraine's sovereignty and territorial integrity within its internationally recognized borders, including its territorial waters.

The United States condemns Russia's construction and partial opening of the Kerch Strait Bridge between Russia and occupied Crimea, built without the permission of the government of Ukraine. The bridge represents not only an attempt by Russia to solidify its unlawful seizure and its occupation of Crimea, but also impedes navigation by limiting the size of ships that can transit the Kerch Strait, the only path to reach Ukraine's territorial waters in the Sea of Azov. We call on Russia not to impede this shipping.

The United States joins the international community again to reaffirm that Crimea is part of Ukraine. The United States continues to condemn Russia's occupation of Crimea. The United States does not – and will never – recognize Russia's purported annexation of Crimea. The United States remains committed to upholding the sovereignty and territorial integrity of Ukraine within its internationally recognized borders.
