



NEWS BRIEF

III 8





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The IMO Sub-Committee on Implementation of IMO Instruments (III) held its 8th session from July 25 to 29, 2022. This Brief provides an overview of the more significant issues progressed at this session.

KEY DEVELOPMENTS

- Development of Guidance on Remote Surveys/Audits
- Considerations for PSC Enforcement of CII Ratings
- Analysis of Marine Safety Investigation Reports
- Follow-Up Work to Reduce Marine Plastic Litter from Ships
- Reporting of Inadequate Port Reception Facilities

ABS RESOURCES

- ABS Regulatory News ([link](#))
- ABS Remote Survey Services ([link](#))
- ABS CII Services ([link](#))
- ABS Smart Scheduler™ Survey Booking Tool ([link](#))
- ABS Rules and Guides ([link](#))

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DEVELOPMENT OF SURVEY GUIDANCE

Updates to the HSSC Survey Guidelines

The Sub-Committee received the report of an intersessional correspondence group tasked to make progress on revisions to the *Survey Guidelines Under the Harmonized System of Survey and Certification (HSSC), 2021* (HSSC Survey Guidelines, A.1156(32)). The needed revisions will update the HSSC Survey Guidelines to include relevant survey requirements for mandatory instruments due to enter into force up to and including December 31, 2023. Requirements planned to be incorporated into the HSSC Survey Guidelines include:

- 1) MARPOL Annex VI:
 - a. Acknowledgement of UNSP Barge exemption certificates
 - b. Confirmation of updates to the SEEMP
 - c. Confirmation of attained EEXI
 - d. Verification of attained annual operational CII
- 2) SOLAS
 - a. New towing and mooring equipment requirements in regulation II-1/3-8
 - b. New requirements on openings in shell plating, regulation II-1/15
 - c. New requirements on water level detectors on multiple hold cargo ships, regulation II-1/25.1
 - d. New requirements on launching of lifeboats while making headway at up to five knots in calm water, regulation III/33

However, due to time constraints, the Sub-Committee was not able to review the draft amendments to the HSSC Survey Guidelines

Next Steps: Discussions on this subject will continue in an intersessional correspondence group and at III 9 (July 2023). The correspondence group will be tasked to further develop and finalize amendments to the Survey Guidelines Under the HSSC, 2021 (resolution A.1156(32)) and the Revised Guidelines on the Implementation of the ISM Code by Administrations (resolution A.1118(30)), for finalization at III 9 and subsequent adoption at IMO Assembly, 33rd session (A 33) (Dec. 2023).

Guidance on Remote Survey, Audit and Verification

Acting under a new work output approved by MSC 104, the Sub-Committee considered several proposals for the development of guidance on the assessment and applicability of remote surveys, ISM Code audits and ISPS Code verifications. Based on experience gained from the increased use of remote surveys and audits as a result of the COVID-19 pandemic, Member States have generally recognized



the benefits of remote surveys and are seeking to formalize guidelines for such surveys as their use expands.

After discussion, the Sub-Committee agreed that the framework for the development of guidance on remote surveys/audits should consist of three parts:

- 1) Amendments to the Survey Guidelines Under the HSSC (Part 1)
- 2) Amendments to the Revised Guidelines on the Implementation of the ISM Code (Part 2)
- 3) Development of new guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications (Part 3)

Further to this, the Sub-Committee agreed that the new guidance on remote surveys/audits to be developed should be one document containing principles and common areas (Part 3-0) and three guidance sections:

- i. Guidance on assessments and applications of remote surveys (Part 3-1)
- ii. Guidance on assessments and applications of remote ISM Code audits (Part 3-2)
- iii. Guidance on assessments and applications of remote ISPS Code verifications (Part 3-3)

The Sub-Committee agreed on the following roadmap to provide a timeline for sub-outputs within the scope of this work:

No.	Sub-output	Target Completion Year
1	Amendments to the Survey Guidelines under the HSSC (part 1) and amendments to the Revised Guidelines on the implementation of the International Safety Management (ISM) Code (part 2)	2023 (To be adopted at A 33)
2	Guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications (part 3)	2024
3	Further amendments to the Survey Guidelines under the HSSC (part 1) and amendments to the Revised Guidelines on the implementation of the International Safety Management (ISM) Code (part 2)	2025 (To be adopted at A 34)

Next Steps: Discussions on this subject will continue in an intersessional correspondence group and at III 9 (July 2023). The correspondence group will be tasked to begin development of new guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications, which will be progressed further at III 9.

Additionally, the Sub-Committee agreed that the IMO Secretariat will be requested to liaise with the Secretariat of the International Labour Organization (ILO) to draw attention to the need for the ILO's development of parallel guidance for the application of remote inspection under the Maritime Labour Convention 2006, in order to maintain alignment with remote ISM audits and ISPS verifications.

Clarification on Type Approval Requirements under the AFS Convention

Following the adoption of the *2022 Guidelines for Survey and Certification of Anti-Fouling Systems on Ships* (MEPC 358(78)), and in anticipation of the ban on anti-fouling systems containing cybutryne (MEPC.331(76)), the Sub-Committee was tasked by MEPC 78 to address concerns over a lack of clarity in the need for type-approval of anti-fouling paint products. After discussion, the Sub-Committee confirmed 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. However, it was noted that 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 for acceptance of anti-fouling paint products.

Next Steps: The Sub-Committee will present the above understanding to MEPC 79 (Dec. 2022) for their acceptance.



HARMONIZATION OF PSC ACTIVITIES WORLDWIDE

PSC Considerations for Enforcement of CII Ratings and Corrective Action Plans

Under instructions from MEPC 78, the Sub-Committee considered the matter of whether Port State Control (PSC) authorities should consider it to be a detainable deficiency if a vessel is noted to be ineffectively implementing a corrective action plan to improve its CII rating under MARPOL Annex VI (after having received an E rating or three consecutive D ratings for its CII rating).

The view of some Member States was that this should indeed be a detainable deficiency, due to the importance of this new CII rating. In contrast, other Member States expressed that this should not be a detainable deficiency, due to the fact that implementation of a corrective action plan should be measured over an extended time period, and also acknowledging that the CII regulations are considered to be in a review period until 2026. It was also noted that there are complexities related to the enforcement of CII that have not been fully assessed, with it being observed that a vessel detention can also negatively affect the CII rating by affecting the ratio of emissions to transport work.

Next Steps: The Sub-Committee will advise MEPC 79 (Dec. 2022) that there was not sufficient support at this stage to make this a detainable deficiency, and that further clarity is needed on how the enforcement of CII measures may be improved in the future. The Sub-Committee further noted the need for proposals to improve the enforcement of CII measures and noted that interested parties may submit proposals for this to the MEPC in the future.

Amendments to the Procedures for Port State Control

The Sub-Committee received the report of an intersessional correspondence group assigned to identify and make progress on developing necessary amendments to the *Procedures for Port State Control, 2021* (PSC Procedures, A.1155(32)). The proposed amendments include expanded guidance on detainable deficiencies under MARPOL Annex VI, including:

- 1) Absence of valid IEE Certificate, EEDI Technical file or SEEMP
- 2) Non-compliant Fuel oil sulfur content
- 3) Absence of proper EGCS documentation (if applicable)

The Sub-Committee also received instructions from MSC 105 and MEPC 78 to consider the inclusion of several guidance document within the appendices of the PSC Procedures, to address other specific regulatory developments:

- 1) *Guidelines for Port State Control Under the BWM Convention* (MEPC.252(67))
- 2) *Interim Guidance on Control and Compliance Measures to Enhance Maritime Security* (MSC.159(78))
- 3) *2022 Guidelines for Inspection of Anti-Fouling Systems on Ships* (resolution MEPC.357(78))

Next Steps: Discussions on this subject will continue in the intersessional correspondence group and at III 9 (July 2023). It is intended for a revised edition of the PSC Procedures to be finalized at III 9 for subsequent adoption at IMO Assembly, 33rd session (A 33).

Updates to Training for PSC Personnel

The Sub-Committee initiated work on revision of IMO Model Course 3.09 on PSC, to reflect the latest developments of relevant IMO instruments and reflect current practices and emerging technologies within the course. Additionally, the Sub-Committee was tasked by MSC 103 and MEPC 76 to develop an entrant training



manual for PSC personnel. This manual would be periodically updated and available for voluntary use, as a means of further promoting consistency among PSC personnel.

Following the discussion, the Sub-Committee agreed that the training manual for new entrant PSC personnel should be developed after the finalization of the IMO Model Course 3.09 on PSC.

Next Steps: Work on the revision of IMO Model Course 3.09 has been placed on the agenda of III 9 (Dec. 2023). Work on the entrant training manual for PSC personnel will progress in an intersessional correspondence group and at III 9, with a target completion year of 2023.

ANALYSIS OF MARINE SAFETY INVESTIGATION REPORTS

Analysis of Marine Casualty Reports and Lessons Learned

The Sub-Committee received the report of an intersessional correspondence group in which 36 marine safety investigation reports were collected for analysis of both content and quality of reporting. Significant observations identified for follow-up actions are discussed further in the below sections.

Next Steps: The IMO Secretariat will be asked to publish a summary of 15 Lessons Learned from the analysis of reported marine casualties at this session of the Sub-Committee, for release on the IMO website.

Additionally, the Sub-Committee will request the IMO Secretariat to publish a III.3 circular (to complement the previously published III.3/Circ.8) to highlight for Administrations the areas in which reporting of marine casualties has in the past been incomplete or inappropriately addressed, with the objective of improving future marine safety investigation reports.

Safety Issues Associated with Securing Containers on Deck

Among the investigation reports analyzed by the Sub-Committee, one identified safety issue related to the loss of containers on multiple occasions by a single vessel. The container carrier was reported to have lost over 300 containers across six occasions, with the first two occasions not noticed by the crew. The crew on the bridge had no indication of occurring roll angles, forces and accelerations. According to analysis, the ship was sailing with a high metacentric height (GM) and encountered a combination of four hydrodynamic phenomena: extreme motions and accelerations, contact or near contact with the sea bottom, green water and slamming. The growth of the capacity of containerships has raised concern that the Code of Safe Practice for Cargo Stowage and Securing (CSS Code) cannot be used to calculate design accelerations of such vessels.

Next Steps: The Sub-Committee will assign an intersessional correspondence group to develop a proposal for a new output for preventing loss of containers at sea and will advise the MSC to note these discussions regarding how containers should be secured at sea.

Safety Issues Associated with Falls from Height

Through the intersessional correspondence group, the Sub-Committee received analysis of numerous marine safety reports involving falls from height. Nearly all incidents analyzed resulted in loss of lives, and 90 percent of the incidents were attributed to bulk carriers, containerships, tankers and general cargo carriers. These incidents were attributed to several safety issues:



- 1) Safety management system procedures for working at height were not effectively implemented or did not always achieve their intended purpose
- 2) Tasks that involved risk of falling were not always considered as “working at height”
- 3) Appropriate personal protective equipment intended to reduce risk of falling was not being used
- 4) Onboard safety training on this subject was not sufficient
- 5) Onboard management supervision and control of seafarers performing tasks that required working at height was ineffective

Next Steps: The Sub-Committee will assign an intersessional correspondence group to develop a proposal for a new output on guidelines addressing the identified safety issues of seafarers 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). The proposal for this new output will be discussed further at III 9 (July 2023). This new output is proposed to be coordinated by the Sub-Committee on Human Element, Training and Watchkeeping (HTW). The Sub-Committee will also advise the MSC to note these discussions regarding safety issues concerning falls from height.

Safety Issues Associated with Pilot Ladders and Boarding Arrangements

The Sub-Committee considered information from IMO, flag States and industry data sources regarding pilot ladder-related safety issues, including associated boarding arrangements, and the assessment of several marine safety reports noted multiple incidents that appear to be as a result of the pilot ladder being improperly rigged or designed, or the pilot ladder giving way as a result of poor maintenance. All incidents resulted in the person suffering a fall from height. It was further assessed that pilot ladders are susceptible to damage due to frequent usage, and their maintenance may be neglected during daily maintenance due to their normal stowage when not in use. The Sub-Committee further noted that a lack of clear, consolidated regulatory standards for pilot ladders may be contributing to confusion and inconsistent enforcement by port States.

Next Steps: Noting the current planned work by the MSC for a new output to amend SOLAS regulation V/23 and associated instruments to improve the safety of pilot transfer arrangements, the Sub-Committee will invite MSC 106 (Nov. 2022) to note the assessment of pilot ladder-related safety issues which was received by III 8.

Safety Issues Associated with Fishing Vessels

The Sub-Committee considered analysis of safety issues onboard fishing vessels related to man overboard incidents. The assessment of death rates in such incidents made clear that use of personal flotation devices (PFDs) is essential for survival, and the attitude among fishing industry workers must shift to increase the use of this equipment.

The Sub-Committee also considered analysis of safety issues related to collisions involving fishing vessels. Analysis of the data suggested several trends in such incidents, such as many collisions taking place during night hours, in open waters, in a loaded condition and while lacking a proper lookout. It was also noted that many fishing vessels are operated under domestic regulations and training requirements. However, no conclusions could be made at this stage to suggest a clear leading cause of collisions involving fishing vessels.

Next Steps: Regarding man overboard incidents on fishing vessels, the Sub-Committee will invite the Sub-Committee on Navigation, Communications, Search and Rescue (NCSR) and the Sub-Committee on Ship Systems and Equipment (SSE) to note the analysis already prepared on man overboard incidents on fishing vessels. The Sub-Committee will also recommend the HTW Sub-Committee to take note of the same matter, since the attitude in the fishing industry concerning PFDs needs to be addressed.

Regarding collisions involving fishing vessels, the Sub-Committee agreed that more research would be needed and tasked an intersessional correspondence group to continue to address this issue, taking into consideration



the relevant provisions in the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F) and COLREG 1972. This issue will be discussed further at III 9 (July 2023).

III CODE IMPLEMENTATION AND THE IMO MEMBER STATE AUDIT SCHEME (IMSAS)

Development of III Code Implementation Guidance

The Sub-Committee received the report of an intersessional correspondence group assigned to progress the development of implementation guidance for the III Code, to assist Member States in the implementation of the Code. The current draft structure of this guidance is in two parts:

- Part A containing guidance on understanding and practices to assist Member States in the implementation of the III Code, aiming to enhance the overall performance in maritime safety and environment protection
- Part B providing Member States with a manual to prepare for future audits under the IMO member State Audit Scheme (IMSAS) and to assist in the planning, conducting and reporting.

The III Code Implementation Guidance will provide Member States with information on reoccurring findings and observations and providing guidance and best practices to be considered beneficial to Member States for both implementation of the III Code and audit preparation.

Next Steps: Discussions on this subject will continue in the intersessional correspondence group and at III 9 (July 2023).

OTHER DEVELOPMENTS

Follow-Up Work on the Action Plan to Address Marine Plastic Litter from Ships

After the adoption by MEPC 73 of the *Action Plan to Address Marine Plastic Litter from Ships* (Resolution MEPC 310(73)), the Sub-Committee was tasked by MEPC 74 to consider certain work in support of the action plan. Intersessionally and at III 9, the Sub-Committee will progress the following:

- 1) Prepare of a draft MEPC circular reminding Member States to enforce MARPOL Annex V on fishing vessels through PSC measures; and encouraging PSC regimes to develop PSC procedures that include fishing vessels
- 2) Consider proposals for enhancing the enforcement of MARPOL Annex V, including, where possible, through a risk-based approach, and if appropriate prepare draft amendments to the Procedures for PSC

Next Steps: An intersessional correspondence group has been established to progress these matters in support of the action plan. Discussions on this subject will continue in the intersessional correspondence group and at III 9 (July 2023).

Reporting of Alleged Inadequacy of Port Reception Facilities

The Sub-Committee received the annual report consolidated by the IMO Secretariat to summarize reporting by Member States of inadequate port reception facilities (PRFs) encountered by their registered vessels. Each state that is party to the MARPOL Convention is obligated to support compliance by providing adequate PRFs to serve in the proper disposal of ships' wastes, and the IMO Global Integrated Shipping Information System (GISIS)



provides a module through which Member States may report alleged inadequacies of PRFs. The adequate provision of PRFs by all parties will be important in supporting future initiatives, such as the action plan to reduce marine plastic litter from shipping. This issue is currently affecting the use of exhaust gas cleaning systems, as some Member States are reporting instances of inadequate PRFs for exhaust gas cleaning residues.

The Sub-Committee noted the recent approval by MEPC 78 of related guidance in the *2022 Guidance Regarding the Delivery of EGCS Residues to Port Reception Facilities* (MEPC.1/Circ.900) as well as the *2022 Guidelines for Risk and Impact Assessments of the Discharge Water from Exhaust Gas Cleaning Systems* (MEPC.1/Circ.899), and encouraged Member States and international organizations to submit their best management practices, experience gained and difficulties encountered in implementing the guidance.

Next Steps: Member States are invited to propose further ways of assessing progress in port States' response to alleged inadequacies reports, as well as ways of more prominently displaying non-responding port States in GISIS.

Additionally, the Sub-Committee agreed to recommend to the MEPC that the IMO Secretariat should develop a data transfer mechanism for the IMO GISIS module on port reception facilities, to facilitate the automatic sharing of information from the Port Reception Facilities module of GISIS with other national/regional systems.



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