

**IMO
MARITIME SAFETY COMMITTEE
106th SESSION
2 – 11 NOVEMBER 2022**

The IMO Maritime Safety Committee held its 106th session (MSC 106) under a hybrid system (combination of face-to-face and for those who chose, on-line) from Wednesday 2 through Friday 11 November under the Chairmanship of Mrs Mayte Medinah (United States) and her Vice-Chair, Commander Theofilos Mozas (Greece). The session was attended by Members and Associate Members of IMO; representatives from the United Nations Programmes and specialized agencies; observers from intergovernmental organisations with agreements of cooperation; and observers from non-governmental organisations in consultative status.

ADDRESS BY THE IMO SECRETARY-GENERAL. Mr Lim welcomed delegates and announced the sad news that Mr Christian Breinholt, a former Chair of the MSC from 2012 to 2015, had passed away; expressing deepest condolences to the Brienholt family and the delegation of Denmark, one minute of silence was observed in Christian's memory.

The Secretary General stated that the military conflict in Ukraine remained a matter of grave concern at all levels, given its major impact on the safety and welfare of seafarers and on the global supply chain. Despite this, he said that the establishment of the Humanitarian Maritime Corridor and the Black Sea Grain Initiative have shown what can be achieved, and spoke of his visit to the port of Odessa in late August to see how ship safety and port management are being implemented, and the critical role played by seafarers. He expressed concern at recent reported developments in relation to the Black Sea Grain Initiative and urged all Member States to cooperate in ensuring that the safety of shipping and seafarers are not compromised.

Turning to the agenda for this session of MSC, he hoped for progress on the non-mandatory goal-based Code for MASS, thus ensuring its safe operation by 2025. The complexity of the task requires close cooperation with other IMO Committees, most notably the Legal and Facilitation Committees, and he commended the holding of the first meeting of the Joint MSC/LEG/FAL Working Group on MASS, the report of which will be considered at this session.

Concerning maritime security, Mr Lim highlighted the significant ongoing expansion of the range of technical assistance offered by the Secretariat to Member States and urged them to consider donating to the International Maritime Security Trust Fund to support such work. As for global trends relating to piracy and armed robbery against ships, he reported that the global number of incidents has generally continued to fall, particularly in the Gulf of Guinea, with 13 incidents reported in the first six months of 2022 compared to 27 in the same period last year. The intention by the Industry to remove the Indian Ocean High Risk area with effect from 1 January 2023 was also noted and Member States were encouraged to monitor the threat to ships flying their flag and to set appropriate security levels in accordance with the ISPS Code.

On fuel oil safety, he urged adoption of the draft amendments to SOLAS, intended to prevent the supply of fuels in breach of SOLAS flashpoint requirements and to enhance the safety of ships relating to the use of fuel oil.

Delegates will be invited to adopt milestone provisions for the safety of ships carrying industrial personnel, consisting of new SOLAS chapter XV and the associated International Code of Safety for Ships Carrying Industrial Personnel (IP Code), of major importance in the context of the decarbonisation goal.

Recognition of a new mobile satellite service, the BeiDou Message Service System will also be evaluated for use in the GMDSS.

Rounding off his address, the Secretary General urged Member States and industry observers to take action in achieving the entry into force of the Cape Town agreement of 2012 in order to meet the goal set in the 2019 Torremolinos Declaration.

WORKING AND DRAFTING GROUPS.

Two Working Groups (WG1) and three Drafting Groups (DG1) were formed and chaired as follows:

WG 1. MASS, Mr. H. Tunfors (Sweden).

WG 2. SSE matters, Mrs. B. Baldwin (United States).

DG 1. Amendments to mandatory instruments, Mr. M. Tsuchiya (Liberia).

DG 2. Amendments to the Committee's method of work, Mr. S. Rogers (United Kingdom).

DG 3. Draft MSC resolution on impacts of unsafe migration by sea on shipping, Mr. P. Ostenfeld (Denmark).

DECISIONS OF IMO BODIES.

It was agreed that the outcomes of FAL 46, MEPC 78 and C 127 would be taken into account under relevant agenda items.

Outcome of the Technical Cooperation Committee, TC 72. Given its close proximity to MSC 106, an oral report was given by the Secretariat on the outcome of TC 72, most notably that:

- The development of an explanatory manual and related online training material concerning the *Model regulations on domestic ferry safety* should be carried out under the purview of MSC in close cooperation with TCC;
- TC 72 requested MSC to revise thematic priorities for the 2024-2025 biennium and;
- TC 72 had suspended the Russian Federation's participation in IMO technical cooperation activities.

Final report of the UN Panel of Experts regarding the DPRK. Document MSC 106/2/1 by the Secretariat provided an update on the findings and recommendations of the report into the launches of ballistic missiles by the Democratic Peoples Republic of Korea without proper prior notification and the threat that these pose to regional and international peace and security and to the safety of shipping. Following discussion, the Committee took action as follows:

- Referred the recommendation that IMO should consider reviewing the hardware and software security standards for preventing the tampering of AIS transponders (disguising illicit oil deliveries and transfer of oil between ships, increasing the risk of pollution accidents) to the NCSR Sub-Committee; and,
- Urged all flag States to ensure that the CSR requirements are complied with, and that such information should be updated accordingly in GISIS.

Ongoing military conflict between the Russian Federation and Ukraine and its effect on international shipping and seafarers; and Black Sea Grain Initiative. Document MSC 106/INF.11 provided information on the *Initiative on the Safe Transportation of Grain and Foodstuffs from Ukrainian Ports* (Black Sea Grain Initiative), including important technical and facilitation support provided by IMO as part of the UN effort to ensure the resumption of critical global food exports from Ukraine. During discussion, the vast majority of delegations supported a proposal to develop an MSC resolution to remind Member States of their responsibilities and obligations under the SOLAS and SAR Conventions in the context of armed conflicts.

Following further consideration, the Committee:

- Urged the UN and IMO S-Gs to continue work on humanitarian efforts to evacuate all stranded ships and seafarers in the conflict area;
- Thanked the S-G IMO and the Secretariat for their important contribution to the success of the Black Sea Grain Initiative; and,
- Noted the success to date of the Initiative and its contribution towards alleviating the global food supply shortages.

The delegation of Hong Kong, China expressed concern for the HKC flagged vessel **Joseph Schulte** (IMO No. 9605243) stuck in the port of Odessa since the beginning of the conflict, and although the original crew onboard had been replaced and repatriated, the current crew were still stuck on board. Nevertheless, Ukraine confirmed the readiness for departure of a number of vessels, including **Joseph Schulte** once the JCC for the Black Sea Grain Initiative has given its consent.

CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS.

General. Following a long discussion in which Contracting Governments were invited to consider and adopt proposed amendments to SOLAS, also the Codes for IGC, IGF, ESP and IBC, a Drafting Group (DG 1) was convened and furnished with appropriate terms of

reference. Upon receipt of the subsequent report by DG 1, the Committee approved it in general and took action as follows:

- Having considered the final text of the proposed amendments to chapter II-2 and the proposed new chapter XV of the 1974 SOLAS Convention, unanimously adopted them by resolutions as presented:
- Adopted the proposed amendments to the appendix of the annex to the 1978 SOLAS Protocol;
- Adopted amendments to the IGC and IGF Codes;
- Adopted amendments to the 2011 ESP Code;
- Adopted amendments to the IBC Code; and,
- Adopted the International Code of Safety for Ships carrying Industrial Personnel (IP Code).

GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS.

General. MSC agreed that recognized organisations (ROs) already verified against GBS were required to communicate annual rule changes deriving from a continuous improvement process. It had also agreed to a harmonized three-year scheduled maintenance cycle so that all ROs already complying with the GBS, regardless of the year of their initial verification, would be subject to the third GBS maintenance audit which has already commenced in April 2022.

Report on the current status of GBS verification audits. Following discussion, it was agreed that the matter of rule change reporting be further considered at the second GBS Workshop tentatively scheduled around MSC 107, when the report of the third GBS Maintenance Audit is expected to be considered by the Committee, and that the outcome will be reported to MSC 108.

DEVELOPMENT OF A GOAL-BASED INSTRUMENT FOR MARITIME AUTONOMOUS SURFACE SHIPS (MASS).

Background. The Committee recalled that MSC had approved the *Road map for developing a goal-based Code for MASS* and established an intersessional MASS Correspondence Group. With respect to the Joint MSC-LEG-FAL Working Group on MASS (MASS-JWG), the Committee also recalled that its first meeting had taken place from 7 to 9 September 2022, as reported next.

Outcome of MASS-JWG 1. Document MSC 106/5 (Secretariat) contained the report of the first session of the MASS-JWG, including a table to identify and collect information of options for interpretations of the common issues in instruments under the purview of the three Committees, as well as a draft plan for further work. Following the successful IMO Seminar on Development of a Regulatory Framework for MASS, it was agreed to organize another one with a focus on legal issues, including UNCLOS, expected to take place back to back with the next MASS-JWG meeting. In this regard, it was pointed out that article 94 of UNCLOS requires ships to be manned!

Work plan and future meetings of MASS-JWG. The Committee endorsed the work plan of MASS-JWG and, subject to concurrent approval by LEG 110 and FAL 47, agreed:

- To hold a hybrid five-day meeting of MASS-JWG from 17 to 21 April 2023, subject to endorsement by C 128;
- That MASS-JWG could meet before the three Committees had considered its report(s), bearing in mind that the meeting dates of all three, which will no doubt advance their work on MASS at different speeds, would have an impact on the work of the Group and the scheduling of its meetings; and,
- To authorize MASS-JWG to meet twice in each calendar year until decided otherwise by the three Committees, subject to endorsement by C 129 in July 2023.

Development of a goal-based MASS instrument. Following the decision of MSC 105 to request the intersessional Correspondence Group on MASS to submit a written report to MSC 107 and to provide a verbal status report to this session, the Group coordinator informed the Committee that the Group had:

- Developed an initial draft framework for the MASS Code, including principles, purpose and objectives;
- Given initial consideration to the high priority common potential gaps and themes identified during the Regular Scoping Exercise (RSE); and,
- Progressed the development of MSC MASS positions on identified key points, with a view to their submission to MASS-JWG.

Establishment of the MASS Working Group (WG1). The Committee formulated and issued, terms of reference to WG 1 and following its work, approved its report in general, taking action as follows:

- Noted the structure of the draft MASS Code;
- Agreed, in principle, with the Group's conclusions on how to progress the work on the MASS Code;
- Noted the Group's conclusion that it may not always be appropriate to use all steps of the FSA process beyond the hazard identification and that other methods may be applied;
- Noted the example for the development of functional requirements for the MASS Code, prepared by the Group for developing goals and functional requirements, to be used for other sections of the MASS Code in the future;
- Agreed to establish the GBS Working Group at MSC 107 to consider the *Example for the development of FRs for the MASS Code* and, if considered appropriate, to subsequently amend MSC.1/Circ.1394/Rev.2 to facilitate its use in the future;
- Noted the difficulties encountered by the Group in the use of the term "MASS" ;
- Noted that Member States and observer organizations communicated their interest in developing goals and functional requirements for various sections of the draft MASS Code;
- Requested volunteers interested in (co-)developing sections of the MASS Code to make their interest known to the Coordinator of the intersessional MASS Correspondence Group;

- Agreed to the proposal of the Group on how to proceed with the documents listed in appendix 3 to MSC.1/Circ.1638 marked as "to be kept in abeyance", in particular the request to refer documents MSC 102/5/2 (IFSMA) to the MASS-JWG 2; and MSC 103/5/7 (Russian Federation) to LEG 110;
- Noted that the work carried out at MSC 106 did not generate input on any of the common issues for the MASS-JWG;
- Agreed to inform the MASS-JWG 2 of the progress made at MSC 106 with respect to MASS through a submission by the Secretariat;
- Approved the updated Road Map for developing a goal-based code for Maritime Autonomous Surface Ships (MASS); and,
- Agreed to the revised terms of reference for the intersessional Correspondence Group.

Revised terms of reference of the MASS Correspondence Group. Following the further development of the draft MASS Code by the Group, and in order to avoid any duplication of work, the Committee revised the terms of reference of the MASS CG established at MSC 105, which had been been instructed to report to MSC 107.

MEASURES TO ENHANCE MARITIME SECURITY.

Updates on developments related to maritime security. The Committee recalled that this agenda item had not been considered at MSC 105 due to time constraints, noting the following:

- Information on the delivery of maritime security-related activities as part of IMO's Integrated Technical Cooperation Programme (ITCP), including two EU funded port security projects currently being implemented by the Secretariat;
- Approval by FAL 46 of the inclusion of Advanced Passenger Information (API) and Passenger Name Record (PNR) data sets in the priority list of data sets to be examined by the Expert Group on Data Harmonization (EGDH) for inclusion in the IMO Compendium and the possibility of a future request from WCO and Member States to amend the FAL Convention to include the maritime API and PNR requirements; and,
- Ongoing Secretariat support to the UN Global Counter-terrorism Coordination Compact, including delivery of the maritime and port security elements of the comprehensive visits of the UN Counter-Terrorism Committee.

Following discussion, SOLAS Contracting Governments were encouraged to:

- review and update the information contained in the Maritime Security 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 Maritime Security Module so as to reduce the administrative burden on behalf of the nominated national point(s) of contact;

- Continue to effectively implement, in partnership with industry, IMO security measures, including the provisions of SOLAS chapter XI-2 and the ISPS Code, taking into account new and emerging security threats, and to request IMO's technical assistance, as appropriate; and,
- Consider donating to the International Maritime Security Trust (IMST) Fund to support the significant updates being made by the Secretariat to the global Programme for the Enhancement of Maritime Security, and the continued delivery of global maritime security technical assistance.

Electronic transfer of information into and from the Maritime Security module of GISIS. The Committee noted with appreciation an EC update (MSC 106/INF.2), providing the results of tests executed to download information from IMO's GISIS Maritime Security module to the European SafeSeaNet system and informing the Committee that the link should be ready to "go live" in the last quarter of 2022.

PIRACY AND ARMED ROBBERY AGAINST SHIPS.

Developments since MSC 105. This agenda item was not considered at MSC 105 due to time constraints. Documents MSC MSC 105/9 and MSC 106/7 reported on developments concerning piracy and armed robbery against ships since MSC 104, including relevant statistics and updates on the Djibouti Code of Conduct (DCoC) and the situation in the Gulf of Guinea, noting in particular:

- 69 incidents of piracy and armed robbery against ships which were reported to the Organization as having occurred or been attempted in January to June 2022, constituting a decrease of approximately 22% at the global level compared to the same period last year. The areas most affected from January to June 2022 were the Straits of Malacca and Singapore (36), West Africa (13) and South America (Pacific) (9). The number of incidents in the Gulf of Guinea (West Africa, GoG) decreased in the first half of 2022 by 14 compared to the same period in 2021, constituting a decrease of 52%;
- In relation to the implementation of the DCoC, the region, with the support of the Secretariat, is working to strengthen the information-sharing framework to enable effective sharing of information on broader threats to maritime security, and is improving the coordination of capacity-building efforts through concerted attempts to promote utilization of synergies, avoidance of duplication and better collaboration with donors and implementing partners; and,
- In relation to initiatives in the GoG, following the 2022 plenary meeting of the G7++ Friends of the Gulf of Guinea (FoGG) from 5 to 6 July 2022 in Berlin and expert level talks with the Economic Community of West Africa States (ECOWAS), the Economic Community of Central Africa States (ECCAS) and the Gulf of Guinea Commission (GGC) for consideration of the Yaoundé Code of Conduct (YCC), the Secretariat remains fully engaged in providing assistance to the region.

In the ensuing discussion, views were expressed that there is discrepancy in the piracy and armed robbery statistics provided by ReCAAP-ISC and those by the IMO Secretariat.

However, regardless of such discrepancies, which the proponents undertook to resolve, the priority remains the dissemination of information to mariners as quickly as possible to ensure their safety and security. Member States were accordingly requested to:

- Continue reporting incidents of piracy and armed robbery to the Secretariat (marsec@imo.org), using the reporting form in MSC.1/Circ.1333/Rev.1;
- Complete and keep updated the *Questionnaire on information on port and coastal State requirements related to privately contracted armed security personnel on board ships (PCASP)*;
- Continue efforts to ensure continued implementation of the Djibouti Code of Conduct; and,
- Assist efforts in the GoG by considering making financial contributions to the West and Central Africa Trust Fund.

Progress report by ReCAAP-ISC. The Committee noted, with appreciation, the information contained in documents MSC 106/INF.12 and MSC 105/INF.8 (ReCAAP-ISC), providing an update of the activities carried out by ReCAAP-ISC (Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia), together with an oral update by the observer from ReCAAP-ISC, and thanked them for their continuous support to the Organization's piracy reporting.

Removal of the Indian Ocean High Risk Area (HRA). The Committee noted an update by the shipping industry in document MSC 106/INF.10 (ICS et al.), providing notice of the industry's intention to remove the Indian Ocean HRA due to the improved piracy situation in the region. Attention was therefore drawn to the notice of removal of the Indian Ocean HRA by the co-sponsors with effect from 1 January 2023.

Whole of Government approach to maritime security. The Committee considered document MSC 105/9/1 (Kenya), providing information on the importance of a Whole of Government approach to maritime security by DCoC Signatory States and progress made by Kenya in this regard. Having considered the information provided by Kenya, the Committee encouraged DCoC Signatory States to prioritize the development of National Maritime Security Committees, Risk Registers and Strategies and to identify national champions in the process.

Niger Delta pirates and how to draw on lessons learned from Somali Piracy. The Committee noted, with appreciation, the information contained in document MSC 105/INF.3 (BIMCO et al.), outlining points of interest from an online seminar on how to effectively meet the challenge of Niger Delta pirates and how to draw on lessons learned from Somali piracy.

UNSAFE MIXED MIGRATION BY SEA.

Inter-agency group on protection of refugees and migrants moving by sea. The Committee noted that the new Inter-Agency Group (IAG) had been established to discuss, plan and execute coordinated joint action and advocacy.

This would support the prevention of dangerous journeys at sea, strengthen SAR capacities and ensure safe disembarkation; and that UNHCR had invited ILO, IMO, IOM, OLA, OHCHR, UNHCR, UNODC, the UN Special Rapporteur on the human rights of migrants, UNICEF and ICS to participate in the work of the Group which has so far met four times, in 2021 and 2022. The Committee also noted in particular that IAG, previously known as the "Inter-Agency Group on Safety of Life at Sea", has been renamed and is now called the "Inter-Agency Group on protection of refugees and migrants moving by sea".

Impact of unsafe mixed migration by sea on shipping. In discussion, the Committee noted, inter alia, the following views:

- No one wanted to leave their country unless considered necessary, and migrants were fleeing their countries due to different reasons, such as wars, conflicts, economy or impact of climate change, and, therefore, the root causes should be tackled to improve the situation in the countries of origin;
- Masters of rescuing ships had to be assisted by countries responsible for the respective SAR areas in order to disembark migrants rescued at sea to a place of safety as soon as possible; and
- A failure to facilitate prompt and effective solutions to disembark migrants at sea would put the SAR services provided by ships at risk.

In this regard, the Committee noted an intervention by the United Nations High Commissioner for Refugees (UNHCR) who called on Member States to establish effective cooperative arrangements enabling safe and predictable disembarkation, as required by those engaged in rescues at sea, including the shipping sector. He also called for engagement in inter-State discussions to further define the concept of "place of safety" and to consider the development of, or amendment to, existing provisions of international law of the sea.

Establishment of a working group (WG 3). The Group was instructed, taking into account the comments and decisions made in plenary, to prepare an MSC resolution on recommended cooperation to ensure the safety at sea, the rescue of persons in distress at sea, and the safe disembarkation of rescued persons.

Having considered WG 3's report, the Committee approved it in general whilst taking note that in accordance with international law, a search and rescue operation is not finalised until the survivors are disembarked and delivered to a place of safety. Also that, according to the international maritime rules on search and rescue, flag States do not have a duty to identify a place of safety for rescue operations that takes place outside their search and rescue areas. Subsequently, the Committee adopted the WG 3 draft of an MSC resolution on *Recommended cooperation to ensure the safety of life at sea, the rescue of persons in distress at sea and the safe disembarkation of survivors*.

Reporting of migrant incidents at sea. Having noted that since the launch of the Inter-agency platform for information-sharing on migrant smuggling by sea in GISIS on 6 July 2015, only 31 incidents have been reported.

The Committee encouraged Member States to provide and update the information included in the appendix to the *Interim measures for combating unsafe practices associated with the trafficking, smuggling or transport of migrants by sea* (MSC.1/Circ.896/Rev.2) via the platform.

FORMAL SAFETY ASSESSMENT.

Background. The Committee recalled that SSE 8, when considering the agenda item on "Development of amendments to SOLAS Chapter II-2 and the FSS Code concerning detection and control of fires in cargo holds and on the cargo deck of containerships", had agreed to a road map in accordance with the Revised guidelines for formal safety assessment (FSA) for use in the IMO rule-making process in order to identify the regulatory gaps with a view to developing relevant draft amendments to SOLAS and the FSS Code addressing fire safety on containerships, as well as identifying gaps in all relevant IMO instruments for a holistic approach, as appropriate. Having noted the CARGOSAFE FSA Study to be conducted by EMSA (SSE 8/10/3) on the matter, invited the Committee to establish an FSA Experts Group to review the outcome of any relevant studies, embodying an FSA approach, which would report directly to SSE for consideration. Accordingly, the Secretariat was requested to submit draft terms of reference for the FSA Experts Group, for consideration, as appropriate.

Establishment of the FSA Group. In accordance with appendix 10 of the Revised Guidelines for Formal Safety Assessment (FSA) for use in the IMO rule-making process, the Committee agreed to establish the FSA Experts Group to review the outcome of any relevant FSA studies concerning detection and control of fires in cargo holds and on the cargo deck of containerships; that such studies should be submitted to the Committee and forwarded to the Group by the Secretariat; and that the report of the Group would be submitted directly to the SSE Sub-Committee for consideration, with a view to developing relevant amendments. The Committee invited the Council to endorse the holding of a meeting of the FSA Experts Group at an appropriate time in 2023.

HUMAN ELEMENT TRAINING AND WATCHKEEPING.

Report of HTW 8. Having recalled that MSC 105 had already taken action on urgent matters emanating from HTW 8, the Committee approved the report of the eighth session of the Sub-Committee on Human Element, Training and Watchkeeping (HTW), in general, and took action as indicated below.

Guidelines for the development, review and validation of model courses. Draft amendments were approved, providing new appendices 4 and 5 on action verb taxonomy for model courses and guidance on learning outcomes respectively, subject to concurrent decision by MEPC 79.

Electronic certificates for seafarers. The Committee considered document MSC 106/10/4 (Japan) proposing aligning the terminology in the draft definition for original certificates (regulation I/1) with the terminology in the STCW Convention;

also referring to the draft Guidelines on the use of electronic certificates of seafarers in the draft amendments to regulation I/2; together with the action requested by the HTW Sub-Committee regarding the draft amendments to the STCW Convention and Code for the use of electronic certificates of seafarers. Following consideration, this was agreed.

The Committee also considered document MSC 106/10/2 (Cook Islands et al.), proposing modifications to the draft guidelines on the use of electronic certificates of seafarers, which are expected to be considered at MSC 107 for approval, to clarify the responsibilities of the parties involved in cases of recognition of certificates (STCW regulation I/10), including the addition of a definition of the term "Administration". It was agreed that the proposed modifications needed detailed consideration, following which the Committee referred the draft guidelines, together with document MSC 106/10/2 and the comments made at this session, to HTW 9 for further consideration and advice to MSC 107.

Finally, taking into account that the above guidelines would coexist with the existing Guidelines for the use of electronic certificates (FAL.5/Circ.39/Rev.2), the Committee invited the FAL Committee to consider whether there may be any discrepancies between the two sets of guidelines and inform MSC 107 accordingly.

Approval of competent persons. Following consideration, nine persons were recommended by three Parties in the List of competent persons maintained by the Secretary-General pursuant to the STCW Code and two persons were withdrawn.

SHIP SYSTEMS AND EQUIPMENT.

Report of SSE 8. The Committee approved, in general, the report of the eighth session of the Sub-Committee on Ship Systems and Equipment (SSE) and took action as outlined below.

New ventilation requirements for survival craft. The Committee considered draft amendments to the Life-Saving Appliances (LSA) Code in relation to ventilation requirements for survival craft in chapter IV (SSE 8/20, annex 1), together with document MSC 106/11/3 (Bahamas et al.), proposing to complete the output on new ventilation requirements for survival craft by limiting the scope to totally enclosed lifeboats.

Following discussion and taking into account that the draft amendments for totally enclosed lifeboats were supported for approval by many delegations, whereas more discussion by the Sub-Committee would be required for other types of survival craft, the Committee:

- Approved the draft amendments to the LSA Code for totally enclosed lifeboats as a matter of priority, with a view to adoption at MSC 107 and entry into force on 1 July 2026 and requested the Secretary-General to circulate them in accordance with SOLAS article VIII; and,

- Agreed to keep the item on the agenda for SSE 9 for consideration of any compelling need for ventilation requirements for partially enclosed lifeboats and liferafts, for inclusion in both the LSA Code and resolution MSC.81(70).

Amendments to the Revised recommendation on testing of LSA. The Committee approved the associated draft amendments.

Plenary discussion. A prolonged discussion took place in plenary on the following topics of note:

- Revision of SOLAS chapter III and the LSA Code;
- Fire safety on ro-ro passenger ships;
- Approval of fixed dry chemical powder fire-extinguishing systems;
- Requirements for onboard lifting appliances and anchor handling winches;
- Draft guidelines for anchor handling winches and onboard lifting appliances;
- Prohibition of PFOS (perfluorooctane sulfonic acid) and acceptable alternatives;
- Draft amendments concerning types of immersion suits and anti-exposure suits;
- Draft amendments to SOLAS and the HSC Codes, also the SPS Codes;
- Completion of the review on the 2014 Standard Spec. for shipboard incinerators;
- Draft amendments to paragraph 4.4.7.6.17 of the LSA Code to ensure adequate safety standards for lifeboats and rescue boats fitted with single fall and hook systems with on-load release capability; and,
- The EU research project SafePASS to develop the next generation of evacuation and abandonment processes and life-saving appliances.

Working Group on SSE Matters (WG 2). Having considered the above topics, the Committee established WG 2, after the issue of appropriate Terms of Reference. Following consideration of the Group's report, the Committee approved it in general and in particular:

- Approved the draft MSC circular on Revised guidelines for the approval of fixed dry chemical powder fire-extinguishing systems for the protection of ships carrying liquefied gases in bulk, with a view to dissemination as MSC.1/Circ.1315/Rev.1, with the effective date of 1 July 2023;
- Approved, in principle, the draft MSC circular on Guidelines for anchor handling winches, with a view to final approval by MSC 107, in conjunction with the adoption of the associated draft amendments to SOLAS;
- Approved, in principle, the draft MSC circular on Guidelines for lifting appliances, with a view to final approval by MSC 107, in conjunction with the adoption of the associated draft amendments to SOLAS;
- Noted the discussion on the scope of draft SOLAS regulation II-1/3-13.2.4 for existing lifting appliances and endorsed the Group's mutual understanding;
- Requested the IMO Secretariat to insert the Group's mutual understanding in the letter to the ILO Secretariat inviting ILO to take actions for avoiding duplicative surveys;

- Noting the Group's discussion on the draft amendments to the LSA Code on single fall and hook systems, that further discussion would be necessary;
- Endorsed the Group's suggestion to consider the matter on single fall and hook systems in more detail at SSE 9;
- Reinstated the item in SSE 9's agenda; and instructed the SSE Sub-Committee to: consider document MSC 106/11/1, together with any other relevant submissions to SSE 9; redefine the scope of the output to include other subparagraphs of paragraph 4.4.7.6 of the LSA Code to provide the necessary clarity for consistent application of the requirements, and rename it as "Amendments to the LSA Code concerning single fall and hook systems with on-load release capability"; and, instruct SSE 9 to complete the output as a matter of priority in order to remain in the ad-hoc midterm amendment cycle agreed by MSC 104, with a view to approval at MSC 107 and subsequent adoption at MSC 108.

POLLUTION PREVENTION AND RESPONSE.

Having noted that the Sub-Committee on Pollution Prevention and Response (PPR) held its eighth and ninth sessions from 22 to 26 March 2021 and 4 to 8 April 2022, respectively, and that the reports on those sessions had been duly circulated as documents PPR 8/13 and PPR 9/21, the Committee noted, in particular, the following matters of relevance to its work:

- That the Sub-Committee is currently coordinating with the NCSR, SDC and HTW Sub-Committees regarding the development of draft guidelines on mitigation measures to reduce risks of use and carriage for use of heavy fuel oil (HFO) as fuel by ships in Arctic waters and this work is still ongoing; and,
- That the outcome of PPR 8 related to the draft IP Code has been taken into account by SDC 8 during the finalisation of the Code.

NAVIGATION, COMMUNICATIONS AND SEARCH AND RESCUE.

Report of NCSR 9. The Committee approved the report of NCSR 9.

Ships' routing proposals. The Committee adopted a number of routing measures and traffic separation schemes in accordance with resolution A.858(20).

Amendments to LRIT Performance standards and related circulars. The Committee adopted resolution MSC.263(84)/Rev.1 on *Performance standards and functional requirements for the long-range identification and tracking of ships*. It also approved amendments to the:

- *Long-range identification and tracking system – Technical documentation;*
- *Guidance on the survey and certification of compliance of ships with the requirement to transmit LRIT information; and,*
- *Continuity of service plan for the LRIT system.*

Draft amendments to SOLAS chapter XIV and the Polar Code. During consideration of the draft amendments to SOLAS chapter XIV and the Polar Code, the observer from Pew made a statement commenting on the need to align the proposed amendments to SOLAS and the Polar Code with the requirements of the 2012 Cape Town Agreement, including the application of provisions. The observers from WWF and FOEI, while welcoming the approval of the draft amendments to SOLAS chapter XIV and the Polar Code, called for a wider application of these measures to smaller fishing vessels.

Revision of the *Guidelines on places of refuge for ships in need of assistance (resolution A.949(23))*. The Committee approved the draft Assembly resolution on Guidelines on places of refuge for ships in need of assistance and invited MEPC and the Legal Committee to concurrently approve it, with a view to adoption by A 33. However, it was pointed out that one specific paragraph referring to a "right" or an "accepted practice" of foreign ships to enter ports or internal waters of another State, which did not conform to UNCLOS, might require further consideration by the Legal Committee.

Consequential amendments to existing circulars relating to the SOLAS amendments on modernization of the GMDSS. The Committee endorsed the approval of COMSAR.1/Circ.32/Rev.1 on Harmonization of GMDSS requirements for radio installations on board SOLAS ships and COMSAR.1/Circ.33/Rev.1 on GMDSS Coast Station Operator's Certificate (CSOC) syllabus. It also approved: MSC.1/Circulars on:

- GMDSS operating guidance for ships in distress situations;
- Procedure for responding to DSC distress alerts by ships;
- Guidance on distress alerts; and,
- Guidance on alerting of search and rescue authorities.

Recognition of BDMSS for use in the GMDSS. The Committee recalled that MSC 99 had considered an application by China for the recognition of the BeiDou Message Service System (BDMSS) for use in the GMDSS (MSC 99/12/1) and referred it to the NCSR Sub-Committee for evaluation, also authorizing the Sub-Committee to invite IMSO to conduct the technical and operational assessment, as appropriate. The Committee noted that NCSR 9, having considered IMSO's report on the technical and operational assessment of BDMSS for use in the GMDSS:

- Approved a comprehensive list of outstanding issues identified during the assessment, comprising technical, operational and implementation issues that needed to be addressed before China Transport Telecommunication Information Group Co. Ltd. (CTTIC) could be integrated as a recognized mobile satellite service provider;
- Recommended recognizing BDMSS as a maritime mobile satellite service provided by CTTIC for use in the GMDSS, subject to completion of all outstanding technical and operational issues; and,
- Invited IMSO to submit a report to MSC 106 on the outcome of the planned site visit to the BDMSS facilities in China, providing information on the above outstanding technical and operational issues.

The Committee had two documents for consideration of this matter: MSC 106/13/1 (IMSO), reporting on the outcome of the on-site visit by IMSO's technical and operational assessment team to the BDMSS facilities in China from 11 to 16 July 2022, confirming that the outstanding issues requiring verification on site were successfully resolved and demonstrated by CTTIC; and, MSC 106/13/2 (China), providing information on the on-site visit to the BDMSS facilities in China led by IMSO and further activities to be conducted in order to address the outstanding implementation issues identified by NCSR 9 and presenting, for consideration, a draft MSC resolution for recognition of the maritime mobile satellite services provided by CTTIC through BDMSS, along with other related actions.

Following discussion and after consideration, the Committee:

- Agreed that CTTIC, through BDMSS, had satisfied the criteria established to receive recognition as a mobile satellite communication service provider in the GMDSS;
- Recognized the maritime mobile satellite services provided by CTTIC through BDMSS for use in the GMDSS;
- Adopted an MSC resolution on *Statement of recognition of the maritime mobile satellite services provided by CTTIC through BDMSS*, as set out in annex;
- Noted the commitment of the delegation of China and CTTIC to address any outstanding implementation issues, including those listed in NCSR 9/WP.5, annex 2, appendix 2, before the commencement of services;
- Invited IMSO to monitor the implementation and report to the Committee when the Public Services Agreement with CTTIC has been concluded and the Letter of Compliance had been issued; and,
- Agreed that any future expansion of the coverage area of BDMSS would require a new submission for consideration by the Committee, based on the applicable requirements.

Draft IMO position on relevant ITU WRC-23 agenda items concerning matters related to maritime services. The Committee considered the draft IMO position on relevant ITU World Radio Conference 2023 (WRC-23) agenda items concerning matters relating to maritime services, in particular, the options under the draft IMO position on agenda item 1.11 concerning the recognition of BDMSS for use in the GMDSS. Recalling earlier decisions regarding recognition of BDMSS, the Committee agreed to modify its position. The Committee also considered document MSC 106/13/6 (IMSO) proposing modifications to the draft IMO position on agenda item 1.11 concerning support for the continued use of L-band frequencies following removal of L-band EPIRBs from SOLAS chapter IV and having noted the overwhelming support for the proposal, the Committee agreed to the proposed modifications to the draft IMO position on agenda item 1.11. In this regard, the Committee authorized NCSR 10 to submit the final IMO position to MSC 107, as an urgent matter, for approval and subsequent submission to WRC-23 (to be held in the United Arab Emirates, from 20 November to 15 December 2023).

Draft MSC resolution on ECDIS Performance standards. The Committee considered the draft MSC resolution on *Performance standards for electronic chart display and information systems (ECDIS)* presenting, inter alia, a phased introduction of new IHO product specifications (i.e. S-98, S-100 and S-101) for ECDIS, together with documents submitted by IACS and China. Following discussion, the Committee agreed to the modifications proposed in document MSC 106/13/4 (IACS) and adopted an MSC resolution on *Performance standards for electronic chart display and information systems (ECDIS)*. In doing so, the Committee invited IHO to keep IMO informed on the process development of the IHO S-100 framework standard.

Draft SOLAS amendments on mandatory carriage of electronic inclinometers. The Committee recalled that MSC 105 had considered a recommendation by III 7 to extend the requirement for the mandatory carriage of electronic inclinometers to all SOLAS ships of more than 3,000 GT and, after consideration, instructed the NCSR Sub-Committee to consider the proposal and advise the Committee, as appropriate. In this respect, the Committee agreed with the recommendation of NCSR 9 that the requirement for the mandatory carriage of electronic inclinometers should only apply to containerships and bulk carriers of 3,000 GT and upwards. Consequently, the Committee approved the relevant draft amendments to SOLAS and also agreed that the carriage requirement for electronic inclinometers should not apply to cargo ships occasionally carrying cargoes in bulk and general cargo ships carrying containers on deck and that electronic and mechanical back-up systems for inclinometers would not be needed as they are not considered critical for safety of navigation.

IMPLEMENTATION OF IMO INSTRUMENTS.

Report of III 8 and related matters. The Committee approved the report of III 8.

Safety issues that need further consideration. The Committee noted the Sub-Committee's discussions on document III 8/4 (Sweden) on the report of the Correspondence Group regarding how containers should be secured on deck, taking into account the work being undertaken by the Top Tier joint industry project (JIP) on securing containers safely, as described in document MSC 104/17/4 (Australia et al.), and that the Correspondence Group on Analysis of Marine Safety Investigation Reports has been instructed to develop a proposal for a new output in preventing the loss of containers at sea. The Committee also noted the Sub-Committee's discussions on occupational accidents (falls from height) which might justify a new output, and that the Correspondence Group on Analysis of Marine Safety Investigation Reports had been instructed to develop a proposal for a new output on guidelines addressing the identified safety issues of seafarers exposed to risk of falls from height; with the HTW Sub-Committee as the coordinating body.

Draft guidance framework for the application of casualty cases and lessons learned to seafarers' education and training. The Committee noted that HTW 8 had agreed to the draft Guidance framework for the application of casualty cases and lessons learned to seafarers' education and training, and had invited the III Sub-Committee to review the appendix for submission to the Committee with a view to approval.

The recommendation of III 8 that the appendix to the draft Guidance framework should be removed and that paragraph 4.3 should be replaced with the following alternative text was agreed as follows:

"Training institutions collect cases in a timely manner through different channels, including sources, such as the GISIS MCI module, official websites of Member States and relevant organizations that publish casualty information; shipping companies, classification societies, and insurance agencies."

The Committee thus approved the MSC circular on *Guidance framework for the application of casualty cases and lessons learned to seafarers' education and training*.

Process of updating the Survey Guidelines under the HSSC. The Committee, subject to concurrent decision of MEPC, re-affirmed the agreed methodology that the III Sub-Committee should coordinate the review regarding the principle that draft amendments to the Survey Guidelines under the HSSC should be linked to mandatory requirements. Thus, whenever an amendment to a statutory instrument is adopted which entails consequential amendments to the HSSC Survey Guidelines, draft amendments to the Guidelines should be developed by the Sub-Committee under its continuous item on "Updated Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)" before the entry into force of the amendments. The Committee agreed to the principle that draft amendments to the Survey Guidelines should be derived from, and linked to, mandatory requirements, which, however, should not mean that in describing how the items should be surveyed, additional and effective implementing measures directly linked to the mandatory requirements are excluded from the scope of the Guidelines. It also endorsed the recommendation of the Sub-Committee that the review exercise to identify any existing gaps between the Survey Guidelines and the mandatory requirements, with a view to removing those items not directly linked to requirements in mandatory instruments, should not prevent the approval and adoption of updated Guidelines as usual, given that the review exercise might take time to complete.

Assembly resolutions to be prepared by III 9. The Committee authorized III 9 to report directly to A 33, subject to concurrent decision by MEPC, the outcome of its work related to the Procedures for Port State Control, 2023; the Survey Guidelines under the HSSC 2023, including provisions for remote surveys; the revised Guidelines on the implementation of the ISM Code by Administrations, including provisions for remote ISM Code audits; and the Non-exhaustive list of obligations under instruments relevant to the III Code, which will require the adoption of Assembly resolutions.

Model Courses and e-learning. The Committee recalled 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 advise the Committee accordingly. In this context, taking into account the workloads of sub-committees, the Committee, subject to concurrent decision by MEPC, as appropriate, requested the Secretariat to provide a list of relevant e-learning courses under the remit of each sub-committee.

This would assist in their prioritisation by the sub-committees in relation to the implementation of instruments other than the STCW Convention, taking into account the List of IMO Model Courses set out in annex 7 to document III 8/19, but not limited to the courses in the list.

APPLICATION OF THE COMMITTEE'S METHOD OF WORK.

This item holds little interest for members of InterManager but suffice to record that a Drafting Group (DG 2) was convened to explore a number of measures related to expanding efficiency in the conduct of remote and hybrid meetings.

WORK PROGRAMME.

Safety of pilot transfer arrangements. Four documents submitted to MSC 104 were considered in addition to the related outcome of III 8 regarding pilot ladder-related safety issues, including associated transfer arrangements. Recognizing the urgent need to address this matter, the Committee agreed to include in the biennial agenda of the NCSR Sub-Committee for 2022-2023 and the provisional agenda for NCSR 10 an output on "Revision of SOLAS regulation V/23 and associated instruments to improve the safety of pilot transfer arrangements", with a target completion year of 2024. NCSR was also instructed to consider, as part of this output, the comments emanating from III 8 concerning pilot ladder safety issues.

Development of guidance to assist competent authorities in the implementation of the 2012 Cape Town Agreement. Following discussion, the Committee agreed to include in the biennial agenda of the III Sub-Committee for 2022-2023 and the provisional agenda for III 9 an output on "Development of guidance to assist competent authorities in the implementation of the Cape Town Agreement of 2012", with a target completion year of 2024, and also that the scope of the guidance should be limited to matters under the purview of the Organisation only.

Development of measures to ensure safe operation of elevators on board ships. Following discussion, the Committee agreed to include in its post-biennial agenda an output on "Development of measures to ensure the safe operation of elevators on board ships", including amendments to SOLAS chapter II-1 and non-mandatory guidelines on the design, installation, maintenance, inspection and operation of elevators on board ships, with four sessions needed to complete the item, assigning the SSE Sub-Committee as the associated organ. The SOLAS amendments to be developed, apply to new ships concerning requirements for design and installation; while maintenance, and inspection and safe operation requirements should apply to all ships equipped with elevators to which SOLAS applies, for entry into force on 1 January 2032.

Amendments to MSC.1/Circ.1331. Following consideration of document MSC 106/16 (Denmark et al.), the Committee agreed to include in its post-biennial agenda an output on

"Amendments to the Guidelines for construction, installation, maintenance and inspection/survey of means of embarkation and disembarkation (MSC.1/Circ.1331) concerning the rigging of safety netting on accommodation ladders and gangways", with one session needed to complete the item, assigning the SDC Sub-Committee as the coordinating organ, in association with the SSE Sub-Committee, as and when requested by the SDC Sub-Committee.

Revision of resolution A.1050(27) to ensure safety of personnel entering enclosed spaces aboard ships. The Committee had for its consideration the following documents:

- MSC 106/16/1 (China), proposing a new output to revise the Revised recommendations for entering enclosed spaces aboard ships (resolution A.1050(27)) to ensure the safety of personnel entering enclosed spaces on board ships;
- MSC 106/16/2 (Islamic Republic of Iran), commenting on document MSC 106/16/1 and proposing that the Committee ensure the implementation of SOLAS regulation XI-1/7 (Atmosphere testing instrument for enclosed spaces) under the survey and certification process in the context of this output, as well as amendments to said regulation, and SOLAS regulation I/12 (Issue or endorsement of certificates) and the Form of Safety Equipment Certificate for Cargo Ships; and,
- MSC 106/16/4 (InterManager, United Kingdom, BIMCO, CLIA, IMarEST, ICS, IFDMA, ITF, INTERTANKO, Nautical Institute, OCIMF, and WISTA), proposing the expansion of the scope of the proposed output, to undertake a comprehensive review of resolution A.1050(27), involving other IMO bodies, and consider additional information and data on matters relating to enclosed space incidents.

In this regard, the Committee recalled that MSC 101 had included in the provisional agenda for CCC 7 an output on "Revision of the Revised recommendations for entering enclosed spaces aboard ships (resolution A.1050 (27))" with a very specific narrow scope; and that consideration had started at CCC 8 which had agreed to keep the item in abeyance, pending the decision of the Committee on this proposed new output with an expanded scope (MSC 106/16/5, paragraph 2.4). Consequently, the Committee agreed to include in the biennial agenda of the CCC Sub-Committee for 2022-2023 and the provisional agenda of CCC 9 an output on "Revision of resolution A.1050(27) to ensure the safety of personnel entering enclosed spaces on board ships", with a target completion year of 2024, in association with the III, HTW, PPR, SDC and SSE Sub-Committees, as and when requested by the CCC Sub-Committee. The Committee also agreed that the new output would absorb the ongoing work in the CCC Sub-Committee on the matter.

Intersessional meetings. The Committee approved, subject to endorsement by the Council, the holding of:

- Two intersessional meetings of the E&T Group for the IMDG Code, one in the spring of 2023 and another one immediately after CCC 9;

- The nineteenth meeting of the Joint IMO/ITU Experts Group on Maritime Radiocommunication Matters in 2023;
- The thirtieth meeting of the ICAO/IMO Joint Working Group on Harmonization of Aeronautical and Maritime Search and Rescue in 2023;
- Two intersessional meetings of the MSC/LEG/FAL Joint Working Group on MASS in 2023; and,
- An intersessional meeting of the FSA Experts Group.

ANY OTHER BUSINESS.

Oil fuel parameters other than flashpoint. The Committee considered document MSC 106/18/1 (BIMCO et al.), providing information from fuel samples tested during 2020 – especially in relation to off specification (off-spec) occurrence rates for various parameters of ISO 8217, including geographical differences; proposing that Member States, including individual ports, and relevant intergovernmental organizations consider implementing and enforcing a licensing scheme for bunker suppliers operating within their jurisdiction to combat the high off-spec occurrence rates in some poorer performing geographical regions; and proposing to include this document in the terms of reference for the Correspondence Group on Development of Further Measures to Enhance the Safety of Ships Relating to the Use of Fuel Oil, re-established by MSC 105 to help enhance the safety of ships in relation to fuel oil parameters other than flashpoint.

In this connection, the Committee also noted document MSC 106/INF.19 (Singapore), providing information on MPA's investigations into the supply of bunker fuel containing elevated levels of chlorinated organic compounds, actions taken, and key observations on how to further strengthen the quality assurance of bunkers supplied globally; noting that the current test requirements under table 2 of ISO 8217 for residual marine fuel may not be adequate to address chemical contaminants in fuel; and stating that enhancements to ISO 8217 may be needed to ensure that fuel is acceptable for use.

Regarding the matter of a register of bunker suppliers, the Committee recalled that this had already been considered at MSC 100, where, having noted that the requirement to maintain a register of bunker suppliers was under the purview of MARPOL, it had agreed that the proposed licensing scheme should be addressed by MEPC. Moreover, the Committee noted that the matter had also been discussed by MEPC, at MEPC 74 and MEPC 76.

Subsequently, the Committee:

- Noted the information provided in documents MSC 106/18/1 and MSC 106/INF.19;
- Reiterated that the matter of a licensing scheme for bunker suppliers was under the purview of MARPOL and invited interested Member States and international organizations to submit relevant proposals to MEPC for consideration; and,
- Instructed the Correspondence Group on Development of Further Measures to Enhance the Safety of Ships Relating to the Use of Fuel Oil established by MSC 105 to take documents MSC 106/18/1 and MSC 106/INF.19 into account, together with the comments made in plenary and consider possible measures related to oil fuel parameters other than flashpoint.

International Quality Assessment review Body (IQARB) related matters. The Committee recalled that MSC 100 had noted views that IQARB could be developed into a fully international and independent quality assessment review body with independent quality standards; and could be a component to assist Member States in fulfilling some of their obligations with regard to the oversight programme exercised by flag States for their Recognised Organisations (ROs). The Committee further recalled that MSC 100 had also noted a view that IQARB should not be seen as an alternative to the sovereign right and duty of a flag State to exercise effective oversight of the ROs authorized to act its behalf. Following discussion, the Committee agreed:

- That the IQARB Factual Statements confirming that ROs had implemented an effective quality management system may assist Member States to focus their individual RO oversight programmes on targeted areas and specific matters pertaining to their ships;
- That the IQARB Factual Statements may be recognized during IMSAS audits as part of the oversight programme of ROs implemented by Member States in relation to evidencing that the RO has an effective quality management system in place; and;
- To instruct the Correspondence Group on III Code Implementation Guidance of the III Sub-Committee to further consider the matter and prepare aligned relevant text for inclusion in the III Code Implementation Guidance.

Implementation of the Polar Code. The Committee considered document MSC 106/18/4, providing details of a recent review published by WWF analysing gaps and challenges in the implementation of the Polar Code, along with links to the final report, a blog post, infographic and webinar outlining the findings of the review; seeking other relevant experience to enable further discussion of these issues and inviting the Committee to consider the need for the development of a new output. Following discussion the Committee invited interested Member States and international organizations to submit proposals for a new output to MSC 107.

Experience with hybrid meetings. The Committee, as requested by the Council, discussed the experience and views of delegations about the use of hybrid capabilities. In this regard, the Committee noted the overall satisfaction expressed by many delegations on the use of the hybrid meeting system at this session, complementing the in-person meeting, and expressed appreciation to the Secretariat for the preparation and implementation of the hybrid meeting facilities.

DATE OF NEXT MEETING.

MSC 107 has been provisionally arranged to take place from Wednesday 31 May until Friday 9 August 2023.

End

Captain Paddy McKnight