

MARITIME SAFETY COMMITTEE
103rd session
Agenda item 20

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ANY OTHER BUSINESS

Comments on MSC 102/22/6

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SUMMARY

Executive summary: The co-sponsors support the proposal in document MSC 102/22/6 to add a reference to ISO/PAS 23678:2020 (series) in resolution MSC.402(96). They also highlight difficulties experienced by the industry due to the non-uniform interpretation of the terms "make and type" as used in resolution MSC.402(96).

*Strategic direction,
if applicable:* Not applicable

Output: Not applicable

Action to be taken: Paragraph 14

Related documents: MSC 102/22/6 and resolution MSC.402(96)

Introduction

1 This document is submitted in accordance with paragraph 6.12.5 of the *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.2) and comments on document MSC 102/22/6 (ISO). It should be noted that document MSC 102/22/6 was not considered during the 102nd session of the Committee held remotely in November 2020.

2 The co-sponsors strongly support the proposal in document MSC 102/22/6 to add a footnote reference to ISO/PAS 23678:2020 (series) on training of service personnel in resolution MSC.402(96) *Requirements for maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear* (the Requirements).

3 The co-sponsors wish to share difficulties experienced by all industry stakeholders and to highlight the urgent need to apply a uniform interpretation of the terms "make and type" used in the Requirements.

Background

4 Following the entry into force of amendments to SOLAS chapter III and the Requirements in resolution MSC.402(96) in January 2020, life-saving appliances service providers shall be authorized by Administrations, as per section 7 of the Requirements. The authorization relies on key principles: the training and the certification of personnel, according to a recognized standard.

5 Paragraph 7.1.1 of the Requirements sets that the certification programme shall comply with section 8 for each make and type of equipment for which service is to be provided. Today, key stakeholders have contradicting interpretations of the terms "make and type". This has created serious difficulties for authorised service providers (ASP), disrupting technicians' activities on ships and, in some cases, forcing ships to wait for a replacement technician to perform LSA inspections.

6 The co-sponsors recall that the SOLAS chapter III amendments were intended to enhance safety and reduce accidents involving life-saving appliances by implementing a uniform and global authorization process. It also guarantees that shipping has access on a global basis to companies that can supply competent personnel to carry out safely the SOLAS mandatory periodic inspections on a wide range of life-saving appliances.

Interpretations of the terms "make and type" and associated difficulties

7 The co-sponsors are aware of the following definitions:

- .1 The Requirements in resolution MSC.402(96) do not provide an explicit definition of make and type.
- .2 The IACS Unified Requirement URZ 17/Rev.14 on Procedural requirements for service suppliers, and associated IACS historical files/technical background, refers to "make and type" and is considered by IACS members to be the same as "make and model" of equipment.
- .3 ISO/PAS 23678:2020 definition of Type: "category of LSA equipment (3.6) having common characteristics, including lifeboats (including free-fall lifeboats) and rescue boats (including fast rescue boats), launching appliances and release gear".

8 In practice, IACS members and some Flag Administrations require that ASPs submit a full list of all the "makes" and "models" on which their employed personnel are competent to work. It is then necessary to list hundreds of models and their variants in the annex of both service providers authorization certificates and the service technician's competence certificates. This has caused class/RO to refuse numerous services by ASPs, because a specific model is not listed on the authorization/service technician certificate and the RO surveyor might not allow the intervention to go ahead. Some Flag Administrations recognized it was an impractical situation and ceased to list makes and models on certificates, as they were overwhelmed with requests for updating the list of equipment.

9 It should also be noted that the authorization process under the Requirements varies a lot from one Flag Administration to another as Administrations may fully delegate responsibility of authorization to their approved ROs or have their own process for authorization or a combination of both. Further, one Administration does not necessarily accept another Administration's authorization and similarly, one RO does not necessarily accept another RO's authorization. The "make and type" interpretation issues and contradictions between some Administrations and RO's instructions only add to the confusion.

10 Typical examples of differing interpretations of Maritime Administrations' guidance and practices for Service Provider Authorization (non-exhaustive and up to date as of 1 February 2021)

- .1 several Administrations operating and accepting only their own authorization process;
- .2 several Administrations give full delegation to their ROs for authorization of service providers;
- .3 several Administrations with mixed authorization process (RO's and national process);
- .4 several Administrations that have recognized or mentioned ISO PAS 23678 as an international standard at various levels; and
- .5 several Administrations that have provided their definition of "make and type" in their guidance.

Proposal

11 The co-sponsors support the approval by MSC of the proposal in document MSC 102/22/6 for a reference to ISO/PAS 23678:2020 in resolution MSC.402(96) as it provides the appropriate recognized international standard for the certification of personnel.

12 If MSC agrees to this footnote reference, the ISO/PAS definition of "make and type" would then prevail. Accordingly, "type" would refer to a category of LSA equipment having common characteristics, but not to the specific model of a given equipment.

13 Irrespective of the Committee's decision, all stakeholders (IMO, Member States, NGO's and industry) should aim at reconciling their views on the appropriate interpretation of make and type so as to end the confusion and disparity across service provider authorization process and to avoid penalization of ships.

Action requested of the Committee

14 The Committee is invited to consider the proposal in paragraph 11 with the comments in paragraphs 12 and 13 and take action, as appropriate.
