

Report of III 6

Sub-Committee on Implementation of IMO Instruments

01st – 04th July 2019

International Maritime Organization (IMO), London headquarters

ITF delegation

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Long-standing challenges of compliance of IMO instruments are about implementation and enforcement for the countries. Without robust schemes and systems that are applicable worldwide, good laws are no use. The Sub-Committee III undertakes its tasks to provide appropriate measures to flag, port and coastal States.

For flag State, survey and certification should be harmonised globally. For port State, the unified procedure for port State control should be provided. For coastal State, considering the nature of international shipping, the international instruments should aid in the event of marine accidents or incidents along with its own jurisdiction. Finally, IMO Member State Audit Scheme (IMSAS) is utilised to evaluates a country's compliance to enhance the harmonised implementation.

The Sub-Committee at this session undertook:

- To update *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)*;
- To update *Non-exhaustive list of obligations under instruments relevant to the IMO instruments implementation Code (III Code)*;
- To update *Guidelines on Procedures for port State control* to harmonise PSC activities and procedures worldwide;
- To consider Lessons Learned and safety issues identified from the analysis of marine safety investigation reports; and
- The Joint FAO/ILO/IMO Ad Hoc Working Group (JWG) on Illegal, Unreported and Unregulated (IUU) Fishing and Related Matters.

Three WG and one DG were established at this session. Outcomes of each Group, approved by plenary, are elaborated.



Working Group on the ANALYSIS OF MARINE SAFETY INVESTIGATION REPORTS¹

After the event of accidents and casualties, thorough investigation reports should be analysed and used to prevent further tragedy. The importance of investigation, analysis and archiving such data lies on that manner. The IMO requires member States to submit accidents and incidents reports. Consequently, reports submitted are selected for further consideration and lessons learned are produced.

The Group generally considers about three umbrella agenda: 1) how to use the investigation reports for Lessons Learned, 2) how to encourage member State to report promptly, and 3) how to improve the Procedure for Marine Safety Investigation Report Analysis for identifying safety issues.

Under the agenda (1) above, at this session, three new safety issues: 1) fatal accidents involving elevators, 2) fatal accidents related to collisions involving fishing vessels, and 3) fatal accidents due to fall from height, were considered for deeper analysis. The ITF participated in this smaller group for deeper analysis, with Norway and Marshal Islands under the coordination of New Zealand.

Further, under the view of safety issues, the ITF also highlighted that the size of Ultra Large Container Ships (ULCSs) often exceeds the normal safe design parameters of the ports and their approach channels. This substantially reduces the safety envelope and margins for error. In addition, the ULCSs are designed for fuel efficiency on long sea passages with smaller than usual rudder surface area and with high minimum revolutions and speed unsuitable for docking operations. They are dependent on high horsepower assist tugs to safely control their movement and speed where slow speed manoeuvring is required in ports. They are a significant challenge to masters, pilots, bridge teams and assist tugs that need to work in close cooperation.

Outcomes of the Group

1. Analysis of individual marine safety investigation reports and Global Integrated Shipping Information System (GISIS) Maritime Casualties and Incidents (MCI)

The Sub-committee has identified possible improvement that is missing from the current recommendation in the Casualty Investigation Code (refer to document III.3/Circ.6).

Member States will be able to select option “None” in the “Cooperation” section of GISIS MCI to show the investigation was carried out without cooperation with relevant member State.

2. Lessons Learned from marine casualties for release on the IMO website

10 cases of Lessons Learned were identified with two new potential safety issues included: fall from height and collision with fishing vessels. The major reasoning identified for fall from height was crew' complacency while using portable ladders. The severity of fishing vessels' involvement and the different navigational nature between fishing and merchant vessels in the event of collisions have been identified to be one of the most important lessons.

3. Safe pilotage practice

The Group alluded the existing Assembly resolution 960(23) *Recommendations on training and certification and on operational procedures for maritime pilots other than deep-sea pilots*.

¹ Pursuant to SOLAS XI-1/6, member States are obliged to report any marine accidents and casualties. *The Casualty Investigation Code* (resolution MSC.255(84)) and (resolution A.1075(28)) provide procedural guidelines.



Further work

1. Including one of elements listed in III.3/Circ.6 about crew's work routine onboard, all enclosed elements will be considered in the future session of the Sub-committee.
2. The two newly added matters on Lessons Learned – fall from height and collision with fishing vessels - will be referred to the Sub-committee on Ship Systems and Equipment (SSE 7) as well as consideration on the presence of cargo vapours in the forecastle spaces.

Working Group on the MEASURES TO HARMONIZE PORT STATE CONTROL (PSC) ACTIVITIES AND PROCEDURES WORLDWIDE

There are around 171 ports in the world. Compliance of regulations for 52,000 international merchant vessels plus those not under the category of IMO SOLAS vessels are checked by port State control inspections. Considering the number of ports and differences in each country, harmonised procedures are essential to secure safety of ships and maritime workers and the protection of marine environment.

In endeavouring the uniformed inspection procedure, nine regional port State regimes – e.g. Paris MoU, Tokyo MoU and so on so forth - have been cooperating in parallel. However, there are always challenges. As for the ITF, any seafarers' wellbeing and welfare related regulations such as implementation of SCTW 1978, as amended and MLC, 2006, as amended are great importance during PSC inspections.

At this session, the Group considered:

- Development of the draft Assembly resolution on *Procedures for PSC, 2019*;
- Introducing electronic record book under the *Procedures for PSC, 2019*;
- Development of additional Appendix 7 *Guidelines for Control of operational requirements* of the *Procedures for PSC, 2019*; and
- Justification for developing a Training Manual for new entrant flag State surveyor and post State inspector.

Outcomes of the Group

1. Correspondence Group (CG) will develop additional Guidance in Appendix 7 to *Procedures for PSC, 2019*. III 6/5/3 by Australia is deemed to result ineffective control of PSCOs which would cause detrimental results to seafarers. The ITF addressed this issue and proposed that two submissions, including III 6/5/3, should be considered impartially.
2. The Group reminded itself the core purpose of Appendix 11 and 12 to *Procedures for PSC, 2019* is that manning and certificates inspection should be conducted subject to all personnel on board the ship.
3. A draft proposal to add a new output under the work programme on *measures to harmonize port State control (PSC) activities and procedures worldwide* (OW 10) associated on producing a new entrant training manual for PSC personnel was made.
4. The Group considered the potential subject matters for 8th session of Port State Control Workshop (PSCWS). Update of ILO, in particular implementation of MLC, 2006, as amended was included.



Further work

1. The CG on Measures to harmonise port State control (PSC) activities and procedures worldwide was approved for re-establishment. The ITF has concerns regarding development of additional Appendix 7 of *the Guidelines on Procedures for PSC*, as aforementioned in outcome 1. It should be made sure that crew's wellbeing must be taken full consideration during PSC inspection.
2. The ITF supports a uniform manual that could be used worldwide. ITF inspectors should expect to benefit from a manual assisting Administrations with limited resources to achieve a harmonized implementation of the PSC Guidelines towards more effective implementation of any relevant regulations relating to seafarers' wellbeing and welfare, *inter alia* the MLC 2006, as amended.
3. PSCWS 8 will be held in the 2nd half of 2020 in IMO Headquarters. The workshop will also consider IUU Fishing matters.
4. As future discussion matters, any implications of implementation of 2020 Sulphur Limit and issues relating to fuel oil safety afterwards 1st January 2020 are expected.

**Working 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)**

Assembly resolution 1120(30) the *Survey Guidelines under the HSSC, 2017* assists governments to implement IMO instruments² effectively in harmonised manner.

Non-exhaustive List of Obligations under Instruments relevant to the IMO Instruments Implementation Code (III Code) assists governments to fully meet their responsibilities and to discharge their obligations by providing auditable areas, as part of a ratification process.

According to the decisions made by MEPC 73 and 74 regarding effective implementation of amendments to MARPOL Annexes, the Sub-committee considered update for the two documents mentioned above.

At this session, the Group was instructed to consider about:

- The application of MARPOL I, IV and VI on Unmanned non self-propelled (UNSP) barge; and
- Update of both aforementioned documents.

Outcomes of the Group

1. The definition of UNSP barge is a barge that has neither crew nor passengers or other persons living animals on board during navigation.

² The instruments provided in the Guidelines are SOLAS, MARPOL, LL Convention, BWM Convention, IBC Code, IGC Code and BCH Code.

³ Industrial Personnel: all persons who are transported or accommodated on board for the purpose of offshore industrial activities performed on board other ships and/or offshore facilities



Further work

1. The ITF supports the revised definition on UNSP barge. Further, the ITF support that the A. Resolution 1120(30) should include the definition of Industrial Personnel (IP)³.
2. Exemption of UNSP barges from MARPOL and International Air Pollution Prevention Certificate (IAPP) requirements should be considered positively.

Action point

The implementation of IMO instruments and its methods are highly connected to the working and living conditions for all maritime workers. Thus, ITF affiliated members should make sure the end-users in field are aware of discussions at this Sub-Committee by:

- Monitoring the investigation of the maritime casualties in their respective countries and provide feedback to the ITF Secretariat; and
- Informing the ITF Secretariat any issues manifest in dealing with PSC.

*Aforementioned IMO documents can be provided if requested.