

**IMO**

**SUB COMMITTEE ON  
IMPLEMENTATION OF IMO  
INSTRUMENTS (III)**

**09<sup>th</sup> Session, 31 July – 04 August 2023**

**Session Outcome**



**IRCLASS**  
Indian Register of Shipping

## III 9: Important Outcome

The 9<sup>th</sup> session of the IMO Sub-Committee on Implementation of IMO Instruments (III 9) was held from 31 July to 04 August 2023. A summary of important outcomes of III 9 is given in the following.

### ***Summary of decisions made at III 9:***

- 1 The following were finalized at III 9 and are expected to be adopted at Assembly 33 (in Dec 2023) and will enter into force 1 January 2024**
  - a) Draft amendments to the Procedures for Port State Control (A.1155(32)).**
  - b) Draft amendments to the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)**
- 2 III 9 Finalised general guidance on the assessment and application of remote surveys and remote audits for inclusion in the draft Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) and the draft Revised guidelines on the implementation of the International Safety Management (ISM) Code by Administrations.**

### **Inadequacy of Port Reception Facilities**

It may be recalled that all Administrations party to MARPOL are obliged to notify the IMO of all cases where the facilities are alleged to be inadequate. III 9 noted the annual enforcement reports on alleged inadequacy in port reception facilities for 2022 submitted by 10 Parties to MARPOL and urged member States to increase the level of reporting and ensure consistent and accurate reports of inadequate port reception facilities.

### **Casualty Investigation**

III 9 reviewed the report of the intersessional Correspondence Group on the Analysis of Marine Safety Investigation Reports and agreed to the following among others:

- a) drafted Lessons Learned as appropriate from the analysis of maritime safety investigation reports, prioritising very serious marine casualties involving SOLAS ships which have occurred since 1 January 2010.
- b) a revised questionnaire on fishing vessel collisions for the use of member States emanating from the analysis of incidents involving collisions with fishing vessels and approved the same
- c) to refer the analysis on ISM Code-related concern on unsatisfactory implementation of safety management systems to the ILO/IMO Joint Tripartite Working Group (JTWG).
- d) to a proposal for a new output for preventing loss of containers at sea and further agreed to forward it to the CCC sub-committee to consider under their current agenda item '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'.

III 9 noted that cargo shift and/or liquefaction remains the greatest contributor to loss of life while grounding remains the greatest cause of ship losses from the Bulk Carrier Casualty Report for 2013-2022.

III 9 also considered a proposal for the review of the Casualty Investigation Code and supported the proposal in general and the request for a new output to MSC.

### **Harmonization of port State control (PSC) activities**

III 9 considered the report of the intersessional correspondence group on Measures to Harmonize Port State Control (PSC) Activities and finalised the draft amendments to the Procedures for Port State

Control (A.1155(32)). The revisions include draft amendments to:

- ✓ The PSC inspection report in appendix 13 to include information concerning the validity period and contract information of financial security providers of the insurance certificate as required by the 2014 amendment to the Maritime Labour Convention (MLC).
- ✓ Chapter 3 - Suspension of Inspection of a Substandard Ship.
- ✓ Guidance on notifying the flag Administration and Recognised Organisation (RO) in the case of a detention or suspension of inspection.
- ✓ Guidelines for the detention of ships under MARPOL Annex VI (Appendix 2, Section 5, Detainable Deficiencies) were amended to include:
  - a) The absence of a valid required Statement(s) of Compliance for Carbon Intensity Rating from 2023 and onwards of each following year (Regulation 28) would be considered as a detainable deficiency.
  - b) It was clarified that port State control officers (PSCOs) should take a pragmatic approach if a ship has changed flag and/or company and there is evidence the losing Administration has not acted in accordance with regulation/s or data was not provided by the previous company when the ship was transferred.
- ✓ On ships provided with EGCS as an equivalent means of SOx compliance:
  - a) It would be considered as a detainable deficiency if an Exhaust Gas Cleaning System (EGCS) fails to provide effective equivalence to the requirements in MARPOL Annex VI, regulations 14 and 14.4; *and*
  - b) It would be considered as a detainable deficiency if the sulphur content of any fuel oil being used in combustion units not connected to the EGCS exceeds the limits stipulated in MARPOL Annex VI regulation 14 (considering the provisions of MARPOL Annex VI regulation 18.2).

The revised Procedures for Port State Control is expected to be adopted at IMO Assembly 33 in Dec 2023 and will enter into force 1 January 2024.

III 9 also agreed to:

- 1) include the 2022 Guidelines for inspection of anti-fouling systems on ships (resolution MEPC.357(78)) as a new appendix to the PSC Guidelines.
- 2) not to review the Guidelines for port State control under the BWM Convention (resolution (MEPC.252(67)) for inclusion in the PSC Guidelines until MEPC has concluded its work on the BWM Convention.
- 3) refer the Interim guidance on control and compliance measures to enhance maritime security (resolution MSC.159(78)) to the intersessional correspondence group with a view to them being added as new appendices.

### **Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)**

#### 1) HSSC Survey Guidelines

III 9 finalised the draft amendments to the Survey Guidelines under the HSSC. These draft revisions take into account the amendments to the relevant mandatory instruments due to enter into force up to and including 31 December 2023 and amendments to SOLAS which enter into force 1 January 2024.

The revised guidelines are expected to be adopted at Assembly 33 (Dec 2023) and are expected to enter into force 1 January 2024. The new resolution will revoke A.1156(32).

#### 2) The following were also considered under this agenda item:

- a) In respect of the proposal to improve the method of inserting footnotes in the survey items in Survey Guidelines it was agreed, as a principle, that if the instrument referred to in the footnote has been quoted in the text of the corresponding requirement of the mandatory

instruments, it is unnecessary to add the footnote.

- b) It was agreed that for a ship with multiple load lines leading to multiple deadweights, one single set of certificates (Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate and International Oil Pollution Prevention Certificate) should be sufficient as long as the related certificates use the maximum deadweight, even though the ship may possess multiple Load Line certificates corresponding to different deadweights.
- c) It was agreed that the Survey Guidelines are very clear and no changes are needed to paragraph 4.6.1 of the Survey Guidelines in respect of ensuring that two bottom inspections in every five-year cycle of the certificate are conducted without fail.

### **Non-exhaustive list of obligations under instruments relevant to the IMO instruments implementation code (III code)**

The Sub-Committee referred the proposed amendments to the 2021 Non-exhaustive list of obligations to the Working Group on “the Survey Guidelines under the HSSC, the Non-exhaustive List of Obligations, and the Guidance on Remote Surveys, Audits and Verifications”, established at this session. Based on the work by the Working Group, III 9 agreed to the draft amendments to the 2021 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (resolution A.1157(32)), together with the draft requisite Assembly resolution with a view to submission, to A 33 for adoption.

### **Development of Guidance on Assessments and Applications of Remote Surveys, ISM Audits and ISPS Code Verifications**

III 9 finalised general guidance on the assessment and application of remote surveys and remote audits for inclusion in the draft Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) and the draft Revised guidelines on the implementation of the International Safety Management (ISM) Code by Administrations. The guidance focusses on the circumstances, scope, and type of survey (e.g. annual, renewal, intermediate, etc.) or audit where remote technology may appropriately be employed and also provides circumstances where in-person survey or audit must be used either as a supplement to remote methods or as the only appropriate method where remote technology is not suitable. The further development of guidance on assessments and application of remote surveys, ISM Code audits and ISPS Code verifications has been referred to an intersessional correspondence group and is expected to be finalised at III 10 (July 2024).

### **III Code Implementation guidance**

The Sub-Committee agreed that there is a need to provide further clarification in the draft III Code on the documentation/structure that the Administration should provide to demonstrate compliance with the mandatory provisions containing the phrase "to the satisfaction of the Administration", or equivalent.

III 9 endorsed the finalized text of the III Code Implementation Guidance and the proposed text of the draft MSC-MEPC circular as the vehicle for adoption/approval of the same.

### **Development of guidance to assist Competent Authorities in the implementation of the 2012 Cape Town Agreement**

III 9 continued with the development of the Draft MSC resolution on Guidance to assist competent authorities in the implementation of the Cape Town Agreement of 2012 and this work will be continued through an intersessional correspondence group and is expected to be finalised at III 10

(July 2024). If finalised as expected the draft MSC resolution will go to MSC 109 (Nov 2024) for adoption.

It may be recalled that the 2012 Cape Town Agreement is an internationally binding instrument that sets minimum requirements on the design, construction, equipment, and inspection of fishing vessels of 24 m in length and over or equivalent in gross tonnes. The Agreement includes mandatory international requirements for stability and associated seaworthiness, machinery and electrical installations, life-saving appliances, communications equipment and fire protection, as well as fishing vessel construction.

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