

Report of III 5

Sub-Committee on Implementation of IMO Instruments

24th – 28th September 2018

International Maritime Organization (IMO), London headquarters

ITF delegation

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Notwithstanding robust regulations, it has been always deemed to be a quite challenge when it comes to effective implementation and law enforcement. The Sub-Committee III¹ endeavours to provide appropriate measures on those issues. On that fashion, III underpins the pivotal importance of cooperation cross nations as well as with other UN agencies.

At this session, FAO² and ILO³ participated in order to present the joint work on fisheries issues. It was meaningful as all these three organisations, United Nations agencies, encouraging the member countries to be aware of the acute reality and facilitating them with pragmatic solutions.

The Sub-Committee discussed about the following agendas in its plenary:

- Lessons learned and safety issues identified from the analysis of marine safety investigation reports
- Measures to harmonise PSC⁴ activities and procedures worldwide
- Identified issues relating to the implementation of IMO instruments from the analysis of PSC data
- Analysis of the first CASR⁵

¹ III: Sub-Committee on Implementation of IMO Instruments

² FAO: the Food and Agriculture Organization

³ ILO: the International Labor Organization

⁴ PSC: port State control

⁵ CASR: Consolidated Audit Summary Report

- Updated Survey Guidelines under HSSC⁶
- Non-exhaustive list of obligations under instruments relevant to the III Code⁷
- Review of the authorization of recognized organizations acting on behalf of the Administration, and
- The Joint FAO/ILO/IMO Ad Hoc Working Group (JWG) on IUU Fishing⁸ and Related Matters

Under each Committee or Sub-Committee, a WG⁹ undertakes particular agendas pertaining to instructions by plenary. A DG¹⁰ undertakes drafting of new and amended regulations, Guidelines, Resolutions and Circulars pertaining to decisions approved. Three WG and one DG were established at this session. Outcomes of each Group, approved by plenary, are elaborated.

Working Group on LESSONS LEARNED AND SAFETY ISSUES IDENTIFIED FROM THE ANALYSIS OF MARINE SAFETY INVESTIGATION REPORTS

Pursuant to SOLAS¹¹ XI-1/6, member States are obliged to report any serious marine accidents and casualties. The investigation and analysis must be non-subjective, non-speculative, complying to IMO Regulations - but not based on the speculation of such Regulations - and promptly submitted.

By the 99th session of MSC¹² and the 5th session of HTW¹³, it was decided that the analysis of marine safety investigation reports should be utilised and developed for Lessons Learned purpose in seafarers' education and training. The IMO further launched a module "Maritime Casualty Investigation (MCI)" in GISIS¹⁴ and urged the member States to submit marine accident investigation reports. Such data is available to the public. The instructions to the Group by plenary were:

- To evaluate the analysis report of 63 cases enclosed in the document III 5 *CASUALTY ANALYSES*
- To consider further systemic and contextual improvement for the investigation analysis
- To discuss proper avenues to avoid duplication of reporting from Authorities and to facilitate better collaboration between the PSC and the casualty investigation Authority
- To discuss practical ways to streamline Lessons Learned for seafarers, and
- To increase more casualty data from fishing vessels.

Outcomes of the Group

1. The Group will advise III 6 to consider evaluation of the analysts and improvement of GISIS MCI module.
2. The Group acknowledged that the IMO already created *Summary of Lessons Learned from Casualties for Presentation to Seafarers* in 2010 and agreed that it should be applied in proceeding Lessons Learned for seafarers. On top of that, it was recognised that Lessons Learned should not be confined to seafarers only, but also ship owners and companies.

⁶ HSSC: the Harmonized System of Survey and Certification

⁷ III Code: IMO Instruments Implementation Code

⁸ IUU Fishing: Illegal, Unreported and Unregulated Fishing

⁹ WG: Working Group

¹⁰ DG: Drafting Group

¹¹ SOLAS: The International Convention for the Safety of Life at Sea, 1974, as amended

¹² MSC: Maritime Safety Committee

¹³ HTW: Sub-Committee on Human element, Training and Watchkeeping

¹⁴ GISIS: Global Integrated Shipping Information System

3. The Group created the draft text of *Lessons Learned from Marine Casualties* as well as *Procedure for Identifying Safety Issues*.

Correspondence group in 2019

1. CG will conduct a review of the marine safety investigation reports, prioritising very serious marine casualties.
2. CG will consider further improvement based on the draft text *Lessons Learned from Marine Casualties* and link potential safety issues with underlying safety deficiencies.
3. During the discussion, the Group recognised common misconception on the words “fatigue and human error”. Therefore, it is important for the ITF to participate in the CG to stress to the investigation Authority about the criticality of hidden criminalisation possibilities and fatigue issues.

Drafting Group on 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) – REVIEW OF THE MODEL AGREEMENT FOR THE AUTHORIZATION OF RECOGNIZED ORGANIZATIONS (RO) ACTING ON BEHALF OF THE ADMINISTRATION

With amendments to any IMO regulations, consolidating the amendments with the existing text and drafting them up-to-date are essential role for DG of III. They thrive on effective implementation for the Administration and appropriate exercise for ROs. Eventually, the all end users - ship builders, companies and seafarers - will be influenced.

Resolution A.1120(30) *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)*, 2017 provides what a ship and seafarers onboard should be like at the Administration level. Those Guidelines consist of regulations of SOLAS, LL Convention¹⁵, MARPOL¹⁶, BWM Convention¹⁷, IBC Code¹⁸, IGC Code¹⁹, BCH Code²⁰ and newly IGF Code²¹. At this session, discussion were:

- Amendments to MARPOL Annex I, VI and VI - prevention of pollution by oil, sewage and air pollution - in relation unmanned non-self-propelled (UNSP)
- SOLAS III/20 *Operational readiness, maintenance and inspections*
- UI²² of “each dry docking” in the IGC and IGF Codes, and
- The 2016 *Guidelines for approval of ballast water management systems* (G8) to Resolution A.1120.

¹⁵ LL Convention: The International Convention on Load Lines

¹⁶ MARPOL: The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, as amended

¹⁷ BWM Convention: The International Convention for the Control and Management of Ships' Ballast Water and Sediments

¹⁸ IBC Code: The International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk

¹⁹ IGC Code: International Code for the Construction and Equipment of Ships carrying Liquefied Gases in Bulk

²⁰ BCH Code: Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk

²¹ IGF Code: The International Code of Safety for Ships using Gases or other Low-flashpoint Fuels

²² UIs: Unified Interpretations are adopted resolutions on matters arising from implementing the requirements of IMO Conventions or Recommendations. UI provides the Administration clarity.

Non-exhaustive List of Obligations (Resolution A.1121(30)) under instruments relevant to the III Code provides what mandatory IMO regulations Administration should comply with.

Outcomes of the Group

1. The Group finalised draft amendments to MARPOL Annexes I, IV and VI concerning exemptions for UNSP and drafted amendments of the *Guidelines for exemption of UNSP barges from survey and certification requirements under MARPOL Convention*.

2. In addition to SOLAS regulation III/20.11.1.1 and 20.11.2.1, the Group considered MSC.1/Circ. 1392²³ and MSC.402(96)²⁴ and agreed that it is necessary to have the presence of a surveyor during the following surveys:

- Testing/replacement of lifeboat release and retrieval system
- Through examination of launching appliances, and
- Through examination and operational test of lifeboat and rescue boat release gear.

Correspondence group in 2019

1. The Group recommended that more study and work need to be carried out regarding the exemption from relevant technical and operational requirements of MARPOL Annexes I, IV and VI for UNSP barges.

2. The Group recommended to review *the Survey Guidelines under the HSSC, 2017* in relation to the BWM Convention G8, taking into account the suggestion by IACS²⁵ using the various versions of specifications for oil discharge, monitoring and control systems (MEPC 72/4/11²⁶).

3. Regarding Non-exhaustive List of Obligation, the Group also agreed that amendments needed to be further developed to include the requirements from all amendments to the mandatory IMO instruments entering into force from 01 July 2020.

Working Group on ANALYSIS OF CONSOLIDATED AUDIT SUMMARY REPORTS

The technical support for the work this Group initiated by the first consolidated audit report (CASR). The aim of the Group as well as CASR is to identify regulations that are considered to be challenging for implementation and enforcement and provide reasons.

Outcomes of the Group

1. It was identified that the most appropriate application of this analysis is through member States' active communication so that the imbalance could be overcome and the equally effective implementation of the IMO instruments could be achieved. The Group drafted *Guidance on Communication of information* by Plan-Do-Check-Action (PDCA) methodology for member States.
2. As shown in the figure below, the result of this Group and by the endorsement of plenary, at Assembly 31 will undertake providing appropriate measures. Meaning, measures agreed by this WG could be approved by the end of 2019.

²³ MSC.1/Circ. 1392: *GUIDELINES FOR EVALUATION AND REPLACEMENT OF LIFEBOAT RELEASE AND RETRIEVAL SYSTEMS*

²⁴ MSC.402(96): *REQUIREMENTS FOR MAINTENANCE, THOROUGH EXAMINATION, OPERATIONAL TESTING, OVERHAUL AND REPAIR OF LIFEBOATS AND RESCUE BOATS, LAUNCHING APPLIANCES AND RELEASE GEAR*

²⁵ IACS: International Association of Classification Societies

²⁶ MEPC 72/4/11: *New provision in the HSSC Survey Guidelines on validating the compliance of individual BWMS with regulation D-2 of the BWM Convention in conjunction with their commissioning during the initial survey (survey item (BI) 1.1.2.19)*

3. For member States that struggle with particular instruments due to limited technical and economic resources, the Sub-Committee pondered introducing a relevant programme under TC²⁷, however not decided.

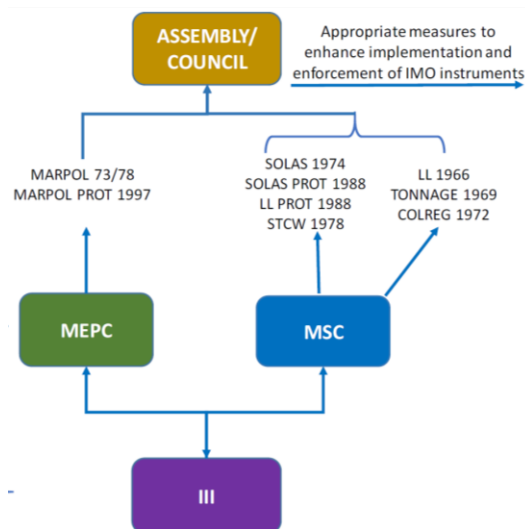


Figure 1 Feedback from audits into regulatory process of the IMO

Working Group on MEASURES TO HARMONIZE PSC ACTIVITIES AND PROCEDURES WORLDWIDE - IDENTIFIED ISSUES RELATING TO THE IMPLEMENTATION OF IMO INSTRUMENTS FROM THE ANALYSIS OF PSC DATA

Inspection activities and procedures can vary by countries even ports. Consequently, seafarers in international voyages have been being confused and suffocated. Having noted the standardised international regulations and guidance, it is logical for PSC to conduct harmonised inspections. The major participation to the Group is nine regional PSC regimes – Paris, Tokyo, Vina del Mar, Mediterranean, Indian Ocean, Riyadh, Black Sea, Caribbean and Abuja MoUs – and U.S Coast Guard (USCG) as the tenth PSC regime. The plenary instructed the Group to:

- Consider the revision of *the Procedures for port State control, 2017* (resolution A.1119(30)) and its Annex in detail
- Consider a progress report on PSC and inclusion of amendments of IMO instruments, in particular fire safety arrangement, ISM Code, certification of seafarers, manning and hours of rest and MARPOL Annex VI and,
- Come up with suitable communication solutions on all PSC inspection data.

Outcomes of the Group

1. The Group agreed MARPOL Annex VI should be reflected in relevant Appendix of the Resolution. If MEPC 74 approves, PSC will have harmonised procedures on air pollution prevention regulations and ships will have to effectively comply with them.
2. In order to enhance safety management onboard as well as shore management, the Group advised to revise and update Appendix 8 *Guidelines for port State control officers on the ISM Code*, by MSC 101, in 2019.

²⁷ TC: Technical Cooperation Committee



3. Pursuant to STCW Regulation I/4 and Paris MoU Guidelines on STCW, **ALL** seafarers' certificates should be checked. However, the Guidelines align with the prescriptive measures. This gap leads not only incompetent personnel onboard but also unscrupulous CBA conditions for seafarers. Therefore, ITF addressed the existing gap on certificates inspection. The Group agreed to forward this issue and submit to HTW 6 proposed amendments to the current Guidelines.

4. The Group noted more cooperation amongst the nine PSC regimes and USCG is needed on information exchange and avoidance of using "black/grey/white list." Equasis²⁸ will be continuously supported by the MoUs and member parties including the ITF and demonstrate more accurate information exchange.

Correspondence group in 2019

1. In III 6, July 2019, the draft revision of *the Procedures for port State control, 2017* is planned to be finalised including some Appendices.

2. Regarding Appendix 8 '*certification, manning and hours of rest*' of the Annex of the Guidelines, a proposition paper should be submitted to HTW 6, May 2019. Therefore, the participation of ITF delegation is essential.

Action point

The implementation of IMO instruments and its methods are highly connected to the working conditions, employment and education and training schemes for all maritime workers. Thus, workers in the industry should be made aware of discussions at the Sub-Committee III.

*Aforementioned IMO documents can be provided if requested.

²⁸ Equasis: is an online database which helps in promoting exchange of information and transparency in the shipping industry. <http://www.equasis.org>