

SUB-COMMITTEE ON IMPLEMENTATION
OF IMO INSTRUMENTS
7th session
Agenda item 16

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**DRAFT REPORT TO THE MARITIME SAFETY COMMITTEE AND THE
MARINE ENVIRONMENT PROTECTION COMMITTEE¹**

1 GENERAL

1.1 The seventh session of the Sub-Committee on Implementation of IMO Instruments, originally scheduled to be held from 20 to 24 July 2020, was postponed due to the COVID-19 pandemic (Circular Letter No.4213/Add.4) and was eventually held remotely from 12 to 16 July 2021. The session was chaired by Ms. Claudia Grant (Jamaica), who was unanimously re-elected as Chair for 2021 at the opening of the session. The Vice-Chair, Mr. Marek Rauk (Estonia), also unanimously re-elected as Vice-Chair for 2021 at the opening of the session, was also present.

1.2 The session was attended by Members and Associate Members; representatives from the United Nations Programmes, specialized agencies and other entities; observers from intergovernmental organizations with agreements of cooperation; observers from non-governmental organizations in consultative status and experts invited under rule 47 of the Rules of Procedure of the Maritime Safety Committee and the Marine Environment Protection Committee, as listed in document III 7/INF.1.

Opening address of the Secretary-General

1.3 The Secretary-General welcomed participants and delivered his opening address, the full text of which can be downloaded from the IMO website at the following link:

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

¹ Delegations wishing to comment on this draft report should submit their comments to III@imo.org by Tuesday, 3 August 2021.

Chair's remarks

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

Adoption of the agenda and measures taken to facilitate the remote session

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

1.6 The Sub-Committee further noted that, as indicated in Circular Letter No.4187/Rev.1, MSC 102 and MEPC 75, having taken into account the postponement of III 7 to 2021, had agreed that:

- .1 the correspondence groups established by III 6 should continue their work on the basis of their agreed terms of reference;
- .2 the groups should also take into account, as per the instructions to be received from the Chair of the Sub-Committee in consultation with the Chairs of other relevant bodies, any pertinent outcome of the IMO bodies that met since III 6; and
- .3 such additional work should correspond to the regular work of the correspondence groups established at every session in order to progress the work of the Sub-Committee as much as possible, in particular, on the preparation of draft Assembly resolutions.

1.7 The Sub-Committee endorsed the arrangements proposed in documents III 7/1/1 and Add.1, including the proposals for documents to be either considered during the virtual meeting (III 7/1/1, annex 1), or by correspondence, prior to the virtual meeting, (III 7/1/1, annex 2), or to be deferred to III 8, (III 7/1/1, annex 3). The proposals also included arrangements for the following three virtual working groups to be established and to start working, after consideration of this item, under the draft terms of reference, as contained in annex 2 to document III 7/1/1:

- .1 Working Group on the Analysis of marine safety investigation reports under agenda item 4;
- .2 Working Group on Measures to harmonize PSC activities and procedures worldwide under agenda item 5; and
- .3 Working Group on the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) and the Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code) under agenda items 8, 9 and 15.

1.8 Taking into account the limited time available at this session, the Sub-Committee agreed to postpone consideration of agenda items 6 and 11, and their respective documents to III 8. In this context, the delegation of Slovenia made an intervention, which was supported, indicating that marine plastic litter is a matter of great concern and hoping that the follow-up work on the Action Plan could resume as soon as possible. The statement by Slovenia is set out in annex [...].

1.9 The Sub-Committee also agreed to consider document III 7/6 under agenda item 14, together with documents III 7/14/5 and III 7/14/6, as indicated in annex 1 to document III 7/1/1 and authorized the release of document III 7/WP.6 (Chair), which was prepared in order to facilitate the review of the Analysis of Consolidated Audit Summary Reports (CASRs) and the development of guidance in relation to the IMO Member State Audit Scheme (IMSAS) to assist in the implementation of the IMO Instruments Implementation Code (III Code) by Member States, under agenda item 7.

1.10 The Sub-Committee adopted the agenda (III 7/1/Rev.1) and agreed to be guided by the provisional timetable (III 7/1/1, annex 1).

Presentation

1.11 While the plenary session of the Sub-Committee was adjourned on Thursday 15 July 2021, delegations were invited to attend a presentation related to the International Quality Assessment Review Body (IQARB) and organized by the observer delegations of IACS and IUMI on *IQARB – a journey to greater oversight of the quality management system of Class societies and ROs*.

2 DECISIONS OF OTHER IMO BODIES

2.1 Following consideration by correspondence of documents III 7/2 and Add.1, III 72/1 and III 7/2/2 and addenda 1 and 2 (Secretariat), prior to the virtual meeting, in accordance with the arrangements of the remote session, as outlined in document III 7/1/1 (annex 2), the Sub-Committee noted the decisions and comments pertaining to its work made by TC 69, CCC 6, A 31, NCSR 7, SDC 7, PPR 7, SSE 7, C/ES.32, ALCOM/ES, FAL 44, C 124, MSC 102, MEPC 75, LEG 107, TC 70, HTW 7, PPR 8, NCSR 8 and MSC 103, 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

Matters considered by correspondence prior to the virtual meeting

3.1 In accordance with the arrangements of the remote session, as outlined in document III 7/1/1 (annexes 2 and 3), the Sub-Committee considered by correspondence, prior to the virtual meeting, the following documents:

- .1 III 7/3 (Secretariat), providing a summary of 107 reports on alleged inadequacy of port reception facilities (PRFs) for 2019 submitted by five Parties to MARPOL, one Associate Member and two territories, in accordance with MEPC.1/Circ.834/Rev.1, and comparative elements with the 2018 annual enforcement report; and
- .2 III 7/3/Add.1 (Secretariat), providing a summary of 91 reports on alleged inadequacy of PRFs for 2020 submitted by six Parties to MARPOL, in accordance with MEPC.1/Circ.834/Rev.1, and a comparison with the 2019 annual enforcement report.

3.2 During the virtual meeting, the Sub-Committee concurred with the proposals contained in annex 2 of document III 7/1/1, as set out in the following paragraphs.

3.3 While noting the information provided in documents III 7/3 and III 7/3/Add.1 (Secretariat) on annual enforcement reports on PRFs for 2018 and 2019, and 2020 respectively, the Sub-Committee took into account that MEPC 74 had requested the Secretariat to include the outcome of the investigation of reports of alleged inadequacies of PRFs in the document submitted by the Secretariat under this agenda item (MEPC 74/18, paragraph 8.22).

3.4 With respect to alleged inadequacy of PRFs uploaded into the Global Integrated Shipping Information System (GISIS), the Sub-Committee further noted that the number of responses by port States on the 107 alleged inadequacies for 2019 had increased from 32 to 43 responses (40%) after publication of document III 7/3. For 2020, the concerned port States only provided a response to the alleged inadequacy claims in 13 out of the 91 reported cases (14.28%), a significant decrease in comparison with 2019, with the Marshall Islands being the main provider of the reports. In 2020, 85 out of the 91 reports related to inadequacies of PRFs under MARPOL Annex V (notably garbage and plastics).

3.5 Having considered documents III 7/3 and Add.1 (Secretariat) through correspondence prior to the virtual meeting, several delegations thanked the Secretariat for the work done in examining the reports on alleged inadequacies of PRFs and for highlighting key issues in this regard.

3.6 Two delegations informed the Sub-Committee that since document III 7/3/Add.1 had been prepared, measures had been taken by their respective port States to respond to the alleged inadequacies shown in the annex to this document, and that their responses had been uploaded in GISIS.

3.7 The Sub-Committee agreed on the importance of timely reporting of alleged inadequacies of PRFs to the Organization, noting that it was crucial that inadequacies are accurately reported to address existing problems. It was further noted that there is a need for close communication throughout procedures and port operations, as well as reporting on any deficiencies noted on GISIS.

3.8 The Sub-Committee took note of the proposal made by one delegation to develop a GISIS-notification system for administrators. In this regard, new amendments, insertions or updates made to any of the flag or coastal States' modules, not made by the flag or coastal State itself, could be automatically highlighted to the GISIS user. The Sub-Committee supported the intervention made by the Secretariat indicating that they would take action in order to develop a notification mechanism, similar to the one already in place in IMODOCS, across GISIS modules, as appropriate.

3.9 The Sub-Committee considered further ways of assessing progress in response from port States to alleged inadequacies reports, and, more prominently, displaying non-responding port States in GISIS, with a view to taking action as appropriate, while noting the Secretariat's

efforts to improve and to streamline reporting on alleged inadequacy of PRFs in GISIS. The observer delegation of INTERTANKO supported the call for the Sub-Committee to consider further ways to assess progress in port State response to alleged inadequacy reports, as well as ways of more prominently displaying non-responding port States in GISIS. It was emphasized that follow-up by port States on the reports is essential to identify existing challenges and consequently tailor the work and support of the Organization in fully addressing issues related to MARPOL. The statement by INTERANKO is set out in annex [...].

Matters deferred to III 8

3.10 As proposed in document III 7/1/1 (annex 3), owing to time constraints, the Sub-Committee agreed to defer the consideration of document III 7/3/1 (China) on difficulties with reception facilities for exhaust gas cleaning residues encountered by port States and corresponding proposals to III 8.

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

MATTERS CONSIDERED BY CORRESPONDENCE

4.1 In accordance with the arrangements of the remote session, as outlined in documents III 7/1/1 (annex 2), , the Sub-Committee considered by correspondence, prior to the virtual meeting, the following documents and took into account the comments received, and proposals made by the Chair, as contained in document III 7/1/1/Add.1:

- .1 III 7/4 (Sweden), providing a report of the Correspondence Group on Analysis of Marine Safety Investigation Reports;
- .2 III 7/4/Add.1 (Sweden), providing a report of the Correspondence Group on Analysis of Marine Safety Investigation Reports;
- .3 III 7/4/1 (Secretariat), providing information on the review of marine safety investigation reports and consolidated list of casualty analyses;
- .4 III 7/4/1/Add.1 (Secretariat); providing information on the review of marine safety investigation reports and consolidated list of casualty analyses;
- .5 III 7/4/2 (Secretariat), providing information on the progress made on the completion of the GISIS-related redesign work;

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- .6 III 7/4/3 (Secretariat), providing information on the reporting of marine safety investigation reports;
 - .7 III 7/4/4 (China), providing information on the lessons learned from the marine accidents of seagoing vessels with constrained lookout in narrow channels and relevant prevention measures;
 - .8 III 7/4/5 (BIMCO, IBTA, ICS, INTERCARGO, IUMI and P&I Clubs), providing information on a proposal for a new output to amend the Casualty Investigation Code;
 - .9 III 7/4/6 (OCIMF), providing comments on the report of the Correspondence Group on Analysis of Marine Safety Investigation Reports;
 - .10 III 7/4/7 (Germany, the Netherlands and Panama) providing information related to **MSC Zoe** marine safety investigation reports;
 - .11 III 7/4/8 (China), providing comments on document III 7/4/5 regarding a proposal for a new output to amend the Casualty Investigation Code;
 - .12 III 7/4/9 (OCIMF), providing comments on the report of the correspondence group (III 7/4 – tanker towing);
 - .13 III 7/INF.2 (OCIMF), providing information on OCIMF's safety bulletin on the collision of **MT Sanchi** and **MV CF Crystal**;
 - .14 III 7/INF.5 (INTERCARGO), providing information on Bulk Carrier Casualty Report 2010-2019;
 - .15 III 7/INF.25 (Secretariat), providing information on virtual regional train-the-trainers (TTT) workshop on marine safety investigation (MCI);
 - .16 III 7/INF.31 (China), providing a statistical analysis report on the submission rate and time of marine safety investigation reports;
 - .17 III 7/INF.32 (China), providing lessons learned from a lifeboat accident during the launching drill;

- .18 III 7/INF.33 (INTERCARGO), providing information on the Bulk Carrier Casualty Report 2011-2020;
- .19 III 7/INF.34 (the Netherlands), providing information on the chemical/oil tanker **Bow Jubail** marine safety investigation report; and
- .20 III 7/INF.42 (Secretariat), providing a statistical analysis on the reporting rate for very serious marine casualties.

4.2 The Sub-Committee endorsed the Chair's proposals presented in annex 2 to document III 7/1/1, taking into account the comments received, and proposals made by the Chair, as contained in document III 7/1/1/Add.1.

CASUALTY-RELATED DECISIONS OF OTHER IMO BODIES

4.3 The Sub-Committee noted the information on the decisions of other IMO bodies on casualty-related matters (III 7/2 and Add.1 and III 7/2/2/Add.1), and, in particular, the following outcome of MSC 102, MSC 103 and SSE 7:

- .1 MSC 102 had noted a statement by the delegation of the Netherlands, providing information on the investigation into the **MSC Zoe** (IMO 9703318) casualty, carried out by the Dutch Safety Board, in cooperation with the Panama Maritime Authority (PMA) and the Federal Bureau for Maritime Casualty Investigation of Germany (BSU), which is now available in the GISIS module on Marine Casualties and Incidents (MCI), to be considered by the Correspondence Group on Analysis of Marine Safety Investigation Reports (MSC 102/24, paragraph 14.13 and annex 30);
- .2 MSC 102, having recalled the decision of MSC 92 regarding how lessons learned and safety issues identified from the analysis of marine safety investigation reports by the Sub-Committee, including any recommendations emanating from the Sub-Committee, should be dealt with by the subsidiary bodies of the Committees, had reconfirmed its earlier decision (MSC 102/24, paragraph 19.26);
- .3 MSC 102 had noted the outcome of SSE 7 on incidents associated with elevators on board ships, in particular that SSE 7 had agreed on the need to

develop any relevant safety standards under a new output (MSC 102/24, paragraph 19.27). MSC 102 had also noted the outcome of SSE 7 on incidents in relation to the presence of cargo vapours in non-hazardous closed spaces, in particular that SSE 7 had agreed that this matter could be addressed by means of a unified interpretation (MSC 102/24, paragraph 19.28);

- .4 MSC 103 while considering a proposition of revision of COLREG, 1972 for vessels carrying special types of cargo, referencing the report on the investigation of the collision between **MT Sanchi** and **MV CF Crystal**, had determined that COLREG provisions, in particular rule 5, already provided requirements for a proper lookout irrespective of type and size of a vessel; and that the existing regulatory framework was sufficient. The Committee had therefore concluded that the proposed output was not supported (MSC 103/21, paragraph 18.20);
- .5 MSC 103 while considering a proposition of amendments to SOLAS chapter XII (Additional safety measures for bulk carriers) and a revision of the unified interpretations of SOLAS regulations XII/4.2 and XII/5.2 (MSC/Circ.1178) in order to close gaps in these regulations that were identified during the flag State's marine safety investigation of the loss of **MV Stellar Daisy**, had instructed the SDC Sub-Committee to consider both documents under its agenda item "Any other business";
- .6 MSC 103, while considering a proposition of amendments to the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code) to address safety issues that were identified during the flag State's marine safety investigation of the loss of **MV Stellar Daisy**, had instructed the SDC Sub-Committee to consider the matter under its existing continuous output "Amendments to the ESP Code";
- .7 MSC 103 had postponed consideration of its agenda on "Formal safety Assessment" to MSC 104, including the issue related to the risk assessment criteria in the *Procedure for identifying safety issues* developed by III 5 (MSC 103/21, paragraph 12.1);

- .8 SSE 7, while considering the safety recommendation regarding potential safety issues related to fatal accidents involving elevators provided by III 6 (III 6/15, paragraphs 4.18 and 15.3 and annex 1), had invited MSC 102 to consider how the lessons learned and the safety issues identified from the analysis of marine safety investigation reports, including any recommendations emanating from the III Sub-Committee, should be dealt with in the future by the subsidiary bodies of the Committees, e.g. prepare a justification for a new output or a unified interpretation, or an amendment to a non-mandatory or mandatory instrument for approval by the Committee(s), etc., based solely on the recommendations referred by the III Sub-Committee and, if so, whether such a work could be undertaken under the agenda item on "Any other business". Notwithstanding the above decision, SSE 7 had agreed on the need to develop safety standards addressing the incidents in relation to elevators on board ships and had invited interested Member States and international organizations to submit proposals for a relevant new output to MSC in accordance with the Committees' method of work (MSC-MEPC.1/Circ.5/Rev.1) (SSE 7/21, paragraph 20.5); and
- .9 SSE 7, considered the issue of the presence of cargo vapours in non-hazardous closed spaces, as instructed by MSC 101, and agreed on the need to develop safety standards addressing the incidents in relation to arrangements of cargo/vapour piping and related gas-freeing piping/ducts on tankers and had invited IACS to submit a draft unified interpretation to SSE 8 (SSE 7/21, paragraphs 20.10 to 20.13).

REPORT OF THE CORRESPONDENCE GROUP ON ANALYSIS OF MARINE SAFETY INVESTIGATION REPORTS

4.4 The Sub-Committee considered the report of the Correspondence Group on Analysis of Marine Safety Investigation Reports (III 7/4 and Add.1) (Sweden) containing information based on the analysis of the 43 marine casualties and incidents listed in documents III 7/4/1 and III 7/4/1/Add.1 (Secretariat) and, in particular, the following outcome:

- .1 two safety issues were identified in the following areas: man overboard from fishing vessels and pilot ladder-related deficiencies;
- .2 collisions and occupational accidents were identified as the types of casualties which occur more frequently than others;

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- .3 ISM Code-related concern on unsatisfactory implementation of safety management systems were highlighted; and
 - .4 development of a proposal for a new output related to the development of measures to ensure safe operation of elevators on board ships.

4.5 The Sub-Committee referred documents III 7/4 and Add.1 to the Working Group on Analysis of Marine Safety Investigation Reports to be established under this agenda item for detailed consideration, taking into the comments received, and proposals made by the Chair, as contained in document III 7/1/1/Add.1.

4.5*bis* With regard to document III 7/4/Add.1 (annex 4, figure 1 on Non-conforming ships by age), the Sub-Committee noted an intervention by the observer delegation of IACS on implementing SOLAS regulation V/23.1.1.2 to existing ships, depending on the installation date of the pilot transfer equipment and arrangement. In this context, pilot transfer equipment and arrangements installed before 1 July 2012 are not required to be upgraded to comply with amendments to SOLAS regulation V/23, as adopted by resolution MSC.308(88).

TIMELINESS AND RATE OF REPORTING OF MARINE SAFETY INVESTIGATION REPORTS

4.6 Regarding documents III 7/4/3 (Secretariat), III 7/4/5 (BIMCO et al.), III 7/4/8 (China) III 7/INF.31 (China) and III 7/INF.42 (Secretariat) regarding the Casualty Investigation Code and the timeliness and rate of reporting of marine safety investigation reports, the Sub-Committee instructed the Working Group on Analysis of Marine Safety Investigation Reports to be established under this agenda to develop recommendations based on the consideration of documents III 7/4/3, III 7/4/5, III 7/4/8, III 7/INF.31 and III 7/INF.42 regarding the Casualty Investigation Code (CIC) and the timeliness and rate of reporting of marine safety investigation reports, taking into account document III 7/1/1/Add.1.

MSC ZOE MARINE SAFETY INVESTIGATION REPORT

4.7 While considering document III 7/4/7 (Germany et al.) related to the **MSC Zoe** marine safety investigation report, the Sub-Committee instructed the Working Group on Analysis of Marine Safety Investigation Reports to be established under this agenda to consider information provided highlighting the safety issues identified during the marine safety investigation, taking into account document III 7/1/1/Add.1.

LESSONS LEARNED FROM THE MARINE ACCIDENTS OF SEAGOING VESSELS WITH CONSTRAINED LOOKOUT IN NARROW CHANNELS

4.8 Having considered document III 7/4/4 (China) related to marine accidents of seagoing vessels with constrained lookout in narrow channels, the Sub-Committee instructed the Working Group on Analysis of Marine Safety Investigation Reports to be established under this agenda to consider the information provided.

PROGRESS MADE ON THE COMPLETION OF THE GISIS-RELATED REDESIGN WORK

4.9 The Sub-Committee noted with satisfaction the information contained in document III 7/4/2 (Secretariat) related to the completion of the GISIS-related redesign work of the GISIS MCI module.

SAFETY BULLETIN ON THE COLLISION OF MT SANCHI AND MV CF CRYSTAL

4.10 The Sub-Committee noted the information on OCIMF's safety bulletin regarding the very serious marine casualty resulting in a collision between **MT Sanchi** and the **MV CF Crystal** as detailed in document III 7/INF.2.

BULK CARRIER CASUALTY REPORT 2010-2019 AND 2011-2020

4.11 The Sub-Committee noted the information on bulk carrier casualty statistics and analysis for the periods 2009-2019 and 2011-2020, as contained in document III 5/INF.8 (INTERCARGO).

VIRTUAL REGIONAL TRAIN-THE-TRAINERS (TTT) WORKSHOP ON MARINE CASUALTY INVESTIGATION (MCI)

4.12 The Sub-Committee noted the information contained in document III 7/INF.25 (Secretariat) on the development of train-the-trainers (TTT) activities and the regional virtual workshop on marine casualty investigation (MCI) which took place in November 2020 as part of a strategy for improving the rate of investigation and reporting into marine casualties and incidents, increasing capacity-building and enhancing self-sustainability regarding marine casualty investigation.

LESSONS LEARNED FROM A LIFEBOAT ACCIDENT DURING THE LAUNCHING DRILL

4.13 The Sub-Committee noted the information contained in document III 7/INF.32 (China) related to the lessons learned from a lifeboat accident during the launching drill.

CHEMICAL OIL TANKER BOW JUBAIL MARINE SAFETY INVESTIGATION REPORT

4.14 The Sub-Committee noted the information contained in document III 7/INF.34 (the Netherlands) related to the chemical/oil tanker **Bow Jubail** marine safety investigation report and aiming to raise awareness concerning the risks involved with the placing of oil fuel/bunker tanks directly against the outer hull of a ship, general mooring procedures and the necessity of proper port contingency planning.

ESTABLISHMENT OF THE WORKING GROUP

4.15 The Sub-Committee established the Working Group on Analysis of Marine Safety Investigation Reports and instructed it, using document III 7/4 and III 7/4/Add.1, as a basis, and taking into account the comments received, and proposals made by the Chair, as contained in document III 7/1/1/Add.1, to:

- .1 confirm or otherwise the findings of the Correspondence Group on Analysis of Marine Safety Investigation Reports based on the analysis of individual marine safety investigation reports and GISIS, for the Sub-Committee's approval and authorization of their release to the public on GISIS (III 7/4, paragraph 17.3 and III 7/4/Add.1 paragraph 20.1);
- .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 (III 7/4, paragraph 17.3 and III 7/4/Add.1, paragraph 20.1);
- .3 consider and advise whether those reports with safety issues reviewed by the analysts and considered by the Working Group should be referred to the relevant committees and sub-committees indicating potential safety deficiencies; in doing so, the Working Group should submit supporting information derived from the Marine safety investigation report analysis procedure used to develop recommendations for consideration by the committees and sub-committees according to agreed procedures (III 7/4, paragraph 17.1 and III 7/4/Add.1, paragraph 20.2);
- .4 make recommendations based on a review of the findings of the Correspondence Group about the type of casualties which occurred more frequently than others, namely collisions and occupational accidents, using

- the existing data from casualty analyses conducted in the past (III 7/4, paragraph 17.2 and III 7/4/Add.1, paragraph 20.4);
- .5 note the overview of marine safety investigation report analysis (III 7/4, paragraph 17.4 and III 7/4/Add.1, paragraph 20.6);
- .6 consider the observations on the quality of marine safety investigation reports for action, as appropriate (III 7/4, paragraph 17.5 and III 7/4/Add.1, paragraph 20.7);
- .7 consider the proposal for a new output to develop measures to ensure safe operation of elevators and take action as appropriate (III 7/4/Add.1, paragraph 20.3, as well as III 7/2 and III 7/2/Add.1);
- .8 note the ISM Code-related concern on unsatisfactory implementation of safety management systems and take action as appropriate (III 7/4/Add.1, paragraph 20.5);
- .9 develop recommendations based on the consideration of documents III 7/4/3, III 7/4/5, III 7/4/8, III 7/INF.31 and III 7/INF.42 regarding the Casualty Investigation Code (CIC) and the timeliness and rate of reporting of marine safety investigation reports, taking into account document III 7/1/1/Add.1;
- .10 consider document III 7/4/4 providing lessons learned from the marine accidents of seagoing vessels with constrained lookout in narrow channels and relevant prevention measures, for action as appropriate;
- .11 consider documents III 7/4/6 and III 7/4/9 on comments on the report of the Correspondence Group related to static towing operations of tankers and tanker towing, for action as appropriate;
- .12 note the progress made on the completion of the GISIS-related redesign work (III 7/4/2), especially regarding the facilities presented in paragraphs 4 and 5 on the development of data exchange protocols and the reporting of lessons learned from marine casualties, for action as appropriate;

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- .13 consider document III 7/4/7 related to the **MSC Zoe** marine safety investigation reports, for action as appropriate, taking into account document III 7/1/1/Add.1; and
- .14 advise on the re-establishment of the Correspondence Group on Analysis of Marine Safety Investigation Reports, at this session, and the Working/Drafting Group on Analysis of Marine Safety Investigation Reports, at the next session, which could start its work on the morning of the first day of III 8, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5/Rev.2 on *Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*. If so, prepare draft terms of reference for the two groups.

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

4.16 Having approved the report of the Working Group (III 7/WP.3), in general, the Sub-Committee, in particular:

[to be prepared by the Secretariat in consultation with the Chair after the session, based on the Group's report and the actions requested therein, taking into account the decisions taken by the Sub-Committee during subsequent discussions]

- .1 approved the findings of the Correspondence Group based on the analysis of individual marine safety investigation reports and GISIS as reviewed by the Working Group, including the changes to the text of casualty analyses and authorize their release to the public on the GISIS MCI module;
- .2 agreed to bring the observations on the quality of marine safety investigation reports analysed to the attention of Administrations, by means of an III.3 circular, to complement III.3/Circ.7 to be processed by the Secretariat, with the objective of improving future marine safety investigation reports;
- .3 approved the draft text of Lessons Learned from marine casualties, as set out in annex [...], and their release on the IMO website in accordance with the agreed procedure;

- .4 agreed to forward the proposal for a new output on "Adoption of measures to ensure safe operation of elevators onboard ships" to address the design, installation, maintenance, inspection and operation of elevators as a whole with supplementary and reference to an ISO Standard to MSC;
- .5 agreed to request the Committees to reinstate the provision to have continuous output in the agenda of other sub-committees so that expeditious action can be taken on the safety issues and safety deficiencies received from the III Sub-Committee;
- .6 requested the development of an additional provision in the MCI 2 module in order to provide the status of investigations in progress;
- .7 invited the marine safety investigating State(s) to upload to the GISIS MCI module the marine safety investigation reports of the ships involved in the very serious marine casualties highlighted in document III 7/4/4 for further referral to the Correspondence Group to be included in the casualty analysis process ;
- .8 noted the discussion on documents III 7/4/6 and III 4/6/9 on the industry guidelines on static towing operations and inclusion as an appendix to the Lesson Learned;
- .9 noted that the information related to the ULCS **MSC Zoe** has been suitably included in the Lessons learned and the document has been referred to the Correspondence Group for further analysis regarding the very serious marine casualty involving the ship;
- .10 invited the MSC to take note of document III 7/4/7 and to consider taking appropriate measures to extend the scope of the output validated in MSC 103 to deal with the issue of container losses;
- .11 re-established the Correspondence Group on Analysis of Marine Safety Investigation Reports under the proposed terms of reference, as set out in paragraph [...]; and

- .12 agreed that the Working/Drafting Group on Analysis of Marine Safety Investigation Reports, if re-established at the next session, should start its work on the morning of the first day of III 8, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5/Rev.2 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, under the proposed draft terms of reference, as set out in paragraph [...].

REMINDER FOR SUBMISSION OF CASUALTY-RELATED DATA

4.17 The Sub-Committee reminded Member States to:

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

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

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

MATTERS CONSIDERED BY CORRESPONDENCE PRIOR TO THE VIRTUAL MEETING

5.1 In accordance with the arrangements of the remote session, as outlined in document III 7/1/1 (Chair) and its annex 2, the Sub-Committee considered by correspondence, prior to the virtual meeting, the following documents and took into account the comments received, and proposals made by the Chair, as contained in document III 7/1/1/Add.1:

- .1 III 7/5 (European Commission), providing the report of the Correspondence Group on Measures to Harmonize Port State Control (PSC Activities and Procedures Worldwide in accordance with the terms agreed at III 6;
- .2 III 7/5/Add.1 (European Commission), providing the report of the Correspondence Group on Measures to Harmonize PSC Activities and Procedures Worldwide concerning the two additional terms communicated through Circular Letter No.4187/Rev.1 (paragraph 18);
- .3 III 7/5/1 (Secretariat), providing updated information on recent developments in port State control regimes;
- .4 III 7/5/2 (Secretariat), providing information on recent developments concerning Equasis (Electronic Quality Shipping Information System);
- .5 III 7/5/3 (China and the Tokyo MoU), proposing the development of unified guidance for port State control officers on suspension of inspection in PSC procedures to be incorporated in the *Procedures for Port State Control, 2019* (resolution A.1138(31)) (hereafter the Procedures), as a new appendix;

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- .6 III 7/5/4 (FAO, Indian Ocean MoU, Pew and the Secretariat), providing information on ongoing discussions between the Indian Ocean Memorandum of Understanding on Port State Control (IOMOU) and the Indian Ocean Tuna Commission (IOTC) on a possible cooperation programme on port State inspections;
 - .7 III 7/5/5 (Indian Ocean MoU), introducing all the information documents submitted by the Indian Ocean MoU;
 - .8 III 7/5/5/Add.1 (Indian Ocean MoU), introducing information document III 7/INF.29 submitted by the Indian Ocean MoU;
 - .9 III 7/5/6 (IACS), commenting on document III 7/2/2 (Secretariat), specifically on the outcome of PPR 7 under document PPR 7/2/5 (IMarEST), which provided input to further develop the *2019 Guidelines for port State control under MARPOL Annex VI Chapter 3* (resolution MEPC.321(74));
 - .10 III 7/5/7 (China), proposing specific amendments to the Procedures to enable port States to perform remote PSC inspections, as an interim alternative measure, in special circumstances where and when a normal physical PSC inspection is not possible;
 - .11 III 7/5/8 (Jamaica and IBIA), highlighting discrepancies in enforcement of the 0.50% sulphur limit in force since 1 January 2020 and urging PSC regimes to harmonize procedures in line with resolution MEPC.321(74), MEPC.1/Circ.882 and resolution MEPC.324(75) which call for the application of amendments to Appendix VI of MARPOL Annex VI related to the verification procedure for a MARPOL Annex VI fuel oil sample in advance of their entry into force;
 - .12 III 7/5/9 (Paris MoU), providing comments on document III 7/5/3 (China and the Tokyo MoU) and proposing specific amendments to the draft guidance submitted through document III 7/5/3 (China and the Tokyo MoU);
 - .13 III 7/8/1 (Secretariat), providing information on relevant new requirements adopted by MEPC 74, MSC 101 and A 31;

- .14 III 7/INF.3 (Secretariat), containing a list of new requirements adopted since the last session, which may be relevant in the context of PSC activities;
- .15 III 7/INF.3/Add.1 (Secretariat), containing a list of new requirements adopted by MSC 102 and MEPC 75, which may be relevant in the context of PSC activities;
- .16 III 7/INF.7 (Tokyo MoU), introducing the Tokyo MoU Annual Report for 2019;
- .17 III 7/INF.8 (Tokyo MoU), providing the summary of the activities of the Tokyo MoU in 2019;
- .18 III 7/INF.9 (Tokyo MoU), providing the Tokyo MoU PSC data for 2019;
- .19 III 7/INF.10 (Abuja MoU), providing information of the result of the concentrated inspection campaign (CIC) on Emergency Systems and Procedures from 1 September to 30 November 2019, in the Abuja MoU region;
- .20 III 7/INF.11 (Abuja MoU), introducing the Abuja MoU Annual Report for 2019;
- .21 III 7/INF.12 (Caribbean MoU), providing a summary of developments and activities of the Caribbean MoU for 2019 inclusive of the statistical results of inspections carried out by its member Authorities;
- .22 III 7/INF.13 (Indian Ocean MoU), introducing the Indian Ocean MoU PSC activities for the year 2019;
- .23 III 7/INF.14 (Indian Ocean MoU), providing the results of the CIC on MARPOL Annex VI carried out between 1 September and 30 November 2018 in the Indian Ocean region;
- .24 III 7/INF.15 (Indian Ocean MoU), providing the results of the CIC on Emergency Systems and Procedures carried out between 1 September and 30 November 2019 in the Indian Ocean region;

- .25 III 7/INF.16 (Viña del Mar Agreement), introducing the Viña del Mar Agreement Annual Report for 2019;
- .26 III 7/INF.17 (Viña del Mar Agreement), providing the Viña del Mar Agreement PSC data for 2019;
- .27 III 7/INF.18 (Black Sea MoU), providing the Black Sea MoU PSC data for 2019;
- .28 III 7/INF.19 (Riyadh MoU), providing information on the status of activities and inspections carried out by the Riyadh MoU;
- .29 III 7/INF.20 (Riyadh MoU), providing information on the results of the 2019 CIC on Emergency Systems and procedures carried out between 1 September and 30 November 2019 by the Riyadh MoU;
- .30 III 7/INF.21 (United States, Paris MoU and Tokyo MoU), identifying flag Administrations targeted for inspection in more than one PSC region during the period 2017 to 2019;
- .31 III 7/INF.22 (Paris MoU), providing information concerning the Paris MoU Annual Report for 2019;
- .32 III 7/INF.23 (Paris and Tokyo MoUs), providing information concerning the results of the CIC on Emergency Systems and Procedures between 1 September and 30 November 2019 in the Paris and Tokyo MoUs regions;
- .33 III 7/INF.24 (United States), introducing the 2019 PSC Report from the United States;
- .34 III 7/INF.26 (Tokyo MoU), providing a summary of information on PSC of the 2020 sulphur cap (IMO2020) requirements conducted by the Tokyo MoU member Authorities;
- .35 III 7/INF.28 (China), providing information on implementation of the remote PSC inspections conducted by China during the COVID-19 pandemic;

- .36 III 7/INF.29 (Indian Ocean MoU), providing information on the activities carried out by the Indian Ocean MoU PSC in 2020;
- .37 III 7/INF.35 (Caribbean MoU), providing information on the activities carried out by the Caribbean MoU on PSC in 2020;
- .38 III 7/INF.36 (Viña del Mar Agreement), introducing the Viña del Mar Agreement Annual Report for 2020;
- .39 III 7/INF.37 (Viña del Mar Agreement), providing data for 2020 under the Latin American Agreement of Viña del Mar on PSC;
- .40 III 7/INF.38 (Tokyo MoU), introducing the Tokyo MoU Annual Report for 2020;
- .41 III 7/INF.39 (Tokyo MoU), providing a summary of the activities of the Tokyo MoU in 2020 and 2021;
- .42 III 7/INF.40 (Tokyo MoU), providing the Tokyo MoU PSC data for 2020;
- .43 III 7/INF.41 (Tokyo MoU), providing a summary of the guidelines on the use of body cameras during PSC inspections under the Tokyo MoU;
- .44 III 7/INF.43 (Mediterranean MoU), presenting the Mediterranean MoU Annual Report for 2018;
- .45 III 7/INF.44 (Mediterranean MoU), presenting the Mediterranean MoU Annual Report for 2019;
- .46 III 7/INF.45 (Mediterranean MoU), presenting the Mediterranean MoU report for the CIC on MARPOL Annex VI from 1 September to 30 November 2018;
- .47 III 7/INF.46 (Mediterranean MoU), presenting the Mediterranean MoU report for the CIC on Emergency Systems including electrical systems and equipment covered by SOLAS chapter II-1 carried out between 1 September to 30 November 2019;

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- .48 III 7/INF.47 (Paris MoU), providing information concerning the Paris MoU Annual Report for 2020;
- .49 III 7/INF.48 (United States, Paris MoU and Tokyo MoU), identifying flag Administrations targeted for inspection in more than one PSC region during the period 2018 to 2020;
- .50 III 7/INF.49 (Black Sea MoU), provides the Black Sea MoU PSC data for 2020;
- .51 III 7/INF.50 (Black Sea MoU), providing information concerning the recent developments and PSC activities in the Black Sea MoU region; and
- .52 III 7/INF.51 (Viña del Mar Agreement), providing the results of the CIC on Emergency Systems and Procedures from 1 September to 30 November 2019 in the Viña del Mar Agreement region.

5.2 The Sub-Committee endorsed the Chair's proposals presented in annex 2 to document III 7/1/1, taking into account the comments received, and proposals made by the Chair, as contained in document III 7/1/1/Add.1.

Guidelines and procedures for PSCOs

Report of the Correspondence Group

5.3 With regard to documents III 7/5 and Add.1 (European Commission), providing the report of the Correspondence Group on Measures to Harmonize PSC Activities and Procedures Worldwide, and document III 7/5/6 (IACS), commenting on document III 7/2/2, and specifically on the outcome of PPR 7 and document PPR 7/2/5 (IMarEST), concerning the further development of the *2019 Guidelines for port State control under MARPOL Annex VI Chapter 3* (resolution MEPC.321(74)), the Sub-Committee instructed the Working Group to be established, taking into account the terms of reference agreed by III 6, document III 7/5/6 (IACS) and the PSC-related decisions of other IMO bodies (III 7/2; III 7/2/1 and III 7/2/2 and Add.2), to review the report of the Correspondence Group (III 7/5 and Add.1) and in particular:

- .1 the outstanding work on the guidance under appendix 7 to the Procedures on *Guidelines for control of operational requirements*, taking into account documents III 6/5/3 (Australia) and III 6/5/6 (Paris MoU);

- .2 the proposal to scrutinize the guidelines to be amended and the guidelines to be attached to the Procedures for inconsistencies;
- .3 the invitation to the PPR Sub-Committee to refer the revised version of the *2011 Guidelines for inspection of Anti-Fouling Systems on ships* (MEPC.208(62)) to the Sub-Committee for review in order to have them incorporated as a new appendix of the Procedures and not issued as stand-alone guidelines;
- .4 the request MSC to consider whether the interim status of the *Interim Guidance on control and compliance measures to enhance maritime security* (MSC.159(78)) could be removed;
- .5 the outstanding work on amendments to part 4 of appendix 4 of the *Procedures on Guidelines for investigations and inspections carried under MARPOL Annex II*, taking into account documents PPR 5/24 (annex 15) (Secretariat) and PPR 7/22 (Secretariat); and
- .6 the outstanding work on amendments to appendix 18 of the *Procedures on 2019 Guidelines for port State control under MARPOL Annex VI Chapter 3* (resolution MEPC.321(74)), taking into account documents PPR 7/2/5 (IMarEST) and PPR 7/22 (Secretariat).

New requirements relevant to PSC activities

5.4 The Sub-Committee instructed the Working Group to be established to take into account the information contained in documents III 7/8/1 and III 7/INF.3, and Add1 (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.

Financial security of seafarers in cases of abandonment

5.5 Regarding document 7/2/2/Add.2 (Secretariat) providing information on the Outcome of C/ES.32, ALCOM/ES, FAL 44, C 124, LEG 107, TCC 70, HTW 7, PPR 8 and NCSR 8, and the Legal Committee's request to the Sub-Committee concerning matters related to the financial security of seafarers in cases of abandonment. The Sub-Committee instructed the Working Group to be established to consider the request of the Legal Committee and in particular:

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- .1 the question of the provision of information on insurance certificates, their validity period and contact information of financial security providers; and
 - .2 the conduct of a CIC on financial security regarding the 2014 amendments to MLC, 2006 (LEG 107/18/2, paragraphs 4.13 and 4.15).

Development of guidance for port State control officers (PSCOs) on suspension of inspection in PSC procedures

5.6 With regard to documents III 7/5/3 (China and the Tokyo MoU), the Sub-Committee instructed the Working Group to be established to consider the proposals concerning the development of guidance for port State control officers on suspension of inspection in PSC procedures, as contained in documents III 7/5/3 (China and the Tokyo MoU) and III 7/5/9 (Paris MoU), taking into account the comments received, and proposal made by the Chair, as contained in document III 7/1/1/Add.1.

5.6*bis* With regard to document III 7/5/3 (China and the Tokyo MoU) on unified guidance for PSC officers (PSCOs) on suspension of inspection, the Sub-Committee noted the views expressed by the observer delegation of IACS that the proposal would include procedures and definitions, which would not be part of resolution A.1138(31) and would not be used by other PSC regimes. In particular, the responsibility of a recognized organization (RO) would not be defined in resolution A.1138(31) and would not be assigned by every PSC Authority. Since there is no definition of a "follow-up inspection" in resolution A.1138(31), the reporting would differ among PSC regimes and the draft guidelines in the proposal would be specific to the APCIS database, in use by the Tokyo MoU.

5.6*ter* The Sub-Committee also noted the view of the observer delegation of IACS related to document III 7/5/9 (Paris MoU) that the proposal to amend paragraph 3.6.3 of the Procedures would place the responsibility to ensure the ship's compliance with requirements of IMO instruments on ROs, which would be contrary to the description of responsibilities in SOLAS and MARPOL Conventions.

Remote PSC inspections

5.7 Concerning documents III 7/5/7 and III 7/INF.28 (China), the Sub-Committee instructed the Working Group to be established to consider the proposal regarding remote PSC inspections.

Performance of flag Administrations and recognized organizations

5.8 With regard to document III 7/INF.21 (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 2017 to 2019, three flag Administrations (Saint Kitts and Nevis, Togo and the United Republic of Tanzania) were targeted for inspection in all three regions and five flag Administrations (Barbados, Cook Islands, Mongolia, Palau and Sierra Leone) were targeted in two regions.

5.9 Concerning document III 7/INF.48 (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 2018 to 2020, one flag Administration (Togo) was targeted for inspection in all three regions and two flag Administrations (Sierra Leone and United Republic of Tanzania) were targeted in two regions.

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

Transparency and harmonization of PSC information

Equasis information system

5.11 While considering document III 7/5/2 (Secretariat), the Sub-Committee was informed that Equasis had developed a Data Providers' Profile (DPP) for data providers to the Equasis Database, which allows all the data providers to access data that is contained in Equasis for the ships on which they provide information in one place; and that Equasis plans to develop the DPP concept further by including a new feature for the identification of common deficiencies for the fleet of a data provider during inspections.

5.12 Furthermore, the Sub-Committee was informed that, in December 2019, Equasis had decided to begin the process of deactivating its mobile application. In 2020, Equasis had focused on adding information on the mandatory environmental certification that applies to all ships and on interim certificates.

5.13 Additionally, the Sub-Committee was informed that Equasis has been monitoring the implications of double reporting of PSC inspections in data systems and assessing the impact of the interim measure while promoting the final proposal.

5.14 The Sub-Committee noted the information provided in document III 7/5/2 (Secretariat), and reiterated the invitation to representatives of Equasis to attend future sessions.

Analysis of PSC activities, practices and statistics

5.15 The Sub-Committee noted with appreciation the substantial amount of information provided in documents III 7/5/5 and Add.1, III 7/INF.7, III 7/INF.8, III 7/INF.9, III 7/INF.10, III 7/INF.11, III 7/INF.12, III 7/INF.13, III 7/INF.14, III 7/INF.15, III 7/INF.16, III 7/INF.17, III 7/INF.18, III 7/INF.19, III 7/INF.20, III 7/INF.21, III 7/INF.22, III 7/INF.23, III 7/INF.24, III 7/INF.26, III 7/INF.29, III 7/INF.35, III 7/INF.36, III 7/INF.37, III 7/INF.38, III 7/INF.39, III 7/INF.40, III 7/INF.41, III 7/INF.43, III 7/INF.44, III 7/INF.45, III 7/INF.46, III 7/INF.47, III 7/INF.48, III 7/INF.49, III 7/INF.50 and III 7/INF.51 by the United States, the Abuja, Black Sea, Caribbean, Indian Ocean, Mediterranean, Paris, Riyadh and Tokyo MoUs, and the Viña del Mar Agreement on annual reports, recent developments and results of CICs.

5.16 The Sub-Committee invited the regional PSC regimes and the United States to continue submitting their annual reports to the Sub-Committee, in the agreed format as set out in annex 3 to document FSI 20/WP.5.

5.17 While considering document III 7/5/1 (Secretariat), the Sub-Committee was informed that apart from the global figures on the total number of inspections and detention percentages for the period 2018 to 2020, shown in section 16 of the annex to the document, an analysis of total number of inspections, total inspections by ship type and total deficiencies by deficiency group, could not be carried out, due to the absence of harmonized comprehensive sets of data for 2019 and 2020. The Sub-Committee recommended that the matter of harmonized comprehensive sets of data be brought to the attention of the IMO Workshop for PSC MoU/Agreement Secretaries and Database Managers, as appropriate.

5.18 The Sub-Committee noted the information provided in document III 7/5/1 (Secretariat) and requested the Secretariat to continue providing the Sub-Committee with information on progress reports on PSC regimes.

5.19 The Sub-Committee also noted with appreciation the information provided in document III 7/5/4 (FAO, Indian Ocean MoU, Pew and the Secretariat) on cooperation programme between IOMOU and IOTC.

Establishment of the virtual Working Group on Measures to Harmonize Port State Control Activities and Procedures Worldwide

5.20 The Sub-Committee established the virtual Working Group on Measures to Harmonize Port State Control Activities and Procedures Worldwide and instructed it, under the following terms of reference, taking into account the comments received, and proposals made by the Chair, as contained in document III 7/1/1/Add.1, to:

- .1 review the report of the Correspondence Group III 7/5 and Add.1 (European Commission) and, in particular, the following actions requested of the Sub-Committee, taking into account document III 7/5/6 (IACS):
 - .1 the outstanding work on the guidance under appendix 7 of the Procedures on *Guidelines for control of operational requirements*, taking into account documents III 6/5/3 (Australia) and III 6/5/6 (Paris MoU);
 - .2 the proposal to scrutinize the revised guidelines and the identified guidelines to be attached to the Procedures for inconsistencies;
 - .3 the invitation to the PPR Sub-Committee to refer the revised version of the 2011 Guidelines for inspection of Anti-Fouling Systems on ships (MEPC.208(62)) to the Sub-Committee for review in order to have them incorporated as a new appendix of the Procedures and not issued as stand-alone guidelines;
 - .4 the request to MSC to consider whether the interim status of the *Interim Guidance on control and compliance measures to enhance maritime security* (MSC.159(78)) could be removed;
 - .5 the outstanding work on amendments to part 4 of appendix 4 to the Procedures on *Guidelines for investigations and inspections carried under MARPOL Annex II*, taking into account document PPR 5/24 (annex 15) (Secretariat) and PPR 7/22 (Secretariat); and
 - .6 the outstanding work on amendments to appendix 18 to the Procedures on *2019 Guidelines for port State control under*

MARPOL Annex VI Chapter 3 (resolution MEPC.321(74)), taking into account documents PPR 7/2/5 (IMarEST) and PPR 7/22 (Secretariat);

- .2 consider the proposals with regard to the development of guidance for PSCOs on suspension of inspection in PSC procedures as contained in document III 7/5/3 (China and the Tokyo MoU) and related comments in document III 7/5/9 (Paris MoU);
- .3 consider the proposal regarding remote PSC inspection as contained in documents III 7/5/7 and III 7/INF.28 (China);
- .4 consider document III 7/5/8 (Jamaica and IBIA) with a view to achieving consistent implementation of the 0.50% sulphur limit in PSC inspection;
- .5 finalize, as a matter of priority, using as the basis documents III 7/5 (European Commission) (annex) and Add.1 (European Commission) (annexes 1 and 2), the draft Assembly resolution on *Procedures for PSC 2021*, to revoke resolution A.1138(31) for submission to MSC 104 and MEPC 77 for approval, prior to submission to A 32 for adoption, taking into account information provided in documents III 7/INF.3 and Add.1 (Secretariat);
- .6 consider the question of the provision of information on insurance certificates, their validity period and contact information of financial security providers, and the conduct of a CIC on financial security regarding the 2014 amendments to ILO Maritime Labour Convention (MLC), 2006 (LEG 107/18/2, paragraphs 4.13 to 4.15); and
- .7 advise on the re-establishment of the Correspondence Group, at this session, and the Working/Drafting 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, at the next session, which could start its work on the morning of the first day of III 8, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5/Rev.2 on Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies. If so, prepare draft terms of reference for the two groups.

CONSIDERATION OF THE MATTER DURING THE VIRTUAL MEETING**Report of the Working Group**

5.21 Having approved the report of the Working Group on Measures to Harmonize PSC Activities and Procedures Worldwide (III 7/WP.4), in general, the Sub-Committee took decisions as reflected in the following paragraphs.

[To be prepared by the Secretariat, in consultation with the Chair, after the virtual meeting based on decisions taken by the Sub-Committee during the last day of the virtual meeting]

5.22 The Sub-Committee:

- .1 agreed to the text of the draft Assembly resolution on *Procedures for port State control, 2021*, to revoke resolution A.1138(31), as set out in annex [...], for submission to MSC 104 and MEPC 77 for approval prior to submission to A 32 for adoption, and to agree to request the Secretariat to make any editorial corrections to the draft Assembly resolution that may be identified before its submission to MSC 104 and MEPC 77;
- .2 invited PSC regimes to consider providing training or guidance in relation to detention of ships which are not furnished with a valid Statement of Compliance – Fuel Oil Consumption Reporting due to change Flag or Company;
- .3 invited MEPC to revoke the *2019 Guidelines for port State control under MARPOL Annex VI Chapter 3* (resolution MEPC.321(74));
- .4 invited MEPC to review the text of paragraph 2.6.2.3 in appendix 18 of the Procedures regarding the inclusion of aspects of regulation 13.5.3;
- .5 invited the PPR Sub-Committee to refer the revised version of the *2011 Guidelines for inspection of Anti-Fouling Systems on ships* (MEPC.208(62)) to the Sub-Committee for review in order to have them incorporated as a new appendix of the Procedures and not issued as standalone guidelines;
- .6 invited MEPC to authorise the Sub-Committee to review resolution MEPC.252(67) on *Guidelines for port State control under the BWM Convention* with a view to be added as a new appendix to the Procedures in the future in accordance with the agreed methodology;

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- .7 invited the MSC to authorise the Sub-Committee to review resolution MSC.159(78) on *Interim Guidance on control and compliance measures to enhance maritime security* with a view to be added as a new appendix of the Procedures in the future in accordance with the agreed methodology;
- .8 agreed to include in the individual PSC inspection report information regarding the validity period and contact information of financial security providers of the insurance certificates required by the 2014 amendment to MLC, 2006;
- .9 invited PSC regimes to consider a CIC on financial security regarding the 2014 amendments to MLC, 2006;
- .10 noted that the majority of the Working Group was of the view that the issues raised in document III 7/5/8 concerning discrepancies in the enforcement of the 0.50% sulphur limit are not under the purview of the Sub-Committee and suggested this should be referred to an appropriate IMO body;
- .11 agreed not to include the amendments proposed in document III 7/5/7 (China) concerning remote PSC inspections in the Procedures ;
- .12 agreed to re-establish the Correspondence Group on Measures to Harmonize PSC Activities and Procedures Worldwide under the proposed draft terms of reference, as set out in paragraph [...]; and
- .13 agreed that the Working/Drafting Group on Measures to Harmonize PSC Activities and Procedures Worldwide, if re-established at the next session, should start their work on the morning of the first day of III 8, in accordance with paragraph 5.19 of MSC MEPC.1/Circ.5/Rev.2 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, and be established under the proposed draft terms of reference, as set out in paragraph [...].

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 In accordance with the arrangements of the remote session, as outlined in document III 7/1/1 (Chair), the Sub-Committee agreed to defer the consideration of this agenda item to III 8. Furthermore, the Sub-Committee agreed to consider document III 7/6 (Australia, Canada, Japan and the Tokyo MoU) under agenda item 14 together with documents III 7/14/5 (Australia) and III 7/14/6 (the Netherlands) (see paragraphs 1.[...] and 14.[...]).

7 ANALYSIS OF CONSOLIDATED AUDIT SUMMARY REPORTS

ANALYSIS OF CONSOLIDATED AUDIT SUMMARY REPORTS

7.1 The Sub-Committee recalled that MSC 101 and MEPC 72, and MSC 102 and MEPC 75 had referred the second consolidated audit summary report (CASR) (Circular Letter No.3879) and the third CASR (Circular Letter No.4028), respectively, to III 7, for consideration and analysis with a view to reporting the outcome of its consideration to the Committees in due course.

7.2 The Sub-Committee also recalled that, in 2020, the fourth CASR (Circular Letter No.4317) had become available and was advised that all four CASRs available so far had been included in the analysis presented in documents III 7/7 and III 7/INF.27 (Secretariat).

7.3 The Sub-Committee further recalled that MSC 101 (MSC 101/24, paragraphs 10.10.1 to 10.10.7) and MEPC 75 (MEPC 75/18, paragraph 11.7) had endorsed the recommendations from III 5, including those in relation to the methodology and process for assessing the effectiveness and appropriateness of IMO legislation. The Committees had also endorsed the feedback and the process for providing feedback on the analysis of CASRs to them, for reporting back to the Council, as requested by both the Assembly and the Council.

7.4 In addition, TC 70 (TC 70/14, paragraph 7.11), inter alia, had noted the outcome of III 5 in relation to the process for providing feedback from audits for further development of technical assistance to Member States and had endorsed the proposed process for providing feedback from analysis of CASRs noting that any appropriate measures to enhance technical cooperation activities were to be reported to the Council or the Assembly.

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

- .1 III 7/7 (Secretariat) containing the summary of the analysis of four CASRs from 68 audits conducted under the IMO Member State Audit Scheme (IMSAS); and
- .2 III 7/INF.27 (Secretariat), containing the full analysis of four CASRs under IMSAS. The annex to document III 7/INF.27 presented the outcome of 68 audits containing 1,167 findings, 107 observations with references to conventions' requirements, where applicable, and the III Code, as the audit standard; as well as 5,239 root causes as reported by the audited Member States.

7.6 The analysis concluded that:

- .1 the analysis of the number of findings and observations among the four parts of the III Code were predominantly related to flag States' responsibilities. The results of the analysis revealed that audit findings and observations were essentially related to flag State and common areas issues. Most of the findings and observations, in the flag State area, were found in implementation, enforcement, flag State surveyors and flag State investigations; while in the common areas, most of the findings and observations related to initial actions (legislation), communication of information and strategy issues;
- .2 the analysis of the distribution of findings by mandatory IMO instruments and the breakdown per instrument indicated that the most commonly used references were related to SOLAS 1974, MARPOL and STCW 1978. A more detailed analysis of references to articles and regulations of each convention had been further elaborated;
- .3 the analysis further identified five specific areas in relation to which the highest number of findings and observations were recorded in 68 audits as being: implementation (flag, coastal and port State), enforcement (flag, coastal and port State), improvement, delegation of authority and initial actions (legislation). Further analysis of these major areas of findings and observations had been carried out and the most common shortcomings related to those areas had been identified; and

- .4 in addition, the analysis revealed that, for all mandatory IMO instruments, the four broad areas of root causes identified were related to legislation, policy and procedures, management and implementation. The most frequent root causes contributing to lack of effective implementation in the major areas identified in audits were related to the lack of national provisions; lack of policies; lack of awareness, understanding or interpretation of the requirements; lack of established written procedures; lack of management system; insufficient human and financial resources; lack of technical capability (trained personnel, hardware/equipment); and insufficient capacity to promulgate national legislation and keep it updated. The root causes in relation to major recurrent areas of findings and the distribution of root causes with regard to the most recurrent references to the mandatory IMO instruments and the III Code had been identified.

7.7 Having authorized the release of document III 7/WP.6 (Chair) (see paragraph 1.9), the Sub-Committee reviewed the analysis of four CASRs, taking into account the need to provide the Committees with an overall feedback, using document III 7/WP.6 as the basis for its deliberations.

7.8 In this context, the Sub-Committee prepared feedback for consideration by relevant IMO bodies based on the review of the analysis of CASRs according to the following subject areas:

- .1 main areas which lack effectiveness in implementation and enforcement of relevant mandatory IMO instruments and the III Code;
- .2 recurrent references to the requirements of the mandatory IMO instruments;
- .3 main areas of root causes and specific issues/difficulties under each area for the major areas of recurrent findings/observations;
- .4 identified the need for additional assistance to Member States in the major recurrent areas of findings/observations and for the recurrent provisions of the mandatory IMO instruments;
- .5 analysis of the effectiveness and appropriateness of identified provisions of the mandatory IMO instruments;

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- .6 tracking log of the provision recommended for review and subsequent actions by responsible IMO bodies (pending the decision of the Committees); and
 - .7 any agreed new elements of the methodology for the analysis of CASRs.

7.9 Having reviewed relevant elements of the analysis (III 7/7 and III 7/INF.27), the Sub-Committee considered related elements of the feedback and made decisions as reflected in the following paragraphs.

7.10 In accordance with the agreement of III 5, the Sub-Committee endorsed the overall feedback supported by information provided in a tabular format for improved clarity, as set out in annex [...], with possible further improvements at a future session of the Sub-Committee.

7.11 In addition, the Sub-Committee noted the views expressed by some delegations on the need to further develop various elements of the feedback to the Committees, such as the inclusion of more detailed background information on reported issues and proposed actions by relevant IMO organs, so that the Committees can proceed with their consideration of the way forward, including through working groups, drafting groups or relevant sub-committees, in an informed way. Interested delegations were invited to submit proposals on possible improvements in the analysis of CASRs, as well as the structure and content of the overall feedback, to future sessions of the Sub-Committee.

Main areas which lack effectiveness in implementation and enforcement of relevant mandatory IMO instruments and the III Code

7.12 The Sub-Committee considered the analysis of recurrent areas of findings and observations, as contained in documents III 7/7 and III 7/INF.27, which identified the common difficulties that Member States have in implementing the mandatory IMO instruments and the III Code as the audit standard.

7.13 Taking into account the identification of the following five major areas of recurrent findings and observations emerging from the analysis, by the sections of the III Code (III 7/INF.27, table 1 and figure 23), the Sub-Committee agreed that those major areas, along with the details of specific issues under each of them (shortcomings – sub-categories of findings and observations) should be reported to the Committees and recommended that the MEPC and MSC endorse that:

- .1 the five major areas of recurrent findings and observations are implementation (flag, coastal and port State areas), enforcement (flag, coastal and port State areas), improvement (common areas), delegation of authority (flag State area) and initial actions/legislation (common areas); with the details of specific issues and their frequency under each of the main areas listed in appendix 1 of annex [...]; and
- .2 from the findings and related corrective actions, States, which have encountered difficulty in the area of initial actions/legislation, may not have established a system for analysing and integrating newly adopted amendments into their national legislation and may not have tackled the discrepancies that may exist between their domestic legislation and relevant IMO provisions, as a basis for the implementation and enforcement of the requirements stemming from the mandatory IMO instruments.

Recurrent references to the requirements of the mandatory IMO instruments

7.14 Having considered the most frequent references under specific conventions (III 7/INF.27, figures 14 to 22), which are indicative of non-effective implementation of related requirements and having confirmed the highest number of recurrent references under the respective conventions, the Sub-Committee recommended that the MEPC and MSC endorse that the most frequent references were recorded against the following specific provisions of the mandatory IMO instruments, shown in more detail in appendix 2 of annex [...], demonstrating the lack of effective implementation:

- .1 SOLAS 1974 (III 7/INF.27, figure 16): article I, which requires the Contracting Governments to give full and complete effect to the Convention by implementing national provisions (68 instances); communication of information in accordance with article III (laws and regulations) (53 instances) and authorization of ROs under regulation XI-1/1 (45 instances); followed by additional requirements for the investigation in accordance with regulation XI-1/6 (39 instances) and provisions of radiocommunications services under regulation IV/5 (37 instances). The area of chapter V has the most recurrent references in total (218 instances in total);
- .2 MARPOL (III 7/INF.27, figure 18): article 1 (general obligations), which requires the Parties to give full and complete effect to the Convention and

the annexes thereto by implementing national provisions (64 instances); communication of information in accordance with article 11 (51 instances); followed by Annex I, regulation 14 (provisions for oil filtering equipment) (30 instances); lack of provision of reception facilities under Annexes I (29 instances), II (23 instances), IV (29 instances), V (24 instances) and VI (11 instances); and casualties to ships under article 12 (obligation of investigating casualties affecting the marine environment) (18 instances). The Sub-Committee observed that there are 116 instances related to reception facilities under MARPOL Annexes I, II, IV, V and VI collectively;

- .3 STCW 1978 (III 7/INF.27, figure 20): general obligations in accordance with article I (45 instances) and communication of information in accordance with article IV and regulation I/7 of the Convention (58 instances collectively) followed by findings in relation to chapter I, quality standards in accordance with regulation I/8 (31 instances); as well as provisions related to fitness for duty under regulation VIII/1 of the Convention (18 instances). The Sub-Committee considered as significant, the number of references to regulation I/8, in particular taking into account that the statements of findings included in the Circular Letters Nos.3772, 3879, 4028 and 4317, in some instances indicated a wider problem of Member States not undertaking periodical independent evaluation, whilst still being included on the White List, and that the issue may not only rest with the communication of the report of the independent evaluation to IMO;
- .4 LL 1966 and PROT. LL 1988 (III 7/INF.27, figure 22): general obligations in accordance with article 1, in relation to giving full and complete effect to the provisions of the Conventions (both 60 instances) and communication of information in accordance with article 26 LL 1966 and article III PROT. LL 1988 (both 50 instances);
- .5 TONNAGE 1969 (III 7/INF.27, figure 22): general obligations in accordance with article 1 and communication of information in accordance with article 15 (both 39 instances); and
- .6 COLREG 1972 (III 7/INF.27, figure 22): general obligations under article 1 (42 instances).

7.15 The Sub-Committee recommended that MEPC and MSC note that recurrent references to the mandatory IMO instruments in findings and observations contained in the fourth CASRs were indicative of the absence of systems and mechanisms established for the implementation and enforcement of the mandatory IMO instruments, in all three areas of activities – flag, coastal and port State activities. In particular, there was a significant issue identified in relation to the lack of national legislation giving full and complete effect to the provisions of the mandatory IMO instruments, which is a prerequisite for effective implementation and enforcement.

Main areas of root causes and specific issues/difficulties under each area for the major areas of recurrent findings/observations

7.16 With regard to the review of the underlying root causes, as categorized and presented in figures 24 to 28 of document III 7/INF.27, the Sub-Committee noted that they are indicators of the reasons for the shortfall in the effective implementation and enforcement of the mandatory IMO instruments and the audit standard. In this context, the Sub-Committee recommended that the MEPC and MSC concur that:

- .1 the four main areas of root causes that led to a majority of shortcomings are:
 - .1 legislation: absence/lack of national provisions, capacity to promulgate internal directives/national legislation and update, responsibilities of entity not assigned and legislative process;
 - .2 policies and procedures: absence/lack of policies, written procedures, processes, absence of a dedicated unit and commitment;
 - .3 management: awareness/understanding/interpretation, human resources, financial resources, absence/lack of management system, coordination among entities, evaluation of performance of the entity, responsibility of person/entity not assigned, clear lines of authority, follow-up of the corrective actions/recommendations, job descriptions; and

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- .4 implementation: absence/lack of technical capabilities, technical instructions/guidelines, training programmes and poor records/database; and
- .2 the specific issues/difficulties in relation to the four main areas of root causes, as identified by the audited Member States, are shown in appendix 3 of annex [...].

Identified need for additional assistance to Member States in the major recurrent areas of findings/observations and for the recurrent provisions of the mandatory IMO instruments

7.17 Based on identified categories of root causes (III 7/INF.27, figure 24), major areas of recurrent findings (III 7/INF.27, figure 23) and the identified recurrent references to the mandatory IMO instruments (III 7/INF.27, figures 14 to 22), the Sub-Committee considered the possibilities for assisting Member States in the execution of their obligations and responsibilities under the mandatory IMO instruments for consideration within the scope of the Integrated Technical Cooperation Programme (ITCP). In accordance with the agreed process for providing feedback from the analysis of CASRs for consideration by the relevant IMO organs, any recommendations relating to additional training programmes or other forms of technical assistance would be referred by the Committees to the Technical Cooperation Committee (TCC), which would submit the outcome of its consideration of the feedback from the analysis of CASRs to the Council.

7.18 In relation to the major areas of findings and related shortcomings, the Sub-Committee noted that, in most of the areas, the underlying difficulties, most significantly contributing to the non-compliance, were the lack of national laws giving full and complete effect to the provisions of the mandatory IMO instruments, which is a prerequisite for effective implementation and enforcement; lack of adequate policies that serve as a road map for the effective implementation and enforcement of requirements stemming from the mandatory IMO instruments; and lack of awareness of the requirements of the III Code or the applicable international conventions (III 7/INF.27, figure 24). In this context, the Sub-Committee identified various forms of assistance that could be considered in order to assist Member States in addressing the identified major recurrent areas of findings/observations (III 7/INF.27, figure 23).

7.19 Taking into account the number of requirements of the III Code related to the established major recurrent areas of findings/observations, as well as the fact that provisions of the III Code were presented in a generic manner, the Sub-Committee also noted that MSC 103 and MEPC 76 had approved the proposed new output on "development of guidance in relation to IMSAS to assist in the implementation of the III Code by Member States" (hereafter the III Code Implementation Guidance), and had included it in the biennial agenda of the Sub-Committee for the 2022-2023 biennium.

7.20 Based on the identified areas where the need for additional assistance to Member States has been identified, and the agreed process for providing the feedback, the Sub-Committee recommended to the Committees to request TCC to review current technical assistance activities. In this context, TCC should establish whether the activities adequately cover the areas of recurrent shortcomings identified in audits, and/or to develop any new technical assistance programmes that would provide more specific support to Member States in their implementation and enforcement of the requirements of the mandatory IMO instruments. A detailed breakdown of the proposed assistance is set out in appendix 4 of annex [...].

Analysis of the effectiveness and appropriateness of identified provisions of the mandatory IMO instruments

7.21 Based on the review of the most recurrent references to the mandatory IMO instruments identified in figures 14 to 22 (articles and regulations), as well as the associated root causes, as identified in figures 25 to 28, the Sub-Committee considered the nature of those requirements and established that the following provisions of the mandatory IMO instruments might need to be assessed with regard to difficulty in their implementation, as listed below:

- .1 SOLAS 1974: Regulation IV/5 (provisions of radiocommunication services);
Regulation V/7 (search and rescue services);
Regulation XI-1/1 (authorization of recognized organizations);
and Regulation XI-1/6 (additional requirements for the investigation).

- .2 MARPOL: Annex I, regulation 14 (provisions for oil filtering equipment);
Annex I, regulation 38 (reception facilities);
Annex II, regulation 18 (reception facilities);
Annex IV, regulation 12 (reception facilities);
Annex V, regulation 8 (reception facilities); and
Annex VI, regulation 17 (reception facilities).

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- .3 STCW 1978: Regulation I/7 (communication of information); and
Regulation I/8 (quality standards).

7.22 Although the references related to communication of information requirements in the articles of the mandatory IMO instruments are recurrent and were identified as being indicative of non-effective implementation (communication of texts of law and specimen of certificates), the Sub-Committee excluded those references, since the Committees had already made pertinent decisions, based on the decision of III 3 (III 3/14, paragraph 7.28).

7.23 With regard to the identified provisions of the mandatory IMO instruments, as listed in paragraph 7.21, the Sub-Committee carried out an initial analysis, using the methodology endorsed by MSC 101 and MEPC 75, in order to establish whether the provisions meet the criteria for review of their appropriateness and effectiveness for implementation, in order to enable the Committees to later inform the Council on the outcome of their consideration of CASRs.

7.24 The Sub-Committee noted the result of the initial analysis of the aforementioned provisions, as set out in appendix 5 of annex [...], showing that out of 12 regulations, five regulations have been recommended for review by the Committees and ten regulations have been recommended to the Committees for referral to TCC, for consideration in the context of possible additional technical assistance and subsequent reporting back to the Council. The nature of non-compliance with the five provisions identified for review in audits was assessed as falling into the area of lack of clarity of the provisions or absence of relevant guidance, therefore causing difficulty in their implementation.

7.25 The Sub-Committee, in order to allow the Committees to include a relevant outcome of the review of the aforementioned provisions in their report to the Council, based on the analysis of the four CASRs, recommended the Committees to:

- .1 initiate a review of the appropriateness and effectiveness for implementation for the provisions identified in appendix 5 of annex [...]; and
- .2 refer the initial analysis of the criteria for the determination of the appropriateness and effectiveness set out in appendix 5 of annex [...] to the relevant sub-committees for further review.

7.26 Consequently, the Sub-Committee agreed to the following recommendations:

- .1 MSC to refer SOLAS 1974 regulation IV/5 (provision of radiocommunication services) to the NCSR Sub-Committee; regulation XI-1/6 (additional requirements for the investigation) to the III Sub-Committee; and STCW 1978 regulation I/7 (communication of information) and STCW 1978 regulation I/8 (quality standards) to the HTW Sub-Committee, for review and reporting back to MSC;
- .2 MEPC to refer MARPOL Annex I, regulation 14 (provisions for oil filtering equipment) to the PPR Sub-Committee, for review and reporting back to MEPC;
- .3 MSC to consider referring matters related to SOLAS 1974 regulations V/7, XI-1/1 and XI-1/6; and STCW 1978 regulations I/7 and I/8, to TCC, for consideration in the context of technical assistance to Member States and for reporting to the Council; and
- .4 MEPC to consider referring matters related to MARPOL provisions related to reception facilities – Annex I, regulation 38; Annex II, regulation 18; Annex IV, regulation 12; Annex V, regulation 8; and Annex VI, regulation 17, to TCC, for consideration in the context of technical assistance to Member States and for reporting to the Council.

Tracking log of the provision recommended for review and subsequent actions by responsible IMO bodies

7.27 The Sub-Committee agreed with the format of the tracking log of the provisions recommended for review by the Committees of their appropriateness and effectiveness for implementation and subsequent actions by relevant IMO bodies, as set out in appendix 6 of annex [...]. In this context, the Sub-Committee recommended the Committees to concur with the format of the tracking log and to request the Secretariat to keep it updated in line with the subsequent decisions of the Committees and other relevant IMO bodies.

7.28 The Sub-Committee noted the decision of MSC 101 and MEPC 75 that the identification of the need for interpretations of the requirements of the mandatory IMO instruments should be part of the process for the assessment of the effectiveness and appropriateness of IMO legislation.

New elements of the methodology for the analysis of CASRs

7.29 With regard to the methodology used in the analysis of CASRs (III 7/INF.27), the Sub-Committee requested the Secretariat to continue using the same elements of the methodology in its future review of the analysis of CASRs.

7.30 In addition, with regard to the additional request by III 5 (III 5/15, paragraph 7.28) to provide, separately and as appropriate, information on difficulties in the implementation of identified mandatory codes, the Sub-Committee noted that the functionalities of the Member State Audit (MSA) module in the Global Integrated Shipping Information System (GISIS) were being enhanced to support this additional element of the analysis and related data would be provided as part of a future analysis of CASRs.

7.31 With regard to the format of the overall feedback provided to the Committees, the Sub-Committee recommended the Committees to agree with the format of the overall feedback, including the tabular format of appendices 1 to 6 of annex [...], taking into account any future enhancements, as appropriate.

7.32 The Sub-Committee also recommended the Committees to provide a report to the Council on the outcome of their consideration of the four CASRs from mandatory audits, based on the decisions to be made by the MEPC and MSC pursuant to the feedback provided by III 7, including those on the initiation of review of identified provisions of the mandatory IMO instruments by respective IMO bodies.

COMMUNICATION OF INFORMATION BY MEMBER STATES

7.33 The Sub-Committee recalled that III 5, while considering documents III 5/7/1 (China) and III 5/7/3 (Secretariat), had envisaged favourably the inclusion of additional information/columns, e.g. overall list of reporting requirements, times/frequency of reporting, method of reporting, language of reporting and source of data with specific notification mechanism to relevant parties into the Reporting Requirements/Dashboard (RRD) module of GISIS (III 5/15, paragraph 7.42.2). The Sub-Committee noted that the Secretariat had been

updating the reporting requirements, as contained in the RRD module, which were extended to include those reporting obligations required under relevant IMO instruments to communication to relevant Parties (flag States, coast States and port States), public and shipping industry, etc. as appropriate.

7.34 The Sub-Committee also recalled that based on the submission by III 6, the Assembly, at its thirty-first session, had adopted resolution A.1139(31) on *Guidance on communication of information by Member States* and that III 6, taking into account the inclusion in the RRD module of all mandatory reporting requirements contained in the instruments within the scope of IMSAS, as well as the Anti-Fouling Systems Convention, 2001 (AFS 2001) and the Ballast Water Management Convention, 2004 (BWM 2004), had tasked the Correspondence Group on the review of the *Survey Guidelines Under the Harmonized System of Survey and Certification (HSSC)* and the *Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)* (hereafter Non-exhaustive list) to review and update the GISIS RRD module.

7.35 The Sub-Committee considered document III 7/7/1 (China) containing the report of the Correspondence Group (part 2) with respect to the review and updating of the GISIS RRD and recommending to consider the proposals and suggestions contained in paragraphs 5 to 13, 15, 16, 18, 20, 22 and 23 for the improvement, modification and development of GISIS, as appropriate.

7.36 In this context, the Sub-Committee requested the Secretariat to take forward the proposals and suggestions contained in paragraphs 5 to 10, 12, 13, 15, 16, 18, 20, 22 and 23 in document III 7/7/1 for the improvement, modification, and development of various modules in GISIS, as well as with regard to notification mechanism, including automatic alerts, to raise the awareness of Member States.

7.37 Having noted that the reporting requirements are updated in the RRD module annually, the Sub-Committee considered the amount of work to be done in updating the module with relevant additional information to support the communication of information by Member States, such as times/frequency, method of report and language for reporting, as well as the necessary continual maintenance of that information. Accordingly, the Sub-Committee, having also noted the views expressed that the updating of the RRD module with additional information would contribute to reduce administrative burden for Member States, requested the Secretariat to explore possible options, including cooperation with WMU, in order to devise

a mechanism that would provide a long-term solution for keeping the RRD module updated, with all relevant information, for reporting to a future session of the Sub-Committee.

7.38 The Sub-Committee further noted the concerns expressed by some delegations that certain modules in GISIS, in particular the PSC module, presented outdated, incomplete or inaccurate information, partly due to the unavailability of an appropriate mechanism for updating information and, suggested closer interaction between the Secretariat and the PSC regimes in this regard.

COLLECTION AND CONSOLIDATION OF BEST PRACTICES IDENTIFIED IN IMO MEMBER STATE AUDITS

7.39 The Sub-Committee considered document III 7/7/2 (China) containing a proposal to enhance the collection and consolidation of best practices in areas of positive development identified in IMSAS audits, aiming at further assisting Member States to improve their capabilities and overall performance, in order to be able to comply with the mandatory IMO instruments to which they are Parties, thus achieving the objective of consistent and effective implementation of mandatory IMO instruments.

7.40 As part of the general support to enhance collation of best practices identified through audits, the following views were expressed:

- .1 enhancing collection and consolidation of best practices in implementation of the mandatory IMO instruments through CASRs could add more value for Member States to learn from each other;
- .2 the Secretariat could issue a standalone document, containing a collation of best practices for reference by Member States, instead of including such information in CASRs; and
- .3 further discussion, possibly within the Joint Working Group on the Member State Audit Scheme, if established by the Council, could clarify which type of information in relation to best practices should be included in the CASRs or other document for the benefit of Member States, and identify any additional course of action in that regard.

7.41 Having considered the proposals in document III 7/7/2 (China), the Sub-Committee requested the Secretariat to bring the actions in paragraphs 6.1 and 6.2 of the document to

the attention of the auditors under the Scheme, to enhance the description of best practices in future audit reports, as applicable.

7.42 In relation to the actions proposed in paragraphs 6.3 and 6.4 of document III 7/7/2, the Sub-Committee encouraged Member States to share the details of their best practices in the implementation and enforcement of the mandatory IMO instruments, as well as their experiences when completing the pre-audit questionnaire and going through the audit process.

7.43 However, since the proposed revisions of appendices 2 and 4 of the *Procedures for the IMO Member State Audit* (resolution A.1067(28), annex, part II) are matters for the Council (III 7/7/2, paragraphs 6.1 and 6.4), the Sub-Committee noted that more comprehensive proposals might need to be brought forward for detailed consideration, as appropriate.

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

7.44 The Sub-Committee considered document III 7/7/3 (China) analysing the difficulties encountered by Member States when applying the Non-exhaustive list. The document introduced the development by China of digitizing the Non-exhaustive list and encouraged Member States to use the system on a voluntary basis and to participate in the maintenance and updating of the system.

7.45 The Sub-Committee noted the development of the enquiry system for the Non-exhaustive list by China, and encouraged Member States to consider the system for use on a voluntary basis and to participate in the maintenance and updating of the system, in direct consultation with China and using the following URL for accessing the system:
<http://www.js.msa.gov.cn:9019/imo>

7.46 While the digitization of the Non-exhaustive list was welcomed, supporting Member States in using it in different ways it, the Sub-Committee noted the view that the use of the Non-exhaustive list should be further discussed as a tool to assist in the implementation of the mandatory IMO instruments and in the preparation for audits under IMSAS.

7.47 Taking into account the existence of a regulation tree based on the Non-exhaustive list which is already in use as a referencing tool within the Member State Audit (MSA) module in GISIS, and the ongoing consideration, within the Organization, of the potential of the XML technology, the Sub-Committee requested the Secretariat to examine whether such a digital

list can be administered and maintained internally. In this context, the Secretariat should work with interested parties and look into options, such as storing the system internally or to hyperlink a system already in use by the Secretariat to an externally maintained query system, such as the one developed by China, taking also into account the existence of IMO-Vega.

GUIDANCE IN RELATION TO THE IMO MEMBER STATE AUDIT SCHEME (IMSAS) TO ASSIST IN THE IMPLEMENTATION OF THE III CODE BY MEMBER STATES (III CODE IMPLEMENTATION GUIDANCE)

7.48 The Sub-Committee considered document III 7/7/4 (China) containing proposals on developing guidance in relation to IMSAS to assist in the implementation of the III Code by Member States and proposing the structure and content of such guidelines, by developing the guidance in two parts – Part 1 on specific provisions and general interpretations in relation to the III Code, and Part 2 – considering document III 6/INF.9 on the preparation by Member States for the audit under the Scheme.

7.49 The Sub-Committee also recalled decisions taken by the Sub-Committee at its previous sessions (III 3/14 (paragraph 7.26 and annex 2), III 5/15 (paragraphs 7.23 to 7.25 and annex 8) and III 6/15 (paragraphs 7.8 to 7.13 and annex 7)), as well as substantive proposals in documents III 6/7/1, III 6/7/2 and III 7/7/4 (China) and III 6/INF.9 (Canada et al.); and the comments for the development of III Code Implementation Guidance made by III 6 (III 6/15, paragraphs 7.12 and 7.13).

7.50 In the context of the new output on "development of guidance in relation to IMSAS to assist in the implementation of the III Code by Member States" to be included in the biennial agenda of the Sub-Committee for 2022-2023 and the provisional agenda for III 8, the Sub-Committee agreed, in principle, to establish a correspondence group to work on the development of III Code Implementation Guidance, based on decisions taken by the Sub Committee at its previous sessions and the documents stated in paragraph 7.49, in order to progress the development of a more advanced consolidated draft text for consideration by III 8.

7.51 Having considered a proposal to allocate the work on the updating of the Non-exhaustive list, to the correspondence group tasked to work on the development of III Code Implementation Guidance, on a temporary basis, in order to facilitate consistency among IMSAS-related matters, the Sub-Committee could not reach an agreement at this stage and noted that interested delegations might provide related submission to a future session.

7.52 Taking into account its earlier consideration of the enquiry system for the Non-exhaustive list (see paragraphs 7.44 to 7.47), the Sub-Committee agreed to include the

consideration of the use of the Non-exhaustive list as a tool to assist in the implementation of the mandatory IMO instruments and in preparation for audits under IMSAS, in the development of III Code Implementation Guidance.

CORRESPONDENCE GROUP ON GUIDANCE IN RELATION TO THE IMO MEMBER STATE AUDIT SCHEME (IMSAS) TO ASSIST IN THE IMPLEMENTATION OF THE III CODE BY MEMBER STATES (THE III CODE IMPLEMENTATION GUIDANCE)

7.53 The Sub-Committee agreed to establish the Correspondence Group on III Code Implementation Guidance, under the coordination of the Netherlands,² under the following terms of reference, taking into account the decisions taken at previous sessions (III 3/14 (paragraph 7.26 and annex 2), III 5/15 (paragraphs 7.23 to 7.25 and annex 8), III 6/15 (paragraphs 7.8 to 7.13 and annex 7)), the substantive proposals contained in documents III 6/7/1, III 6/7/2 and III 7/7/4 (China) and III 6/INF.9 (Canada et al.), and the comments made by III 6 (III 6/15, paragraphs 7.12 and 7.13) and at this session, using IMOSpace facilities, to:

- .1 consider the structure for the draft guidance in relation to IMSAS to assist in the implementation of the III Code by Member States (hereafter draft III Code Implementation Guidance), taking into account proposals in documents III 6/INF.9 (Canada et al.) and III 7/7/4 (China), in order to capture required guidance on relevant provisions of the III Code, as well as to facilitate Member States' preparation for the audit;
- .2 review the major areas of findings/observations identified in audits, related shortcomings and underlying difficulties (III 7/7, III 7/INF.27 and III 7/WP.6) and identify provisions of the III Code for which Member States would benefit from developing associated guidance, taking into account proposals in documents III 6/7/1 and III 6/7/2 (China), as well as the identified need for additional assistance to Member States in the major recurrent areas of findings/observations and for the recurrent provisions of the mandatory IMO instruments contained in document III 7/WP.6, annex 1, appendix 4;

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- .3 based on the outcome of considerations under .1 and .2 above, proceed to further develop the content of the draft III Code Implementation Guidance, taking into account comments made and decisions taken at this session (III 7/16, paragraph [...]) and general comments as discussed by III 6 (III 6/15, paragraphs 7.12 and 7.13);
 - .4 consider any other issue that may assist Member States in the implementation of the III Code and in preparation for their audits under the Scheme, including the consideration of the use of the Non-exhaustive list as a relevant tool, and develop relevant wording for the draft III Code Implementation Guidance; and
 - .5 submit a written report to III 8.

Working/Drafting Group on IMSAS-related matters

7.54 In order to ensure smooth progress in the consideration of guidance in relation to IMSAS to assist in the implementation of the III Code by Member States, the Sub-Committee agreed that the Working/Drafting Group on IMSAS-related matters, if established during III 8, commences its work on the morning of the first day prior to consideration of the matter in plenary, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5/Rev.2 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, and be established under the proposed draft terms of reference:

- .1 consider the structure for the draft guidance in relation to IMSAS to assist in the implementation of the III Code by Member States (hereafter draft III Code Implementation Guidance), taking into account proposals in documents III 6/INF.9 (Canada et al.), III 7/7/4 (China) and the report of the Correspondence Group on Guidance in relation to IMSAS to assist in the implementation of the III Code, if established, in order to capture required guidance on relevant provisions of the III Code, as well as to facilitate Member States' preparation for the audit;
- .2 review the major areas of findings/observations identified in audits, related shortcomings and underlying difficulties (III 7/7, III 7/INF.27 and III 7/WP.6)

and identify provisions of the III Code for which Member States would benefit from developing associated guidance, taking into account proposals in documents III 6/7/1 and III 6/7/2 (China), as well as the identified need for additional assistance to Member States in the major recurrent areas of findings/observations and for the recurrent provisions of the mandatory IMO instruments contained in document III 7/WP.6, annex 1, appendix 4;

- .3 based on the outcome of considerations under .1 and .2 above, proceed to further develop the content of the draft III Code Implementation Guidance, taking into account comments made and decisions taken at this session (III7/16, paragraph [...]) and general comments as discussed by III 6 (III 6/15, paragraphs 7.12 and 7.13); and
- .4 consider any other issue that may assist Member States in the implementation of the III Code and in preparation for their audits under the Scheme, including the consideration of the use of the Non-exhaustive list as a relevant tool, and develop relevant wording for the draft III Code Implementation Guidance.

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

MATTERS CONSIDERED BY CORRESPONDENCE

8.1 In accordance with the arrangements of the remote session, as outlined in documents III 7/1/1 (annex 2) and Add.1 (Chair), the Sub-Committee considered by correspondence, prior to the virtual meeting, the following documents:

- .1 III 7/8 and Add.1 (China), containing the reports of the Correspondence Group on the Review of the Survey Guidelines under HSSC and the Non-exhaustive List of Obligations under Instruments Relevant to the III Code and presenting, among others, in annex 1 of document III 7/8, the proposed amendments to the *List of certificates and documents required to be carried on board ships, 2017* (FAL.2/Circ.131-MEPC.1/Circ.873-MS.1/Circ.1586-LEG.2/Circ.3) and, in part 1 of annex 2 of both documents III 7/8 and Add.1, the proposed amendments to *Survey Guidelines under the harmonized system of survey and certification (HSSC), 2019* (resolution A.1140(31)), deriving from the amendments to the relevant mandatory instruments due to enter into force up to and including 31 December 2021; and

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- .2 III 7/8/1 and III 7/INF.3 and Add.1 (Secretariat), containing the lists of new and outstanding requirements, which were adopted by A 31, MEPC 74, MSC 101, MSC 102 and MEPC 75.

8.2 The Sub-Committee endorsed the proposals in annex 2 of document III 7/1/1, taking into account the comments received, and proposals made by the Chair, as contained in document III 7/1/1/Add.1, as set out in the following paragraphs.

ESTABLISHMENT OF THE WORKING GROUP

8.3 The Sub-Committee established the Working Group on the Updated Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) and the Non-exhaustive List of Obligations under Instruments Relevant to the IMO Instruments Implementation Code (III Code) under the following terms of reference, to:

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

- .1 endorse or otherwise, the Correspondence Group's recommendation that implementation plan for the consistent implementation of the 0.5% Sulphur limit under MARPOL Annex VI, as required in MEPC.1/Circ.878 on *Guidance on the development of a ship implementation plan for the consistent implementation of the 0.5% Sulphur limit under MARPOL Annex VI*, should not be included as a document to be carried on board in the context of the List as it is not a mandatory requirement;
- .2 finalize the text of the proposed amendments to FAL.2/Circ.131-MEPC.1/Circ.873-MSA.1/Circ.1588-LEG.2/Circ.3 and Corr.1 on *List of certificates and documents required to be carried on board ships, 2017*, as contained in documents III 6/WP.5 (annex 2) and III 7/8 (annex 1), with a view to submission, in a consolidated form, to MEPC 77, LEG 109, MSC 105 and FAL 46, as appropriate, for approval;

Amendments to the survey guidelines under the HSSC

- .3 review the draft amendments to the survey item (BI) 1.1.3.20 relating to the BWM system commissioning testing, as set out in part 1 of annex 2 of document III 7/8/Add.1;

- .4 review the draft amendments to the relevant survey items to examine and to check the operation of two-way VHF radiotelephone apparatus using expired primary batteries, as set out in part 1 of annex 2 of document III 7/8/Add.1;
- .5 review and finalize, as a matter of priority, draft amendments to the *Survey Guidelines under the harmonized system of survey and certification (HSSC), 2019* (resolution A.1140(31)), deriving from amendments to the relevant mandatory instruments entering into force up to and including 31 December 2021, together with the text of the draft Assembly resolution, using part 1 of annex 2 to both documents III 7/8 and Add.1 as the basis, and taking into account documents III 7/INF.4 and Add.1, with a view to submission to MSC 104 and MEPC 77 for consideration prior to submission to A 32 for adoption; and
- .6 identify in documents III 7/8 (annex 3) and Add.1 (annex 3) and III 7/INF.3 and Add.1, taking into account part 2 of annex 2 of document III 7/8/Add.1, 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.

Report of the Working Group

8.4 Having approved the report of the Working Group on the Updated Survey Guidelines under the HSSC and the Non-exhaustive List of Obligations under Instruments relevant to the III Code (III 7/WP.5), in general, and having considered the relevant part of the report, with respect to the Survey Guidelines under the HSSC, the Sub-Committee took decisions as reflected in the following paragraphs.

[To be prepared by the Secretariat, in consultation with the Chair, after the virtual meeting based on decisions taken by the Sub-Committee during the last day of the virtual meeting]

8.5 The Sub-Committee approved the report of the Working Group, in general, and, in particular, (see paragraphs 9.5 and 15.5):

- .1 updated and included the items related to the amendments to MARPOL Annexes I, IV and VI regarding measures to reduce carbon intensity of international shipping and unmanned non-self-propelled (UNSP) barges, as adopted by resolutions MEPC.330(76) and MEPC.328(76) respectively, in the amendments to List of certificates and documents, and put these items

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- in square brackets pending acceptance according to the entry-into-force procedure;
- .2 endorsed the Correspondence and Working Groups' recommendation that the implementation plan for the consistent implementation of the 0.5% Sulphur limit under MARPOL Annex VI, as required in MEPC.1/Circ.878 on *Guidance on the development of a ship implementation plan for the consistent implementation of the 0.5% Sulphur limit under MARPOL Annex VI*, should not be included as a document to be carried on board in the context of the List as it is not a mandatory requirement;
- .3 agreed to the text of the proposed amendments to FAL.2/Circ.131- MEPC.1/Circ.873-MSA.1/Circ.1588-LEG.2/Circ.3 and Corr.1 on *List of certificates and documents required to be carried on board ships, 2017*, as set out in annex [...], for submission, in a consolidated form, to MEPC 77, LEG 109, MSC 105 and FAL 46, as appropriate, for approval;
- .4 noted that the draft amendments to the survey item (BI) 1.1.3.20 relating to the BWM system commissioning testing were made with reference to the updated *2020 Guidance for the commissioning testing of ballast water management systems* (BWM.2/Circ.70/Rev.1);
- .5 noted that draft amendments to the relevant survey items were made so that expired primary batteries, which complied with the requirements of paragraph 12.6 of resolution MSC.149(77), could be used for no other purpose than to examine and check the operation of two-way VHF radiotelephone apparatus;
- .6 agreed to the draft amendments to the *Survey Guidelines under the HSSC, 2019* (resolution A.1140(31)), together with the draft requisite Assembly resolution, as set out in annex [...] for submission to MSC 104 and MEPC 77 for approval prior to submission to A 32 for adoption;
- .7 noted the list of amendments to mandatory instruments not yet included in the Survey Guidelines, as set out in annex [...], with a view to maintaining the status of the mandatory items for future amendments to the Survey Guidelines;

- .8 authorized the Secretariat, when preparing the final texts of the updated List of certificates and documents required to be carried on board ships and the Survey Guidelines under the HSSC, 2021, to effect any editorial corrections that may be identified and renumber paragraphs, as appropriate, as annexes to the report of the Sub-Committee;
- .9 re-established the Correspondence Group on the review of the Survey Guidelines under the HSSC and the Non-exhaustive List of Obligations under the proposed draft terms of reference, as set out in paragraph [...]; and
- .10 agreed that the Working/Drafting Group on the Updated Survey Guidelines under the harmonized system of survey and certification (HSSC) and the Non-exhaustive List of Obligations under instruments relevant to the IMO Instruments Implementation Code (III Code), if re-established at the next session, should start its work on the morning of the first day of III 8, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5/Rev.2 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, and be established under the proposed draft terms of reference, as set out in paragraphs [...].

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

MATTERS CONSIDERED BY CORRESPONDENCE

9.1 In accordance with the arrangements of the remote session, as outlined in documents III 7/1/1 (annex 2) and Add.1 (Chair), the Sub-Committee considered by correspondence, prior to the virtual meeting, the following documents:

- .1 III 7/8 and Add.1 (China), containing the report of the Correspondence Group on the Review of the Survey Guidelines under HSSC and the Non-exhaustive List of Obligations under Instruments Relevant to the III Code and presenting, inter alia, the proposed amendments to the *2019 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)* (resolution A.1141(31)) (annex 4 of both documents III 7/8 and Add.1), taking into account new provisions, the entry into force of which extends until 1 July 2022;

- .2 III 7/9 and III 7/INF.4 and Add.1 (Secretariat), containing a list of provisions deriving from amendments to mandatory instruments, as adopted by MEPC 74, MSC 101, MSC 102 and MEPC 75, which might be relevant to the development of amendments to the *2019 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)*; and
- .3 III 7/9/1 (Secretariat) providing some additional provisions, based on the outcome from audits under IMSAS, for consideration in amending the *2019 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)* (resolution A.1141(31)).

9.2 The Sub-Committee endorsed the proposals in annex 2 of document III 7/1/1, as set out in the following paragraph.

ESTABLISHMENT OF THE WORKING GROUP

Amendments to the non-exhaustive list of obligations

9.3 The Sub-Committee established the Working Group on the Updated Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) and the Non-exhaustive List of Obligations under Instruments Relevant to the IMO Instruments Implementation Code (III Code) under the following terms of reference, to:

- .1 consider the proposed amendments to *the 2019 Non-exhaustive list of obligations under instruments relevant to the IMO instruments implementation Code (resolution A.1141(31))*, as contained in the annex to document III 7/9/1;
- .2 review and finalize, as a matter of priority, draft amendments to *the 2019 Non-exhaustive list of obligations under instruments relevant to the IMO instruments implementation Code (resolution A.1141(31))*, deriving from amendments to relevant mandatory instruments due to enter into force up to and including 1 July 2022, together with the text of a draft Assembly resolution, using documents III 7/8 (annex 4) and Add.1 (annex 4) as the basis, and taking into account documents III 7/INF.4 and Add.1, with a view

to submission to MSC 104 and MEPC 77 for consideration prior to submission, in a consolidated form, to A 32 for adoption; and

- .3 identify, in documents III 7/8 (annex 5) and Add.1 (annex 5) and III 7/INF.4 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 obligation with a view to maintaining the status of the items for future amendments.

Report of the Working Group

9.4 Having considered the relevant part of the report of the Working Group on the Updated Survey Guidelines under the HSSC and the Non-exhaustive List of Obligations under Instruments Relevant to the III Code (III 7/WP.5) with respect to the Non-exhaustive list, the Sub Committee took decisions as reflected in the following paragraphs.

[To be prepared by the Secretariat, in consultation with the Chair, after the virtual meeting based on decisions taken by the Sub-Committee during the last day of the virtual meeting]

9.5 The Sub-Committee (see paragraphs 8.6 and 15.5):

- .1 agreed to include the proposed items in the Non-exhaustive List of Obligations as contained in the annex to document III 7/9/1 with modifications;
- .2 agreed to the draft amendments to the *2019 Non-exhaustive List of Obligations under instruments relevant to the IMO Instruments Implementation Code* (resolution A.1141(31)), together with the draft requisite Assembly resolution, as set out in annex 4 of document III 7/WP.5, for submission to MSC 104 and MEPC 77 for approval prior to submission, in a consolidated form, to A 32 for adoption, as set out in annex [...];
- .3 noted the list of amendments to mandatory instruments not yet included in the Non-exhaustive List of Obligations, as set out in annex 5 of document III 7/WP.5, with a view to maintaining the status of the mandatory items for future amendments to the Non-exhaustive List of Obligations; and

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- .4 authorized the Secretariat , when preparing the final text of the 2021 Non-exhaustive List of Obligations Under Instruments Relevant to the III Code, to effect any editorial corrections that may be identified and renumber paragraphs, as appropriate, as an annex to the report of the Sub-Committee;
- .5 re-established the Correspondence Group on the review of the Survey Guidelines under the HSSC and the Non-exhaustive List of Obligations under the proposed draft terms of reference, as set out in paragraph [...]; and
- .6 agreed that the Working/Drafting Group on the Updated Survey Guidelines under the harmonized system of survey and certification (HSSC) and the Non-exhaustive List of Obligations under instruments relevant to the IMO Instruments Implementation Code (III Code), if re-established at the next session, should start its work on the morning of the first day of III 8, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5/Rev.2 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, and be established under the proposed draft terms of reference, as set out in paragraphs [...].

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

Unified use of the term "condition of class" in the rules of classification societies

10.1 Following consideration by correspondence, prior to the virtual meeting, in accordance with the arrangements of the remote session, as outlined in annex 2 to document III 7/1/1, the Sub-Committee noted the information contained in document III 7/INF.6 (IACS) on the unified use of the term "condition of class". In this context, the Sub-Committee was informed about the decision by IACS to amend all relevant IACS resolutions, including procedural requirements, unified requirements and recommendations, retaining the definition of the term "condition of class" for all mandatory classification matters, which must be attended with respect to the condition of the ship, while removing the term "recommendation" for the same matter, following the encouragement of III 5 in connection with its consideration of document III 5/INF.27 (IACS) (III 5/15, paragraphs 14.16 and 14.17).

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

11.1 As proposed in document III 7/1/1 (annex 3), owing to time constraints, the Sub-Committee agreed to defer the consideration of document III 7/11 (Secretariat) on the Scope of work of the III Sub-Committee in relation to the *Action Plan to address marine plastic litter from ships* (resolution MEPC.310(73)) to III 8 (see paragraph 1.8).

12 BIENNIAL AGENDA AND PROVISIONAL AGENDA FOR III 8

Committees' decisions

12.1 While considering document III 7/WP.2 (Chair), the Sub-Committee was advised that MSC 103 and MEPC 76 had agreed to include an output on "development of an entrant training manual for PSC personnel" and an output on "development of guidance in relation to IMSAS to assist in the implementation of the III Code by Member States", in the biennial agenda of the Sub-Committee for 2022-2023, both with a target completion year of 2023, and in the provisional agenda for III 8.

Biennial status report for the 2020-2021 biennium

12.2 Taking into account the progress made at this session, the Sub-Committee prepared the biennial status report for the 2020-2021 biennium, as set out in annex [...], for consideration by MSC 104 and MEPC 77 with a view to approval.

Proposed biennial agenda for the 2022-2023 biennium

12.3 The Sub-Committee prepared the biennial agenda for the 2022-2023 biennium, as set out in annex [...], for consideration by MSC 104 and MEPC 77 with a view to approval.

Proposed provisional agenda for III 8

12.4 Taking into account the progress made at this session and the relevant decisions of MSC 102, MEPC 75, MSC 103, and MEPC 76, the Sub-Committee prepared its proposed provisional agenda for III 8, as set out in annex [...], for consideration by MSC 104 and MEPC 77 with a view to approval.

Correspondence groups established at this session

12.5 The Sub-Committee recalled that the new output on "development of guidance in relation to IMSAS to assist in the implementation of the III Code by Member States" had a target completion date of 2023.

12.6 In this context, the Sub-Committee, taking into account the urgency of the development of guidance in relation to IMSAS in accordance with paragraph 5.29 of the annex to MSC-MECP.1/Circ.5/Rev.2 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, established correspondence groups on the following subjects, due to report to III 8:

- .1 Lessons learned and safety issues identified from the analysis of marine safety investigation reports;
- .2 Measures to harmonize port State control (PSC) activities and procedures worldwide – Identified issues relating to the implementation of IMO instruments from the analysis of PSC data;
- .3 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
- .4 Development of guidance in relation to IMSAS to assist in the implementation of the III Code by Member States.

Arrangements for the next session

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

- .1 Lessons learned and safety issues identified from the analysis of marine safety investigation reports;
- .2 Measures to harmonize port State control (PSC) activities and procedures worldwide – Identified issues relating to the implementation of IMO instruments from the analysis of PSC data;
- .3 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);

- .4 IMSAS-related matters; and
- .5 IUU fishing and related matters.

12.8 The Chair, taking into account the submissions received, would advise the Sub-Committee well in time for III 8 on the final selection of such groups.

Date for the next session

12.9 The Sub-Committee noted that the eighth session of the Sub-Committee had been tentatively scheduled to take place from 25 to 29 July 2022.

13 ELECTION OF CHAIR AND VICE-CHAIR FOR 2022

13.1 In accordance with the Rules of Procedure of the Maritime Safety Committee and the Marine Environment Protection Committee, the Sub-Committee unanimously re-elected Ms. Claudia Grant (Jamaica) and Mr. Marek Rauk (Estonia), as Chair and Vice-Chair for 2022, respectively.

14 ANY OTHER BUSINESS

IUU fishing and related matters

14.1 The Sub-Committee recalled that the fourth session of the Joint FAO/ILO/IMO Ad Hoc Working Group on IUU fishing and related matters (JWG 4) took place from 23 to 25 October 2019 (Circular Letter No.3936), directly after the Ministerial Conference on Fishing Vessel Safety and IUU Fishing, in the same location, in Torremolinos, Spain, from 21 to 23 October 2019.

14.2 With regard to the recommendations of JWG 4, which were considered by the thirty-fourth session of the FAO Committee on Fisheries (COFI) in February 2021, as presented in document III 7/14 (Secretariat), the Sub-Committee noted the following information provided orally by the Secretariat, with a view to reporting to the Committees (MSC 101/24, paragraph 10.16.4) for action as appropriate:

- .1 *FAO, ILO and IMO to promote and to support the development of ways to increase coordination and information sharing for inspection and control procedures at national level, including through technical assistance to developing countries, thereby increasing efficiency and effectively supporting*

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- the implementation of the respective instruments: the FAO, ILO and IMO Secretariats continuously support the entry into force and implementation of respective instruments. In particular, regional webinars are organized on the ratification and implementation of the 2012 Cape Town Agreement (MSC 103/20/7);*
- .2 *IMO to consider developing guidance to assist competent authorities in the implementation of the Cape Town Agreement of 2012 on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977: a group of interested parties, taking into account the lack of consideration of document III 7/14/1 in 2020, due to the postponement of the session of the Sub-Committee, is developing draft guidance to assist competent authorities in implementing the 2012 Cape Town Agreement, as reported to MSC 103 (MSC 103/20/2 and MSC 103/20/11) (see paragraph 14.[...]);*
- .3 *various regional PSC inspection regimes to consider opportunities to coordinate their activities and to share information about various inspections under FAO/ILO/IMO instruments: the IMO Secretariat provides support to the ongoing initiative (III 7/5/4) between the Indian Ocean MoU and a regional fishery management organization (RFMO), the Indian Ocean Tuna Commission (IOTC), in the context of the promotion of cooperation among intergovernmental organizations regulating inspections of fishing vessels and having signed an agreement with IMO and/or FAO; (see paragraph 5.[...]);*
- .4 *the work of ILO and IMO, with respect to the issues of abandonment and fair treatment of seafarers, to be extended to include fishers: the outcome of the work of the IMO's Seafarer Crisis Action Team (SCAT), which is providing support to seafarers in the context of the COVID-19 pandemic, will be presented to JWG 5, as appropriate;*
- .5 *the FAO, ILO and IMO Secretariats, World Maritime University (WMU), World Fisheries University (WFU), International Maritime Law Institute (IMLI), ILO International Training Centre, any relevant UN agency such as Intergovernmental Oceanographic Commission of UNESCO (IOC-UNESCO), and other interested stakeholders, to cooperate in the*

exchange of information and experience in the context of the scope and content of a potential integrated capacity-building and technical cooperation programme on IUU fishing and promotion of international instruments relevant to fishing, taking into consideration existing implementing tools and material: the Secretariats of the three Organizations cooperate to support WMU in the implementation of the Inter-Agency Capacity-Building and Development Project on the Implementation of International Instruments to Combat IUU Fishing (ICAPFISH); and

- .6 *the IMO Ship Identification Number Scheme to be reviewed, in cooperation with FAO and ILO:* the IMO Secretariat, also taking into account the fact that some Member States and RFMOs have made the use of the IMO ship identification numbers for fishing vessels mandatory, is monitoring closely the management of both IMO ship identification and company and registered owner number schemes by IHS Markit (III 7/14/7) (see paragraph 14.[...]).

14.3 With respect to the handling of issues related to the abandonment and fair treatment of seafarers, the Sub-Committee, while endorsing the understanding that both seafarers and fishers are often confronted with the same kinds of problems, becoming even more serious in the context of the pandemic, recommended to the Committees the alignment and integration of actions in favour of both seafarers and fishers.

14.4 The Sub-Committee considered the draft terms of reference for the Joint FAO/ILO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters, as contained in the annex to document III 7/14/Add.1 (Secretariat), in order to provide directions to the FAO/ILO/IMO Secretariats for the development of rules of procedure and revised terms of reference to be considered at, and adopted, as appropriate at JWG 5.

14.4 bis In this context, the Sub-Committee noted the invitation, in line with the agreed procedure, to send comments on the draft terms of reference, also to the FAO Secretariat, as well as the interventions made by some delegations, in particular, regarding the functions of the joint Secretariat.

14.5 Having recognized the growing complexity and importance of the issues discussed by JWG, the Sub-Committee recommended that the convening of the group become biennial, with a consequential amendment to paragraph 21 of the annex to document III 7/14/Add.1.

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

14.6 The Sub-Committee was advised that there were 16 Contracting States to the 2012 Cape Town Agreement, compared to the 22 States required for the fulfilment of the entry into force criteria of the Agreement, and an aggregate number of 1,433 of 24 metres in length and over operating on the high seas, compared to the required number of 3,600 fishing vessels.

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

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

14.9 The Sub-Committee was further advised that MSC 103 had postponed consideration of documents MSC 103/20/2 and MSC 103/20/11 (Iceland et al.) on the draft guidance to assist competent authorities in implementing the 2012 Cape Town Agreement to MSC 104.

14.10 The Sub-Committee noted that the above-mentioned group of interested parties was expected to submit a comprehensive set of guidance for further review by MSC 104 and/or MSC 105 and a proposal for a new output to MSC 104.

14.11 While acknowledging the interest shown by delegations to contribute to the work of the above-mentioned group of interested parties led by Spain³, the Sub-Committee also noted the view that the scope of the guidance be limited to matters under the purview

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of the Organization, in order to support fully the entry into force of the Cape Town Agreement, and the call for the harmonization of inspection regimes under the respective instruments of FAO and IMO.

IMO identification number schemes

14.12 The Sub-Committee considered document III 7/14/7 (WWF) providing information on the implementation of the IMO Ship identification Number Scheme (resolution A.1117(30)) and the IMO Unique Company and Registered Owner Identification Number Scheme MSC.160(78)) for fishing vessels. In this context, the Sub-Committee requested the Secretariat to review the proposals contained in document III 7/14/7, in cooperation with the managers of the IMO number schemes, for reporting to III 8.

Implementation of the Polar Code

14.13 The Sub-Committee noted the information contained in documents III 7/14/2 and Add.1 (WWF) providing information on a study aiming at identifying the tonnages operating in both the Arctic and Antarctic polar areas from 2017 to 2019 per flag; the plans of those flag Administrations to both enact and enforce the Polar Code requirements on their fleets; the port State control (PSC) activities to enforce the Polar Code; and issues raised on the production of Polar Water Operational Manuals (PWOMs).

14.13*bis* The delegation of Argentina reserved its position and the right to make a written communication with regard to the inclusion of a part of its national territory, the Malvinas Islands, in document III 7/14/2 in a chart indicating ships operating in Arctic and Antarctic waters "by flag". It also requested clarification from WWF with regard to paragraph 35 of the same document.

14.14 Having been informed about the release⁴ of new joint guidelines from the International Chamber of Shipping (ICS) and the Oil Companies International Marine Forum (OCIMF), as given in document MSC 102/INF.21, providing advice on how to develop a PWOM, the Sub-Committee also noted the disposition of WWF to work with delegations to address and review points raised in the two documents submitted.

⁴ <https://www.ics-shipping.org/wp-content/uploads/2019/11/guidelines-for-the-development-of-a-polar-water-operational-manual.pdf>

Unauthorized and unlawful practices associated with class and statutory certificates

14.15 The Sub-Committee noted the information contained in document III 7/14/3 (Ukraine) on unauthorized and unlawful practices of the Russian Maritime Register of Shipping associated with class and statutory certificates in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation.

14.15*b*/In this context, the Sub-Committee also noted the view expressed by the delegation of the Russian Federation that IMO is not the proper forum to address the issues raised in document III 7/14/3, and the intervention indicating that document III 7/14/3 had been published on IMODOCS, significantly after the established deadlines for the submission of commenting documents. The statement of the Russian Federation is set out in annex [...].

14.16 The Sub-Committee further noted the interventions by the delegation of Slovenia, on behalf of the European Union, the statement of which is set out in annex [...]. The delegations of Canada, Germany, Iceland, Italy, Japan, Poland, Portugal, Netherlands, Norway, Sweden and the United Kingdom, and the observer delegation of the European Commission, associated themselves with the statement made. In this regard, the delegation of the United States also made an intervention and the statement is as set out in annex [...].

Action to prevent marine casualties caused by cargoes

14.17 The Sub-Committee was advised that MSC 103 had considered document MSC 102/21/13 (Vanuatu), proposing the development of measures to facilitate the detection, reporting, positioning, tracking and recovery of containers lost at sea, as well as document MSC 102/21/19 (Austria et al.) commenting on the proposal.

14.18 The Sub-Committee was also advised that MSC 103 had agreed to include in its post-biennial agenda an output on "development of measures regarding the detection and mandatory reporting of containers lost at sea that may enhance the positioning, tracking and recovery of such containers", with two sessions needed to complete the item, assigning the CCC Sub-Committee as the coordinating organ, in association with the NCSR Sub-Committee as and when requested by the CCC Sub-Committee.

14.19 The Sub-Committee noted the information contained in the following documents:

- .1 document III 7/6 (Australia, Canada, Japan and the Tokyo MoU) presenting an overview and progress made on follow-up actions to prevent marine

casualties caused by cargoes, in direct response to paragraph 6.1.13 of the joint ministerial declaration of the Third Joint Ministerial Conference of the Paris and Tokyo Memoranda of Understanding on port State control held in May 2017 and containing, as an annex, a brochure on container cargoes and solid-bulk cargoes for an education campaign, capacity-building for crew of ships in ports, and a seminar or workshop for shippers;

- .2 document III 7/14/5 (Australia) presenting findings related to investigations into recent container loss incidents and information and recommendations from Australia's focused inspection campaign on the proper stowage and securing of cargo containers, and proposing the development of performance standards for cargo computers/software for the purposes of compliance with SOLAS regulation VI/5.1; and
- .3 document III 7/14/6 (the Netherlands) raising awareness among Member States, recognized organizations, shipmasters/ISM companies, lashing companies, harbour/terminal authorities and enforcement bodies, through observations of the local concentrated inspection campaign, concerning compliance with container lashing and stowage regulations.

14.20 While considering in detail the brochure on container cargoes and solid-bulk cargoes for an education campaign, capacity-building for crew of ships in ports, and a seminar or workshop for shippers, annexed to document III 7/6, the Sub-Committee noted the numerous comments supporting the need for more clarity regarding the respective responsibilities of the masters and the shippers to ensure that moisture content of the cargo is less than the transportable moisture limit (TML) at the time of loading, and suggesting a possible revision of the brochure.

14.21 In the context of its consideration of document III 7/14/5, and the issue of the need for performance standards for ships loading computers and software for the purposes of compliance with SOLAS regulation VI/5.1, the Sub-Committee noted support for the development of performance standards as referenced in paragraph 22 of document III 7/14/5, and invited interested Member States and international organizations to submit relevant proposals to the MSC or the CCC Sub-Committee, as appropriate. The Sub-Committee also noted the information provided by the observer delegation of IACS, regarding the current

development of a unified interpretation pertaining to SOLAS regulation VI/5.6, which would be submitted to the Organization once completed.

14.22 The Sub-Committee called the urgent attention of all stakeholders to the need to comply with container lashing and stowage regulations, as set out in relevant IMO instruments, and, in particular, the approved Cargo Securing Manual (CSM).

14.23 Furthermore, the Sub-Committee invited interested Member States and international organizations to submit relevant information and/or proposals to CCC 8 in 2022 under the approved output on "development of measures regarding the detection and mandatory reporting of containers lost at sea that may enhance the positioning, tracking and recovery of such containers" or to the MSC, as appropriate.

Conversion of training material into e-learning training material

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

14.25 The Sub-Committee was also advised that, in this context, MSC 102 had noted the advice of HTW 6 that:

- .1 a conversion of STCW model courses into e-learning model courses would change the current approach and goal of model courses, as they were not courses ready to be delivered, but tools assisting Member States and other stakeholders to develop detailed training programmes; and
- .2 that this would further require careful consideration of any accountability implications for the subsequent assessment of competence, training quality and independent evaluations relating to this training material in accordance with the STCW Convention.

14.26 Since MSC 102 had requested the Sub-Committee to consider how e-learning training material could assist with the implementation of instruments other than the STCW Convention and to advise the Committee accordingly (MSC 102/24, paragraph 13.3), and in the absence of submission in this regard, the Sub-Committee invited Member States, international organizations, training institutions and the Secretariat to submit relevant information and/or proposals to III 8.

Potential development of guidance for remote inspections and verifications in the field of maritime security

14.27 The Sub-Committee was advised that MSC 102 had considered document MSC 102/22/11 (Republic of Korea), proposing that guidance on the implementation of remote surveys be developed, while noting the submitter's view that the use of remote surveys would continue to increase in the years ahead, even after the COVID-19 pandemic has ended (MSC 102/24, paragraph 22.19).

14.28 The Sub-Committee noted the information provided in document III 7/INF.30 (Austria et al.) presenting an analysis performed by the European Commission of current practices in the European Union in relation to security issues and focusing on the introduction of a remote verification and inspection scheme for security audits, having also been advised that a proposal for a new output on guidelines for remote inspections and verifications in the field of maritime security was submitted to MSC 104.

14.29 In this context, the Sub-Committee noted the precautionary concern expressed by the observer delegation of ITF that the additional burden imposed onto seafarers, through the conduct of remote inspections and verifications, in particular, at sea, should be taken into account when developing related guidelines.

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

MATTERS CONSIDERED BY CORRESPONDENCE

15.1 In accordance with the arrangements for the remote session, as outlined in document III 7/1/1 and its annex 2, the Sub-Committee considered by correspondence, prior

to the virtual meeting, the following documents and took into account the comments received, and proposals made by the Chair, as contained in document III 7/1/1/Add.1:

- .1 III 7/8/Add.1 (China), containing the report of the Correspondence Group on the Review of the Survey Guidelines under HSSC and the Non-exhaustive List of Obligations under Instruments Relevant to the III Code and proposing, among others, in its annex 1, a revised text of paragraph 6.5.5 of the draft MSC-MEPC.5 circular on the *Model agreement for the authorization of recognized organizations acting on behalf of the Administration*, which, in the group's view, was aligned in line with paragraph 5.3.2.4 of part 3 of the Code for Recognized Organizations (RO Code);
- .2 III 7/15 (Austria et al.), providing a comparative assessment of paragraph 6.5.5 of the draft Model agreement (III 6/15, annex 8) with paragraph 5.3.2.4 of the recommendatory part 3 of the RO Code, and proposing amendments to paragraph 6.5.5 of the draft model agreement to achieve alignment with paragraph 5.3.2.4 of the recommendatory part 3 of the RO Code; and
- .3 III 7/15/1 (Democratic People's Republic of Korea), commenting on document MSC 102/14/1 (Norway et al.) and supporting the draft text of the Model agreement as contained in annex 8 of document III 6/15.

15.2 The Sub-Committee endorsed the proposals in annex 2 of document III 7/1/1, taking into account the comments received, and proposals made by the Chair, as contained in document III 7/1/1/Add.1, as set out in the following paragraphs.

Consideration by the working group

15.3 The Sub-Committee instructed the Working Group on the Updated Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) and the Non-exhaustive List of Obligations under Instruments Relevant to the IMO Instruments Implementation Code (III Code) to consider, taking into account documents III 7/15, III 7/15/1 and comments 6 and 7 in document III 7/1/1/Add.1:

- .1 the Correspondence Group's recommendation that paragraph 6.5.5 of the draft MSC-MEPC.5 circular on *Model agreement for the authorization of recognized organizations acting on behalf of the Administration* should be

aligned with paragraph 5.3.2.4 of part 3 of the RO Code with respect to the scope of the "statutory certification and services" as defined in the RO Code; and

- .2 the proposed draft revised text of paragraph 6.5.5 of the draft MSC-MEPC.5 circular on *Model agreement for the authorization of recognized organizations acting on behalf of the Administration*, as set out in annex 1 of document III 7/8/Add.1.

15.4 The Sub-Committee considered the relevant part of the report of the Working Group on the Updated Survey Guidelines under the HSSC and the Non-exhaustive List of Obligations under Instruments relevant to the III Code (III 7/WP.5) with respect to the Model agreement for the authorization of recognized organizations acting on behalf of the Administration (see paragraphs 8.6 and 9.5).

[To be prepared by the Secretariat, in consultation with the Chair, after the virtual meeting based on decisions taken by the Sub-Committee during the last day of the virtual meeting]

15.5 In this context, the Sub-Committee agreed that paragraph 6.5.5 of the draft MSC-MEPC.5 circular should be aligned with paragraph 5.3.2.4 of part 3 of the RO Code with respect to the scope of the "statutory certification and services" as defined in the RO Code, and the proposed draft revised text of paragraph 6.5.5 of the draft MSC-MEPC.5 circular on *Model agreement for the authorization of recognized organizations acting on behalf of the Administration*. A consolidated version of the amended draft model agreement is set out in annex [...], for submission to MSC 104 and MEPC 77 for approval.

16 CONSIDERATION OF THE REPORT OF THE SUB-COMMITTEE

16.1 The draft report of the Sub-Committee (III 7/WP.1) was prepared by the Secretariat, in consultation with the Chair, and considered by the Sub-Committee during the virtual meeting held on 16 July 2021. Subsequently, the Secretariat, in consultation with the Chair, prepared and published on IMODOCS the final draft report (III 7/WP.1/Rev.1) incorporating the changes to document III 7/WP.1, that had been agreed in plenary. Thereafter, delegations wishing to comment on the final draft report were given a deadline of Tuesday, 3 August 2021, 23.59 (UTC), to do so by correspondence in accordance with paragraph 21 of the Interim guidance to facilitate remote sessions of the Committees during the COVID-19 pandemic (MSC-LEG-MEPC-TCC-FAL.1/Circ.1).

16.2 After the compilation of the comments received, as shown in document III 7/16, the report of the Sub-Committee was finalized by the Secretariat in consultation with the Chair. The session was closed at 23.59 (UTC) on [...] 2021.

17 ACTION REQUESTED OF THE COMMITTEES

17.1 The Maritime Safety Committee, at its 104th session, is invited to:

[to be prepared by the Secretariat in consultation with the Chair after the session, based on the group's report and the actions requested therein, taking into account the decisions taken by the Sub-Committee during subsequent discussions]

(Urgent matters related to the three draft Assembly resolutions, the draft MSC-MEPC.5 circular developed under item 15 and matters considered under item 12).

17.2 The Marine Environment Protection Committee, at its seventy-seventh session, is invited to:

[to be prepared by the Secretariat in consultation with the Chair after the session, based on the group's report and the actions requested therein, taking into account the decisions taken by the Sub-Committee during subsequent discussions]

(Urgent matters related to the three draft Assembly resolutions, the draft MSC-MEPC.5 circular developed under item 15 and matters considered under item 12).

17.3 The Maritime Safety Committee, at its 105th session, is invited to:

[to be prepared by the Secretariat in consultation with the Chair after the session, based on the group's report and the actions requested therein, taking into account the decisions taken by the Sub-Committee during subsequent discussions]

(Remaining matters)

17.4 The Marine Environment Protection Committee, at its seventy-eighth session, is invited to:

*[to be prepared by the Secretariat in consultation with the Chair after the session,
based on the group's report and the actions requested therein, taking into account the
decisions taken by the Sub-Committee during subsequent discussions]*

(Remaining matters)
