**III 7 - 12 to 16 July 2021**

The 7th session of the Sub-committee on Implementation of IMO Instruments was held remotely from 12 to 16 July 2021.

***Consideration and analysis of reports on alleged inadequacy of port reception facilities***

In compliance with MARPOL, administrations are obliged to notify the IMO all cases where the facilities are alleged to be inadequate.

It was noted that the annual enforcement reports on port reception facilities for 2020 which show that the majority of reports (85 out of 91) of facilities being inadequate were related to MARPOL Annex V waste, with plastics, food and domestic waste, and incinerator ashes the four most reported categories.

It was considered crucial that inadequacies are accurately reported in order to address existing problems and that measures were needed to assess the progress in response from port States.

The issue of marine plastic litter will be addressed at III 8 (expected July 2022).

***Lessons learned and safety issues identified from the analysis of marine safety investigation reports***

III 7 reviewed the report of the CG on the analysis of marine safety investigation reports and drafted lessons learned from marine casualties.

***Safety issues needing further consideration***

It was agreed that more research would need to be carried out to establish if there were a potential safety issue and that more focused and concerted effort by a smaller group of analysts would be a way forward.

***Safety issues follow-up to relevant committees and sub-committees***

Some delegations recalled the practice of having a continuous output on casualty analysis in the standing agenda of other sub-committees to take appropriate action.

The Sub-Committee agreed to request the Committees to reinstate the provision to have continuous output in the agenda of other sub-committees so that expeditious action could be taken on the safety issues and safety deficiencies received from the Sub-Committee, while noting that such a provision would have to meet the SMART output structure introduced by the Council. Accordingly, the Casualty Analysis Procedure could be further refined.

***Amendment to the procedure on casualty analysis***

It was recalled that the procedure developed during III 5 for identifying safety issues (the "Procedure") had been referred by MSC 101 to the Formal Safety Assessment (FSA) Working Group to review the risk assessment criteria given in the Procedure.

It was stated in the report of the FSA Working Group to MSC 102:

- the risk assessment criteria in the Procedure (III 5/15, annex 2) were considered inappropriate;

- the Procedure, as it currently stood, did not serve its purpose of use as a risk assessment to prioritize the identification of safety issues for urgent action and should be improved, taking into account the comments set out in paragraph 13 of document MSC 102/12. 27

***Reporting the marine safety investigation reports and proposal for a new output to amend the casualty investigation code***

Some members of the Group agreed that a provision in the GISIS MCI module might be useful to provide the status of investigations in progress, such as evidence gathering stage, analysis stage, consultation stage or final stage.

It was recommended that an additional provision in the new taxonomy of the GISIS MCI (Marine Casualties and Incidents) module could be a way forward.

***Lessons learned from the marine accidents of seagoing vessels with constrained lookout in narrow channels and relevant prevention measures***

It was noted that the related investigation reports were not yet available in the GISIS MCI module and invited the marine safety investigating State to upload the reports in GISIS.

It was agreed that after these investigation reports were made available in the GISIS MCI module, the matter should be referred to CG in the usual process to analyze the reports and identify safety issues and/or lessons learned and be further brought forward for the Committee / relevant sub-committees' consideration, as appropriate.

***Marine safety investigation reports***

It was noted that the report clearly described the nature of the problems, most of which were under the control of the Organization. It was important that instruments such as the International Code on Intact Stability, 2008 (IS Code), the Code of Safe Practice for Cargo Stowage and Securing (CSS Code) and guidelines such as MSC.1/Circ.1228 needed to be reviewed.

It was also noted that current VDR Standard MSC.333(90) stated that electronic inclinometers were to be recorded "if fitted", so no amendment to the VDR standard would be required if the carriage requirement for electronic inclinometers became compulsory.

With the carriage of electronic inclinometers already proposed as a work item for NCSR 9, it would be highly beneficial, for future safety investigations, to consider their carriage more widely while there was an opportunity to do so.

The benefits therefore for the wider shipping industry of carrying electronic inclinometers was noted, where the angle of heel and associated accelerations were contributory to containers being lost over the side, and the majority was supportive of the mandatory fitting of electronic inclinometer for all SOLAS vessels greater than 3,000 GT and the recording of these sensors in the ship's voyage data recorder, for enhancing the quality of the safety investigation.

The Sub-Committee invited the MSC to take note of the document and to consider taking appropriate measures.

It was agreed on the following:

- To add a provision in the taxonomy of the GISIS module which could be away forward in order to track the progress of the investigation, rather than amending the Casualty Investigation Code;

- To forward a proposal to MSC addressing the design, installation, maintenance, inspection and operation of elevators;

- To consider at III8 the following elements:

- Man-overboard accidents on board fishing vessels

- Increase number of pilot ladder-related deficiencies reported on SOLAS ships.

- To re-establish the Correspondence Group on Analysis of Marine Safety Investigation Reports and to establish the Working/Drafting Group on Analysis of Marine Safety Investigation Reports at III8.

***Measures to harmonize port State control (PSC) activities and procedures worldwide***

The Sub-Committee recalled that the CG had developed additional guidance under appendix 7 of the Procedures for port State control on Guidelines for control of operational requirements, but there were still open issues to which the CG could not agree.

***Electronic cargo record book***

It was also recalled that that the CG had developed a sample form, to facilitate the endorsement of a cargo operation in an electronic Cargo Record Book but was of the opinion that no interim guidance for surveyors would be required.

It was noted that Member States may issue a standalone form or provide a copy of the surveyor's report to accompany the electronic record book entry.

**Fuel oil consumption reporting**

Some delegations proposed to delete the Statement of Compliance – Fuel Oil Consumption Reporting from the above list, indicating that in some cases where a ship changed flag or company a Statement of Compliance – Fuel Oil Consumption Reporting might not yet be available at the time of inspection.

Other delegations, while recognizing that in some case ships might not be able to obtain a valid Statement of Compliance–Fuel Oil Consumption Reporting due to change of flag or company, objected to the deletion of the Statement of Compliance – Fuel Oil Consumption Reporting from the above list, supporting the idea that PSCOs would exercise professional judgment in determining whether to detain the ship.

***Financial security seafarers in cases of abandonment***

It was noted that the PSC inspection report (appendix 13 of the Procedures) might need to be amended.

It was agreed to re-establish, the Correspondence Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide, to consider the amendment to the PSC inspection report in appendix 13 of the Procedures to include information concerning the validity period and contact information of financial security providers of the insurance certificates, as required by MLC 2006 as amended.

Regarding the conduct of a Concentrated Inspection Campaign (CIC) on financial security regarding the 2014 amendments to MLC 2006, some PSC regimes indicated that, while they did not object to a type of CIC on financial security regarding the 2014 amendments to MLC 2006, they had already planned their CIC for the next four to five years and it would be difficult to include additional CICs at this stage. PSC regimes indicated that it might be possible to add the topic concerning the financial security in any upcoming relevant CIC, if the request was specific enough.

***Consistent implementation of the 0.50% Sulphur limit***

It was agreed that there was no need to develop additional PSC guidelines to achieve consistent enforcement of the 0.50% sulphur limit in PSC inspections.

Furthermore, the majority of the delegations was of the view that the issues concerning discrepancies in the enforcement of the 0.50% sulphur limit were not under the purview of the Sub-Committee and should be referred to an appropriate IMO body.

***Development of guidance for port state control officers (PSCOS) on suspension of inspection PSC procedures***

It was agreed to re-establish the Correspondence group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide, to consider the development of guidance for PSCO son suspension of inspection for inclusion in the Procedures.

***Remote PSC inspections***

Several delegations indicated that while they recognized that the COVID-19 pandemic compelled some PSC Authorities to introduce remote PSC inspections, they could not support the proposed amendments.

It was agreed on the following:

* To re-establish the Correspondence Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide;
* To invite the PPR Sub-Committee to refer the revised version of the 2011 Guidelines for inspection of anti-fouling systems on ships (MEPC.208(62)) to the III Sub-Committee for review in order to have them incorporated as a new appendix of the Procedures and not issued as standalone guidelines;
* To request MSC to authorize III to review Interim Guidance on control and compliance measures to enhance maritime security (MSC.159(78)) with a view to be incorporated into a future revision of the Procedures for Port State Control.

***Analysis of consolidated audit summary reports***

Following approval by MSC 103 and MEPC 76 of additional output on the development of guidance in relation to IMO Member State Audit Scheme (IMSAS) to assist in the implementation of the III Code by Member States, and its inclusion in the biennial agenda of the III Sub-Committee for 2022-2023, the Sub-Committee was invited to consider the establishment of a Correspondence Group which would work intersessionaly, which the Sub-Committee agreed upon.

***Review of the analysis of four CASRs (Consolidated Audit Summary Reports)***

MSC & MEPC were endorsed to consider the following elements:

* Main areas which lack effectiveness in implementation and enforcement of relevant mandatory IMO instruments and the III Code;
* Recurrent references to the requirements of the mandatory IMO instruments;
* Main areas of root causes and specific issues/difficulties under each area for the major areas of recurrent findings/observations;
* Identified need for additional assistance to Member States in the major recurrent areas of findings/observations and for the recurrent provisions of the mandatory IMO instruments;
* Analysis of the effectiveness and appropriateness of identified provisions of the mandatory IMO instruments;
* Tracking log of the provision recommended for review and subsequent actions by responsible IMO bodies;
* Constant use the elements of the methodology in its future review of the analysis of CASRs.

III 7 recommended to the Committees to provide a report to the Council on the outcome of their consideration of the four CASRs from mandatory audits, based on the decisions to be made by MEPC and MSC pursuant to the feedback provided by III 7, including those on the initiation of review of identified provisions of the mandatory IMO instruments by respective IMO bodies.

***List of certificates and documents required to be carried on board ships***

It was agreed to update and include the items related to the amendments to MARPOL Annexes I, IV and VI regarding measures to reduce carbon intensity of international shipping and unmanned non-self-propelled (UNSP) barges, as adopted by resolutions MEPC.330(76) and MEPC.328(76) respectively, in the amendments to List of certificates and documents, and put these items in square brackets pending acceptance according to the entry-into-force procedure.

Furthermore, the Correspondence group’s recommendation was endorsed that the implementation plan for the consistent implementation of the 0.5% Sulphur limit under MARPOL Annex VI, as required in MEPC.1/Circ.878 on Guidance on the development of a ship implementation plan for the consistent implementation of the 0.5% Sulphur limit under MARPOL Annex VI, should not be included as a document to be carried on board in the context of the List of certificates and documents, as it is not a mandatory requirement.

Draft amendments to FAL.2/Circ.131- MEPC.1/Circ.873-MSC.1/Circ.1586-LEG.2/Circ.3 on the List of certificates and documents required to be carried on board ships, 2017, will be submitted in a consolidated form, to MEPC 77, LEG 109, MSC 105 and FAL 46, as appropriate, for approval.

***Amendments to survey guidelines under the HSSC***

The working group reviewed and finalized the draft amendments to the Survey Guidelines under the harmonized system of survey and certification (HSSC) 2019 (A.1140(31)), deriving from amendments to the relevant mandatory instruments entering into force up to and including 31 December 2021.

Among others, the revised Guidelines will include the following elements:

* Draft amendments to the survey item (BI) 1.1.3.20 relating to the BWM system commissioning testing were made with reference to the updated 2020 Guidance for the commissioning testing of ballast water management systems (BWM.2/Circ.70/Rev.1);
* Draft amendments to the relevant survey items were made so that expired primary batteries, which complied with the requirements of paragraph 12.6 of resolution MSC.149 (77), could be used for no other purpose than to examine and check the operation of two-way VHF radiotelephone apparatus.

III 7 Sub-committee:

* Finalized the Survey Guidelines under the harmonized system of survey and certification (HSSC), 2021, deriving from amendments to the relevant mandatory instruments entering into force up to and including 31 December 2021. Once adopted the revised HSSC Guidelines are expected to enter into force on 1 January 2022;
* Finalized Draft amendments to the relevant survey items were made so that expired primary batteries, which complied with the requirements of resolution MSC.149 (77), could be used for no other purpose than to examine and check the operation of two-way VHF radiotelephone apparatus;
* Finalized 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 Guidelines;
* Agreed to re-establish the Correspondence Group on the review of the Survey Guidelines under the HSSC and the Non-exhaustive List of Obligation under instruments relevant to the IMO Instruments Implementation Code.

***Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)***

III 7 considered the part of the report of the Correspondence group “Review of the Survey Guidelines under HSSC and the Non-Exhaustive list of Obligations” and finalized the list of new requirements from the amendments to mandatory instruments, which have entered into force on the 1rst of July 2021.

The Sub-Committee noted the discussions on the proposed flag State's obligations related to SOLAS regulationII-1/3-1, as the text was not worded in line with SOLAS. IACS amended the reference to the "RO" in the text by "classification society".

The finally agreed text reads:

*"For ships which are not designed, constructed and maintained in compliance with the requirements of a classification society recognized by the Administration, the Administration should have in place applicable national standards which provide an equivalent level of safety".*

III 7 agreed to the draft amendments to the 2019 Non-exhaustive List of Obligations under instruments relevant to the IMO Instruments Implementation Code (A.1141(31)), together with the draft requisite Assembly resolution, with a view to submission to MSC 104 (October 2021) and MEPC 77 (November 2021) for approval prior to submission, in a consolidated form, to Assembly 32 (December 2021) for adoption.

***Unified interpretation of provisions of IMO safety, security, and environment-related conventions***

III 5 previously considered the information provided on the definitions and management of ‘recommendations’ or ‘conditions of class’ in the rules of classification societies, and that the set phrases were different terms used by the classification societies for the same action.

III 5 encouraged IACS members to unify the language and for IACS classification societies to adopt the term ‘conditions of class’ for all mandatory matters of class.

III 7 noted that IACS has amended relevant IACS resolutions, including procedural requirements, unified requirements and recommendations removing the term ‘recommendation’ and retaining ‘condition of class’.

***Biennial agenda and provisional agenda for III 8***

The next meeting of the Sub-Committee (III 8) has been tentatively scheduled to be held from 25 to 29 July 2022.

***Election of Chair and Vice-Chair for 2022***

The Sub-Committee unanimously elected Ms. Claudia Grant (Jamaica) as Chair and Mr. Marek Rauk (Estonia) as Vice-Chair for 2022.

***Any other business***

The proposal on the implementation of the Polar Code (document III 7/14/2) , providing the results of a survey by the WWF and informing of a study aiming at identifying the tonnages operating in both the Arctic and Antarctic polar areas from 2017 to 2019, was merely noted by the Sub-Committee.

In the context of losses of containers, with regard to the need to have performance standards for ships loading computers and software for the purpose of compliance with SOLAS regulation VI/5.1, the Sub-Committee noted the support for the development of performance standards (paragraph 22 document III 7/14/5), and invited interested Member States and non-governmental organizations to submit relevant proposals to the MSC or CCC Sub-Committee, as appropriate.

The Sub-Committee also noted the information provided by IACS regarding the current development of a unified interpretation pertaining to SOLAS regulation VI/5.6, which would be submitted to the Organization once completed.

Regarding the potential of guidance for remote inspections, III 7 noted the information provided on a preliminary assessment carried out by the European Commission and the European Maritime Safety Agency (EMSA), introducing a remote verification and inspection scheme for security audits.

***Review the Model Agreement for the authorization of recognized organizations acting on behalf of Administrations***

The Correspondence group’s recommendations were endorsed on the paragraph 6.5.5 of the draft MSC-MEPC.5 circular on Model agreement for the authorization of recognized organizations acting on behalf of the Administration should be aligned with paragraph 5.3.2.4 of part 3 of the RO Code with respect to the scope of the statutory certiﬁcates on and services as deﬁned in the RO Code; and, in this context, the Group agreed to the following text, as draft revised text of paragraph 6.5.5 of the draft MSC-MEPC.5 circular on Model agreement for the authorization of recognized organizations acting on behalf of the Administration (III 6/15, annex 8):

*"6.5 Other reporting: ……*

*.5 the RO shall inform the Administration, as soon as possible, of any dangerous occurrences, accidents, machinery or structural breakdowns, or failures, which relate to the scope of statutory certification and services as defined in the RO Code, that they are aware of on a ship; …… .*

The proposed draft revised text of paragraph 6.5.5 of the draft MSC-MEPC.5 circular on Model agreement for the authorization of recognized organizations acting on behalf of the Administration, will be submitted to MSC 105 and MEPC 78 for approval.

***III 7 agreed to re-establish the following correspondence groups:***

* Analysis of Marine Safety Investigation Reports and to establish the Working/Drafting Group on Analysis of Marine Safety Investigation Reports at III 8;
* Measures to Harmonize Port State Control (PSC) Activities and Procedures;
* Review of the Survey Guidelines under the HSSC and the Non-exhaustive List of Obligation under instruments relevant to the IMO Instruments Implementation Code.

III 7 also has invited the PPR Sub-Committee to refer the revised version of the 2011 Guidelines for inspection of anti-fouling systems on ships (MEPC.208(62)) to the III Sub-Committee for review in order to have them incorporated as a new appendix of the Procedures and not issued as standalone guidelines.