

SUB-COMMITTEE ON IMPLEMENTATION  
OF IMO INSTRUMENTS  
4th session  
Agenda item 15

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

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## **1 GENERAL**

1.1 The Sub-Committee on Implementation of IMO Instruments held its fourth session from 25 to 29 September 2017. Since the Chair, Mr. Aji Vasudevan (India), was no longer available to chair the Sub-Committee, the Vice-Chair, Vice Admiral Jean-Luc Le Liboux (France), chaired the meeting, in accordance with the respective Rules of Procedure of the MSC and the MEPC.

1.2 The session was attended by delegations from Member Governments and Associate Members of IMO, representatives from the United Nations and specialized agencies and observers from intergovernmental organizations and non-governmental organizations in consultative status, as listed in document III 4/INF.1.

1.3 In accordance with rule 47 of the respective Rules of Procedure of the MSC and the MEPC, experts representing the managers of the IMO ship and company/registered owner identification number schemes and the management of Equasis attended the meeting.

### **Opening address of the Secretary-General**

1.4 In welcoming participants on behalf of the Secretary-General, the Assistant Secretary-General delivered the opening address, the full text of which can be downloaded from the IMO website at the following link:

<http://www.imo.org/en/MediaCentre/SecretaryGeneral/Secretary-GeneralsSpeechesToMeetings/Pages/Default.aspx>

### **Chair's remarks**

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

### **Adoption of the agenda**

1.6 The Sub-Committee adopted the agenda (III 4/1) and agreed, in general, to be guided in its work by the annotations thereto contained in documents III 4/1/1 and Corr.1.

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

2.1 The Sub-Committee noted the decisions and comments pertaining to its work made by MSC 97, MEPC 70, PPR 4, HTW 4, NCSR 4, SSE 4, FAL 41, MSC 98, MEPC 71 (urgent matters only), TC 67 and C 118, as reported in documents III 4/2 and Add.1, III 4/2/1 and Add.1, and III 4/2/2 and Add.1 (Secretariat), and took them into account in its deliberations when dealing with the relevant agenda items.

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

### **Annual enforcement reports on port reception facilities for 2016**

3.1 The Sub-Committee recalled that the compliance of ships with the discharge requirements of MARPOL depends largely on the availability of adequate port reception facilities (PRFs), especially within Special Areas, and the Government of each Party shall notify the Organization, for transmission to the Parties concerned, of all cases where the facilities are alleged to be inadequate. In this regard, the Sub-Committee noted that the format for reporting alleged inadequacies of port reception facilities is set out in appendix 1 of the *Consolidated Guidance for port reception facility providers and users* (MEPC.1/Circ.834).

3.2 Having considered document III 4/3 (Secretariat) containing summaries of annual enforcement reports on PRFs, as posted in the IMO Global Integrated Shipping Information System (GISIS) for the reporting year of 2016, the Sub-Committee noted that:

- .1 there were 70 reported cases of alleged inadequacies of PRFs received from eight flag States and one territory of the United Kingdom, of which 51 reports referred to alleged inadequacies of PRFs under the requirements of Annex V, five reports under Annex I, two reports under Annexes II and IV, respectively, and 10 reports covered more than one waste type;
- .2 the total waste categories reported were 282 and covered 30 port Administrations; and
- .3 six port Administrations responded on actions taken on alleged inadequacy reports, covering 15.7% of the total reports submitted by flag Administrations for 2016.

3.3 Following consideration of the information provided and, whilst noting the reported cases and actions taken by some port Administrations, the Sub-Committee reminded Member Governments of their obligation under MARPOL to respond to reports by flag Administration on alleged inadequacies of PRFs.

#### **Availability of adequate port reception facilities**

3.4 The Sub-Committee considered document III 4/3/1 (INTERCARGO and InterManager), providing information on feedback from their members on the availability and adequacy of PRFs for cargo residues and hold washing water containing substances that are harmful to the marine environment (HME), as well as proposals to improve the availability and adequacy of PRFs.

3.5 In the ensuing discussion, the Sub-Committee noted that:

- .1 several delegations supported the proposals in the document, i.e. to encourage flag States to report any inadequacy of PRFs, update the GISIS PRFs module, and provide incentives for ports and terminals to increase investment in the provision of adequate PRFs. Those delegations also supported the development of a model PRF concept;
- .2 several delegations were of the view that the inadequacy of PRFs continued to challenge responsible management of HME cargo residues and hold washing water in accordance with MARPOL Annex V;
- .3 some delegations did not agree to the use of floating plants in ports, such as barges, as PRFs for HME cargo residues and hold washing water containing such residues; and
- .4 the Secretariat was currently reviewing and modifying the GISIS PRF module to align it with the latest amendments to MARPOL Annex V adopted by MEPC 70, including the new garbage categories, and a circular on the updated module would be issued in due course.

3.6 The Sub-Committee also noted that the following IMO instruments provide further guidance on the adequacy of PRFs:

- .1 the manual "Port Reception Facilities – How to do it" approved by MEPC 69, which provides guidance on how to ensure the provision of adequate PRFs, meeting the needs of ships using the ports without causing undue delay to the ships; and
- .2 the *2017 Guidelines for the implementation of MARPOL Annex V* (resolution MEPC.295(71)), section 6.3 of which provides guidance for Member Governments to establish appropriate incentive systems to ensure compliance with MARPOL Annex V.

3.7 Following the discussion, the Sub-Committee:

- .1 urged Member States to report to the Organization any alleged inadequacies, using the *Format for reporting alleged inadequacies of port reception facilities* (MEPC.1/Circ.834, appendix 1); update and review existing data on PRFs contained within GISIS, in particular PRFs for HME cargo residues and cargo hold washings; and provide incentives for ports and terminals to increase investment in the provision of adequate PRFs;
- .2 recognizing that the development of a model PRF concept would constitute a new output, invited interested Member Governments to submit relevant proposals to the MEPC, in accordance with the *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5); and
- .3 requested the Secretariat to report on the progress made on the updating of the GISIS PRF module to the Sub-Committee.

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

##### **GENERAL**

4.1 The Sub-Committee considered the report of the Correspondence Group on Casualty Analysis (III 4/4) and noted the casualty-related outcome of other IMO bodies as referenced in documents III 4/2 and Add.1, III 4/2/1 and III 4/2/2 (Secretariat).

4.2 The Sub-Committee also considered the following documents:

- .1 III 4/4/1 (Secretariat), containing the list of reports of investigations into casualties, which had been reviewed by the Correspondence Group on Casualty Analysis for the current session of the Sub-Committee;
- .2 III 4/4/2 (Secretariat), containing the outcome of discussions during the fourth session of the Sub-Committee on Human Element, Training and Watchkeeping (HTW 4) related to possible new ways to improve the dissemination of lessons learned, with a view to establishing an effective linkage between casualty investigation and seafarers training; and

- .3 III 4/4/3 (IACS), providing information on the cooperation between IACS and the IMO Secretariat on enhanced use of GISIS in Formal Safety Assessment (FSA) studies;

and noted the information contained in the following documents:

- .4 III 4/INF.3 (Secretariat), providing information on access to the analyses carried out by the Correspondence Group on Casualty Analysis for this session of the Sub-Committee;
- .5 III 4/INF.32 (INTERCARGO), providing information on bulk carrier casualty statistics and analysis between the years 2007 and 2016;
- .6 III 4/INF.33 (China), providing information on the activities of the China Maritime Safety Administration (MSA) regarding the use of typical marine casualty cases in seafarers' training and education in 2017;
- .7 III 4/INF.34 (Republic of Korea), emphasizing the importance of developing and disseminating an effective near-miss reporting system in reducing the likelihood of marine incidents and introducing the near-miss reporting system of the Republic of Korea; and
- .8 III 4/INF.35 (Secretariat), reporting on the progress made on the ongoing GISIS-related redesign work in accordance with MSC-MEPC.3/Circ.4/Rev.1.

#### **PUBLIC RELEASE OF REPORTS OF INVESTIGATIONS INTO CASUALTIES**

4.3 The Secretariat reported that, as requested by the Sub-Committee (III 3/14, paragraph 4.8) and taking into account the requirement for public release of reports of investigations into casualties, as contained in the Code of the international standards and recommended practices for a safety investigation into a marine casualty or marine incident (Casualty Investigation Code), new and existing reports of investigations into casualties have been made public by default, while allowing reporting States to amend the release status of their own reports.

#### **PROCEDURE ON CASUALTY ANALYSIS**

4.4 The Sub-Committee discussed the issue of the follow-up to the identification of safety issues and emphasized the need to implement the principle that only those safety issues, the consideration of which fall under an existing output in the biennial or post-biennial agendas of relevant IMO bodies, should be referred to the relevant sub-committees for further action.

#### **LESSONS LEARNED**

4.5 With regard to the potential inconsistencies between the findings of investigation reports and the corresponding text contained in the Lessons learned from marine casualties, the Sub-Committee agreed that, taking into account, for example, the fact that the analysts did not have access to all the information, which was at the disposal of casualty investigators, the issuance of discordant lessons learned should be avoided.

## **INTEGRATION OF COMMERCIAL DATA IN SUPPORT OF FSA STUDIES**

4.6 Having considered document III 4/4/3 (IACS) and having been informed by the Secretariat about the restricted availability of casualty data sets provided by Information Handling Services Maritime and Trade (IHS M&T), the Sub-Committee agreed, in principle, to the intended development of the GISIS module on Marine casualties and incidents (MCI) to support the work on formal safety assessment studies (FSA), while strongly recommending to take all necessary measures to avoid the unauthorized use of unvalidated data, in particular, by vetting systems.

### **PERFORMANCES OF THE GISIS MCI MODULE**

4.7 The Sub-Committee noted the information on the analysis on the input and output speed of the GISIS MCI module carried out by the Secretariat, in the context of which, it was reported that:

- .1 no communication had been received by the Secretariat, while any delegation experiencing any problem with the speed of GISIS remain invited to contact the Secretariat with the details of the problem;
- .2 the network bandwidth had been recently increased from 100 MBps to 200 MBps;
- .3 special consideration was being given to the system performance and user-friendly interfaces in the redesigned module; and
- .4 reporting States were advised to reduce the size of the marine safety investigation reports for large documents, if possible, before uploading.

### **ESTABLISHMENT OF THE WORKING GROUP ON ANALYSIS OF MARINE SAFETY INVESTIGATION REPORTS**

4.8 As agreed by III 3, the Sub-Committee established the Working Group on Analysis of Marine Safety Investigation Reports, which commenced its work on the morning of the first day of the meeting to address .1 to .3 of its terms of reference as provided below, since the plenary had agreed to consider .4 of the terms of reference in plenary prior to referral to the group. Having considered documents III 4/4/2 (Secretariat) and III 4/4/3 (IACS), the Sub-Committee further instructed the group, under .4 to .8 of its terms of reference, taking into account comments and decisions made in plenary, to:

- .1 confirm or otherwise the findings of the Correspondence Group on Casualty Analysis based on the analysis of individual marine safety investigation reports and GISIS, for the Sub-Committee's approval and authorization of their release to the public on GISIS;
- .2 confirm or otherwise the draft text of Lessons learned from marine casualties, for the Sub-Committee's approval and authorization of release on the IMO website in accordance with the agreed procedure;
- .3 consider, and advise whether those reports reviewed by the analysts and considered by the group and which are of interest to them should be referred to the relevant committees and sub-committees. In doing so, the group should submit supporting information derived from the casualty analysis procedure used to develop recommendations for consideration by the

Committees and sub-committees and take into account the decision that recommendations for consideration by sub-committees should only be developed in cases where corresponding outputs already exist in their respective biennial agendas;

- .4 advise on the correspondence group's amendment to the procedure on casualty analysis;
- .5 consider the "basic statistical and analytical functions of the GISIS MCI module", with a view to deciding on whether any further improvements were needed for the GISIS MCI module, including the use of casualty and incidents data in Formal Safety Assessment (FSA) studies, and what amendments, if any, needed to be introduced in MSC-MEPC.3/Circ.4/Rev.1, as appropriate;
- .6 consider in detail the outcome of the consideration by HTW 4 of documents MSC 96/9/2 (China and IMLA), HTW 4/7/1 (China), HTW 4/7/2 (China) and HTW 4/7/3 (China), using document III 4//4/2 (Secretariat) and advise the Sub-Committee regarding possible new ways to improve the dissemination of lessons learned and, in particular, the feasibility and the merits of the identification of typical accidents and lessons learned that might be used for seafarers' training and education;
- .7 advise on further analysis of the Countries Survey Questionnaire results and potential use of the questionnaire for collecting further information; and
- .8 advise on the re-establishment of the correspondence group, at this session, and the Working/Drafting Group on Analysis of Marine Safety Investigation Reports, at the next session, which could start its work on the morning of the first day of III 5, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5. Prepare draft terms of reference for those groups, as appropriate.

#### **REPORT OF THE WORKING GROUP ON ANALYSIS OF MARINE SAFETY INVESTIGATION REPORTS**

4.9 Having approved the report of the Working Group (III 4/WP.4), in general, the Sub-Committee took decisions as reflected in the following paragraphs.

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

4.10 The Sub-Committee noted that the Group, in considering the analyses of marine safety investigation reports, had emphasized that the work of the Correspondence Group on Casualty Analysis in no way focuses on the analysis or quality of the investigation, but, only, on the marine safety investigation reports themselves. The Group had also been of the view that the identification and extraction of causal factors within the analysis should be carefully determined and reflected.

4.11 Having approved the following changes to the consolidated text of analyses available in electronic form on IMODOCS (III 4/INF.3):

- .1 casualty 2, deleted;
- .2 casualty 3, adjustment of paragraph 2;
- .3 casualty 8, adjustment of the event description in the column for "Event"; and



- .4 casualty 35, adjustment in the first paragraph of the event description in the column for "Event",

the Sub-Committee agreed to the above-mentioned analyses, as amended, and authorized their release to the public on the GISIS MCI module.

4.12 With regard to the observations on the feedback on the quality of the 38 marine safety investigation reports, which had been analysed (III 4/4, paragraph 19), the Sub-Committee agreed to bring them to the attention of Administrations by means of III.3/Circ.5, on *Casualty Analysis and Statistics*, containing observations on the quality of marine safety investigation reports, with a view to improving future marine safety investigation reports, subject to endorsement by the Committees.

#### **Lessons learned from marine casualties for release on the IMO website**

4.13 The Sub-Committee agreed to remove a lesson learned related to the loss of a fishing trawler, as the format of the draft lessons learned did not provide sufficient details to be included to reflect the scope of the lesson learned in that case. In this context, the Sub-Committee approved the Lessons learned from marine casualties for release on the IMO website, as set out in annex 1, after review by the Secretariat.

4.14 With regard to the possible new ways to improve the dissemination of lessons learned, the Sub-Committee noted that marine safety investigation reports have now been made publicly available, by default, in the GISIS MCI module (III 3/14, paragraphs 4.8 and 4.27.7).

4.15 The Sub-Committee invited the HTW Sub-Committee to advise Member States on the release of marine safety investigation reports to the public in the GISIS MCI module and the use of these reports for the benefit of seafarers training and education, subject to concurrence by MSC 99.

#### **Safety issues that need further consideration**

4.16 With regard to the identification of new safety issues needing further consideration, the Sub-Committee noted that no issue had been identified at this session.

#### **Review of the marine safety investigation reports analysis procedure**

4.17 The Sub-Committee noted the following observations of the working group regarding their review of the correspondence group's amendment to the procedure on casualty analysis (III 4/4, annex 2):

- .1 the format of the analysis of marine safety investigation report was not focused on identifying safety issues and their supporting argument contained within a marine safety investigation report;
- .2 the format of Lessons learned from marine casualties was not suitable for identifying and communicating safety issues;
- .3 there was a potentially subjective and limiting ability of a single analyst to identify a particularly pertinent safety issue and to provide sufficient research material to justify making a recommendation for the safety issue to be further considered (III 2/6, paragraph 16);

- .4 the time available during the session restricted the ability of the group to identify safety issues for consideration by the Sub-Committee, for example, no new safety issues for further consideration had been identified during the analysis of 101 reports during the previous three sessions of the Sub-Committee and its correspondence groups (III 2/6, paragraph 5; III 3/4, paragraph 7 and III 4/4, paragraph 11);
- .5 the casualty analysis process proposed in annex 2 of document III 4/4 had attempted to strengthen the procedures for safety issue identification and the drafting of Lessons learned from marine casualties processes by joining them into a single procedure; and
- .6 the implementation of the intended GISIS MCI redesign and population of the revised taxonomy (in line with the annex to MSC-MEPC.3/Circ.4/Rev.1), including comprehensive search and data-extraction facilities, should increase the ability to identify meaningful trends associated with identified safety issues (III 2/6, paragraph 18).

4.18 The Sub-Committee also noted that it had not been possible to complete the development of an amended process for marine safety investigation report analysis as mentioned in annex 2 to document III 4/4, which had necessitated reverting back to the separation of the marine safety investigation analysis procedure from the drafting of Lessons learned from marine casualties procedure.

4.19 The Sub-Committee further noted that, despite ongoing efforts to improve the dissemination of lessons learned produced by the Organization, since III 1, lessons learned remained underutilized and that there was a lack of awareness within the maritime community, in general, of their existence and availability.

4.20 The Sub-Committee further noted that, in order to improve both the quality of lessons learned and their dissemination and to address concerns, lessons learned should be produced by the marine safety investigating State, which has direct access to evidence in support of, and beyond, that used for the marine safety investigation report, rather than by an analyst, as per the proposed procedure contained in annex 2 to document III 4/4. It was also recognized that Member States and the Organization as a whole should continue their ongoing efforts to improve the dissemination of lessons learned.

4.21 Until such time when the new draft marine safety investigation reports analysis procedure is in place, the Sub-Committee noted that the current casualty analysis procedure, as set out in annex 2 of document FSI 17/WP.1, will continue to be applicable, but recommendations for consideration by sub-committees should only be developed in cases where corresponding outputs already exist in their respective biennial agendas.

#### **COUNTRIES SURVEY QUESTIONNAIRE**

4.22 The Sub-Committee noted that the questionnaire had not been responded to by 75% of the Member States, while the group had been of the view that, statistically, these responses had been insufficiently significant for an analysis to be conducted and to draw substantive conclusions to determine the reasons for under-reporting.

#### **BASIC STATISTICAL AND ANALYTICAL FUNCTIONS OF THE GISIS MCI MODULE**

4.23 The Sub-Committee, taking into account the progress made thus far by the Secretariat in the redesign of the GISIS MCI module, noted the view that it would be premature to propose further improvements for and amendments to MSC-MEPC.3/Circ.4/Rev.1.

4.24 With regard to the proposal by IACS for using data from GISIS Ship and Company Particulars (SCP) and MCI modules for conducting FSA studies, the Sub-Committee noted that the output of the integration of the GISIS MCI module with commercial databases, to which the Secretariat has already access, would further facilitate FSA Studies. The Sub-Committee also noted that there may be the risk that commercial databases are incomplete, and that the current reporting obligations of the Member States into GISIS MCI module were not designed to support FSA studies substantively.

#### **CORRESPONDENCE GROUP ON ANALYSIS OF MARINE SAFETY INVESTIGATION REPORTS**

4.25 The Sub-Committee, taking into account the work completed at this session, established the Correspondence Group on Analysis of marine safety investigation reports, under the coordination of Sweden<sup>1</sup>, to continue its work intersessionally with the following terms of reference:

- .1 based on the information received from Administrations on investigations into casualties, conduct a review of the marine safety investigation reports referred to the group by the Secretariat, prioritizing very serious marine casualties, which have occurred since 1 January 2010 involving SOLAS ships, prioritizing those casualties which have occurred in the recent years, and prepare draft Lessons learned from marine casualties, whenever possible;
- .2 identify safety issues and make recommendations that need further consideration by the Sub-Committee;
- .3 acknowledging the inadequacy of the current selection process related to the number of analysts and the outcomes expected from them (III 3/WP.3, annex 3) and the findings of the group (III 4/4, paragraph 8), identify suitability criteria of an analyst;
- .4 redraft appendices 3 and 5 of document III 4/4, annex 2, taking into account paragraphs 23 and 24 of document III 4/WP.4;
- .5 draft additional text on a correlation between risk rating and identification of safety deficiencies in appendix 4 of document III 4/4, annex 2;
- .6 draft a proposal for the development of lessons learned by marine safety investigating States and their dissemination; and
- .7 submit a report to III 5.

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#### **WORKING GROUP ON ANALYSIS OF MARINE SAFETY INVESTIGATION REPORTS**

4.26 The Sub-Committee agreed that the Working Group on Analysis of marine safety investigation reports should start its work on the morning of the first day of III 5, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5, under the following provisional terms of reference, subject to further instructions to be received from plenary:

- .1 confirm or otherwise the findings of the Correspondence Group based on the analysis of individual marine safety investigation reports and GISIS, for the Sub-Committee's approval and authorization of their release to the public on GISIS;
- .2 confirm or otherwise the draft text of Lessons learned from marine casualties, for the Sub-Committee's approval and authorization of release on the IMO website in accordance with the agreed procedure;
- .3 consider and advise whether those reports reviewed by the analysts and considered by the working group and which are of interest to them should be referred to the relevant Committees and sub-committees. In doing so, the working group should submit supporting information derived from the casualty analysis procedure used to develop recommendations for consideration by the Committees and sub-committees according to agreed procedures;
- .4 consider and advise on the outcome from the Correspondence Group's amendment to the procedure on casualty analysis; and
- .5 consider and advise on the outcome of the Correspondence Group's proposal for lessons learned.

#### **REMINDER FOR SUBMISSION OF CASUALTY-RELATED DATA**

4.27 The Sub-Committee reminded Member States to:

- .1 submit marine safety investigation reports, as required by the Casualty Investigation Code (resolution MSC.255(84));
- .2 provide and complete all necessary information on reports on marine casualties and incidents, when uploading marine safety investigation reports into GISIS, in accordance with MSC-MEPC.3/Circ.4/Rev.1, bearing in mind that information can be directly reported through GISIS (resolution A.1074(28) on *Notification and circulation through the Global Integrated Shipping Information System (GISIS)*), including the facilities to attach the electronic version of full investigation reports and to make a declaration of cooperation to concur with the findings, conclusions and recommendations of the investigation and to be associated with other reporting States' reports already uploaded into the MCI module;
- .3 review existing records and validate the condition of the ships with regard to SOLAS, in particular, for very serious marine casualties, which have occurred since 1 January 2010;
- .4 consider any potential trend when conducting a marine safety investigation or analysis of marine safety investigation reports;

- .5 encourage the reporting of near-miss occurrences and promote a safe culture as recommended in MSC-MEPC.7/Circ.7;
- .6 ensure the accuracy of the country information in the GISIS Contact Points module, in accordance with MSC-MEPC.6/Circ.15, as amended;
- .7 invite flag and/or other reporting Administrations to validate the condition of the ship at the time of the occurrence with regard to SOLAS (i.e. "SOLAS", "Non-SOLAS" or "Unknown/Unspecified" in GISIS-MCI), when recording new occurrences and reviewing existing records;
- .8 provide the Secretariat with information on the number of fishing vessels, fishers, total losses and lives lost, in accordance with MSC/Circ.539/Add.2 and MSC/Circ.753; and
- .9 provide the Secretariat with preliminary information on casualties derived from RCCs, in accordance with MSC/Circ.802-MEPC/Circ.332, possibly through the development of protocols for electronic data transfers, to compile, independently, timely and accurate information on casualties for the Organization.

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

### **GUIDELINES AND PROCEDURES FOR PSCOS**

#### **Report of the Correspondence Group**

5.1 The Sub-Committee recalled that III 3 had established the Correspondence Group on Measures to harmonize port State control (PSC) activities and procedures worldwide, under the coordination of the European Commission, to develop, for finalization at this session, the draft revision of the *Procedures for port State control, 2011* (resolution A.1052(27)) (PSC Procedures).

5.2 Having considered document III 4/5 (EC), containing the report of the Correspondence Group and presenting, inter alia, its work on the revision of the PSC Procedures, the Sub-Committee referred the document to the working group to be established under this agenda item for detailed consideration.

5.3 In this context, the Sub-Committee agreed to task the group to consider appendix 12 of the PSC Procedures, containing the list of certificates and documents, and the related paragraph 2.2.3 in order to clarify the way the list should assist port State control officers (PSCOs) in the conduct of inspections.

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

5.4 The Sub-Committee was advised, on the basis of the information contained in the relevant parts of documents III 4/5/2, III 4/2/Add.1 and III 4/2/2 (Secretariat), that MSC 98 approved *Guidelines for port State control officers on certification of seafarers, hours of rest and manning* (HTW 4/16, annex 9) developed by HTW 4.

5.5 MSC 98 referred the *Guidelines for port State control officers on certification of seafarers, hours of rest and manning* to the Sub-Committee, together with draft amendments to section 2.2 of the annex to resolution A.1052(27) and sections 5 and 6.2 of the above-mentioned guidelines (HTW 4/16, annex 4), also developed by HTW 4, for consideration when reviewing resolution A.1052(27).

5.6 The Sub-Committee instructed the working group to be established under this agenda item to consider the above-mentioned guidelines and amendments developed by HTW 4 when finalizing the draft revised PSC Procedures for submission to the Assembly, at its thirtieth session (A 30), with a view to adoption.

#### **Guidance relating to the provision of documentary evidence required under the STCW convention by seafarers to port State control officers and other third party inspection regimes**

5.7 Having been advised, on the basis of the information contained in the relevant parts of documents III 4/2/Add.1 and III 4/2/2 (Secretariat), that STCW.7/Circ.24/Rev.1 on *Guidance for Parties, Administrations, port State control authorities, recognized organizations and other relevant parties on the requirements under the STCW Convention, 1978, as amended*, had been issued, the Sub-Committee instructed the working group to be established under this agenda item to take the circular into account when reviewing resolution A.1052(27).

#### **Fire integrity of the bulkheads between the wheelhouse and a toilet inside the wheelhouse, the location of manually operated call points and the minimum width of external escape routes**

5.8 On the basis of the information contained in the relevant parts of documents III 4/2 and Add.1 (Secretariat), the Sub-Committee was advised that MSC 97, in the context of its consideration of document MSC 97/8/5 (Panama and IACS), instructed the Sub-Committee, within the context of its work on the revision of resolution A.1052(27), to:

- .1 review paragraphs 6.1 and 6.2 of appendix 6 to the above-mentioned resolution, in relation to the fire integrity of the bulkheads between the wheelhouse and a toilet inside the wheelhouse, in order to apply the provision in paragraph 6.2 to cargo ships (i.e. "queries on the method of structural protection should be addressed to the flag Administration and the PSCO should generally confine the inspection to the effectiveness of the arrangements provided"), since paragraph 6.2 is currently applicable to passenger ships only, and prepare draft amendments accordingly;
- .2 consider means to advise PSC regimes, as appropriate, that the arrangements for the location of manually operated call points and the minimum width of external escape routes, as approved by the flag Administrations, should be accepted; and
- .3 consider means to advise PSC regimes when this approach should also be applied in a wider context than within fire safety arrangements only.

5.9 Taking into account the decision by MSC 98 not to instruct the Sub-Committee to consider the differing interpretations among the Administrations and PSCOs with regard to the issue of minimum width of external escape routes on cargo ships, the Sub-Committee instructed the working group to be established under this agenda item to take into account the above-mentioned instructions from MSC 97, in relation to fire integrity of the bulkheads between the wheelhouse and a toilet inside the wheelhouse, and arrangements for the location of manually operated call points, together with text proposed by IACS.

## **Voluntary early implementation**

5.10 The Sub-Committee noted, on the basis of the information contained in the relevant part of document III 4/2/Add.1 (Secretariat) that MSC 98, in considering proposals on how a consistent approach related to voluntary early implementation of amendments to the 1974 SOLAS Convention and/or related mandatory instruments should be introduced in IMO practice and, in particular, the proposal to amend the existing paragraph 1.2.3 of the PSC Procedures, instructed the Sub-Committee to:

- .1 incorporate the following text in the aforementioned Procedures:

"In relation to voluntary early implementation of amendments to the 1974 SOLAS Convention and/or related mandatory instruments, Parties should take into account the *Guidelines on the voluntary early implementation of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1565)",

without introducing any change in, or amendment to, the main body of the draft revised PSC Procedures, and not as a footnote. In this context, the Sub-Committee was requested to decide in which section/paragraph of the draft PSC Procedures the aforementioned text should be incorporated; and

- .2 add a reference to the *Guidelines on the voluntary early implementation of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1565) in the existing list of instruments set out in appendix 18 of the PSC Procedures.

5.11 The Sub-Committee also noted that MSC 98, having discussed the need to provide specific guidance on voluntary early implementation to PSCOs, endorsed the view that it would be appropriate to encourage Contracting Governments to take into account the Committee's invitations for early implementation of amendments and decisions by flag States to implement amendments early (MSC 98/23, paragraph 4.32).

5.12 The Sub-Committee instructed the working group to be established under this agenda item to take into account the instructions from the MSC in relation to voluntary early implementation of amendments to the 1974 SOLAS Convention and/or related mandatory instruments, when reviewing resolution A.1052(27).

## **New requirements relevant to PSC activities**

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

## **PERFORMANCE OF FLAG ADMINISTRATIONS AND RECOGNIZED ORGANIZATIONS**

5.14 In considering documents III 4/5/4 and III 4/5/7 (Paris and Tokyo MoUs) on performance of flag Administrations and recognized organizations (ROs) for 2015 and 2016 respectively, and, in particular, the actions requested of it, the Sub-Committee invited other PSC regimes to provide similar information in order to assist flag Administrations in selecting high performing ROs and advised flag Administrations to use the information provided when considering authorizing ROs to act on their behalf. The Sub-Committee noted that, since there was no RO meeting the criteria of the worst performing ROs in the Tokyo MoU, only the Paris MoU results were provided in the documents.

5.15 With regard to documents III 4/INF.5 and III 4/INF.28 (United States and Paris and Tokyo MoUs) on flag Administrations targeted by the United States Coast Guard (USCG) and the Paris and Tokyo MoUs, the Sub-Committee noted that, over the three-year period from 2013 to 2015, two flag Administrations (Belize and United Republic of Tanzania) were targeted for inspection in all three regions, while four flag Administrations (Cambodia, Saint Vincent and the Grenadines, Sierra Leone and Togo) were targeted in two regions. Over the three-year period from 2014 to 2016, one flag Administration (United Republic of Tanzania) was targeted for inspection in all three regions, while six flag Administrations (Belize, Cambodia, Palau, Sierra Leone, Togo and Vanuatu) were targeted in two regions.

## **TRANSPARENCY AND HARMONIZATION OF PSC INFORMATION**

### **Equasis information system**

5.16 In the context of its consideration of document III 4/5/3 (Secretariat) on the Equasis information system, the Sub-Committee noted that the Black Sea MoU became the eighth PSC regime to provide PSC inspection data to Equasis and that the new version of Equasis had been launched in March 2017, which has a new layout and functionalities, i.e. access to ship photos, RO performance, new search options and easier navigation.

### **Third Joint Ministerial Conference of the Paris and Tokyo Memoranda of Understanding on Port State Control**

5.17 The Sub-Committee considered document III 4/5/6 (Canada) on the outcome of the Third Joint Ministerial Conference of the Paris and Tokyo Memoranda of Understanding on Port State Control, which took place in Vancouver on 3 and 4 May 2017, with the theme of "Safeguarding Responsible and Sustainable Shipping."

5.18 Having noted the outcome of the Third Joint Ministerial Conference, the Sub-Committee considered the 31 actions that will be taken by Members of the two Memoranda and instructed the working group to be established under this agenda item to review the outcome of the Conference, and, in particular, actions .3, .8, .11, .12, .13, .14, .15, .16, .19, .20, .23, .24, .25, .27, .28, .29, .30 and .31 for advice on related activities within the Organization, as appropriate.

## **ANALYSIS OF PSC ACTIVITIES, PRACTICES AND STATISTICS**

5.19 The Sub-Committee recalled that III 3 had invited the United States and regional PSC regimes to continue submitting their annual reports to the Sub-Committee in the agreed format, as set out in annex 3 of document FSI 20/WP.5. III 3 had also requested the Secretariat to continue providing the Sub-Committee with a progress report on regional PSC agreements and, using all PSC data available, to analyse overall PSC regimes data, as agreed by the working group established at III 2, such as the total number of inspections, total inspections by ship type and total deficiencies by deficiency group.

5.20 Having considered documents III 4/5/1 and Add.1 (Secretariat), the Sub-Committee was informed that, in 2015, without considering that several member Authorities have dual or triple memberships, about 90,000 inspections were carried out and about 2,900 ships were detained. The overall detention rate was 3.27%, very similar to the rate of 3.26% in 2014.

5.21 Having noted the statistical analysis of PSC data prepared by the Secretariat, the Sub-Committee instructed the working group established under this agenda item to review the set of statistics prepared and to consider it in the context of future work to be carried out at sessions of the Sub-Committee or intersessionally.



5.22 The Sub-Committee noted with appreciation the substantial amount of information provided by PSC regimes in the following documents:

- .1 annual reports including recent developments and statistical data : III 4/INF.2 (Abuja MoU), III 4/INF.6 (Paris MoU), III 4/INF.7 (Black Sea MoU), III 4/INF.8 (Black Sea MoU), III 4/INF.10 (Caribbean MoU), III 4/INF.14 (Mediterranean MoU), III 4/INF.16 (Indian Ocean MoU), III 4/INF.18 (Tokyo MoU), III 4/INF.19 (Tokyo MoU), III 4/INF.20 (Tokyo MoU), III 4/INF.22 (United States), III 4/INF.24 (Viña del Mar Agreement), III 4/INF.25 (Riyadh MoU), III 4/INF.27 (Paris MoU) and III 4/INF.29 (Viña del Mar Agreement);
- .2 results of concentrated inspection campaigns (CICs): III 4/INF.4 (Paris and Tokyo MoUs), III 4/INF.9 (Black Sea MoU), III 4/INF.11 (Caribbean MoU), III 4/INF.15 (Mediterranean MoU), III 4/INF.17 (Indian Ocean MoU), III 4/INF.26 (Riyadh MoU) and III 4/INF.31 (Viña del Mar Agreement); and
- .3 flag Administrations targeted by the United States Coast Guard, Paris MoU and Tokyo MoU: III 4/INF.5 (United States and Paris and Tokyo MoUs) and III 4/INF.28 (United States and Paris and Tokyo MoUs).

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

#### **ISSUE IN RELATION TO THE UPDATING OF EXISTING ECDIS**

5.24 The Sub-Committee recalled, in the context of its consideration of document III 4/5/8 (INTERTANKO), that the Sub-Committee on Navigation, Communication and Search and Rescue (NCSR), at its third session (29 February to 4 March 2016), had considered the matter of apparent and inappropriate use of the ENC/ECDIS Data Presentation and Performance Check by PSC (III 3/2/2/Add.1, paragraph 3.11).

5.25 In this context, the Sub-Committee also recalled that, following an oral intervention by International Hydrographic Organization (IHO), NCSR 3 had agreed with the IHO's proposal for the extension of the period to keep the previous editions of IHO S-52 and S-64 valid from 1 September 2016 until 31 August 2017, to enable shipowners and operators to update existing systems in accordance with the guidance concerning the maintenance of ECDIS software contained in MSC.1/Circ.1503 (NCSR 3/29, paragraph 28.3).

5.26 Notwithstanding the fact that the issue of the updating of existing ECDIS had not been brought to its attention, III 3 addressed other ECDIS-related issues on the basis of a submission by Australia on "Poor navigational practices" (III 3/5/5) and called for submissions by interested delegations (III 3/14, paragraphs 6.7 and 6.8).

5.27 The Sub-Committee was advised that NCSR 4 noted that the development of corrections to the PSC guidelines was already being considered by the III Sub-Committee. While addressing other ECDIS-related issues, NCSR 4 did not consider the matter related to the extension of the period to keep the previous IHO standards until 31 August 2017 and decided not to take any further action (NCSR 4/29, paragraphs 27.37 to 27.42).

5.28 The Sub-Committee considered document III 4/5/8 (INTERTANKO) indicating that, with regard to the updating of existing systems in accordance with the guidance concerning the maintenance of ECDIS software, in spite of the best actions by shipowners, some ECDIS

manufacturers had been unable to provide the necessary updates within the requested time frame, i.e. before 1 September 2017. This had resulted in ECDIS units not being updated to the new standards.

5.29 In this context, the Sub-Committee considered the proposal by INTERTANKO contained in document III 4/5/8 that, during the remainder of 2017, PSCOs inspect ships, which carry ECDIS units that have not been updated, in a pragmatic and practical manner. A draft circular, outlining the proposed procedure, was provided in the annex to the document.

5.30 The observer delegation of IHO considered that the proposal submitted by INTERTANKO followed a pragmatic approach in order to allow some additional time for the shipping industry and the equipment manufacturers to achieve full compliance. The observer delegation expressed concern that there are some ECDIS manufacturers that still need to upgrade their systems to incorporate Edition 4.0 of the S-52 ECDIS Presentation Library, and to carry out the necessary type approval process. The observer delegation stated that it was also evident that there is still a large number of ships using ECDIS that have not been upgraded to the current IHO Standards, and that an ECDIS using Presentation Library Edition 3.4 will continue to function and remain safe, despite possibly not being compliant with the latest ECDIS standards. The full statement of the observer delegation of IHO is set out in annex 9.

5.31 After an in-depth consideration of the issue, the Sub-Committee, being aware of its technical limitation on ECDIS matters, which is otherwise available within the NCSR Sub-Committee, but taking also into account the urgency of the matter in terms of PSC inspections, agreed to task the working group to be established under this agenda item to develop text, limited to the PSC-related aspects of the situation, which could either be recorded as part of this report or issued as a III.2 circular.

#### **IMO WORKSHOP FOR PSC MoU/AGREEMENT SECRETARIES AND DATABASE MANAGERS**

5.32 The Sub-Committee recalled that the Technical Cooperation Committee (TC), at its sixty-third session, while considering the funding of the IMO Workshop for PSC MoU/Agreement Secretaries and Database Managers under the Integrated Technical Cooperation Programme (ITCP), had agreed that there would be no allocation in the ITCP for the workshop during the 2014-2015 biennium. The Secretariat was requested to gather information on the real expenditure for workshops (III 1/6/2).

5.33 The Sub-Committee also recalled that III 3 had invited interested delegations, including PSC regimes, and requested the Secretariat, to prepare submissions, outlining the issues raised and developing appropriate recommendations on possible ways forward for consideration at III 4.

5.34 In the absence of any other submission and having considered document III 4/5/5 (Secretariat) on the organization of the Seventh IMO Workshop for PSC MoU/Agreement Secretaries and Database Managers, under the *2017 Programme on Delivering Strategy and Reform*, which is part of the "Voyage Together Trust Fund", the Sub-Committee noted that the workshop was scheduled to take place from 24 to 26 October 2017, at IMO Headquarters (Circular Letter No.3754 and Corr.1), with the provisional agenda set out in the annex to the above-mentioned document.

5.35 Bearing in mind that the workshop for PSC MoU/Agreement Secretaries and Database Managers will also be open to representatives of all Members of the Organization to participate, the Sub-Committee was informed that participants were invited to make submissions via the email address: [PSCWS@imo.org](mailto:PSCWS@imo.org), not later than Friday, 13 October 2017.

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**ESTABLISHMENT OF THE WORKING GROUP ON MEASURES TO HARMONIZE PORT STATE CONTROL (PSC) ACTIVITIES AND PROCEDURES WORLDWIDE, AND IDENTIFIED ISSUES RELATING TO THE IMPLEMENTATION OF IMO INSTRUMENTS FROM THE ANALYSIS OF PSC DATA**

5.36 The Sub-Committee established the Working Group on Measures to harmonize port State control activities and procedures worldwide, and identified issues relating to the implementation of IMO instruments from the analysis of PSC data, taking into account comments and decisions made in plenary, under the following terms of reference with items .1, .2, .4 and .6, as priorities at this session:

- .1 finalize the draft revision of the *Procedures for port State control, 2011*, taking into account document III 4/5, as well as those referred to the Correspondence Group, i.e. the relevant parts of documents III 4/8/1, III 4/INF.12 and Add.1, III 4/5/2, III 4/2 and Add.1, III 4/2/2, HTW 4/16, III 3/2/2/Add.1 (FAL 40/19) and III 3/2/Add.1 (MSC 96/25) as appropriate;
- .2 take into account, when reviewing resolution A.1052(27), the instructions received regarding the amendments to the PSC Procedures with regard to
  - .1 Guidelines for port State control officers on certification of seafarers, hours of rest and manning (HTW 4/16, annexes 4 and 9);
  - .2 guidance relating to the provision of documentary evidence required under the STCW Convention by seafarers to port State control officers and other third party inspection regimes (STCW.7/Circ.24/Rev.1 on *Guidance for Parties, Administrations, port State control authorities, recognized organizations and other relevant parties on the requirements under the STCW Convention, 1978, as amended*);
  - .3 fire integrity of the bulkheads between the wheelhouse and a toilet inside the wheelhouse, the location of manually operated call points and the minimum width of external escape routes (MSC 97/22, paragraph 8.39 and MSC 98/23, paragraphs 12.34 and 12.35); and
  - .4 voluntary early implementation of amendments to the 1974 SOLAS Convention and related mandatory instruments (MSC 98/23, paragraphs 4.22 and 4.32);
- .3 consider the statistical analysis of PSC data prepared by the Secretariat (III 4/5/1 and Add.1) in the context of future work to be carried out at a future session or intersessionally;
- .4 with regard to the updating of existing ECDIS, prepare a draft text of the decision made by the Sub-Committee to be either used in a possible III.2 circular or reflected in the Sub-Committee's report, using the annex to document III 4/5/8 as a basis;
- .5 with regard to the Third Joint Ministerial Conference of the Paris and Tokyo Memoranda of Understanding on Port State Control (III 4/5/6), review the 31 actions that will be taken by the Members of the two memoranda, in particular actions .3, .8, .11, .12, .13, .14, .15, .16, .19, .20, .23, .24, .25, .27, .28, .29, .30 and .31, for advice on related activities within the Organization, as appropriate; and

- .6 advise on the establishment of the Correspondence Group, at this session, and the Working/Drafting Group on Measures to harmonize port State control activities and procedures worldwide, at the next session, which could start their work on the morning of the first day of III 5, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5. Prepare draft terms of reference for those groups, as appropriate.

#### **REPORT OF THE WORKING GROUP ON MEASURES TO HARMONIZE PORT STATE CONTROL ACTIVITIES AND PROCEDURES WORLDWIDE**

5.37 Having approved the report of the Working Group on Measures to harmonize port State control activities and procedures worldwide (III 4/WP.5), in general, the Sub-Committee took decisions as reflected in the following paragraphs.

#### **GUIDELINES AND PROCEDURES FOR PORT STATE CONTROL**

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

5.38 While considering the Group's recommendations, made on the basis of the annex to document III 4/5/2; annexes 4 and 9 to document HTW 4/16; and paragraphs 9.6 and 9.12, of document MSC 98/23, the Sub-Committee agreed with the text of the guidelines to be inserted as appendix 11 of the PSC Procedures (see paragraph 5.44), having:

- .1 taken into account STCW.7/Circ.24/Rev.1 on *Guidance for Parties, Administrations, port State control authorities, recognized organizations and other relevant parties on the requirements of the STCW Convention, 1978*, as amended;
- .2 reviewed the proposed paragraphs 6.2.2, 6.2.2*bis* and 6.2.2*ter* of appendix 11 and agreed to keep the text of paragraph 6.2.2*bis*, as it addressed the certificates and documentary evidence, which should be verified in accordance with the relevant chapters of the STCW Convention; it provided PSCOs with guidance for the relevant flag State endorsement; and a valid dispensation, or other documentary proof, may be evidence that all required training have been successfully completed and the required standard of competence has been achieved, where applicable;
- .3 reviewed paragraph 6.4.2 of appendix 11, to see if reference should be made to section 6.3 or paragraph 6.3.2, and agreed that the reference should be to paragraphs 6.3.2.1 to 6.3.2.4;
- .4 reviewed appendix 11 paragraph 6.4.2.6 to determine if there is a need to retain "only in case of clear grounds" in the text, and agreed to keep the text which corresponds to the provisions of the STCW Code;
- .5 agreed to insert "(STCW Code A-VIII/1)" at paragraph 7.2.10 of appendix 11 to provide PSCOs with a clearer reference to the STCW Code;
- .6 reviewed paragraph 7.3.2.6 of appendix 11 to determine if the text "(Note: For medical certificate cf. regulation I/9 paragraphs 6 and 7)" should be kept or deleted, and agreed to modify the text in order to provide PSCOs with clearer references; and

- .7 reviewed paragraph 7.3.2.7 of appendix 11 to determine if there was an appropriate reference to be included and agreed to retain the original text without any references, taking into account that fraudulent certificates should be dealt with by flag Administrations, which was beyond the purview of PSCOs.

### **Voluntary early implementation**

5.39 The Sub-Committee, taking into account the instructions received from MSC 98 (see paragraph 5.10) agreed to insert the proposed text in the PSC Procedures, as a new paragraph under section 1.2 Application of Chapter 1 – General, without any change/amendment.

### **Guidance relating to the provision of documentary evidence required under the STCW Convention by seafarers to port State control officers and other third party inspection regimes**

5.40 The Sub-Committee agreed to the inclusion of a reference to STCW.7/Circ.24/Rev.1 on *Guidance for Parties, Administrations, port State control authorities, recognized organizations and other relevant parties on the requirements of the STCW Convention, 1978, as amended* in appendix 18 of annex 1 of the PSC Procedures, taking into account that MSC 98 had revoked MSC/Circ.1030 and MSC/Circ.1032.

### **Fire integrity of the bulkheads between the wheelhouse and a toilet inside the wheelhouse, the location of manually operated call points and the minimum width of external escape routes**

5.41 With regard to the fire integrity of the bulkheads between the wheelhouse and a toilet inside the wheelhouse and taking into account the relevant outcome of MSC 97 and MSC 98 and instructions received (see paragraphs 5.8 and 5.9), the Sub-Committee agreed to the addition of a sentence at the end of paragraph 6.1 of appendix 6 of the PSC Procedures, in order to apply the provision in paragraph 6.2 also to cargo ships.

5.42 Regarding further amendments proposed by IACS to appendix 6 of the PSC Procedures (see paragraph 5.9), the Sub-Committee agreed to amend paragraph 6.4 and to add a new paragraph 6.5 to the PSC Procedures.

### **Amendments to the Procedures for port State control**

5.43 Furthermore, based on the Group's recommendations, following consideration of the proposed draft amendments to the *Procedures for port State control, 2011* (resolution A.1052(27)), the Sub-Committee agreed to:

- .1 keep the terms "flag State", "flag Administration" or "flag State Administration", as they each had different meanings depending on the way they were used;
- .2 the revised text in paragraph 1.2.6 of the draft PSC Procedures, having considered the text proposed by the International Labour Organization (ILO) regarding inspections based on ILO conventions;
- .3 the proposed amendments to paragraphs 1.1 and 1.8.3 of the draft PSC Procedures in order to concur with the IMO Instruments Implementation Code (III Code);

- .4 keep the original text in paragraphs 2.2.3 and 2.2.5 of the PSC Procedures related to appendix 12 containing the list of certificates and documents, but noted that the list of certificates and documents and relevant paragraphs required further consideration by the Correspondence Group to be established; and
- .5 delete the references to the Mobile Offshore Drilling Units, 2009 (MODU Code 2009) and the Code of Safety for Special Purpose Ships, 2008 (SPS Code 2008) in appendix 12 of the PSC Procedures, having reviewed the application of requirements from non-mandatory instruments under PSC, i.e. MODU Code, 2009 and the SPS Code, 2008. The Sub-Committee, while recognizing that future amendments to the PSC Procedures could be made in the context of their continuous review, requested the MSC to provide instruction regarding the inclusion of a reference to the MODU Code in appendix 12 of the PSC Procedures, in a future version thereof.

5.44 The Sub-Committee approved the draft *Procedures for Port State Control, 2017*, together with the draft requisite Assembly resolution, as set out in annex 2, for submission to A 30 for consideration with a view to adoption, as authorized by MEPC 70, MEPC 71, MSC 97 and MSC 98. The Sub-Committee requested the Secretariat to forward the draft Assembly resolution to A 30 and authorized it, when preparing the final text of the PSC Procedures, to effect any editorial corrections that may be identified and renumber paragraphs, as appropriate.

### **Third Joint Ministerial Conference of the Paris and Tokyo Memoranda of Understanding on Port State Control**

5.45 Following consideration of the outcome of the Third Joint Ministerial Conference of the Paris and Tokyo Memoranda of Understanding on Port State Control, the Sub-Committee noted that the 31 actions presented in document III 4/5/6 (see paragraphs 5.17 and 5.18) should be reviewed and implemented by the member Authorities of the Paris and Tokyo MoUs in advance and the outcome could be shared with member Authorities of other PSC regimes. In this context, an intervention was made in the group by the observer delegation of the Paris MoU indicating that a progress report would be provided at future sessions of the Sub-Committee on the above-mentioned actions.

### **Updating of existing ECDIS**

5.46 With regard to the proposal made by INTERTANKO (III 4/5/8) on ECDIS updates and related port State control inspections, the Sub-Committee endorsed the following views reported by the group regarding the text to be approved at this session:

- .1 the text should be as simple and as concise as possible, without being too technical and prescriptive and should give advice regarding the possible actions to be taken by port States;
- .2 given that the deadline of the updates of ECDIS has already been exceeded (1 September 2017), if the text as an interim measure were to be issued as a circular, a date of revocation might have to be inserted; and
- .3 although the requirements for ECDIS are based on SOLAS (e.g. SOLAS regulations V/18 and 19), with specific references to the applicable IMO performance standards (resolutions A.817(19), as amended and MSC.232(82)), as well as IHO standards and the International

Electrotechnical Commission (IEC), these should not appear in the text to be approved, as the interpretation and implementation of applicable provisions of the mandatory instruments remain the prerogative of the Contracting Governments concerned.

5.47 The Sub-Committee, subject to endorsement by MSC 99, agreed to the action to be taken by port States on the required updates of ECDIS, to be issued as III.2/Circ.2, and invited NCSR 5 to consider the matter of required updates of ECDIS, in general, and in particular, the issue of a date of revocation of III.2/Circ.2 on *Action to be taken by port States on the required updates of ECDIS*, and to make recommendation to the Sub-Committee, as appropriate.

### **Establishment of the Correspondence Group on Measures to harmonize port State control (PSC) activities and procedures worldwide**

5.48 The Sub-Committee, taking into account the work completed or progressed at this session, as well as the potential need to further consider issues relevant to the review of the PSC Procedures, established the Correspondence Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide, under the coordination of the European Commission (EC)<sup>2</sup>, to continue its work intersessionally with the following terms of reference (see paragraph 6.11):

- .1 continue working on the Procedures for port State control, 2017, to accommodate new requirements and/or amendments adopted by the Organization, where applicable;
- .2 review appendix 12 – List of certificates and documents, taking into account the suggestion made at the Sub-Committee to amend paragraphs 2.2.3 and 2.2.5 of Chapter 2 of the *Procedures for port State control, 2017*, as well as the discussion made in the working group, consider the heading in appendix 12 and the list itself and advise the Sub-Committee accordingly;
- .3 taking into account the instruction by MSC 97 regarding the fire integrity of the bulkheads between the wheelhouse and a toilet inside the wheelhouse, the location of manually operated call points and the minimum width of external escape routes, consider means to advise PSC regimes when the approach should also be applied in a wider context than within fire safety arrangements only (MSC 97/22, paragraph 8.39), and advise the Sub-Committee accordingly; and
- .4 submit a report to III 5.

### **FUTURE MEETINGS OF THE PSC WORKING GROUP**

5.49 Given the amount of work required to be completed by the Working/Drafting Group on Measures to harmonize port State control activities and procedures worldwide, when established, the Sub-Committee agreed that the group should start its work on the morning of the first day, if established, during III 5, in accordance with paragraph 5.19

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of MSC-MEPC.1/Circ.5, and the review of the report of a correspondence group should be considered as a priority. The approval of further terms of reference, one year in advance, was not considered as an option given the complexity and variety of PSC-related work.

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

### **IN-DEPTH ANALYSIS OF ANNUAL PSC REPORTS**

6.1 The Sub-Committee recalled that, during III 2, the Working Group on Measures to harmonize port State control activities and procedures worldwide had agreed on the following general principles to further this work item on the in-depth analysis of annual PSC reports:

- .1 current data sets already available should be used;
- .2 requesting new data should be avoided where possible;
- .3 current information supplied by the PSC regimes should be in compliance with the agreed format, as set out in the annex to document FSI 20/WP.5, noting that the data for the region, as opposed to individual members, is more beneficial;
- .4 overall PSC regime data such as the total number of inspections, total inspections by ship type, total deficiencies by deficiency group, total detentions by ship and total inspections by flag Administration would be appropriate initial data sets to use; and
- .5 when the appropriate data sets are identified, the Secretariat could be asked to produce the data for consideration by the Sub-Committee, as appropriate.

6.2 The Sub-Committee also recalled that III 3 had instructed the Correspondence Group on Measures to harmonize port State control (PSC) activities and procedures worldwide to prepare a methodology in order to carry out the analysis of PSC reports and to make relevant recommendations.

### **STATISTICAL ANALYSIS OF PSC DATA PREPARED BY THE SECRETARIAT**

6.3 The Sub-Committee further recalled that III 3 had requested the Secretariat to analyse overall PSC regimes data, as agreed by the working group established at III 2, such as the total number of inspections, total inspections by ship type and total deficiencies by deficiency group, using all data available.

6.4 Having noted the statistical analysis of PSC data prepared by the Secretariat (III 4/5/1 and Add.1), the Sub-Committee referred the detailed consideration of the matter to the working group established under agenda item 5 for consideration in the context of work to be carried at a future session or intersessionally. The Sub-Committee also instructed the group to prepare a draft methodology, taking into account document III 2/WP.5, in order to carry out an analysis of PSC data, including the in-depth analysis of annual PSC reports, to identify trends and develop knowledge and risk-based recommendations.



## **REPORT OF THE WORKING GROUP ON MEASURES TO HARMONIZE PORT STATE CONTROL ACTIVITIES AND PROCEDURES WORLDWIDE**

6.5 Having already approved the report of the Working Group on Measures to harmonize port State control activities and procedures worldwide (III 4/WP.5) in general, the Sub-Committee took decisions as reflected in the following paragraphs.

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

6.7 The Sub-Committee recognized that there may be a need for flexibility on the above-mentioned general principles (see paragraph 6.1), noting that PSC data, potentially, could form part of the performance indicators, taking into account the outcome of C 118 (C 118/WP.4), to assess the Organization's performance towards achieving its Strategic Directions.

6.8 The Sub-Committee noted that limitations in the trends would need to be considered, such as:

- .1 duplication of data owing to some Authorities being members of more than one PSC regime;
- .2 some of the data provided being related only to detentions;
- .3 growth of PSC regime membership; and
- .4 the relevant instruments of individual PSC regimes being amended.

6.9 The Sub-Committee noted there should be no conflict between the strategic analysis work of the Organization and any work pursuing global trends based on PSC and CIC data.

### **Instruction to the Correspondence Group on Measures to harmonize port State control (PSC) activities and procedures worldwide**

6.10 Having noted that the group did not agree upon whether the trend analysis should start from the time the data sets are identified or whether historical data should also be sourced from past PSC annual reports, the Sub-Committee agreed to instruct further the correspondence group, established under item 5 (see paragraph 5.48), to:

- .1 define the purpose for the collection of PSC data in order to ascertain its value, adequacy and sufficiency for the preparation of a draft methodology, taking into account documents III 2/WP.5 and III 3/INF.29 and the Strategic Plan for the Organization for the six year-period 2018 to 2023, so as to carry out an analysis of PSC data, including the in-depth analysis of annual PSC reports, to identify trends and develop knowledge and risk-based recommendations.

## **7 ANALYSIS OF CONSOLIDATED AUDIT SUMMARY REPORTS**

### **METHODOLOGY FOR THE ANALYSIS OF CONSOLIDATED AUDIT SUMMARY REPORTS**

7.1 The Sub-Committee recalled that III 3 had considered documents III 3/7 and III 3/INF.29 (Secretariat), containing the analysis of all 10 consolidated audit summary reports (CASRs) from audits conducted under the Voluntary IMO Member State Audit Scheme

(VIMSAS), as well as those conducted under transitional arrangements, focusing on the major areas of findings and difficulties encountered in the implementation of IMO instruments. III 3 had requested MEPC 70 and MSC 97 to take a number of actions with regard to the analysis of the 10 CASRs.

7.2 The Sub-Committee also recalled that MEPC 70 and MSC 97 had considered the actions requested by III 3 and had noted the five identified main areas of recurrent findings from the analysis of CASRs and the highest number of non-conformities recorded against specific provisions of the mandatory instruments, as well as the four main areas of root causes in relation to the major recurrent areas of findings from the audits. In addition, the Committees had noted the areas in need of additional technical assistance to Member States and had forwarded them to the Technical Cooperation Committee for consideration.

7.3 The Sub-Committee further recalled that MEPC 70 and MSC 97 had also considered the feedback from III 3 on the specific requirements of the relevant IMO instruments that had been identified for review in terms of their appropriateness and effectiveness for implementation. In that context, the Committees requested the III Sub-Committee to review the methodology for consideration of the results of CASRs in line with the Framework for the IMO Member State Audit (resolution A.1067(28), annex, part I) and to make suggestions for the consideration of the Committees.

7.4 The Sub-Committee considered document III 4/7 (Secretariat), containing a summary of decisions made so far in the development of the methodology for the analysis of CASRs, including its function to inform the decision-making process of the Organization, as a basis for the deliberations of the Sub-Committee on the review of the methodology, as instructed by MEPC 70 and MSC 97.

7.5 With respect to the functions of fostering capacity building, as stipulated in paragraph 5.2.1 of the Framework, as well as providing feedback on any lessons learned from the audits, as may be appropriate, for further consideration by the Organization of the effectiveness and appropriateness of its legislation, the Sub-Committee noted that these are intended to be fulfilled through the process of the analysis of CASRs and the review thereof. In this regard, the review process of the analysis of CASRs and its use in the decision-making process of the Organization, in particular, to fulfil the objectives stipulated in paragraphs 5.2.1 and 5.2.4 of the Framework, have yet to be fully realized. In order to fulfil those objectives, a process should be established for the systematic review of audit findings, the specific outcomes of which should be developed to inform the regulatory process of the Organization.

7.6 The Sub-Committee noted that, in reviewing the methodology for the analysis of CASRs, inter alia, the criteria to be used to evaluate the "appropriateness and effectiveness" to which the Framework refers, as well as the process for such an evaluation, including the triggering mechanisms, format of data required and review and follow up actions, should be considered. In that context, the Sub-Committee recalled its decision related to document III 3/7/1 (China) (III 3/14, paragraphs 7.12 and 7.13) and the need to consider formulating a specific request to the Committees in relation to whether the identification of the need for interpretations of the requirements of the mandatory IMO instruments, as indicated in document III 3/7/1, should be part of the process for the evaluation of the "appropriateness and effectiveness" of the legislation, prior to referring the relevant MARPOL-related issues (MARPOL, article 4 and Annex II, regulation 3.1.3) to the MEPC.

7.7 With regard to the issuance of CASRs from mandatory audits, the Sub-Committee noted that, based on the decision of C 118, future CASRs will be issued as circular letters, as and when the reporting from a reasonable number of audits has been completed. A reference to each circular letter issued will be included in the document reporting to the Council and the

Assembly on progress made in the implementation of the Scheme. Based on the circular letters to be issued on the outcome of the mandatory audits, the next analysis of CASRs would be expected to be submitted to III 5.

7.8 During the consideration of document III 4/7 (Secretariat), the Sub-Committee noted the view expressed that the methodology for the review of the analysis of CASRs should be discussed at future sessions of the Sub-Committee through a working group. In particular, further development of the criteria for assessing the appropriateness and effectiveness of IMO instruments should focus on:

- .1 their effectiveness, efficiency and relevance to the needs and objectives;
- .2 the components of the evaluation process, including linkage to the relevant responsible IMO bodies; and
- .3 the circumstances in which a request for review or interpretation of regulatory requirements will be triggered, recognizing that CASRs alone should not be a sufficient cause to trigger such a request.

7.9 The Sub-Committee referred document III 4/7 (Secretariat) to III 5, for analysis, and invited submissions to III 5, containing proposals on the methodology for analysis of CASRs to address evaluation of appropriateness and effectiveness of regulations, as well as on how the required information and feedback could be provided by the Sub-Committee to the Committees, in order for them to meet the request from the Assembly and Council to report back to the Council.

#### **PROPOSALS FOR IMPROVING THE COMMUNICATION OF INFORMATION BY MEMBER STATES**

7.10 The Sub-Committee noted the information contained in document III 4/7/1 (China), providing an analysis of three issues that may account for the ineffective implementation of communication of information obligations by a considerable number of Member States and related proposals to address them. The issues elaborated in the document were related to:

- .1 limitation of GISIS in supporting the communication of information requirements;
- .2 communication of information requirements dispersed over IMO instruments and information required to be communicated to various stakeholders; and
- .3 lack of guidance on communication of information, prescribing reporting frequency and timeline.

7.11 In order to enhance the effectiveness of the implementation of IMO instruments, without imposing additional burden onto the IMO Secretariat and the Member States, China recommended that the Sub-Committee should consider several actions related to further improvements of GISIS and developing guidance documents to facilitate the fulfilment of requirements related to communication of information.

7.12 After consideration of the proposals put forward by China, the Sub-Committee recorded the wide support received for them from all delegations that participated in the discussion, emphasizing that a common platform for reporting, including additional guidance on reporting time, format and frequency of reporting, together with a consolidated inventory of reporting requirements, comprising references to IMO instruments, the information needed to be reported and the method of reporting, would facilitate the organization of reporting and assist Member States in assigning related responsibilities and optimizing their resources.

7.13 In this context, the Sub-Committee recognized that the GISIS module on Reporting Requirements/Dashboard already contains a list of reporting requirements per IMO instruments, however the list may not be fully exhaustive and does not contain the detailed information as requested by China and other delegations. The Sub-Committee also recognized that a full catalogue of reporting requirements had been compiled in the context of the Council initiative on the reduction of administrative requirements (C 113/11), which could be utilized and further updated going forward.

7.14 The Sub-Committee acknowledged that the development of the aforementioned tools could reduce the communication of information-related findings, which are identified in audits under the Scheme. Furthermore, since most of the related requirements are contained in articles of relevant conventions, which mostly originated in the 1970s, there may be a need for their re-evaluation in the context of demonstrating that such reporting requirements are still appropriate indicators of effective implementation of those conventions.

7.15 In order to reach an informed decision on the way of improving the communication of information by Member States, the Sub-Committee requested the Secretariat to provide pertinent information, as appropriate, in relation to the proposals put forward by China in document III 4/7/1, as well as the above-mentioned additional points raised.

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

### **REPORTING ON THE VOLUNTARY EARLY IMPLEMENTATION OF AMENDMENTS TO THE 1974 SOLAS CONVENTION AND RELATED MANDATORY INSTRUMENTS**

8.1 The Sub-Committee was advised that MSC 98 endorsed the view that voluntary early implementation should be communicated to the Organization by Contracting Governments to the 1974 SOLAS Convention for dissemination through a new area "Voluntary early implementation" to be created in the GISIS module on "Survey and Certification".

8.2 The Sub-Committee was also advised that MSC 98 requested the Secretariat to prepare the necessary technical specifications for the aforementioned new area in GISIS for presentation to the Sub-Committee as soon as practicable. MSC 98 agreed that a Contracting Government to SOLAS may also consider the use of the existing provisions for equivalent arrangements under SOLAS regulation I/5 to cover the interim period between the date of the voluntary early implementation and the entry-into-force date of the amendment(s).

8.3 The Sub-Committee was also advised that MSC 98 approved MSC.1/Circ.1565 on *Guidelines on the voluntary early implementation of amendments to the 1974 SOLAS Convention and related mandatory instruments*, providing a mechanism for the MSC to invite voluntary early implementation.

8.4 The Sub-Committee was further advised that MSC 98 endorsed the view that early implementation was the sole decision of a Contracting Government and the absence of invitations for voluntary early implementation should not preclude Contracting Governments from implementing amendments earlier than the entry-into-force date.

8.5 In this context, the Sub-Committee considered document III 4/8/4 (Secretariat) containing information and proposals on reporting on the voluntary early implementation using the GISIS module on Survey and Certification.

- 8.6 Following discussion, the Sub-Committee endorsed the Secretariat's proposals on:
- .1 establishing a dedicated MSC circular series, i.e. "MSC.7" to identify more easily MSC circulars issued on early implementation and recommended its approval to MSC 99; and
  - .2 the technical specifications for the new area in GISIS as described in the document;

and requested the Secretariat to develop the aforementioned new area in the GISIS module on Survey and Certification as soon as practicable, with the expectation that appropriate action will be taken at the earliest opportunity, although a number of other GISIS-related requests had been agreed during the session.

#### **FURTHER DEVELOPMENT OF THE GISIS MODULE ON RECOGNIZED ORGANIZATIONS**

8.7 The Sub-Committee recalled that III 3 had requested the Secretariat to review the data collection process through the GISIS module on recognized organizations (ROs) for increased accuracy and dissemination, in cooperation with IACS, EQUASIS and other data sources, and to report to a future session.

8.8 The Sub-Committee was advised that LEG 103, having considered document LEG 103/8 on Analysis of recommendations to reduce administrative burdens in IMO instruments, decided, inter alia, to request the Secretariat to expand the GISIS module on "Recognized Organizations" to include all the relevant data as required by the 2001 Bunkers Convention, the 2002 Athens Convention and the 2007 Nairobi Wreck Removal Convention.

8.9 In this context, the Sub-Committee had for its consideration document III 4/8/2 (Secretariat), which was prepared in cooperation with IACS and contained draft specifications of further developments of the GISIS module on ROs that are intended to extend the application of the module to include additional mandatory instruments and to improve its data collection process by providing the participation of ROs through data management interfaces controlled by Member States.

8.10 After discussion, the Sub-Committee, having noted that the scope of the RO module will contain the conventions and their associated mandatory instruments, as listed in appendix 3 of the annex to document III 4/8/2:

- .1 endorsed the proposed checklist regarding assessments and confirmation against minimum standards for the RO by the Administration, which had been updated in accordance with the provisions of the RO Code;
- .2 endorsed the proposal to allow restricted data feed participation by ROs, bearing in mind that the obligation to populate the module and the responsibility for the accuracy and completeness of the information will continue to rest with the Member States; and
- .3 agreed, in principle, to the draft specifications for further development of the RO module of GISIS, as set out in the annex to document III 4/8/2, including the retention of the existing facility for uploading the text of the agreement, which remains open for further consideration at another session of the Sub-Committee, as appropriate;

and requested the Secretariat to develop further the GISIS module on ROs (see paragraph 8.6).

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

8.11 The Sub-Committee recalled that III 3, having noted the draft amendments to MARPOL Annexes I, IV and VI concerning the exemption of UNSP barges from survey and certification requirements (III 3/WP.4, annex 1), together with the associated draft *Guidelines for exemption of unmanned non-self-propelled (UNSP) barges from the survey and certification requirements under the MARPOL Convention* (III 3/WP.4, annex 2), had agreed to the following recommendations of the drafting group established at III 3:

- .1 the exemption certificates for UNSP barges should be part of the individual MARPOL Annexes I, IV and VI, rather than appendices to an MEPC circular;
- .2 more study and work needed to be carried out if the exemption certificates are made part of the individual MARPOL Annexes I, IV and VI; and
- .3 the issue regarding definitions or identification of UNSP barges needed to be further considered.

8.12 The Sub-Committee also recalled that III 3 had agreed that further work on this matter should be carried out at III 4, as appropriate, rather than tasking a correspondence group.

8.13 The Sub-Committee was advised that MEPC 70 noted the progress made by III 3 concerning the exemption of UNSP barges from survey and certification requirements under MARPOL and that the matter would be further considered at III 4.

8.14 The delegation of Japan made a statement to seek the Sub-Committee's view on the application of regulations 12 (sludge tanks for oil residues), 13 (standard discharge connection) and 14 (oil filtering equipment) of MARPOL Annex I to UNSP barges. The Sub-Committee reconfirmed the decision of III 2 that regulations 12, 13 and 14 of MARPOL Annex I do not need to be covered by the exemption because these regulations are obviously not applicable to UNSP barges.

8.15 Having noted the absence of submission to this session, the Sub-Committee invited interested delegations to make relevant submission to its next session, in order to facilitate the work on this item.

**CONSISTENCY OF IN-WATER SURVEY (IWS) PROVISIONS FOR PASSENGER AND CARGO SHIPS**

8.16 The Sub-Committee recalled that III 2, in its consideration of document III 2/9/3 (IACS), had noted the views that the survey regimes for passenger ships and cargo ships are different, and that more technical data regarding rudder bearing clearance was needed, and had invited IACS to submit more data supporting the proposed removal of perceived inconsistency between provisions for passenger and cargo ships to the MSC for its consideration as to whether this issue should be referred to other sub-committees.

8.17 The Sub-Committee was advised that MSC 98 considered document MSC 98/17/1 (IACS), providing technical data regarding rudder bearing clearances on cargo and passenger ships, for removal of perceived inconsistency between the IWS provisions for passenger and cargo ships by dispensing the requirement to take measurements of the rudder bearing clearances on cargo ships and noted that the following concerns were expressed on IACS' proposal:

- .1 survey regimes of cargo and passenger ships under SOLAS regulations are different in general; and
- .2 data analysis should not be limited to mean values but should also take into account extreme values.

8.18 The Sub-Committee was also advised that MSC 98, bearing in mind the comments made related to the safety issue of under-water inspection, agreed to instruct III 4 to further consider the issue raised by IACS (MSC 98/17/1), taking into account the aforementioned concerns, and prepare draft amendments to the Survey Guidelines under the HSSC, if appropriate, with a view to adoption by A 30.

8.19 In this connection, the Sub-Committee had for its consideration documents MSC 98/17/1 and III 4/8/3 (IACS) on consistency of IWS provisions for passenger and cargo ships, providing technical information on two separate issues, i.e. to dispense with the requirement to take measurements of the rudder bearing clearances of cargo ships and discrepancies between resolution A.1104(29) on Survey Guidelines under the HSSC, 2015 and MSC.1/Circ.1348 on *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*.

8.20 In the context of two diverging lines of thoughts expressed on the risks associated with IWS, the observer delegation of INTERTANKO referred to two different safety-related aspects relating, on the one hand, to the risk for the ship to encounter a rudder-related problem and, on the other hand, to the life-threatening situations encountered by individuals carrying out the survey. Following the intervention, the views supporting the conduct of IWS also stressed the importance of the safety of divers.

8.21 While recognizing that doubts existed in spite of the explanations supporting the proposed dispensation of cargo ships, the Sub-Committee agreed to seek technical input from the Sub-Committee on Ship Design and Construction (SDC) and the Sub-Committee on Ship Systems and Equipment (SSE), as appropriate, prior to considering further issues raised in both documents MSC 98/17/1 and III 4/8/3 at III 5.

#### **SURVEY GUIDELINES FOR THE PURPOSE OF THE BWM CONVENTION UNDER THE HARMONIZED SYSTEM OF SURVEY AND CERTIFICATION**

8.22 The Sub-Committee was advised that MEPC 71 adopted resolution MEPC.287(71) on *Implementation of the BWM Convention*, by which, in lieu of the implementation schedule recommended in resolution A.1088(28) and notwithstanding the schedule set forth in regulation B-3 of the Convention, the Parties should implement the amended regulation B-3 (MEPC 71/17, annex 2) immediately after entry into force of the Convention on 8 September 2017.

8.23 The Sub-Committee was also advised that MEPC 71 instructed III 4 to incorporate the *Interim Survey Guidelines for the purpose of the BWM Convention under the Harmonized System of Survey and Certification (BWM.2/Circ.7)*, which FSI 14 had agreed to keep in abeyance until the BWM Convention entered into force, in the draft amendments to the *Survey Guidelines under the HSSC, 2015*, with a view to submission to A 30 for adoption.

8.24 The Sub-Committee was further advised that, MEPC 71, in this context, also instructed III 4 to introduce provisions in the amendments to the Survey Guidelines under the HSSC for validating the compliance of individual ballast water management system (BWMS) with regulation D-2 of the BWM Convention in conjunction with their commissioning, as agreed by MEPC 70.

8.25 After discussion, the Sub-Committee agreed that the drafting group established under agenda item 9 be instructed to finalize:

- .1 draft amendments to the Survey Guidelines under the HSSC, on the basis of the *Interim Survey Guidelines for the purpose of the BWM Convention under the Harmonized System of Survey and Certification (BWM.2/Circ.7)*; and
- .2 draft provisions in the amendments to the Survey Guidelines under the HSSC for validating the compliance of individual BWMS with regulation D-2 of the BWM Convention in conjunction with their commissioning;

taking into account the proposal for a new item (BI)1.1.2.18*bis* to address the instruction of MEPC 71 to introduce provisions for validating the compliance of individual BWMS with regulation D-2 of the BWM Convention in conjunction with their commissioning; and a reference to the manufacturers manuals.

#### **REPORT OF THE CORRESPONDENCE GROUP**

8.26 The Sub-Committee was advised that MEPC 70 and MSC 97 approved MSC-MEPC.5/Circ.12 on *Amendments to the Survey Guidelines under the Harmonized System of Survey and Certification, 2015, for Ships Operating in Polar Waters* requesting the amendments to be incorporated in the draft Assembly resolution on the Survey Guidelines under the HSSC to be developed by III 4 and considered by A 30 for adoption.

8.27 The Sub-Committee was also advised that that MEPC 70, having adopted resolution MEPC.285(70) on *Amendments to the Revised Guidelines and specifications for pollution prevention equipment for machinery space bilges of ships*, noted that annex 3 of the *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2015* (resolution A.1104(29)) makes reference to resolution MEPC.107(49) and requested the Sub-Committee to prepare consequential amendments for inclusion in the next edition of the Survey Guidelines under the HSSC.

8.28 The Sub-Committee recalled that III 3 had established a Correspondence Group on the Review of the Survey Guidelines under the HSSC and the Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code), under the coordination of China, to continue updating the Survey Guidelines to include the requirements deriving from amendments to relevant IMO instruments entering into force up to and including 31 December 2017, with a view to submission of draft amendments to the Survey Guidelines to A 30 for adoption.



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

- .1 III 4/8 (China) containing the report of the Correspondence Group and presenting, inter alia, the draft amendments to the Survey Guidelines pertaining to the International Code of Safety for Ships using Gases or other Low-flashpoint Fuels (IGF Code) (III 4/8, annex 1); the draft amendments to the Survey Guidelines, deriving from the amendments to the relevant IMO instruments entering into force up to and including 31 December 2017, including the International Code for Ships Operating in Polar Waters (Polar Code) (III 4/8, part 1 of annex 2); and the draft amendments to the Survey Guidelines, deriving from the amendments to the relevant IMO instruments entering into force between 1 January 2020 and 31 December 2021 (III 4/8, part 2 of annex 2); and
- .2 III 4/8/1 and III 4/INF.12 and Add.1 (Secretariat) containing a list of new and outstanding requirements, which were adopted by MEPC 70, MSC 97, MEPC 71 and MSC 98.

8.30 Following an intervention by the observer delegation of IACS, the Sub-Committee agreed to refer four points raised in relation to amendments to the Survey Guidelines with regard to:

- .1 the survey of pressure relief valves (PRVs) in paragraph CR 2.4.5 *septiens* of annex 1 of the report of the Correspondence Group, on the basis of provisions contained in the IGF Code;
- .2 a proposal to include references to MSC.1/Circ.1562 on *Unified interpretations of SOLAS regulation XIV/2.2 and paragraphs 1.3.2 and 1.3.6, part I-A of the Polar Code*;
- .3 the insertion of compliance with MARPOL Annexes I, II and IV certificates, on the basis of whether there is provision in these certificates for indicating compliance with the Polar Code; and
- .4 the potential conflict between the survey items regarding crude oil washing effectiveness surveys.

8.31 Following discussion, the Sub-Committee:

- .1 noted that, regarding survey requirements for ESP ships and non-ESP ships, the correspondence group added footnotes with reference to the ESP Code, to the corresponding items in the Survey Guidelines under the HSSC as appropriate;
- .2 instructed the drafting group established under agenda item 9 to finalize the proposed draft amendments to the 2015 Survey Guidelines under the HSSC, as contained in annex 1 and part 1 of annex 2 of document III 4/8, deriving from the amendments to the relevant IMO instruments entering into force up to and including 31 December 2017, including those pertaining to the Polar Code and IGF Code, together with Survey Guidelines for the purpose of the BWM Convention under the Harmonized System of Survey and Certification, taking into account the outcome of MEPC 70 regarding MEPC.285(70) and the points raised by IACS (see paragraph 8.30), with a view to submission to A 30 for adoption;

- .3 referred the proposed draft amendments, deriving from the amendments to the relevant IMO instruments entering into force between 1 January 2020 and 31 December 2021, as contained in part 2 of annex 2 of document III 4/8 to the drafting group to prepare draft terms of reference for an intersessional correspondence group to be established at this session for continuing to develop draft amendments to the Survey Guidelines under the HSSC; and
- .4 referred the list of new and outstanding requirements, as contained in documents III 4/INF.12 and Add.1, to the drafting group established under agenda item 9 for its consideration.

#### **REPORT OF THE DRAFTING GROUP**

8.32 Having approved the report of the Drafting Group on the Survey Guidelines under the HSSC and the Non-exhaustive List of Obligations under Instruments relevant to the IMO instruments Implementation Code (III Code) (III 4/WP.6), in general, and considered its relevant part, with respect to the Survey Guidelines under the HSSC, the Sub-Committee took decisions as reflected in the following paragraphs.

#### **SURVEY GUIDELINES FOR THE PURPOSE OF THE BWM CONVENTION UNDER THE HSSC**

8.33 As instructed by MEPC 71, the Sub-Committee incorporated the *Interim Survey Guidelines for the purpose of the International Convention for the Control and Management of Ships' Ballast Water and Sediments under the Harmonized System of Survey and Certification* (BWM.2/Circ.7) in the proposed amendments to the Survey Guidelines under the HSSC.

8.34 With respect to the validation of compliance of the individual BWMS with the D-2 standard, the Sub-Committee agreed to a new survey item (BI)1.1.2.18*bis* to address the instruction of MEPC 71 to introduce provisions for validating the compliance of individual BWMS with regulation D-2 of the BWM Convention at the commissioning stage.

8.35 The Sub-Committee, having noted the fact that the initial surveys already conducted have been based on the Interim survey guidelines as provided in BWM.2/Circ. 7, endorsed the Group's view that the applicability of the new survey item (BI)1.1.2.18*bis*, as requested by MEPC 71, should not apply to those vessels which have already been subject to an initial survey prior to the taking effective date of the proposed amendments to Survey Guidelines under the HSSC.

8.36 Following the expression of different views on issues such as the legal basis for requirement, given that survey items normally derive from mandatory requirements; the entity which will be responsible (shipyard, owner, manufacturer, flag State or RO); how compliance would be verified; and whether existing guidelines would be applicable or whether new specific guidelines would need to be developed, the Sub-Committee invited MEPC 72 to consider whether detailed aspects of the validation of the compliance of individual BWMS with regulation D-2 of the BWM Convention in conjunction with their commissioning need to be addressed.

8.37 With respect to item (BI) 1.1.2.4, the Sub-Committee had for its consideration that the Group reported on the following two issues concerning the requirement for a statement confirming the testing of the electrical and electronic components of BWMS:

- .1 the text refers to the *Guidelines for approval of ballast water management systems (G8)*, which have since then been revised twice; and

- .2 such a statement is not required by the *2016 Guidelines for approval of ballast water management systems (G8)*, which instead requires that this matter be addressed in the Type Approval Certificate of the BWMS;

and on the fact that similar issues exist in other parts of the Guidelines (such as item (BI) 1.1.2.9), which refer to specific survey requirements of the older versions of Guidelines (G8) that are instead included in the Type Approval Certificate in accordance with the *2016 Guidelines for approval of ballast water management systems (G8)*.

8.38 In this context, the Sub-Committee, having recognized the complications on the matter arising from the fact that there are three different versions of Guidelines (G8) that may be applicable to BWMS installed on board existing and new ships, and different requirements among these versions regarding the matter at hand, requested MEPC 72 to consider whether a review of the Survey Guidelines under the HSSC in relation to the BWM Convention is required in light of the *2016 Guidelines for approval of ballast water management systems (G8)*.

#### **AMENDMENTS TO THE SURVEY GUIDELINES UNDER THE HSSC**

8.39 The Sub-Committee noted that the Group reviewed the proposed draft amendments to the *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2015* (resolution A.1104(29)), as set out in annex 1 and part 1 of annex 2 of document III 4/8, in which annex 1 contains the draft amendments to the Survey Guidelines pertaining to the IGF Code while part 1 of annex 2 contains the draft amendments to the Survey Guidelines, deriving from the amendments to the relevant IMO instruments entering into force up to and including 31 December 2017, including the Polar Code.

8.40 The Sub-Committee also noted that a reference to resolution MEPC.107(49) in proposed amendments to annex 3 to the *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2015* (resolution A.1104(29)), as contained in part 1 of annex 2 of document III 4/8, had already been considered and updated accordingly.

8.41 With respect to the proposal by IACS in paragraph 8.30, the Sub-Committee further noted that the Group prepared a revised paragraph 5.13 and items (CR) 2.4.5bis.5, (CI) 2.1.3.73, (CA) 2.2.2.37, (PI) 5.1.2.145, (PR) 5.2.2.121, (PR) 5.2.2.bis.23 and (OIn) 1.3.4.4.3 in the proposed amendments to the Survey Guidelines the HSSC.

8.42 The Sub-Committee, while recognizing that the current practice to prepare a consolidated version of the Survey Guidelines under the HSSC every other Assembly year should be reviewed in the context of Circular Letter No.2995 on *Measures to reduce the costs of IMO meetings and meet United Nations climate neutral objectives*, endorsed the Group's recommendation that, for the benefit of friendly use, an updated version of the Survey Guidelines should be submitted, in a consolidated form, to every regular session of the Assembly, for adoption.

8.43 In this context, the Sub-Committee approved the draft Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2017, together with the draft requisite Assembly resolution, as set out in annex 3, for submission to A 30 for consideration with a view to adoption, as authorized by MEPC 70, MEPC 71, MSC 97 and MSC 98. The Sub-Committee requested the Secretariat to forward the draft Assembly resolution to A 30 and authorized it, when preparing the final text of the consolidated Survey Guidelines, to effect any editorial corrections that may be identified and renumber paragraphs, as appropriate.

8.44 Regarding the items identified in documents III 4/8 (annex 3), III 4/INF.12 and Add.1 that had not been dealt with so far, the Sub-Committee noted that the Group finalized the list of amendments to mandatory instruments not yet included in the Survey Guidelines, as set out in annex 2 of document III 4/WP.6, with a view to maintaining the status of the mandatory items for future amendments to the Survey Guidelines.

8.45 The Sub-Committee agreed to the needs to:

- .1 further continue the development of the respective survey items deriving from amendments to mandatory IMO instruments entering into force up to and including 31 December 2019, for inclusion in the Survey Guidelines in order to keep them updated in the future; and
- .2 further develop, separately, using part 2 of annex 2 of document III 4/8, as the basis, draft amendments to the Survey Guidelines for adoption in accordance with the four-year cycle of the entry into force of amendments to SOLAS 1974 and related mandatory instruments.

#### **ESTABLISHMENT OF THE CORRESPONDENCE GROUP**

8.46 The Sub-Committee established the Correspondence Group<sup>3</sup> on the Review of the Survey Guidelines under the HSSC and the Non-exhaustive list of obligations, with the following terms of reference (see paragraphs 9.11 and 11.9), to:

- .1 continue to develop, draft amendments to the Survey Guidelines under the harmonized system of survey and certification, deriving from the amendments to the relevant mandatory instruments due to enter into force up to and including 31 December 2019, with a view to submission of draft amendments, in a consolidated form, to A 31 for consideration for adoption and, separately, develop further, using as the basis part 2 of annex 2 of document III 4/8, draft amendments to the Survey Guidelines as a result of amendments to the relevant IMO instruments entering into force between 1 January 2020 and 31 December 2021 inclusive, in accordance with the four-year cycle of entry into force of amendments to SOLAS 1974 and related mandatory instruments, taking into account documents III 4/WP.6 (annex 2) and III 4/INF.12 and Add.1 and the relevant outcome of future sessions of the MSC and MEPC, as appropriate;
- .2 identify, in documents III 4/WP.6 (annex 2), and III 4/INF.12 and Add.12, and the relevant outcome of future sessions of the MSC and MEPC, as provided by the Secretariat, those items which have not been dealt with so far and left for further development of amendments to the Survey Guidelines, with a view to maintaining the status of the items for future amendments; and
- .3 submit a report to III 5.

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#### **WORKING/DRAFTING GROUP AT NEXT SESSION**

8.47 The Sub-Committee agreed that the Working/Drafting Group on the Review of the Survey Guidelines under the HSSC and the Non-exhaustive list of obligations should start its work on the morning of the first day of III 5, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5, under the following provisional terms of reference (see paragraphs 9.12 and 11.10), subject to further instructions to be received from plenary:

- .1 to review, draft amendments to the Survey Guidelines under the harmonized system of survey and certification, deriving from the amendments to the relevant mandatory instruments due to enter into force up to and including 31 December 2019, with a view to submission of draft amendments, in a consolidated form, to A 31 for adoption, taking into account documents III 4/WP.6 (annex 2), III 4/INF.12 and Add.1, and the relevant outcome of future sessions of the MSC and MEPC, as appropriate.

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

#### **AMENDMENTS TO THE NON-EXHAUSTIVE LIST OF OBLIGATIONS**

9.1 The Sub-Committee recalled that III 3 had agreed that the *2015 Non-exhaustive List of Obligations under Instruments relevant to the IMO Instruments Implementation Code* (III Code) (resolution A.1105(29)) needed to be further amended in order to keep it updated with amendments to the relevant mandatory IMO instruments, entering into force up to and including 1 July 2018, with a view to the submission of a finalized consolidated version directly to A 30 for adoption, with prior approval by the Committees of this course of action.

9.2 The Sub-Committee also recalled that III 3 had established a Correspondence Group on the Review of the Survey Guidelines under the HSSC and the Non-exhaustive list of obligations, under the coordination of China, to continue to develop draft amendments to the Non-exhaustive list of obligations.

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

- .1 III 4/8 (China), containing the report of the Correspondence Group and presenting, inter alia, the proposed amendments to resolution A.1105(29) on the *2015 Non-exhaustive list of obligations under instruments relevant to the III Code (resolution A.1070(28))*, taking into account new provisions, the entry into force of which extended until 1 July 2018; and
- .2 III 4/9 and III 4/INF.13 and Add.1 (Secretariat), containing a list of provisions, deriving from amendments to mandatory instruments, as adopted by MEPC 70, MSC 97, MEPC 71 and MSC 98, which might be relevant to the development of amendments to the 2015 Non-exhaustive list of obligations.

9.4 The Sub-Committee referred the consideration of the relevant part of the report of the Correspondence Group, using annex 4 of document III 4/8, as the basis, and taking into account documents III 4/INF.13 and Add.1, to the drafting group to be established under this agenda item, for detailed review for finalization of the text of draft amendments to the *2015 Non-exhaustive list of obligations under instruments relevant to the III Code (resolution A.1070(28))*, deriving from the amendments to the relevant mandatory instruments due to enter into force up to and including 1 July 2018, for submission to A 30, as a consolidated version, for adoption.

## **ESTABLISHMENT OF THE DRAFTING GROUP**

9.5 The Sub-Committee, taking into account the outcome of its consideration of matters under agenda items 8 and 11 and the decisions and proposals made in plenary, established the Drafting Group on the Updated Survey Guidelines under the HSSC and the Non-exhaustive List of Obligations and instructed the Group to:

### **Terms of reference under agenda item 8**

- .1 finalize draft amendments to the *Survey Guidelines under the HSSC, 2015* (resolution A.1104(29)), deriving from amendments to the relevant mandatory instruments due to enter into force up to and including 31 December 2017, together with the text of the draft Assembly resolution, using document III 4/8 (annex 1 and part 1 of annex 2) and the *Interim Survey Guidelines for the purpose of the BWM Convention under the Harmonized System of Survey and Certification* (BWM.2/Circ.7) as the basis, and taking into account documents III 4/2/1, III 4/2/1/Add.1 and III 4/INF.12 and Add.1, for submission to A 30 for adoption;
- .2 identify, in documents III 4/8 (annex 3) and III 4/INF.12 and Add.1, taking into account document III 4/8 (part 2 of annex 2), those items which have not been dealt with so far and left for further development of amendments to the Survey Guidelines, with a view to maintaining the status of the items for future amendments;

### **Terms of reference under agenda item 9**

- .3 finalize draft amendments to the *2015 Non-exhaustive list of obligations under instruments relevant to the IMO instruments implementation Code* (resolution A.1105(29)), deriving from amendments to relevant mandatory instruments due to enter into force up to and including 1 July 2018, together with the text of a draft Assembly resolution, using document III 4/8 (annex 4) as the basis, and taking into account documents III 4/INF.13 and Add.1, for submission to A 30 for adoption, as a consolidated version of the Non-exhaustive list of obligations;
- .4 identify in documents III 4/8 (annex 5) and III 4/INF.13 and Add.1 those items which have not been dealt with so far and left for further development of amendments to the Non-exhaustive list of obligations, with a view to maintaining the status of the items for future amendments; and
- .5 advise on the re-establishment of the Correspondence Group, at this session, and the Working/Drafting Group on the Updated Survey Guidelines under the HSSC – Non-exhaustive list of obligations under instruments relevant to the III Code, at the next session, which could start its work on the morning of the first day of III 5, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*. If so, prepare draft terms of reference for that Groups, as appropriate;

### **Terms of reference under agenda item 11**

- .6 draft terms of reference for an intersessional correspondence group to review and amend the *Model agreement for the authorization of recognized organizations acting on behalf of the Administration* (MSC.1/Circ.710–MEPC.1/Circ.307).

### **REPORT OF THE DRAFTING GROUP**

9.6 Having considered the relevant part of the report of the Drafting Group on the Updated Survey Guidelines under the HSSC and Non-exhaustive List of Obligations (III 3/WP.4), with respect to the Non-exhaustive list of obligations, the Sub-Committee took decisions as reflected in the following paragraphs.

### **AMENDMENTS TO THE NON-EXHAUSTIVE LIST OF OBLIGATIONS**

9.7 The Sub-Committee approved the draft *2017 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)*, together with the draft requisite Assembly resolution, as set out in annex 4, for submission to A 30 for consideration with a view to adoption, as authorized by MEPC 70, MEPC 71, MSC 97 and MSC 98.

9.8 In this context, the Sub-Committee requested the Secretariat to forward the draft Assembly resolution to A 30 and authorized it, when preparing the final text of the consolidated Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code), to effect any editorial corrections that may be identified, as an annex to the report of the Sub-Committee, as appropriate.

9.9 With respect to the items identified in documents III 4/8 (annex 5) and III 4/INF.13 and Add.1 that have not been dealt with so far and left for further developing amendments to the Non-exhaustive list of obligations, the Sub-Committee noted that the Group finalized the list of amendments to mandatory instruments not yet included in the draft Non-exhaustive list of obligations, as set out in annex 4 of document III 4/WP.6, with a view to maintaining the status of the mandatory items for future amendments to the Non-exhaustive list of obligations.

9.10 The Sub-Committee agreed that the annexes to the Non-exhaustive list of obligations need to be further amended in the future, in order to keep them updated with amendments to the relevant IMO instruments entering into force up to and including 1 July 2020.

### **Terms of reference for the Correspondence Group**

9.11 The Sub-Committee instructed the Correspondence Group on the Review of the Survey Guidelines under HSSC and the Non-exhaustive list of obligations, established under agenda item 8 (see paragraphs 8.46 and 11.9), to:

- .1 continue to develop draft amendments to the Non-exhaustive list of obligations under instruments relevant to the IMO Instrument Implementation Code (III Code), deriving from those amendments to the relevant IMO instruments which will enter into force up to and including 1 July 2020, taking into account documents III 4/WP.6 (annex 4) and III 4/INF.13 and Add.1 and the relevant outcome of future sessions of the MSC and the MEPC, as appropriate, with a view to submission of draft amendments, in a consolidated form, to A 31 for consideration for adoption; and

- .2 identify in documents III 4/WP.6 (annex 4), and III 4/INF.13 and Add.1, and outcomes of future sessions of the MSC and the MEPC as provided by the Secretariat, those items which have not been dealt with so far and left for further development of amendments to the Non-exhaustive list of obligations, with a view to maintaining the status of the items for future amendments.

#### **WORKING/DRAFTING GROUP AT NEXT SESSION**

9.12 Having recalled its earlier decision that the Working/Drafting Group on the Survey Guidelines under HSSC and the non-exhaustive list of obligations should start its work on the morning of the first day of III 5, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5 (see paragraphs 8.47 and 11.10), the Sub-Committee agreed with the following provisional terms of reference, subject to further instructions to be received from plenary:

- .1 to review the draft amendments to the Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code), deriving from those amendments to the relevant IMO instruments which will enter into force up to and including 1 July 2020, taking into account documents III 4/WP.6 (annex 4) and III 4/INF.13 and Add.1 and the relevant outcome of future sessions of the MSC and the MEPC, as appropriate, with a view to submission of draft amendments, in a consolidated form, to A 31 for consideration for adoption.

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

10.1 The Sub-Committee noted that no document was submitted under this agenda item at this session.

#### **11 REVIEW THE MODEL AGREEMENT FOR THE AUTHORIZATION OF RECOGNIZED ORGANIZATIONS ACTING ON BEHALF OF THE ADMINISTRATION**

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

11.1 The Sub-Committee was advised that MSC 97, having considered document MSC 97/19/10 (China, New Zealand and IACS), proposing a new output with a view to reviewing and amending the *Model agreement for the authorization of recognized organizations acting on behalf of the Administration* (MSC.1/Circ.710–MEPC.1/Circ.307) for the purpose of it being in line with the requirements of the Code for Recognized Organizations (RO Code), agreed to include an output on "Review the Model Agreement for the authorization of recognized organizations acting on behalf of the Administration" in the 2016-2017 biennial agenda of the III Sub-Committee and the provisional agenda for III 4, with a target completion year of 2018.

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

- .1 III 4/11 (China), containing a draft revised Model Agreement for the authorization of recognized organizations acting on behalf of the Administration;



- .2 III 4/11/1 (China), proposing policies and principles relevant to the review of the Model Agreement for the authorization of recognized organizations acting on behalf of the Administration;
- .3 III 4/11/2 (China), introducing major revisions and improved changes made in the draft revised Model Agreement for the authorization of recognized organizations acting on behalf of the Administration, as contained in document III 4/11;
- .4 III 4/INF.23 (China), providing a table of comparison of the existing Model Agreement and the draft revised Model Agreement with the corresponding provisions of the RO Code and elements to be included in an Agreement shown in appendix 3 of the RO Code;
- .5 III 4/11/3 (IACS), proposing two options for revising the Model Agreement for the authorization of recognized organizations acting on behalf of the Administration. The first option was to delete the Model Agreement altogether while the second option provided a draft updated Model Agreement for the authorization of recognized organizations acting on behalf of the Administration, as contained in document III 4/INF.36; and
- .6 III 4/INF.36 (IACS) containing a draft updated Model Agreement for the authorization of recognized organizations acting on behalf of the Administration.

11.3 In the ensuing debate, many delegations reiterated the need to retain the Model Agreement on the authorization of ROs, and taking into account the information provided by the Secretariat that the authorization of ROs remains one of the principal areas of weakness identified from the audit of Member States, the Sub-Committee decided to retain a Model Agreement and to align it with the provisions of the RO Code, as necessary.

11.4 The Sub-Committee agreed with the flexibility of the proposed text of the revised Model Agreement contained in document III 4/INF.36 (IACS) and the idea that the provisions of the RO Code should not be duplicated in the Model Agreement.

11.5 In this context, the Sub-Committee instructed the Drafting Group established under agenda item 9 to draft terms of reference for an intersessional correspondence group to review and amend the Model Agreement for the authorization of recognized organizations acting on behalf of the Administration (MSC.1/Circ.710 –MEPC.1/Circ.307), using document III 4/INF.36 (IACS), as the basis, while retaining relevant elements contained in the four documents<sup>4</sup> III 4/11, III 4/11/1, III 4/11/2 and III 4/INF.23 (China).

#### **RECOGNIZED ORGANIZATION OVERSIGHT PROGRAMME (ROOP)**

11.6 The Sub-Committee considered document III 4/14/2 (IACS) on the Recognized Organization Oversight Programme (ROOP), based on the IACS Quality System Certification Scheme (QSCS) under this agenda item (see paragraph 14.1). In this context, the Sub-Committee noted the information provided, including the possibility that Administrations could consider using ROOP in fulfilling their oversight obligations of their recognized organizations as required by the III Code. ROOP would aim to establish a clear, agreed and common framework by rationalizing the oversight process in a manner expected to be beneficial to Administrations as well as IACS members and at the same time satisfy the relevant requirements of the III Code, particularly regarding the oversight programme over ROs by flag States.

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<sup>4</sup> Based on the original recording of the Chair's summing up.

11.7 In the ensuing discussion, the Sub-Committee noted the views of several delegations on their experience with their oversight programmes, as well as their participation, as observers, in IACS QSCS audits of its member societies by Accredited Certification Bodies, and that ROOP could be beneficial in addressing the potential geographical impediments for flag States that are distant from the ROs' headquarters in maintaining a regular and robust oversight programme or to avoid duplication of oversight programmes and reducing the burden on ROs caused by multiple audits. Other delegations reiterated the need for Administrations to craft an oversight programme to ensure that they remain in control of ROs acting on their behalf, depending on the resources available, and that QSCS could be a component, and not a replacement, of an oversight programme under the RO Code.

11.8 The Sub-Committee invited delegations to continue sharing their experience of oversight programmes, including those cases where ROOP is used as a component of an oversight programme under the III and RO Codes.

#### **REPORT OF THE DRAFTING GROUP**

##### **Terms of reference for the Correspondence Group**

11.9 Having considered the relevant part of the report of the Drafting Group on the Updated Survey Guidelines under the HSSC and Non-exhaustive List of Obligations (III 4/WP.6), with respect to the development of draft revised Model Agreement for the authorization of recognized organizations acting on behalf of the Administration, the Sub-Committee agreed to the following terms of reference for the Correspondence Group on the Review of the Survey Guidelines under HSSC and the Non-exhaustive list of obligations, established under agenda item 8 (see paragraph 8.46 and 9.11), to:

- .1 identify gaps and inconsistencies that need to be addressed in order to bring the Model Agreement into alignment with the requirements of the RO Code, using III 4/INF.36 as the basis;
- .2 take into account documents<sup>5</sup> III 4/11/1 and III 4/11/2, as needed, for revising the Model Agreement to address the gaps and inconsistencies identified under the aforesaid item .1;
- .3 propose revisions of the Model Agreement in accordance with the RO Code as the minimum requirements with a view to affording flexibility for Administrations, without repeating such requirements; and
- .4 take into account the relevant findings and observations identified during the audits of Member States, as documented in Circular Letter No.3772 on *IMO Member State Audit Scheme – Consolidated Audit Summary Report (CASR)*.

##### **Working/drafting group at next session**

11.10 Having recalled its earlier decision that the Working/Drafting Group on the Survey Guidelines under HSSC and the non-exhaustive list of obligations should start its work on the morning of the first day of III 5, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5 (see paragraphs 8.47 and 9.12), the Sub-Committee agreed with the following provisional terms of reference, subject to further instructions to be received from plenary:

- .1 to review and finalize the draft revised Model Agreement for the authorization of recognized organizations acting on behalf of the Administration.

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<sup>5</sup> Not based on the original recording of the Chair's summing up (see footnote under paragraph 11.5).

## 12 BIENNIAL AGENDA AND PROVISIONAL AGENDA FOR III 5

### Outcome of A 29

12.1 The Sub-Committee recalled that the Assembly, at its twenty-ninth session, had approved the *High-level Action Plan and priorities for the 2016-2017 biennium* (resolution A.1098(29)).

12.2 The Sub-Committee was advised that A 30 will be expected to adopt Assembly resolutions on the Strategic Plan for the Organization for the six-year period 2018 to 2023, together with a list of outputs for the 2018-2019 biennium and on the Application of the Strategic Plan of the Organization.

### Biennial status report

12.3 Taking into account the progress made at this session, the Sub-Committee prepared the biennial status report for the 2016-2017 biennium and outputs on the Committees' post biennial agenda that fall under the purview of the Sub-Committee, as set out in annex 5, for consideration by MEPC 72 and MSC 99 for approval.

### Biennial agenda for 2018-2019 and proposed provisional agenda for III 5

12.4 Taking into account the progress made at the session and the relevant decisions of MEPC 70, MSC 97, MEPC 71 and MSC 98, the Sub-Committee prepared its proposed biennial agenda for 2018-2019 and the provisional agenda for III 5, as set out in annexes 6 and 7, respectively, for consideration by MEPC 72 and MSC 99 for approval.

### Correspondence groups established at this session

12.5 The Sub-Committee established correspondence groups on the following subjects, due to report to III 5:

- .1 lessons learned and safety issues identified from the analysis of marine safety investigation reports (Correspondence Group on Analysis of marine safety investigation reports);
- .2 updated Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) – Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code) – review of the Model Agreement for the authorization of recognized organizations acting on behalf of the Administration (MSC.1/Circ.710 – MEPC.1/Circ.307) (Correspondence Group on the Survey Guidelines under HSSC and the non-exhaustive list of obligations); and
- .3 measures to harmonize port State control (PSC) activities and procedures worldwide and identified issues relating to the implementation of IMO instruments from the analysis of PSC data (Correspondence Group on Measures to harmonize port State control activities and procedures worldwide).

### **Arrangements for the next session**

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

- .1 lessons learned and safety issues identified from the analysis of marine safety investigation reports (Working Group on Analysis of marine safety investigation reports);
- .2 updated Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code) and Review of the Model Agreement for the authorization of recognized organizations acting on behalf of the Administration (Working/Drafting Group on the Survey Guidelines under HSSC and the non-exhaustive list of obligations);
- .3 measures to harmonize port State control (PSC) activities and procedures worldwide and identified issues relating to the implementation of IMO instruments from the analysis of PSC data (Working/Drafting Group on Measures to harmonize port State control activities and procedures worldwide); and
- .4 analysis of consolidated audit summary reports (Working Group on Analysis of consolidated audit summary reports).

12.7 The Chair, taking into account the submissions received, would advise the Sub-Committee well in time for III 5 on the final selection of such groups.

### **Date for the next session**

12.8 The Sub-Committee noted that the fifth session of the Sub-Committee has been tentatively scheduled to take place from 24 to 28 September 2018.

## **13 ELECTION OF CHAIR AND VICE-CHAIR FOR 2018**

13.1 In accordance with the Rules of Procedure of the Maritime Safety Committee and the Marine Environment Protection Committee, the Sub-Committee unanimously elected Vice Admiral Jean-Luc Le Liboux (France), as Chair, and Ms. Claudia Grant (Jamaica), as Vice-Chair, both for 2018.

## **14 ANY OTHER BUSINESS**

### **RECOGNIZED ORGANIZATION OVERSIGHT PROGRAMME (ROOP)**

14.1 The Sub-Committee agreed to consider document III 4/14/2 (IACS) on the Recognized Organization Oversight Programme (ROOP) under agenda item 11 (see paragraphs 11.6 to 11.8).

### **AMENDMENTS TO RESOLUTION A.1078(28) ON THE IMO SHIP IDENTIFICATION NUMBER SCHEME**

14.2 The Sub-Committee recalled that A 28 had adopted resolution A.1078(28), revoking resolution A.600(15), both on the *IMO Ship Identification Number Scheme*, in order to allow its voluntary application to ships of 100 gross tonnage and above, including fishing vessels.

14.3 The Sub-Committee also recalled that III 3 had endorsed the issuance of Circular Letter No.1886/Rev.6 indicating that Administrations may obtain, on a voluntary basis, unique ship identification numbers, for passenger ships of less than 100 GT, high-speed passenger crafts and mobile drilling units covered by SOLAS regulation V/19-1; fishing vessels of non-steel hull construction of 100 GT and above; and all motorized inboard fishing vessels of less than 100 GT down to a size limit of 12 metres in length overall (LOA), that are authorized to operate outside waters under national jurisdiction.

14.4 The Sub-Committee was advised that MSC 98 instructed III 4 to consider in detail the proposal contained in document MSC 98/22/6 (Iceland et al.) proposing amendments to resolution A.1078(28) to extend the non-mandatory application of the *IMO Ship Identification Number Scheme* to fleets of passenger ships of less than 100 gross tonnage, high-speed passenger craft, and mobile drilling units covered by SOLAS regulation V/19-1; fishing vessels of non-steel hull construction of 100 gross tonnage and above; and all motorized inboard fishing vessels of less than 100 gross tonnage down to a size limit of 12 metres LOA, that were authorized to operate outside waters under national jurisdiction of the flag State.

14.5 Following an extensive discussion on the merits of the identification of fishing vessels, in particular, of those operating outside waters under the national jurisdiction of the flag States and the need to clearly identify the scope of the application of the number scheme to fishing vessels, the Sub-Committee noted that the original concept of the number scheme, which was established by resolution A.600(15) as a voluntary scheme, has changed over the years, and with the suggested inclusion of the category of fishing vessels referred to above, the scope of application should be clearly defined to avoid the excessive administrative burden that could otherwise ensue.

14.6 Having considered document III 4/WP.3 (Secretariat) containing the draft resolution annexed to document MSC 98/22/6 together with proposed amendments of an editorial nature or for consistency, the Sub-Committee approved the proposed changes, with the deletion of the words "that are" in the preamble of the draft resolution and instructed the working group to be established under this agenda item to consider in detail the proposals contained in documents MSC 98/22/6 and III 4/WP.3 in order to finalize the text of a draft Assembly resolution to be submitted to A 30 for adoption.

#### **OUTCOME OF THE THIRD SESSION OF THE JOINT FAO/IMO Ad Hoc WORKING GROUP ON ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING AND RELATED MATTERS**

14.7 The Sub-Committee considered the outcome of the third meeting of the Joint IMO/FAO *Ad Hoc* Working Group on Illegal, Unreported, Unregulated (IUU) Fishing and Related Matters (JWG 3) which was held from 16 to 18 November 2015 at IMO Headquarters. The Food and Agriculture Organization of the United Nations (FAO) was represented by the Governments of Australia, Chile, Ghana, Iran (Islamic Republic of), Japan, the Philippines and the United States of America, and the European Union (Member Organization), while the Governments of Argentina, Canada, Cook Islands, Denmark, Liberia, Norway, the Republic of Korea, and Turkey represented IMO. Algeria, Angola, Brazil, Côte d'Ivoire, Dominica, France, Greece, Indonesia, Mexico, Panama, Peru, Poland, Spain, Syrian Arab Republic and Vanuatu participated as observers. In addition, the International Labour Organization (ILO), the General Fisheries Commission for the Mediterranean (GFCM), the North East Atlantic Fisheries Commission (NEAFC), the Organisation for Economic Co-operation and Development (OECD), the Institute of Marine Engineering, Science and Technology (IMarEST), the International Transport Workers Federation (ITF), the Pew Charitable Trusts, the World Animal Protection and the World Wide Fund for Nature (WWF) were represented, as well as experts from Information Handling Services Maritime and Trade (IHSM), the managers of the IMO ship and company and registered owner identification number schemes.

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

- .1 III 4/14 (FAO, ILO and IMO Secretariats), providing a summary of the outcome of JWG 3, reproducing the 12 sets of recommendations of JWG 3 and introducing recent developments in the context of IUU fishing and related matters;
- .2 III 4/14/1 and III 4/INF.37 (WWF), commenting on document III 4/13 and making proposals with regard to the collection and processing of more data on very serious marine casualties to fishing vessels of 100GT and above; and the coordinated implementation of the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing (PSMA), 2010, which entered into force on 6 June 2016, with other types of inspections;
- .3 III 4/14/4 (Cook Islands, Iceland, Spain and Vanuatu) introducing a reference to the United Nations (UN) Sustainable Development Goal 14 (SDG14) and containing seven proposals in relation to the collection of data on casualties to fishing vessels; the role to be played by IMO on ocean governance in the fields of fishing vessels safety, the training of fishing vessel personnel and the protection of the marine environment from fishing; the increased frequency of meetings of the JWG; the conclusions and recommendations of the technical cooperation activities on the 2012 Cape Town Agreement on the Implementation of the Provisions of the 1993 Torremolinos Protocol Relating to the 1977 International Convention for the Safety of Fishing Vessels; technical cooperation projects on fishing vessel safety including the 1995 STCW-F Convention and 2012 Cape Town Agreement reaching stakeholders such as regional fisheries management organizations (RFMOs); the access to IMODOCS for members of other ministries such as the Ministry of Fisheries; and the work of the FAO on marine debris and fish aggregation devices (FADs); and
- .4 III 4/INF.38 (ILO) providing additional information on Illegal, Unreported and Unregulated (IUU) fishing and decent work.

14.9 The FAO representative made a statement presenting the recent undertakings by the FAO to assist its Members in combatting IUU fishing, as set out in annex 9.

14.10 The delegation of Argentina also made a statement in relation to the definition of "illegal, unreported and unregulated fishing", as set out in annex 9.

14.11 The Sub-Committee considered in detail the 27 recommendations starting with those contained in document III 4/14 and followed by those contained in documents III 4/14/1 and III 4/14/4, taking into account the extent to which they may be relevant to the Organization and having noted that the definition of "fishing vessel" in the context of FAO covers vessels that could be considered as different types of ships, according to IMO terminologies.

### **Support of the FAO Port State Measures Agreement**

14.12 The Sub-Committee considered the following three recommendations contained in paragraphs 27.1 to 27.3 of document III 4/14:

- .1 the FAO, IMO and ILO Secretariats, Member States and regional organizations, including regional fisheries bodies (RFBs), promote the benefits of the implementation of the PSMA, thereby encouraging States to become Parties to the Agreement;

- .2 the FAO Secretariat, in cooperation with the IMO Secretariat and the ILO Secretariat, as appropriate, together with States, IGOs and NGOs, explore strategies and consider the organization of joint capacity development programmes, for enhanced implementation of international instruments to combat IUU fishing, in particular the PSMA, considering the roles of all international and regional organizations concerned; and
- .3 the FAO, in cooperation with IMO and the ILO, and if appropriate, PSC regimes, and RFBs, encourage the coordinated implementation of the PSMA, with other types of inspections which might be carried out;

together with the second recommendation contained in document III 4/14/1 (WWF), paragraph 16, calling for a coordinated implementation of the PSMA, with other types of inspections which might be carried out, as an important contribution to commercial fishing vessel safety, and the fifth recommendation contained in document III 4/14/4 (Cook Islands et al.), paragraph 15.5, promoting the benefits of developing technical cooperation projects on fishing vessel safety including the 1995 STCW-F Convention and 2012 Cape Town Agreement that also reaches stakeholders such as regional fisheries management organizations (RFMOs).

14.13 Having been informed by the Secretariat about activities in Tirana, Albania (February-March 2016) and in Bangkok, Thailand (September 2017) carried out to support the FAO in this regard and on the consideration of the issue of cooperation between PSC regimes and RFMOs, the Sub-Committee instructed the Working Group to be established under this agenda, taking into account the discussion in plenary, to advise on ways to promote the PSMA, including in cooperation with PSC regimes.

#### **Fleet of fishing vessels and ship identification number scheme**

14.14 The Sub-Committee considered together the following four recommendations contained in paragraphs 38.1 to 38.4 of document III 4/14:

- .1 the IMO and FAO Secretariats, and the ILO Secretariat, as appropriate, cooperate on the establishment of a system for the collection of records from States and other data providers, as appropriate, for the development of the Global Record;
- .2 the FAO and IMO progress the implementation of Phase 1 of the Global Record, including the consideration of its application to decked motorized inboard fishing vessels of any hull-type construction of 100 GT and above, and the potential need to expand the IMO Ship Identification Number Scheme, as appropriate. Any further expansion beyond Phase 1 of the Global Record should depend on the successful implementation of that phase;
- .3 the FAO and IMO explore further the possibility to expand the application of the IMO Number Scheme to fishing vessels of less than 100 GT; and
- .4 IMO, in cooperation with the FAO, discuss mechanisms, to the extent practicable, for regular fleet data exchanges on fishing vessels particulars between flag Administrations and the IHS in order to support the IMO Ship Identification Number Scheme in the context of the Global Record and other regulatory and non-regulatory frameworks.

14.15 Having been informed by the Secretariat about the existing data exchange mechanisms, described in Circular Letters Nos.1886/Rev.5 (ship identification), 2554/rev.3 (company and registered owner) and 3347 (fleet tonnage), the Sub-Committee instructed the working group to be established under this agenda, taking into account the discussion in plenary, to advise on the effectiveness of the collection of records on fishing vessel fleets from States and other data providers, including regular fleet data exchanges on fishing vessels particulars between flag Administrations and the managers of the IMO Ship Identification Number Scheme; and the application of the scheme to categories of fishing vessels, taking into account the work on the finalization of the text of a draft Assembly resolution on *IMO Ship Identification Number Scheme* to be submitted to A 30 for adoption.

### **VMS, AIS and LRIT**

14.16 The Sub-Committee considered together the following two recommendations contained in paragraphs 51 and 87 of document III 4/14:

- .1 IMO and the FAO pursue the sharing of experience in the development and maintenance of systems such as Vessel Monitoring System (VMS), Automatic Identification system (AIS) and Long-Range Identification and Tracking (LRIT), taking into account the strengths and weaknesses of the various systems; and
- .2 IMO, in coordination with the FAO, consider the increased use of AIS aboard commercial fishing vessels.

14.17 The Sub-Committee instructed the working group to be established under this agenda, taking into account the discussion in plenary, to advise on the sharing of experience in the development and maintenance of systems such as VMS, AIS and LRIT and the use of AIS aboard commercial fishing vessels, with a view to making relevant recommendations to the MSC.

### **Voluntary Guidelines for Flag State Performance (VGFSP)**

14.18 The Sub-Committee considered the following recommendation contained in paragraph 55 of document III 4/14:

- .1 FAO share information regarding the implementation of the Voluntary Guidelines for Flag State Performance (VGFSP) with IMO, and, in cooperation with the IMO Secretariat and the ILO Secretariat, as appropriate, explore how the VGFSP could be implemented effectively, in conjunction with other relevant instruments adopted by IMO and the ILO.

14.19 In this context, the Sub-Committee instructed the working group to be established under this agenda, taking into account the discussion in plenary, to advise on identification of those instruments which could be relevant to the effective implementation of Voluntary Guidelines for Flag State Performance (VGFSP) and ways in which the IMO Secretariat could cooperate, while making recommendation on the mechanism for future consideration of the matter by the Organization.



### **Access to information on piracy and armed robbery against ships and other security-related issues**

14.20 The Sub-Committee considered the following recommendation contained in paragraph 58 of document III 4/14:

- .1 the FAO Secretariat, in cooperation with the IMO Secretariat, make information on piracy and armed robbery against ships and other security-related issues, which might be relevant to the fisheries sector, available to FAO Members and regional fishery bodies (RFBs).

14.21 In this context, the Sub-Committee instructed the working group to be established under this agenda, taking into account the discussion in plenary, to advise on the dissemination to FAO Members and regional fishery bodies (RFBs) of information on piracy and armed robbery against ships and other security-related issues, which might be relevant to the fisheries sector, for recommendation to the MSC.

### **Ocean governance**

14.22 The Sub-Committee considered the following two recommendations contained in paragraphs 64.1 to 64.3 of document III 4/14:

- .1 that the FAO and IMO Secretariats cooperate with the ILO Secretariat in activities to promote the Work in Fishing Convention, 2007 (No.188) and the ILO's standards concerning forced labour, including human trafficking, bearing in mind the potential relevance of these instruments to combat IUU fishing, and the potential contribution of IUU fishing to substandard working conditions in the sector; and
- .2 that the FAO consider the relationship between the matters of fisheries governance, the seafood industry, and forced labour, in cooperation with IMO and the ILO;

together with the second recommendation contained in document III 4/14/4 (Cook Islands et al.), paragraph 15.2, on the role to be played by IMO on ocean governance in the fields of fishing vessels safety, the training of fishing vessel personnel and the protection of the marine environment from fishing.

14.23 In this context, the Sub-Committee instructed the working group to be established under this agenda, taking into account the discussion in plenary, to advise on ways to promote the Work in Fishing Convention, 2007 (No.188) and the ILO's standards concerning forced labour, including human trafficking, while making recommendations on the role to be played by the Organization on ocean governance in the fields of fishing vessels safety, the training of fishing vessel personnel and the protection of the marine environment from fishing.

### **Environment**

14.24 The Sub-Committee considered the following two recommendations contained in paragraphs 72.1 and 72.2 of document III 4/14:

- .1 the FAO, in collaboration with IMO and the United Nations Environment Programme (UNEP), including the provision of technical advice into the Global Partnership on Marine Litter (GPML), develop international guidelines on the marking of fishing gear, taking into account MARPOL Annex V and related guidelines, and other instruments, where appropriate; and

- .2 IMO, in collaboration with the FAO, address the navigational hazards and marine pollution issues caused by marine litter including abandoned, lost, or otherwise discarded fishing gear, e.g. abandoned, lost or discarded Fish Aggregating Devices (FADs);

together with the seventh recommendation contained in document III 4/14/4 (Cook Islands et al.), paragraph 15.7, on the clarification of the work that will be undertaken at the level of the FAO with regards to marine debris and FADs.

14.25 In this context, the Sub-Committee instructed the working group to be established under this agenda, taking into account the discussion in plenary, to advise on actions in relation to the marking of fishing gears and the navigational hazards and marine pollution issues caused by marine litter, including the identification of the IMO instruments, which might be relevant.

### **Cape Town Agreement**

14.26 The Sub-Committee considered the following three recommendations contained in paragraphs 80.1 to 80.3 of document III 4/14:

- .1 the IMO Secretariat, in cooperation with the FAO Secretariat, further consider organizing international events, particularly with the participation of States with large fishing fleets, for a focused consideration of the entry into force of the 2012 Cape Town Agreement, both at the technical level and the decision-making level, and support the efforts of IMO on capacity building;
- .2 the FAO and IMO Secretariats, their respective Member States and regional organizations share information on processes relevant to the accession to the 2012 Cape Town Agreement, which might support and facilitate the entry into force of the instrument; and
- .3 IMO and the FAO invite their Member States to make use of the Implementation Guidelines on Part B of the Code, the Voluntary Guidelines and the Safety Recommendations, as appropriate, since they were useful in the context of the Cape Town Agreement of 2012;

together with the fourth and fifth recommendations contained in document III 4/14/4 (Cook Islands et al.), paragraphs 15.4 and 15.5, on the request to the Secretariat to provide the conclusions or recommendations of the technical cooperation activities on the 2012 Cape Town Agreement in Morocco, Peru, Belize, Côte d'Ivoire, the Cook Islands and others as deemed appropriate, for further discussion and analysis; and the benefits of developing technical cooperation projects on fishing vessel safety including the 2012 Cape Town Agreement that also reaches stakeholders such as regional fisheries management organizations (RFMOs).

14.27 Having been informed by the Secretariat about the international events, focused on the consideration of the entry into force of the 2012 Cape Town Agreement; the sharing of information on processes relevant to the ratification of the 2012 Cape Town Agreement; and the status of the Implementation Guidelines on Part B of the Code, the Voluntary Guidelines and the Safety Recommendation, the Sub-Committee instructed the working group to be established under this agenda, taking into account the discussion in plenary, to advise on the request to the Secretariat regarding the provision of conclusions or recommendations of the technical cooperation activities on the 2012 Cape Town Agreement and the context in which the conclusions and recommendations should be further discussed and analysed, taking into account the Implementation Guidelines on Part B of the Code, the Voluntary Guidelines and the Safety Recommendations.

## **FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel**

14.28 The Sub-Committee considered the following recommendation contained in paragraph 83 of document III 4/14:

- .1 IMO, based on the outcome of the review of the annex to the 1995 STCW-F, initiate, in cooperation with the FAO and the ILO, the review of the FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel;

together with the second and fifth recommendations contained in document III 4/14/4 (Cook Islands et al.), paragraphs 15.2 and 15.5, on the role to be played by IMO on ocean governance in the fields of fishing vessels safety, the training of fishing vessel personnel and the protection of the marine environment from fishing; and the benefits of developing technical cooperation projects on fishing vessel safety including the 1995 STCW-F Convention that also reaches stakeholders such as regional fisheries management organizations (RFMOs).

14.29 Having been informed by the Secretariat about the status of the review of the annex to the 1995 STCW-F, the Sub-Committee instructed the working group to be established under this agenda, taking into account the discussion in plenary, to advise on the course of action, in cooperation with the FAO and the ILO for the future review of the FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel and the development of technical cooperation projects on fishing vessel safety including the 1995 STCW-F Convention that also reaches stakeholders such as regional fisheries management organizations (RFMOs).

### **Safety of fisheries observers**

14.30 The Sub-Committee considered the following recommendation contained in paragraph 86 of document III 4/14:

- .1 the FAO, in cooperation with IMO and the ILO, collaborate with RFBs in improving the safety of fisheries observers under the observers programmes undertaken by States and RFBs.

14.31 In this context, the Sub-Committee instructed the working group to be established under this agenda, taking into account the discussion in plenary, to advise on the course of action to be followed by the FAO, in cooperation with IMO and the ILO, to improve the safety of fisheries observers under the observers programmes undertaken by States and regional fishery bodies (RFBs).

### **Future JWG meetings**

14.32 The Sub-Committee considered the following three recommendations contained in paragraphs 94 and 95 of document III 4/14:

- .1 interval between future JWG meetings should not exceed five years;
- .2 the collaboration between the FAO and IMO, in the context of the JWG, should be extended to include the ILO; and

- .3 assuming that both the MSC and the MEPC will concur with COFI 32 that the ILO should formally join the JWG, the terms of reference of the JWG may have to be reviewed;

together with the third recommendation contained in document III 4/14/4 (Cook Islands et al.), paragraph 15.3 on the need to increase the frequency of meetings of the JWG and the role of the ILO.

14.33 Having agreed to recommend the inclusion of the ILO in the JWG and a four-year interval between session of the JWG, at this stage, and leaving to the next JWG meeting to consider the views expressed in favour of a three-year interval, the Sub-Committee instructed the working group to be established under this agenda, taking into account the discussion in plenary, to gather supporting elements for the full participation of the ILO in the organization of JWG meetings.

### **Casualties to fishing vessels**

14.34 The Sub-Committee considered together the following two recommendations contained in paragraph 14 of document III 4/14/1, and paragraph 15.1 of document III 4/14/4:

- .1 the Sub-Committee might consider whether more very serious marine casualties to fishing vessels of 100 GT and above, in addition to collisions with SOLAS ships, might be included in the Casualty Analysis Procedure (FSI 17/WP.1, annex 2; and III 3/WP.3); and
- .2 IMO Members to report particularly on fishing vessel accidents, with a view to providing more information on the current status of safety of these vessels. In this regard, it would be desirable to review the reporting scheme under MSC/Circ.539 and its Addenda, on *Casualty statistics for fishing vessels and fishermen*, so that the Organization could have an updated picture of the rate of fatalities of fishing vessel personnel and the rate of accidents. After the information is gathered, IMO could revise the outcome thereof and propose recommendations, if needed.

14.35 Having been informed by the Secretariat about the present situation with regard to the reporting scheme under MSC/Circ.539 and its addenda, on *Casualty statistics for fishing vessels and fishermen* and its relation with the new taxonomy and the GISIS MCI module, as well as the invitation by the MSC, through MSC.1/Circ.753, to Member Governments to submit information on casualties to fishing vessels to enable the Sub-Committee to prepare the relevant database, the Sub-Committee requested the Secretariat to prepare relevant extracts of the information currently available on casualties to fishing vessels, and supporting documentation on the way for the Organization to have an updated picture of the rate of fatalities of fishing vessel personnel and the rate of accidents, under the existing output on *Lessons learned and safety issues identified from the analysis of marine safety investigation reports*, in order to allow the Sub-Committee to analyse the current and potential future reporting at a future session.

14.36 In the same context, the Sub-Committee fully supported the above-mentioned recommendation, contained in paragraph 15.1 of document III 4/14/4 on the reporting on fishing vessel accidents. While deploring the lack of time at the present session to look into this matter in detail, in particular, on whether a new output might be needed or not, the Sub-Committee endorsed the view in favour of sending a clear message of taking the matter of the safety of fishing vessels and crews seriously and to consider this casualty reported-related issue as a matter of urgency at the next session in order to enhance the prospect of Member States reporting on fishing vessels accidents.

## **Access to IMODOCS**

14.37 The Sub-Committee considered the following recommendation contained in paragraph 15.6 of document III 4/14/4:

- .1 providing access to IMODOCS at the country level for members of other ministries such as the Ministry of Fisheries.

14.38 Having been informed by the Secretariat about the different ways to access IMODOCS depending on whether the user logs in as the public or as a member, and the functions of the IMO Web Accounts Administrator (Circular Letter No.2892), the Sub-Committee noted that access to IMODOCS can be granted by the IMO Web Account Administrator of each Member State.

## **Illegal, Unreported and Unregulated (IUU) fishing and decent work**

14.39 The Sub-Committee noted the information contained in document III 4/INF.38 (ILO) providing additional information on Illegal, Unreported and Unregulated (IUU) fishing and decent work, as well as in the statement by the representative of ILO, as set out in annex 9.

## **MEMORANDUM OF UNDERSTANDING ON FLAG STATE IMPLEMENTATION FOR DOMESTIC SHIP IN THE PACIFIC ISLANDS REGION**

14.40 The Sub-Committee, having considered document III 4/14/3 (Palau, Vanuatu and the Pacific Community) presenting the evolution, objectives and contents of the Memorandum of Understanding on Flag State Implementation for Domestic Ship in the Pacific Islands Region (Pacific MoU), noted with appreciation the information provided on the first agreement of this kind as a potential medium to enhance flag State performance.

14.41 In this context, at the request of delegations showing strong interest in this initiative and its potential for allowing regional cooperation on improved safety for fishing vessels and fishers, the Sub-Committee instructed the working group to be established under this agenda, taking into account the discussion in plenary, to consider the information contained in document III 4/14/3 on *Memorandum of Understanding on Flag State Implementation for Domestic Ship in the Pacific Islands Region* which might be relevant to IUU fishing and related matters.

## **INFORMATION ON THE INTERNATIONAL FORUM FOR SMALL AND MEDIUM SHIP SAFETY AND KOREA MARITIME WEEK**

14.42 The Sub-Committee noted the information contained in document III 4/INF.21/Rev.1 (Republic of Korea) providing information on information on the International Forum for Small and Medium Ship Safety (SSS Forum) and the Korea Maritime Week (KMW), which were held in Busan on 10 November 2016 and 27 to 30 June 2017, respectively. In this context, the tentative schedules of the second SSS Forum, to be held in November 2017, and the Korea Maritime Week, to be held in the last week of June every year, were presented.

## **SHIPPING INDUSTRY FLAG STATE PERFORMANCE TABLE 2016-2017**

14.43 The Sub-Committee noted the information contained in document III 4/INF.30 (ICS) on *Shipping Industry Flag State Performance Table, 2016-2017* with the latest Shipping Industry Flag State performance Table, 2016-2017, the pdf version of which can be accessed on the following link: <http://www.ics-shipping.org/free-resources/flag-state-performance-table>, together with the recent release of an interactive version of the table.

#### ESTABLISHMENT OF THE WORKING GROUP

14.44 The Sub-Committee established the Working Group on the Recommendations of the third session of the Joint FAO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters and instructed the group, taking into account the comments, proposals and decisions made in plenary and keeping in mind the relevant provisions of MSC-MEPC.1/Circ.5 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* when considering future actions, to:

- .1 consider in detail the proposals contained in documents MSC 98/22/6 and III 4/WP.3 in order to finalize the text of a draft Assembly resolution to be submitted to A 30 for adoption;
- .2 advise on ways to promote the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing (PSMA), including in cooperation with PSC regimes for eventual future consideration of the matter by the Organization;
- .3 advise on the effectiveness of the collection of records on fishing vessel fleets from States and other data providers, including regular fleet data exchanges on fishing vessels particulars between flag Administrations and the managers of the IMO Ship Identification Number Scheme; and the application of the scheme to categories of fishing vessels, taking into account the work on the finalization of the text of a draft Assembly resolution on *IMO Ship Identification Number Scheme* to be submitted to A 30 for adoption;
- .4 advise on the sharing of experience in the development and maintenance of systems such as VMS, AIS and LRIT and the use of AIS aboard commercial fishing vessels, with a view to making relevant recommendations to the MSC;
- .5 advise on identification of those instruments which might be relevant to the effective implementation of Voluntary Guidelines for Flag State Performance (VGFSP) and ways for the IMO Secretariat to cooperate, while making recommendation on the mechanism for future consideration of the matter by the Organization;
- .6 advise on the dissemination to FAO Members and regional fishery bodies (RFBs) of information on piracy and armed robbery against ships and other security-related issues, which might be relevant to the fisheries sector, for recommendation to the MSC;
- .7 advise on ways to promote the Work in Fishing Convention, 2007 (No.188) and the ILO's standards concerning forced labour, including human trafficking, while making recommendations on the role to be played by the Organization on ocean governance in the fields of fishing vessels safety, the training of fishing vessel personnel and the protection of the marine environment from fishing for eventual future consideration of the matter by the Organization;
- .8 advise on actions in relation to the marking of fishing gears and the navigational hazards and marine pollution issues caused by marine litter, including the identification of the IMO instruments, which might be relevant for eventual future consideration of the matter by the MEPC;

- .9 advise on the request to the Secretariat regarding the provision of conclusions or recommendations of the technical cooperation activities on the 2012 Cape Town Agreement and the context in which the conclusions and recommendations should be further discussed and analysed, taking into account the Implementation Guidelines on Part B of the Code, the Voluntary Guidelines and the Safety Recommendations for eventual future consideration of the matter by the Organization;
- .10 advise on the course of action to initiate, in cooperation with FAO and ILO, the review of the FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel and the development of technical cooperation projects on fishing vessel safety including the 1995 STCW-F Convention that also reaches stakeholders such as regional fisheries management organizations (RFMOs);
- .11 advise on the course of action to be followed by FAO, in cooperation with IMO and the ILO, to improve the safety of fisheries observers under the observers programmes undertaken by States and regional fishery bodies (RFBs);
- .12 gather supporting elements for the full participation of ILO in the organization of JWG meetings; and
- .13 consider the information contained in document III 4/14/3 on Memorandum of Understanding on Flag State Implementation for Domestic Ship in the Pacific Islands Region which might be relevant to IUU fishing and related matters.

#### **REPORT OF THE WORKING GROUP**

14.45 Having approved the report of the Working Group on the Recommendations of the third session of the Joint FAO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters (III 4/WP.7), in general, the Sub-Committee took decisions as reflected in the following paragraphs.

#### **Amendments to the IMO Ship Identification Number Scheme (resolution A.1078(28))**

14.46 The Sub-Committee, having considered the outcome of the review of the draft Assembly resolution by the group, in particular, the view, which it had noted that it should be for the flag Administration to determine to what extent the scheme applies to fishing vessels; and the replacement of the words "the vessels that qualify" in paragraph 12 of the annex to the draft Assembly resolution with the words "that the vessels meet the criteria in paragraph 2 of this annex" for reasons of clarity, approved the draft Assembly resolution on the *IMO Ship Identification Number Scheme*, as set out in annex 8, for submission to A 30, for consideration with a view to adoption, as authorized, in principle, by MEPC 70, MEPC 71 and MSC 97, and as instructed by MSC 98.

### **Outcome of the third session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, unreported and unregulated (IUU) fishing and related matters (JWG 3)**

14.47 While considering the 33 actions requested of it by the group, with a view to making detailed recommendations to the Committees, based on the review of the outcome of JWG 3, the Sub-Committee took the following decisions:

- .1 definition of the terms "IUU fishing"
  - .1 the Sub-Committee agreed that the term "illegal, unreported and unregulated fishing" refers to the activities as described in article 1(e) of the *Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA)*, as reflected in paragraph 3 of the *2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*;
- .2 the Sub-Committee recommended to the MSC and the MEPC to request the Secretariat, on:
  - .1 ***ways to promote the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing (PSMA), to:***
    - .1 contribute, with the FAO and ILO Secretariats, Member States and regional organizations, including regional fisheries bodies (RFBs), to the promotion of the benefits of the implementation of the PSMA, and, thereby, encourage States to become Parties to the Agreement; and
    - .2 with the FAO and ILO Secretariats, together with States, IGOs and NGOs, explore strategies and consider the organization of joint capacity development programmes, for enhanced implementation of international instruments to combat IUU fishing, in particular, the PSMA, considering the roles of all international and regional organizations concerned;
  - .2 ***collection of records on fishing vessel fleets and ship identification number scheme, to:***
    - .1 continue participating in the FAO Global Record Informal Open-Ended Technical and Advisory Working Group (Global Record Working Group);
    - .2 develop a GISIS database of contact points of Member States responsible for the authorization of fishing vessels of less than 100 gross tonnage down to a size of 12 metres LOA to operate outside the water under national jurisdiction of the flag State; and
    - .3 consider the need to develop, by means of a circular letter, a new data exchange mechanism specific to fishing vessels of less than 100 gross tonnage and all vessels of non-steel hull construction which would not be used in the context of the tonnage assessment carried out by the Organization for the calculation of contributions;



- .3 Voluntary Guidelines for Flag State Performance (VGFSP), to:**
- .1 assist FAO in exploring how the IMO Mandatory Audit Scheme could contribute to the VGFSP, taking into account the benefits that the III Code and the Mandatory Audit Scheme provide to the Organization; and
  - .2 cooperate with the ILO Secretariat, as appropriate, in the context of the exploration by FAO of how the VGFSP could be implemented effectively, in conjunction with other relevant instruments adopted by IMO and ILO;
- .4 dissemination of information on piracy and armed robbery against ships and other security-related issues, to:**
- .1 cooperate with the FAO Secretariat, in order to make information on piracy and armed robbery against ships and other security-related issues, which might be relevant to the fisheries sector, available to FAO Members and RFBs, in developing of a hyperlink between FAO and the GISIS module on piracy and armed robbery and using as a template, if needed, the recent developments on the module for migrants;
- .5 navigational hazards and marine pollution issues caused by marine litter including the marking of fishing gear, to:**
- .1 participate, together with experts from IMO Member States, in the FAO Technical Consultation on the Marking of Fishing Gear, tentatively scheduled from 5 to 9 February 2018 in Rome, Italy, which is expected to finalize, inter alia, the draft Guidelines on the Marking of Fishing Gear, for consideration by the Committee on Fisheries (COFI 33) in 2018;
- .6 technical cooperation activities on the 2012 Cape Town Agreement, to:**
- .1 recalling operative paragraph 4 of resolution A.1107(29), take any additional measures. as may be required. aimed at assisting Member Governments in the process of becoming Parties to and implementing the 2012 Cape Town Agreement;
  - .2 further consider organizing, together with the FAO Secretariat, international events, particularly with the participation of States with large fishing fleets, for a focused consideration of the entry into force of the 2012 Cape Town Agreement, both at the technical level and the decision-making level, and support of the efforts of IMO on capacity building;

- .3 provide the conclusions or recommendations of the regional/subregional seminars on the implementation and ratification of the 2012 Cape Town Agreement in Belize, the Cook Islands, Costa Rica, Côte d'Ivoire, Indonesia, Morocco, Peru and others as deemed appropriate, for further discussion and analysis in the Organization; and
  - .4 share mutually, with the FAO Secretariat, information on processes relevant to the accession to the 2012 Cape Town Agreement, which might support and facilitate the entry into force of the instrument; and
- .7 justification to include ILO in the JWG, to:**
- .1 subject to the Committees' prior agreement (see paragraph 14.47.3.6.1), liaise with the FAO and ILO Secretariats regarding the agreement to include ILO within the JWG, on the justification to include the ILO in the JWG, before the next meetings of relevant FAO and ILO governing bodies;
  - .2 in collaboration with the FAO and ILO Secretariats, jointly develop the draft terms of reference and the draft provisional agenda for the fourth JWG meeting, tentatively scheduled to take place in 2019 and submit them to their respective governing bodies for approval, taking into account the entry into force of the Work in Fishing Convention, 2007 (No.188), the STCW-F Convention, the adoption of the 2012 Cape Town Agreement and the PSMA and all non-mandatory instruments related to these Conventions and Agreements, the outcome of JWG 3 and recent development of relevant guidelines and instruments; and
  - .3 in collaboration with the FAO and ILO Secretariats, submit to III 5 the draft terms of reference and provisional agenda, with a view to approval at MEPC 73 and MSC 100;
- .3 the Sub-Committee recommended to the MSC and the MEPC, on:
- .1 PSMA, to:**
    - .1 encourage, with FAO and ILO PSC regimes and RFBs, the coordinated implementation of the PSMA with other types of inspections which might be carried out;
  - .2 Voluntary Guidelines for Flag State Performance (VGFSP), to:**
    - .1 consider making a reference to the VGFSP in III Code-related instruments in order to enhance the linkage among fisheries, ship safety and environmental protection;

- .2 consider further actions to be triggered by IMO and FAO with regard to ocean governance in the context of Sustainable Development Goal 14 and its targets; and
  - .3 invite FAO to share information regarding the implementation of the VGFSP with IMO, and, in cooperation with the IMO Secretariat and the ILO Secretariat, as appropriate, explore how the VGFSP could be implemented effectively, in conjunction with other relevant instruments adopted by IMO and ILO;
- .3 *promoting the Work in Fishing Convention, 2007 (No.188) and the ILO's standards and ocean governance matters, to:***
- .1 consider developing an effective roadmap, in close cooperation with other relevant agencies of the United Nations at the highest level as possible, using mechanisms such as UN-Oceans or others and developing a chart containing all instruments related to fisheries, for rapid worldwide ratification and implementation of the international agreements relating to work in the fisheries sector, in particular the following instruments:
    - .1 the Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (the Agreement);
    - .2 the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F);
    - .3 the Work in Fishing Convention, 2007 (No.188); and
    - .4 the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of the FAO;
  - .2 consider the use of the above-mentioned roadmap in the development of indicators for the 2030 SDGs (IAEG-SDG) mandated by the United Nations Statistical Commission, separately or in conjunction with ILO and FAO as appropriate; and
  - .3 consider developing technical cooperation activities, in order to promote the worldwide implementation of the instruments listed in paragraph 14.47.3.3.1, at regional and national levels, involving not only the Administrations but also other relevant stakeholders;

**.4 actions to address navigational hazards and marine pollution issues caused by marine litter including the marking of fishing gear, to:**

- .1 in collaboration with FAO, address the navigational hazards caused by marine litter including abandoned, lost, or otherwise discarded fishing gear, e.g. abandoned, lost or discarded Fish Aggregating Devices (FADs) (see paragraph 14.47.5.1.1);

**.5 technical cooperation activities on the 2012 Cape Town Agreement, to:**

- .1 strengthen technical cooperation activities to facilitate Member States' early accession to the 2012 Cape Town Agreement, in particular activities on gap analysis, understanding of the challenges to become Parties, assistance for national legislation and institutional arrangement, awareness-raising campaign and conference in national, international or ministerial levels;
- .2 recalling operative paragraph 2 of resolution A.1107(29), invite Member Governments, which experience difficulties in the process of ratifying the 2012 Cape Town Agreement, to inform the Organization of the circumstances thereof, so that consideration can be given to taking appropriate action in this respect, including providing necessary technical assistance;
- .3 invite Member States and regional organizations to share mutually with FAO Member States information on processes relevant to the accession to the 2012 Cape Town Agreement, which might support and facilitate the entry into force of the instrument; and
- .4 invite Member States to make use of the Implementation Guidelines on Part B of the Code, the Voluntary Guidelines and the Safety Recommendations, as appropriate, since they were useful in the context of the Cape Town Agreement of 2012;

**.6 justification to include ILO in the JWG, to:**

- .1 agree with the four-year interval between JWG meetings and the inclusion of ILO in the JWG; and

**.7 Memorandum of Understanding on Flag State Implementation for Domestic Ship in the Pacific Islands Region, to:**

- .1 support this initiative and encourage Member States to provide relevant information in the future, as appropriate;

- .4 recommended to the MSC, on:
- .1 *development and maintenance of VMS, AIS and LRIT, to***
    - .1 concur with the view that, given financial consideration, LRIT would not currently be economically feasible to be used on board fishing vessels;
    - .2 consider the increased use of AIS aboard commercial fishing vessels, in cooperation with FAO, and encourage Member States to consider promoting the use of AIS aboard commercial fishing vessels; and
    - .3 encourage Member States to share the experience in the development and maintenance of the VMS in terms of its use for the safety of navigation;
  - .2 *Voluntary Guidelines for Flag State Performance (VGFSP), to:***
    - .1 consider including the STCW-F Convention in the scope of the III Code to an extent similar to the STCW Convention in the future, as appropriate;
  - .3 *dissemination of information on piracy and armed robbery against ships and other security-related issues, to:***
    - .1 apply the provisions of MSC.1/Circ.1339 on *Best Management Practices for Protection against Somalia Based Piracy to fishing vessels*;
  - .4 *review the FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel and the development of technical cooperation projects on fishing vessel safety, to:***
    - .1 based on the outcome of the review of the annex to the STCW-F Convention, initiate, when appropriate, the review of the *FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel*;
    - .2 incorporate the STCW-F Convention, and the FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel in technical cooperation measures, as appropriate, explaining recent developments and reviews; and
    - .3 invite interested Member States to submit relevant proposals, in accordance with MSC-MEPC.1/Circ.5 for a new output or an expansion on the current outputs on the review of the *FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel*, based on the outcome of the review of the annex to the STCW-F Convention;

**.5 *safety of fisheries observers under the observers programmes, to:***

- .1 encourage Member States and interested organizations to submit documents sharing information on their experiences on the safety of fisheries observers under the observers programmes;
- .2 encourage interested Member States to submit relevant proposals for a new output to the MSC on the safety of fisheries observers under the observers programmes, in accordance with MSC-MEPC.1/Circ.5; and
- .3 invite FAO, in cooperation with ILO and IMO, to collaborate with RFBs in improving the safety of fisheries observers under the observers programmes undertaken by States and RFBs, taking into account that the next meeting of COFI would be held in July 2018, when further actions may arise; and

.5 recommended to the MEPC, on:

**.1 *actions to address navigational hazards and marine pollution issues caused by marine litter including the marking of fishing gear, to:***

- .1 while recognizing that marine litter including abandoned, lost or otherwise discarded fishing gear (ALDFG), including abandoned, lost or otherwise discarded fish aggregating devices (FADs) fall within the scope of MARPOL Annex V and the discarding of fishing gear at sea is in contravention of MARPOL Annex V, encourage the effective marking of fishing gear to help to better implement these regulations and the associated guidelines, since the gear marking is a critical tool for mitigating ALDFG and combating IUU fishing;
- .2 consider the potential of the Guidelines on the Marking of Fishing Gear, if adopted by COFI 33, as a tool to support the implementation of MARPOL Annex V and the possible need to amend MARPOL Annex V and/or the 2017 Guidelines for the implementation of MARPOL Annex V, taking into account MSC-MEPC.1/Circ.5; and
- .3 invite FAO, in collaboration with the Organization and the United Nations Environment Programme (UNEP), including the provision of technical advice into the Global Partnership on Marine Litter (GPML), to develop international guidelines on the marking of fishing gear, taking into account MARPOL Annex V and related guidelines, and other instruments, where appropriate.

## Expression of appreciation

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

- Mr. Hakan Demirlioglu (on secondment to IMO) (on return home);
- Mr. Milhar Fuazudeen (IMO) (on retirement);
- Mr. Ari Gudmundsson (FAO) (on retirement);
- Ms. Bohae Jung (on secondment to IMO) (on return home);
- Mr. Li Youqiang (IMO) (on retirement);
- Mr. Ashok Mahapatra (IMO) (on retirement);
- Mr. David William Smith (IMarEST) (on retirement); and
- Capt. David Wheal (United Kingdom) (on retirement).

## 15 ACTION REQUESTED OF THE COMMITTEES

15.1 The Marine Environment Protection Committee, at its seventy-second session, is invited to:

- .1 note that the Sub-Committee approved the draft Procedures for Port State Control, 2017, together with the draft requisite Assembly resolution, for submission to A 30 for consideration with a view to adoption, as authorized by MEPC 70, MEPC 71, MSC 97 and MSC 98 (paragraph 5.44 and annex 2);
- .2 consider whether detailed aspects of the validation of the compliance of individual BWMS with regulation D-2 of the BWM Convention in conjunction with their commissioning need to be addressed (paragraph 8.36);
- .3 consider whether a review of the Survey Guidelines under the HSSC in relation to the BWM Convention may be required in light of the *2016 Guidelines for approval of ballast water management systems (G8)* (paragraph 8.38);
- .4 note that the Sub-Committee approved the draft Survey Guidelines under the HSSC, 2017, together with the draft requisite Assembly resolution, for submission to A 30 for consideration with a view to adoption, as authorized by MEPC 70, MEPC 71, MSC 97 and MSC 98 (paragraph 8.43 and annex 3);
- .5 note that the Sub-Committee approved the draft 2017 Non-exhaustive list of obligations under instruments relevant to the IMO instruments implementation Code (III Code), together with the draft requisite Assembly resolution, for submission to A 30 for consideration with a view to adoption, as authorized by MEPC 70, MEPC 71, MSC 97 and MSC 98 (paragraph 9.7 and annex 4);
- .6 subject to concurrent decision by the MSC, approve the biennial status report of the Sub-Committee for the 2016-2017 biennium (paragraph 12.3 and annex 5);
- .7 subject to concurrent decision by the MSC, approve the biennial agenda of the Sub-Committee for the 2018-2019 biennium (paragraph 12.4 and annex 6);

- .8 subject to concurrent decision by the MSC, approve the provisional agenda for III 5 (paragraph 12.4 and annex 7);
- .9 note that the Sub-Committee approved the draft Assembly resolution on the IMO Ship Identification Number Scheme, for submission to A 30 for consideration with a view to adoption, as authorized, in principle, by MEPC 70, MEPC 71 and MSC 97, and as instructed by MSC 98 (paragraph 14.46 and annex 8);
- .10 with regard to the consideration of the outcome of the third session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, unreported and unregulated (IUU) fishing and related matters (JWG 3):
  - .1 subject to concurrent decision by the MSC, request the Secretariat to:
    - .1 contribute to the promotion of the implementation of the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing (PSMA) and the organization of joint capacity development programmes (paragraphs 14.47.2.1.1 and 14.47.2.1.2);
    - .2 continue participating in the FAO Global Record Working Group (paragraph 14.47.2.2.1);
    - .3 develop a GISIS database of contact points for the authorization of fishing vessels of less than 100 gross tonnage down to a size of 12 metres LOA to operate outside the water under national jurisdiction of the flag State (paragraph 14.47.2.2.2);
    - .4 consider the need to develop, by means of a circular letter, a new data exchange mechanism specific to fishing vessels of less than 100 gross tonnage (paragraph 14.47.2.2.3);
    - .5 assist FAO in exploring how the IMO Mandatory Audit Scheme could contribute to the Voluntary Guidelines for Flag State Performance (VGFSP) (paragraph 14.47.2.3.1);
    - .6 cooperate with the ILO Secretariat, as appropriate, in the context of the exploration by FAO of how the VGFSP could be implemented effectively, in conjunction with other relevant instruments adopted by IMO and ILO (paragraph 14.47.2.3.2);
    - .7 participate in the FAO Technical Consultation on the Marking of Fishing Gear (paragraph 14.47.2.5.1);
    - .8 having first agreed with the four-year interval between JWG meetings and inclusion of ILO in the JWG, liaise with the FAO and ILO Secretariats on the justification to include the ILO in the JWG, before the next meetings of relevant FAO and ILO governing bodies (paragraphs 14.33, 14.47.2.7.1 and 14.47.3.6.1);



- .9 in collaboration with the FAO and ILO Secretariats, jointly develop the draft terms of reference and the draft provisional agenda for the fourth JWG meeting, tentatively scheduled to take place in 2019 and submit them to III 5, with a view to approval at MEPC 73 and MSC 100 (paragraphs 14.47.2.7.2 and 14.47.2.7.3);
- .2 subject to concurrent decision by the MSC, encourage, with PSC regimes, the coordinated implementation of the PSMA with other types of inspections which might be carried out (paragraph 14.47.3.1.1);
- .3 subject to concurrent decision by the MSC, consider making a reference to the VGFSP in III Code-related instruments (paragraph 14.47.3.2.1);
- .4 subject to concurrent decision by the MSC, consider further actions to be triggered by IMO and FAO with regard to ocean governance in the context of Sustainable Development Goal 14 and its targets (paragraph 14.47.3.2.2);
- .5 subject to concurrent decision by the MSC, invite FAO to share information regarding the implementation of the VGFSP and explore how it could be implemented effectively in conjunction with relevant instruments adopted by IMO (paragraph 14.47.3.2.3);
- .6 subject to concurrent decision by the MSC, support the initiative of the Memorandum of Understanding on Flag State Implementation for Domestic Ship in the Pacific Islands Region and encourage Member States to provide relevant information in the future, as appropriate (paragraph 14.47.3.7.1);
- .7 while recognizing that marine litter including abandoned, lost or otherwise discarded fishing gear (ALDFG), including abandoned, lost or otherwise discarded fish aggregating devices (FADs), fall within the scope of MARPOL Annex V and the discarding of fishing gear at sea is in contravention of MARPOL Annex V, encourage the effective marking of fishing gear (paragraph 14.47.5.1.1);
- .8 consider the potential of the Guidelines on the Marking of Fishing Gear, if adopted by COFI 33, as a tool to support the implementation of MARPOL Annex V and the possible need to amend MARPOL Annex V and/or the 2017 Guidelines for the implementation of MARPOL Annex V, taking into account MSC-MEPC.1/Circ.5 (paragraph 14.47.5.1.2); and
- .9 invite FAO, in collaboration with the Organization and the United Nations Environment Programme (UNEP), including the provision of technical advice for the Global Partnership on Marine Litter (GPML), to develop international guidelines on the marking of fishing gear, taking into account MARPOL Annex V and related guidelines, and other instruments, where appropriate (paragraph 14.47.5.1.3); and
- .11 approve the report in general.

- 15.2 The Maritime Safety Committee, at its ninety-ninth session, is invited to:
- .1 concur with the invitation to the HTW Sub-Committee to advise Member States on the release of marine safety investigation reports to the public in the GISIS MCI module and the use of these reports for the benefit of seafarers training and education (paragraph 4.15);
  - .2 provide instruction regarding the inclusion of a reference to the MODU Code in appendix 12 of the PSC Procedures, in a future version thereof (paragraph 5.43.5);
  - .3 note that the Sub-Committee approved the draft Procedures for Port State Control, 2017, together with the draft requisite Assembly resolution, for submission to A 30 for consideration with a view to adoption, as authorized by MEPC 70, MEPC 71, MSC 97 and MSC 98 (paragraph 5.44 and annex 2);
  - .4 endorse the issuance of III.2/Circ.2 on *Action to be taken by port States on the required updates of ECDIS* (paragraph 5.47);
  - .5 note that the Sub-Committee approved the draft Survey Guidelines under the HSSC, 2017, together with the draft requisite Assembly resolution, for submission to A 30 for consideration with a view to adoption, as authorized by MEPC 70, MEPC 71, MSC 97 and MSC 98 (paragraph 8.43 and annex 3);
  - .6 note that the Sub-Committee approved the draft 2017 Non-exhaustive list of obligations under instruments relevant to the IMO instruments implementation Code (III Code), together with the draft requisite Assembly resolution, for submission to A 30 for consideration with a view to adoption, as authorized by MEPC 70, MEPC 71, MSC 97 and MSC 98 (paragraph 9.7 and annex 4);
  - .7 subject to concurrent decision by the MEPC, approve the biennial status report of the Sub-Committee for the 2016-2017 biennium (paragraph 12.3 and annex 5);
  - .8 subject to concurrent decision by the MEPC, approve the biennial agenda of the Sub-Committee for the 2018-2019 biennium (paragraph 12.4 and annex 6);
  - .9 subject to concurrent decision by the MEPC, approve the provisional agenda for III 5 (paragraph 12.4 and annex 7);
  - .10 note that the Sub-Committee approved the draft Assembly resolution on the IMO Ship Identification Number Scheme, for submission to A 30 for consideration with a view to adoption, as authorized, in principle, by MEPC 70, MEPC 71 and MSC 97, and as instructed by MSC 98 (paragraph 14.46 and annex 8);

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- .11 with regard to the consideration of the outcome of the third session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, unreported and unregulated (IUU) fishing and related matters (JWG 3):
- .1 subject to concurrent decision by the MEPC, request the Secretariat to:
- .1 contribute to the promotion of the implementation of the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing (PSMA) and the organization of joint capacity development programmes (paragraphs 14.47.2.1.1 and 14.47.2.1.2);
  - .2 continue participating in the FAO Global Record Working Group (paragraph 14.47.2.2.1);
  - .3 develop a GISIS database of contact points for the authorization of fishing vessels of less than 100 gross tonnage down to a size of 12 metres LOA to operate outside the water under national jurisdiction of the flag State (paragraph 14.47.2.2.2);
  - .4 consider the need to develop, by means of a circular letter, a new data exchange mechanism specific to fishing vessels of less than 100 gross tonnage (paragraph 14.47.2.2.3);
  - .5 assist FAO in exploring how the IMO Mandatory Audit Scheme could contribute to the Voluntary Guidelines for Flag State Performance (VGFSP) (paragraph 14.47.2.3.1);
  - .6 cooperate with the ILO Secretariat, as appropriate, in the context of the exploration by FAO of how the VGFSP could be implemented effectively, in conjunction with other relevant instruments adopted by IMO and ILO (paragraph 14.47.2.3.2);
  - .7 develop a hyperlink between FAO and the GISIS module on piracy and armed robbery (paragraph 14.47.2.4.1);
  - .8 participate in the FAO Technical Consultation on the Marking of Fishing Gear (paragraph 14.47.2.5.1);
  - .9 take any additional measures, as may be required, aimed at assisting Member Governments in the process of becoming Parties to and implementing the 2012 Cape Town Agreement (paragraph 14.47.2.6.1);
  - .10 consider organizing international events for a focused consideration of the entry into force of the 2012 Cape Town Agreement (paragraph 14.47.2.6.2);
  - .11 provide the conclusions or recommendations of the regional/sub-regional seminars on the implementation and ratification of the 2012 Cape Town Agreement for further discussion and analysis in the Organization (paragraph 14.47.2.6.3);

- .12 share mutually, with the FAO Secretariat, information on processes relevant to the accession to the 2012 Cape Town Agreement, which might support and facilitate the entry into force of the instrument (paragraph 14.47.2.6.4);
- .13 having first agreed with the four-year interval between JWG meetings and inclusion of ILO in the JWG, liaise with the FAO and ILO Secretariats regarding the agreement to include ILO within the JWG, on the justification to include the ILO in the JWG, before the next meetings of relevant FAO and ILO governing bodies (paragraphs 14.33, 14.47.2.7.1 and 14.47.3.6.1);
- .14 in collaboration with the FAO and ILO Secretariats, jointly develop the draft terms of reference and the draft provisional agenda for the fourth JWG meeting, tentatively scheduled to take place in 2019 and submit them to III 5, with a view to approval at MEPC 73 and MSC 100 (paragraphs 14.47.2.7.2 and 14.47.2.7.3);
- .2 subject to concurrent decision by the MEPC, encourage, with PSC regimes, the coordinated implementation of the PSMA with other types of inspections which might be carried out (paragraph 14.47.3.1.1);
- .3 subject to concurrent decision by the MEPC, consider making a reference to the VGFSP in III Code-related instruments (paragraph 14.47.3.2.1);
- .4 subject to concurrent decision by the MEPC, consider further actions to be triggered by IMO and FAO, with regard to ocean governance in the context of Sustainable Development Goal 14 and its targets (paragraph 14.47.3.2.2);
- .5 subject to concurrent decision by the MEPC, invite FAO to share information regarding the implementation of the VGFSP and explore how it could be implemented effectively in conjunction with relevant instruments adopted by IMO (paragraph 14.47.3.2.3);
- .6 consider developing an effective roadmap, in close cooperation with other relevant agencies of the United Nations at the highest level as possible, using mechanisms such as UN-Oceans or others and developing a chart containing all instruments related to fisheries, for rapid worldwide ratification and implementation of the international agreements relating to work in the fisheries sector, in particular the following instruments (paragraph 14.47.3.3.1):
  - .1 the Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (the Agreement);
  - .2 the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F);

- .3 the Work in Fishing Convention, 2007 (No.188); and
- .4 the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of the FAO;
- .7 consider the use of the above-mentioned roadmap in the development of indicators for the 2030 SDGs (IAEG-SDG), separately or in conjunction with ILO and FAO, as appropriate (paragraph 14.47.3.3.2); and
- .8 consider developing technical cooperation activities, in order to promote the worldwide implementation of the instruments listed in paragraph 14.47.3.3.1, at regional and national levels, involving not only the Administrations but also other relevant stakeholders (paragraph 14.47.3.3.3);
- .9 in collaboration with FAO, address the navigational hazards caused by marine litter including abandoned, lost, or otherwise discarded fishing gear, e.g. abandoned, lost or discarded Fish Aggregating Devices (FADs) (paragraph 14.47.3.4.1);
- .10 strengthen technical cooperation activities to facilitate Member States' early accession to the 2012 Cape Town Agreement, in particular activities on gap analysis, understanding of the challenges to become Parties, assistance for national legislation and institutional arrangement, awareness-raising campaign and conference in national, international or ministerial levels (paragraph 14.47.3.5.1);
- .11 invite Member Governments, which experience difficulties in the process of ratifying the 2012 Cape Town Agreement, to inform the Organization of the circumstances thereof (paragraph 14.47.3.5.2);
- .12 invite Member States and regional organizations to share mutually with FAO Member States information on processes relevant to the accession to the 2012 Cape Town Agreement, which might support and facilitate the entry into force of the instrument (paragraph 14.47.3.5.3);
- .13 invite Member States to make use of the Implementation Guidelines on Part B of the Code, the Voluntary Guidelines and the Safety Recommendations, as appropriate, since they were useful in the context of the Cape Town Agreement of 2012 (paragraph 14.47.3.5.4);
- .14 subject to concurrent decision by the MEPC, support the initiative of the Memorandum of Understanding on Flag State Implementation for Domestic Ships in the Pacific Islands Region and encourage Member States to provide relevant information in the future, as appropriate (paragraph 14.47.3.7.1);
- .15 concur with the view that, given financial consideration, LRIT would not currently be economically feasible to be used on board fishing vessels (paragraph 14.47.4.1.1);

- .16 consider the increased use of AIS aboard commercial fishing vessels, in cooperation with FAO, and encourage Member States to consider promoting the use of AIS aboard commercial fishing vessels (paragraph 14.47.4.1.2);
  - .17 encourage Member States to share the experience in the development and maintenance of the VMS in terms of its use for the safety of navigation (paragraph 14.47.4.1.3);
  - .18 consider including the STCW-F Convention in the scope of the III Code to an extent similar to the STCW Convention in the future, as appropriate (paragraph 14.47.4.2.1);
  - .19 apply the provisions of MSC.1/Circ.1339 on Best Management Practices for Protection against Somalia Based Piracy to fishing vessels (paragraph 14.47.4.3.1);
  - .20 based on the outcome of the review of the annex to the STCW-F Convention, initiate, when appropriate, the review of the FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel (paragraph 14.47.4.4.1);
  - .21 incorporate the STCW-F Convention, and the FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel in technical cooperation measures, as appropriate, explaining recent developments and reviews (paragraph 14.47.4.4.2);
  - .22 invite interested Member States to submit relevant proposals, in accordance with MSC-MEPC.1/Circ.5 for a new output or an expansion on the current outputs on the review of the FAO/ILO/IMO Document for Guidance on Training and Certification of Fishing Vessel Personnel, based on the outcome of the review of the annex to the STCW-F Convention (paragraph 14.47.4.4.3);
  - .23 encourage Member States and interested organizations to submit documents sharing information on their experiences on the safety of fisheries observers under the observers programmes (paragraph 14.47.4.5.1);
  - .24 encourage interested Member States to submit relevant proposals for a new output to the MSC on the safety of fisheries observers under the observers programmes, in accordance with MSC-MEPC.1/Circ.5 (paragraph 14.47.4.5.2); and
  - .25 invite FAO, in cooperation with ILO and IMO, to collaborate with RFBs in improving the safety of fisheries observers under the observers programmes undertaken by States and RFBs, taking into account that the next meeting of COFI would be held in July 2018, when further actions may arise (paragraph 14.47.4.5.3); and
- .12 approve the report in general.

15.3 The Sub-Committee on Navigation, Communications and Search and Rescue, at its fifth session, is invited to consider the matter of required updates of ECDIS, in general, and in particular, the issue of a date of revocation of III.2/Circ.2 on *Action to be taken by port States on the required updates of ECDIS*, and to make recommendation to the Sub-Committee, as appropriate, subject to endorsement by the MSC (paragraph 5.47).

15.4 The Sub-Committee on Ship Design and Construction (SDC) and the Sub-Committee on Ship Systems and Equipment (SSE) as appropriate, are invited to provide technical input on issues related to the consistency of in-water survey (IWS) provisions for passenger and cargo ships, as raised in both documents MSC 98/17/1 and III 4/8/3, and to make recommendation to the Sub-Committee, as appropriate, subject to endorsement by the MSC, (paragraphs 8.20 and 8.21).

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*(Annexes 1, 5, 6, 7 and 9 are annexed to this document and annexes 2, 3, 4 and 8 are issued as an addendum to this document)*





## ANNEX 1

### LESSONS LEARNED FROM MARINE CASUALTIES

#### 1 FATALITY

**Very serious marine casualty: Fall from platform in cargo hold**

##### What happened?

A crew member was making repairs to the hand rails that surrounded the lowest of three intermediate platforms built into the cargo hold access ladder. The platform was designed as a landing to hold a single person while moving from one section of the cargo hold access ladder to the next. The ship was at sea and the cargo hatch covers were closed. The hand rails had been removed for repair and the crew member was about to refit them to the platform. The lower platform was five metres above the tank top. There was no eye witness to the accident, but it is likely that the crew member tripped or slipped from the platform and, as he was not wearing a safety harness, he fell to the tank top below. He died from multiple injuries.

##### Why did it happen?

1 The platform was cluttered with equipment that the crew member was using to effect the repairs and was not guarded by hand rails, making the platform a congested and dangerous place to work.

2 A single halogen light had been rigged about one metre above the platform. The light was another obstacle that the crew member had to work around.

3 Although shipboard procedures required the crew member to use a safety harness for the task, he was not wearing one at the time. Wearing a safety harness and connecting it to a secure point would have arrested his fall.

##### What can we learn?

1 Working at height without the protection of hand rails is a hazardous situation. It is important that seafarers follow industry best practice of using a safety harness when working at height.

2 It is important when working in dark spaces that sufficient lighting is used to illuminate the immediate and general working area without obstructing the workers.

##### Who may benefit?

Seafarers, shipowners, operators, providers of ship safety management systems.

#### 2 FIRE

**Very serious marine casualty: Engine-room fire**

##### What happened?

A fire broke out in the engine-room of a passenger/ro-ro ship. As a result, the chief engineer and an engineer apprentice died and two other crew members suffered serious injuries. The seat of the fire was concluded to be in the vicinity of the starboard main engine No.5 fuel injector pump.

When the fire broke out, the first engineer, the engineer apprentice and a repairman were in the engine-room workshop, located outboard of the starboard main engine at cylinder head level. They saw thick black smoke and flames at the forward part of the starboard main engine. They left the workshop via the foremost of two doors but had to pass close by the fire to make their escape through the engine-room. The first engineer and the repairman left the engine-room via a watertight door on the port side of the forward bulkhead. They do not remember seeing the engineer apprentice as they evacuated the engine-room. They made their way through the corridor and up the stairwell to the reception area on deck 3. It was concluded that the engineer apprentice probably followed the same escape route, but instead of stopping on deck 3, he continued to deck 4, where his body was found just inside the door to the stairwell. All three sustained major burn injuries.

The chief engineer and a motorman were in the separator room, located outboard of the port main engine at cylinder head level. The chief engineer had just left the adjoining incinerator room and had been talking to the motorman for about a minute when he realized that the incinerator room had filled with dense black smoke. He returned to the incinerator room to investigate. The motorman initially looked into the engine-room from the aft door of the separator room and then went back to look for the chief engineer. Since he could not find him, he made his escape via the after door of the separator room, down to the engine-room floor plates, and into the auxiliary room through the watertight door located port aft of the engine-room. From there he was able to reach the control room where he called the bridge. The chief engineer's body was subsequently found in the separator room.

The vessel lost all main and auxiliary engine power. The emergency generator started but overheated and failed shortly afterwards. Consequently, the ship's fire pumps and other electrical equipment became inoperative. Fortunately, the ship was close to shore and was taken under tow to a berth where firefighters attended. Meanwhile, all 207 passengers and 55 crew had been evacuated by the two port side lifeboats.

### **Why did it happen?**

1 After the fire, two different leakages were found in the fuel system, one from fuel injector pump No.5 fuel return pipe – which was completely fractured just below the pump flange – and one from the shared fuel return line drainage ball valve at the forward end of the starboard engine at floor plate level. The body of this valve was found detached from the pipe and lying on the floor plates. The indicator cock adjacent to No.5 fuel pump was not insulated, and it was concluded that the hot surface had ignited the escaping fuel.

2 All four fastening bolts for the fuel injector pump were found to be loose, allowing the pump housing to move. Subsequent examination of the fracture surfaces showed that the fuel return pipe most probably broke as a result of fatigue fracturing, caused by the cyclical vertical loads caused by the movement of the pump body. The pump body was moving because the holding down bolts had not been correctly secured after the pump had been replaced twelve days previously. The fire spread to vital control equipment. Spray shields/covers were originally fitted by the engine manufacturer in front of each range of fuel pumps. These were not in place at the time of the fire. Had they been in place, they might have prevented fuel and flames impinging on the control equipment.

3 A fixed local application firefighting system was fitted but it was set to manual instead of automatic operation and was not activated manually until sometime after the fire had started. When it was eventually activated, the absence of the spray shields/covers might have rendered the local application fire system less effective since the water nozzles were arranged on the basis that the spray shields were kept in place. Had the water spray system activated automatically, it might have provided a degree of protection to the personnel evacuating the workshop.

4 The fixed carbon dioxide fire extinguishing system was not activated because the Master was uncertain whether the engine-room had been fully evacuated.

5 The quick closing fuel supply valves were not operated. (The fire procedure contained no instructions for shutting off the fuel supply. This instruction was contained in the procedure for activating the carbon dioxide fire extinguishing system).

6 The engine-room air inlets were not closed.

### **What can we learn?**

1 A fuel fire in the main engine-room can develop extremely rapidly; in this case the engine-room filled with dense black smoke and both main engines failed within about four minutes of the fire alarm sounding. This highlights the importance of fire prevention – maintaining insulation etc., and keeping on top of leaks. It also demonstrates the importance of thorough emergency planning and regular, meaningful firefighting and evacuation drills.

2 Correctly secure components subject to vibration and/or pulsating loads. When carrying out maintenance, it is essential that all manufacturer's instructions are available to, and understood by, maintenance personnel. In this case, the manufacturer required the holding down bolts to be secured to a specified torque; this information had not been included in the ship's job description for overhauling injector pumps, and a torque wrench had not been used to secure the bolts. Even had a torque wrench been used, it is beneficial to first ensure that threads run freely, that the component is properly seated and the specified torque is correctly applied; it is also worth considering the application of positive locking devices such as tab washers in addition to applying the specified torque in accordance with manufacturer's recommendations.

3 Ensure spray shields and covers are in place and secure after maintenance.

4 Ensure all hot surfaces are insulated and/or shielded in accordance with IMO MSC.1/Circ.1321 *Guidelines for measures to prevent fires in engine-rooms and cargo pump-rooms*.

5 Carry out periodic checks while machinery is running under full load to identify any hot spots, and insulate or shield them from possible fuel sprays. Infra-red heat detectors are useful to establish surface temperatures.

6 Consider establishing a record of all surfaces required to be insulated and the degree of insulation required.

7 Deal with any fuel leaks immediately.

8 Where automatic fixed local application firefighting systems are installed, ensure that the operating system is normally set to automatic. [Consider introducing an advisory system to clearly show when the system has been temporarily switched to manual to carry out maintenance e.g. a large warning notice in the control room and/or on the system control panel].

9 It is important to provide training to deal with situations in which key personnel are put out of action. A lack of training and a lack of awareness about the responsibilities of stand-ins were among the factors that led to inadequate handling of the situation as it developed, especially since the chief engineer and first engineer could not fulfil their assigned emergency duties.

10 Where prepared job specifications are an established part of the company's safety management system, essential manufacturer's information necessary for completing the task safely (e.g. torque values for tightening securing bolts) should be included. While underpinning knowledge might have led one or more of the ship's engineers to query the absence of this information, the casualty demonstrates that, where a strategy of relying on documented work instructions is being used, it is essential that all necessary steps and data are included.

11 Administrations and classification societies should consider introducing thermal imaging in their annual inspections to identify any non-compliant insulation.

#### **Who may benefit?**

Seafarers, shipowners, classification societies, Administrations.

### **3 MACHINERY FAILURE**

#### **Very serious marine casualty: Engine-room fire**

##### **What happened?**

As a result of a severe engine-room fire, this passenger/ro-ro passenger ship lost all main and auxiliary power. In the resulting blackout, the emergency generator started up and went on line but stopped shortly afterwards.

When the engine was examined after the accident, it showed signs of overheating. The dampers that are meant to ensure that the engine has access to fresh air for cooling and combustion were found in the closed position, and a cooling water hose was found to be broken. The hose showed clear signs of fatigue, with both interior and exterior crack formations.

##### **Why did it happen?**

1 The dampers either opened and quickly closed again, or failed to open, and the temperature in the emergency generator room increased as a result of insufficient air cooling. This then caused a rapid increase in the cooling water temperature, so that the cooling water line was exposed to high temperatures and probably a considerable increase in pressure when the cooling water reached boiling point. The hose probably ruptured under the strain and cut off the last remaining cooling effect for the engine, which then seized.

2 The dampers were arranged to be normally closed and held closed by springs. They were dependent on a supply of compressed air from an accumulator to open them automatically when the generator started. The compressed air is produced by a working air compressor placed in the auxiliary engine-room and powered from the main switchboard. After weaknesses in this system had been identified in connection with the grounding of a sister ship two-years previously, a check valve was installed on the air supply line in the emergency generator room, so as to prevent loss of air pressure in the event that the power supply failed. The maintenance system on board the ship required the periodic testing of the automatic air dampers. This test was carried out about two months prior to the fire and the following comment entered:

"the check valve does not work as intended – the damper goes in closed position after a while. Working on getting hold of new air cyl. with opposite action. Until then, the dampers are to be set blocked open at black-out". [sic]

This information was neither shared with the shore-based management or sister ships in the fleet nor were effective temporary measures put in place to ensure the air supply in the event of an emergency situation.

### **What can we learn?**

1 From a design point of view, the means for ensuring the air supply dampers to the emergency generator function should be completely independent of the ship's main power supply.

2 When non-conformities are found on essential systems and spares are not readily available, suitable and effective contingency measures need to be implemented. If the non-conformity affects essential safety equipment – such as the emergency generator – and effective contingency measures cannot be implemented, then the relevant authorities should be advised.

3 Such non-conformities should be shared with shore management, who, in turn, should consider whether the information should be shared with the fleet.

### **Who may benefit?**

Seafarers, shipowners, ship managers.

## **4 CONTACT**

### **Very serious marine casualty: Engine-room fire and subsequent contact**

#### **What happened?**

As a result of a severe engine-room fire, this passenger/ro-ro ship lost all main and auxiliary power and had to be taken under tow to a nearby berth. The stabilizer fins remained extended and, when coming up against the quay, the ship's side was penetrated by the starboard fin. The hull damage led to water ingress in No.2 Cargo Hold. The water also entered No.1 Cargo Hold, probably through the watertight doorway between the cargo holds. The door was not watertight due to a worn seal along the underside of the door. It took quite some time to locate and temporarily repair the hull damage, and to establish sufficient pumping capacity. The situation escalated and became critical in that the ship was close to capsizing alongside the quay.

#### **Why did it happen?**

1 Normally, the stabilizer fins retracted automatically when the bow thrusters were started. Since the bow thrusters could not be used on this occasion (no power), this did not happen.

2 There was a checklist to be used when approaching port and this included retraction of the fins. Various means of retracting the fins were provided, including the provision of a manual hydraulic pump, but none of the systems were used. It is not clear from the casualty report whether the checklist was referred to during the berthing operation or whether an attempt was made to retract the fins using the emergency manual pump. The seal on the underside of the watertight door between No.1 and No.2 Cargo Holds was found to be severely worn, leaving a gap of 8-10 mm across the width of the door, an opening of about 200 cm<sup>2</sup>.

### **What can we learn?**

1 When working under duress – e.g. trying to berth a dead ship while there is a fire in the engine-room – it is particularly important to stand back and be sure that all appropriate steps are taken to achieve a safe berthing. It is under such circumstances that checklists have particular value.

2 The owners of this ship have since had dry tanks built around the stabilizer fins so that if there is a major leakage it will be contained within the dry tank.

3 Watertight doors should be examined periodically to ensure that they function correctly and the seals are in good order.

### **Who may benefit?**

Seafarers, shipowners, ship managers.

## **5 FATALITY**

### **Very serious marine casualty: Fall while working over ship's side**

#### **What happened?**

A crew member fell overboard when the rope of the Bosun's chair that he was sitting on parted. The man had been painting the amidships draught marks of a 41,000 GT bulk carrier while it was anchored off a port. He was wearing neither a lifejacket nor a flotation aid, and the lifeline attached to him was not properly tethered to the ship.

The accident occurred during daylight hours in the morning in good weather conditions. Crew members on deck threw a lifebuoy towards the man in the water but he could not reach it and quickly sank. The crew then launched the ship's rescue boat but were unable to start its engine. The search for the missing man was conducted by boats and a helicopter from the port. Despite searching for the rest of the day, his body was not recovered.

The task to paint the draught marks had been undertaken after the master had issued a permit to work over the side. The missing crew member was the only person working over the side while the other crew were on the ship's deck. The crew member supervising the task had agreed with the seafarer not to wear a lifejacket. The rope parted while the crew were heaving it up after the painting task had been completed.

#### **Why did it happen?**

1 The rope holding the Bosun's chair was in poor condition – the main reason for its failure. Further, the crew were heaving the rope to recover the man sitting on the Bosun's chair instead of using a safer method, such as a rope ladder for the man to climb up to the deck.

2 Although a permit to work over the side had been issued, basic precautions were not in place. These include using a personal flotation aid, effective fall prevention equipment and proper supervision. The person supervising on deck had agreed to dispense with the available lifejacket as it was inconvenient to work while wearing it. The lifeline was not properly secured to the ship, and other equipment, such as the rope that parted, had not been properly inspected to ensure it was fit for purpose.

### **What can we learn?**

- 1 Safely working over the side of a ship relies on an effective permit to work that ensures suitable precautions are in place, including the wearing of an appropriate flotation aid and proper use of fall prevention equipment.
- 2 Work over the side must be properly supervised to ensure all measures identified in the permit to work are followed.
- 3 Preventing a person falling overboard should always be a primary objective.
- 4 Wearing a flotation aid significantly improves the chances of a person's survival and recovery, and its design should be appropriate for the work being undertaken.
- 5 It is also essential to have effective man overboard recovery measures in place, including properly trained crew and maintained equipment such as rescue boats.

### **Who may benefit?**

Seafarers, shipowners, ship operators.

## **6 FATALITY**

### **Very serious marine casualty: Crew member struck by waves on deck**

#### **What happened?**

A crew member was seriously injured on the fore deck of a 7,000 GT oil tanker when he was struck by waves while going to the forecastle to close a weathertight door. The accident occurred about mid-afternoon in bad weather (gale force winds and 5-metre waves). Seas were being shipped on deck and the crew member was alone.

The officer of the watch had instructed the crew member to close the weathertight door but had not informed the master or anyone else. The crew member did not inform anyone else and followed the officer's instruction. After the accident, the officer of the watch announced on the public address system that the injured man needed to be rescued but did not specifically inform the master. Crew members proceeded forward and rescued the injured man before the ship had been turned around and away from the weather.

The injured man was then provided first aid. The master diverted the ship to the nearest port, where it arrived that evening. The injured man was taken to a hospital ashore but was later declared deceased.

#### **Why did it happen?**

- 1 The weathertight door opened in heavy weather because it had not been properly secured for sea or checked before the onset of bad weather.
- 2 The crew member who died was on the fore deck with the ship heading into heavy weather. The officer of the watch did not consult or advise the master of his intentions and did not take sufficient account of the risk of sending a man forward in heavy weather without taking any precautions.

3 The crew member also did not take sufficient account of the risk of going forward in the prevailing conditions or challenge the instructions of the officer of the watch.

#### **What can we learn?**

1 It is dangerous to go on a ship's deck in heavy weather. If going on deck is considered critical for the ship's safety, the master needs to risk assess the operation and take all precautions to minimize the risks.

2 Turning the ship away from heavy weather to reduce rolling/pitching and the risk of shipping seas is an essential precaution to take before anyone goes on deck.

3 It is essential to properly secure a ship for sea, including closing all weather/watertight doors and other openings on deck.

4 Monitoring forecast weather at sea is essential so that necessary precautions, including checking that weather/watertight openings are securely closed, are taken before encountering heavy weather.

#### **Who may benefit?**

Seafarers, shipowners, ship operators.

## **7 FATALITY**

### **Very serious marine casualty: Crew members struck by wave on deck**

#### **What happened?**

The Bosun of a 6,000 GT bulk carrier was swept overboard by a wave, and the Chief Mate and deck cadet were seriously injured, while they were returning from the ship's forecastle in heavy weather. The Bosun's body was recovered from the sea by search and rescue authorities about two hours later – he had drowned.

The master had anchored the ship the night before the accident after encountering winds of 50 to 60 knots. The ship's main engine was left running at minimum rpm. After breakfast the next day, the master instructed the three crew members to go to the forecastle and check the anchor cable. The weather was still poor with the wind more than 50 knots. The three men donned lifejackets and other personal protective equipment and went to the forecastle. When they reported the anchor cable had parted, the master instructed them to return from the forecastle. As the men were returning aft along the port side holding a lifeline near No.2 Cargo Hold, they were struck by a large wave that washed across the deck from the starboard side as the ship rolled to port. The Chief Mate, who was leading the group, reported to the Master that the Bosun, the last in the group, was missing and that he and the cadet had been injured.

The Master raised the alarm and instructed other crew to rescue the injured men and search on deck for the missing Bosun. The injured men were taken to the ship's hospital but the Bosun remained missing. The Master then requested help from shore authorities, who recovered the Bosun's body from the sea. The injured crew were taken to a hospital ashore by helicopter.



### **Why did it happen?**

- 1 The ship was anchored in heavy weather instead of being hove to or seeking shelter from the storm.
- 2 The crew members were sent on deck in heavy weather.
- 3 Neither the Master nor the Chief Mate and other crew who went on deck adequately considered the high risk of going on deck in heavy weather.

### **What can we learn?**

- 1 Anchoring a ship in heavy weather is hazardous and its anchoring equipment is not designed to be used in heavy weather.
- 2 Good seamanship requires a Master encountering heavy weather at sea to consider all safe options, one of which must include the ship being hove to until the weather moderates.
- 3 It is dangerous to go on a ship's deck in heavy weather. If going on deck is considered critical for the ship's safety, the Master needs to perform heavy weather risk assessment in advance and take all necessary precautions.

### **Who may benefit?**

Seafarers, shipowners, ship operators.

## **8 FATALITY**

### **Very serious marine casualty: Stevedore ashore struck by mooring rope**

#### **What happened?**

An 8,500 GT general cargo ship was being moored alongside a wharf. A stevedore was standing near a slack mooring line, which was suddenly tensioned, knocking him into the water. The stevedore was not involved with the ship's mooring operations and had been on the wharf to attend to shore cargo cranes.

The accident occurred in the afternoon. About 15 minutes after the accident, the stevedore was sighted floating face down in the water. He was recovered from the water and given cardiopulmonary resuscitation but showed no signs of life. An ambulance then took his body to a hospital.

No one on the ship or on the wharf had noticed the stevedore move into a hazardous position near the mooring line that was heaved up. The ship's officer signalled the man operating the winch on the forecastle to heave in the mooring line. In order to signal him, the officer had moved to a position from where he could no longer see the mooring line on the wharf.

#### **Why did it happen?**

- 1 The stevedore moved into a hazardous area, where mooring operations were still underway. The ship's crew on deck could not see him or the mooring line on the wharf from their positions, and no one on the bridge noticed him.

2 The shore mooring linesmen did not prevent the stevedore from entering the hazardous area where they were still conducting mooring operations. The mooring gang company's safety management system did not have adequate procedures to prevent unauthorized entry to prohibited areas. There were neither warning signs for such areas nor other physical measures to prevent entry to them. The safety oversight of the company managing the wharf (with respect to supervision of the mooring gang company) was also inadequate.

#### **What can we learn?**

1 The person supervising or controlling the tension on the mooring line should always have the mooring line in sight to avoid accidents.

2 Effective communication between the bridge and ship mooring stations can ensure safer mooring operations, including active monitoring of the operations.

3 Only authorized persons should be permitted in areas where mooring operations are taking place both on board ships and on the wharf.

#### **Who may benefit?**

Seafarers, shipowners, ship operators, port and terminal operators.

## **9 EXPLOSION AND FIRE**

### **Very serious marine casualty: Explosion in the cargo compressor room while carrying out hot work on deck**

#### **What happened?**

An LPG carrier was carrying a cargo of butane and propane. Two crew members were attempting to crop out and renew step ladders leading to the loading manifold. The activity was part of work addressing several deficiencies identified during a Port State Control (PSC) inspection. The gas feeding the cutting tool was butane, tapped off the gas compressor inlet pipe. It is reported that the cutting torch was also connected to the vessel's compressed air deck line.

When the crew members lit up the cutting nozzle, there was a flashback along the hose connecting the torch to the cargo compressor inlet pipe resulting in an explosion and fire in the compressor room. The two crew members carrying out the cutting operation were killed, and two other crew members, who were also carrying out maintenance work on deck, were seriously injured. The compressor room, the re-liquefaction plant and other equipment were heavily damaged.

#### **Why did it happen?**

1 The ship's managers had not made arrangements for the work to be done while the ship was at a repair facility; instead, they allowed it to be carried out during a laden voyage. The facilities and equipment on board were not suitable for the work. No permit to work was issued; risks were not properly assessed and no specific safety precautions were planned. No officer had been assigned to supervise the work.

2 The source of ignition was not established but it is believed to have caused a flashback from the cutting torch along the hose connecting it to a cargo compressor.

3 Since most of the evidence was not available to the investigator, it is not known whether the cutting torch was a) suitable for the gases used or b) fitted with pressure regulators or flashback arresters.

4 The safety culture did not encourage lower ranks to question instructions; the crew simply did as they were told.

### **What can we learn?**

1 A strong safety culture has to be cultivated; it will not develop of its own volition. The work starts from top management. Management ashore needs to lead by example. When PSC inspection deficiencies are identified, a careful analysis – including formal risk assessment – needs to be made as to whether the crew have the necessary abilities and equipment to carry out the work during the voyage or whether the work needs to be undertaken in a competent repair facility. This is particularly important in the case of ships carrying flammable cargoes. Ship's crew need to be given the confidence to approach line management for advice or assistance if an onboard risk assessment determines that they do not have the resources or competence to undertake repair work themselves. Shore management cannot assist if they are not aware of a problem.

2 A properly developed and implemented approach to risk assessment can provide a company with a very valuable tool to help it manage safety.

3 The ship's Safety Management System (SMS) and standing instructions should include clear and adequate guidance for "No Hot Work" in areas liable to be exposed to flammable gases, and should include adequate guidance on the control of flammable vapors in and around the cargo tanks or cargo compressor room.

4 Whenever possible, hot work within the cargo area of a vessel carrying flammable cargoes should be carried out in a repair yard after all gas-freeing processes have been carried out and the area declared safe.

5 If it is imperative that hot work has to be undertaken during the voyage, it should only be undertaken after a detailed risk assessment has identified ALL significant risks arising out of the work activity – including an evaluation of the suitability of the tools to be used – and suitable mitigation measures have been put in place. This should include procedures for any repairs or maintenance pertaining to any kind of hot work, particularly in areas exposed to hydrocarbons which would cause a serious accident, threatening life and property. The assessment should also take into account any existing precautions to control the risk, such as permits to work, agreed procedures as per SMS, use of personal protective equipment, use of safe tools, and a "Stop Work Policy."

6 Under no circumstances should attempts be made by the crew to tap-off cargo gas to progress repair work. Any modification to cargo lines should be approved by the Administration and the vessel's classification society.

7 While the practice leading to this unfortunate casualty cannot under any circumstances be condoned, flame-cutting using conventional set-ups such as oxy-acetylene, while commonplace, should always be carried out by competent operators and subject to a "permit-to-work." The danger of a flashback is nevertheless always present. The UK's Health and Safety Executive advises in its publication INDG297(rev1).

"Flashbacks are commonly caused by a reverse flow of oxygen into the fuel gas hose (or fuel into the oxygen hose), producing an explosive mixture within the hose. The flame can then burn back through the torch, into the hose and may even reach the regulator and the cylinder. Flashbacks can result in damage or destruction of equipment, and could even cause the cylinder to explode.

- Use the correct lighting-up procedure. Purge the hoses before lighting the torch to remove any potentially explosive gas mixtures. Use a spark igniter and light the gas quickly after turning it on.
- Make sure the blowpipe is fitted with spring-loaded non-return valves.
- Use the correct gas pressures and nozzle size for the job.
- Maintain the equipment in good condition.

These measures will reduce the risk of a flashback but will not completely eliminate it. Non-return valves will not stop a flashback once it has occurred."

### **Who may benefit?**

Seafarers, shipowners, ship operators.

## **10 COLLISION**

### **Very serious marine casualty: Collision between car carrier and fishing vessel**

#### **What happened?**

A 60,000 GT car carrier was on passage in open sea with the officer on watch alone on the bridge. A 20 GT fishing vessel with a sole deckhand on watch was ahead of the ship, but was not observed by the officer on the car carrier. Heavy rain showers reduced visibility and affected the radars, but neither the officer on the car carrier nor the deckhand on the fishing vessel found any reason to call for assistance. They did not find any reason to start the fog signal. The officer on the car carrier observed no AIS tracks in the vicinity (the fishing vessel had no AIS).

The deckhand on the fishing vessel was not allowed to operate the radar, but merely checked the radar display and observed the car carrier 6 miles away on the fishing vessel's starboard quarter. He then went back to the watch room, which was just a tiny compartment above the steering room. From where he was sitting, there was a blind sector on starboard quarter.

The ship subsequently collided with the fishing vessel, causing it to sink. One man was lost out of a crew of eight. The officer on the car carrier did not notice any collision.

#### **Why did it happen?**

- 1 Heavy rain showers reduced visibility and adversely affected the ship's radar displays, preventing the officer on the car carrier to detect the fishing vessel.
- 2 The officer of the car carrier relied on all other vessels having operational AIS, so he couldn't identify the fishing vessel, which had no AIS.
- 3 The fishing vessel's deckhand was unable to monitor the car carrier's approach from his seated position in the watch compartment.

4 Neither vessel sounded fog signals.

5 The ship's officer on watch and the fishing vessel's deckhand had both noticed that the visibility had reduced. However, neither of them called for assistance prior to the collision.

#### **What can we learn?**

1 More than one person on watch is required in restricted visibility.

2 Watchkeepers should be trained in the use of available equipment.

3 Watchkeepers should not rely on vessels having operational AIS which may prevent vessels without operational AIS from being detected.

4 Blind sectors should be taken into consideration when maintaining a proper lookout and may require a watchkeeper to continually move about.

5 Sound signals should always be made in restricted visibility, even in open sea to provide an additional means for identifying a risk of collision.

#### **Who may benefit?**

Seafarers, shipowners, ship operators.

## **11 COLLISION**

### **Very serious marine casualty: Collision between container ship and ro-ro car carrier**

#### **What happened?**

A close-quarters situation developed in an area with heavy traffic. A 25,000 GT car carrier, which was the stand-on vessel in a crossing situation, called a 6,000 GT containership, which was the give-way vessel, to suggest that the car carrier turn to port and pass astern of the containership. This was agreed, but as the situation developed further, the container ship turned to starboard and finally ran into the starboard side of the car carrier. The bulbous bow caused sufficient damage to cause the car carrier to sink within 15 minutes. 11 seafarers were lost.

#### **Why did it happen?**

1 The vessels did not maneuver as agreed.

2 The officers on both vessels relied solely on ARPA radar data. A lack of visual monitoring resulted in a delayed recognition of the actual situation.

3 No lookout was posted on the container ship. The officer was alone on the bridge despite the heavy traffic and darkness.

4 The car carrier did not take early avoiding action. Neither vessel took bold and definitive action in time to avoid collision.

5 Immersion suits were difficult to reach on the car carrier due to the vessels list and only two persons wore them.

### **What can we learn?**

- 1 The most effective way to avoid a collision is to maneuver in accordance with the COLREGs. However, if other arrangements are made, they should be made in ample time, with due regard to observance of good seamanship and should be clear, followed and closely monitored by all vessels involved.
- 2 A proper lookout should be kept visually, not only with instruments, at all times.
- 3 Early and definitive action avoids dangerous situations from developing.
- 4 Survival equipment should be sited where it is most likely to be reached.

### **Who may benefit?**

Seafarers, shipowners, ship operators.

## **12 FATALITY**

### **Very serious marine casualty: Entry of an enclosed space**

#### **What happened?**

A 35,000 GT bulk carrier with steaming coal in bulk arrived at a port and was moored.

Able Seaman (AB)1 and Ordinary Seaman (OS)2 were instructed by the Bosun to access Cargo Hold No.3 to take a cargo sample. The cargo hold hatch covers and access hatch cover were closed. AB1 opened the access hatch cover and entered the cargo hold unaccompanied and without taking any safety precautions.

OS2 saw AB1 fall from the access ladder and asked the Bosun to come. The Bosun arrived and accessed the cargo hold to help AB1, who was lying unconscious. AB2 then arrived and entered the cargo hold, followed by OS1, all three entering the hold without taking any safety precautions or considering the possible danger. They all then collapsed.

The chief officer heard about the incident and went to the area, taking with him a breathing apparatus set. An ambulance was called via the agent and arrived within 15 minutes. The Bosun died as a result of the casualty.

#### **Why did it happen?**

- 1 AB1 was instructed by the Bosun to enter the cargo hold despite the access hatch being marked "NO UNAUTHORIZED ENTRY INTO CARGO HOLDS" and no crew members having been ordered by an officer to do so.
- 2 None of the required precautions were taken to provide safe access when AB1 was instructed to enter the cargo hold.
- 3 The Bosun, AB2 and OS1 all entered the cargo hold unaccompanied to provide help without first taking any safety precautions.

#### **What can we learn?**

- 1 Access to enclosed spaces without required safety measures in place occurs frequently and leads to casualties.

2 Self-contained breathing apparatus sets should be placed close to the entrances of enclosed spaces during entry, and be readily available for use in an emergency.

3 The need for authorized entry of enclosed spaces, required precautionary safety measures and relevant training should be stipulated at safety meetings and during newcomer familiarization.

4 Effective enclosed space entry training and drills should take into account the instinctive reaction of seafarers to provide assistance and highlight that doing so without appropriate safety equipment is hazardous and can result in additional casualties.

#### **Who may benefit?**

Seafarers, shipowners, ship managers.

### **13 FATALITY**

#### **Very serious marine casualty: Entry of an enclosed space**

##### **What happened?**

The crew of a 9,000 GT bulk carrier with a cargo of sawn timber was practising a weekly emergency drill. When the chief officer did not appear at his muster station, a search was conducted.

During the search, two junior ratings discovered that the access hatch cover to Cargo Hold No.3 was open and, looking inside, noticed the chief officer lying at the base of the stairway on platform No.2.

The chief engineer then entered the enclosed space without taking adequate safety precautions, and subsequently collapsed on top of the chief officer on platform No.2.

On hearing calls for help from the chief engineer, the second officer then also entered the enclosed space without taking adequate safety precautions, and collapsed on top of the chief engineer.

Four crew members wearing breathing apparatus sets entered the space to retrieve the three officers, taking with them equipment to assist the injured officers with their breathing.

The three officers were lifted out of the cargo hold and given CPR. The second officer was taken to a local hospital. However, the chief officer and chief engineer died.

##### **Why did it happen?**

1 The existing shipboard operational procedures did not take account of the carriage of timber cargoes and the danger posed by oxygen depletion.

2 There were no warning notices at the point of entry to the cargo hold, on either the outside or inside of the access hatch cover.

3 An enclosed space entry procedure had not been detailed as a key shipboard operation in the Safety Management System (SMS).

4 The human instinct of wanting to save a colleague resulted in the chief engineer and second officer entering an unsafe space without suitable precautions for their own individual safety.

#### **What can we learn?**

1 There are inherent dangers associated with entry of enclosed spaces, particularly cargo holds, no matter what type of cargo they may contain, including those posed by oxygen depletion from the timber cargo.

2 There is a need to ensure that all persons who are required to enter an enclosed space positively identify the atmospheric condition against parameters, which should be stated in the SMS together with procedures for safe entry.

3 Effective enclosed space entry training and drills should take into account the instinctive reaction of seafarers to provide assistance and highlight that doing so without appropriate safety equipment is hazardous and can result in additional casualties.

#### **Who may benefit?**

Seafarers, shipowners, ship managers.

## **14 FATALITY**

### **Very serious marine casualty: Fall from a vertical ladder in a cargo oil tank**

#### **What happened?**

A 30,000 GT chemical tanker anchored in an offshore anchorage with all cargo oil tanks (COTs) and the starboard slop tank having been cleaned and gas-freed for inspection of the condition of tank coatings.

The shipowner's technical consultant (the superintendent) and two paint supervisors from the cargo tank coating manufacturer boarded the vessel in the morning. The superintendent, who was in attendance to carry out an Environmental Audit, also intended to inspect the cargo oil tanks for tank coating condition and any deep suction well pitting.

After all preparation work was completed, which included a risk assessment and issue of enclosed space entry permits, the tank inspection commenced.

During the day and prior to the accident, the superintendent entered three cargo oil tanks and spent a total of 73 minutes staying inside the tanks. In the afternoon, the chief officer entered 4S cargo oil tank followed by the superintendent. Firstly, the chief officer climbed down the vertical ladder and reached the landing platform. He stayed on the platform to wait for the superintendent. The superintendent then entered the tank and climbed down the vertical ladder. Suddenly, he fell from the vertical ladder to the bottom of the cargo oil tanks.

The chief officer immediately informed the Bosun, who was the responsible person at the entrance to the cargo oil tanks, by radio. The Bosun immediately relayed the message to the duty officer on the bridge and the ship's Master. The superintendent was rescued and sent to hospital ashore for treatment. However, the superintendent was declared deceased by a local doctor.



### **Why did it happen?**

1 At the time of the accident, the ambient temperatures on deck and inside the cargo oil tanks were about 33°C and 37°C respectively. The superintendent might have suffered from heat exhaustion that caused him to lose his grasp of the vertical ladder while he was entering 4S cargo oil tank in the afternoon under high ambient temperature.

2 The vertical ladder had no guard rings, which could have prevented him from falling sideways after he lost his grasp of the ladder.

### **What can we learn?**

1 It is necessary to take extra precautions and to use fall arrestors as far as practicable to avoid falling when climbing on a vertical ladder that is not fitted with guard rings.

2 Account should be taken of the impact of heat on the human body during prolonged periods of work in a hot climate.

### **Who may benefit?**

Seafarers, shipowners, ship managers.

## **15 COLLISION**

### **Very Serious marine casualty: Collision of a bulk carrier with a coaster moored alongside a jetty**

#### **What happened?**

A 25,000 GT bulk carrier was proceeding to a jetty with a pilot on board. The ship used its anchor and a tug to turn around and berth alongside a jetty. In doing so, the ship's bow collided with the port side of a coaster, which was moored alongside the jetty, breaching the hull of the coaster severely. The coaster left the jetty and was beached in shallow water to prevent it from sinking.

There was no pollution and no one was injured. The damage to the bulk carrier was minor.

#### **Why did it happen?**

1 The speed of the bulk carrier was too high to turn it around at the turning basin.

2 After the engine was stopped, there was a delay in executing the engine astern order to further reducing the ship's speed.

3 There was no detailed discussion between the master and pilot about maneuvering the vessel and the master was not aware of what the pilot intended to do.

4 The ship's passage plan to the jetty did not take the starboard turn at the basin into consideration.

5 The pilot was tired and not feeling well. Fatigue might have adversely affected his performance.

### **What can we learn?**

- 1 The speed should be lowered to the minimum necessary to manoeuvre the ship while approaching a jetty.
- 2 The passage plan should be detailed from berth to berth, taking into consideration the vessel's manoeuvring characteristics and the local conditions.
- 3 The master and pilot should fully discuss the passage plan and have the same understanding on what they intend to do.
- 4 Bridge Resource Management (BRM) should be effective to facilitate coordination and information exchange between the bridge team and the pilot. Crew members and pilots should be well trained in BRM.

### **Who may benefit?**

Seafarers, shipowners, ship managers, pilots.

## **16 COLLISION**

### **Very serious marine casualty: Capsize of a tug while assisting a ship**

#### **What happened?**

A tug had been engaged to assist a passenger/ro-ro ship to berth in high winds. There was no harbour pilot on board the ship because the master held a pilot exemption certificate for the port. The tug was manoeuvring close to the port bow of the ship while attempting to establish the tow, when the stern of the tug collided with the ship's bulbous bow. As a result of the collision the tug came broadside on in front of the ship, heeled dangerously to port and took on water. The tug capsized and two of its crew died.

#### **Why did it happen?**

- 1 The tug was forced to leave the "safe zone" and manoeuvre close to the bow of the ship in order to establish the tow, whereupon hydrodynamic interaction between the hulls of the ship and tug drew the tug inwards to collide with the ship's bulbous bow.
- 2 The speed of the ship through the water at the time was too fast to safely establish the tow. The relatively high speed through the water meant the "safe zone" in which the tug must remain was further away from the ship, making it more difficult to establish the tow.
- 3 The relatively high speed through the water also meant the tug was using a high percentage of its available engine power to match the speed of the ship, leaving minimal reserve power to manoeuvre.
- 4 The pilot-exempt master of the ship was not required to have undergone additional training for tug assistance. Tug assistance was usually requested during adverse and difficult weather conditions.
- 5 Water entered the tug through an open door and open engine-room ventilation duct when the tug turned broadside on and heeled over. This allowed down-flooding to occur, further reducing stability and ultimately causing the capsizing.

6 The tug crew were unable to close the engine-room ventilation duct during operations because it was required to be open in order to supply air for the tug's engines.

7 The tug did not comply with the required stability parameters, which meant it was prone to excessive heeling during operations and down-flooding.

#### **What can we learn?**

1 Establishing a tow between a tug and ship should be conducted at safe speed in order to give the tug greater manoeuvrability and avoid it having to depart from the "safe zone" where dynamic interaction is less likely to occur.

2 Ship masters (especially those holding a pilot exemption certificate) and tug masters must have a thorough understanding of both the theoretical and practical aspects of safe tug/ship operations.

3 Tugs should be fit for the purpose they are being used. They require good stability and sufficient power and manoeuvrability for the intended operation.

4 Down-flooding will quickly erode any reserves of stability and will be a major factor contributing to a capsized. During critical or high-risk operations all doors and other openings that need not be open should be securely closed.

#### **Who may benefit?**

Seafarers, shipowners and operators, designers and operators of vessels engaged in towing.

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**ANNEX 5**

**BIENNIAL STATUS REPORT FOR THE 2016-2017 BIENNIUM AND OUTPUTS ON THE COMMITTEES' POST-BIENNIAL AGENDA THAT FALL UNDER THE PURVIEW OF THE SUB-COMMITTEE**

Sub-Committee on Implementation of IMO Instruments (III)								
Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ(s)	Status of output for Year 1	Status of output for Year 2	References
1.1.2.3	Unified interpretation of provisions of IMO safety, security, and environment-related Conventions	Continuous	MSC / MEPC	III / PPR / CCC / SDC / SSE / NCSR		Ongoing	No work requested	MSC 76/23, paragraph 20.3
Notes: The Assembly, at its twenty-eighth session, had expanded the output to include all proposed unified interpretations to provisions of IMO safety, security, and environment-related Conventions.								
2.0.1.2	Revised guidance on ballast water sampling and analysis	2017	MEPC	PPR	III	No work requested	No work requested	MEPC 68/21, paragraphs 7.14 and 17.26
2.0.1.6	Review the Model Agreement for the authorization of recognized organizations acting on behalf of the Administration (2018)	2018	MSC	III		-	Ongoing	MSC 97/22, paragraph 19.7
Notes: Endorsed by C 118; Work will commence at III 4, report to MSC 99.								

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Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ(s)	Status of output for Year 1	Status of output for Year 2	References
2.0.2.1	Analysis of consolidated audit summary reports	Annual	Assembly	MSC / MEPC / LEG / TCC / III	Council	Completed	Postponed	MEPC 61/24, paragraph 11.14.1; MSC 88/26, paragraph 10.8
Notes: MSC 98 extended the target date to 2019 (MSC 98/23, paragraph 11.1). FAL 41 agreed to include this output in the post-biennial agenda with the intention to revisit this decision during FAL 42 (FAL 41/17, paragraph 6.4).								
5.2.1.17	Updated Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)	Annual	MSC / MEPC	III		Ongoing	Completed	MEPC 68/21, paragraphs 14.5 and 14.6
5.2.1.20	Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)	Annual	MSC / MEPC	III		Ongoing	Completed	MEPC 64/23, paragraph 11.49; MSC 91/22, paragraph 10.30; MEPC 52/24, paragraph 10.15
5.3.1.1	Measures to harmonize port State control (PSC) activities and procedures worldwide	Continuous	MSC / MEPC	III	PPR, NCSR and HTW	Ongoing	Ongoing	MEPC 66/21, paragraph 18.8; MSC 94/21, paragraph 18.2.1; MEPC 68/21, paragraph 17.3; III 3/WP.1, section 6
Notes: MEPC 70 and MSC 97 agreed to amend the output to reflect the coordinating role of III and to add PPR, NCSR and HTW as associated organs.								

Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ(s)	Status of output for Year 1	Status of output for Year 2	References
7.1.3.1	Consideration and analysis of reports on alleged inadequacy of port reception facilities	Annual	MEPC	III		Completed	Completed	III 3/WP.1, section 3
8.0.3.1	Requirements for access to, or electronic versions of, certificates and documents, including record books required to be carried on ships	2017	FAL	MSC / MEPC / LEG / III		No work requested	No work requested	FAL.5/Circ.39/Rev.2; FAL 40/19, paragraphs 6.18 to 6.21; MEPC 68/21, paragraphs 13.2 and 17.26
Notes: Title of the output changed by MEPC 71 to "Use of electronic record books" TCY to 2018.								
12.1.2.1	Lessons learned and safety issues identified from the analysis of marine safety investigation reports	Annual	MSC / MEPC	III		Completed	Completed	MSC 92/26, paragraph 22.29
12.1.2.2	Identified issues relating to the implementation of IMO instruments from the analysis of PSC data	Annual	MSC / MEPC	III		Ongoing	Postponed	III 3/WP.1, section 6
12.3.1.1	Consideration of reports of incidents involving dangerous goods or marine pollutants in packaged form on board ships or in port areas	Annual	MSC / MEPC	III	CCC	No work requested	No work requested	MSC 79/23, paragraph 12.7

Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ(s)	Status of output for Year 1	Status of output for Year 2	References
14.0.1.1	Analysis and consideration of recommendations to reduce administrative burdens in IMO instruments including those identified by the SG-RAR	2017	Council	III / HTW / PPR / CCC / SDC / SSE / NCSR	MSC / MEPC / FAL / LEG	No work requested	No work requested	MSC 96/25, paragraphs 19.4.5, 19.4.9 and 19.4.10

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**ANNEX 6**

**PROPOSED BIENNIAL AGENDA FOR THE 2018-2019 BIENNIUM AND OUTPUTS ON THE COMMITTEES' POST-BIENNIAL AGENDAS**

**Proposed biennial agenda for the 2018-2019 biennium\***

<b>Sub-Committee on Implementation of IMO Instruments (III)</b>						
Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ(s)	References
1.1.2.3	<b>Unified interpretation of provisions of IMO safety, security, and environment-related Conventions</b>	Continuous	MSC / MEPC	III / PPR / CCC / SDC / SSE / NCSR		MSC 78/26, paragraph 22.12;
2.0.1.2	Revised guidance on ballast water sampling and analysis	2019	MEPC	PPR	III	MEPC 68/21, paragraphs 7.14 and 17.26
2.0.1.6	<b>Review the Model Agreement for the authorization of recognized organizations acting on behalf of the Administration</b>	2018	MSC	III		MSC 97/22, paragraph 19.7
2.0.2.1	<b>Analysis of consolidated audit summary reports</b>	Annual	Assembly	MSC / MEPC / LEG / TCC / III	Council	MEPC 61/24, paragraph 11.14.1; MSC 88/26, paragraph 10.8
5.1.2.2	Measures to protect the safety of persons rescued at sea	2019	MSC / FAL	III	NCSR	MSC 96/25, paragraph 14.11
5.2.1.16	Finalization of a non-mandatory instrument on regulations for non-convention ships	2019	MSC	III		MSC 96/25, paragraph 9.4

\* Outputs printed in bold have been selected for the draft provisional agenda for III 5, as shown in annex 7. Struckout text indicates proposed deletions against the current biennial agenda. Output numbers are subject to change by A 30.

Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ(s)	References
5.2.1.17	<b>Updated Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)</b>	Annual	MSC / MEPC	III		MEPC 68/21, paragraphs 14.5 and 14.6
5.2.1.20	<b>Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)</b>	Annual	MSC / MEPC	III		MEPC 64/23, paragraph 11.49; MSC 91/22, paragraph 10.30; MEPC 52/24, paragraph 10.15
5.2.1 (New)	Development of guidelines for cold ironing of ships and of amendments to SOLAS chapters II-1 and II-2, if necessary (2020)	2019	MSC	SDC/III	SSE	MSC 98/23, paragraph 20.36
5.3.1.1	<b>Measures to harmonize port State control (PSC) activities and procedures worldwide</b>	Continuous	MSC / MEPC	III	PPR, NCSR and HTW	MEPC 66/21, paragraph 18.8; MSC 94/21, paragraph 18.2.1; MEPC 68/21, paragraph 17.3 ; III 3/WP.1, section 6
7.1.3.1	<b>Consideration and analysis of reports on alleged inadequacy of port reception facilities</b>	Annual	MEPC	III		III 3/WP.1, section 3
12.1.2.1	<b>Lessons learned and safety issues identified from the analysis of marine safety investigation reports</b>	Annual	MSC / MEPC	III		MSC 92/26, paragraph 22.29
12.1.2.2	<b>Identified issues relating to the implementation of IMO instruments from the analysis of PSC data</b>	Annual	MSC / MEPC	III		III 3/WP.1, section 6
12.3.1.1	Consideration of reports of incidents involving dangerous goods or marine pollutants in packaged form on board ships or in port areas	Annual	MSC / MEPC	III	CCC	MSC 79/23, paragraph 12.7

**Outputs on the Committees' post-biennial agendas that fall under the purview of the Sub-Committee**

<b>Sub-Committee on Implementation of IMO Instruments (III)</b>								
<b>ACCEPTED POST-BIENNIAL OUTPUTS</b>				<b>Parent organ(s)</b>	<b>Associated organ(s)</b>	<b>Coordinating organs(s)</b>	<b>Timescale (sessions)</b>	<b>References</b>
<b>Committee</b>	<b>Biennium<sup>6</sup></b>	<b>Reference to High-level Actions</b>	<b>Description</b>					
MEPC	2016-2017	7.3.1	Development of amendments to regulation 19 of MARPOL Annex VI and development of an associated Exemption Certificate for the exemption of ships not normally engaged on international voyages	MEPC	III		2	MEPC 71/17, paragraph 14.15

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<sup>6</sup> Biennium when the output was placed on the post-biennial agenda.



**ANNEX 7**

**PROPOSED PROVISIONAL AGENDA FOR III 5**

- Opening of the session
- 1 Adoption of the agenda
  - 2 Decisions of other IMO bodies
  - 3 Consideration and analysis of reports on alleged inadequacy of port reception facilities (7.1.3.1)
  - 4 Lessons learned and safety issues identified from the analysis of marine safety investigation reports (12.1.2.1)
  - 5 Measures to harmonize port State control (PSC) activities and procedures worldwide (5.3.1.1)
  - 6 Identified issues relating to the implementation of IMO instruments from the analysis of PSC data (12.1.2.2)
  - 7 Analysis of consolidated audit summary reports (2.0.2.1)
  - 8 Updated Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) (5.2.1.17)
  - 9 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code) (5.2.1.20)
  - 10 Unified interpretation of provisions of IMO safety, security, and environment related Conventions (1.1.2.3)
  - 11 Review the Model Agreement for the authorization of recognized organizations acting on behalf of the Administration (2.0.1.6)
  - 12 Biennial agenda and provisional agenda for III 6
  - 13 Election of Chair and Vice-Chair for 2019
  - 14 Any other business
  - 15 Report to the Committees

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## ANNEX 9

### STATEMENTS BY DELEGATIONS

#### ITEM 5 – Statement by the observer delegation of IHO

Although prepared for a request for a further extension, the IHO Secretariat felt these initial concerns were unfounded after NSCR 4 and MSC 98 where no comments were made. It was only after correspondence was received towards the end of July and more so in the last weeks of August that the IHO Secretariat was alerted to growing concerns and potential difficulties for the shipping industry at the change on 1 September 2017 from Edition 3.4 to Edition 4.0 of the ECDIS Presentation Library (IHO Publication S-52, Annex A) as the current IHO standard.

There is some concern that there are some ECDIS manufacturers that still need to upgrade their systems to incorporate Edition 4.0 of the S-52 ECDIS Presentation Library, and to carry out the necessary type approval process. It is also evident that there are still a large number of ships using ECDIS that have not been upgraded to the current IHO Standards.

ECDIS are type approved against S-64 (which includes a set of test datasets) and this is referenced by IEC 61174. The IHO would recommend checks for compliance are made against the latest IMO and IHO regulations/standards where either of the following should apply:

- the vessels' ECDIS is type approved against IEC 61174 Edition 4 (2015);

OR

- the vessels' ECDIS is type approved against IEC 61174 (Edition 1, Edition 2 or Edition 3) – AND – also has separate documented evidence of passing the tests in IHO S-64 Edition 3.0.n. (The current Edition is 3.0.2).

It should be understood that ECDIS Presentation Library Edition 3.4 has not been withdraw; it is the case that from 1 September 2017, it will no longer be supported. What has been withdrawn in the ECDIS Check Dataset, as it is no longer relevant and it has been replaced by ECDIS Chart 1, which it is only meant to provide a mechanism for the mariner to confirm that his ECDIS portrayal is correct and in no way should be used as an ECDIS Test by Port State Control or any other organization or authority.

The IHO would like to emphasize that an ECDIS using Presentation Library Edition 3.4 will continue to function and remain safe, despite possibly not being compliant with the latest ECDIS standards.

The IHO considers the proposals submitted by INTERTANKO to be a pragmatic approach to allow the shipping industry and the equipment manufacturers some additional time to achieve full compliance, whilst not disadvantaging those who have made the changes within the pre-agreed timescale. IHO would encourage Member States to give favourable consideration to the approach articulated in the submission by INTERTANKO.

#### ITEM 14 – Statement by the representative of the FAO Secretariat

Illegal, unreported and unregulated fishing, or what is also referred to as IUU fishing, continues to be a major threat to sustainable fisheries worldwide. IUU fishing and destructive fishing practices lead to poverty, food insecurity and malnutrition in many of the world's small-scale fisheries communities, in particular in developing countries.

A recent study indicates that IUU fishing is responsible for annual catches of up to 26 million tonnes, or up to almost 30% of the global catch, with a value of up to 23 billion US Dollars. This is just not acceptable by any standard and needs to be addressed strongly, in a coordinated way and from all possible angles.

Combatting IUU fishing requires a strong political will and concerted action by flag States, port States, coastal States and market States. Amongst the recent undertakings by FAO to assist its Members in combatting IUU fishing are: the Voluntary Guidelines for Flag State Performance; the Port State Measures Agreement; the Voluntary Guidelines for Catch Documentation Schemes; and the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels. In this regard, I am pleased to inform your sub-committee that the Port State Measures Agreement, which is a legally-binding international treaty, entered into force on 5 June 2016. As of today, there are 48 Parties to the Agreement, including the European Union which signed as a single party.

FAO's Committee on Fisheries (COFI), which is one of the governing bodies of FAO, has repeatedly welcomed the longstanding collaboration that exist between IMO, ILO and FAO. At its meeting in 2014, many Members stressed the link between safety at sea, forced labour and IUU fishing and referred, in this context, to the 2007 ILO Work in Fishing Convention and to the Cape Town Agreement of 2012. It is expected that these international instruments, together with the 1995 STCW-F Convention would not only contribute to improved safety and health in the fisheries sector, but would also be useful tools in combating IUU fishing, because fishing vessels and their crews, falling under the scope of these instruments, will be subject to port State control.

The establishment of the Joint FAO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters was prompted by a call from COFI in 1999. The group has held three meetings, which have helped increase awareness regarding this threat and mobilized the international community to develop initiatives, instruments and tools to combat IUU fishing.

This session of the III Sub-Committee has been requested to consider the outcome of the last meeting of the Joint FAO/IMO Working Group and to provide advice to its parent bodies, i.e. the MSC and the MEPC. In this regard, I would like to inform you that the FAO's Committee on Fisheries, at its 32nd session in July last year, broadly welcomed the work of the Joint Working Group and recommended that its meetings should be more frequent and that ILO formally joins the group.

By concluding, I would like to inform you that I and my FAO colleagues will be available throughout this meeting of your sub-committee to provide any information and clarification on technical issues related to IUU fishing, as required.

#### **ITEM 14 – Statement by the delegation of Argentina**

The Argentine Delegation reminds the relevant secretariats of the international organizations in document III 4/14 of their duty to fully respect in its integrity the definitions, rules and any other document agreed upon by the member States of the Organizations they work for, in particular – in this case- the FAO Secretariat regarding the definition adopted on IUU fishing in the International Plan of Action to combat IUU fishing in 2001.

#### **ITEM 14 – Statement by the representative of the ILO Secretariat**

The ILO is a coauthor of document III 4/14, which has already been introduced. The ILO further submitted document III/INF.38. I will not go into detail on the Inf. document, other than to say that it notes that where there is IUU fishing there is likely a greater risk of problems with respect to working conditions of fishers and that addressing issues concerning working conditions may also contribute to the fight against IUU fishing.



I do, however, wish to take this opportunity to provide some further relevant information arising out of the ILO Tripartite Meeting on Issues relating to Migrant Fishers which was held in last week in Geneva. The focus of the meeting was on fishers working on vessels flying the flag of a State other than the fisher's State of nationality or permanent residence.

The meeting adopted conclusions and a resolution, which are texts negotiated and agreed by government, fishing vessel owners and fishers' representatives. These are already available on the ILO website, and I will provide the secretariat with a link for inclusion in your report. The note on the proceedings of our meeting will also be available later this year. The report, conclusions and resolution will be submitted to the Governing Body for consideration at its March 2018 session.

Time does not permit discussing the full outcome of the meeting, but I so wish to draw the attention of the Sub-committee attention to a few items discussed.

First, the meeting agreed that while fishing operators generally provide decent conditions of work for fishers, a number of operators and recruitment agencies are engaged in abusive practices that fall into the category of forced labour and human trafficking. Migrant fishers in particular often endure the risk of forced labour and serious decent work deficits such as: abusive and fraudulent recruitment and placement practices, child labour, isolation, abandonment, absence of a written fisher's work agreement, underpayment and withholding of wages, retention of identity documents, blacklisting when asserting rights, violence and intimidation, illegal transfer of fishers at sea, excessively long working hours and other abusive working and living conditions. The meeting noted these problems can occur on large, distant water fishing vessels, but they can also be found on smaller, coastal vessels. They also emphasized that this is a global problem, not confined to any specific region.

The meeting noted that certain fisheries policies are found not to be aligned with labour provisions and requirements concerning safety at sea. Furthermore, fishing vessel owners sometimes faced delays in the procedures when engaging migrant fishers, which can lead to use irregular rather than regular status migrant fishers.

There was a call for action by, flag States, port States and labour sending States, ranging for improvement of laws and regulations, better inspection, the negotiation of bilateral and other agreements between States, and other means of addressing these matters, and for better coordination at the national, regional and international level of the various agencies with a role in addressing conditions of fishers, particularly migrant fishers.

Perhaps most relevant to your meeting, the conclusions and resolution of the meeting called for, among other things, the need to develop, in close cooperation with other relevant agencies of the United Nations, an effective roadmap for rapid worldwide implementation of the international agreements relating to work in the fishing sector, including not only the ILO Work in Fishing Convention, 2007 (No.188), which will enter into force in November, but also the Cape Town Agreement, STCW-F Convention and the FAO Port State Measures agreement.

Finally, the ILO tripartite meeting specifically requested that:

The International Labour Office should: ... reinforce and expand partnerships with international organizations and inter-agency mechanisms working in the fishing sector, such as, the FAO, IMO, the International Organization for Migration (IOM), the International Criminal Police Organization (INTERPOL), UNODC and UN Oceans; regional organizations such as the EU and Association of Southeast Asian Nations (ASEAN); and all other partners, to foster policy coherence in order to ensure decent work for migrant fishers, with the ILO leading on decent work-related matters; and consider participation as a third and full member in the FAO/IMO Ad Hoc Joint Working Group on Illegal, Unreported, and Unregulated (IUU) fishing.