

MARITIME SAFETY COMMITTEE  
101st session  
Agenda item 24

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**REPORT OF THE MARITIME SAFETY COMMITTEE  
ON ITS 101ST SESSION**

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## 1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The 101st session of the Maritime Safety Committee was held at IMO Headquarters from 5 to 14 June 2019, chaired by Mr. Brad Groves (Australia). The Vice-Chair of the Committee, Mr. Juan Carlos Cubisino (Argentina), was also present.

1.2 The session was attended by Members and Associate Members; representatives from the United Nations Programmes, specialized agencies and other entities; observers from intergovernmental organizations with agreements of cooperation; and observers from non-governmental organizations in consultative status, as listed in document MSC 101/INF.1.

1.3 The session was also attended by the Chair of the Council, Mr. Xiaojie Zhang (China), and the Chair of the Facilitation Committee, Mrs. Marina Angsell (Sweden).

### Opening address of the Secretary-General

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

### Casualty on the River Danube in Budapest, Hungary

1.5 In his opening address, the Secretary-General, on behalf of the Organization, conveyed deepest sympathies to the families and loved ones of the crew members and passengers who perished, as well as those that remained missing, in the recent casualty of the **Hableany**, a tourist boat operating on the river Danube.

### Chair's remarks

1.6 The Chair thanked the Secretary-General for his opening address and stated that his advice and requests would be given every consideration in the deliberations of the Committee.

### Stellar Daisy marine safety investigation report

1.7 The Committee noted a statement by the delegation of the Marshall Islands, as set out in annex 38, regarding the loss of the very large ore carrier **Stellar Daisy** on 31 March 2017 and the safety issues identified during the marine safety investigation. In this connection, the Committee stressed the importance of marine safety investigation reports and urged Member States to submit investigation reports to the Organization, as appropriate. In this connection, a statement was also made by the delegation of Uruguay, supported by the delegation of Argentina, as set out in annex 38.

### Sinking of a Philippine flagged fishing vessel

1.8 The Committee noted statements by the delegations of China and the Philippines, as set out in annex 38, regarding a Philippine flagged fishing vessel which sank after an incident with a Chinese flagged vessel on 9 June 2019.

### Adoption of the agenda and related matters

1.9 The Committee adopted the agenda (MSC 101/1) and agreed to be guided in its work, in general, by the annotations contained in document MSC 101/1/1 and by the provisional timetable (MSC 101/1/1, annex).

## **Credentials**

1.10 The Committee noted that the credentials of 101 delegations attending the session were in due and proper form.

## **2 DECISIONS OF OTHER IMO BODIES**

2.1 The Committee, having noted the decisions of C 121 (MSC 101/2), LEG 106 (MSC 101/2/1), FAL 43 (MSC 101/2/2) and MEPC 73 (MSC 101/2/3) with regard to its work, and the list of actions requested of MSC 101 by MEPC 74 (MSC 101/WP.11), agreed to take action as appropriate under the relevant agenda items.

### **Outcome of FAL 43**

2.2 The Committee agreed to the invitation of FAL 43 to instruct the NCSR Sub-Committee to report to FAL 44 on the outcome of its work on output 2.11 (Consideration of descriptions of Maritime Services in the context of e-navigation) (MSC 101/2/2, paragraph 2.5) (see also paragraph 11.11).

### **Outcome of MEPC 73**

2.3 The Committee agreed that the action requested of it by MEPC 73 (MSC 101/2/3, paragraph 2.2) would be considered together with the related action requested by MEPC 74 (MSC 101/WP.11)

### **Outcome of MEPC 74**

2.4 The Committee noted the actions requested of it by MEPC 74 (MSC 101/WP.11) and agreed to take them into account under the relevant agenda items, as appropriate.

2.5 The Committee noted, in particular, that MEPC 74 had invited the CCC and NCSR Sub-Committees to note the importance of the issue of lost containers at sea in the context of addressing the issue of marine plastic litter from ships, as their expertise on the matter could be sought in the future.

2.6 Following a brief discussion, the Committee noted the general support to tackle the problem of containers lost at sea, which presented a real danger for international shipping, as recognized by MEPC 73 and MEPC 74, and invited Member States and international organizations to submit proposals for a relevant new output to MSC 102, in accordance with the Committees' method of work (MSC-MEPC.1/Circ.5/Rev.1).

## **3 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS**

### **GENERAL**

3.1 Contracting Governments to the 1974 SOLAS Convention were invited to consider and adopt proposed amendments to:

- .1 the appendix to the annex to the 1974 SOLAS Convention, as amended, concerning the Record of Equipment for cargo ship safety (Forms E and C) and the Record of Equipment for passenger ship safety (Form P), in accordance with the provisions of article VIII of the Convention;

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- .2 the International Code for Fire Safety Systems (FSS Code), in accordance with the provisions of article VIII and regulation II-2/3.22 of the Convention;
  - .3 the International Code of Safety for Ships using Gases or other Low-flashpoint Fuels (IGF Code), in accordance with the provisions of article VIII and regulation II-1/2.29 of the Convention;
  - .4 the International Life-Saving Appliance (LSA) Code, as amended, in accordance with the provisions of article VIII and regulation III/3.10 of the Convention;
  - .5 the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code), as amended, in accordance with the provisions of article VIII and regulation VII/8.1 of the Convention;
  - .6 the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code), in accordance with the provisions of article VIII and regulation XI-1/2 of the Convention; and
  - .7 the International Maritime Solid Bulk Cargoes Code (IMSBC Code), in accordance with the provisions of article VIII and regulation VI/1-1.1 of the Convention.

3.2 More than one third of the Contracting Governments to the 1974 SOLAS Convention were present during the consideration and adoption of said amendments by the expanded Maritime Safety Committee, in accordance with articles VIII(b)(iii) and VIII(b)(iv) of the Convention. The proposed amendments to the Convention and the Codes mandatory under it were circulated, in accordance with SOLAS article VIII(b)(i), to all IMO Members and Contracting Governments to the Convention by Circular Letters No.3848 of 30 May 2018, No.3883 of 8 November 2018 and No.3904 of 5 December 2018.

3.3 The Committee was also invited to consider and:

- .1 adopt a draft MSC resolution on Amendments to the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code);
- .2 adopt a draft MSC resolution on Amendments to the Code of Safety for Special Purpose Ships (SPS Code);
- .3 concurrently approve a draft MSC-MEPC.2 circular on 2019 Guidelines for the carriage of blends of biofuels and MARPOL Annex I cargoes;
- .4 concurrently endorse a draft PPR circular on Decisions with regard to the categorization and classification of products; and
- .5 approve a draft revision of MSC.1/Circ.1395/Rev.3 on *Lists of solid bulk cargoes for which a fixed gas fire-extinguishing system may be exempted or for which a fixed gas fire-extinguishing system is ineffective*.

**PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION**

3.4 The Committee recalled that MSC 100 had approved draft amendments to the appendix (Certificates) to the annex to the 1974 SOLAS Convention, concerning the addition of a footnote to forms C, E and P in the Records of Equipment (MSC 100/20, paragraph 9.30).

3.5 Having noted that no pertinent comments had been submitted, the Committee confirmed the contents of the proposed amendments to the appendix to the annex to the 1974 SOLAS Convention, as set out in annex 1 to document MSC 101/WP.5, subject to editorial improvements, if any.

**Date of entry into force of the proposed amendments**

3.6 The Committee agreed that the draft amendments to the appendix to the 1974 SOLAS Convention, as amended, proposed for adoption at this session, should be deemed to have been accepted on 1 July 2023 and enter into force on 1 January 2024, in accordance with the *Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1481).

**PROPOSED AMENDMENTS TO THE FSS, IGF, LSA, IBC, 2011 ESP AND IMSBC CODES, MANDATORY UNDER THE 1974 SOLAS CONVENTION****Draft amendments to the FSS Code**

3.7 The Committee recalled that MSC 100 had approved draft amendments to chapter 15 (Inert gas systems) of the FSS Code, concerning inert gas lines and related indicators and alarms for monitoring the pressure of the inert gas mains (MSC 100/20, paragraph 9.16).

3.8 Having noted that no pertinent comments had been submitted, the Committee confirmed the contents of the proposed amendments to the FSS Code, as set out in annex 2 to document MSC 101/WP.5, subject to editorial improvements, if any.

**Date of entry into force of the proposed amendments**

3.9 The Committee agreed that the draft amendments to the FSS Code proposed for adoption at the current session should be deemed to have been accepted on 1 July 2023 and enter into force on 1 January 2024, in accordance with the *Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1481).

**Draft amendments to the IGF Code**

3.10 The Committee recalled that MSC 100 had approved draft amendments to parts A and A-1 of the IGF Code, concerning natural gas-specific requirements (MSC 100/20, paragraph 11.5).

3.11 In this regard, the Committee had the following documents for its consideration:

- .1 MSC 101/3/9 (Japan and IACS), proposing to modify the draft amendment to paragraph 11.3 of the IGF Code in order to bring more clarity; and
- .2 MSC 101/3/10 (IACS et al.), providing comments on paragraph 9.5 of the IGF Code and proposing the inclusion of additional text in order to ensure the applicability of the leakage detection requirement to pipes carrying liquefied fuel.



3.12 Having considered the proposals in document MSC 101/3/9, the Committee agreed to the modifications proposed in the document.

3.13 Regarding the proposed modifications to paragraph 9.5.6 of the IGF Code contained in document MSC 101/3/10, the following views were expressed:

- .1 the proposed modifications should be moved to section 15 rather than be included in section 9, where piping arrangements were regulated;
- .2 the proposal should be further considered by the CCC Sub-Committee in order to find a better location in the Code to insert the proposed text; and
- .3 the Drafting Group on Amendments to Mandatory Instruments should consider where best to place the proposed amendments in the Code.

3.14 Following discussion, the Committee, taking into account that the majority of those who had spoken had supported the proposed modifications as submitted, agreed to the proposal in document MSC 101/3/10. Subsequently, the Committee confirmed the contents of the proposed amendments to the IGF Code, as modified (see also paragraph 3.12 above), as set out in annex 3 to document MSC 101/WP.5, subject to editorial improvements, if any.

#### ***Date of entry into force of the proposed amendments***

3.15 The Committee agreed that the draft amendments to the IGF Code proposed for adoption at the current session should be deemed to have been accepted on 1 July 2023 and enter into force on 1 January 2024, in accordance with the *Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1481).

#### **Draft amendments to the LSA Code**

3.16 The Committee recalled that MSC 100 had approved draft amendments to chapters IV and VI of the LSA Code, concerning general requirements for lifeboats and launching and embarkation appliances, respectively. Notwithstanding this decision, in relation to the draft amendments to chapter VI, the Committee had invited SSE 6 to consider the concerns raised during the discussion with regard to the implementation date and the level of clarity of the text, with a view to advising MSC 101, as appropriate; and had invited interested Member States and international organizations to submit relevant proposals to SSE 6, taking into account documents MSC 100/9/2 (Japan) and MSC 100/9/9 (IACS) (MSC 100/20, paragraphs 9.5 and 9.6).

3.17 In this connection, the Committee noted that, regarding the draft amendments to chapter VI of the LSA Code, SSE 6 had considered document SSE 6/17/4 (Japan) and agreed as follows (SSE 6/18, paragraphs 17.4 and 17.5):

- .1 the amendment should apply to newly installed rescue boats and this should be clarified on the cover page of the adopting resolution rather than in the draft amendment; and
- .2 the modifications proposed in paragraph 12 of document SSE 6/17/4 should be taken into account before adoption.

3.18 With regard to the draft amendments, as set out in annex 4 to document MSC 101/WP.5, and the proposed modifications by SSE 6 (see paragraph 3.17), the Committee concurred with the content, as modified by SSE 6.

3.19 In this context, the Committee considered document MSC 101/14/5 (IACS), commenting on the draft amendments to paragraph 6.1.1.3 of chapter VI of the LSA Code and proposing that a clarification be provided to the text that had been agreed at SSE 6.

3.20 Following consideration, the Committee:

- .1 agreed that the amendments should apply to newly installed rescue boats and that the implementation provision should be included in the adopting draft resolution, taking into account the existing practice not to include implementation dates in the text of the Code, which should be preserved for consistency until a comprehensive revision was conducted in the future; and
- .2 concurred with the modification proposed in document MSC 101/14/5, i.e. adding the text "Notwithstanding the above" before "on cargo ships equipped with a rescue boat..." in paragraph 6.1.1.3 of the LSA Code.

3.21 Consequently, the Committee confirmed the contents of the proposed amendments to the LSA Code, as set out in annex 4 to document MSC 101/WP.5, subject to the agreed modifications (see paragraphs 3.18 to 3.20) and editorial improvements, if any.

#### ***Date of entry into force of the proposed amendments***

3.22 The Committee agreed that the draft amendments to the LSA Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2023 and enter into force on 1 January 2024, in accordance with the *Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1481).

#### **Draft amendments to the IBC Code**

3.23 The Committee recalled that MSC 100 had approved, concurrently with MEPC 73, draft amendments to chapters 15, 16, 17, 18, 19 and 21 of the IBC Code (MSC 100/20, paragraph 8.3).

3.24 In this connection, the Committee noted that MEPC 74 had considered additional draft amendments to the IBC Code submitted in documents MEPC 74/3/4 and MEPC 74/3/9 (Secretariat) and MEPC 74/3/10 (Norway), proposing a number of deletions to product entries in chapters 17 and 19 prior to adoption and a modification to include a reference to the Code for Recognized Organizations (RO Code), in order to align it with the associated references in MARPOL Annex II and SOLAS regulation XI-1/1, and had agreed to take action as follows (MEPC 74/18, paragraphs 3.20 to 3.28):

- .1 agreed with the deletions proposed in document MEPC 74/3/9;
- .2 concurred with the proposal to include a reference to the RO Code as part of the amendments to the IBC Code;
- .3 concurred with the modifications to carriage requirements for a number of products that had previously been agreed by ESPH 24 and PPR 6, proposed in document MEPC 74/3/10;

.4 concurred with the recommendation of PPR 6 to arrange the definitions in chapter 1 of the IBC Code in alphabetical order; and

.5 agreed to add the following text at the end of paragraph 15.12:

"Toxic vapour testing instruments provided for complying with the requirement in 13.2.1 of the Code, which are also designed and calibrated for testing H<sub>2</sub>S, may be used to satisfy this requirement."

3.25 In this respect, the Committee had the following documents for its consideration:

.1 MSC 101/3/7 (Secretariat), containing proposals for modifications to the draft amendments to the IBC Code that had been approved by MEPC 73 and MSC 100, which included the deletion of entries from chapters 17 and 19 that had been included in annex 12 to *Provisional categorization of liquid substances in accordance with MARPOL Annex II and the IBC Code* (MEPC.2/Circ.24); the addition of a reference to the RO Code; and the deletion of the corresponding biofuel blend entries (which had been submitted to MEPC 74 as document MEPC 74/3/4); and

.2 MSC 101/3/8 (Norway), commenting on the draft revised chapter 17 of the IBC Code and proposing some minor amendments to the carriage requirements for a limited number of products in line with the updated *Decisions with regard to the categorization and classification of products*, which were agreed at PPR 6 to be issued as a PPR.1 circular (which had been submitted to MEPC 74 as document MEPC 74/3/10).

3.26 Having noted that MEPC 74 had agreed to the proposals contained in documents MSC 101/3/7 and MSC 101/3/8, and had further introduced amendments as described in paragraph 3.24, the Committee concurred with the decisions of MEPC 74.

3.27 Consequently, the Committee confirmed the contents of the draft amendments to the IBC Code, as set out in annex 5 to document MSC 101/WP.5, subject to the modifications agreed (see paragraph 3.26) and editorial improvements, if any.

#### ***Date of entry into force of the proposed amendments***

3.28 The Committee agreed that the above amendments to the IBC Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2020 and enter into force on 1 January 2021, noting that MSC.1/Circ.1481 was not applicable to IBC Code amendments.

#### **Draft amendments to the 2011 ESP Code**

3.29 The Committee recalled that MSC 99 had approved draft amendments to the 2011 ESP Code (MSC 99/22, paragraph 10.20).

3.30 The Committee also recalled that MSC 100, having considered the draft amendments to the 2011 ESP Code set out in documents MSC 100/3 (Secretariat) and MSC 100/3/2 (IACS and Secretariat), had decided to hold their adoption in abeyance and had invited IACS to work together with the Secretariat intersessionally to prepare a revised set of draft amendments to the Code using the words "shall/should" instead of the words "is to/are to", as appropriate, for submission to MSC 101, with a view to adoption (MSC 100/20, paragraph 3.7).

3.31 The Committee further recalled that MSC 100 had instructed the SDC Sub-Committee to ensure that the revised draft amendments to the 2011 Code were included in the consolidated version of the draft 2019 ESP Code, with a view to approval of the 2019 ESP Code at this session of the Committee and subsequent adoption at A 31 (MSC 100/20, paragraph 3.8).

3.32 The Committee noted that it had been requested by SDC 6 to approve the draft consolidated 2019 ESP Code and the associated draft Assembly resolution under agenda item 12 (Ship design and construction), for submission to A 31 for consideration and adoption (SDC 6/13, paragraph 7.14).

3.33 In this respect, the Committee considered document MSC 101/3/2 (Secretariat), highlighting the huge volume of work required to finalize the draft amendments to the 2011 ESP Code and, at the same time, incorporating the same amendments in the draft 2019 ESP Code and, therefore, suggesting to discontinue the simultaneous work on both instruments and instead to adopt only the amendments to the 2011 ESP Code, in lieu of also approving the identical consolidated text of the 2019 ESP Code.

3.34 Having noted the support for the way forward suggested in document MSC 101/3/2, the Committee decided not to pursue the development of a new 2019 ESP Code and to finalize the draft amendments to the 2011 ESP Code instead.

3.35 In this connection, the Committee considered the following documents:

- .1 MSC 101/12/2 (Norway), highlighting that the current draft text of the 2011 ESP Code contained recommendatory *Guidelines for technical assessment in conjunction with the planning of enhanced surveys*, which should not be used to reduce the requirements in the mandatory part of the Code; and
- .2 MSC 101/12/3/Rev.1 (China), objecting to the new definition of the term "Administration" in the new draft consolidated ESP Code (2019 ESP Code), as it comprised the "Administration" itself and the "organization recognized by the Administration", as set out in the new preamble of the consolidated version of the Code; and proposing to replace the term "owner" with "ship company".

3.36 With regard to the proposals contained in document MSC 101/12/2, the Committee concurred with the proposal in paragraph 12 of the document, i.e. integrating the sections of the recommendatory Guidelines for technical assessment referring to the minimum requirements in the respective regulations and agreed to:

- .1 delete section 2.2 (Minimum requirements) in annex 9 of annex A, parts A and B; annex 12 of annex B, part A, and annex 11 of annex B, part B of the draft 2011 ESP Code, as proposed in the document; and
- .2 insert the corresponding text in the respective paragraph 5.1.5 in annex A, parts A and B; and annex B, parts A and B of the draft 2011 ESP Code, indicating that the Guidelines shall not be used to reduce the requirements of the respective annexes, which shall in all cases be complied with as a minimum.

3.37 In considering the proposals in document MSC 101/12/3/Rev.1, the Committee noted the following views:

- .1 redefining the responsibilities of the Administration and recognized organizations (ROs) should not be supported since the Administration should always remain responsible for all aspects of the implementation of the 2011 ESP Code, even if some responsibilities had been delegated to ROs;
- .2 although the proposal to replace the term "owner" with "ship company" throughout the 2011 ESP Code had merit, due to the amount of work required for this replacement, the proposal should not be accepted at this stage;
- .3 the term "owner" had been used without creating any major implementation concerns, taking into account that an "owner" could also be an individual and was not necessarily a "shipping company"; and
- .4 regarding the obligations in the 2011 ESP Code, defining in the Code what the level of delegation should be between the Administration and ROs could have an impact on the *2017 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)* (resolution A.1121(30)).

3.38 In view of the above, the Committee agreed not to take any action with regard to the proposals contained in document MSC 101/12/3/Rev.1.

3.39 Consequently, the Committee confirmed the contents of the proposed amendments to the 2011 ESP Code, as set out in the respective annexes to documents MSC 101/WP.5/Add.1 to Add.4, subject to the modifications agreed (see paragraph 3.36) and editorial improvements, if any.

#### ***Date of entry into force of the proposed amendments***

3.40 The Committee agreed that the draft amendments to the 2011 ESP Code proposed for adoption at the current session should be deemed to have been accepted on 1 July 2020 and enter into force on 1 January 2021.

#### **Draft amendments to the IMSBC Code**

3.41 The Committee recalled that the draft amendments (05-19) to the IMSBC Code had been agreed by CCC 5, finalized by E&T 30 and subsequently circulated in accordance with SOLAS article VIII and the agreed amendment procedure for the IMSBC Code (MSC 86/26, paragraph 7.2), for consideration with a view to adoption.

3.42 In this regard, the Committee considered the following documents commenting on the draft amendments:

- .1 MSC 101/3/5 (Germany), raising concerns about the draft amendment to paragraph 4.1.1.3 in relation to UN 3077 substances and proposing further editorial amendments; and
- .2 MSC 101/3/6 (Japan), proposing to editorially modify draft paragraph 3.6.3 of the IMSBC Code, concerning gas concentration safety checks throughout the voyage, to improve the reading of the provision.

3.43 With regard to the comment on whether the amendment to paragraph 4.1.1.3 of the Code should be accepted, taking into account the concern raised in document MSC 101/3/5, the Committee noted the following views:

- .1 the current draft amendment to paragraph 4.1.1.3 was in line with the decision of CCC 5 and UN 3077 was not aligned with the existing bulk cargo shipping name requirements for cargoes with generic shipping names, where a declaration would still be needed whether or not a cargo was environmentally hazardous based on MARPOL Annex V;
- .2 paragraph 4.1.1.3 cross referenced the IMDG Code and, therefore, MARPOL Annex III would not be relevant for consideration in the context of the IMSBC Code; and
- .3 although the draft amendment was ambiguous, it had been prepared to be consistent with the individual schedules for FLUE DUST, CONTAINING LEAD and ZINC, and MATTE CONTAINING COPPER AND LEAD, where UN numbers were not included in the bulk cargo shipping names, and, therefore, the draft amendment prepared by E&T 30 should be preserved; however, the paragraph should be reviewed in conjunction with relevant individual schedules in the future to remove the ambiguity.

3.44 Following discussion, the Committee, having agreed to the editorial amendments proposed in document MSC 101/3/5, agreed that the draft amendment to paragraph 4.1.1.3 of the Code should not be modified.

3.45 Having noted the general support for option 2 proposed in document MSC 101/3/6 for amending paragraph 3.6.3 of the IMSBC Code, the Committee agreed to modify the paragraph as follows:

"3.6.3 Gas concentration safety checks shall also be continued throughout the voyage at least at eight-hour intervals or more frequently if so advised by the fumigator-in-charge at all appropriate locations, which shall at least include: accommodation; engine-rooms; areas designated for use in navigation of the ship; and frequently visited working areas and stores, such as the forecastle head spaces, adjacent to cargo holds being subject to fumigation in transit."

3.46 Finally, the Committee confirmed the contents of the proposed amendments to the IMSBC Code, as set out in annex 1 to document MSC 101/WP.5/Add.5, subject to the modifications agreed (see paragraphs 3.44 and 3.45) and editorial improvements, if any.

#### ***Date of entry into force of the proposed amendments***

3.47 The Committee agreed that the draft amendments to the IMSBC Code, proposed for adoption at the current session, should be deemed to have been accepted on 1 July 2020 and enter into force on 1 January 2021, and that SOLAS Contracting Governments could apply the amendments in whole, or in part, on a voluntary basis from 1 January 2020.

## **NON-MANDATORY INSTRUMENTS**

### **Draft amendments to the BCH Code**

3.48 The Committee recalled that MSC 100 had approved draft consequential amendments to chapters IV, V and VI of the BCH Code, as set out in annex 5 to document MSC 100/20/Add.1, in conjunction with the adoption of the corresponding amendments to the IBC Code, with a view to adoption at this session (MSC 100/20, paragraph 8.4).

3.49 In this connection, the Committee noted that MEPC 74 had agreed to add the following text at the end of paragraph 15.12 of the IBC Code:

"Toxic vapour testing instruments provided for complying with the requirement in 13.2.1 of the Code, which are also designed and calibrated for testing H<sub>2</sub>S, may be used to satisfy this requirement."

and agreed that this text could be utilized to address the same issue in paragraph 4.24 of the BCH Code (see paragraph 3.24).

3.50 Having concurred with the addition of the text regarding toxic vapour testing instruments agreed by MEPC 74 and noting that no pertinent comments had been submitted, the Committee confirmed the contents of the proposed amendments to the BCH Code, as set out in annex 6 to document MSC 101/WP.5, subject to the modifications agreed and editorial improvements, if any.

### ***Date of taking effect of the proposed amendments***

3.51 The Committee agreed that the draft amendments to the BCH Code proposed for adoption at this session should take effect on 1 January 2021, in line with the dates agreed by MEPC 74.

### **Draft amendments to the SPS Code**

3.52 The Committee recalled that, following the adoption of amendments to chapter IV of, and the appendix (Certificates) to, the 1974 SOLAS Convention (resolution MSC.436(99)), MSC 100 had adopted consequential amendments to the Record of Equipment of the Code of Safety for Special Purpose Ships (SPS Code) (resolution MSC.453(100)), which would become effective on 1 January 2020, in conjunction with the entry into force of the aforementioned SOLAS amendments (MSC 100/20, paragraph 3.14 and annex 1).

3.53 The Committee also recalled that, in adopting resolution MSC.453(100), having noted that further amendments to the SPS Code were necessary to update the Record of Equipment for the SPS Safety Certificate (MSC 100/WP.7, paragraphs 5 and 6), it had invited IACS to work together with the Secretariat intersessionally to prepare a new set of draft amendments to the SPS Code for consideration at that session (MSC 100/20, paragraph 3.15).

3.54 In this respect, the Committee considered document MSC 101/3/4 (Secretariat), containing a new set of amendments to the SPS Safety Certificate and its associated Record of Equipment (Form SPS), prepared in consultation with IACS.

3.55 Having noted that no pertinent comments had been submitted, the Committee confirmed the contents of the draft amendments to the SPS Code, as set out in annex 7 to document MSC 101/WP.5, subject to editorial improvements, if any.

**Date of taking effect of the proposed amendments**

3.56 The Committee agreed that the draft amendments to the SPS Code proposed for adoption should take effect on 1 January 2020, in conjunction with the entry into force of the related amendments to SOLAS chapter IV and the appendix (Certificates), adopted by resolution MSC.436(99).

**2019 Guidelines for the carriage of blends of biofuels and MARPOL Annex I cargoes**

3.57 The Committee noted that PPR 6 had agreed to consequential amendments to the *2011 Guidelines for the carriage of blends of petroleum oil and biofuels, as amended* (MEPC.1/Circ.761/Rev.1), as a result of the inclusion of a new annex 12 (Energy-rich fuels subject to Annex I of MARPOL) in the MEPC.2/Circular on *Provisional categorization of liquid substances*, and had included a reference to SOLAS regulation VI/5-2 regarding a prohibition of the blending of bulk liquid cargoes and production processes during sea voyages.

3.58 The Committee also noted that PPR 6 had prepared a draft MSC-MEPC circular on 2019 Guidelines for the carriage of blends of biofuels and MARPOL Annex I cargoes, as set out in annex 3 to document PPR 6/20/Add.1, and invited the Committee to approve it, subject to concurrent approval by MEPC 74 (MSC 101/13, paragraph 2.3 and MSC 101/WP.11, paragraph 2.8).

3.59 Having noted that MEPC 74 had approved the draft 2019 Guidelines, the Committee concurrently approved MSC-MEPC.2/Circ.17 on *2019 Guidelines for the carriage of blends of biofuels and MARPOL Annex I cargoes*.

**Decisions with regard to the categorization and classification of products**

3.60 The Committee noted that following the finalization of draft revised chapters 17, 18, 19 and 21 of the IBC Code, approved by MEPC 73, PPR 6 had prepared amendments to the *Decisions with regard to the categorization and classification of products* (BLG.1/Circ.33), to capture all relevant decisions to date in relation to the assignment of carriage requirements under the IBC Code, as set out in annex 5 to document PPR 6/20/Add.1.

3.61 The Committee also noted that PPR 6 had invited the Committee to endorse the draft PPR.1 circular on Decisions with regard to the categorization and classification of products, subject to concurrent decision by MEPC 74 (MSC 101/13, paragraph 2.4 and MSC 101/WP.11, paragraph 2.9).

3.62 Having noted that MEPC 74 had endorsed the updated Decisions, subject to concurrent approval by MSC 101, the Committee concurrently endorsed PPR.1/Circ.7 on *Decisions with regard to the categorization and classification of products*.

**Draft amendments to MSC.1/Circ.1395/Rev.3**

3.63 The Committee noted that E&T 30 had prepared consequential amendments to the *Lists of solid bulk cargoes for which a fixed gas fire-extinguishing system may be exempted or for which a fixed gas fire-extinguishing system is ineffective* (MSC.1/Circ.1395/Rev.3), emanating from the inclusion of new individual schedules in draft amendment 05-19 of the IMSBC Code.

3.64 Having noted that no comments had been submitted on the draft revised Lists, the Committee confirmed its contents, as set out in annex 2 to document MSC 101/WP.5/Add.5, subject to editorial improvements, if any.



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**ESTABLISHMENT OF A DRAFTING GROUP**

3.65 Having considered the above matters, the Committee established the Drafting Group on Amendments to Mandatory Instruments and instructed it, taking into account comments made and decisions taken in plenary, to finalize, for consideration by the Committee with a view to adoption or approval, as appropriate:

- .1 draft amendments to the appendix (Certificates) to the annex to the 1974 SOLAS Convention, as amended, and the draft associated MSC resolution, based on annex 1 to document MSC 101/WP.5;
- .2 draft amendments to chapter 15 of the FSS Code and the draft associated MSC resolution, based on annex 2 to document MSC 101/WP.5;
- .3 draft amendments to parts A and A-1 of the IGF Code and the draft associated MSC resolution, based on annex 3 to document MSC 101/WP.5, taking into account documents MSC 101/3/9 and MSC 101/3/10;
- .4 draft amendments to chapters IV and VI of the LSA Code and the draft associated MSC resolution, based on annex 4 to document MSC 101/WP.5, taking into account documents MSC 101/14/5 and SSE 6/18, paragraph 17.5;
- .5 draft amendments to the IBC Code and the draft associated MSC resolution, based on annex 5 to document MSC 101/WP.5, taking into account documents MSC 101/3/7 and MSC 101/3/8, as well as the amendments agreed by MEPC 74;
- .6 draft amendments to the 2011 ESP Code and the draft associated MSC resolution, based on the respective annexes to documents MSC 101/WP.5/Add.1 to 4, taking into account document MSC 101/12/2, paragraph 12;
- .7 draft amendments to the IMSBC Code and the draft associated MSC resolution, based on annex 1 to document MSC 101/WP.5/Add.5, taking into account document MSC 101/3/5, paragraph 13 and document MSC 101/3/6, paragraph 10, option 2;
- .8 draft amendments to chapters IV, V and VI of the BCH Code and the draft associated MSC resolution, based on annex 6 to document MSC 101/WP.5 and the consequential amendments agreed by MEPC 74;
- .9 draft amendments to the Safety Certificate and the Record of Equipment for the Special Purpose Ship Safety Certificate of the SPS Code and the draft associated MSC resolution, based on annex 7 to document MSC 101/WP.5; and
- .10 the draft revision of the *Lists of solid bulk cargoes for which a fixed gas fire-extinguishing system may be exempted or for which a fixed gas fire extinguishing system is ineffective* (MSC.1/Circ.1395/Rev.3) and the draft associated MSC circular, based on annex 2 to document MSC 101/WP.5/Add.5.

## REPORT OF THE DRAFTING GROUP

3.66 Having considered the report of the Drafting Group (MSC 101/WP.7 and Adds. 1 to 5), the Committee approved it in general and took action as outlined below.

### **Adoption of amendments to the appendix to the annex to the 1974 SOLAS Convention, as amended**

3.67 The expanded Committee, including delegations of 101 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the appendix (Certificates) to the annex to the 1974 SOLAS Convention, as amended, prepared by the Drafting Group (MSC 101/WP.7, annex 1), and adopted the amendments unanimously by resolution MSC.456(101), as set out in annex 1.

3.68 In adopting resolution MSC.456(101), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the Convention should be deemed to have been accepted on 1 July 2023 (unless, prior to that date, objections were communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and enter into force on 1 January 2024, in accordance with the *Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1481).

3.69 Following adoption of the above amendments, the observer from IACS advised the Committee that, in line with the *Guidance on the timing of replacement of existing certificates by the certificates issued after the entry into force of amendments to certificates in IMO instruments* (MSC-MEPC.5/Circ.6, paragraph 3.1), unless IACS Members were provided with written instructions to the contrary by the Administration on whose behalf they were authorized to act as a recognized organization, they would issue the revised Records of Equipment at the time the existing certificate associated with the revised Record of Equipment was renewed after the entry into force of the amendments.

### **Adoption of amendments to the FSS Code**

3.70 The expanded Committee, including delegations of 101 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to chapter 15 (Inert gas systems) of the FSS Code, prepared by the Drafting Group (MSC 101/WP.7, annex 2), and adopted the amendments unanimously by resolution MSC.457(101), as set out in annex 2.

3.71 In adopting resolution MSC.457(101), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the FSS Code should be deemed to have been accepted on 1 July 2023 (unless, prior to that date, objections were communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and enter into force on 1 January 2024, in accordance with the *Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1481).

### **Adoption of amendments to the IGF Code**

3.72 The expanded Committee, including delegations of 101 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to parts A and A-1 of the IGF Code, prepared by the Drafting Group (MSC 101/WP.7, annex 3), and adopted the amendments unanimously by resolution MSC.458(101), as set out in annex 3.

3.73 In adopting resolution MSC.458(101), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the IGF Code should be deemed to have been accepted on 1 July 2023 (unless, prior to that date, objections were communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and enter into force on 1 January 2024, in accordance with the *Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1481).

#### **Adoption of amendments to the LSA Code**

3.74 The expanded Committee, including delegations of 101 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to chapters IV and VI of the LSA Code, prepared by the Drafting Group (MSC 101/WP.7, annex 4), and adopted the amendments unanimously by resolution MSC.459(101), as set out in annex 4.

3.75 In adopting resolution MSC.459(101), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the LSA Code should be deemed to have been accepted on 1 July 2023 (unless, prior to that date, objections were communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and enter into force on 1 January 2024, in accordance with the *Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1481).

#### **Adoption of amendments to the IBC Code**

3.76 The expanded Committee, including delegations of 101 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the IBC Code, prepared by the Drafting Group (MSC 101/WP.7, annex 5), and adopted the amendments unanimously by resolution MSC.460(101), as set out in annex 5.

3.77 In adopting resolution MSC.460(101), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the IBC Code should be deemed to have been accepted on 1 July 2020 (unless, prior to that date, objections were communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and enter into force on 1 January 2021, in accordance with the provisions of SOLAS article VIII.

#### **Adoption of the amendments to the 2011 ESP Code**

3.78 The expanded Committee, including delegations of 101 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the 2011 ESP Code, prepared by the Drafting Group (MSC 101/WP.7/Add.1 to 4, respective annexes), and adopted the amendments unanimously by resolution MSC.461(101), as set out in annex 6.

3.79 In adopting resolution MSC.461(101), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the 2011 ESP Code should be deemed to have been accepted on 1 July 2020 (unless, prior to that date, objections were communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and enter into force on 1 January 2021, in accordance with the provisions of SOLAS article VIII.

### **Adoption of amendments to the IMSBC Code**

3.80 The expanded Committee, including delegations of 101 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the IMSBC Code (amendment 05-19), prepared by the Drafting Group (MSC 101/WP.7/Add.5, annex 1), and adopted the amendments unanimously by resolution MSC.462(101), as set out in annex 7.

3.81 In adopting resolution MSC.462(101), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the IMSBC Code should be deemed to have been accepted on 1 July 2020 (unless, prior to that date, objections were communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and enter into force on 1 January 2021, in accordance with the provisions of SOLAS article VIII.

3.82 The Committee agreed, in accordance with the procedure approved by MSC 86 for the adoption of amendments to the IMSBC Code with regard to voluntary application of new amendments one year prior to the date of entry into force, as stated in operative paragraph 4 of resolution MSC.462(101), that Contracting Governments could apply the aforementioned amendments in whole or in part on a voluntary basis from 1 January 2020, pending their entry into force on 1 January 2021.

### **Adoption/approval of amendments to non-mandatory instruments**

3.83 The Committee considered the final text of amendments to non-mandatory instruments prepared by the Drafting Group (MSC 101/WP.7, annexes 6 and 7; and MSC 101/WP.7/Add.5, annex 2, respectively) and:

- .1 adopted the amendments to the BCH Code by resolution MSC.463(101), as set out in annex 8;
- .2 adopted the amendments to the SPS Code by resolution MSC.464(101), as set out in annex 9; and
- .3 approved MSC.1/Circ.1395/Rev.4 on *Lists of solid bulk cargoes for which a fixed gas fire-extinguishing system may be exempted or for which a fixed gas fire-extinguishing system is ineffective*.

3.84 In connection with the adoption of the amendments to the SPS Code, the observer from IACS advised the Committee that, in line with the *Guidance on the timing of replacement of existing certificates by the certificates issued after the entry into force of amendments to certificates in IMO instruments* (MSC-MEPC.5/Circ.6, paragraph 3.1), unless IACS Members were provided with written instructions to the contrary by the Administration on whose behalf they were authorized to act as a recognized organization, they would issue the revised Safety Certificates and Records of Equipment at the time the existing certificate was renewed after the entry into force of the amendments.

### **INSTRUCTIONS TO THE SECRETARIAT**

3.85 The Committee authorized the Secretariat, when preparing the authentic texts of the amendments adopted at this session, to make any editorial corrections that might be identified, including updating references to renumbered paragraphs, and to bring to the attention of the Committee any errors or omissions which required action by the Contracting Governments to the 1974 SOLAS Convention.

3.86 The Committee further requested the Secretariat to ensure that the final text of the amendments contained in the annexes to the report was presented as clean text (i.e. not showing tracked changes).

#### **4 MEASURES TO ENHANCE MARITIME SECURITY**

##### **Updates on developments related to maritime security**

4.1 The Committee noted a joint statement by the delegations of Norway, Saudi Arabia and the United Arab Emirates, as set out in annex 38, providing the preliminary findings of the investigation into the coordinated attacks on four oil tankers (two Saudi Arabia-flagged, one Norwegian-flagged and one UAE-flagged) that took place on 12 May 2019 in the anchorage area off the port of Fujairah, with a commitment to keeping the Organization and its Members updated on this matter. Statements by the delegations of the Islamic Republic of Iran and Oman, expressing their concern over the incident, are also set out in annex 38.

4.2 The Committee considered documents MSC 101/4 and MSC 101/4/3 (Secretariat), reporting on developments related to maritime security since MSC 100 and noted information on the delivery of maritime security-related activities as part of the Integrated Technical Cooperation Programme (ITCP), in particular, that:

- .1 the information of 24% of all port facilities registered in the maritime security module of GISIS submitted by Member States in accordance with SOLAS regulation XI-2/13.4 required updating; and
- .2 the new functionalities (i.e. web services) to enable the secure electronic transfer of information between Member States and the maritime security module of GISIS had been tested with the assistance of Norway and the European Maritime Safety Agency, and the Secretariat had finalized guidance available to interested Member States and international organizations, submitted for the Committee's approval in document MSC 101/4/3.

4.3 In the ensuing discussion, having noted general support for the new GISIS functionalities, the Committee noted views that Member States might prefer to test the new facility before officially moving to a system of electronic transfer of information and that the Secretariat might consider incorporating further features in the new functionality in the future, such as an option to automatically generate or amend information on port facilities in GISIS with their associated IMO identification numbers.

4.4 In this context, the Committee:

- .1 urged SOLAS Contracting Governments to review and update the information contained in the maritime security module of GISIS, in particular that relating to port facility security plans;
- .2 approved MSC.1/Circ.1603 on *Guidance for the electronic transfer of information into and from the maritime security module of GISIS*, on the basis of the annex to document MSC 101/4/3, noting that the Secretariat might consider including the option to automatically generate or amend port facilities entries in GISIS in a future update of the new functionality;

- .3 encouraged Member States to consider becoming Parties to the 2005 SUA Protocols, which formed the maritime component of the United Nations' international counter-terrorism instruments;
- .4 encouraged Member States to identify maritime security experts with experience in conducting training of officials for future technical cooperation activities and notify the Organization accordingly;<sup>1</sup> and
- .5 invited Member States to consider making donations to the International Maritime Security Trust Fund to support the continued delivery of technical assistance under the global programme for the enhancement of maritime security.

### **Maritime cyber risk management**

4.5 The Committee recalled that when the *Guidelines on maritime cyber risk management* (MSC-FAL.1/Circ.3) were approved by FAL 41 and MSC 98 in 2017, the Committee underlined that they were complementary to the safety and security management practices established by the Organization, i.e. the ISM and ISPS Codes, noting that the Guidelines included functional elements that supported effective cyber risk management and provided references to further detailed guidance, including the industry guidelines on cyber security on board ships.

4.6 The Committee also recalled that MSC 98 had adopted resolution MSC.428(98) on *Maritime cyber risk management in Safety Management Systems*, which encouraged Administrations to ensure that cyber risks were appropriately addressed in existing Safety Management Systems (SMS), as defined in the ISM Code, no later than the first annual verification of the company's Document of Compliance after 1 January 2021.

4.7 In this connection, the Committee considered document MSC 101/4/1 (ICS et al.), informing about the third version of the Industry Guidelines on cyber security on board ships and providing guidance on how to comply with resolution MSC.428(98). Having noted, in particular, the appreciation of the observer from IACS for the work carried out, the Committee took note of the information provided and expressed its appreciation for the work undertaken on the Guidelines.

4.8 The Committee also considered document MSC 101/4/4 (United States et al.), expressing concern that some national and regional requirements on cyber risk management focused primarily on the security objectives of the ISPS Code, which they saw as inconsistent with the intent of resolution MSC.428(98), which required cyber risk to also be considered in SMS.

4.9 In the ensuing discussion, a number of delegations expressed the need for clarification that effective cyber risk management had to be included in SMS, and consequently in a ship's ISM Code manual, highlighting that references should be made to the respective parts of the ship security plans, as provided for by the ISPS Code; as well as the need to pay particular attention to the issue of protection of sensitive information related to security plans.

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<sup>1</sup> Email: [marsec@imo.org](mailto:marsec@imo.org)

- 4.10 Following discussion, the Committee:
- .1 agreed that aspects of cyber risk management, including physical security aspects of cyber security, should be addressed in Ship Security Plans under the ISPS Code; however, this should not be considered as requiring a company to establish a separate cyber security management system operating in parallel with the company SMS;
  - .2 confirmed that resolution MSC.428(98) on *Maritime cyber risk management in Safety Management Systems* set out the Organization's requirements for Administrations to ensure that cyber risks were appropriately addressed in existing SMS (as defined in the ISM Code), verified by an endorsed Document of Compliance and Safety Management Certificate, and that in the Ship Security Plan, reference should be made to cyber risk management procedures found in SMS; and
  - .3 encouraged Administrations to engage with other national and regional authorities to explain the Organization's requirements for cyber risk management by companies.

#### **Access to ports and ships by ship suppliers**

4.11 The Committee recalled that, under the ISPS Code, a Port Facility Security Plan must specify the procedures for facilitating:

- .1 shore leave for ship's personnel or personnel changes;
- .2 seafarer access to shore-based welfare and medical facilities;
- .3 onboard access by visitors, including representatives of seafarers' welfare and labour organizations; and
- .4 onboard access by shore-based ship support personnel, including those involved with ship's stores and bunkers.

4.12 The Committee also recalled that port and port facility operators and security personnel must seek a balance between the needs of security and the needs of the ship and its crew.

4.13 In this connection, the Committee considered document MSC 101/4/2 (ISSA), expressing concern about difficulties experienced by ship suppliers globally in accessing ports and vessels to deliver stores due to apparent ISPS Code restrictions. The full introduction by the observer from ISSA is set out in annex 38.

4.14 Having thanked ISSA for providing information on this important issue related to seafarers' welfare and the global maritime transportation system, the Committee noted information provided by the delegation of the United States that they had passed domestic legislation ensuring seafarers' access to port facilities be granted at no cost to the seafarer and encouraging all Member States to consider what they could do to facilitate access.

4.15 The Committee agreed that access by authorized personnel to a ship was a necessity and encouraged Member States to remind port authorities to ensure that the port facility security officers coordinate documentary requirements and formalities with the ship security officer, if possible, in advance of the ship's arrival at the port facility.

## **5 REGULATORY SCOPING EXERCISE FOR THE USE OF MARITIME AUTONOMOUS SURFACE SHIPS (MASS)**

### **Background**

5.1 The Committee recalled that MSC 100 had:

- .1 approved the Framework for the regulatory scoping exercise for the use of MASS, including the plan of work and procedures (MSC 100/20/Add.1, annex 2) and invited interested Member States and international organizations to participate actively in the scoping exercise (MSC 100/20, paragraph 5.28);
- .2 requested the Secretariat to develop a web platform for the exercise, assist with certain tasks during the exercise and submit a status report to this session (MSC 100/20, paragraph 5.29);
- .3 approved, subject to endorsement by the Council, the holding of an intersessional meeting of the Working Group on MASS from 2 to 6 September 2019, and agreed to develop terms of reference for the Group at this session (MSC 100/20, paragraph 5.30); and
- .4 invited interested parties to submit proposals to this session with regard to the development of draft guidelines for MASS trials (MSC 100/20, paragraph 5.31).

5.2 The Committee noted that Circular Letters Nos.3945 and 3956 had been issued, advising on the holding of an intersessional meeting of the Working Group on MASS in September and on the availability of a new GISIS module for the regulatory scoping exercise on MASS, respectively.

5.3 With respect to the progress made by other committees on this matter, the Committee noted that LEG 106 and FAL 43 had approved their own frameworks for a regulatory scoping exercise (RSE) of instruments under their purview, based on the framework agreed by the Committee, and agreed to use the web platform for the conduct of their exercises, with a view to completion in 2020.

### **Progress of the regulatory scoping exercise**

5.4 The Committee noted document MSC 101/5 (Secretariat), providing a report on the progress of RSE for the use of MASS and, having thanked the Secretariat for developing the new GISIS module and for providing assistance during RSE, referred it to the Working Group, instructing it to review the current status of RSE, including the use of the web platform; to advise on any necessary action; and to prepare terms of reference for the intersessional Working Group.

5.5 The Committee considered document MSC 101/5/2 (China), commenting on RSE, in particular on the possible impact of MASS operations on the framework of certain IMO instruments.



5.6 In this context, the Committee noted information provided by the Secretariat, that in order to address gaps in rules or regulations or any other information relevant to the initial review of instruments, a record for "General comments" had been created in the GISIS module for RSE on MASS under each instrument and for each degree of autonomy. Those undertaking the initial review could use this record to address any of the issues raised by China and this would allow the intersessional Working Group to identify commonalities at the higher level.

5.7 During the ensuing discussion, the issues raised by China were acknowledged, but views were expressed that they could be addressed in the GISIS module, as explained by the Secretariat (see paragraph 5.6) and discussed at a later stage; and that the scope of RSE should not be extended.

5.8 Following discussion, the Committee agreed that the RSE GISIS module would accommodate overarching comments and, as such, address the concerns by China at this stage, and that the document would not be referred to the Working Group, but would be kept in abeyance for consideration under step 2 of the work on MASS.

5.9 The Committee also considered document MSC 101/5/4 (Finland and France), proposing a list of terms, the understanding of which differed significantly between different stakeholders, the use of alternative terms and the development of a draft glossary to facilitate the future work on MASS.

5.10 During the ensuing discussion, the following views were expressed:

- .1 several findings in the document were supported, however, they should be considered after RSE was completed;
- .2 it was essential to consider the glossary in detail, but not at this stage of the work;
- .3 the glossary should be considered at this stage, to achieve a common understanding of terms used and to support RSE;
- .4 the Committee should agree on a glossary before proceeding with RSE;
- .5 the terms and definitions currently used for RSE had been agreed after lengthy debates and only for the purpose of RSE;
- .6 terms and definitions should be finally established in cooperation with other international organizations; and
- .7 ISO/TC 8 was currently developing a relevant international standard and would submit it to MSC 102.

5.11 Following discussion, the Committee agreed that the matter of a glossary should be further considered after RSE had been completed, together with the submission from ISO concerning their aforementioned new standard expected for MSC 102.

### **Interim guidelines for MASS trials**

5.12 The Committee recalled that MSC 100 had noted a list of provisional principles prepared by the MASS Working Group and had invited potential submitters to take them into account when preparing proposals for draft guidelines for MASS trials to guide their development (MSC 100/WP.8, paragraph 23).

5.13 The Committee had for its consideration the following documents:

- .1 MSC 101/5/1 (ITF), providing comments on the provisional principles for interim guidelines for MASS trials, as well as proposals for the development of those guidelines, focusing on safe manning, and training and certification of operators responsible for the management or control of a ship;
- .2 MSC 101/5/3 (China) proposing some aspects to be taken into consideration during the development of interim guidelines for MASS trials;
- .3 MSC 101/5/5 (Finland et al.), providing comments and proposals related to the development of interim guidelines for MASS trials, including a recommended structure for such guidelines;
- .4 MSC 101/INF.17 (Finland et al.), providing an initial draft of interim guidelines for MASS trials; and
- .5 MSC 101/5/6 (Republic of Korea), commenting on documents MSC 101/5/5 and MSC 101/INF.17 and proposing to add a new section to describe the objectives of the interim guidelines.

5.14 During the ensuing discussions, the following views were expressed:

- .1 the guidance should be developed in accordance with the provisional principles noted by MSC 100, in particular they should be generic and follow a goal-based approach;
- .2 one of the principles was that MASS trials should be in line with mandatory instruments, which would also include exemptions and equivalent arrangements; and
- .3 the human element and training and certification requirements should be taken into account.

5.15 Following discussion, the Committee agreed to refer documents MSC 101/5/1, MSC 101/5/3, MSC 101/5/5, MSC 101/5/6 and MSC 101/INF.17 to the Working Group, to be taken into account in the development of draft interim guidelines for MASS trials, directing the Group to adhere to the provisional principles noted at MSC 100.

#### **Establishment of a working group**

5.16 The Committee established the MASS Working Group, and instructed it, taking into account comments and decisions made in plenary, to:

- .1 consider the progress made with the regulatory scoping exercise, taking into account document MSC 101/5, and advise the Committee on any necessary actions;
- .2 finalize draft interim guidelines for MASS trials, bearing in mind the provisional principles outlined in paragraph 23 of document MSC 100/WP.8, and taking into account documents MSC 101/5/1, MSC 101/5/3, MSC 101/5/5, MSC 101/5/6 and MSC 101/INF.17; and
- .3 prepare terms of reference for the intersessional Working Group on MASS.

## Report of the Working Group

5.17 Having considered the report of the MASS Working Group (MSC 101/WP.8), the Committee approved it in general and took action as described below.

### Progress of the regulatory scoping exercise

5.18 The Committee noted the progress made with RSE and, in particular, the agreed format of reports to be submitted to the intersessional Working Group (MSC 101/WP.8, paragraphs 5 to 20 and annex 1).

5.19 The Committee encouraged Member States and international organizations to contribute to the first step of RSE, based on the framework approved by MSC 100 (MSC 100/20, annex 2) and invited volunteering Member States to submit the results of the first step to the intersessional Working Group.

### Intersessional Working Group on MASS

5.20 The Committee, having considered the draft terms of reference for the intersessional meeting prepared by the group (see paragraphs 5.1.3 and 21.62), instructed the intersessional Working Group on MASS, taking into account the progress made at this session and documents MSC 101/24, section 5, and MSC 101/WP.8, to:

- .1 consider the results of the first step of RSE, as reported by relevant volunteering Member States in accordance with the template set out in annex 1 to document MSC 101/WP.8, and take necessary action with a view to commencing the second step;
- .2 consider how the outcome of the second step should be reported to MSC 102 and take action, as appropriate;
- .3 based on a high-level discussion on the gaps, themes and/or relevant findings identified during the first step, provide guidance to Member States for use in the second step; and
- .4 submit a written report to MSC 102.

### Interim guidelines for MASS trials

5.21 The Committee approved MSC.1/Circ.1604 on *Interim guidelines for MASS trials*.

5.22 In this context, the Committee noted a statement by the delegation of Argentina, as set out in annex 38, which was supported by the delegations of Ecuador and Uruguay.

## 6 GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS

### Current status of GBS verification audits

6.1 The Committee noted the information contained in documents MSC 101/6 (Secretary-General), MSC 101/INF.13 (IACS) and MSC 101/INF.19 (Secretariat) on the current status of GBS verification audits related to the rectification of non-conformities audits of Türk Loydu and the IACS member recognized organizations (ROs); the re-verification audit of DNV-GL; the annual maintenance of verification audits of those ROs whose rules had already been verified as conforming to the Standards; and the status reports regarding GBS audit observations from IACS and its members, the reports of which would be submitted to MSC 102 for consideration.

**Proposed amendments to the Generic Guidelines (MSC.1/Circ.1394/Rev.1)**

6.2 The Committee recalled that MSC 100 had considered the experience gained by SSE 5 in applying the *Generic guidelines for developing IMO goal-based standards* (MSC.1/Circ.1394/Rev.1) for the development of draft goals and functional requirements for onboard lifting appliances and anchor handling winches and, subsequently, had agreed to amend them to aid their application throughout the Organization; and had invited Member States and international organizations to submit proposals in this respect to this session.

6.3 In this connection, the Committee had the following documents for its consideration:

- .1 MSC 101/6/1 (China), proposing to amend the Generic Guidelines by deleting the word "rationale" as an element of formulating Tier II functional requirements and to expand the requirements for "expected performance", which was currently limited to "quantitative performance"; and to delete appendix 2, which was inconsistent with the *Guidelines on alternative design and arrangements for SOLAS chapters II-1 and III* (MSC.1/Circ.1212); and
- .2 MSC 101/6/3 (Germany et al.), proposing to include an example in the annex to the Generic Guidelines explaining the process of developing functional requirements for goal-based regulations.

6.4 Following a brief discussion, the Committee instructed the GBS Working Group to finalize the amendments to the Generic Guidelines, taking into account document MSC 101/6/3.

**Update on the new functionality in the GISIS module "National Contacts" with regard to the pool of GBS auditors**

6.5 The Committee recalled that MSC 100 had considered a proposal by the Secretariat to develop a GISIS functionality under the existing module "National Contacts" to allow Member States and international organizations to nominate GBS auditors directly in GISIS and to update the list of auditors, as necessary.

6.6 In this regard, the Committee noted the information contained in document MSC 101/6/2 (Secretariat) informing about the operational status of the GISIS functionality and that previously nominated GBS auditors would not be transferred to the GISIS module as a large number of those initially nominated were no longer available for a variety of reasons.

6.7 After consideration, the Committee agreed that the GBS auditor information should be accessible to all Member States and international organizations, similar to the information provided in the *List of competent persons maintained by the Secretary-General pursuant to section A-1/7 of the Seafarers' Training, Certification and Watchkeeping (STCW) Code* (MSC.1/Circ.797-series), except for personal and confidential information such as telephone number, address and CV.

6.8 The Committee also agreed to the use of the GISIS functionality under the existing module "National Contacts" for the nomination of GBS auditors and requested the Secretariat to issue a circular letter outlining the process for the nomination of auditors in GISIS, which would revoke existing Circular Letter No.3076 (*Invitation for the nomination of auditors for the verification of conformity with goal-based standards (GBS)*); and urged Member States and international organizations to nominate suitable auditors directly in GISIS and to update the information as and when necessary.

## Establishment of the GBS Working Group

6.9 Subsequently, the Committee established the Working Group on Goal-based Standards and instructed it, taking into account the comments made and decisions taken in plenary, to:

- .1 finalize the draft amendments to the *Generic guidelines for developing IMO goal-based standards* (MSC.1/Circ.1394/Rev.1), taking into account documents MSC 101/6/3, SSE 5/17 (paragraph 10.36) and MSC 100/20 (paragraph 6.48); and
- .2 consider and update the revised timetable and schedule of activities for the implementation of the GBS verification scheme, if necessary (MSC 99/22/Add.1, annex 15).

## Report of the GBS Working Group

6.10 Having considered the report of the Working Group (MSC 101/WP.9), the Committee approved it in general and took action as described in the following paragraphs.

### ***Draft amendments to the Generic guidelines for developing IMO goal-based standards (MSC.1/Circ.1394/Rev.1)***

6.11 The Committee agreed to draft amendments to paragraph 13.3 of the Generic Guidelines to permit the development of functional requirements based on qualitative expected performance in those cases where it would be impracticable otherwise, based on the decision of MSC 98 (MSC 98/23, paragraph 12.13.2) and noted the amendments to appendix 2 to ensure consistency with the new draft appendix 3, which provided an example of the process for developing functional requirements.

6.12 Subsequently, the Committee approved MSC.1/Circ.1394/Rev.2 on *Generic guidelines for developing IMO goal-based standards* and authorized the Secretariat to effect any editorial changes, as appropriate.

### ***Revised timetable and schedule of activities for the implementation of the GBS verification scheme***

6.13 The Committee approved the Revised timetable and schedule of activities for the implementation of the GBS verification scheme, as set out in annex 10.

## 7 SAFETY MEASURES FOR NON-SOLAS SHIPS OPERATING IN POLAR WATERS

7.1 The Committee recalled that MSC 100, having noted the diverse views on widening the mandatory application of the Polar Code, had invited Member States and international organizations to submit to MSC 101 information that would assist in determining the feasibility and consequences of applying the requirements in chapters 9 and 11 of the Polar Code to non-SOLAS ships, in order to progress the work.

7.2 The Committee also recalled that MSC 100 had endorsed its Working Group's view that, as an interim measure, a resolution to urge Member States to implement recommendatory measures for non-SOLAS ships operating in polar waters could be developed, and had invited Member States and international organizations to submit proposals for such a resolution to this session.

**Feasibility and consequences of applying the requirements in chapters 9 and 11 of the Polar Code to non-SOLAS ships**

7.3 The Committee had for its consideration the following documents:

- .1 MSC 101/7 (Marshall Islands and New Zealand) providing an initial analysis to assist in determining the feasibility and consequences of applying each of the goals, functional requirements and regulations of chapters 9 and 11 of the Polar Code to non-SOLAS ships operating in polar waters; and
- .2 MSC 101/7/2 (Chile et al.) providing information relevant to the consideration of this matter, with the aim of enabling Administrations to effectively apply the existing SOLAS chapter V requirements covering navigation and voyage planning to non-SOLAS ships operating in polar waters via the Polar Code.

7.4 In this context, the Committee also noted document MSC 101/INF.10 (FOEI et al.) providing an update on non-SOLAS ships operating in polar waters and details of recent incidents.

7.5 During the ensuing discussion, the following views, inter alia, were expressed:

- .1 the proposed measures aimed at reducing operational risks were supported;
- .2 NCSR 7 should be tasked to further consider making the application of chapters 9 and 11 of the Polar Code mandatory for non-SOLAS ships;
- .3 retrospective application of new measures to existing ships should be avoided;
- .4 national measures were already satisfactorily implemented and there was no need for an additional mandatory application of the Polar Code to ships already covered by national regulations;
- .5 NCSR 7 should initially consider the consequences and feasibility of applying chapters 9 and 11 of the Polar Code to non-SOLAS ships before embarking on the development of amendments to mandatory instruments; and
- .6 developments with respect to the 2012 Cape Town Agreement should be taken into account.

7.6 Following the discussion, the Committee:

- .1 agreed to include in the provisional agenda for NCSR 7 existing output OW 40 on "Safety measures for non-SOLAS ships operating in polar waters" and referred documents MSC 101/7 and MSC 101/7/2 to the Sub-Committee for further consideration;
- .2 instructed NCSR 7 to consider:
  - .1 consequences and feasibility of applying chapters 9 and 11 of the Polar Code to non-SOLAS ships; and
  - .2 how best to enhance the safety of non-SOLAS ships, including possible development of amendments to SOLAS and/or the Polar Code, and to advise the Committee accordingly;

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- .3 requested NCSR 7 to take into account the outcome of the 2019 Torremolinos Conference on the Safety of Fishing Vessels; and
  - .4 invited interested Member States and international organizations to submit relevant information to NCSR 7.

**Draft Assembly resolution on implementation of safety measures of the Polar Code on ships not certified under SOLAS**

7.7 The Committee had for its consideration document MSC 101/7/1 (Canada et al.) proposing a draft Assembly resolution urging Member States to take steps, on a voluntary basis, to implement the safety measures of the Polar Code on non-SOLAS ships.

7.8 During the ensuing discussion, the following views were expressed:

- .1 resolution MSC.385(94), by which the Polar Code was adopted, already invited SOLAS Contracting Governments to consider the voluntary application of the Code to non-SOLAS ships, but there was merit in emphasizing this again in an Assembly resolution;
- .2 the proposed draft text was broadly supported; however, some improvements might be needed before the Committee could approve it;
- .3 while putting emphasis on fishing vessels and pleasure yachts, it should be noted that other types of ships were also operating in polar areas;
- .4 the reporting requirement in this proposed non-mandatory resolution was not supported; and
- .5 specifically urging Member States to contribute to the work might give the wrong impression and imply that the matter was not attracting much attention, while Member States were already actively contributing to the work under this agenda item.

7.9 Consequently, the Committee, having agreed to the following modifications to the draft Assembly resolution proposed in document MSC 101/7/1:

- .1 deletion of operative paragraph 2 concerning notification and circulation;
- .2 change of wording in operative paragraph 3 to read "to continue contributing to" instead of "contribute to"; and
- .3 a number of editorial amendments,

approved the draft Assembly resolution on Interim safety measures for ships not certified under the SOLAS Convention operating in polar waters, as set out in annex 11, for submission to A 31 with a view to adoption.

## Arctic Shipping Best Practice Information Forum

7.10 The Committee, having noted document MSC 101/INF.18 (Canada et al.), providing interesting and useful information on a public Web portal launched by the Arctic Shipping Best Practice Information Forum, to assist in the effective implementation of the Polar Code, requested the Secretariat to circulate the information to all Member States and international organizations by means of a circular letter.

7.11 In this connection, the Committee also noted a statement by the delegation of Iceland, which was currently holding the chairmanship of the Arctic Council, appreciating the Organization's contribution to its work, and encouraging Member States to participate in the Ministerial Conference on Fishing Vessel Safety and Illegal, Unreported and Unregulated (IUU) Fishing, to be held in Torremolinos, Spain, from 21 to 23 October 2019, and to become Party to the 2012 Cape Town Agreement (see paragraphs 23.13 to 23.16).

## 8 DEVELOPMENT OF FURTHER MEASURES TO ENHANCE THE SAFETY OF SHIPS RELATING TO THE USE OF FUEL OIL

### Measures to enhance the safety of ships relating to the use of fuel oil

8.1 The Committee recalled that MSC 100 had included in the biennial agenda of the Committee an output on "Development of further measures to enhance the safety of ships relating to the use of fuel oil" with a target completion year of 2021 and agreed that a working group could be established at this session to consider matters.

8.2 The Committee also recalled that MSC 100 had acknowledged that urgent action was required to address the safety implications associated with the use of low-sulphur fuel oil, but that long-term solutions to enhance the safety of ships relating to the use of fuel oil were also needed (MSC 100/20, paragraph 8.10).

8.3 With regard to the outcome of MEPC 74 related to the consistent implementation of the 0.50% sulphur limit under MARPOL Annex VI (MSC 101/WP.11, paragraph 2.4), the Committee noted that MEPC 74 had:

- .1 noted that the joint industry guidance on potential safety and operational issues related to the supply and use of fuel oil with a maximum sulphur content of 0.50% m/m was expected to be released in August 2019 and that an e-learning course would be developed and made available by the end of the year (MEPC 74/18, paragraph 5.13);
- .2 noted the information provided by the observer from ISO on the preparation of a Publicly Available Specification (PAS) 23263 providing guidance as to the application of the existing ISO 8217 marine fuel standard to 0.50% compliant fuel oils, which was expected to be published later that year (MEPC 74/18, paragraph 5.14);
- .3 approved a draft MSC-MEPC circular on delivery of compliant fuel oil by suppliers (PPR 6/20/Add.1, annex 14), subject to concurrent approval by MSC 101 (MEPC 74/18, paragraph 5.31 and annex 11) (see paragraph 13.4);



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- .4 approved, in principle, draft amendments to the *2010 Guidelines for monitoring the worldwide average sulphur content of fuel oils supplied for use on board ships* (resolution MEPC.192(61), as amended) (MEPC 74/18, paragraph 5.56);
- .5 approved draft amendments to regulations 1, 2, 14 and 18, appendix I and appendix VI of MARPOL Annex VI with a view to further supporting the consistent implementation of the 0.50% sulphur limit (MEPC 74/18, paragraph 5.116 and annex 13);
- .6 adopted resolutions:
- .1 MEPC.320(74) on *2019 Guidelines for consistent implementation of the 0.50% sulphur limit under MARPOL Annex VI* (MEPC 74/18, paragraph 5.117 and annex 14); and
- .2 MEPC.321(74) on *2019 Guidelines for port State control under MARPOL Annex VI Chapter 3* (MEPC 74/18, paragraph 5.118 and annex 15); and
- .7 approved the following circulars:
- .1 MEPC.1/Circ.881 on *Guidance for port State control on contingency measures for addressing non-compliant fuel oil* (MEPC 74/18, paragraph 5.120);
- .2 MEPC.1/Circ.882 on *Early application of the approved amendments to the verification procedures for a MARPOL Annex VI fuel oil sample* (MEPC 74/18, paragraph 5.121);
- .3 MEPC.1/Circ.883 on *Guidance on indication of ongoing compliance in the case of the failure of a single monitoring instrument, and recommended actions to take if EGCS fails to meet the provision of the Guidelines* (MEPC 74/18, paragraph 5.123);
- .4 MEPC.1/Circ.884 on *Guidance for best practice for Member State/coastal State* (MEPC 74/18, paragraph 5.125); and
- .5 MEPC.1/Circ.864/Rev.1 on *2019 Guidelines for onboard sampling for the verification of the sulphur content of the fuel oil used on board ships* (MEPC 74/18, paragraph 5.29).

8.4 In respect of enhancing the implementation of regulation 18 (Fuel oil availability and quality) of MARPOL Annex VI (MSC 101/WP.11, paragraph 2.5), the Committee noted that MEPC 74 had:

- .1 approved MEPC.1/Circ.887 on *Reporting of data related to fuel oil availability and quality in GISIS to promote greater understanding of the consistent implementation of the 0.50% m/m sulphur limit under MARPOL Annex VI* (MEPC 74/18, paragraph 5.47);
- .2 requested the Secretariat to update the existing tabs for regulations 18.1, 18.2.5 and 18.9.6 in the MARPOL Annex VI GISIS module for better functionality (MEPC 74/18, paragraph 5.49);

- .3 established the Correspondence Group on Data Collection and Analysis under regulation 18 of MARPOL Annex VI, to be coordinated by the Secretariat, to investigate the reporting of additional items on GISIS and further usability improvements, if feasible and as appropriate (MEPC 74/18, paragraph 5.50); and
- .4 requested the Secretariat to report to MEPC 75 a preliminary overview of data on fuel oil quality and availability currently available in GISIS as well as an overview of the current use of GISIS with reference to obligations under regulations 18 and 14; and to advise MSC 101 on the progress made on the new GISIS module for fuel oil safety matters (MEPC 74/18, paragraph 5.51).

8.5 Having recalled that the draft MSC-MEPC circular on Delivery of compliant fuel oil by suppliers had been considered and approved under agenda item 13 (Pollution prevention and response) (see paragraph 13.4), the Committee considered the following documents:

- .1 MSC 101/8 (IACS), proposing a method of work and items to be taken into account when developing measures to enhance the safety of ships relating to the use of fuel oil, in particular that a structured approach was proposed in order to justify the need to take regulatory action; and
- .2 MSC 101/8/2 (ICS et al.), providing comments on document MSC 101/8 and information on problems encountered with fuel oils used on board ships and proposing consideration of possible means to address safety issues related to the supply of fuel oils not compliant with the flashpoint requirements as provided in regulation 4.2.1 of SOLAS chapter II-2.

8.6 During the ensuing discussions, the following views were expressed:

- .1 a coordinated effort by all Member States was necessary to address the safety implications associated with the use of low-sulphur fuel oil, such as stability, cold flow properties, acid number, flashpoint, ignition quality and cat fines, as they were expected to become more acute after the implementation of the 0.50% sulphur limit under MARPOL Annex VI;
- .2 urgent action to enhance the safety of ships relating to the use of fuel oil was needed, taking into account that the 0.50% sulphur limit would enter into force on 1 January 2020;
- .3 all safety provisions related to fuel oil needed to be identified and regulatory measures to address any gaps in existing legislation should be developed;
- .4 SOLAS chapter II-2 should be amended in order to require Member States to report all cases where fuel oil suppliers had failed to meet the minimum flashpoint requirements and take action as appropriate against fuel oil suppliers that had been found to deliver fuel oil not complying with the requirements; however, the effects of such requirements on the supply chain of fuel oil should be taken into account;
- .5 amendments to SOLAS chapter II-2 to take action against fuel oil suppliers delivering non-compliant fuel should not be developed as this was an issue between suppliers and buyers;

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- .6 since safety was the primary responsibility of the Committee, safety issues related to fuel oil should be thoroughly addressed by the Committee, and possible solutions, e.g. amendments to mandatory instruments or circulars, should be considered by a working group;
  - .7 it was important to increase awareness among all parties involved in regard to identified potential risks and relevant mitigation measures, including alerting the fuel oil supply network to the consequences of failure to supply an off-specification product, familiarizing ship operators with the properties associated with new or blended fuels so that safety could be maintained, as well as confirming compliance of fuel suppliers with statutory requirements and industry standards;
  - .8 the MEPC discussions concerning a licencing scheme should be taken into account;
  - .9 issues related to reporting and action against suppliers delivering non-compliant fuel were currently addressed by regulation 18.9 of MARPOL Annex VI and the proposed duplication of similar requirements in SOLAS should be carefully considered by a working group;
  - .10 taking into account the SOLAS amendment procedure, existing regulations under MARPOL could be used as a basis or reference for the development of further guidance on flashpoint issues;
  - .11 the flashpoint limit was covered in the ISO 8217 marine fuel standard, which in most cases formed the basis for the supplier's contractual obligation to the buyer, and there was already a mandatory document provided by the supplier to the ship covering the flashpoint, i.e. Material Safety Data Sheets for oil cargoes and for oil fuels prior to loading, as referred to in resolution MSC.286(86); and
  - .12 reporting of non-compliance of SOLAS flashpoint requirements would be beneficial and the outcome of the discussions at MEPC 74 on GISIS enhancements and on regulation 18.9.4 of MARPOL Annex VI should be taken into account.

8.7 Following discussion, the Committee agreed, in principle, to the method of work for evaluating the need for further measures to enhance the safety of ships relating to the use of fuel oil, as proposed in document MSC 101/8, and to take further urgent action to enhance the safety of ships relating to the use of fuel oil.

8.8 Consequently, the Committee instructed the Working Group to:

- .1 utilizing the structured approach as proposed in document MSC 101/8 and taking into account the related outcome of MEPC 74, further consider the proposals contained in documents MSC 101/8 and MSC 101/8/2, including possible amendments to SOLAS chapter II-2, further measures to enhance the compliance of SOLAS flashpoint requirements and development of a GISIS module on the safety aspect of fuel oil; and advise the Committee on how best to proceed;
- .2 consider and develop urgent guidance to enhance the safety of ships relating to the use of fuel oil; and
- .3 develop an action plan to progress the work under this output, taking into account documents MSC 101/8, MSC 101/8/2 and MSC 100/8/2.

### **Unified interpretation of service tank arrangements**

8.9 Having noted the discussions at SDC 6 on a proposed unified interpretation of service tank arrangements and the recommendation to consider document SDC 6/9/4 (IACS) under this agenda item (MSC 101/12/Rev.1, paragraph 2.16), the Committee considered the following documents:

- .1 SDC 6/9/4, providing the latest version of IACS UI SC123, developed in light of typical fuel oil service tank arrangements for ships trading in Emission Control Areas (ECAs) that use both low-sulphur distillate and residual grade fuel oils so as to facilitate the consistent and global implementation of SOLAS regulation II-1/26.11; and
- .2 MSC 101/8/1 (IACS), providing further comments on and an explanation of the revised version of IACS UI SC123, as provided in the annex to document SDC 6/9/4, with a view to providing more clarity regarding the proposed unified interpretation.

8.10 In the ensuing discussion, the Committee noted the following views:

- .1 a revision of IACS UI SC123 should be carefully considered, in order to avoid an unreasonable reduction of the availability of fuel tanks and capacity on board, which could affect the operational ability of the crew to address problems related to the quality of fuel;
- .2 concerns regarding a two service tank arrangement for a dual fuel system as a potential equivalent arrangement in example 1.2 should be addressed; and
- .3 documents MSC 101/8/1 and SDC 6/9/4 should be sent to the Working Group for detailed consideration.

8.11 Consequently, the Committee instructed the Working Group to finalize the draft MSC circular on Unified interpretation of SOLAS regulation II-1/26.11, taking into account documents MSC 101/8/1 and SDC 6/9/4.

### **Establishment of a working group**

8.12 Subsequently, the Committee established the Working Group on Fuel Oil Safety and instructed it, taking into account the comments and decisions made in plenary, to:

- 1 utilizing the structured approach as proposed in document MSC 101/8 and taking into account the related outcome of MEPC 74, further consider the proposals contained in documents MSC 101/8 and MSC 101/8/2, including possible amendments to SOLAS chapter II-2, further measures to enhance the compliance of SOLAS flashpoint requirements and development of a GISIS module on the safety aspect of fuel oil, and advise the Committee on how best to proceed;
- .2 consider and develop urgent guidance to enhance the safety of ships relating to the use of fuel oil;
- .3 develop an action plan to progress the work under this output, taking into account documents MSC 101/8, MSC 101/8/2 and MSC 100/8/2;

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- .4 finalize the draft MSC circular on Unified interpretation of SOLAS regulation II-1/26.11, taking into account documents MSC 101/8/1 and SDC 6/9/4; and
  - .5 consider whether a correspondence group was needed and, if so, prepare terms of reference for consideration by the Committee.

### **Report of the Working Group**

8.13 Having considered the report of the Working Group (MSC 101/WP.10), the Committee approved it in general and took action as described in the following paragraphs.

### ***Recommended interim measures and action plan***

8.14 The Committee adopted resolution MSC.465(101) on *Recommended interim measures to enhance the safety of ships relating to the use of oil fuel*, as set out in annex 12, and endorsed the related action plan as set out in annex 13.

### ***GISIS module for reporting non-compliance with flashpoint requirements***

8.15 The Committee agreed that a GISIS platform for reporting of non-compliance with flashpoint requirements should be developed, with a preference to integrate it in the existing GISIS platform for MARPOL Annex VI; invited interested Member States and international organizations to participate in the Correspondence Group on Data Collection and Analysis under Regulation 18 of MARPOL Annex VI, established by MEPC 74, with a view to proposing integration of the reporting of confirmed cases where oil fuel suppliers delivered fuel failing to meet the requirements specified in SOLAS regulation II-2/4.2.1 in the GISIS module; and requested the Secretariat to provide the outcome of the Group related to the GISIS module to the MEPC Correspondence Group.

8.16 In this context, the Committee invited MEPC 75, when considering the report of the aforementioned Correspondence Group, to advise it of the outcome of the investigation for the reporting of additional items on GISIS, in particular regarding the reporting of confirmed cases where oil fuel suppliers delivered fuel failing to meet the requirements specified in SOLAS regulation II-2/4.2.1 in the GISIS module.

### ***Unified interpretation on service tank arrangements***

8.17 Having noted that the Group could not reach consensus regarding the draft unified interpretation on service tank arrangements proposed in documents MSC 101/8/1 and SDC 6/9/4, the Committee instructed SDC 7 to further consider the development of a unified interpretation of SOLAS regulation II-1/26.11 and invited interested Member States and international organizations to submit relevant proposals, taking into account the discussions in the Group (MSC 101/WP.10, paragraphs 34 to 37), to SDC 7.

## **Establishment of a correspondence group**

8.18 Having considered the above matters and in order to progress the work intersessionally, the Committee established the Correspondence Group on Oil Fuel Safety, under the coordination of Germany,<sup>2</sup> with the following terms of reference:

- .1 further consider the development of mandatory requirements regarding the reporting of confirmed cases where oil fuel suppliers have failed to meet the flashpoint requirements of the Organization, taking into account that feedback should also be provided to the supplier;
- .2 further consider the development of mandatory requirements to ensure SOLAS Contracting Governments take action as appropriate against oil fuel suppliers in confirmed cases of deliveries of oil fuel that does not comply with the requirements specified in SOLAS regulation II-2/4.2.1, taking into account regulation 18.9.4 of MARPOL Annex VI;
- .3 further consider the development of mandatory requirements regarding the documentation of the flashpoint of the actual fuel batch when bunkering, providing a statement that the oil fuel delivered complies with SOLAS regulation II-2/4.2.1;
- .4 further consider the development of guidelines for ships to address situations where they have indicative test results suggesting that the oil fuel supplied may not comply with SOLAS regulation II-2/4.2.1;
- .5 collect information on possible measures related to oil fuel parameters other than flashpoint; and
- .6 submit a written report to MSC 102.

## **9 CARRIAGE OF CARGOES AND CONTAINERS**

### **Remaining matters emanating from CCC 5**

9.1 Having recalled that MSC 100 had already taken action on urgent matters emanating from CCC 5 (MSC 100/20, section 11), the Committee approved, in general, the report of the fifth session of the Sub-Committee on Carriage of Cargoes and Containers (CCC) (CCC 5/13 and MSC 101/9) and took action as indicated in paragraphs 9.2 to 9.8.

### ***Draft amendments to the IGF Code***

9.2 The Committee approved draft amendments to paragraph 6.7.1.1 and chapter 11 of the IGF Code, as set out in annex 14, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 102.

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<sup>2</sup>

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**Draft amendments to the IGC and IGF Codes**

9.3 The Committee approved draft amendments to paragraph 6.5.3.5.1 of the IGC Code, as set out in annex 15, and draft amendments to paragraph 16.3.3.5.1 of the IGF Code, as set out in annex 14, concerning tensile tests for materials other than aluminium alloys, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 102.

**Model course for the IMSBC Code**

9.4 The Committee noted that the Sub-Committee had decided to develop a model course for the IMSBC Code which was expected to be reviewed intersessionally by the review group, with a view to submitting a report to CCC 6 for validation.

**Unified interpretations of the IGF and IGC Codes**

9.5 The Committee approved MSC.1/Circ.1605 on *Unified interpretations of the IGF Code* and MSC.1/Circ.1606 on *Unified interpretations of the IGC Code*.

**Carriage of additional products listed in chapter 19 of the IGC Code**

9.6 The Committee approved MSC.1/Circ.1607 on *Carriage of chapter 19 products, amended IGC Code (resolution MSC.370(93)), on ships built after 1 July 1986 and before 1 July 2016*.

**Draft amendments to the IMSBC Code and associated circulars**

9.7 The Committee recalled that the draft amendments (05-19) to the IMSBC Code and the consequential amendments to the *Lists of solid bulk cargoes for which a fixed gas fire-extinguishing system may be exempted or for which a fixed gas fire-extinguishing system is ineffective* (MSC.1/Circ.1395/Rev.3), as finalized by E&T 30 directly after CCC 5, had been considered under agenda item 3 (Consideration and adoption of amendments to mandatory instruments) (see paragraphs 3.80 to 3.83).

**Meetings of the E&T Group in 2020**

9.8 The Committee approved the holding of one intersessional meeting of the E&T Group for the IMSBC Code in the spring of 2020 (see also paragraph 21.62).

**Revision of the IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units**

9.9 The Committee, having considered document MSC 101/9/1 (Secretariat) providing a communication from UNECE on matters relating to a revision of the IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units (CTU Code), endorsed the terms of reference of the UNECE Group of Experts on the CTU Code and authorized the Secretariat to participate in the work of the Group.

9.10 In this context, the Committee noted a statement by the observer from UNECE, appreciating the decision by the Committee; affirming that the CTU Code was fundamental in achieving the Sustainable Development Goals (SDGs), in particular SDGs 3.6 (Road safety) and 8.8 (Protecting labour rights and promoting safe and secure working environments for all workers); and expressing the willingness of UNECE to work closely with IMO and ILO on future activities in this regard.

## 10 IMPLEMENTATION OF IMO INSTRUMENTS

### Report of III 5

10.1 The Committee recalled that MSC 100 had noted that no urgent matters emanating from the fifth session of the Sub-Committee on Implementation of IMO Instruments (III) had been referred to it, and that the outcome of III 5 (III 5/15), including the provisional agenda for the fourth session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters, would be reported to MEPC 74 and MSC 101 (MSC 100/20, paragraph 12.1).

10.2 With regard to the consideration of the outcome of III 5 by MEPC 74, the Committee noted that MEPC 74 had agreed to defer the consideration of the action requested of both Committees, as well as documents III 3/7/1 (China), MEPC 74/11 (Secretariat), MEPC 74/11/1 (Marshall Islands et al.) and MEPC 74/11/2 (Secretariat) to MEPC 75. At the same time, MEPC 74 had instructed the Sub-Committee to take necessary action as per the instructions of MSC 101 (MSC 101/WP.11, paragraph 1.10).

10.3 The Committee approved, in general, the report of III 5 (III 5/15 and MSC 101/10) and took action as indicated below, subject to concurrent decision by MEPC 75, as appropriate.

#### ***Analysis of marine safety investigation reports***

10.4 The Committee endorsed the issuance of III.3/Circ.6 on *Casualty analysis and statistics*, containing observations on reports of investigation into casualties.

10.5 Having considered the safety issue of the presence of cargo vapours in non-hazardous closed spaces, identified by III 5 on the basis of the analyses of the reports of investigations into the three fire incidents on board **Liang Sheng**, **Royal Diamond 7** and **Border Heather**, the Committee instructed SSE 7 to consider the issue and the relevant details provided by the Secretariat, for advice to the Committee, as appropriate.

10.6 The Committee considered document MSC 101/10/3 (IACS), proposing to review the Procedure for identifying safety issues agreed by III 5 (III 5/15, annex 2) with regard to risk assessments, and instructed the Experts Group on Formal Safety Assessment (FSA Experts Group), established under agenda item 17 (see paragraph 17.4), to review the Procedure, in particular regarding the risk assessment criteria included therein, and to report to MSC 102 (see paragraphs 17.5 and 17.6).

10.7 The Committee invited Marine Safety Investigating States to prepare lessons learned using the format and style guide prepared by III 5 (III 5/15, annexes 3 and 4).

#### ***Procedures for Port State Control, 2017***

10.8 The Committee noted the referral of the draft amendments to appendix 8 (Guidelines for PSCOs on the ISM Code) and appendix 11 (Guidelines for PSCOs on certification of seafarers, manning and hours of rest) of the *Procedures for Port State Control, 2017* (resolution A.1119(30)) to HTW 6 for technical review and advice to III 6, taking into account the methodology to develop PSC guidelines as appendices of the above-mentioned Procedures; and agreed that the relevant outcome of HTW 6 be referred to III 6 for consideration when preparing the draft Assembly resolution on Procedures for Port State Control, 2019.



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***Analysis of consolidated audit summary reports***

10.9 The Committee concurred with the decision of MEPC 74 to instruct the III Sub-Committee to consider the second consolidated audit summary report (CASR), containing lessons learned from 15 mandatory audits completed in 2016 and 2017 (Circular Letter No.3879), and to advise MSC and MEPC accordingly.

10.10 With regard to the outcome of the analysis of the first CASR under the IMO Member State Audit Scheme, the Committee took the following action, subject to concurrent decision by MEPC 75:

- .1 endorsed the outcome of the analysis of the first CASR, which identified the five main areas of recurrent findings and observations and their detailed specific related issues; the highest numbers of references recorded against specific provisions of the mandatory instruments; and the four main areas of root causes, along with the associated specific issues that led to a majority of shortcomings;
- .2 endorsed the process for providing feedback from audits for further development of technical assistance and the identified areas that might need technical assistance to be forwarded to the Technical Cooperation Committee for consideration and reporting to the Council, as appropriate (III 5/15, annexes 8 and 11, figure 1);
- .3 agreed that identifying the need for interpretation of the requirements of mandatory IMO instruments should be part of the process for assessing the effectiveness and appropriateness of IMO legislation;
- .4 approved the proposed methodology for analysing CASRs to assess the effectiveness and appropriateness of IMO legislation, including identifying the need for interpretation of the requirements of mandatory IMO instruments, and to provide input to the regulatory process, based on the initial analysis by the Sub-Committee in the proposed format and the further review by relevant IMO bodies, and the related process for reporting to the Council (III 5/15, annexes 10 and 11, figure 2);
- .5 agreed that the specific requirements of the relevant IMO instruments be reviewed in terms of their effectiveness and appropriateness for implementation (III 5/15, paragraph 7.27 and annex 9); in this context, the Committee also agreed that the specific requirements of the five provisions of the 1974 SOLAS Convention and the 1978 STCW Convention, identified in annex 9 of document III 5/15, as well as those identified through the analysis of future CASRs, be reviewed by the III Sub-Committee in terms of their effectiveness and appropriateness for implementation in accordance with the approved methodology (see sub-paragraph .4 above);
- .6 requested the Secretariat to keep a log of the provisions of the mandatory instruments recommended for review based on the analysis of CASRs, which should capture any subsequent actions by respective IMO bodies;
- .7 agreed on the scope of the overall feedback on the analysis of CASRs to be provided by the Sub-Committee to the Committees, in order to enable them to report back to the Council, as requested by both the Assembly and the Council; and

- .8 approved the draft Guidance on communication of information by Member States, as set out in annex 16, which aimed at assisting Member States in the implementation of reporting obligations under 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.

### ***Taking of rudder bearing clearance measurements during in-water surveys***

10.11 The Committee concurred with the decision of III 5 not to agree with the proposal in document III 4/8/3 (IACS) to align paragraph 5.10.3 of the *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)* (resolution A.1120(30)) and paragraph 5.1.7 of the annex to the *Guidelines for the assessment of technical provisions for the performance of an in-water survey in lieu of bottom inspection in dry dock to permit one dry-dock examination in any five-year period for passenger ships other than ro-ro passenger ships* (MSC.1/Circ.1348) with regard to the taking of rudder bearing clearance measurements during in-water surveys, in line with the relevant decision of SSE 5.

### ***References to the Code for Recognized Organizations in existing IMO instruments***

10.12 Subject to concurrent decision by MEPC 75, the Committee agreed that references to the *Guidelines for the authorization of organizations acting on behalf of the Administration* (resolution A.739(18)) and the *Specifications on the survey and certification functions of recognized organizations acting on behalf of the Administration* (resolution A.789(19)) in existing IMO instruments should be replaced with references to the mandatory parts of the *Code for Recognized Organizations (RO Code)* (resolution MSC.349(92)). In this context, the Committee also agreed that both resolutions A.739(18) and 789(19) should be revoked by relevant decision of the Assembly.

### ***Model Agreement for the authorization of ROs acting on behalf of the Administration***

10.13 The Committee considered the draft MSC-MEPC.5 circular on Model Agreement for the authorization of recognized organizations acting on behalf of the Administration, prepared by III 5 (III 5/15, annex 13), together with document MSC 101/10/2 (Marshall Islands et al.)<sup>3</sup> containing proposed amendments to the draft Model Agreement.

10.14 Following detailed consideration of the amendments proposed in document MSC 101/10/2, the Committee agreed with those of an editorial nature, did not in general 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. Consequently, the Committee 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.

### ***Assembly resolutions to be prepared by III 6***

10.15 The Committee authorized III 6 to report the outcome of its work on matters that would require the adoption of the following draft Assembly resolutions directly to A 31:

- .1 Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2019;

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<sup>3</sup> A document containing similar information was submitted to MEPC 74 as document MEPC 74/11/1.

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- .2 2019 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code);
  - .3 Procedures for Port State Control, 2019; and
  - .4 Guidance on communication of information by Member States.

***Fourth session of the Joint FAO/ILO/IMO Ad Hoc Working Group on IUU fishing and related matters***

10.16 The Committee considered document MSC 101/10/1 (Secretariat) on the preparation of the fourth session of the Joint FAO/ILO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters (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 each of employers and workers. In this context, the Committee:

- .1 agreed to hold JWG 4 from 23 to 25 October 2019 (Circular Letter No.3936), directly after the Ministerial Conference on Fishing Vessel Safety and IUU Fishing (see paragraph 21.62), planned to be held in the same location, in Torremolinos, Spain, from 21 to 23 October 2019 (see Circular Letter No.3932);
- .2 approved the provisional agenda of JWG 4, as set out in annex 17, and instructed the Group to submit its report to III 7 for review;
- .3 agreed that the list 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 the participation of 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.

## **11 NAVIGATION, COMMUNICATIONS AND SEARCH AND RESCUE**

### **Statements by delegations**

11.1 The delegation of France made a statement, as set out in annex 38, regarding a tragic incident off the west coast of France on Friday, 7 June 2019, where three members of a rescue team tragically died during a search and rescue operation, noting also that the sole fisherman on board the fishing boat in distress was missing.

### **Report of NCSR 6**

11.2 The Committee approved, in general, the report of the sixth session of the Sub-Committee on Navigation, Communications and Search and Rescue (NCSR 6/23, NCSR 6/23/Add.1 and MSC 101/11) and took action as indicated in paragraphs 11.3 to 11.24.

**Traffic separation schemes and routing measures**

11.3 The Committee adopted, in accordance with the *Procedure for the adoption and amendment of traffic separation schemes, routing measures other than traffic separation schemes, including designation and substitution of archipelagic sea lanes, and ship reporting systems* (resolution A.858(20)):

- .1 new traffic separation schemes and associated measures "In the Sunda Strait" and "In the Lombok Strait", to be implemented on 1 July 2020, for circulation by means of COLREG.2/Circ.74; and
- .2 routing measures other than traffic separation schemes, for circulation by means of SN.1/Circ.337, as follows:
  - .1 new precautionary areas "In the Sunda Strait" and "In the Lombok Strait" with recommended directions of traffic flow, to be implemented on 1 July 2020; and
  - .2 amendments to the *Recommendations on navigation through the English Channel and the Dover Strait* (adopted by resolution A.475(XII), as amended, on *Ships' Routing*), to be implemented on 1 January 2020.

11.4 The delegation of Indonesia made a statement regarding the newly adopted traffic separation schemes and associated measures "In the Sunda Strait" and "In the Lombok Strait", the full text of which is set out in annex 38.

**Revocation of obsolete provisions**

11.5 The Committee endorsed the action taken by NCSR 6 in requesting the Secretariat to issue SN.1/Circ.232/Add.2, advising on the revocation of SN/Circ.232 and SN.1/Circ.232/Add.1 on *Traffic separation scheme off Ushant, associated inshore traffic zone, and Passage de Fromveur, Chenal du Four, Chenal de la Helle and Raz de Sein*, which had become obsolete.

**Procedures for the submission of proposals for the establishment of, or amendments to, ships' routing systems or ship reporting systems**

11.6 The Committee approved MSC.1/Circ.1608 on *Procedure for the submission of documents containing proposals for the establishment of, or amendments to, ships' routing systems or ship reporting systems* and agreed that the Procedure would apply with immediate effect, i.e. including relevant submissions to NCSR 7.

**Long-range Tracking and Identification (LRIT)**

11.7 The Committee approved:

- .1 an amendment to the *Continuity of service plan for the LRIT system* (MSC.1/Circ.1376/Rev.3), for dissemination of the revised circular by means of MSC.1/Circ.1376/Rev.4;
- .2 an amendment to the *LRIT System Technical documentation, part I* (MSC.1/Circ.1259/Rev.7), for dissemination of the revised circular by means of MSC.1/Circ.1259/Rev.8; and

- .3 MSC.1/Circ.1412/Rev.2 on *Principles and guidelines relating to the review and audit of the performance of LRIT Data Centres and the International LRIT Data Exchange*.

### **Guidelines on standardized modes of operation, S-Mode**

11.8 The Committee approved MSC.1/Circ.1609 on *Guidelines for the standardization of user interface design for navigation equipment*, having agreed to the addition of a note to table 1 (General navigation functions) of appendix 2 to the annex, to clarify that, in line with standard IEC 62288, the circles around the two first icons in this table (i.e. "panel illumination" and "display brilliance") were optional.

11.9 The Committee also adopted resolution MSC.466(101) on *Amendments to the Performance standards for the presentation of navigation-related information on shipborne navigational displays (resolution MSC.191(79))*, as set out in annex 18; and approved SN.1/Circ.243/Rev.2 on *Guidelines for the presentation of navigation related symbols, terms and abbreviations*.

### **Maritime Services**

11.10 The Committee adopted resolution MSC.467(101) on *Guidance on the definition and harmonization of the format and structure of Maritime Services in the context of e-navigation*, as set out in annex 19, and approved MSC.1/Circ.1610 on *Initial descriptions of Maritime Services in the context of e-navigation*.

11.11 The Committee endorsed the action taken by NCSR 6 in inviting the FAL Committee to consider the descriptions of Maritime Services 4 (Port Support Service) and 8 (Vessel shore reporting) and provide comments and advice on the best way forward. Having noted the decisions of FAL 43 in this connection (FAL 43/20, paragraphs 7.21 to 7.23), in particular its decision to include the FAL Committee as an associated organ for output 2.11, the Committee instructed NCSR 7 to report to FAL 44 on the outcome of its work on output 2.11 (Consideration of descriptions of Maritime Services in the context of e-navigation) (see also paragraph 2.2).

### **MSI-related documentation**

11.12 The Committee approved MSC.1/Circ.1364/Rev.1/Corr.1 on *Amendments to the Revised International SafetyNET Manual (MSC.1/Circ.1364/Rev.1)* and MSC.1/Circ.1611 on *Interim guidance on technical requirements for Fleet Safety*.

11.13 The Committee considered the draft amendments to resolution A.705(17) on *Promulgation of Maritime Safety Information* approved by NCSR 6 (NCSR 6/23, annex 14), together with document MSC 101/11/5 (IMSO) commenting on the draft amendments and proposing modifications in respect of the role of IMSO in providing oversight of the technical aspects of transmitting maritime safety information (MSI) through recognized mobile satellite services.

11.14 Having debated the proposed modifications, the Committee noted that those delegations who spoke against them stressed that resolution A.705(17) was more focused on operational procedures for the promulgation of MSI and that IMSO's oversight responsibilities could be better described, if necessary, in other instruments, such as in resolution A.1001(25) on *Criteria for the provision of mobile satellite communication systems in the Global Maritime Distress and Safety System (GMDSS)*. The delegations that supported IMSO's proposal indicated that it was important to acknowledge, in resolution A.705(17), the need to notify IMSO about cases of difficulty affecting the delivery of MSI through recognized mobile satellite

services for the purpose of discharging IMSO's oversight responsibilities in accordance with resolution A.1001(25). Views were also expressed that some of the terms used in the amendments proposed by IMSO, i.e. "ensure" in paragraph 6.6 and "shall" in paragraph 6*bis*.2 of their document, were of a mandatory nature and would need to be amended.

11.15 After consideration, the Committee agreed to the following modifications to the amendments to resolution A.705(17) approved by NCSR 6 (NCSR 6/23, annex 14):

.1 Paragraph 6.3 should be amended as follows:

"6.3 Administrations responsible for MSI providers should provide details of their services to IMO, which will maintain and publish this as part of the GMDSS Master Plan."

.2 The first sentence of paragraph 6.6 should read:

"6.6 MSI providers should arrange the content and means of their broadcast transmissions to suit specific service areas.\*"

\* Coordination of HF NBDP broadcasts in the Arctic should be undertaken by relevant MSI service providers."

.3 The following new section should be added after paragraph 6.6 and the remaining section and paragraphs should be renumbered accordingly:

#### **"7 EGC SERVICE AVAILABILITY**

7.1 The EGC system(s) of recognized mobile satellite service providers should provide continuous availability for broadcasting MSI- and SAR-related information in accordance with the relevant provisions of resolution A.1001(25).

7.2 Cases of difficulty affecting the broadcast of MSI- and SAR-related information through the EGC system(s) of a recognized mobile satellite service provider in ways that limit the ability of information providers to monitor the EGC broadcasts that they originate, or the ability of ships to receive EGC broadcasts intended for reception throughout their intended voyages, should be brought to the attention of IMSO as and when necessary for the purpose of discharging IMSO's technical oversight responsibilities in respect of the recognized satellite service provider(s) involved."

11.16 Consequently, the Committee adopted resolution MSC.468(101) on *Amendments to Promulgation of Maritime Safety Information (resolution A.705(17), as amended)*, as set out in annex 20.

11.17 The Committee also adopted resolutions MSC.469(101) on *Amendments to World-Wide Navigational Warning Service (resolution A.706(17), as amended)* and MSC.470(101) on *Amendments to IMO/WMO Worldwide Met-Ocean Information and Warning Service – Guidance Document (resolution A.1051(27))*, as set out in annexes 21 and 22, respectively.

#### ***Guidance for ships operating in polar waters***

11.18 The Committee approved MSC.1/Circ.1612 on *Guidance for navigation and communication equipment intended for use on ships operating in polar waters*.

**ITU matters**

11.19 The Committee approved the IMO position on World Radiocommunication Conference 2019 (WRC-19) agenda items concerning matters relating to maritime services, as set out in annex 23, and requested the Secretariat to submit it to ITU.

11.20 The Committee noted the action taken by NCSR 6 in requesting the Secretariat to convey liaison statements to ITU on:

- .1 autonomous maritime radio devices and identities in the maritime mobile service;
- .2 protection criteria for aeronautical and maritime systems;
- .3 revision of Recommendation ITU-R M.1371-5;
- .4 transmission characteristics of EPIRB; and
- .5 development of a draft new Recommendation ITU-T [Y.smartport] "Requirements of smart management of supply services in smart port".

**EPIRBs performance standards**

11.21 The Committee adopted resolution MSC.471(101) on *Performance standards for float-free emergency position-indicating radio beacons (EPIRBs) operating on 406 MHz*, as set out in annex 24.

**Revised versions of resolutions**

11.22 As requested by NCSR 6, the Committee considered the possibility of adopting revised versions of guidelines and recommendations adopted by MSC resolutions, maintaining the original number with a revised notation (i.e. by adding "/Rev..." to the number) and:

- .1 agreed that amendments to guidelines and recommendations adopted by MSC resolutions could be adopted in the future, if appropriate, as revised versions of such resolutions, maintaining the same number, with the extension "/Rev..." added;
- .2 instructed subsidiary bodies to take this decision into account, as appropriate, when amending MSC resolutions in the future; and
- .3 invited MEPC, TCC and the FAL and LEG Committees to note this decision and to consider taking a similar approach in respect of resolutions under their purview, as appropriate.

**Guidelines on VDR and S-VDR**

11.23 The Committee approved draft amendments to the *Guidelines on annual testing of voyage data recorders (VDR) and simplified voyage data recorders (S-VDR)* (MSC.1/Circ.1222), for dissemination of the revised circular by means of MSC.1/Circ.1222/Rev.1.

***Meetings of Joint IMO/ITU Experts Group and ICAO/IMO Joint Working Group in 2020***

11.24 The Committee approved, subject to endorsement by the Council, the holding of the sixteenth meeting of the Joint IMO/ITU Experts Group on Maritime Radiocommunication Matters and the twenty-seventh meeting of the ICAO/IMO Joint Working Group on Harmonization of Aeronautical and Maritime Search and Rescue in 2020 (see also paragraph 21.62).

**Implementation of Iridium services recognized for use in the GMDSS**

11.25 The Committee noted the information provided in document MSC 101/11/3 (United States), advising on the progress made with the implementation of the Iridium mobile satellite system in GMDSS since MSC 99 and confirming that Iridium remained on track with its development and implementation programme to start providing GMDSS services in 2020.

11.26 The Committee noted the concerns expressed by the delegation of France that interoperability of mobile satellite service providers and cost implications regarding the dissemination of MSI through different mobile satellite services still needed to be addressed and that the Committee should invite interested parties to submit proposals on these issues to the NCSR Sub-Committee.

11.27 In this regard, the delegation of the United States indicated that it would submit further information to the NCSR Sub-Committee regarding the dissemination of MSI over multiple recognized mobile satellite services, as and when the information became available.

11.28 The Committee noted the information provided in document MSC 101/INF.14 (IMSO) related to the implementation of Iridium services and advising, in particular, that the Public Services Agreement between IMSO and Iridium had been signed on 12 March 2019.

***Development of an interim preliminary draft Iridium SafetyCast service manual***

11.29 The Committee considered document MSC 101/11/1 (IHO and WMO) providing an interim preliminary draft Iridium SafetyCast service manual, noting that IHO and WMO considered the manual to be sufficiently developed for approval by the Committee as an interim manual to support the work required during the initial operational phase of Iridium mobile satellite services. In its introduction, the observer from IHO indicated that, notwithstanding the above, significant work and testing was still required before the Iridium SafetyCast service could be declared fully operational as a worldwide system in use by all NAVAREA, METAREA and RCC authorities; that further amendments and modifications to the manual would be required as a result of the operational testing phase through the remainder part of 2019; and that it was anticipated that sufficient progress would be achieved for a mature final draft version of the Manual to be reviewed at the eighteenth meeting of the IHO World-Wide Navigational Warning Service (WWNWS) Sub-Committee Document Review Working Group, taking place in January 2020 after NCSR 7, for presentation at the twelfth session of the IHO WWNWS Sub-Committee in August 2020 and subsequent submission to NCSR 8 and MSC 104 in 2021, for approval with an entry-into-force date of 1 January 2023, at the earliest.

11.30 In this connection, the Committee also considered document MSC 101/11/4 (United States), commenting on document MSC 101/11/1, proposing to circulate the interim Iridium SafetyCast service manual by means of an MSC circular and providing a draft cover for such a circular explaining the "interim" nature of the manual.



11.31 During the ensuing discussion, the delegations that took the floor supported the endorsement of the interim Iridium SafetyCast service manual, for circulation by means of an MSC circular, pending approval of the final text of the manual after completion of all system trials and tests. A proposal was made to amend the title of the draft MSC circular to clarify that the interim manual was to support the operational testing of the Iridium satellite services during the initial operational phase only. However, the Committee decided to retain the title as proposed in document MSC 101/11/4, to follow the same procedure as applied to Inmarsat when the draft International SafetyNET Manual was circulated by means of COM/Circ.102.

11.32 After consideration, the Committee agreed to circulate the interim Iridium SafetyCast service manual set out in the annex to document MSC 101/11/1 by means of an MSC circular, using the draft cover provided in the annex to document MSC 101/11/4, and consequently approved MSC.1/Circ.1613 on *Interim Iridium SafetyCast service manual*.

### **Proposed takeover of Inmarsat plc**

11.33 The Committee noted the information provided in documents MSC 101/11/2 and MSC 101/11/2/Add.1 (IMSO) related to developments concerning the proposed acquisition of Inmarsat plc by the Connect Bidco Limited Consortium, particularly with respect to the Consortium's commitment to continuing support for the recognized satellite communication services in GMDSS.

11.34 In response to the request of one delegation for further information regarding the consequences for the Public Services Agreement between IMSO and Inmarsat, the observer from IMSO indicated that with the recognition of new mobile satellite services provided by Iridium the existing conditions with Inmarsat services would change and that they would continue to discuss the consequences of these developments and any necessary actions with the Bidco Consortium and the IMO Secretariat.

11.35 In this connection, the delegation of the United Kingdom indicated that the Public Services Agreement was between IMSO and Inmarsat, and that who owned Inmarsat should not be a matter of concern in this regard.

11.36 In response to the above comments, the observer from IMSO made a statement, the full text of which is set out in annex 38.

11.37 The Committee thanked IMSO for the information provided and invited it to keep the Committee abreast of future developments.

### **Review of the Indian Regional Navigation Satellite System**

11.38 The Committee noted the information on the Indian Regional Navigation Satellite System provided in document MSC 101/INF.5 (India), including system performance, capability, testing and application, also noting the intention of India to submit further information to NCSR 7, to facilitate the Sub-Committee's evaluation of the System in accordance with the requirements set out in resolutions A.915(22) and A.1046(27).

## **12 SHIP DESIGN AND CONSTRUCTION**

### **REPORT OF SDC 6**

12.1 The Committee approved, in general, the report of the sixth session of the Sub-Committee on Ship Design and Construction (SDC) (SDC 6/13, SDC 6/13/Add.1 and MSC 101/12/Rev.1) and took action as outlined below.

## **Safe mooring operations for ships**

### ***Amendments to SOLAS regulation II-1/3-8***

12.2 The Committee approved draft amendments to SOLAS regulation II-1/3-8 (Towing and mooring equipment) prepared by SDC 6, as set out in annex 25, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 102.

### ***Guidelines on the design of mooring arrangements and equipment***

12.3 The Committee approved, in principle, a draft MSC circular on Guidelines on the design of mooring arrangements and the selection of appropriate mooring equipment and fittings for safe mooring, as set out in annex 2 to document SDC 6/13, with a view to final approval in conjunction with the adoption of the draft amendments to SOLAS regulation II-1/3-8 referred to in paragraph 12.2. The Guidelines are expected to take effect on 1 January 2024, upon entry into force of the associated SOLAS amendments.

### ***Guidelines for inspection and maintenance of mooring equipment***

12.4 The Committee noted that SDC 6 had considered the inclusion of training and familiarization provisions for shore-based mooring personnel in the draft Guidelines for inspection and maintenance of mooring equipment and, having noted that this matter was outside the scope of the output, invited the Committee to consider what action, if any, should be taken, taking into account the existing FAL *Ship/port interface – Guidelines on minimum training and education for mooring personnel* (FAL.6/Circ.11/Rev.1).

12.5 After consideration, the Committee agreed that this matter was outside the scope of the Guidelines for inspection and maintenance of mooring equipment and the remit of the SDC Sub-Committee; but that FAL.6/Circ.11/Rev.1 was a suitable existing instrument which could be amended, if deemed necessary by the FAL Committee.

12.6 Consequently, the Committee invited the FAL Committee to consider the need to address training and familiarization provisions for shore-based mooring personnel that might emanate from the new draft Guidelines for inspection and maintenance of mooring equipment and invited interested Member States and international organizations to submit proposals for a relevant new output to the FAL Committee.

12.7 Subsequently the Committee approved, in principle, the draft MSC circular on Guidelines for inspection and maintenance of mooring equipment, as set out in annex 3 to document SDC 6/13, with a view to final approval in conjunction with the adoption of the draft amendments to SOLAS regulation II-1/3-8 referred to in paragraph 12.2. The Guidelines are expected to take effect on 1 January 2024, upon entry into force of the associated SOLAS amendments.

### ***Guidance on shipboard towing and mooring equipment***

12.8 The Committee considered the proposed draft amendments to the *Guidance on shipboard towing and mooring equipment* (MSC.1/Circ.1175) prepared by SDC 6, together with document MSC 101/12/4 (Japan and IACS), proposing that the safe towing load (TOW) used for normal towing operations should be equal to 80% of the design load for the purpose of marking, following a similar provision for the determination of the safe working load (SWL) requiring that SWLs marked on equipment should be equal to the ship design minimum breaking load (MBL<sub>SD</sub>).

12.9 Having agreed to the proposal in document MSC 101/12/4, the Committee approved the draft amendments to the *Guidance on shipboard towing and mooring equipment* (MSC.1/Circ.1175), as set out in annex 4 to document SDC 6/13, with a view to approval in conjunction with the adoption of the draft amendments to SOLAS regulation II-1/3-8 referred to in paragraph 12.2 above. The amended Guidance is expected to take effect on January 2024 upon entry into force of the associated SOLAS amendments.

#### **Review of SOLAS chapter II-1 to ensure consistency with regard to watertight integrity**

12.10 The Committee, in considering the draft amendments to SOLAS chapter II-1 prepared by SDC 6 to ensure consistency between parts B-2 and B-4 of SOLAS chapter II-1 with regard to watertight integrity, endorsed the approach taken by the Sub-Committee to amend SOLAS regulations II-1/7-2.5 (part B-1), as well as the application provisions in regulation II-1/1.3.

12.11 In this connection, the Committee also agreed to a minor editorial correction in regulation II-1/22.13.2, deleting the words "during navigation" at the end of the first sentence after the words "...on the responsibility of the master".

12.12 Subsequently, the Committee approved draft amendments to SOLAS chapter II-1, as set out in annex 25, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 102.

#### **Finalization of second-generation intact stability criteria**

12.13 The Committee noted the progress made by SDC 6 on the development of second-generation intact stability criteria, in particular that it had developed a consolidated single set of guidelines for all five stability failure modes, which was expected to be finalized at SDC 7.

#### **Carriage of more than 12 industrial personnel on board vessels engaged on international voyages**

12.14 The Committee noted the confusion, ambiguity and differing interpretations among delegations at SDC 6 concerning the use of an aggregated number of passengers, special personnel and industrial personnel as the criterion to invoke the application of the draft International Code of Safety for Ships Carrying Industrial Personnel (IP Code), and considered its request to decide whether the use of an aggregated number should be maintained for the application of draft new SOLAS chapter XV and the draft IP Code.

12.15 In this context, the Committee considered the following documents:

- .1 MSC 101/12/1 (Norway), proposing to amend draft SOLAS chapter XV to clearly state the application requirements of the draft Code by including references to special personnel and passengers; and
- .2 MSC 101/12/6 (Australia), expressing concerns with respect to the conflict between the definition for "passenger" and that for "industrial personnel" and proposing to include a number of special personnel in all thresholds for the purpose of applying the regulations of the draft Code.

12.16 In the ensuing discussion, the following views were expressed:

- .1 the use of an aggregated number was decided by MSC 99 and should be adhered to as a practical way forward to avoid having a situation where a ship could carry up to 36 persons (12 passengers, 12 industrial personnel and 12 special personnel) without having to comply with the IP Code;
- .2 the carriage of special personnel on a ship subject to the IP Code should be permitted but not reciprocally applied, i.e. ships solely subject to the SPS Code should not be permitted to carry industrial personnel;
- .3 the IP Code was a means to regulate multi-purpose functions/multi-mission ships which carried special personnel as well as industrial personnel and the mandatory IP Code should be the instrument to govern both categories of personnel;
- .4 a loophole should be avoided whereby a ship seeking to be certified under the IP Code would be allowed to carry more than 12 passengers without having to comply with the passenger ship regulations; and
- .5 a key legal issue remained with respect to a potential conflict with SOLAS chapter I where the term "industrial personnel" was not defined.

12.17 Following the discussion, the Committee confirmed the decision of MSC 99 to use an aggregated number comprising passengers, special personnel and industrial personnel as the qualifying criterion for the application of the draft IP Code (MSC 99/22, paragraph 10.17.1) and agreed that the proposals contained in document MSC 101/12/1, in particular in paragraphs 11 and 12, as well as in document MSC 101/12/6 should be used as the basis for formulating the application provisions of the draft SOLAS chapter XV and the draft IP Code.

12.18 The Committee also considered the proposals in documents MSC 101/12/1 and MSC 101/12/6 regarding training of special personnel, noting the view that special personnel, when carried on board a ship subject to the IP Code, must also meet the training requirements for industrial personnel in accordance with the provisions of the IP Code. In this regard, the Committee agreed that SDC 7 should take documents MSC 101/12/1 and MSC 101/12/6 into account when considering training requirements for industrial personnel and special personnel on ships subject to the IP Code and advise the Committee as appropriate. In this connection, the delegation of the United States made a statement, the full text of which is set out in annex 38.

12.19 The Committee noted that SDC 6 had requested input and advice from the CCC and PPR Sub-Committees in relation to the provisions in the draft IP Code concerning the carriage of dangerous goods.

### **Amendments to the 2011 ESP Code**

12.20 The Committee recalled that it had considered the matter of the draft 2019 ESP Code, as well as the amendments to the 2011 ESP Code, under agenda item 3 (Consideration and adoption of amendments to mandatory instruments) (see paragraphs 3.29 to 3.40, 3.78 and 3.79).

### **Unified interpretations of the 2008 IS Code**

12.21 The Committee approved a revision of the *Unified interpretation of the 2008 Intact Stability Code (IS Code)* (MSC.1/Circ.1537), prepared by SDC 6, which includes revised unified interpretations to section 2.3 (Severe wind and rolling) and section 3.4.2 (Assumptions for calculating loading conditions), for dissemination as MSC.1/Circ.1537/Rev.1.

### **Unified interpretations relating to the 1988 Load Line Protocol**

12.22 The Committee considered a revision of the *Unified interpretations relating to the Protocol of 1988 relating to the International Convention on Load Lines, 1966* (MSC.1/Circ.1535), together with document MSC 101/12/5 (Japan et al.), proposing to amend the draft unified interpretation of regulation 27(13)(e) of the 1966 Load Lines Convention, and, having agreed to the proposal, approved MSC.1/Circ.1535/Rev.1.

### **Unified interpretations of SOLAS chapter II-1**

12.23 The Committee approved a revision of the *Unified interpretations of SOLAS chapter II-1* (MSC.1/Circ.1539), for dissemination as MSC.1/Circ.1539/Rev.1, including unified interpretations to SOLAS regulations II-1/22-1 and II-2/21.4.13 on safe return to port requirements for flooding detection systems applicable to ships contracted for construction on or after 1 July 2019.

### **Unified interpretation for fuel oil service tanks arrangements**

12.24 The Committee recalled that it had considered the arrangement of fuel service tanks under agenda item 8 (Development of further measures to enhance the safety of ships relating to the use of fuel oil), together with document MSC 101/8/1 (IACS) (see paragraph 8.17).

### **Guidelines for wing-in-ground craft**

12.25 The Committee, in considering the proposal for a revision of the *Guidelines for wing-in-ground craft* (MSC.1/Circ.1592) (SDC 6/13, annex 14), noted that the proposed updated references, in particular to the LSA Code, did not match the provisions in the Guidelines which were drafted on the basis of SOLAS regulations that were no longer applicable to conventional SOLAS ships; and that other sections of the Guidelines might also contain outdated references and provisions. Consequently, the Committee referred the revised Guidelines back to SDC 7 and instructed it to consider the matter further under the agenda item "Any other business", with a view to advising MSC 102 on a proposed way forward.

### **Validated model training courses**

12.26 The Committee noted the invitation of the Sub-Committee to Member States and international organizations to volunteer to become a course developer for the review of IMO Model Course 3.07 on Hull and Structural Surveys and encouraged interested parties to contact the Secretariat<sup>3</sup> if they wished to do so.

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<sup>3</sup> Email: [sdc@imo.org](mailto:sdc@imo.org)

## **Draft Interim guidelines for the safety of ships using methyl/ethyl alcohol as fuel**

12.27 The Committee noted that SDC 6, following a request from CCC 5 for consideration and advice on paragraph 5.3.3 of the draft Interim guidelines for the safety of ships using methyl/ethyl alcohol as fuel on the limit for the safe location of fuel tanks (CCC 5/13, annex 1), had forwarded its views to CCC 6 for consideration and action, as appropriate.

## **13 POLLUTION PREVENTION AND RESPONSE**

### **Outcome of PPR 6**

13.1 The Committee noted that the Sub-Committee on Pollution Prevention and Response (PPR) had held its sixth session from 4 to 8 February 2019 and that its report on that session had been circulated as documents PPR 6/20 and PPR 6/20/Add.1.

13.2 Having recalled that the draft amendments to the IBC Code and related circulars had been considered under agenda item 3 (Consideration and adoption of amendments to mandatory instruments) (see paragraphs 3.23 to 3.28 and 3.76 and 3.77), the Committee considered the remaining matters emanating from PPR 6 (MSC 101/13, paragraphs 2.5 to 2.7) and took action as indicated below.

### ***Fuel oil matters***

13.3 The Committee noted that MEPC 74 had adopted resolution MEPC.320(74) on *2019 Guidelines on consistent implementation of the 0.50% m/m sulphur limit under MARPOL Annex VI* developed by PPR 6, containing provisions addressing possible safety implications relating to fuel oils meeting the 0.50% m/m sulphur limit (see section 6 and appendix 2 of the Guidelines) that were developed based on the consideration of, inter alia, document MSC 100/8/2 (MSC 100/20, paragraph 8.21).

13.4 Having noted the concurrent approval by MEPC 74, the Committee approved MSC-MEPC.5/Circ.15 on *Delivery of compliant fuel oil by suppliers*.

## ***Draft Interim guidelines for the safety of ships using methyl/ethyl alcohol as fuel***

13.5 The Committee noted that, as requested by CCC 5, PPR 6 had considered and concurred with paragraph 5.3.2 of the draft Interim guidelines for the safety of ships using methyl/ethyl alcohol as fuel concerning cargo tanks located adjacent to methyl/ethyl alcohol fuel tanks and advised CCC 6 accordingly.

## **14 SHIP SYSTEMS AND EQUIPMENT**

### **REPORT OF SSE 6**

14.1 The Committee approved, in general, the report of the sixth session of the Sub-Committee on Ship Systems and Equipment (SSE) (SSE 6/18 and MSC 101/14) and took action as outlined in paragraphs 14.2 to 14.32.

### ***Amendments to the Guidelines on alternative design and arrangements for SOLAS chapters II-1 and III (MSC.1/Circ.1212)***

14.2 The Committee considered the draft *Revised guidelines on alternative design and arrangements for SOLAS chapters II-1 and III* (MSC.1/Circ.1212) (SSE 6/18, annex 1), together with document MSC 101/14/10 (CLIA), proposing to modify expected performance

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(EP 1) under functional requirement 8 (FR 8) of the draft Revised guidelines by removing a provision regarding the prevention of CO<sub>2</sub> concentration to harmonize with the existing requirements of SOLAS chapter III and the LSA Code, and to defer/reconsider the inclusion of such a provision at a future stage.

14.3 During the discussion, the Committee noted the following views:

- .1 the draft Revised guidelines were applicable to survival craft manufactured under alternative design and arrangements and a CO<sub>2</sub> concentration limit should not be of concern for regular craft; and, therefore, the guidelines should be approved without any further delay, for the benefit of the industry;
- .2 taking into account that work on the ventilation of all types of survival craft had not yet been concluded and there were no existing prescriptive requirements for CO<sub>2</sub> concentration under SOLAS chapter III and the LSA Code, it would be premature to include such requirements under FR 8 of the draft Revised guidelines;
- .3 a CO<sub>2</sub> concentration limit had been discussed thoroughly at both the Sub-Committee and Committee levels and, therefore, no further discussions were necessary and the studies in document SSE 6/INF.4 (Canada) provided sufficient information on the consequences of such limit;
- .4 since legal and application matters had not been adequately taken into account when drafting the Revised guidelines, an early implementation of the CO<sub>2</sub> concentration limit was not appropriate at this stage, and, therefore, a broader consensus should be reached before finalizing the guidelines by instructing SSE 7 to review potential inconsistencies in the text;
- .5 the draft Revised guidelines were intended to support the existing prescriptive requirements and, since there were no prescriptive regulations on CO<sub>2</sub> concentration in the relevant instruments, the CO<sub>2</sub> concentration limitation should be removed, as proposed in document MSC 101/14/10; and FR 8 should be reconsidered in the future when the work on the ventilation requirements for survival craft had been completed; and
- .6 since some of the EPs were not covered by existing requirements and some of the FRs were not in line with the prescriptive requirements, the draft Revised guidelines should be further developed by the Sub-Committee until consistency had been achieved.

14.4 In light of the above views, the Committee, having recognized that the work on the ventilation of survival craft was ongoing and having agreed that the 5,000 ppm limitation issue could be reconsidered at a later stage:

- .1 agreed to modify draft EP 1 under FR 8 by deleting the following text:

"that prevent exposure to a long-term CO<sub>2</sub> concentration of more than 5,000 ppm for at least 24 hours";
- .2 approved MSC.1/Circ.1212/Rev.1 on *Revised guidelines on alternative design and arrangements for SOLAS chapters II-1 and III*, as modified; and

- .3 invited interested Member States and international organizations implementing the Revised guidelines to provide the Organization with feedback on the experience gained with their application.

14.5 In connection with the above, the observers from CLIA and CESA made statements, the full texts of which are set out in annex 38.

#### **Functional requirements for SOLAS chapters II-1 and III**

14.6 The Committee noted that the task to develop functional requirements for SOLAS chapter III had been completed and agreed that the remaining work on the safety objectives and functional requirements of the *Revised guidelines on alternative design and arrangements for SOLAS chapters II-1 and III* be limited to SOLAS chapter II-1.

#### **Ventilation of survival craft**

14.7 The Committee noted the outcome of the work and the progress made on matters related to draft amendments to the LSA Code and the *Revised recommendation on testing of life-saving appliances* (resolution MSC.81(70)) regarding ventilation on totally enclosed lifeboats and the draft amendments concerning survival craft other than totally enclosed lifeboats.

#### **Interim guidelines on LSA and arrangements for ships operating in polar waters**

14.8 The Committee considered the draft MSC circular on Interim guidelines on life-saving appliances and arrangements for ships operating in polar waters (SSE 6/18, annex 2), together with the following documents:

- .1 MSC 101/14/4 (Canada and Norway), proposing amendments to paragraph 3.7 of the draft Interim guidelines to harmonize them with EP 1, under FR 8 of the *Revised guidelines on alternative design and arrangements for SOLAS chapters II-1 and III* (MSC.1/Circ.1212/Rev.1); and
- .2 MSC 101/14/9 (CLIA), commenting on the draft Interim guidelines and document MSC 101/14/4 and proposing modifications.

#### **Proposed amendments to paragraph 3.7.2**

14.9 In considering the draft amendments to paragraph 3.7.2 of the draft Interim guidelines proposed in documents MSC 101/14/4 and MSC 101/14/9, the Committee noted the following diverging views:

- .1 the 5,000 ppm CO<sub>2</sub> limitation was widely supported during the discussion at SSE 6 and the Polar Code already required a habitable environment, and therefore, the proposal in document MSC 101/14/4 should be supported;
- .2 the Polar Code fully addressed the harsh conditions in polar waters and the high safety standards of the equipment should be preserved and, therefore, the proposals in document MSC 101/14/9 should not be accepted;
- .3 the proposal in document MSC 101/14/9 to keep the Interim guidelines under review should be taken on board;



- .4 paragraph 3.7.2 of the draft Interim guidelines should be modified to reflect habitable environment requirements only for lifeboats, since it would be difficult to implement the CO<sub>2</sub> limitation on liferafts;
- .5 since there was no unanimous agreement on the CO<sub>2</sub> limitation, the relevant text should be deleted, as proposed in document MSC 101/14/9; and
- .6 the words "habitable temperature" were vague and the "habitable temperature" concept should be considered along with habitable ventilation based on scientific evidence; a balance between ventilation and temperature should be maintained in order to provide a habitable environment; and, therefore, prescriptive requirements for both aspects should be included in the draft Interim guidelines.

14.10 Following discussion, the Committee agreed that paragraph 3.7 of the draft Interim guidelines applied to all types of survival craft and modified paragraph 3.7.2, as proposed in document MSC 101/14/4, as follows:

"3.7.2 Survival craft should provide a habitable environment for all persons on board that prevents exposure to a long-term CO<sub>2</sub> concentration of more than 5,000 ppm for the maximum expected time of rescue. The ventilation should be considered in context with heating requirements to achieve a habitable temperature in the survival craft."

#### ***Clarification of the application of the draft Interim guidelines***

14.11 The Committee did not agree to the proposal in document MSC 101/14/9 regarding the modification of the application of the draft Interim guidelines to existing ships, noting that the implementation provisions should be consistent with the Polar Code as the draft Interim guidelines were based on the Code.

#### ***Keeping the Interim guidelines under review***

14.12 Having agreed that the Interim guidelines should be kept under review, the Committee decided to modify the cover page of the draft MSC circular to that effect and requested the Secretariat to reflect this modification when finalizing the circular.

14.13 Subsequently, the Committee approved MSC.1/Circ.1614 on *Interim guidelines on life-saving appliances and arrangements for ships operating in polar waters*.

#### **Establishment of the FSA Experts Group to review the FIRESAFE II study**

14.14 The Committee agreed to consider the establishment of the FSA Experts Group under agenda item 17 (see section 17 and paragraph 21.62).

#### **Interim guidelines for minimizing the incidence and consequences of fires in ro-ro spaces and special category spaces of new and existing ro-ro passenger ships**

14.15 The Committee considered the draft MSC circular on *Interim guidelines for minimizing the incidence and consequences of fires in ro-ro spaces and special category spaces of new and existing ro-ro passenger ships* (SSE 6/18, annex 3), together with document MSC 101/14/8 (ICS et al.), highlighting perceived concerns that some of the provisions contained in annex 3 of the draft Interim guidelines introduced new construction and/or carriage requirements without adequate technical justification or following due procedures.

14.16 In the ensuing discussion, the Committee noted the following views:

- .1 even though paragraphs 17 to 19 of document MSC 101/14/8 highlighted some valid concerns, the draft guidelines could be further developed in the future and, therefore, they should be approved at this session, considering the possibility of keeping them under review for improvement at a later stage;
- .2 the draft Interim guidelines should be referred back to the SSE Sub-Committee to address inconsistencies, in particular:
  - .1 paragraph 4.2 excluded open style design of ro-ro and vehicle spaces and was not consistent with the relevant provisions in SOLAS chapter II-2, and, for this reason, open style ro-ro spaces should be included in this particular paragraph; and
  - .2 escape routes or LSA arrangements that were situated away from opening positions of an open style ro-ro space could cause practical problems, and, therefore, paragraph 4.2 should be amended;
  - .3 careful consideration should be given to the incorporation of the recommendations provided by the draft Interim guidelines prior to the adoption of relevant SOLAS amendments; and
  - .4 paragraph 3 of the draft cover of the MSC circular should be amended to specify "trial use" of the Interim guidelines.

14.17 Having considered the above views, the Committee decided to keep the text prepared by SSE 6 at this stage, noting that the draft Interim guidelines could be further improved in the future, if necessary.

14.18 With regard to the training requirements in the draft Interim guidelines, the Committee, having noted that SSE 6 had invited HTW 6 to consider sections 3.2 and 3.3 related to training and drills for seafarers, considered the modifications proposed by HTW 6, as set out in the annex to document MSC 101/15/1 (Secretariat).

14.19 Following discussion, the Committee, having concurred with the modifications proposed by HTW 6, approved MSC.1/Circ.1615 on *Interim guidelines for minimizing the incidence and consequences of fires in ro-ro spaces and special category spaces of new and existing ro-ro passenger ships*.

### **Onboard lifting appliances and anchor handling winches**

14.20 The Committee noted the progress made on matters related to onboard lifting appliances and anchor handling winches (OLAW), in particular that SSE 6 had developed draft SOLAS regulation II-1/3-13 (Lifting appliances and anchor handling winches), with a view to submission to the Committee for adoption, together with the associated draft OLAW guidelines, once finalized.

### **Unified interpretations of SOLAS chapter II-2**

14.21 The Committee approved MSC.1/Circ.1616 on *Unified interpretations of SOLAS regulations II-2/9 and II-2/10*, concerning regulations II-2/9.2 (Containment of fire, thermal and structural boundaries), II-2/9.7.5 (Containment of fire, ventilation systems, exhaust ducts from galley ranges) and II-2/10.10.4 (Fire fighting, fire-fighter's outfits, fire-fighter's communication).

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## **Unified interpretations of the IGC Code**

14.22 The Committee approved MSC.1/Circ.1617 on *Unified interpretations of the IGC Code*, concerning paragraphs 11.3.6 (Fire protection and extinction, water-spray system), and 11.4.8 (Fire protection and extinction, dry chemical powder fire-extinguishing systems).

## **New output on the application of the requirement to launch free-fall lifeboats**

14.23 The Committee agreed to consider the justification for the new output on the application of the requirement to launch free-fall lifeboats with the ship making headway at speeds of up to 5 knots in calm water, prepared by SSE 6, under agenda item 21 (Work programme) (see paragraphs 21.45 and 21.46).

## **Unified interpretations of SOLAS chapter III**

14.24 The Committee approved MSC.1/Circ.1618 on *Unified interpretations of SOLAS regulations III/20, III/22 and III/32*, concerning regulations III/20.11 (Operational readiness, maintenance and inspections, maintenance, thorough examination, operational testing, overhaul and repair of lifeboats, rescue boats and fast rescue boats, launching appliances and release gear), III/22.1.1 and III/32.1.1 (Personal life-saving appliances, lifebuoys).

## **Unified interpretations of SOLAS regulations II-1/28, II-1/29 and II-1/30**

14.25 The Committee considered draft unified interpretations of SOLAS regulations II-1/28, II-1/29 and II-1/30, amending MSC.1/Circ.1416 on *Unified interpretations of SOLAS regulations II-1/28 and II-1/29* (SSE 6/18, annex 8), together with document MSC 101/14/6 (IACS), proposing to modify the implementation date so that the interpretations would apply from 1 January 2020, noting that the modifications emanated from IACS UI SC242, which stipulated "ships contracted for construction on or after 1 January 2020", with a view to avoiding difficulties in the industry due to inconsistent implementation dates.

14.26 Having agreed to the proposal in document MSC 101/14/6, the Committee approved MSC.1/Circ.1416/Rev.1 on *Unified interpretations of SOLAS regulations II-1/28, II-1/29 and II-1/30*, as modified.

## **Establishment of an experts' group at SSE 7**

14.27 The Committee approved the establishment of an experts' group at SSE 7 to progress the work on cold ironing and the related safety objectives and functional requirements for SOLAS chapter II-1.

## **Draft amendment to paragraph 6.1.1.3 of the LSA Code**

14.28 The Committee noted that the proposed modifications to the draft amendment to paragraph 6.1.1.3 of the LSA Code had been considered under agenda item 3 (Amendments to mandatory instruments) (see paragraphs 3.16 to 3.21).

## **Draft amendments to section 8.1 of resolution MSC.81(70)**

14.29 The Committee considered draft amendments to section 8.1 (Testing of davits and launching appliances) of the Revised recommendation, concerning an omission in the testing requirements in order to harmonize them with chapter VI of the LSA Code (as amended by resolution MSC.427(98)) (SSE 6/18, annex 12) and approved them as a minor correction in accordance with the decisions taken at C/ES.27 (C/ES.27/D, paragraph 3.2(vi)).

Consequently, the Committee adopted the amendments to the *Revised recommendation on testing of life-saving appliances* (resolution MSC.81(70)) by resolution MSC.472(101), as set out in annex 26.

### **Guidelines for developing operation and maintenance manuals for lifeboat systems**

14.30 The Committee approved draft amendments to the *Guidelines for developing operation and maintenance manuals for lifeboat systems* (MSC.1/Circ.1205) agreed by SSE 6 (SSE 6/18, annex 13), for dissemination as MSC.1/Circ.1205/Rev.1.

### **Review of model courses under the purview of the SSE Sub-Committee**

14.31 The Committee noted the consideration of the Sub-Committee regarding the review of model courses under its purview, in particular that the Sub-Committee would determine whether those model courses had been used by training institutes, including sales information, to determine whether or not they should be maintained.

### **Draft Interim guidelines for the safety of ships using methyl/ethyl alcohol as fuel**

14.32 The Committee noted that the Sub-Committee had forwarded its views on the relevant parts of the draft Interim guidelines for the safety of ships using methyl/ethyl alcohol as fuel to CCC 6 for consideration and action, as appropriate.

## **OTHER MATTERS**

### **Draft amendments to testing standards in resolution MSC.81(70)**

14.33 The Committee recalled that MSC 99 had considered minor corrections to references to standards for material tests for inflatable liferafts and hydrostatic release unit membranes in the Revised recommendation, as proposed in document MSC 99/20/13 (ISO); and had agreed to consider them at MSC 100 (MSC 99/22, paragraph 20.30).

14.34 The Committee also recalled that MSC 100 had requested the Secretariat to prepare a draft MSC resolution on the adoption of amendments to the Revised recommendation (MSC 100/20, paragraph 19.13), for consideration at this session.

14.35 The Committee considered document MSC 101/14/1 (Secretariat), providing a draft MSC resolution addressing minor corrections to the *Revised recommendation on testing of live-saving appliances* (resolution MSC.81(70)), aiming to revise outdated testing standards, as requested by MSC 100.

14.36 In the ensuing discussion, the Committee noted a view that the standards in ISO/TR 6065 and ISO 15372:2000 were not considered to be identical, due to the fact that oil resistant requirements underwent substantive changes, i.e. test oil temperature had been increased from 20°C to 70°C in ISO 15372:2000 and this change could have a substantive impact on the testing of fabrics; and that, therefore, the draft amendments should not be adopted at this session.

14.37 In considering the above view, the Committee noted the offer of the observer from ISO to discuss the matter in the corresponding technical committee of ISO.

14.38 Having concluded that the draft amendments could not be considered to be a minor correction, the Committee agreed to:

- .1 refer the draft amendments to SSE 7 for further consideration under the agenda item "Any other business" and provision of advice to MSC 102; and
- .2 invite ISO to provide relevant information to SSE 7 for consideration.

### **Use and fitting of retro-reflective materials on life-saving appliances**

14.39 The Committee recalled that MSC 100, having considered document MSC 100/19/4 (Austria et al.), proposing amendments to resolution A.658(16) on the *Use and fitting of retro-reflective materials on life-saving appliances*, had agreed to the deletion of the words "carbon arc" in paragraph 4.10 and had requested the Secretariat to prepare a relevant draft Assembly resolution for approval at MSC 101, with a view to submission to A 31 for adoption (MSC 100/20, paragraphs 19.14 and 19.15).

14.40 In this respect, the Committee considered document MSC 101/14/2 (Secretariat), containing a draft Assembly resolution for the adoption of the draft amendments agreed at MSC 100 and noted the following views:

- .1 the draft amendment regarding the test simulating sunshine was vague, which could lead to inconsistent application of the test standard; however, a submission could be made to A 31 in order to address this concern; and
- .2 since carbon arc testing was becoming rare, the draft amendment should be approved, which would provide the flexibility to use any other suitable test standards.

14.41 Following discussion, the Committee, having noted the possibility of relevant proposals to be submitted to A 31 addressing the above-mentioned concern, approved the draft Assembly resolution on Amendments to the Use and fitting of retro-reflective materials on life-saving appliances (resolution A.658(16)), as set out in annex 27, for submission to A 31 with a view to adoption.

### **Clarification of SOLAS regulation II-2/19.3.8**

14.42 The Committee considered document MSC 101/14/3 (Germany), discussing perceived ambiguities of SOLAS regulation II-2/19.3.8 when applied to dangerous goods of class 1, which had arisen from the restructuring of part 7 of the IMDG Code in amendment 36-12, and noted the follow views:

- .1 amendment 36-12 to the IMDG Code provided more clarity without reducing the safety level before the restructuring of the Code and, therefore, the proposal provided a good basis for future discussion;
- .2 the proposal changed the intent of the regulation by requiring both "A 60" insulation and "3 m horizontal distance" from the machinery space boundaries for underdeck cargo spaces and, therefore, it should be further considered;
- .3 the technical nature of the proposal would require a comprehensive discussion and, therefore, a proposal for a new output should be submitted; and
- .4 the draft amendment should be considered a minor correction or referred to SSE 7 for further consideration under the agenda item "Any other business".

14.43 In light of the above and taking into account the technical nature of the proposed amendments, the Committee invited Germany to submit a proposal for a new output in accordance with the Committees' method of work (MSC-MEPC.1/Circ.5/Rev.1).

### **Scope and method for the revision of SOLAS chapter III and the LSA Code**

14.44 The Committee considered document MSC 101/14/7 (RINA), proposing a method for the work on the output on "Revision of SOLAS chapter III and the LSA Code", which was expected to commence at SSE 7, and noted the following views:

- .1 the "clean sheet" approach mentioned in paragraph 6 of the document would require a lengthy process and, considering the progress made so far with respect to the development of FRs, should not be supported;
- .2 the development of the FRs should not be approached as a "clean sheet" project; rather, it should be initially based on the existing provisions, which could also include the process of reverse engineering following a hazard identification study;
- .3 a hazard identification study should be conducted to develop a risk matrix with respect to the functional requirements in the *Revised guidelines on alternative design and alternative arrangements for SOLAS chapters II-1 and III* (MSC.1/Circ.1212/Rev.1); and the *Generic guidelines for developing goal-based standards* (MSC.1/Circ.1394/Rev.1) provided clear guidance on how to identify the hazards addressed by the requirements in SOLAS and the LSA Code;
- .4 although a hazard identification study could be beneficial, considering the progress made leading to the revision of MSC.1/Circ.1212, it would not be practical at this stage;
- .5 coordination of the work by Member States proposed in paragraph 8 of the document could change the existing method of work and, therefore, the work should be coordinated by the Sub-Committee and not by a selection of Member States;
- .6 the FRs and EPs developed in MSC.1/Circ.1212/Rev.1 were reverse engineered from the current prescriptive requirements and MSC.1/Circ.1212/Rev.1 might not be reliable for addressing hazards and risks and, consequently, a hazard study would be a good starting point; and
- .7 the document should be referred to SSE 7 for further elaboration by the relevant experts on the issue.

14.45 Following discussion and taking into account the concerns raised and the differing views with regard to the proposals contained in the document, the Committee agreed not to take any action at this stage.

### **Expression of appreciation**

14.46 The Committee expressed its sincere thanks and appreciation to Dr. Susumu Ota of Japan, the outgoing Chair of the SSE Sub-Committee, for having successfully guided the Sub-Committee for the past six years.

## 15 IMPLEMENTATION OF THE STCW CONVENTION

### Urgent matters emanating from HTW 6

15.1 The Committee recalled that the Sub-Committee on Human Element, Training and Watchkeeping (HTW) had held its sixth session from 29 April to 3 May 2019 and that, in accordance with the Committees' method of work (MSC-MEPC.1/Circ.5/Rev.1), the report on that session would be considered by MSC 102.

15.2 The Committee also recalled that, in exceptional cases, a subsidiary body might invite the Committee to take action on matters considered to be urgent and important emanating from a session that took place less than nine weeks prior to the Committee's session (MSC-MEPC.1/Circ.5/Rev.1, paragraph 6.9).

15.3 Consequently, the Committee considered urgent matters emanating from HTW 6 as outlined in document MSC 101/15/1 (Secretariat), and took action as indicated in paragraphs 15.4 to 15.7.

#### ***Joint ILO/IMO Working Group for the Development of Guidelines on the Medical Examination of Fishing Vessel Personnel***

15.4 The Committee approved the establishment of a joint ILO/IMO Working Group for the Development of Guidelines on the Medical Examination of Fishing Vessel Personnel, and the holding of a meeting of the Group in 2021, subject to endorsement by C 122 (see also paragraph 21.62).

#### ***Intersessional Working Group on the STCW-F Convention***

15.5 The Committee approved the holding of an intersessional meeting of the Working Group on the Review of the STCW-F Convention before HTW 7 and relevant draft terms of reference, as set out in annex 28, subject to endorsement by C 122 (see also paragraph 21.62).

#### ***Draft Interim guidelines for minimizing the incidence and consequences of fires in ro-ro spaces and special category spaces of new and existing ro-ro passenger ships***

15.6 The Committee recalled that it had taken into account the comments of HTW 6 on the draft Interim guidelines for minimizing the incidence and consequences of fires in ro-ro spaces and special category spaces of new and existing ro-ro passenger ships, under agenda item 14 (Ship systems and equipment) (see paragraph 14.19).

#### ***Implementation of the 1978 STCW Convention, as amended***

15.7 With regard to the implementation of the 1978 STCW Convention, as amended, the Committee (HTW 6/WP.1, paragraphs 12.20 to 12.23):

- .1 noted the discussions at HTW 6 concerning the implementation of relevant provisions of the Convention including STCW regulation I/7.3.2; and
- .2 included the existing output on "Implementation of the STCW Convention" in the provisional agenda for HTW 7, so that the Sub-Committee could consider necessary action.

15.8 In this context, the Committee noted a statement by the delegation of Malaysia, as set out in annex 38.

#### **Secretary-General's report pursuant to STCW regulation I/7, paragraph 2**

15.9 The Committee considered the report for Palau, as set out in document MSC 101/WP.3; confirmed that the information provided demonstrated that full and complete effect had been given to the provisions of the STCW Convention; and requested the Secretariat to issue an update of the list of Parties giving full and complete effect to the relevant provisions of the Convention by means of MSC.1/Circ.1163/Rev.12.

#### **Secretary-General's report pursuant to STCW regulation I/8**

15.10 The Committee considered the reports for Jordan, Madagascar, Panama and the Syrian Arab Republic, as set out in document MSC 101/WP.3/Add.1; confirmed that the information provided by the aforementioned Parties demonstrated that they continued to give full and complete effect to the provisions of the STCW Convention; and requested the Secretariat to issue updated information concerning the reports of independent evaluation by means of MSC.1/Circ.1164/Rev.21.

15.11 The Committee also encouraged Parties to the STCW Convention to submit their independent evaluation reports, in accordance with regulation I/8 thereof.

#### **Approval of competent persons**

15.12 The Committee considered document MSC 101/15 (Secretariat), containing information provided by STCW Parties regarding experts made available or recommended for inclusion in the list of competent persons, as well as competent persons withdrawn from the list.

15.13 Following consideration, the Committee:

- .1 approved the inclusion of 10 competent persons recommended by four STCW Parties in the *List of competent persons maintained by the Secretary-General pursuant to section A-I/7 of the STCW Code* (MSC.1/Circ.797/Rev.32); and requested the Secretariat to issue the revised list by means of MSC.1/Circ.797/Rev.33;
- .2 noted the competent persons who had been withdrawn from the List by three STCW Parties; and
- .3 invited STCW Parties to inform the Secretariat of any amendments that the List might require (withdrawals, additions, change of address, etc.), with a view to ensuring that those listed in the latest revision were available to serve as competent persons and were readily contactable.

15.14 Having thanked those STCW Parties that had nominated competent persons, the Committee encouraged all Parties to nominate more competent persons to facilitate the effective implementation of the provisions of the STCW Convention.



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## **Behavioural competency assessment and verification for vessel operators**

15.15 The Committee noted the information contained in document MSC 101/INF.6 (OCIMF and INTERTANKO), annexing the best practice guide on "Behavioural competency assessment and verification for vessel operators", which provided new means to assess and verify the behavioural competences of seafarers, focusing on non-technical behavioural soft skills, which are being implemented on board tankers.

## **16 CAPACITY-BUILDING FOR THE IMPLEMENTATION OF NEW MEASURES**

### **Background**

16.1 The Committee recalled that it had requested the Vice-Chair, in consultation with the Chair and with the assistance of the Secretariat, to submit to MSC 101 a preliminary assessment of the capacity-building implications and technical assistance needs related to the draft amendments to mandatory instruments, approved at MSC 100 (MSC 100/20, paragraph 13.7).

16.2 The Committee also recalled that, following agreement to discontinue the preliminary assessment of capacity-building implications and technical assistance needs related to new outputs proposing to amend mandatory instruments at the time of the approval of such outputs, MSC 100 requested the Secretariat to provide to MSC 101 an analysis of past capacity-building assessments, to determine whether the findings had resulted in any added value action being taken (MSC 100/20, paragraph 13.5) (see paragraph 16.5).

16.3 The Committee noted that MEPC 74 had concurred with the decision to discontinue the preliminary assessment of capacity-building implications and technical assistance needs related to new outputs for amending mandatory instruments at the time of the approval of such outputs (MEPC 74/18, paragraph 13.6).

### **Preliminary assessment of capacity-building implications**

16.4 The Committee considered document MSC 101/16 (Vice-Chair), providing the outcome of the aforementioned preliminary assessment (see paragraph 16.1), and agreed that there were no capacity-building implications or technical assistance needs with regard to the draft amendments to mandatory instruments approved at MSC 100. Consequently, the Committee concluded that there was no need to establish the Ad Hoc Capacity-building Needs Analysis Group at this session.

### **Analysis of past capacity-building assessments**

16.5 Having considered the analysis of past capacity-building assessments provided in document MSC 101/16/1 (Secretariat), the Committee agreed to undertake in future the assessment of capacity-building implications at the stage of adoption of amendments to mandatory instruments and that the standing Drafting Group on Amendments to Mandatory Instruments should carry out the assessment when considering the final text of such amendments.

16.6 Notwithstanding the above decisions and taking into account resolution A.998(25) on *Need for capacity-building for the development and implementation of new, and amendments to existing, instruments*, the Committee also agreed that the Committees' method of work (MSC MEPC.1/Circ.5/Rev.1) would need to be amended accordingly, including the Committees' decision to no longer assess capacity-building implications for new outputs at the time of their approval, and agreed to consider this matter further under agenda item 20 (Application of the Committees' method of work) (see paragraph 20.2).

16.7 Consequently, the Committee invited MEPC 75 to concur with the decisions set out in paragraphs 16.5 and 16.6 above and requested the Secretariat to inform the Technical Cooperation Committee of the outcome of its considerations under this agenda item.

## **17 FORMAL SAFETY ASSESSMENT**

### **Background**

17.1 The Committee noted that SSE 6 had considered document SSE 6/6/2 (Austria et al.), presenting the main topics and structure of the FIRESAFE II FSA study and proposing that the study be reviewed by the FSA Experts Group, which would be reporting directly to SSE 7.

17.2 The Committee also noted that, following consideration of the document, SSE 6 had invited the Committee to consider establishing the FSA Experts Group to review the FIRESAFE II study and to instruct SSE 7 to consider the Group's report and advise the Committee on how best to proceed. In this regard, SSE 6 had noted that the Group, if established, would have to finalize its report by the 13-week deadline for submission of documents to SSE 7, i.e. 29 November 2019, so that interested Member States and international organizations could submit comments (SSE 6/18, paragraphs 6.11 and 6.12).

### **Review of FIRESAFE I and II studies**

17.3 The Committee had for its consideration document MSC 101/17 (Austria et al.), providing a summary of the FIRESAFE I and II studies and proposing that an FSA Experts Group be established to review the studies and to report directly to SSE 7.

17.4 Following discussion, the Committee, recognizing the merit of conducting an FSA study in order to benefit from its outcome when drafting fire safety-related instruments in the future, agreed to establish the FSA Experts Group to review the FIRESAFE I and II studies and that the Group would report its findings directly to SSE 7.

### **Review of risk assessment criteria**

17.5 The Committee recalled that, having considered document MSC 101/10/3 (IACS) under agenda item 10 (Implementation of IMO instruments), it had agreed to review the risk assessment criteria in the *Procedure for identifying safety issues* developed by III 5 (III 5/15, annex 2) (see paragraph 10.6).

17.6 In this respect, the Committee agreed to instruct the FSA Experts Group to review the risk assessment criteria in the *Procedure for identifying safety issues* and submit a report to MSC 102.

### **Establishment of the FSA Experts Group**

17.7 In accordance with appendix 10 of the *Revised Guidelines for Formal Safety Assessment (FSA) for use in the IMO rule-making process* (MSC-MEPC.2/Circ.12/Rev.2), the Committee agreed to the holding of a meeting of the FSA Experts Group at IMO Headquarters from 18 to 20 November 2019, to be chaired by Mr. Koichi Yoshida of Japan, with Mr. Sergey Tolmachev of the Russian Federation serving as the Vice-Chair.

17.8 Having considered the draft terms of reference for the FSA Experts Group (MSC 101/WP.12), the Committee instructed it to review the FIRESAFE I and II studies regarding fire safety of ro-ro decks on passenger ships and the risk assessment criteria in the *Procedure for identifying safety issues* (III 5/15, annex 2) and, in particular, taking into account the comments made and decisions taken at the session, to:

- .1 check:
  - .1 the adequacy of scope of FSA, and definition of the problem;
  - .2 the validity of the input data (transparency, comprehensiveness, availability, etc.);
  - .3 the adequacy of expertise of participants in FSA, identified hazards and their ranking, and the reasonableness of assumptions; and
  - .4 the adequacy of accident scenarios, risk models and calculated risks; identified RCMs and RCOs; selection of RCOs for cost-benefit analysis; and cost-benefit analysis results;
- .2 check methodologies used and relevance of methods and tools for:
  - .1 decision in the group(s) in FSA;
  - .2 hazard identification (HAZID);
  - .3 calculation of risk;
  - .4 cost-benefit analysis; and
  - .5 sensitivity and uncertainty analysis;
- .3 if any deficiency was identified in the items above, consider whether they affect the results;
- .4 consider whether the FSA was conducted in accordance with the FSA Guidelines;
- .5 check whether the recommendations in the FSA required any immediate action or propose any changes to IMO instruments;
- .6 consider whether the results and the recommendations in the FSA were credible and advise the decision makers (e.g. committees of the Organization) accordingly;
- .7 submit a written report to SSE 7 covering items .1 to .6 above;
- .8 consider whether it was necessary to improve the FSA Guidelines, and, if so, propose amendments;
- .9 review the risk assessment criteria in the *Procedure for identifying safety issues* (III 5/15, annex 2); and
- .10 advise MSC 102 on items .8 and .9 accordingly.

17.9 The Committee invited interested Member States and international organizations to nominate experts for participation in the FSA Experts Group, through the Secretariat;<sup>5</sup> requested the Secretariat to issue a circular letter informing of the organizational details and arrangements for the meeting of the Group; and invited the Council to endorse the holding of the meeting (see paragraph 21.62).

## 18 PIRACY AND ARMED ROBBERY AGAINST SHIPS

### Developments since MSC 100, including information sharing on incidents of piracy and armed robbery

18.1 The Committee considered document MSC 101/18 (Secretariat), reporting on developments concerning piracy and armed robbery against ships since MSC 100, including relevant statistics, as well as the risks posed by anti-ship cruise missiles and water-borne improvised explosive devices in the Red Sea.

18.2 The Committee noted information by the Secretariat on its initiatives to support capacity-building in the Gulf of Guinea, where IMO has provided assistance to entities such as the former Maritime Trade Information Sharing Centre Gulf of Guinea, the Maritime Domain Awareness for Trade – Gulf of Guinea and the Inter-regional Coordination Centre (ICC) in Cameroon. With respect to ICC, IMO provided operational assistance and sponsored the placement of two consultants to support its overall development.

18.3 The Committee also noted that the Secretariat was an active participant in the international Friends of the Gulf of Guinea (FoGG) group under the G7++ framework. This group, open to all interested Member States, NGOs and IGOs, had contributed to improving partner coordination with the goal to increase the effect of individual and collective efforts to address maritime crime in the region. This year France was holding the presidency of the group, co-chaired by Ghana, and all interested parties were invited to contact France or Ghana for further information. The group last met in Côte d'Ivoire in December 2018, and would be meeting next in Brussels on 2 July 2019.

18.4 Having considered the information provided by the Secretariat, the Committee:

- .1 requested Member States to continue to report incidents of piracy and armed robbery to the Secretariat through [marsec@imo.org](mailto:marsec@imo.org), using the reporting form in appendix 5 of the *Recommendations to Governments for preventing and suppressing piracy and armed robbery against ships* (MSC.1/Circ.1333/Rev.1);
- .2 requested Member States to provide and keep updated the information related to their National Point(s) of Contact for communication of information on piracy and armed robbery in the Contact Points module of GISIS through [marsec@imo.org](mailto:marsec@imo.org);
- .3 requested Member States to complete and keep updated the *Questionnaire on information on port and coastal State requirements related to privately contracted armed security personnel on board ships* (MSC-FAL.1/Circ.2), to be sent to the Secretariat through [marsec@imo.org](mailto:marsec@imo.org);

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<sup>5</sup> Email: [fsa@imo.org](mailto:fsa@imo.org)

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- .4 reminded companies, masters and seafarers to continue the diligent application of existing IMO guidance and the revised Best Management Practices (BMP) guidance as well as the new Global Counter Piracy Guidance and the updated guidance for protection against piracy and armed robbery in the Gulf of Guinea region contained in MSC.1/Circ.1601 on *Revised industry counter piracy guidance*;
  - .5 invited Member States to continue to provide naval assets; and flag States to continue to monitor the threat to ships flying their flag and set appropriate security levels in accordance with the ISPS Code; and
  - .6 noted the information provided by the Secretariat in relation to initiatives in the Gulf of Guinea, and in particular, the role of FoGG as the forum for international coordinated efforts, which was open to all interested participants.

### **Progress report of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP)**

18.5 The Committee noted with appreciation the information contained in document MSC 101/INF.2 (ReCAAP-ISC) providing an update of the activities carried out by ReCAAP-ISC and the situation of piracy and armed robbery against ships in Asia and thanked them for their continuous support to the Organization's piracy reporting.

### **Newly established Information Fusion Centre - Indian Ocean Region**

18.6 The Committee noted the information contained in document MSC 101/INF.15 (India), providing information on the newly established Information Fusion Centre – Indian Ocean Region, including its mandate, means of information exchange and partnerships with relevant stakeholders.

### **Proposal on establishment of a contact group in the Gulf of Guinea**

18.7 The Committee considered document MSC 101/18/3 (India) on the effect on merchant ships and seafarers of armed robbery and hijacking incidents in the Gulf of Guinea, requesting it to consider the establishment of a contact group to coordinate international efforts towards eradication of piracy in the Gulf of Guinea, together with document MSC 101/18/4 (ICS et al.), supporting the proposal.

18.8 In the ensuing discussion, the following views were expressed:

- .1 the situation with regard to the safety and security of seafarers in the Gulf of Guinea was a cause for concern, and the interest in the issue was highly welcomed;
- .2 coastal States in the Gulf of Guinea were committed to effective action to eradicate all illegal activity in the maritime domain, in particular the scourge of piracy; examples of initiatives included enhanced electronic surveillance and physical patrols, as well as improved response and arrest capabilities, strengthened ISPS Code implementation at the port level, development of maritime security strategies with the support of IMO, regional naval collaboration and information sharing through ICC, harmonization of training and a push for legislative reform across regional organizations;

- .3 unlike the piracy situation in the waters off Somalia, which occurred in relation to a country that could not exercise its full responsibilities and in the proximity to international shipping routes, the problem in the Gulf of Guinea related mainly to territorial waters with myriad transit routes, where Member States had sovereignty over, and responsibility for, monitoring their waters;
- .4 the majority of attacks took place inside, and originated from, a relatively small area within the area of interest of the leading country in the region and there was a unique possibility to establish Maritime Domain Awareness by using radar data from offshore installations; thus the problem could be solved easily if the will was there and there was no need to overcomplicate the issue;
- .5 although 2018 represented a spike in incidents in the region, the first quarter of 2019 had seen a decrease in the number of attacks; and the incidents taking place happened in spite of the best efforts of Member States in the region, supported by the international community, and not due to a lack of effort;
- .6 language describing a situation with "deep-rooted criminality" was extremely unfortunate against a record of demonstrated cooperation by many Member States in the region and good faith and respect of sovereignty of Member States was needed to ensure the necessary cooperation, without imposing solutions from other parts of the world;
- .7 FoGG, with its succession of French, British and United States chairmanship, jointly with coastal States in the Gulf of Guinea, represented a positive drive with a common road map and trusted channels of communication, open to all interested parties, and a new forum would risk creating duplication of efforts; and the issues raised in MSC 101/18/3 were being addressed or had the scope to be addressed within the group;
- .8 IMO and its Member States had significantly helped to reduce the threat of piracy off the coast of Somalia and the Contact Group on Piracy off the Coast of Somalia had also played a key part in the concerted response; such a forum, established pursuant to a United Nations Security Council Resolution, could be a potential future option, should the situation not improve; and
- .9 IMO could help to facilitate a round-table forum, such as the planned global maritime security conference taking place in Abuja in October 2019, to support coordination and information sharing amongst Member States, industry and other entities, and provide an opportunity to make commitments in relation to legislation, equipment, infrastructure and training requirements.

18.9 The delegation of France provided an overview of FoGG, which was established in 2013 similarly to the Yaoundé Code of Conduct, adopting a comprehensive approach to the various threats to safety and security in the region, which aside from piracy also included IUU fishing as well as trafficking in drugs, arms and human beings, all of which jeopardized the economic development of these coastal States. The delegation of Ghana, which is Co-Chair of FoGG, voiced its strong commitment to regional action via the Yaoundé Code of Conduct framework and its architecture for the implementation of the regional strategy for maritime safety and security in Central and West Africa and ICC. The delegations of Nigeria and Cameroon also provided updates on activities in the region. The full text of the statements made by these delegations is set out in annex 38.

18.10 Following the discussion, the Secretary-General expressed the Organization's willingness to take concrete steps to support international efforts; underlined that the safety and security of seafarers was of utmost importance to IMO; and welcomed the submission by India which had generated an interesting and worthwhile discussion. He stated that it was clear that a concerted effort by all key stakeholders was needed, namely Member States, industry and international organizations working in partnership; that the significant efforts undertaken by coastal States to address the threat were recognized as critical to a successful outcome; and that ReCAAP served as an example of successful collaboration amongst Member States in fighting piracy.

18.11 He further stated that IMO would take a very active role in engaging not only with coastal States, but also the African Union and regional organizations, FoGG, industry and other relevant stakeholders on this important issue with the aim of assisting wherever possible, including in the establishment of a lasting regional information sharing centre based in the Gulf of Guinea; and encouraged everyone to participate in forums such as FoGG, which was a forum open to all Member States, industry, other United Nations agencies and non-governmental organizations, and which had recently focused on how to strengthen the naval capabilities of the coastal State, capacity-building for staff involved in implementing the new architecture for cooperation and harmonizing of the legal framework of the coastal States in the region.

18.12 The Committee noted the comments and views expressed, particularly regarding the condemnation of acts of piracy and armed robbery, the shared concerns for the risk to seafarers in the region, the efforts and suggestions to remedy the situation by littoral States who had sovereignty over and responsibility for monitoring their waters, and the efforts made regionally to address the issue under the Yaoundé Code of Conduct and its architecture.

18.13 The Committee welcomed the information related to FoGG being open to all Member States, industry, other United Nations agencies and non-governmental organizations; agreed that it would be the best forum to address the issues presented, encouraged all interested parties to participate; and invited a report on the group's activities to MSC 102, as well as on any other initiatives.

### **Review of the High-Risk Area (HRA) for piracy in the Indian Ocean**

18.14 The Committee recalled that MSC 100 had encouraged the BMP industry authors and appropriate bodies to take steps to progress a new review of the geographical boundaries of HRA, expected to be finished during the second quarter of 2019, and to provide the Committee with an update, taking into consideration further consultations with Oman.

18.15 The Committee considered document MSC 101/18/1 (ICS et al.), providing information on the decisions by the industry group related to the review and revision of HRA to amend the geographic boundaries and to reduce the area to better reflect the threat of piracy in the region whilst retaining the primary objective to ensure the safety and security of seafarers; and noted that the changes had been implemented from 1 May 2019.

18.16 The delegation of Oman commended the industry for the cooperation and expressed their interest in further consultations regarding the remaining part of the Arabian Sea waters adjacent to the Omani coast still classified as HRA. The full text of their statement is set out in annex 38.

18.17 The Committee thanked the industry group for the information provided and for having conducted the review and revision of HRA, taking into account previous requests made by it in this regard, and encouraged the group to continue to work with regional stakeholders, including coastal States and military authorities.

### Standardized reporting of global piracy and armed robbery incidents

18.18 The Committee recalled that MSC 100, when approving the *Revised industry counter piracy guidance* (MSC.1/Circ.1601), noted that this new guidance was intended to support existing IMO guidance, namely MSC.1/Circ.1333/Rev.1, MSC.1/Circ.1334 and resolution MSC.324(89) on *Implementation of Best Management Practice Guidance*, and that it was complementary to regional initiatives which provided more detailed guidance specific to the threat in a particular region.

18.19 The Committee also recalled that it had previously noted that few flag States provided reports to the Secretariat for inclusion in the piracy and armed robbery module in GISIS; that under-reporting of such incidents in the Gulf of Guinea was highlighted in MSC.1/Circ.1585 on *Reporting of incidents of piracy and armed robbery against ships in the Gulf of Guinea*; and that, therefore, it had repeatedly urged flag, port and coastal States to submit reports to the Organization (see paragraph 18.4.1).

18.20 In this connection, the Committee considered document MSC 101/18/2 (Marshall Islands et al.), proposing amendments to the *Recommendations to Governments for preventing and suppressing piracy and armed robbery against ships* (MSC.1/Circ.1333/Rev.1) and revocation of the *Guidance to shipowners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships* (MSC.1/Circ.1334) to provide greater clarity and efficiency to the global security incident reporting process.

18.21 The observer from ReCAAP made a statement outlining concerns related to the proposals in the above document that would have a negative impact on existing successful frameworks, which were well reflected in the existing Guidance, which acknowledged the primary role of the coastal State for receiving incident reporting and providing response. The full text of their statement is set out in annex 38.

18.22 In the ensuing discussion, the following views were expressed:

- .1 the disparity between requirements of different reporting centres placed an additional administrative burden on crews and undermined the accuracy of statistics contained in GISIS, and the suggested harmonization of procedures for reporting would help address this;
- .2 a new reporting framework should not dilute the primacy of coastal States in the reporting structure, which was well reflected in the current guidance; and to be effective, guidance must take into account the United Nations Convention on the Law of the Sea (UNCLOS) and the role of coastal States;
- .3 MSC.1/Circ.1333/Rev.1 stressed the primary role of the coastal State for receiving reports on and providing a response to incidents, thus ensuring the close linkage between incident reporting and response, which was the responsibility of the coastal State;
- .4 the role of the coastal State in the current guidance had been fully implemented in Asia, particularly by ReCAAP, and this had produced very positive results in reducing piracy and armed robbery;
- .5 a regional reporting centre could play a complementary role to coastal States if it were closely linked with effective response, such as in the case of the United Kingdom Maritime Trade Organization in the Gulf of Aden;



- .6 while the relevance of a reporting and response framework depended on the conditions in each region, the primary role of coastal States should remain the same with or without a regional reporting centre;
- .7 document MSC 101/18/2 did not clearly distinguish between a framework with and one without a regional reporting centre, causing confusion as to whom to report to and who should respond, and a separate and clearer explanation of these two frameworks was necessary;
- .8 the scope of the proposed amendments went beyond providing greater clarity and efficiency to the global security incident reporting process; if the reporting system was the main concern, it should be known that there was no confusion with reporting globally. If there was a serious problem of under-reporting in particular regions, this should be addressed regionally;
- .9 MSC.1/Circ.1334 should be retained to include the same reporting and response frameworks as those in MSC.1/Circ.1333/Rev.1 and a potential update should include other existing guidance, in addition to that included in MSC.1/Circ.1601;
- .10 a correspondence group could be established to take this work forward, but clear scope, objectives and terms of reference for the work were needed; and
- .11 a correspondence group would not be an optimal approach to develop a global reporting matrix, as sensitivities and particularities in various regions would need to be taken into account; however, a platform for engagement between Voluntary Reporting Centres could serve to enhance collaboration and information exchange.

18.23 Following discussion, the Committee thanked the submitters for drawing attention to the importance of accurate reporting and agreed that:

- .1 collation, assessment and dissemination of accurate information and statistics concerning attacks by pirates and armed robbers at sea were critical in countering the threat;
- .2 further discussion and careful consideration of the issue was needed;
- .3 there was a clear need to uphold the primacy of coastal States in any related guidance and to respect differences in regional arrangements;
- .4 MSC.1/Circ.1334 should be retained and possibly revised in the future;
- .5 empirical data were important; and
- .6 a clear scope and clear objectives of any work to be undertaken was needed, including terms of reference respecting current reporting frameworks.

18.24 On the basis of the above, the Committee invited further proposals on improvements to incident reporting to MSC 102.

## 19 UNSAFE MIXED MIGRATION BY SEA

### Global compacts for migration and on refugees

19.1 The Committee recalled that MSC 100, when considering document MSC 100/15 (Secretariat) containing information on the progress made with the Global Compact for Safe, Orderly and Regular Migration (Global compact for migration) and the Global Compact on Responsibility-sharing for Refugees (Global compact on refugees) had invited the Secretariat to inform MSC 101 of the progress made with the two Compacts.

19.2 The Committee considered document MSC 101/19 (Secretariat) and noted that during the Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration, which took place in Marrakech, Morocco, on 10 and 11 December 2018, the United Nations Secretary-General launched a new United Nations Network on Migration to best position the United Nations to support Member States as they implemented the Compact. The United Nations General Assembly officially endorsed the Global compact for migration<sup>4</sup> on 19 December 2018. Regarding the Global compact on refugees, following a consultation process, including a series of thematic discussions and meetings in 2017, and formal consultations on successive drafts between February and July 2018, the United Nations General Assembly considered the Global compact on refugees as part of the Report of the United Nations High Commissioner for Refugees,<sup>5</sup> and affirmed it on 17 December 2018.<sup>6</sup>

19.3 In the ensuing discussion, the Committee noted, inter alia, the following views:

- .1 globalization had dramatically intensified global interconnectedness and facilitated migration flows and the impact of information – and misinformation – could not be overstated;
- .2 conditions in transit countries, such as Libya, were conducive to enabling or encouraging migration across the Mediterranean and porous borders, illegitimate institutions and clan-based networks had allowed human smugglers and traffickers to exploit desperate migrants;
- .3 Operation Sophia had been launched as the EU's response to the humanitarian emergency in the Central Mediterranean Region to identify, capture and dispose of ships used or suspected of being used by migrant smugglers, including arms smuggling and information gathering on oil trafficking, which were all connected; and had become part of the EU's comprehensive approach to help better manage irregular migration and support Libyan stability;
- .4 training, capacity-building and monitoring of the Libyan Navy and Coastguard was of utmost importance, and had delivered significant progress in enabling Libya to take ownership of and responsibility for guaranteeing its security;
- .5 the deteriorating security situation in Libya was challenging and could lead to an increase of migrant numbers attempting to cross the Mediterranean;

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<sup>4</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/451/99/pdf/N1845199.pdf?OpenElement>

<sup>5</sup> [https://www.unhcr.org/gcr/GCR\\_English.pdf](https://www.unhcr.org/gcr/GCR_English.pdf)

<sup>6</sup> <https://www.unhcr.org/en-lk/excom/unhcrannual/5c4088f44/resolution-adopted-general-assembly-17-december-2018.html>

- .6 the International Organization for Migration (IOM) had recorded more than 55,000 arrivals by sea to Yemen so far in 2019 (as at end of April);
- .7 the Office of the United Nations High Commissioner for Refugees (UNHCR) continued to consider that disembarkation in Libya following rescue could not be considered to be delivery to a place of safety and shipmasters should not be instructed to do so and should not be penalized for seeking in good faith to comply with international law;
- .8 there was an urgent need not only to harness all available rescue capacity, including, where appropriate, that provided by civil society rescue organizations, but also to put in place predictable, cooperative disembarkation and responsibility-sharing arrangements, consistent with the existing legal framework, along the lines put forward last year by UNHCR and IOM in the joint *Proposal for a regional cooperative arrangement ensuring predictable disembarkation and subsequent processing of persons rescued at sea*,<sup>7</sup> ensuring timely disembarkation in a genuine place of safety;
- .9 the proportion of deaths versus attempted crossings of the Mediterranean Sea had increased from 1.1% in 2018 to 1.5% in 2019, implying that while fewer people were crossing the Mediterranean compared to 2018, more people were dying in their attempts to do so. The Central Mediterranean Migration Route in particular had become increasingly unsafe. With search and rescue operations in the Mediterranean largely put on hold, other dangerous sea crossings along the Western and Eastern routes continued to put migrants at considerable risk. IOM reasserted the primacy of saving lives at sea, had asserted the need for an increased presence of rescue ships in the Mediterranean and had recorded 543 deaths in the Mediterranean since the start of this year;
- .10 search and rescue NGOs had been actively pushed out of the Mediterranean. Greenpeace, in collaboration with directly affected Sea-Watch e.V., was concerned by measures taken by some Governments to obstruct, criminalize and prosecute civil society organisations involved in providing life-saving and humanitarian help in the Mediterranean Sea;
- .11 Greenpeace encouraged dialogue and stressed the urgent need for cooperation between Member States, international organizations and all relevant stakeholders (e.g. Sea-Watch e.V.) to resolve a situation where the legal framework applicable to search and rescue was at risk;
- .12 the current context discouraged any ship from engaging in rescue operations in the Central Mediterranean due to the de-responsibilization of the authorities and the continuous delegation of rescue coordination to the Libyan Coastguard. Concerns requiring clarifications and clear positioning included the legitimacy of the Libyan search and rescue (SAR) area, the role and modus operandi of the Libyan Coastguard and its capacity to ensure an adequate SAR service, and the disembarkation in a place of safety, which could not be found anywhere in Libya according to SAR regulations and UN agencies;

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<sup>7</sup> <https://www.unhcr.org/uk/partners/eu/5b35e60f4/proposal-regional-cooperative-arrangement-ensuring-predictable-disembarkation.html>

- .13 in addition to tracking deaths on some of the most dangerous sea crossings, IOM was also gathering data and conducting research to better understand the risks undertaken by migrants at key locations across various land routes through tools such as IOM's Displacement Tracking Matrix; and
- .14 the UN system was committed to supporting the implementation, follow-up and review of the Global compact for migration and had established a Network on Migration to ensure effective, timely and coordinated system-wide support to Member States, and IOM was looking forward to the first stage of follow-up and review of the Global compact at the International Migration Review Forum in 2022, the first milestone in a four-yearly review cycle. Of the 23 objectives, highly relevant to this session's discussion were GCM Objective 8 "Save lives and establish coordinated international efforts on missing migrants" and Objective 9 "Strengthen the transnational response to smuggling of migrants". Both objectives aimed to save lives and protect human rights through States' commitments to international cooperation.

19.4 The observer from BIMCO, supported by the observer from IFSMA, highlighted the challenges faced by the shipping industry in connection with large-scale rescue at sea and the return of rescued people to a place of safety, and expressed concern for the cases of ships instructed by authorities to return rescued persons to Libya, which was not regarded as a place of safety, because this could potentially be seen as a violation of the principle of non-refoulement and therefore potentially constituted a breach of international law. BIMCO asked the Committee to request flag States to send clear instructions to ships flying their flag for the disembarkation of migrants rescued at sea when directed by authorities to return them to Libya.

19.5 The delegation of the United States informed the Committee that they had withdrawn from the process to develop a Global compact for migration and would not support efforts to implement its activities, outcomes or commitments or efforts by IMO to reorient or realign any of its efforts to support the Global compact, nor allow its financial support to be used for IMO activities undertaken with the specific purpose of fulfilling or advancing Global compact objectives or outcomes. However, they did not object to IMO supporting Member States that voluntarily sought and funded its technical and policy assistance in implementing Global compact objectives in their national context.

19.6 In support of the statement of BIMCO, the Committee encouraged Member States to issue clear and unambiguous instructions to shipmasters on ships flying their flag on how to act under different circumstances, if directed by authorities to return rescued persons to Libya.

19.7 Related statements made by the delegation of the United States and the observers from IOM, UNHCR, EC (EUNAVFOR MED operation SOPHIA) and BIMCO are set out in annex 38.

19.8 The Committee, having noted the decision of FAL 43 to extend the target completion year of output OW 44 "IMO's contribution to addressing unsafe mixed migration by sea" to 2021, concurred with the decision of the FAL Committee, with the aim of keeping the Committee informed of developments regarding the issue of mixed migration.

## Reporting of migrant incidents at sea

19.9 Having noted that since the launch of the Inter-agency platform for information-sharing on migrant smuggling by sea in GISIS<sup>8</sup> on 6 July 2015 only seven incidents had been reported, the Committee encouraged Member States to provide and update the information included in the appendix to the *Interim measures for combating unsafe practices associated with the trafficking, smuggling or transport of migrants by sea* (MSC.1/Circ.896/Rev.2) via the platform.

## 20 APPLICATION OF THE COMMITTEE'S METHOD OF WORK

20.1 Bearing in mind the decision under agenda item 16 (Capacity-building for the implementation of new measures) to move the capacity-building assessment of mandatory instruments to the adoption stage (see paragraphs 16.6 and 16.7), the Committee considered document MSC 101/20 (Secretariat), containing pertinent draft amendments to the document on *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) (Committees' method of work), having noted that the modifications contained in MSC-MEPC.1/Circ.5/Rev.1/Corr.1 had been incorporated in the draft amendments.

20.2 Subsequently, the Committee approved the draft revised MSC-MEPC.1 circular on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, as set out in annex 29, subject to concurrent approval by MEPC 75.

## 21 WORK PROGRAMME

### Proposals for new outputs

#### ***Quality of onboard training of prospective officers***

21.1 The Committee considered document MSC 101/21/1 (Philippines and IAMU), proposing a new output to ensure the quality of onboard training of prospective officers for the attainment of Certificates of Competency; and agreed to include in the biennial agenda of the HTW Sub-Committee for 2020-2021 and the provisional agenda for HTW 7 an output on "Development of measures to ensure quality of onboard training as part of the mandatory seagoing service required by the STCW Convention", with a target completion year of 2020.

#### ***Revision of the Interim guidelines for open-top containerships***

21.2 The Committee considered document MSC 101/21/2 (China) proposing to revise the *Interim guidelines for open-top containerships* (MSC/Circ.608/Rev.1) regarding the requirements for speed estimation and course keeping control. Having noted the view of the majority of delegations that intervened that more information was needed to justify the compelling need for the proposal, the Committee agreed not to take the proposal forward.

#### ***Fire protection of control stations on cargo ships***

21.3 The Committee considered document MSC 101/21/3 (Belgium et al.), proposing to introduce a requirement for fire detection and alarm systems in control stations on cargo ships, including tankers, in SOLAS chapter II-2; and agreed to include in the post-biennial agenda of the Committee an output on "Development of amendments to SOLAS chapter II-2 and

<sup>8</sup> Refer to Global Integrated Shipping Information System (GISIS) – Inter-agency platform for information sharing on migrant smuggling by sea (Circular Letter No.3569).

MSC.1/Circ.1456 addressing fire protection of control stations on cargo ships", with two sessions needed to complete the item, assigning the SSE Sub-Committee as the coordinating organ. In this regard, the Committee instructed the Sub-Committee to also investigate the need to expand the scope of the work to include remotely located service spaces.

21.4 The Committee further agreed, in accordance with MSC.1/Circ.1481 and MSC.1/Circ.1500/Rev.1, that:

- .1 the amendments to be developed should apply to cargo ships built on or after date of entry into force;
- .2 the instruments to be amended were SOLAS regulations II-2/7 5.5.1, 5.5.2 and 5.5.3 and MSC.1/Circ.1456; and
- .3 the amendments to be developed should enter into force on 1 January 2024, provided that they were adopted before 1 July 2022.

#### ***Clarification of the hydrostatic testing regime for high-pressure CO<sub>2</sub> cylinders***

21.5 The Committee considered document MSC 101/21/5 (United Kingdom), proposing to amend the *Guidelines for the maintenance and inspections of fixed carbon dioxide fire-extinguishing systems* (MSC.1/Circ.1318) to clarify the hydrostatic testing regime for high-pressure CO<sub>2</sub> cylinders; and agreed to include in the biennial agenda of the SSE Sub-Committee for 2020-2021 and the provisional agenda for SSE 7 an output on "Revision of the *Guidelines for the maintenance and inspections of fixed carbon dioxide fire-extinguishing systems* (MSC.1/Circ.1318)", with a target completion year of 2020.

#### ***In-water performance of SOLAS lifejackets***

21.6 The Committee considered documents MSC 101/21/6 and MSC 101/INF.3 (Austria et al.), proposing to review the LSA Code and resolution MSC.81(70) in respect of the in-water performance of SOLAS lifejackets; and agreed to include in the post-biennial agenda of the Committee an output on "Development of amendments to the LSA Code and resolution MSC.81(70) to address the in-water performance of SOLAS lifejackets", with two sessions needed to complete the item, assigning the SSE Sub-Committee as the coordinating organ.

21.7 In addition, the Committee instructed the SSE Sub-Committee to take into account the following:

- .1 annex 4 of the proposal should not be used as the basic document for the discussion since further detailed consideration was needed; and
- .2 the approval of the output should not be interpreted to mean that the use of existing lifejackets was not safe and the retroactive application of any requirements for new equipment to existing ships should be carefully considered.

21.8 The Committee further agreed, in accordance with MSC.1/Circ.1481 and MSC.1/Circ.1500/Rev.1, that:

- .1 the amendments to be developed should apply to lifejackets manufactured to the new standard and would apply to all new ships; the potential application to existing ships should be carefully considered;

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- .2 the instruments to be amended were the LSA Code and resolution MSC.81(70); and
  - .3 the amendments to be developed should enter into force on 1 January 2024, provided that they were adopted before 1 July 2022.

#### ***Harmonization of lifejacket requirements in the 1994 and 2000 HSC Codes***

21.9 The Committee considered document MSC 101/21/7 (Norway), proposing the harmonization of the lifejacket carriage requirements in the 1994 and 2000 HSC Codes with the requirements in SOLAS chapter III; and agreed to include in the post-biennial agenda of the Committee an output on "Development of amendments to paragraph 8.3.5 and annex 1 of the 1994 and 2000 HSC Codes", with one session needed to complete the item, assigning the SSE Sub-Committee as the coordinating organ.

21.10 The Committee further agreed, in accordance with MSC.1/Circ.1481 and MSC.1/Circ.1500/Rev.1, that:

- .1 the amendments to be developed should apply to new and existing high-speed passenger craft to which SOLAS chapter X applied;
- .2 the instruments to be amended were the 1994 and 2000 HSC Codes; and
- .3 the amendments to be developed should enter into force on 1 January 2024, provided that they were adopted before 1 July 2022.

#### ***Assessment of solid bulk cargoes for the MHB (CR) hazard***

21.11 The Committee considered document MSC 101/21/8 (Australia et al.), proposing the improvement of the reliability of corrosivity tests of solid bulk cargoes for the MHB (CR) hazard in the IMSBC Code; and instructed CCC 6 to consider the proposal under its existing agenda item 5 on "Amendments to the IMSBC Code and supplements".

#### ***Performance Standards for Navigation Decision Support Systems for Collision Avoidance (NDSS CA)***

21.12 The Committee considered document MSC 101/21/9 (Israel et al.), proposing to develop performance standards for Navigation Decision Support Systems for Collision Avoidance (NDSS CA) to provide general guidance to manufacturers in order to achieve effective and harmonized means of support for master and officer of the watch in optimizing the course of action in situations of danger of collision, in compliance with COLREG 1972.

21.13 The majority of delegations that intervened recognized that AIS was used for the identification of ships but was not recommended for collision avoidance support due to the lack of accuracy of speed and course information. Other delegations expressed concerns regarding aspects such as the lack of compelling need for the proposal, issues with the checklist related to the human element aspects and the need for a better description of the possible benefits of this type of system. A related statement made by the observer from IFSMA is set out in annex 38.

21.14 Consequently, the Committee did not accept the proposal.

***Operational testing of free-fall lifeboat release systems without launching the lifeboat***

21.15 The Committee considered document MSC 101/21/10 (Marshall Islands et al.), proposing the development of design and prototype test requirements for the arrangements used in the operational testing of free-fall lifeboat release systems without launching the lifeboat, i.e. equipment used in the simulated launching of free-fall lifeboats; and agreed to include in the post-biennial agenda of the Committee an output on "Development of design and prototype test requirements for the arrangements used in the operational testing of free-fall lifeboat release systems without launching the lifeboat", with two sessions needed to complete the item, assigning the SSE Sub-Committee as the coordinating organ.

21.16 The Committee further agreed, in accordance with MSC.1/Circ.1481 and MSC.1/Circ.1500/Rev.1, that:

- .1 the amendments to be developed should apply to all ships for which SOLAS chapter III required the carriage of free-fall lifeboats;
- .2 the instrument to be amended was the LSA Code, paragraph 4.7.6.4; and
- .3 the amendments to be developed should enter into force on 1 January 2024, provided that they were adopted before 1 July 2022.

***Revision of the Revised recommendations for entering enclosed spaces aboard ships***

21.17 The Committee considered document MSC 101/21/11 (Liberia et al.), proposing to review the *Revised recommendations for entering enclosed spaces aboard ships* (resolution A.1050(27)) regarding their application to gas carriers; and agreed to include in the biennial agenda of the CCC Sub-Committee for 2020-2021 and the provisional agenda for CCC 7 an output on "Revision of the *Revised recommendations for entering enclosed spaces aboard ships* (resolution A.1050(27))", with a target completion year of 2020.

***Amendments to the Grain Code***

21.18 The Committee considered document MSC 101/21/12 (Canada and United States), proposing the development of amendments to the *International Code for the Safe Carriage of Grain in Bulk* (resolution MSC.23(59)) in order to introduce a new class of loading conditions for "specially suitable compartment, partly filled in way of the hatch opening, with ends untrimmed" and specify the requirements under which grain may be safely carried in such compartments; and agreed to include in the biennial agenda of the CCC Sub-Committee for 2020-2021 and the provisional agenda for CCC 7 an output on "Amendments to the International Code for the Safe Carriage of Grain in Bulk (resolution MSC.23(59)) to introduce a new class of loading conditions for special compartments", with a target completion year of 2021.

***Guidelines on security aspects of operation in non-ISPS ports***

21.19 The Committee considered document MSC 101/21/13 (Islamic Republic of Iran), proposing the development of non-mandatory guidelines to assist Member States, port operators and other responsible authorities in enhancing security in non-ISPS ports under their supervision. In doing so, the Committee noted that it had previously considered the issue and agreed that existing guidance on *Development of national maritime security legislation* (MSC.1/Circ.1525) and *Non-mandatory guidelines on security aspects of the operation of vessels which do not fall within the scope of SOLAS chapter XI-2 and the ISPS Code* (MSC.1/Circ.1283) offered advice to Member States wishing to implement ISPS Code



measures, including for non-ISPS Code ports and ships that serviced both ISPS Code certified and non-ISPS Code ports. The Committee, therefore, remained of the view that no need had been demonstrated for additional guidance and consequently did not accept the proposal.

#### ***Performance standards for electronic inclinometers***

21.20 The Committee considered documents MSC 101/21/14 and MSC 101/INF.9 (Germany), proposing the development of SOLAS amendments to make the *Performance standards for electronic inclinometers* (resolution MSC.363(92)) compulsory for container ships and bulk carriers; and agreed to include in the post-biennial agenda of the Committee an output on "Development of SOLAS amendments for mandatory carriage of electronic inclinometers on container ships and bulk carriers", with one session needed to complete the item, assigning the NCSR Sub-Committee as the coordinating organ.

21.21 Having considered the views of some delegations that the new mandatory requirement should not apply retroactively to existing ships, the Committee agreed with the view and instructed the Sub-Committee to take it into account accordingly.

#### ***Substance identification number for bulk cargoes***

21.22 The Committee considered document MSC 101/21/15 (Germany), proposing the development of amendments to the IMSBC Code to introduce a substance identification number for bulk cargoes.

21.23 Having noted concerns about possible confusion between the new proposed numbering system for the IMSBC Code and the numbering system used for the IMDG Code, the Committee instructed the CCC Sub-Committee to also consider other proposals, together with the solutions provided by Germany in MSC 101/21/15 and agreed that the Sub-Committee had the flexibility to defer the introduction of the new numbering system to the next consolidated version of the IMSBC Code, if deemed necessary. In this respect, the Committee noted a statement by the Chair of the CCC Sub-Committee, as set out in annex 38.

21.24 Subsequently, the Committee instructed CCC 6 to consider the proposal under its existing agenda item 5 on "Amendments to the IMSBC Code and supplements", taking into consideration the decisions outlined above.

#### ***Review of mandatory requirements regarding watertight doors on cargo ships***

21.25 The Committee considered document MSC 101/21/16 (Liberia et al.), proposing the review of mandatory requirements in the SOLAS, MARPOL and Load Line Conventions and the IBC and IGC Codes regarding watertight doors on cargo ships, to address inconsistencies; and agreed to include in the biennial agenda of the SDC Sub-Committee for 2020-2021 and the provisional agenda for SDC 7 an output on "Review of mandatory requirements in the SOLAS, MARPOL and Load Line Conventions and the IBC and IGC Codes regarding watertight doors on cargo ships", with a target completion year of 2021, in association with the CCC Sub-Committee as and when requested by the SDC Sub-Committee. The Committee agreed to involve MEPC, as requested by MEPC 74, with regard to the instruments under its purview.

21.26 The Committee further agreed, in accordance with MSC.1/Circ.1481 and MSC.1/Circ.1500/Rev.1, that:

- .1 the amendments to be developed should apply to new ships;
- .2 the instruments to be amended were SOLAS, MARPOL, ICLL, the IBC Code and the IGC Code (dependent on the outcome of the review); and
- .3 the amendments to be developed should enter into force on 1 January 2024, provided that they were adopted before 1 July 2022.

#### ***Prohibited substances in fire-extinguishing systems***

21.27 The Committee considered documents MSC 101/21/17 and MSC 101/INF.7 (Norway), proposing the prohibition of the use of fire-fighting foams containing perfluorooctane sulfonic acid (PFOS); and agreed to include in the post-biennial agenda of the Committee an output on "Development of provisions to prohibit the use of PFOS for fire-fighting on board ships", with one session needed to complete the item, assigning the SSE Sub-Committee as the coordinating organ.

21.28 The Committee further agreed, in accordance with MSC.1/Circ.1481 and MSC.1/Circ.1500/Rev.1, that:

- .1 the amendments to be developed should apply to ships built on or after the entry into force of those amendments, and to new installations on existing ships; a phase-out scheme for existing ships should be considered;
- .2 the instrument to be amended was SOLAS regulation II-2/ 10.4.1.3, with a view to also considering consequential amendments to other instruments; and
- .3 the amendments to be developed should enter into force on 1 January 2024, provided that they were adopted before 1 July 2022.

#### ***Mandatory seagoing service for candidates for STCW certification***

21.29 The Committee considered document MSC 101/21/18 (Mexico), proposing the development of measures to facilitate mandatory seagoing service for candidates for certification, in accordance with the STCW Convention, with the aim of facilitating their onboard training and enabling them to obtain their certificates; and agreed to include in the biennial agenda of the HTW Sub-Committee for 2020-2021 and the provisional agenda for HTW 7 an output on "Development of measures to facilitate mandatory seagoing service required under the STCW Convention", with a target completion year of 2021, in association with the III Sub-Committee, as and when requested by the HTW Sub-Committee.

21.30 Having noted the relation with the output on quality of onboard training approved earlier (see paragraph 21.1), the Committee invited the HTW Sub-Committee to take into account this relation when considering both outputs.

21.31 The observer from ICS expressed sympathy for the fact that some students faced difficulties in securing opportunities to obtain the seagoing service required for their STCW certificates, and noted that some Member States had already established national measures to respond to the potential for imbalances between enrolment and the availability of opportunities for seagoing experience, and considered there could be merit in sharing some of those measures and experiences at IMO. In their view, it would be unreasonable to expect shipowners to provide cadet berths for all those that wished to be a seafarer or could be enrolled in maritime education and training institutions.

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**Criteria for the provision of mobile satellite communication systems in GMDSS**

21.32 The Committee considered document MSC 101/21/19 (Antigua and Barbuda et al.), proposing to review the *Criteria for the provision of mobile satellite communication systems in the Global Maritime Distress and Safety System (GMDSS)* (resolution A.1001(25)), taking into account the knowledge gained while evaluating the application of Iridium, and incorporating the requirements to be applied to non-geostationary satellite systems and the provisions of MSC.1/Circ.1414 (*Guidance to prospective GMDSS satellite service providers*); together with documents MSC 101/21/22 (Islamic Republic of Iran) and MSC 101/21/23 (China) commenting on the proposal.

21.33 Following discussion, the Committee agreed to include in its post-biennial agenda an output on "Revision of the *Criteria for the provision of mobile satellite communication services in the Global Maritime Distress and Safety System (GMDSS)* (resolution A.1001(25))", with two sessions needed to complete the item, assigning the NCSR Sub-Committee as the coordinating organ.

21.34 Having noted the agreement of NCSR 4 to consider this matter after the revision of SOLAS chapter IV had been completed (NCSR 4/29, paragraph 12.11.2), the Committee agreed to leave it to the Sub-Committee to decide when to include this output in its biennial agenda.

21.35 The Committee agreed further that the assessment of the BeiDou Message Service System (BDMSS) should be conducted in accordance with the existing requirements of resolution A.1001(25), taking into account any interpretation and/or exception following the assessment of Iridium, and that a transitional period should be agreed for the implementation of the revised provisions.

**Comprehensive approach to enhance domestic ferry safety**

21.36 The Committee recalled that MSC 100, following consideration of documents MSC 100/19/6 (China) and MSC 100/19/10 (Secretariat), supported the development of measures to improve domestic passenger ships' safety and agreed that a more detailed proposal for a new output would be necessary, taking into account the possible involvement of other committees, e.g. the Technical Cooperation Committee. In this connection, the Secretary-General had stated that the Secretariat would provide more information on how to move forward with the matter to this session.

21.37 In the above context, the Committee considered the following documents:

- .1 MSC 101/21/20 (China), proposing to introduce a comprehensive approach to improve domestic ferry safety including the development of model regulations on safety of ships carrying passengers on non-international voyages, guidelines for incorporation of model regulations into domestic law and capacity-building programmes, with a view to reducing fatalities caused by ferry accidents; and
- .2 MSC 101/23/1 (Secretariat), proposing to include an item on "Measures to improve domestic ferry safety" in the provisional agenda for MSC 102 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; including the development of Model Regulations on Domestic Ferry Safety, assistance in the incorporation of the model regulations in domestic law and the development of online training material on domestic ferry safety, along with a possible work plan.

21.38 The Committee, having deliberated the matter and having noted the similarities of the two proposals:

- .1 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;
- .2 concurred with the recommended way forward in dealing with matters pertaining to domestic ferry safety as proposed in documents MSC 101/21/20 and 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 ITCP;
- .3 approved a plan of work, as set out in annex 30, subject to any necessary adjustments in the future;
- .4 requested the Secretariat<sup>9</sup> to lead the work in collaboration with interested parties;
- .5 invited Member States, particularly China, and international organizations to actively contribute to the work; and
- .6 requested the Secretariat to report to MSC 102 on progress made.

### ***Voyage data recorder and related performance standards***

21.39 The Committee considered document MSC 101/21/21 (United States), proposing the development of amendments to SOLAS regulation V/20 on Voyage Data Recorders (VDRs) to require that all new VDRs and Simplified Voyage Data Recorder (S-VDRs) installations be float-free and resolutions MSC.333(90) on *Adoption of revised performance standards for shipborne voyage data recorders (VDRs)*, and MSC.163(78) on *Performance standards for shipborne simplified voyage data recorders (S-VDRs)* to include the recording of all communications between control stations and both sides of all communications with the bridge; and agreed to include in the post-biennial agenda of the Committee an output on "Development of amendments to VDR performance standards and carriage requirements", with two sessions needed to complete the item, assigning the NCSR Sub-Committee as the coordinating organ, in association with the III Sub-Committee as and when requested by the NCSR Sub-Committee.

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21.40 The Committee further agreed, in accordance with MSC.1/Circ.1481 and MSC.1/Circ.1500/Rev.1, that:

- .1 the amendments to be developed should apply to all new VDR and S-VDR installations;
- .2 the instruments to be amended were SOLAS regulation V/20 and related performance standards for VDR; and
- .3 the amendments to be developed should enter into force on 1 January 2024, provided that they were adopted before 1 July 2022.

21.41 Some delegations did not support a mandatory requirement that all new VDRs and S-VDRs installations should be float-free and subsequently did not support amending SOLAS regulation V/20.

21.42 A number of delegations observed that the performance standards for VDR (resolution MSC.333(90)) already required that a VDR include both a fixed capsule and a float-free capsule and expressed the view that this requirement should not be removed as part of the amendment.

21.43 The majority of delegations that intervened were in favour of amending the performance standards for VDR and S-VDR in resolutions MSC.333(90) and MSC.163(78), respectively, to ensure that the information to be recorded by a VDR and S-VDR included all two-way communications between the bridge and control stations on the ship, instead of simply the voice recording of what was said on the bridge.

21.44 A number of delegations expressed the view that any new mandatory requirements for VDRs and S-VDRs should not apply retroactively to existing ships. Consequently, the Committee requested the NCSR Sub-Committee to carefully consider the practicality of the connection of the communication system to the VDR and S-VDR and the possible application to existing ships.

#### ***Launch of free-fall lifeboats with the ship making headway at speeds up to 5 knots***

21.45 The Committee considered a proposal for a new output by SSE 6 (SSE 6/18, annex 6) to develop appropriate amendments to relevant provisions of SOLAS chapter III, the LSA Code and resolution MSC.81(70) on the application of the requirement to launch free-fall lifeboats with the ship making headway at speeds up to 5 knots in calm water; and agreed to include in the biennial agenda of the SSE Sub-Committee for 2020-2021 and the provisional agenda for SSE 7 an output on "Amendments to SOLAS chapter III, LSA Code and resolution MSC.81(70) to remove the applicability of the requirements to launch free-fall lifeboats with the ship making headway at speeds up to 5 knots in calm water", with a target completion year of 2020.

21.46 The Committee further agreed, in accordance with MSC.1/Circ.1481 and MSC.1/Circ.1500/Rev.1, that:

- .1 the amendments to be developed should apply to all ships to which SOLAS chapter III, the LSA Code and resolution MSC.81(70) applied;
- .2 the instruments to be amended were SOLAS chapter III, the LSA Code and resolution MSC.81(70); and
- .3 the amendments to be developed should enter into force on 1 January 2024, provided that they were adopted before 1 July 2022.

### **Relocation of existing outputs to other strategic directions**

21.47 The Committee recalled that MSC 100 had considered document MSC 100/17/11 (China), proposing to reassign three outputs currently assigned to "Other Work", i.e. "Amendments to the IMDG Code and supplements", "Amendments to the IMSBC Code and supplements" and "Measures to harmonize port State control (PSC) activities and procedures worldwide", to other strategic directions (SDs) in order to better reflect the effectiveness of the work achieved by the Organization; and had requested the Secretariat to study this matter and advise MSC 101 accordingly.

21.48 In this regard, the Committee, having considered document MSC 101/21 (Secretariat), agreed to move the continuous outputs "Amendments to the IMDG Code and supplements" and "Amendments to the IMSBC Code and supplements", and "Measures to harmonize port State control (PSC) activities and procedures worldwide" to SD 6 and SD 1, respectively, and invite the Council to note this decision.

21.49 Having noted that the issue of the allocation of outputs under "Other work" had been raised several times in different bodies, the Committee requested the Secretariat to submit a revised list of outputs to MSC 102, allocating the outputs currently under OW to suitable SDs, for consideration by the Committee and eventual submission to Council for endorsement.

### **Workload of the NCSR Sub-Committee**

21.50 The Committee noted the discussions and decisions taken by NCSR 6 in relation to the workload of the Sub-Committee and the arrangements for NCSR 7 (NCSR 6/23, paragraphs 20.12 to 20.17), in particular that the Sub-Committee had agreed:

- .1 taking into account the experience gained at NCSR 6, to maintain similar working arrangements for NCSR 7, starting the session on a Wednesday; and
- .2 that the eight-day extended arrangement had provided additional time for discussion and consideration but had not addressed the core problem of the overload of work of the Sub-Committee.

21.51 Following discussion, the Committee agreed to:

- .1 for the time being, continue with the current arrangement of an eight-day meeting for NCSR 8 and invite the Council to endorse this decision; and
- .2 consider the workload of the NCSR Sub-Committee further at the next session.

### **Biennial agendas of the Sub-Committees and provisional agendas for their forthcoming sessions**

#### ***Biennial agenda of the CCC Sub-Committee and provisional agenda for CCC 6***

21.52 The Committee, having recalled that it had requested CCC 6 to consider two issues under the existing agenda item on "Amendments to the IMSBC Code and supplements" (see paragraphs 21.10 and 21.18), confirmed the Sub-Committee's biennial agenda and the provisional agenda for CCC 6 as approved by MSC 100, as set out in annexes 31 and 32, respectively.

**Biennial agenda of the HTW Sub-Committee and provisional agenda for HTW 7**

21.53 The Committee, having recalled its earlier decisions to include two new outputs on "Development of measures to ensure quality of onboard training as part of the mandatory seagoing service required by the STCW Convention" and "Development of measures to facilitate mandatory seagoing service required under the STCW Convention" (see paragraphs 21.1 and 21.29) and the existing output on "Implementation of the STCW Convention" (see paragraph 15.7.2) in the biennial agenda of the HTW Sub-Committee for 2020-2021 and the provisional agenda for HTW 7, approved the Sub-Committee's biennial agenda and the provisional agenda for HTW 7, as set out in annexes 31 and 32, respectively.

**Biennial agenda of the III Sub-Committee and provisional agenda for III 6**

21.54 The Committee confirmed the Sub-Committee's biennial agenda and the provisional agenda for III 6 as approved by MSC 100, as set out in annexes 31 and 32, respectively.

**Biennial agenda of the NCSR Sub-Committee and provisional agenda for NCSR 7**

21.55 The Committee, having recalled its earlier decisions to include the existing output OW 40 on "Safety measures for non-SOLAS ships operating in polar waters" (see paragraph 7.6) in the biennial agenda of the NCSR Sub-Committee for 2020-2021 and the provisional agenda for NCSR 7, approved the Sub-Committee's biennial agenda and the provisional agenda for NCSR 7, as set out in annexes 31 and 32, respectively.

**Biennial agenda of the SDC Sub-Committee and provisional agenda for SDC 7**

21.56 The Committee, having recalled its earlier decisions to include a new output on "Review of mandatory requirements in the SOLAS, MARPOL and Load Line Conventions and the IBC and IGC Codes regarding watertight doors on cargo ships" (see paragraph 21.25) in the biennial agenda of the SDC Sub-Committee for 2020-2021 and the provisional agenda for SDC 7, approved the Sub-Committee's biennial agenda and the provisional agenda for SDC 7, as set out in annexes 31 and 32, respectively.

**Biennial agenda of the SSE Sub-Committee and provisional agenda for SSE 7**

21.57 The Committee, having recalled its earlier decisions to include two new outputs on "Revision of the *Guidelines for the maintenance and inspections of fixed carbon dioxide fire-extinguishing systems* (MSC.1/Circ.1318)" (see paragraph 21.5) and "Amendments to SOLAS chapter III, LSA Code and resolution MSC.81(70) to remove the applicability of the requirements to launch free-fall lifeboats with the ship making headway at speeds up to 5 knots in calm water" (see paragraph 21.45) in the biennial agenda of the SSE Sub-Committee for 2020-2021 and the provisional agenda for SSE 7, approved the Sub-Committee's biennial agenda and the provisional agenda for SSE 7, as set out in annexes 31 and 32, respectively.

**Endorsement of new outputs**

21.58 In accordance with the relevant provisions of the *Application of the Strategic Plan of the Organization* (resolution A.1111(30)), the Committee, having agreed to the Sub-Committees' biennial agendas and their provisional agendas for their forthcoming sessions in 2020, invited the Council to note that the following seven new outputs had been included in the proposed biennial agenda for 2010-2021 (see also paragraph 21.60):

- .1 Development of measures to ensure quality of onboard training as part of the mandatory seagoing service required by the STCW Convention (paragraph 21.1);

- .2 Revision of the *Guidelines for the maintenance and inspections of fixed carbon dioxide fire-extinguishing systems* (MSC.1/Circ.1318) (paragraph 21.5);
- .3 Revision of the *Revised recommendations for entering enclosed spaces aboard ships* (resolution A.1050(27)) (paragraph 21.17);
- .4 Amendments to the International Code for the Safe Carriage of Grain in Bulk (resolution MSC.23(59)) to introduce a new class of loading conditions for special compartments (paragraph 21.18);
- .5 Review of mandatory requirements in the SOLAS, MARPOL and Load Line Conventions and the IBC and IGC Codes regarding watertight doors on cargo ships (paragraph 21.25);
- .6 Development of measures to facilitate mandatory seagoing service required under the STCW Convention (paragraph 21.29); and
- .7 Amendments to SOLAS chapter III, LSA Code and resolution MSC.81(70) to remove the applicability of the requirements to launch free-fall lifeboats with the ship making headway at speeds up to 5 knots in calm water (paragraph 21.45).

### **Biennial status report and post-biennial agenda of the Committee**

21.59 Having recalled that, as usual, the status of outputs and the updated post-biennial agenda would be produced after the session as annexes to its report to avoid any unnecessary duplication of work, the Committee invited the Council to note the report on the status of outputs for the 2018-2019 biennium and its post-biennial agenda, as set out in annexes 33 and 34, respectively.

### **Outputs of the Committee for the 2020-2021 biennium**

21.60 The Committee considered document MSC 101/21/4 (Secretariat) with the proposed outputs of the Committee for the 2020-2021 biennium and agreed to the list of outputs, as set out in annex 35, for submission to C 122 for endorsement; and requested the Secretariat to submit any further changes to the list emanating from III 6 and CCC 6 to C/ES.30, as appropriate.

### **Intersessional meetings**

21.61 The Committee recalled that MSC 100 had approved the holding of the following intersessional meetings in 2019:

- .1 the thirty-first meeting of the E&T Group on the IMDG Code, which took place from 1 to 5 April 2019;
- .2 a meeting of the MASS Working Group, to be held from 2 to 6 September 2019; and
- .3 the thirty-second meeting of the E&T Group on the IMDG Code, to be held directly after CCC 6, from 16 to 20 September 2019.



21.62 The Committee recalled that it had earlier approved the holding of the following additional intersessional meetings in 2019, 2020 and 2021, subject to endorsement by C 122:

- .1 fourth session of the Joint FAO/ILO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters, to be held in Torremolinos, Spain, from 23 to 25 October 2019 (see paragraph 10.16.1);
- .2 a meeting of the FSA Experts Group, to take place from 18 to 20 November 2019 (see paragraph 17.7);
- .3 thirty-third meeting of the E&T Group on the IMSBC Code to take place in the spring of 2020 (see paragraph 9.8);
- .4 the sixteenth meeting of the Joint IMO/ITU Experts Group to take place in 2020 (see paragraph 11.24);
- .5 the twenty-seventh meeting of the ICAO/IMO Joint Working Group to take place in 2020 (see paragraph 11.24);
- .6 an intersessional meeting of the Working Group on the Review of the STCW-F Convention to take place in the first half of 2020 (see paragraph 15.5); and
- .7 a joint ILO/IMO Working Group for the Development of Guidelines on the Medical Examination of Fishing Vessel Personnel to take place in the second half of 2021 (see paragraph 15.4).

### **Substantive items for inclusion in the agendas of MSC 102 and MSC 103**

21.63 Having considered the proposals in document MSC 101/WP.6, the Committee agreed to the substantive items to be included in the agendas of its 102nd and 103rd sessions, as set out in annex 36.

### **Public access to documents**

21.64 The Committee recalled that MSC 100 had considered measures to allow greater public access to information at IMO and had agreed that Secretariat documents should be made publicly available prior to MSC 101, except for those submitted under the agenda items on "Measures to enhance maritime security" and "Piracy and armed robbery against ships" and to revisit the matter when considering the items to be included in the agendas for MSC 102 and MSC 103.

21.65 The Committee again agreed that Secretariat documents should be made publicly available prior to MSC 102 except for those submitted under the agenda items on "Measures to enhance maritime security" and "Piracy and armed robbery against ships".

### **Public access to documents of intersessional meetings**

21.66 The Committee considered the proposal of NCSR 6 that the reports of intersessional meetings organized jointly with other international organizations should be made publicly available via IMODOCS, unless the organization(s) concerned would advise otherwise (NCSR 6/23, paragraph 20.19.2).

21.67 In this regard, the Secretariat, having contacted the ICAO Secretariat and the Radiocommunications Bureau of ITU, informed the Committee of their respective views as follows:

- .1 While ITU was committed to improving public access to information, there were compelling reasons to protect certain types of information. For instance, all documents of ITU-R Study Groups not yet approved by the ITU membership were protected by a special password and not publicly accessible. Nevertheless, ITU could agree to release the reports of the meetings of the Joint IMO/ITU Experts Group to the public, but not the liaison statements sent to IMO by ITU's subsidiary bodies, given that such documents had an interim nature and often contained proposals, positions and conclusions that were subject to modification or even rejection at a later stage of discussions. If published, such documents could be considered by the general public and presented by press as definitive ITU decisions with a strong negative impact on the entire ITU process.
- .2 The ICAO Secretariat advised that they did not typically make expert groups reports or summaries of discussion publicly available and that, unless there was a serious contention that making the information public would support the safety of international civil aviation, ICAO would be opposed to ongoing discussions of the ICAO/IMO Joint Working Group being broadcast to the public.

21.68 Consequently, the Committee agreed that reports of intersessional meetings jointly with other international organizations, as well as liaison statements, would not be made publicly available.

### **Establishment of working and drafting groups at MSC 102**

21.69 The Committee, taking into account the decisions made under various agenda items, anticipated that working and drafting groups on the following subjects could be established at MSC 102:

- .1 regulatory scoping exercise for the use of maritime autonomous surface ships (MASS);
- .2 fuel oil safety;
- .3 domestic ferry safety; and
- .4 amendments to mandatory instruments.

### **Dates of the next two sessions**

21.70 The Committee noted that MSC 102 had been tentatively scheduled to take place from 13 to 22 May 2020 and MSC 103 in November 2020.

## **22 ELECTION OF CHAIR AND VICE-CHAIR FOR 2020**

22.1 The Committee unanimously re-elected Mr. Brad Groves (Australia) as Chair and Mr. Juan Carlos Cubisino (Argentina) as Vice-Chair, both for 2020.

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## 23 ANY OTHER BUSINESS

### Thematic priorities for ITCP of the Organization for 2020-2021

23.1 The Committee recalled that MSC 98 had agreed on the safety- and security-related thematic priorities for ITCP covering the 2018-2019 biennium (MSC 98/23, paragraph 22.4).

23.2 Having considered document MSC 101/23 (Secretariat) on the proposed thematic priorities for ITCP for the coming biennium, the Committee approved the safety and security related thematic priorities for inclusion in ITCP for the 2020-2021 biennium, as set out in annex 37, which covered the following seven themes:

- .1 seafarers training and the human element;
- .2 maritime security and anti-piracy measures;
- .3 implementation of IMO instruments;
- .4 safety of navigation;
- .5 search and rescue;
- .6 implementation of the IMDG and IMSBC Codes; and
- .7 safety of fishing vessels and other non-SOLAS vessels.

23.3 In this context, the Committee noted that the information captured in the Country Maritime Profiles in GISIS and the integration of IMO Member State Audit Scheme results related to maritime safety as contained in documents III 5/15 and III 5/INF.3 addressing identified root causes and assisting countries with the implementation of their corrective action plans would be taken into account, and included, as far as possible, in ITCP for 2020-2021; and urged Member States that had not yet provided their Country Maritime Profiles in GISIS, to do so as soon as possible and those which had already done so, to update them as and when necessary, to ensure current and correct information.

### Conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction under UNCLOS

23.4 The Committee noted information provided by the Secretariat (MSC 101/23/2) on the status of the development of an international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ), including the outcome of the second session of the Intergovernmental Conference (IGC-2), which took place from 25 March to 5 April 2019, which had a direct impact on the work of the Committee concerning, in particular, navigational issues; and requested the Secretariat to continue to update the Committee on the ongoing United Nations work on BBNJ.<sup>10</sup>

### Outcome of the inaugural meeting of IQARB in the trial phase

23.5 The Committee recalled that MSC 100, having considered document MSC 100/19/8 (Liberia et al.), agreed to the active participation of the Secretariat in the trial phase of the International Quality Assessment Review Board (IQARB) and that its meetings be convened by IACS and hosted by IMO, and requested the Secretariat to keep it regularly updated on any developments during the trial phase.

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<sup>10</sup> Detailed information on the conference available at [www.un.org/bbnj](http://www.un.org/bbnj)

23.6 In considering document MSC 101/23/3 (Secretariat) containing the outcome of the inaugural IQARB meeting in the trial phase, which was held at IMO Headquarters from 28 February to 1 March 2019, the Committee noted, inter alia, the following:

- .1 IQARB aimed to be an international, independent and advisory body, currently comprising 18 voting members with the aim of facilitating the representation of the views and interests of the different stakeholders having an interest in the work of classification societies and ROs;
- .2 IQARB functions would be to review the certification process of the quality management systems of IACS members, including performance of Accredited Certification Bodies, with a view to providing confidence to interested parties of the independence and integrity of the classification societies/ROs' certification by the Accredited Certification Bodies;
- .3 flag States could voluntarily use the information provided by IQARB as part of their duty with regard to monitoring/oversight of ROs in terms of the applicable provisions of the III and RO Codes;
- .4 there was a general understanding that, taking into account the relevant provisions of IMO instruments, such as SOLAS regulations I/6 (Survey and certification), II-1/3-1 (Structural, mechanical and electrical requirements) and XI-1/1 (Authorization of ROs) and the III Code, which encapsulated both roles of classification societies and ROs, IQARB should review information related to the Quality System Certification Scheme (QSCS) that included the requirements of the RO Code, so that both roles as classification society and RO were assessed; and
- .5 the trial phase would continue, with the next meeting to be held in early 2020, and during its trial stage IQARB would be funded by IACS.

23.7 Subsequently, the Committee requested the Secretariat to continue to provide regular updates on any developments of IQARB during the trial phase.

### **IMO/IACS cooperation on IACS QSCS**

23.8 The Committee recalled that MSC 99, having noted the information provided by the IMO observer on developments and activities undertaken by IACS for the continued improvement of IACS QSCS, had agreed to the indefinite continuation of the IMO observer participation in the Scheme at no cost to the Organization, subject to any future decision of the Committee, and requested the Secretariat to report on developments of the Scheme to MSC 101.

23.9 The Committee considered document MSC 101/23/4 (Secretariat), providing the latest report submitted by the IMO observer on developments and activities related to the Scheme and noted the following:

- .1 in accordance with the agreement between IMO and IACS, the IMO observer had continued participating in the implementation of the Scheme since the last report to the Committee (MSC 99/21/1);
- .2 the latest developments and activities undertaken by IACS from June 2018 to March 2019 for continued improvement of IACS QSCS and the specific issues identified through the observation of the audits; and

- .3 in the view of the observer, the IACS QSCS audits continued to be conducted to a good standard by the Accredited Certification Bodies with IACS members collectively and individually improving management systems and controls whilst consistently and robustly meeting the intent and objectives of the Scheme.

23.10 Subsequently, the Committee requested the Secretariat to continue IMO's participation in IACS QSCS as per the current agreement between IMO and IACS and to provide a report on developments to MSC 102.

### **Advancing international collaboration for quiet ship design and technologies to protect the marine environment**

23.11 The Committee considered document MSC 101/23/5 (Canada and France) informing of the initiatives taken by several stakeholders, particularly Canada, to address underwater noise emitted from commercial ships, which was a stressor for marine species and ecosystems.

23.12 Having noted Canada's intention to hold policy discussions with interested Member States on the contents of a new output proposal for MEPC 75, aiming to address the identified policy needs related to underwater vessel noise, the Committee invited interested Member States and other parties to contact Transport Canada<sup>11</sup> if they wished to support this work.

### **Ministerial Conference on Fishing Vessel Safety and IUU Fishing**

23.13 The Committee 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, 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 Pew Charitable Trusts (see Circular Letter No.3932). The Conference would be followed by the fourth session of the Joint FAO/ILO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters, to be held at the same venue, from 23 to 25 October 2019 (see paragraph 10.16 and Circular Letter No.3936).

23.14 The Committee noted that the ministerial segment of the Conference, which would take place on 21 October 2019, would be opened by the United Nations Secretary-General's Special Envoy for the Ocean, Mr. Peter Thomson; and that all Member States, international organizations and observers attending the Conference would be invited to observe the ministerial segment and participate in the main conference programme, which would include presentations and panel discussions on the various topics to be addressed by the Conference.

23.15 The Committee also noted that the Organization would be considering requests for financial assistance from Member States that were qualified to apply for such assistance under ITCP (see paragraph 11 of Circular Letter No.3932).<sup>12</sup>

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<sup>11</sup> **Contact:**  
Ms. Michelle Sanders  
Director, Clean Water Policy Division  
Transport Canada  
Email: [Michelle.sanders@tc.gc.ca](mailto:Michelle.sanders@tc.gc.ca)

<sup>12</sup> For further information contact: [fvs@imo.org](mailto:fvs@imo.org).

23.16 In this regard, the Committee also noted a statement by the delegation of Spain concerning the preparations for the Conference, the full text of which is set out in annex 38, and information from the observer of Pew regarding a side event on "Empowering Women in Fisheries" to be held at the Conference, in line with this year's World Maritime Day theme.

#### **Lessons learned from a casualty during the trial of an azimuth stern drive tug**

23.17 The Committee recalled that MSC 98 and MSC 99 had considered submissions by China reporting on a very serious casualty during a sea trial of an azimuth stern drive (ASD) tug and that MSC 98 had invited proposals regarding the navigational safety of ASD tugs and the safety management of the sea trial.

23.18 In this regard, the Committee considered document MSC 101/23/8 (China), reporting on a quantitative simulation of manoeuvrability trials on the possible situation of the **JMS Delta** casualty, and document MSC 101/23/7/Rev.1 (China) on China's intention to propose a new output to MSC 102 with the aim of revising the *Standards for ship manoeuvrability* (resolution MSC.137(76)) and the *Unified interpretation of SOLAS regulations II-1/28 and II-1/29* (MSC.1/Circ.1416).

23.19 In considering the aforementioned documents, the Committee noted, inter alia, the following views:

- .1 the proposed way forward to address the risks to ASD tugs when turning at high speed was generally supported but should be limited to ASD tugs before rolling out a regulatory regime to other types of ships; and
- .2 SSE 6 had already considered the issue and caution should be exercised before embarking on this process in order to avoid duplication of work.

23.20 Following discussion, the Committee invited China and other interested delegations to work collaboratively on a joint proposal for a new output on the safety of ASD tugs, for submission to MSC 102.

#### **Participation in the WMO VOS Scheme by IMO Member States**

23.21 In the context of participation in the WMO Voluntary Observing Ships (VOS) Scheme by IMO Member States, the Committee considered the following documents:

- .1 MSC 101/23/9 (China) analysing the difficulties encountered by volunteer observing ships when installing equipment to carry out meteorological data collection and providing proposals to address difficulties and to better encourage participation in the WMO VOS scheme; and
- .2 MSC 101/23/12 (WMO) providing comments on document MSC 101/23/9 and discussing the limitations and adverse impacts of the proposed measures to issue a certificate to VOS by flag States and to define the observation area of VOS, while embracing and encouraging the proposal to develop more detailed provisions for shipborne meteorological equipment.

23.22 During the deliberations, the following comments, inter alia, were made:

- .1 the VOS scheme had been in place for decades in its current form and requiring certifications by flag States would impose unnecessary administrative burdens on Administrations as well as shipowners and operators;
- .2 VOS participating ships were cooperating voluntarily to improve the predictability of weather at sea and imposing conditions or requirements on these ships and their operations might lead to a decrease in voluntary participation;
- .3 industry representatives were not aware of any situation where merchant ships had been accused of collecting other countries' sensitive information by participating in VOS;
- .4 the collection of meteorological data by ships under the VOS scheme was completely in line with applicable international law;
- .5 modern society was becoming more sensitive with regard to ocean health and the demands for oceanological or meteorological observation data collected from shipping were increasing; and
- .6 there was a need to fully comply with relevant rules of international law regarding marine scientific research as reflected in UNCLOS.

23.23 Following discussion, the Committee agreed that the voluntary VOS scheme was a useful source of meteorological data which should continue unhindered and encouraged China to maintain a dialogue with interested Member States and international organizations.

#### **Safety and security of navigation in the northern part of the Black Sea, the Sea of Azov and the Kerch Strait**

23.24 The Committee noted information provided in document MSC 101/23/10 (Ukraine) on safety and security of navigation in the northern part of the Black Sea, the Sea of Azov and the Kerch Strait, including the maritime areas adjacent to the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation.

23.25 In response to document MSC 101/23/10, the delegation of the Russian Federation made a statement, as set out in annex 38.

23.26 The delegation of Romania made a statement on behalf of the European Union, which was seconded by the delegations of Belgium, Canada, Estonia, Finland, France, Germany, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Spain, Sweden, the United Kingdom and the EC observer, supporting the information contained in MSC 101/23/10. Two more statements in support of document MSC 101/23/10 were made by the delegations of Georgia and the United States. In conclusion, the delegation of Ukraine made a statement expressing its intention to continue to report to the Committee.

23.27 Relevant statements by the delegations of Georgia, Romania, Ukraine and the United States are set out in annex 38.

23.28 In this regard, the Committee reiterated its previous decision that IMO was not the appropriate forum to discuss the matter. However, recognizing the importance of security and safety of navigation, Member States and interested parties were invited to notify the Organization of any threats to the security and safety of navigation in the northern part of the Black Sea, the Sea of Azov and the Kerch Strait, for circulation to all Member States in accordance with IMO procedures.

### **Progress on the review of the Guidelines for Vessel Traffic Services**

23.29 The Committee recalled that MSC 99 had considered document MSC 99/20/3 (Australia et al.) and agreed to include in the Committee's post-biennial agenda an output on "Revision of the *Guidelines for vessel traffic services* (resolution A.857(20))", assigning the NCSR Sub-Committee as the coordinating organ.

23.30 Following consideration of document MSC 101/23/11 (IALA), providing an update on the activities undertaken by IALA with respect to the revision of the aforementioned Guidelines, the Committee:

- .1 noted the tasks undertaken by IALA and the progress made with the revision of the Guidelines; and
- .2 invited interested Member States and international organizations to participate in the IALA seminar on the revision of the *Guidelines for vessel traffic services* (resolution A.857(20)), to be held on 26 and 27 June 2019 at IALA Headquarters.

### **World Marine Aids to Navigation Day**

23.31 The Committee noted information provided by IALA (MSC 101/INF.8) on the establishment of an IALA World Marine Aids to Navigation Day, to be held on 1 July each year in order to promote greater awareness among mariners and the wider public of the vital role of Marine Aids to Navigation in ensuring the safety and efficiency of navigation.

### **Temporary suspension of traffic separation scheme "Off Slettnes" and associated recommended routes**

23.32 The Committee noted information provided by Norway (MSC 101/INF.11) on the temporary suspension of the traffic separation scheme "Off Slettnes" and associated recommended routes in November 2018, and that Norway, with reference to SOLAS regulation V/10.6, urged all Member States when planning any tests, exercises or activities that might affect or endanger maritime operations to ensure a safe distance from areas where routing measures were established.

### **Information on new local navigation rule established within the internal waters of Japan**

23.33 The Committee noted information provided by Japan (MSC 101/INF.20) on the new navigation rule established at the entrance of Tokyo Bay within the internal waters of Japan, based on the Act on Maritime Traffic Safety of Japan.

### **Global Integrated Shipping Information System (GISIS)**

23.34 The Committee noted information provided by the Secretariat (MSC 101/INF.4) on the status of GISIS.



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## Information on The Nippon Foundation-GEBCO Seabed 2030 project

23.35 The Committee noted information provided by the Secretariat (MSC 101/INF.12) on The Nippon Foundation-GEBCO Seabed 2030 project: a collaborative project between The Nippon Foundation, Japan's largest private philanthropic organization, and The General Bathymetric Chart of the Oceans (GEBCO), to oversee the complete mapping of the world's ocean floor by 2030 and to compile all bathymetric data into the freely available GEBCO global grid.

### Expression of appreciation

23.36 The Committee expressed its appreciation to delegates and members of the Secretariat who had recently relinquished their duties, retired, moved or been transferred to other duties, or were about to do so, for their contributions to its work and wished them a long and happy retirement or, as the case may be, every success in their new duties.

23.37 The Committee expressed, in particular, its appreciation to Mr. Paul Sadler, former Permanent Representative of the United Kingdom to IMO, member of the WMU Board of Governors and IACS Representative to IMO, for his invaluable contributions to the Committee's work and wished him a long, happy and healthy retirement.

## 24 ACTION REQUESTED OF OTHER IMO ORGANS

24.1 The Assembly, at its thirty-first session, is invited to:

- .1 note the adoption by the Committee of amendments to the 1974 SOLAS Convention and related mandatory codes, and the approval/adoption of non-mandatory instruments (paragraphs 3.67 to 3.84, 8.14, 11.9, 11.10, 11.16, 11.17, 11.21 and 14.29 and annexes 1 to 9, 12, 18 to 22, 24 and 26);
- .2 adopt the draft Assembly resolution on Interim safety measures for non-SOLAS ships operating in polar waters (paragraph 7.9 and annex 11);
- .3 note that Ill 6, which will meet after MSC 101, has been authorized to report the outcome of its work on matters that would require the adoption of draft Assembly resolutions directly to A 31 (paragraph 10.15);
- .4 note the establishment of new traffic separation schemes and routing measures, adopted in accordance with resolution A.858(20), which were disseminated by means of COLREG.2/Circ.74 and SN.1/Circ.337 (paragraph 11.3);
- .5 adopt the draft Assembly resolution on Amendments to the Use and fitting of retro-reflective materials on life-saving appliances (resolution A.658(16)) (paragraph 14.41 and annex 27);
- .6 note the establishment of the International Quality Assessment Review Board (IQARB), which aims to serve as an independent advisory body for stakeholders that have an interest in the work of classification societies and ROs, and the outcome of its first meeting (paragraphs 23.5 to 23.7); and
- .7 note that a Ministerial Conference on Fishing Vessel Safety and Illegal, Unreported and Unregulated (IUU) Fishing will be held from 21 to 23 October 2019 in Torremolinos, Malaga, Spain (paragraphs 23.13 to 23.16).

24.2 The Council, at its 122nd session, is invited to:

- .1 consider the report of the 101st session of the Maritime Safety Committee and, in accordance with Article 21(b) of the IMO Convention, transmit the report, with its comments and recommendations, to the thirty-first session of the Assembly;
- .2 note the adoption by the Committee of amendments to the 1974 SOLAS Convention and related mandatory codes, and the approval/adoption of non-mandatory instruments (paragraphs 3.67 to 3.84, 8.14, 11.9, 11.10, 11.16, 11.17, 11.21 and 14.29 and annexes 1 to 9, 12, 18 to 22, 24 and 26);
- .3 note the decisions taken by the Committee on issues related to maritime security and, in particular, the approval of guidance for the electronic transfer of information into and from the maritime security module of GISIS (paragraphs 4.1 to 4.15);
- .4 note the decisions taken on matters related to the regulatory scoping exercise for the use of maritime autonomous surface ships (MASS), in particular the approval of Interim guidelines for MASS trials (paragraphs 5.1 to 5.22);
- .5 note the decisions taken on matters related to goal-based standards and the GBS verification scheme (paragraphs 6.1 to 6.13);
- .6 note the decisions taken in regard to safety measures for non-SOLAS ships operating in polar waters, in particular the approval of a draft Assembly resolution on Interim safety measures for non-SOLAS ships operating in polar waters, for submission to A 31 with a view to adoption (paragraphs 7.6 to 7.9 and annex 11);
- .7 note the decisions taken on matters related to the development of measures to enhance the safety of ships relating to the use of fuel oil, in particular the adoption of resolution MSC.465(101) on *Recommended interim measures to enhance the safety of ships relating to the use of oil fuel* (paragraphs 8.1 to 8.18 and annex 13);
- .8 note the actions taken in regard to the outcome of the sub-committees reporting to this session, in particular the approval of a draft Assembly resolution on Amendments to the Use and fitting of retro-reflective materials on life-saving appliances (resolution A.658(16)) and that III 6, which will meet after MSC 101, has been authorized to report the outcome of its work on matters that would require the adoption of draft Assembly resolutions directly to A 31 (sections 9 to 14 and annex 27);
- .9 note the decisions taken in regard to capacity-building for the implementation of new measures, in particular that future assessments of capacity-building implications for new mandatory measures will take place at the adoption stage (paragraphs 16.5 to 16.7);
- .10 note the decisions taken on matters related to formal safety assessment (paragraphs 17.1 to 17.9 and 21.62);

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- .11 note the decisions taken in regard to piracy and armed robbery against ships (paragraphs 18.1 to 18.24);
  - .12 note the decisions taken in regard to unsafe mixed migration at sea (paragraphs 19.1 to 19.9);
  - .13 note the approval of the draft revised *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)*, subject to concurrent approval by MEPC 75 (paragraph 20.2 and annex 29);
  - .14 note the decision to move outputs OW 3 and OW 9 to SD 6 and OW 10 to SD 1 (paragraph 21.48);
  - .15 endorse the decision to continue the current arrangement of an eight-day meeting for NCSR 8 (paragraph 21.51);
  - .16 note the decisions of the Committee to include seven new outputs in its proposed biennial agenda for 2020-2021 (paragraph 21.58);
  - .17 note the biennial status report of the Maritime Safety Committee (paragraph 21.59 and annex 33);
  - .18 note the post-biennial agenda of the Maritime Safety Committee (paragraph 21.59 and annex 34);
  - .19 endorse the proposed outputs of the Committee for the 2020-2021 biennium and note that the Secretariat has been authorized to submit any further changes emanating from III 6 and CCC 6 directly to C/ES.30, as appropriate (paragraph 21.60 and annex 35);
  - .20 endorse the intersessional meetings approved for 2019 to 2021 (paragraph 21.62);
  - .21 note the Committee's decision that the reports of intersessional meetings held jointly with other international organizations, as well as liaison statements, will not be made publicly available (paragraph 21.66 to 21.68);
  - .22 note the establishment of the International Quality Assessment Review Board (IQARB), which aims to serve as an independent advisory body for stakeholders that have an interest in the work of classification societies and ROs, and the outcome of its first meeting (paragraphs 23.5 to 23.7); and
  - .23 note that a Ministerial Conference on Fishing Vessel Safety and Illegal, Unreported and Unregulated (IUU) Fishing will be held from 21 to 23 October 2019 in Torremolinos, Malaga, Spain (paragraphs 23.13 to 23.16).

24.3 The Marine Environment Protection Committee, at its seventy-fifth session, is invited to:

- .1 note the general support of the Committee to tackle the problem of containers lost at sea and that Member States and international organizations have been invited to submit proposals for a relevant new output to MSC 102 (paragraph 2.6);

- .2 note the concurrent approval of MSC-MEPC.2/Circ.17 on *2019 Guidelines for the carriage of blends of biofuels and MARPOL Annex I cargoes* (paragraph 3.59);
- .3 note the concurrent endorsement of PPR.1/Circ.7 on *Decisions with regard to the categorization and classification of products* (paragraph 3.62);
- .4 note the adoption by the Committee of amendments to the IBC and BCH Codes (paragraphs 3.76, 3.77 and 3.83 and annexes 5 and 8);
- .5 note the decisions taken on matters related to the regulatory scoping exercise for the use of maritime autonomous surface ships (MASS), in particular the approval of Interim guidelines for MASS trials (paragraphs 5.1 to 5.22);
- .6 note the decisions taken in regard to safety measures for non-SOLAS ships operating in polar waters, in particular the approval of a draft Assembly resolution on Interim safety measures for non-SOLAS ships operating in polar waters, for submission to A 31 with a view to adoption (paragraphs 7.6 to 7.9 and annex 11);
- .7 note the decisions taken on matters related to the development of measures to enhance the safety of ships relating to the use of fuel oil, in particular the adoption of resolution MSC.465(101) on *Recommended interim measures to enhance the safety of ships relating to the use of oil fuel* (paragraphs 8.1 to 8.14 and 8.18 and annex 13);
- .8 note that the Committee agreed that a GISIS platform for reporting of non-compliance of flashpoint requirements should be developed, with a preference to integrate it into the existing GISIS platform for MARPOL Annex VI and that interested Member States and international organizations were invited to participate in the MEPC Correspondence Group on Data Collection and Analysis under Regulation 18 of MARPOL Annex VI, with a view to proposing integration of the reporting of confirmed cases where oil fuel suppliers delivered fuel failing to meet the requirements specified in SOLAS regulation II-2/4.2.1 in the GISIS module (paragraph 8.15);
- .9 advise MSC 102 on the outcome of the investigation for the reporting of additional items on GISIS, in particular regarding the reporting of confirmed cases where oil fuel suppliers delivered fuel failing to meet the requirements specified in SOLAS regulation II-2/4.2.1 in the GISIS module (paragraph 8.16);
- .10 note the concurrent approval to instruct the III Sub-Committee to consider the second consolidated audit summary report (CASR), containing lessons learned from 15 mandatory audits completed in 2016 and 2017 and advise MSC and MEPC accordingly (paragraph 10.9);
- .11 concur with the decisions and actions taken in regard to the outcome of the analysis of the first CASR under the IMO Member State Audit Scheme (paragraph 10.10);

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- .12 concur that references to resolutions A.739(18)) and A.789(19)) in existing IMO instruments should be replaced with references to the mandatory parts of the RO Code and that the above resolutions should be revoked by the Assembly (paragraph 10.12);
  - .13 note that the Committee approved the fourth session of the Joint FAO/ILO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters and instructed III 7 to report the outcome of the joint working group to MEPC 76 and MSC 103 (paragraphs 10.16 and 21.62);
  - .14 note the Committee's decision that amendments to guidelines and recommendations to be adopted by MSC resolutions, as appropriate, could be adopted in future as revised versions of such resolutions, maintaining the same number, with the extension "/Rev..." added (paragraph 11.22);
  - .15 note the concurrent approval of MSC-MEPC.5/Circ.15 on *Delivery of compliant fuel oil by suppliers* (paragraph 13.4);
  - .16 concur with the decisions taken in regard to capacity-building for the implementation of new measures, in particular that future assessments of capacity-building implications for new mandatory measures will take place at the adoption stage (paragraphs 16.5 to 16.7);
  - .17 concurrently approve the draft revised 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) (paragraph 20.2 and annex 29);
  - .18 note the concurrent confirmation of the biennial agendas of the CCC and III Sub-Committees and the provisional agendas for CCC 6 and III 6 (paragraphs 17.23 and 17.25 and annexes 31 and 32); and
  - .19 note the Committee's decision that the reports of intersessional meetings held jointly with other international organizations, as well as liaison statements, will not be made publicly available (paragraph 21.66 to 21.68).

24.4 The Facilitation Committee, at its forty-fourth session, is invited to:

- .1 note the decisions taken on matters related to the regulatory scoping exercise for the use of maritime autonomous surface ships (MASS), in particular the approval of Interim guidelines for MASS trials (paragraphs 5.1 to 5.22);
- .2 note the decisions taken in regard to capacity-building for the implementation of new measures, in particular that future assessments of capacity-building implications for new mandatory measures will take place at the adoption stage (paragraphs 16.5 to 16.7);
- .3 note the approval of the draft revised 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) (paragraph 20.2 and annex 29);

- .4 note the endorsement of the decision of NCSR 6 to invite the FAL Committee to consider the descriptions of Maritime Services and that NCSR 7 has been instructed to report directly to FAL 44 on the outcome of its work on output 2.11 (paragraphs 11.11 and 2.2);
  - .5 note the Committee's decision that amendments to guidelines and recommendations to be adopted by MSC resolutions could be adopted in the future as revised versions of such resolutions, as appropriate, maintaining the same number, with the extension "/Rev..." added (paragraph 11.22);
  - .6 consider the need to address training and familiarization provisions for shore-based mooring personnel that might emanate from the new draft Guidelines for inspection and maintenance of mooring equipment (SDC 6/13, annex 3) and note the invitation to interested Member States and international organizations to submit proposals for a relevant new output to the FAL Committee (paragraphs 12.4 to 12.7);
  - .7 note that Member States were requested to complete and keep updated the *Questionnaire on information on port and coastal State requirements related to privately contracted armed security personnel on board ships* (MSC-FAL.1/Circ.2) (paragraph 18.4.2); and
  - .8 note the concurrent decision to extend the target completion year of output OW 44, with the aim of keeping the Committee informed of developments regarding the issue of mixed migration (paragraph 19.8).
- 24.5 The Technical Cooperation Committee, at its sixty-ninth session, is invited to:
- .1 note the decisions and actions taken on matters related to domestic ferry safety (paragraphs 21.36 to 21.38 and annex 30); and
  - .2 include the thematic priorities approved by the Committee in ITCP for the 2020-2021 biennium (paragraph 23.2 and annex 37).
- 24.6 The Legal Committee, at its 107th session, is invited to:
- .1 note the decisions taken on matters related to the regulatory scoping exercise for the use of maritime autonomous surface ships (MASS), in particular the approval of Interim guidelines for MASS trials (paragraphs 5.1 to 5.22); and
  - .2 note the decision that amendments to guidelines and recommendations to be adopted by MSC resolutions could be adopted in future as revised versions of such resolutions, as appropriate, maintaining the same number, with the extension "/Rev..." added (paragraph 11.22).

- 24.7 The Technical Cooperation Committee, at its seventieth session, is invited to:
- .1 note the decisions taken on matters related to the regulatory scoping exercise for the use of maritime autonomous surface ships (MASS), in particular the approval of Interim guidelines for MASS trials (paragraphs 5.1 to 5.22);
  - .2 note the Committee's decision that amendments to guidelines and recommendations to be adopted by MSC resolutions could be adopted in future as revised versions of such resolutions, as appropriate, maintaining the same number, with the extension "/Rev..." added (paragraph 11.22);
  - .3 note the decisions taken in regard to capacity-building for the implementation of new measures, in particular that future assessments of capacity-building implications for new mandatory measures will take place at the adoption stage (paragraphs 16.5 to 16.7); and
  - .4 note the approval of the draft revised 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) (paragraph 20.2 and annex 29).

*(The annexes will be issued as an addendum to this document)*

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