**III 8 – July, 25- 29 2022**

The 8th meeting of the IMO's Sub-Committee on Implementation of IMO Instruments (III 8) was held 25-29 July 2022 online.

**Port reception facilities**

III 8 considered information provided by the IMO Secretariat concerning reports on the alleged inadequacy of port reception facilities.

- In 2020, 91 cases were reported by six flag States;

- In 2021, 105 cases of alleged inadequacies of port reception facilities (PRFs) were reported in the GISIS by eight flag States.

III 8 reminded Member States:

- That since 1 March 2018, they have full access to the module and should directly report their cases without having to submit the information to the Secretariat; and

- Of the importance of reporting alleged inadequacies of reception facilities to the Organization.

- To progress IMO's efforts to reduce pollution caused by marine plastic litter from ships, it is crucial that inadequacies are accurately reported to address existing problems.

III 8 considered a document on difficulties with reception facilities for exhaust gas cleaning residues encountered by port States and corresponding proposals, which was deferred to III 8 by III 7.

III 8 encouraged Member States and international organizations to submit their best management practices and experience gained, as well as difficulties.

***Lessons learned from marine casualties***

III 8 approved to post the 15 cases reviewed by members and the CG on the IMO website.

***Container loss***

Regarding the safety issue related to securing containers, III 8 noted the information of the work undertaken by the Top Tier joint industry project (JIP) on lowering the probability of loss of containers at sea.

III 8 tasked the correspondence group (CG) to further develop a justification for the new work for approval by the Maritime Safety Committee (MSC).

***Fire of the self-unloading bulk carrier***

III 8 identified the risk of fire in the self-unloading space is not mitigated by alarms or fixed fire-fighting equipment, which may be addressed as a new requirement.

The CG will further address the issue.

***Fall from height***

III identified the following issues for bringing it to the attention of MSC:

- Safety management systems for working at height or over the side are not always effectively implemented;

- Tasks that involve the risk of falling from height are not always considered as "working at height";

- Inappropriate use of personal protective equipment (PPE);

- Onboard safety training does not appear to be achieving its intended purpose; and

- Onboard management supervision and control of seafarers performing shipboard tasks that require working at height or over the side is ineffective and needs to be improved.

***Pilot ladder***

III noted the following findings of the CG:

- Regulations and associated instruments appear at times to be unclear or ambiguous; and

- Pilot transfer arrangements, especially pilot ladders, are used frequently, hence susceptible to damages, but since they are usually stowed away, such damages are not likely to be identified.

III 8 brought the above to the attention of MSC.

***Risk assessment criteria***

III 8 noted that the procedure for identifying safety issues has been under development for a few years and considered different options for finalizing it without further delay.

In this regard, III 8 noted that MSC- MEPC.2/Circ.12/Rev.2 on Revised guidelines for formal safety assessment (FSA) for use in the IMO rule-making process, in particular, paragraph 5.2.2 and that appendix 4 provided a background for ranking, an example of defining frequency and consequence categories, as well as possible ways of establishing risk levels for ranking purposes.

III 8 revised the draft procedure for identifying safety issues for submission to MSC, which makes direct reference to paragraph 5.2.2 and appendix 4 of MSC- MEPC.2/Circ.12/Rev.2.

***Amending the Casualty Investigation Code to mandate root causes***

The proposal for a new output to amend the Casualty Investigation Code (CIC) to mandate a root cause investigation highlighted that identifying the root causes of the incident is essential for the prevention of accidents in the future.

The co-sponsors thus proposed that the root causes of an incident should be carried out by incorporating additional paragraphs in the mandatory part of the Casualty Investigation Code (CIC).

III 8 identified several technical issues. III 8 also noted the views that sections 16.5, 21.2.4 of the CIC and the MAIIF manual are sufficient to explain the depth of any investigation required, and that many accident investigation bodies were already following the recommendations within section 16.5 of CIC.

III 8 noted the intent of the document but did not support the proposal for a new output to mandate such a root cause investigation or prescribe its scope as suggested in the paper.

***Development of III Code Implementation Guidance***

III 8 received the report of an intersessional correspondence group assigned to progress the development of implementation guidance for the III Code, to assist Member States in the implementation of the Code.

The current draft structure of this guidance is in two parts:

- Part A containing guidance on understanding and practices to assist Member States in the implementation of the III Code, aiming to enhance the overall performance in maritime safety and environment protection;

- Part B providing Member States with a manual to prepare for future audits under the IMO member State Audit Scheme (IMSAS) and to assist in the planning, conducting and reporting.

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

***Marine Plastic Litter from Ships***

After the adoption by MEPC 73 of the Action Plan to Address Marine Plastic Litter from Ships (Resolution MEPC 310(73)), the Sub-Committee was tasked by MEPC 74 to consider certain work in support of the action plan.

Intersessionaly and at III 9, the Sub-Committee will progress the following:

- Prepare of a draft MEPC circular reminding Member States to enforce MARPOL Annex V on fishing vessels through PSC measures; and encouraging PSC regimes to develop PSC procedures that include fishing vessels;

- Consider proposals for enhancing the enforcement of MARPOL Annex V, including, where possible, through a risk-based approach, and if appropriate prepare draft amendments to the Procedures for PSC.

***Bulk carrier casualty report 2012-2021***

III 8 noted with appreciation the information on bulk carrier casualty statistics and analysis between the years 2012-2021.

***Draft revision to the PSC procedure***

With regard to the instruction by MEPC 78 to consider whether not implementing corrective actions for a ship rated as D for three consecutive years or rated as E can be a detainable deficiency, there was an intense discussion on this point.

The majority of the members were of the view that not taking corrective action should not constitute detainable deficiency because:

- Carbon Intensity (CII) requirements itself is not fully matured, and should be considered as experience building phase;

- There are elements that is beyond the control of shipowners/management companies;

- Detainable deficiency of the safety management system related deficiency should be decided based on the judgement on the shipboard safety management system as a whole;

- These are the issues to be implemented by the flag States, not through port State control;

- Once a ship is detained, there would be no remedy for releasing the ship, as the matter is not a simple repair of the ship or its equipment, and staying in a port during the detention will further worsen CII rating.

Following consideration, III 8 noted that at this stage there was not sufficient support within the Sub-Committee to regard as a detainable deficiency the absence of implementation by the ship as planned at the time of the inspection and agreed to advise MEPC 79 accordingly.

***PSC reports***

III 8 reviewed various reports submitted by regional PSC regimes. III 8 invited all PSC regimes to continue submitting annual reports to the Sub-Committee.

***AFS Convention***

An industry observer presented concerns over the type- approval schemes for anti-fouling paint products by recognized organizations and in practice, such pre-qualification of anti-fouling paints is causing confusion and unnecessary bureaucratic and costly burden on the marine industry.

III 8 noted the concern expressed and confirmed that under the AFS Convention there is no such a requirement for type-approval as pre-qualification for anti-fouling paint products for issuance of International Anti-fouling System Certificates, though it should be at the discretion of the Administration to decide if more than what is required under the provisions of the Convention is needed.

***Revalidation process***

III 8 noted information on the cases where the understanding of the revalidation process was different from the flag Administration and Port State Control.

***Remote survey and certification***

The Maritime Safety Committee and the Marine Environment Protection Committee agreed to include a new output on "Development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications", in the biennial agenda of the Sub-Committee for the 2022-2023 biennium and the provisional agenda for III 8, with a target completion year of 2024.

III 8 agreed that the output would be one document containing principles and common areas and three guidance:

- Amendments to Survey Guidelines under the HSSC (part 1) (to be completed by III 9 (2023) for adoption by A 33);

- Amendments to the Revised Guidelines on the implementation of the International Safety Management (ISM) Code (part 2) (to be concluded by III 11 (2025) for adoption by A 35); and

- Development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications (part 3) (To be completed by III 10 (2024)).

The issue will be further developed by the correspondence group.

***Humanitarian maritime corridor***

III 8 noted information provided by the Secretary-General on the agreement on 22 July 2022, to establish a humanitarian maritime corridor to allow ships to export critical cargoes of grain and foodstuffs from Ukraine.

III 8 further noted that, with respect to the establishment of a Joint Coordination Centre (JCC) in Istanbul, Turkey, IMO has seconded two staff members, the Director, Legal Affairs and External Relations Division and the Special Advisor to the Secretary-General on Maritime Security, who supported the development of the agreement from a technical viewpoint and will support the JCC in Istanbul.