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OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	8021/21
Subject:	Draft submission by Member States and the Commission to the International Maritime Organization's seventh session of the Sub-Committee on the Implementation of IMO Instruments informing about an initial assessment on potential development of guidance for remote inspections and verifications in the field of maritime security - <i>Draft Council conclusions</i>

BACKGROUND

On 16 April 2021, delegations received a non-paper from the Commission containing a draft Union submission on the above subject (doc. WK 5094/21). The non-paper was presented under any other business at the informal videoconference of the members of the Shipping Working Party on 19 April 2021.

On 26 April 2021, the Presidency distributed a revised version of the draft submission and launched a written consultation of the Shipping Working Party, inviting delegations to provide comments on the Presidency proposal by noon on 28 April 2021.

One delegation (DK¹) expressed general support for and interest in the issue of remote inspections, but proposed no text changes to the draft submission.

No other delegation has commented on the draft submission.

¹ See WK 5718/21.

The Presidency therefore concludes that there is consensus on the text in the Annex.

NEXT STEPS

The draft submission, as set out in the Annex, will be transmitted by the Presidency to the IMO in the name of the co-sponsors, Member States and the Commission by the IMO deadline of 7 May 2021.

SUBCOMMITTEE ON IMPLEMENTATION
OF IMO INSTRUMENTS
7th session
Agenda item 14

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ANY OTHER BUSINESS

Potential development of guidance for remote inspections and verifications in the field of maritime security - An initial assessment

Submitted by Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the European Commission

SUMMARY

Executive summary:

In the development of guidance or guidelines for remote verifications, this document presents an analysis performed by the European Commission of current practices in the European Union in relation to security issues. This information paper focuses on the introduction of a remote verification and inspection scheme for security audits allowing Maritime Administrations and Designated Authorities to have a harmonised set of instructions for cases of force majeure or other scenarios as accepted.

Strategic direction, if applicable:

Other Work

Output:

Not applicable

Action to be taken:

Paragraph 10

Related documents:

MSC 102/22/11, MSC 102/24, Circular Letter No.4204/Add.6, Circular Letter No.4204/Add.16, Circular Letter No.4204/Add.19/Rev.2, SOLAS/CONF.5/32, A.1118(30), A.1111(30).

Introduction

1 During MSC 102, the Committee recalled Circular Letter No.4204/Add.19/Rev.2 on *Guidance for flag States regarding surveys and renewals of certificates during the COVID-19 pandemic*, which contains guiding principles for the provision of technical and implementation advice to flag States when considering whether to permit statutory certificate extensions beyond 3 months. The Committee considered document MSC 102/22/11 (Republic of Korea), proposing that guidance on the implementation of remote surveys for inspections be developed for safety related inspections, taking into account that the lack of uniform guidance on the matter may not only be

burdensome to shipowners and ship crew, but may also undermine the credibility of survey quality and the fairness among stakeholders.

2 The Committee noted the Republic of Korea's view that the use of remote surveys will continue to increase in the years ahead, even after the pandemic ends.

3 The International Code for the Security of Ships and of Port Facilities, adopted by Diplomatic Conference in London in December 2002, contains the requirements for ships and for port facilities at the level of ship and port including:

.1 The provisions for ship verification and certification in accordance with ISPS/Part A Sec 19 by the Administration, and

.2 The provisions for the Designated Authority to exercise control and compliance measures (ISPS Sec B/1.6) to ensure that their port facilities comply with the requirements of the ISPS Code, including the possible issuance of statements of compliance (ISPS Part B para 16).

4 Although the supervision of these activities is covered by the ISPS Code, remote verifications and inspections are not contemplated therein.

5 The IMO supported industry-developed 'Covid-19-related guidelines for ensuring a safe shipboard interface between ship and shore-based personnel' (IMO Circular Letter No.4204/Add.16) indicating that one safety control measure to reduce risk could be to conduct audits, surveys, inspections and training remotely.

6 During the COVID-19 pandemic, several maritime administrations have accepted remote verifications instead of onboard surveys, whenever the Recognized Security Organisation (RSO) or the Company proposed that said survey could be carried out remotely. However, to date, there are no provisions or common procedures agreed at international level for the execution of class and statutory surveys by remote means, i.e. without attendance by inspectors(s) and that includes remote verifications and inspections in the field of maritime security.

Preliminary assessment of the situations encountered in the European Union as regards remote inspections and verifications in the field of maritime security

7 The European Commission (EC), with the assistance of the European Maritime Safety Agency (EMSA), has prepared an assessment of the current situation, which is provided in Annex to this document. The assessment considers different aspects:

1. analysis of the current regulatory context, applicable to the maritime security domain;
2. analysis of European Union Member States' answers to a European Commission questionnaire on their views and current practices;
3. analysis of the current standards applied in land-based and marine industry for remote audit/inspections and verifications in the field of maritime security;
4. confidentiality;
5. communication of information; and
6. analysis of the use of tools such as live video streaming and/or recording and the security of connections.

8 Upon the analysis of the works and methods applied by the Maritime Administrations and Designated Authorities, the main conclusions may well lead to the need to develop guidance in order to reach harmonization in the field of security audits.

9 It should also be noted that this analysis carried out for maritime security, where there is a need to provide a secure access to documentation and a secure link, may be relevant when considering remote techniques for other forms of maritime surveys, inspections and verifications.

Action requested of the Sub-Committee

10 The Sub-Committee is invited to note the information provided above.

ANNEX 1

Conclusions from the assessment on remote verifications and inspections in the field of maritime security for ships and ports

- As an initial remark, there are currently no legal provisions in IMO Conventions specifically concerning the conduct of remote verifications and inspections.
- During the examination of the instructions to Recognized Security Organizations (RSOs) provided by the EU Member States, it was found that some of them have already allowed the possibility to grant remote inspections and verifications in relation to maritime security on ships, while others oppose the principle of remote verifications and inspections. The approach towards remote activity has varied, but mainly on a case-by-case basis and considering the urgency for certification due to COVID-19 and once the three-month extension period allowed for in SOLAS has elapsed. Authorisation by EU Member States for internal audits via remote means may be easier.
- There is a tendency to allow for remote verifications at least in cases of emergency and force majeure, assisted by the available tools if a satisfactory digitalised environment is provided.
- In cases where port facility inspections have been discontinued due to COVID-19, these were not substituted by remote inspections when remote means were not previously used. However, some EU Member States declared that remote activity, mainly for documentary audits, was already carried out before the COVID-19 crisis.
- In general, control activities cannot be carried out by remote means. This encompasses Port State Controls, duties exercised by Duly Authorised Officers or other controls as required by the ISPS Code.
- EU Member States are open to exploring the use of remote verifications, but are requesting a coordinated approach in the areas of security, environmental protection and safety.
- Maritime Administrations, Designated Authorities and RSOs acting on their behalf have to assess the risks in order to allow remote verifications and inspections. These risks might need to be considered at two levels: a general level where the Administration is taking the decision to allow remote verifications and inspections, and the assessment that will be needed for ships and port facilities on a case-by-case basis (if so decided).
- There are aspects to be considered in potential guidance for security audits such as: the objective of a remote verification/inspection, including responsibility, authorization, criteria, pre-planning, auditor competences, use of technology, confidentiality, planning, scope of review, list of activities and areas to be audited, time frame for conducting inspections/verifications, delivery of information to be shared, conducting the audit, closing the audit and certification.
- The IMO is the preferred forum where remote verification activity for ships should be discussed. Moreover, any future agreement concerning remote surveys/audits on board ships should also be discussed at IMO and International Labour Organization (ILO) levels, considering that most of the audits are combined ISM/ISPS/MLC audits.
- There are mixed views in relation to whether the certification or the validity of the inspections has to be limited to a certain period (e.g. one year) or whether a final visit on board will always be needed. This needs further exploration.
- At the level of RSOs, it was found that remote activity has been carried out as delegated by Flag States and that they follow procedures which have some commonalities. No information was found relating to RSOs in charge of port facility inspections.

- The analysis of the procedures prepared by the RSOs shows that there is significant variability in their content and therefore these procedures are not harmonized.
- Due to the type of inspections, either ship verification or port facility inspection, it is of paramount importance to carry out interviews with the ship crew or personnel, starting from the captain, the ship security officer or the port facility security officer. These interviews are used to show the applicable procedures in the plans or the records stemming from the security activities to be carried out on site. This initially confirms the need to have video and audio available. Recordings may be easily done; however, recording is not a normal practice for auditing.
- With regard to industry practices and standards, it was found that remote audits, either partial or full, and mainly those for documentary purposes, are already carried out by external auditors. There are available standards at the level of land-based industries for remote auditing, which may well be relevant when considering ships and ports.
- In terms of confidentiality each country implementing remote verifications/inspections will have to follow their national legislation or requirements.
- With regard to telecommunication systems to connect ships at sea with an inspector/auditor, it was found that there are satellite communications available which could be used for remote verifications using L-Band² (1 to 2 GHz) and/or Very Small Aperture Terminal, V-Sat; however, there is a high cost in using L-Band which could make it dissuasive.
- The average Mbps for video and audio conference is 1 to 3 Megabits per second (Mbps); however, there are options available in the market to maintain a stable video and audio connection using limited bandwidths with a smaller kbps demand.
- Remote verifications at sea should be further explored.
- In ports, 3G or 4G connectivity may be available, making connectivity more accessible in order to carry out remote inspection/verification activity. The deployment of 5G connectivity could also be relevant in this context.
- Point-to-point encryption will be needed, which is also related to the confidentiality considered necessary by Maritime Administrations and Designated Authorities.

² L-band is the designation given by the Institute of Electrical and Electronic Engineers (IEEE) to the range of frequencies between 1 GHz and 2 GHz.