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## WORKING DOCUMENT

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From: General Secretariat of the Council

To: Delegations

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Subject: 106th session of the Maritime Safety Committee  
(remote meeting, 2-11 November 2022)

– Non-paper from the Commission drafted to facilitate EU co-ordination

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### **DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (07.11.2022)**

Delegations will find attached a non-paper from the Commission drafted to facilitate co-ordination between the EU Member States and the Commission in respect of the subject mentioned above<sup>1</sup>.

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<sup>1</sup> It is the intention of the Presidency to ensure the necessary co-ordination of the Member States' positions on the spot on the basis of the discussion of this paper.

**NON-PAPER**  
**ON THE POSITION OF THE UNION FOR**  
**THE 106<sup>TH</sup> SESSION OF THE IMO MARITIME SAFETY COMMITTEE (MSC 106)**  
**(02 – 11 NOVEMBER 2022)**

The annotated agenda is presented to the Council with the view to establishing the EU positions on agenda items for the 106<sup>th</sup> session of the IMO Maritime Safety Committee (MSC 106).

This document lists all received documents under the agenda items of EU relevance<sup>2</sup>.

The comments by the Commission are printed in *italics*. The proposed position of the Union is printed in ***bold italics***.

Should Member States wish to express a position on matters not covered by the Union positions, in accordance with the principle of loyal cooperation they shall refrain from any measure that may jeopardise the attainment of the Union's objectives.

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<sup>2</sup> Based on documents received up to 26 September 2022.

## **Agenda item 1 – Adoption of the agenda**

**Docs:** MSC 106/1, MSC 106/1/1-2(+Add.1)

MSC 106/1 (Secretariat): provides the provisional agenda for MSC 106.

MSC 106/1/1 (Secretariat): provides information on action the Committee will be invited to take in relation to items on the agenda of its 106th session.

MSC 106/1/2(+Add.1) (Chair): provides information on action the Committee will be invited to take by correspondence in relation to agenda items 4 (Goal-based new ship construction standards), 9 (Formal safety assessment), 15 (Application of the Committee's method of work) and 18 (Any other business).

*In accordance with MSC 106/1/1, the following working and drafting groups may be established at this session:*

- *Working Group on Development of a Goal-based Instrument for MASS; and*
- *Drafting Group on Amendments to Mandatory Instruments.*

*In MSC 106/1/2, the Chair invites the Committee to endorse proposals on the arrangements for the consideration of agenda items 4 (Goal-based new ship construction standards), 9 (Formal safety assessment), 15 (Application of the committee's method of work), 16 (Work Programme), and 18 (Any other business) by correspondence in order to address the backlog that has been accumulating over the last four sessions, due to the sessions being held remotely. The proposed actions will also be subject to final endorsement during the session. **DELETED***

## **Agenda item 3 – Consideration and adoption of amendments to mandatory instruments**

**Docs:** MSC 106/3, MSC 106/3/1-6

MSC 106/3 (Secretariat): to consider, with a view to adoption, draft amendments to the 1974 SOLAS Convention and the IGC, IGF, 2011 ESP and IBC Codes.

MSC 106/3/1 (Secretariat): to consider, with a view to adoption, the draft International Code of Safety for Ships Carrying Industrial Personnel (IP Code).

MSC 106/3/2 (Secretariat): to consider, with a view to adoption, draft amendments to the 1978 SOLAS Protocol.

MSC 106/3/3 (Norway, United Kingdom, United States and IACS): highlights the discussion during MSC 105 related to application requirements of non-mandatory instruments and proposes a way forward.

MSC 106/3/4 (China): proposes to delete the records of radio installations used in life-saving appliances from part 2 (Details of life-saving appliances) of the Record of Equipment for the Industrial Personnel Safety Certificate (Form IP) in the appendix of the draft IP Code to avoid repetitive recording, and to keep the IP Code consistent with the 1974 SOLAS Convention, 1988 SOLAS Protocol and 2000 HSC Code, including the relevant records of equipment amended at MSC 105.

MSC 106/3/5 (Japan): provides comments on document MSC 106/3, concerning the draft amendments to the IGC and IGF Codes in respect to the wording for referencing IMO guidelines.

MSC 106/3/6 (Japan): provides comments on document MSC 106/3, concerning the draft amendments to chapter II-2 of the 1974 SOLAS Convention.

### EU relevance

*Directive 2009/45/EC on safety rules and standards for passenger ships in its Article 6(2)(a)(i) applies SOLAS, as amended, to Class A passenger ships. Therefore, the amendments to SOLAS Chapter II-2 due to be adopted at MSC 106 will affect the requirements applicable under Directive 2009/45/EC.*

*Regulation (EU) No 530/2012 on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers make mandatory the application of the IMO's Condition Assessment Scheme (CAS) to single hull oil tankers above 15 years of age. The Enhanced Programme of Inspections during surveys of Bulk Carriers and Oil tankers or Enhanced Survey Programme (ESP) specifies how to undertake this intensified assessment. As CAS uses ESP as the tool to achieve its aim, any changes to the ESP inspections, such as the current amendments to focus surveys only on suspect areas for thickness measurements at the first renewal survey of double hull oil tankers will automatically be applicable through Regulation (EU) No 530/2012. Therefore, the amendments 2011 ESP Code due to be adopted at MSC 106 will affect the application of Regulation (EU) No 530/2012.*

*The Union has exclusive competence in respect of the development of amendments to IMO instruments which may affect or alter the scope of common rules contained in EU legislation. The relevant EU legislation is explained in Council Decision (EU) 2022/XXX of XX XX<sup>3</sup>.*

### Background

*MSC 105 approved amendments to the following instruments, with a view to adoption at this session, and which are of EU exclusive competence:*

*a) chapter II-2 of the International Convention for the Safety of Life at Sea (SOLAS), 1974; and*

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<sup>3</sup> The Commission proposal for a Council Decision was discussed at three Working Parties on Shipping and the Decision is currently processed by the Council. The aim is to be adopted end of October 2022. The number of the Decision will be added as soon as it is adopted.

b) *the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code).*

Consideration at MSC 106

MSC 106 is being requested to adopt the draft resolutions in MSC 106/3 (Secretariat). **DELETED**

MSC 106/3/3 (Norway et al.) seeks to clarify terms used in the application of non-mandatory instruments as well as the use of the term 'building contract' in both mandatory and non-mandatory instruments. **DELETED**

**Agenda item 4 – Goal-based new ship construction standards**

**Docs:** MSC 106/4, MSC 106/4/1, MSC 106/INF.7, MSC 105/6, MSC 105/INF.6-9.

MSC 106/4 (Secretariat): provides an updated report on the current status of GBS verification audits and all audit findings, the action taken by the Secretariat to facilitate the audit process, as well as information on the current status of the GBS Trust Fund.

MSC 106/4/1 (Secretary-General): provides the final GBS audit report on the rectification of non-conformities stemming from the second (2019) GBS maintenance audit, as part of the combined 2022 Audit.

MSC 106/INF.7 (Secretariat): provides the updated status reports on the work undertaken by recognized organizations, whose rules have been verified to conform to the goal-based ship construction standards, in addressing observations confirmed by the Committee.

MSC 105/6 (Secretariat): provides the corrective action plan for the non-conformity identified by the audit team responsible for the second GBS maintenance audit of Lloyd's Register.

MSC 105/INF.6 (Secretariat): presents an updated report on the current status of all findings from

GBS verification audits since the last report, as contained in the annex to document MSC 103/INF.6.

MSC 105/INF.7 (Secretariat): provides the updated status reports on the work undertaken by recognized organizations, whose rules have been verified to conform to the goal-based ship construction standards, in addressing observations confirmed by the Committee.

MSC 106/INF.8 (Secretariat): presents an updated report on the current status of all findings from GBS verification audits since the last report, as contained in the annex to document MSC 105/INF.6.

MSC 105/INF.9 (IACS): provides the updated status of the work, which is undertaken to address the IACS "common" observations as of 31 January 2022.

#### EU relevance

*This matter falls under exclusive Union competence.*

*The implications of this agenda item on Union law were provided prior to MSC 100 in working paper 14853/2018, an extract of which is included below for ease of reference:*

*Article 11(1) of Directive 2009/15/EC on common rules and standards for ship inspection and survey organisations and for relevant activities of maritime administrations states that*

*“Each Member State shall ensure that ships flying its flag are designed, constructed, equipped and maintained in accordance with the rules and procedures relating to hull, machinery and electrical and control installation requirements of a recognised organisation.”,*

*while Article 11(3) of the same Directive stipulates that*

*“Member States shall cooperate with the recognised organisation they authorise in the development of the rules and procedures of those organisations. They shall confer with the recognised organisations with a view to achieving consistent interpretation of the international conventions.”*

*Furthermore, in Annex I to Regulation (EC) 391/2009, Criterion A.4 provides that*

*“The recognised organisation must have and apply a set of own comprehensive rules and procedures, or the demonstrated ability thereto, for the design, construction and periodic survey of merchant ships, having the quality of international recognised standards. They must be published and continually upgraded and improved through research and development programmes.”*

*In addition, Criterion B.7 states that*

*“The recognised organisations must ensure that: (a) its rules and procedures are established and maintained in a systematic manner....(c) the requirements of the statutory work for which*

*the recognised organisation is authorised are satisfied and an internal system to measure the quality of service in relation to compliance with the international conventions is put in place”.*

*Finally, in Criterion B.11 it is stipulated that*

*“The recognised organisation must allow participation in the development of its rules and procedures by representatives of the administration and other parties concerned.”*

*SOLAS Regulation 3-1 stipulates that*

*“In addition to the requirements contained elsewhere in the present regulations, ships shall be designed, constructed and maintained in compliance with the structural, mechanical and electrical requirements of a classification society which is recognized by the Administration in accordance with the provisions of regulation XI-1/1, or with applicable national standards of the Administration which provide an equivalent level of safety.”*

*In addition to the above, Article 14(1) of Regulation (EC) No 391/2009 stipulates that*

*“1. The Commission shall adopt and publish: (a) criteria to measure the effectiveness of the rules and procedures as well as the performance of the recognised organisations as regards the safety of, and the prevention of pollution from, their classed ships, having particular regard to the data produced by the Paris Memorandum of Understanding on Port State Control and/or by other similar schemes;”.*

*However, in accordance with SOLAS Regulation 3-10 “Goal-based ship construction standards for bulk carriers and oil tankers”, the design and construction of bulk carriers and oil tankers shall take place in accordance with the rules of a classification society, acting as a recognised organisation in accordance with SOLAS Regulation XI-1/1, which have been approved as compliant with the GBS by the IMO.*

*As detailed in Resolution MSC.287(87) (adopted on 20 May 2010), the GBS comprises a five-tier system under which Tier I sets the high-level goals while Tier II sets the functional requirements that bulk carriers and tankers built after 1 July 2016 shall follow. The introduction of the GBS has changed the approach under the SOLAS Convention from a prescriptive one into a target-based one. As a result, classification societies could submit their rules on design and build of ships for approval by the IMO that they comply with the high-level goals and functional requirements, so that ships built under these rules are deemed to be compliant with SOLAS. Without such an approval they are not able to design and build ships falling under SOLAS. This verification process is detailed in the Tier III requirements.*

*Essentially, following an approval by the IMO, the classification rules for designing and building a ship become statutory rules, according to which a ship could be built in order to comply with SOLAS. Before the introduction of the GBS, this process was restricted, in relation to bulk carriers and oil tankers, to the flag States under SOLAS Regulation 3-1. This provision is reflected in Article 11(1) of Directive 2009/15/EC.*

*Under the GBS, the competence to approve the rules of a classification society, acting as a recognised organisation, in relation to the design and construction of ships was transferred from*

*the individual flags directly to the IMO, providing the rules of the classification societies with a dual nature: a private and a statutory one.*

*As a result, the approval of a classification society's rules by the MSC would have an impact on the Union's law in the area of recognised organisations. In particular, Criterion A.4 set out in Annex I of Regulation 391/2009 contains a requirement of the RO rules "having the quality of internationally recognised standards". As a consequence, if the rules of an RO have been approved by MSC, the Commission, assisted by EMSA, would not be able, under Criterion A.4 of Regulation 391/2009, to deviate from the relevant assessment of the MSC.*

*Moreover, in relation to Article 14(1) (cited above) the verification and approval of an EU RO's rules by the IMO as in compliance with the GBS could have an impact on the relevant verification under Article 14(1) in relation to the criteria to measure the effectiveness of the rules and procedures.*

*As a result, a clear distinction should be made between the Goal-based Standards themselves (Tiers I, II, IV and V) and the verification of compliance of an RO's rules with these standards (Tier III). Given that Union law includes provisions that are related to the verification of the ROs rules as compliant or not with the Goal-Based Standards, any decision of the MSC could have an impact on the implementation of Union law, in particular Article 14(1) and Criterion A.4 and B.7 (c) of Annex I to Regulation (EC) 391/2009.*

#### Background

*MSC 100 agreed that there was a need to amend the Generic guidelines for developing IMO goal-based standards (the Generic Guidelines) (MSC.1/Circ.1394/Rev.1) to aid the application of the Guidelines throughout the Organization. This work continued at MSC 101 where the Committee approved the revised Generic Guidelines for developing IMO goal-based standards for circulation as MSC.1/Circ.1394/Rev.2 as well as the revised timetable and schedule of activities for the implementation of the GBS verification scheme.*

*In view of the lack of time at MSC 102, the Committee agreed to consider only the GBS audit reports and to postpone the deliberations of documents MSC 102/7 and MSC 102/7/4, as well as information documents MSC 102/INF.15, MSC 102/INF.20 and MSC 102/INF.24, to a future session. Likewise, MSC 103 and 104 ran out of time and the Committee postponed consideration of this agenda item to MSC 105, which dealt with these issues by correspondence. However, MSC 105 failed to consider the documents submitted to that session.*

*MSC 105 also noted that the Secretary-General had established an audit team to conduct a combined 2022 Audit, which comprised the audit of the outstanding non-conformities stemming from the second maintenance audit in 2019 and the audit of the rule changes submitted over the period 2019 to 2021, and which would be conducted in accordance with paragraphs 30 and 27.4, respectively, of the Revised GBS Verification Guidelines (resolution MSC.454(100)).*

#### Consideration at MSC 106

**DELETED**



*In MSC 106/1/2, the Chair proposes that the Committee should only note, by correspondence, the documents postponed from MSC 105, that is to note:*

- a) the Corrective Action Plan submitted by Lloyd's Register for the non-conformity identified during the second GBS maintenance audit (MSC 105/6);*
- b) the information on the status reports addressing observations provided in documents MSC 105/INF.7 (Secretariat) and MSC 105/INF.9 (IACS); and*
- c) the information provided in document MSC 105/INF.6 (Secretariat) containing the updated list of all findings from GBS audits.*

**DELETED**

#### **Agenda item 5 - Development of a goal-based instrument for Maritime Autonomous Surface Ships (MASS)**

**Docs:** MSC 106/5, MSC 106/5/1-4, MSC 106/INF.4, 6, 13-15, 18 and 20

MSC 106/5 (Secretariat): Report of the MSC-LEG-FAL Joint Working Group on Maritime Autonomous Surface Ships (MASS) on its first session

MSC 106/5/1 (Japan): provides key elements to be addressed for navigational tasks/functions in the form of draft provisions for a goal-based MASS Code.

MSC 106/5/2 (Republic of Korea): proposes some key considerations regarding accident response to fire and flooding accidents for developing a goal-based MASS Code in the form of a potential accident response.

MSC 106/5/3 (China): proposes to incorporate risk assessment into the MASS instrument and discusses the general principles and framework of risk assessment.

MSC 106/5/4 (Russian Federation and United Arab Emirates): comments on document MSC 106/5/1 and provides a draft outline and key elements of a goal-based MASS Code as a comment to draft provisions for MASS Code submitted therein. The aim is to provide a better structured Code on the common issues and elements for the benefit of the discussion on the issue.

MSC 106/INF.4 (Japan): provides information of demonstration tests of fully autonomous ship navigation on "MEGURI 2040".

MSC 106/INF.6 (United Kingdom): provides a summary of the research and policy work that has, and is, taking place in the United Kingdom to support the development and introduction of MASS.

MSC 106/INF.13 (Republic of Korea): is submitted to share information on technical developments for autonomous systems applied to onboard systems that have been collected from published technical documents.

MSC 106/INF.14 (Republic of Korea): provides information on the Autonomous Ship Verification & Evaluation Research Centre for the development of MASS in the Republic of Korea.

MSC 106/INF.15 (Republic of Korea): provides information regarding the accident response during potential fire and flooding accidents of MASS to support the development and introduction of MASS.

MSC 106/INF.18 (China): provides information on the common gaps and key issues in the IMO instruments and offers relevant observations with a view to presenting a holistic perspective of the impact of the use of MASS on the IMO regulatory framework as a whole.

MSC 106/INF.20 (Republic of Korea): provides information on introducing the MASS remote control concept simulation training carried out in the Republic of Korea and lessons learned.

#### EU relevance

*This matter is of EU relevance because the proposed development of a goal-based instrument for MASS, prioritising cargo ships, may eventually lead to amending IMO instruments, which affect EU safety legislation, including passenger ship safety-related legislation.*

#### Background

*The MSC, LEG and FAL Committees completed their RSE on MASS in respect of Conventions falling under their purview. All Committees agreed that a new output would be required to develop the next steps in particular to develop the necessary legal instruments to cater for the operation of MASS. In fact, MSC 104 approved this new output.* **DELETED**

*MSC 105 took several decisions on the way forward for the development of MASS, including:*

- a) approval of a road map which should be considered as a living document, which may require regular updating and modification at future MSC meetings;*
- b) establishment of a joint MSC-LEG-FAL working group on MASS to consider the common gaps and themes identified by the Committees, with the first meeting being held remotely 6 - 8 September 2022;*

- c) *development of a non-mandatory goal-based instrument in the form of a Code with the initial development only covering cargo ships but which will allow for the later inclusion of passenger ships - with a possible entry into force of a mandatory MASS Code by 1 January 2028; and*
- d) *establishment of an intersessional correspondence group (ICG) to continue the work on developing the non-mandatory Code, and which was asked to submit a verbal statement to MSC 106 and a written report to MSC 107.*

*The ICG has held two rounds of discussion, drawing up a first outline of what such a Code could include. Japan, Republic of Korea and China are active in the ICG and have there announced their submissions for MSC 106. The Coordinator of the ICG is expected to give an oral update (no report) at MSC 106 and then report to MSC 107. As yet, there is no special focus on cargo ships only.*

*The EU is also active in R&I, which plays a key role in the development of autonomous shipping. In 2019 the European Commission published a Strategic Transport Research and Innovation Agenda (STRIA) for Connected and Automated Transport (CAT), identifying the state-of-play concerning technological development and covering the automotive, railway and maritime transport sectors.*

*Within the Horizon 2020 Framework Programme the EU has supported the AUTOSHIP project<sup>4</sup> which addresses the real operation of autonomous ships in open traffic and across national boundaries. The project, which ends in November 2022, will deliver amongst others: demonstration of two self-navigating ships as prototypes for a fleet of next-generation, fully-autonomous vessels, including the necessary shore control network and technology package for autonomous navigation and secure communications; a technical and operational gap study and analysis report; an analysis and study report of a general and standardized framework for description; specification and analysis of autonomous ships; a study and analysis report on safety and security issues, aimed at reporting to stakeholders the major To-Dos when developing autonomous ship concepts; a Study and analysis report on the relevant Regulatory framework; a Technical Report and Study, summarizing relevant elements in Autonomous ship design standards.*

*Within the Horizon Europe 2022 call, the EU supported a topic on an autonomous feeder service<sup>5</sup> - a frequent autonomous waterborne shuttle service - effectively an autonomous conveyer, which is expected to be the type of application most likely to be quickly commercially viable.*

#### Consideration at MSC 106

*The joint MSC-LEG-FAL met intersessionally between 7-9 September and its report is set out in MSC 106/5. MSC 106 is invited (1) to note the progress made by the Joint Working Group, including its intention to organise a seminar on legal issues back-to-back with the next JWG; (2) to endorse its draft workplan; and (3) to agree to 2 sessions of the JWG in 2023. **DELETED***

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<sup>4</sup> <https://www.autoship-project.eu/>

<sup>5</sup> <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/opportunities/topic-details/horizon-cl5-2022-d5-01-05>

*The other documents submitted to this session (MSC 106/5/1 (Japan), MSC 106/5/2 (Republic of Korea), and MSC 106/5/3 (China)), include proposals for the development of the non-mandatory Code for MASS. The documents contain relevant information on projects, tests and proposals on how to structure the Code and how to address certain specific functions. MSC 106/5/1 and MSC 106/5/2 suggest a functional approach providing various examples. Both submissions identify redundancy of systems as a relevant item. MSC 106/5/3 suggest the use of risk assessment techniques as methodology and suggests that the selection of the risk assessment methodology (FMEA, STAMP are mentioned) is relevant for the achievement of the results.*

*It is important to highlight that, while risk assessment techniques should certainly be allowed and even encouraged at this early stage of the technology development, at the same time, the use of such techniques should not be the excuse for not having a solid Code based on principles (possibly also by function) to which all should conform.*

**DELETED**

#### **Agenda item 6 – Measures to enhance maritime security**

**Docs:** MSC 106/6, MSC 106/6/1, MSC 106/INF.2, MSC 105/8, MSC 105/8/1-2

MSC 106/6 (Secretariat): provides information on submission of security-related information through the Maritime Security module of the Global Integrated Shipping Information System (GISIS), including the electronic transfer of information into and from the module, the global programme for Enhancement of Maritime Security, and work under the UN global counter-terrorism coordination compact.

MSC 106/6/1 (INTERPORTPOLICE): provides comments on document MSC 106/6 (Secretariat) and supplementary information on maritime security programmes of interest to the Committee.

MSC 106/INF.2 (EC): provides the results of tests executed between the European SafeSeaNet system and IMO GISIS maritime security module.

MSC 105/8 (Secretariat): provides information on submission of security-related information through the Maritime Security module of the Global Integrated Shipping Information System (GISIS), including the electronic transfer of information into and from the module, the global programme for Enhancement of Maritime Security, and work under the UN global counter-terrorism coordination compact.

MSC 105/8/1 (WCO): comments on and updates the information provided in documents MSC 102/9/1 and MSC 103/9/4 on: WCO initiatives to develop measures for passenger facilitation and control in the maritime environment in general, and for cruise ships and later ferries in particular, through the use of standardized Advance Passenger Information and Passenger Name Records (API/PNR) data; and cooperation between WCO and the International Maritime Organization (IMO) in this area.

MSC 105/8/2 (Singapore): provides a set of voluntary cyber risk management guidelines for major shipboard operational technology (OT) systems, relevant for personnel directly responsible for the day-to-day ship operations and security of shipboard systems, such as engineers as well as Information Technology (IT) and OT system specialists.

*Owing to time constraints, MSC 105 postponed consideration of documents MSC 105/8, MSC 105/8/1 and MSC 105/8/2, to MSC 106.*

- a. Submission of security-related information through the Maritime Security module of the Global Integrated Shipping Information System (GISIS)*

#### EU relevance

*The Union has exclusive competence on the matter.*

*Regulation (EC) No 725/2004 and Directive 2005/65/EC implement the maritime security regime agreed by the IMO in December 2002 in SOLAS chapter XI/2 and the International Ship and Port Facility Security (ISPS) Code. In particular, Article 3(5) of Regulation (EC) No 725/2004 renders some provisions of Part B of the ISPS Code mandatory, including the reporting and exchange of relevant information. In this regard, Directive 2010/65/EU on reporting formalities includes in its Appendix the security form and details that should be reported prior to a ship calling at an EU port, including the list of the last ten calls at port facilities that should be available for exchange, upon request, using the Union Maritime Information and Exchange System (SafeSeaNet) established in accordance with Directive 2002/59/EC (VTMIS Directive).*

#### Background

*In 2016, MSC 97 agreed to proceed with the proposals made by the Secretariat (MSC 97/4/1) concerning the development of a data transfer mechanism for the Maritime Security Module of GISIS to facilitate the transfer and updating of such information directly from national databases, which are updated locally. MSC 98 endorsed the draft guidance for the electronic transfer of information into the Maritime Security Module of GISIS. **DELETED** The EU Member States at the 4th SafeSeaNet / LRIT Group meeting held on 23 October 2018, supported an initiative to request IMO to further develop web services for downloading port facility codes from GISIS Maritime Security Module. EMSA held discussions with the IMO on this possibility. In view of this, MSC 100 agreed to invite the Secretariat to develop the download*

*functionality, and the updated guidance for the electronic transfer of information to and from the Maritime Security module of GISIS was approved at MSC 101 in June 2019 (MSC 101/4/3).*

**DELETED**

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*The Chair invited the Secretariat to work with EMSA on this matter and to keep the Committee informed of developments.*

#### Consideration at MSC 106

*As highlighted in MSC 106/6 (Secretariat) and MSC 106/INF.2 (EC), EMSA had assisted the Secretariat in testing the download facility from the GISIS maritime security module. **DELETED***

#### *b. Cybersecurity*

##### EU relevance

*This issue falls under Union exclusive competence.*

*In the EU, cybersecurity is regulated by Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union. This Directive was reviewed at the end of 2020. As a result of the review process, the proposal for a directive on measures for high common level of cybersecurity across the Union (NIS2 Directive) was presented by the Commission on 16 December (COM(2020) 823 final).*

*In addition, several sections under the ISPS Code are relevant to cybersecurity, notably the requirement to take computer systems and networks into account. These sections are non-mandatory at the level of the IMO, but have been made mandatory under European legislation, namely Regulation (EC) No 725/2004 on enhancing ship and port facility security. The Commission has published a Transport Cybersecurity Toolkit, which includes recommended practices for the maritime transport sector.*

*The European Union Agency for Cybersecurity (ENISA) as part of its good practices for cybersecurity in the maritime sector has developed Guidelines on Cyber Risk Management for Ports and a report on good practices for cybersecurity in ports. The Guidelines aim to provide port operators with good practices for cyber risk assessment that they can adapt to whatever risk assessment methodology they follow. In order to achieve this, the Guidelines introduce a four-phase*

approach to cyber risk management for port operators, which follows common risk management principles and is mapped to the steps of the risk assessment methodology that is laid out in the ISPS Code and relevant EU legislation for port and port facility security.

### Background

FAL 41 and MSC 98, having considered the urgent need to raise awareness on cyber risk threats, approved the Guidelines on maritime cyber risk management (MSC-FAL.1/Circ.3, 5 July 2017). In addition, MSC resolution 428(98) affirmed that an approved safety management system should take into account cyber risk management in accordance with the objectives and functional requirements of the ISM Code. Therefore, IMO Member States were encouraged to ensure that cyber risks were appropriately addressed in safety management systems no later than the first annual verification of the company's Document of Compliance after 1 January 2021, and acknowledged necessary precautions that could be needed to preserve the confidentiality of certain aspects of cyber risk management. In addition, MSC 101 agreed that, in order to ensure that cybersecurity aspects relative to the ISPS Code are addressed, a reference should be made in the Ship Security Plan (ISPS Code) to cyber risk management procedures found in the Safety Management System (ISM Code).

Industry organisations submitted two documents to MSC 103 (MSC 103/9/1 (ICS, IUMI, BIMCO, OCIMF, INTERTANKO, INTERCARGO, InterManager, WSC and SYBAss) and MSC 103/9/2 (IAPH) highlighting the guidance that they had developed to combat cybercrime. The Committee agreed to circulate the updated version of the Guidelines on Cyber Security Onboard Ships through an MSC circular (MSC-FAL.1/Circ.3/Rev.1, 14 June 2021). The Committee again at MSC 104 agreed to recirculate an updated version following a request by IAPH.

### Consideration at MSC 106

In recent MSC sessions, industry bodies such as IAPH have requested the Committee to promote their cybersecurity guidelines by referencing them in the new versions of circular MSC-FAL.1/Circ.3/Rev.1 Guidelines on Maritime Cyber Risk Management. **DELETED**

It could be opportune to propose to the IMO Secretariat to create a compendium of resources on maritime cybersecurity which would be available via its website, without any formal endorsement, and which could avoid the need to have a discussion each time guidelines are published.

**DELETED**

### c. IMO/WCO Passenger Facilitation and Control

### EU relevance

*The Union has competence on this matter.*

*Under IMO's Facilitation Convention (applied by all EU Member States) and applicable to international voyages, Member States can request the passenger list from all types of ships – including cruise vessels, ferries and ro-ro passenger ships – as well as for passengers carried on cargo ships. Directive 2010/65/EU on reporting formalities requires Member States to use the appropriate FAL form when so doing – in this case, FAL 6 Passenger List. Under Annex VI of the Schengen Borders Code, Regulation (EU) 2016/399, section 3.2.1- 3.2.4 deals with specific check procedures for cruise ships notably the provision in advance of passenger and crew lists to the port of arrival for international voyages from outside the EU.*

### Background

*On 2 December 2019, the Council adopted conclusions on “Widening the scope of passenger name record (PNR) data legislation to transport forms other than air traffic”. The conclusions note that some Member States have acknowledged the potential added value of extending PNR data collection to other transport modes for the fight against terrorist offences and serious crime, while also taking stock of the concerns voiced by some Member States regarding the legal, technical and financial challenges this could create, in particular with regard to fundamental rights and the principles of proportionality and necessity. **DELETED***

*In MSC 102/9/1 and MSC 103/9/4, WCO reported on developments in the requirements for Advanced Passenger Information (API) and Passenger Name Records (PNR). In recognition of the growth in cruise industries, WCO saw the need for improved infrastructure facilitation and security needs for cruise ships when calling at ports. The Brussels-based Customs Attachés WG of the WCO undertook a study and prepared a report with recommendations on Cruise ships – the way forward to improve cruise ship controls, subsequently endorsed by WCO's Policy Commission. The report advocated a global API and PNR for cruise ships, the setting up of a working platform and a new Passenger Controls and Facilitation (PCF) WG. The work includes developing an understanding of how and by whom reservation data is captured, when such information is available, and how it could be re-used for regulatory purposes. Other relevant topics were the data sharing aspects, interagency cooperation, and the legal framework related to the use of API and PNR data in the maritime environment, including data protection and privacy policies. Involvement of IMO in this task was deemed essential. **DELETED***

### Consideration at MSC 106

*MSC 105/8/1 provides an update - the official first meeting of the Passenger Facilitation and Control Working Group (PFCWG) was held in April 2021, with the second held in October 2021. The PFCWG is developing a draft dataset of possible API and PNR like data for maritime passengers, while agreeing to distinguish between API-like data, which is collected regardless of the current existing business processes, and PNR-like data or booking information, which customs authorities could ask the cruise industry to provide if it were available through normal business processes, regardless of whether or not it was included in the data set to be developed. The health-*



related data and 14-day travel history data may be incorporated at a later stage. **DELETED**

MSC 106/6 also informs the Committee that FAL 46 had approved including the API and PNR data sets, as proposed in document FAL 46/6/6, in the priority list of data sets to be examined by the Expert Group on Data Harmonization (EGDH) for inclusion in the IMO Compendium.

**DELETED**

### **Agenda item 8 – Unsafe mixed migration by sea**

**Docs:** MSC 106/8, MSC 105/10, MSC 105/10/1

MSC 106/8 (Secretariat): provides information on the progress of the work of the UNHCR led Inter-Agency Group on Safety of Life at Sea since the release of document MSC 105/10 on 3 February 2022.

MSC 105/10 (Secretariat): provides information on the progress of the work of the UNHCR led Inter-Agency Group on Safety of Life at Sea.

MSC 105/10/1 (Denmark and Italy): follows up on discussions at MSC 104 on a draft resolution

originally proposed in MSC 104/9 underlining the impacts that unsafe mixed migration by sea has on shipping. With this document the co-sponsors have consolidated a new draft proposal containing mostly editorial amendments to the original draft resolution raised during the plenary discussions at MSC 104 which essentially retains the main messages of the Maritime Safety Committee calling on all parties involved to ensure effective facilitation of international trade and a cooperative approach among Member States and stakeholders.

### EU relevance

*The Union has competence with regard to the crossing of external borders of the Member States, regulating standards and procedures when carrying out checks on persons at such borders in full respect for fundamental rights and rules on visas for intended stays of no more than three months. The Union is also competent for measures on immigration policy regarding conditions of entry and residence and measures to counter irregular migration, including returns. Moreover, it can take measures to ensure/ facilitate cooperation between competent authorities of the Member States, as well as between those authorities and EU institutions and bodies, in the aforementioned areas. In these fields the Union has adopted respective rules and regulations on the basis of which it can enter into international arrangements/international agreements with third States or competent international organisations: Visa Code, Council Directive 2002/90/EC defining the facilitation of unauthorised entry, transit and residence.*

*In the context of the Pact on Migration and Asylum adopted in 2020, the Commission issued the Recommendation (EU)2020/1365 on cooperation among Member States concerning operations carried out by vessels owned or operated by private entities for the purpose of search and rescue activities. The Recommendation is addressed to Member States and aimed at supporting reinforced information sharing, coordination and cooperation between Member States, private actors and other relevant stakeholders in the field of search and rescue.*

### Background

*In MSC 104/9 (Denmark) and MSC 104/9/1 (Italy), both underlined the need for an international cooperative approach when dealing with migrants rescued at sea. Denmark called for an MSC Resolution to this effect, while Italy, commenting on its own experiences, also supported the Danish paper. Since several delegations, including DK, proposed amendments to the draft circular the Chair concluded that there was no time to discuss such amendments at this session. Therefore, she postponed the discussion and invited those who proposed changes to submit them in writing to MSC 105.*

*Owing to time constraints, the Committee postponed consideration of this agenda item, including documents MSC 105/10 and MSC 105/10/1, to MSC 106.*

### Consideration at MSC 106

*Denmark and Italy followed-up on their submissions to MSC 104 and joined forces to submit document MSC 105/10/1 (Denmark and Italy) highlighting the impacts that unsafe mixed migration by sea has on shipping, including the smooth flow of trade, as well as providing an updated draft resolution. **DELETED***

**DELETED**

PUBLIC

## **Agenda item 9 - Formal safety assessment**

**Docs:** MSC 105/WP.11

MSC 105/WP.11 (Secretariat): Draft terms of reference for the Formal Safety Assessment Experts Group

### EU Relevance

*Even if the Union has not yet exercised its internal competence as regards this kind of measures for cargo ships, the EU has an interest in this agenda item because the "Study Investigating Cost Efficient Measures for Reducing the Risk from Cargo Fires on Container Vessels (CARGOSAFE)", that was commissioned by EMSA, is being considered an important input to the work of the Formal Safety Assessment (FSA) Experts Group to be established to address the detection and control of fires on containerships.*

### Background

*SSE 8 considered document SSE 8/10/3 (Germany et al) which gave an overview of the CARGOSAFE study, and which is to be finalised in February 2023, and agreed that MSC 105 should consider establishing an FSA Experts Group to review the outcome of the study. MSC 105 did not have the time to consider this issue and deferred it to MSC 106.*

### Consideration at MSC 106

*In MSC 106/1/2 (and Add.1), the Chair is proposing that the Committee agrees to the establishment of an FSA Experts Group, taking into consideration the term of reference proposed in document MSC 105/WP.11, particularly to review the outcome of any relevant studies embodying an FSA approach that would address detection and control of fires on containerships and to report directly to the SSE Sub-Committee, with a view to drafting relevant amendments. **DELETED***

*MSC 106/1/2/Add.1 further clarifies that any relevant studies embodying an FSA approach, e.g., CARGOSAFE, shall be submitted to the Committee and forwarded by the Secretariat to the FSA Experts Group.*

**DELETED**

**DELETED**

PUBLIC

**Agenda item 10 – Human element, training and watchkeeping (Report of the eighth session of the Sub-Committee)**

**Docs:** MSC 106/10, MSC 106/10/1-4

MSC 106/10 (Secretariat): is invited to take action on matters emanating from HTW 8, other than urgent matters, which were considered at MSC 105.

MSC 106/10/1 (Secretariat): provides information regarding competent persons made available or recommended by STCW Parties for inclusion in the list of competent persons maintained by the Secretary-General in accordance with section A-I/7 of the STCW Code, for approval by the Committee. The document also provides information about the competent persons who have been withdrawn by the Parties.

MSC 106/10/2 (Cook Islands, Dominica, Liberia, Palau and Turkey): presents further modifications on the draft guidelines on the use of electronic certificates of seafarers to clarify the responsibilities of the parties involved when an electronic certificate is issued on recognition by endorsement in accordance with regulation I/10 of the STCW Convention, of a certificate issued by or under the authority of another Party.

MSC 106/10/3 (Italy, Spain, MAIIF, BIMCO, OCIMF, IFSMA, NI and INUIT CIRCUMPOLAR COUNCIL): provides information concerning the outcomes and planned activities from the SAFEMODE Project related to safety learning culture in shipping.

MSC 106/10/4 (Japan): comments on document MSC 106/10, providing editorial modifications to the draft amendments to STCW regulations I/1 and I/2 for the use of electronic certificates of seafarers.

EU relevance

*The subject matters under this agenda item affect rules set out in Directive (EU) 2022/993, on the minimum level of training of seafarers and thus fall under Union exclusive competence.*

Consideration at MSC 106

**DELETED**

- a. *Action point 3.1: approve the draft amendments to the Guidelines for the development, review and validation of model courses, to be issued as MSC-MEPC.2/Circ.15/Rev.2, providing new appendices 4 and 5 on Action verb taxonomy for model courses and Guidance on learning outcomes, respectively, subject to the concurrent decision of MEPC 79.*

**DELETED**

- b. *Action point 3.2: approve the draft amendments to STCW regulations I/1 and I/2, concerning the inclusion of a new definition for "original form of any certificate required by the Convention" emanating from the use of electronic certificates, with a view to adoption; and*
- c. *Action point 3.3: approve the draft amendments to section A-I/2 of the STCW Code, clarifying the application in the Code of existing terms and terminologies to the certificates and endorsements in electronic form, with a view to adoption in conjunction with the adoption of related amendments to the 1978 STCW Convention.*

**DELETED**

*In MSC 106/10/2, the Cook Islands et al propose additional amendments to the draft amendments agreed at HTW 8, particularly in respect to the responsibility and role of Administrations within the Verification section. While Japan (MSC 106/10/4 proposes amending paragraph 45 of regulation I/1 and paragraph 11 of regulation I/2. **DELETED***

**Agenda item 11 - Ship systems and equipment (Report of the eighth session of the Sub-Committee)**

**Docs:** MSC 106/11, MSC 106/11/1-6, MSC 106/INF.3

MSC 106/11 (Secretariat): to take action on matters emanating from SSE 8.

MSC 106/11/1 (Bahamas, Liberia, New Zealand, Panama, IACS, IFSMA, INTERCARGO, InterManager, IPTA and ITF): considers the draft amendments to paragraph 4.4.7.6.17 of the LSA Code as agreed by SSE 7, which removed the reference to paragraph 4.4.7.6.8, and identifies an unforeseen consequence in the proposed deletion of paragraph 4.4.7.6.8 pertaining to off-load hooks.

MSC 106/11/2 (IACS): proposes to modify the draft revised MSC.1/Circ.1315 to include an application statement pertaining to the phrase "installed on or after" and to revise the requirement for onboard discharge testing of fixed dry chemical powder fire-extinguishing systems so as to provide consistency with section 11.4.8 of the IGC Code (including its unified interpretation as per MSC.1/Circ.1617), with a view towards uniform implementation.

MSC 106/11/3 (Bahamas, Canada, Japan, Republic of Korea, United Kingdom, United States, ICS, ILAMA and CLIA): comments on the report of the eighth session of the Sub-Committee on Ship Systems and Equipment, and provides a proposal for completing the output on new ventilation requirements for ventilation of survival craft.

MSC 106/11/4 (Germany and IACS): proposes amendments to the draft guidelines for lifting appliances and the draft guidelines for anchor handling winches to address technical concerns and propose editorial improvements.

MSC 106/11/5 (United Kingdom and IACS): seeks confirmation from the Committee regarding acceptable alternatives to the prohibited perfluorooctane sulfonic acid (PFOS) fire-extinguishing media and potential need to revise MSC.1/Circ.1312.

MSC 106/11/6 (United Kingdom and IACS): proposes to modify the draft amendments to SOLAS chapter II-2 and the 1994 HSC Code, which were finalized at SSE 8 and submitted to MSC 106 for approval, to prohibit the use of perfluorooctane sulfonic acid (PFOS) in firefighting equipment.

MSC 106/11/7 (Japan): provides comments on document MSC 106/11 with regard to the draft MSC circular on guidelines for anchor handling winches.

MSC 106/INF.3 (EC): provides information on the EU research project SafePASS. The project aims to develop the next generation of evacuation and abandonment processes and life-saving appliances.

#### EU relevance

*Most of the issues under this agenda item fall under Union exclusive competence because they affect the Marine Equipment Directive 2014/90/EU (including the related Commission Implementing Regulation (EU)), Directive 2009/45/EC on safety rules and standards for passenger ships which applies SOLAS, as amended, including relevant Codes, to Class A passenger ships engaged in domestic voyages within the EU as well as Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC.*

#### Consideration at MSC 106

**DELETED**

- a. *Action point 2.1: approve the draft MSC resolution on amendments to the International Life-Saving Appliances (LSA) Code (in relation to the ventilation requirements for survival craft in chapter IV), taking into account the check/monitoring sheet and records for regulatory development, with a view to subsequent adoption;*
- b. *Action point 2.2: approve, in principle, the draft MSC resolution on amendments to the Revised recommendation on testing of life-saving appliances (resolution MSC.81(70)), with a view to subsequent adoption in conjunction with the adoption of the above amendments to the LSA Code on ventilation requirements of survival craft; and*
- c. *Action point 2.3: maintain the output on "New requirements for ventilation of survival craft" on the provisional agenda for SSE 9 to allow for new research reports to be considered, if any, which could require adjustments to the agreed draft amendments to the Revised Recommendation*

**DELETED**

*As regards action points 2.1 to 2.3, in document MSC 106/11/3, Bahamas et al propose to limit the scope of this output to totally enclosed lifeboats. Some delegations had already expressed*

concerns regarding the suitability of the draft amendments to Resolution MSC.81(70) to liferafts, as contained in their statement reflected in the SSE 8 WG report (Annex 6 to SSE8/WP.3). It is worth noting that the concerns contained now in the submission also affect partially enclosed lifeboats.

Paragraphs 6 to 11 of the submission include the main arguments of the referred proposal.

**DELETED**

- The adoption of the requirements for ventilation of totally enclosed lifeboats has been unnecessarily delayed (**DELETED**

).

- The proposed ventilation performance tests for liferafts and partially enclosed lifeboats require all entrances to be closed while ventilation openings remain fully open, which is contradictory and fails to consider that in many partially enclosed lifeboats and liferaft designs, the entrances are the ventilation openings (**DELETED**).

- Insufficient details are provided for designing the ventilation performance test repeatably e.g., test forms, heat sources, simulation of CO2 exhale, etc (**DELETED**

).

- The proposed ventilation test for liferafts (SSE 8/22 Annex 2, paragraph 5.23.1.1) references the ventilation test for totally enclosed lifeboats (SSE 8/22 Annex 2, paragraph 6.14.9), which is inappropriate and impracticable for inflatable liferafts (**DELETED**

).

**DELETED**

- d. Action point 2.4 approve the draft MSC circular on revised interim guidelines on life-saving appliances and arrangements for ships operating in polar waters, for dissemination as MSC.1/Circ.1614/Rev.1.

**DELETED**

- e. Action point 2.7: approve the draft MSC circular on revised guidelines for the approval of fixed dry chemical powder fire-extinguishing systems for the protection of ships carrying liquefied gases in bulk, with a view to dissemination as MSC.1/Circ.1315/Rev.1.

**DELETED**

- f. Action point 2.15: approve the draft amendments to SOLAS chapter II-2, and the 1994 and 2000 HSC Codes on the prohibition of PFOS, as set out in annexes 7 to 9, respectively, taking into account the check/monitoring sheet and records for regulatory development prepared by the Secretariat.



**DELETED**

- g. *Action point 2.18 approve the draft MSC circular on unified interpretations of SOLAS chapter II-2.*

**DELETED**

- h. *Action point 2.21: approve the draft amendments to the Revised standardized life-saving appliance evaluation and test report forms (MSC.1/Circ.1630), with a view to circulation as MSC.1/1630/Rev.1.*

**DELETED**

- i. *Action point 2.22: approve the draft amendments regarding type of immersion suits and anti-exposure suits, as a minor correction (C/ES.27/D, paragraph 3.2(vi)), to the forms of the record of equipment for certificates in:*

*.1 the 1994 and 2000 HSC Codes, and the SOLAS Convention, with a view to subsequent adoption by MSC 107; and*

*.2 the SPS Code, in principle, with a view to subsequent adoption by MSC 107.*

**DELETED**

*As regards to MSC 106/11/1 (Bahamas et al),* **DELETED**

*As regards to MSC 106/11/5 (United Kingdom et al.), it is should be noted that more work is on-going under the REACH Regulation to ban all PFAS for the use in fire-fighting foams.* **DELETED**



**Agenda item 13 - Navigation, communications and search and rescue (report of the ninth session of the Sub-Committee)**

**Docs:** MSC 106/13, MSC 106/13/1-6

MSC 106/13 (Secretariat): to take action on matters emanating from NCSR 9.

MSC 106/13/1 (IMSO): reports on the outcome of the site visit by the IMSO technical and operational assessment team to the BDMSS facilities in China. It provides information on the status of each outstanding technical and operational issue identified by NCSR 9.

MSC 106/13/2 (China): comments on document MSC 106/13 and proposes actions to be taken and a draft MSC resolution for the recognition of BDMSS for use in the GMDSS.

MSC 106/13/3 (IACS): In order to facilitate global and uniform implementation, this document seeks clarification as to whether SOLAS regulation V/19.2.1.4 should be amended as a consequence of the adoption by MSC 106 of the draft revised Performance standards for electronic chart display and information systems (ECDIS).

MSC 106/13/4 (IACS): proposes to include an application statement in the MSC resolution on the revised Performance Standards for electronic chart display and information systems (ECDIS), which was finalized at NCSR 9 and submitted to MSC 106 for adoption, with a view towards global and uniform implementation.

MSC 106/13/5 (China): comments on documents MSC 106/13 and NCSR 9/24, in particular on the application date of the draft ECDIS Performance standards and seafarer training issues.

MSC 106/13/6 (IMSO): comments on document MSC 106/13 and suggests additional text in the draft IMO position on relevant World Radio Conference 2023 (WRC-23) agenda items concerning matters relating to maritime services.

EU relevance

**DELETED**

Consideration at MSC 106

**DELETED**

- a. *Action point 2.3: adopt, in accordance with resolution A.858(20), routeing measures other than traffic separation schemes, including draft amendments to existing routeing measures, to be implemented six months after their adoption, for circulation by means of an SN circular on Routeing measures other than traffic separation schemes (paragraphs 3.10, 3.12.2, 3.14, 3.20 and 3.31 and annex 2).*

**DELETED**

- b. *Action point 2.4: adopt the draft resolution MSC.263(84)/Rev.1 on Revised Performance standards and functional requirements for the long-range identification and tracking of ships (paragraph 4.13.1 and annex 3); and*

- c. *Action point 2.5: approve the draft amendments to the:*

*.1 Long-range identification and tracking system – Technical documentation (part I) (MSC.1/Circ.1259/Rev.8), for dissemination as MSC.1/Circ.1259/Rev.9;*

*.2 Guidance on the survey and certification of compliance of ships with the requirement to transmit LRIT information (MSC.1/Circ.1307), for dissemination as MSC.1/Circ.1307/Rev.1; and*

*.3 Continuity of service plan for the LRIT system (MSC.1/Circ.1376/Rev.4), for dissemination as MSC.1/Circ.1376/Rev.5.*

**DELETED**

- d. *Action point 2.6: approve the draft amendments to SOLAS chapter XIV and the Polar Code, taking into account the check/monitoring sheet, and request the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption by MSC 107 and entry into force on 1 January 2026 (paragraphs 6.7 and 6.8 and annexes 7 to 9, respectively); and*
- e. *Action point 2.7: subject to the above, agree that the certificate showing compliance with the requirements of chapters 9-1 and 11-1 of part I-A of the Polar Code should be left to the discretion of the flag Administration.*

**DELETED**

- f. *Action point 2.8: approve the draft Assembly resolution on Guidelines on places of refuge for ships in need of assistance and invite MEPC and the Legal Committee to approve it, with a view to adoption by A 33.*

**DELETED**

- g. *Action point 2.15: approve the draft IMO position on relevant World Radio Conference 2023 (WRC-23) agenda items concerning matters relating to maritime services, taking into account the options presented under WRC-23 agenda item 1.11, and request the Secretariat to submit it to ITU's Conference Preparatory Meeting for WRC-23 (CPM 23-2);*
- h. *Action point 2.16: authorize NCSR 10 to submit the final IMO position on relevant WRC-23 agenda items to MSC 107, as an urgent matter, for approval and subsequent submission to WRC-23; and*
- i. *Action point 2.17: endorse the action taken by the Sub-Committee in requesting the Secretariat to convey liaison statements to ITU on:*

*.1 Issues concerning WRC-23 agenda item 1.11; and*

*.2 Revision of Recommendation ITU-R M.1371-5.*

**DELETED**

- j. *Action point 2.20: approve the draft MSC.1/Circ.1503/Rev.2 on ECDIS – Guidance for good practice; and*
- k. *Action point 2.21: adopt the draft MSC resolution on Performance standards for electronic chart display and information systems (ECDIS).*

**DELETED**

**Agenda item 14 – Implementation of IMO instruments (report of the eight session of the Sub-Committee)**

**Docs:** MSC 106/14, MSC 106/14/1

MSC 106/14 (Secretariat): invites the Committee to take action on matters emanating from III 8.

MSC 106/14/1 (Canada, Liberia, Marshall Islands, United Kingdom, United States, IUMI, BIMCO, IACS, CESA, INTERTANKO and P&I CLUBS): highlights the development of the International Quality Assessment Review Body (IQARB), the relevant discussions at III 8 and some of the causes underlying the major area of recurrent findings/observations from the IMSAS audits relating to delegation of authority and recognized organization (RO) oversight. In this context, it is proposed that the III Sub-Committee and its Correspondence Group on the III Code Implementation

Guidance be instructed to include, within that Guidance, text which will facilitate the use by flag States of IQARB Factual Statements as part of their RO oversight programme to demonstrate that

their ROs have effective quality management systems in place.

EU relevance

**DELETED**

Consideration at MSC 106

**DELETED**

- a. *Action point 2.10: re-affirm, subject to concurrent decision by MEPC, the agreed methodology (MSC78/26, paragraph 10.12; MEPC 49/22, paragraph 10.2.9) that the III Sub-Committee should coordinate the review so that, whenever an amendment to a statutory instrument is adopted, which entails consequential amendments to the Survey Guidelines, draft amendments to the Survey Guidelines should be developed by the Sub-Committee under its continuous item on "Updated Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)" before the entry into force of the amendments;*
- b. *Action point 2.11: agree, subject to concurrent decision by MEPC, to the principle that draft amendments to the Survey Guidelines should be derived from and linked to mandatory requirements, which, however, should not mean that in describing how the items should be surveyed, additional and effective implementing measures directly linked to the mandatory requirements are excluded from the scope of the Survey Guidelines under the HSSC;*
- c. *Action point 2.12: endorse, subject to concurrent decision by MEPC, the view of the Sub-Committee that the phrase "directly linked to requirements in mandatory instruments" should be understood as "the Survey Guidelines under the HSSC should include survey instructions for items based on mandatory instruments";*
- d. *Action point 2.13: endorse, subject to concurrent decision by MEPC, the recommendation of the Sub-Committee that the review exercise to identify any existing gaps between the Survey Guidelines under the HSSC and the mandatory requirements, with a view to removing those items not directly linked to requirements in mandatory instruments, should not prevent the approval and adoption of updated Survey Guidelines under the HSSC as usual, given that the review exercise might take time to complete.*

**DELETED**



**DELETED**

**Agenda item 15 - Application of the Committee's method of work**

**Docs:** [no documents have been shared so far under this agenda item]

**Agenda item 16 – Work programme**

**Docs:** MSC 106/16, MSC 106/16/1-4, MSC 104/15/20-21, 23, 27, 28, 32, and 35, MSC 104/17/8, MSC 105/13

MSC 106/16 (Denmark, Netherlands, ICS, IAPH, BIMCO, IMPA, IFSMA and IHMA): proposes a new output to amend MSC.1/Circ.1331 on Guidelines for construction, installation, maintenance and inspection/survey of means of embarkation and disembarkation so as to avoid the hazardous rigging of safety netting from the ship's deck to the outboard side of an accommodation ladder and/or gangway, as currently required by some Administrations.

MSC 106/16/1 (China): proposes a new output to make revisions to Revised recommendations for entering enclosed spaces aboard ships (resolution A.1050(27)), to ensure safety of personnel entering enclosed spaces aboard ships.

MSC 106/16/2 (Islamic Republic of Iran): provides comments on document MSC 106/16/1 submitted by China and proposals for development of amendments to SOLAS regulation XI-1/7 entitled Atmosphere testing instrument for enclosed spaces. The portable atmosphere testing instrument has not been covered within any mandatory certificate on board ships as per the SOLAS Convention. This document raises the issue regarding whether this mandatory device on board the

ship should be either covered by and granted a certain certificate, which supports life-saving appliances, or addressed independently.

MSC 106/16/3 (Islamic Republic of Iran): proposes a new output for the Maritime Safety Committee for revision and modification of Global Integrated Shipping Information System (GISIS) to include port facility security level notification under maritime security module to assist Member States, shipping companies, port operators and other responsible authorities to implement appropriate security measures.

MSC 106/16/4 (United Kingdom, ICS, BIMCO, OCIMF, IFSMA, INTERTANKO, CLIA, INTERCARGO, IMarEST, InterManager, ITF, NI and WISTA): provides comment on the submission by China, proposing a new output for the organization to undertake revisions to resolution A.1050(27), highlighting additional information that should be considered and provides high level information gathered on matters relating to enclosed space incidents.

MSC 104/15/20 (China): proposes a new output to amend paragraph 2.1.3.2 of chapter 5 in the FSS Code relating to the system control requirements of fixed gas fire-extinguishing systems, in order to stipulate that the pre-discharge alarm and release of fixed gas fire-extinguishing systems shall not automatically stop the ventilating fans and oil pumps located in the main engine and generator engine spaces protected.

MSC 104/15/21 (China): proposes a new output to develop amendments to SOLAS regulation II-2/10.8.1, so as to provide unified requirements for deck foam systems on tankers of different deadweight.

MSC 104/15/23 (China): proposes a new output to amend SOLAS regulation V/23 and associated resolution A.1045 (27) and MSC.1/Circ.1428 to address the issues identified with pilot transfer arrangements and to improve the safety of pilots at sea.

MSC 104/15/27 (Iceland, Indonesia, Spain, WMU and Pew): proposes a new output for the III Sub-Committee to develop guidance to assist competent authorities in the implementation of the Cape Town Agreement of 2012.

MSC 104/15/28 (Brazil, Morocco, Saudi Arabia and United Arab Emirates): proposes a new output to amend SOLAS regulation V/19-1 to allow coastal States to receive LRIT information at the standard transmission rate free of charge.

MSC 104/15/32 (IMPA): comments on document MSC 104/15/23 (China), which proposes a new output to amend SOLAS regulation V/23, and associated resolution A.1045(27) and MSC.1/Circ.1428, to address the issues identified with pilot transfer arrangements and to improve the safety of pilots at sea.

MSC 104/15/35 (Turkey): provides comments on document MSC 104/15/23 proposing a new output to amend SOLAS regulation V/23 and associated instruments to improve the safety of pilot transfer arrangements.

MSC 104/17/8 (China): proposes amendments to SOLAS regulation V/23.3.3.2 so as to specify the technical requirements for pilot ladder as a part of the combination arrangements.



*In view of time limitations, MSC 104 only discussed submissions related to new outputs on remote surveys and MASS. All the other submissions were postponed to MSC 105, which however did not succeed in going through all the proposals. **DELETED***

a. Maritime Security

EU relevance

*The Union has exclusive competence on the matter.*

*Regulation (EC) No 725/2004 and Directive 2005/65/EC implement the maritime security regime agreed by the IMO in December 2002 in SOLAS chapter XI/2 and the International Ship and Port Facility Security (ISPS) Code. In particular, Article 3(5) of Regulation (EC) No 725/2004 renders some provisions of Part B of the ISPS Code mandatory, including the reporting and exchange of relevant information on the security level of a port facility. In fact, Article 8.4 of Directive 2005/65/EC provides that “Member States shall communicate to the appropriate person or persons the security level in force for each port or part of a port as well as any changes thereto.”*

Consideration at MSC 106

*In MSC 106/16/3, the Islamic Republic of Iran proposes a new output to include port facility security level within the maritime security module of GISIS. **DELETED***

b. Amendments to the International Code for Fire Safety Systems (FSS Code)

EU relevance

*This issue falls under Union exclusive competence.*

*Article 6(2)(a)(i) of Directive 2009/45/EC on safety rules and standards for passenger ships applies SOLAS, as amended, to Class A passenger ships engaged in domestic voyages with the EU. The FSS Code is made mandatory for passenger ships through SOLAS.*

Consideration at MSC 106

*China (MSC 104/15/20) proposes a new output to amend the FSS Code. It proposes that paragraph 2.1.3.2 of chapter 5 in the FSS Code relating to the system control requirements of fixed gas fire-extinguishing systems should be amended to mandate that the pre-discharge alarm and release of fixed gas fire-extinguishing systems shall not automatically stop the ventilating fans and oil pumps located in the main engine and generator engine spaces.*

*While understanding the Chinese argument, the four accidents supporting the assessment were caused by improper operation, lack of maintenance or fragile equipment design. In addition, the paper does not address the number of cases where thanks to the automatic cut-off of ventilation and oil pump the fire was successfully extinguished and controlled. The automatic cut-off of the ventilation and oil pump is made for safety reasons. The fire triangle requires combustible, comburent and heat. The ventilation is stopped when fires break out to avoid adding comburent (oxygen) to the fire so increasing the scale of the fire. The gas agent used, usually CO<sub>2</sub>, acts by eliminating the oxygen. Therefore, it would not make sense to, on the one hand, eliminate oxygen while on the other hand adding it. A similar reasoning can be made with the oil pump, which is stopped to avoid adding combustible to the fire and the subsequent spreading to other areas of the space. The equipment described in the paper links the automatic stop of the ventilation and oil pump to the CO<sub>2</sub> pre-release alarm, so that safety is increased by avoiding delays, which may result in a catastrophic event, considering that the CO<sub>2</sub> amount is limited. Therefore a possible banning of the automatic stop of the ventilating fans and oil pumps in the main engine and generator engine spaces does not seem justified and should not be pursued without a credible and proven alternative.*

**DELETED**

*c. Pilot ladder arrangements*

*EU relevance*

*In accordance with Article 6(2)(a)(i) of Directive 2009/45/EC on safety rules and standards for passenger ships, new passenger ships of Class A engaged in domestic voyages within the EU shall comply entirely with the requirements of the 1974 SOLAS Convention, as amended. Therefore, any changes to SOLAS regulations would affect Union common rules set out in the Directive.*

*Consideration at MSC 105*

*In MSC 104/15/23, China proposes a new output to amend SOLAS regulation V/23 as well as associated resolution A.1045 (27) and MSC.1/Circ.1428 to address the issues identified with pilot transfer arrangements and to improve the safety of pilots at sea. This follows from various submissions by IMPA to the NCSR Sub-Committee highlighting the risks that pilots often face when boarding ships, in some cases leading to fatal incidents. Some of such incidents had also happened within European waters. In a related document, China (MSC 104/17/8) also proposes that the NCSR Sub-Committee should provide draft amendments to SOLAS regulation V/23.3.3.2, so as to specify the technical requirements for a pilot ladder as a part of the combination arrangements.*

**DELETED**

*d. Cape Town Agreement (CTA) 2012*

*EU relevance*

*As clarified in recital (6) of Council Decision 2014/195/EU, “The provisions of the [CTA] Agreement fall under the exclusive competence of the Union concerning the safety regime of fishing vessels of 24 metres in length and over”.*

*Because the Union could not become party to the agreement, Member States were authorized “to sign and ratify the Agreement or accede to it in the interests of the Union”. Therefore, article 2 of Council Decision 2014/195/EU provides that:*

*"Member States shall endeavour to take the necessary steps to deposit their instruments of ratification of, or accession to, the Agreement with the Secretary-General of the International Maritime Organisation within a reasonable time and, if possible, no later than two years from the date of entry into force of this Decision."*

**DELETED**

#### Consideration at MSC 105

*As noted under Agenda item 17, below, an informal group of countries led by Spain had been working on the development of guidance to assist competent authorities in the implementation of the Cape Town Agreement of 2012. In view of the good progress achieved the co-sponsors of MSC 104/15/27 are proposing the establishment of a new output for the III Sub-Committee to develop and finalise these guidelines.* **DELETED**

#### *e. LRIT information*

#### EU relevance

*This subject falls under Union exclusive competence.*

*Article 6(b) of the VTMIS Directive 2002/59/EC, as amended, obliges EU Member States and the Commission to cooperate to determine the requirements concerning the fitting of equipment for transmitting LRIT information on board ships sailing in waters within the coverage of AIS fixed-based stations of Member States, and to submit to the IMO any appropriate measures, as well as to establish a European LRIT Data Centre (EU LRIT DC). This issue is also important for the EU in view of the role of EMSA as the operator of the EU LRIT DC as well as the LRIT International Data Exchange (IDE) in accordance with Resolution MSC.297(87) (adopted on 21 May 2010) on the establishment of the international LRIT data exchange.*

#### Consideration at MSC 105

*The co-sponsors of MSC 104/15/28 (Brazil, Morocco, Saudi Arabia and United Arab Emirates) propose the establishment of a new output to amend SOLAS regulation V/19-1 to allow coastal States to receive LRIT information at the standard transmission rate free of charge. SOLAS V/19-1.11.1 provides that “Contracting Governments shall bear all costs associated with any long-range identification and tracking information they request and receive.” Only the search and rescue services of Contracting Governments shall be entitled to receive, free of any charges, long-range identification and tracking information in relation to the search and rescue of persons in distress. Brazil et al. consider that the cost of requesting LRIT services may be prohibitive for some coastal states and hence could refrain from asking for such information even if required to investigate maritime pollution incidents. This proposal has no implications for existing onboard equipment.*

**DELETED**

f. Means of embarkation and disembarkation

EU relevance

*In accordance with Article 6(2)(a)(i) of Directive 2009/45/EC on safety rules and standards for passenger ships, new passenger ships of Class A engaged in domestic voyages within the EU shall comply entirely with the requirements of the 1974 SOLAS Convention, as amended. Regulation II-1/3-9 of the 1974 SOLAS Convention provides the basis for MSC.1/Circ.1331 on construction, installation, maintenance and inspection/survey of means of embarkation and disembarkation such as accommodation ladders and gangways. Therefore, any changes to SOLAS regulations would affect Union common rules set out in the Directive. It follows that this subject matter falls under exclusive external union competence.*

Consideration at MSC 106

*In MSC 106/16 (Denmark, Netherlands et al) propose a new output to amend MSC.1/Circ.1331 on Guidelines for construction, installation, maintenance and inspection/survey of means of embarkation and disembarkation, in particular paragraph 3.8 on “Rigging (safety net)” and related definitions. The submitters intention is to clarify the referred paragraph 3.8 and also to make some design recommendations to manufacturers of accommodation ladders. **DELETED***

g. Entering enclosed spaces aboard ships

EU relevance

*In accordance with Article 6(2)(a)(i) of Directive 2009/45/EC on safety rules and standards for passenger ships, new passenger ships of Class A engaged in domestic voyages within the EU shall comply entirely with the requirements of the 1974 SOLAS Convention, as amended. Therefore, any changes to SOLAS regulations would affect Union common rules set out in the Directive. It follows that this subject matter falls under exclusive external union competence.*

Consideration at MSC 106

*In MSC 106/16/1 China proposes a new output to amend resolution A.1050(27) on Revised recommendations for entering enclosed spaces aboard ships, in particular paragraphs 2.1, 5.1 and 6.3 of its annex, as well as to include emergency rescue and evacuation procedures. The proposal seeks to enhance the safety of personnel entering enclosed spaces aboard ships. **DELETED***

**DELETED**



**Agenda item 18 – Any other business**

**Docs:** MSC 106/18, MSC 106/18/1-5, MSC 106/INF.5, 9, 17, 19, and 21 MSC 105/19, MSC 105/19/3, 9, 10, and 12, MSC 105/INF.5, 10, 11 and 13

MSC 106/18 (ISO): provides an update on ISO international standards published which relate to items considered by the Maritime Safety Committee.

MSC 106/18/1 (BIMCO, ICS, INTERCARGO and INTERTANKO): outlines information from fuel samples tested during 2020 – especially in relation to off specification (off-spec) occurrence rates for various parameters of ISO 8217, including geographical differences.

MSC 106/18/2 (Secretariat): provides updated information on developments regarding the International Quality Assessment Review Body (IQARB) during the trial phase.

MSC 106/18/3 (IACS): discusses the applicability of resolution MSC.402(96) to the life-saving appliances installed on the high-speed crafts subject to the 1994 and 2000 HSC Codes, and on the

mobile offshore drilling units subject to the 1979, 1989 and 2009 MODU Codes, with a view towards global and uniform implementation.

MSC 106/18/4 (WWF): provides details of a recent review published by WWF analysing gaps and challenges in the implementation of the Polar Code. It provides links to the final report, a blog post, infographic and webinar outlining the findings of the review. It seeks other relevant experience to enable further discussion of these issues and invites the Committee to consider the need for the development of a new output.

MSC 106/18/5 (ILAMA): states its views regarding the application and compliance of the recently published ISO 23678:2022 (series) in regard to the questions raised by the Secretariat in document MSC 105/19/1, with the aim to support the Committee in making informed decisions at MSC 106 on matters related to the Status of ISO/PAS series, approval of a draft MSC circular, inclusion of a footnote to resolution MSC.402(96), and clarification of requirements in resolution MSC.402(96).

MSC 106/INF.5 (South Africa): contains information on the Memorandum of Understanding entered into by and between the Department of Transport of the Republic of South Africa, South African Sailing and the Transport Education and Training Authority, with an aim of promoting safety on sailing for sport and leisure in all regions.

MSC106/INF.9 (Secretariat): contains in the annex the Factual Statements issued to 11 IACS members by IQARB, as referred to in document MSC 106/18/2.

MSC 106/INF.17 (ICS, BIMCO, OCIMF, CLIA, INTERTANKO, INTERCARGO and INTERFERRY): A coalition of industry NGOs, organizations and maritime safety experts have come together with the core objective of protecting seafarers' lives while delivering improved efficiency and effectiveness, which is fundamental to shipping's future. Looking beyond the regulatory framework, the coalition shares best practices in four key areas: leadership; incident prevention; wellbeing and care; and collaboration. Through this process, industry can learn across the sectors and raise safety standards across the board.

MSC 106/INF.19 (Singapore): provides information on MPA's investigations into the supply of bunker fuel containing elevated levels of chlorinated organic compounds, actions taken and key observations on how we can further strengthen the quality assurance of bunkers supplied globally.

MSC 106/INF.21 (CIRM): provides information on an ongoing global shortage of electronic and hardware components that is adversely affecting the manufacture, delivery, and servicing of electronic marine equipment. The component shortage is persistent and may last several years, with the associated risk that equipment might not be available to fulfil or support carriage requirements.

MSC 105/19 (Secretariat): reports on the Quality System Certification Scheme (QSCS) of the International Association of Classification Societies (IACS).

MSC 105/19/3 (Secretariat): provides updated information on developments regarding the International Quality Assessment Review Body (IQARB) during the trial phase.

MSC 105/19/9 (Ecuador, Mexico, Panama and ITF): provides updated information on the arduous and committed work the Republic of Panama carries out daily for the vaccination campaign for all seafarers regardless of nationality or flag flown by vessel and who voluntarily wish to receive their

vaccination(s) against COVID-19, under the programme "PANAMA, Maritime Humanitarian Hub of the Americas".

MSC 105/19/10 (ICS and ITF): concerns the ongoing practice of denying seafarers medical assistance in ports including dental and optical care and as a result placing their lives at risk.

MSC 105/19/12 (Germany and Netherlands): proposes to amend MSC.1/Circ.1374 on Information on prohibiting the use of asbestos on board ships, concerning the removal, within three years, of asbestos containing materials installed on board ships in contravention of SOLAS regulation II-1/3-5

MSC 105/INF.5 (EU): presents an updated status of the project to demonstrate a two-way communication service on Cospas-Sarsat distress beacons to be provided by the Galileo system by using the SAR Return Link. It also details the results of the stakeholders' consultation.

MSC 105/INF.10 (Finland, Germany and Poland): provides an extended insight into a new approach towards a terrestrial radio navigation system suitable for use as a stand-alone maritime positioning and back-up system for today's satellite navigation systems. The R-Mode technology offers a new terrestrial radio navigation opportunity by the inauguration of ranging signals or specially designed ranging messages within existing radio communication systems. This document introduces the R-Mode ranging technology as successfully installed in the Baltic Sea by the European Union funded R-Mode Baltic Project. The R-Mode technology can be considered to serve as a gap-filling opportunity towards resilient PNT.

MSC 105/INF.11 (ICS): Informing of recent and forthcoming best practice guidance released in 2021 and 2022 from International Chamber of Shipping, including Bridge Procedures Guide, Sixth Edition; Maritime Security: A Comprehensive Guide for Seafarers, Companies and Administrations, First Edition and Guide for Ship/Helicopter Operations, Fifth Edition.

MSC 105/INF.13 (Panama): provides up-to-date information on the committed work carried out by the Republic of Panama since the beginning of the COVID-19 pandemic, on issues related to repatriation, crew changes, humanitarian aid, designation of seafarers as key workers, free vaccination for all seafarers regardless of the nationality and the flag of their registry, thanks to the "PANAMA, Maritime Humanitarian Hub of the Americas" program.

*In view of time limitations, MSC 105 did not succeed in discussing all submissions under this agenda item and therefore some documents were deferred to this session.*

*a. Development of further measures to enhance the safety of ships relating to the use of fuel oil*

#### EU relevance

*The Union has exclusive competence on the matter.*

*The sulphur-in-fuel-related requirements and implementing provisions of the revised MARPOL Annex VI have been reflected in Directive (EU) 2016/802. In addition, the countries of the Energy Community, an international organisation, which brings together the European Union and its neighbours to create an integrated pan-European energy market (Montenegro, Albania, Bosnia-Herzegovina, Moldova, Serbia, and Ukraine) have adopted the sulphur-related EU environment*

*acquis under the Energy Community Treaty in 2016, and which entered into force on 1 June 2018.*

*In terms of the SOLAS aspects of operational safety and fuel oil requirements, Article 6(2)(a)(i) of Directive 2009/45/EC on safety rules and standards for passenger ships applies SOLAS, as amended, to Class A passenger ships.*

*In terms of fuel quality, there are mandatory requirements and related standards under EU legislation, Articles 1 and 4 of Directive 2009/30/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil for use in road and non-road mobile applications for health and environmental reasons. Directive (EU) 2015/652 of 20 April 2015 lays down calculation methods and reporting requirements pursuant to Directive 98/70/EC of the European Parliament and of the Council relating to the quality of petrol and diesel fuels and introduces an enhanced mechanism to monitor and reduce greenhouse gas emissions.*

### Background

*MEPC 73 had invited MSC to consider the potential safety implications associated with the use of low sulphur fuel. In this regard, MSC 100 considered documents MSC 100/8/1 (Liberia et al.) and MSC 100/8/2 (Bahamas et al.) which referred to potential safety implications associated with the supply and use of 2020 sulphur compliant fuels while emphasising that this was already an existing safety issue. The main issues related, inter alia, to stability, compatibility, flashpoint and viscosity. In this regard, it should be noted that OCIMF, together with other industry organisations, developed guidance on how ships could deal with such potential issues.*

*After a long discussion, MSC 100 confirmed that maritime safety, including fuel safety issues, fell under its purview. It was recognised that issues related to the use of fuel were an ongoing concern and measures may need to be taken to address potential safety implications that may arise with the use of low-sulphur fuel oil. Therefore, the Committee agreed to include in its biennial agenda an output on "Development of further measures to enhance the safety of ships relating to the use of fuel oil", to review existing safety provisions for fuel oil and information concerning the safety implications associated with the use of fuel oil, and to develop further measures to enhance the safety of ships relating to the use of fuel oil. **DELETED***

*MSC 101 took the following decisions:*

- approved a draft MSC-MEPC circular on delivery of compliant fuel oil by suppliers (which was developed by PPR 6 and also approved by MEPC 74);*
- adopted the draft MSC resolution on Recommended interim measures to enhance the safety of ships relating to the use of fuel oil;*



- endorsed the action plan for measures to enhance the safety of ships relating to the use of fuel oil; and
- agreed to develop a platform on GISIS for reporting of non-compliance of flashpoint requirements, with a preference to integrate it into the existing platform for MARPOL Annex VI.

Finally, the Committee established a correspondence group, under the coordination of Germany, on development of further measures to enhance the safety of ships relating to the use of oil fuel. Based on the work of this correspondence group, MSC 105 approved the draft amendments to SOLAS chapter II-2 in relation to oil fuel suppliers who have failed to meet the flashpoint requirements, actions against oil fuel suppliers that have been found to deliver oil fuel that does not comply with minimum flashpoint requirements, and documentation of the flashpoint of the actual fuel batch when bunkering, with a view to adoption at MSC 106 (refer to Agenda item 3 above).

**DELETED**

MSC 105 also approved the updated action plan and the establishment of the Correspondence Group on Development of Further Measures to Enhance the Safety of Ships Relating to the Use of Fuel Oil, to report to MSC 107, to continue the development of draft guidelines for ships to address situations where they have indicative test results suggesting that the oil fuel supplied may not comply with flashpoint requirements.

#### Consideration at MSC 106

In MSC 106/18/1 industry organisations (BIMCO, ICS, INTERCARGO and INTERTANKO) report the results of tests carried out on fuel samples during 2020 to determine their compliance with the relevant ISO standard and is requesting the Committee to forward this information to the Correspondence Group on Development of Further Measures to Enhance the Safety of Ships Relating to the Use of Fuel Oil. **DELETED**

#### b. Life-saving appliances

#### EU relevance

The matters under this agenda item are of EU exclusive competence.

Lifeboats and survival craft standards as well as Resolution MSC.81(70) form part of the Annex to Commission Implementing Regulation (EU) 2022/1157 of 4 July 2022 on design, construction and performance requirements and testing standards for marine equipment and repealing Implementing Regulation (EU) 2021/1158. This issue therefore falls within the scope of Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC, as amended, (Marine Equipment Directive 2014/90/EU).

In addition, Article 6(2)(a)(i) of Directive 2009/45/EC on safety rules and standards for passenger ships applies SOLAS, as amended, as well as the relevant IMO Codes, including the 1994 and 2000 HSC Code, to Class A passenger ships, while Annex I, Chapter III Life Saving Appliances, lays down various and extensive requirements for Class B, C and D passenger ships when engaged in domestic voyages also concerning totally enclosed lifeboats.

### Consideration at MSC 106

*In MSC 106/18/3, IACS proposes that the 1994 and 2000 HSC Codes should be amended in order to bring them in line with SOLAS regulation III/20.11 for application of resolution MSC.402(96).*

**DELETED**

c. SAR return link

*The Union submitted to MSC 105 document MSC 105/INF.5 updating the results of the project to demonstrate a two-way communication service on Cospas-Sarsat distress beacons to be provided by the Galileo system by using the SAR Return Link as well as details of the results of the stakeholders' consultation. The next step in the project will be a live demonstration of the SAR Galileo two-way communication scheduled for September 2022 (from the time of the submission the demonstration has shifted). The Chair in MSC 106/1/2 only proposes that the Committee notes this document.*

**DELETED**

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