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From: General Secretariat of the Council

To: Delegations

Subject: 101st session of the Maritime Safety Committee
(London, 5-14 June 2019)

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

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (25.06.2019)

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.

NON PAPER

**DRAFTED TO FACILITATE CO-ORDINATION BETWEEN
THE EU MEMBER STATES AND THE COMMISSION¹ FOR THE
101ST SESSION OF THE
IMO MARITIME SAFETY COMMITTEE
(LONDON, 05-14 JUNE 2019)**

Non-restrictive list of items for which EU, common or coordinated positions could be established.

This document lists all received documents². The Commission suggests focussing the discussion on the proposed positions and on the consideration of support to submissions by another EU or EEA State as fellow EU/EEA Member State. This does not exclude the discussion of any other item on the agenda, if explicitly requested by an EU/EEA Member State or the Commission.

The comments by the Commission are printed in *italics*. The proposed line of conduct to be followed by the Member States and the Commission is printed in ***bold italics***.

¹ For reasons of brevity, the word "Commission" used in this document means the responsible service of the Commission.

² Based on documents received up to 2 May 2019.

General

Relevant positions agreed in earlier EU IMO coordination papers remain valid – as far as still applicable – for this EU MSC 101 coordination.

Agenda item 1 – Adoption of the agenda

Docs: MSC 101/1, MSC 101/1/1

MSC 100/1 (Secretariat): provides the provisional agenda for MSC 101.

MSC 101/1/1 (Secretariat): provides the annotated agenda as well as the provisional timetable for MSC 101.

In accordance with MSC 101/1/1 the following working and drafting groups are expected to be established at this session:

- *WG1 Working Group on Maritime Autonomous Surface Ships (MASS).*
- *WG2 Working Group on Goal-based New Ship Construction Standards.*
- *WG3 Working Group on Measures to Enhance the Safety of Ships Relating to the Use of Fuel Oil.*
- *DG1 Drafting Group on Amendments to Mandatory Instruments.*

Agenda item 2 – Decisions of other IMO bodies

Docs: MSC 101/2, MSC 101/2/1-3

MSC 101/2 (Secretariat): provides the outcome of C 121 on matters relevant to the Committee.

MSC 101/2/1 (Secretariat): provides the outcome of LEG 106 on matters of interest to the Committee.

MSC 101/2/2 (Secretariat): provides information on the outcome of 43rd session of the Facilitation Committee on matters of interest to the Committee.

MSC 101/2/3 (Secretariat): provides information on the outcome of MEPC 73 on the matters of interest to the Committee.

Containers lost at sea

EU relevance

The reporting of incidents involving lost containers is regulated in EU law by Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system. Article 17.2(d) of this Directive requires that Member States take all appropriate measures to ensure that the master of a ship sailing within their search and rescue region/exclusive economic zone or equivalent, immediately reports to the coastal station responsible for that geographical area any “...containers or packages seen drifting at sea.” The purpose is to make responsible authorities aware, so that timely measures can be taken. The reporting of incidents involving the loss of containers was implemented by the Commission in cooperation with the Member States through the Union Maritime Information and Exchange System

(SafeSeaNet) operated by EMSA, developing Incident Reporting Guidelines covering this aspect and including a uniform reporting format.

In addition, Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector, provides that Member States' maritime accident investigation bodies are informed without delay by the responsible authorities and/or by the parties involved, of the occurrence of all casualties and incidents falling within the scope of the Directive, including the loss of containers at sea. Furthermore, Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy requires Member States to report on the quality of the marine environment and to monitor activities or incidents that may affect it.

In view of the above, this issue falls under EU exclusive competence.

Consideration at MSC 101

As reported in MSC 101/2/3 (Secretariat), the Committee is invited to note that MEPC 73 adopted the Action Plan to address marine plastic litter from ships (resolution MEPC.310(73)). During the discussion on marine plastics the MEPC noted that the loss of containers at sea could, besides being a source of marine plastics, be a safety hazard for ships and fishing vessels. Therefore, MEPC requested the MSC to consider the establishment of a mandatory system for reporting containers lost at sea, taking into account the discussions of at MEPC and the corresponding action in the Action Plan. MEPC 73 invited interested parties to submit proposals to MSC 101.

A draft Union submission, proposing to amend Regulations 31 and 32 of Chapter V to the SOLAS Convention, in line with what is already in use in the EU, to establish a world-wide mandatory system for reporting containers lost at sea was drawn up. However, the Shipping Working Party which met on 3 April 2019, agreed to postpone the submission of the proposal to a future session of MSC to allow for a more in-depth consideration of the implications of such a proposal.

The Commission is of the view that reduction of loss of containers at sea is an important safety and environmental issue, and supports further work under the MEPC Action Plan against marine litter and under the MSC, to establish a world-wide mandatory system for reporting containers lost at sea, which would contribute to such reduction. Member States are informed that the Commission services are organising a workshop on lost containers on 4 July 2019 in Brussels.

DELETED

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

Docs: MSC 101/3, MSC 100/3/1-10

MSC 101/3 (Secretariat): the Committee is invited to consider, with a view to adoption, draft amendments to the 1974 SOLAS Convention and the FSS, IBC, IGF and LSA Codes.

MSC 101/3/1 (Secretariat): the Committee is invited to consider, with a view to adoption, proposed amendments to the International Maritime Solid Bulk Cargoes (IMSBC) Code.

MSC 101/3/2 (Secretariat): the Committee is invited to adopt the text of the draft consolidated version of the ESP Code, prepared by SDC 6 (SDC 6/13/Add.1), as amendments to the 2011 ESP Code, without further pursuing the adoption of a new consolidated 2019 ESP Code.

MSC 101/3/3 (Secretariat): provides the text of draft amendments to the BCH Code, for adoption in conjunction with the adoption of the corresponding amendments to the IBC Code and the draft consequential amendments to MSC.1/Circ.1395/Rev.3, for approval in conjunction with the adoption of the amendments to the IMSBC Code.

MSC 101/3/4 (+Corr.1) (Secretariat): proposes amendments to the Safety Certificate and the Record of Equipment Safety Certificate for Special Purpose Ships of the SPS Code (resolution A.534(13), as amended).

MSC 101/3/5 (Secretariat): provides editorial amendments to and rejection of the supplementary proposal to amend section 4, paragraph 4.1.1.3 of the IMSBC Code by adding "Environmentally Hazardous Substance, Solid, N.O.S. UN 3077" for N.O.S. positions of the IMDG Code in the draft International Maritime Solid Bulk Cargoes Code (IMSBC) (amendment 05-19, as consolidated version of the IMSBC Code) in document MSC 101/3/1 (Circular Letter No.3883).

MSC 101/3/6 (Japan): proposes to editorially modify the draft paragraph 3.6.3 of the IMSBC Code set out in the annex to Circular Letter No.388.

MSC 101/3/7 (Secretariat): contains proposals for modifications to the draft amendments to the IBC Code approved by MEPC 73 and MSC 100: addition of a reference to the RO Code; the deletion of entries from chapters 17 and 19 that have been included in annex 12 to MEPC.2/Circ.24; and the deletion of the corresponding biofuel blend entries.

MSC 101/3/8 (Norway): comments on the draft revised chapter 17 of the IBC Code and proposes some minor amendments to the carriage requirements for a limited number of products in line with the updated Decisions with regard to the categorization and classification of products, which were agreed at PPR 6 to be issued as a PPR.1 circular.

MSC 101/3/9 (Japan and IACS): proposes to modify the draft amendment to paragraph 11.3 of the IGF Code set out in annex 3 to document MSC 101/3.

MSC 101/3/10 (ICS, IACS and SGMF): provides comments on document MSC 101/3 regarding the draft amendments to paragraph 9.5 of the IGF Code and proposes the inclusion of additional text in order to ensure the applicability of leakage detection requirement for pipes carrying liquefied fuel.

EU relevance

Some of the amendments due to be adopted at MSC 101 would affect EU law. The relevant EU legislation is referred to below:

a) Amendments to the International Code on the Enhanced Programme of Inspections During Surveys of Bulk Carriers and Oil Tankers, 2011 (ESP Code)

Regulation (EU) No 530/2012 of the European Parliament and of the Council on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers aims to establish an accelerated phasing-in scheme for the application of the double-hull or equivalent design requirements of MARPOL 73/78, as defined in Article 3 of this Regulation, to single-hull oil tankers, and to ban the transport to or from ports of the Member States of heavy grade oil in single-hull oil tankers. Regulation (EU) No 530/2012 makes the application of the IMO's Condition Assessment Scheme (CAS) mandatory to single hull oil tankers above 15 years of age. Article 5 requires such tankers to comply with the CAS, which is then defined in Article 6 as the Condition Assessment Scheme adopted by Resolution MEPC 94(46) of 27 April 2001 as amended by Resolution MEPC 99(48) of 11 October 2002 and by Resolution MEPC 112(50) of 4 December 2003. 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 will be directly and automatically applicable through Regulation (EU) No 530/2012.

b) Amendments to paragraph 6.1.1.3 of the LSA Code

Launching appliances and winches are included in Commission Implementing Regulation (EU) 2018/773 of 15 May 2018 on design, construction and performance requirements and testing standards for marine equipment and repealing Implementing Regulation (EU) 2017/306. Reference is made in that Implementing Regulation to the LSA Code and to resolution MSC.81(70) in relation to items MED/1.21, 1.23, 1.24 and 1.25 as regards as launching appliances. This equipment therefore falls in 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.

c) Amendments to paragraph 4.4.8.1 of the LSA Code

Lifeboats are included in Commission Implementing Regulation (EU) 2018/773 of 15 May 2018 on design, construction and performance requirements and testing standards for marine equipment and repealing Implementing Regulation (EU) 2017/306. Reference is made in that Implementing Regulation to the LSA Code and to resolution MSC/Circular 980 in relation to item MED/1.7. This equipment therefore falls in 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.

d) Amendments to the Records of Equipment (Forms C, E and P of the appendix to SOLAS)

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.

e) Amendments to parts A and A-1 of the International Code of Safety for Ship Using Gases or Other Low-flashpoint Fuels (IGF Code)

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. The IGF Code is made mandatory for passenger ships through SOLAS.

*As the amendments to be adopted under this agenda item will have an impact on the above-mentioned Union law, the Commission adopted a proposal for a Council Decision on 28 March 2019 (COM(2019)159 final) establishing the EU position on these amendments, which was subsequently adopted by the Council on 14 May 2019 (Council Decision (EU) xxx/19 of 14 May 2019). It authorises Member States to give their consent to be bound by the relevant amendments contained in MSC 101/3 (LSA Code and IGF Code), MSC 101/3/2 (ESP Code) and MSC 101/3/4 (Record of Equipment Safety Certificate for Special Purpose Ships). This Council Decision expressly allows minor changes to the stated position without requiring a formal amendment of the Decision concerned. The changes proposed by IACS and Japan in MSC 101/3/9 to clarify provisions on the fuel storage hold space can come into this category and, in the Commission's view, can be supported. The text proposed by ICS, IACS and SGMF in MSC 101/3/10 brings back the issue of leak detection for pipes carrying liquefied fuel, which was debated both at CCC 5 and MSC 100. **DELETED***

*The proposal in document MSC 101/3/10 covers the case in which gas detection required in 15.8.1.2 is not fit for purpose which, taking into account that we are dealing with liquified fuel pipes, seems sensible. **DELETED***

Background

a) Amendments to the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (ESP Code)

These amendments are the result of two parallel activities:

- 1. An attempt by IACS and the Secretariat to gather all the amendments together into a consolidated version of the Code (a draft version to be submitted to SDC 6 for consideration); and*
- 2. Amendments to the ESP Code 2011 which were approved by MSC 99 in accordance with the procedure for undertaking regular updates of the Code*

As regards point 1, SDC 4 had authorized IACS and the Secretariat to analyse the 2011 ESP Code, with a view to proposing editorial changes to identify all mandatory requirements; improve the format of the tables and forms. SDC 5 agreed that all substantive provisions currently contained in footnotes in the 2011 ESP Code should be included in the main body of the new consolidated text. SDC 5 furthermore agreed to improve the format of tables and forms in the ESP Code. SDC 5 finally agreed to merge the editorial changes with new substantial amendments to the 2011 ESP Code, proposed by IACS that deal with the recent updates to the IACS Unified Requirements (UR) Z10 series.

As regards point 2, SDC 5 endorsed a proposal to submit draft amendments to the 2011 ESP Code to the 99th session of the Maritime Safety Committee (MSC 99), which took place in London 16 -25 May 2018, for approval, with a view to subsequent adoption of the amendments at the 100th session of the Maritime Safety Committee (MSC 100) and entry into force on 1 July 2020. MSC 99 considered the draft amendments to the 2011 ESP Code prepared by SDC 5 in accordance with the procedure for undertaking regular updates of the Code, and approved the draft amendments to the 2011 ESP Code with a view to adoption at MSC 100.

MSC 100 considered the draft amendments, together with proposed modifications, and noted that the language used in the draft amendments was not in accordance with IMO nomenclature, i.e. "is to/are to" instead of "shall", which could be detrimental to the future development of the IMO regulations as it could result in ambiguity and inconsistency. Furthermore, it was noted that the draft amendments to the 2011 ESP Code should take into account the draft consolidated version of the ESP Code also currently under development by SDC.

Following discussion, MSC 100 decided to hold the adoption of the draft amendments to the 2011 ESP Code in abeyance with a view to preparing a revised set of draft amendments to the 2011 ESP Code using "shall/should" instead of "is to/are to", as appropriate, for submission to MSC 101 with a view to adoption. MSC 100 also recognised that it would be good to include these amendments in the consolidated version. The relevant drafting was entrusted to SDC 6 which completed the draft consolidated 2019 Code. The intention was to have the 2019 consolidated Code adopted by Assembly 31. However, in MSC 101/3/2 the Secretariat now proposes that MSC 101 adopts the consolidated text prepared by SDC 6 (SDC 6/13/Add.1) as an amendment to the 2011 ESP Code. This will eliminate the need to have Assembly 31 adopt a new 2019 ESP Code.

The adoption of the ESP amendments was included in Council Decision 2018/16012 on the position to be taken on behalf of the EU at the IMO for MSC 100 and which allowed for minor changes. However, as the changes to the amendments to the ESP Code could not be considered minor, this item was included again in a new proposal for a Council Decision (COM(2019)159 final).

b) Amendments to paragraph 6.1.1.3 of the International Life-Saving Appliance Code (LSA Code)

MSC 96 agreed to establish a new output on "Uniform implementation of paragraph 6.1.1.3 of the LSA Code". The output was aimed at developing amendments to paragraph 6.1.1.3 of the LSA Code, in order to facilitate its uniform implementation and, in particular, to allow the use of hand-operated mechanisms for launching rescue boats, which are not one of the ship's survival craft.

Concerns about the hazards that the draft amendment to the LSA Code would introduce if the launching phase of a rescue boat from the stowed position to the outboard position was to be allowed without the number of persons assigned to crew the rescue boat on board as well as views related to the scope of application of the amendment were discussed at SSE 4 and SSE 5.

It is worth noting that SSE 4 had agreed that these draft amendments should only apply to cargo ships taking into account the view expressed that the application of these amendments to passenger ships might be in conflict with SOLAS regulation III/23.2 (paragraph 5.7 of document SSE 4/19). However, at SSE 5, Japan submitted document SSE 5/5/1 proposing to apply the draft amendments also to passenger ships (bringing the issue under EU competence). The EU position was to oppose this proposal and consequently SSE 5 again agreed that the draft amendments should only be applicable to cargo ships.

*MSC 100 agreed to approve the draft amendments to the LSA Code, with a view to adoption at MSC 101. Notwithstanding this decision, the Committee invited SSE 6 to consider the continued concerns about the draft amendments, with a view to advising MSC 101 prior to adoption of the amendments. In MSC 101/14/5, IACS points out the need for a minor correction to provide internal consistency within this provision. **DELETED***

Amendments to paragraph 4.4.8.1 of the Life Saving Appliance Code

At SSE 5 the EU successfully proposed a unified interpretation (UI) of the Life-Saving Appliance (LSA) Code Paragraph 4.4.8.1 and the Standardized Life-Saving Appliances Evaluation and Test Report forms. MSC 100 approved the text of the draft UI and also approved further amendments to paragraph 4.4.8.1 of the LSA Code aimed at achieving consistency between the requirement of the Code and the UI with a view to adoption at MSC 101.

c) Amendments to the Records of Equipment (Forms C, E and P of the appendix to SOLAS)

MSC 100 agreed to consider the amendments to the Records of Equipment (Forms C, E and P of the appendix to SOLAS) in line with the understanding that minor corrections/issues can be considered by the Committees on the agenda item “Any other business”. Following consideration, MSC 100 approved the proposed draft amendments with a view to adoption at the MSC 101.

d) Amendments to Parts A and A-1 of the International Code of Safety for Ship Using Gases or other Low-flashpoint Fuels (IGF Code)

CCC 4 considered and endorsed draft amendments to parts A and A-1 of the International Code of Safety for Ships using Gases or other Low-flashpoint Fuels (IGF Code)..). It therefore invited MSC 99 to approve the amendments with a view to adoption at MSC 100. MSC 99 considered the draft amendments to the IGF Code together with additional comments made on the draft amendments, including a suggestion to include alternative solution to protect against leakage from liquefied fuel pipes outside machinery space.. Following the discussion, MSC 99 agreed to hold the approval of the draft amendments to parts A and A-1 of the IGF Code in abeyance and instructed CCC 5 to reconsider the draft amendments to regulation 9.5.6 and report the outcome to MSC 100 as an urgent matter.

CCC 5 considered the draft amendments to regulation 9.5.6 of the IGF Code, and agreed that no further changes to regulation 9.5.6 were needed. CCC 5 thus agreed to invite MSC 100 to approve the draft amendments to parts A and A-1 of the IGF Code.

MSC 100 concurred with CCC 5 that no further changes to regulation 9.5.6, regarding an alternative solution to protect against leakage, were needed. However, views were divided as regards the need to included additional text to ensure the applicability of leakage detection requirements for pipes carrying liquefied fuel. MSC 100 agreed to the text as prepared by CCC 4, and approved the amendments to parts A and A-1 of the IGF Code, with a view to adoption at MSC

101, while noting that further proposals could still be submitted at the adoption stage.

Consideration at MSC 101

MSC 101 is to adopt amendments to the ESP Code (MSC 101/3/2), amendments to the LSA Code (MSC 101/3), amendments to the Records of Equipment (Forms C, E and P of the appendix to SOLAS) (MSC 101/3/4), and amendments to parts A and A-1 of the IGF Code (MSC 101/3).

To note that two submissions seek amendments to render the ESP Code consistent:

- MSC 101/12/2 by Norway proposes two options to ensure that the section on minimum requirements within the Guidelines does not override the mandatory requirements in the regulations: it proposes either deletion of the relevant Guidelines sections or transfer of the text into the mandatory regulations. **DELETED**
- MSC 101/12/3 by China queries the need for two new definitions: 'Administration' and 'Owner', advocating deletion of the first and for the second that 'owner' be equated to 'ship's company' to be coherent with the ISM Code. **DELETED**

DELETED

Agenda item 4 – Measures to enhance maritime security

Docs: MSC 101/4, MSC 101/4/1-4

MSC 101/4 (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, as well as information on the SUA Convention and Protocols, and the global programme for Enhancement of Maritime Security.

MSC 101/4/1 (ICS, IUMI, BIMCO, OCIMF, INTERTANKO, CLIA, INTERCARGO, InterManager and WSC): informs about the third version of the Industry Guidelines on cyber security on board ships.

MSC 101/4/2 (ISSA): reports on difficulties experienced by ship suppliers globally in accessing ports and vessels to deliver stores due to questionable ISPS Code restrictions.

MSC 101/4/3 (Secretariat): provides further developed guidance for the electronic transfer of information into and from the Maritime Security module of the Global Integrated Shipping Information System (GISIS), including newly developed specifications on data exchange. A draft MSC circular is prepared for the Committee's approval.

MSC 101/4/4 (United States, ICS and BIMCO): concerns potential inconsistencies in the implementation of the requirements embodied in resolution MSC.428(98) and requests that the Committee takes action to avoid such inconsistencies emerging as significant issues between now and 1 January 2021.

EU relevance

Regulation (EC) No 725/2004 and Directive 2005/65/EC implement the maritime security regime agreed by the International Maritime Organization (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 – in particular ISPS Part B/8.3.5&8.4.11 and 15.3.5 relating to radio and telecommunication systems including computer systems and networks for Ships and Port Facilities respectively – 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 in an EU port, including the list of the last 10 calls at port facilities, and be available for exchange, upon request, using the Union Maritime Information and Exchange System (SafeSeaNet) established in accordance to Directive 2002/59/EC (VTMIS Directive).

With regard to cyber security, it should be noted that, on the 10th December 2018, the European Parliament, the Council and the European Commission reached a political agreement on the Cybersecurity Act which reinforces the mandate of the EU Agency for Network and Information and Security (ENISA) so as to better support Member States with tackling cybersecurity threats and attacks. The Act also establishes an EU framework for cybersecurity certification, boosting the cybersecurity of online services and consumer devices. ENISA organised, on the 23rd January 2019 at EMSA premises in Lisbon, the first Conference on Transport Cybersecurity, with the support of the European Commission (DG MOVE), the European Union Aviation Safety Agency (EASA), the European Maritime Safety Agency (EMSA) and the EU Agency for Railways (ERA). Together, they discussed the EU legal framework for cybersecurity, its relevance for the transport sector, and explored options for further cooperation. During the discussions, the following points were raised:

- *Cyber-attacks targeting transport could have potentially serious consequences, result in the loss of lives, and harm the economy. Transport system should be able to deter attacks and show resilience if they occur. Cyber-security shall also guarantee safety;*
- *It is essential to look at cybersecurity in a holistic manner by addressing not only internet-connected systems, but also the “human element”.*
- *Cooperation is required between the technical and operational levels of the transport sector to lay down the foundations for a “cybersecurity culture”;*
- *Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of network and information security across the Union (NIS Directive) lays a solid foundation to enhance cybersecurity and resilience in the transport sector. Where appropriate, specific rules may be needed in certain transport modes;*
- *Non-regulatory actions should be pursued to address cyber threats: information exchange, capabilities building, awareness raising and development of cyber skills.*

To address these issues the following actions will be considered:

- *Closely follow the NIS Directive implementation giving due consideration to the needs and specificities of each transport mode;*
- *Stimulate the exchange of information and best practices, notably by including or continuing to include cybersecurity as a regular agenda item for discussion in the meetings of the Aviation Security (AVSEC) and Maritime Security (MARSEC) Committees, Stakeholder Advisory Groups on Maritime Security (SAGMAS) and Aviation Security (SAGAS) as well as Land Transport Security Expert Group (LANDSEC).*
- *Sectorial initiatives (e.g. Information sharing and Analysis Centres) will also be encouraged as identified in the recently approved Cybersecurity Act;*
- *Foster the cross-fertilisation of ideas and experiences among the transport modes by organising meetings or workshops dedicated to cybersecurity, and bringing together experts from different modes;*
- *Develop cyber-skills in the transport sector. DG MOVE will support the development of a cybersecurity “toolkit” providing relevant and appropriate knowledge of good cyber-security practices for transport staff;*
- *Continue cyber dialogues with third countries and cooperate with international organisations, such as the ICAO and the IMO.*

The NIS Directive defines market operators for "water transport" in Annex II point 2(c) as follows:

- inland sea and coastal passenger and freight water transport companies as defined for maritime transport in Annex I of Regulation 725/2004/EC, not including the individual vessels operated by those companies;*
- managing bodies of ports as defined in Article 3(1) of Directive 2005/65/EC, including their port facilities as defined in Article 2(11) of Regulation (EC) 725/2004; and entities operating works and equipment contained within ports;*
- operators of vessel traffic services, as defined in Article 3(o) of Directive 2002/59/EC.*

Member States shall identify the operators of essential services for each sector and subsector referred to in Annex-II.

Finally, compliance with the ISM Code is regulated at EU level through Regulation (EC) No 336/2006 on the implementation of the International Safety Management Code within the Community.

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. The aim is to reduce the administrative burden of SOLAS Contracting Governments having to maintain the information in two separate systems. **DELETED***

MSC 98 endorsed the draft guidance for the electronic transfer of information into the Maritime Security Module of GISIS, as set out in the annex to the Secretariat's submission, MSC 98/5. It also invited Member States to assist with the technical implementation and testing. In MSC 100/4, the IMO Secretariat provides a further update on IMO activities in relation to maritime security, in particular on the development of a functionality to upload information in the GISIS Maritime Security Module. The Secretariat notes that the functionality is being tested by Norway but it invites other member States to test the same functionality to ensure that it would comply with different member States systems.

*MSC 100/4 also asked Member States whether they would be interested in the development of web-services to download information from the Maritime Security Module of GISIS. EU Member States had shown an interest that port facility codes are included in the SafeSeaNet system established by EMSA in accordance with Directive 2002/59/EC and their national single windows established in accordance with Directive 2010/65/EU. For this purpose, EMSA held discussions with the IMO on whether it would be possible to obtain this information from the Maritime Security Module of GISIS. Presently this is being done by periodically downloading the file of port facility codes. However, there is the problem that information becomes outdated as soon as a member State updates its port facility codes. The development of web-services to download the same information will reduce the administrative burden, but will also ensure up-to-date information. It should be noted that this issue was discussed at the 4th SafeSeaNet / LRIT Group meeting held on 23 October 2018. The Member States supported the initiative to request IMO to further develop the web services for downloading information from GISIS Maritime Security Module. **DELETED***

Subsequently, the Committee agreed to invite the Secretariat to develop the download functionality.

Maritime security module of GISIS

MSC 101/4 (Secretariat) provides information on measures taken by the Secretariat to enhance maritime security. The Secretariat reports in particular on the validity of the information in the maritime security module of GISIS. It notes in particular that 24% of the port facility security plans (PFSP) need to be updated. In Europe around 10% of the PFSP need to be updated. Therefore the Commission reminds Member States to review and update the information contained in the Maritime Security module of GISIS, in particular the PFSP.

*MSC 101/4/3 notes that as agreed at MSC 100, the Secretariat developed, in cooperation with Norway and EMSA, the draft specifications for a new functionality to allow for bulk data retrieval from the Maritime Security Module of GISIS. **DELETED***

Cyber Security

MSC 101/4/1 notes that the industry has updated the Industry Guidelines on cyber security on board ships taking into consideration developments with respect to cyber threats and protection measures as well as their cyber risk management experience and knowledge. The Industry Guidelines are not intended to give technical guidance for the ship or personnel on board but they are designed to enhance understanding and awareness of key aspects of cyber risk management by shipping companies.

In MSC 101/4/4, the United States, ICS and BIMCO raise concerns regarding potential inconsistencies in the implementation of the requirements embodied in resolution MSC.428(98) and request that the Committee takes action to avoid such inconsistencies emerging as significant issues between now and 1 January 2021. With a view to ensuring consistent implementation of the requirements of resolution MSC.428(98) the co-sponsors propose that the Committee follows a number of actions:

- *it should be ensured that cyber risks are appropriately addressed in approved safety management systems conforming to the requirements of SOLAS chapter IX and the ISM Code;*
- *certain provisions of SOLAS chapter XI-2 and part A of the ISPS Code support effective cyber risk management, however, these provisions should not be considered as requiring a company to establish a separate cyber security management system operating in parallel with the company safety management system; and*
- *Administrations should engage with other national and regional authorities to explain the Organization's requirements for cyber risk management by companies.*

DELETED

Agenda item 5 – Regulatory scoping exercise for the use of Maritime Autonomous Surface Ships (MASS)

Docs: MSC 101/5, MSC 101/5/1-5, MSC 101/INF.17

MSC 101/5 (Secretariat): reports on the progress of the regulatory scoping exercise for the use of Maritime Autonomous Surface Ships (MASS).

MSC 101/5/1 (ITF): provides comments on the provisional principles for interim guidelines for MASS trials, including proposals for the development of those guidelines.

MSC 101/5/2 (China): draws attention to the possible impact of MASS operations on the framework of certain IMO instruments, based on experience gained during the current regulatory scoping exercise of the IMO instruments under the purview of the Committee.

MSC 101/5/3 (China): proposes some key aspects to be taken into consideration when developing the interim guidelines for MASS trials based on the provisional principles agreed at MSC 100.

MSC 101/5/4 (Finland and France): It has been observed that the use and the understanding of certain terms may differ significantly between different stakeholders and may lead to confusion. The intent of this document is to propose, as basis of discussion for further work, a list of terms that should be avoided and some recommended terms. It introduces a draft glossary for future work of the Organization.

MSC 101/5/5 (Finland, Japan, Norway, Republic of Korea, Singapore, United Arab Emirates and BIMCO): given the decisions made at MSC 100, this document discusses the need for Interim guidelines for MASS trial and proposes a structure for such guidelines.

MSC 101/5/6 (Republic of Korea): provides comments on the Interim guidelines for MASS trials (MSC 101/5/5 and MSC 101/INF.17)

MSC 101/INF.17 (Finland, Japan, Norway and Republic of Korea): informs on the work carried out intersessionally and contains in the annex the initial draft interim guidelines for MASS trials.

EU relevance

At this stage of the scoping exercise, the impact on EU legislation cannot be determined (other than that there will be an impact). Research on the use of MASS is advancing at an increasing pace. The European industry is at the forefront of these technological developments and should be supported. In fact, tests at sea (e.g. in dedicated sea areas)) are starting to take place (currently mostly using models/small scale) in European waters. In the not too distant future, it is therefore foreseeable that the first intra-European commercial voyages may take place. This accelerates the need to identify and address all the issues involved, both for the ship and shore side (e.g. monitoring, management and control of such operations also from the authorities' side).

In view of such developments, the Commission notes that Directive 2002/59/EC on the establishment of a Vessel Traffic Monitoring and Information System (VTMIS Directive) may have to be reconsidered. The main issue to be considered under this Directive is how MASS would affect vessel traffic services (VTS) and what could be done to meet future challenges, including point-to-point intra EU-trade. Another aspect directly related to the VTMIS directive is the use of communication and monitoring tools (integrated maritime services). In fact, the High Level Steering Group for Governance of the Digital Maritime System and Services (HLSG DMSS; formally established under the VTMIS Directive) agreed to set up an ad hoc experts sub-group on Autonomous Shipping and VTS (MASS) to start investigating the VTMIS aspects related to the introduction of autonomous navigation and to analyse how to deal with autonomous navigation and routing from the perspective of monitoring, management and control. This is in line with Article 23 (c) of the Directive, which requires that the Commission and the Member States “ ...work together to put in place, where necessary, mandatory reporting systems, mandatory maritime traffic services and appropriate ship's routing systems, with a view to submitting them to the IMO for approval”. The ad hoc expert sub-group agreed to:

- Develop guidance/principles for MASS test/trials based on best practices for test zones in dedicated areas for complete safety, including the testing of communication-enabling monitoring, management and control. Coverage should gradually go from national waters to port/point to port/point traffic across-MS (intra-EU).*
- Explore how the Integrated Maritime Services provided by EMSA can support such purposes (e.g. Automated Behaviour Monitoring (ABM), Traffic Density Maps (TDM), etc.)*
- Continue developing a concept for the future VTS – monitoring, management and control – for all types of MASS operations, mixed traffic and ultimately for fully autonomous ships.*
- Identify needs from a VTS angle, including training.*

The ad hoc experts sub-group on Autonomous Shipping and VTS (MASS) met already twice and good progress has been registered. Presently, the second draft of the document entitled ‘Guidelines for the Establishment of Test Areas at sea for MASS Trials’ is under preparation.

Background

MSC 98 agreed to the request by Denmark et al. in MSC 98/20/2 for a regulatory scoping exercise of IMO with the aim of identifying IMO regulations which:

- as currently drafted, preclude unmanned operations;*
- would have no application to unmanned operations (as they relate purely to a human presence on board); and*
- do not preclude unmanned operations but may need to be amended in order to ensure that the construction and operation of MASS are carried out safely, securely, and in an environmentally sound manner.*

In addition, MSC 98 recognised the need to draw up a work plan and the need to address in particular the human element aspects.

MSC 99 developed a draft framework for the regulatory scoping exercise, including its aim and objective; the preliminary definition of MASS and four levels of autonomy; the list of mandatory instruments to be considered; the applicability in terms of type and size of ships; the methodology for the exercise and the plan of work. In this regard, MSC 99 established a correspondence group, under the coordination of Finland, in order to test the framework, in particular the methodology agreed for the regulatory scoping exercise.

MSC 99 also agreed that it should only review the legal instruments under its purview, but it would take a coordinating role on the whole MASS issue. Subsequently, MSC 100 approved the framework for the regulatory scoping exercise, including the procedures to be followed to conclude the review. As part of this framework the Secretariat will develop a web platform which will be used by participating parties to submit comments. In addition, an intersessional MSC MASS working group will be held from 2 to 6 September 2019 with terms of reference to be developed during MSC 101.

As regards the development of interim guidelines for MASS trials, MSC 99 invited interested Member States and international organizations to submit proposals to MSC 100. In this regard MSC 100 considered documents MSC 100/5/2 (Norway and BIMCO) and MSC 100/5/3 (Republic of Korea). The Committee approved provisional principles for the development of guidelines on MASS trials and invited interested parties to submit proposals to MSC 101 taking into account these principles.

Consideration at MSC 101

The Committee has a number of documents to consider for the development of the interim guidelines for MASS trials. Both ITF (MSC 101/5/1) and China (MSC 101/5/3) while providing comments on some of the adopted principles, agree that since trials taking place within national waters are outside the purview of the IMO, the primary focus of the interim guidelines should be trials of ships on international voyages. They also emphasise the need that ships under such trials should still comply with the IMO mandatory instruments. The ITF argues that interim guidelines may be viewed as a potential interim first step to new international regulations for MASS operations. Therefore, it emphasises that ships participating in trials comply with the STCW Convention's standards on manning and training. It also proposes that shore-based operators responsible for participating in the management or control of the ship should be STCW certified at the management level for the class of ship under management or control.

*MCS 101/5/4 (Finland, France) proposes, as basis of discussion for further work, a list of terms that should be avoided and some recommended terms and introduces a draft glossary for future work at IMO **DELETED***

*MSC 101/5/5 (Finland, Japan, Norway, Republic of Korea, Singapore, United Arab Emirates and BIMCO) proposes a structure for the interim guidelines taking into consideration the principles agreed at MSC 100. The associated information document, MSC 101/INF.17, provides preliminary draft Interim guidelines for MASS trials. The latter document also addresses some of the issues raised by the ITF and China in their respective documents **DELETED***

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Agenda item 6 – Goal-based new ship construction standards

Docs: MSC 101/6, MSC 101/6/1-3, MSC 101/INF.13

MSC 101/6 (Secretary-General): provides a status report on the activities in relation to the GBS verification audit programme for 2019.

MSC 101/6/1 (China): proposes amendments to the Generic guidelines for developing IMO goal-based standards (MSC.1/Circ.1394/Rev.1) based on the experience gained in their application during the development of functional requirements for SOLAS chapter III.

MSC 101/6/2 (Secretariat): reports on the operational status of the new functionality on nomination of GBS auditors in the GISIS Module on "Contact Points".

MSC 101/6/3 (Germany, Netherlands and Sweden): An illustrative example for explaining in more detail the development of functional requirements is proposed for amending MSC.1/Circ.1394/Rev.1.

MSC 101/INF.13 (IACS): provides the updated status of work undertaken to address the IACS "common" observations as on 28 February 2019.

MSC 101/INF.19 (Secretariat): provides the updated status reports on Corrective Action Plans on observations of individual IACS' recognized organizations as reported in December 2015 in the annexes to document MSC 96/5/1/Add.2, as well as the updated status report of China Classification Society on an observation during the first maintenance of verification audit in 2018.

EU relevance

The explanation of the implications of MSC decisions regarding GBS on the Union law were provided prior to MSC 100 in working paper (WK) 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.”

While 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.”

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 at 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.

Background

During the previous two sessions of the Committee, submissions concerned mainly two distinct lines of work:

1) The IMO Goal Based Construction Standards for Oil Tankers and Bulk Carriers that applies since 1 July 2016 and draws on a specific set of goals, requirements, rules and guidelines covering the five tiers of the GBS framework. MSC 99 approved, in principle, the draft MSC resolution on Revised guidelines for verification of conformity with goal-based ship construction standards for bulk carriers and oil tankers, with a view to subsequent adoption at MSC 100. The discussion at MSC 100 centred primarily on whether it was appropriate for a new applicant to copy (mirror) from the rules of the established IACS members, as Türk Loydu had done in its application. While IACS stated that mirroring rules could involve intellectual property rights, many maintained that proprietary claims do not fall under the purview of the IMO and the existing Guidelines do not preclude anyone from using established ROs' rules. The Committee agreed with the proposals of the GBS working group for amending paragraph 10.8 of the draft Revised Guidelines addressing the issue of "mirrored submissions" as well as protecting confidential and/or proprietary information. It was agreed that the effective date for the coming into force of the Revised Guidelines will be one year after adoption.

2) The application of the Safety Level Approach (SLA) in the GBS framework to the IMO rule-making process, which is more generic and aims i.a. at integrating relevant risk-based approaches and methodologies for rule-making, e.g. the Formal Safety Assessment (FSA). In this regard MSC 99 approved, in principle, the draft Interim guidelines for development and application of IMO goal-based standards safety level approach and instructed the Secretariat to prepare the associated MSC circular. The interim guidelines were approved by MSC 100.

MSC 100 also agreed that there was a need to amend the Generic guidelines for developing IMO goal-based standards (Generic Guidelines) (MSC.1/Circ.1394/Rev.1) to aid the application of the Guidelines throughout the Organization. Therefore, Member States and international organizations were invited to submit proposals to MSC 101.

Consideration at MSC 101

As regards the revision of the Generic Guidelines, the Committee has two documents for consideration: a) MSC 101/6/1 (China) which proposes amendments based on the experience gained during the development of functional requirements for SOLAS chapter III, and b) MSC 101/6/3 (Germany, Netherlands and Sweden) which proposes the inclusion of a new Appendix providing an example of developing functional requirements.

In MSC 101/6 the Secretariat updates the Committee on the conduct of audits of classification societies. It notes that the audit report on the rectification of non-conformities audit of Türk Loydu, the re-verification audit of the DNV-GL rules and the maintenance audit of the remaining 11 IACS class societies will all be submitted to MSC 102. In MSC 101/6/2, The Secretariat informs the Committee that, as agreed at MSC 100, it had completed the development of a GISIS functionality under the existing module 'National Contacts' to allow Member States and international organizations to nominate GBS auditors directly in GISIS and to update the list of auditors, as necessary, noted that this GISIS functionality.

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Agenda item 7 – Safety measures for non-SOLAS ships operating in polar waters

Docs: MSC 101/7, MSC 101/7/1-2, MSC 101/INF.10, MSC 101/INF.18

MSC 101/7 (Marshall Islands and New Zealand): Initial analysis to assist in determining the feasibility and consequences of applying each of the goals, functional requirements and regulations of chapters 9 and 11 of the Polar Code to non-SOLAS vessels operating in polar waters.

MSC 101/7/1 (Canada, Chile, France, Marshall Islands, New Zealand, FOEI, Pacific Environment and WWF): proposes a draft Assembly resolution urging Member States to take steps, on a voluntary basis, to implement the safety measures of the Polar Code for non-SOLAS ships.

MSC 101/7/2 (Chile, France, Marshall Islands, New Zealand, FOEI, WWF and Pacific Environment): provides information relevant to the consideration of the feasibility and consequences of applying the mandatory requirements in chapters 9 and 11 of the Polar Code to ships not covered by the SOLAS Convention (commonly referred to as non-SOLAS ships) operating in polar waters.

MSC 101/INF.10 (FOEI, WWF and Pacific Environment): provides an update on non-SOLAS ships operating in polar waters and provides further details of recent incidents. These incidents demonstrate the very real need to ensure that all seafarers on all ships operating in the polar waters deserve the same high level of protection, and that appropriate safety requirements must be consistently applied to all ships operating in polar waters. From these incidents it is possible to identify important lessons which should inform the development of both mandatory provisions and guidance for non-SOLAS ships.

MSC 101/INF.18 (Canada, Denmark, Finland, Iceland, Norway, Russian Federation, Sweden and United States): The Arctic Council's Working Group on the Protection of the Arctic Marine Environment (PAME) established the Arctic Shipping Best Practice Information Forum ("Forum") in 2017. In May 2018, the Forum launched a public web portal to assist in the effective implementation of the International Maritime Organization's International Code for Ships Operating in Polar Waters (Polar Code). The aim of this document is to introduce the Arctic Shipping Best Practice Information Forum and its web portal to IMO.

EU relevance

Directive 97/70/EC setting up a harmonised safety regime for fishing vessels of 24 metres in length and over includes provisions in Annex III on 'Northern regional provisions', such as ice accretion. Annex III of the Directive sets out technical provisions for fishing vessels operating in areas including polar waters. In addition the Recreational Craft Directive 2013/53/EU regulates the design and construction of boats up to 24 meters. Therefore, any technical mandatory requirements developed by the IMO may overlap with the respective EU legislation.

Background

MSC 99 considered proposals for safety measures for non-SOLAS ships operating in polar waters and agreed that any safety measures for non-SOLAS vessels should, in principle, apply to both Arctic waters and the Antarctic area. When considering safety measures for different types of vessels, it was necessary to consider the area of application on a case-by-case basis as there was a possibility that exemptions/exceptions may apply.

MSC 99 also concluded that mandatory measures could only be applicable to international voyages while guidelines normally have no applicability restrictions and it would be up to the Member States to determine how to implement them. In this regard, the SDC Sub-Committee was asked to develop recommendatory safety measures for fishing vessels of 24m in length and over, with a view to alignment with the 2012 Cape Town Agreement, as well as for pleasure yachts above 300 gross tonnage not engaged in trade. After considering the issue, SDC 6 agreed to establish a Correspondence Group, under the coordination of New Zealand, for developing two sets of guidelines: one for fishing vessels and one for pleasure yachts.

MSC 99 had agreed to establish a working group at MSC 100 to further consider outstanding issues, provide clear instructions to the NCSR Sub-Committee, and further consider the Roadmap. However, MSC 100 was again unable to reach consensus on widening the mandatory application of the Polar Code and the progress made on a preliminary draft text for a new paragraph in SOLAS regulation XIV/3 relating to the Polar Code, part I-A, chapters 9 (Safety of navigation) and 11 (Voyage planning) and agreed to take this draft text into account for future work. In this context, the Committee invited Member States and international organizations to submit information to MSC 101 that would assist in determining the feasibility and consequences of applying the requirements in chapters 9 and 11 of the Polar Code to non-SOLAS ships. A similar conclusion was reached in respect of the need for a Polar Water Operations Manual (PWOM) and methodologies for determining ship's operational capabilities in ice. Finally, MSC 100 agreed on a revised Roadmap as well as to develop a resolution to urge Member States to take action, for example through the implementation of relevant sections of the Polar Code, and invited Member States and international organizations to submit proposals for such a resolution to MSC 101.

Consideration at MSC 101

The documents submitted for this session relate to the:

- a) feasibility and consequences of applying the requirements in chapters 9 and 11 of the Polar Code to non-SOLAS vessels operating in polar waters (MSC 101/7 (Marshall Islands and New Zealand) and MSC 101/7/2 (Chile, France, Marshall Islands, New Zealand, FOEI, WWF and Pacific Environment)); and
- b) development of a draft Assembly resolution urging Member States to take steps, on a voluntary basis, to implement the safety measures of the Polar Code for non-SOLAS ships. MSC 101/7/1 (Canada, Chile, France, Marshall Islands, New Zealand, FOEI, Pacific Environment and WWF).

MSC 101/7 and MSC 101/7/2 argue that it is feasible to apply chapters 9 and 11 of the Polar Code to non-SOLAS vessels operating in polar waters. This would enhance safety in the polar regions and would ensure a level playing for all vessels. MSC 101/7/1 highlights the safety benefits that would accrue if Member States apply the safety measures set out in the Polar Code to ships not certified under the SOLAS Convention operating in polar waters, especially fishing vessels of 24 metres in length and over, and pleasure yachts above 300 gross tonnage not engaged in trade.

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Agenda item 8 – Development of further measures to enhance the safety of ships relating to the use of fuel oil

Docs: MSC 101/8, MSC 101/8/1-2

MSC 101/8 (IACS): proposes a method of work and items to be taken into account when developing measures to enhance the safety of ships relating to the use of fuel oil.

MSC 101/8/1 (IACS): provides further comments on IACS UI SC123, which SDC 6 agreed to forward to MSC 101 with a request that it be considered under the Committee's new agenda item on "Development of measures to enhance the safety of ships relating to the use of fuel oil".

MSC 101/8/2 (ICS, INTERTANKO, INTERCARGO and IPTA): provides information on problems encountered with fuel oils used on board ships and proposes consideration of possible means to address safety issues related to the supply of fuel oils not compliant with the flash point requirements as provided in regulation 4.2.1 of SOLAS chapter II-2.

EU relevance

The sulphur-in-fuel-related requirements and implementing provisions of the revised MARPOL Annex VI have been reflected in Directive (EU) 2016/802 as regards the sulphur content of certain liquid fuels (codifying Directive 1999/32/EC and all subsequent amendments including Directive 2012/33/EU of 21 November 2012). The Energy Community countries (Montenegro, Albania, Bosnia-Herzegovina, Moldova, Serbia, and Ukraine) have adopted the sulphur-related EU environment acquis in the Energy Community Treaty in 2016 with an entry into force date of 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 this instance, SOLAS, Ch. II-2, regulation 4.2 is relevant.

In terms of fuel quality 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 and introducing a mechanism to monitor and reduce greenhouse gas emissions are relevant.

Background

At MEPC 73, the Committee, having noted the discussions of the Intersessional Meeting on Consistent Implementation of Regulation 14.1.3 of MARPOL Annex VI (MEPC 73/ISWG-AP 1), invited MSC to consider the outcome of the intersessional meeting concerning the potential safety implications associated with the use of low sulphur fuel. In addition, to further address remaining concerns expressed as to the quality of fuels to be supplied to ships and to the need for advance information on their availability, the Committee invited further concrete proposals on how to enhance the implementation of Regulation 18 of MARPOL Annex VI by early collection of relevant data and related analysis; this would include the upgrade of an existing dedicated module in GISIS, IMO's web platform.

At the same time, MEPC 73 adopted the amendments to MARPOL Annex VI concerning the prohibition on the carriage of fuels oils with sulphur content exceeding 0.50% (hence non-compliant with Regulation 14), both for combustion and operational purposes. With this important step, the Committee strengthened significantly the enforcement of the 0.50% sulphur limit as an essential element to ensure the consistent and correct implementation of Regulation 14, while reinforcing the level playing-field. Significantly, the adoption of the ban underlines IMO's commitment to honour its 2016 decision on the global sulphur cap and sends a clear message about IMO's undertaking to apply the regulation without any undue delay.

MSC 100 considered Documents MSC 100/8/1 (Liberia et Al.) and MSC 100/8/2 (Bahamas et al.) which refer to potential safety implications associated with the supply and use of 2020 compliant fuels but emphasized that it was already an existing safety issue. The main issues identified in document MSC 100/8/2 (Bahamas et al.) related inter alia to stability, compatibility, flashpoint and viscosity. In this regard it should be noted that OCIMF, together with other industry organisations, is developing guidance on how ships could deal with such potential issues and submitted this information to MEPC in MEPC 73/5/17. The timely guidance will provide more information on the characteristics of fuels expected to be available by 2020, reflecting the new formulations and ranges of compliant fuels and within the limit imposed by competition law. Significantly, MEPC called on ISO to deliver a Publicly Available Specification (PAS) in relation to the quality of upcoming 0.50 fuels.

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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", with a target completion year of 2021 with the scope based on the review of existing safety provisions for fuel oil and information concerning the safety implications associated with the use of fuel oil, develop further measures to enhance the safety of ships relating to the use of fuel oil. Finally it was agreed to propose the establishment of a working group at MSC 101, with a view to further progress this subject, and that document MSC 100/8/2 (Bahamas et al.) could be considered in that working group. Member States and international organizations were invited to submit concrete proposals to MSC 101.

MSC 100 also invited MEPC 74 to advise MSC 101 on the progress made on the new GISIS module for fuel oil safety matters and instructed PPR 6 to develop a joint MSC-MEPC circular addressing the delivery of compliant fuels by suppliers, with a view to approval by MEPC 74 and MSC 101. PPR 6 completed the draft MSC-MEPC circular and is one of the action points that will be considered by the Committee under agenda item 13.

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Consideration at MSC 101

In document MSC 101/8 IACS notes that it shares the views expressed in document MSC 100/8/2 because it highlights the key 'quality' concerns that need to be taken into account when considering further measures to enhance the safety of ships relating to the use of fuel oil. IACS also remarks that although the number of incidents is low, the severity of incidents is significant. In view of the potential increase in blends, IACS states that it is important to increase awareness among all involved parties about the identified potential risks and relevant mitigation measures, including alerting the fuel oil supply network on the consequences of the failure to supply a product that is not to specification. In addition, IACS proposes a number of measures including identifying the current safety provisions related to fuel oil, carrying out a risk analysis of safety implications associated

with the use of fuel oil, developing of new regulation to address any gaps in existing legislation as well as developing a number of procedures.

In document MSC 101/8/1, IACS sets out the details of UI SC123 (endorsed by the Committee in MSC/Circ.1176 and subsequently MSC.1/Circ.1464) on the set up for separate fuel tanks for different fuels. IACS now asks that the Committee consider its proposed upgrade of this UI.

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In document MSC 101/8/2, ICS et al advocate: amendments to SOLAS to make mandatory reporting requirements for ships on receipt of non-compliant fuel oil and for IMO MS to take action against suppliers of such fuel oil; a platform in GISIS to report such incidents; and guidelines on taking action in the event of contradictory fuel sampling results, indicating possible non-compliance

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Agenda item 9 – Carriage of cargoes and containers (report of the fifth session of the Sub-Committee)

Docs: MSC 101/9, MSC 101/9/1

MSC 101/9 (Secretariat): invites the Committee to take action on matters emanating from CCC 5.

MSC 101/9/1 (Secretariat): contains a communication from UNECE on matters relating to a revision of the IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units (CTU Code).

EU relevance

The purpose of Directive 2009/45/EC on safety rules and standards for passenger ships is to introduce a uniform level of safety of life and property on new and existing passenger ships and high-speed passenger craft, when both categories of ships and craft are engaged on domestic voyages, and to lay down procedures for negotiation at international level with a view to a harmonisation of the rules for passenger ships engaged on international voyages. Article 6(2)(a)(i) of this Directive applies SOLAS, as amended, to Class A passenger ships. As the IGF Code is made mandatory for passenger ships through SOLAS, the Commission is of the view that this matter should be regarded as one of EU competence.

Background

Urgent issues emanating from CCC 5 were already considered and concluded at MSC 100.

Consideration at MSC 101

Document MSC 101/9 by the Secretariat includes the action points that the Committee is expected to take with respect to the outcome of CCC 5. The issues which were subject to an EU position (working document 11808/2/18 of 10th September 2018) are listed below:

- *Action point 2.1 - approve the draft amendments to paragraph 6.7.1.1 and chapter 11 of the IGF Code, with a view to subsequent adoption.*

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- *Action point 2.5 - approve the draft MSC circular on Unified interpretations of the IGF Code.*

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CCC 5 approved UIs in respect of paragraphs 12.5.2.1 and 15.10.1 of the IGF Code. However, instead of developing a UI for paragraph 11.3.1 on fire protection of spaces containing equipment for the fuel preparation, the Sub-Committee agreed to proceed with this matter as a draft amendment to the IGF Code and instructed the IGF Code Working Group to develop the draft amendments to the IGF Code. The Sub-Committee noted that the Working Group was unable to develop the draft amendments to paragraph 11.3.1 of the IGF Code owing to time constraints and agreed that the Correspondence Group could be tasked to develop the text intersessionally.

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Agenda item 10 – Implementation of IMO instruments (report of the fifth session of the Sub-Committee)

Docs: MSC 101/10, MSC 101/10/1-3

MSC 101/10 (Secretariat): invites the Committee to take action on matters emanating from III 5.

MSC 101/10/1 (Secretariat): reports on the preparation for the holding of the fourth meeting of the Joint FAO/ILO/IMO ad hoc Working Group on IUU Fishing and Related Matters (JWG).

MSC 101/10/2 (Marshall Islands, Russian Federation and IACS): proposes amendments to the draft model agreement developed during III 5. This includes editorial and clarification amendments, as well as some more substantial amendments which aim to facilitate the use of such model agreement by IACS members and the Administrations with which such Agreements will be sought.

MSC 101/10/3 (IACS): provides comments on section 4 of the report of III 5 (III 5/15), in particular, on the Procedure for identifying safety issues (III 5/15, annex 2).

EU relevance

*The EU established several EU positions for III 5 as set out in working document 12211/1/18 REV 1 of 24 September 2018. **DELETED***

Lessons Learnt

Action point 2.3: invite Marine Safety Investigating States, subject to concurrent decision by MEPC, to prepare lessons learned using the format and the style guide.

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Procedures for Port State Control

Action point 2.4: concur with the referral of the draft amendments to appendix 8 of the Procedures for Port State Control, 2017 on Guidelines for PSCOs on the ISM Code to HTW 6 for technical review and advice to III 6, taking into account the methodology to develop PSC guidelines as appendices of the Procedures for PSC.

Action point 2.5: concur with the referral of the draft amendments to appendix 11 of the Procedures for Port State Control, 2017 on Guidelines for PSCOs on certification of seafarers, manning and hours of rest to HTW 6 for technical review and advice to III 6, taking into account the methodology to develop PSC guidelines as appendices of the Procedures for PSC.

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CASRs

Action point 2.6: endorse, subject to concurrent decision by MEPC, the outcome of the analysis of the first CASRs under IMSAS, which identified the five main areas of recurrent findings and observations and their detailed specific related issues; the highest numbers of references recorded against specific provisions of the mandatory instruments; and the four main areas of root causes, along with the associated specific issues that led to a majority of shortcomings;

Action point 2.7: endorse, subject to concurrent decision by MEPC, the process for providing feedback from audits for further development of technical assistance and the identified areas that might need technical assistance to be forwarded to the Technical Cooperation Committee for consideration and reporting to the Council, as appropriate;

Action point 2.8 agree, subject to concurrent decision by MEPC, that the specific requirements of the relevant IMO instruments identified be reviewed in terms of their effectiveness and appropriateness for implementation;

Action point 2.9: agree, subject to concurrent decision by MEPC, that the identification of the need for interpretations of the requirements of the mandatory IMO instruments should be part of the process for the assessment of the effectiveness and appropriateness of IMO legislation;

Action point 2.10: approve, subject to concurrent decision by MEPC, the proposed methodology for analysis of CASRs to assess effectiveness and appropriateness of IMO regulations and to provide input to the regulatory process, based on an initial analysis by the Sub-Committee in the proposed format and the further review by relevant IMO bodies, and the related process for reporting to the Council;

Action point 2.11 request the Secretariat, subject to concurrent decision by MEPC, to keep a log of the provisions of the mandatory instruments recommended for review based on the analysis of CASRs, which should capture any subsequent actions by respective IMO bodies;

Action point 2.12: agree, subject to concurrent decision by MEPC, on the scope of overall feedback on the analysis of CASRs to be provided by the Sub-Committee to the Committees, in order to enable them to report back to the Council as requested by both the Assembly and the Council;

Action point 2.13: approve, subject to concurrent decision by MEPC, the draft Guidance on communication of information by Member States, to be considered by A 31 together with a draft Assembly resolution with a view to adoption.

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DELETED

In-water surveys

Action point.2.14: concur with the decision not to agree with the proposal in document III 4/8/3 (IACS) to align paragraph 5.10.3 of the Survey Guidelines under HSSC and paragraph 5.1.7 of the annex to MSC.1/Circ.1348 with regard to the taking of rudder bearing clearance measurements during in-water surveys, in line with the decision of SSE 5.

DELETED

Model Agreement for the authorization of Recognized Organizations

Action point 2.16: approve, subject to concurrent decision by MEPC, the MSC-MEPC.5 circular on Model Agreement for the authorization of recognized organizations acting on behalf of the Administration

DELETED

In document MSC 101/10/2 the Marshall Islands, Russian Federation and IACS propose amendments to the draft model agreement developed during III 5. Some of the proposed amendments are of an editorial nature but others are more substantial. The co-sponsors argue that some terminologies and requirements included in the draft model agreement go beyond the remit of recognized organizations and would therefore be detrimental to the successful conclusion of such agreements with Administrations.

DELETED

DELETED

Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters

Action point 2.18: approve, subject to concurrent decision by MEPC, the provisional agenda of the fourth session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters (JWG 4)

DELETED

In document MSC 101/10/1 the Secretariat proposed that the JWG 4 is held following the Ministerial Conference on Fishing Vessel Safety and IUU Fishing in Torremolinos, Spain, from 21 to 23 October 2019 (i.e from 23 to 25 October 2019), at the same venue as the Ministerial Conference. In this regard, the Government of Spain has agreed to sponsor the JWG meeting, so there will be no cost to the Organization. The Committee is being invited to agree to hold the JWG 4 in Torremolinos, Spain, to the proposed list of delegations of Member States representing IMO and to the provisional agenda of JWG 4. **DELETED**

In document MSC 101/10/3 IACS reiterates its concerns about the Procedure for identifying safety issues agreed by III 5, concerns that it considers were not taken into account by III 5. It highlights some examples, where the proposed procedure would be manifestly inadequate, and advocates that FSA look at the procedure as the risk assessment procedure if agreed could be used as a model by other IMO bodies. **DELETED**

Agenda item 11 – Navigation, communications and search and rescue (report of the sixth session of the Sub-Committee)

Docs: MSC 101/11, MSC 101/11/1-5, MSC 101/INF.5, MSC 101/INF.14

MSC 101/11 (Secretariat): invites the Committee to take action on matters emanating from NCSR 6.

MSC 101/11/1 (IHO and WMO): provides details on the progress achieved, since formal recognition at MSC 99 of Iridium as a recognized mobile satellite service in the GMDSS, in the development of an interim preliminary draft Iridium SafetyCast service manual to support the work required during the interim operational phase. The draft text is submitted in the annex to this document.

MSC 101/11/2 (IMSO): contains information in relation to the provision of the recognized maritime mobile satellite services provided by Inmarsat plc.

MSC 101/11/3 (United States): describes the progress made on implementation of the Iridium mobile satellite system into the GMDSS since MSC 99.

MSC 101/11/4 (United States): comments on document MSC 101/11/1 and provides suggested draft text for the MSC circular recommended by that document for circulation of the Interim Iridium SafetyCast services manual.

MSC 101/11/5 (IMSO): provides comments on document MSC 101/11 concerning the draft amendments contained therein to resolution A.705(17) on Promulgation of maritime safety information in respect of the role of IMSO in providing oversight of the technical aspects of transmitting maritime safety information over the systems of recognized mobile satellite services providers.

MSC 101/INF.5 (India): provides a brief introduction to the Indian Regional Navigation System (IRNSS) including system performance, capability, testing and application for the consideration of the Committee.

MSC 101/INF.14 (IMSO): contains information the Committee has requested from IMSO in relation to the implementation of the recognized maritime mobile satellite services provided by Iridium Satellite LLC.

EU relevance

Several EU positions were established for NCSR 6 as set out in working document 5098/1/19 Rev 1 of 16 January 2019. In the view of the Commission these positions should be taken into account when considering the action points mentioned in document MSC 101/11 (Secretariat). **DELETED**

Traffic separation schemes

Action point 2.3: endorse the action taken by the Sub-Committee in requesting the Secretariat to issue SN.1/Circ.232/Add.2 advising on the revocations of SN/Circ.232 and SN.1/Circ.232/Add.1 on Traffic separation scheme off Ushant, associated inshore traffic zone, and Passage de Fromveur, Chenal du Four, Chenal de la Helle and Raz de Sein which had become obsolete

DELETED

LRIT

Action point 2.5: approve the draft amendments to the Continuity of service plan for the LRIT system for circulation as MSC.1/Circ.1376/Rev.4

DELETED

Descriptions of Maritime Services (eNavigation)

Action point 2.13: endorse the action taken by the Sub-Committee in inviting the FAL Committee to consider the descriptions of Maritime Services 4 (Port Support Service) and 8 (Vessel shore reporting) and provide comments and advice on the best way forward.

DELETED

WRC-19 agenda items

Action point 2.20: approve the draft IMO position on World Radiocommunication Conference 2019 (WRC-19) agenda items concerning matters relating to maritime services and request the Secretariat to submit it to ITU.

DELETED

EPIRBs

Action point 2.22: adopt the draft MSC resolution on Performance standards for float free emergency position-indicating radio beacons (EPIRBs) operating on 406 MHz

DELETED

Simplified voyage data recorders

Action point 2.24: approve the draft amendments to the Guidelines on annual testing of voyage data recorders (VDR) and simplified voyage data recorders (S-VDR) for circulation as MSC.1/Circ.1222/Rev.1.

DELETED

Agenda item 12 – Ship Design and Construction (report of the sixth session of the Sub-Committee)

Docs: MSC 101/12/Rev.1, MSC 101/12/1-6

MSC 101/12/Rev.1 (Secretariat): invites the Committee to take action on matters emanating from SDC 6.

MSC 101/12/1 (Norway): comments on section 6 in the report from SDC 6/13 related to the draft SOLAS amendments aimed at making the draft IP Code mandatory, and in particular the application of the IP Code.

MSC 101/12/2 (Norway): comments on section 7 in the report from SDC 6 related to draft amendments to the 2011 ESP Code, and in particular the sections regarding minimum requirements.

MSC 101/12/3/Rev.1 (China): comments on section 7 of the report of SDC 6, related to draft amendments to the 2011 ESP Code and, in particular, the new definition of "Administration" and the wording "Owner".

MSC 101/12/4 (Japan and IACS): proposes to modify the draft revised Guidance on shipboard towing and mooring equipment, set out in annex 4 to document SDC 6/13.

MSC 101/12/5 (Japan, United States and IACS): proposes a clarification to the draft amendments to the unified interpretations pertaining to ventilation system openings as per the 1966 LL Convention, regulation 27(13)(e) in MSC.1/Circ.1535/Corr.1, as shown in annex 8 to document SDC 6/13.

MSC 101/12/6 (Australia): comments on the report of SDC 6 (MSC 101/12). In particular, it comments on the status of special personnel in relation to the proposed International Code of Safety for Ships Carrying Industrial Personnel (IP) Code.

EU relevance

The EU established several EU positions for SDC 6 as set out in working document 5702/1/19 REV 1 of 4 February 2019 **DELETED**

ESP Code

Please see comments under agenda item 3

Safe Mooring

Action points 1-3, 5: approval of the draft SOLAS amendments and associated guidelines and guidance.

In MSC 101/12/5 Japan and IACS propose some amendments to ensure consistency in the draft revised Guidance on shipboard towing and mooring equipment. **DELETED**

Action point 4: consider whether familiarisation training on mooring for shoreside personnel should be developed. **DELETED**

Watertight integrity

Action points 6 and 7: resolution of inconsistencies and approval of draft SOLAS amendments.

DELETED

Unified Interpretations

Those UIs put forward for MSC approval – action points 12 (IS Code) and 14 (SOLAS chapter II-1 (MSC.1/Circ.1539) and the associated draft MSC circular) are in line with the EU position and can be approved.

DELETED

Agenda item 13 – Pollution prevention and response (matters emanating from the sixth session of the Sub-Committee)

Docs: MSC 101/13

MSC 101/13 (Secretariat): invites the Committee to take action on matters emanating from PPR 6.

EU relevance

Note the text under Agenda item 8 (Development of further measures to enhance the safety of ships relating to the use of fuel oil)

Consideration at MSC 101

Under this agenda item the Commission highlights action point 2.7 which requires the Committee to approve, subject to concurrent approval by MEPC 74, the draft MSC-MEPC circular on delivery of compliant fuel oil by suppliers **DELETED**

DELETED

Agenda item 14 – Ship systems and equipment (report of the sixth session of the Sub-Committee)

Docs: MSC 101/14, MSC 101/14/1-10

MSC 101/14 (Secretariat): invites the Committee to take action on the remaining matters emanating from SSE 6.

MSC 101/14/1 (Secretariat): provides a draft MSC resolution for the adoption of the amendments to the Revised recommendation on testing of life-saving appliances (MSC.81(70)), as requested by MSC 100 (MSC 100/20, paragraph 19.13), for consideration by the Committee.

MSC 101/14/2 (Secretariat): provides a draft Assembly resolution for the adoption of amendments to Use and fitting of retro-reflective materials on life-saving appliances (resolution A.658(16)), as requested by MSC 100 (MSC 100/20, paragraph 19.15).

MSC 101/14/3 (Germany): discusses the ambiguities of SOLAS regulation II-2/19.3.8 when applied to dangerous goods of class 1.

MSC 101/14/4 (Canada and Norway): proposes amendments to the interim guidelines on life-saving appliances and arrangements for ships operating in polar waters.

MSC 101/14/5 (IACS): provides comments on the discussions at SSE 6 on the draft amendments to paragraph 6.1.1.3 of the LSA Code. In particular, it is proposed that a clarification is provided to the text that was agreed at SSE 6.

MSC 101/14/6 (IACS): provides comments on the proposed application date for the draft revised unified interpretation of SOLAS regulations II-1/28, II-1/29 and II-1/30, which was agreed at SSE 6 and is now before the Committee with a view to its approval.

MSC 101/14/7 (RINA): provides suggestions on the method and scope of the work anticipated by the addition of item 5 – "Revision of SOLAS chapter III and the LSA Code" to the draft agenda for the seventh session of the Sub-Committee, as reported on in annex 3 of document SSE 6/WP.2.

MSC 101/14/8 (ICS, RINA and INTERFERRY): comments on annex 3 to the report SSE 6/18 that contains the draft MSC Circular on Interim guidelines for minimizing the incidence and consequences of fires on ro-ro spaces and special category spaces of new and existing ro-ro passenger ships. The comments highlight concerns that some of the recommendations contained in the draft interim guidelines introduce, de facto, new construction and/or carriage requirements without adequate technical justifications or following due procedures.

MSC 101/14/9 (CLIA): comments on type/amount of survival equipment in the Interim guidelines on life-saving appliances and arrangements for ships operating in polar waters, as set out in annex 2 to document SSE 6/18.

MSC 101/14/10 (CLIA): comments on safety objectives and functional requirements of the Guidelines on alternative design and arrangements for SOLAS chapters II-1 and III (MSC.1/Circ.1212).

EU relevance

*The EU established several EU positions for SSE 6 as set out in working document 6734/1/19 REV 1 of 5 March 2019. **DELETED***

Action point 2.4: Interim guidelines on life-saving appliances and arrangements for ships operating in polar waters

Approval of draft MSC Circular: in document MSC 101/14/4 Canada and Norway propose amendments to the MSC Circular's interim guidelines to harmonize the text with MSC.1/Circ.1212 on Guidelines on alternative design and arrangements for SOLAS chapters II-1 and III, which is also to be approved at this session. In the Commission's view , paragraph 3.7.2 of the MSC Circular's interim guidelines addresses (by means of ventilation) the Expected Performance 1, from those linked to the Functional Requirement 8, of the revised MSC.1/Circ.1212 and therefore the proposed amendments cannot be supported.. In MSC 101/14/9, CLIA queries the minimum ventilation requirements for enclosed lifeboats ("The long-term CO2-level should not exceed 5,000 ppm") and calls for its deletion, pending further consideration **DELETED**

Action point 2.5: FSA WG on FIRESAFE study

MSC is recommended to re-establish the FSA WG to review FIRESAFE II study and instruct SSE 7 to consider the FSA report to advise on how to proceed. To note that under agenda item 17, the EU submission (MSC 101/17) provides a summary of the FIRESAFE I and II studies and their results as an FSA according to the standard reporting format. **DELETED**

Action point 2.6: minimizing the incidence and consequences of fires in ro-ro spaces and special category spaces

Approval of MSC Circular on draft interim guidelines: in document MSC 101/14/8 RINA et al express concerns that some of the recommendations introduce new construction and/or carriage requirements without adequate technical justification or in advance of the SOLAS provisions and call for a practical approach whereby the sections in question are not applied pending adoption of the SOLAS provisions. **DELETED**

Action points 2.9, 2.12, 2.13: U.Is on SOLAS chapters II-2, III, and II-1/28-30

*Approval of the relevant MSC circulars: in MSC 101/14/6, IACS asks to revise the start date for the U.I on II-1/28-30 from June 2019 to 1 January 2020 to reflect its own start date for these provisions. **DELETED***

Action point 2.14: authorisation of an expert group at SSE 7 to deal with cold ironing (safety and functional requirements)

DELETED

Action point 2.16: MSC Resolution 81(70) on testing of LSAs

*Consideration of amendments as minor corrections and approval of revised resolution, as set out in MSC 101/14/1. **DELETED***

Accelerated weathering tests of retro-reflective materials on life-saving appliances

EU relevance

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. Moreover, Directive 2009/45/EC, 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.

Background

*At MSC 100, the EU submission (MSC 100/19/4) asked for minor amendments to IMO resolution A.658(16) on the Use and fitting of retro-reflective materials on life-saving appliances. It made the point that the resolution required the use of carbon arc testers for the accelerated weathering tests for retro-reflective materials, but this did not reflect modern technologies and proposed two alternative minor editorials. **DELETED***

The Committee supported option 2 of the EU proposal and requested the Secretariat to prepare a relevant draft Assembly resolution for approval at MSC 101 with a view to submission to A 31 for adoption.

Consideration at MSC 101

*The Secretariat is proposing the draft Assembly in document MSC 101/14/2. **DELETED***

Agenda item 15 – Implementation of the STCW Convention

Docs: MSC 101/15, MSC 101/INF.6

MSC 101/15 (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 101/INF.6 (OCIMF and INTERTANKO): provides a new means to assess and verify the behavioural competences of seafarers. This new system focuses on the non-technical behavioural soft skills of seafarers and is currently being implemented on board tankers.

Agenda item 16 – Capacity-building for the implementation of new measures

Docs: MSC 101/16, MSC 101/16/1

MSC 101/16 (Vice-Chair): provides the preliminary assessment of capacity-building implications, or technical assistance needs, related to the draft amendments to mandatory instruments, and the outputs related to mandatory instruments approved at MSC 100.

MSC 101/16/1 (Secretariat): provides an analysis of past capacity-building assessments by the Secretariat, as requested by MSC 100.

Agenda item 17 – Formal safety assessment

Docs: MSC 101/17

MSC 101/17 (EU): provides a summary of the FIRESAFE I and II studies and their results as an FSA according to the standard reporting format.

Please see comments under agenda item 14 (action point 5).

Agenda item 18 – Piracy and armed robbery against ships

Docs: MSC 101/18, MSC 101/18/1-4, MSC 101/INF.2, MSC 101/INF.15

MSC 101/18 (Secretariat): reports on developments related to piracy and armed robbery against ships since MSC 100, including the annual report for 2018, and guidance relating to the waters off Yemen, and requests Member States to submit reports on incidents to the Secretariat, as well as information on national contact points and on conditions for allowing privately contracted armed security personnel in territorial waters.

MSC 101/18/1 (ICS, BIMCO, OCIMF, INTERTANKO and INTERCARGO): informs the Committee of the decisions related to the review and revision of the High-Risk Area (HRA) which is an area within the UKMTO designated Voluntary Reporting Area (VRA).

MSC 101/18/2 (Marshall Islands, ICC, BIMCO, OCIMF, IFSMA, INTERTANKO and INTERCARGO): proposes amendments to MSC.1/Circ.1333/Rev.1 to provide greater clarity and efficiency to the global security incident reporting process. It aims to ensure that appropriate and effective response is provided for seafarers in danger. The proposed amendments introduce a streamlined global reporting framework that allows for a consolidated and standardized reporting methodology, resulting in a clear and unambiguous representation of global maritime security incident data within the IMO GISIS database. This document also proposes the supersession of MSC.1/Circ.1334 with MSC.1/Circ.1601 to ensure the most current global counter piracy guidance is available to shipowners and ship operators, shipmasters and crew. The implementation of this work is not anticipated to have any financial implications for the IMO budget or the shipping industry.

MSC 101/18/3 (India): seeks to highlight the need to deliberate on the evolving issues of merchant ships and seafarers being affected due to armed robbery and hijacking incidents in the Gulf of Guinea and consider the need to recommend the establishment of a contact group to coordinate international efforts towards eradication of piracy in the Gulf of Guinea.

MSC 101/18/4 (ICS, ICC, BIMCO, OCIMF, IFSMA, INTERTANKO, INTERFERRY, P & I Clubs, SIGTTO, CLIA, INTERCARGO, InterManager, IPTA, IMCA, ITF and WSC): comments on MSC 101/18/3 submitted by India. The document expresses support for the initiative by India, outlines the steps being undertaken by the industry and calls for additional support to protect seafarers in the Gulf of Guinea.

MSC 101/INF.2 (ReCAAP-ISC): provides an update on the activities carried out by the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against ships in Asia – Information Sharing Centre (ReCAAP-ISC) since MSC 100 in December 2018.

MSC 101/INF.15 (India): seeks to inform the Committee of the newly established Information Fusion Centre – Indian Ocean Region (IFC-IOR) by the Government of India, including its mandate, means of information exchange and partnerships with relevant stakeholders.

EU relevance

The Commission has supported and continues to support all initiatives that facilitate the fight against the scourge of piracy and armed robbery, either at international and European level, with the aim to improve security aboard ships and ashore. The Commission has also initiated various initiatives itself in recent years, for example the EU NAVFOR Atalanta. The Commission underlines the need for prior circulation of submissions in this area of shared competence.

Background

At MSC 100, ICS et. al. submitted document MSC 100/14/1 informing the Committee of the development of new Global Counter Piracy Guidance for Companies, Masters and Seafarers; the revised Best Management Practices to Deter Piracy and Enhance Maritime Security in the Red Sea, Gulf of Aden, Indian Ocean and Arabian Sea (BMP 5); updated guidance for protection against piracy and armed robbery in the Gulf of Guinea region; and the development of a dedicated maritime security website by the shipping industry.

DELETED

Consideration at MSC 101

After complaints over several years by Oman, who consider their coastline as no longer meriting inclusion in the industry-defined High Risk Area (HRA), in MSC 101/18/1, ICS et al inform MSC of revisions to the HRA and the reasoning behind the changes. The decision taken is to amend the geographic boundaries of the HRA and so reduce the area to better reflect the threat of piracy in the region whilst retaining the primary objective to ensure the safety and security of seafarers. Nevertheless the co-sponsors are conscious that pirates will probably recognise changes to the HRA; should this result in increased activity, the HRA boundaries will be reassessed.

In MSC 101/18/2 Marshall Islands et al propose the introduction of a streamlined global reporting framework that allows for a consolidated and standardized reporting methodology, resulting in a clear and unambiguous representation of global maritime security incident data within the IMO GISIS database. They propose to do so amending MSC.1/Circ.1333/Rev.1 on the incident reporting process and suppressing MSC.1/Circ.1334 on counter piracy guidance as it has been superseded by MSC.1/ Circ.1601. They provide the text of a draft revised MSC.1/Circ.1333/Rev.1 and call for a CG including all stakeholders to work on the basis of this document.

DELETED

In MSC 101/18/3, India underlines the rising incidence of piracy in the Gulf of Guinea, contrasts it with the ameliorating situation off Somalia and asks that the successful Contact Group on Piracy off the Coast of Somalia (CGPCS), established in January 2009, be replicated for the Gulf of Guinea. The CGPCS was established following a UN Security Council resolution 1851 (2008), which was later replaced by United Nations Security Council Resolution 1918 (2010). As such, the IMO can at best only make a recommendation to the UN Security Council for a "CGPGG".

DELETED

Agenda item 19 – Unsafe mixed migration by sea

Docs: MSC 101/19

MSC 101/19 (Secretariat): provides information on the endorsement by the United Nations General Assembly of the Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Responsibility-Sharing for Refugees.

EU relevance

During the plenary session of the European Parliament in Strasbourg on 13th November 2018, the European Commission reiterated its strong support for the United Nations Global Compact on Safe, Orderly and Regular Migration. Speaking on behalf of the High Representative of the European Union for Foreign and Security Policy/Vice-President of the European Commission, Commissioner for Humanitarian Aid and Crisis Management Christos Stylianides said: "In our globalised world, human mobility can only be addressed effectively by the international community as a whole. It is a global phenomenon that requires global solutions. No country can manage this alone, but together we can set up a humane, dignified and secure mechanism for governing human mobility." The Union actively participated in the negotiations of the text of the Global Compact on Migration. On 10 December 2018, the Intergovernmental Conference was convened in Marrakech, Morocco which adopted the text of the Global Compact on Migration. The Union, represented by the Commission, participated in the Conference.

The EU was also actively engaged in the entire process leading to the adoption of the Global Compact on Refugees on 17 December 2017. On 24 September 2018, Commissioner Avramopoulos during a speech at the High-level side event on the Global Compact on Refugees - A Model for Greater Solidarity and Cooperation organised by UNHCR, reiterated the support of the EU for the Global compact on refugees and the commitment to be fully engaged in its implementation. He also provided information on the actions taken by the EU in support of hosting and assisting refugees and asylum seekers.

Agenda item 20 – Application of the Committee's method of work

Docs: MSC 101/20

MSC 101/20 (Secretariat): provides draft amendments to the Committees' method of work (MSC-MEPC.1/Circ.5/Rev.1), based on the decisions taken at MSC 100 in regard to the preliminary assessment of capacity-building implications of amendments to mandatory instruments.

Agenda item 21 – Work programme

Docs: MSC 101/21, MSC 101/21/1-23, MSC 101/INF.3, MSC 101/INF.7, MSC 101/INF.9

MSC 101/21 (Secretariat): provides advice on the proposed reallocation of the outputs "Amendments to the IMDG Code and supplements", "Amendments to the IMSBC Code and supplements" and "Measures to harmonize port State control (PSC) activities and procedures worldwide", currently located under "Other Work" (resolution A.1110(30)), to other Strategic Directions.

MSC 101/21/1 (Philippines and IAMU): proposes the inclusion of a new output in the biennial agenda of the HTW Sub-Committee in order to ensure the quality of Onboard Training of prospective officers for the attainment of Certificates of Competency.

MSC 101/21/2 (China): proposes a new output for the revision of MSC/Circ.608/Rev.1 on Interim guidelines for open-top containerships with regard to the requirements on speed estimation and course keeping control.

MSC 101/21/3 (Belgium, Luxembourg and SYBAss): proposes a new output on the fire protection of control stations on cargo ships (including tankers). The aim of this proposal is to introduce the requirement for fire detection and alarm systems in control stations into SOLAS Ch. II-2.

MSC 101/21/4 (Secretariat): sets out the list of outputs of the Maritime Safety Committee for the 2020-2021 biennium.

MSC 101/21/5 (United Kingdom): proposes the establishment of a new output for the Committee's work programme for an amendment to MSC.1/Circ.1318 to clarify the hydrostatic testing regime for high-pressure CO2 cylinders.

MSC 101/21/6 (EU): Compelling evidence obtained shows that the IMO requirements for the design and testing of lifejackets will not provide consistent assurance of the in-water performance of SOLAS lifejackets. This document proposes the establishment of a new output for the Committee to review the in-water performance of SOLAS lifejackets.

MSC 101/21/7 (Norway): proposes a new output to be included in the strategic plan of the Organization and on the provisional agenda for the seventh session of the Sub-Committee on Ship Systems and Equipment (SSE). The aim is to harmonize the lifejacket carriage requirements in the 1994 and 2000 International Codes of Safety for High-Speed Craft (HSC) with SOLAS chapter III.

MSC 101/21/8 (Australia, Brazil, Canada, United States, NACE International and IIMA): proposes a new output for the Sub-Committee on Carriage of Cargoes and Containers (CCC) to address the issue of assessment of solid bulk cargoes for the MHB (CR) hazard.

MSC 101/21/9 (Israel, Liberia and Poland): invites IMO to undertake formulation of performance standards for Navigation Decision Support Systems for Collision Avoidance (NDSS CA). NDSS CA are already commercially available. Some of these systems have been presented to IMO and other maritime fora with the view that NDSS CA will become an integral component of the navigation decision support system in the future, as it is intended to overcome the limited effectiveness of ARPA by utilizing the AIS data. NDSS CA aim for on board use, therefore international performance standards are needed to assist in the process of approval. The standards should provide general guidance for manufacturers in order to achieve effective and harmonized means of support for the Master or the officer in charge of navigational watch (OICNW) in optimizing the course of action in risk-of-collision situations, in compliance with the International Regulations for Preventing Collisions at Sea, 1972 (COLREG).

MSC 101/21/10 (Marshall Islands, New Zealand, ICS, BIMCO, IACS, IFSMA, INTERTANKO, INTERCARGO, InterManager, IPTA, RINA and NI): proposes a new output to develop design and prototype test requirements for the arrangements used in the operational testing of free-fall lifeboat release systems without launching the lifeboat (equipment used in the simulated launching of free-fall lifeboats).

MSC 101/21/11 (Liberia, Marshall Islands, Spain, United States, BIMCO, INTERTANKO, and SIGTTO): proposes a new output to refine resolution A.1050(27) on Revised recommendations for entering enclosed spaces aboard ships regarding its application to gas carriers. Resolution A.1050(27) defines an "enclosed space" as having specific characteristics and includes the cargo compressor room as an example of such a space. The cargo compressor room on a gas carrier does not have the specific characteristics that define an enclosed space. A revision is proposed to clarify resolution A.1050(27) as this should enhance safety on board gas carriers.

MSC 101/21/12 (Canada and United States): contains a proposal for a new output for the Sub-Committee on Carriage of Cargoes and Containers with a view to amend the International Code for the Safe Carriage of Grain in Bulk (resolution MSC.23(59)) in order to introduce a new class of loading conditions for "specially suitable compartment, partly filled in way of the hatch opening, with ends untrimmed" and specify the requirements under which grain may be safely carried in such compartments.

MSC 101/21/13 (Islamic Republic of Iran): proposes a new output for the Maritime Safety Committee for developing non-mandatory guidelines to assist Member States, port operators and other responsible authorities to enhance security in non-ISPS ports under their supervision.

MSC 101/21/14 (Germany): proposes a new output on the implementation of the performance standards for electronic inclinometers as compulsory equipment for container vessels and for bulk cargo vessels, as appropriate.

MSC 101/21/15 (Germany): In order to facilitate the identification of solid bulk cargoes in the different language versions of the International Maritime Solid Bulk Cargoes (IMSBC) Code, Germany proposes a new agenda item for the Sub-Committee on Carriage of Cargoes and Containers (CCC).

MSC 101/21/16 (Liberia, Marshall Islands, New Zealand, Norway, United States and IACS): proposes a new output to review the mandatory requirements in the SOLAS, MARPOL and Load Line Conventions and the IBC and IGC Codes regarding watertight doors on cargo ships, to address the inconsistencies that currently exist.

MSC 101/21/17 (Norway): proposes a new output in order to prohibit the use of fire-fighting foams containing perfluorooctane sulfonic acid (PFOS). Furthermore, the document describes this substance, its chemical family, and its impact on the environment and human health. Additionally, it provides an overview of existing regulations and alternative substitutes.

MSC 101/21/18 (Mexico): contains a proposal for a new output on mandatory seagoing service for candidates for certification, in accordance with the provisions of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), as amended, of the International Maritime Organization (IMO), with the aim of facilitating their onboard training and of enabling them to obtain their certificate.

MSC 101/21/19 (Brazil, Islamic Republic of Iran, Jamaica, Nigeria, Peru, Russian Federation, Vanuatu and IMSO): proposes a new output for the Sub-Committee on Navigation, Communications and Search and Rescue (NCSR) for a revision of resolution A.1001(25) on Criteria for the provision of mobile satellite communication systems in the Global Maritime Distress and Safety System (GMDSS).

MSC 101/21/20 (China): proposes a new output to introduce a comprehensive approach to improve Domestic Ferry Safety. The approach includes model regulations on safety of ships carrying passengers on non-international voyages (hereinafter referred to as "domestic ferry"), guidelines for incorporation of model regulations into domestic law and capacity-building programme, with a view to cutting fatalities caused by ferry accidents. It is in response to the IMO's mission and echoes UN Sustainable Development Goals (SDGs).

MSC 101/21/21 (United States): proposes a new output to amend SOLAS regulation V/20 on Voyage Data Recorders and resolutions MSC.333(90) on Performance standards for shipborne voyage data recorders (VDRs) and MSC.163(78) on Performance standards for shipborne simplified voyage data recorders (S-VDRs). The aim of this proposal is to expand the requirement for float-free arrangements on all new VDR installations and to capture both sides of a ship's internal phone calls on the bridge.

MSC 101/21/22 (Islamic Republic of Iran): endorses and provides comments on document MSC 101/21/19, regarding a new output for the Sub-Committee on Navigation, Communications and Search and Rescue (NCSR) for a revision of resolution A.1001(25) on Criteria for the provision of mobile satellite communication systems in the Global Maritime Distress and Safety System (GMDSS).

MSC 101/21/23 (China): provides comments on document MSC 101/21/19 and draws the attention of the Committee upon its potential impacts on the BeiDou Message Service System (BDMSS), the current applicant to become an GMDSS satellite service provider. It is proposed that due consideration be given to BDMSS which has completed the system construction and is in the process of assessment in accordance with resolution A.1001(25), so as to avoid unnecessary delay in the assessment of BDMSS.

MSC 101/INF.3 (EU): provides information to the Committee in support of a review into the in-water performance of SOLAS lifejackets.

MSC 101/INF.7 (Norway): contains the results of a study conducted in order to gain more knowledge on the use of PFOS and other fluorinated surfactants in fire-fighting foam in the maritime sector.

MSC 101/INF.9 (Germany): provides further information on electronic inclinometers.

On board training (OBT) (MSC 101/21/1) and seagoing service (MSC 101/21/18) for candidates

EU relevance

Directive 2008/106/EC on the minimum level of training of seafarers, as amended by Directive 2012/35/EU, incorporates the 2010 Manila Amendments to the STCW Convention in Union law and is relevant for these issues.

Background

MSC 100 considered document MSC 100/10/4 by Mexico proposing possible solutions to facilitate access to seagoing service taking into account the requirement for mandatory seagoing service for candidates for certification under the 1978 STCW Convention. The delegations were somewhat divided on this issue. Finally, the Chair concluded that to move forward, further details on the proposed measures were required and it would be best for interested parties to submit a request for a new output. He also reminded the plenary that when the Manila amendments were being drafted the conference adopted Resolution 13 (Accommodation of trainees) urging shipping companies to allow for training of seafarers on board their ships to afford them the opportunity to achieve their full mandatory seagoing service period **DELETED**

Consideration at MSC 101

In document MSC 101/21/1, the Philippines and IAMU propose the establishment of a new output on developing measures to assist Administrations to ensure the quality of OBT of prospective officers prior to issuing them with their first certificates. In this regard the co-sponsors propose two possible approaches: a) develop amendments or unified interpretations to the STCW Conventions; and b) Include the OBT for prospective officers in the Safety Management System as per the ISM Code. Mexico, following up from MSC 100, submitted MSC 101/21/18 proposing a similar output: "Measures for complying with mandatory seagoing service required under the STCW Convention". In fact, also Mexico proposes the analysis of the STCW Convention and Code in order to identify the need for any amendments to ensure that prospective seafarers benefit from the necessary on board training **DELETED**

Lifejackets (MSC 101/21/6-7)

EU relevance

Lifejackets are included in Commission Implementing Regulation (EU) 2018/773 of 15 May 2018 on design, construction and performance requirements and testing standards for marine equipment and repealing Implementing Regulation (EU) 2017/306 . Reference is made in that Implementing Regulation to the LSA Code and to resolution MSC.81(70) in relation to item MED/1.4 as regards lifejackets. This equipment therefore falls in 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.

Consideration at MSC 101

*The EU submission (MSC 101/21/6), and the associated information document (MSC 101/INF.3), proposes the establishment of a new output, for coordination by the SSE Sub-Committee, on "Review of the LSA Code and resolution MSC.81(70) to address the in-water performance of SOLAS lifejackets". This output is considered necessary because evidence shows that the IMO requirements for the design and testing of lifejackets may not provide assurance of the in-water performance of SOLAS lifejackets. The draft submission was examined by the Shipping Working Party at its meetings on 13 and 20 February 2019. At that last meeting, consensus was reached on the substance of the draft submission. **DELETED***

*In MSC 101/21/7, Norway proposes that a new output is established on the provisional agenda for SSE 7 to amend the HSC Codes to harmonize the lifejacket requirements in these Codes with the lifejacket carriage requirements of SOLAS chapter III regarding lifejackets suitable for infants. This proposal aims at ensuring that the safety of infants on high-speed craft in case of an emergency situation is equal to that of infants on other passenger ships. **DELETED***

Free-fall lifeboat release systems test requirements (MSC 101/21/10)

EU relevance

Launching appliances and winches are included in Commission Implementing Regulation (EU) 2018/773 of 15 May 2018 on design, construction and performance requirements and testing standards for marine equipment and repealing Implementing Regulation (EU) 2017/306. Reference is made in that Implementing Regulation to the LSA Code and to resolution MSC.81(70) in relation to items MED/1.21, 1.23, 1.24 and 1.25 as regards as launching appliances. This equipment therefore falls in 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.

Consideration at MSC 101

*MSC 101/21/10 by Marshall Islands et al proposes a new output to develop design and prototype test requirements for the arrangements used in the operational testing of free-fall lifeboat release systems without launching the lifeboat. Given that other testing requirements for free-fall life boats have been agreed (see agenda item 3), it seems logical to progress to this closely related subject (equipment used in the simulated launching of free-fall lifeboats). **DELETED***

Non-ISPS port facilities (MSC 101/21/13)

EU relevance

Regulation (EC) No 725/2004 on enhancing ship and port facility security and Directive 2005/65/EC on enhancing port security 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. The main objective is therefore to implement Union measures aimed at enhancing the security of ships used in international trade and domestic shipping and associated port facilities.

Background

At MSC 99, Iran (MSC 99/4/3) proposed the development of guidelines on non-ISPS vessels and port facilities. The majority of delegations who spoke did not support the proposal because it was noted that the document included some inaccuracies and the issues raised by Iran could be solved through national legislation. Other delegations noted that there was merit in considering some of the issues raised and that the development of guidelines would help Member States in drafting national legislation. The Chair concluded that there was lack of support for the proposal and requested Iran to note comments made if it considered submitting a request for a new output.

Consideration at MSC 101

In view of developments at MSC 99, Iran has now submitted document MSC 101/21/13 proposed the establishment of a new output to develop guidelines which will assist Member States to draft their national law for enhancement of security in non-ISPS ports **DELETED**

Identification of bulk cargoes (MSC 101/21/15)

EU relevance

Article 13 of Directive 2002/59/EC on establishing a vessel traffic management and information system requires that dangerous or polluting goods, including products listed in the International Maritime Solid Bulk Cargoes Code (IMSBC Code), as amended, carried on board a ship, should be reported to the Union maritime information and exchange system (SafeSeaNet). Article 3 of this Directive provides that for the purposes of the Directive the referenced IMO Conventions and Codes should be considered as those in their up-to-date version. Therefore, any changes to the IMSBC Code would affect the dangerous or polluting goods that ships have to report to Member States and subsequently to SafeSeaNet.

In addition, in accordance with Directive 2010/65/EU on reporting formalities the information on dangerous or polluting goods should be transmitted by the ship in electronic format to a single window established by a Member State which would then transmit the same information to the SafeSeaNet system.

It is also important to note that in order to assist Member States and the industry in reporting the correct dangerous or polluting goods information in SafeSeaNet, EMSA developed the Central Hazmat Database (CHD) under the VTMISS Directive. The CHD incorporates the relevant dangerous or polluting goods information identified in the IMO Conventions and Codes (MARPOL Convention, IMSBC Code, IMDG Code, IGC and IBC).

Therefore, in the Commission's view, there is a clear EU interest in this issue.

Background

At CCC 5, Germany (CCC 5/5/2) proposed the introduction of a substance identification number (ID or SBC Number) to identify bulk products. Some delegations argued that the introduction of an ID number would not be the best solution. They contended that introducing an additional number further to the UN number attached to some of the IMSBC products might create confusion since most port systems are based on the IMSBC name. Therefore changing the system now would result in an administrative burden for administrations. Further analysis and information on the possible impacts would be required before this issue could be discussed in further detail. Other delegations maintained that this issue could not be considered under the existing agenda items of the CCC Sub-Committee and therefore a new output was required. On the other hand a number of other delegations supported the proposal as it would assist to more accurately identify the IMSBC products. The Chair concluded that there wasn't clear support for this proposal. Therefore, he invited Germany to note the comments made and consider whether to submit a proposal for a new output at MSC.

Consideration at MSC 101

*Germany is therefore submitting (MSC 101/21/15) proposing that a new output is established for the CCC Sub-Committee to study the best way for establishing a clear identification method for IMSBC Code products. The document notes that this would facilitate identifying the same product in the different languages. **DELETED***

*Monitoring by EMSA of the dangerous goods information contained in SafeSeaNet often finds that product names are misspelled or written incorrectly, especially for similarly worded products. Having a clear identification would make it easier to identify a product, even if written incorrectly. This would also be beneficial during accident response operations, as highlighted also in the Table Top exercises on the EU Operational Guidelines for Places of Refuge, during which readily available and accurate information is crucial to ensure the quickest and most effective response. **DELETED***

Use of perfluorooctane sulfonic acid (PFOS) (MSC 101/21/17)

EU relevance

The Ship Recycling Regulation 1257/2013 implements the Hong Kong Convention closely following its structure, concepts and definitions. However, the Ship Recycling Regulation also sets out a number of additional requirements that go beyond those set in the Hong Kong Convention, including two additional Hazardous Materials (PFOS and HBCDD) in its Annexes. In this regard, new installations which use PFOS and its derivatives shall be prohibited in accordance with Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants, as amended. In addition, PFOS must be identified in the Inventories of Hazardous Materials of ships flying an EU flag in accordance with the Ship Recycling Regulation.

Background

In MEPC 73/18/3, Norway signalled its intention to raise the matter of regulating PFOS in the maritime sector as a possible new output to be approved by MSC and for a possible addition in the International Code for Fire Safety Systems (FSS Code) and/or other relevant instruments under the International Convention for the Safety of Life at Sea (SOLAS). However, it sought the Committee's view on this issue as PFOS was a harmful substance both to human health and to the marine environment.

The Commission would point out that EMSA, to address the technical and operational issues arising from the development of an Inventory of Hazardous Materials in accordance with the Ship Recycling Regulation, developed and published “Best Practice Guidance on the Inventory of Hazardous Materials”: (<http://www.emsa.europa.eu/implementation-tasks/environment/ship-recycling/items.html?cid=150&id=2874>). This guidance addresses also PFOS. In addition, EMSA published in November 2017 a study on the two hazardous substances (PFOS and HBCDD) included in the annexes of Regulation (EU) 1257/2013 on ship recycling: (<http://www.emsa.europa.eu/implementation-tasks/environment/ship-recycling/items.html?cid=150&id=3168>).

*Both EMSA’s documents were referenced in MEPC 73/INF.16 submitted by Norway. **DELETED***

Consideration at MSC 101

As it indicated at MEPC 73, Norway submitted document MSC 101/21/17 proposing a new output to amend SOLAS regulation II-2/10.4.1.3 to include a prohibition against the use of PFOS in new fire-extinguishing systems and during the delivery of foam to existing fire-extinguishing systems.

DELETED

Domestic ferry vessel safety (MSC 101/21/20)

EU relevance

Directive 2009/45/EC as amended sets out rules for passenger ship safety on ships engaged on domestic voyages.

Background

At MSC 100, in MSC 100/19/6, China pointed out the tragic and ongoing loss of life due to domestic ferry accidents, not least in China itself. It proposed a comprehensive series of actions by the IMO to address this continuing problem – study on elements affecting ferry safety; technical guidance in implementing/enforcing rules/regulations; technical cooperation and capacity building; sharing of ferry safety management experience and lessons learned from accidents; seminars. In MSC 100/19/10 the Secretariat presented the extensive and widespread assistance it provided in terms of training and workshops over the years in many parts of the developing world. MSC 100 decided that such an issue could only be discussed in detail if it was subject to a new output with concrete proposals.

Consideration at MSC 101

In MSC 101/21/20, China again reminds the Committee of the numerous domestic ferry accidents that resulted in a high loss of life. It therefore proposes the establishment of a new output for the MSC to introduce a comprehensive approach to improve domestic ferry safety. The output aims to develop two voluntary guidelines, on model regulations on domestic ferry safety and on the incorporation of model regulations into domestic law, as well as a capacity-building programme to facilitate legislative activities on domestic ferry safety.

Given the EU's own experience and response to tragic ferry accidents (mainly international) – Herald of Free Enterprise, Estonia, Samina, Lisco, Norman Atlantic – there is much that can be shared. IMO's remit is primarily for international shipping and the IMO's resources are limited. In such circumstances, it might be more appropriate for the IMO to act as a link between those countries/organisations willing to share their experience and those for whom it might be helpful. .

DELETED

Shipborne Voyage Data Recorders (VDR) - enhancing performance standards and carriage requirements (MSC 101/21/21)

EU relevance

The VTMS Directive 2002/59/EC, Article 10 and MED/4.29 and MED/4.47 in Commission Regulation 2018/773 deal with VDRs, the latter two sections within the Regulation covering VDR and S-VDR carriage and performance requirements respectively.

Background

Following the "El Faro" accident and the subsequent recommendations of the US accident investigation body, the US (MSC 100/17/8) proposed a new output at MSC 100, essentially to require float free arrangements on VDR installations and to record all communications between shipboard control stations and both sides of all communications with the bridge.

A VDR carriage requirement for new and existing ships, except cargo ships of less than 3,000 GT, was introduced into SOLAS with an application date of 1 July 2002 and various phase-in dates for existing ships.

Initially, IMO adopted standards for VDRs (A.861(20)) and simplified VDRs (S-VDR) (MSC.163(78)), the latter being intended for cargo ships constructed before 1 July 2002 with a latest installation date in 2010.

The latest IMO standard for the maritime VDR is annexed to Resolution MSC.333(90), which recommends Governments to ensure that VDRs installed on or after 1 July 2014 conform to performance standards not inferior to those specified in its annex. The update of the standard was undertaken following identification of problem areas by a number of IMO Member States, notably Germany, and was informed by the EU-funded European Maritime Data Management (EMDM) project. The new MSC.333(90) standard has taken advantage of this experience and improving technology to address the principal problems identified with the older VDRs.

The problems noted by the investigation into the "El Faro" were partly considered already in the development of the new standard. Among the changes introduced by MSC.333(90), the final recording medium of a new VDR should consist of three recording media, one of them being installed in a float-free capsule. This float-free capsule should be capable of transmitting an initial locating signal and further locating homing signals for at least 48 hours over a period or not less than seven days/168 hours. Resolution MSC.333(90) also introduced new provisions to improve microphone location and require them to be separated across at least two channels so that extraneous noise on one channel, e.g. due to wind or an alarm, would not render audio on the other channel unintelligible. The new standard did not address the recording of communication on a ship's internal telephone systems.

DELETED

The US explained that the current provisions were recommendatory and the proposal was to make them mandatory. The Chair concluded that the US should take into consideration the comments made and provide more information for a future session of MSC.

Consideration at MSC 101

Following up from MSC 100, the US submitted document MSC 101/21/21 proposing a new output entitled "Enhancements to VDR performance standards and carriage requirements". Under this output, the US proposes consideration of:

.1 amendments to SOLAS regulation V/20 to require that all new VDRs and S-VDRs installations be float-free; and

.2 amendments to the performance standards for all new VDR and S-VDR be amended to include the recording of all communications between control stations and both sides of all communications with the bridge.

1. DELETED

Agenda item 23 – Any other business

Docs: MSC 101/23, MSC 101/23/1-12, MSC 101/INF.4, MSC 101/INF.8, MSC 101/INF.11-12, MSC 101/INF.20

MSC 101/23 (Secretariat): invites the Committee to consider and agree the safety- and security-related thematic priorities for inclusion in the ITCP covering the 2020-2021 biennium.

MSC 101/23/1 (Secretariat): provides information on how to move forward with matters pertaining to domestic ferry safety, taking into account the deliberations which took place during that session under agenda item 19 (Any other business).

MSC 101/23/2 (Secretariat): informs the Committee of the status of the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea (UNCLOS) on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ) which has a direct impact on the work of the Committee concerning navigational issues.

MSC 101/23/3 (Secretariat): This document provides information on the outcome of the inaugural meeting of the International Quality Assessment Review Body (IQARB) in the trial phase, which was held at IMO from 28 February to 1 March 2019.

MSC 101/23/4 (Secretariat): reports on the International Association of Classification Societies' (IACS) Quality System Certification Scheme (QSCS) so far as it concerns the participation agreements between IMO and IACS.

MSC 101/23/5 (Canada and France): highlights various international efforts undertaken to further understand and address adverse underwater noise from commercial shipping. The need for further research on new technical solutions and continued international collaboration is necessary to ensure that the balance between a healthy ocean and its uses is sustainably met. Co-benefits are also highlighted between quieter ships and crew safety.

MSC 101/23/6 (Secretariat): provides information on the Ministerial Conference on Fishing Vessel Safety and Illegal, Unreported and Unregulated (IUU) Fishing, which will be held in Torremolinos (Málaga), Spain, from 21 to 23 October 2019.

MSC 101/23/7/Rev.1 (China): revised the work proposals in document MSC 99/21/4 according to the discussions at MSC 99.

MSC 101/23/8 (China): provides information on quantitative simulation of manoeuvrability trials on the possible situation of JMS Delta casualty and analyses its stability performance.

MSC 101/23/9 (China): analyses the difficulties encountered by volunteer observing ships when installing equipment to carry out meteorological data collection, and makes proposals to promote shipping safety and addresses the impact of marine pollution and climate change on the shipping industry.

MSC 101/23/10 (Ukraine): draws the attention of the Committee to the Russian Federation's unlawful unilateral actions in the northern part of the Black Sea, the Sea of Azov and the Kerch Strait, including the maritime areas adjacent to the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation (hereinafter "Crimea"), and the consequences of such unlawful actions for the safety and security of navigation in these maritime areas.

MSC 101/23/11 ((IALA)): provides an update on the activities undertaken by IALA with respect to the revision of the Guidelines for vessel traffic services (resolution A.857(20)).

MSC 101/23/12(WMO): provides comments on document MSC 101/23/9 and discusses the limitations and adverse impacts of the proposed measures to issue a certificate to the Voluntary Observing Ships (VOS) by flag States and to define the observation area of VOS while embracing and encouraging the proposal to develop more detailed provisions for shipborne meteorological equipment.

MSC 101/INF.4 (Secretariat): informs the Committee of the status of the Global Integrated Shipping Information System (GISIS).

MSC 101/INF.8 (IALA): provides information on the establishment of an IALA World Marine Aids to Navigation Day to be held on the 1st July each year.

MSC 101/INF.11 (Norway): contains information on the temporary suspension of Traffic Separation Scheme off Slettnes and associated recommended routes in November 2018.

MSC 101/INF.12 (Secretariat): informs the Committee of The Nippon Foundation-GEBCO Seabed 2030 project: a collaborative project between The Nippon Foundation, Japan's largest private philanthropic organization, and The General Bathymetric Chart of the Oceans (GEBCO), to oversee the complete mapping of the world's ocean floor by 2030 and to compile all bathymetric data into the freely available GEBCO global grid.

MSC 101/INF.20 (Japan): informs the Committee of the new navigation rule established at the entrance of Tokyo Bay within the internal waters of Japan, based on the Act on Maritime Traffic Safety of Japan.

Domestic ferry vessel safety (MSC 101/23/1)

EU relevance and Background information in respect of this document is the same as that for document MSC 101/21/20 by China proposing a new output to introduce a comprehensive approach to improve Domestic Ferry Safety. In MSC 101/23/1, China is proposing a number of measures to enhance domestic ferry vessel safety. Two of the measures – establishing model regulations and incorporation in national law – are also included in China's proposal (MSC 101/21.20) for a new output. Therefore, it is unclear why China has submitted an additional document. **DELETED**

Trial for an independent assessment of the IACS Quality System Certification Scheme (QSCS) (MSC 101/23/3-4)

EU relevance

Regulation (EU) 391/2009 on common rules and standards for ship inspection and survey organisations covers the aspect of independent assessment of recognised organisations.

Background

MSC 99, having noted developments in the QSCS, agreed to the indefinite continuation of the IMO consultant/observer's participation in the QSCS at no cost to the Organization, subject to any future decision of the Committee, and requested the Secretariat to report on developments to MSC 101.

*In addition, MSC 100 discussed MSC 100/19/8 (Liberia et al) and agreed to start the trial phase of International Quality Assessment Review Body (IQARB) at IMO at no cost to the IMO and that the Secretariat should be involved. The Committee requested the Secretariat to report to MSC 101 on the experience gained. **DELETED***

Consideration at MSC 101

In response to MSC 99 and MSC 100, the Secretariat reports in MSC 101/23/4 on the outcome of the work of the IMO consultant/observer who monitored the performance of the IACS member societies against the requirements of IACS QSCS and their implementation of functions as recognized organizations (ROs). The Secretariat also informs the Committee that it had participated in the first meeting of the IQARB. The IMO consultant/observer has positive comments regarding the conduct of the audits. In addition, the outcome of the first meeting of the trial phase of the International Quality Assessment Review Body (IQARB) is reported in MSC 101/23/3 (Secretariat). This meeting agreed that the trial phase should continue and the next meeting will be held early 2020. As regards the funding of IQARB, IACS offered to fund the trial phase. However, IACS was of the opinion that if IQARB was established on a permanent basis, it would be better to consider a wider funding base in order to ensure the independence and transparency of the process.

*The Committee is only asked to note the information included in these documents and therefore no action is expected. **DELETED***

Underwater vessel noise (MSC 101/23/5)

EU relevance

Commission Decision (EU) 2017/848 of 17 May 2017 laying down criteria and methodological standards on good environmental status of marine waters and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU, includes criteria and methodological standards for underwater noise. This decision takes into consideration the requirements of Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive).

Background

*At various sessions of MEPC, Canada made submissions informing the Committee of the negative effects of underwater noise on marine life and indicating its desire to revisit this issue. **DELETED***

Consideration at MSC 101

*In document MSC 101/23/5 Canada and France inform MSC of the many initiatives that were taken, including the organisation of studies and workshops, as regards the establishment of the effects of underwater vessel noise on the marine life and possible mitigation measures. They also announce that they intend to submit a proposal for a new output to MEPC 75. **DELETED***

Fishing vessel safety (MSC 101/23/6)

EU relevance

Council Decision 2014/195/EU of 17 February 2014 authorises Member States to sign, ratify or accede to the Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977. Council Directive 97/70/EC which lays down safety standards for fishing vessels of 24 metres in length and over while taking is based on the Torremolinos Protocol.

Consideration at MSC 101

In document MSC 101/23/6 the Secretariat informs the Committee of the details of the organisation of Ministerial Conference on Fishing Vessel Safety and Illegal, Unreported and Unregulated (IUU) Fishing, to be held at the Torremolinos (Málaga), Spain, from 21 to 23 October 2019. The main aim of this conference is to encourage countries to ratify the Cape Town Agreement which has not as yet entered into force. The Commission notes that very few EU Member States have ratified the Agreement even though Council Decision 2014/195/EU requires Member States to endeavour to take the necessary steps to ratify the Agreement within a reasonable time and, if possible, no later than two years from the date of entry into force of this Decision (i.e by 2016).

Autonomous republic of Crimea and the City of Sevastopol (MSC 101/23/10)

DELETED

DELETED

Guidelines on Vessel Traffic Services

EU relevance

Article 8 of Directive 2002/59/EC on vessel traffic monitoring and information systems which deals with monitoring the compliance of ships with VTS rules covers that Member State VTS are based on the VTS guidelines developed by the IMO.

Background

*MSC 99 approved the establishment of a new output as proposed by Australia et al. (MSC 99/20/3) on the Revision of resolution A.857(20) on Guidelines for Vessel Traffic Services, to be included on the post biennial agenda of NCSR (starting from NCSR 7). **DELETED***

Consideration at MSC 101

In document MSC 101/23/11, IALA informs the Committee of the steps that it had taken to revise the Guidelines for vessel traffic services (resolution A.857(20)). It also invites interested Member States and international organizations to participate in the IALA seminar on the revision of these Guidelines which will be held in June 2019 at IALA Headquarters. No other action is required from the Committee.

1. **DELETED**
