

## **IMO SUB-COMMITTEE ON IMPLEMENTATION OF IMO INSTRUMENTS, 8<sup>th</sup> SESSION (III 8), 25 – 29 JULY 2022**

The IMO Sub-Committee on Implementation of IMO Instruments held its 8<sup>th</sup> session (III 8) remotely from Monday 25 through Friday 29 July under the Chairmanship of Mrs Claudia Grant (Jamaica) and her Vice-Chair, Captain Marek Rauk (Estonia). The session was attended by Members and Associate Members of IMO; representatives from the United Nations Programmes and other entities; observers from intergovernmental organisations with agreements of cooperation; and observers from non-governmental organisations in consultative status, also experts invited under rule 47 of the MSC and MEPC.

Three Working Groups (WG) and one formal Drafting Group (DG) were formed and chaired as follows:

- WG 1. Analysis of Marine Safety Investigation Reports, Captain K. Nakra (Singapore).
- WG 2. III Code Implementation Guidance and IMSAS-related matters, Mr M. Rauk (Estonia).
- WG 3. Survey Guidelines under the HSSC, the Non-exhaustive list of obligations, and the Guidance on remote survey, audit and verification, Mr M Rijdsdijk (Marshall Islands).
- DG 1. Measures to harmonise port State control (PSC) activities and procedures worldwide, Mr M. Khelia (EC).

**ADDRESS BY THE IMO SECRETARY-GENERAL.** Mr Kitack Lim, Secretary-General of IMO welcomed delegates to the meeting. He stated that, over the past two years, the Organisation has taken numerous initiatives aimed at reducing the impact of the COVID-19 pandemic on the maritime sector, in particular, on seafarers.

The IMO Council, at its 127<sup>th</sup> session earlier this month endorsed next year's World Maritime Theme: "MARPOL at 50 – Our commitment goes on" and reflects IMO's long history of protecting the environment from the impact of shipping via a robust regulatory framework. Mr. Lim also highlighted the decision of the Council for in-person meetings to resume from September 2022 and in addition, agreed to the use of hybrid meeting capabilities to supplement the in-person meetings for a trial period of one year.

In terms of the meeting agenda, III 8 is expected to commence the preparation of a series of draft Assembly resolutions on matters related to port State control, survey and certification, and obligations under instruments relevant to the IMO Instruments Implementation Code, with a view to adoption at Assembly meeting A 33.

Over the past year, the Secretariat took several initiatives to enhance the reporting rate of maritime safety investigations. He felt that a more advanced data analysis of casualty and incident data, is the next milestone which could hugely benefit in identifying trends and development of risk-based recommendations to better inform IMO's regulatory work and policy development.

Mention was made regarding the outcome of the analysis of four consolidated audit summary report (CASR) reviews by III 7, endorsed by the Committees and which will be reported back to the Council, for the first time, including recommendations where relevant, of technical assistance to Member States.

Following significant decisions made at the last MEPC (78) concerning the short-term GHG reduction measures, he stated that the meeting will be required to provide expert input to foster harmonised enforcement procedures across all PSC regimes.

Finally, Mr. Lim expected the meeting to commence work in developing guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications which will assist Member States to overcome some of the more difficult challenges and enhance their capabilities. He recognised that the agenda comprised a diverse range of subjects but expressed confidence that significant progress at the session will be made, given the usual IMO spirit of cooperation.

## **DECISIONS OF OTHER IMO BODIES.**

The Sub-Committee noted the decisions and comments pertaining to its work made by other committees and sub-committees since its previous meeting 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.** The Sub-Committee noted information provided by the Secretary-General on the agreement between the Russian Federation, Turkey, Ukraine and the UN Secretary-General on 22 July 2022, to establish a humanitarian maritime corridor to allow ships to export critical cargoes of grain and foodstuffs from Ukraine. Two staff members from IMO have been seconded to the Joint Coordination Centre (JCC) in Istanbul to support the development of the agreement from a technical viewpoint.

Following discussion, the Sub-Committee noted the following views:

- General condemnation of the aggression by the Russian federation and that it is a breach of international law and the UN Charter which undermines global security and stability, causing massive loss of life and injury to civilians;
- The expression of solidarity with Ukraine;
- The failure by the Russian Federation to uphold its responsibilities as a full-time member of the UN Security Council;
- Concerns relating to the impact on the safety and security of navigation, merchant shipping, lives of seafarers, the protection of the marine environment, global supply chains and food security;

- The ongoing armed aggression by the Russian Federation, which has included attacks on commercial ships of many different flags, ports and other critical infrastructure located on shore, and which threaten the marine environment , particularly in the Black sea and the Sea of Azov;
- That C/ES.35 directed relevant IMO Committees to exhaustively consider the implications for the implementation of the Organisation's instruments; and,
- That the Russian Federation should cease its military action, unconditionally withdraw from the entire territory and fully respect Ukraine's territorial integrity, sovereignty and independence.

Statements were made, some separately and others on behalf of co-sponsors, by 25 different delegations, none of whom supported the actions of the Russian Federation. However, last to speak was the delegate representing the Russian Federation who made a statement in rebuttal of everyone who had spoken previously and specifically requested a number of points to be included in the final report, requesting that his remarks be appended accordingly. Although his request was made on Monday morning, a copy of the Statement was not forwarded to the Secretariat until very late on Thursday evening, thus it was too late to be included in the final scrutiny routinely carried out by the Sub-Committee on its final morning. In line with Committee rules, comment on what has been tendered during the five statutory days following, can only be of an editorial nature, but contain nothing of substance. Clever.

### **CONSIDERATION AND ANALYSIS OF REPORTS ON ALLEGED INADEQUACY OF PORT RECEPTION FACILITIES (PRFs).**

**Annual enforcement reports on PRFs for 2020 and 2021.** Delegates were reminded of the update to the Global Integrated Shipping Information System (GISIS) and that the actual reporting of inadequacies is accommodated by a dedicated module accepting the report of their cases directly into GISIS, following which the concerned port State receives a notification of the alleged inadequacy. Document III 8/3 (Secretariat) provides a summary of 105 such reports of PRFs for 2021 submitted by eight Parties to MARPOL, and comparative elements with the 2020 annual enforcement report.

Further ways of assessing progress in response from port States to alleged inadequacy reports were considered, as well as ways of more prominently displaying non-responding port States in GISIS. In this context, Member States were reminded that, since 1 March 2018, full access to the GISIS module enables the direct report of their cases without having to submit the information to the Secretariat; and, in order to progress efforts by IMO to reduce pollution caused by marine plastic litter from ships, it is crucial that inadequacies are accurately reported.

### **Difficulties encountered with reception facilities for exhaust gas cleaning residues.**

The Sub-Committee considered document III 7/3/1 (China) on difficulties with reception facilities for exhaust gas residues (EGCS) encountered by port States. In discussion, it was noted that some of the concerns and proposals in China's document had already been addressed in the 2022 *Guidance regarding the delivery of EGCS residues to port*

*reception facilities*, as well as, MEPC.1/Circ.899. The Sub-Committee encouraged Member States to submit their best management practices to future sessions of III.

**GISIS PRF module – proposed data transfer mechanism.** The Sub-Committee 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 (Austria et al.).

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

**Correspondence Group on Analysis of Marine Safety Investigation Reports.** The CG report contained information on the analysis of 33 marine casualties and incidents listed in document III 8/4/1 (Secretariat) and outcomes were noted as follows:

- Two safety issues were identified; safety issues during PSC inspection, and safety risk related to how containers are secured on deck;
- Two further safety issues, namely man overboard from fishing vessels and pilot-ladder deficiencies;
- Collisions and occupational accidents, further analysed as the types of casualties which occur more frequently than others; and,
- Progress made on the procedure for identifying safety issues.

**Establishment of the working group.** Following plenary discussion, the Sub-Committee established the virtual Working Group (WG 1) under appropriate (extensive) terms of reference, and in consideration of the Group's report, approved it in general, and in particular:

- Approved the findings of the CG based on the analysis of individual marine safety reports and GISIS, including changes to the text of casualty analyses;
- Will bring certain observations to the attention of Administrations, by means of an III.3 circular, with the object of improving future marine safety investigations;
- Approved draft text of lessons learned from marine casualties and their release on the IMO website;
- Noted the Group's discussion on the safety issue related to **Yu Hai 1**;
- Invited MSC to note discussion on document III 8/4 regarding how containers should be secured at sea and direct the CG to develop a proposal for a new output aimed at preventing loss of containers at sea;
- Invited MSC to consider developing a new output on guidelines addressing identified safety issues of seafarers exposed to risk of falls from height, with the HTW Sub-Committee as the coordinating body;
- Invited the NCSR, SSE and HTW Sub-Committees to note the analysis contained in document III 8/4, Annex 3 concerning 'Man Overboard' from Fishing Vessels;

- Invited MSC 106 to bear in mind Annex 4 of the CG's report when discussing the proposal for a new output to amend SOLAS regulation V/23 to improve the safety of pilot transfer arrangements;
- Agreed an updated procedure for identifying safety issues, for submission to MSC;
- Invited the marine safety investigating States to upload MSI reports of the ships involved in very serious casualties for further referral to the CG;
- Invited CCC to consider document III/4/5 in relation to the existing output in its work of revising resolution A.1050(27) for entering enclosed spaces aboard ships;
- Endorsed the Group's recommendation regarding allocation for more resources to upgrade the functionalities of the MCI 2 module in order to enhance reporting and engage on data feeds into the new module;
- Forwarded to MSC the proposal related to HTW 8 and the guidance framework for the application of casualty cases and Lessons Learned to seafarers' education and training;
- Invited the Secretariat to ensure a wider visibility of public casualty investigation reports so as to ease accessibility of training institutes; and,
- Re-established the CG on Analysis of Marine Safety Investigation Reports under the specified terms of reference.

## **MEASURES TO HARMONISE PORT STATE CONTROL (PSC) ACTIVITIES AND PROCEDURES WORLDWIDE.**

**Analyses of PSC activities, practices and statistics.** It was 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, noting with appreciation the substantial amount of information which is being forwarded by them all. In consideration of document III 8/5/1 (Secretariat), the information from all regional PSC regimes in 2019 and 2020 was available, while for 2021, only the information covering the nine 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. Detentions reported were 2,300 in 2019, 1530 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.

The Sub-Committee requested the Secretariat to continue providing information on progress reports of PSC regimes and to bring the matter of harmonised comprehensive data-sets to the attention of the IMO Workshop for PSC MoU/Agreement Secretaries and Database Managers.

Note was taken of document III 8/5/6 (Russian Federation) commenting 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, from 5 March 2022, Russian users were disconnected from Paris MoU information systems Thetis, RuleCheck and Maritime Knowledge Centre (MaKCs).

**Performance of flag Administrations and recognized organisations.** Concerning flag Administrations targeted by the Paris and Tokyo MoUs and the USCG, over a three-year period from 2019 to 2021, Togo was the only one in all three regions and no flag Administration was targeted in two regions. PSC regimes were invited to provide information on the performances of flag Administrations and recognized organisations (ROs) in order to assist flag Administrations in selecting high performing ROs to act on their behalf.

**Equasis information system.** The Sub-Committee noted document III 8/5/2 (Secretariat) containing information on recent developments on the Electronic Quality Shipping Information System (Equasis) and approved efforts to provide quality information. The volume of data consulted remained at high levels in 2021 with 24.78 million views of Equasis pages, an increase on the preceding year. Equasis also took note of ideas discussed during the IMO Expert Group on Data Harmonisation (EGDH) to create a unique identifier of a PSC inspection which could be beneficial for electronic exchange of data between port States, but also for addressing double reporting issues.

**Review of IMO Model Course 3.09 on PSC.** During discussion on this matter, all delegations who spoke, supported the proposed revision of Model Course 3.09, in accordance with the *Revised guidelines for the development, review and validation of model courses*.

**Guidelines and Procedures for PSCOS.** The Sub-Committee recalled that III 7 had re-established the Correspondence Group (CG) on Measures to Harmonise Port State Control (PSC) Activities and Procedures Worldwide, under the coordination of the European Commission. Document III 8/5 contained the subsequent CG report and on the basis of support by delegations who commented, the Sub-Committee agreed to forward annex 2 for review by DG 1.

**Re-inspection and follow-up inspection.** Having considered document III 8/5/3 (China), the Sub-Committee instructed DG 1 to prepare terms of reference for a CG to then prepare terms of reference for the WG to be established at III 9 for consideration of the amendments proposed by China in the above document.

**Statements of Compliance – Fuel Oil Consumption Reporting.** The Sub-Committee considered document III 8/5/7 (Marshall Islands) and following discussion, instructed DG 1 to prepare terms of reference for a CG to further consider the amendments proposed by the Marshall Islands.

**Guidelines for port State control under the BWM Convention (resolution MEPC.252(67)).** The Sub-Committee was advised that MEPC 77 had authorised the III Sub-Committee to review these Guidelines, with a view to it being added as a new appendix to the Procedures for PSC in its future version. Following discussion, DG1 was instructed to review and add the Guidelines as a new appendix to the Procedures for PSCI, taking into account 2018 and 2020 amendments to the BWM Convention.

**Short-term carbon intensity reduction measures.** The Sub-Committee was advised that MEPC 78 had agreed, in principle, the draft amendments to the *Procedures for port State control, 2021* and referred them to III 8 for further consideration, and in particular to:

- 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;
- Identify whether any further guidance needs to be developed on this issue; and,
- Advise MEPC 79 accordingly.

Regarding the proposed amendments to the Procedures for PSC, the Sub-Committee instructed DG 1 to prepare ToRs for a CG to work intersessionally with a view to incorporating the proposed amendments to the Procedures for PSC, apart from the new sub-paragraph 2.7.2.11.

As to whether the implementation plan and/or the plan of corrective actions alluded to in the ToRs above should be regarded as a detainable deficiency, the Sub-Committee had extensive and constructive discussions. However, it was decided that, at this stage, there was not sufficient support 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 corrective actions for a ship rated as D for three consecutive years, or rated as E, and agreed to advise MEPC 79 accordingly.

**Report of the virtual drafting group (DG 1) on measures to harmonise PSC activities and procedures worldwide.** Having approved the report of DG 1 in general, and having considered the relevant part of the report, with respect to measures to harmonise PSC activities and procedures worldwide, the Sub-Committee took decisions as follows:

- Agreed to seek authorisation from MSC and MEPC, in the absence of sessions of the Committees between III 9 and A 33, to refer the outcome of its work on the Procedures for PSC directly to the Assembly for consideration with a view to adoption;
- Concurred with the Groups recommendation that the CG on Measures to Harmonise PSC Activities and Procedures Worldwide be re-established; and,
- Concurred that a WG will be established rather than a DG at III 9 and that work should start on the morning of the first day.

### **DEVELOPMENT OF AN ENTRANT TRAINING MANUAL FOR PSC PERSONNEL.**

Following discussion, the Sub-Committee decided that the training manual for new entrant PSC personnel should be developed after finalisation of IMO Model Course 3.09 on Port State Control.

Having considered the relevant part of DG 1's report on Measures to Harmonise PSC Activities and Procedures Worldwide, with respect to Development of an entrant training manual for PSC personnel, the Sub-Committee duly took note.

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

No documents were submitted under this item but noting the view that the modules of the GISIS platform are mostly used as a platform for data collection and that there is a need to examine how GISIS can be improved to include an interface for data consultation and extraction of various data sets to facilitate data analysis, the Sub-Committee agreed to re-name the title of this agenda item as “identified issues relating to the implementation of IMO instruments from the analysis of data”, subject to endorsement by the Committees.

## **ANALYSIS OF CONSOLIDATED AUDIT SUMMARY REPORTS (CASRs).**

**Matters considered by correspondence prior to the virtual meeting.** The Sub-Committee considered by correspondence, document III 8/8 (China) regarding improvements in the analysis of consolidated audit summary reports, also the relevant outcome of III 7 and other IMO bodies.

MSC 105 and MEPC 78 endorsed the outcome of III 7 on the analysis of the four 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. Following analysis, it was agreed to recommend to MSC, amongst others, to refer SOLAS 1974 regulation IV/5, to the NCSR Sub-Committee for further review.

**Virtual Working Group (WG 2).** WG 2 on III Code Implementation Guidance and IMSAS-Related Matters was established. Having approved WG1s report in general, and considered the relevant part of the report with respect to the analysis of CASRs, the Sub-Committee:

- Agreed with the Group’s recommendation to encourage Member States to share their experiences in implementing IMO instruments, the agreed corrective action plans (CAPs) in areas related to human, material and financial resources and to provide any difficulties encountered in implementation;
- Requested the Secretariat to prepare and submit to a future session, the analysis of the audit follow-up, in a dedicated report separate from the report on analysis of CASRs, including an initial methodology for further refinement by the Sub-Committee; and,
- Agreed with 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.

## **DEVELOPMENT OF GUIDANCE IN RELATION TO IMSAS TO ASSIST IN THE IMPLEMENTATION OF THE III CODE BY MEMBER STATES.**

Comprehensive ToRs were drawn up for the virtual Working Group on III Code Implementation Guidance and IMSAS-Related Matters. Having considered the relevant part of WG 2s report 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 took the following decisions:

- Noted the Group's comments 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;
- Agreed with the structure, scope and level of detail of the proposed draft III code implementation guidance;
- Requested the Secretariat to develop a Non-exhaustive list tool for use by Member States, e.g. through GISIS;
- Noted comments on further development of draft III code implementation guidance; and,
- Agreed with the Group's recommendation on the re-establishment of the CG to work intersessionally, and to establish the WG on III Code Implementation Guidance and IMSAS-Related Matters under the proposed ToRs at III 9.

## **UPDATED SURVEY GUIDELINES UNDER THE HARMONISED SYSTEM OF SURVEY AND CERTIFICATION.**

**Matters considered by correspondence prior to the virtual meeting.** A number of documents were considered by correspondence, prior to the virtual meeting, together with relevant outcomes of other IMO bodies.

Following discussion in plenary, the Sub-Committee established the virtual Working Group (WG 3) on the Survey Guidelines under the HSSC, the Non-exhaustive list of obligations, and the Guidance on remote survey, audit and verification under given terms of reference. Having approved the report of WG 3 in general, and considered the relevant part of the report with respect to the Survey Guidelines under the HSSC, the Sub-Committee:

- Agreed to recommend that the Committee re-affirms the methodology whereby the III co-ordinates the review so that whenever an amendment to a statutory instrument is adopted which entails consequential amendments to the Survey Guidelines, draft amendments should be developed under its continuous item on "Updated Survey Guidelines under the Harmonised System of Survey and Certification (HSSC)" before the entry into force of the amendments;
- Endorsed the Group's view in principle that draft amendments to the Survey Guidelines should be derived from and linked to mandatory requirements;
- Endorsed the Group's decision that the CG on the Survey Guidelines under the HSSC, the Non-exhaustive List of Obligations and the Guidance on Remote Surveys should identify any existing gaps, and that the Guidance on Remote Surveys, Audits and Verifications, be tasked to identify any gaps between the Survey Guidelines under the HSSC and the mandatory requirements.

- Such an exercise should not prevent approval and adoption of the updated Survey Guidelines under the HSSC;
- Noted the progress made in relation to the procedure for revising standards referenced in IMO instruments;
- Noted the discussion of the Group on the definition of UNSP barges and agreed that no further action is required;
- Endorsed the Group's view that under the AFS Convention there is no requirement for type-approval as pre-qualification for anti-fouling paint products for issuance of International Anti-fouling System Certificates;
- Noted document III 8/INF.18 (China) providing information on three disputed cases arising from the revalidation of certificates according to Survey Guidelines under HSSC;
- Noted the discussion of the Group on the date format of certificates and encouraged proposals for a new output on this matter;
- Noted that, due to time constraints, the Group was unable to review the draft amendments to the *Survey Guidelines under the Harmonised System of Survey and Certification* and deferred it to III 9;
- Agreed that draft amendments to the Survey Guidelines need to be further developed; and,
- To seek authorization from MSC and MEPC, in the absence of Committee sessions between III 9 and A 33 to refer the outcome of its work directly to the Assembly.

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

Matters were considered by correspondence prior to the virtual meeting, all of which were referred to WG 3. Having considered the relevant parts of WG 3's report, the Sub-Committee took decisions as follows;

- Concurred with the Group's view that the purpose of the non-exhaustive list of obligations is to support implementation of the IMO Member State Audit Scheme (IMSAS) by providing guidance on the implementation and enforcement of IMO instruments, in particular concerning identification of auditable areas relevant to IMSAS;
- Confirmed that the list of non-exhaustive list of obligations should be limited to the areas subject to IMSAS in accordance with regulation 1/16 of the STCW Convention;
- Endorsed the Group's recommendation that the revue, relevant to the III Code, should be referred to a CG, taking into account document MSC 104/17/9 (China), and invited HTW to concur with the outcome of discussion;
- Noted the discussion on marking the obligations in newly adopted amendments to IMO instruments;
- 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 III Code* and referred the item to III 9; and,
- Agreed that the draft amendments need to be further developed by a CG.

## **DEVELOPMENT OF GUIDANCE ON ASSESSMENTS AND APPLICATIONS OF REMOTE SURVEYS, ISM CODE AUDITS AND ISPS CODE VERIFICATIONS.**

Once again, a large number of documents were considered by correspondence prior to the virtual meeting following which WG 3 was given ToRs by which to address the subject. Following WG 3's report, the Sub-Committee approved it in general, and in particular;

- 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 ISM Code (part 2); and, development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications (part 3);
- 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 on guidance as follows: Part 3-1, guidance on assessments and applications of remote surveys; Part 3-2, guidance on assessments and applications of remote ISM Code audits; Part 3-3, guidance on assessments and applications of remote ISPS Code verifications.
- Agreed to the roadmap of the work on development of draft amendments and relevant guidance on the remote surveys, ISM audits and ISPS verifications;
- Agreed to re-establish the CG on the Updated Survey guidelines under HSSC, the Non-exhaustive list of Obligations under Instruments relevant to the III Code and the Guidance on Remote Surveys, Audits and Verifications with ToRs as issued by the Sub-Committee;
- Agreed that the CG should develop the output using the specific documents as a basis;
- Agreed to the methodology and the way forward and endorsed the Group's recommendation to follow those steps; and,
- Concurred that the WG on this matter should start work on the morning of the first day at III 9.

## **FOLLOW-UP WORK EMANATING FROM THE ACTION PLAN TO ADDRESS MARINE PLASTIC LITTER FROM SHIPS.**

The Sub-Committee was advised that MEPC 73 had adopted the *Action plan to address marine plastic litter from ships* (resolution MEPC.310(73)) and agreed that the measures therein will be reviewed at MEPC 74, based on follow-up proposals and also approved the scope of work for the III Sub-Committee in relation to marine plastic litter from ships. It was also noted that:

MEPC 76 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*;

MEPC 77 adopted resolution MEPC.341(77) on *Strategy to address marine plastic litter from ships*; and, noted the updated status of each action contained in the Action Plan and encouraged submissions to future sessions regarding those actions which require proposals to progress the work as set out in MEPC 77/WP.9;

PPR 9 invited interested Member States and international organisations to submit documents with best practices related to response to, and the clean-up of, plastic pellets transported by ship to a future session; and, established the CG on Marine Plastic Litter from ships to develop draft amendments to the 2017 *Guidelines for the implementation of MARPOL Annex V* to support implementation of the contemplated amendments being developed to enhance the reporting of lost fishing gear; whilst,

MEPC 78 had agreed that a goal-based requirement under MARPOL Annex V for the mandatory marking of fishing gear should be developed by the PPR Sub-Committee.

Following discussion, the Sub-Committee:

- Noted the scope of work assigned to it in relation to marine plastic litter from ships, as approved by MEPC 74; and
- Instructed DG 1 to prepare terms of reference for a CG to work intersessionally.

### **ANY OTHER BUSINESS.**

**Model courses and e-learning.** The Sub-Committee was advised that TC 68 had invited MEPC and MSC to identify and prioritise 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, if deemed appropriate (MSC-MEPC.2/Circ.15).

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).

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).

The Sub-Committee recalled that III 7, in the absence of submissions, invited Member States, international organizations, training institutions and the Secretariat to submit relevant information and/or proposals to III 8. In acknowledging the interest shown by delegations on the role of model courses and e-Learning, in particular decisions on the matter 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.

In this context, following discussion on document III 8/17, the Sub-Committee noted that there are two types of e-Learning courses:

- Self-enrolment courses open to interested parties in the maritime industry that may undertake a particular course at any time; and,
- 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.

It was also 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. Thus the use of e-Learning training should not replace in person training, rather complement the delivery of in person technical cooperation activities;

The Committee was invited 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 courses, 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.** The Sub-Committee was advised that the Assembly, at its thirty-second session, 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 vessels of 24 metres in length and over operating on the high seas, compared to the required number of 3,600 fishing vessels.

In the ensuing discussion, Member States and, in particular the signatories of the 2019 Torremolinos Declaration, were urged 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.

#### **DATE OF NEXT MEETING.**

The next session of the III Sub-Committee, III 9, has been tentatively scheduled to take place from 31 July to 4 August 2023.

End

Captain Paddy McKnight