

IMO SUB-COMMITTEE ON IMPLEMENTATION OF IMO INSTRUMENTS, 9th SESSION (III 9), 31 JULY – 4 AUGUST 2023

The IMO Sub-Committee on Implementation of IMO Instruments held its 9th session (III 9) in hybrid session (physically and virtually) from Monday 31 July through Friday 4 August 2023 under the Chairmanship of Mrs Claudia Grant (Jamaica). Her Vice-Chair, Captain Marek Rauk (Estonia) was unable to be present. 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 two remote Drafting Groups (DG) were formed and chaired as follows:

WG 1 (Remote). Analysis of Marine Safety Investigation Reports, Captain K. Nakra (Singapore). Item 4.

WG 2 (Hybrid). PSC activities and procedures worldwide, Mr. B. Whitby (Australia). Items 5 and 14.

WG 3 (Hybrid). Harmonised System of Survey and Certificate, Mr M Rijdsdijk (Marshall Islands). Items 10, 11 and 12.

DG 1 (Remote). III Code implementation guidance, Mr. R. John (United Kingdom). Item 9.

DG 2 (Remote). Cape Town Agreement of 2012, Mr. J. Casado Martinez (Spain). Item 15.

ADDRESS BY THE IMO SECRETARY-GENERAL. Ms. Tatjana Krilic, Chief, Department for Member State Audit and Implementation Support welcomed delegates on behalf of the Secretary-General of IMO, Mr Kitack Lim, observing that it is the first time for this Sub-Committee to meet in person, following the prolonged disruption caused by the COVID-19 pandemic. A moment of silence was then observed for the death recently of Mr David Harris, a senior interpreter who facilitated meetings at IMO for over 20 years.

Ms Krilic informed the meeting that Council, at its 129th session earlier this month, endorsed the theme for next year's World Maritime Day, "Navigating the future: safety first!" This will provide an opportunity for the maritime community to assess and ultimately address the full range of safety regulatory implications arising from new and adapted technologies, including, the introduction of alternative fuels.

In terms of the agenda, four draft Assembly resolutions will be prepared on matters related to port State control, survey and certification, implementation of the ISM Code and obligations under instruments relevant to the IMO Instruments Implementation Code, with a view to adoption at Assembly 33 later this year. Safety issues emanating from the analysis of marine safety investigation reports and proposals for a holistic and comprehensive review of the Casualty Investigation Code will also be pursued.

Draft Guidance to assist Member States in implementing the III Code will be finalised as also, amendments to the Procedures for port State control, 2021, including guidance related to the suspension of PSC inspections.

Changing working modalities and newly evolving technologies all bring challenges to the maritime industry but also present opportunities. This includes finalisation of a work package on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications, as contained in Survey Guidelines and Guidelines on implementation of the ISM Code, with a view to adoption at A 33.

Finally, draft guidance to assist competent authorities in the implementation of the 2012 Cape Town agreement will also be considered.

Ms Krilic closed her address by extending the Secretary-General's best wishes to the Sub-Committee for every success in its deliberations.

MEETING AGENDA.

- 1 Adoption of the agenda (page 1)
- 2 Decisions of other IMO bodies (pages 3/4)
- 3 Consideration and analysis of reports on alleged inadequacy of port reception facilities (pages 4/5)
- 4 Lessons learned and safety issues identified from the analysis of marine safety investigation reports (pages 5 – 8)
- 5 Measures to harmonise port State control (PSC) activities and procedures worldwide (pages 8 – 10)
- 6 Validated model training courses (pages 10/11)
- 7 Identified issues relating to the implementation of IMO instruments from the analysis of data (page 11)
- 8 Analysis of consolidated audit summary reports (page 12)
- 9 Development of guidance in relation to IMSAS to assist in the implementation of the III Code by Member States (page 12)

10 Updated Survey Guidelines under the Harmonised System of Survey and Certification (HSSC) (pages 12 – 14)

11 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code) (pages 12 – 14)

12 Development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications (pages 13 – 14)

13 Unified interpretation of provisions of IMO safety, security and environment-related conventions (page 14)

14 Follow-up work emanating from the Action Plan to Address Marine Plastic Litter from Ships (pages 15/16)

15 Development of guidance to assist competent authorities in the implementation of the Cape Town Agreement of 2012 (page 16)

16 Biennial agenda and provisional agenda for III 10 (pages 16/17)

17 Election of Chair and Vice-Chair for 2024 (page 17)

18 Any other business (pages 17/18)

19 Report to the Committee (page 18)

1. ADOPTION OF THE AGENDA.

The agenda was duly adopted but also of interest, the Sub-Committee noted that C 129 extended the trial period to enable an assessment of the current planned enhancements on the use of hybrid capabilities introduced by the Secretariat, and deferred a final decision on their continued use to C 132.

2. DECISIONS OF OTHER IMO BODIES.

General. The Sub-Committee noted the decisions and comments pertaining to its work made by other other IMO bodies and took them into account in its deliberations when dealing with relevant agenda items.

Issuance of flag, class and statutory certificates in certain parts of Ukraine temporarily occupied by the Russian Federation. The Sub-Committee considered document III 9/2/3 (Ukraine), raising concerns with regard to the Russian Federation's recurring unauthorised and unlawful practices associated with the issuance of certificates of the right to sail under its flag, as well as class and statutory certificates in certain parts of Ukraine temporarily occupied by the Russian Federation, and proposing a

recommended guidance to address such issues. A further thirty delegations spoke in support of Ukraine's concerns followed by a rebuttal from the Russian Federation. In essence, the Russian Federation contended that the allegations were unfounded in fact, political in nature, promoting discrimination in breach of the IMO Convention, confirming the legitimacy and authenticity of documents and certificates issued, and called on Ukraine, to stop using civilian infrastructure, including ports, for concealing and stockpiling military supplies, calling on NATO countries to cease escalating the situation by supplying weapons to Ukraine. Additional information on the Black Sea Grain Initiative as part of a larger package was provided with an emphasis on the necessity to finally fulfil the obligations of all the Parties involved.

Having considered document III 9/2/3 and the views expressed by an overwhelming majority of delegations who took the floor, the Sub-Committee expressed strong support for the proposals contained in document III 9/2/3, and agreed to:

- .1 condemn the aggression by the Russian Federation against Ukraine, which threatened Ukraine's territorial integrity and sovereignty, including its territorial waters;
- .2 recognise the devastating impact of the ongoing full-scale Russian Federation invasion of Ukraine on the safety and security of international merchant shipping; and,
- 3 call upon the Russian Federation to immediately cease its military action and unconditionally withdraw all its military forces and equipment from the entire territory of Ukraine, fully respecting its territorial integrity, sovereignty and independence.

In relation to the proposals, and the support expressed by the overwhelming majority of delegations that took the floor, the Sub-Committee recognised the need for flag and port States to take specific action in cases where ship certificates were identified as issued by an institution located in the temporary occupied territories of Ukraine. Having also noted the proposals made by some delegations to broaden the scope of the text to include any other documentation issued by the Russian Federation relating to the temporary occupied territories, the Sub-Committee invited interested Member States to submit proposals to MSC 108 for further consideration.

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

Annual enforcement reports on PRFs for 2021 and 2022. The Sub-Committee recalled that the compliance of ships with the discharge requirements of MARPOL depended largely on the availability of adequate PRFs, especially within Special Areas. The Sub-Committee also recalled that the format for reporting alleged inadequacies of PRFs was set out in the Consolidated guidance for port reception facility providers and users, and that the actual reporting of inadequacies was accommodated by a dedicated module in the Global Integrated Shipping Information System (GISIS). Consequently, flag States should report their cases directly into GISIS, following which the concerned port State receives a notification of the alleged inadequacy.

The Sub-Committee stressed the importance of timely reporting of alleged inadequacies of PRFs, noting that the information provided in document III 9/3 was crucial in addressing existing problems. Consideration was given to further ways of assessing progress in the response from port States to alleged inadequacy reports, as well as ways of more prominently displaying non-responding port States in GISIS, while noting the ongoing efforts of the Secretariat to improve and streamline reporting on alleged inadequacies of PRFs in GISIS.

Review of data contained within the Port Reception Facilities module in GISIS. In considering possible future improvements to the PRF module, the Sub-Committee noted the information provided by the Secretariat that engagement with the European Maritime Safety Agency (EMSA) had commenced on the data transfer mechanism outlined in document MEPC 77/14 (Austria et al.), and recommended that the Secretariat set this element as a priority, with a view to reducing the administrative burden for Member States. The Sub-Committee also urged Parties to MARPOL to increase the level of reporting and to review their respective reports within the PRF module to ensure that these are accurate and up to date; whilst inviting the Secretariat to provide periodic reports on data analysis in relation to the PRF module to future sessions.

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

Casualty-related decisions of other IMO bodies. The Sub-Committee was advised of the decisions of other IMO bodies on casualty-related matters.

Safety issues that need further consideration. MSC 106 took note of the Sub-Committee's discussions on how containers should be secured on deck and instructed the Correspondence Group to take the ongoing work of the CCC Sub-Committee into account when developing a proposal for the new output. The Committee also noted the Sub-Committee's discussions on occupational accidents (falls from height) (III 8/4, annex 6) 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. MSC 106, having agreed to the recommendation of III 8 on amendments to the draft guidance framework, approved MSC.1/Circ.1661 on *Guidance framework for the application of casualty cases and lessons learned to seafarers' education and training.*

Report of the Correspondence Group on Analysis of Marine Safety Investigation Reports. The Sub-Committee considered the report of the Correspondence Group on Analysis of Marine Safety Investigation Reports (III 9/4) (Sweden) containing information based on an analysis of the 27 marine casualties and incidents listed in document III 9/4/1 (Secretariat), with the following outcome:

- .1 approved the draft text of Lessons Learned from marine casualties and their release on the IMO website;
- .2 noted the observation regarding Lessons Learned and referred it to the Casualty Analysis Working Group for evaluation;
- .3 considered the proposal for a new output on the development of guidelines addressing safety issues related to risks of falls from height and agreed to forward the proposal to MSC for further consideration;
- .4 instructed the Working Group to complete the questionnaire collecting data related to the work for preventing collisions with fishing vessels;
- .5 referred the result of the analysis on ISM Code related concern on unsatisfactory implementation of safety management systems to the Working Group;
- .6 considered the new output proposal for preventing loss of containers at sea and agreed to forward the proposal to the CCC Sub-Committee for further consideration, under the current agenda on "Development of measures regarding the detection and mandatory reporting of containers lost at sea that may enhance the positioning, tracking and recovery of such containers";
- .7 noted the result of the updated Procedure test for identifying and forwarding safety issues, and brought it to the attention of the Casualty Analysis Working Group;
- .8 noted the overview of marine safety investigation report analysis and referred it to the Casualty Analysis Working Group; and,
- .9 noted the observations on the quality of marine safety investigation reports.

Amendments to the Casualty Investigation Code. Two documents were submitted on this matter and in the ensuing discussion, there was strong support for a comprehensive and holistic review of the Casualty Investigation Code. While the importance of the quality and timeliness of casualty investigation reports was generally agreed, a number of delegations expressed the need for flexibility relative to a time frame or deadline for the submission of reports, bearing in mind various factors which may affect the State's ability to meet that time frame including the capacity or capability of their administration. Proposals for a new output were accordingly invited.

Refinement status of the marine casualty and incidents GISIS module. The Sub-Committee recalled that III 6, 7 and 8, having taken into consideration the current limitations of the GISIS MCI module, requested the Secretariat to take action on a number of points, all of which were referred to WG1.

Analysis of marine casualties and incidents. The Sub-Committee had six documents for its consideration, three of which were Information papers submitted by InterManager as follows:

- .1 III 9/INF.11 (InterManager), providing information and analysis on enclosed space accidents between 1996 and 2023;
- .2 III 9/INF.12 (InterManager), providing information and analysis on fall accidents onboard ships between 2015 to 2023; and,
- .3 III 9/INF.13 (InterManager), providing information and analysis on lifeboat and rescue boat accidents from 1980 to 2023.

The three other papers were submitted by the EC, Intercargo, and the Secretariat. All six papers were forwarded to WG1 for consideration of the information provided.

Report of the Working Group on Analysis of Marine Safety Investigation Reports. Having approved the report of the Working Group in general, the Sub-Committee took action as follows:

- .1 approved the findings of the Correspondence Group based on the analysis of individual marine safety investigation reports and GISIS, as reviewed, including the changes to the text of casualty analyses; and authorised their release to the public on the GISIS MCI2 module;
- .2 will bring the observations to the attention of Administrations, by means of an III.3 circular;
- .3 agreed to the recommendation of the Group on observations concerning the quality of marine safety investigation reports and for the correspondence group, to review the method by which analysts provide information in GISIS regarding potential safety issues and recommend changes in the MCI 2 module, as appropriate;
- .4 approved the draft text of Lessons learned from marine casualties and their release on the IMO website;
- .5 requested the Secretariat to issue a relevant circular and to take appropriate measures in the MCI module to reflect a pop-up dialogue box at each relevant field of the Lessons learned;
- .6 agreed with the views of the Group on the development of guidelines addressing risks of falls from height and invited MSC to consider the proposal for a new output for development of guidelines addressing risks of falls from height with the Sub-Committee on Human Element, Training and Watchkeeping (HTW) as the coordinating body;

- .7 approved the revised questionnaire on fishing vessel collisions, and advised the Secretariat to gather the relevant information from Member States;
- .8 endorsed the recommendation of the Group for the correspondence group to analyse the information gathered from Member States related to the work for preventing collisions with fishing vessels and recommend further actions;
- 9 approved the recommendation on the result of the analysis of ISM Code related concern on unsatisfactory implementation of safety management systems and invited MSC to bring it to the attention of the Committee for consideration by the Joint ILO/IMO JTWG;
- .10 noted the confirmation by the Group of the updated Procedure for identifying and forwarding safety issues;
- .11 agreed to the views of the Group on safety issues resulting in man overboard from fishing vessels and invited MSC to inform the NCSR Sub-Committee;
- .12 noted the views of the Group regarding the results of testing the MCI 2 module;
- .13 endorsed the views of the Group on the proposals contained in III 9/4/4 (China) and invited the SSE Sub-Committee to consider the information provided, while progressing the existing output on "Revision of SOLAS chapter III and the International Life-Saving Appliance (LSA) Code";
- .14 endorsed the views of the Group on the proposals contained in III 9/4/6 (Republic of Korea) and invited the CCC Sub-Committee to consider the information provided in the document, while progressing the existing output on "Amendments to the IMSBC Code and supplements", as appropriate;
- .15 agreed with the views of the Group regarding data analysis as identified by EC, WMU, INTERCARGO and InterManager and instructed the correspondence group to examine the documents in detail to develop a process for support data-driven decision-making and policy development at IMO, based on apparent safety issues identified from casualty data analysis reports and studies;
- .16 re-established the Correspondence Group on Lessons Learned and Safety Issues identified from the Analysis of Marine Safety Investigation Reports under the proposed terms of reference; and,
- .17 agreed to the early establishment of the Working/Drafting Group on Lessons Learned and Safety Issues Identified from the Analysis of Marine Safety Investigation Reports at III 10.

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

Analysis of PSC activities, practices and statistics. The Sub-Committee recalled that III 8 had invited all regional PSC regimes and the United States to continue submitting their annual reports to the Sub-Committee in the agreed format and had requested the Secretariat to continue providing the Sub-Committee with a progress report on regional PSC agreements. Document III 9/5/1 (Secretariat) provided such updated information on recent developments concerning the nine regional PSC regimes and the United States Coast Guard (USCG).

Regulatory basis for port State control and opportunities for future developments. The Sub-Committee considered document III 9/5/5 (Secretariat) on the roles and responsibilities of Contracting Governments in their right to exercise port State control; the supporting role of IMO; and a prospect of possible future developments. The Sub-Committee was informed of the prospect of possible future developments taking into consideration the request of the Paris MoU Committee to the Paris MoU Secretariat to liaise with IMO in relation to the potential development of an overarching database under the umbrella of IMO; the need for analysis of PSC data stored in GISIS to establish trends to support regulatory and policy developments; and the increasing number of PSC MoUs/Agreements that are working on the development of a port State control regime for fishing vessels.

Guidelines and procedures for PSCOs. Regarding financial security of seafarers in case of abandonment, the Sub-Committee was advised that LEG 110 had urged flag and port States to take further action to ensure the presence of financial security, as required by the Maritime Labour Convention (MLC), 2006 Standard A2.5.2; and to take appropriate action when financial security is not in place.

Report of the Correspondence Group. The Sub-Committee recalled that III 8 had re-established the Correspondence Group on Measures to Harmonise Port State Control (PSC) Activities and Procedures Worldwide, under the coordination of the European Commission, to continue developing amendments to the *Procedures for port State control, 2021*. The delegation of Canada, commenting on the report of the Correspondence Group, indicated that MEPC is implementing the Convention Review Plan under the experience-building phase associated with the BWM Convention. Thus, the Guidelines for PSC under the BWM Convention (resolution MEPC.252(67)) will need to be revised again in the near future.

Report of the Working Group. Having considered the report of the Working Group on Measures to Harmonise PSC Activities and Procedures Worldwide together with Follow-up work emanating from the Action Plan to Address Marine Plastic Litter from Ships under agenda item 14, the Sub-Committee:

- .1 agreed to the text of the draft Assembly resolution on Procedures for PSC 2023, to revoke resolution A.1155(32), as set out in the annex for submission to A 33 for adoption; and,
- .2 agreed to invite Member States and international organisations to support the work of the Correspondence Group on Measures to Harmonise Port State Control

(PSC) Activities and Procedures Worldwide with the involvement of maritime security experts.

The Sub-Committee also concurred with the Group's recommendations as follows:

- .3 to commence the revision of the Guidelines for PSC under the BWM Convention only after the MEPC concludes its current revision of the BWM Convention;
- .4 to urge Member States to convey to the Correspondence Group established by MEPC any difficulties faced by the PSCOs in implementing the Guidelines for PSC under the BWM Convention and enforcing the provisions of the BWM Convention;
- .5 to add the 2022 Guidelines for inspection of anti-fouling systems on ships to resolution MEPC.357(78) as a new appendix to the Procedures for PSC;
- .6 to task the Correspondence Group on Measures to Harmonise Port State Control (PSC) Activities and Procedures Worldwide to review the Interim guidance on control and compliance measures to enhance maritime security (resolution MSC.159(78)) with a view to adding it as a new appendix;
- .7 that it is premature to consider introducing definitions for the terms "follow-up inspection" and "re-inspection" in the Procedures for PSC;
- .8 concerning the suspension of inspection, agreed to keep the text shown in the annex to document III 9/5 as "Text 2";
- .9 to task the Correspondence Group on Measures to Harmonise Port State Control (PSC) Activities and Procedures Worldwide to develop guidance for PSCOs concerning SOLAS 1974 regulation II-1/56;
- .10 not to introduce pre-inspection of ship certificates in the Procedures for PSC;
- .11 not to consider further the issues raised in document III 9/INF.21 (China);
- .12 that the Correspondence Group on Measures to Harmonise Port State Control (PSC) Activities and Procedures Worldwide be re-established under the proposed draft terms of reference;
- 13 that the Working/ Correspondence Group on Measures to Harmonise Port State Control (PSC) Activities and Procedures Worldwide, when re-established at the next session, should start their work on the morning of the first day of III 10; and,
- .14 took note that a working group should be established rather than a drafting group at III 10.

6. VALIDATED MODEL TRAINING COURSES. The Sub-Committee recalled that III 8 had agreed to initiate the revision of IMO Model Course 3.09 on Port State Control in

accordance with the revised *Guidelines for the development, review and validation of model courses*; and that the existing output "Validated model training courses" be applied, with a new item added to the agenda for III 9. This was approved by MSC 106 with a new appendix 4 on action verb taxonomy for model courses, and appendix 5 for guidance on learning outcomes, developed by HTW 8. In this context, the Sub-Committee considered document III 9/6 (Secretariat), proposing draft terms of reference for the course developer(s) and the review group for the revision of Model Course 3.09 on Port State Control. Subsequently, the Sub-Committee accepted China's offer to act as developer and Australia as coordinator, of the Review Group whilst New Zealand and the Marshall Islands expressed their willingness to be members of the Review Group. Member States and international organisations were also invited to indicate willingness to be part of the Review Group, through the email address III@imo.org.

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

The Sub-Committee recalled that MSC 106 and MEPC 79 had endorsed the recommendation by III 8 to widen the scope of output 7.5 as follows: "Identified issues relating to the implementation of IMO instruments from the analysis of PSC data". A project entitled "Establishment of an IT-enabled Programme for improved data analysis to support policy development and decision-making at IMO" was launched by the Secretary-General in 2023, covering six modules of GISIS, as follows: Marine Casualties and Incidents (MCI 2); Port State Control (PSC); Member State Audits (MSA); Fuel consumption database; Port Reception Facilities (PRFs); and Global Maritime Distress and Safety System (GMDSS); and that the initial focus of the project was on marine casualties and incidents (MCI 2) module, whilst the scope may gradually be extended to other modules in GISIS and areas of interest to the Organisation, at a later stage. Ten documents were submitted on this topic, and each was duly considered under their relevant agenda items.

Following consideration of possible ways forward in terms of using the submitted analyses to support regulatory work of IMO bodies effectively, the Sub-Committee:

- .1 instructed WG1 to consider forwarding relevant analyses to other IMO organs, with a view to ensuring that the analyses support the existing regulatory work effectively, as possible part of a mechanism to support data-based decision-making and policy development at IMO;
- .2 invited Member States, international organisations and the Secretariat to continue submitting their analyses of various data sets; and,
- .3 urged Member States to increase the level of reporting under relevant GISIS modules, to ensure the completeness and accuracy of data, as a basis for meaningful analysis.

8. ANALYSIS OF CONSOLIDATED AUDIT SUMMARY REPORTS.

A discussion took place on proposed improvements in the Analyses of Consolidated Audit Summary reports (CASRs) based on document III 9/8 (China). This aimed to develop guidance on the implementation of recurrent references to the mandatory IMO instruments by Member States with a view to improving performance in the implementation of applicable mandatory IMO instruments and was supported by the majority of those who spoke. Following this, the Sub-Committee:

- .1 invited interested Member States to submit proposals to the Committees for a new output on guidance addressing the implementation of recurrent references to mandatory IMO instruments by Member States based on analysis of consolidated audit summary reports (CASRs); and,
- .2 invited interested Member States to submit, to future sessions of the Sub-committee, proposals relating to the analysis of results from audit follow-up.

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

III Code Implementation Guidance. The Sub-Committee recalled that III 8 had re-established a Correspondence Group on 'Guidance in Relation to IMSAS to Assist in the Implementation of the III Code by Member States' (III Code Implementation Guidance), under the coordination of the Kingdom of the Netherlands, to develop a draft revision of the Guidance for finalisation at this session. The draft III Code Implementation Guidance was subsequently endorsed as a solid basis, fit for this purpose and was referred to the Drafting Group, DG1.

Following a desultory discussion, including that on the term "to the satisfaction of the Administration", or equivalent, DG1 was set to work and on completion, submitted its report to plenary. The Sub-Committee approved the report of the Group in general and, in particular:

- .1 endorsed the finalised text of the III Code Implementation Guidance, including minor editorial changes made to the text regarding the term "to the satisfaction of the Administration", or equivalent;
- .2 endorsed the inclusion of IALA's guidance, with limitation to coastal State matters only; and,
- .3 endorsed the proposed text of the draft MSC-MEPC circular as the vehicle for adoption/approval of the III Code Implementation Guidance.

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

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

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

Following discussion in plenary, Agenda items 10, 11 and 12 were all referred to WG3, whose report was approved in general, and in particular, the Sub-Committee:

.1 endorsed the Group's view that, as a principle, if the instrument referred to in the footnote has been quoted in the text of the corresponding requirement of mandatory instruments, it is unnecessary to add the footnote in the Survey Guidelines and concurred with the recommendation on review of all footnotes contained in the text of the Survey Guidelines under the HSSC;

.2 concurred with the Group's recommendation that a correspondence group be tasked to develop the survey items relevant to revised SOLAS regulation II-1/3-8, as adopted by resolution MSC.474(102);

.3 endorsed the Group's confirmation on the outcome of the gap analysis carried out by the Correspondence Group with the conclusion that one gap was found between the Survey Guidelines under the HSSC and the mandatory requirements in terms of annex 1 of Survey Guidelines with respect to the 1974 SOLAS Convention as modified by the 1988 Protocol;

.4 agreed to the proposed amendments to the Survey Guidelines as a consequence of gap analysis, contained in part 1 of annex 1, with a view to submission to A 33 for adoption;

.5 agreed the draft amendments to the Survey Guidelines under the Harmonised System of Survey and Certification (HSSC), 2021 (resolution A.1156(32)), with a view to submission to A 33 for adoption;

.6 noted that the Group finalised the list of amendments to mandatory instruments not yet included in the Survey Guidelines, with a view to maintaining the status of the mandatory items for future amendments to the Survey Guidelines;

.7 noted that the Group agreed to change the wording from "including" in the text of resolution A.1157(32) back to "concerning", as contained in its previous resolution versions in line with the purpose of the Non-exhaustive list of obligations under instruments relevant to the III Code (resolution A.1157(32)) as a supporting tool;

.8 agreed to the draft amendments to the 2021 Non-exhaustive list of obligations under instruments relevant to the III Code (resolution A.1157(32)), together with the draft requisite Assembly resolution, with a view to submission, in a consolidated form, to A 33 for adoption;

9 noted that the Group finalised the list of amendments to mandatory instruments not yet included in the Non-exhaustive list of obligations, with a view to maintaining the status of the mandatory items for future amendments to the Non-exhaustive list of obligations;

.10 noted the Group's discussion on draft amendments to the Survey Guidelines under the HSSC pertaining to remote survey; and draft amendments to the revised guidance on implementation of ISM Code pertaining to remote ISM Code audits with respect to: the scope of application of remote surveys and ISM Code audits, the terms "force majeure", "legal requirements", protection of seafarers for their involvement in remote surveys and audits, and the training of personnel involved in physical survey and audit activities on board ship;

.11 agreed the draft amendments to the Survey Guidelines under the HSSC (resolution A.1156 (32)); and the revised guidelines on the implementation of ISM Code by Administrations (resolution A.1118(3)), together with the draft requisite Assembly resolution, with a view to submission to A 33 for adoption of the two resolutions in consolidated form;

.12 noted the Group's discussion on the issue regarding whether or not to develop guidance on remote ISPS Code verification and concurred with the Group's recommendation that the guidance on remote ISPS Code verification should be developed as per "Outline of the way forward", as contained in annex 4 of III 8/19;

.13 concurred with the Group's recommendation that the Secretariat be authorised, when preparing the final texts of the updated Survey Guidelines under HSSC 2023; the 2023 Non-exhaustive list of obligations under instruments relevant to the III Code and, the 2023 Guidelines on implementation of the ISM Code by Administrations, to effect any editorial corrections that may be identified;

.14 concurred with the Group's recommendation that the Correspondence Group on Survey Guidelines under the HSSC, the Non-exhaustive list of obligations, and the Guidance on Remote Surveys, Audits and Verifications be re-established; and,

.15 concurred with the Group's recommendation that the Working/Drafting Group on Survey Guidelines under the HSSC, the Non-exhaustive list of obligations, and the Guidance on Remote Surveys, Audits and Verifications, should start their work at the next session on the morning of the first day of III 10.

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

No documents were submitted under this agenda item at this session.

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

The Sub-Committee noted that, as reported in paragraph 11 of document III 9/5 (European Commission) on the report of the Correspondence Group, the Group had not been able to consider matters under this agenda item due to its heavy workload. Subsequently, the Sub-Committee invited interested Member States and international organisations to submit documents to III 10 concerning the work on marine plastic litter assigned to it by MEPC. The Working Group on Measures to Harmonise Port State Control (PSC) Activities and Procedures Worldwide (WG2 established under Agenda item 5) was additionally instructed under this item, taking into consideration the comments made and decisions taken in plenary, to:

.1 consider the proposal in document III 8/5/3 (China), taking into account the views expressed at III 8;

.2 advise the Sub-Committee on the necessity of the introduction of definitions as proposed under paragraph 12 of document III 8/5/3, with a view to deciding on the way forward;

.3 review the *Guidelines for port State control under the BWM Convention* (resolution MEPC.252(67)), with the view to adding them as a new appendix;

.4 review the *2022 Guidelines for inspection of anti-fouling systems on ships* (resolution MEPC.357(78)), with a view to adding them as a new appendix;

5 review the *Interim guidance on control and compliance measures to enhance maritime security*;

.6 consider the proposal contained in document III 9/5/3 (China), regarding establishing inspection principles for regulations related to risk assessment and introducing the pre-inspection of ship certificates;

.7 consider the proposal contained in document III 9/5/4 (Brazil), regarding the suspension of inspection without reintroducing annex 2 to document III 8/5;

.8 consider document III 9/INF.21 (China), concerning the quality of maintenance and inspections of the fixed CO₂ systems;

.9 finalise, as a matter of priority, the proposed draft amendments contained in III 9/5 (European Commission) and III 8/5 (European Commission), with a view to submission, in a consolidated form, to A 33 for adoption, taking into account document III 9/INF.19 (Secretariat) and the outcome of the Working Group's consideration of .1 to .8 above, as appropriate; and,

.10 advise on the re-establishment of the Correspondence Group, at this session, and the Working/Drafting Group on Measures to Harmonise Port State Control (PSC) Activities and Procedures Worldwide, at the next session, to start their work on the morning of the first day of III 10 and prepare draft terms of reference for the Group under agenda item 5, as appropriate.

15. DEVELOPMENT OF GUIDANCE TO ASSIST COMPETENT AUTHORITIES IN THE IMPLEMENTATION OF THE CAPE TOWN AGREEMENT OF 2012.

This item is outwith the purview of InterManager members but suffice to record, a correspondence group has been established to further develop the draft Guidance for finalisation at the next session, which will be achieved by a working/drafting group, as appropriate.

16. BIENNIAL AGENDA AND PROVISIONAL AGENDA FOR III 10.

Committees' decisions. The Sub-Committee was advised of the following:

.1 MSC 107 and MEPC 80 have agreed to include in their biennial agendas for 2024-2025 a continuous output on "Development of a safety regulatory framework to support the reduction of GHG emissions from ships using new technologies and alternative fuels", assigning MSC as the coordinating organ and MEPC as an associated organ;

2 MSC 107, having considered document MSC 107/17/14 (Dominica et al.), proposing a new output to develop guidance to address time pressure and related organisational factors, agreed to include in the post-biennial agenda an output on "Development of guidance to address time pressure and related organisational factors", with one session needed to complete the output, assigning the HTW Sub-Committee as the coordinating organ, in association with III, as and when requested by HTW;

.3 MSC 107, having considered document MSC 107/17/12 (Australia et al.), proposing a new output on the prevention of the loss of containers at sea, together with commenting document MSC 107/17/29 (China), agreed to include in the biennial agenda of the CCC Sub-Committee for the 2024-2025 biennium and the provisional agenda of CCC 10 an output on "Development of measures to prevent the loss of containers at sea", with a target completion year of 2025, assigning the CCC Sub-Committee as the coordinating organ, in association with the SDC, NCSR, HTW and III Sub-Committees; and,

.4 MSC 107, having considered document MSC 107/17/15 (China), proposing a new output to develop guidelines for harmonising the date format of various certificates issued under IMO instruments, agreed to include in its post biennial agenda an output on "Development of guidelines for harmonising the date format of various certificates issued under IMO instruments", with two sessions needed to complete the item, assigning the III Sub-Committee as the associated organ; and

invited the FAL Committee to cooperate on this output, taking into account its expertise on data harmonisation.

Biennial status report for the 2022-2023 biennium. Taking into account the progress made at this session, the Sub-Committee prepared the biennial status report for the 2022-2023 biennium for consideration by MSC 108 and MEPC 81 with a view to approval. In this context, it was noted that, at this session, the work on output 1.14 "Development of guidance in relation to IMSAS to assist in the implementation of the III Code by Member States" has been completed.

Proposed biennial agenda for the 2024-2025 biennium and draft provisional agenda for III 10. These were both prepared by the Sub-Committee.

Experience with the use of hybrid capabilities and remote meetings. The Sub-Committee considered plenary views on the use of hybrid capabilities and remote meetings in the conduct of IMO business, the views of which were mostly very positive.

17. ELECTION OF CHAIR AND VICE-CHAIR FOR 2024. In accordance with the Rules of Procedure of the Maritime Safety Committee and the Marine Environment Protection Committee, the Sub-Committee unanimously re-elected Ms. Claudia Grant (Jamaica) as Chair and elected Mr. Regi John (the United Kingdom) as Vice-Chair, both for 2024.

18. ANY OTHER BUSINESS.

Preparation for the fifth Joint FAO/ILO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters. The Sub-Committee considered document III 9/18 (Secretariat), reporting on the preparation of the fifth joint FAO/ILO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters (JWG 5). The meeting will be held in the fourth quarter of 2023 at a venue yet to be decided.

Issue of ship's certificates in required languages of relevant conventions and codes. The Sub-Committee considered document III 9/18/1 (China), providing proposals on measures to be taken by Member States to ensure that their authorised recognised organisations issued ship's certificates in languages complying with the requirements stipulated in IMO conventions. Following discussion, the Sub-Committee, having noted the proposal made in document III 9/18/1, while reiterating that the authority to interpret the provisions in IMO instruments lay with the Parties which were attending the meetings of the relevant IMO bodies which had the purview of these instruments, agreed to refer the matter to MSC for consideration.

Holistic approach on the human element. The Sub-Committee was advised that the Sub-Committee on Human Element, Training and Watchkeeping (HTW), at its eighth session (HTW 8), had considered the need to arrange and coordinate the work on the human element holistically encompassing the new strategic direction on the human element, the continuous output on the human element and the work on the human element conducted by all IMO bodies, taking into account the workload and necessary resources.

The Sub-Committee was also advised that MSC 105, in response to the request by HTW 8, had invited all relevant IMO bodies to assess their respective involvement in the human element within their remit and report back to the Committee with a view to devising an outline for a holistic approach on the human element, taking into account resource and budgetary implications within the Organisation.

MSC 108 was invited to note the outcome of the consideration of human element within the III Sub-Committee's remit, and take action, as appropriate.

Shipping Industry Flag State Performance Table (2022-2023). The Sub-Committee noted the information provided in document III 9/INF.7 (ICS), containing information on the latest Shipping Industry Flag State Performance Table, 2022-2023, the pdf version of which can be accessed on the following link:

<https://www.icsshipping.org/publication/shipping-industry-flag-state-performance-2022-2023/>, together with a new archive web page containing previous versions of the Flag State Table, published over the years, which can be accessed on the following link:

<https://www.icsshipping.org/publication/shipping-industry-flag-state-performance-table-archives/>

19. REPORT TO THE COMMITTEES.

The draft report of the session was prepared by the Secretariat in consultation with the Chair for consideration by the Sub-Committee.

DATE OF NEXT MEETING.

The next meeting has been tentatively scheduled to take place from 22 – 26 July 2024.

End

Captain Paddy McKnight