

SUB-COMMITTEE ON IMPLEMENTATION  
OF IMO INSTRUMENTS  
1st session  
Agenda item 18

III 1/18  
29 July 2014  
Original: ENGLISH

**REPORT TO THE MARITIME SAFETY COMMITTEE AND THE  
MARINE ENVIRONMENT PROTECTION COMMITTEE**

**Table of contents**

	<b>Page</b>
1 GENERAL	3
2 DECISIONS OF OTHER IMO BODIES	3
3 RESPONSIBILITIES OF GOVERNMENTS AND MEASURES TO ENCOURAGE FLAG STATE COMPLIANCE	4
4 MANDATORY REPORTS UNDER MARPOL	7
5 CASUALTY ANALYSIS AND STATISTICS	10
6 HARMONIZATION OF PORT STATE CONTROL ACTIVITIES	18
7 PSC GUIDELINES ON SEAFARERS' HOURS OF REST AND PSC GUIDELINES IN RELATION TO THE MARITIME LABOUR CONVENTION, 2006	24
8 DEVELOPMENT OF GUIDELINES ON PORT STATE CONTROL UNDER THE 2004 BWM CONVENTION	25
9 COMPREHENSIVE ANALYSIS OF DIFFICULTIES ENCOUNTERED IN THE IMPLEMENTATION OF IMO INSTRUMENTS	27
10 REVIEW AND UPDATE OF THE SURVEY GUIDELINES UNDER THE HARMONIZED SYSTEM OF SURVEY AND CERTIFICATION (HSSC) AND THE NON-EXHAUSTIVE LIST OF OBLIGATIONS UNDER INSTRUMENTS RELEVANT TO THE IMO INSTRUMENTS IMPLEMENTATION CODE (III CODE)	33
11 CONSIDERATION OF IACS UNIFIED INTERPRETATIONS	40
12 MEASURES TO PROTECT THE SAFETY OF PERSONS RESCUED AT SEA	40
13 ILLEGAL, UNREGULATED AND UNREPORTED (IUU) FISHING AND RELATED MATTERS	41

	<b>Page</b>
14 REVIEW OF GENERAL CARGO SHIP SAFETY	42
15 BIENNIAL AGENDA AND PROVISIONAL AGENDA FOR III 2	43
16 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2015	44
17 ANY OTHER BUSINESS	45
18 ACTION REQUESTED OF THE COMMITTEES	46

#### **LIST OF ANNEXES**

ANNEX 1	STATUS OF MANDATORY REPORTS UNDER MARPOL FROM 2008 TO 2012 (AS OF 14 JULY 2014)
ANNEX 2	DRAFT MSC RESOLUTION ON AMENDMENTS TO THE CODE OF THE INTERNATIONAL STANDARDS AND RECOMMENDED PRACTICES FOR A SAFETY INVESTIGATION INTO A MARINE CASUALTY OR MARINE INCIDENT (CASUALTY INVESTIGATION CODE) (RESOLUTION MSC.255(84))
ANNEX 3	LESSONS LEARNED FOR PRESENTATION TO SEAFARERS
ANNEX 4	DRAFT MSC-MEPC.4 CIRCULAR ON GUIDELINES FOR PORT STATE CONTROL OFFICERS ON THE ISM CODE
ANNEX 5	DRAFT MSC CIRCULAR ON GUIDELINES FOR PORT STATE CONTROL OFFICERS ON CERTIFICATION OF SEAFARERS' REST HOURS BASED ON THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS (STCW), 1978, AS AMENDED, AND MANNING REQUIREMENTS FROM THE FLAG STATE
ANNEX 6	DRAFT MEPC RESOLUTION ON GUIDELINES FOR PORT STATE CONTROL UNDER THE BWM CONVENTION
ANNEX 7	DRAFT MEPC CIRCULAR ON GUIDELINES FOR EXEMPTION OF UNMANNED NON-SELF-PROPELLED BARGES FROM THE SURVEY AND CERTIFICATION REQUIREMENTS UNDER THE MARPOL CONVENTION
ANNEX 8	DRAFT MSC-MEPC.5 CIRCULAR ON UNIFIED INTERPRETATION ON KEEL-LAYING DATE FOR FIBRE-REINFORCED PLASTIC (FRP) CRAFT
ANNEX 9	BIENNIAL STATUS REPORT OF THE SUB-COMMITTEE FOR THE 2014-2015 BIENNIUM
ANNEX 10	PROPOSED PROVISIONAL AGENDA FOR III 2
ANNEX 11	STATEMENTS BY DELEGATIONS

## 1 GENERAL

1.1 The Sub-Committee on Implementation of IMO Instruments held its first session from 14 to 18 July 2014 under the chairmanship of Mr. D. Hutchinson (Bahamas), who was unanimously re-elected as Chairman for 2014 at the opening of the session. The Vice-Chairman, Mrs. J. Gascon (Canada), was also unanimously re-elected for 2014 at the opening of the session.

1.2 The session was attended by delegations from Member Governments and Associate Members of IMO, representatives from the United Nations and specialized agencies and observers from intergovernmental organizations and non-governmental organizations in consultative status, as listed in document III 1/INF.1.

1.3 In accordance with rule 45 of the Rules of Procedure, three experts, representing the managers of the IMO ship and company/registered owner identification number schemes and the management of Equasis, and an IMO consultant, leading the team of consultants to develop a non-mandatory instrument on non-convention ships, attended the meeting.

### Opening address of the Secretary-General

1.4 The Secretary-General welcomed participants and delivered his opening address, the full text of which can be downloaded from the IMO website at the following link: <http://www.imo.org/MediaCentre/SecretaryGeneral/Secretary-GeneralsSpeechesToMeetings>.

### Chairman's remarks

1.5 The Chairman thanked the Secretary-General for his opening address and stated that his words of encouragement as well as his advice and requests would be given every consideration in the deliberations of the Sub-Committee.

### Adoption of the agenda

1.6 The Sub-Committee adopted the agenda (III 1/1) and agreed, in general, to be guided in its work by the annotations to the provisional agenda contained in document III 1/1/1. The agenda, as adopted, with the list of documents considered under each agenda item, is set out in document III 1/INF.39.

## 2 DECISIONS OF OTHER IMO BODIES

2.1 The Sub-Committee noted the decisions and comments pertaining to its work made by MEPC 65, MSC 92, C 110, C/ES.27, A 28, SDC 1, HTW 1, SSE 1, MEPC 66 and MSC 93, as reported in documents III 1/2, III 1/2/1 and Add.1, and III 1/2/2 and Add.1 (Secretariat), and took them into account in its deliberations when dealing with the relevant agenda items.

2.2 The Sub-Committee also noted that the Council, at its 110th session, had approved the Committees' decision to request the Secretariat to make the necessary changes to the IMODOCS website to reflect the new sub-committee structure, while also maintaining access to documents under the current sub-committee structure, and that the Secretariat had taken the necessary action.

2.3 The Sub-Committee further noted that the Assembly, at its twenty-eighth session, had approved the *Strategic plan for the Organization (for the six-year period 2014 to 2019)* (resolution A.1060(28)) and the *High-level Action Plan and priorities for the 2014-2015 biennium* (resolution A.1061(28)).

### **3 RESPONSIBILITIES OF GOVERNMENTS AND MEASURES TO ENCOURAGE FLAG STATE COMPLIANCE**

#### **Status of the 1982 United Nations Convention on the Law of the Sea (UNCLOS)**

3.1 The Sub-Committee noted the updated information on the status of the United Nations Convention on the Law of the Sea (UNCLOS) and the Agreement relating to the implementation of Part XI of the Convention contained in document III 1/3 (Secretariat), and that more detailed information could be found on the website of the Division for Ocean Affairs and the Law of the Sea ([http://www.un.org/depts/los/reference\\_files/status2010.pdf](http://www.un.org/depts/los/reference_files/status2010.pdf)).

3.2 The Sub-Committee, satisfied of the availability of UNCLOS-related data on the above-mentioned website, agreed that the preparation of the note by the Secretariat on the status of UNCLOS and the Agreement relating to the implementation of part XI of the Convention should be discontinued.

#### **Tonnage assessment**

3.3 IHS Maritime, as managers of the IMO tonnage verification process and the IMO number schemes, informed the Sub-Committee of recent developments. At the beginning of July 2013, fleet lists had been circulated to 182 Administrations, 101 of which had provided feedback and thereby benefited from cross-validation and quality checks for their own purposes. Compared to 2012, that rate represented an increase of 25% and had resulted in a material improvement in the accuracy of figures given to the Organization. For the current year's exercise, fleet lists had been forwarded to all flag authorities at the beginning of July 2014.

#### **Improvement of flag performance**

3.4 The Sub-Committee recalled that the Sub-Committee on Flag State Implementation (FSI) had noted with appreciation the information provided by Member Governments on their national measures and achievements and progress made on flag State implementation, in particular on the IMO Member State Audit Scheme and the reduction of port State control (PSC) detention rates.

3.5 The Sub-Committee, having recalled that FSI 21 had encouraged Member States to share information on their national measures aimed at improving their performance, considered the following documents:

- .1 III 1/3/1 (Paris MoU), providing information regarding the performance of flag States evaluated on the basis of their ship inspection and detention record from 2010 to 2012 by placing them on the "white, grey and black lists";
- .2 III 1/3/2 (Israel), presenting information on activities undertaken by the Administration to enhance its conformity with IMO instruments; and
- .3 III 1/3/3 (Saint Kitts and Nevis), outlining the continuing measures adopted by the Administration of Saint Kitts and Nevis to strengthen flag State control of their ships;

and noted the information contained in the following documents:

- .1 III 1/INF.36 (Morocco), providing information on the increase in the number of flag State inspections; the in-depth analysis of the safety assessment of individual ships, companies and recognized organizations; incentive or

preventive measures applicable to ships prior to departure; the selection process for new registrations; the conduct of an audit under the Voluntary IMO Member State Audit Scheme (VIMSAS); and regional cooperation; and

- .2 III 1/INF.38 (Bolivia), drawing attention to the need to improve communication between PSC and the flag State, in order to assist the flag State to adopt appropriate measures to improve its performance.

3.6 In the ensuing discussion, the Sub-Committee, having expressed its appreciation to the submitters of that information, took the following decisions:

- .1 the invitation by the Paris MoU to flag Administrations to submit a document describing their successful actions leading to a ranking in the Paris MoU "White List" and other relevant PSC lists, so that other flags may benefit from best practices, was not supported since those lists were established independently and not by the Organization;
- .2 the request to the Secretary-General to call on flag Administrations with a recurrent position on the Paris MoU "Black List" and other relevant PSC lists to enhance the safe and environmentally sound operation of the ships flying their flag was not supported since his mandate already covered such contacts using a wider range of sources and criteria;
- .3 the request to the Technical Cooperation Committee to consider ways to assist Member States with a recurrent low position on the relevant PSC lists with specific and concrete actions to enhance the safety and environmentally sound operation of ships flying their flag was not supported, since the Committee already considered a number of issues and factors when establishing the technical assistance needs of Member States, including the holistic maritime profile of each State; and
- .4 the proposal in document III 1/3/3 that port States should agree to a request from the flag Administration of a detained ship not to allow the ship to sail until that Administration had been given the opportunity to take further steps was not supported, since action to prevent a ship from sailing after deficiencies had been rectified should be taken by the flag State only, owing to the issue of undue delays and other legal and administrative issues which the port State might have to address otherwise.

### **Use of printed versions of electronic certificates**

3.7 The Sub-Committee was advised that MSC 92, having noted that FAL 38 had requested it to consider FAL.5/Circ.39 on *Interim guidelines for use of printed versions of electronic certificates* (hereinafter "the Interim Guidelines") and to advise FAL 39 of any additions or amendments required, and had established the Correspondence Group on Electronic Access to Certificates and Documents which should, inter alia, collect lessons learned through the implementation of the Interim Guidelines, had instructed III 1 to consider the Interim Guidelines in detail and to report to FAL 39, subject to the concurrence of the Committees, as appropriate.

3.8 During the consideration of the Interim Guidelines, the Sub-Committee noted the information provided orally by the delegation of Denmark on initiatives developed to promote the use of printed versions of electronic certificates and, beyond that, the validity of electronic certificates. With respect to the use of printed versions of electronic certificates and their

acceptance by port State control authorities, the Sub-Committee noted views expressed that the potential difficulties to fully implement and accept such certificates as requested in the Interim Guidelines might be due to some States' national legislation which still required original paper certificates, both as a requirement of the flag State and for acceptance of certificates by authorities of the State.

3.9 The Sub-Committee, having noted that many PSC regimes were already recommending that PSC officers (PSCOs) accept printed versions of electronic certificates, also agreed to reiterate its encouragement to PSC regimes to fully implement the Interim Guidelines contained in FAL.5/Circ.39, without applying additional conditions.

3.10 While remaining aware of challenges pertaining to the validation of printed versions of electronic certificates, and difficulties that might be encountered in their acceptance for reasons of current national legislation, the Sub-Committee encouraged port States and PSC regimes to work toward acceptance of printed versions of electronic certificates as recommended in FAL.5/Circ.39.

3.11 The Sub-Committee invited interested delegations to take an active part in the discussions at FAL 39 during consideration of document FAL 39/5, containing the report of the above-mentioned correspondence group, and requested the Secretariat to report that outcome to FAL 39, subject to the concurrence of MEPC 67 and MSC 94, as appropriate.

### **Review of the GlobalReg standards**

3.12 The Sub-Committee recalled that MSC 91 had requested FSI 21 to develop a detailed strategy for the development of a non-mandatory instrument on safety standards for non-convention ships and a clearer identification of the envisaged output, which should initially be limited to common regulations and those that are specific to non-convention passenger ships, with the aim of improving the capacity of Member States.

3.13 The Sub-Committee also recalled that FSI 21 had recommended to MSC 92 to agree, in principle, with the proposed method, process and principles for the technical review of the set of GlobalReg standards, as presented in document FSI 21/3/4, and to change the target completion year to 2017.

3.14 The Sub-Committee was advised that MSC 92, having agreed, in principle, with the above-mentioned proposed method, process and principles for the technical review of the set of GlobalReg standards, had reached the common understanding that GlobalReg should be developed as a model set of regulations for Member States to use as they deemed appropriate. GlobalReg was not intended to undermine existing regional, bilateral and national standards with respect to the safety levels achieved by them, as well as the relationships which form the basis for their implementation. MSC 92, having noted the potential magnitude of the work to be carried out, had instructed the Sub-Committee to undertake the task as proposed, with the possible assistance of consultants, and to develop a strategy for completion of the review of the standards, including identifying any tasks that could involve other sub-committees.

3.15 The Sub-Committee was also advised that MSC 92 had further instructed the Sub-Committee to consider an alternative to the terminology "non-convention" as used in GlobalReg and agreed that making the GlobalReg standards compatible with other safety standards should not be achieved through a full gap analysis, but that the review should take into account existing standards as referred to above.

3.16 The Sub-Committee considered document III 1/3/4 (Secretariat), providing a progress report on the review of the GlobalReg model regulations for "non-convention" passenger ships by a team of consultants, and suggesting a strategy and a two-tier system approach: as Tier I, a generic set of rules which was being prepared through consultancy as a non-mandatory instrument to be approved/adopted by the Organization, and, as Tier II, a prescriptive set of rules which would only be completed for technical cooperation (TC) activities as part of an IMO Model Course, for further development of GlobalReg for the benefit of Member States.

3.17 Following discussion, the Sub-Committee noted the information provided and requested the Secretariat to provide relevant updated information at its next session.

#### **4 MANDATORY REPORTS UNDER MARPOL**

4.1 The Sub-Committee recalled that MEPC/Circ.318, approved by MEPC 38, contained formats for a mandatory reporting system under MARPOL to facilitate communication to the Organization of information called for by articles 8, 11 and 12 and the regulations of Annexes I, II and V of MARPOL. Parties to MARPOL were requested to submit their annual reports in accordance with MEPC/Circ.318 by 30 September of each year.

4.2 In considering document III 1/4/Rev.1, the Sub-Committee noted that the Secretariat had updated the information contained in the above-mentioned document with the inclusion of data from inadvertently missed submissions by the following Parties: Brazil, Finland, Greece, Jamaica, Japan, the Marshall Islands, Turkey, Tuvalu, Uruguay and Vanuatu.

4.3 With respect to document III 1/4/Rev.1, as updated, containing a summary of mandatory reports under MARPOL for the year 2012 submitted by 41 Parties to MARPOL and one Associate Member in accordance with MEPC/Circ.318, the Sub-Committee noted the following:

- .1 Seven incidents of spillages of 50 tonnes or more had been reported. The substances spilled had been various hydrocarbon oils ranging from crude to light oils, fish silage (one incident) and synthetic fluid (one incident).
- .2 658 incidents of spillages of less than 50 tonnes had been reported. The types of substance spilled had mostly been hydrocarbon oils, with the exception of four Parties, whose reports had included other substances (non-oil) such as synthetic drilling fluid, paint, sewage, solid waste and dust, constituting between 8% and 83% of the total reported incidents by each Party, and one of the four Parties' report had included sewage and garbage representing 24% and 52%, respectively, of the total reported incidents.
- .3 35 cases of alleged discharge violations had been reported. The types of substance discharged had been various hydrocarbon oils, biodiesel additives and sewage.
- .4 According to the reports received, the total number of ships boarded in 2012 for PSC inspections had been 68,220, while the total number of ships detained or denied entry in port for MARPOL violations had been 764, or 1.12% of those boarded.

- .5 560 ships had been reported to have IOPP Certificate discrepancies, 2,132 ships had been reported to have Oil Record Book discrepancies and 1,983 ships had been reported to have MARPOL equipment discrepancies.
- .6 The Status of mandatory reports under MARPOL for the last five years (annex 2 of document III 1/4/Rev.1), as updated, taking into account the outcome of the current session, is set out in annex 1.

#### **Reports on alleged inadequacies of port reception facilities**

4.4 The Sub-Committee recalled that MEPC 58 had endorsed the decision of FSI 16 not to require Members to complete parts 3 a) and 3 b) of the annex to MEPC/Circ.318, starting from 2008, as the Secretariat would utilize data extracted from the module on port reception facilities of the Global Integrated Shipping Information System (GISIS). Consequently, on the basis of data extracted from GISIS as provided under paragraph 8 of document FSI 21/4, the Sub-Committee noted the following summary report on alleged inadequacies of port reception facilities that had arisen in 2012:

- .1 Nine reports had been received and posted on GISIS, alleging the following nine alleged inadequacies: six related to requirements under Annex I (four relating to oily bilge and oil residue (sludge)), one under Annex II (chemicals and NLS), one under Annex IV (sewage) and one related to requirements under Annex V.
- .2 Two Parties had submitted seven reports on alleged inadequacies of reception facilities (the Bahamas had submitted six and the United Kingdom had submitted one).
- .3 The Secretariat had received two responses from one port State, the United Kingdom, on the outcome of its investigations into alleged inadequacies of reception facilities. No other port State had responded on action taken with respect to the remaining reports.

4.5 The Sub-Committee noted the following conclusions on the level of compliance with the provisions of MEPC/Circ.318:

- .1 41 mandatory reports under MARPOL had been submitted for the year 2012, representing a reporting rate of 27%, and that, since 2008, the level of compliance had hovered above 26%.
- .2 Six of the 41 mandatory reports submitted for the year 2012 had been received after the deadline established by paragraph 5 of MEPC/Circ.318 (30 September of each year).

4.6 In the ensuing discussion, the Sub-Committee noted the comments of the delegations of Greece and Turkey that it must be ensured that data contained in the missed reports was also included in the summary reports and analysis of mandatory reports under MARPOL.

4.7 The Sub-Committee noted that C/ES.27 had approved the deletion of output 2.0.1.21, "Summary reports and analysis of mandatory reports under MARPOL", from the work programme of the Sub-Committee and had transferred it to the Secretariat's business plan, and that the current reporting, which covered parts 1 a), 1 b), 2 and 4 (sections 1 and 2) of MEPC/Circ.318, was the last plenary reporting under the Sub-Committee. Consequently, information from output 2.0.1.21 would be issued as an annual circular covering the year 2013 onwards.



4.8 Following the proposal made by the delegation of the United Kingdom to move output 7.1.3.1, "Consideration and analysis of reports on alleged inadequacy of port reception facilities", into the Secretariat's business plan, the delegation of the Bahamas expressed the view that such a move was not for the Sub-Committee to decide, and underscored the importance of reporting and reminded flag States of their reporting obligation. In that respect, the delegation of the Cook Islands suggested that there was a need to identify the impediments and concerns of shipowners rather than flag States for not reporting, as well as to encourage shipping NGOs to look into the matter. The delegation of Malta suggested a review of the consolidated VIMSAS audit summary reports regarding information on alleged inadequacies of port reception facilities to determine whether it tallied with the current reporting. In summing up the discussion, the Chairman reiterated the comments made by the delegations of the Bahamas, the Cook Islands and Malta to encourage Member Governments to remind ships under their flag of such obligations and to ascertain the impediments and concerns behind low rates of reporting, noting that the IMO Instruments Implementation Code (III Code) and audit reports under the IMO Member State Audit Scheme (IMSAS) could provide feedback for the process.

#### **Annual circular on mandatory reports**

4.9 The Sub-Committee noted that information covered by parts 3 a) and 3 b) of MEPC/Circ.318 on reporting alleged inadequacies of port reception facilities using the format specified in MEPC/Circ.469/Rev.2 would remain on the agenda of the Sub-Committee as output 7.1.3.1, "Consideration and analysis of reports on alleged inadequacies of port reception facilities", and on the High-level Action Plan. Relevant data would be extracted from GISIS by the Secretariat.

4.10 The Sub-Committee invited MEPC to request the Secretariat to issue the annual circular on mandatory reports under MARPOL covering parts 1 a), 1 b), 2 and 4 of MEPC/Circ.318, starting with the year 2013 onwards, based on updated data contained in document III 1/4/Rev.1 and the outcome of the current session (see also paragraph 4.7).

4.11 In view of the above, the Sub-Committee urged all Parties to MARPOL to continue to submit mandatory reports in accordance with MEPC/Circ.318 to the Secretariat\*, noting that the closing date for the receipt of reports for the year 2013 would be 31 December 2014.

4.12 The Sub-Committee also urged all Parties to MARPOL to provide and/or update their respective contact details in the Port Reception Facilities module of GISIS to ensure notification of port States by flag States reporting on alleged inadequacies in accordance with the procedures of MEPC.1/Circ.469/Rev.2.

#### **Consolidated guidance for port reception facilities**

4.13 The Sub-Committee noted that MEPC 65 had approved MEPC/Circ.470/Rev.1 on *Waste reception facility reporting requirements*, MEPC.1/Circ.469/Rev.2 on *Revised consolidated format for reporting alleged inadequacies of port reception facilities*, MEPC.1/Circ.644/Rev.1 on *Standard format for the advance notification form for waste delivery to port reception facilities*, MEPC.1/Circ.645/Rev.1 on *Standard format for the waste delivery receipt following a ship's use of port reception facilities* and MEPC.1/Circ.671/Rev.1 on *Guide*

---

\* Contact details for submission of mandatory reports (by post or email):  
Marine Environment Division  
IMO, 4 Albert Embankment  
London, SE1 7SR  
United Kingdom  
Email: info@imo.org

to good practice for port reception facility providers and users, and instructed the Secretariat to prepare a consolidated version of the five circulars for consideration at MEPC 66.

4.14 The Sub-Committee also noted that MEPC 66, having agreed to the draft consolidated guidance version of the above-mentioned five circulars and to proposals to include, under MARPOL VI waste, ozone-depleting substances and equipment containing such substances, and to add exhaust-gas cleaning residues to the table in appendix 2 (Standard format of the advance notification form for waste delivery to port reception facilities) of the draft guidance, approved MEPC.1/Circ.834 on *Consolidated guidance for port reception facility providers and users*, superseding the five circulars listed in paragraph 4.13 above.

## 5 CASUALTY ANALYSIS AND STATISTICS

### GENERAL

5.1 The Sub-Committee considered the report of the Correspondence Group on Casualty Analysis (III 1/5) and noted the casualty-related outcome of other IMO bodies as referenced in documents III 1/2, III 1/2/1, III 1/2/1/Add.1, III 1/2/2 and III 1/2/2/Add.1 (Secretariat).

5.2 The Sub-Committee also considered the following documents:

- .1 III 1/5/1 (Secretariat), containing the list of reports of investigations into casualties, which had been reviewed by the Correspondence Group on Casualty Analysis for the current session of the Sub-Committee;
- .2 III 1/5/2 (Secretariat), reporting on Member States' submissions received on GISIS by electronic data transfer through data exchange between the European Marine Casualty Information Platform (EMCIP) and GISIS;
- .3 III 1/5/3 (Secretariat), providing information on the regulations of the Convention on International Civil Aviation of the International Civil Aviation Organization (ICAO) on the submission and dissemination of accident reports and any possible lessons to be learned from the aviation industry; and
- .4 MSC 93/15/2 and Corr.1 (ICS, IACS, OCIMF, INTERTANKO, P&I Clubs, SIGTTO and INTERCARGO), as referred to by MSC 93, reviewing the requirement for flag States to report accidents and incidents, reporting on the factual reporting situation and offering some observations;

and noted the information contained in the following documents:

- .1 III 1/INF.7 (MAIIF), providing information on the MAIIF Investigation Manual;
- .2 III 1/INF.8 (Secretariat), providing information on access, via IMODOCS, to the analyses made by the Correspondence Group on Casualty Analysis;
- .3 III 1/INF.31 (INTERCARGO), providing the 2013 Bulk Carrier Casualty Report;

- .4 III 1/INF.32 (Japan), providing information on the web-based marine accident map, J-MARISIS, that had been developed for accident prevention and maritime safety; and
- .5 III 1/INF.33 (Hong Kong, China), providing information about the port of refuge granted by the Government of the Republic of Korea to the chemical tanker **Maritime Maisie** registered in Hong Kong, China.

5.3 The delegation of the Bahamas made a statement regarding the analysis process and the current practice of producing analyses, as set out in annex 11.

5.4 The Sub-Committee noted the information provided in document III 1/5/2 (Secretariat), and invited Member States that already had a computerized casualty data collection system in place or were planning to establish such a system at a national level to consider implementing a data exchange mechanism similar to the one between EMCIP and GISIS in order to avoid the duplication of data entry and reporting. The observer delegation of IFSMA made a statement on the restricted access to reports posted on GISIS, as set out in annex 11.

5.5 The observer delegation of the European Commission (EC), highlighting the exchange data mechanism developed between EMCIP and GISIS, expressed its appreciation for the cooperative and supportive approach of the Organization on the matter.

#### **ESTABLISHMENT OF THE WORKING GROUP ON CASUALTY ANALYSIS**

5.6 As agreed by FSI 21, the Sub-Committee established the Working Group on Casualty Analysis, which started its work on the morning of the first day of the meeting under its terms of reference .1 to .4. In addition, and based on discussion of the documents submitted to this session under this agenda item, the Sub-Committee further instructed the group to take into account comments and decisions made in plenary and added .5 to .7 to the following terms of reference of the group:

- .1 confirm or otherwise the findings of the correspondence group based on the analysis of individual casualty investigation reports and GISIS, for the Sub-Committee's approval and authorization of their release to the public on GISIS;
- .2 confirm or otherwise the draft text of the *Lessons Learned for Presentation to Seafarers*, for the Sub-Committee's approval and authorization of release on the IMO website in accordance with the agreed procedure;
- .3 consider and advise whether those reports, reviewed by the analysts and considered by the working group and which were of interest to relevant Committees and sub-committees, should be referred to them; in doing so, the working group should submit supporting information derived from the casualty analysis procedure (FSI 17/20, paragraph 6.22, and FSI 17/WP.1, annex 2) used to develop recommendations for consideration by the Committees and sub-committees;
- .4 consider and advise on the draft of the revision of the aide-memoire, when available, as an in-the-field job aid for investigators;
- .5 consider and advise on the casualty-related decisions of other IMO bodies (III 1/2, III 1/2/1 and III 1/2/2);

- .6 consider documents III 1/5/3, III 1/2/1 (paragraph 4), III 1/2/1/Add.1 (paragraphs 4.1 and 4.2), MSC 92/26 (paragraphs 12.20 and 12.21), MSC 92/12/3, MSC 92/12/4, MSC 92/12/5, MSC 92/INF.8, MSC 93/22 (paragraphs 15.17 to 15.20), MSC 93/15/2 and MSC 93/15/2/Corr.1, and advise accordingly on how best to proceed on:
  - .1 the potential reasons for the alleged under-reporting by flag States and the difference between the number of initial and final reports;
  - .2 the need for the GISIS module on marine casualties and incidents (MCI) to support fully the search and analysis of the information contained therein; and
  - .3 the guidance to be provided to the Secretariat on improved programmability and search functions of the MCI module; and
- .7 advise on the re-establishment of the Correspondence Group on Casualty Analysis and, if so, prepare draft terms of reference for that group.

#### **REPORT OF THE WORKING GROUP ON CASUALTY ANALYSIS**

5.7 Having approved the report of the working group (III 1/WP.3) in general, the Sub-Committee took decisions as reflected in the following paragraphs.

#### **CASUALTY-RELATED DECISIONS OF OTHER IMO BODIES**

5.8 The Sub-Committee noted the casualty-related decisions of other IMO bodies as referenced in documents III 1/2, III 1/2/1, III 1/2/1/Add.1, III 1/2/2 and III 1/2/2/Add.1.

#### **CASUALTY ANALYSIS AND STATISTICS**

##### **Quality of reports**

5.9 The Sub-Committee endorsed the group's recommendation to bring the observations made on the quality of the 73 investigation reports, which had been analysed for the current session (III 1/5, paragraph 5), to the attention of Administrations by means of a III.3 circular to complement III.3/Circ.1, to be processed by the Secretariat, with the objective of improving future investigation reports.

##### **M/T GELSO M and EVER EXCEL**

5.10 Having approved the changes to the text of the casualty analyses of the marine casualty investigation reports of the **M/T Gelso M** (GISIS incident: C0008852) and **Ever Excel** (GISIS incident: C0008129), the Sub-Committee requested the Secretariat to release all the analyses to the public on the GISIS MCI module.

##### **COSTA CONCORDIA**

5.11 The Sub-Committee considered the analysis of the marine safety investigation report concerning the grounding and loss of the passenger ship **Costa Concordia** with a view to bringing to the attention of MSC 94 the contributing factors, issues raised/lessons learned and observations on the human element. In that context, the Sub-Committee agreed with the issues highlighted by the group relating to the need:

- .1 for a comprehensive risk assessment, passage planning and position monitoring, for effective bridge resource management, and to remove distractions; and

- .2 to consider the protection of propulsion and electrical production compartments, the functional integrity of essential systems, the improvement and redundancy of emergency power generation, the detection and monitoring system interfacing with onboard stability computer, the inclusion of inclinometer measurements within VDR, more detailed assessment criteria for recognizing manning agencies, and the appropriate assignment of trained crew to emergency duties.

5.12 The Sub-Committee was of the view that known risks associated with a planned voyage are considered as part of voyage planning and urged caution against suggesting the need for a separate comprehensive risk assessment process. Furthermore, the Sub-Committee agreed that the current provisions for voyage planning took into account known risks associated with a planned voyage.\*

## **DANNY F II**

5.13 The Sub-Committee reminded Administrations of their investigative responsibilities under the Casualty Investigation Code, more specifically regarding its mandatory part I, General Provisions, paragraph 1.3, and part II, Mandatory Standards, chapter 10. In that context, coastal States should cooperate to the extent practicable with flag States for the purpose of conducting investigations under the Code in a timely manner. Furthermore, the Sub-Committee was of the view that this obligation to cooperate with the ultimate aim of improving safety, which would also extend to facilitating access to ship operators, other personnel and companies, would reduce the likelihood of deaths, injuries and losses in the future, and would protect the marine environment.

5.14 In considering the analysis of the marine safety investigation report on the casualty involving the **Danny F II**, the Sub-Committee agreed with the issues identified (III 1/5, paragraph 9), related to granting investigators access to a coastal State, the need to investigate in a timely manner, cooperation among the ship operators and other personnel and companies, and port State inspection and compliance with Annex IV of MARPOL 73/78 with respect to the fitting of a sewage treatment system, a sewage comminuting and disinfecting system or holding tank in the context of livestock carriage.

5.15 The Sub-Committee noted that the investigation report had stated that a large number of livestock carriers currently in service were conversions from different types of ships — for example, the **Danny F II** had been converted from a ro-ro cargo ship — and that only Australia had developed rules to address the carriage and handling of livestock. The investigation report recommended that a set of rules for the construction and/or classification of livestock carriers be developed. However, the lack of such rules had not been identified in the investigation report as a causal factor in that occurrence. The observer delegation of IFSMA made a statement on the above-mentioned lack of rules, standards and guidelines, as set out in annex 11.

5.16 In view of the consequences of the casualty, with the presumed loss of 42 lives, and having noted the absence of internationally accepted standards to define the trade for livestock carriage, as well as the need for the consideration of manning and training requirements of marine and non-marine crew, the Sub-Committee agreed to bring the above-mentioned issues to the attention of MSC for consideration, as appropriate.

---

\* SOLAS regulation V/34.

## **SWANLAND**

5.17 In considering the analysis of the marine safety investigation report on the casualty involving the **Swanland**, the Sub-Committee noted the key recommendations from the marine safety investigation report, which emphasized that the most significant factors causing the loss of the ship had been that its high-density bulk cargo would have been unevenly distributed and that there would have been a failure caused by the "buckling of a section of the vessel's structure."

5.18 Having also noted that there were no outputs in the biennial agenda of sub-committees addressing the safety issues identified in the report, the Sub-Committee agreed to forward the report on the incident of the **Swanland**, as well as its analysis and comments made by the group, to MSC for consideration, as appropriate and as a matter of urgency, in respect of the compatibility of immersion suits and buoyancy aids, in particular with a view to ensuring that carriage requirements were amended to ensure that immersion suits had integral buoyancy and that suits on board were of a common standard.

### **Casualty Investigation Code**

5.19 In considering the need to update the references to resolutions A.996(25) and A.884(21), as contained in Part III of the Casualty Investigation Code, the Sub-Committee agreed to a draft MSC resolution on *Amendments to the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code) (resolution MSC.255(84))*, as set out in annex 2, for consideration by MSC for adoption.

### **Lessons Learned for Presentation to Seafarers**

5.20 The Sub-Committee approved the changes to the text of *Lessons Learned for Presentation to Seafarers*, as set out in annex 3, in accordance with the agreed procedure (FSI 11/23, paragraph 4.19), for release on the IMO website.

5.21 The Sub-Committee invited flag Administrations to:

- .1 continue disseminating marine casualty information (i.e. *Lessons Learned*) among their fleets and seafarers; and
- .2 provide feedback on the impact of the *Lessons Learned* at national level.

5.22 Having noted with appreciation that the Secretariat had included the *Lessons Learned for presentation to seafarers* on the IMO website, sorted by type of incident and session of approval, as requested by the FSI Sub-Committee (FSI 21/18, paragraph 5.7), the Sub-Committee agreed to further consider new ways to disseminate the *Lessons Learned* at national and international level.

### **SUBMISSION AND DISSEMINATION OF MARINE CASUALTY DATA**

5.23 In considering the potential listing of very serious casualties to be investigated and outstanding reports (MSC 92/26, paragraph 12.21), the Sub-Committee recalled that Part II of the Casualty Investigation Code, which had been in force since 1 January 2010, made it compulsory to submit the final version of a marine safety investigation report to the Organization for every marine safety investigation conducted into a very serious marine casualty (paragraph 14.1) and to make it available to the public (paragraph 14.4).

5.24 The Sub-Committee noted the potential problem areas for carrying out and reporting on an investigation, including:

- .1 the extent of resources available to conduct the investigation;
- .2 the extent of the technical knowledge of investigators;
- .3 the sharing of information, given domestic legislation;
- .4 language barriers;
- .5 the availability of additional outside resources and expertise; and
- .6 an understanding of the requirements to report.

5.25 After detailed consideration of documents MSC 93/15/2 and Corr.1 and the comments by MSC 93 on reporting of accidents and incidents (MSC 93/22, paragraphs 15.17 to 15.19), the Sub-Committee noted that the problem of under-reporting might not be exclusive to IMO and agreed that more information was needed in order to determine the extent of any practical difficulties to report to IMO, which could be obtained through a survey. In that context, the Sub-Committee agreed that a country survey questionnaire should be prepared for consideration by III 2, and requested the Secretariat to gather information on very serious casualties recorded in GISIS since 1 January 2010 and extracted automatically from GISIS, including the number of very serious marine casualties and the number of reports submitted.

5.26 The Sub-Committee also requested the Secretariat to submit an informative document to future sessions of the Sub-Committee on the status of reports on and analyses of very serious marine casualties, involving ships covered by SOLAS, based on data registered since 1 January 2010 and extracted automatically from GISIS, including but not limited to the reference numbers of the incidents, the name of the ship(s) involved, the date/time of the incident, the number of investigation reports submitted and the date of submission of the investigation report(s). That information, based on data uploaded into GISIS by reporting Administrations, the Secretariat and data exchange mechanisms would provide quality information on casualty- and incident-related reporting.

5.27 The Sub-Committee invited reporting Administrations to include in their analyses conclusions and recommendations relating to their future marine safety investigations conducted in accordance with the Casualty Investigation Code and clear indications when they judged that the findings might assist in identifying areas for improvement in IMO instruments.

5.28 The Sub-Committee recalled that the GISIS database taxonomy and the need for a comprehensive search and data-extraction option had been extensively considered by FSI 21 and taxonomy amendments had been adopted through MSC-MEPC.3/Circ.4. In that context, the Sub-Committee requested the Secretariat to keep the Sub-Committee updated on the progress made on the completion of the GISIS-related redesigning work in accordance with MSC-MEPC.3/Circ.4 and the need for comprehensive search and data-extraction facilities.

5.29 The Sub-Committee also noted that the use of the IMO model course 3.11 on Safety Investigation into Marine Casualties and Marine Incidents and the Guidelines to Assist Investigators in the Implementation of the Casualty Investigation Code (resolutions MSC.255(84) and A.1075(28)), and the development of cooperation agreements between

flag States, coastal States and other interested States, should further contribute to enhancing compliance with mandatory reporting requirements. In that context, the Sub-Committee encouraged Administrations to:

- .1 consider the need to request IMO technical assistance, in the form of training courses, on this matter;
- .2 use available IMO instruments and to refer to the MAIIF Investigation Manual when conducting marine safety investigations, as appropriate; and
- .3 consider the development of cooperation agreements at regional or other levels for the conduct of future marine safety investigations.

5.30 The Sub-Committee considered that, with the III Code (resolution A.1070(28)) becoming mandatory, the reporting performances of Member States could be highlighted from the audit. However, in order to facilitate and encourage reporting, the Sub-Committee, recalling, in particular, the decision of FSI 3, agreed to recommend that, subject to endorsement by the Committees:

- .1 casualty- and incident-related data should be available in any of the three IMO working languages, so that reports submitted to the Organization could be available in any of the three languages, and if the report was not in an IMO working language, it should include a summary in any of the three languages;
- .2 flag States should be required to provide preliminary information no later than six months after the occurrence of very serious casualties; and
- .3 technical assistance should be considered for countries with outstanding marine casualty investigation reports (preliminary or final) on very serious marine casualties, as a matter of priority, particularly on marine casualty and incident investigation.

5.31 In order to facilitate joint reporting, the Sub-Committee also requested the Secretariat to create an option in GISIS for Parties to SOLAS to agree to concur and be associated with other reporting States' reports already uploaded to the MCI module.

5.32 The Sub-Committee further requested the Secretariat to keep it updated on the progress made on the identification of any practical lessons that might be learned from the submission and dissemination of aviation accident reports, in cooperation with ICAO.

### **Correspondence Group on Casualty Analysis**

5.33 In discussing the terms of reference for the correspondence group, the Sub-Committee noted the views expressed by some delegations, which were not supported by the majority of those that spoke, that the preparation of the *Lessons Learned for Presentation to Seafarers* was beyond the scope of the existing output 12.1.2.1, "Analysis of casualty and PSC data to identify trends and develop knowledge and risk-based recommendations", and agreed that the *Lessons Learned* should be prepared in the context of the risk-based recommendations element of the output.



5.34 The Sub-Committee, taking into account the work completed at the current session, established the Correspondence Group on Casualty Analysis, under the coordination of the United Kingdom<sup>1</sup>, to continue its work intersessionally with the following terms of reference:

- .1 based on the information received from Administrations on investigations into casualties, to conduct a review of the relevant casualty reports referred to the group by the Secretariat, prioritizing very serious casualties that had occurred since 1 January 2010 and involved SOLAS ships, and, where appropriate, to prepare draft lessons learned as risk-based recommendations for presentation to seafarers while also considering and advising the Sub-Committee on possible new ways to disseminate the recommendations at national and international levels;
- .2 to identify safety issues that needed further consideration and make recommendations following the procedure adopted by MSC 92 (MSC 92/26, paragraphs 22.28 and 22.29);
- .3 to prepare a draft country survey questionnaire, taking into account the potential problem areas for carrying out and reporting on an investigation and information to be gathered by the Secretariat on very serious casualties recorded in GISIS since 1 January 2010;
- .4 with the assistance of MAIIF, prepare a draft in-the-field job aid for investigators in line with relevant IMO instruments and the MAIIF Investigation Manual; and
- .5 submit a report to III 2.

### **Working Group on Casualty Analysis**

5.35 The Sub-Committee agreed that the Working Group on Casualty Analysis should start work the morning of the first day of III 2, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.4/Rev.2 on *Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, with the following provisional terms of reference, subject to further instructions from the plenary:

- .1 confirm or otherwise the findings of the correspondence group based on the analysis of individual casualty investigation reports and GISIS, for the Sub-Committee's approval and authorization of their release to the public on GISIS;
- .2 consider and advise whether those reports, reviewed by the analysts and considered by the group and which might be of interest to relevant Committees and sub-committees, should be referred to them; in doing so, the working group should submit supporting information derived from the casualty analysis procedure (FSI 17/20, paragraph 6.22 and FSI 17/WP.1, annex 2) used to develop recommendations for consideration by the Committees and sub-committees; and

---

<sup>1</sup> **Coordinator:**  
Capt. David Wheal  
Marine Accident Investigation Branch  
United Kingdom  
Email: david.wheal@dft.gsi.gov.uk

- .3 consider and advise on:
  - .1 the draft country survey questionnaire;
  - .2 possible ways to disseminate the *Lessons Learned* as risk-based recommendations for presentation to seafarers; and
  - .3 the draft in-the-field job aid for investigators.

#### **INFORMATION PROVIDED BY DELEGATIONS**

5.36 The Sub-Committee noted a proposal by MAIF, subject to confirmation after the next MAIF meeting, to conduct a one-day training course on Marine Casualty Investigation for Managers and Marine Administrators during III 2.

5.37 The Sub-Committee noted a statement made by the observer delegation of INTERCARGO on media information on ship cargoes of nickel ore under alternative or non-applicable shipping names, as set out in annex 11.

#### **REMINDER FOR SUBMISSION OF CASUALTY-RELATED DATA**

5.38 The Sub-Committee reminded Member States to:

- .1 develop further the systematic investigation method and investigation report structure in order to submit marine safety investigation reports to the Organization in accordance with the Casualty Investigation Code (resolution MSC.255(84));
- .2 provide and complete all necessary information when uploading marine safety investigation reports into GISIS, in accordance with MSC-MEPC.3/Circ.4; and
- .3 ensure the accuracy of the country information in the Contact Point module of GISIS, in accordance with MSC-MEPC.6/Circ.12, as amended.

## **6 HARMONIZATION OF PORT STATE CONTROL ACTIVITIES**

#### **AMENDMENT TO THE PROCEDURES FOR PORT STATE CONTROL**

6.1 The Sub-Committee, having recalled that FSI 14 had requested the Secretariat to develop tables of references concerning new convention requirements relevant to PSC activities, noted the list of relevant new requirements that had been adopted since FSI 21 as set out in the annexes to documents III 1/10/1 and III 1/INF.4 and Add.1 (Secretariat), to be used for developing the above-mentioned tables of references, and invited PSC regimes to update the PSC coding system using the information provided, as appropriate.

#### **GUIDELINES FOR PORT STATE CONTROL OFFICERS ON THE ISM CODE**

6.2 The Sub-Committee recalled that FSI 20 had agreed to conduct a more detailed technical review, other than editorial, of the draft guidelines for port State control officers related to the ISM Code, as set out in annex 2 to document FSI 20/WP.5, at a future session. In that regard, the Sub-Committee considered document III 1/6/8 (China) on proposed amendments to the *Procedures for port State control* related to the ISM Code.

6.3 In the ensuing discussion, some issues were highlighted, including that there must be good communication between port and flag States, that the functions of PSC officers and ISM auditors were distinct, and that, when necessary, an external audit should be carried out before releasing the affected ship. Following discussion and in the absence of support for the proposal, the Sub-Committee did not refer document III 1/6/8 to the Working Group on the Harmonization of PSC Activities to be established under agenda item 8, and instructed the group to draft guidelines for port State control officers related to the ISM Code using annex 1 to document FSI 20/WP.5 as the basis and taking into account comments contained in document FSI 20/6/9 (IACS), for referral to the Sub-Committee on Human Element, Training and Watchkeeping (HTW) and the Committees, as appropriate.

#### **CONCENTRATED INSPECTION CAMPAIGNS**

6.4 The Sub-Committee recalled that FSI 19 had agreed that, at future sessions, the outcome of concentrated inspection campaigns (CICs) would be best reviewed by a working/drafting group, which would be tasked to prepare appropriate material for referral to relevant sub-committees.

6.5 The Sub-Committee was advised that the sixth IMO Workshop for PSC MoU/Agreement Secretaries and Directors of Information Centres, having agreed that the results of CICs, submitted to the Organization, should be reviewed in more detail, in particular in order to identify areas lacking definitions, had recommended that the matter should be referred to the working group to be established under agenda item 8.

6.6 Having considered the information contained in document III 1/6/5 (Paris and Tokyo MoUs), and noting documents III 1/INF.9 (Paris MoU), III 1/INF.10 (Paris MoU), III 1/INF.15 (Indian Ocean MoU), III 1/INF.17 (Indian Ocean MoU), III 1/INF.20 (Caribbean MoU), III 1/INF.24 (Black Sea MoU), III 1/INF.25 (Black Sea MoU) and III 1/INF.29 (Viña del Mar Agreement) on the results of CICs, the Sub-Committee recalled that the FSI Sub-Committee had intended to analyse the information submitted by PSC regimes in the agreed format, and to provide input to other relevant IMO bodies. In that regard, the Sub-Committee instructed the working group to be established under agenda item 8 to review the procedure and format for submitting CIC-related data to the Sub-Committee, as appropriate.

6.7 While considering document III 1/6/10 (Egypt) on global CICs, the Sub-Committee reiterated the views expressed at FSI 21 that such a proposal might not be feasible at the current stage due to the fact that not all MoUs were on the same level of development nor had the same resources. Having noted some support for the proposal, the Sub-Committee invited Egypt to submit information on a possible approach to global CICs within the context of harmonization, for consideration at a future session.

#### **PERFORMANCE OF FLAG ADMINISTRATIONS AND RECOGNIZED ORGANIZATIONS**

6.8 The Sub-Committee, having considered document III 1/6/6 (Paris and Tokyo MoUs), encouraged other PSC regimes to provide similar information in order to assist flag Administrations in selecting high performing recognized organizations (ROs), and recommended that flag Administrations should use the information provided in the document when authorizing ROs to act on their behalf.

6.9 Based on the information contained in document III 1/INF.11 (Paris and Tokyo MoUs and United States) on flag Administrations targeted by the United States Coast Guard and the Paris and Tokyo MoUs, the Sub-Committee noted the reported reduction from two to one in the number of flag Administrations that were being targeted for inspection in all three regions, as compared to the figures presented to FSI 21.

## TRANSPARENCY AND HARMONIZATION OF PSC INFORMATION

### Equasis information system

6.10 In the context of its consideration of document III 1/6/3 (Secretariat) on the Equasis information system, the Sub-Committee noted that the Caribbean, Paris, Tokyo and Indian Ocean MoUs, the United States Coast Guard (USCG), and the Viña del Mar Agreement (VMA) were providing data to Equasis; that the twenty-eighth Equasis Supervisory Committee Meeting had approved the data provider accreditation procedure that regulated the necessary procedures and criteria for the acceptance of additional data providers; and that annual statistics of Equasis for the year 2012 had been published and were available on the Equasis website ([www.equasis.org](http://www.equasis.org)). The Sub-Committee was also informed by the observer delegation of the European Commission (EC), on behalf of Equasis, that the Mediterranean and Riyadh MoUs had commenced providing data to Equasis from June and July that year, respectively.

### Port State control data

6.11 The Sub-Committee recalled that the data exchange agreements between nine regional PSC regimes and IMO had been completed during FSI 21, thereby achieving coverage in GISIS of PSC data on detentions from all ten existing PSC regimes including the United States Coast Guard and on all inspections from eight PSC regimes. In that context, data exchanges had been taking place with five PSC regimes – the Black Sea, Indian Ocean, Mediterranean, Paris and Tokyo MoUs – since 2011 when the GISIS module on PSC had been launched.

6.12 The Sub-Committee, having considered document III 1/6/7 (Secretariat), invited flag Administrations to use the direct reporting facilities made available in GISIS, since manual processing of flag State comments by the Secretariat would be curtailed.

### OUTCOME OF HTW 1

6.13 The Sub-Committee considered document III 1/6/9 (Secretariat) and noted that HTW 1 had approved the following two circulars:

- .1 *STCW.7/Circ.21 on Advice for port State control officers, recognized organizations and recognized security organizations on action to be taken in cases where seafarers do not carry certification required in accordance with regulation VI/6 of the STCW Convention and section A-VI/6, paragraphs 4 and 6, of the STCW Code after 1 January 2014; and*
- .2 *STCW.7/Circ.22 on Advice for port State control officers, recognized organizations and recognized security organizations clarifying training and certification requirements for ship security officers and seafarers with designated security duties.*

6.14 Having been advised that PSC regimes should consider both circulars and take action accordingly, given that they had been developed to prevent related deficiencies, the Sub-Committee instructed the working group to be established under agenda item 8 to seek a pragmatic way to encourage PSC regimes to implement the recommendations contained in both circulars.

## **PSCO TRAINING ACTIVITIES FINANCIALLY SUPPORTED BY IMO**

6.15 The Sub-Committee noted the information contained in document III 1/INF.28 (Secretariat) on PSCO training activities supported by IMO, in particular training activities during 2014-2015 funded under the Organization's Integrated Technical Cooperation Programme's (ITCP) global activities.

## **ANALYSIS OF PSC ACTIVITIES, PRACTICES AND STATISTICS**

6.16 The Sub-Committee recalled that FSI 12 had agreed that an in-depth analysis of the annual reports on port State control activities should be undertaken and, in the same context, was advised that the sixth IMO workshop had agreed that the identification of trends would require more comprehensive raw data to be submitted by the PSC regimes, for the development of a global analysis.

6.17 Having considered documents III 1/6 and III 1/6/7 (Secretariat), the Sub-Committee was informed that, in 2012, taking into account that several member authorities of PSC regimes had dual or triple membership, around 69,000 inspections had been carried out, with about 53% of inspections recording deficiencies and an overall detention rate of 4.2% (some 2,900 detained ships). In that connection, the following information documents were noted:

- .1 III 1/INF.2 (Paris MoU) on Paris MoU annual report 2012;
- .2 III 1/INF.12 (Tokyo MoU) on Tokyo MoU PSC data for 2013;
- .3 III 1/INF.13 (Tokyo MoU) on Tokyo MoU annual report 2012;
- .4 III 1/INF.14 (Tokyo MoU) on summary of Tokyo MoU activities in 2013;
- .5 III 1/INF.16 (Indian Ocean MoU) on Indian Ocean MoU PSC activities;
- .6 III 1/INF.18 (Viña del Mar Agreement) on Latin American Agreement on port State control – Viña del Mar, 1992, annual statistical report 2012;
- .7 III 1/INF.19 (Caribbean MoU) on status of activities and inspections of the Caribbean MoU on port State control;
- .8 III 1/INF.21 (BS MoU) on Black Sea MoU annual report 2012;
- .9 III 1/INF.22 (BS MoU) on Black Sea MoU annual report 2013;
- .10 III 1/INF.26 (Abuja MoU) on Abuja MoU annual report 2013;
- .11 III 1/INF.27 (Abuja MoU) on Abuja MoU summary of port State control activities, 2013; and
- .12 III 1/INF.30 (United States) on United States Coast Guard 2013 port State control report.

6.18 In that context, the Sub-Committee also noted a statement by the delegation of the Kingdom of the Netherlands, as set out in annex 11, referring to Circular Letter No.3114 and expressing concerns about the way that the four separate countries of the Kingdom of the Netherlands – i.e. the Netherlands, Curaçao, Aruba and Sint Maarten – were presented in documents under the current agenda item. The delegation supported, as an example, the proposed use of "Curaçao (KNL)" by PSC regimes when preparing their reports.

6.19 The Sub-Committee invited the regional PSC regimes and the United States to continue submitting their annual reports to the Sub-Committee, in the agreed format as set out in annex 3 of document FSI 20/WP.5, and requested the Secretariat to continue providing the Sub-Committee with a progress report on regional PSC agreements.

#### **IMO WORKSHOP FOR PSC MoU/AGREEMENT SECRETARIES AND DATABASE MANAGERS**

6.20 The Chairman of the sixth IMO Workshop for PSC MoU/Agreement Secretaries and Database Managers (Mrs. Mfon Ekong Usoro, Secretary General, Abuja MoU) introduced in detail the recommendations contained in document III 1/6/1 (Secretariat).

6.21 The Sub-Committee was advised that the Technical Cooperation Committee (TC), at its sixty-third session, had considered the funding of the IMO Workshop for PSC MoU/Agreement Secretaries and Database Managers under the ITCP. The Committee had suggested that the issue relating to the harmonization of PSC activities might be accommodated during sessions of the Sub-Committee, as a result of which there would be no allocation in the ITCP for the workshop during the 2014-2015 biennium.

6.22 The Sub-Committee was also advised that TC 63 had requested the Secretariat to report on the real cost of the workshop and investigate better ways of addressing the issue. In that context, the Sub-Committee considered document III 1/6/2 (Secretariat) presenting the real expenditure for the previous three workshops and the following two alternative options:

- .1 option 1: the IMO workshop could be held every two or three years at the IMO Headquarters for one day on the margins of a meeting of the Sub-Committee, possibly on the day when the plenary was adjourned; and
- .2 option 2: the IMO workshop could be held every two or three years in a member country of a PSC regime for one day on the margins of a PSC committee meeting where all other PSC regimes were also invited as observers; funding for the requisite number of staff members from the IMO Secretariat to attend would also need to be considered.

6.23 The Sub-Committee, having noted views that the issue of alternative arrangements for the holding of the workshop and their funding was not a matter within the purview of the Sub-Committee, also noted that the majority of those who spoke supported option 1 and invited Member States and observers to consider how best to support future workshops for PSC regimes.

#### **PROVISION OF A DECISION-SUPPORT TOOL FOR PSCOs**

6.24 The Sub-Committee recalled that FSI 21 had invited Member States and observers to provide, at a future session, relevant elements for a comprehensive package addressing both technical and financial aspects of a decision-support tool for all PSC regimes, including the updating process, and that the sixth IMO Workshop for PSC MoU/Agreement Secretaries and Database Managers might be a good opportunity to discuss matters related to the tool.

6.25 The Sub-Committee was advised that the sixth IMO Workshop had noted that a decision-support tool could assist not only port States but also flag States, and had requested the Secretariat to consider the matter of such a tool in cooperation with the Korean Register of Shipping (KRS) and other potential providers for all PSC regimes, as appropriate, in order to prepare a comprehensive document for consideration by the relevant IMO body.

6.26 In that context, the Sub-Committee considered document III 1/6/4 (Secretariat) on the provision of a decision-support tool for PSCOs of the Mediterranean MoU to other PSC regimes and its continuous updating. Having noted that several challenges such as regional, technical and cost-related difficulties would need to be addressed when developing such a tool, the Sub-Committee referred the matter to the working group to be established under agenda item 8, to review the information contained in the above-mentioned document and to advise on the involvement of the Organization in the provision of a decision-support tool to PSCOs.

#### **REPORT OF THE WORKING GROUP**

6.27 Having considered part II of the report of the Working Group on the Harmonization of PSC Activities (III 1/WP.4/Add.1), the Sub-Committee took action as contained in the following paragraphs.

#### **GUIDELINES FOR PORT STATE CONTROL OFFICERS ON THE ISM CODE**

6.28 The Sub-Committee agreed to the draft MSC-MEPC.4 circular on *Guidelines for port State control officers on the ISM Code*, as set out in annex 4, to be referred to MSC and MEPC for consideration and, in particular, decision as to whether to refer the draft circular to the HTW Sub Committee prior to approving it.

#### **CONCENTRATED INSPECTION CAMPAIGNS**

6.29 The Sub-Committee, having noted the proposed process for advancing recommendations to relevant IMO bodies resulting from the reports of CICs, as set out in annex 3 of III 1/WP.4/Add.1, decided to reconsider the proposed process at its next session.

6.30 The Sub-Committee invited PSC regimes to conduct CICs in cooperation with other PSC regimes; to continue to provide information on the outcome of CICs in the agreed reporting format, as set out in annex 4 to document FSI 20/WP.5, while reviewing it; and to provide recommendations, together with supporting material, which could be passed to relevant IMO bodies for further consideration.

#### **OUTCOME OF HTW 1**

6.31 The Sub-Committee agreed to report to MSC 94 the following outcome of its consideration of the implementation of STCW.7/Circ.21 and STCW.7/Circ.22:

- .1 circulars recommending action by port States should be implemented in a consistent manner by all port States and PSC regimes; and
- .2 member Administrations of PSC regimes should actively promote the implementation of such circulars within the procedures or advisory material produced by the PSC regime.

6.32 In that connection, the delegation of the Russian Federation stated that it would not be correct or appropriate to give equal footing, in terms of compliance and implementation, to recommendatory circulars approved by the Organization as compared to requirements contained in IMO mandatory instruments. The full text of the statement of the delegation of the Russian Federation is set out in annex 11.

## **PROVISION OF A DECISION-SUPPORT TOOL FOR PSCOs**

6.33 The Sub-Committee considered the following three options proposed in document III1/6/4 (Secretariat), none of which addressed maintenance costs at the current stage:

- .1 Option 1: independent systems according to each PSC regime, such as EMSA RuleCheck and Mediterranean MoU MedRules. Each PSC regime had its own system with four main functions. The checklist for PSCOs would be developed based on deficiencies recorded by each PSC regime and could be linked to the internal reporting system of each regime. Also, with this option it was possible to provide the most user-friendly interfaces among the three options.
- .2 Option 2: a combined system so that PSC regimes could share one database. The four main functions including a checklist for each PSC regime was the same as option 1, but the checklist link to the internal reporting system of each PSC regime could be done by separate development. The benefit of option 2 was to share the development costs with each PSC regime by integrating a combined system excluding the checklist link function.
- .3 Option 3: the most economical way to develop a decision-support tool which could be used by all PSC regimes. This option could provide three main functions and maintain a checklist based on resolution A.1053(27). The checklist link to the internal reporting system would not be possible in this option.

The Sub-Committee agreed, while raising concerns regarding the cost for developing and updating a decision-support tool, that the best solution to fund the tool should be considered on a regional and global scale, and that option two was the most suitable approach to develop such a tool.

## **7 PSC GUIDELINES ON SEAFARERS' HOURS OF REST AND PSC GUIDELINES IN RELATION TO THE MARITIME LABOUR CONVENTION, 2006**

### **Maritime Labour Convention (MLC), 2006**

7.1 The Sub-Committee noted that the Maritime Labour Convention, 2006 (MLC 2006), had been ratified by 54 ILO Member States as of 1 May 2014 and that the ILO MLC 2006 database, as reported by the ILO secretariat, was under development accordingly.

7.2 Having been advised that the sixth IMO Workshop for PSC MoU/Agreement Secretaries and Database Managers had unanimously supported the potential simplification and facilitation of the implementation of PSC activities in relation to MLC 2006, through a single-window reporting system on the basis of the integrated use of GISIS, the Sub-Committee recommended to the secretariats of the two organizations to progress the matter further in order to ensure that the reporting requirements contained in MLC 2006 could be integrated through the use of GISIS facilities.

### **Implementation of the 2010 Manila Amendments**

7.3 The Sub-Committee, having recalled that FSI 20 had prepared draft guidelines for PSCOs on certification of seafarers' rest hours (FSI 20/WP.5, annex 2) and had agreed to conduct a more detailed technical review, other than editorial, of the draft guidelines at a future session, considered the information contained in document III 1/7 (Secretariat).



7.4 Having agreed to the need to finalize the draft PSC guidelines on seafarers' hours of rest at the current session, in order to provide guidance for a harmonized approach on PSC inspections in compliance with SOLAS regulation V/14.2 and regulation I/4 of the STCW Convention, the Sub-Committee agreed to instruct the working group to be established under agenda item 8 to conduct a more detailed technical review of the draft guidelines for referral to the HTW Sub-Committee and MSC, as appropriate.

#### **Report of the working group**

7.5 Having considered the report of the Working Group on Harmonization of PSC Activities (III 1/WP.4, part II), the Sub-Committee agreed to the draft MSC circular on *Guidelines for port State control officers on certification of seafarers' rest hours based on the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended, and manning requirements from the flag State*, as set out in annex 5, for referral to the HTW Sub-Committee for review, in general and, in particular, of paragraphs 6.2.24, 6.2.26, 6.4.2.2, 7.2.7, 7.3.2.4 and 7.3.2.14 containing some text within square brackets, and MSC for approval.

### **8 DEVELOPMENT OF GUIDELINES ON PORT STATE CONTROL UNDER THE 2004 BWM CONVENTION**

8.1 The Sub-Committee noted that, since FSI 21, four more States (Germany, the Republic of the Congo, Switzerland and Tonga) had acceded to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (BWM Convention), which brought the number of Contracting Governments to 40, representing 30.25% of the world merchant fleet tonnage. The Sub-Committee urged other Member States to ratify the Convention at the earliest possible opportunity.

8.2 The Sub-Committee recalled that MEPC 52 had instructed the FSI Sub-Committee to develop guidelines on port State control under the 2004 BWM Convention and that FSI 21 had agreed to the establishment of the Correspondence Group on the Guidelines for port State control inspection for compliance with the BWM Convention, with a view to finalization of the guidelines at its next session, recognizing the need to do so as a matter of urgency.

8.3 The outcome of MEPC 65 and MEPC 66 on ballast water management issues was reported in document III 1/2 (Secretariat). The Sub-Committee recalled that MEPC 65 had approved the terms of reference for the above-mentioned correspondence group and had requested the Sub-Committee to take document MEPC 65/2/17 (WWF) into consideration when developing the guidelines.

#### **Report of the correspondence group**

8.4 The Sub-Committee considered document III 1/8 (Canada) containing the report of the Correspondence Group on the Guidelines for port State control inspection for compliance with the BWM Convention, including the draft guidelines for port State control inspection for compliance with the BWM Convention, as set out in annex 1 to the document.

8.5 In that context, the Sub-Committee also considered document III 1/8/1 (Japan et al.), containing specific comments on the report of the correspondence group and its annexes. The Sub-Committee also considered document III 1/8/2 (ICS), commenting on document III 1/8 and informing the Sub-Committee of the intention of ICS to make a substantive submission to MEPC 67 discussing the shipping industry's main concerns regarding the implementation of the BWM Convention.

8.6 In the ensuing discussion, the Sub-Committee noted that the draft guidelines for port State control inspection for compliance with the BWM Convention contained a number of outstanding issues; for example, related to a four-stage inspection approach, sampling, Type Approval Certificates and the use of indicative analysis for determining compliance, which would need further consideration in the working group to be established under the current agenda item.

8.7 The Sub-Committee recognized that some of those outstanding issues were of either a conceptual or scientific nature and may be beyond the capacity of the above-mentioned working group to agree on. Consequently, the Sub-Committee agreed that the working group could avoid such matters, and, instead, should focus on the port State control elements of the draft guidelines.

### **Establishment of the working group**

8.8 Having considered the above matters and recalling the outcome of its consideration of matters under agenda items 6 and 7, the Sub-Committee established the Working Group on Harmonization of Port State Control Activities and instructed it, taking into account comments, proposals and decisions made in plenary, in particular after consideration of document III 1/6/8 (China) (see paragraph 6.3), to:

- .1 finalize the *guidelines for port State control inspection for compliance with the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004*, using the text in document III 1/8 (Canada) as the basis and taking into account documents III 1/8/1 (Japan et al.), III 1/8/2 (ICS) and MEPC 65/2/17 (WWF);
- .2 draft *guidelines for port State control officers related to the ISM Code*, using annex 1 to document FSI 20/WP.5 as the basis and taking into account comments contained in document FSI 20/6/9 (IACS), for potential referral to the HTW Sub-Committee and the Committees, as appropriate;
- .3 draft *guidelines for port State control officers on certification of seafarers' rest hours based on the relevant provisions of the 1978 STCW Convention, as amended*, and manning requirements from the flag State, for referral to the HTW Sub-Committee and MSC, as appropriate, using annex 2 to document FSI 20/WP.5 as the basis;
- .4 while reviewing the procedure and format for submitting CIC-related data to the Sub-Committee, as appropriate, review the results of CICs submitted by PSC regimes in order to streamline the information contained therein for easier consideration by relevant IMO bodies, as appropriate;
- .5 consider if there are any additions or amendments required to FAL.5/Circ.39 on *Interim guidelines for use of printed versions of electronic certificates*, taking into account the views expressed in plenary that some port State control authorities did not seem to follow the guidelines agreed by IMO;
- .6 seek a pragmatic way to encourage PSC regimes to implement STCW.7/Circ.21 on *Advice for port State control officers, recognized organizations and recognized security organizations on action to be taken in cases where seafarers do not carry certification required in accordance with regulation VI/6 of the STCW Convention and section A-VI/6, paragraphs 4 and 6, of the STCW Code after 1 January 2014* and STCW.7/Circ.22 on *Advice for port State control officers, recognized*

*organizations and recognized security organizations clarifying training and certification requirements for ship security officers and seafarers with designated security duties, taking into account concerns raised in plenary that some ships had been classified substandard in spite of the two circulars;*

- .7 review information contained in document III 1/6/4 and consider the role of IMO to provide PSCOs with a decision-support tool; and
- .8 develop draft terms of reference for the Correspondence Group on Harmonization of Port State Control Activities, as appropriate.

### **Report of the Working Group on Harmonization of Port State Control Activities**

8.9 The Sub-Committee considered part I of the report of the Working Group on Harmonization of Port State Control Activities (III 1/WP.4), dealing exclusively with the draft guidelines for port State control under the BWM Convention. The Sub-Committee approved the report in general, and several delegations expressed their appreciation for the successful finalization of the draft guidelines for port State control under the BWM Convention in the spirit of consensus and cooperation.

8.10 The delegation of Spain could not support the draft guidelines owing to the principle of the four-stage inspection approach and its relation to article 9 of the BWM Convention. The delegation of China expressed concern with regard to paragraph 2.2.2 of the draft guidelines, and the ability of PSCOs to determine whether ballast water management systems were used in accordance with any limiting conditions on the Type Approval Certificate.

8.11 The delegation of Japan emphasized the importance of further discussion with regard to sampling and indicative analysis at MEPC 67 and made the statement given in annex 11. The Sub-Committee requested the Secretariat to duly reflect the considerations of the working group in that regard, including the text set out in paragraph 8 of document III 1/WP.4, when reporting on the outcome of III 1 to MEPC.

8.12 The Sub-Committee agreed to the draft *Guidelines for port State control under the BWM Convention*, with minor changes to paragraphs 2.2.1.6, 2.2.2 and 2.5.6, as set out in annex 6, and agreed to submit them to MEPC 67 for consideration with a view to adoption by means of a resolution, and requested the Secretariat to draft the covering MEPC resolution.

8.13 The Sub-Committee invited MEPC 67 to decide on how to address matters related to sampling and indicative analysis, in particular whether indicative analysis could be used for verifying compliance or non-compliance and how to address annex 2 of document III 1/8.

8.14 The Committee also invited MEPC 67 to keep the *Guidelines for port State control under the BWM Convention* under review following the trial period associated with the guidance in BWM.2/Circ.42.

## **9 COMPREHENSIVE ANALYSIS OF DIFFICULTIES ENCOUNTERED IN THE IMPLEMENTATION OF IMO INSTRUMENTS**

### **REVIEW OF CONSOLIDATED AUDIT SUMMARY REPORTS**

9.1 The Sub-Committee recalled that MEPC 61 and MSC 88, having noted the views of the FSI Sub-Committee on how it should carry out the analysis of consolidated audit summary reports (CASRs) and advise the Council accordingly, had endorsed the decisions

of FSI 18, proposing to continue current analysis for future CASRs, as well as analysis of the root causes of the findings after a more substantial number of audits had been carried out, in order to make recommendations on all relevant matters.

9.2 Having also recalled that FSI 20 had requested the Secretariat to continue the analysis of future CASRs, if referred to it, the Sub-Committee was advised that A 28 had noted the information provided in document A 28/9/1, containing the seventh consolidated audit summary report set out in the annex, and, following consideration of the outcome of A 28 on the matter by MEPC 66 and MSC 93, the Sub-Committee was requested to carry out that task and to report as appropriate.

#### **ANALYSIS OF THE FINDINGS FROM AUDITS**

9.3 The Sub-Committee considered documents III 1/9 and III 1/INF.23 (Secretariat), containing the analysis of the information contained in seven CASRs, based on the outcome of 59 audits, which had resulted in 550 findings (201 non-conformities and 349 observations) with references to conventions' requirements, where applicable, and 356 root causes reported by the audited Member States. The information presented covered audits of 52 Member States (equating to about 31% of the membership of the Organization), two Associate Members and five dependent territories and might vary as more audits were conducted. In terms of coverage of the world fleet, 92.8% of the gross tonnage of the world fleet belonged to the audited Member States and Associate Members, the audit reports of which had been included in the seven CASRs issued so far.

9.4 The distribution of the number of findings (non-conformities and observations) in the three reviews was stable among the four parts of the III Code. According to the three reviews of CASRs, however, the average number of findings per audit was on the increase for all parts of the Code, while the highest number of findings had been issued in relation to the flag State responsibilities. That increase could be attributed to the fact that the pool of audited States was becoming more diverse than at the commencement of audits. Also, audit teams were becoming more consistent in their coverage of the scope of the audit.

9.5 The results of the analysis revealed that audit findings (non-conformities and observations) were predominantly related to common areas and flag State issues. Most of the findings had been found in the subgroups on implementation on the part on flag States, delegation of authority, initial actions (legislation) and flag State surveyors. A further detailed analysis of those areas revealed which requirements had not been implemented.

9.6 The analysis of the distribution of non-conformities for each mandatory IMO instrument in each review showed a rising trend in non-conformities related to SOLAS 1974, STCW 1978 and Tonnage 1969 across audits included in the three reviews, both in absolute number as well as in the number of non-conformities issued per audit. The highest number of non-conformities was related to SOLAS 1974 and MARPOL. Moreover, the detailed analysis of non-conformities indicated that 58% of the references to the mandatory IMO instruments were related to communication of information and reporting. Those two recurring areas of findings were indicative of the requirements that were contained in almost all of the mandatory IMO instruments and the implementation of which was problematic.

9.7 The analysis of 33 audits containing root causes revealed that the main underlying causes, as reported by the audited Member States, were related to absence/lack of procedure/process/mechanism, absence/lack of national provisions, insufficient resources, lack of coordination among various entities, and absence/lack of training programmes.

#### **ESTABLISHMENT OF THE WORKING GROUP**

9.8 The Sub-Committee established the Working Group on the Review of the audit findings identified through the analysing process, and instructed the group, taking into account the decisions and proposals made in plenary, to:

- .1 determine whether the findings presented in documents III 1/9 and III 1/INF.23, based on the number of audit reports available so far, were representative enough to draw conclusions;
- .2 review the analysis of recurrent areas of findings presented in documents III 1/9 and III 1/INF.23, which were indicative of common difficulties that Member States encountered in implementing the mandatory IMO instruments and the audit standard, with the associated references to the requirements of the mandatory IMO instruments and the audit standard, in order to establish the main areas that lacked effectiveness in implementation and enforcement of mandatory IMO instruments and the Code for Implementation;
- .3 review the analysis of underlying causes, as identified by audited Member States, in order to establish reasons for the shortfall in the effective implementation and enforcement of mandatory IMO instruments and the Code for Implementation as the audit standard;
- .4 based on the outcome of consideration under .2 and .3 above, determine any need to further assist Member States in the execution of their obligations and responsibilities under the mandatory instruments, which could be considered under the Organization's technical cooperation programme;
- .5 based on recurrent findings from audits, determine if any specific requirement of the relevant IMO instruments could be identified that might need to be reviewed to establish whether they were implementable; and
- .6 consider the methodology used for analysing audit results as presented in the two documents and confirm whether the methodology is adequate.

#### **REPORT OF THE WORKING GROUP**

9.9 Having approved the report of the Working Group on the Review of the audit findings identified through the analysing process (III 1/WP.5), in general, the Sub-Committee took decisions as reflected in the following paragraphs.

#### **Evaluation of data set**

9.10 The Sub-Committee noted the view of the group that the data set accumulated from 59 audits and presented in documents III 1/9 and III 1/INF.23 was representative enough to draw conclusions, but that the level of detail presented in the current analysis made it difficult to draw such conclusions.

### **Effectiveness of implementation and enforcement of relevant IMO instruments and audit standard**

9.11 Having noted the comments of the group in relation to the analysis of recurrent areas of findings, as contained in documents III 1/9 and III 1/INF.23, with the associated references to the requirements of the mandatory IMO instruments and the audit standard, which were indicative of common difficulties that Member States encountered in implementing the mandatory IMO instruments and the audit standard, the Sub-Committee agreed to report to the Committees that the five major areas of recurrent findings in audits, established by the sections of the Code for Implementation, were related to flag State surveyors, delegation of authority, initial actions (legislation), communication of information and implementation (flag States), for consideration and action, as appropriate.

### **Reasons for the shortfall in effective implementation and enforcement of relevant IMO instruments and the audit standard**

9.12 Having noted the comments of the group in relation to root causes, as presented in figure 34 of document III 1/INF.23, the Sub-Committee agreed that all of those underlying causes, as identified by audited Member States, should be reported to the Committees for consideration and action, as appropriate, as they were indicative of the reasons for the shortfall in the effective implementation and enforcement of mandatory IMO instruments and the audit standard. They included absence/lack of procedure/process/mechanism, absence/lack of national provisions, insufficient resources, lack of coordination among various entities, absence/lack of training programmes, prolonged legislation process, responsibilities of entity/person not assigned, and absence of dedicated units.

9.13 Having also noted the comments of the group that, in some instances, root causes as presented by Member States might not reflect the actual root cause, the Sub-Committee invited Member States and audit teams to pay more attention when identifying and reviewing root causes, respectively, as they constituted key information for the analysis of audit results and for targeting any assistance from the Organization.

### **Assistance to Member States in the execution of their obligations and responsibilities under relevant IMO instruments and the audit standard**

9.14 The Sub-Committee agreed to invite the Committees to consider, as appropriate, the proposal to request the Technical Cooperation Committee to review current technical assistance activities in order to establish whether they adequately covered the major areas of recurrent findings in audits and/or to develop any new technical assistance programmes that would provide more specific support to Member States in their implementation and enforcement of the requirements of the mandatory IMO instruments and the audit standard in those areas. In that context, the Sub-Committee also agreed that such a review would at the current stage be necessary at least for the areas of delegation of authority, including establishment of necessary oversight programmes of recognized organizations (ROs), in accordance with the new guidelines provided in the RO Code and the conclusion of agreements between the Administration and ROs, as well as for the area of flag State surveyors, including training programmes for improving and continuous updating of the knowledge of flag State surveyors.

9.15 In its consideration of other possible mechanisms that could be used to assist Member States in the improvement of their performance, the Sub-Committee encouraged Member States that had experience in implementing corrective actions for the purposes of addressing certain areas of findings to present their experience at IMO in order to share relevant information, and recommended the exploration of other possible means to facilitate

information management, such as means to facilitate mandatory reporting from Member States by sharing experience, examples of procedures, policies, best practices, etc., while requesting the Secretariat to identify any means, as far as practicable, to facilitate such a process.

### **Information for the regulatory process of the Organization**

9.16 In relation to the identification of any specific requirements of the relevant IMO instruments that might need to be reviewed to determine whether they were implementable, the Sub-Committee noted the views of the group that a more detailed presentation of the main recurrent findings would be necessary in future reviews.

9.17 The above-mentioned additional information should include convention references for the most recurrent findings only, root causes at the level of such findings, as well as information on related issues that could be identified from the CASRs, such as the area of authorization of ROs under SOLAS 1974, where the nature of actual findings could be missing agreements, missing instructions to ROs, etc. Based on such data, specific requirements of the relevant IMO instruments that might need to be reviewed to determine whether they were implementable could be identified with the clear understanding that there were issues with the requirements themselves that caused problems with their implementation.

### **Methodology for review of CASRs**

9.18 The Sub-Committee endorsed the proposals of the group in relation to the methodology for analysing audit results, including that the presentation and the analysis of findings should contain more detailed information for future reviews, elaborating on any subgroups of certain findings, including references to mandatory instruments and with related underlying causes, so that clear understanding could be reached on all issues involved in implementation and/or enforcement of a related requirement.

9.19 In that context, the Sub-Committee agreed that the future presentation of findings should be organized in such a way as to indicate any trends over the subsequent reviews of CASRs. The means to incorporate necessary basic data could be considered by the Secretariat in the process of developing the new GISIS module that would be prepared for the mandatory Audit Scheme, to facilitate the review of CASRs in the future. The difficulties in implementation, derived from the audit findings, could either be evidence that the measures and processes applied by a Member State were not effective, or they could reveal a general problem that a particular regulation was difficult to implement.

9.20 As a result of the future review and analysis of detailed findings/references to instruments/root causes, the Sub-Committee also agreed that the following ways to improve implementation could be envisaged:

- .1 the implementation by a Member State of a corrective action plan addressing the audit findings might be carried out without assistance from the Organization or other Member States;
- .2 the implementation of corrective actions might require assistance from the Organization by means of a technical cooperation programme;
- .3 the findings may reveal that there was a general difficulty in implementation and the requirement itself might be proposed for review by the relevant body; and

- .4 some of the findings might go beyond the remit of the Organization, such as issues related to the legal systems in Member States.

9.21 The Sub-Committee concurred with the group that, in the future, the conclusions drawn from the review and analysis of CASRs should be based not only on the most frequent findings, but also on the most relevant findings in terms of their impact or risk for maritime safety and environmental protection. Further proposals on how to approach that analysis would be discussed at a future session, after the above-mentioned changes to improve the methodology were put in place.

9.22 Having recognized that the present methodology had been tested on a limited sample of findings related to delegation of authority, the Sub-Committee agreed that the same exercise should be completed for the full set of data, once the eighth CASR became available for analysis. The proposed set of data, to be made available in connection to each finding for more detailed analysis in the future, should include the following: part of the relevant Code, section of the relevant Code, subsection of the relevant Code, relevant Code reference, mandatory instrument, instrument reference, area of instrument, root cause, remarks (related to the root cause and inserted by the audit team or the Secretariat in the process of verification of corrective action plan), CASR number, paragraph number of the CASR and classification of the finding (NC/OB).

9.23 In order to assist the Secretariat in the analysis of future CASRs using such an enhanced methodology, which presented a greater burden on the limited resources of the Secretariat, the Sub-Committee noted the group's recommendation that a correspondence group or other mechanism might need to be considered in the future.

9.24 The Sub-Committee requested the Secretariat to continue the analysis of future CASRs using the new elements of the methodology, with a view to making substantial recommendations for consideration by the Committees ahead of the institutionalization of the Audit Scheme, in particular on capacity-building or technical assistance and on the recurrent areas of findings.

#### **ASSIGNMENT OF MULTIPLE LOAD LINES AND CERTIFICATES OF LOAD LINES**

9.25 The Committee had for its consideration the following two documents:

- .1 III 1/9/2 (India), informing that, for operational reasons, certain ships needed to be issued with more than one Load Line (LL) Certificate and, therefore, proposing draft guidelines for the assignment of multiple load lines for ships, based on the practice of India; and
- .2 III 1/9/3 (India), proposing to amend the 1988 LL Protocol by the addition of a statement to the LL Certificate so that, like under other IMO instruments, the status of exemptions (i.e. whether granted or not) was indicated on the LL Certificate.

9.26 Following a lengthy discussion on the issue of more than one LL Certificate raised in document III 1/9/2, the Sub-Committee noted the benefit of addressing practical difficulties faced by the industry, while at the same time being cognizant that the provisions of the LL Convention did not address the issue.

9.27 In that context, the Sub-Committee decided that the issue could not be addressed by means of a unified interpretation and would require more consideration, if an amendment to the 1988 LL Protocol were required. The Sub-Committee therefore invited the delegation of India and supporting delegations to raise the matter at MSC, as appropriate.



9.28 With regard to the proposal to amend the 1988 LL Protocol by the addition of a statement to the LL Certificate, as proposed in document III 1/9/3, the Sub-Committee, on the grounds of the nature of the proposal in relation to a mandatory instrument, invited the delegation of India to submit it to MSC for consideration as a new output.

#### **VOLUNTARY IMO MEMBER STATE AUDIT SCHEME PREPARATION**

9.29 After consideration of document III 1/9/1 (Tunisia), the Sub-Committee noted, with thanks, the information provided by Tunisia on its preparation and participation in the Voluntary IMO Member State Audit Scheme and the experience gained from the audit conducted in October 2013.

### **10 REVIEW AND UPDATE OF THE SURVEY GUIDELINES UNDER THE HARMONIZED SYSTEM OF SURVEY AND CERTIFICATION (HSSC) AND THE NON-EXHAUSTIVE LIST OF OBLIGATIONS UNDER INSTRUMENTS RELEVANT TO THE IMO INSTRUMENTS IMPLEMENTATION CODE (III CODE)**

#### **Intermediate and renewal survey windows**

10.1 The Sub-Committee was advised that MSC 92 had taken a policy decision to align the survey regime for ships not subject to the Enhanced Survey Programme of Inspections of Bulk Carriers and Oil Tankers (non-ESP ships) with that of ships subject to it (ESP ships), as proposed in document MSC 92/12/2 (Liberia et al.). MSC 92 had instructed the Sub-Committee to prepare all relevant material for expeditious implementation of the above-mentioned alignment on the basis of the proposal, while addressing fully the concerns raised about the potentially adverse effect of the extended period of renewal surveys on annually-based survey items.

10.2 Following discussion, the Sub-Committee referred the matter to the drafting group to be established under the current agenda item for consideration, bearing in mind that any changes to the existing arrangements might require the development of draft amendments to SOLAS chapter XI-1 regarding intermediate surveys and to the *Survey Guidelines under the HSSC* for renewal and intermediate surveys, taking into account the risk of potential conflict with provisions such as SOLAS regulation I/10(a)(iii), and that the interim guidance contained in MSC.1/Circ.1483 on *Interim guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments* should be used when developing amendments.

#### **Exemption of survey and certification requirements under the MARPOL Convention for unmanned and non-self-propelled barges**

10.3 The Sub-Committee was advised that MEPC 64 had referred document MEPC 64/7/6 (Republic of Korea) to the Sub-Committee for further consideration with a view to defining when unmanned and non-self-propelled barges could be exempted from survey and certification requirements under a specific MARPOL annex.

10.4 The Sub-Committee recalled that FSI 21 had considered the issue of exemption of unmanned and non-self-propelled barges from survey and certification requirements under the MARPOL Convention and had decided to task the Correspondence Group on the Review and Update of the *Survey Guidelines under the HSSC* and the *Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)* to address this issue.

10.5 The Sub-Committee considered the relevant part of document III 1/10 containing the report of the above-mentioned correspondence group which included a draft MEPC circular on *Guidelines for exemption of the survey and certification requirements under the MARPOL Convention for unmanned and non-self-propelled barges*.

10.6 In the ensuing discussion, those who spoke generally supported the draft guidelines; however, the following concerns were raised:

- .1 that there was no legal basis and ground in MARPOL Annexes I, IV and VI that would allow such an exemption from requirements of survey and certification; and
- .2 that the use of the term "installed" might allow a barge to carry some provisional equipment which might generate oil residues or gas emissions.

10.7 Having noted that MARPOL Annexes I, IV and VI did not have specific provisions to allow an exemption from survey and certification requirements, although MARPOL Annexes I and VI did contain some regulations dealing with exemptions while MARPOL Annex IV did not contain any regulation on exemptions, the Sub-Committee invited MEPC 67, in the context of the draft guidelines to be developed, to consider if it was necessary to develop amendments to MARPOL Annexes I, IV and VI or relevant unified interpretations, as appropriate, to allow the exemption of unmanned and non-self-propelled barges from survey and certification requirements.

10.8 The Sub-Committee referred the consideration of the relevant part of the report, including the draft MEPC circular, to the drafting group to be established under the current agenda item for detailed review with a view to finalization at the current session.

#### **Amendments to the Survey Guidelines under HSSC**

10.9 The Sub-Committee was advised that A 28 had adopted resolution A.1076(28) on *Amendments to the Survey Guidelines under the Harmonized System of Survey and Certification, 2011*, which included amendments to relevant IMO regulations that had entered into force up to and including 31 December 2013. The Assembly, in the context of the resolution, requested MSC and MEPC to keep the *Survey Guidelines under the HSSC* updated.

10.10 The Sub-Committee was also advised that MEPC 65 and MSC 92, in noting that SLF 55 had prepared draft amendments to the *Survey Guidelines under the HSSC* concerning amendments to MARPOL Annex I, the BCH Code and the IBC Code on mandatory carriage requirements for stability instruments on board tankers, as set out in annex 9 of document SLF 55/17, had agreed to refer the text to the Sub-Committee for inclusion in the appropriate revision of the *Survey Guidelines under the HSSC*, once the associated amendments to mandatory instruments had entered into force.

10.11 The Sub-Committee was also advised that MEPC 66 had adopted amendments to MARPOL Annex I, the BCH Code and the IBC Code on mandatory carriage requirements for stability instruments on board tankers by resolutions MEPC.248(66), MEPC.249(66) and MEPC.250(66) and that MSC 93 had adopted amendments to the BCH Code and IBC Code by resolutions MSC.376(93) and MSC.369(93).

10.12 The Sub-Committee was further advised that, as instructed, the Secretariat had prepared the *2013 Consolidated Version of the Survey Guidelines under the Harmonized System of Survey and Certification, 2011*, containing the amendments to the guidelines

adopted by resolution A.1076 (28), which was available on IMODOCS in the section "Meeting documents/Others/HSSC Guidelines".

10.13 The Sub-Committee recalled that FSI 21 had established a Correspondence Group on the Review and Update of the *Survey Guidelines under the HSSC* and the *Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)* to continue to update the *Survey Guidelines under the HSSC*.

10.14 Having noted that the above-mentioned amendments to MARPOL Annex I, the BCH Code and the IBC Code on mandatory carriage requirements for stability instruments on board tankers were expected to enter into force on 1 January 2016, and should not, therefore, be included in the next version of the *Survey Guidelines under the HSSC*, the Sub-Committee agreed that the inclusion of the amendments set out in annex 9 of document SLF 55/17 might be referred to a correspondence group to be established at the next session.

10.15 The Sub-Committee considered the relevant part of the report of the correspondence group (III 1/10), containing proposed amendments to the *Survey Guidelines under the HSSC, 2011*, as amended by resolution A.1076(28), deriving from the amendments to the relevant mandatory IMO instruments that would enter into force up to and including 1 January 2015.

10.16 The Sub-Committee also had for its consideration the following documents:

- .1 III 1/10/3 (IACS), providing, in its annex, the latest version of IACS UI GC 12 relating to secondary barrier testing requirements and proposing draft amendments to item (GI) 2.1.2.10 of the *Survey Guidelines under the HSSC*;
- .2 III 1/10/4 (IACS), proposing to amend section 4.8 of the *Survey Guidelines under the HSSC* in relation to the treatment of major and minor deficiencies found during a survey; and
- .3 III 1/10/1 and III 1/INF.4 and Add.1 (Secretariat), containing a list of new and outstanding requirements, which had been adopted since FSI 21.

10.17 A number of delegations expressed concerns at paragraph 4.8.3 of the proposed amendments contained in the annex to document III 1/10/4 and were of the view that the proposal could, in effect, change the definition of "minor deficiency" to anything that was not detainable and that those deficiencies would not be visible on the statutory certificates – for example, to PSC – together with any imposed operational limitations or due dates. They also stressed that a statutory deficiency related to a statutory certificate could not be treated as a condition of class.

10.18 In the same context, the proposal to establish a framework dealing with major and minor deficiencies, including providing clarity on how to report to Administrations and how to proceed with deficiencies of a different nature, on the basis of common practice, received some support.

10.19 The Sub-Committee acknowledged that there was a practical need for guidance to deal with deficiencies in a transparent way and achieved consensus on the text of the proposed paragraphs 4.8.1 and 4.8.2 in the annex to document III 1/10/4. Furthermore, the Sub-Committee agreed to task the drafting group to be established to develop terms of reference for a correspondence group to consider further the proposed paragraph 4.8.3.

10.20 Following the discussion, the Sub-Committee referred the relevant part of the report of the correspondence group (III 1/10), together with documents III 1/10/3, III 1/10/4, III 1/10/1 and III 1/INF.4 and Add.1, to the above-mentioned drafting group for consideration, with a view to developing further amendments to the *Survey Guidelines under the HSSC, 2011* (resolution A.1053(27)), as amended by resolution A.1076(28), bearing in mind that the proposed amendments to the *Survey Guidelines under the HSSC, 2011*, as amended, were scheduled to be finalized at the next session.

#### **Amendments to the *Non-exhaustive list of obligations***

10.21 The Sub-Committee was advised that A 28 had adopted resolution A.1077(28) on the *2013 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code*, which included amendments to relevant mandatory IMO instruments entering into force up to and including 1 July 2014. The annex to resolution A.1077(28) contained solely the updated versions of annexes to the revoked Code for the Implementation of Mandatory IMO Instruments, 2011 (resolution A.1054(27)), while the main body of the Code was now replaced by the IMO Instruments Implementation Code (III Code) (resolution A.1070(28)).

10.22 Having recalled that FSI 21 had established a Correspondence Group on the Review and Update of the *Survey Guidelines under the HSSC* and the *Non-exhaustive list of obligations under instruments relevant to the III Code* to update the *2013 Non-exhaustive list of obligations under instruments relevant to the III Code*, the Sub-Committee considered the relevant part of the report of the correspondence group (III 1/10), containing proposed amendments to the above-mentioned *Non-exhaustive list of obligations*, taking into account the new provisions, entering into force up to and including 1 July 2016.

10.23 Following discussion, the Sub-Committee concurred with the group's decision that an item relevant to paragraph 7.1.1 of part 3 of the Code for Recognized Organizations (RO Code), as adopted by resolutions MEPC.237(65) and MSC.349(92), should be added to annex 2 of the *Non-exhaustive list of obligations* as a specific flag State obligation, taking into account relevant mandatory requirements of the III Code.

10.24 The Sub-Committee also considered documents III 1/10/2 and III 1/INF.5 and Add.1 (Secretariat), containing a list of provisions that could be considered in amending the *Non-exhaustive list of obligations*. The list of provisions was derived from relevant amendments to mandatory instruments, which had been adopted since FSI 21.

10.25 The Sub-Committee referred the proposed amendments to the *2013 Non-exhaustive list of obligations under instruments relevant to the IMO instruments implementation Code* (resolution A.1077(28)), as contained in document III 1/10, together with documents III 1/10/2 and III 1/INF.5 and Add.1, to the drafting group for consideration of appropriate amendments, bearing in mind that the proposed amendments to the *2013 Non-exhaustive list of obligations* were scheduled to be finalized at the next session.

#### **Establishment of the drafting group**

10.26 The Sub-Committee established the Drafting Group on the Review of the *Survey Guidelines under the HSSC* and *Non-exhaustive list of obligations* and instructed the group, taking into account the decisions and proposals made in plenary, with items .2, .3, .4, .7 and .10 as priorities at the current session, to:

- .1 consider the proposals contained in document MSC 92/12/2, bearing in mind that any changes to the existing arrangements might require the development of draft amendments to SOLAS chapter XI-1 regarding

- intermediate surveys and to the *Survey Guidelines under the HSSC* for renewal and intermediate surveys, taking into account the risk of potential conflict with provisions such as SOLAS regulation I/10(a)(iii);
- .2 consider the relevant part of the report of the correspondence group including the draft MEPC circular on *Guidelines for exemption of the survey and certification requirements under MARPOL for unmanned and non-self-propelled barges*, as contained in document III 1/10, with a view to finalizing the draft guidelines at the current session;
  - .3 consider the proposed amendments to the *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2011*, (resolution A.1053(27)), as amended by resolution A.1076(28), as contained in document III 1/10 (annex 2);
  - .4 consider the proposed amendments to the *Survey Guidelines under the HSSC*, as contained in documents III 1/10/3 and III 1/10/4;
  - .5 continue to develop draft amendments to the *Survey Guidelines under the HSSC, 2011*, as amended, deriving from the amendments to the relevant IMO instruments entering into force up to and including 31 December 2015 (III/INF.4 and Add.1) for finalization at the next session;
  - .6 identify, in documents III 1/10 (annex 3) and III 1/INF.4 and Add.1, items that had not been dealt with so far and that required the development of further amendments to the *Survey Guidelines*, with a view to maintaining the status of the items for future amendments;
  - .7 consider the proposed amendments to the *2013 Non-exhaustive list of obligations under instruments relevant to the IMO instruments implementation Code* (resolution A.1077(28)), as contained in document III 1/10 (annex 4);
  - .8 continue to develop draft amendments to the *Non-exhaustive list of obligations*, deriving from the amendments to the relevant IMO instruments entering into force up to and including 1 July 2016 (III 1/INF.5 and Add.1), for finalization at the next session;
  - .9 identify, in documents III 1/10 (annex 5) and III 1/INF.5 and Add.1, items that had not been dealt with so far and that required the development of further amendments to the *Non-exhaustive list of obligations*, with a view to maintaining the status of the items for future amendments; and
  - .10 advise on the re-establishment of a correspondence group under the current item and prepare draft terms of reference, as appropriate.

### **Report of the drafting group**

10.27 Having approved the report of the Drafting Group on the Review of the *Survey Guidelines under the HSSC* and *Non-exhaustive list of obligations* (III 1/WP.6) in general, the Sub-Committee took decisions as reflected in the following paragraphs.

#### **INTERMEDIATE AND RENEWAL SURVEY WINDOWS**

10.28 The Sub-Committee noted that the group, using the proposal contained in paragraph 12.1 of document MSC 92/12/2 as a basis, had revised the diagram in appendix 2 of the Survey Guidelines for the cargo ship safety construction renewal survey with a related footnote and had prepared a corresponding amendment to the text in section 4.5.1 of the Survey Guidelines, so that the draft amendments to align the survey windows for the cargo ship safety construction renewal survey were included in the proposed amendments to the Survey Guidelines.

10.29 The Sub-Committee endorsed the group's recommendation that the proposed draft amendment to SOLAS regulation XI-1/2 and the Survey Guidelines, as contained in annex 1 of document III 1/WP.6, to align the survey intervals of the intermediate survey should be further considered.

#### **EXEMPTION OF UNMANNED NON-SELF-PROPELLED BARGES FROM SURVEY AND CERTIFICATION REQUIREMENTS UNDER THE MARPOL CONVENTION**

10.30 Having noted that the group, while considering the draft definition of eligible barges in document III 1/10, had considered the abbreviation "UNSP" for an unmanned non-self-propelled barge, to be more precise, the Sub-Committee endorsed the group's recommendation to keep the term "installed" in the draft guidelines, in paragraph 2.3 on MARPOL Annex I and in paragraph 2.5 on MARPOL Annex VI, after referring to the related regulations of MARPOL Annexes I, IV and VI.

10.31 Consequently, the Sub-Committee agreed to a draft MEPC circular on *Guidelines for exemption of unmanned non-self-propelled barges from the survey and certification requirements under the MARPOL Convention*, as set out in annex 7, for consideration by MEPC 67, with a view to approval.

#### **AMENDMENTS TO THE SURVEY GUIDELINES UNDER THE HSSC**

10.32 The Sub-Committee was informed that the group had considered the proposed amendments to the Survey Guidelines related to secondary barrier testing requirements as contained in document III 1/10/3 and prepared a corresponding amendment to survey item (GI) 2.1.2.10, and had considered the proposed amendments to section 4.8 (items 4.8.1 and 4.8.2) of the Survey Guidelines as contained in document III 1/10/4.

10.33 In that context, the Sub-Committee agreed to the text of draft amendments to the Survey Guidelines, derived from the amendments to the relevant IMO instruments entering into force up to and including 1 January 2015, as contained in annex 3 of document III 1/WP.6.

10.34 The Sub-Committee concurred with the group that the draft amendments to the Survey Guidelines needed to be further developed to include the requirements deriving from amendments to relevant IMO instruments entering into force up to and including 31 December 2015, with a view to submission of draft amendments, together with a draft resolution, to III 2 for consideration prior to submission to A 29 for adoption.

#### **AMENDMENTS TO THE NON-EXHAUSTIVE LIST OF OBLIGATIONS**

10.35 The Sub-Committee noted the progress made to draft amendments to the *2013 Non-exhaustive list of obligations under instruments relevant to the IMO instruments Implementation Code*, which were derived from amendments to the relevant mandatory IMO instruments entering into force up to and including 1 July 2016, as contained in annex 4 of document III 1/WP.6.

10.36 The Sub-Committee agreed that the draft amendments to the *2013 Non-exhaustive list of obligations* needed to be further developed to include the requirements deriving from all amendments to mandatory IMO instruments entering into force up to and including 1 July 2016, with a view to submission of draft amendments, together with a draft resolution, to III 2 for consideration prior to submission to A 29 for adoption.

### **Establishment of the correspondence group**

10.37 The Sub-Committee established the Correspondence Group\* on the Review of the *Survey Guidelines under HSSC* and the *Non-exhaustive list of obligations*, under the following terms of reference:

- .1 consider the proposed text of amendments to SOLAS regulation XI-1/2 and relevant amendments to the Survey Guidelines, as set out in annex 1 of document III 1/WP.6, taking into account the policy decision made by MSC 92 to align the two survey regimes of ships subject to ESP and those not subject to it;
- .2 develop a framework for the control, documentation and certification of ships found with deficiencies other than those mentioned in paragraphs 4.8.1 and 4.8.2 of document III 1/10/4 (IACS);
- .3 continue to develop draft amendments to the *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2011* (resolution A.1053(27)), as amended by resolution A.1076(28), as a result of amendments to the relevant IMO instruments entering into force up to and including 31 December 2015 (III 1/10 (annex 3) and III 1/INF.4 and Add.1), with a view to submission of draft amendments, as finalized at the next session, together with a draft Assembly resolution, to A 29 for adoption;
- .4 identify, in documents III 1/10 (annex 3) and III 1/INF.4 and Add.1, items that had not been dealt with so far and that required the development of further amendments to the Survey Guidelines, with a view to maintaining the items for future amendments;
- .5 continue to develop draft amendments to the *2013 Non-exhaustive list of obligations under instruments relevant to the IMO Instrument Implementation Code* (resolution A.1077(28)), deriving from those amendments to the relevant IMO instruments entering into force up to and including 1 July 2016 (III 1/10 (annex 5) and III 1/INF.5 and Add.1), taking into account the decisions made by the Committees (FSI 20/10/2), with a view to submission of draft amendments, as finalized at the next session, together with a draft Assembly resolution, to A 29 for adoption;

---

\*  
**Coordinator:**  
Mr. Cui Yuwei  
Deputy General Manager  
Survey Department for Ships in Service  
China Classification Society  
Email: [chn\\_hssc@ccs.org.cn](mailto:chn_hssc@ccs.org.cn)  
Tel: 0086 10 5811 2038  
Fax: 0086 10 5811 2807

- .6 identify, in documents III 1/10 (annex 5) and III 1/INF.5 and Add.1, items that had not been dealt with so far, with a view to maintaining the items for future amendment to the *Non-exhaustive list of obligations*; and
- .7 submit a report to III 2.

## 11 CONSIDERATION OF IACS UNIFIED INTERPRETATIONS

11.1 The Sub-Committee considered document III 1/11 (IACS), providing information on IACS Unified Interpretations (MPC 104, LL 78, HSC 9) on the keel-laying date for fibre-reinforced plastic (FRP) craft.

11.2 Following discussion, the Sub-Committee instructed the Drafting Group on the Review of the *Survey Guidelines under the HSSC and Non-exhaustive list of obligations*, established under item 10, to consider information on IACS Unified Interpretations on the keel-laying date for FRP craft, as contained in document III 1/11 (IACS), with a view to developing a draft MSC-MEPC.5 circular.

### Report of the drafting group

11.3 Having considered the report of the Drafting Group on the Review of the *Survey Guidelines under the HSSC and Non-exhaustive list of obligations* (III 1/WP.6), the Sub-Committee agreed to the text of the draft MSC-MEPC.5 circular on *Unified interpretation on keel-laying date for fibre-reinforced plastic (FRP) craft*, as set out in annex 8, for submission to MEPC 67 and MSC 94 for consideration, with a view to approval.

## 12 MEASURES TO PROTECT THE SAFETY OF PERSONS RESCUED AT SEA

12.1 The Sub-Committee recalled that MSC 84, having agreed to include a high-priority item on "Measures to protect the safety of persons rescued at sea" in the work programmes of the Sub-Committee on Radiocommunications and Search and Rescue (COMSAR) and the FSI Sub-Committee, with a target completion date of 2010, had decided, on practical grounds, to request COMSAR, which had now been replaced by the Sub-Committee on Navigation, Communications and Search and Rescue (NCSR), to consider the new item first and then at a later date to progress its work in cooperation with the FSI Sub-Committee so that it would be completed within the agreed time frame.

12.2 The Sub-Committee noted the information provided by the Secretariat that:

- .1 the second formal regional meeting scheduled to be held on 18 April 2013, had been postponed following a request for more time to be given for informal consultations between some Parties concerned;
- .2 on 3 October 2013 a boat carrying migrants from Libya to Italy had sunk off the Italian island of Lampedusa, with 155 survivors and more than 360 deaths, and on 11 October 2013 another boat had sunk within the territorial waters of Malta and at least 34 individuals had later been confirmed dead, leading the IMO Secretariat to reactivate the discussion on the development of a draft regional agreement, and an informal meeting between the Member States involved in previous discussions had been held on 20 November 2013; and
- .3 consequently, two additional meetings had been held, on 11 February 2014 and on 7 April 2014, to progress the work on the development of a draft regional agreement; the second formal regional meeting was expected to be rescheduled in the upcoming months.



12.3 The Sub-Committee also noted the latest developments that had taken place during NCSR 1, as presented orally by the Secretariat. In that context, the Sub-Committee aligned its decision with that taken by NCSR 1 and, recognizing the importance of the issues involved and noting that no progress had been made so far on the above-mentioned regional agreement, agreed to invite the Committees to postpone further consideration of the output during the current biennium and to move it to the post-biennial agenda of the Sub-Committee, with two sessions needed for completion.

### **13 ILLEGAL UNREGULATED AND UNREPORTED (IUU) FISHING AND RELATED MATTERS**

13.1 The Sub-Committee recalled that the second meeting of the Joint IMO/FAO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters (JWG) had been held from 16 to 18 July 2007, at the Headquarters of the Food and Agriculture Organization of the United Nations (FAO) in Rome. The JWG had agreed to maintain the mechanism of the group and had recommended the organization of the third meeting of the JWG, within the subsequent three to five years, depending on the progress made on relevant issues by both organizations.

13.2 The Sub-Committee noted that A 28 had adopted resolution A.1078(28) on the *IMO Ship Identification Number Scheme* and that the scheme now applied on a voluntary basis to fishing vessels of 100 gross tonnage and above, which had been one of the issues considered at the second meeting of the JWG (FSI 16/13).

13.3 The Sub-Committee also noted the information contained in documents III 1/13 (Saint Kitts and Nevis) and III 1/INF.37 (FAO) which was completed orally by a statement made by the FAO representative, as set out in annex 11.

13.4 With respect to the third JWG meeting, the Sub-Committee recommended to MSC and MEPC that it should take place next year at the IMO Headquarters, on the basis of the information contained in document FSI 20/15 (Secretariat) relating to the preparation for the third JWG.

13.5 In the context of potential amendments to the provisional agenda and the composition of the delegations attending the last JWG – Australia, Chile, the Islamic Republic of Iran, Japan, the Philippines, the United States and the European Community (representing FAO), and Argentina, Canada, China, Denmark, the Republic of Korea, Liberia, Norway and Turkey (representing IMO) – the Sub-Committee noted the following comments relating to finalizing the provisional agenda and determining the delegation of Member States representing IMO:

- .1 the observer delegation of ITF recommended that the matter of effective cooperation for the implementation of port State activities under the legal frameworks set up by FAO and IMO, as well as inspections on living and working conditions under the ILO Work in Fishing Convention, 2007 (No.188), should be considered, as appropriate;
- .2 the delegation of Spain referred to possible links between the level of safety on board fishing vessels and IUU fishing practices, as indicated in its statement set out in annex 11;
- .3 the delegation of the United States supported the need to consider strengthening the unique vessel identifier (UVI); and

- .4 the delegation of the Cook Islands was willing to serve on the IMO delegation in order to ensure representation of Small Island Developing States (SIDS), in general, and, in particular, the Pacific Island SIDS.

13.6 Having emphasized the importance of the JWG in the process that had led to the adoption of the Cape Town Agreement of 2012 on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, the Secretary-General explained the context of his intervention at the opening of the FAO Committee on Fisheries, earlier in 2014, in support of a cooperative system within the United Nations. He had then suggested that the third JWG should consider any potential impediments and ways to accelerate the entry into force of the Cape Town Agreement.

13.7 The Sub-Committee urged Member States to deposit an instrument in respect of the Cape Town Agreement of 2012 at their earliest convenience and, having noted the absence of a specific output for future consideration of matters under the current agenda item, recommended to MSC and MEPC that the Sub-Committee should be assigned an appropriate output to address IUU fishing matters at its next session, given that the existing output 1.1.1.1 "Cooperate with the United Nations on matters of mutual interest, as well as provide relevant input/guidance" was considered to be too broad.

## **14 REVIEW OF GENERAL CARGO SHIP SAFETY**

14.1 The Sub-Committee was advised that, with regard to the final recommendations (Risk Control Options (RCOs)) included in the FSA study on General Cargo Ship Safety, MSC 92 had extended the target completion year of the output on "Review of general cargo ship safety" in the work programme of the Sub-Committee to 2014.

14.2 The Sub-Committee was also advised that MSC 93 had considered a proposal by IACS (MSC 93/15/1) to develop more specific procedures as to how the sub-committees should be more clearly tasked to address RCOs referred to them from an FSA study, which had been positively reviewed by the FSA Expert Group and subsequently endorsed by the Committee. MSC 93 had agreed, *inter alia*, that a new procedure should be developed in the form of guidelines for the Committee, with a view to providing the sub-committees with clear instructions on how the endorsed RCOs should be further addressed. In that context, MSC 93 had invited Member Governments and international organizations to submit comments and proposals to MSC 94.

14.3 The Sub-Committee was further advised that MSC 93 had agreed to consider the recommendations and observations in document MSC 93/15/1 (IACS), which provided a comprehensive status report and analysis in order to facilitate a holistic overview of the work that the relevant sub-committees had done in reviewing the RCOs referred by the Committee from the IACS FSA study on General Cargo Ship Safety, at a later stage, based on the new procedure for reviewing the outcomes of FSA studies. Therefore, MSC 93 had agreed to extend the target completion year for the output on "Review of general cargo ship safety" (5.2.1.3) to 2015. In that context, the Sub-Committee invited the Committee to consider whether there was a need to identify a coordinating organ for that output.

### **Extended survey on general cargo ships (RCO19)**

14.4 The Sub-Committee recalled that FSI 21, having briefly noted the possible work involved and that existing survey and inspection regimes should be vigorously implemented, had agreed that further consideration of the matter was required and had invited Member States and international organizations to make relevant submissions to the next session of the Sub-Committee, taking into account the views expressed and that it might be beneficial to, first, verify the effective implementation of the current survey regime.

14.5 Following discussion and anticipating further consideration of document MSC 93/15/1 (IACS) at its next session, the Sub-Committee invited Member States and international organizations to submit their proposals and views on the issue to III 2, bearing in mind that, as agreed by MSC 93, a new procedure for reviewing the outcome of FSA studies should be developed.

#### **Port State control inspector training for general cargo ships (RCO20)**

14.6 The Sub-Committee recalled that FSI 21 had recommended that further consideration of the matter was required and had invited Member States and international organizations, in particular PSC regimes, to make relevant submissions to the next session of the Sub-Committee on the development of such a training course for PSCOs, also taking into account any relevant outcome of CICs that had already been conducted in relation to the topic.

14.7 The Sub-Committee noted the information contained in documents III 1/INF.3 (Paris MoU) and III 1/INF.34 (Caribbean MoU) indicating that the current training of PSCOs with regard to general cargo ship safety was not considered to be deficient, taking into account that PSCOs had a great deal of expertise and experience with general cargo ships, which was an intrinsic element of most PSCO training courses.

14.8 In the ensuing discussion, the Sub-Committee, on the basis of the support expressed by the majority of the delegations that spoke, as well as the clarification provided by IACS that RCO20 was more about sustained and improved knowledge transfer among PSCOs on the inspection of general cargo ships to enhance the safety of such ships and not necessarily about PSCOs training programmes on general cargo ships, invited all other PSC regimes to make use of the information contained in documents III 1/INF.3 and III 1/INF.34 and encouraged them to promote and deliver such knowledge transfers in order to either confirm or achieve the same reported level of expertise.

14.9 In the light of the decision by MSC 93 that a new procedure for reviewing the outcome of FSA studies should be developed, the Sub-Committee was satisfied that it had addressed the issue referred to and expressed appreciation for the information provided in documents III 1/INF.3 and III 1/INF.34. Furthermore, the Sub-Committee noted that it could be further instructed by MSC to consider the matter for improved knowledge transfer in relation to type of ship, which remained an area of concern.

## **15 WORK PROGRAMME AND AGENDA FOR III 2**

### **Outcome of A 28**

15.1 The Sub-Committee noted that the Assembly, at its twenty-eighth session, had approved the *Strategic Plan for the Organization (for the six-year period 2014 to 2019)* (resolution A.1060(28)) and the *High-level Action Plan of the Organization and priorities for the 2014-2015 biennium* (resolution A.1061(28)).

### **Biennial status report and proposed provisional agenda for III 2**

15.2 Taking into account the progress made at the session, the Sub-Committee, replacing work programme items with outputs, prepared the proposed biennial status report of the Sub-Committee for the 2014-2015 biennium and outputs on the Committee's post-biennial agenda that fell under the purview of the Sub-Committee (III 1/WP.2, annex 1), including proposals regarding outputs 2.0.1.2, 6.1.2.2 and 5.2.1.3, and the proposed provisional agenda for III 2 (III 1/WP.2, annex 2), as set out in annexes 9 and 10 respectively, for consideration by MEPC 67 and MSC 94.

### **Correspondence groups established at the session**

15.3 The Sub-Committee established correspondence groups on the following outputs, due to report to III 2:

- .1 analysis of casualty and PSC data to identify trends and develop knowledge- and risk-based recommendations; and
- .2 updated *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) – Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)*.

### **Arrangements for the next session**

15.4 The Sub-Committee expected to establish at its next session working/drafting groups on the following outputs:

- .1 analysis of casualty and PSC data to identify trends and develop knowledge- and risk-based recommendations;
- .2 updated *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) – Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)*;
- .3 harmonization of port State control activities; and
- .4 analysis of consolidated audit summary reports.

The Chairman, taking into account the submissions received, would advise the Sub-Committee well in time for III 2 on the final selection of such groups.

### **Date of next session**

15.5 The Sub-Committee noted that the second session of the Sub-Committee had been tentatively scheduled to take place from 13 to 17 July 2015.

### **Consideration of the outcome of III 2**

15.6 Owing to the above-mentioned tentative schedule of III 2 and bearing in mind that III 2 would be expected to finalize draft Assembly resolutions, the Sub-Committee invited the Committees to authorize the Sub-Committee to report the outcome of its work on matters that would require the adoption of draft Assembly resolutions to A 29 directly.

## **16 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2015**

16.1 In accordance with the Rules of Procedure of the Maritime Safety Committee and the Marine Environment Protection Committee, the Sub-Committee unanimously re-elected Mr. D. Hutchinson (Bahamas) as Chairman and Mrs. J. Gascon (Canada) as Vice-Chairman, respectively, for 2015.

## 17 ANY OTHER BUSINESS

### Formal safety assessment training course

17.1 Having noted the kind offer of IACS, as presented in document III 1/INF.6, to hold a one-day FSA training course on Thursday, 17 July 2014, free of charge, to delegates attending III 1 and to provide the Organization with a complimentary presentation to be uploaded to IMODOCS, the Sub-Committee thanked IACS for its effort in facilitating a wider understanding of the FSA process. As noted by MSC 93 (MSC 93/22, paragraph 15.16), a complimentary copy of the presentation given to the participants could be found on IMODOCS under Meeting Documents/Others at: <https://docs.imo.org/Category.aspx?cid=744>.

### Global Integrated Shipping Information System (GISIS)

17.2 The Sub-Committee noted the information contained in document III 1/INF.35 (Secretariat) that GISIS presently consisted of 25 modules, with a further three under development.

17.3 The Sub-Committee recalled that A 28 had adopted resolution A.1074(28) on *Notification and circulation through the Global Integrated Shipping Information System (GISIS)* and was informed by the Secretariat that, following a decision by MSC 92, direct reporting facilities for Member States had been developed in the module on contact points, to collect and display the details of national Administrations in charge of matters related to continuous synopsis records (CSRs).

17.4 Furthermore, the Sub-Committee was also informed that, in addition to the existing facilities for IMO Members to consult unrestricted data sets on the identification of ships, companies and registered owners in the module on ship and company particulars, the Secretariat had released more limited search capabilities of ship particulars for the public in cooperation with the managers of the two IMO number schemes.

17.5 Having noted the views expressed by some delegations that the information contained in document III 1/INF.35 had also been submitted to MSC and that the Sub-Committee was not currently a body associated with output 4.0.2.1 on "Endorsed proposals for the development, maintenance and enhancement of information systems and related guidance (GISIS, websites, etc.)", the Sub-Committee agreed to retain its consideration of relevant GISIS-related matters and requested the Secretariat to provide information, as appropriate, and to discontinue the preparation of the above-mentioned document which, instead, should simply be referred to.

17.6 With regard to the GISIS module on contact points, the Sub-Committee noted that owing to a significant number of enquiries regarding the provisions of the MSC-MEPC.6 circular on *National contact points for safety and pollution prevention and response*, the Secretariat had made a number of editorial changes to add clarity to those provisions. The updated text was available at the bottom of the IMO homepage under "National Contacts".

17.7 The Sub-Committee viewed a live presentation of the module on reporting requirements, which had been developed as a result of discussions and decisions at FSI 20 and FSI 21 (FSI 20/19, paragraph 3.5.2, and FSI 21/18, paragraph 3.19) on improving GISIS for the recording and notification of reporting requirements. In that context, the Sub-Committee noted that the new module was being released for a trial period during which Member States would be able to check information based on their own reporting, ahead of the audit becoming mandatory, in the form of a dashboard calling their attention to potential modules where their national data might be outstanding, incomplete or require updating. The

Sub-Committee invited Member States to provide feedback on the user-friendliness and functions of the module to the Secretariat prior to its next session, when a more detailed presentation would be made, covering a wider range of modules.

### **Expression of condolences**

17.8 The Chairman and the Assistant Secretary-General expressed the condolences of the Sub-Committee and the Secretary-General and the Secretariat, respectively, to the delegation of Malaysia, following the crash of the Malaysia Airlines flight MH-17 in Ukraine and to the families of its passengers and crew members.

### **Expression of appreciation**

17.9 The Sub-Committee expressed appreciation to the following delegates and members of the Secretariat, who had recently relinquished their duties, retired or been transferred to other duties or were about to do so, for their invaluable contribution to its work and wished them a long and happy retirement or, as the case might be, every success in their new duties:

- Mr. Wai-Kuen LEE (Permanent Representative of Hong Kong, China, to IMO) (on retirement);
- Mr. David Tongue (ICS) (on retirement);
- Ms. C. Caceres (Secretariat) (on retirement);
- Ms. F. Onumonu (Secretariat) (on retirement);
- Ms. Jane Thompson (Secretariat) (on retirement); and
- Ms. T. Zatsepina (Secretariat) (on retirement).

## **18 ACTION REQUESTED OF THE COMMITTEES**

18.1 The Marine Environment Protection Committee, at its sixty-seventh session, was invited to:

- .1 concur, subject to a concurrent decision by MSC, with the outcome of review of the FAL.5/Circ.39 on *Interim guidelines for use of printed versions of electronic certificates* and the request to the Secretariat to inform FAL 39 accordingly (paragraphs 3.9 to 3.11);
- .2 request the Secretariat to issue an annual circular on mandatory reports under MARPOL covering parts 1 a), 1 b), 2 and 4 of the annex to MEPC/Circ.318, starting with 2013 onwards, based on updated data contained in document III 1/4/Rev.1 and the outcome of the current session (paragraph 4.10);
- .3 endorse the recommendations of the Sub-Committee in order to facilitate and encourage reporting on marine safety investigations conducted in accordance with the Casualty Investigation Code (paragraph 5.30);
- .4 decide, subject to a concurrent decision by MSC, whether the draft MSC-MEPC.4 circular on *Guidelines for port State control officers on the ISM Code* should be referred to the HTW Sub-Committee prior to approval, and take action as appropriate (paragraph 6.28 and annex 4);

- .5 consider the draft *Guidelines for port State control under the BWM Convention*, together with the draft MEPC resolution prepared by the Secretariat, with a view to adoption (paragraph 8.12 and annex 6);
- .6 decided on how to address matters related to sampling and indicative analysis, in particular whether indicative analysis could be used for verifying compliance or non-compliance and how to address annex 2 of document III 1/8 (paragraph 8.13);
- .7 keep the *Guidelines for port State control under the BWM Convention* under review following the trial period associated with the guidance in BWM.2/Circ.42 (paragraph 8.14);
- .8 note the five major areas of recurrent findings in audits, established by the sections of the Code for Implementation, for action as appropriate (paragraph 9.11);
- .9 consider the underlying causes, as identified by audited Member States, that were indicative of the reasons for the shortfall in the effective implementation and enforcement of mandatory IMO instruments and the audit standard, for action as appropriate (paragraph 9.12);
- .10 consider the proposal to request the Technical Cooperation Committee to review current technical assistance activities in order to establish whether they adequately covered the major areas of recurrent findings in audits and/or to develop any new technical assistance programmes that would provide more specific support to Member States in their implementation and enforcement of the requirements of the mandatory IMO instruments and the audit standard in those areas (paragraph 9.14);
- .11 consider, in the context of the draft *Guidelines for exemption of the survey and certification requirements under the MARPOL Convention for unmanned and non-self-propelled barges*, if it was necessary to develop amendments to MARPOL Annexes I, IV and VI or relevant unified interpretations, as appropriate, to allow the exemption of unmanned and non-self-propelled barges from survey and certification requirements (paragraph 10.7);
- .12 approve the draft MEPC circular on *Guidelines for exemption of unmanned non-self-propelled barges from the survey and certification requirements under the MARPOL Convention* (paragraph 10.31 and annex 7);
- .13 approve, subject to a concurrent decision by MSC, the draft MSC-MEPC.5 circular on *Unified interpretation on keel-laying date for fibre-reinforced plastic (FRP) craft* (paragraph 11.2 and annex 8);
- .14 move, subject to a concurrent decision by MSC, output 5.1.2.2, "Measures to protect the safety of persons rescued at sea", to the post-biennial agenda of the Sub-Committee, with two sessions needed for completion (paragraph 12.3);
- .15 decide, subject to a concurrent decision by MSC, on the recommendation that the third meeting of the Joint IMO/FAO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters

- should take place next year at the IMO Headquarters, on the basis of the information contained in document FSI 20/15 and comments relating to finalizing the provisional agenda and determining the delegation of Member States representing IMO (paragraphs 13.4, 13.5 and 13.6);
- .16 decide, subject to a concurrent decision by MSC, on the recommendation that the Sub-Committee should be assigned an appropriate output to address IUU fishing matters at its next session, given that the existing output 1.1.1.1, "Cooperate with the United Nations on matters of mutual interest, as well as provide relevant input/guidance", was considered to be too broad (paragraph 13.7);
- .17 approve, subject to a concurrent decision by MSC, the biennial status report of the Sub-Committee for the 2014-2015 biennium and outputs on the Committee's post biennial agenda that fell under the purview of the Sub-Committee (paragraph 15.2 and annex 9);
- .18 approve, subject to a concurrent decision by MSC, the proposed provisional agenda for III 2 (paragraph 15.2 and annex 10);
- .19 authorize the Sub-Committee to report the outcome of its work on matters that would require the adoption of draft Assembly resolutions to A 29 directly (paragraph 15.6); and
- .20 approve the report in general.
- 18.2 The Maritime Safety Committee, at its ninety-fourth session, was invited to:
- .1 concur, subject to a concurrent decision by MEPC, with the outcome of review of the FAL.5/Circ.39 on *Interim guidelines for use of printed versions of electronic certificates* and the request to the Secretariat to inform FAL 39 accordingly (paragraphs 3.9 to 3.11);
- .2 consider the outcome of the analysis of the marine safety investigation report concerning the grounding and loss of the passenger ship **Costa Concordia**, and take action as appropriate (paragraphs 5.11 and 5.12);
- .3 consider the outcome of the analysis of the marine safety investigation report concerning the foundering of the livestock carrier **Danny F II**, and take action as appropriate (paragraphs 5.13 to 5.16);
- .4 consider, as part of the outcome of the analysis of the marine safety investigation report concerning the foundering of the general cargo ship **Swanland**, and as a matter of urgency, the compatibility of immersion suits and buoyancy aids, in particular with a view to ensuring that carriage requirements were amended to ensure that immersion suits had integral buoyancy and that suits on board were of a common standard, and take action as appropriate (paragraphs 5.17 and 5.18);
- .5 consider and adopt the draft MSC resolution on *Amendments to the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code) (resolution MSC.255(84))* (paragraph 5.19 and annex 2)



- .6 endorse the recommendations of the Sub-Committee in order to facilitate and encourage reporting on marine safety investigations conducted in accordance with the Casualty Investigation Code (paragraph 5.30);
- .7 decide, subject to a concurrent decision by MEPC, whether the draft MSC-MEPC.4 circular on *Guidelines for port State control officers on the ISM Code* should be referred to the HTW Sub-Committee prior to approval, and take action as appropriate (paragraph 6.28 and annex 4);
- .8 note the outcome of the consideration of the implementation of STCW.7/Circ.21 and STCW.7/Circ.22 (paragraph 6.31);
- .9 note the completion of the draft MSC circular on *Guidelines for port State control officers on certification of seafarers' rest hours based on the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended, and manning requirements from the flag State*, which was being referred to the Sub-Committee on Human Element, Training and Watchkeeping at its second session for review, prior to referral to the Committee for approval (paragraph 7.5 and annex 5);
- .10 note the five major areas of recurrent findings in audits, established by the sections of the Code for Implementation, for action as appropriate (paragraph 9.11);
- .11 consider the underlying causes, as identified by audited Member States, that were indicative of the reasons for the shortfall in the effective implementation and enforcement of mandatory IMO instruments and the audit standard, for action as appropriate (paragraph 9.12);
- .12 consider the proposal to request the Technical Cooperation Committee to review current technical assistance activities in order to establish whether they adequately covered the major areas of recurrent findings in audits and/or to develop any new technical assistance programmes that would provide more specific support to Member States in their implementation and enforcement of the requirements of the mandatory IMO instruments and the audit standard in those areas (paragraph 9.14);
- .13 approve, subject to a concurrent decision by MEPC, the draft MSC-MEPC.5 circular on *Unified interpretation on keel-laying date for fibre-reinforced plastic (FRP) craft* (paragraph 11.2 and annex 8);
- .14 move, subject to a concurrent decision by MEPC, output 5.1.2.2, "Measures to protect the safety of persons rescued at sea", to the post-biennial agenda of the Sub-Committee, with two sessions needed for completion (paragraph 12.3);
- .15 decide, subject to a concurrent decision by MEPC, on the recommendation that the third meeting of the Joint IMO/FAO Ad Hoc Working Group on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters should take place next year at the IMO Headquarters, on the basis of the information contained in document FSI 20/15 and comments relating to finalizing the provisional agenda and determining the delegation of the Member States representing IMO (paragraphs 13.4, 13.5 and 13.6);

- .16 decide, subject to a concurrent decision by MEPC, on the recommendation that the Sub-Committee should be assigned an appropriate output to address IUU fishing matters at its next session, given that the existing output 1.1.1.1, "Cooperate with the United Nations on matters of mutual interest, as well as provide relevant input/guidance", was considered to be too broad (paragraph 13.7);
- .17 consider whether there was a need to identify a coordinating organ for output 5.2.1.3, "Review of general cargo ship safety" (paragraph 14.3);
- .18 approve, subject to a concurrent decision by MEPC, the biennial status report of the Sub-Committee for the 2014-2015 biennium and outputs on the Committee's post biennial agenda that fell under the purview of the Sub-Committee (paragraph 15.2 and annex 9);
- .19 approve, subject to a concurrent decision by MEPC, the proposed provisional agenda for III 2 (paragraph 15.2 and annex 10);
- .20 authorize the Sub-Committee to report the outcome of its work on matters that would require the adoption of draft Assembly resolutions to A 29 directly (paragraph 15.6); and
- .21 approve the report in general.

18.3 The Facilitation Committee, at its thirty-ninth session, was invited to consider the outcome of the review of FAL.5/Circ.39 on *Interim guidelines for use of printed versions of electronic certificates* (paragraphs 3.9 to 3.11).

18.4 The Sub-Committee on Human Element, Training and Watchkeeping, at its second session, was invited to review to the draft MSC circular on *Guidelines for port State control officers on certification of seafarers' rest hours based on the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended, and manning requirements from the flag State*, in general and, in particular, paragraphs 6.2.24, 6.2.26, 6.4.2.2, 7.2.7, 7.3.2.4 and 7.3.2.14 containing some text within square brackets, prior to referral to MSC for approval (paragraph 7.5 and annex 5).

\*\*\*

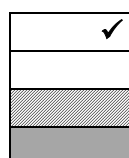
ANNEX 1

STATUS OF MANDATORY REPORTS UNDER MARPOL FROM 2008 TO 2012  
(as of 14 July 2014)

Party	MARPOL Annexes I and II Date of entry into force for the Party	2008	2009	2010	2011	2012
Albania	9 April 2007					
Algeria	1 May 1989					
Angola	4 January 2002					
Antigua and Barbuda	29 April 1988					✓
Argentina	1 December 1993	✓	✓	✓	✓	✓
Australia	14 January 1988	✓	✓	✓	✓	✓
Austria	27 August 1988					
Azerbaijan	16 October 2004					
Bahamas	2 October 1983		✓	✓		
Bahrain	27 July 2007					
Bangladesh	18 March 2003					
Barbados	6 August 1994					
Belarus	7 April 1994					
Belgium	6 June 1984					
Belize	26 August 1995					
Benin	11 May 2000					
Bolivia (Plurinational State of)	4 September 1999					
Brazil	29 April 1988	✓	✓	✓		
Brunei Darussalam	23 January 1987					
Bulgaria	12 March 1985	✓	✓	✓	✓	✓
Cambodia	28 February 1995					
Cameroon	18 December 2009					
Canada	16 February 1993	✓	✓	✓	✓	✓
Cape Verde	4 October 2003					
Chile	10 January 1995	✓	✓		✓	✓
China	2 October 1983	✓			✓	✓

✓	A mandatory report was submitted in the reporting period
	A mandatory report was submitted <b>outside</b> the reporting period
	Not a Party to MARPOL during reporting period
	A mandatory report was <b>not</b> submitted in the reporting period

Party	MARPOL Annexes I and II Date of entry into force for the Party	2008	2009	2010	2011	2012
Colombia	2 October 1983					
Comoros	22 February 2001					
Congo	7 December 2004					
Cook Islands	12 June 2007					
Côte d'Ivoire	5 January 1988					
Croatia	8 October 1991			✓	✓	✓
Cuba	21 March 1993	✓	✓			
Cyprus	22 September 1989	✓	✓	✓	✓	✓
Czech Republic	1 January 1993					
Democratic People's Republic of Korea	1 August 1985		✓			
Denmark	2 October 1983	✓	✓	✓	✓	✓
Djibouti	1 June 1990					
Dominica	21 September 2000					
Dominican Republic	24 September 1999					
Ecuador	18 August 1990	✓	✓		✓	
Egypt	7 November 1986					
El Salvador	24 December 2008					
Equatorial Guinea	24 July 1996					
Estonia	16 March 1992	✓	✓	✓	✓	
Finland	2 October 1983	✓	✓	✓	✓	✓
France	2 October 1983		✓	✓	✓	✓
Gabon	2 October 1983					
Gambia	1 February 1992					
Georgia	8 February 1995					
Germany	2 October 1983	✓	✓	✓		
Ghana	3 September 1991					
Greece	2 October 1983	✓	✓		✓	✓
Guatemala	3 February 1998					
Guinea	2 January 2003					
Guyana	10 March 1998					
Honduras	21 November 2001					
Hungary	14 April 1985					
Iceland	25 September 1985					
India	24 December 1986	✓	✓	✓		



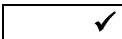
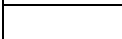


✓ A mandatory report was submitted in the reporting period

□ A mandatory report was submitted **outside** the reporting period


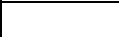

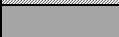
▨ Not a Party to MARPOL during reporting period

■ A mandatory report was **not** submitted in the reporting period


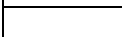


Party	MARPOL Annexes I and II Date of entry into force for the Party	2008	2009	2010		2011	2012
		Indonesia	21 January 1987				
Iran (Islamic Republic of)	25 January 2003	✓				✓	✓
Ireland	6 April 1995	✓	✓	✓	✓	✓	✓
Israel	2 October 1983						✓
Italy	2 October 1983						
Jamaica	13 June 1991	✓		✓	✓	✓	
Japan	2 October 1983	✓	✓	✓			
Jordan	2 September 2006						
Kazakhstan	7 June 1994						
Kenya	15 March 1993						
Kiribati	5 May 2007		✓	✓	✓	✓	✓
Kuwait	7 November 2007						
Latvia	20 August 1992	✓	✓	✓	✓	✓	
Lebanon	2 October 1983						
Liberia	2 October 1983	✓	✓	✓	✓	✓	✓
Libya	28 July 2005						
Lithuania	4 March 1992	✓	✓	✓	✓	✓	✓
Luxembourg	14 May 1991						
Madagascar	30 November 2005						
Malawi	17 March 2002						
Malaysia	1 May 1997						
Maldives	20 August 2005						
Malta	21 September 1991					✓	
Marshall Islands	26 July 1988	✓	✓			✓	✓
Mauritania	24 February 1998						
Mauritius	6 July 1995						
Mexico	23 July 1992						
Monaco	20 November 1992						
Mongolia	15 January 2004						
Montenegro	3 June 2006						
Morocco	12 January 1994						
Mozambique	9 February 2006						
Myanmar	4 August 1988						
Namibia	18 March 2003						
Netherlands	2 October 1983	✓	✓	✓	✓	✓	✓
New Zealand	25 December 1998			✓	✓	✓	✓
Nicaragua	1 May 2001						

	A mandatory report was submitted in the reporting period
	A mandatory report was submitted <b>outside</b> the reporting period
	Not a Party to MARPOL during reporting period
	A mandatory report was <b>not</b> submitted in the reporting period

Party	MARPOL Annexes I and II Date of entry into force for the Party	Reporting Period				
		2008	2009	2010	2011	2012
Nigeria	24 August 2002		✓		✓	✓
Nuie	27 September 2012					
Norway	2 October 1983	✓	✓	✓	✓	✓
Oman	13 June 1984					
Pakistan	22 February 1995					
Palau	29 December 2011					
Panama	20 May 1985	✓	✓	✓		✓
Papua New Guinea	25 January 1994					
Peru	2 October 1983					
Philippines	15 September 2001					
Poland	1 July 1986	✓	✓	✓	✓	✓
Portugal	22 January 1988					
Qatar	8 June 2006					
Republic of Korea	23 October 1984		✓	✓		
Republic of Moldova	11 January 2006					
Romania	15 July 1993	✓	✓	✓	✓	✓
Russian Federation	3 February 1984	✓	✓	✓	✓	✓
Saint Kitts and Nevis	24 March 1998					
Saint Lucia	12 October 2000					
Saint Vincent and the Grenadines	28 January 1984					
Samoa	7 May 2002					
São Tomé and Príncipe	29 January 1999					
Saudi Arabia	23 August 2005					
Senegal	16 April 1997					
Serbia	3 June 2006					
Seychelles	28 February 1991					
Sierra Leone	26 October 2001					
Singapore	1 February 1991	✓	✓	✓	✓	✓
Slovakia	1 January 1993					
Slovenia	25 June 1991					
Solomon Islands	30 September 2004					
South Africa	28 February 1985		✓		✓	✓
Spain	6 October 1984			✓	✓	✓
Sri Lanka	24 September 1997					
Suriname	4 February 1989					
Sweden	2 October 1983	✓	✓			

	A mandatory report was submitted in the reporting period
	A mandatory report was submitted <b>outside</b> the reporting period
	Not a Party to MARPOL during reporting period
	A mandatory report was <b>not</b> submitted in the reporting period

Party	MARPOL Annexes I and II Date of entry into force for the Party	2008	2009	2010	2011	2012
Switzerland	15 March 1988			✓		✓
Syrian Arab Republic	9 February 1989					
Thailand	2 February 2008					
Togo	9 May 1990					
Tonga	1 May 1996					
Trinidad and Tobago	6 March 2000					
Tunisia	2 October 1983					
Turkey	10 January 1991	✓	✓	✓	✓	✓
Turkmenistan	04 May 2009					
Tuvalu	22 November 1985	✓	✓	✓	✓	✓
Ukraine	25 January 1994	✓				
United Arab Emirates	15 April 2007					
United Kingdom	2 October 1983					
United Republic of Tanzania	23 October 2008					
United States	2 October 1983					
Uruguay	2 October 1983	✓			✓	
Vanuatu	13 July 1989	✓	✓	✓		
Venezuela (Bolivarian Republic of)	29 October 1994					
Viet Nam	29 August 1991					
Hong Kong, China (Associate Member)	1 July 1997	✓	✓	✓	✓	✓
Macao, China (Associate Member)	20 December 1999					
Faroes (Associate Member)	25 April 1985					

	A mandatory report was submitted in the reporting period
	A mandatory report was submitted <b>outside</b> the reporting period
	Not a Party to MARPOL during reporting period
	A mandatory report was <b>not</b> submitted in the reporting period

\*\*\*





**ANNEX 2**

**DRAFT RESOLUTION MSC.[...](94)  
(adopted on [... November 2014])**

**AMENDMENTS TO THE CODE OF THE INTERNATIONAL STANDARDS AND  
RECOMMENDED PRACTICES FOR A SAFETY INVESTIGATION  
INTO A MARINE CASUALTY OR MARINE INCIDENT  
(CASUALTY INVESTIGATION CODE), RESOLUTION MSC.255(84)**

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the function of the Committee,

RECALLING ALSO resolution MSC.255(84) by which it adopted the International Standards and Recommended Practices for a Safety Investigation Into a Marine Casualty or Marine Incident (Casualty Investigation Code), parts I and II of which have become mandatory under chapter XI-1 of the International Convention for the Safety of Life at Sea (SOLAS), 1974 (hereinafter referred to as "the Convention"),

CONSIDERING that the Casualty Investigation Code (MSC resolution 255(84)), in its part III, Recommended Practices, refers to resolutions A.884(21) and A.996(25),

NOTING that the twenty-eighth session of the Assembly adopted the IMO Instruments Implementation Code (III Code) through resolution A.1070(28) which revokes resolution A.1054(27) after the latter had revoked resolution A.996(25),

NOTING ALSO that the twenty-eighth session of the Assembly adopted the Guidelines to assist investigators in the implementation of the Casualty Investigation Code (resolution MSC.255(84)) through resolution A.1075(28) which revokes resolutions A.849(20) and A.884(21),

HAVING CONSIDERED, at its [.....] session, the text of the proposed amendments to the Casualty Investigation Code,

1 ADOPTS the amendments to the Casualty Investigation Code, as set out in the annex to the present resolution.

ANNEX

**AMENDMENTS TO THE CODE OF THE INTERNATIONAL STANDARDS AND  
RECOMMENDED PRACTICES FOR A SAFETY INVESTIGATION  
INTO A MARINE CASUALTY OR MARINE INCIDENT  
(CASUALTY INVESTIGATION CODE), RESOLUTION MSC.255(84)**

In paragraph 15.2, replace "resolution A.996(25)" by "resolution A.1070(28)"

In paragraph 21.2.4, replace "resolution A.884(21)" by "resolution A.1075(28)"

\*\*\*

## ANNEX 3

### LESSONS LEARNED FOR PRESENTATION TO SEAFARERS

#### 1 FATALITY

Very Serious Marine Casualty: Loss of life on board a fishing vessel

##### **What happened?**

A fishing vessel was preparing to shoot two nets over the stern when one of the nets became snagged. One of the crew members, wearing a hard hat and a waistcoat style buoyancy aid without a collar, climbed over the rail, walked across the trawl deck and freed the net. As the crew member crossed back over the trawl deck, he stumbled and fell on top of the other net. At that moment the vessel surged on the swell and the net ran out over the stern ramp, carrying the crew member overboard with it. He ended up in the water no longer wearing his hard hat and unconscious. The crew member was retrieved but, due to the vessel's movement in the swell, the crew was unable to bring him back on board using the boarding ladder and the scramble net. A liferaft was deployed and the crew member was pulled into the raft and given cardiopulmonary resuscitation. The crew member was later winched aboard a rescue helicopter and brought ashore, where he was pronounced dead.

##### **Why did it happen?**

The crew member was on the trawl deck when the nets were being shot, which was contrary to onboard practice.

The crew member's hard hat had been fitted with a chin strap, but it is not known if the hat had been properly secured with the strap.

Whether conscious or not, the personal flotation device worn by the crew member was of a design that did not keep his head out of the water.

There was no effective arrangement in place to recover a person from the water.

##### **What can we learn?**

- The importance of complying at all times with onboard policies and procedures.
- The use of appropriate personal protective equipment, including safety harnesses, by crew members.
- Having in place a recovery device suitable for retrieving an unconscious person from the water.
- The importance of carrying out practice drills for man overboard recovery.

##### **Who may benefit?**

Fishing vessel owners, operators and crews.

## **2 SINKING**

Very Serious Marine Casualty: Fishing vessel sinking with loss of life

### **What happened?**

The skipper of a fishing vessel was at the helm keeping the wind on the stern while the crew member was hauling crab pots. One of pots became snagged under the water and the fishing vessel, which was in proximity to shore, went broadside to the seas and ended up on its beam ends. The two men, who were likely thrown from the fishing vessel into the water, were found deceased several days later. Only one of them was wearing a personal flotation device.

### **Why did it happen?**

The fishing vessel was fishing in proximity to the shore in an area where large seas were breaking at the time. Winds in the area were gusting up to 30 knots and a maximum wave height of about 6 metres was recorded.

It is likely that the skipper became distracted when one of the pots became snagged and the vessel went broadside to seas before being knocked over on its beam ends by a large breaker.

The vessel's weight distribution raised its centre of gravity and decreased its stability.

### **What can we learn?**

- The importance of assessing the vessel's stability and knowing its operational limitations.
- Maintaining constant vigilance regarding vessel handling when fishing in poor weather.
- The importance of wearing personal flotation devices whenever there is a risk of falling overboard.

### **Who may benefit?**

Fishing vessel operators and crews.

## **3 EXPLOSION AND FIRE**

Very Serious Marine Casualty: Chemical tanker explosion and fire with loss of life

### **What happened?**

A 16,000 gross tonnes chemical tanker was en route to a port to load cargo and the crew were preparing the tanks for loading. The washing of one of the tanks, which had previously carried benzene, had just been completed and the next steps were to strip the tank, ventilate it for a few hours, and then carry out tests to determine the cleanliness of the tank. However, a crew member made known his intention to use steam prior to ventilating the tank. The crew member inserted a steam hose and began to steam the tank. He then indicated that he was going to increase the steam pressure and to start the cargo pump to remove any water collecting in the tank. A few minutes later, there was an explosion and a fire. Unable to contain the fire, the crew abandoned the ship. They were later rescued by another ship. One crew member went missing and was presumed deceased.

### **Why did it happen?**

The explosion was the result of the ignition of the tank atmosphere, which contained benzene gas that was within the flammable limit.

The source of the ignition was most likely an electrostatic discharge from the end of the steam hose coming into contact with the tank side or other structure. The steaming of the tank, which was performed immediately after washing and before ventilation, also likely gave rise to an electrostatically charged mist.

### **What can we learn?**

- Prior to tank cleaning, a pre-cleaning meeting should be held to ensure that crew members understand their duties and the proper procedures to be followed. Any deviation from the procedures must be reported immediately.
- After carrying a flammable cargo, always assume that the atmosphere within a tank is flammable.
- The extreme danger of using steam injection to clean flammable cargo tanks due to the risk of static electricity.
- At all times, take precautions to eliminate sources of ignition.

### **Who may benefit?**

Shipowners, operators and crews.

## **4 GROUNDING**

Serious Marine Casualty: Grounding of a chemical tanker

### **What happened?**

A chemical tanker was on passage with a small scaled paper chart in use. The second officer saw a target on the radar display, but deselected it from the ARPA before handing over the duty to the first officer. The first officer was not concerned in any way by the radar display or by the position of the ship on the ECDIS or on the paper chart. The ship then grounded.

### **Why did it happen?**

The officers did not use a proper scaled paper chart. The chief officer overlooked the target displayed on the radar and did not carry out a proper lookout.

### **What can we learn?**

- The need to maintain a proper navigation watch.
- A proper scaled chart must be used for navigation.
- The watch handover must be completed in detail and fully cover the prevailing circumstances.
- In accordance with regulation 5 of Collisions Regulations, every ship shall at all times maintain a proper lookout by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision.

### **Who may benefit?**

Ship operators and crews.

## **5 CAPSIZE**

Very Serious Marine Casualty: Capsize and foundering of a fishing vessel

### **What happened?**

A 14.94 metre long fishing vessel was lost while fishing approximately 6 nautical miles from the coast. While loading the catch, two waves swamped the deck, leading to flooding of the fish hold and eventual capsizing, resulting in the loss of the skipper.

The vessel was trawling for sprats and had loaded approximately 20 tonnes of fish into its fish hold via a flush deck scuttle. The fish hold hatch cover had been removed for access and two deck freeing ports on the vessel's starboard side had been closed. There was a significant catch still left in the net and, as the next portion of the catch was being lifted on board, a wave swamped the starboard quarter. The crew replaced the fish hold hatch cover and the skipper started pumping out the fish hold. A second wave then swamped the deck, leaving the vessel with a starboard list and substantial water on deck.

A rope securing the net to the starboard side was released and the vessel was steered slowly round into the wind. Shortly afterwards, it capsized to starboard. The mate and crewman managed to swim clear of the vessel and were rescued 20 minutes later by the crew of another fishing boat that was nearby. The skipper was lost with the vessel.

### **Why did it happen?**

The vessel capsized because in her loaded state it had an insufficient reserve of stability to withstand the sudden flooding and its associated free-surface effect.

The vessel's stability information booklet, approved in 1995, specified that catch should be limited to 17.08 tonnes, though modification to the vessel after 2007 would have reduced this limit. Routine landing of catches of this quantity without incident would have reinforced a belief that it was safe to carry such loads. However, when heavily laden, the vessel had a low freeboard aft, which increased the risk that waves might wash over the deck. As the weight of catch in the hold increased, so did the risk of down flooding should a wave wash over the deck while fish were being loaded into the fish hold through the open fish deck scuttle, and with the fish hold hatch cover also open.

### **What can we learn?**

- Skippers of fishing vessels need to be aware of the stability characteristics of their vessels and the hazards associated with poor or reduced stability.
- Fishing vessels should have their stability checked and assessed at regular intervals to take account of modifications.
- Skippers and crew of fishing vessels should be encouraged to wear lifejackets.
- The use of deck scuttles to load fish from the deck creates a significant down-flooding hazard.
- The closure of freeing ports restricts the ability of a vessel to shed water from its deck.

### **Who may benefit?**

Fishing vessel owners, operators and crews.

## **6 GROUNDING**

Serious Marine Casualty: Containership touched bottom and sustained damage

### **What happened?**

A large container vessel was sailing from port under pilotage during the hours of darkness.

While transiting from the inner harbour to the main entrance channel, the vessel failed to execute a turn successfully and was set to starboard towards the side of the channel. The ship made contact with rocks on the edge of the channel in way of the vessel's bunker and ballast tanks below the water line.

The vessel was holed in both the ballast tank and the bunker tank, resulting in flooding to the ballast tank and pollution from the bunker tank.

### **Why did it happen?**

- A lack of a detailed passage plan.
- A failure to use the turning basin to enable the vessel to line up for the main channel.
- A lack of appreciation of the handling characteristics of the vessel, such as effectiveness of the bow thruster, and shallow water effects.
- Over-reliance on the pilot.

### **What can we learn?**

- The importance of having a full understanding of the ship's handling characteristics and its limitations.
- The pilot and bridge team should have the same understanding as to how the voyage will progress.
- When operating in restricted waters and the margin of error is small, the passage plan should be sufficiently detailed to allow for the precise monitoring of the intended manoeuvres and the ship's progress.
- The importance of taking into consideration the hydrodynamic effects of narrow waterways and the depths of water on the handling characteristics of ships.

### **Who may benefit?**

Ship operators and crews, port authorities and pilots.

## **7 SINKING**

Very Serious Marine Casualty: Flooding and sinking of Ro-Ro cargo ship

### **What happened?**

A Ro-Ro cargo vessel sailed from port with a newly joined master and chief engineer. At about 2300 and at a distance of 42 nautical miles from the coast, the vessel started taking water in the engine-room. The chief engineer did not attempt to find the source of the water or start any bilge pumps. Power was lost and no attempt was made to restore emergency power.

At about 0130, a coastguard vessel came alongside and all crew disembarked safely via a pilot ladder.

The vessel was reported to have sunk by 1300 the following day.

### **Why did it happen?**

- An unexplained ingress of water to the engine-room.
- A failure to attempt to find the source of the flooding.
- A failure to attempt to pump the water out.
- A failure to restore emergency power.
- A failure to secure the watertight integrity of the engine-room.

### **What can we learn?**

- The importance of ensuring that equipment necessary to respond to emergencies is functioning properly and ready for use.
- Early detection of water ingress is important to take timely action before a developing situation becomes an emergency.
- When faced with an actual emergency, the response of those who have received training and practice is more automatic, coordinated and timely.
- The importance of new crew members gaining familiarity with a vessel and its critical system.

### **Who may benefit?**

Ship operators and crews.

## **8 EXPLOSION AND FIRE**

Less Serious Marine Casualty: Charging of Oxygen Breathing Apparatus by air compressor

### **What happened?**

A bulk carrier was equipped with self-contained breathing apparatus (BA), spare air cylinders and a portable air compressor for refilling the air cylinders. Despite not being a mandatory requirement, the vessel was provided with oxygen breathing apparatus (OBA) on board. During the voyage at sea, an officer found the pressure of one OBA cylinder low and he used the air compressor to re-charge it. First, he tried to connect the discharge hose connector of the air compressor directly to the OBA cylinder, but it did not fit. Then, he found an adaptor in a box next to the air compressor that could be used so he fitted it to the discharge hose connector of the air compressor and the OBA cylinder. He opened the valve of the OBA cylinder and, as he reached over the compressor to switch it on, the compressor discharge hose exploded. He was engulfed in a ball of flame and sustained serious skin burns. The fire was started on and around the air compressor. It was extinguished with the use of a portable fire extinguisher by another crew member. The injured officer was later winched off the vessel by helicopter and sent to hospital for treatment.

### **Why did it happen?**

The immediate cause of the explosion was probably the temperature of the oxygen-rich environment within the discharge hose of the air compressor which had dramatically increased by adiabatic compression. The heat of the oxygen rose beyond the auto-ignition temperature of the oil in the system and resulted in the explosion. The safety management system did not provide appropriate guidance on the operation and maintenance of OBA sets and the officer was not appropriately trained or drilled on the use of the equipment.



### **What can we learn?**

- It is important to properly implement the requirements of the ISM Code.
- Any safety and firefighting equipment placed on board in addition to the minimum mandatory requirements should be included in the management company's procedures regarding its safe operation, maintenance and training.
- Crew should be reminded that OBA cylinders, if provided on board, must not be charged using an air compressor.

### **Who may benefit?**

Shipowners, operators and crews, and equipment manufacturers.

## **9 EXPLOSION AND FIRE**

Serious Marine Casualty: Ignition of gas from cargo

### **What happened?**

A general cargo ship, loaded with a cargo of Direct Reduced Iron Fines (DRI (C)), arrived and berthed at its discharge port. An explosion occurred when a crew member used a remote controller to jack up and open a hatch cover. Five crew members in the vicinity were injured by fire. The fire spread into the cargo holds. The vessel was attended by shore firemen and the fire was finally extinguished after injecting CO<sub>2</sub> into the cargo hold.

### **Why did it happen?**

DRI reacts with moisture to release hydrogen gas. The explosion was caused by ignition of hydrogen gas by an electric spark generated from a defective electric cable of the remote controller. Hydrogen gas had accumulated inside the deckhouse during the voyage.

Based on the master's voyage orders, the ship was to load Iron Ore Powder. The master of the vessel did not pay attention to the cargo loaded on board.

After loading the master was provided the cargo manifest, which indicated that the ship had been loaded with DRI (C). He had limited knowledge of the cargo and did not consult the IMSBC Code and carried the cargo as a non-regulated dry bulk cargo.

### **What can we learn?**

- Prior to loading DRI (C), shippers must provide masters with a certificate issued by a competent person recognized by the National Administration of the port of loading stating that the cargo meets the requirements of the IMSBC Code and is suitable for shipment.
- Masters who determine that DRI (C) was loaded without receiving a certificate issued by a competent person or that the requirements of the IMSBC Code have not been met should immediately contact their Designated Person Ashore.
- Ship's officers should be fully aware of cargo hazards.

### **Who may benefit?**

Shipowners, operators and crews, and shippers of dangerous cargoes.

## 10 FATALITY

Very Serious Marine Casualty: Loss of two lives and two serious injuries during a lifeboat exercise

### What happened?

A lifeboat fitted with an on-load release mechanism was lowered into the water with four crew members on board. Its motor and spraying system was then tested without the davit falls being disconnected. After the testing, the lifeboat was hoisted, stopped at the one metre above the water for the crew members to check the hooks, and then hoisted again. Because of the lifeboat's oscillations, the hoisting was stopped with the lifeboat around two metres from the stowage deck platform. The davit fall connected to the forward hook then released, causing the lifeboat to be temporarily supported only by the aft hook. The aft davit fall then released. The lifeboat fell into the water from a height of approximately 30 metres. Two crew members died and two others suffered serious injuries.

### Why did it happen?

The forward davit fall lifting ring was able to pass between the forward hook and retainer because there was a gap between the hook and the retainer. The crew member in charge of maintenance of the on-load release mechanism did not know the required clearance between the hook and the retainer. This was partly because the on-load release mechanism operating and maintenance manual did not mention how to adjust the gap, and partly because the manufacturer did not give training to the crew members at the time of its installation on board.

The company, owner and crew members did not ask the manufacturer for the technical manual, which would have provided the required clearance and means for adjusting the gap between the hook and the retainer.

The company and owner did not ensure that an inspection of the lifeboats, including the on-load release mechanism, by the crew member in charge of the maintenance was conducted at appropriate intervals and that a non-conformity report was submitted to the company.

There was no safety barrier in the event of an inadvertent release of the on-load release hook.

### What can we learn?

- Crews need to be aware of the risks associated with crewmembers riding in lifeboats as they are lowered and hoisted during drills. Further guidelines on safety during abandon ships drills using lifeboat can be obtained in the IMO document MSC.1/Circ.1206/Rev.1.
- The company's SMS should consider the need for the use of a safety defence such as fall preventer device to address an inadvertent release of the on-load release mechanism during abandon ship drills.
- The operating and maintenance manual of a lifeboat needs to describe in detail the on-load release mechanism and means for adjusting the gap between the hook and the retainer.
- Special care needs to be taken by crew members to ensure the on-load release hooks are properly connected to the lifting rings and the operating mechanism is locked in place before starting to launch or hoist a lifeboat.

- It is important that a competent crew member is put in charge of maintenance conducts an inspection of the lifeboats, including the on-load release mechanism at regular intervals laid down in the SOLAS convention.
- Shipowners should ensure that the guidance in MSC.1/Circ.1206/Rev.1 is followed, including having on board the manufacturer's manuals and instructions for the equipment fitted.

### **Who may benefit?**

Shipowners, operators and crews, and lifeboat manufacturers.

## **11 CAPSIZE**

Very Serious Marine Casualty: Capsize of a fishing vessel during fishing activities

### **What happened?**

A 9-metre long fishing vessel with a skipper and a crew member on board was fishing in an estuary. The vessel had already harvested 58 of an intended 80 bags of mussels, weighing approximately 1,450 kg and stored on deck. The vessel turned to port and stopped in order to hoist the dredge and to ride over the wake created by a passing merchant vessel. A pump for washing the mussels was discharging water overboard. At the stern, the dredge was fully hoisted, and then the crew member tried to attach a line to the bottom of the dredge. The vessel suddenly rolled to starboard, and then flooded and sank. The skipper survived but the crew member was found dead after the accident; neither of them was wearing a life jacket.

### **Why did it happen?**

The two fuel tanks were about 1/3 full and were interconnected, which allowed the fuel to flow to starboard when the fishing vessel rolled. The flow of fuel increased the list to starboard, and the free-surface effect decreased the GM.

The uneven distribution of accumulated bags of catch on deck probably increased the starboard list as the arrangement for washing the mussels restricted the number of bags that could be stowed on the port side.

The dredge was not hanging vertically from the gantry, but swinging freely above the deck and hanging to starboard. This situation probably increased the vessel's list to starboard.

The sea condition with wind force 3 to 5 might have increased the list to starboard.

Under normal conditions, the fishing vessel was not upright; her floating equilibrium was slightly to starboard.

The skipper and crew member were not wearing lifejackets.

### **What can we learn?**

- It is important for fishermen to have knowledge of stability; what happens if the fuel tank is not full, what happens if the accumulated bags or fishing nets are not distributed evenly on deck, what happens if the dredge is not hanging vertically but to either side.

- An authorized body needs to check whether a vessel's stability would be maintained when an alteration is intended that would affect the stability of a fishing vessel.
- While engaged in fishing activities, all crew members on board need to wear lifejackets.  
The value of and need for stability training for commercial fishing industry masters.
- Understanding the significant dangers of free surface effect on vessel stability.
- The serious hazardous and negative impact on vessel stability of hoisting heaving loads in a seaway.

**Who may benefit?**

Fishing vessel owners, operators and crews, and authorized bodies.

**12 GROUNDING**

Very Serious Marine Casualty: Grounding and subsequent break-up of a bulk carrier

**What happened?**

A bulk carrier was on a passage following a great circle route on autopilot. The vessel was on the planned course. The chief officer saw a large echo on the radar screen, very close ahead. He assumed it was a heavy storm cloud, and thereafter he felt the vessel's impact of running aground. It was before sunrise and there were some light showers.

The vessel ran aground on an island and sustained severe bottom damage to almost all of her water ballast tanks. It developed a list to port and was eventually abandoned by its crew. Two days after the grounding, the vessel broke up into two sections; the forward section drifted away and the aft section capsized and sank, which resulted in widespread pollution around the island.

**Why did it happen?**

The island was on the planned course, but neither the second officer nor the chief officer was aware of that.

Before departure, the second officer had calculated waypoints for every 10 degrees of longitude when following the great circle route. He then plotted them and drew course lines on a chart, but one of the waypoints was not plotted as calculated. As a result, the course line indicated that the vessel would clear the island by about 10 nautical miles.

The officers had not consulted the chart. Although the chart was of an unsatisfactory scale, it could have prompted them to adopt a precautionary approach when radar echoes were sighted on the radar.

The bridge team was aware that the vessel would be passing close to some islands, but was not aware as to when that event would take place. Both the second officer and the chief officer saw some echoes on the radar screen, but did not investigate them and dismissed them as rain clouds.

The chief officer's alertness may have been altered because he had a cold, took some medicine, and had trouble in sleeping before he took over the watch.

As part of the passage planning, the company required the second officer to plot "No Go" areas on the charts, draw the planned courses on the large scale navigation charts, and ensure that the passage did not pass closer than 10 nautical miles from a danger or "No Go" areas. This work was not carried out and the master did not ensure that the company's requirements had been complied with.

#### **What can we learn?**

- Marking of critical areas on appropriate large scale charts would have assisted the bridge team in maintaining a good situational awareness of the hazards ahead.
- Position monitoring by consulting the charts could have prompted the officers to adopt a precautionary approach when large echoes were sighted on the radar.
- The master made no reference to the passing of the islands in his night orders. Reference to the islands could have alerted the officers to the significance of radar echoes.
- Holding a pre-sailing passage planning meeting along with effective BRM should reduce the risk of a single-person error of occurring.

#### **Who may benefit?**

Shipowners, operators and crew.

### **13 FATALITY**

Very Serious Marine Casualty: Fatal accident of a crew member during an unmooring operation

#### **What happened?**

A deckhand was working on board a river ferry to release lines that were securing the vessel overnight to a mooring buoy. He was dragged violently against the vessel's bulwark and was carried overboard by a mooring rope which had become entangled in the vessel's propeller and was being wound in. He suffered severe facial injuries and was almost certainly unconscious when he entered the water. He subsequently drowned although his lifejacket brought him to the surface and he was recovered by his colleagues to a workboat within minutes.

#### **Why did it happen?**

The mooring rope could have become trapped between the vessel and the buoy because: the vessel came ahead further and faster than usual; the rope was being recovered more slowly than usual; or the rope became entangled with the wire pennants hanging from the buoy.

The master's view and line of sight towards the mooring deck and buoy were impaired by the vessel's structure. At that time, there was no one available to guide the master: the mate who should have supervised the deck operation and communicated with the master was late for work; and a senior deckhand who was temporarily filling the post went to the toilet after he relayed the master's signal to cast off the mooring rope. The master was waiting a signal from the senior deckhand that the rope had been retrieved not knowing that he had gone to the toilet.

The mooring rope was being recovered over the bulwark, not through the fairlead, and it is most likely that the deckhand was standing in a bight of the rope. The ferry crews had each developed their own systems for unmooring, and the deckhands had their own techniques for rope retrieval. There were no guidelines on whether ropes should be recovered by leading them over the bulwark or through fairleads.

A number of the working practices used on board clearly demonstrated an erosion of the best practices the crew members had been taught. The probable cause of this erosion of standards is likely to have been task familiarity and the repetitive nature of the work. The deckhand is likely to have complied with the custom and practice followed by his senior colleagues on board.

The lifejacket worn by the deckhand, but unsecured, was not fully supporting his face from the water. Recovery of the deckhand from the water was extremely difficult due to unavailability of suitable equipment for the recovery, and the height of the workboat's freeboard and bulwark.

The unmooring operation was a routine task but it had not been captured by the company's safety management system. Consequently, the very real hazard posed by the rotating propeller blades during the task had not been formally recognized. A review of the risk assessments and operational procedures had been conducted by managers who had been deck crew and masters on the ferries in the past, which might have hampered their ability to carry out an impartial evaluation of the work systems.

### **What can we learn?**

- Detailed procedures for unmooring should be included in the safety management system, and the possible hazards during unmooring operation should be identified.
- A vigilant supervisor, monitoring the situation and giving appropriate guidance to the master and deckhands, could have prevented the rope from becoming jammed and have warned the deckhand about standing in a bight.
- Without adequate supervision, the unmooring process was inherently unsafe and should have been recognized as such through the company's risk assessment process.
- Communications would have been improved by the use of hand-held radios, and the master handing a radio to a nominated acting mate would have removed ambiguity as to their role.
- There are benefits to having independent marine experts assist with the review of the vessel's risk assessments and operational procedures to identify the risks of the prevailing shipboard customs and work practices.
- All workboats on the river could be called upon to assist in water rescue, and therefore should carry suitable equipment for this task.
- The dangers of rushing to get underway before critical crewmembers are stationed at their designated post.
- The dangers of a vessel operator mooring a vessel without a direct line of sight to the mooring crew.
- The dangers of vessel operators mooring a vessel without establishing an effective and positive means of communicating with the mooring crew.

### **Who may benefit?**

Shipowners, operators and crews.

## 14 GROUNDING

Serious Marine Casualty: Grounding of a cargo vessel on an island in a narrow channel

### What happened?

A cargo vessel was proceeding in a narrow channel in the early morning. The bridge was manned by a pilot, the officer of the watch and an able seaman. The vessel passed a waypoint where the course should have been altered. The pilot did not alter the course until the officer of the watch called out to him, and it was too late to avoid grounding on an island. The vessel initially continued the voyage but it was then decided to beach it because a large part of the vessel was about to be flooded. The crew and the pilot were evacuated from the vessel without any injuries. An oil-spill response action was taken and the impact on the environment was minimal.

### Why did it happen?

It is highly probable that sleepiness, as a result of insufficient sleep and an unfavourable time of day, was an important factor in the accident. The pilot had been on duty for a week and, during this period, his workload had been heavy. Although in accordance with the applicable regulations, the pilot's workload had involved much night work and few opportunities to get rest and sleep.

The officer of the watch had to prepare for the vessel's arrival and organize mooring operations, without another navigator being added to the bridge crew. Hence, his full attention was not on the navigation. In addition, the capacity of the officer of the watch to keep track of the vessel's exact position was reduced because the navigational aids in the area had been changed and the related temporary and preliminary corrections for the charts on board were not readily available.

The vessel's watertight integrity was not maintained. It was necessary for the crew to pass through the engine-room bulkhead in order to access some parts of the bilge and ballast equipment that required regular maintenance and control. The arrangement is considered to be within class rules, and international and statutory regulations, but a manhole cover in the engine-room floor, which was a part of the watertight bulkhead, was loosely fastened with two or three out of a total of 24 bolts, which allowed water to flow into the engine-room through a pipe trunk leading to the bow thruster room.

### What can we learn?

- Steps should be taken to prevent distractions to watchkeeping, during periods requiring increased vigilance.
- When navigating a narrow channel, the bridge team should have been reinforced with an additional navigator, preferably the master. Owners should implement measures to ensure the presence of sufficient bridge resources at all times for the vessel's crew to be able to navigate the vessel safely and monitor the pilot's navigation.
- Authorities should ensure that the work schedules for pilots allow for sufficient periods of sleep and rest.
- Operational issues should be taken into account when construction drawings of watertight bulkheads are examined.
- The need to ensure watertight closures are properly closed to ensure watertight integrity.

### Who may benefit?

Shipowners, operators and crews, pilots, pilotage authorities, and classification societies.

## **15 SINKING**

Very Serious Marine Casualty: Flooding and sinking of a dive support vessel

### **What happened?**

A 7,000 gross tonnes dive support vessel was docked in a floating dry dock for class renewal survey, repair and maintenance work. Access holes were produced by cutting the shell plating in order to facilitate work around a tank. Ten access holes were made approximately 0.3 metre above the waterline. Even though the work had not been completed, the vessel was refloated and moored alongside another vessel. Some days later, the vessel suddenly listed to starboard and sank. Crew members in the cabins noticed the flooding and evacuated the vessel. There were no injuries.

### **Why did it happen?**

The vessel, alongside which the dive support vessel was moored, discharged water overboard and into the dive support vessel through the access holes that had been cut into its shell plating.

Because the manholes doors to the engine-room were not secured shut, the flood water flowed into the engine-room.

After the access holes had been cut into the shell plating, no protective measures to prevent the ingress of seawater had been taken both by either the shipyard workers or the vessel's crew members.

Communication about the work to be done between the shipyard workers and the crew members was insufficient. Crew members did not recognize that the access holes were vulnerable to the ingress of seawater.

There was no responsible officer on watch to monitor any change of the vessel's condition when it left the floating dry dock.

### **What can we learn?**

- The situation surrounding the vessel changed after it shifted from a floating dry dock, the shipyard needed to consider new hazards and take measures to reduce the level of risk incurred by the shifting.
- Communication between shipyard workers and crew members is important since sharing information about the work to be conducted would provide awareness about the risk they might encounter. A meeting on the day's work between shipyard workers and crew members is encouraged to share information.
- Whenever any change of plan at the shipyard is made, the shipyard needs to evaluate a new hazard or control that is no longer effective by the change. In this case, a change happened when the vessel was shifted out of the floating dock, but no risk assessment was carried out. The control taken during the work at the floating dry dock had become ineffective.
- A responsible officer needs to monitor the safety situation of the vessel to identify any risk incurred by a change of work plan.

### **Who may benefit?**

Shipyards, classification societies, shipowners, operators and crews.



## 16 FATALITY

Very Serious Marine Casualty: Fatality during a rescue boat exercise

### What happened?

A rescue boat exercise was planned as a monthly drill. Prior to launching, launching procedures were discussed among the participants of the drill. The hook arrangement was checked. The crane and its limit switch were tested by lifting and slewing the rescue boat. The rescue boat was suspended by the hook arrangement consisting of an off-load hook and a swivel. The swivel was composed of a fork end shackle and a green pin shackle. The fork end shackle was secured by a shackle pin and a split pin. An AB embarked the forward starboard side of the rescue boat. Then he moved to its forward port side, positioning himself in the boat. The chief officer embarked, took two steps forward, and passed to the port side. Suddenly, the rescue boat fell approximately 18 metres to the water.

The chief officer was seriously injured and the AB was found dead. After the accident, it was found that the split pin was broken off and the actual way in which the swivel was mounted was different from that designed.

### Why did it happen?

The visible part of the split pin on the shackle pin had broken off, and the shackle pin came free from the fork end shackle of the swivel, resulting in the fall of the rescue boat. Safety of the rescue boat during its launching and recovery from the water relied exclusively on the condition of the split pin.

An approval of the rescue boat crane arrangement was delegated to the classification society by the flag State. The classification society did not take into consideration the design of the system of the rescue boat crane and the appropriateness of its individual parts. There were no controls to reduce the level of risk associated with the failure of the split pin.

Although weekly inspection of rescue boats, including the condition of the hook, is regulated by SOLAS, the deck officer in charge might not have checked the swivel or the split pin. The ship's SOLAS Maintenance Manual did not mention weekly inspection of the swivel or the split pin.

### What can we learn?

- Crews need to be aware of the risks associated with crewmembers riding in rescue boat as they are lowered and hoisted during drills. Further guidelines on safety during similar type drills can be obtained in the IMO document MSC.1/Circ.1206/Rev.1.
- All hazards associated with the hook arrangement of a rescue boat should be identified at the design phase because it is difficult to take into consideration any non-identified hazards through the subsequent risk management process.
- The risk management process should continuously aim to reduce the level of risk identified with regard to the hook arrangement until it becomes acceptable to the management company.
- Since the hook arrangement is a very important safety item, it is essential to confirm that the actual arrangement remains in line with that designed.
- The management company should give shipboard personnel instructions to ensure the weekly inspection of a rescue boat, including the condition of the hook.

**Who may benefit?**

Flag States, recognized organizations, crane and rescue boat manufacturers, ship builders, shipowners, operators and crew.

**17 COLLISION**

Very Serious Marine Casualty: Collision between a bulk carrier and a fishing vessel berthed in a port

**What happened?**

A bulk carrier hit a moored fishing vessel when the ship's main engine went ahead and not astern as ordered by the pilot. The fishing vessel was crushed against the wharf and sank when the ship pulled clear. There was nobody on board the fishing vessel at the time. The bulk carrier sustained several small holes in its bow shell plating.

The collision occurred as the pilot was manoeuvring the ship in a turn following an uneventful passage from the pilot boarding ground. The ship's main engine was in engine-room control mode, with the ship's electrical engineer acknowledging the bridge telegraph movements on the engine-room control telegraph. The chief engineer was controlling the main engine start/fuel lever to action the bridge orders.

In order to stop the ship's movement towards the wharf, the pilot ordered a number of successive astern main engine movements and tug orders. However, the ship did not respond as he expected it to. Despite the fact that the main engine was not going astern, no one on the ship's bridge or in the engine control room were aware of the fact.

**Why did it happen?**

The chief engineer did not allow sufficient time for the starting air to brake the main engine before re-admitting fuel. Consequently, the main engine, which was still turning ahead, started the "wrong way" and ran in the ahead direction rather than astern.

When the main engine was operated in engine-room control mode, the only system protections to warn the crew of "wrong way" running of the engine were the bridge and engine control room console-mounted flashing light indicators. There was no automatic interlock to prevent 'wrong way' operation of the engine and no audible alarm to indicate when it was running the "wrong way".

The ship manager had not implemented any procedures or guidance to inform the crew that extra vigilance was required when operating the main engine in engine-room control mode.

The passage plan for the port contained general information, such as depths and navigation/channel marks, but it did not contain actual passage specific information, such as courses and speeds to be followed.

The port operator had not undertaken a risk assessment, or developed contingency plans for this specific ship handling manoeuvre in the port. Consequently, the pilot had no guidance regarding what actions to take if the berthing manoeuvre did not progress as he had planned.

The participation of the two tug masters in the pilotage process was not actively encouraged. Consequently, it was not until after the collision that one of the tug masters advised the pilot that the ship's main engine was still running ahead.

### **What can we learn?**

- The crew should be actively monitoring the main engine movement indicators in order to rapidly detect any differences between the telegraphed engine order and the actual engine movement.
- To help the crew to be at their most vigilant, some form of guidance and/or instructions should have been provided in the ship's safety management system.
- Having a passage plan for pilotage is critical for effective BRM to avoid a situation that none of the bridge team knows when to alert the pilot if any limits are being reached or if any error is being made.
- The ship's speed approaching the wharf may not allow enough time to implement any contingency plan. The issue of speed during pilotages should form an important part of any port risk assessment and associated control measure.
- Tug masters can be part of a pilot's early warning system and form a valuable defence against a single-person error.

### **Who may benefit?**

Shipowners, operators and crews, pilots, port operators and tug masters.

## **18 GROUNDING**

Very Serious Marine Casualty: Grounding of a bulk carrier in adverse weather

### **What happened?**

A bulk carrier left port in adverse weather. Due to its ballast condition, it did not have power enough to steer against wind and sea, and subsequently drifted along the coastline. An attempt was made to drop anchor, but the vessel still drifted to the shore, and broke up. Ten of her 21 crew members were lost.

### **Why did it happen?**

- Lack of detailed planning for departure.
- No risk assessment of the decision to leave port in adverse weather was made.
- The vessel was in ballast but not fully ballasted. Hence, its propeller power was not optimal.
- Lack of knowledge or understanding of the limitations of the anchoring system led to an attempt to anchor the vessel in vain.
- An authoritative leadership resulted in crew members accepting without assessment the master's decision to leave port.

### **What can we learn?**

- There was a lack of understanding of the vessel's limitations in such severe weather conditions. Simulator training might have enhanced the master's ability to understand vessel's performance.
- A proper risk assessment would have given the master a better basis for decision-making.

- Training in crew cooperation (like Bridge Resource Management or Maritime Resource Management) might have resulted in the master and crew making a proper risk assessment together (i.e. less authoritative management).
- The crew was tired which might have affected its performance.

**Who may benefit?**

Shipowners, operators and crews.

**19 COLLISION**

Very Serious Marine Casualty: Collision between a containership and a general cargo vessel

**What happened?**

A containership and a general cargo vessel approached each other in dense fog. One turned to port towards the other, while the other turned to starboard. The latter reduced speed, but not until the very last moment. After the collision, the latter vessel sank and everyone was lost.

**Why did it happen?**

- It was dense fog at the time of the collision.
- Actions taken by the officers on both vessels were inadequate or too late.
- There was a lack of understanding of how to act in restricted visibility.

**What can we learn?**

- Restricted visibility needs special attention, and appropriate actions in accordance with the Collision Regulations.
- The officers of both vessels realized very late that a dangerous situation was developing. They might have acted differently with better training and understanding of how to act in restricted visibility and other potentially dangerous situations.

**Who may benefit?**

Flag States, training institutions, and shipowners, operators and crews.

**20 FATALITY**

Very Serious Marine Casualty: Fatal accident in personnel lift (elevator) shaft

**What happened?**

To inspect the lift shaft pit, crew members tried to open the lift door while the lift was parked and disengaged on an upper deck. They did not succeed, so the chief engineer climbed onto the top of the lift through the top hatch, probably to find out how the doors were to be opened. He then closed the hatch after him. The second engineer reset the emergency stop because he thought, incorrectly, that the chief engineer had taken manual control of the lift. Hence, the lift went to normal operation, and started. The chief engineer was subsequently trapped and killed.

### **Why did it happen?**

- Lack of knowledge about the system. The crew members did not know how to operate the lift doors.
- Lack of communication. The second engineer did not know the intention of the chief engineer. He reset the emergency stop which he thought would allow the chief engineer to manually operate the lift.
- The fact that the hatch on top of the lift was closed removed a safety barrier.
- The company had not successfully implemented the safety management system: a risk assessment had not been completed; safe systems of work had not been established; work permits were not used appropriately.

### **What can we learn?**

- The SMS should be implemented in practice (and not only in theory). If it had been, this accident might have been prevented. Proper implementation of the SMS needs to be considered seriously by companies and designated persons. To succeed in implementing an SMS, there has to be commitment from the top.
- A risk assessment conducted before doing a job identifies the risks and makes it possible to prevent accidents.
- Communication between crew members may prevent many accidents.
- Technical safety barriers should not be by-passed.
- When the SMS is substandard, the risks of individual unsafe acts increase.

### **Who may benefit?**

Shipowners, operators and crews.

## **21 EXPLOSION AND FIRE**

Very Serious Marine Casualty: Explosion of gas in forecastle

### **What happened?**

A tanker was undertaking a scheduled passage loaded with Naptha. An explosion was heard and smoke was seen on the forecastle. Immediately after the explosion, the crew was mustered and accounted for with the bosun reported missing. After checking vessel's stability, the master decided to flood the forecastle area with water to avoid the spread of smoke and fire. The fire was subsequently extinguished but the bosun was not found.

### **Why did it happen?**

A number of tanks were losing pressure at a considerable rate so it was decided to top up the pressure with the nitrogen system. Cargo vapour, which was the only possible source to cause the explosion, had leaked through the de-humidifier system located in the forecastle. The de-humidifier system had not been shut down properly before the cargo had been loaded. The work had not been properly supervised by an officer.

### **What can we learn?**

- Consider the need to include forecastle areas containing de-humidifier units within the fixed gas detection system.

- Crew members should report to master or OOW when they notice any smell of gas from the cargo.
- The ship's Planned Maintenance System should be reviewed to ensure it adequately covers the de-humidifier system.

**Who may benefit?**

Shipowners, operators and crews.

**22 COLLISION**

Very Serious Marine Casualty: Collision between a cargo ship and a fishing vessel

**What happened?**

A cargo ship was on passage with the second officer alone on watch. At 1500 local time, the second officer noticed a fishing vessel at 30 degrees on the ship's port bow at about 8 to 9 nautical miles range. He then started to fill in the bridge log book. On completing the log book at 1530, he checked visually for possible traffic and noted no vessels on the ship's port or starboard side. At 1535, he saw a fishing vessel on the port side after the ship had collided with its starboard bow. The master ordered the rescue boat to be lowered, and 14 crew members were rescued from the fishing vessel, including one injured man and one fatality.

**Why did it happen?**

There was no additional watchman on the bridge from 1300 until the time of the collision. The OOW was distracted from keeping a proper lookout and was not using navigation equipment, such as radar, to perform adequate watchkeeping. The OOW did not detect the imminent danger.

**What can we learn?**

- Crew members should understand that, while they are watch, they need to perform fully their watchkeeping duties without being distracted by other activities like paperwork.
- Crew members should maintain a proper lookout throughout the watch, including the use of navigation equipment.

**Who may benefit?**

Shipowners, operators and crews.

**23 HEAVY WEATHER DAMAGE**

Very Serious Marine Casualty: Damage to wheelhouse resulting in a fatality

**What happened?**

A standby safety vessel was on station off an offshore platform. It was struck head-on by a large wave, which shattered the navigating bridge windows and dislodged the protective shutters that were in place. The damage that was sustained from the impact rendered both the vessel's navigation systems and propulsion controls ineffective. Large quantities of sea water entered the accommodation spaces, causing widespread flooding. Damage to the vessel's navigation and radio communication equipment rendered it inoperable. Distress communication was achieved using VHF radio microphones in the helmets of the FRC crew. The deceased body of the chief officer was discovered beneath a pile of damaged bridge equipment. Two rescue helicopters were dispatched to evacuate the survivors. The vessel was left as a dead ship to drift until a tow could be connected.

### **Why did it happen?**

Abnormally large waves can occur in the area in which the casualty occurred.

### **What can we learn?**

- A standby safety vessel should expect to encounter extreme weather conditions as a consequence of its operating area.
- Emergency exercises should incorporate unexpected factors to ensure crew members are fully prepared for the worst case scenario.

### **Who may benefit?**

Shipowners, operators and crews.

## **24 CAPSIZE AND SINKING**

Very Serious Marine Casualty: Capsize and sinking of a livestock carrier

### **What happened?**

A livestock carrier, fully loaded with cattle and sheep, was waiting to berth at its destination port when deteriorating weather and winds of up to force 9 caused it to proceed out of the anchorage area. At that time, the ship had a list of 5 degrees to starboard and was rolling in the seas. Following the master's order, the crew began using hoses to clean cargo decks 1 through 6 and the side shell doors on deck 6 were opened to help with the clearing of water from that deck. As the list increased to 14 degrees, the master ordered that the cause for the increase be investigated. As the list increased to 24 degrees, the master ordered the abandonment of the ship, altered the ship's heading to port and stopped engines. Not all crew members heard the abandon ship alarm. At around the same time, the chief officer, who was supervising the deck washing operations, went to deck 6 and observed water entering through the open side shell doors. Approximately 20 minutes after the engines were stopped, the ship capsized. It then sank in about 3 minutes. Of the 83 crew members on board, 40 were rescued, 11 died, and 32 were unaccounted for and presumed deceased. Many of the deceased crew were on board for the handling and welfare of the livestock.

### **Why did it happen?**

The crew was cleaning cargo decks using hoses and with the side shell doors in the opened position.

The scuppers may have become blocked by solid wastes from the livestock, resulting in an accumulation of water on deck.

As the heel increased to about 20 degrees, additional water from the surrounding sea was seen to enter deck 6 through the side shell openings with each roll of the ship, increasing the free surface effect on board.

Watertight doors were noted to have been left open to ease the movement of the cleaning crew.

The vessel lost stability due to the accumulation of water on deck 6, the partially filled tanks, and a shift in cargo (as a result of the possible failures of the pen gates and rails), among others. There was a lack of coordination during the abandonment of the ship, possibly as a result of a lack of basic safety training and ineffective conduct of drills, and not all crew heard the abandon ship alarm.

### **What can we learn?**

The importance of monitoring vessel stability at all phases of a voyage while considering all relevant factors before starting an operation which poses a risk to stability.

The importance of ensuring that all crew on board, certified and un-certified, are familiar with and competent to carry out emergency procedures.

### **Who may benefit?**

Ship operators, officers and crew.

## **25 STRUCTURAL FAILURE RESULTING IN FOUNDERING WITH LOSS OF LIFE**

Very Serious Marine Casualty:

### **What happened?**

A general cargo ship loaded with limestone experienced a structural failure when heading directly into rough seas and gale force winds. The vessel sank approximately 15 minutes later. Two of the vessel's eight crew managed to swim clear of the foundering vessel and were subsequently rescued from a liferaft.

### **Why did it happen?**

The cargo, which was high density, had been loaded as a single pile within the central section of the hold. As a result, significant stresses were generated in the vessel's midship section. These were exacerbated by the rough seas in which the wavelength was similar to the length of the vessel.

The ship's hull strength had likely weakened significantly over the previous 2½ years through corrosion and wastage. The maintenance and repair of the vessel had lacked focus and oversight; no structural repairs had been undertaken recently.

Other contributing factors included: non-compliance with the International Maritime Solid Bulk Cargo Code, ineffective safety management, poor quality of survey and audit, lack of oversight of the classification society by the Flag State. The investigation also identified several safety issues concerning the immersion suits and lifejackets available on board the vessel.

### **What can we learn?**

- Dry bulk cargoes should be loaded and carried in accordance with the International Maritime Solid Bulk Cargoes Code (IMSBC Code) in order to ensure a vessel's structural integrity is maintained at all times.
- A vessel's course and speed should be adjusted to reduce placing undue stress on the vessel's hull.
- Lifesaving appliances provided on a vessel should be compatible and fit for purpose as well as the need for regular drills that should include the donning of immersion suits.

### **Who may benefit?**

Flag States, port States, shipowners, operators, crews and classification society surveyors

\*\*\*



**ANNEX 4**

**DRAFT MSC-MEPC.4 CIRCULAR**

**PORT STATE CONTROL-RELATED MATTERS\***

**GUIDELINES FOR PORT STATE CONTROL OFFICERS ON THE ISM CODE**

1 The Marine Environment Protection Committee, [at its sixty-eighth session (11 to 15 May 2015)], and the Maritime Safety Committee, [at its ninety-fifth session (1 to 12 June 2014)], approved the *Guidelines for port State control officers on the ISM Code* following the recommendations made by the Sub-Committee on Implementation of IMO Instruments, at its first session, [and the Sub-Committee on Human Element, Training and Watchkeeping, at its second session].

2 Member Governments and regional port State control regimes are invited to apply the *Guidelines for the port State control officer on the ISM Code* as appropriate and to bring them to the attention of officials exercising port and coastal State actions, and other parties, as appropriate.

---

\* In order to facilitate the identification and retrieval of information circulated by means of joint MSC-MEPC circulars, from now on such information will be disseminated through the following circular series:

- 1 Organization and methods of work, as MSC-MEPC.1/Circ...
- 2 General matters, as MSC-MEPC.2/Circ...
- 3 Casualty-related matters, as MSC-MEPC.3/Circ...
- 4 Port State control-related matters, as MSC-MEPC.4/Circ...
- 5 Survey and certification-related matters, as MSC-MEPC.5/Circ...
- 6 National contact points for safety and pollution prevention and response, as MSC-MEPC.6/Circ...
- 7 Human element-related matters, as MSC-MEPC.7/Circ...

## ANNEX

### **GUIDELINES FOR PORT STATE CONTROL OFFICERS ON THE ISM CODE**

#### **1 GENERAL**

1.1 The International Safety Management Code (ISM Code) was adopted by the Assembly at its eighteenth session by resolution A.741(18) and was amended by resolutions MSC.104(73) and MSC.273(85). The ISM Code has been made a mandatory instrument through to SOLAS regulation IX/3.

1.2 The Administration is responsible for verifying compliance with the requirements of the ISM Code and issuing Documents of Compliance to Companies and Safety Management Certificates to ships. This verification is carried out by the Administration or a recognized organization (RO).

1.3 The port State control officer (PSCO) conducts an inspection of the ship, which is a sampling process and gives a snapshot of the vessel on a particular day. The documentation of the Safety Management System (SMS) is required to be in the working language of the ship, which the PSCO may not be able to understand. Therefore, the PSCO cannot perform a safety management audit and is not a member of a RO.

#### **2 GOALS AND PURPOSE**

2.1 The Guidelines provide guidance to PSCOs for the harmonized application of relating technical or operational deficiencies found in relation to the ISM Code during a PSC inspection.

#### **3 APPLICATION**

3.1 The ISM Code applies to the following types of ships engaged on international voyages:

- .1 all passenger ships including passenger high-speed craft;
- .2 oil tankers, chemical tankers, gas carriers, bulk carriers and cargo high-speed craft of 500 gross tonnage and above; and
- .3 other cargo ships and self-propelled Mobile Offshore Drilling Units (MODUs) of 500 gross tonnage and above.

3.2 For establishing the applicability of SOLAS chapter IX and the ISM Code; "gross tonnage" means the gross tonnage of the ship as determined under the provisions of the International Convention on the Tonnage Measurement of Ships, 1969 and as stated on the International Tonnage Certificate of the ship.

3.3 The ISM Code does not apply to government-operated ships used for non-commercial purposes.

## 4 RELEVANT DOCUMENTATION

4.1 Applicable documentation for these Guidelines are as follows:

- .1 SOLAS;
- .2 ISM Code;
- .3 Copy of the Interim DOC, or Copy of the DOC;
- .4 Interim SMC, or SMC; and
- .5 MSC/Circ.1059-MEPC/Circ.401, as may be amended.

## 5 DEFINITIONS AND ABBREVIATIONS

SOLAS	International Convention for the Safety of Life at Sea, 1974, as amended
ISM Code	International Safety Management Code:  <i>"The International Management Code for the Safe Operation of Ships and for Pollution Prevention adopted by the Organization by resolution A.741(18), as may be amended by the Organization."</i>
Procedures for Port State Control	Procedures for Port State Control, 2011, as adopted by resolution A.1052(27), as may be amended
Company	<i>"The owner of the ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the shipowner and who, on assuming such responsibility, has agreed to take over all duties and responsibility imposed by the Code."</i>
Administration	<i>"The Government of the State whose flag the ship is entitled to fly."</i>
DOC	<i>Document of Compliance:</i>  <i>"A document issued to a Company which complies with the requirements of the ISM Code."</i>
SMC	Safety Management Certificate:  <i>"A document issued to a ship which signifies that the Company and its shipboard management operate in accordance with the approved safety management system."</i>
SMS	Safety Management System:  <i>"A structured and documented system enabling Company personnel to implement effectively the Company safety and environmental protection policy."</i>

Objective evidence	<i>"Quantitative or qualitative information, records or statements of fact pertaining to safety or to the existence and implementation of a safety management system element, which is based on observation, measurement or test and which can be verified."</i>
Valid certificate	<i>"A certificate that has been issued directly by a Party to a relevant Convention or on its behalf by a recognized organization and contains: accurate and effective dates; meets the provisions of the relevant Convention; and, with which the particulars of the ship, its crew and its equipment correspond."</i>
PSC	Port State Control
PSCO	Port State Control Officer
RO	Recognized Organization <i>"An organization recognized by the Administration."</i>
MODU	Mobile offshore drilling unit

## **6 INSPECTION OF SHIP**

### **6.1 Initial inspection**

6.1.1 Initial inspection should be carried out in accordance with the Procedures for port State control.

6.1.2 During the initial PSC inspection, the PSCO should verify that the ship carries the ISM certificates according to SOLAS chapter IX and the ISM Code by examining the copy of the DOC and the SMC, for which the following points are to be considered:

- .1 a copy of the DOC should be on board. However, according to SOLAS, the copy of the DOC is not required to be authenticated or certified. The copy of the DOC should have the required endorsements;
- .2 the SMC is not valid unless the operating Company holds a valid DOC for that ship type. The ship type in the SMC should be included in the DOC and the Company's particulars should be the same on both the DOC and the SMC. The SMC should have the required endorsements;
- .3 the validity of an Interim DOC should not exceed a period of 12 months. The validity of an Interim SMC should not exceed a period of six months. In special cases, the Administration, or at the request of the Administration another Government, may extend the validity of the Interim SMC for a period, which should not exceed six months from the date of expiry;
- .4 ROs may issue a short-term DOC or SMC not exceeding five months, whilst the full term certificate is being prepared in accordance with their internal procedures. If a renewal verification has been completed and a new SMC cannot be issued or placed on board the ship before the expiry date of the existing certificate, the Administration or RO may endorse the existing certificate. Such a certificate should be accepted as valid for a further period which should not exceed five months from the expiry date;

- .5 if a ship at the time when a SMC expires is not in a port in which it is to be verified, the Administration may extend the period of validity of the SMC but this extension should be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be verified, and then only in cases where it appears proper and reasonable to do so;
- .6 no SMC should be extended for a period of longer than three months, and the ship to which an extension is granted should not, on its arrival in the port in which it is to be verified, be entitled by virtue of such extension to leave that port without having a new SMC. When the renewal verification is completed, the new SMC should be valid to a date not exceeding five years from the expiry date of the existing SMC before the extension was granted; and
- .7 if no technical or operational related deficiencies are found during an initial inspection carried out in accordance with the Procedures for port State control and guidelines, there is no need to consider the ISM aspect.

## **6.2 Clear grounds**

6.2.1 Since the PSCO is not carrying out a safety management audit of the SMS during a PSC inspection, the term clear grounds is not applicable in this context.

6.2.2 Clear grounds and the subsequent more detailed inspection only exists for technical or operational related deficiencies.

## **6.3 More detailed inspection**

6.3.1 If a more detailed inspection for technical or operational related deficiencies is carried out, this should be done in accordance with the Procedures for port State control. Any technical and/or operational-related deficiencies found during this inspection should be, individually or collectively considered by the PSCO, using their professional judgement, to indicate that either:

- .1 these do not show a failure, or lack of effectiveness, of the implementation of the ISM Code; or
- .2 there is a failure, or lack of effectiveness, of the implementation of the ISM Code; or
- .3 there is a serious failure, or lack of effectiveness, of the implementation of the ISM Code.

6.3.2 If an outstanding ISM related deficiency from a previous PSC inspection exists and the current PSC inspection is more than 3 months later:

- .1 the PSCO will verify that an internal safety audit has been performed. The content of the internal safety audit report should not be evaluated; and
- .2 having reference to the previous PSC inspection report, the PSCO will examine the technical and/or operational areas in which deficiencies designated with "ISM" are noted.

## **7 FOLLOW-UP ACTION**

### **7.1 Technical, operational and ISM-related deficiencies**

7.1.1 The principles outlined in the Procedures for port State control with regard to reporting and rectification of technical or operational related deficiencies, and detention and release of the ship is applicable.

7.1.2 If there are technical or operational related deficiencies reported which:

- .1 do not show a failure, or lack of effectiveness, of the implementation of the ISM Code. No ISM-related deficiency should be reported in the PSC inspection report;
- .2 individually or collectively do not warrant the detention of the ship but indicate a failure, or lack of effectiveness, of the implementation of the ISM Code; Report an ISM-related deficiency in the PSC inspection report with the requirement of an internal safety audit and corrective action within three months; and
- .3 individually or collectively lead to detention of the ship and indicate a serious failure, or lack of effectiveness, of the implementation of the ISM Code; Report an ISM related deficiency in the PSC inspection report with the requirement that a safety management audit has to be carried by the Administration or the RO before the ship may be released from her detention.

Note: Where the PSCO considers one or more technical and/or operational deficiency(s) is ISM related this should be recorded as only one ISM deficiency.

7.1.3 If an outstanding ISM-related deficiency (to be rectified within three months) from a previous PSC inspection exists and no objective evidence can be provided by the master of the ship, during the current PSC inspection more than three months later, that an internal safety audit has been performed, any further action will be taken based on the professional judgement of the PSCO and may warrant the detention of the ship.

### **7.2 Deficiencies not warranting detention**

7.2.1 Minor typing errors in the DOC or the SMC should be reported in the PSC inspection report as a technical deficiency with the certificates and not an ISM-related deficiency.

7.2.2 If technical and/or operational-related deficiencies are found and reported during the PSC inspection, which do not warrant detention but in the professional judgement of the PSCO provide objective evidence of a failure, or lack of effectiveness, of the implementation of the ISM Code; this should be reported additionally in the PSC inspection report as an ISM-related deficiency.

### **7.3 Deficiencies warranting detention**

7.3.1 The following are deficiencies which may warrant detention:

- .1 deficiencies of technical and/or operational nature which individually or collectively provide objective evidence of a serious failure, or lack of effectiveness, of the implementation of the ISM Code;

- .2 there is no SMC, interim SMC and/or copy of the DOC or interim DOC on board the ship;
- .3 there is no valid SMC or interim SMC on board;
- .4 the SMC intermediate verification is overdue;
- .5 the SMC is expired and there is no objective evidence of an extension issued by the Administration; or where the SMC has been withdrawn by the Administration;
- .6 the DOC or interim DOC is expired or withdrawn;
- .7 the ship type as indicated on the SMC or interim SMC not listed on the DOC or interim DOC;
- .8 evidence of the DOC annual verification is not available on board;
- .9 the certificate number on the copy of the DOC and the endorsement pages are not the same; and
- .10 the Company name, the Company address or the issuing Government authority on the DOC or interim DOC is not the same as on the SMC or interim SMC.

## **8 REPORTING**

### **8.1 Technical and operational-related deficiencies**

8.1.1 All technical and/or operational-related deficiencies should be recorded as an individual deficiency in the PSC inspection report according to the Procedures for port State control.

8.1.2 Technical-related deficiency with the defective item DOC/SMC or interim DOC/SMC should be recorded in the PSC inspection report as a certificate deficiency.

### **8.2 ISM-related deficiency**

8.2.1 Where the PSCO has considered the technical and/or operational-related deficiencies found and concluded these provide objective evidence of a (serious) failure, or lack of effectiveness of the implementation of the ISM Code, an ISM-related deficiency should be reported in the PSC inspection report.

\*\*\*





**ANNEX 5**

**DRAFT MSC CIRCULAR**

**GUIDELINES FOR PORT STATE CONTROL OFFICERS ON CERTIFICATION OF SEAFARERS' REST HOURS BASED ON THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS (STCW), 1978, AS AMENDED AND MANNING REQUIREMENTS FROM THE FLAG STATE**

1 The Maritime Safety Committee, [at its ninety-fifth session (1 to 12 June 2014)], approved the *Guidelines for port State control officers on certification of seafarers' rest hours based on the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended and manning requirements from the flag State*, following the recommendations made by the Sub-Committee on Implementation of IMO Instruments, at its first session, [and the Sub-Committee on Human Element, Training and Watchkeeping, at its second session].

2 Member Governments and regional port State control regimes are invited to apply the annexed Guidelines as appropriate and to bring them to the attention of officials exercising port and coastal State actions and other parties, as appropriate.

## ANNEX

### **GUIDELINES FOR PORT STATE CONTROL OFFICERS ON CERTIFICATION OF SEAFARERS' REST HOURS BASED ON THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS AND MANNING REQUIREMENTS FROM THE FLAG STATE**

#### **1 GENERAL**

1.1 The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) was adopted in 1978 and entered into force in 1984. The Convention has since been amended several times, the latest by the Manila Amendments in 2010.

#### **2 GOALS AND PURPOSE**

2.1 This circular is intended to provide guidance for a harmonized approach of port State control (PSC) inspections in compliance with SOLAS regulation V/14.2 and regulation I/4 of the STCW Convention, as amended.

#### **3 APPLICATION**

3.1 SOLAS regulation V/14.2 only applies to ships covered by chapter I of SOLAS. The STCW Convention as amended applies to all seagoing ships. The STCW Code is divided into a mandatory part A and a non-mandatory part B. Part B of the STCW Code is not applicable during the inspection.

3.2 All passenger ships regardless of size and all other ships over 500 gross tonnage should have a "Minimum Safe Manning Document or equivalent" on board issued by the flag State.

3.3 Any new or single deficiency which is either a deficiency related to SOLAS, STCW or other IMO Conventions, should preferably be registered with these conventions references.

#### **4 RELEVANT DOCUMENTATION**

4.1 The documentation required for the inspection referred to in these guidelines consist of:

- .1 the minimum safe manning document;
- .2 certificate of competency;
- .3 certificate of proficiency;
- .4 flag State endorsement to attest the recognition of a certificate;
- .5 documentary evidence (passenger ships only);
- .6 records of daily hours of rest;
- .7 muster list;
- .8 table of ship working arrangements and/or watch schedule; and
- .9 medical certificate.

## **5 DEFINITIONS AND ABBREVIATIONS**

5.1 Certificate of Competency means a certificate issued and endorsed for masters, officers and Global Maritime Distress and Safety System (GMDSS) radio operators in accordance with the provisions of chapters II, III, IV or VII of the STCW Convention and entitling the lawful holder thereof to serve in the capacity and perform the functions involved at the level of responsibility specified therein.

5.2 Certificate of Proficiency means a certificate, other than a certificate of competency issued to a seafarer, stating that the relevant requirements of training, competencies or seagoing service in the STCW Convention have been met.

5.3 Documentary evidence means documentation, other than a Certificate of Competency or Certificate of Proficiency, used to establish that the relevant requirements of the STCW Convention have been met.

5.4 The following abbreviations have been used:

- .1 CoC (Certificate of Competency);
- .2 CoP (Certificate of Proficiency); and
- .3 MSMD (Minimum Safe Manning Document).

## **6 INSPECTION OF SHIP**

### **6.1 Pre-boarding preparation**

6.1.1 Taking into account the type, size, engine power and other particulars of the ship, the port State control officer (PSCO) should be aware of the relevant requirements of SOLAS regulation V/14 and the STCW Convention.

6.1.2 The PSCO should be aware that resolutions are non-mandatory documents and not applicable during a PSC inspection.

6.1.3 The PSCO should also identify if the flag State is part of MSC.1/Circ.1163 latest edition as a Party to the STCW Convention, as amended, confirmed by the Maritime Safety Committee to have communicated information which demonstrates that full and complete effect is given to the relevant provisions of the Convention. If the flag State is not included in the list a more detailed inspection should be conducted as the ship may be considered as a ship from a country not having ratified the Convention (no more favourable treatment).

### **6.2 Initial Inspection**

#### **Certificates and documents**

6.2.1 The PSCO should examine the documents in section 4, where applicable.

6.2.2 During the verification of the seafarers' certificates and documents the PSCO must check if they are applicable to the ship's characteristics, operation and the position on board of the seafarers.

6.2.3 If the flag State Administration has not issued a MSMD due to the ship's size the PSCO should examine the CoC, CoP and their relevant flag State endorsement for the crew and compare with the requirements of the STCW Convention. Regarding the number of seafarers, the PSCO should then use his/her professional judgement, taking into account chapter VIII of the STCW Convention and Code and the duration and area of the next voyage, to determine if it can be undertaken safely. The PSCO can also check the numbers of seafarers on board during the previous voyage. If necessary the PSCO should consult the flag State Administration.

6.2.4 If a ship is manned in accordance with a MSMD or equivalent document issued by the flag State, the PSCO should accept that the ship is safely manned unless the document has clearly been issued without regard to the principles contained in the relevant instruments, in which case the PSCO should act according to the procedure defined in section 7.4.

6.2.5 The PSCO should be aware that the requirement for radio operators contained in STCW regulation I/4 and II/1 may differ from the minimum requirements specified in the MSMD.

The inspection should be limited to the following:

- .1 verification that all seafarers serving on board, who are required to be certificated, hold a CoC, CoP and their relevant flag State endorsement or a valid dispensation, or provide documentary proof that an application for an endorsement has been submitted to the flag State Administration; and
- .2 verification that the numbers and certificates of the seafarers serving on board are in conformity with the applicable Safe Manning requirements of the flag State.

### **Certificates and endorsements**

6.2.6 According to article VI paragraph 2 of the STCW Convention, certificates for masters and officers should be endorsed by the issuing Administration in the form prescribed in regulation I/2 of the annex to the convention.

6.2.7 The requirement in article VI covers CoC for masters and officers and CoP issued in accordance with the provisions of regulations V/1-1 and V/1-2 to masters and officers.

6.2.8 The certificates may be issued as one certificate with the required endorsement incorporated. If so incorporated, the form used should be that set forth in section A-I/2, paragraph 1.

6.2.9 The endorsement may also be issued as separate document. If so, the form used should be that set forth in section A-I/2, paragraph 2.

6.2.10 However, Administrations may use a format different from the format given in section A-I/2 of the STCW Code, provided that, as a minimum, the required information is provided in Roman characters and Arabic figures.

6.2.11 Certificates and endorsements issued as separate documents should each be assigned a unique number, except that endorsements attesting the issue of a certificate may be assigned the same number as the certificate concerned, provided that number is unique.

6.2.12 Certificates and endorsements issued as separate documents should include a date of expiry. The date of expiry on an endorsement issued as separate document may never exceed the date of expiry on the certificate.

6.2.13 The capacity in which the holder of a certificate is authorized to serve should be identified in the form of endorsement in terms identical to those used in the applicable safe manning requirements of the Administration.

**Recognition by endorsement of a certificate issued by an Administration that is not the flag State of the ship**

6.2.14 CoC and CoP issued to masters and officers in accordance with regulation V/1-1 or V/1-2, that have been issued by a State that is not the flag State are required to be recognized by the flag State. Certificates issued by an Administration which is not a party included in MSC.1/Circ. 1163 cannot be recognized by the flag State Administration.

6.2.15 An Administration which recognizes under regulation 1/10 a CoC or CoP issued to masters and officers in accordance with regulation V/1-1 or V/1-2 should endorse that certificate to attest its recognition. The form of the endorsement used should be that prescribed in section A-I/2 paragraph 3 of the STCW code.

6.2.16 However, Administrations may use a format different from the format given in section A-I/2 of the STCW Code, provided that, as a minimum, the required information is provided in Roman characters and Arabic figures.

6.2.17 Incorrect wording or missing information may be a cause for suspicion regarding fraudulent certificates or endorsements.

6.2.18 Endorsements attesting recognition of certificates should each be assigned a unique number, however they may be assigned the same number as the certificate concerned, provided that number is unique.

6.2.19 Endorsements attesting recognition should include a date of expiry. The date of expiry on an endorsement attesting recognition may never exceed the date of expiry on the certificate being recognized.

6.2.20 The capacity in which the holder of a certificate is authorized to serve should be identified in the form of endorsement in terms identical to those used in the applicable safe manning requirements of the Administration. This may result in slight variations of terminology between the original CoC and the endorsement of recognition.

6.2.21 Seafarers must have their original CoC on board as well as any original endorsements of recognition. An endorsement to attest recognition should not entitle a seafarer to serve in a higher capacity than the original CoC.

6.2.22 If circumstances require it, a flag State Administration may permit a seafarer to serve for a period not exceeding three months on ships entitled to fly its flag whilst holding a valid CoC issued by another party and valid for service on that party's ships.

6.2.23 Documentary proof must be readily available that an application for endorsement has been made to the Administration of the flag State. This is often referred to as the confirmation of receipt of application (CRA). This provision allows Administrations to permit seafarers to serve on their ships whilst the application for recognition is being processed.

6.2.24 If an endorsement to attest recognition or certificate of [equivalent] competency has expired or has not been issued or documentary proof of application for endorsement is not readily available. The PSCO should consider whether or not the ship can comply with regulation I/4.1.2 regarding the numbers and certificates on board being in compliance with the applicable safe manning requirements of the flag State. This may be considered a deficiency in accordance with regulation I/4.2.4 and rectify before departure or detention may be applied. The officer carrying out the control should forthwith inform, in writing, the master of the ship and the Consul or, in his absence, the nearest diplomatic representative or the maritime authority of the State whose flag the ship is entitled to fly, so that appropriate action may be taken.

6.2.25 In cases of suspected intoxication of masters, officers and/or other seafarers while performing designated safety, security and marine environmental protection duties, the appropriate Authorities of the port and flag State should be notified.

6.2.26 Seafarers [and supernumerary] should have a valid "medical certificate" (regulation I/9) and "familiarization training" (regulation VI/1). If such crew is assigned to any designated safety or pollution prevention duties, they must be trained and qualified for such duties in accordance with Annexe of this guideline.

6.2.27 The flag State may exempt the seafarers engaged on ships, other than passenger ships, of more than 500 gross tonnage on international voyages and tankers from some of the requirements of the regulation VI/1.

### **6.3 Clear grounds**

6.3.1 Clear grounds means evidence that the ship, its equipment, or its crew does not correspond substantially with the requirements of the relevant conventions or that the master or crew members are not familiar with essential shipboard procedures relating to the safety of ships or the prevention of pollution. Examples of clear grounds are included in section 2.4 of the Procedures for port State control.

6.3.2 The occurrences below are considered as factors leading to a more detailed inspection:

- .1 the ship has been involved in a collision, grounding or stranding; or
- .2 there has been a discharge of substances from the ship when under way, at anchor or at berth which is illegal under any international convention; or
- .3 the ship has been manoeuvred in an erratic or unsafe manner whereby routing measures adopted by IMO or safe navigation practices and procedures have not been followed; or
- .4 the ship is otherwise being operated in such a manner as to pose a danger to persons, property, the environment, or a compromise to security.

### **6.4 More detailed inspection**

6.4.1 The PSCO should verify:

- .1 that seafarers are sufficiently rested and otherwise fit for duty for the first watch at the commencement of the intended voyage and for subsequent relieving watches. This may be done by comparing records of daily hours of rest with the requirements in the STCW Convention for an appropriate period, which should at least include, whenever possible, the seven-day period immediately prior to departure. The rest period must reflect actual hours worked;

- .2 a sufficient number of certificates from all departments to demonstrate that the vessel and the composition of the crew complies with the requirements of the STCW Convention; and
- .3 that navigational or engineering watch arrangements conform to the requirements specified for the ship in the MSMD by the flag State and the requirements of STCW Convention regulation VIII/2 and Code section A-VIII/2.

6.4.2 An assessment of seafarers can only be conducted by the port State if there are clear grounds for believing that the ability of the seafarers of the ship to maintain watchkeeping and security standards, as appropriate, as required by the STCW Convention are not being maintained because any of the situations mentioned in paragraph 6.3.2 have occurred:

- .1 the assessment procedure provided in the STCW Convention regulation I/4, paragraph 1.3, should take the form of a verification that members of the crew who are required to be competent do in fact possess the necessary skills related to the occurrence;
- .2 it should be borne in mind when making this assessment that onboard procedures are relevant to the International Safety Management (ISM) Code and that the provisions of the STCW Convention are confined to the competence to safely execute those procedures [and security];
- .3 control procedures under the STCW Convention should be confined to the standards of competence of the individual seafarers on board and their skills related to watchkeeping as defined in part A of the STCW Code. Onboard assessment of competency should commence with verification of the certificates of the seafarers;
- .4 notwithstanding verification of the certificate, the assessment under the STCW Convention regulation I/4, paragraph 1.3 can require the seafarer to demonstrate the related competency at the place of duty. Such demonstration may include verification that operational requirements in respect of watch keeping standards have been met and that there is a proper response to emergency situations within the seafarer's level of competence;
- .5 in the assessment, only the methods for demonstrating competence together with the criteria for its evaluation and the scope of the standards given in part A of the STCW Code should be used. In cases where doubt of knowledge on operational use of equipment exist, the relevant officer or crew member should be asked to perform a functional test. Failure to perform a functional test could indicate the lack of familiarization or competency; and
- .6 assessment of competency related to security should be conducted for those seafarers with specific security duties only in case of clear grounds, as provided for in chapter XI/2 of SOLAS by the competent security Authority. In all other cases, it should be confined to the verification of the certificates and/or endorsements of the seafarers.

## **7 FOLLOW-UP ACTION**

### **7.1 Possible action**

7.1.1 Possible action to be considered by PSCO for the manning control in compliance with STCW Convention may be dealt with in two ways:

- .1 exercise of control with regard to the documentation concerning the ship;  
and
- .2 exercise of control with regard to the documentation for individual seafarers on board.

### **7.2 Possible deficiencies**

The following is a non-exhaustive list of possible deficiencies:

#### Ship-related:

- .1 manning (number or qualification) not in accordance with the MSMD STCW regulation I/4.2.2 and SOLAS regulation V/14;
- .2 watch schedule not posted or not being followed STCW regulations I/4.2.3 and I/4.2.5;
- .3 unqualified person on duty STCW regulation/4.2.4;
- .4 the absence of a table of shipboard working arrangement or of records of hours of work or rest of seafarers; and
- .5 the records of hours of rest are inaccurate or incomplete.

#### Seafarers' documentation:

- .6 no flag State endorsements or "documentary proof of application" STCW regulations I/4.2.1, I/4.2.2, I/4.2.3 and I/4.2.4;
- .7 tanker Documentation: Mandatory basic or advanced training or endorsement not presented. [If rating, replace before the ship is allowed to sail STCW regulations I/4.2.1, I/4.2.2, I/4.2.3 and I/4.2.4];
- .8 no evidence of basic training, or other certificate of proficiency, if not included in a qualification certificate held (regulations I/9, VI/1, VI/1.2 VI/3, VI/4 and VI/6);
- .9 the ship has a master, officer or rating holding a certificate issued by a country which has not ratified the STCW Convention; and
- .10 information or evidence that the master or crew is not familiar with essential shipboard operations relating to the safety of ships or the prevention of pollution, or that such operations have not been carried out.



### 7.3 Deficiencies warranting detention

7.3.1 A non-exhaustive list of grounds for detention is contained in regulation I/4 of the STCW Convention as amended.

- .1 failure of seafarers to hold a certificate, to have an appropriate certificate, to have a valid dispensation or to provide documentary proof that an application for an endorsement has been submitted to the Administration in accordance with regulation I/10, paragraph 5;
- .2 failure to comply with the applicable safe manning requirement of the Administration;
- .3 failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the Administration;
- .4 absence in a watch of a person qualified to operate equipment essential to safe navigation, safety radiocommunications or the prevention of marine pollution; and
- .5 inability to provide, for the first watch at the commencement of a voyage and for subsequent relieving watches, persons who are sufficiently rested and otherwise fit for duty.

7.3.2 Other grounds for detention are listed below:

Ship-related:

- .1 MSMD (SOLAS regulation V/14) not presented; and
- .2 records of daily hours of rest required by A-VIII/1 section 7 are not on board.

Seafarers' documentation:

- .3 not available or serious discrepancy in the CoC, STCW regulation I/4.2.1;
- .4 tanker documentation: Mandatory basic or advanced training or endorsement not presented.  
If Officer, [replace before the ship is allowed to sail – STCW regulations I/4.2.1, I/4.2.2, I/4.2.3 and I/4.2.4];
- .5 absence in watch of a radio operator (general/restricted GMDSS) Certificates and endorsement not available: STCW regulations I/4.2.1, I/4.2.2, I/4.2.3, I/4.2.4 and II/1.2.1;
- .6 documentation for personnel with designated safety, security and marine environmental duties not available: STCW regulation I/4.2.1, I/4.2.2, I/4.2.3 and I/4.2.4;
- .7 fraudulent certificates STCW regulations I/4.2.1, I/4.2.2, I/4.2.3 and I/4.2.4;
- .8 expired certificates (Note: For medical certificate cf. regulation I/9 paragraphs 6 and 7), STCW regulation I/4.2.5;

- .9 failure of seafarers to hold a certificate, to have an appropriate certificate, to have a valid dispensation or to provide documentary proof that an application for an endorsement has been submitted to the flag State administration;
- .10 evidence that a certificate has been fraudulently obtained or the holder of a certificate is not the person to whom that certificate was originally issued;
- .11 failure to comply with the applicable safe manning requirements of the flag State administration;
- .12 failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the flag State administration;
- .13 absence in a watch of a person qualified to operate equipment essential to safe navigation, safety radio communications or the prevention of marine pollution;
- .14 failure to provide proof of professional proficiency [as required by regulation VII/2] for the duties assigned to seafarers for the safety of the ship and the prevention of pollution; and
- .15 inability to provide for the first watch at the commencement of a voyage and for subsequent relieving watches persons who are sufficiently rested and otherwise fit for duty.

#### **7.4 Actions to be considered**

##### **Ship-related**

7.4.1 If the actual number of crew or composition does not conform to the manning document, the port State should request the flag State for advice as to whether or not the ship should be allowed to sail with the actual number of crew and composition of crew. Such a request and response should be by the most expedient means and either party may request the communication in writing. If the actual crew number or composition is not brought into compliance with the MSMD or the flag State does not advise that the ship may sail, the ship may be considered for detention after the criteria set out in section 7.3 have been taken into account.

##### **Deficiency-related**

7.4.2 When the manning is not in accordance with the MSMD and no flag State Endorsements or no "documentary proof of application" can be presented, the port State should consult the flag State whenever possible due to time difference or other conditions. However, if it is not possible to establish contact with the flag State, the port State should forthwith inform, in writing, the master of the ship and the Consul or, in their absence, the nearest diplomatic representative or the maritime authority of the State whose flag the ship is entitled to fly, so that appropriate action may be taken.

7.4.3 In cases where an unqualified seafarer has been on duty and/or the watch schedule has not been followed, the flag State should be informed and this could be considered as an ISM deficiency.

7.4.4 In cases where there is a seafarer on duty who is not qualified to carry out an operation, that particular operation should be stopped immediately.

## **8 NOTE ON REPORTING DEFICIENCIES**

8.1 The PSCO should be aware that more than one relevant Convention (STCW SOLAS or Maritime Labour Convention, 2006 and any other applicable ILO Conventions) could be applicable. The PSCO should decide which one is the most appropriate

## ANNEXES

- Annex 1 List of certificates or documentary evidence required under the STCW Convention
- Annex 2 Reference List
- Annex 3 Special training requirements for personnel on board tankers and passenger ships
- Annex 4 Aide-memoire STCW 78/95 as amended – requirements in force from 1 January 2012

ANNEX 1

**List of certificates or documentary evidence required under the STCW Convention**

The list below identifies all certificates or documentary evidence described in the STCW Convention which authorize the holder to serve in certain functions on board ships. The certificates are subject to the requirements of regulation I/2 regarding language and their availability in original form.

The list also references the relevant regulations and the requirements for endorsement, registration and revalidation.

STCW Regulation	Type of certificate	Endorsement attesting recognition <sup>1</sup>	Registration <sup>2</sup>	Revalidation <sup>3</sup>
II/1, II/2, II/3, III/1, III/2, III/3, III/6, IV/2, VII/2	Certificate of Competency – for masters, officers and GMDSS radio operators	Yes	Yes	Yes
II/4, III/4, VII/2	Certificate of Proficiency – for ratings duly certified to be part of a navigational or engine-room watch	No	Yes	No
II/5, III/5, III/7, VII/2	Certificate of proficiency – for ratings duly certified as able seafarer deck, able seafarer engine or electro-technical rating	No	Yes	No
V/1-1, V/1-2	Certificate of Proficiency or endorsement to a Certificate of Competency – for masters and officers on oil, chemical or liquefied gas tankers	Yes	Yes	Yes
V/1-1, V/1-2	Certificate of Proficiency – for ratings on oil, chemical or liquefied gas tankers	No	Yes	No
V/2	Documentary evidence – Training for masters, officers, ratings and other personnel serving on passenger ships	No	No	No <sup>4</sup>
VI/1	Certificate of Proficiency <sup>5</sup> – Basic training	No	Yes	Yes <sup>6</sup>
VI/2	Certificate of Proficiency <sup>5</sup> – Survival craft, rescue boats and fast rescue boats	No	Yes	Yes <sup>6</sup>
VI/3	Certificate of Proficiency <sup>5</sup> – Advanced fire fighting	No	Yes	Yes <sup>6</sup>
VI/4	Certificate of Proficiency <sup>5</sup> – Medical first aid and medical care	No	Yes	No
VI/5	Certificate of proficiency – Ship security officer	No	Yes	No
VI/6	Certificate of Proficiency <sup>7</sup> – security awareness training or security training for seafarers with designated security duties	No	Yes	No

- 1 Endorsement attesting recognition of a certificate means endorsement in accordance with regulation I/2, paragraph 7.
- 2 Registration required means as part of register or registers in accordance with regulation I/2, paragraph 14.
- 3 Revalidation of a certificate means establishing continued professional competence in accordance with regulation I/11 or maintaining the required standards of competence in accordance with sections A-VI/1 to A-VI/3, as applicable.
- 4 As required by regulation V/2, paragraph 3 seafarers who have completed training in "crowd management", "crisis management and human behaviour" or "passenger safety, cargo safety and hull integrity" shall at intervals not exceeding five years, undertake appropriate refresher training or to provide evidence of having achieved the required standards of competence within the previous five years.
- 5 The certificates of competency issued in accordance with regulations II/1, II/2, II/3, III/1, III/2, III/3, III/6 and VII/2 include the proficiency requirements in "basic training", "survival craft and rescue boats other than fast rescue boats", "advanced firefighting" and "medical first aid" therefore, holders of mentioned certificates of competency are not required to carry Certificates of Proficiency in respect of those competences of chapter VI.
- 6 In accordance with sections A-VI/1, A-VI/2 and A-VI/3, seafarers shall provide evidence of having maintained the required standards of competence every five years.
- 7 Where security awareness training or training in designated security duties is not included in the qualification for the certificate to be issued.

ANNEX 2

Reference List

Title	Reference Regulation	Crew required to be trained	Kind of certificate
Officer in charge of navigational watch (> 500 GT)	II/1	Officers in charge of a navigational watch	Certificate of Competency
Master and Chief Mate (> 500 GT)	II/2	Master and Chief Mate	Certificate of Competency
Master and Officer in charge of navigational watch (< 500 GT)	II/3	Master and Officers in charge of a navigational watch	Certificate of Competency
Rating forming part of a navigational watch	II/4	Watchkeeping personnel	Certificate of Proficiency
Rating as able seafarer deck (> 500 GT)	II/5	Able seafarer deck personnel	Certificate of Proficiency
Engineer in charge of an engineering watch (> 750 kW)	III/1	Engineers in charge of a navigational watch	Certificate of Competency
Chief Engineer and Second Engineer (> 3,000 kW)	III/2	Chief and Second engineer	Certificate of Competency
Chief Engineer and Second Engineer (between 750 and 3,000 kW)	III/3	Chief and Second Engineer	Certificate of Competency
Rating forming part of an engineering watch	III/4	Watchkeeping personnel	Certificate of Proficiency
Rating as able seafarer engine (> 750 kW)	III/5	Able seafarer engine personnel in a manned engine-room or designated to perform duties in a periodically unmanned engine-room	Certificate of Proficiency
Electro-technical officer (> 750 kW)	III/6	Electro-technical officer	Certificate of Competency
Electro-technical rating (> 750 kW)	III/7	Electro-technical rating	Certificate of Proficiency
Radio operator	IV/2	Refer to Safety Radio Certificate and/or Manning Document	Certificate of Competency
Safety Familiarization	VI/1	All crew members	Evidence
Basic Training	VI/1 A-VI/1-1	All crew members with designated safety or pollution prevention duties	Certificate of Proficiency
Survival craft , rescue boats	VI/2.1 A-VI/2.1	Officers and crew specifically designated by the muster list	Certificate of Proficiency
Fast Rescue Boats	VI/2.2 A-VI/2.7 to 10	Officers and crew specifically designated by the muster list	Certificate of Proficiency
Advanced Firefighting	VI/3 A-VI/3.1 to 4	Officers and crew designated to control firefighting operations	Certificate of Proficiency
Medical First Aid	VI/4.1 A-VI/4, para 1 to 3	Officers and crew designated to provide medical first aid on board ship	Certificate of Proficiency
Medical Care	VI/4.2 A-VI/4-2, para 4 to 6	Master and other personnel designated to take charge of medical care on board	Certificate of Proficiency
SSO	VI/5	SSO designated by Company	Certificate of Proficiency
Security awareness training or security training	VI/6	Seafarers with designated security duties	Certificate of Proficiency

## ANNEX 3

**Special training requirements for personnel on board tankers and passenger ships**

<i>Special training requirements for personnel on board tankers</i>				
<b>Title</b>	<b>Reference Regulation</b>	<b>Crew required to be trained</b>	<b>Kind of certificate</b>	<b>Refresh every ≤5 years</b>
Basic training for officers on oil, and chemical tanker cargo operations	V/1-1, A-V/1-1.1	Officers assigned specific duties and responsibilities related to cargo or cargo equipment on oil or chemical tanker cargo operations	Certificate of Proficiency	Revalidation required
Advanced training for oil tanker cargo operations	V/1-1, A-V/1-1.2	Masters, chief engineer officers, chief mates, second engineer officers and any person with responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo-related operations on oil tankers	Certificate of Proficiency	Revalidation required
Advanced training for chemical cargo operations	V/1-1, A-V/1-3	Masters, chief engineer officers, chief mates, second engineer officers and any person with responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo-related operations on chemical tankers	Certificate of Proficiency	Revalidation required
Basic training for ratings on oil, and chemical tanker cargo operations	V/1-1, A-V/1-1.1	Ratings assigned specific duties and responsibilities related to cargo or cargo equipment on oil or chemical tanker cargo operations	Certificate of Proficiency	Revalidation not required
Basic training for officers on liquefied gas tankers cargo operations	V/1-2, A-V/1-2.1	Officers assigned specific duties and responsibilities related to cargo or cargo equipment on liquefied gas tankers	Certificate of Proficiency	Revalidation required
Basic training for ratings on liquefied gas tankers cargo operations	V/1-2, A-V/1-2.1	Ratings assigned specific duties and responsibilities related to cargo or cargo equipment on liquefied gas tankers	Certificate of Proficiency	Revalidation not required



Title	Reference Regulation	Crew required to be trained	Kind of certificate	Refresh every $\leq 5$ years
Advanced training for liquefied gas tanker cargo operations	V/1-2, A-V/1-2.2	Masters, chief engineer officers, chief mates, second engineer officers and any person with responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo-related operations on liquefied gas tankers	Certificate of Proficiency	Revalidation required
<i>Special training requirements for masters, officers, ratings and other personnel on Passenger ships</i>				
Training in crowd management	V/2.4, A-V/2.1	Master, officers and other personnel designated to assist passengers in emergency situation	Documentary evidence	Required
Safety Training	V/2.5 V/2, A-V/2.2	Personnel providing direct services to passengers in passenger spaces	Documentary evidence	Not required
Training in passenger safety, cargo safety and hull integrity	V/2.7, A-V/2.4	Master, chief mate, chief engineer, second engineer and every person assigned immediate responsibility for embarking and disembarking passengers, loading, discharging or securing cargo, or closing hull openings on board ro-ro passenger ships	Documentary evidence	Required
Training in crisis management and human behaviour	V/2.6, A--V/2.3	Master, chief mate, chief engineer, second engineer and every person having responsibility for the safety of passengers in emergency situations	Documentary evidence	Required

## ANNEX 4

**Aide-memoire STCW 78/95 as amended - requirements in force from 1 January 2012**

STCW ref. Reg.	Position (Navigational) <b>REMEMBER</b> Always check column for limitations	Type of Certificate	Endorsement. or Documentary proof application	Registration	Re-validation	Remarks
<b>DECK DEPARTMENT</b>						
II/1	OOW >500	Certificate of Competency	Yes	Yes	Yes	
II/2	MASTER > 500/ < 3000	Certificate of Competency	Yes	Yes	Yes	
II/3	OOW/Master < 500 GT	Certificate of Competency	Yes	Yes	Yes	
II/4	RATINGS NAVIGATION WATCH	Certificate of Proficiency	No	Yes	No	
II/5	RATINGS A.S. DECK	Certificate of Proficiency	No	Yes	No	
<b>ENGINE DEPARTMENT</b>						
III/1	Officer in charge of watchkeeping > 750 kW	Certificate of Competency	Yes	Yes	Yes	Can be limited to main power 3,000 kW if the ship is engaged in near-coastal voyage
III/2	Chief Eng./2nd Eng.	Certificate of Competency	Yes	Yes	Yes	
III/3	Chief Eng./2nd Eng.	Certificate of Competency	Yes	Yes	Yes	Main engine between 750 and 3000 kW
III/4	Eng. Rating	Certificate of Proficiency	No	Yes	No	
III/5	Eng. Able Seafarer	Certificate of Proficiency	No	Yes	No	
III/6	Electro – Tec. Off.	Certificate of Competency	Yes	Yes	Yes	
III/7	Electro – Tec. Rating	Certificate of Proficiency	No	Yes	No	
<b>RADIO COMMUNICATION</b>						
IV/2		Certificate of Competency	Yes	Yes	Yes	ROC only for Area A1
<b>SPECIAL TRAINING REQUIREMENTS FOR PERSONNEL ON CERTAIN TYPES OF SHIPS</b>						
V/1-1	Basic training for oil tanker and chemical tanker	Certificate of Proficiency	No *	Yes	No *	Officers and ratings assigned specific duties and responsibilities related to cargo or cargo equipment
V/1-2	Advanced training for oil tanker cargo operation	Certificate of Proficiency	No *	Yes	No *	Masters, chief engineer officers, chief mates, second engineer officers and any person with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo-related operations

STCW ref. Reg.	Position (Navigational) <b>REMEMBER</b> Always check column for limitations	Type of Certificate	Endorsement. or Documentary proof application	Registration	Re-validation	Remarks
V/1-1-3	Advanced training for chemical tanker cargo operation	Certificate of Proficiency	No *	Yes	No *	Masters, chief engineer officers, chief mates, second engineer officers and any person with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo-related operations
V/1-2-1	Training for liquefied gas tanker	Certificate of Proficiency	No *	Yes	No *	Officers and ratings assigned specific duties and responsibilities related to cargo or cargo equipment
V/1-2-2	Advanced training for liquefied gas tanker	Certificate of Proficiency	No *	Yes	No *	Masters, chief engineer officers, chief mates, second engineer officers and any person with immediate responsibility for loading, discharging, care in transit, handling of cargo, tank cleaning or other cargo-related operations
V/2	Training for masters, officers, ratings and other personnel serving on passenger ships	Documentary evidence	No	No	No **	
VI/1	Standard regarding emergency, occupational safety, security, medical care and survival functions	Certificate of Proficiency	No	Yes	Yes **	All crew. VI/1-1; VI/1-2; VI/1-3; VI/1-4.
VI/2.1	Survival Craft Cert. Resc Boat	Certificate of Proficiency	No	Yes	Yes **	
VI/2.2	Fast rescue boats	Certificate of Proficiency	No	Yes	Yes **	
VI/3	Advanced Firefighting training	Certificate of Proficiency	No	Yes	Yes **	
VI/4	Medical first aid and medical care	Certificate of Proficiency	No	Yes	No	
VI/5	Ship security officer	Certificate of Proficiency	No	Yes	No	
VI/6	Security related familiarization training	Certificate of Proficiency	No	Yes	No***	All seafarer
VII/1	Alternative Certification	N.A.	N.A.	N.A.	N.A.	See note Reg. VII/1.2
VII/2	Certification of seafarers	N.A.	N.A.	Yes	No	Every seafarer who performs any function specified in A: II/1, II/2, II/3, II/4, II/5, III/1, III/2, III/3, III/4, III/5, IV/2

\* Yes, if is an existing certificate of competency or certificate of proficiency.

\*\* Every five years.

\*\*\* Where security awareness is not included in the qualification for the certificate to be issued, a certificate of proficiency shall be issued indicating that the holder has attended a course in security awareness training.

\*\*\*



**ANNEX 6**

**DRAFT MEPC RESOLUTION**

**GUIDELINES FOR PORT STATE CONTROL UNDER THE BWM CONVENTION**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee conferred upon it by international conventions for the prevention and control of marine pollution from ships,

RECALLING ALSO that the International Conference on Ballast Water Management for Ships held in February 2004 adopted the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004 (the Ballast Water Management Convention) together with four conference resolutions,

RECALLING FURTHER that article 9 of the Ballast Water Management Convention prescribes that ships to which this Convention applies may, in any port or offshore terminal of another Party, be subject to inspection by officers duly authorized by that Party for the purpose of determining whether the ship is in compliance with this Convention,

NOTING that article 3.3 of the Ballast Water Management Convention prescribes that Parties to the Convention shall apply its requirements as may be necessary to ensure that no more favourable treatment is given to ships of non-Parties to this Convention,

HAVING CONSIDERED, [at its sixty-seventh session,] the Guidelines for port State control under the BWM Convention, developed by the Sub-Committee on Implementation of IMO Instruments, at its first session,

- 1 ADOPTS the Guidelines for port State control under the BWM Convention, as set out in the annex to this resolution;
- 2 INVITES Governments to apply the Guidelines when exercising port State control inspections;
- 3 AGREES to keep the Guidelines under review, following the trial period associated with the guidance in BWM.2/Circ.42 and in the light of experience gained.

## ANNEX

### GUIDELINES FOR PORT STATE CONTROL UNDER THE BWM CONVENTION

#### CHAPTER 1 – GENERAL

##### 1.1 Purpose

1.1.1 This document is intended to provide basic guidance for the conduct of a port State control (PSC) inspection to verify compliance with the requirements of the International Convention for the Control and Management of Ship's Ballast Water and Sediments, 2004 (BWM Convention). This document is not intended to limit the rights the port State has in verifying compliance with the BWM Convention.

1.1.2 The Marine Environment Protection Committee, at its sixty-fifth session (May 2013), approved the *Guidance on ballast water sampling and analysis for trial use in accordance with the BWM Convention and Guidelines (G2)*, as set out in BWM.2/Circ.42, and agreed in principle with the recommendations related to the trial period for reviewing, improving and standardizing this Guidance, as set out in annex 6 to document BLG 17/18.

##### 1.2 Definitions

1.2.1 For the purpose of these Guidelines, the definitions in the BWM Convention and in BWM.2/Circ.42 apply.

1.2.2 For the purpose of these Guidelines, the following abbreviations apply:

IBWMC: International Ballast Water Management Certificate;

BWMP: ballast water management plan;

BWRB: Ballast Water Record Book;

BWMS: ballast water management system;

FSUs: floating storage units; and

FPSOs: floating production storage and offloading units.

##### 1.3 Application

1.3.1 These Guidelines apply to ships as stipulated in article 3 of the BWM Convention.

1.3.2 The regulations of the BWM Convention contain the following compliance provisions:

- .1 the discharge of ballast water shall only be conducted in accordance with the regulations of the BWM Convention (regulation A-2);
- .2 an IBWMC is required for all ships of 400 GT or above, excluding floating platforms, FSUs and FPSOs, as identified in regulation E-2;
- .3 a ship is required to have on board and implement a BWMP approved by the Administration;

- .4 a ship is required to have on board and maintain a BWRB which shall at least contain the information specified in appendix II of the BWM Convention, for a minimum period of two years after the last entry has been made;
- .5 a ship is required to meet either the ballast water exchange standard (regulation D-1) or ballast water performance standard (regulation D-2) in accordance with regulation B-3. The PSCO, however, should only enforce this in accordance with the schedule in resolution A.1088(28);
- .6 ballast water exchange is conducted at least 200 nm from the nearest land and in water at least 200 m in depth, or in cases where the ship is unable, at least 50 nm from the nearest land and in water at least 200 m in depth, or in a designated ballast water exchange area and is required to be conducted in accordance with regulation B-4;
- .7 sediment is removed and disposed from spaces designated to carry ballast water in accordance with the provisions of the ship's BWMP;
- .8 officers and crew shall be familiar with their duties in the implementation of ballast water management particular to the ship and ship's BWMP;
- .9 any exemptions from the BWM Convention shall be recorded in the BWRB (regulation A-4.4) as well as notations of any accidental and exceptional discharges (regulation B-2.3) and instances where ballast water was not exchanged in accordance with the BWM Convention (regulation B-4.5);
- .10 a ship is required to report accidents or defects that affect its ability to manage ballast water to the flag State and the port State (regulation E-1.7);
- .11 the condition of a ship, and its equipment, systems and processes shall be maintained to conform with the BWM Convention (regulation E-1.9); and
- .12 after any survey of a ship under regulation E-1.1 has been completed, no change shall be made in the structure, equipment, fittings, arrangements or material associated with the BWMP and covered by the survey without the sanction of the Administration, except the direct replacement of such equipment or fittings (regulation E-1.10).

1.3.3 The regulations of the BWM Convention contain the following exceptions to the specific compliance provisions detailed below:

- .1 exception to ballast water management requirements in the case of uptake or discharge of ballast water and sediments necessary for the purpose of ensuring the safety of a ship in emergency situations or saving life at sea (regulation A-3.1);
- .2 exception to ballast water management requirements under certain conditions in the case of the accidental discharge or ingress of ballast water and sediments resulting from damage to a ship or its equipment (regulation A-3.2);

- .3 exception to ballast water management requirements in the case of the uptake and discharge of ballast water and sediments when being used for the purpose of avoiding or minimizing pollution incidents from the ship (regulation A-3.3);
- .4 exception to the ballast water management requirements in the case of the uptake and subsequent discharge on the high seas of the same ballast water and sediments (regulation A-3.4);
- .5 exception to the ballast water management requirements in the case of the discharge of ballast water and sediments from a ship at the same location where the whole of the ballast and those sediments originated and provided that no mixing with unmanaged ballast water and sediments from other areas has occurred (regulation A-3.5);
- .6 exception to the ballast water management requirements in the case of the discharge of ballast water to a reception facility designed taking into account the *Guidelines for ballast water reception facilities (G5)* (regulation B-3.6); and
- .7 exception to the ballast water exchange requirements in the case where the master reasonably decides that such exchange would threaten the safety or stability of the ship, its crew, or its passengers because of adverse weather, ship design or stress, equipment failure, or any other extraordinary condition (regulation B-4.4).

1.3.4 With respect to ships of non-parties to the BWM Convention, port State control officers (PSCO) of parties should apply the same requirements to ensure that no more favourable treatment is given to such ships.

1.3.5 The BWM Convention provides for a transition between two standards of ballast water management: from the ballast water exchange standard (regulation D-1) to the ballast water performance standard (regulation D-2). Resolution A.1088(28) on *Application of the international convention for the control and management of ships' ballast water and sediments, 2004* should be used by the PSCO instead of regulation B-3 for the purpose of enforcing compliance with the ballast water performance standard.

## **CHAPTER 2 –INSPECTIONS OF SHIPS REQUIRED TO CARRY THE BALLAST WATER MANAGEMENT (BWM) CERTIFICATE**

### **2.1 Four-stage inspections**

2.1.1 The PSC procedure can be described as a four-stage inspection:

- .1 the first stage, the "initial inspection", should focus on documentation and ensuring that an officer has been nominated for ballast water management on board the ship and to be responsible for the BWMS, and that the officer has been trained and knows how to operate it;
- .2 the second stage – the "more detailed inspection" where the operation of the BWMS is checked and the PSCO clarifies whether the BWMS has been operated adequately according to the BWMP and the self-monitored operational indicators verified during type approval procedures. Undertaking a detailed inspection is dependent on the conditions of article 9.2 of the BWM Convention;



- .3 the third stage – sampling is envisaged to occur during this stage of PSC which relies on indicative analysis, to identify whether the ship is meeting the ballast water management performance standard described in regulation D-2, or whether detailed analysis is necessary to ascertain compliance; and
- .4 the fourth stage, if necessary, incorporates detailed analysis to verify compliance with the D-2 standard.

## 2.2 Initial inspection

2.2.1 An initial inspection will, as a minimum and to the extent applicable, examine the following:

- .1 check that a valid IBWMC is on board, based on article 9.1(a);
- .2 check the BWMP is on board and approved by the flag State, based on regulation B-1;
- .3 check the BWRB is on board and meets the requirements of the BMW Convention, based on regulation B-2;
- .4 check that the details of any ballast water operations carried out are recorded in the BWRB together with any exemptions granted, based on regulation B-2 and appendix II of the BWM Convention, as well as notations of any accidental and exceptional discharges (regulation B-2.3) and instances where ballast water was not exchanged in accordance with the BWM Convention (regulation B-4.5). The BWRB should be in an approved format (which may be an electronic record system, which may be integrated into another record book or system) and should be kept on board the ship for a minimum of two years after the last entry. The officer in charge of the operation should sign each entry in the BWRB and the master should sign each completed page;
- .5 in conducting the initial inspection, PSCO should conduct a visual check of the overall condition of the ship and the equipment and arrangements detailed in the IBWMC and the BWMP, including the BWMS if the use of one is required;
- .6 in the case of a ship subject to the ballast water exchange standard, check that the BWRB indicates that the required exchange was undertaken, or alternatively, the ship has taken steps to meet the ballast water performance standard described in regulation D-2;
- .7 check that the ship has taken steps to meet the ballast water performance standard described in regulation D-2 once required to do so by Assembly resolution A.1088(28);
- .8 check that an officer has been designated to be responsible for the BWMP;
- .9 check that designated officers and crew are familiar with essential BWM procedures, including the operation of BWMS; and

- .10 in the case of a ship claiming an exception under regulation A-3.1 (safety of the ship or saving life), regulation A-3.2 (accidental discharge or ingress resulting from damage), regulation A-3.3 (avoiding or minimizing pollution) or regulation B-4.4 (unsafe conditions for exchange), the master should provide proof of the need for the relevant exception.

2.2.2 The performance of a ballast water management system (BWMS) is key to protecting the environment, human health, property and resources of the port State. While this performance may be verified directly by sampling the ship's ballast water (as per article 9.1(c) and *Guidelines for ballast water sampling (G2)*), both the port State and the ship may benefit from a document check to more readily establish the validity of the BWMS during the initial inspection. To this end, the PSCO may ask to check the Type Approval Certificate for the BWMS, to determine whether the BWMS is used in accordance with any limiting conditions on the Type Approval Certificate. While carriage and presentation of the Type Approval Certificate is not mandatory, the PSCO may also consult the BWMP to obtain ship-specific information on the BWMS and its use, and may refer to type-approval information shared with the Organization pursuant to the Information reporting on type approved ballast water management systems (resolution MEPC.228(65)).

2.2.3 If the IBWMC is valid, the approved BWMP is on board, entries in the BWRB are appropriate and the PSCO's general impressions and visual observations on board confirm a good standard of maintenance with regard to the BWM Convention, the PSCO should generally confine the initial inspection to reported deficiencies.

#### **2.2.4 Clear grounds**

2.2.4.1 When a PSCO inspects a foreign ship which is required to hold an IBWMC, and which is in a port or an offshore terminal under the jurisdiction of the port State, any such inspection should be limited to verifying that there is on board a valid certificate and other relevant documentation and the PSCO forming an impression of the overall condition of the ship, its equipment and its crew, unless there are "clear grounds" for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of the certificate.

2.2.4.2 "Clear grounds" to conduct a more detailed inspection include:

- .1 IBWMC is missing, not valid, or has expired;
- .2 absence of a BWMP approved by the flag State;
- .3 absence of a BWRB or a BWRB that does not meet the requirements of the BWM Convention;
- .4 entries in the BWRB do not reflect the actual ballast water situation on board;
- .5 condition of the ship or its equipment does not correspond substantially with the particulars of the IBWMC and the BWMP or has not been maintained;
- .6 no officer has been designated in accordance with regulation B-1.5;
- .7 information or evidence that the master or designated crew is not familiar with their duties and essential shipboard operations relating to the implementation of the ballast water management or that such operations have not been carried out;

- .8 information from third parties such as a report or complaint concerning violation of the BWM Convention;
- .9 if the BWMP requires the use of a BWMS evidence, or observation that the BWMS has not been used in accordance with its operational instructions;
- .10 evidence or observation of unreported accidents or defects that affect the ability of the ship to manage ballast water (regulation E-1.7);
- .11 evidence or observation that ballast water has been discharged other than in accordance with the regulations of the BWM Convention (regulation A-2); and
- .12 the master has not provided the proof referenced in paragraph 2.2.1.10.

2.2.4.3 If the ship does not carry valid certificates, or if the PSCO, from general impressions or observations on board, has clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of the certificates or the BWM Convention, or that the master or designated crew is not familiar with, or have not implemented, essential shipboard procedures, a more detailed inspection should be carried out. Where a more detailed inspection is to be carried out, the port State will take such steps to ensure the ship will not discharge ballast water until it can do so in accordance with article 9.3 of the BWM Convention (see notification requirements in paragraph 3.3 below).

### **2.3 More detailed inspection**

2.3.1 When carrying out a more detailed inspection, the PSCO may utilize, but not be limited to, the following questions to ascertain the extent of compliance with the BWM Convention:

- .1 Is the ballast water management on board the ship in accordance with the operations outlined in the ship's BWMP? In particular:
  - .1 Is the crew following specific operational or safety restrictions associated with safe tank entry, if needed?
  - .2 Is the crew managing ballast water sediments in accordance with the BWMP?
  - .3 Are designated officers following their duties as set out in the BWMP?
  - .4 Are the record-keeping requirements in accordance with the BWMP?
- .2 Since the time of the survey of the ship under regulation E-1.1, has an unsanctioned change been made to the structure, equipment, fittings, arrangements or material associated with the BWMP, except the direct replacement of such equipment or fittings (regulation E-1.10)?
- .3 if the BWMP requires the use of a BWMS:
  - .1 Is the BWMS and associated equipment in good working order, (this could include filters, pumps, and back flushing equipment)?

- .2 Is the crew following safety procedures associated with operation of the BWMS?
- .3 is the treatment process fully operational (this could include, reference to the self-monitoring system of a BWMS)?
- .4 Does the BWRB align with the onboard control equipment, including the self-monitoring device of the BWMS?
- .5 Is the BWMS being operated according to the operational instructions?
- .6 Can the Designated Officer demonstrate the necessary knowledge of the BWMS and how it operates?
- .7 Has the BWMS been bypassed?
- .8 Where required, are any needed Active Substances present in adequate supply on board the ships, and where present, are they being introduced into the BWMS?

2.3.2 The PSCO may examine any element of the ballast water system in order to check that it is working properly.

2.3.3 More detailed inspection may result in sampling.

## **2.4 Sampling**

[2.4.1 Indicative analysis (using operational or performance indicators) can be undertaken at any time throughout the discharge. In cases where indicative analysis identifies that a system is grossly exceeding the D-2 standard, it may be sufficient to establish non-compliance, however, the practicalities, application and limitations of the methodology being used for indicative analysis need to be understood fully.]

2.4.2 The quantity of the sampling water to be taken and location in the ship chosen should be in accordance with the *Guidelines for ballast water sampling (G2)* and associated guidance documents developed by the Organization. Every effort should be made to avoid any undue delays to the ship.

2.4.3 The PSCO should not delay the operation, movement or departure of the ship while waiting for the results of detailed analysis.

## **2.5 Violations and control of ships**

### ***Stopping the discharge due to sampling as a control action***

2.5.1 If the sampling described above leads to a result, or supports information received from another port or offshore terminal, indicating that the ship poses a threat to the environment, human health, property or resources, the Party in whose waters the ship is operating shall prohibit such ship from discharging ballast water until the threat is removed (see notification requirements in paragraph 3.3 below).

### ***Detainable deficiencies***

2.5.2 If a ship has violated the BWM Convention, the PSCO may take steps to warn, detain or exclude the ship or grant such a ship permission to leave to discharge ballast water elsewhere or seek repairs. The PSCO should use professional judgment to determine whether to detain the ship until any noted deficiencies are corrected, or to permit a ship to sail with deficiencies that do not pose an unreasonable threat of harm to the marine environment, human health, property or resources (see notification requirements in paragraphs 3.3 to 3.6 below).

2.5.3 In order to assist the PSCO in the use of these Guidelines, there follows a non-exhaustive list of deficiencies which are considered to be of such a serious nature that they may warrant the detention of a ship:

- .1 absence of an IBWMC;
- .2 absence of a BWMP;
- .3 absence of a BWRB;
- .4 indication that the ship or its equipment does not correspond substantially with the particulars of the IBWMC and BWMP;
- .5 absence, serious deterioration or failure of proper operation of equipment required under the BWMP;
- .6 the designated officers or crew are not familiar with essential ballast water management procedures including the operation of BWMS and all associated BWMS equipment;
- .7 no ballast water management procedures have been implemented on board;
- .8 no designated officer has been nominated;
- .9 the ship has not complied with the BWMP for management and treatment of ballast water;
- .10 result of non-compliance by sampling; or
- .11 ballast water has been discharged other than in accordance with the regulations of the BWM Convention (regulation A-2).

### ***Control actions***

2.5.4 If a ship is detected to have violated the BWM Convention, the port State may take steps to warn, detain or exclude the ship. The port State, however, may grant such a ship permission to leave the port or offshore terminal for the purpose of discharging ballast water or proceeding to the nearest appropriate repair yard or reception facility available, provided doing so does not present a threat of harm to the environment, human health, property or resources (see notification requirements in paragraphs 3.3 to 3.6 below).

2.5.5 Port States would refrain from applying criminal sanctions or detaining the ship, based on sampling during the trial period. This does not prevent the port State from taking preventive measures to protect its environment, human health, property or resources.

2.5.6 The ship should have evidence that the ballast water management system is type approved and has been maintained and operated in accordance with the ships' ballast water management plan.

2.5.7 As an alternative to warning, detention or exclusion of the ship, the PSCO may wish to consider the following alternative measures, providing doing so does not present a threat to the environment, human health, property or resources:

- .1 retention of all ballast water on board;
- .2 require the ship to undertake any repairs required to the BWMS;
- .3 permit the ship to proceed to exchange ballast water in a location acceptable to the port State providing ballast water exchange is still an acceptable practice for the specific ship and such areas or established in accordance with the *Guidelines on designation of areas for ballast water exchange (G14)*;
- .4 allow the ship to discharge ballast to another ship or to an appropriate shipboard or land-based reception facility; or
- .5 allow the ship to manage the ballast water or a portion of it in accordance with a method acceptable to the port State.

### **CHAPTER 3 – REPORTING REQUIREMENTS**

3.1 Port State authorities should ensure that, at the completion of an inspection, the master of the ship is provided with a document showing the results of the inspection, details of any action taken by the PSCO and a list of any corrective action to be initiated by the master and/or company. Such reports should be made in accordance with the format in appendix 13 of the Procedures for port State control, 2011 (resolution A.1052(27), paragraph 4.1.1).

3.2 If a ship has been inspected as a result of a request for investigation from another State, the inspection report should be sent to the requesting State and the flag State (article 10.4).

3.3 In the event that an action is taken in accordance with paragraphs 2.2.4.3, 2.5.1 or 2.5.5:

- .1 the port State should inform, in writing, the flag State of the ship concerned, or if this is not possible, the consul or diplomatic representative of the ship concerned, of all the circumstances in which the action was deemed necessary. In addition, the recognized organization (RO) responsible for the issue of certificates should be notified (article 11.2); and
- .2 in the event that the PSCO is unable to take the intended action, or if the ship has been allowed to proceed to the next port of call, the authorities of the port State should communicate all the facts to the authorities of the country of the next appropriate port of call, to the flag State, and to the RO, where appropriate (article 11.3; resolution A.1052(27), paragraph 4.1.4).

3.4 In the event of a violation of the BWM Convention, the notifications in paragraph 3.3 should be made. In addition, the ship should be notified of the violation and the report forwarded to the flag State should include any associated evidence (article 11.1).

3.5 Where, in the exercise of PSC, a Party denies a foreign ship entry to the ports or offshore terminals under its jurisdiction, whether or not as a result of information about a substandard ship, it should forthwith provide the master and flag State with reasons for the denial of entry (resolution A.1052(27), paragraph 4.1.2).

3.6 In the case of a detention, at least an initial notification should be made to the flag State as soon as practicable. If such notification is made verbally, it should be subsequently confirmed in writing. As a minimum, the notification should include details of the ship's name, the IMO number, copies of Forms A and B as set out in appendix 13 of the above-mentioned Procedures for PSC, time of detention and copies of any detention order. Likewise, the ROs which have issued the relevant certificates on behalf of the flag State should be notified, where appropriate. The parties above should also be notified in writing of the release of detention. As a minimum, this information should include the ship's name, the IMO number, the date and time of release and a copy of Form B as set out in appendix 13 of the above-mentioned Procedures for PSC, paragraph 4.1.3).

\*\*\*





**ANNEX 7**

**DRAFT MEPC CIRCULAR**

**GUIDELINES FOR EXEMPTION OF UNMANNED NON-SELF-PROPELLED BARGES  
FROM THE SURVEY AND CERTIFICATION REQUIREMENTS UNDER  
THE MARPOL CONVENTION**

1 The Marine Environment Protection Committee, at its [sixty-seventh session (13 to 17 October 2014)], with a view to providing more specific guidance for the application of relevant requirements of the MARPOL Convention, approved the *Guidelines for exemption of unmanned non-self-propelled barges from the survey and certification requirements under the MARPOL Convention*, prepared by the Sub-Committee on Implementation of IMO Instruments, at its first session, as set out in the annex.

2 Member Governments are invited to use the annexed Guidelines when applying relevant provisions of the MARPOL Convention, and to bring them to the attention of all parties concerned.

## ANNEX

### **GUIDELINES FOR EXEMPTION OF UNMANNED NON-SELF-PROPELLED BARGES FROM THE SURVEY AND CERTIFICATION REQUIREMENTS UNDER THE MARPOL CONVENTION**

#### **1 Introduction**

1.1 The Guidelines are intended to assist shipowners and operators in applying for exemptions from the survey and certification requirements under the MARPOL Convention for unmanned non-self-propelled (UNSP) barges.

1.2 For ease of port State and flag State control of UNSP barges, a statement of exemption for UNSP barges should be issued by the Administration or recognized organization (RO) acting on its behalf, in accordance with the form set out in the appendix.

#### **2 Definition and application**

2.1 UNSP barge means a barge that:

- .1 is not propelled by mechanical means;
- .2 has neither crew nor passengers or other persons on board during navigation;
- .3 carries no oil (as defined in MARPOL Annex I, regulation 1.1) in bulk; and
- .4 carries no noxious liquid substances (as defined in MARPOL Annex II, regulation 1.10) in bulk.

2.2 Paragraph 2.1 should be complied with before any exemption from the survey and certification requirements under the relevant Annexes of MARPOL Convention is considered. The following conditions should be considered respectively with regard to exemptions from the certification requirements of MARPOL Annexes I, IV or VI.

2.3 The following additional conditions should be met for an exemption to be granted to a UNSP barge from the survey and certification requirements of MARPOL Annex I:

- .1 having no machinery installed that may generate oil residues;
- .2 having no fuel oil tank, lubricating oil tank and bilge/oil residues tank.

2.4 The following additional condition should be met for an exemption to be granted to a UNSP barge from the survey and certification requirements of MARPOL Annex IV: having no arrangements that could produce sewage as defined in MARPOL Annex IV, regulation 1.3.

2.5 The following additional condition should be met for an exemption to be granted to a UNSP barge from the survey and certification requirements of MARPOL Annex VI: having no system or machinery installed that may generate emissions controlled by MARPOL Annex VI.

2.6 When a UNSP barge is exempted from the survey and certification requirements of MARPOL Annexes I, IV and VI, all aforementioned items should be applied as a whole.

### **3 Technical backgrounds**

3.1 For a UNSP barge intended to be exempted from the survey and certification requirements of MARPOL Annex I, regulations 6.1, 7.1 and 37.1 should be covered by the exemption.

3.2 For a UNSP barge intended to be exempted from the survey and certification requirements of MARPOL Annex IV, regulations 2, 4 and 5 should be covered by the exemption.

3.3 For a UNSP barge intended to be exempted from the survey and certification requirements of MARPOL Annex VI, regulations 1, 5.1, 6.1, 12.5 and 12.6 should be covered by the exemption.

### **4 Procedures for granting exemptions**

4.1 The shipowner or operator should apply for exemption to the Administration, or RO acting on its behalf, with relevant information on the UNSP barge exemption conditions and relevant drawings (General Arrangement Plan, Capacity Plan and any other plans or documents, as necessary).

4.2 The Administration or RO acting on its behalf should review the General Arrangement Plan, Capacity Plan and other relevant information to confirm that the relevant conditions referred to in paragraphs 2.1 to 2.5, as appropriate, are met.

4.3 After a satisfactory review of the submitted plans and information, a survey of the UNSP barge should be carried out to confirm the actual arrangements onboard comply with the exemption conditions, as appropriate.

4.4 Based on satisfactory results of the survey, a Statement of Exemption from the survey and certification requirements of MARPOL for UNSP barge as per the appendix may be issued by the Administration or, after approval by the Administration, by the RO acting on its behalf.

### **5 Other matters**

5.1 After issuance of the Statement of Exemption, the UNSP barge should maintain its exemption conditions in accordance with these Guidelines. The Statement ceases to be valid if any of the approved exemption conditions are not met or any conversion or alteration has occurred, affecting the conditions under which the Statement of Exemption is issued. In case of such a conversion or alteration, the Administration or RO acting on its behalf may re-issue a corresponding Statement to the UNSP barge, based on a further review of the arrangements of the barge and a satisfactory survey.

5.2 During towing operation, the master of the towing vessel should keep the Statement of Exemption for each UNSP barge in his towage.

5.3 The Administrations may revoke an exemption granted to a UNSP barge, in case this is considered appropriate based on any future amendment to the MARPOL Convention.

**APPENDIX**

**SAMPLE FORM OF STATEMENT OF EXEMPTION FOR UNMANNED  
NON-SELF-PROPELLED BARGES**

Issued under the authority of the Government of .....

Particulars of ship<sup>2</sup>

Name of ship

Distinctive number or letters

Port of registry

Gross tonnage

**THIS IS TO CERTIFY that:**

1 In accordance with the *Guidelines for exemption from the survey and certification requirements under the MARPOL Convention for Unmanned non-self-propelled barges (MEPC.1/Circ.[...])*, the unmanned non-self-propelled barges (UNSP) barge meets the following conditions:

- .1 not being propelled by mechanical means;
- .2 having neither crew nor passengers or other persons on board during navigation;
- .3 carrying no oil (as defined in MARPOL Annex I, regulation 1.1) in bulk; and
- .4 carrying no noxious liquid substances (as defined in MARPOL Annex II, regulation 1.10) in bulk.

2 The ship is exempted from the certification and related survey requirements of Annex I of the MARPOL Convention under the following conditions:  
.....<sup>3</sup>

- .1 having no machinery installed that may generate oil residues;
- .2 having no fuel oil tank, lubricating oil tank and bilge/oil residues tank.

3 The ship is exempted from the certification and related survey requirements of Annex IV of the MARPOL Convention with the following conditions:..... <sup>2</sup>

- .1 having no arrangements that could produce sewage as defined in MARPOL Annex IV, regulation 1.3.

---

<sup>2</sup> Alternatively, the particulars of the ship may be placed horizontally in boxes.

<sup>3</sup>  Applicable  Not Applicable

4 The ship is exempted from the certification and related survey requirements of MARPOL Annex VI with the following conditions:..... <sup>2</sup>

- .1 having no system or machinery installed that may generate emissions controlled by MARPOL Annex VI.

Notes: This Statement is valid subject to the exemption conditions being maintained in accordance with the above-mentioned Guidelines. This Statement ceases to be valid if any conversion or alterations has occurred, affecting the conditions under which the Statement of Exemption is issued.

Issued at .....  
(Place of issue of the statement)

.....  
(Date of issue)

.....  
(Signature of authorized official issuing the statement)

(Seal or stamp of the issuing authority, as appropriate)

\*\*\*



**ANNEX 8**

**DRAFT MSC-MEPC.5 CIRCULAR**

**UNIFIED INTERPRETATION ON KEEL LAYING DATE FOR FIBRE-REINFORCED  
PLASTIC (FRP) CRAFT**

1 The Marine Environment Protection Committee, at its [sixty-seventh session (13 to 17 October 2014)], and the Maritime Safety Committee, at its [ninety-fourth session (17 to 21 November 2014)], approved the *Unified interpretation on keel laying date for fibre-reinforced plastic (FRP) craft* prepared by the Sub-Committee on Implementation of IMO Instrument, as set out in the annex, with a view to providing more specific guidance for application of the term "keel laying date" for FRP craft stipulated in several mandatory instruments.

2 Member Governments are invited to use the annexed interpretation when applying the relevant requirements of the MARPOL, Tonnage, Load Lines Conventions and the HSC Code and other instruments, unless explicitly stipulated otherwise in those instruments, and to bring it to the attention of all parties concerned.

ANNEX

**UNIFIED INTERPRETATION ON KEEL LAYING DATE FOR FIBRE-REINFORCED  
PLASTIC (FRP) CRAFT**

**Interpretation**

For the purposes of the application of the MARPOL, Tonnage and Load Lines Conventions and the HSC Code and other instruments to Fibre-Reinforced Plastic (FRP) Craft, the term "*the keels of which are laid or which are at a similar stage of construction*" should be interpreted as the date on which the first structural reinforcement of the complete thickness of the approved hull laminate schedule is laid either in or on the mould.

\*\*\*



**ANNEX 9**

**BIENNIAL STATUS REPORT AND OUTPUTS ON THE COMMITTEES' POST-BIENNIAL AGENDA THAT FALL UNDER THE PURVIEW OF THE SUB-COMMITTEE**

Planned output number	Description	Target completion year	Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Status of output for Year 1	Status of output for Year 2	References
1.1.2.3	Unified interpretation of provisions of IMO safety, security, and environment related Conventions	Continuous	MSC / MEPC		III / PPR / CCC / SDC / SSE / NCSR	In progress		MSC 78/26, paragraph 22.12
2.0.1.2	Guidelines for port State control under the 2004 BWM Convention, including guidance on ballast water sampling and analysis	2015	MEPC	PPR	##	Completed		
Notes: This output will not be split into two outputs as proposed by PPR 1 (MEPC 66/21, paragraph 18.22)								
2.0.2.1	Analysis of consolidated audit summary reports	2015	Assembly	Council	MSC / MEPC / LEG / III	In progress		MEPC 61/24, paragraph 11.14.1, MSC 88/26, paragraph 10.8
5.1.2.2	Measures to protect the safety of persons rescued at sea	2014	MSC / FAL	NCSR	III	Postponed		MSC 84/24, paragraph 22.25
<b>Notes: Move to post-biennial agenda with 2 sessions for completion.</b>								
5.2.1.3	Review of general cargo ship safety	<del>2014</del> 2015	MSC		III / SDC / NCSR / HTW	In progress		MSC 90/28, paragraph 25.10
Notes: Extend target completion year to 2015.								
5.2.1.16	Non-mandatory instrument on regulations for non-convention ships	2015	MSC	III	PPR / SDC / SSE / NCSR / HTW	In progress		MSC 92/26, section 12

Planned output number	Description	Target completion year	Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Status of output for Year 1	Status of output for Year 2	References
5.2.1.17	Updated <i>Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)</i>	Annual	MSC / MEPC		III	In progress		FSI 12/22, paragraph 9.4, MSC 79/23, paragraph 9.19
5.2.1.29	Non exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)	Annual	MSC		III	In progress		MEPC 64/23, paragraph 11.49 and MSC 91/22, paragraph 10.30, MEPC 52/24, paragraph 10.15
5.3.1.1	Harmonization of port State control (PSC) activities	Continuous	MSC / MEPC		III	In progress		MEPC 66/21, paragraph 18.8
Notes: Output to be referred to parent for consideration of scope; MEPC 66 deferred discussion to MEPC 67 to take into account the outcome of MSC 93								
7.1.3.1	Consideration and analysis of reports on alleged inadequacy of port reception facilities	Annual	MEPC		III	In progress		
8.0.3.1	Requirements for access to, or electronic versions of, certificates and documents, including record books required to be carried on ships	2015	FAL		MSC / LEG / III / MEPC	In progress		
12.1.2.1	Analysis of casualty and PSC data to identify trends and develop knowledge and risk-based recommendations	Annual	MSC / MEPC	III	HTW / PPR / CCC / SDC / SSE / NCSR	In progress		MSC 92/26, paragraph 22.29
12.3.1.1	Consideration of reports of incidents involving dangerous goods or marine pollutants in packaged form on board ships or in port areas	Annual	MSC / MEPC	CCC	III	In progress		

ITEMS ON THE COMMITTEE'S POST-BIENNIAL AGENDA THAT FALL UNDER THE PURVIEW OF THE SUB-COMMITTEE

Number	Biennium (when the output was placed on the post-biennial agenda)	Reference to High-level Actions	Description	Parent organ(s)	Coordinating organs(s)	Associated organ(s)	Timescale (sessions)	References
	2014-2015	5.1.2	Measures to protect the safety of persons rescued at sea	MSC/FAL	NCSR	III	2	Output 5.1.2.2

\*\*\*



**ANNEX 10**

**PROVISIONAL AGENDA FOR III 2**

- Opening of the session
- 1 Adoption of the agenda
  - 2 Decisions of other IMO bodies
  - 3 Non-mandatory instrument on regulations for non-convention ships (5.2.1.16)
  - 4 Requirements for access to, or electronic versions of, certificates and documents, including record books required to be carried on ships (8.0.3.1)
  - 5 Mandatory reports under MARPOL (7.1.3.1)
  - 6 Analysis of casualty and PSC data to identify trends and develop knowledge and risk-based recommendations (12.1.2.1)
  - 7 Harmonization of port State control activities (5.3.1.1)
  - 8 Analysis of consolidated audit summary reports (2.0.2.1)
  - 9 Updated *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)* (5.2.1.17)
  - 10 *Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)* (5.2.1.29)
  - 11 Unified interpretation of provisions of IMO safety, security, and environment related Conventions (1.1.2.3)
  - 12 Review of general cargo ship safety (5.2.1.3)
  - 13 Biennial agenda and provisional agenda for III 3
  - 14 Election of Chairman and Vice-Chairman for 2016
  - 15 Any other business
  - 16 Report to the Committees

\*\*\*



## ANNEX 11

### STATEMENTS BY DELEGATIONS AND OBSERVERS\*

#### ITEM 5

##### Statement by the delegation of the Bahamas

We would like to thank the correspondence group for the work done. Let me say, at the outset, that we fully support the use of casualty analysis to identify trends and any regulatory gaps which need to be filled to enhance the safety of ships and seafarers. We particularly note the opening comments of the Secretary-General in respect of the importance of the casualty analysis and any improvements which can be made. We fully share this view as we are not convinced that the current approach is correct and useful. Furthermore, we note that the analysis process has remained largely unchanged for many years. It was this delegation which observed that the direct referral of issues to other sub-committees was not working and this observation directly led to the decision at MSC 92 that referral would now be to the Committee. However, in our view further improvement needs to be made to the process to increase its utility.

It is regrettable to note that the analyses currently carried out are of variable quality, scope, depth and usefulness. Some are excellent and truly add value to the process. Others are extremely superficial and of limited value. In addition there is little transparency in the analysis procedure and the measures by which consistency can be achieved.

The output now available to the sub-committee reads "Analysis of casualty and PSC data to identify trends and develop knowledge and risk-based recommendations". We believe that there is significant room for improvement in the analysis process. What is needed as an output from casualty analysis is information in a form which is suitable to facilitate the MSC decisions on any further action. In our view the necessary information would consist of, for example: the type of casualty, the root causes, contributory factors, and the relevant regulations or the perceived regulatory gaps.

In respect of any analysis making comment about the quality of a report we do not see this as being within the scope of the output and MSC 93 also decided that it did not support a proposal to rate the quality of reports so we believe that this aspect of the current analysis process has to be discontinued. Furthermore it is clear to us that much work needs to be done to find a consistent approach to the analysis process.

We note that MSC 93 concluded that "more robust and valuable input to the Organization would be achieved by the conducting and submission of objective analysis" and to meet that demand we propose that a fundamental change in approach is considered. We contend that the current practice of producing analyses in the context of a correspondence group is not optimal and, in fact, is not the role envisaged by Council for correspondence groups as contained in the *Guidelines on the application of the strategic plan*.

Our suggestion is that the sub-committee may benefit from a more active involvement by the Marine Accident Investigators International Forum (MAIIF) in administering the casualty report analysis process. In case delegates are not aware I should say that MAIIF enjoys IGO

---

\* Statements have been included in this annex in the order in which they were given, sorted by agenda items, and in the language of submission (including translation into any other language if such translation was provided).

status with IMO. To date we have had an informal discussion with the Chairman of MAIF and I am pleased to say that the initial response has been positive. Clearly this is at an early stage and much more development work required but we believe that using a different approach can provide the Organization with better and more consistent analyses. At this stage we are only seeking an indication of interest from the sub-committee. If this is given then we would undertake to work with MAIF to produce a proposal for our next session so that delegations can assess the merits of a change in approach.

#### **Statement by the observer of IFSMA**

IFSMA, representing ship masters thanks the Secretariat for submitting document III 1/5/2. IFSMA wish to express grave concern over access to documents posted on the Global Integrated Shipping Information System (GISIS) where flag States posting such reports prevent access, so potentially endangering the safety of all seafarers. IFSMA requests that this intervention be recorded in the report of this Sub-Committee.

#### **Statement by the observer of IFSMA**

IFSMA, representing ship masters thanks the United Kingdom for submitting document III 1/5 on behalf of the correspondence group. IFSMA notes that attention is drawn in section 15 to the **Danny F II** where the Master, an IFSMA member, went down with his ship. In particular, the analysis noted the lack of internationally accepted Rules, Standards and Guidelines that address design issues specific to the safety of livestock carrier operations. Since it is not within the gift of an NGO to progress this issue, IFSMA asks what action flag States intend to take to correct this serious situation?

The annex to the document contains information on lessons learnt for "Presentation to Seafarers" but is absent in lessons learnt for "Presentations to other Parties". The focus of attention on 'proximate cause' while necessary, fails to address deep seated issues beyond the control of the Master. IFSMA requests that this intervention be recorded in the Report of this Sub-Committee.

#### **Statement by the observer of INTERCARGO**

Thank you for the opportunity to bring to the attention of this Sub-Committee some disquieting news circulating on Reuters and other news agency sites yesterday, which is relevant to the work of this week's Casualty Analysis and Statistics Working Group and its report presented to you today for consideration.

As noted in document III 1/WP.3 of the working group report, this Sub-Committee was invited to take note in paper MSC 92/26 of information regarding nickel ore, in particular its role in liquefaction and the ultimate cause of loss of life to seafarers.

From information circulating on Reuters yesterday, there are allegations that a current ban on exporting nickel ore from Indonesia – introduced for domestic reasons and hence outside the remit of IMO, could be partially overturned by permitting shipment under an alternative name – iron ore.

Intercargo has not been able to confirm these allegations overnight but would respectfully like to draw the attention of this Sub-Committee to the following:

1 Any attempt to ship cargoes under alternative or non-applicable shipping names is a clear breach of the IMSBC code – widely referenced in the working group report presented to you today.



2 That we invite all parties to investigate such reports as a matter of some urgency and join with us in condemning any breach of the IMSBC code on the grounds of preventing loss of lives to seafarers.

3 That any loading operations of -reportedly- two ships destined for loading this week, be suspended, pending a fully independent analysis of these cargoes to ensure full compliance with IMSBC code.

4 That Intercargo and the other industry Associations look forward to continue working with the IMO and the Indonesian Authorities on the Technical cooperation work which has already commenced in Indonesia to improve the IMSBC infrastructure and facilities.

## ITEM 6

### Statement by the delegation of the Netherlands

We thank the submitters of all documents reporting on their activities. Related to those documents, we would like to make a statement and we request the thrust of that statement to be included in the report of the Sub-Committee.

Mr. Chairman, as always this delegation is sitting behind a plate stating "Netherlands". In fact, that is not a true reflection of the mandate of this delegation. This delegation is representing not only the country called The Netherlands, but instead the Kingdom of the Netherlands consisting of 4 separate countries: The Netherlands, Curacao, Aruba and Sint Maarten. It is the Kingdom of the Netherlands that is a Member of this Organization and not the 4 separate countries.

The name plate is however not the issue I want to highlight here.

Mr. Chairman, we noticed that in several documents to this Sub-Committee (including the document under consideration now) the constitution of the Kingdom of the Netherlands is not reflected correctly. In these 10 documents – documents submitted by the Secretariat as well as by several PSC Agreements – the names of the countries Curacao, Aruba and Sint Maarten are immediately followed by – between brackets – the abbreviation of the Netherlands: that is NL. Within the statute of the Netherlands, that is not correct.

For the information of this sub-committee, the countries Curacao, Aruba and Sint Maarten are **not** dependent territories but independent countries within the Kingdom.

Mr. Chairman, it looks a rather insignificant issue, but we have experienced that such a reflection can have undesirable consequences.

So we request this sub-committee to respect the wish of this delegation – representing the Kingdom of the Netherlands – that the 4 separate countries of the Kingdom: The Netherlands, Curacao, Aruba and Sint Maarten are reflected as countries belonging to the Kingdom of the Netherlands, not to the Netherlands. That would mean that the text between brackets should be amended to reflect "Kingdom of the Netherlands".

For information purposes I would like to direct you to Circular Letter No.3114 of 21 October 2010.

### **Statement by the delegation of the Russian Federation**

First of all, I would like to thank the Chairman of the Working Group on Harmonization of Port State Control Activities for the huge work performed in the group leadership and for the report submitted. This delegation took part in the group proceedings, and so we can confirm that it was not an easy task for our Chairman. Special words of gratitude are also due to the IMO Secretariat and all the members of the working group.

Mr. Chairman, allow me to make some comments to clarify paragraph 19 of the Working Group report so as to avoid any misunderstanding.

Mr. Chairman, port State control is a right of a state to inspect foreign ships calling at its ports. The relevant instruments for this purpose are International conventions.

Being a party to all major conventions adopted under the IMO auspices, the Russian Federation also takes into account, fulfils and implements all the circulars adopted by the Organization at the level provided for and in compliance with the national legislation, and international agreements of the Russian Federation (e.g. IMO Conventions) form part thereof.

All the above is also applicable to the two STCW circulars in question (STCW.7/Circ.21 and STCW.7/Circ.22).

It is our opinion, therefore, that it would not be correct or appropriate to consider requirements of IMO mandatory instruments (conventions) and those of recommendatory circulars adopted by the Organization as equal in terms of compliance with and implementation of.

### **ITEM 8**

#### **Statement by the delegation of Japan**

First of all, Japan expresses its gratitude to all the members who attended the working group. Japan would also like to take this opportunity to give special thanks to the Chairman of the working group, Mr. Chris Wiley, for his hard work.

Thanks to the fruitful discussion at working group, the draft Guidelines have been significantly developed. However, we still have some items which are needed to discuss at MEPC or other sub-committee.

One of the remaining issues is "sampling and indicative analysis". On this matter, Japan is of the view that the results of indicative analysis should be used as a means of screening, not for final judgment of compliance or non-compliance, given that the confidence level of indicative analysis is very low.

In addition, Japan is of the view that the threshold for moving from indicative analysis to detailed analysis should be established in order to avoid any possible confusion in PSC, taking into account the present low level of confidence relating to indicative analysis.

Japan hopes that concerns on port State control under the BWM Convention from many Member States and industry will be discussed and considered at length and in much detail at MEPC 67, and trust that these concerns will be resolved.

## ITEM 13

### **Statement by the observer from FAO**

Since I have the floor, I would like to take this opportunity to provide some information on the outcome of the 31st session of the FAO Committee on Fisheries, which was held from 9 to 13 June 2014. In his inauguration statement, Mr. José Graziano da Silva, Director-General of FAO, referred to his meeting with Mr. Koji Sekimizu, Secretary-General of IMO, where the two discussed how to strengthen the collaboration between IMO and FAO, in particular on the implementation of the Torremolinos Protocol and the Cape Town Agreement. In this regard, the Director-General agreed with the Secretary-General that although this instrument is an IMO Convention, FAO and the fishing industry can provide substantial assistance in its implementation.

Mr. Sekimizu, who also addressed the meeting during its opening ceremony, highlighted those areas of substantive work that IMO and FAO share in common, underlining that the two organizations should seek to enhance their collaboration still further. Mr. Chairman, The importance of safety at sea in the fisheries sector was highlighted at the meeting and the Committee welcomed the effective cooperation established in this regard between FAO, ILO and IMO. Many Members stressed the link between safety at sea and forced labour and the occurrence of IUU fishing activities. They referred, in this context, to the 2007 ILO Work in Fishing Convention, No.188, and to the Cape Town Agreement of 2012 on the implementation of the Torremolinos Protocol of 1993.

With regard to the fight against IUU fishing, the Committee welcomed the conclusion of the Technical Consultation on Flag State Performance and unanimously endorsed the Voluntary Guidelines for Flag State Performance. The Committee urged Members to start implementing the Guidelines as soon as possible.

The Committee noted the slow rate of ratification, approval, acceptance or accession to the 2009 FAO Agreement on Port State Measures. The Committee encouraged FAO to continue with the delivery of its capacity development programme to assist developing countries in strengthening and harmonizing port State measures, including through bilateral, sub-regional and/or regional coordination.

Regarding the Global Record, the Committee appreciated the collaboration with IMO in extending the IMO Ship Identification Number Scheme to fishing vessels and agreed that the IMO number should be used as the Global Record Unique Vessel Identifier for Phase 1, i.e. for vessels of 100 gross tonnage and above. Furthermore, the Committee noted that several Regional Fisheries Management Organizations have made provisions for the IMO number to be compulsory in their convention areas.

### **Statement by the delegation of Spain**

La delegación de España indicó la posible correlación entre los buques que practican la pesca ilegal, no declarada y no reglamentada y el nivel de seguridad que esos buques tienen implantado, pudiéndose llevar a cabo acciones para vincular ambos elementos: pesca ilegal y seguridad a bordo.