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OF IMO INSTRUMENTS
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Agenda item 18

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

1 GENERAL

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

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

Opening address of the Secretary-General

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

[Sub-Committee on Implementation of IMO Instruments \(III 8\) - opening remarks](#)

* Delegations wishing to comment on this draft report should submit their comments to III@imo.org by Wednesday, 10 August 2022, 23.59 (UTC+1).

Chair's remarks

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

Measures taken to facilitate the remote session

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

Adoption of the agenda and related matters

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

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

1.7 In relation to the item dealt with by correspondence (term of reference specified in document III 8/1/2, annex 2, paragraph 4.6.8, in relation to document MEPC 76/13/1), the Sub-Committee noted the statement by IACS confirming the view expressed at MEPC 61 and

informing that its members, who are acting as recognized organizations, follow the instructions issued by governments when authorizing recognized organizations to act on their behalf; those instructions cover both international instruments and national requirements, which can be additional to those international instruments. In the ensuing discussion, IACS's intervention was unanimously supported.

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

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

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

Presentation

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

2 DECISIONS OF OTHER IMO BODIES

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

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

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

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

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

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

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

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

Annual enforcement reports on PRFs for 2020 and 2021

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

3.2 The Sub-Committee also recalled that the format for reporting alleged inadequacies of PRFs is set out in appendix 1 of the *Consolidated Guidance for port reception facility providers and users* (MEPC.1/Circ.834/Rev.1), and that the actual reporting of inadequacies

is accommodated by a dedicated module in the Global Integrated Shipping Information System (GISIS). Consequently, flag States should report their cases directly into GISIS, following which the concerned port State receives a notification of the alleged inadequacy.

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

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

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

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

Difficulties encountered with reception facilities for exhaust gas cleaning residues

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

3.7 Prior to considering document III 7/3/1, the Sub-Committee took note of the relevant developments at MEPC 77 and MEPC 78 related to EGCS and PRFs. In particular, the Sub-Committee noted that since document III 7/3/1 was submitted to III 7 (April 2020), MEPC 77 (November 2021) had adopted resolution MEPC.340(77) on *2021 Guidelines for*

Exhaust Gas Cleaning Systems, also including a section on EGCS residues, while MEPC 78 (June 2022) had approved MEPC.1/Circ.900 on *2022 Guidance regarding the delivery of EGCS residues to port reception facilities*, as well as MEPC.1/Circ.899 on *2022 Guidelines for risk and impact assessments of the discharge water from exhaust gas cleaning systems*. In this context, the Sub-Committee noted that some of the concerns and proposals contained in document III 7/3/1 had already been addressed in the above-mentioned Guidelines and Guidance documents, for example, the provision of information on the volume and physical state of EGCS residues had been covered by the *2022 Guidance regarding the delivery of EGCS residues to port reception facilities*.

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

GISIS PRF module – proposed data transfer mechanism

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

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

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

MATTERS CONSIDERED BY CORRESPONDENCE PRIOR TO THE VIRTUAL MEETING

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

- .1 III 8/4 (Sweden), providing a Report of the Correspondence Group on Analysis of Marine Safety Investigation Reports;
- .2 III 8/4/1 (Secretariat), providing information on the Review of marine safety investigation reports and consolidated list of casualty analyses;
- .3 III 8/4/2 (Secretariat), providing information on the Outstanding reports of investigation into very serious marine casualties;
- .4 III 8/4/3 (Australia), providing information on the Inadequate standards and regulations for cargo handling spaces of specialized self-unloading bulk carriers;
- .5 III 8/4/4 (Republic of Korea), providing information on the Lessons learned from the marine accidents of **Auto Banner** and **Responder**;
- .6 III 8/4/5 (China) on Lessons learned and preventive measures identified from accidents involving entering enclosed spaces aboard ships;
- .7 III 8/INF.3 (INTERCARGO), providing information on the Bulk Carrier Casualty Report 2012-2021; and
- .8 III 8/INF.15 (China), providing information on Lessons learned from the dangerous situations of ship's loss of control resulting from insufficient air pressure in the main engine of ships navigating in narrow channels.

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

Casualty-related decisions of other IMO bodies

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

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

- .4 MSC 105, while considering the outcome of III 7 on analysis of the effectiveness and appropriateness of identified provisions of the mandatory IMO instruments, among others, instructed the III Sub-Committee to review SOLAS regulation XI-1/6 (Additional requirements for the investigation) under its existing agenda item "Lessons learned and safety issues identified from the analysis of marine safety investigation reports" (MSC 105/20, paragraph 13.10.3.2); and
- .5 MSC 105 considered document MSC 104/15/16 (Vanuatu et al.), proposing to amend the Casualty Investigation Code to mandate a root cause investigation (MSC 105/20, paragraph 18.36). During the discussion, while a majority of delegations supported the proposal in principle, concerns were raised about the extent of investigation, in particular concerning proposed new paragraphs 6.3.1.8 and 6.3.2 of chapter 6 of the Casualty Investigation Code in terms of legal basis and possible conflicts with existing legislation, such as the GBS under the SOLAS Convention; and the STCW Convention (MSC 105/20, paragraph 18.37). Consequently, the Committee instructed the III Sub-Committee to assess the proposal, taking into account the above views, and report back to the Committee (MSC 105/20, paragraph 18.38).

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

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

- .1 two safety issues were identified in the following areas: safety measure during PSC inspection and safety risk related to how containers are to be secured on deck;
- .2 two safety issues were further analysed following III 7: man overboard from fishing vessels and pilot ladder-related deficiencies;
- .3 collisions and occupational accidents were further analysed as the types of casualties which occur more frequently than others;

.4 ISM Code-related concern on unsatisfactory implementation of safety management systems were highlighted; and

.5 progress made on the procedure for identifying safety issue.

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

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

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

Proposed amendment of the casualty investigation code – mandatory root cause investigation

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

Outstanding reports of investigation into very serious marine casualties

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

Lessons learned from the marine accidents

4.9 While considering documents III 8/4/3 (Australia), III 8/4/4 (Republic of Korea), III 8/4/5 and III 8/INF.15 (China) related to the lessons learned from marine accidents, the

Sub-Committee instructed the Working Group on Analysis of Marine Safety Investigation Reports to be established under this agenda to consider information provided highlighting the safety issues identified during the marine safety investigation.

Review of SOLAS regulation XI-1/6

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

Bulk carrier casualty report 2012-2021

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

ESTABLISHMENT OF THE WORKING GROUP

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

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

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- .3 consider and advise whether those reports with safety issues reviewed by the analysts and considered by the Working/Drafting Group should be referred to the relevant committees and sub-committees indicating potential safety deficiencies. In doing so, the Working/Drafting Group should submit supporting information derived from the Casualty Analysis Procedure, used to develop recommendations for consideration by the committees and sub-committees according to agreed procedures (**Yu Hai 1** and **MSC Zoe**) (III 7/4, paragraph 4.41.3) (III 8/4, paragraph 33.3 and 33.4);
 - .4 consider the procedure to refer safety investigation reports with safety issues to relevant committees and sub-committees, indicating potential safety deficiencies and make recommendations (III 7/4, paragraph 4.41.4) (III 8/4, paragraph 33.12);
 - .5 consider the analysis on the safety issue related to man overboard from fishing vessels and draw conclusions and make recommendations, in particular on invitations to the NCSR and SSE Sub-Committees for their consideration, regarding use of PFD and the introduction of modern technologies in the human search and rescue system with respect to fall overboard (III 7/17, paragraph 4.41.5) (III 8/4, paragraph 33.5);
 - .6 note the concern of the Correspondence Group regarding the pilot ladder-related safety issues including associated boarding arrangements, and draw conclusions and make recommendations, in particular on the consideration of a new output for a revision of relevant SOLAS regulations and associated instruments, as well as consideration of development of a pilot transfer code, providing consolidated guidelines for pilot transfer arrangements, taking into account document MSC 104/15/23 proposing a new related output, which was deferred to MSC 106 for its consideration (III 7/17, paragraph 4.41.5) (III 8/4, paragraph 33.6);
 - .7 continue further analysing collisions with fishing vessels and draw conclusions and make recommendations (III 7/17, paragraph 6) (III 8/4, paragraph 7);

- .8 continue further analysing occupational accident fall from height and draw conclusions and make recommendations, in particular on the consideration of a proposal to MSC for new output on guidelines addressing the identified safety issues for working from height or over the side, with the HTW Sub-Committee as the coordinating body (III 7/17, paragraph 6) (III 8/4, paragraph 8);
- .9 consider further analysis on the ISM Code-related concern on unsatisfactory implementation of safety management systems, include the findings from the analysis of fall from height in the continued and draw conclusions and make recommendations (III 7/17, paragraph.7) (III 8/4, paragraphs 9 and 11);
- .10 consider the observations on the quality of marine safety investigation reports and for action as deemed appropriate (III 8/4, paragraph 14);
- .11 consider and propose methods for encouraging Member States to include more details in investigation reports (III 8/4, paragraph 33.10);
- .12 consider and review the risk assessment criteria in the Procedure for identifying safety issues developed by III 5 (III 5/15, annex 2), taking into account documents MSC 102/12, MSC 102/12/1 and decision made at MSC 104 (III 8/2, section 2 paragraphs 2.1 to 2.2) (MSC 104/18, paragraph 10.4);
- .13 consider, review and complete the Guidance framework for the application of casualty cases and lessons learned to seafarers' education and training, as set out in annex 2 to document HTW 8/WP.7, except for the appendix;
- .14 consider the proposal for a new output on amendments to the Casualty Investigation Code to mandate a root cause investigation, as contained in document MSC 104/15/16 (Vanuatu et al.) and assess the proposal, in particular regarding the concerns raised during the session about the extent of investigation, in particular concerning proposed new paragraphs 6.3.1.8 and 6.3.2 of chapter 6 of the Casualty Investigation Code in terms of legal basis and possible conflicts with existing legislation, taking into account discussion at MSC 105 (III 8/2/Add.1, section 2, paragraphs 2.1 to 2.3) (MSC 105/20, paragraphs 18.36 to 18.38);

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- .15 consider document III 8/4/2 (Secretariat) on Outstanding reports of investigation into very serious marine casualties for action as appropriate;
- .16 consider documents III 8/4/3 (Australia), III 8/4/4 (Republic of Korea), III 8/4/5 (China) and III 8/INF.15 (China) regarding Lessons learned from marine accidents for detailed review and action, as appropriate;
- .17 note document III 8/INF.3 (INTERCARGO) on Bulk Carrier Casualty Report 2012-2021;
- .18 review SOLAS regulation XI-1/6 (Additional requirements for the investigation) as referred by MSC 105, which might include development of relevant amendments or guidelines/interpretations, with a view to reporting back to the Committee, subject to receiving additional background information to be provided by the Secretariat (MSC 105/20, paragraph 13.10.3.2);
- .19 advise on the re-establishment of the Correspondence Group, at this session, and the Working/Drafting Group on Analysis of Marine Safety Investigation Reports, at the next session, which could start their work on the morning of the first day of III 9, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5/Rev.2 on *Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*. If so, prepare draft terms of reference for the two Groups; and
- .20 submit a written report on Friday, 29 July, for consideration by plenary.

MATTERS CONSIDERED DURING THE VIRTUAL MEETING

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

4.13 Having approved the report of the Working Group (III 8/WP.3), in general, the Sub-Committee, 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 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.8 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 on a proposal for the functionality of MCI 2 to be amended, so that Member States are reminded to use the existing Guidelines for the Correspondence Group on Analysis of Marine Safety Investigation Reports when preparing Lessons Learned;
- .5 noted that the Group's view that further action was not needed on the proposed safety issue related to safety measures during PSC, highlighted by the Correspondence Group in relation to the casualty of **Yu Hai 1**;
- .6 agreed to invite MSC to note discussion on document III 8/4 regarding how containers should be secured at sea, taking into account that the work was being undertaken by the Top Tier joint industry project (JIP) on securing containers safety, as described in MSC 104/17/4, and instructed the Correspondence Group on Analysis of Marine Safety Investigation Reports to develop a proposal for a new output for preventing loss of containers at sea;
- .7 agreed to invite MSC to note the discussion on safety issues related to occupational accidents (fall from height) (III 8/18, paragraph [...]), which might justify a new output, and instructed the Correspondence Group on Analysis of Marine Safety Investigation Reports to develop a proposal for a new output on guidelines addressing the identified safety issues of seafarers

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- exposed to risk of falls from height (including, but not limited to, access to and egress from the location where the work will be conducted, working at height and work over the side), with the Sub-Committee on Human Element, Training and Watchkeeping (HTW) as the coordinating body;
- .8 agreed to invite the Sub-Committee on Navigation, Communications, Search and Rescue (NCSR), the Sub-Committee on Ship Systems and Equipment (SSE) and the HTW Sub Committee to note the analysis contained in document III 8/4 (annex 3) on the safety issues resulting in man overboard from fishing vessels in relation to use of personal flotation devices (PFDs) and possible application of the existing technology such as SART, and take action as appropriate;
- .9 agreed to invite MSC 106 to note document III 8/4 (annex 4) regarding pilot ladder-related safety issues, including associated boarding arrangements, and take action as appropriate when considering document MSC 104/15/23, proposing a new output to amend SOLAS regulation V/23 and associated instruments to improve the safety of pilot transfer arrangements;
- .10 agreed to the updated Procedure for identifying and forwarding safety issues, as set out in annex [...] for submission to MSC 106 for its consideration and approval, as appropriate;
- .11 noted the concerns that the proposal contained in document MSC 104/15/16 for a new output to amend the Casualty Investigation Code to mandate root causes might be against the principles of the Casualty Investigation Code itself and the Assembly resolution A.1075(28) on *Guidelines to assist investigators in the implementation of the casualty investigation code (resolution MSC.255(84))*, and therefore recommended the MSC Committee not to support the proposal;
- .12 agreed to invite the marine safety investigating State(s) to upload the marine safety investigation reports of the ships involved in the very serious marine casualties highlighted in document III 8/4/5, to the GISIS MCI module, for further referral to the Correspondence Group on Analysis of Marine Safety Investigation Reports to be included in the casualty analysis process;

- .13 agreed to invite CCC 8 to consider document III 8/4/5 on Lessons Learned and preventive measures identified from accidents involving entering enclosed spaces aboard in relation to the existing output "Revision of the Revised recommendations for entering enclosed spaces aboard ships (resolution A.1050(27)) (6.15)" of the CCC Sub-Committee;
- .14 noted the concern that the ongoing continuous attempt to stay with MCI 2 without fixing associated problems might adversely impact the submission of reports and endorsed the Group's recommendation that a robust testing period by the Secretariat to ensure the MCI 2 works properly be considered;
- .15 endorsed the Group's recommendation that the appendix to the draft guidance framework for the application of casualty cases and Lessons Learned to seafarers' education and training, as set out in annex 2 to document HTW 8/WP.7, be removed as it may not remain updated, and paragraph 4.3 of the draft guidance be replaced by the alternative text, as provided in paragraph [...], and agreed to submit to MSC 106 for its consideration and approval as appropriate, as requested by HTW 8;
- .16 requested the Secretariat to ensure a wider visibility of published casualty investigation reports so as to ease accessibility of reports for training institutes, and, in doing so, a link to the IMO GISIS module where Member States' reports were published could be considered as a way forward;
- .17 noted the Group's assessments on the appropriateness and effectiveness of SOLAS regulation XI-1/6, as indicated in paragraph [...], and agreed to invite the interested Member States to submit a proposal concerning a review of the appropriateness and effectiveness of SOLAS regulation XI-1/6;
- .18 re-established the Correspondence Group on Analysis of Marine Safety Investigation Reports under the terms of reference, as provided in paragraph [...]; and
- .19 agreed to the early establishment of the Working/Drafting Group on Analysis of Marine Safety Investigation Reports at III 9 under the terms of reference, as provided in paragraph [...].

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

Analyses of PSC activities, practices and statistics

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

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

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

- .7 III 8/INF.27 (Viña del Mar Agreement) on the Viña del Mar Agreement Concentrated Inspection Campaign (CIC) 2021; and
- .8 III 8/INF.4 (United States) on the United States Coast Guard 2021 port State control Report.

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

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

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

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

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

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

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

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

5.9 The delegation of the Russian Federation stated that the information contained in document III 8/5/6 (Russian Federation) was factual and indicated that the cancellation of Russian users' access to the Paris MoU information systems also resulted in the interruption of the exchange of information with other PSC MoUs and Agreements. Thus, Russian PSCOs could not check the ship risk profile and evaluate the need for inspection, which might lead to an increased number of substandard ships operating in the region. Additionally, it made it impossible to provide relevant statistical information. Finally, the delegation of the Russian Federation expressed its commitment to continue performing PSC inspections following the established procedures of the Paris MoU as far as possible without access to the information systems.

5.10 The delegation of Ukraine supported the actions taken by the Paris MoU and EMSA concerning the Russian Federation. Additionally, regarding document III 8/INF.8 (Black Sea

MoU), the delegation of Ukraine stressed that the Black Sea MoU Secretariat should correctly present day realities in the Black Sea region and that expressions like "tense" do not reflect the war context in the region. The full text of statement made by the delegation of Ukraine concerning document III 8/INF.8 is set out in annex [...].

Performance of flag Administrations and recognized organizations

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

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

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

Transparency and harmonization of PSC information

Equasis information system

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

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

- .1 in 2021, Equasis initiated the discussion with IACS for the update of the data-exchange protocol to include the provision of interim certificates for ISM SMC and ISM DOC and information on statutory certificates. Additionally, in 2021, the Equasis Management Unit developed a video about EQUASIS for use on the website and at events explaining what Equasis was

and how it worked. The video is currently available on the Equasis website and had the participation of Equasis funding members, IMO and some Equasis data providers;

- .2 in 2021, the total number of distinct users for the Equasis website showed an increase compared to the same period for 2020. During the same period, the volume of data consulted remained at very high levels, with over 24.78 million views of Equasis pages;
- .3 concerning the challenge of double reporting, Equasis has implemented an interim measure on its website that aggregates common information on one line when two PSC regimes send data related to a single inspection. Reports to different PSC regimes information systems are still visible in the system, in accordance with the Equasis principle not to interpret and change the data, but these reports are presented in one line to clearly indicate that there is one single inspection (or detention); and
- .4 Equasis has taken note of ideas that have been discussed during the IMO Expert Group on Data Harmonization (EGDH) to create a unique identifier of a PSC inspection which could be beneficial for electronic exchanging of data between port States, but also for addressing the double reporting issue.

Unique identifier of a port State control inspection

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

5.17 The observer delegation of the Paris MoU stated, in relation to document III 8/2/2/Add.1 (Secretariat), that the need for a unique identifier for PSC inspections is not adequately substantiated in the reports of FAL 46 and EGDH 5 and that there is a need to clarify further the PSC dataset approved by FAL 46, and the concept of a unique identifier at

a future workshop for PSC MoU/Agreement Secretaries and Database Managers for the various PSC regimes to then make a better estimate of the feasibility and desirability of the datasets and the possible impacts thereof on their processes.

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

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

REVIEW OF IMO MODEL COURSE 3.09 ON PSC

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

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

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

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

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

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

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

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

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

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

GUIDELINES AND PROCEDURES FOR PSCOS

Report of the Correspondence Group

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

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

5.32 In this context, the Sub-Committee considered document III 8/5 (European Commission), containing the report of the intersessional Correspondence Group on Measures to Harmonize port State control (PSC) Activities and Procedures Worldwide. Annex 1 to document III 8/5 presented the proposed amendments to the *Procedures for port State control, 2021* (resolution A.1155(32)) while annex 2 contained draft guidance developed for PSCOs on suspension of inspection for inclusion in the Procedures for PSC, which needed to be finalized and, if agreed by the Sub-Committee, included in the guidance.

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

Reinspection and follow-up inspection

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

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

- .1 The various PSC regimes have very different practices concerning re-inspections and follow-up inspections. Thus, an in-depth discussion between the experts within the framework of a Working Group is needed.
- .2 Members States need to share information concerning outstanding deficiencies and the status of follow-up inspections if the proposal is to be implemented across all PSC regimes.
- .3 There are still issues that need to be resolved before the amendments or the concept or what the amendments are trying to accomplish can be considered.

- .4 The draft amendments and, in particular, the definition of the reinspection, should be discussed in detail in a working group with the PSC experts from the different PSC regimes.
- .5 More time is needed to examine the proposed amendments as there are issues related to the harmonization of the various PSC regimes.
- .6 Annex 2 to document III 8/5 will introduce a definition for reinspections in the Procedures for PSC. The definition can be further improved through the amendments proposed in document III 8/5/3.

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

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

Withdrawn or abrogated outdated International Labour Organization (ILO) conventions

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

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

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

Statements of Compliance – Fuel Oil Consumption Reporting

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

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

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

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

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

List of new requirements

5.45 With respect to documents III 8/10/1 (Secretariat) and III 8/INF.5 (Secretariat) containing a list of new requirements adopted by MSC 103, MEPC 76, MSC 104, MEPC 77 and A 32, the Sub-Committee instructed the Drafting Group to be established under agenda item 6

to prepare terms of reference for a correspondence group to further consider the tables, as set out in the annex to document III 8/INF.5 with a view to amending appendix 19 to the Procedures for PSC (List of instruments relevant to port State control procedures), as appropriate.

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

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

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

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

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

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

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

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

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

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

Short-term carbon intensity reduction measures

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

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

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

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

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

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

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

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

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

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

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

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

5.64 The Sub-Committee also noted that several Member States emphasized the need to provide further clarity to Administrations, port State control as well as flag State authorities on how the enforcement of CII regulations may be improved in the future. To this effect, the

Sub-Committee further noted that interested Member States, international organizations and PSC regimes may submit analysis and proposals to a future MEPC session, including on possible CII enforcement scenarios.

REPORT OF THE VIRTUAL DRAFTING GROUP ON MEASURES TO HARMONIZE PORT STATE CONTROL (PSC) ACTIVITIES AND PROCEDURES WORLDWIDE (AGENDA ITEM 5,6 AND 14)

5.65 Having approved the report of the Drafting Group (III 8/WP.6), in general, and having considered the relevant part of the report, with respect to measures to harmonize port State control (PSC) activities and procedures worldwide, the Sub-Committee, in particular:

[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]

- .1 re-established the Correspondence Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide under the terms of reference, as provided in paragraph [...];
- .2 agreed that the Working/Drafting Group on Measures to harmonize port State control (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 9, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5/Rev.3 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, and be established under the terms of reference, as provided in paragraph [...]; and
- .3 noted the Group's request that a working group should be established rather than a drafting group at III 9.

6 DEVELOPMENT OF AN ENTRANT TRAINING MANUAL FOR PSC PERSONNEL

Development of an entrant training manual for PSC personnel

6.1 The Sub-Committee was advised that MSC 103 and MEPC 76, having considered a proposal for a new output prepared by III 6 (III 6/15, annex 5) to develop a training manual for new entrant PSC personnel, which would be regularly updated, for voluntary use, agreed to

include in the biennial agenda of the III Sub-Committee for 2022-2023 and the provisional agenda for III 8 an output on "Development of an entrant training manual for PSC personnel", with a target completion year of 2023 (MSC 103/21, paragraphs 18.35 and 18.36; MEPC 76/15, paragraphs 10.1 to 10.2).

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

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

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

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

ESTABLISHMENT OF THE VIRTUAL DRAFTING GROUP ON MEASURES TO HARMONIZE PORT STATE CONTROL (PSC) ACTIVITIES AND PROCEDURES WORLDWIDE (AGENDA ITEMS 5 AND 14)

6.6 The Sub-Committee, in accordance with the provisions provided in paragraph 15 of document III 8/1/2 (Chair), taking into account decisions in plenary, established the virtual Drafting Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide under the following terms of reference:

Terms of reference under agenda item 5

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

- .1 further consider the proposed amendments provided in paragraphs 12 and 13 of document III 8/5/5;
- .2 further consider the proposed amendments provided in document III 8/5/7;
- .3 further consider the tables as set out in the annex to document III 8/INF.5 with a view to amend appendix 19;
- .4 review the Guidelines for port State control under the BWM Convention (resolution MEPC.252(67)) with a view to their inclusion as a new appendix to the Procedures for port State control, taking into account 2018 and 2020 amendments to the BWM Convention (MEPC 77/16, paragraph 10.6);
- .5 review the Interim guidance on control and compliance measures to enhance maritime security (resolution MSC.159(78)) with a view to their inclusion as a new appendix to the Procedures for port State control (MSC 105/20, paragraph 13.9);
- .6 review the 2022 Guidelines for inspection of anti-fouling systems on ships (resolution MEPC.357(78)) with a view to their inclusion as a new appendix to the Procedures for port State control (MEPC 78/17, paragraph 9.8);
- .7 review the draft amendments in relation to the short-term GHG reduction measure as agreed, in principle, by MEPC 78, as set out in document MEPC 78/7/10, while deleting the text in square brackets in the proposed new sub-paragraph 2.7.2.11 of appendix 18, subject to confirmation by MEPC 79;

Terms of reference under agenda item 14

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

- .4 advise on the re-establishment of the Correspondence Group, at this session, and the Working/Drafting Group on the Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide, at the next session, which could start their work on the morning of the first day of III 9, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5/Rev.3. If so, prepare draft terms of reference for those groups under agenda items 5 and 14 as appropriate; and
- .5 take as priority those items or issues that would facilitate the work of a correspondence group to be established at this session, taking into account the target completion year of relevant outputs, and submit a written report under agenda items 5 and 14 on Friday, 29 July for consideration by plenary.

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

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

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

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

7.4 Noting the view that the modules in the GISIS platform were mostly used as a platform for data collection and that there was a need to examine how GISIS could be improved to include an interface for data consultation and extraction of various data sets to facilitate data analysis, the Sub-Committee agreed to rename the output as "Identified issues relating to the

implementation of IMO instruments from the analysis of data" with extension of scope of the output (7.5) subject to endorsement by the Committees.

8 ANALYSIS OF CONSOLIDATED AUDIT SUMMARY REPORTS

MATTERS CONSIDERED BY CORRESPONDENCE PRIOR TO THE VIRTUAL MEETING

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

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

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

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

Establishment of the virtual Working Group

8.4 The Sub-Committee established the virtual Working Group on III Code Implementation Guidance and IMSAS-Related Matters under, among others, the following terms of reference (see paragraph [9...]):

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

MATTERS CONSIDERED DURING THE VIRTUAL MEETING***Report of the Working Group***

8.5 Having approved the report of the Working Group on III Code Implementation Guidance and IMSAS-Related Matters under, among others (III 8/WP.4), in general, and having considered the relevant part of the report, with respect to the analysis of consolidated audit summary reports (CASRs), the Sub-Committee, in particular:

[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]

- .1 endorsed the Group's recommendation to encourage Member States to share their experiences in implementing IMO instruments, the agreed corrective actions plans (CAPs) in areas related to human, material and financial resources and to provide any difficulties encountered in their implementation, through the audit follow-up process by submitting to future sessions of the Sub-Committee (paragraphs 5 and 6);
- .2 requested the Secretariat to prepare and submit to a future session of the Sub-Committee, the analysis of the audit follow-up, in a dedicated report separate from the report on analysis of CASRs, including proposing an initial methodology for further refinement by the Sub-Committee;

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- .3 agreed to the proposed justification for a new output on "review of the appropriateness and effectiveness of SOLAS 1974, regulation IV/5 (Provision of radiocommunication services)" to NCSR for submission to MSC 106 for consideration, as set out in annex [...];
 - .4 noted document III 8/INF.16 on the updates of the enquiry system of the Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code); and
 - .5 noted document III 8/INF.17 on information on the Chinese terms in the IMO Multilingual Glossary on IMO Member State Audit Scheme and invited other Member States, whose language is also an official language of IMO (Arabic and Russian), and interested Member States, to submit similar information documents to further sessions of the Sub-Committee.

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

Matters considered by correspondence prior to the virtual meeting

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

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

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

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

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

Terms of reference for the virtual Working Group

9.4 The Sub-Committee established the virtual Working Group on III Code Implementation Guidance and IMSAS-Related Matters, under the following terms of reference, inter alia, to (see paragraphs [8...]):

- .1 note documents III 8/INF.16 (China) on Information on the updated enquiry system of the Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code) and III 8/INF.17 (China) on Information on the Chinese terms in the IMO Multilingual Glossary on IMO Member State Audit Scheme;
- .2 consider the need for further development of more detailed guidance on evaluation and review for the coastal and port State sections (III 8/9, paragraphs 8 and 17.1);
- .3 consider the structure, scope and level of detail of the proposed draft III code implementation guidance (III 8/9, paragraphs 12 and 17.2, and the annex);

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

MATTERS CONSIDERED DURING THE VIRTUAL MEETING

Report of the Working Group

9.5 Having considered the relevant part of the report of the Working Group on the III Code Implementation Guidance and IMSAS-Related Matters (III 8/WP.4) with respect to the Development of guidance in relation to IMSAS to assist in the implementation of the III Code by Member States, the Sub-Committee, in particular:

[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]

- .1 endorsed the Group's decision on the need for further development of more detailed guidance on 'evaluation and review' for the coastal and port State sections of the draft III Code implementation guidance;
- .2 agreed to the structure, scope and level of detail of the proposed draft III Code implementation guidance (III 8/9, annex);

- .3 requested the Secretariat to develop a Non-exhaustive list tool for use by Member States, e.g. through GISIS, and to submit a proposal to a future session of the Sub-Committee;
- .4 noted the Group's discussion on further development of the draft III Code implementation guidance, as indicated in paragraph [...];
- .5 re-established the Correspondence Group on III Code Implementation Guidance to finalize the draft text of the III Code implementation guidance on the basis of document III 8/9, together with the text of draft circular/circular letter, taking into account document III 8/WP.4, under the terms of reference, as provided in paragraph [...]; and
- .6 agreed that the Working/Drafting Group on III Code Implementation Guidance and IMSAS-Related Matters commence 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.3 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, under the terms of reference, as provided in paragraphs [...].

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

MATTERS CONSIDERED BY CORRESPONDENCE PRIOR TO THE VIRTUAL MEETING

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

- .1 III 8/10 (China), containing the reports of the Correspondence Group on the Review of the Survey Guidelines under HSSC and the Non-exhaustive List of Obligations under Instruments Relevant to the III Code and presenting, among others, the proposed amendments to Survey Guidelines under the HSSC, 2021 (part 1 of annex 1 to III 8/10) deriving from the amendments to the relevant mandatory instruments due to enter into force up to and including 1 November 2022, pending further developing with a view to submission in a consolidated form to A 33 for adoption, as appropriate; the

proposed amendments to Survey Guidelines (part 2 of annex 1 to III 8/10) deriving from the amendments to SOLAS 1974 and related mandatory instruments adopted in accordance with the four-year cycle system with the date of entry into force between 1 January 2024 and 31 December 2025 for the continuous and further development after III 8; and status of development of draft amendments to the Survey Guidelines (annex 2 to III 8/10);

- .2 III 8/10/1 and III 8/INF.5 (Secretariat), containing the lists of new and outstanding requirements, which were adopted by MSC 103, MEPC 76, MSC 104, MEPC 77 and A 32;
- .3 III 8/10/2 (China), proposing to formulate a unified format of recording date in certificates, aiming at avoiding unnecessary misunderstanding either through amendments to the Survey Guidelines under the HSSC or development of a circular; and
- .4 III 8/INF.18 (China), providing information on three disputed cases arising from revalidation of certificates according to *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2021* (resolution A.1156(32)).

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

- .1 MSC 104 and MEPC 77 noted that A 31, having considered document A 31/10/2 (Germany et al.), in connection with the draft Assembly resolution on the Survey Guidelines, had noted that a number of delegations supported the proposals contained therein, in particular regarding the principle that draft amendments to the Guidelines should be linked to mandatory requirements; and the Committees instructed III 8 to consider the matter, taking into account documents MSC 102/2/3 (Russian Federation et al.), MSC 102/2/4 (Russian Federation et al.), MSC 103/2/1 (Secretariat), MSC 103/2/2 (Austria et al.) and MSC 104/1/2/Add.1 (Secretariat); to seek the Committees' advice in case of any policy decision needed; and to report back to the Committees accordingly (MSC 104/18, paragraphs 2.4 and 2.5);

- .2 with regard to the procedure for revising standards referenced in IMO instruments proposed in document MSC 103/16/4 (China), MSC 103, having noted that more thorough deliberation of the procedure proposed in document MSC 103/16/4 was required, agreed to refer the matter to the III Sub-Committee for further consideration and invited interested Member States and international organizations to submit relevant proposals to III 8 (MSC 103/21, paragraph 16.11);
- .3 MEPC 77 instructed the III Sub-Committee to consider document MEPC 77/14/5 (China), providing comments on document MEPC 76/15/Add.1 (Secretariat) and inviting the Committee to clarify the definition of UNSP barges in MARPOL Annex VI (2021 Revised). MEPC 77 requested the III Sub-Committee to advise it accordingly (MEPC 77/16, paragraph 14.8); and
- .4 MEPC 78 instructed the III Sub Committee to consider the information and proposals in document MEPC 76/13/1 (World Coatings Council) and advise the Committee accordingly (MEPC 78/17, paragraph 15.6).

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

Establishment of the virtual Working Group

10.4 The Sub-Committee established the virtual Working Group on the Survey Guidelines under the HSSC, the Non-exhaustive List of Obligations, and the Guidance on Remote surveys, Audits and Verifications under, among others, the following terms of reference (see paragraphs [11... and 12...]):

Process of updating the Survey Guidelines under HSSC

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

Procedure for revising standards referenced in IMO instruments

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

Definition of UNSP barges

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

Amendments to the Survey Guidelines under the HSSC

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

Survey and certification under AFS 2001

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

MATTERS CONSIDERED DURING THE VIRTUAL MEETING**Report of the Working Group**

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

[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]

- .1 recommended the Committees to re-affirm the methodology agreed by MSC 78 and MEPC 49 (MSC 78/26, paragraph 10.12; MEPC 49/22, paragraph 10.2.9) that the III Sub-Committee should coordinate the review of the updated Survey Guidelines under the HSSC so that whenever an amendment to a statutory instrument is adopted which entails consequential amendments to the Survey Guidelines, draft amendments to the Survey Guidelines should be developed by the Sub-Committee under its continuous item on "Updated Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)" before the entry into force of the amendments;
- .2 endorsed the Group's view that the principle that draft amendments to the Survey Guidelines should be derived from and linked to mandatory requirements, which, however, should not mean that in describing how the items should be surveyed, additional and effective implementing measures directly linked to the mandatory requirements are excluded from the scope of the Survey Guidelines under the HSSC;
- .3 endorsed the Group's view that the phrase "directly linked to requirements in mandatory instruments" should be understood as "the Survey Guidelines under the HSSC should include survey instructions for items based on mandatory instruments";
- .4 endorsed the Group's decision that the Correspondence Group on the Survey Guidelines under the HSSC, the Non-exhaustive List of Obligations,

and the Guidance on Remote Surveys, Audits and Verifications be tasked to identify any existing gaps between the Survey Guidelines under the HSSC and the mandatory requirements with a view to removing those items not directly linked to requirements in mandatory instruments, and in doing so, prepare a plan for the review exercise;

- .5 recommended the Committees that such a review exercise with regard to identification of any existing gaps should not prevent approval and adoption of the updated Survey Guidelines under the HSSC as usual, given that the review exercise might take time to complete;
- .6 noted the progress made in relation to the procedure for revising standards referenced in IMO instruments and endorsed the Group's decision to task the correspondence group to further consider the proposed procedure in document MSC 103/16/4 in relation to the revision of standards referenced in IMO instruments, taking into account the discussion made at MSC 103;
- .7 noted the discussion of the Group on the definition of UNSP barges, as indicated in paragraph [...], and concurred with the Group's decision that no further action be required for the proposal contained in document MEPC 77/14/5, and MEPC 79 be advised accordingly;
- .8 endorsed the Group's view that under the AFS Convention there is no such a requirement for type-approval as pre-qualification for anti-fouling paint products for issuance of International Anti-fouling System Certificates, though it should be at the discretion of the Administration to decide whether or not more than what is required under the provisions of the Convention is needed, and MEPC 79 would be advised accordingly;
- .9 noted document III 8/INF.18 (China), providing information on three disputed cases arising from the revalidation of certificates according to *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2021* (resolution A.1156(32));
- .10 noted the discussion of the Group on the date format of certificates and agreed to, with regard to the proposals on harmonizing the date format of

certificates under the framework of IMO conventions (III 8/10/2) (China), encourage Member States and international organizations to submit proposals to the Committees for a new output on this matter in accordance with the Committees' method of work;

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

.1 the review of draft amendments to the *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2021* (resolution A.1156(32)); and

.2 the identification of status of development of those items in documents III 8/10 (annex 2) and III 8/INF.5;

.12 agreed that draft amendments to the Survey Guidelines need to be further developed, using part 1 of annex 1 to document III 8/10 as a basis, to include the requirements deriving from amendments to relevant IMO instruments entering into force up to and including 31 December 2023, taking into account annex 2 to document III 8/10, III 8/INF.5 and outcomes of MSC 105, MEPC 78 and future sessions of MSC and MEPC, as appropriate, with a view to submission of draft amendments, to III 9 for finalization prior to potential direct submission in consolidated form to A 33 for adoption, subject to approval by the Committees;

.13 re-established the Correspondence Group on the Survey Guidelines under the HSSC, the Non-exhaustive List of Obligations, and the Guidance on Remote Surveys, Audits and Verifications with the terms of reference as provided in paragraph [...]; and

.14 agreed that the Working/Drafting Group on the Survey Guidelines under the HSSC, the Non-exhaustive list of obligations, and the Guidance on remote surveys, audits and verifications, if re-established at the next session, should start its work on the morning of the first day of III 9, in accordance with

paragraph 5.19 of MSC-MEPC.1/Circ.5/Rev.3 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, under the terms of reference, as provided in paragraph [...].

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

MATTERS CONSIDERED BY CORRESPONDENCE PRIOR TO THE VIRTUAL MEETING

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

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

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

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

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

Terms of reference for the virtual Working Group

11.4 The Sub-Committee established the virtual Working Group on the Survey Guidelines under the HSSC, the Non-exhaustive List of Obligations, and the Guidance on Remote Surveys, Audits and Verifications, under the following terms of reference, inter alia, to (see paragraphs [10[...] and 12[...]):

Obligations related to the STCW Convention and Code

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

Marking the obligations in newly adopted amendments to IMO instruments

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

Amendments to the Non-exhaustive list of obligations

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

MATTERS CONSIDERED DURING THE VIRTUAL MEETING**Report of the Working Group**

11.5 Having considered the relevant part of the report of the Working Group on the Survey Guidelines under the HSSC, the Non-exhaustive List of Obligations, and the Guidance on Remote Surveys, Audits and Verifications (III 8/WP.5), with respect to the Non-exhaustive list, the Sub-Committee, in particular:

[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]

- .1 concurred with the Group's view that the purpose of the non-exhaustive list of obligations is to support of the implementation of IMO Member State Audit Scheme (IMSAS) by providing guidance on the implementation and enforcement of IMO instruments, in particular concerning the identification of auditable areas relevant to IMSAS, as provided in mandatory provisions of relevant IMO instruments;
- .2 confirmed that, in light of paragraph 7.2.2 of part I of the annex to the *Framework and Procedures for the IMO Member State Audit Scheme* (resolution A.1067(28)), the non-exhaustive list of obligations should be

- limited to the areas subject to IMSAS in accordance with regulation I/16 of the STCW Convention, i.e. provisions provided in section A-I/16 of the STCW Code;
- .3 endorsed the Group's decision that the review of the Non-exhaustive list of obligations under instruments relevant to the III Code with regard to the STCW Convention and Code as per the principles set out paragraphs [...] be referred to a correspondence group, taking into account document MSC 104/17/9, with terms of reference as set out in paragraph [...]; and invited the HTW Sub-Committee to concur with the outcome of discussion before submission to MSC for its consideration and confirmation, as appropriate, in particular with respect to the purpose of the Non-exhaustive list of obligations and the auditable areas subject to IMSAS in relation to the STCW Convention and the STCW Code (i.e. provisions provided in section A-I/16 of the STCW Code);
- .4 noted the discussion on document III 8/11/1 regarding marking the obligations in newly adopted amendments to IMO instruments and endorsed the Group's decision that no further action was required with respect to the proposal contained in the document;
- .5 noted that, due to time constraints, the Group was unable to review the proposed draft amendments to the *2021 Non-exhaustive list of obligations under instruments relevant to the IMO instrument implementation Code* (resolution A.1157 (32)), as contained in annex 3 to III 8/10 and deferred the following to III 9:
- .1 the review of the proposed amendments to the non-exhaustive list of obligations; and
- .2 identification of status of development of those items in documents III 8/10 (annex 4) and III 8/INF.6;
- .6 agreed that the draft amendments to the *2021 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code* needed to be further developed, using annex 3 to document III 8/10 to include the provisions deriving from relevant

amendments to mandatory IMO instruments entering into force up to and including 1 July 2024, taking into account annex 4 to document III 8/10, III 8/INF.6 and outcomes of MSC 105, MEPC 78 and future sessions of MSC and MEPC, as appropriate, with a view to submission of draft amendments to III 9 for finalization prior to potential direct submission in consolidated form to A 33 for adoption, subject to approval by the Committees;

- .7 re-established the Correspondence Group on the on the Survey Guidelines under the HSSC, the Non-exhaustive List of obligations, and the Guidance on Remote Surveys, Audits and Verifications with the terms of reference as provided in paragraph [...]; and
- .8 agreed that the Working/Drafting Group on the on the Survey Guidelines under the HSSC, the Non-exhaustive list of obligations, and the Guidance on remote surveys, audits and verifications, if re-established at the next session, should start its work on the morning of the first day of III 9, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5/Rev.3 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, under the terms of reference, as provided in paragraph [...].

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

MATTERS CONSIDERED BY CORRESPONDENCE PRIOR TO THE VIRTUAL MEETING

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

- .1 III 8/12 (China), proposing a draft guidance on assessments and applications of remote ISM Code audits, aiming to regulate the specific procedures of remote audits, to ensure the safe operation of ships, and thus to safeguard maritime safety and prevent marine pollution from ships;
- .2 III 8/12/1 (Austria et al.), suggesting to amend resolutions A.1118(30) and A.1156(32) to provide guidance on the use of remote audits and surveys, respectively, and also providing principles for the development of Guidance

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

- .3 III 8/12/2 (China), proposing a draft guidance on remote surveys to promote the development of a unified guidance on assessments and applications of remote surveys;
- .4 III 8/12/3 (Türkiye), providing comments on document III 8/12/1, in particular with regard the content of the draft guidance;
- .5 III 8/INF.2 (Italy), containing technical information for developing guidelines for inspection techniques in support of remote inspections and informing, in particular, on current R&D activities to assess the effectiveness and reliability of inspections and surveys carried out with the assistance of digital and robotic technologies; and
- .6 III 8/INF.19 (IACS), providing the draft guidance on remote statutory surveys and draft guidance for performance of ISM/ISPS remote audits/verifications.

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

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

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

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

Terms of reference for the virtual Working Group

12.5 The Sub-Committee established the virtual Working Group on the Survey Guidelines under the HSSC, the Non-exhaustive List of Obligations, and the Guidance on Remote Surveys, Audits and Verifications under, among others, the following terms of reference (see paragraphs [10... and 11...]):

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

MATTERS CONSIDERED DURING THE VIRTUAL MEETING**Report of the Working Group**

12.6 The Sub Committee considered the relevant part of the report of the Working Group on the Survey Guidelines under the HSSC, the Non-exhaustive List of Obligations, and the Guidance on Remote Surveys, Audits and Verifications (III 8/WP.5), with respect to Development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications and, in particular [(see paragraphs 10... and 11....)]: .

[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]

- .1 agreed that the framework for the output on "Development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications" should consist of three parts, amendments to Survey Guidelines under the HSSC (part 1); amendments to the Revised Guidelines on the implementation of the International Safety Management (ISM) Code (part 2); and development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications (part 3);
- .2 agreed that the guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications (part 3) should consist of one document containing principle and common areas (part 3-0) and three guidance: guidance on assessments and applications of remote surveys (part 3-1); guidance on assessments and applications of remote ISM Code audits (part 3-2); and guidance on assessments and applications of remote ISPS Code verifications (part 3-3);
- .3 agreed to the roadmap of the work on the development of draft amendments to Survey Guidelines under the HSSC (part 1); amendments to the Revised Guidelines on the implementation of the International Safety Management (ISM) Code (part 2) and guidance on the remote surveys, ISM audits and ISPS verifications (part 3), as set out in paragraph 2 of annex [...];

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- .4 agreed that the Correspondence Group on the Survey Guidelines under the HSSC, the Non-exhaustive List of Obligations, and the Guidance on Remote Surveys, Audits and Verifications should develop the output, using the specified base document(s), taking into account the relevant documents, as indicated in paragraph 4 of annex [...];
- .5 agreed to the methodology and the way forward and endorsed the Group's recommendation that the Correspondence Group on the Survey Guidelines under the HSSC, the Non-exhaustive List of Obligations, and the Guidance on Remote Surveys, Audits and Verifications should follow those steps, as specified in paragraph 5 of annex [...], to progress the work of the output;
- .6 invited MSC 106 and MEPC 79 to note the progress made, in particular the framework of the output, roadmap and methodology and way forward as provided in annex [...];
- .7 re-established the Correspondence Group on the Survey Guidelines under the HSSC, the Non-exhaustive List of Obligations, and the Guidance on Remote Surveys, Audits and Verifications with the terms of reference as provided in paragraph [...]; and
- .8 agreed that the Working/Drafting Group on the Survey Guidelines under the HSSC, the Non-exhaustive list of obligations, and the Guidance on remote surveys, audits and verifications, if re-established at the next session, should start its work on the morning of the first day of III 9, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5/Rev.3 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, under the terms of reference as provided in paragraph [...].

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

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

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

14.1 The Sub-Committee was advised that MEPC 73 had adopted the *Action plan to address marine plastic litter from ships* (resolution MEPC.310(73)) (Action Plan) and agreed that the measures in the Action Plan would be reviewed at MEPC 74, based on follow-up proposals.

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

14.3 The Sub-Committee recalled that owing to time constraints, III 7 had agreed to defer consideration of document III 7/11 (Secretariat) on the Scope of work of the III Sub-Committee in relation to the Action Plan to address marine plastic litter from ships to III 8.

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

- .1 MEPC 76 had approved MEPC.1/Circ.893 on *Provision of adequate facilities at ports and terminals for the reception of plastic waste from ships* and MEPC.1/Circ.894 on *Sharing of results from research on marine litter and encouraging studies to better understand microplastics from ships*;
- .2 MEPC 77 had:
 - .1 adopted resolution MEPC.341(77) on *Strategy to address marine plastic litter from ships*; and
 - .2 noted the updated status of each action contained in the Action Plan and encouraged submissions to future sessions regarding those actions which required proposals to progress the work, as set out in MEPC 77/WP.9;

.3 PPR 9 had:

- .1 invited interested Member States and international organizations to submit documents with draft guidelines on best practices related to response to and the clean-up of plastic pellets transported by ship, to a future session of the Sub-Committee; and
- .2 established the Correspondence Group on Marine Plastic Litter from Ships to develop, inter alia, draft amendments to the *2017 Guidelines for the implementation of MARPOL Annex V* to support implementation of the contemplated draft amendments to MARPOL Annex V being developed to enhance the reporting of lost fishing gear; and

.4 MEPC 78 had:

- .1 agreed that a goal-based requirement under MARPOL Annex V for the mandatory marking of fishing gear should be developed and instructed the PPR Sub-Committee to develop draft amendments to MARPOL Annex V and associated guidelines;
- .2 invited Member States to submit information on the implementation of fishing gear marking systems, including how the diversity of fisheries and fishing gear has been accommodated, specific technical or legal considerations that have been taken into account, and other relevant experience regarding fishing gear marking to help inform the process of developing a mandatory goal-based requirement;
- .3 instructed the PPR Sub-Committee to develop an MEPC circular to promote the implementation of fishing gear marking systems and the FAO Voluntary Guidelines for the Marking of Fishing Gear, taking into account additional work by FAO, such as the technical manual on marking of fishing gear being developed by FAO; and

- .4 approved draft amendments to MARPOL Annex V to make the Garbage Record Book mandatory also for ships of 100 gross tonnage and above and less than 400 gross tonnage, as prepared by PPR 9, with a view to adopting them at MEPC 79.

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

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

14.6 With a view to expediting the work under this output, the Sub-Committee agreed to task the Correspondence Group to be established under agenda item 6 to progress the work intersessionally.

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

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

14.9 Following discussion, the Sub-Committee:

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

Report of the Drafting Group

14.10 Having considered the relevant part of the report of the Drafting Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide (III 8/WP.6), with respect to the Action plan to address marine plastic litter from ships, the Sub-Committee, in particular:

[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]

- .1 re-established the Correspondence Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide under the terms of reference as provided in paragraph [...];
- .2 agreed that the Working/Drafting Group on Measures to harmonize port State control (PSC) activities and procedures worldwide, if re-established at the next session, should start its work on the morning of the first day of III 9, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5/Rev.3 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, under the terms of reference as provided in paragraph [...]; and
- .3 noted the Group's request that a working group should be established rather than a drafting group.

15 BIENNIAL AGENDA AND PROVISIONAL AGENDA FOR III 9

15.1 The Sub-Committee was advised that:

- .1 MSC 104 and MEPC 77 agreed to include a new output on "Development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications", in the biennial agenda of the III Sub-Committee for 2022-2023 and the provisional agenda for III 8, with a target completion year of 2024 (MSC 104/18, paragraph 15.5; MEPC 77/16, paragraph 11.14);
- .2 MSC 105 agreed to include in its post-biennial agenda an output on "Scoping exercise and enhancement of the effectiveness of provisions on fatigue and seafarers' hours of work and rest", with two sessions needed to complete the item, assigning the HTW Sub-Committee as the coordinating organ, in association with the III Sub Committee as and when requested by the HTW Sub-Committee (MSC 105/20, paragraph 18.31); and
- .3 MEPC 78 agreed to amend the title of the existing output 1.26 to "Revision of MARPOL Annex IV and associated guidelines" from "Revision of MARPOL Annex IV and associated guidelines to introduce provisions for record-keeping and measures to confirm the lifetime performance of sewage treatment plants" (MEPC 78/17, paragraph 14.11).

Biennial status report for the 2022-2023 biennium

15.2 Taking into account the items remaining on the post-biennial agenda of the Committees and the progress made at this session, the Sub-Committee prepared the biennial status report for the 2022-2023 biennium (III 8/WP.2, annex 1), as set out in annex [...], for consideration by MSC 106 and MEPC 79.

Proposed provisional agenda for III 9

15.3 Taking into account the progress made at the session and the relevant decisions of MSC 104 and MEPC 77, the Sub-Committee prepared its proposed provisional agenda for III 9 (III 8/WP.2, annex 2), as set out in annex [...], for consideration by MSC 106 and MEPC 79.

Correspondence Groups established at this session

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

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

Arrangements for the next session

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

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

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

Date for the next session

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

Consideration of the outcome of III 9

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

16 ELECTION OF CHAIR AND VICE-CHAIR FOR 2023

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

17 ANY OTHER BUSINESS**Model courses and e-Learning**

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

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

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

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

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

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

- .1 noted that there were two types of e-Learning courses:
 - .1 self-enrolment courses open to interested parties in the maritime industry that may undertake a particular course at any time; and
 - .2 authorized enrolment courses that will be periodically delivered at the national, regional or global levels and for which participation will be at the invitation of IMO;
- .2 noted that some of the e-Learning courses, such as the OPRC and casualty investigation TTT, were developed on the basis of IMO model courses, but tailored for their specific purpose and objective, while some other e-Learning courses, such as the IMSAS auditors' course, were developed from the previous training courses' material and experience gained, meaning that e-Learning courses may be developed without the existence of relevant model courses;
- .3 noted that the use of e-Learning training should not replace in person training and should complement the delivery of in person technical cooperation activities; and
- .4 invited the Committee to consider instructing sub-committees to develop a plan for the development of e-Learning courses in the areas under their remit in terms of priority and type of e-Learning course, taking into account the List of IMO Model Courses as shown in the annex to document III 8/17, but not limited to the List.

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

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

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

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

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

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

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

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

18 CONSIDERATION OF THE REPORT OF THE SUB-COMMITTEE

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

18.2 [With no comments having been received,] [After the resolution of comments received, as described in document III 8/18,] the report of the Sub-Committee was finalized by the Secretariat in consultation with the Chair.

19 ACTION REQUESTED OF THE COMMITTEES AND OTHER SUB-COMMITTEES

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

[to be prepared by the Secretariat in consultation with the Chair after the meeting]

19.2 The Marine Environment Protection Committee, at its seventy-ninth session, is invited to:

[to be prepared by the Secretariat in consultation with the Chair after the meeting]

ANNEXES

[to be prepared by the Secretariat after the session]
