

The IMO Maritime Safety Committee (MSC) held its 104th Session (MSC 104) remotely from Monday 4 through Friday 8 October 2021 under the Chairmanship of Mrs Mayte Medinah (United States) and her Vice-Chair, Commander Theofilos Mozas (Greece), both of whom were re-elected for 2022. The session was attended by Members and Associate Members totalling 103; representatives from the United Nations Programmes, specialised agencies and other entities; observers from Intergovernmental organisations with agreements of cooperation; and observers from non-governmental organisations in consultative status.

One Working Group and one Drafting Group were formed and chaired as follows:

WG1 Domestic ferry safety, Mr W. Chiemanukulkit (Thailand)

DG1 Amendments to mandatory instruments, Mr N. Boldt (Germany)

ADDRESS BY THE SECRETARY GENERAL. Mr Kitack Lim, Secretary-General of IMO welcomed delegates to the meeting and stressed that the well-being of over 1.2 million seafarers working on board seagoing ships continued to be his highest priority. He drew attention to this year's World Maritime Theme, "Seafarers: at the core of shipping's future", emphasising that they have been the silent heroes and collateral victims of the COVID-19 pandemic, as travel restrictions had left hundreds of thousands of them stranded on ships, or unable to join ships. Indeed, in 2021, crew change figures on seafarers requiring repatriation after finishing their contracts, and those waiting to relieve them, continues to be a worry. COVID variants and a steep increase in related abandonment cases, have further exacerbated the crew change crisis, and current figures indicate that there is still a long way to go before normality is restored. These factors are keeping the IMO Seafarer Crisis Action Team (SCAT) busy and a report has been submitted to the next session (67th) of the UN General Assembly in relation to global supply chain matters. Rounding off his concerns, Mr Lim spoke of a draft Assembly resolution consolidating issues related to crew change, access to medical care, "key worker" designation and vaccination to further highlight these problems, with a view to adoption at the 32nd session of the IMO Assembly this December.

Switching subjects to the agenda for the meeting, he referred to a draft update of the Resolution on Prevention and suppression of piracy and armed robbery against ships and illicit activity in the Gulf of Guinea (GoG) which will be presented for finalisation and approval. There will also be an update on IMO initiatives in the GoG, outlining IMO's endeavours to support the region through preventative measures.

Also at this session, the Committee will once again consider matters pertaining to domestic ferry safety and a Working Group will be established to finalise recommendatory Model Regulations with a view to adopting them at MSC 105 in April next year.

Rounding off his address, the Secretary-General expressed hope for progress on the other substantive items on the agenda, such as;

- Amendments to mandatory instruments;
- Goal-based new ship construction standards; and,
- The reports of several sub-committees.

With that, Mr Lim wished the Committee every success in their deliberations.

DECISIONS OF OTHER IMO BODIES. Proposed actions on matters postponed for consideration at MSC 103 and 104 pertaining to this agenda item due to COVID had been arranged by correspondence. Most of the proposed actions were approved in principle, and action taken as follows:

Outcome of C 124, FAL 44, MEPC 75, LEG 107 and TCC 70. The Committee noted that MSC 103 took the recommended decisions and outcomes of the Committees into account and acted as appropriate under the relevant agenda items.

Outcome of A 31: Process of updating the Survey Guidelines under the Harmonised System of Survey and Certification (HSSC). The Committee noted support for a proposal contained in A 31/10/2 (Germany et al) that draft amendments to the Guidelines should be linked to mandatory requirements. A 31 had invited MSC 102 and MEPC 75 to address the matter but owing to the pandemic, consideration had to be postponed to this session. The Committee, subject to concurrent decision by MEPC 77 (meeting next month), then instructed III 8 to consider the issue and report back to the Committees accordingly.

Remaining matters. The Committee, having noted the decisions of FAL 45, MEPC 76, C 125 and LEG 108, as set out in document 104/2 (Secretariat), agreed to take them into account under the relevant agenda items.

Certified true copies of consolidated texts of all IMO conventions to assist in their implementation into domestic legislation. It was noted that C 125 had endorsed the recommendation of the working Group on Council Reform with the preparation of certified true copies of consolidated versions of IMO conventions, as proposed by LEG 106 to assist in their implementation into domestic legislation.

CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS.

Following a prolonged discussion in Plenary, a Drafting Group was established and instructed, taking into account comments made and decisions taken in plenary, to prepare, for consideration by the Committee with a view to adoption, the final text of the:

- Draft amendments to chapters II and III of annex I of Annex B to the 1988 Load Lines Protocol and the associated draft MSC resolution, based on document MSC 104/WP.5; and,
- Draft amendments to chapter 2 of the IGC Code and the associated draft MSC resolution, based on annex 2 to document MSC 104/WP.5.

As instructed, the Group considered the draft amendments to chapters II and III as specified, concerning the acceptable arrangements of scuppers and discharges, as well as satisfactory condition of equilibrium after flooding, respectively. Following this, the Committee approved the report of the drafting group in general and, in particular:

- Adopted the draft MSC resolution on amendments to the 1988 Load Lines Protocol and agreed that the amendments should apply to new and existing ships upon entry into force

and decided therefore, that there is no need to introduce any application provision to the draft amendments; and,

- Adopted the draft MSC resolution on amendments to the IGC Code. This concerned watertight doors on cargo ships and took into account the amendments to the 1988 Load Lines Protocol enabling the Group to prepare the final text of the draft amendments to the IGC Code and the resolution already mentioned.

MEASURES TO IMPROVE DOMESTIC FERRY SAFETY. The Committee established a Working Group on Domestic Ferry Safety with appropriate terms of reference. Having considered the subsequent report of the Group, the Committee approved it in general and took action as follows:

- Noted the diverse yet relevant views on technical and legal aspects covering the provisions in the draft model regulations as reflected in the report;
- Approved the Model Regulations on Domestic Ferry Safety as finalised by the Group;
- Authorised the Secretariat to effect any necessary editorial changes to the finalised version and to prepare a draft MSC resolution on adoption of the Model Regulations for consideration by MSC 105;
- Approved an updated plan of work; and,
- Concurred with the view of the Group that a Correspondence Group on Domestic Ferry Safety is currently not necessary.

GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS (GBS). The Committee had for its consideration document MSC 103/7/1 (Secretary-General), containing the GBS audit report on the rectification of non-conformities stemming from the first GBS maintenance audit in 2018 and, in the case of DNV-GL (which has since changed its name from “DNV-GL” to “DNV” with effect from 1 March 2021), the non-conformities confirmed with respect to the re-verification audit. Having considered the report of the auditors, the Committee agreed with the recommendations that the non-conformities had been duly rectified and that IACS CSR and the DNV rules now demonstrate continued conformance with the Organisation’s goal-based ship construction standards for bulk carriers and oil tankers.

MEASURES TO ENHANCE MARITIME SECURITY.

Updates on developments related to maritime security. The Committee considered document MSC 104/7 (Secretariat) reporting on developments related to maritime security since MSC 103 and noted information on the delivery of maritime security-related activities as part of the Integrated Technical Cooperation Programme (ITCP). This included information regarding two EU-funded port security projects, Secretariat attendance at the World Customs Organisation (WCO) Cruise Ship Workshop, and, ongoing Secretariat support to the United Nations global counter-terrorism compact, including delivery of the maritime and port security elements of the Counter-Terrorism Committee Executive (CTED) hybrid visit to Benin in early July.

In this context, the Committee encouraged SOLAS Contracting Governments to:

- Review and update the information contained in the Maritime Security (MS) module of GISIS, in particular that related to port facility security plans;
- Consider using the new option for electronic transfer of information into and from the MS module of GISIS so as to reduce the administrative burden of the nominated national point(s) of contact;

- Develop effective MS security governance structures, including national MS committees and strategies, and to strengthen these where they already exist;
- Continue to effectively implement, in partnership with industry, IMO security measures, including SOLAS chapter XI-2 and the ISPS Code, requesting IMO's technical assistance, as appropriate; and,
- Consider donating to IMO's International Security Trust Fund (IMST Fund) to support the continued delivery of technical assistance under the global programme for the Enhancement of Maritime Security.

Cyber risk management for ships and ports. The Committee recalled that, when approving the *Guidelines on maritime cyber risk management* (MSC-FAL.1Circ.3) in 2017, it underlined that they are complementary to the ISM and ISPS Codes, noting that the Guidelines include functional elements that support effective cyber risk management and provide references to further detailed guidance, including the industry guidelines on cyber security on board ships.

Two documents were submitted for consideration, that by IAPH inviting attention to the first edition of the *IAPH Cybersecurity Guidelines for Ports and Port Facilities*, suggesting that they be referenced in the next version of the *Guidelines on maritime cyber risk management* under additional detailed guidance and industry standards; and, an information paper by France providing a brief overview on recent French initiatives aimed at addressing cybersecurity issues in the maritime sector. In considering both documents, the Committee:

- Requested the Secretariat to update the industry guidance listed in para 4.2 of MSC-FAL/Circ.3/Rev.1 to include the IAPH first edition, subject to concurrent decision by the FAL Committee;
- Noted that such inclusion should not be taken to mean that the Committee had endorsed every detail, rather it recognised the helpfulness of the IAPH Guidelines and promoted their availability; and,
- Noted with appreciation, the overview on recent French initiatives aimed at addressing cybersecurity issues in the maritime sector.

PIRACY AND ARMED ROBBERY AGAINST SHIPS. The delegation of Romania stated that it considered the safety and security of seafarers as extremely important; that many of its nationals are seafarers; and that it condemned the recent drone incident in July involving the **MT Mercer Street** in which one of its nationals and a UK national were both killed.

Updating resolution A.1069(28). MSC 103 acknowledged progress made on this draft Assembly resolution update, *Prevention and suppression of piracy, armed robbery against ships and illicit maritime activity in the Gulf of Guinea*, and agreed to finalise it at MSC 104 for approval, with a view to submission to A.32 in December for adoption, noting two outstanding issues highlighted by the Working Group on Piracy at MSC 103.

The first issue related to the footnotes containing the definition of "piracy" and "armed robbery against ships" referred to in the title and the content of the draft; the second issue was a request from some Member States to include a reference to the EU pilot case of the Coordinated Maritime Presence (CMP) concept in the Gulf of Guinea (GoG), which was included in square brackets to allow the Committee to gain a better understanding of the concept before deciding on the suggestion.

Following advice by the IMO's Legal Affairs and External Relations Division on the first issue and by the IMO Secretariat on the second issue there followed an extensive discussion in which many views were expressed. This resulted in the Committee:

- Agreeing to delete all footnotes with the definition of “piracy” and “armed robbery against ships” referred to in the title and the draft text, and instead to include a reference to those definitions in the preambular part of the draft resolution;
- Agreeing to delete the square brackets and retain the text relating to the CMP concept pilot case in the GoG in operative paragraph 7(c);
- Agreeing that the words “consistent with International law, in particular the rights of coastal states in the area” at the end of existing operative paragraph 7(c) and the removal of the square brackets around the paragraph; and, moving the existing operative paragraphs 6 and 7 (as amended) after existing operative paragraph 3, and changing the paragraph numbering thereafter accordingly.

Following this, the Committee approved the draft updated Assembly resolution on *Prevention and suppression of Piracy, armed robbery against ships and illicit maritime activity in the Gulf of Guinea*, for submission to A32 with a view to adoption.

Developments since MSC 103 including information sharing on incidents of piracy and armed robbery. The Committee considered document MSC 104/8 (Secretariat) reporting on developments concerning piracy and armed robbery against ships since MSC 103, including relevant statistics and updates on the implementation of the Djibouti Code of Conduct, and the situation in the Gulf of Guinea (GoG), noting in particular that:

- Eighty-three incidents of piracy and armed robbery against ships occurred from January to June 2021, a decrease of approximately 23% at the global level compared to the same period last year. The areas most affected during that time were West Africa (27), the Straits of Malacca and Singapore (23) and the South China Sea (12). The number of incidents in the GoG decreased in the first half of 2021 by 5 compared to the same period in 2020, constituting a decrease of 16%.
- With regard to the implementation of the Djibouti Code of Conduct, as amended, the strong governance introduced will leave it better prepared to find regional solutions to address existing gaps in Maritime Domain Awareness (MDA) and to develop response capabilities; and
- In relation to initiatives in the GoG, following recent comments by the Secretary-General at both the G7++ Friends of the Gulf of Guinea and Gulf of Guinea Maritime Collaboration Forum/Gulf of Guinea – Shared Awareness and Deconfliction meetings, the Secretariat is finalising a strategy proposal to integrate IMO key partners such as African regional stakeholders, Member States and the industry, complementing existing initiatives.

In the ensuing discussion, the delegation of Argentina requested that in future updates, disaggregation should be made between incidents occurring in territorial waters and that appropriate references to UN Security Council resolutions be added to future invitations to Member States continuing to provide naval assets off the coast of Somalia.

Having considered the information provided by the Secretariat and following the subsequent discussion, the Committee:

- Requested Member States to report incidents of piracy and armed robbery using the reporting form in appendix 5 of MSC.1/Circ.1333/Rev.1;

- Requested the Secretariat to examine the disaggregation request by Argentina and report back to MSC 105;
- Concerning verification of reports of piracy and armed robbery incidents, noted that clarification and/or correction of inaccuracies should be raised with the Secretariat by the national focal point, enabling the GISIS module to be updated. The number of such reports will be reported back to future sessions of the Committee;
- Requested Member States to provide and keep updated the information related to their National Contact Point(s) for communication of information on piracy and armed robbery through the Contact Points module of GISIS;
- Requested Member States to keep updated the Questionnaire on information regarding coastal State requirements related to privately contracted armed security personnel on board ships (PCASP) for posting on the IMO website;
- Noted the efforts undertaken to ensure continued implementation of both Djibouti and Yaounde Codes of Conduct, including support provided by the Inter-regional Coordination Centre (ICC);
- Reminded companies, masters and seafarers to continue the diligent application of existing IMO guidance and the global counter-piracy guidance, including updated guidance for protection against piracy and armed robbery in the GoG region – Best Management Practices West Africa;
- Invited Member States to continue providing naval assets off the coast of Somalia and flag States to continue monitoring the threat to ships flying their flag, and set appropriate security levels in accordance with the ISPS Code;
- Requested the Secretariat to add references to the appropriate UN Security Council resolution in the invitations extended to future Member States which continue to provide naval assets off the coast of Somalia; and,
- Called upon Member States to assist efforts in the region and consider making financial contributions to IMO's West and Central Africa Trust Fund (WCA TF).

Progress report of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). The Committee noted with appreciation, the information contained in document MSC 104/INF.6 (ReCAAP-ISC), providing an update of the activities it had carried out and the situation of piracy and armed robbery against ships in Asia.

Piracy and armed robbery against ships in the Gulf of Guinea (GoG). The Committee considered information on the Gulf of Guinea Declaration on Suppression of Piracy provided in document MSC 104/INF.3 (Liberia et al); and the progress report on measures being undertaken by Nigeria to address pirate activities in Nigeria and the GoG region, contained in document MSC 104/INF.7 (Nigeria).

In this regard, positive strides were recognised e.g. that Ghana had passed anti-piracy legislation; the recent convictions of pirates in Nigeria and Togo; and, Nigeria's significant investment in their Deep Blue Project, now operational and providing further evidence of a concerted and sustainable long-term commitment within the region,

The Committee noted in particular:

- The intention of the Secretary-General to host a meeting of all interested stakeholders in December this year, to report the findings of the regionally led expert level talks, and also consider the requirement for a review of the Yaounde Code of Conduct;

- The intended provision, in 2022, of an IMO integrator and coordinator embedded in the region, to support the work of the ICC, Yaounde, providing guidance and training support to progress development of the Yaounde Architecture, dovetailing with the operational readiness of the Zone F HF network and the enhancements in MDA and counter piracy incident response capabilities in the region; and,
- An offer by IMO, alongside other UN partners, to support Nigeria in its development and implementation of a national maritime strategy, linked to a new and innovative IMO concept on the whole of government approach to maritime security, involving the development of National Maritime Security Committees, Risk Registers and Strategies and integrating these with an effective MDA capability.

Review of the High-Risk Area (HRA) for piracy in the Indian Ocean. The Committee considered the update on the review of the extent of the Somali piracy HRA, revisions to the area, and envisioned next steps to develop a more dynamic threat assessment process, provided in document MSC 104/8/2 (ICS et al).

In the ensuing discussion, of most note was the stated fact that military mandates in the western Indian Ocean have expanded to encompass new forms of threat including Water-borne Improvised Explosive Devices, limpet mines, and drones etc. Thus it is important for the industry guidance and new threat assessment process to reflect these new forms of threat. Following discussion, the Committee:

- Recalled that MSC had already discussed a request by Kenya for a revision of the HRA and encouraged the industry group and appropriate bodies to continue working with regional stakeholders, including coastal States and to provide an update to this session;
- Noted the conclusions of the HRA review and the boundary changes, in particular the removal of boundaries covering sea areas off the coasts of Kenya and Oman, effective from 1 September 2021;
- Noted also the intention of the co-authors of document MSC 104/8/2 to replace the existing HRA with a more dynamic worldwide threat-based approach and the timelines for this transition; and
- Requested the aforementioned co-authors to provide MSC 105 with a progress report.

UNSAFE MIXED MIGRATION BY SEA.

Matters emanating from MSC 102 and MSC 103 postponed for consideration at MSC 104.

Proposed actions on matters postponed for consideration at MSC 103 and 104 pertaining to this agenda item were considered by correspondence (MSC 104/1/2 and Add.1) and approval in principle had been given to most of the recommended actions.

MSC 101 had also encouraged Member States to issue clear and unambiguous instructions to shipmasters on ships flying their flag on how to act under different circumstances if directed to return rescued persons to Libya, and concurred with the decision of FAL 43 to extend the target completion year of output OW 44, "IMO's contribution to addressing unsafe mixed migration by sea", to 2021 (since further extended by FAL 45 to 2022), with the aim of keeping the Committee informed of developments. The Committee noted the information provided in document MSC 103/11 (Secretariat) providing an update on the Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Responsibility-Sharing for Refugees.

Inter-Agency Group on Safety of Life at Sea. The Committee noted that UNHCR has launched an initiative to re-constitute an Inter-Agency Group on Safety of Life at Sea in order to discuss,

plan, and execute, coordinated joint action and advocacy to support the prevention of dangerous journeys at sea, SAR activities, and safe disembarkation. The Secretariat is participating in meetings of the Group.

Reporting of migrant incidents at sea. Member States were encouraged to provide, via GISIS, timely and accurate information on migrant incidents and on suspected smugglers by providing the information included in the appendix of the *Interim measures for combating unsafe practices associated with the trafficking, smuggling or transport of migrants by sea* (MSC.1/Circ.896/Rev.2).

Impacts of unsafe mixed migration by sea to shipping. The remaining documents on Unsafe Migration by sea, were those submitted by Denmark (MSC 104/9), suggesting the adoption of an MSC resolution to reiterate the importance of effective and timely involvement of Governments in cases of rescue of migrants at sea by merchant ships, and that by Italy (MSC 104/9/1) in support. In the ensuing discussion, many conflicting views were expressed. However, there was support in principle for a draft resolution and the Committee agreed to postpone further consideration of the matter to MSC 105, inviting Member States to submit comments to the next session, with a view to finalising the resolution then.

FORMAL SAFETY ASSESSMENT. The Committee recalled that MSC 101 had convened an intersessional meeting of the Experts Group on Formal Safety Assessment (FSA) to review FIRESAFE I and II studies commissioned by the European Safety Agency (EMSA), addressing fires on ro-ro- passenger ships, with a view to reporting its findings to SSE 7. Concerns were raised on the risk matrix and risk assessment criteria in the *Procedure for identifying safety issues* developed by III 5, following which the FSA Experts Group were instructed to review the criteria and submit a report to MSC 102. Owing to time constraints at MSC 102 and 103, consideration was deferred to this session.

Report of the Experts Group. In considering the report, the Committee:

- Noted the recommendations that the Revised FSA Guidelines may be amended at an appropriate time in the future, but is not urgent;
- Noted that the risk assessment criteria developed by III 5 should be revised and that documented examples of how the Procedure is to be utilised should be included; and,
- 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.

HUMAN ELEMENT, TRAINING AND WATCHKEEPING.

Report of HTW 7. Having recalled that HTW 7 had been postponed until 15 February 2021 and that MSC 103 commenced on 5 May 2021, action on urgent matters emanating from HTW 7 had already been taken. Thus the Committee:

- Approved, in general, the report of HTW 7; and,
- Expressed sincere thanks to the outgoing HTW Chair (Mrs Mayte Medina of the USA) and Vice-Chair (Mrs Farrah Fadil of Singapore) for their outstanding work.

Draft international safety code for ships carrying industrial personnel (IP code). The Committee considered document MSC 104/11/3 (Bahamas et al), providing comments on the

report of HTW 7 (HTW 7/16) and particularly highlighting that, in the provisions of the draft IP code, there are no requirements for crew members regarding crowd management training (as provided in section A-V/2, paragraph 3, of the STCW Code). Such ships could carry a large number of people (industrial personnel) and there is a risk of having to take action promptly in an emergency situation. The co-sponsors therefore proposed that the HTW Sub-Committee be requested to consider this matter with a view to developing appropriate mandatory training for crews on IP certified ships.

Following discussion, with an emphasis that finalisation of the IP Code should not be delayed, the Committee instructed HTW 8 to consider the matter, taking into account the Bahamas document and the comments made at this session, with a view to advising MSC 105 as to whether or not crowd management training would be necessary for seafarers on:

- IP certified ships, and develop draft provisions, as appropriate; or,
- All cargo ships, in which case a new output would be necessary.

Report of the Correspondence Group on COVID-19 Training and Certification Matters.

Following consideration of the CG's report, the Committee approved it in general and in particular:

- Noted the measures adopted by States during the pandemic;
- Concurred that the emphasis in the guidance would be on common approaches when adopting necessary measures, rather than harmonising the measures themselves;
- Agreed that guidance should be in the form of a circular rather than providing interpretations of the STCW Convention and Code;
- Agreed that the Committee should consider a cut-off date for exceptional measures in the future, when concrete discussion could take place and action taken on how the pandemic would have evolved;
- Agreed to the definition of exceptional measures in the guidance;
- Requested the Secretariat to develop a GISIS module containing the various measures adopted by Parties, while continuing issuing circular letters on such measures in the meantime, noting that the development of an add-on or a new GISIS module might take longer than desired for a timely response to the pandemic;
- Noted the views expressed regarding possible adverse effects of the measures adopted during the pandemic; and
- Approved an MSC circular on *Guidance on seafarers' training and certification for issuing administrations, flag States and port States during the COVID-19 pandemic*.

Approval of competent persons. Following consideration, the Committee approved the inclusion and updated information of 13 competent persons recommended by three parties, noted the competent persons who had been withdrawn from the List, invited any other amendments to the List, and encouraged all Parties to submit additional nominations to ensure the effective implementation of the STCW Convention.

Joint ILO/IMO Working Group to Identify and Address Seafarers' Issues and the Human Element. The Committee noted that:

- C 125 had endorsed the decision of MSC 103 to approve, in principle, the establishment of a standing Joint ILO/IMO Working Group to identify and address seafarers' issues and the human element;

- The ILO and IMO Secretariats have been in contact on this subject, and that the draft resolution is being developed by the Office (ILO Secretariat) in consultation with the Officers of the STC; and,
- The draft resolution has been communicated to the STC members and adopted by correspondence by consensus and, consequently, submitted to the 343rd session of the ILO Governing Body for consideration and decision (October-November 2021)

NAVIGATION, COMMUNICATIONS AND SEARCH AND RESCUE.

Report of NCSR 8. The Committee approved, in general, the report of the eighth session of the Sub-Committee on Navigation, Communications and Search and Rescue and took action as follows:

Recognition of the Japanese QZSS as a component of the Worldwide Radionavigation System. Having noted general support for the QZSS, the Committee approved the SN.1/Circular on its recognition as a component of the Worldwide Radionavigation System.

Draft amendments to SOLAS 1974 and related instruments concerning the modernisation of the GMDSS. The Committee approved relevant draft amendments to:

- SOLAS chapters II-1, III, IV, and V, and the appendix (Certificates);
- The 1988 SOLAS Protocol; and,
- The 1994 and 2000 HSC Codes.

In connection with the approval of the above draft amendments to the 1974 SOLAS Convention and the 1988 SOLAS Protocol, the Committee also approved, in principle: draft amendments to the 1983 and 2008 SPS Codes and the 1979, 1989 and 2009 MODU Codes plus associated draft MSC resolutions for their adoption. It also approved draft MSC resolutions on:

- System performance standards for the promulgation and coordination of maritime safety information using high-frequency narrow-band direct-printing, revising and superceding resolution A.699(17);
- Performance standards for the reception of maritime safety information and SAR related information by MF (NAVTEX) and HF;
- Provision of radio services for GMDSS;
- Performance standards for SAR transponders;
- Performance standards for shipborne VHF radio installations capable of voice communications and digital selective calling;
- Performance standards for shipborne MF and MF/HF radio installations capable of voice communication, digital selective calling and reception of maritime safety information and SAR related information;
- Performance standards for Inmarsat-C ship earth stations capable of transmitting and receiving direct-printing communications;
- Guidelines for the avoidance of false distress alerts;
- Performance standards for survival craft portable two-way VHF radiotelephone apparatus;
- Amendments to the performance standards for radiocommunication equipment;
- Performance standards for a shipborne integrated communication system (ICS) when used in the GMDS system; and,

- Draft MSC circulars on *Participation of non-SOLAS ships in the GMDSS and guidance on the development of training materials for GMDSS operators on non-SOLAS ships*, also, *Guidance for the reception of maritime security information and SAR related information as required in the GMDS System*.

VDR and S-VDR Performance standards. The Committee considered draft amendments to the *Performance standards for shipborne simplified voyage data recorders (S-VDRs)* and the *Performance standards for VDRs* prepared by the Sub-Committee, containing consequential amendments due to the adoption of the *Performance standards for float-free emergency position-indicating radio beacons (EPIRBs)* operating on 406 MHz. Resolutions on both these performance standards were subsequently adopted.

EPIRB-related guidelines. Revisions to existing guidelines were considered, concerning float-free emergency position-indicating radio beacons (EPIRBs), and the Committee approved circular MSC.1/Circ.1039/Rev.1 on *Guidelines for shore-based maintenance of EPIRBs*, and a second circular, MSC.1/Circ.1040/Rev.2, on *Guidelines to annual testing of EPIRBs*.

VHF radiocommunication equipment. The Committee approved a revision to existing guidance concerning the validity of VHF radiocommunication equipment, which is reflected in MSC.1/Circ.1460/Rev.3.

Revision of the Interim Iridium SAFETYCAST SERVICE MANUAL. The Committee approved MSC.1/Circ.1613/Rev.1 on *Interim Iridium SafetyCast service manual*, effective from 1 January 2022 and ruled that for its first edition, the manual should follow the amendment procedure agreed for all MSI-related documentation.

IMPLEMENTATION OF IMO INSTRUMENTS.

Urgent matters emanating from III 7. Document MSC 104/13 (Secretariat) outlined the urgent matters and action was taken as indicated hereunder:

Draft Assembly resolutions. The Committee considered document MSC 104/17/9 (China) on clarification of the obligations of Parties in relation to the STCW Convention, as described in the 2019 *Non-exhaustive list of obligations under instruments relevant to the IMO instruments implementation Code (III Code)* (resolution A.1141(31)). In this context, the Committee recalled that 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)) states that “with regard to the STCW Convention, as amended, the audit should not seek to duplicate existing mandatory audit requirements contained in that Convention. Only the aspects of that Convention that are specified therein should be covered by audits.”

The Chairman provided additional information with regard to the issues raised by China, following which the Committee agreed the need to reaffirm the limited scope of IMSAS audits under the STCW Convention and Code and, in the context of approving the draft Assembly resolution on the 2021 Non-exhaustive list, approved a proposal by the Chair to amend the third preambular paragraph of the draft resolution.

The Committee also 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*, 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.

Consequently, the Committee approved, subject to MEPC's concurrent decision, the following instruments, for submission to the thirty-second session of the Assembly for adoption:

- Draft *Procedures for port State control, 2021* and the associated draft Assembly resolution;
- Draft *Survey Guidelines under the Harmonised System of Survey and Certification (HSSC), 2021* and the associated draft Assembly resolution; and,
- Draft *2021 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)* and the associated draft Assembly resolution.

Model agreement for the authorisation of ROs acting on behalf of an Administration. Having considered the relevant outcome of III 7 and having noted, in particular, that the Sub-Committee had aligned paragraph 6.5.5 of the draft Model agreement with paragraph 5.3.2.4 of part 3 of the RO Code with respect to the scope of the “statutory certification and services” as defined in the RO Code, the Committee approved, subject to MEPC's concurrent decision, the draft MSC-MEPC.5 circular on *Model agreement for the authorisation of recognised organisations acting on behalf of the Administration*.

WORK PROGRAMME.

PROPOSALS FOR NEW OUTPUTS

Remote surveys, ISM Code audit and ISPS Code verifications. Following discussion, the Committee 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 agenda for III 8, with a target completion year of 2024.

Maritime autonomous surface ships (MASS). This item sparked a healthy debate following which:

- The Chair was requested to prepare, together with the Secretariat and in consultation with the submitters of proposals and commenting documents, also the former Chair of the MASS Working Group, a road map, including scope, steps and timelines, as well as coordinating work with other IMO bodies, for detailed consideration at MSC 105;
- Included in the biennial agenda of the Committee for 2022-2023 and the provisional agenda for MSC 105 a new output on “Development of a goal-based instrument for MASS” with a target completion year of 2025;
- Agreed that the first step in this new output would be the finalisation of a road map to enable a common understanding of the steps to follow; and, time permitting, the Committee could also embark on the development of instruments already at MSC 105;
- Agreed that the ultimate goal would be the preparation of a mandatory instrument to address MASS operations; and,
- Agreed to re-establish the Working Group on MASS at MSC 105 to commence the work on the new output, including finalisation of the aforementioned road map.

Remaining proposals for new outputs submitted to the session. Owing to time constraints, the Committee was not able to consider the remaining proposals for new outputs submitted to this session and agreed their postponement to MSC 105.

ANY OTHER BUSINESS.

General. The Committee recalled that MSC 103:

- Adopted resolution MSC 490(103) on *Recommended action to prioritise COVID-19 vaccination of seafarers*; and,
- Requested the Secretariat to prepare a draft Assembly resolution consolidating issues related to crew change, access to medical care, “key worker” designation and vaccination to further highlight the relevance of these problems, for consideration at this session, with a view to adoption by A 32.

Overview of the work of the Seafarer Crisis Action Team (SCAT). Of particular significance, the Committee noted that the Secretariat had provided information on the crew change situation during the COVID-19 pandemic based on the work of SCAT, to the seventy-sixth session of the UN General Assembly.

Draft Assembly resolution – seafarers’ challenges during the COVID-19 pandemic. In considering the draft Assembly resolution set out in document MSC 104/17/1 (Secretariat), the Committee took the following decisions:

- Agreed to use the term “URGES” in the chapeau of operative paragraph 1;
- In operative paragraph 1.1, agreed not to include the term “other maritime personnel”, owing to the lack of a clear definition for this term and the required documentation for such personnel;
- In the context of facilitating seafarers’ travel across borders (operative paragraph 1.4), agreed not to introduce recognition of seafarers’ proof of vaccination at this stage since recognition of vaccines is a national public health matter and acceptance of documents issued by other Member States is a policy for each individual State;
- Agreed to delete the text “including medication, if needed, and medical and quarantine facilities” in operative paragraph 1.5, dealing with medical care; and,
- Approved the draft Assembly resolution on Comprehensive action to address seafarers’ challenges during the COVID-19 pandemic, with a view to adoption.

ASEAN recommendations. The Committee noted the information provided in document MSC 104/17/5 (Indonesia et al), providing a summary outcome of the *Intersessional discussion on COVID-19; responses of ASEAN Member States to seafarers’ access to crew change, repatriation, and national vaccination programmes*, held on 27 and 28 May 2021.

Thematic priorities for the Integrated Technical Cooperation Programme (ITCP) for 2023. The Committee agreed on the following eight thematic priorities as the main subject areas for ITCP:

- Safety of fishing vessels, domestic ferries and other non-SOLAS vessels;
- Maritime Security and anti-piracy measures;
- Implementation of IMO instruments;
- Safety of navigation;
- Search and rescue;
- Implementation of the IMDG and IMSBC Codes;
- Implementation of the Polar Code; and,
- Seafarers training and the human element.

Ongoing work in IACS. The Committee noted the work carried out by IACS on developing requirements concerning the longitudinal strength requirement of large containerships and invited IACS to provide an update after finalisation of the work, expected in late 2022.

Global Navigation Satellite Systems (GNSS). The Committee approved an MSC Circular on *Deliberate interference with the United States' Global Positioning System (GPS) and other Global Navigation Satellite Systems (GNSS)*.

ISO matters. The Committee noted the information provided in document MSC 103/20/1 (ISO) regarding an update on ISO international standards recently published or under development that relate to items considered by the Committee, and invited relevant Sub-Committees to take this information into account when revising existing instruments or developing new ones under their purview.

Safety and security of navigation in the northern part of the Black Sea, the Sea of Azov and the Kerch Strait. The Committee noted the information provided in document MSC 102/22/7 (Ukraine) and the comments thereon in document MSC 102/22/7 (Russian Federation), as well as comment made by Denmark.

DATE OF NEXT MEETING. The next meeting, MSC 105, has been provisionally scheduled to take place from 20 to 29 April 2022.

End

Captain Paddy McKnight