

MARITIME SAFETY COMMITTEE
103rd session
Agenda item 21

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**REPORT OF THE MARITIME SAFETY COMMITTEE
ON ITS 103RD SESSION**

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1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The 103rd session of the Maritime Safety Committee was held remotely from 5 to 14 May 2021, chaired by Mrs. Mayte Medina (United States). The Vice-Chair of the Committee, Mr. Theofilos Mozas (Greece), was also present.

1.2 The session was attended by Members and Associate Members; representatives from the United Nations programmes, specialized agencies and other entities; observers from intergovernmental organizations with agreements of cooperation; and observers from non-governmental organizations in consultative status, as listed in document MSC 103/INF.1.

Opening address of the Secretary-General

1.3 The Secretary-General welcomed participants and delivered his opening address, the full text of which can be downloaded from the IMO website at the following link:

<https://www.imo.org/en/MediaCentre/SecretaryGeneral/Pages/Secretary-GeneralsSpeechesToMeetings.aspx>

Maritime incidents

1.4 The Committee noted information by the delegation of Malaysia concerning an accident of the offshore jack-up drilling rig **Velesto NAGA 7** on 3 May 2021, which developed a list and subsequently submerged while operating in offshore Sarawak. The delegation also expressed their support for the Secretary-General's call for seafarers to be designated as key workers and to prioritize seafarers in national COVID-19 vaccination programmes. The full text of the statement is set out in annex 16.

Measures taken to facilitate remote sessions

1.5 The Committee recalled that at the joint extraordinary session of all IMO Committees (ALCOM/ES), held in September 2020, the Committees jointly approved *Interim guidance to facilitate remote sessions of the Committees during the COVID-19 pandemic* (MSC-LEG-MEPC-TCC-FAL.1/Circ.1), and had agreed in particular to:

- .1 waive rule 3 of their respective Rules of Procedure, in part, to allow sessions to be held remotely;
- .2 accept, for the purpose of facilitating remote sessions, electronically submitted credentials, with originals to follow; and
- .3 consider Members that had submitted valid credentials, were registered at the Online Meeting Registration System (OMRS) and were listed as participants in the remote session as "present" within rule 28(1) of its Rules of Procedure.

Adoption of the agenda and related matters

1.6 The Committee adopted the agenda (MSC 103/1) and agreed to be guided in its work, in general, by the annotations contained in document MSC 103/1/1 and by the provisional timetable (MSC 103/1/1, annex, as amended).

Credentials

1.7 The Committee noted that the credentials of 110 delegations attending the session were in due and proper form.

2 DECISIONS OF OTHER IMO BODIES

2.1 The Committee postponed consideration of this agenda item to MSC 104.

3 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

GENERAL

3.1 Contracting Governments to the 1974 SOLAS Convention were invited to consider and adopt proposed amendments to:

- .1 SOLAS chapters II-1 and III, in accordance with the provisions of article VIII of the Convention;
- .2 the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code), in accordance with the provisions of article VIII and regulation XI-1/2 of the Convention;
- .3 the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code), in accordance with the provisions of article VIII and regulation VII/11.1 of the Convention;
- .4 the International Code for Fire Safety Systems (FSS Code), in accordance with the provisions of article VIII and regulation II-2/3.22 of the Convention; and
- .5 the International Life-Saving Appliance Code (LSA Code), in accordance with the provisions of article VIII and regulation III/3.10 of the Convention.

3.2 More than one third of the Contracting Governments to the 1974 SOLAS Convention were present during the consideration and adoption of said amendments by the expanded Maritime Safety Committee, in accordance with articles VIII(b)(iii) and VIII(b)(iv) of the Convention. The proposed amendments to the Convention and the Codes mandatory under it have been circulated, in accordance with SOLAS article VIII(b)(i), to all IMO Members and Contracting Governments to the Convention by Circular Letter No.4339 of 13 November 2020.

3.3 In connection with the adoption of the aforementioned amendments, the Committee was also invited to consider and:

- .1 adopt consequential draft amendments to the *Revised recommendation on testing of life-saving appliances* (resolution MSC.81(70)); and
- .2 approve a draft MSC circular on voluntary early implementation of the draft amendments to SOLAS chapter III and the LSA Code.

3.4 Parties to the 1978 STCW Convention were invited to consider and adopt proposed amendments to chapter I of the 1978 STCW Convention and to section A-I/1 of the STCW Code. More than one third of the Parties to the 1978 STCW Convention were present during the consideration and adoption of said amendments by the expanded Maritime Safety

Committee, in accordance with the provisions of article XII(1)(a)(iv) and regulation I/1.2.3 of the Convention. The proposed amendments to the 1978 STCW Convention and the STCW Code had been circulated in accordance with article XII(1)(a)(i) of the Convention to all IMO Member States and Parties to the Convention by Circular Letter No.4340 of 13 November 2020.

3.5 Parties to the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (1988 Load Lines Protocol) were invited to consider and adopt proposed amendments to chapters II and III of annex I of annex B to the 1988 Load Lines Protocol. Parties constituting more than one third of the total of Parties to the Protocol were present during the consideration of said amendments by the expanded Maritime Safety Committee, in accordance with the provisions of paragraphs 2(c) and 2(d) of article VI of the 1988 Load Lines Protocol. The proposed amendments had been circulated, in accordance with paragraph 2(a) of article VI of the Protocol, to all IMO Member States and Parties to the Protocol by Circular Letter No.4341 of 13 November 2020.

PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION

3.6 The Committee recalled that MSC 102 had approved draft amendments to chapters II-1 and III of the annex to the 1974 SOLAS Convention, concerning:

- .1 new regulation II-1/25-1 on water level detectors on multiple hold cargo ships other than bulk carriers and tankers (MSC 102/24, paragraph 17.23); and
- .2 regulation III/33.2 on survival craft embarkation and launching arrangements (MSC 102/24, paragraph 19.20.1).

3.7 In this regard, the Committee considered document MSC 103/3/3 (Belgium et al.), commenting on the draft new SOLAS regulation II-1/25-1 with respect to the differences between water level detectors and bilge level alarm sensors located in the cargo hold.

3.8 Having agreed to the modifications proposed in document MSC 103/3/3, the Committee confirmed the proposed amendments to chapters II-1 and III of the annex to the 1974 SOLAS Convention, as modified, as set out in annex 1 to document MSC 103/WP.5, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.9 The Committee agreed that the draft amendments to chapters II-1 and III of the annex to the 1974 SOLAS Convention proposed for adoption at this session should be deemed to have been accepted on 1 July 2023 and enter into force on 1 January 2024, in accordance with articles VIII(b)(vi)(2)(aa) and VIII(b)(vii)(1) of the Convention and the *Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1481).

Proposal to revise the Performance standards for water level detectors on bulk carriers and single hold cargo ships other than bulk carriers (resolution MSC.188(79))

3.10 The Committee considered document MSC 103/3/4 (Belgium et al.), proposing to revise the *Performance standards for water level detectors on bulk carriers and single hold cargo ships other than bulk carriers* (resolution MSC.188(79)) as a consequential amendment following the adoption of draft new SOLAS regulation II-1/25-1 (see paragraph 3.40).

3.11 Having noted the offer of the observer from IACS to prepare a draft revision of the Performance Standards, the Committee agreed to:

- .1 extend the scope of the output and change its title to "*Revision of the Performance standards for water level detectors on bulk carriers and single hold cargo ships other than bulk carriers (resolution MSC.188(79))*";
- .2 instruct the SDC Sub-Committee to review the Performance Standards to include provisions for detectors for multiple hold cargo ships and to consider the equivalency between bilge alarms and water level detectors; and
- .3 extend the target completion year for the output to 2022.

Errata and corrigenda for the 2020 Consolidated SOLAS Edition

3.12 The Committee noted that [errata and corrigenda](#) for the 2020 Consolidated SOLAS Edition had been published in March 2021 and could be downloaded free of charge from IMO's public website under the "[Supplements](#)" section.

PROPOSED AMENDMENTS TO THE 2011 ESP, IGC, FSS AND LSA CODES, MANDATORY UNDER THE 1974 SOLAS CONVENTION

Draft amendments to the 2011 ESP Code

3.13 The Committee recalled that MSC 102 had approved draft amendments to annex 2 (Minimum requirements for thickness measurements at renewal surveys of double-hull oil tankers) of part A of annex B to the 2011 ESP Code, concerning minimum requirements for thickness measurements at renewal surveys of double-hull oil tankers (MSC 102/24, paragraph 17.24).

3.14 Having noted that no comments had been submitted, the Committee confirmed the proposed amendments to the 2011 ESP Code, as set out in annex 2 to document MSC 103/WP.5, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.15 The Committee agreed that the draft amendments to the 2011 ESP Code proposed for adoption at this session should be deemed to have been accepted on 1 July 2022 and enter into force on 1 January 2023, in accordance with the procedure for undertaking regular updates of the Code (DE 57/25, paragraph 24.5) agreed by MSC 92.

Draft amendments to the IGC Code

3.16 The Committee recalled that:

- .1 MSC 101 had agreed on a new output to review the mandatory requirements in SOLAS, MARPOL, the 1988 Load Lines Protocol and the IBC and IGC Codes regarding watertight doors on cargo ships, to address inconsistencies and that the amendments to be developed should apply to new ships (MSC 101/24, paragraph 21.26);
- .2 SDC 7 prepared the draft amendments for submission to MSC 102 and MEPC 76, as appropriate, for approval, with a view to adoption and entry into force on 1 January 2024 for new ships only, with the expectation that the

amendments would have no impact on existing ships and, therefore, the Committees could consider applying the amendments to all ships on the date of entry into force (SDC 7/16, paragraphs 12.11 and 12.13); and

- .3 MSC 102 had approved the draft amendments to chapter 2 (Ship survival capability and location of cargo tanks) of the IGC Code concerning watertight doors on cargo ships with no modification (MSC 102/24, paragraph 17.28).

3.17 In this regard the Committee considered document MSC 103/3/5 (Australia et al.), proposing modifications to the draft amendments to the IGC Code, together with the same modifications to MARPOL, the 1988 Load Lines Protocol and the IBC Code amendments to extend the requirement for quick acting or single-action type arrangement to hinged watertight doors that were kept "permanently closed" at sea.

3.18 In the ensuing discussion, the Committee noted the following comments:

- .1 the proposed modifications were minor changes that would address the inconsistency between the requirements for those hinged watertight doors that were kept permanently and normally closed at sea, as well as contribute to the watertightness of access doors, thereby improving safety;
- .2 the proposed modifications would add new requirements which did not exist before and would therefore bring inconsistency, and they were beyond the scope of the agreed output;
- .3 SOLAS did not specify the use of hinged doors in detail and the proposal would not create inconsistency; and the necessity of having an application provision should be reconsidered at the next session;
- .4 although the proposed modifications seemed editorial, their effect could be significant and have operational safety implications, and would mean that manually operated doors on new ships would be considered flooding points, thereby effectively phasing this type of door out of use;
- .5 the proposed modifications could lead to ambiguity, which could be overlooked by ship designers and necessitate structural changes at a later stage; and
- .6 the SDC Sub-Committee should be tasked with considering existing guidance and interpretations on this matter, if the proposal was agreed.

3.19 Taking into account that the majority of those that spoke were not in favour of the modifications proposed in document MSC 103/3/5 and that the application provision in the draft amendments to the IGC Code warranted further discussion, the Committee:

- .1 did not agree with the modifications proposed in document MSC 103/3/5, noting that they would also apply to the draft amendments to the 1988 Load Lines Protocol (see paragraph 3.33);
- .2 deferred the consideration of the necessity for an application provision and the adoption of the proposed amendments to the 1988 Load Lines Protocol and the IGC Code to MSC 104, and invited relevant submissions; and

- .3 agreed to inform MEPC 76 of the outcome of the discussion, for further consideration of associated amendments to MARPOL and the IBC Code.

Draft amendments to the FSS Code

3.20 The Committee recalled that MSC 102 had approved draft amendments to chapter 9 (Fixed fire detection and fire alarm systems) of the FSS Code, concerning fault isolation requirements for cargo and passenger ship cabin balconies fitted with individually identifiable fire detector systems (MSC 102/24, paragraph 19.8).

3.21 Having noted that no comments had been submitted, the Committee confirmed the contents of the proposed amendments to the FSS Code, as set out in annex 4 to document MSC 103/WP.5, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.22 The Committee agreed that the draft amendments to the FSS Code proposed for adoption at this session should be deemed to have been accepted on 1 July 2023 and enter into force on 1 January 2024, in accordance with articles VIII(b)(vi)(2)(aa) and VIII(b)(vii)(1) of the Convention and the *Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1481).

Draft amendments to the LSA Code

3.23 The Committee recalled that MSC 102 had approved draft amendments to chapter IV (Survival craft) of the LSA Code concerning the exclusion of free-fall lifeboats from the requirement of being capable of being launched and towed when the ship was making headway at a speed of up to 5 knots in calm water (MSC 102/24, paragraph 19.20).

3.24 Having noted that no comments had been submitted, the Committee confirmed the contents of the proposed amendments to the LSA Code, as set out in annex 5 to document MSC 103/WP.5, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.25 The Committee agreed that the draft amendments to the LSA Code proposed for adoption at this session should be deemed to have been accepted on 1 July 2023 and enter into force on 1 January 2024, in accordance with articles VIII(b)(vi)(2)(aa) and VIII(b)(vii)(1) of the Convention and the *Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1481).

PROPOSED AMENDMENTS TO THE 1978 STCW CONVENTION AND THE STCW CODE

Draft amendments to the 1978 STCW Convention

3.26 The Committee recalled that MSC 102 had approved draft amendments to chapter I (General provisions) of the 1978 STCW Convention, concerning the inclusion of a new definition of the term "high-voltage" (MSC 102/24, paragraph 13.9).

3.27 Having noted that no comments had been submitted, the Committee confirmed the contents of the proposed amendments to the 1978 STCW Convention, as set out in annex 6 to document MSC 103/WP.5, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.28 The Committee agreed that the draft amendments to the 1978 STCW Convention proposed for adoption at this session should be deemed to have been accepted on 1 July 2022 and enter into force on 1 January 2023 in accordance with articles XII(1)(a)(vii)(2), XII(1)(a)(ix) and regulation I/1.2.3 of the Convention.

Draft amendments to the STCW Code

3.29 The Committee recalled that MSC 102 had approved draft amendments to section A-I/1 of the STCW Code, concerning an amendment to the definition of "operational level" to include the capacity "electro-technical officer" as a consequential amendment to the introduction of this capacity as part of the 2010 Manila Amendments (MSC 102/24, paragraph 13.10).

3.30 Having noted that no comments had been submitted, the Committee confirmed the contents of the proposed amendments to the STCW Code, as set out in annex 7 to document MSC 103/WP.5, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.31 The Committee agreed that the draft amendments to the STCW Code proposed for adoption at this session should be deemed to have been accepted on 1 July 2022 and enter into force on 1 January 2023.

PROPOSED AMENDMENTS TO THE 1988 LOAD LINES PROTOCOL

3.32 The Committee recalled that MSC 102 had approved a minor correction to regulation 22(1)(g) (SDC 7/16, annex 15) and draft amendments to regulation 27(13(a) of annex I (Regulations for determining load lines) of annex B to the 1988 Load Lines Protocol, the latter concerning inconsistencies regarding watertight doors on cargo ships (MSC 102/24, paragraph 17.28).

3.33 In this regard, the Committee considered proposed modifications to the above-mentioned draft amendments to the 1988 Load Lines Protocol, contained in document MSC 103/3/5 (Australia et al.). Having recalled its earlier decision concerning proposed identical modifications to the IGC Code which warranted further discussion on the application provisions (see paragraph 3.19), the Committee deferred the adoption of a minor correction to regulation 22(1)(g) and draft amendments to regulation 27(13(a) of annex I of annex B to the 1988 Load Lines Protocol to MSC 104 and invited relevant submissions; and agreed to inform MEPC 76 accordingly.

RELATED NON-MANDATORY INSTRUMENTS**Draft amendments to the Revised recommendation on testing of LSA**

3.34 The Committee recalled that MSC 102 had approved, in principle, draft consequential amendments to the *Revised recommendation on testing of life-saving appliances* (resolution MSC.81(70)), emanating from the draft amendments to SOLAS chapter III and the LSA Code (MSC 102/24, paragraph 19.21), with a view to adoption in conjunction with the adoption of the draft amendments to SOLAS regulation III/33 and chapter IV of the LSA Code (see paragraphs 3.40 and 3.44).

3.35 Having noted that no comments on the draft amendments to the Revised recommendation had been submitted, the Committee confirmed its contents, as set out in annex 9 to document MSC 103/WP.5, subject to editorial improvements, if any.

Draft MSC circular on voluntary early implementation of the draft amendments to SOLAS chapter III and the LSA Code

3.36 The Committee recalled that SSE 7 had invited it to approve a draft MSC circular on voluntary early implementation of the draft amendments to SOLAS chapter III and the LSA Code, in conjunction with the adoption of the draft amendments to SOLAS regulation III/33.2 and paragraph 4.4.1.3.2 of the LSA Code regarding testing requirements of free-fall lifeboats (SSE 7/21, paragraph 15.7).

3.37 Having noted that no comments had been submitted on the draft MSC circular, the Committee confirmed its contents, as set out in annex 10 to document MSC 103/WP.5, subject to editorial improvements, if any.

ESTABLISHMENT OF THE DRAFTING GROUP

3.38 Having considered the above matters, the Committee established the Drafting Group on Amendments to Mandatory Instruments and instructed it, taking into account comments made and decisions taken in plenary, to prepare, for consideration by the Committee with a view to adoption and/or approval, as appropriate, the final text of the:

- .1 draft amendments to chapters II-1 and III of the 1974 SOLAS Convention, including the associated MSC resolution;
- .2 draft amendments to annex 2 of part A of annex B to the 2011 ESP Code, including the associated MSC resolution;
- .3 draft amendments to chapter 9 of the FSS Code, including the associated MSC resolution;
- .4 draft amendments to chapter IV of the LSA Code, including the associated MSC resolution;
- .5 draft amendments to chapter I of the 1978 STCW Convention, including the associated MSC resolution;
- .6 draft amendments to part A chapter I of the STCW Code, including the associated MSC resolution;
- .7 draft amendments to the *Revised recommendation on testing of life-saving appliances* (resolution MSC.81(70)), including the associated MSC resolution; and
- .8 draft MSC circular on voluntary early implementation of the draft amendments to SOLAS chapter III and the LSA Code.

REPORT OF THE DRAFTING GROUP

3.39 Having considered the report of the Drafting Group (MSC 103/WP.7), the Committee approved it in general and took action as outlined below.

Adoption of amendments to the 1974 SOLAS Convention and related mandatory codes***Amendments to chapters II-1 and III of the annex to the 1974 SOLAS Convention***

3.40 The expanded Committee, including delegations of 109 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to chapters II-1 and III of the annex to the Convention, prepared by the Drafting Group (MSC 103/WP.7, annex 1), and adopted them unanimously by resolution MSC.482(103), as set out in annex 1.

3.41 In adopting resolution MSC.482(103), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(aa) of the 1974 SOLAS Convention, that the adopted amendments to the Convention should be deemed to have been accepted on 1 July 2023 (unless, prior to that date, objections were communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and enter into force on 1 January 2024, in accordance with article VIII(b)(vii)(2) and the *Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1481).

Amendments to the 2011 ESP Code

3.42 The expanded Committee, including delegations of 109 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to annex 2 of part A of annex B to the 2011 ESP Code, prepared by the Drafting Group (MSC 103/WP.7, annex 2), and adopted them unanimously by resolution MSC.483(103), as set out in annex 2.

3.43 In adopting resolution MSC.483(103), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the 2011 ESP Code should be deemed to have been accepted on 1 July 2022 (unless, prior to that date, objections were communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and enter into force on 1 January 2023.

Amendments to the FSS and LSA Codes

3.44 The expanded Committee, including delegations of 109 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to:

- .1 chapter 9 of the FSS Code (MSC 103/WP.7, annex 3); and
- .2 chapter IV of the LSA Code (MSC 103/WP.7, annex 4),

prepared by the Drafting Group, and adopted them unanimously by resolutions MSC.484(103) and MSC.485(103), respectively, as set out in annexes 3 and 4, respectively.

3.45 In adopting the above resolutions, the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(aa) of the 1974 SOLAS Convention, that the adopted amendments to the FSS and LSA Codes should be deemed to have been accepted on 1 July 2023 (unless, prior to that date, objections were communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and enter into force on 1 January 2024, in accordance with the provisions of SOLAS article VIII.

Adoption of amendments to the 1978 STCW Convention and the STCW Code

Adoption of amendments to the 1978 STCW Convention

3.46 The expanded Committee, including delegations of 108 Parties to the 1978 STCW Convention, considered the final text of the proposed amendments to chapter 1 of the 1978 STCW Convention, prepared by the Drafting Group (MSC 103/WP.7, annex 5), and adopted them unanimously by resolution MSC.486(103), as set out in annex 5.

3.47 In adopting resolution MSC.486(103), the expanded Committee determined, in accordance with article XII(1)(a)(vii)(2) of the 1978 STCW Convention, that the adopted amendments to the 1978 STCW Convention should be deemed to have been accepted on 1 July 2022 (unless, prior to that date, objections were communicated to the Secretary-General, as provided for in article XII(1)(a)(ix) of the Convention) and enter into force on 1 January 2023, in accordance with the provisions of article XII of the Convention.

Adoption of amendments to the STCW Code

3.48 The expanded Committee, including delegations of 108 Parties to the 1978 STCW Convention, considered the final text of the proposed amendments to part A, chapter I, of the STCW Code, prepared by the Drafting Group (MSC 103/WP.7, annex 6), and adopted them unanimously by resolution MSC.487(103), as set out in annex 6.

3.49 In adopting resolution MSC.487(103), the expanded Committee determined, in accordance with article XII(1)(a)(vii)(2) of the 1978 STCW Convention, that the adopted amendments to the STCW Code should be deemed to have been accepted on 1 July 2022 (unless, prior to that date, objections were communicated to the Secretary-General, as provided for in article XII(1)(a)(ix) of the Convention) and enter into force on 1 January 2023, in accordance with the provisions of article XII of the Convention.

Adoption of amendments to, and approval of new, non-mandatory instruments

3.50 The Committee considered the final text of amendments to a non-mandatory instrument, and of a new instrument, as prepared by the Drafting Group (MSC 103/WP.7, annexes 7 and 8, respectively), and:

- .1 adopted resolution MSC.488(103) on *Amendments to the Revised recommendation on testing of life-saving appliances (resolution MSC.81(70))*, as set out in annex 7; and
- .2 approved MSC.8/Circ.2 on *Voluntary early implementation of the draft amendments to SOLAS chapter III and the LSA Code*.

Authorization of the Secretariat

3.51 The Committee authorized the Secretariat, when preparing the authentic texts of the amendments adopted at this session, to make any editorial corrections that might be identified, including updating references to renumbered paragraphs, and to bring to the attention of the Committee any errors or omissions.

3.52 The Committee further requested the Secretariat to ensure that the final text of the amendments contained in the annexes to the report was presented as clean text (i.e. not showing tracked changes).

4 CAPACITY-BUILDING FOR THE IMPLEMENTATION OF NEW MEASURES

4.1 The Committee postponed consideration of this agenda item to MSC 104.

5 REGULATORY SCOPING EXERCISE FOR THE USE OF MARITIME AUTONOMOUS SURFACE SHIPS (MASS)

5.1 The Committee recalled that MSC 102 had deferred consideration of this agenda item to MSC 103 (MSC 102/24, paragraphs 1.13 and 5.1) and that, as a result, all documents submitted on this matter to MSC 102 would also be considered at this session.

5.2 The Committee also recalled that MSC 100 had approved the framework for the regulatory scoping exercise (RSE) for the use of MASS, including the plan of work and procedures (MSC 100/20, paragraphs 5.28 and 5.29 and annex 2) and noted that, in accordance with this plan, the RSE should have been completed at MSC 102 in May 2020 but that owing to the COVID-19 pandemic the work was delayed and thus should be completed at this session.

5.3 In order to meet the above objective of finalizing the RSE so as to subsequently enable Member States to submit proposals for substantial work on MASS, the Committee further recalled its earlier decision to limit the objective of the RSE to assess the degree to which the existing regulatory framework might be affected in order to address MASS operations and to identify items for further discussion in the future; and that, therefore, the objective was not to discuss or decide on recommendations.

Progress of the RSE

5.4 With respect to the progress made on the RSE, the Committee noted document MSC 102/5 (Secretariat) reporting on developments and containing the agreed timeline for finalizing the RSE.

Report of the Intersessional Working Group on MASS

5.5 The Committee considered the report of the Intersessional Working Group (MSC 102/5/1), held from 2 to 5 September 2019 and chaired by Mr. Henrik Tunfors (Sweden), approved it in general and took action as outlined below.

5.6 The Committee noted the Group's consideration of the results of the first step of the RSE and that the Group had commenced the second step for all instruments considered, as well as the consideration of matters to be used as guidance for the second step and beyond.

5.7 The Committee also noted the consideration of the expected outcome of the RSE, which had provided guidance on the required format and content of the necessary input to MSC 102. It was further noted that the Group had agreed that the outcome of the RSE, to be finally agreed by the Committee, should contain:

- .1 a background section, inter alia including the process followed during the RSE;
- .2 information for all degrees of autonomy for every instrument under the purview of the Committee expected to be affected by MASS operations;
- .3 the most appropriate way(s) of addressing MASS operations in those instruments, as appropriate;

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- .4 identification of themes and/or potential gaps that required addressing;
 - .5 identification of possible links between instruments;
 - .6 identification of priorities for further work, including terminology and the order in which instruments could be addressed taking into account common themes and potential gaps; and
 - .7 references to the material produced before and during the RSE, in particular IMO documents.

5.8 In this connection, the Committee:

- .1 noted the format of the report on the outcome of the second step to MSC 102 and that the volunteering Member States had reported in line with the agreed format;
- .2 endorsed, with respect to any work on MASS to be undertaken in the future, the Group's agreement on the need for justification in relation to any future proposals for changes to the regulatory framework; and
- .3 endorsed the Group's view on the need to establish a MASS Working Group at MSC 102 (now, owing to the pandemic, MSC 103, see paragraph 5.1), considering the work remaining to finalize the RSE.

Results of the second step of the RSE

5.9 The Committee referred the reports provided by volunteering Member States, containing the results of the second step of the RSE, directly to the MASS Working Group, without consideration in plenary, i.e. documents MSC 102/5/3 (Marshall Islands), MSC 102/5/4 (Belgium et al.), MSC 102/5/5 (India), MSC 102/5/6 (France), MSC 102/5/8 (Liberia), MSC 102/5/9 (China), MSC 102/5/10, MSC 102/5/11 and MSC 102/5/12 (Finland), MSC 102/5/13 (France, Spain), MSC 102/5/15 (Turkey), MSC 102/5/17 (United States), MSC 102/5/19 to MSC 102/5/24 (Japan), MSC 102/5/25 (Norway), MSC 102/5/26 (Japan) and MSC 103/5/4 (Japan) (for the part commenting on Step 2 only).

Common potential gaps and/or themes

5.10 With respect to the common potential gaps and/or themes identified during the RSE, the Committee considered the following documents:

- .1 MSC 102/5/7 (Germany), proposing to develop a common and goal-based understanding on the main issues, and providing a list of common potential gaps and/or themes identified during the first step of the RSE;
- .2 MSC 102/5/30 (Republic of Korea), commenting on documents MSC 102/5/1, MSC 102/5/2 and MSC 102/5/7;
- .3 MSC 103/5/1 (Republic of Korea), commenting on several documents regarding issues identified as common potential gaps and themes during Step 1 of the RSE;
- .4 the relevant part of document MSC 103/5 (IACS), supporting the proposal in document MSC 102/5/7; and

- .5 MSC 103/5/2 (Islamic Republic of Iran), commenting on documents MSC 102/5/7 and MSC103/5 and providing suggestions to facilitate the finalization of the RSE and prioritize future work.

5.11 The Committee noted the information provided in the aforementioned documents and agreed to refer them to the MASS Working Group:

- .1 MSC 102/5/7, instructing it to take the list into account when considering the identification of themes and/or potential gaps that required addressing;
- .2 MSC 102/5/30, MSC 103/5, MSC 103/5/1 and MSC 103/5/2, instructing it to take the information into account when considering the identification of themes and/or potential gaps that required addressing; and
- .3 MSC 103/5/2 and the relevant part of MSC 103/5, instructing it to take the information into account when considering, in particular, the priorities for further work.

5.12 The Committee considered document MSC 102/5/2 (IFSMA), commenting on document MSC 102/5/1 and highlighting the identified common potential gap with respect to the role of the master; and proposing recommendations for the Organization's future work on MASS (see also paragraphs 5.31 to 5.36). After consideration, the Committee agreed to consider the suggested next steps in paragraph 27 of the document at a time when it was agreed to undertake work on this particular topic and, consequently, to keep the document in abeyance for future consideration, as appropriate.

5.13 The Committee noted the information in document MSC 102/5/16 (CMI) containing a summary of the analysis by CMI's International Working Group on MASS on instruments under the purview of the Committee and identifying horizontal issues which cut across various instruments. Acknowledging the relevance of the work carried out by CMI, the Committee agreed to keep the document in abeyance for future consideration, as appropriate, and invited CMI to provide additional information when it became available.

Priorities for further work

5.14 With respect to identifying priorities for the further work on MASS, the Committee considered the following documents submitted by Japan:

- .1 MSC 102/5/27, proposing elements to be considered regarding the prioritization of further work and proposals on the way forward after the RSE; and
- .2 MSC 103/5/4, commenting on documents MSC 102/5/9, MSC 102/5/11, MSC 102/5/15 and MSC 102/5/27, in particular on the outcome of the second step with respect to SOLAS chapters IV, V and XI-2 (see also paragraph 5.9).

5.15 During the ensuing discussion, the following views were expressed:

- .1 a stepped approach to proceed with the discussion on MASS was supported as MASS operations were implemented in stages, following developments of technology as well as through gaining social acceptance;
- .2 the concept of a gradual, or stepped, approach was supported to cover the degrees of autonomy as they materialized; and to provide for the development of IMO instruments on an actual needs basis, and not on the basis of potential needs;

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- .3 the stepped approach proposed in document MSC 102/5/27 was not supported as different paths were pursued instead of a global approach to cover all inherent issues of MASS operations; and
 - .4 the next step in the development of a MASS regulatory framework should be the development of guidelines to accelerate the IMO regulatory framework for MASS and to gain experience, in particular, for degree of autonomy ONE.

5.16 After discussion, the Committee agreed to refer documents MSC 102/5/27 and MSC 103/5/4 to the MASS Working Group instructing it to take the information in both documents into account and the comments from plenary, when considering identification of priorities for further work.

5.17 The Committee further considered the relevant parts of document MSC 103/5 (IACS) commenting on issues such as "common potential gaps", "appropriate ways" and "degrees of autonomy", as addressed in documents MSC 102/5/1, MSC 102/5/7, MSC 102/5/27 and MSC 102/5/32, and also on the MASS terminology developed by ISO (MSC 102/5/18), and referred the document to the MASS Working Group for further consideration, instructing it to take the information into account when considering, in particular, the priorities for further work.

5.18 The Committee also considered the following documents submitted by China:

- .1 MSC 102/5/32, commenting on document MSC 102/5/1 and proposing five policy issues to be considered as priorities to be included in the outcome of the RSE; and
- .2 MSC 103/5/6, providing recommendations for work arrangements after the RSE and the tasks that needed to be completed for the use of MASS, as well as the political and technical issues to be overcome for the use of MASS in future,

and agreed to refer them to the MASS Working Group for further consideration, instructing it to take the information into account when considering the identification of priorities for further work.

5.19 The Committee considered document MSC 103/5/11 (Russian Federation), proposing a phased MASS development with several strategic prospects, together with document MSC 103/5/12 (Russian Federation) presenting the methodological principle of "complete functional equivalence" presuming the full performance of all operational functions regardless of control methods, including through the use of automatic and remote control; and referred both documents to the MASS Working Group for further consideration instructing it to take the information into account when considering identification of priorities for further work.

Development of internationally agreed terminology

5.20 With respect to the development of internationally agreed terminology for MASS, the Committee considered the following documents:

- .1 MSC 102/5/18 (ISO), reporting on the ongoing work undertaken by ISO TC8 to develop internationally agreed terminology for MASS;
- .2 MSC 103/5/3 (ISO), providing an update of the work of ISO TC8 on MASS terminology since MSC 102;

- .3 MSC 102/5/31 (Republic of Korea), commenting on the ISO standardization work on terminology for MASS (MSC 102/5/18) and proposing that ISO's terminology should be based on the final results of the RSE;
- .4 the relevant part of document MSC 103/5 (IACS), stating that the ISO standard did not provide clear definitions for "automatic" and "autonomous", and that the proposed acronym "RCC" was already in use and therefore not supported; and
- .5 MSC 103/5/2 (Islamic Republic of Iran), commenting on documents MSC 102/5/18, MSC 102/5/7 and MSC 103/5 and, in supporting IACS views in document MSC 103/5, not supporting the terminology proposed by ISO.

5.21 The observer from ISO, referring to documents MSC 102/5/18 and MSC 103/5/3, informed the Committee that the term "RCC" had been removed and that the ISO definition of "autonomy" was in line with the definition used in the RSE, albeit differently worded. In addition, the observer invited Member States and international organizations to submit proposals to ISO for the improvement of the MASS terminology, with the aim of submitting an updated version to a future session, a process which would be supported by the planned international ballot on the issue.

5.22 After consideration, the Committee:

- .1 invited ISO to take the Committee's discussion into account when continuing their work on MASS terminology, in particular the issues raised in documents MSC 102/5/31, MSC 103/5 and MSC 103/5/2, and to keep the Committee abreast of future developments;
- .2 agreed that the development of a harmonized and well-defined terminology was essential, especially as the progress on MASS would be considered by various organizations and the industry, as well as by other IMO organs, such as the LEG and FAL Committees; and
- .3 referred document MSC 103/5/3 to the MASS Working Group for further consideration.

Future work

5.23 The Committee noted the information provided in document MSC 103/5/10 (Russian Federation) on test results and suggestions on design, installation and use of remote-control stations in real operational conditions, based on accumulated practical experience. The Committee agreed to keep the document in abeyance for future consideration, as appropriate, when it was agreed to undertake work on related matters.

5.24 With respect to the development of national legislation for conducting trials and subsequent operations of MASS, the Committee considered the following documents submitted by the Russian Federation:

- .1 MSC 102/5/14, informing on work carried out regarding the development of national legislation for conducting trials and subsequent operations of MASS;
- .2 MSC 103/5/7, informing on the progress made in the preparation of draft law for autonomous ships and highlighting matters for further discussion in developing MASS-related legislation, on which initial information was provided in document MSC 102/5/14; and

- .3 MSC 103/5/8, providing an update on the development of national legislation for conducting trials, on which initial information was provided in document MSC 102/5/14.

5.25 Several delegations agreed with the proposals contained in document MSC 103/5/7, in particular on the need to consider the issue of civil liability for MASS operations.

5.26 After discussion, the Committee concurred that the matters addressed in the above documents should be further considered and, in the case of civil liability, would need to be considered by the Legal Committee. Noting that such work could only be undertaken when those particular topics were part of the work programme, the Committee agreed to keep all three documents in abeyance for future consideration, as appropriate.

5.27 The Committee considered document MSC 103/5/5 (China), proposing to conduct a comprehensive review of COLREG 1972, based on document MSC 102/5/3, and to identify all issues that affected operations of MASS and/or conventionally steered ships; and agreed to keep the document in abeyance until consideration of the matter in the future, when it had been agreed to undertake work on this particular topic.

5.28 In noting the information provided in document MSC 102/5/28 (IMSO), proposing to develop a new instrument to cover the regulation and operation of MASS communications, the Committee agreed to keep the document in abeyance for future consideration when it had been agreed to undertake work on those particular topics, as appropriate.

Coordination of work between the Maritime Safety, Legal and Facilitation Committees

5.29 With respect to the joint consideration of MASS by the Maritime Safety, Legal and Facilitation Committees, the Committee considered the following documents:

- .1 MSC 102/5/2 (IFSM), proposing that main potential gaps and themes for the conventions under the purview of different committees should be considered jointly by the Committees; and
- .2 MSC 102/5/30 (Republic of Korea), suggesting establishing a joint LEG/MSC/FAL Working Group to consider the common potential gaps and themes.

5.30 In this regard, the Committee recalled that it had already recognized that future work with respect to main issues and common potential gaps and/or themes should be coordinated between the Committees and that such coordination could be realized by establishing a joint working group or through other means, for instance through active liaising between the Committees on the common issues.

5.31 The Committee noted the view of some delegations that the work on MASS could be progressed faster by establishing a joint MSC/LEG/FAL Working Group, given that there was an urgent need to keep pace with fast-changing industry and technology developments. Other delegations highlighted the need to keep in mind the legal implications in light of the Law of the Sea as reflected in UNCLOS.

5.32 While there was wide support for establishing a joint MSC/LEG/FAL working group to coordinate MASS-related regulatory work, the Committee agreed that it would be premature to do so at this point in time, recognizing that the Committees had not yet completed the regulatory scoping exercise for instruments under their purview, and that any future work on MASS undertaken by a joint working group would require identifying common potential gaps and/or themes as well as priorities for future work from all Committees. In this connection, the Committee recalled that establishing a joint working group would require a new output, agreed and approved by all three Committees.

5.33 After discussion, the Committee agreed to take a decision on establishing a joint working group after the RSE had been finalized, as the prerequisite for identifying further work for consideration by such a joint group; and to proceed, in the meantime, by actively liaising between the Committees on the common issues with the aim of aligning any future work.

Immediate further work on MASS

5.34 Having noted the industry's fast advancement with respect to developing MASS technology and conducting trials, some delegations supported the inclusion of a standing agenda item on MASS in the Committee's agenda and the establishment of an intersessional working group to ensure a timely regulatory response to emerging MASS operations.

5.35 In this regard, the Committee noted views that certain high-priority items, among others the consideration of the "role of the master" and the review of terminology, should be considered and decided on before regulatory work on any instrument could commence; and also views on the need for a road map, detailing priorities for further work.

5.36 In considering the proposal for a standing agenda item on MASS, the Committee concluded that a focused approach was needed to progress the work on MASS and that a standing agenda item would not be an efficient way to address the complexity of MASS regulatory development, taking into account that the Committee had endorsed the intersessional working group's conclusion of the need for justification in relation to any future proposals for changes to the regulatory framework (see paragraph 5.8.2).

5.37 While there was consensus on the eventual establishment of an intersessional MASS working group and on developing corresponding terms of reference to facilitate immediate commencement of future work based on the RSE-identified common potential gaps and/or themes and priorities for further work, the Committee noted that the current output was limited to completing the regulatory scoping exercise for MASS and that any further work by the Committee would require a new output proposal.

5.38 In light of the above and bearing in mind that the MASS Working Group would not be in a position to draft terms of reference for any future work to be undertaken by an intersessional working group prior to having an output proposal for future work considered and approved, the Committee agreed not to undertake any further work on MASS beyond the scope of the current output until it had approved a new output; and consequently invited interested Member States to submit proposals for new output(s) on MASS to a future session of the Committee, as appropriate.

MASS trials

5.39 Mindful of the *Interim guidelines for MASS trials* (MSC.1/Circ.1604), which encouraged relevant authorities to report the results and lessons learned from trials to the Organization through appropriate means, the Committee noted the following documents by the Russian Federation and Japan:

- .1 MSC 102/5/29, providing information on MASS trials contributing to the development of national legislation for conducting trials and subsequent operation of MASS;
- .2 MSC 103/5/9, providing the interim results of the Autonomous and Remote Navigation Trial Project, carried out by the Russian Federation as outlined in document MSC 102/5/29; and
- .3 MSC 102/INF.8 (Japan) providing information on MASS trials conducted by NYK Group, in accordance with the Interim Guidelines.

5.40 In this regard, the Committee noted a statement by the delegation of Panama regarding the authorization of MASS trials complying with the Interim Guidelines, maintaining its support as a registry to advance this work, the full text of which is set out in annex 16.

5.41 The Committee noted the information contained in document MSC 102/INF.17 (Finland) on remote and autonomous technologies, including artificial intelligence (AI).

Establishment of a working group

5.42 The Committee noted document MSC 103/WP.11 (Chair of the MASS Working Group), containing a draft assessment of the degree to which the existing regulatory framework under the purview of the Committee might be affected in order to address MASS operations, and agreed to use it as the base document to prepare the outcome of the RSE.

5.43 The Committee established the MASS Working Group, chaired by Mr. Henrik Tunfors (Sweden), and instructed it, taking into account comments and decisions made in plenary, to consider the results of the second step of the RSE (MSC 102/5/3, MSC 102/5/4, MSC 102/5/5, MSC 102/5/6, MSC 102/5/8, MSC 102/5/9, MSC 102/5/10, MSC 102/5/11, MSC 102/5/12, MSC 102/5/13, MSC 102/5/15, MSC 102/5/17, MSC 102/5/19, MSC 102/5/20, MSC 102/5/21, MSC 102/5/22, MSC 102/5/23, MSC 102/5/24, MSC 102/5/25 and MSC 102/5/26), taking into account document MSC 102/5/1 and the relevant parts of document MSC 103/5/4, and to prepare, using the annex to document MSC 103/WP.11 as the basis for the work, the outcome of the RSE, which should contain as a minimum:

- .1 information for all degrees of autonomy for every instrument under the purview of the Maritime Safety Committee expected to be affected by MASS operations;
- .2 the most appropriate way(s) of addressing MASS operations in those instruments, as appropriate;
- .3 identification of common themes and/or potential gaps that required addressing, taking into account documents MSC 102/5/7, MSC 102/5/30, MSC 103/5, MSC 103/5/1 and MSC 103/5/2;
- .4 identification of possible links between instruments; and
- .5 identification of priorities for further work, including terminology and the order in which instruments could be addressed taking into account common themes and potential gaps, and documents MSC 102/5/27, MSC 102/5/32, MSC 103/5, MSC 103/5/2, MSC 103/5/3, MSC 103/5/4, MSC 103/5/6, MSC 103/5/11 and MSC 103/5/12.

Report of the Working Group

5.44 Having considered the report of the MASS Working Group (MSC 103/WP.8), the Committee approved it in general and took action as described below.

Finalization of the regulatory scoping exercise (RSE)

5.45 The Committee approved the outcome of the regulatory scoping exercise, as set out in annex 8.

5.46 In order to facilitate the forthcoming work on developing a regulatory framework for MASS operations and add more transparency to the outcome of the RSE, as well as making it available to a wider audience for use as the platform for further work, the Committee agreed to also disseminate the outcome of the RSE by means of MSC.1/Circ.1638.

Submission of new output proposals for MASS operations

5.47 The Committee noted that the best way forward to address MASS in the IMO regulatory framework could, preferably, be in a holistic manner through the development of a goal-based MASS instrument. The Committee further noted that, bearing in mind that even the introduction of a new MASS instrument might still require amendments to existing IMO instruments, the Group had also considered the possibility of addressing MASS operations in individual IMO instruments and had agreed that, in this respect, tables 3 to 5 of the outcome of the regulatory scoping exercise (see annex 8) should be taken into account, listing the high, medium and low-priority instruments, respectively (see also MSC 103/WP.8, paragraphs 12 to 14).

5.48 In this regard, the Committee invited Member States to submit output proposals on how to achieve the best way forward (see paragraphs 5.38 and 5.47) and also to report on the experience gained in the operation of MASS.

Completion of the output

5.49 Having completed the work on this output, the Committee noted with appreciation that, although this was only the beginning of a long way to go in addressing MASS operations in the Organization's regulatory framework, it was the all-important first step, paving the way to focused discussions in order to ensure that regulation would keep pace with technological developments.

6 DEVELOPMENT OF FURTHER MEASURES TO ENHANCE THE SAFETY OF SHIPS RELATING TO THE USE OF FUEL OIL

Background

6.1 The Committee recalled that MSC 101 had adopted *Recommended interim measures to enhance the safety of ships relating to the use of oil fuel* (resolution MSC.465(101)); endorsed the related action plan (MSC 101/24, annex 13); and established a correspondence group to continue the work on the development of further measures to enhance the safety of ships relating to the use of oil fuel (MSC 101/24, paragraph 8.18).

6.2 The Committee also recalled that MSC 102 had postponed the consideration of this agenda item to this session.

Outcome of MSC 101 and MEPC 75

6.3 The Committee recalled that MSC 101 had:

- .1 agreed that a GISIS platform for the reporting of non-compliance with flashpoint requirements should be developed;
- .2 invited interested parties to participate in the Correspondence Group on Data Collection and Analysis under Regulation 18 of MARPOL Annex VI (MEPC 75/5/1) established by MEPC 74; and

- .3 requested the Secretariat to provide the outcome related to the GISIS module to the MEPC Correspondence Group.

6.4 The Committee also recalled that MSC 101 had invited MEPC 75 to advise on the outcome of the investigation for the reporting of additional items on GISIS, in particular regarding the reporting of confirmed cases where oil fuel suppliers delivered fuel failing to meet the requirements specified in SOLAS regulation II-2/4.2.1 in the GISIS module.

6.5 In this context, the Committee noted that MEPC 75 had deferred the consideration of the report of the Correspondence Group on data collection and analysis (MEPC 75/5/1) to MEPC 76 (MEPC 75/18, paragraph 5.15).

Report of the Correspondence Group

6.6 The Committee had for its consideration document MSC 102/6 (Germany), containing the report of the Correspondence Group on the development of further measures to enhance the safety of ships relating to the use of oil fuel. In this context, the Committee also had for its consideration the following documents providing comments on the report:

- .1 MSC 102/6/1 (China), referring to lessons learned from cases provided in documents MSC 102/INF.19 (assessments of three explosions in fuel oil tanks and two explosions of components of fuel oil booster unit/systems, in particular lessons learned regarding the necessity of developing specific precautionary and hazard mitigation measures of viscous substances in fuel oil) and MSC 102/INF.18 (mechanical incident caused by non-compliant fuel oil containing deleterious chemicals (organic chlorinated hydrocarbons) and three lessons learned from the incident, in particular that shipping companies should consider establishing a fuel oil quality sampling and verification mechanism and a non-compliant fuel oil investigation and reporting scheme as a temporary measure);
- .2 MSC 102/6/2 (Cook Islands and ICS), proposing solutions for a list of items that were either not resolved or found to be beyond the scope of work of the Correspondence Group;
- .3 MSC 103/6 (Japan), commenting, in particular, on the verification procedure for fuel oil samples and the measures taken in the event of indicative test results obtained from the ship's own tests; and
- .4 MSC 103/6/1 (China), encouraging Member States to provide consolidated fuel oil parameter testing services for shipping industry at their pivotal bunkering ports; proposing to refer to the practice of experience-building phase (EBP) of the Ballast Water Management Convention (BWM Convention) and encouraging Member States to report confirmed cases of fuel oil safety issues to IMO.

Reporting confirmed cases

6.7 In considering the Group's discussion on reporting confirmed cases where oil fuel suppliers failed to meet the flashpoint requirements (MSC 102/6, paragraphs 4 to 11 and annex 1), the Committee instructed the Working Group (see paragraph 6.16) to further develop mandatory requirements regarding the reporting of confirmed cases where oil fuel suppliers failed to meet the flashpoint requirements, based on annex 1 to document MSC 102/6 and taking into account documents MSC 102/6/1, MSC 103/6, MSC 102/INF.18 and MSC 102/INF.19.

Action against oil fuel suppliers in confirmed cases of deliveries of oil fuel not complying with flashpoint requirements

6.8 The Committee considered the Group's discussion on action against oil fuel suppliers in confirmed cases of deliveries of oil fuel not complying with the requirements specified in SOLAS regulation II-2/4.2.1 (MSC 102/6, paragraphs 12 to 19 and annex 2) and noted the following views:

- .1 the proposal to develop mandatory licensing schemes for bunker suppliers had already been considered by the Correspondence Group;
- .2 the development of mechanisms for licensing schemes for bunker suppliers was supported and should be carried out in coordination with MEPC;
- .3 the Working Group should be instructed to further consider licensing schemes for bunker suppliers from a safety point of view; and
- .4 consideration of licensing schemes for bunker suppliers should have a lower priority in the Working Group.

6.9 Following consideration, the Committee instructed the Working Group to:

- .1 further consider the implementation of licensing schemes for bunker suppliers as part of further actions to enhance the safety of ships relating to the use of fuel oil (see paragraph 6.16.5) and advise the Committee how best to proceed; and
- .2 further develop mandatory requirements to ensure SOLAS Contracting Governments took action, as appropriate, against oil fuel suppliers in confirmed cases of deliveries of oil fuel that did not comply with the requirements specified in SOLAS regulation II-2/4.2.1, based on annex 2 to document MSC 102/6, taking into account document MSC 102/6/2.

Documentation of the flashpoint of the actual fuel batch when bunkering

6.10 In considering the Group's discussion on requirements regarding the documentation of the flashpoint of the actual fuel batch when bunkering (MSC 102/6, paragraphs 20 to 26 and annex 3), the Committee noted the following views:

- .1 the benefits and effectiveness of further regulations regarding flashpoint were not proven and there was no merit in requiring the actual flashpoint as opposed to a statement that it met the 60°C from a practical perspective;
- .2 the proposal in paragraph 14 of document MSC 102/6/2 should be carefully considered, in particular with regard to the mandating of the sample location;
- .3 the flashpoint of the actual fuel batch when bunkering should be documented and fuel suppliers should verify the flashpoint in accordance with SOLAS requirements; and
- .4 through incident investigations, significant differences of flashpoint among different batches had been found and the impacts on the safety of ships and seafarers should be addressed.

6.11 Following consideration, the Committee instructed the Working Group to further develop mandatory requirements regarding the documentation of the flashpoint of the actual fuel batch when bunkering, taking into account annex 3 to document MSC 102/6 and document MSC 102/6/2.

Guidelines for ships to address situations where they have indicative test results suggesting that oil fuel supplied may not comply with flashpoint requirements

6.12 The Committee considered the Group's discussion on guidelines for ships to address situations where they had indicative test results suggesting that the oil fuel supplied might not comply with SOLAS regulation II-2/4.2.1 (MSC 102/6, paragraphs 27 to 33 and annex 4) and noted the following views:

- .1 ships' voluntary fuel tests should be encouraged, and measures taken in case of indicative test results obtained from the ship's own tests should be carefully considered;
- .2 measures which might cause deviation from the planned route or undue delay of the voyage, resulting in a negative incentive for carrying out ships' voluntary tests, should be avoided;
- .3 flashpoints below 60°C were relatively rare and the existing operational procedures should prevent accidents in case of flashpoints measured a few degrees lower than 60°C, and safety procedures and equipment should be designed to tolerate a flashpoint slightly below the limits;
- .4 the Committee should develop guidelines on pragmatic and workable measures to address situations where indicative test results suggested that the oil fuel supplied might fall slightly below the SOLAS requirements;
- .5 non-compliant fuel oil debunker requirements should be carefully considered; and
- .6 the development of guidelines for ships to address situations where they had indicative test results suggesting that the oil fuel supplied might not comply with SOLAS regulation II-2/4.2.1 should be supported and document MSC 102/INF.19 should be taken into account by the Working Group.

6.13 Following consideration, the Committee instructed the Working Group to develop guidelines for ships to address situations where they had indicative test results suggesting that the oil fuel supplied might not comply with SOLAS regulation II-2/4.2.1, taking into account the draft requirements as set out in annex 4 to document MSC 102/6 and documents MSC 102/6/1, MSC 102/6/2, MSC 103/6 and MSC 102/INF.19.

Measures related to oil fuel parameters other than flashpoint

6.14 Having considered the information on possible measures related to oil fuel parameters other than flashpoint (MSC 102/6, paragraphs 34 to 36 and annex 5), the Committee instructed the Working Group to consider further possible actions, including measures related to oil fuel parameters other than flashpoint, taking into account annex 5 to document MSC 102/6 and documents MSC 102/6/1, MSC 102/6/2, MSC 103/6/1, MSC 102/INF.18 and MSC 102/INF.19, and advise the Committee how best to proceed.

Action plan for measures to enhance the safety of ships relating to the use of oil fuel

6.15 Having noted that the action plan for measures to enhance the safety of ships relating to the use of oil fuel (MSC 101/24, annex 13) might require updating owing to the COVID-19 pandemic and the consequent postponement of the work under this agenda item, the Committee instructed the Working Group to update the plan, taking into account the progress made at this session.

Establishment of the Working Group

6.16 Having considered the above matters, the Committee established the Working Group on Measures to Enhance the Safety of Ships Relating to the Use of Oil Fuel and instructed it, taking into account comments and decisions made in plenary, to:

- .1 further develop mandatory requirements regarding the reporting of confirmed cases where oil fuel suppliers had failed to meet the flashpoint requirements, based on annex 1 to document MSC 102/6 and taking into account documents MSC 102/6/1, MSC 103/6, MSC 102/INF.18 and MSC 102/INF.19;
- .2 further develop mandatory requirements to ensure SOLAS Contracting Governments took action as appropriate against oil fuel suppliers in confirmed cases of deliveries of oil fuel that did not comply with the requirements specified in SOLAS regulation II-2/4.2.1, based on annex 2 to document MSC 102/6 and taking into account document MSC 102/6/2;
- .3 further develop mandatory requirements regarding the documentation of the flashpoint of the actual fuel batch when bunkering, taking into account annex 3 to document MSC 102/6 and document MSC 102/6/2;
- .4 develop guidelines for ships to address situations where they had indicative test results suggesting that the oil fuel supplied might not comply with SOLAS regulation II-2/4.2.1, taking into account the draft requirements as set out in annex 4 to document MSC 102/6 and documents MSC 102/6/1, MSC 102/6/2, MSC 103/6 and MSC 102/INF.19;
- .5 consider further possible actions, including measures related to oil fuel parameters other than flashpoint, taking into account annex 5 to document MSC 102/6 and documents MSC 102/6/1, MSC 102/6/2, MSC 103/6/1, MSC 102/INF.18 and MSC 102/INF.19, and advise the Committee on how best to proceed;
- .6 review and update the action plan for the work under this output, based on annex 13 to document MSC 101/24; and
- .7 consider whether the Correspondence Group should be re-established and, if so, prepare terms of reference for consideration by the Committee.

Report of the Working Group

6.17 Having considered the report of the Working Group (MSC 103/WP.10), the Committee approved it in general and took action, as described below.

Reporting of confirmed cases of oil fuel suppliers failing to meet flashpoint requirements

6.18 The Committee noted the progress made by the Group on the draft SOLAS amendments on reporting of confirmed cases where oil fuel suppliers had failed to meet the flashpoint requirements of the Organization (MSC 103/WP.10, paragraph 15 and annex 1).

Actions against oil fuel suppliers delivering non-compliant oil fuel

6.19 The Committee noted the progress made by the Group on the draft SOLAS amendments on actions against oil fuel suppliers that had been found to deliver oil fuel that did not comply with minimum flashpoint requirements (MSC 103/WP.10, paragraph 19 and annex 2).

Documentation of flashpoint of actual fuel batch when bunkering

6.20 The Committee noted the progress made by the Group on developing mandatory requirements regarding the documentation of the flashpoint of the actual fuel batch when bunkering (MSC 103/WP.10, paragraph 25 and annex 3).

Guidelines for ships to address non-compliant oil fuel

6.21 The Committee noted the progress made by the Group on developing guidelines for ships to address situations where indicative test results suggested that the oil fuel supplied might not comply with flashpoint requirements (MSC 103/WP.10, paragraph 30 and annex 4).

Additional actions

6.22 The Committee, having noted the deliberations of the Group with regard to coordination between MSC and MEPC (MSC 103/WP.10, paragraphs 10, 21 and 34), invited Member States to submit information on cases where oil fuel jeopardized the safety of ships or personnel or adversely affected the performance of the machinery under this output (MSC 103/WP.10, paragraph 32).

6.23 Having noted the deliberations of the Group with regard to licensing schemes for bunker suppliers (MSC 103/WP.10, paragraphs 33 to 36), the Committee invited Member States to consider the implementation of such schemes for bunker suppliers operating in their jurisdiction.

6.24 In this connection, the Committee also noted a statement by the delegation of Greece, stating that fuel oil safety was a matter of paramount importance and enhanced safety measures should be undertaken by Member States and that, therefore, a more robust wording should be used in this context and the Committee should encourage Member States to implement, rather than invite them to consider implementing, licensing schemes for bunker suppliers operating in their jurisdiction.

6.25 Furthermore, the Committee noted that the Group had prepared a list of relevant information and references to related documents (MSC 103/WP.10, paragraph 38 and annex 5) to support the work of the Correspondence Group, if established (see paragraph 6.27).

Action plan for further work

6.26 The Committee endorsed the updated action plan for the work under this agenda item (MSC 103/WP.10, paragraph 40 and annex 6) and extended the target completion year for the output on "Development of further measures to enhance the safety of ships relating to the use of fuel oil" to 2023 (MSC 103/WP.10, paragraph 41).

Re-establishment of a correspondence group

6.27 Having considered the above matters and in order to progress the work intersessionally, the Committee re-established the Correspondence Group on Oil Fuel Safety, under the coordination of Germany,¹ with the following terms of reference:

- .1 further develop, with a view towards finalization, draft SOLAS amendments regarding the reporting of confirmed cases where oil fuel suppliers have failed to meet the flashpoint requirements of the Organization, taking into account that feedback should also be provided to the supplier, based on annex 1 to document MSC 103/WP.10;
- .2 further develop, with a view towards finalization, the draft SOLAS amendments on actions against oil fuel suppliers that have been found to deliver oil fuel that does not comply with minimum flashpoint requirements, based on annex 2 to document MSC 103/WP.10;
- .3 further develop, with a view to finalization, the mandatory requirements regarding the documentation of the flashpoint of the actual fuel batch when bunkering, taking into account annex 3 to document MSC 103/WP.10 and the outcome of MEPC 76, as appropriate;
- .4 further develop the guidelines for ships to address situations where indicative test results suggest that the oil fuel supplied may not comply with SOLAS regulation II-2/4.2.1, taking into account annex 4 to document MSC 103/WP.10;
- .5 collect information on and consider possible measures related to oil fuel parameters other than flashpoint; and
- .6 submit a written report to MSC 105.

7 GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS

7.1 The Committee postponed consideration of this agenda item to MSC 104.

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8 MEASURES TO IMPROVE DOMESTIC FERRY SAFETY

Background

8.1 The Committee recalled that MSC 101 agreed to:

- .1 include a new item on "Measures to improve domestic ferry safety" in the provisional agenda of the Committee, with four sessions needed to complete the work;
- .2 develop Model Regulations on Domestic Ferry Safety;
- .3 provide guidance on the incorporation of such model regulations in domestic law;
- .4 develop online training material on domestic ferry safety; and
- .5 continue to provide technical assistance to countries in need through the Organization's Integrated Technical Cooperation Programme (ITCP).

8.2 The Committee also recalled that MSC 101 had approved a plan of work (MSC 101/24, annex 30); requested the Secretariat to lead the work in collaboration with interested parties and report to MSC 102 on the progress made; and invited Member States, particularly China, and international organizations to actively contribute to the work.

8.3 The Committee noted that, as MSC 102 had deferred the agenda item to this session, this affected the target completion date of the item and, therefore, agreed that it was now envisaged that the item would be completed in 2023 though overall requiring four sessions to complete the work, as indicated in document MSC 103/8, annex 2.

Progress report

8.4 Having considered document MSC 102/8 (Secretariat), providing information on progress made since MSC 101, the Committee:

- .1 noted that the Secretariat, as agreed at MSC 101, had continued to develop further the basic structure of the draft model regulations in consultation with stakeholders and submitted the expanded structure for consideration at this session (MSC 102/8, paragraph 1.4 and annex 2);
- .2 endorsed the list of observed and potential gaps in domestic ferry safety (MSC 102/8, paragraph 3);
- .3 invited IMLI to note the developments and to develop a curriculum, or take other appropriate steps, whereby interested IMLI students could undertake assignments on incorporating the model regulations into the domestic legislation of their respective countries (MSC 102/8, paragraph 4.3);
- .4 endorsed the outcome of the Regional Workshop on Safety of Domestic Ferries and Non-convention Ships, held in Lagos, Nigeria, in October 2019, to develop explanatory notes to the framework Model Regulations on Domestic Ferry Safety (MSC 102/8, paragraph 4.4);

- .5 noted the updated plan of work subject to necessary adjustments in the future (MSC 102/8, paragraph 5 and annex 2);
- .6 considered the future status of the framework model regulations including the possibility of developing a stand-alone convention on domestic ferry safety (MSC 102/8, paragraph 8) and invited stakeholders to submit relevant comments and proposals to a future session of the Committee for detailed consideration;
- .7 noting the complexities involved in determining the status of the draft framework model regulations as to sole IMO, joint or collaborative, and the related impact on possible future amendments to the regulations (MSC 102/8, paragraph 10), agreed that, for the time being, these regulations should be reflected as regulations developed in collaboration with stakeholders, and invited stakeholders to submit relevant comments and proposals to a future session of the Committee for consideration;
- .8 approved, in principle, the basic structure of the framework Model Regulations on Domestic Ferry Safety, subject to ongoing review (MSC 102/8, paragraph 11 and annex 3) and consideration (MSC 103/8, annex 1);
- .9 noted that the Secretariat would continue to deliberate on how to proceed with developing online training material on domestic ferry safety and would submit options for consideration at a future session of the Committee, following the adoption of the model regulations (MSC 102/8, paragraph 12); and
- .10 noted the potential development of a joint IMO and United Nations ESCAP database on domestic ferry safety which could be incorporated in the new Country Maritime Profile module in GISIS to assist in monitoring and managing initiatives relating to domestic ferry safety (MSC 102/8, paragraph 13).

Bangkok Declaration 2020

8.5 The Committee, having considered the Bangkok Declaration on Enhancing Domestic Ferry Safety in Asia and the Pacific Region and the Development of Model Regulations on Domestic Ferry Safety (MSC 102/8/Add.1, annex), endorsed the Declaration.

8.6 The Committee thanked all those who had taken part in the Expert Group Meeting on Improving Domestic Ferry Safety in Support of Safe Maritime Connectivity in Asia and the Pacific, which had initially been planned to take place at UNCC, Bangkok, Thailand, on 17 and 18 March 2020, but had taken place virtually due to issues surrounding COVID-19.

Proposals on the development of model regulations, guidance and online training

8.7 In the context of the development of the Model Regulations on Domestic Ferry Safety, guidance on the incorporation of the regulations in domestic law, and online training, the Committee considered the following documents:

- .1 MSC 102/8/1 (China), proposing to develop and providing an outline for an online training course on domestic ferry safety from an educational and training standpoint and making an alignment with the upcoming model regulations and related guidelines;

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- .2 MSC 102/8/2 (China), providing a draft framework of guidance on the incorporation of the model regulations in domestic law, in accordance with decisions taken at MSC 101;
 - .3 MSC 102/8/3 (China), proposing measures to address challenges identified in workshops and training conducted by China over the last three years on domestic ferry safety;
 - .4 MSC 102/8/4 (Indonesia), emphasizing that the model regulations should not be prescriptive in nature since domestic ferries varied in terms of size, design, operational profile and purposes;
 - .5 MSC 102/8/5 (Islamic Republic of Iran), providing comments on document MSC 102/8 (Secretariat) and containing proposals for inclusion of a number of important issues among the causes for accidents involving domestic ferries, as well as important issues to be addressed in the draft model regulations; and
 - .6 MSC 102/8/6 (Philippines), supporting the approach of the Secretariat in document MSC 102/8 and suggesting that, parallel to the development of framework model regulations, certain key aspects related to improving domestic ferry safety needed to be considered.

8.8 In the ensuing discussion, the following views, inter alia, were expressed:

- .1 the draft model regulations (MSC 103/8, annex 2) were framework in nature and as such not prescriptive;
- .2 the regulations were flexible and interested countries could adapt them according to their needs; and
- .3 technical cooperation played an important role in improving domestic ferry safety.

8.9 Following discussion, the Committee thanked China, Indonesia, the Islamic Republic of Iran and the Philippines for the valuable suggestions and agreed that the contents of the documents should be taken into account by the Secretariat and stakeholders when taking forward matters pertaining to domestic ferry safety.

8.10 The Committee noted the information provided by the Republic of Korea in documents MSC 102/INF.12 regarding inflatable buoyancy support system against flooding of ships and MSC 102/INF.13 regarding simulation data-based decision support for incident response for ferries.

Model Regulations on Domestic Ferry Safety

8.11 The Committee, in considering document MSC 103/8 (Secretariat), providing a further update on the work on domestic ferry safety, noted the updated work plan (MSC 103/8, annex 2) and the following comments on the model regulations set out in annex 1 of the document:

- .1 some of the provisions in the model regulations needed further thorough consideration;

- .2 clarity regarding the delegation of authority as described in the model regulations should be introduced;
- .3 the relation of the model regulations with the publicly available Global Regulations issued by the Organization should be clarified;
- .4 the responsibilities of the master, as set out in the model regulations, should be reconsidered, taking into account the provisions of the ISM Code; and
- .5 while the non-mandatory nature of the model regulations had been confirmed, the language used was of mandatory nature.

8.12 Having agreed that the draft model regulations, while supported in general, needed further work, the Committee agreed to establish a Working Group on Domestic Ferry Safety at MSC 104 to further develop the model regulations, on the basis of document MSC 103/8, annex 1, taking into account documents MSC 102/8, MSC 102/8/Add.1, MSC 102/8/1, MSC 102/8/2, MSC 102/8/3, MSC 102/8/4, MSC 102/8/5 and MSC 102/8/6, and the comments made at this session. The Committee also agreed that it would consider at the next session the need for a correspondence group to further progress the work and invited Member States and interested parties to make submissions on amendments to the model regulations to MSC 104.

8.13 Following the above decisions, the Committee requested the Secretariat to submit an updated work plan to MSC 104 for consideration.

8.14 The Committee thanked the Secretariat for taking forward the development of the regulations in collaboration with stakeholders, particularly ESCAP and INTERFERRY, and the Government of Thailand in facilitating the observation of domestic ferry safety in Thai waters.

8.15 The text of statements made by the delegation of the Philippines and the observers from UN ESCAP and INTERFERRY are set out in annex 16.

9 MEASURES TO ENHANCE MARITIME SECURITY

Updates on developments related to maritime security

9.1 The Committee considered document MSC 103/9 (Secretariat), reporting on developments related to maritime security since MSC 101 and noted information on the delivery of maritime security-related activities as part of the ITCP, including information regarding two EU-funded port security projects currently being implemented by the Secretariat, and encouraged promoting a "whole of government and industry" approach to addressing maritime security threats and risks, focusing on the strategic level, in addition to the operational level, in the delivery of IMO's technical assistance.

9.2 In this context, the Committee encouraged SOLAS Contracting Governments to:

- .1 review and update the information contained in the Maritime Security module of GISIS, in particular that related to port facility security plans;
- .2 consider using the new option for electronic transfer of information into and from the Maritime Security module of GISIS so as to reduce the administrative burden on behalf of the nominated national point(s) of contact;

- .3 develop effective maritime security governance structures, including national maritime security committees and strategies, and to strengthen these where they already existed;
- .4 continue to effectively implement, in partnership with industry, IMO security measures, including SOLAS chapter XI-2 and the ISPS Code, taking into account new and emerging security threats, and to request IMO's technical assistance, as appropriate; and
- .5 consider donating to the International Maritime Security Trust Fund (IMST Fund) to support the continued delivery of technical assistance under the global programme for the enhancement of maritime security.

9.3 Additionally, the Committee, having noted an offer by the observer from EMSA to develop web services to download information from the maritime security module of GISIS into the SafeSeaNet network, encouraged consultations with the Secretariat in this regard and requested that an update on the matter be submitted to a future session.

Cyber risk management for ships and ports

9.4 The Committee recalled that, when approving the *Guidelines on maritime cyber risk management* (MSC-FAL.1/Circ.3) in 2017, it had underlined that they were complementary to the ISM and ISPS Codes, noting that the Guidelines included functional elements that supported effective cyber risk management and provided references to further detailed guidance, including the industry guidelines on cybersecurity on board ships.

9.5 The Committee considered the following documents:

- .1 MSC 103/9/1 (ICS et al.), inviting it to endorse the fourth version of *The Guidelines on cyber security onboard ships*, set out in the annex to the document, and disseminate them as an MSC circular;
- .2 MSC 103/9/2 (IAPH), providing an update on the IAPH Port Community Cybersecurity Note and the ongoing development of the cybersecurity guidelines for ports and port facilities; and
- .3 MSC 103/INF.8 (IACS), providing an update on how cyber safety was being further addressed by IACS within the context of MSC-FAL.1/Circ.3 with the publication of its consolidated *Recommendation on cyber resilience* (Recommendation 166), and the work being taken forward.

9.6 In the ensuing discussion, the Committee noted the voluntary nature of *The Guidelines on cyber security onboard ships* and that issuing them under cover of an MSC circular should not be taken to mean that it had endorsed every detail, but rather recognized the helpfulness of the Guidelines and promoted their availability. In relation to the upcoming IAPH cybersecurity guidelines for ports and port facilities (see paragraph 9.5.2), the Committee noted a view that a future session would need to carefully consider any legal implications for ports of such guidelines, which might be outside the scope of the Organization's work.

9.7 Following discussion, the Committee:

- .1 noted with appreciation the information provided on initiatives relating to cyber risk management for both ships and ports;

- .2 approved the dissemination of the fourth version of *The Guidelines on cyber security onboard ships* by means of MSC.1/Circ.1639; and
- .3 requested the Secretariat to update the industry guidance listed in paragraph 4.2 of the *Guidelines on maritime cyber risk management* (MSC-FAL.1/Circ.3) to include the consolidated IACS *Recommendation on cyber resilience* (Recommendation 166) and issue the updated Guidelines as MSC-FAL.1/Circ.3/Rev.1, subject to concurrent decision by the FAL Committee.

Maritime safety and security in the Red Sea

9.8 The Committee recalled that MSC 100, in considering draft recommendations on how to deal with mental and psychological effects of navigating in high-risk areas, noted a view that this should be discussed by the HTW Sub-Committee.

9.9 In this regard, the Committee considered document MSC 103/9/3 (Islamic Republic of Iran) providing information on recent incidents involving commercial shipping in the Red Sea; raising serious concerns about maritime safety and security in the area; and suggesting that IMO recognize the Red Sea as a high-risk area, requiring further regional collaboration and requesting the Committee to develop the required recommendations and guidance.

9.10 In the ensuing discussion, several delegations opposed the suggestion that IMO should recognize the Red Sea as a high-risk area, stating that while impediments to freedom of navigation should be given full attention, no other flag State had voiced similar concerns or suggestions and that all Member States are encouraged to report to GISIS the occurrence of such incidents. Several delegations bordering the Red Sea outlined that they were taking all necessary measures to secure the Red Sea and were cooperating in order to preserve the safety of navigation, including through the Council of Arab and African Red Sea States. The delegation of the United Arab Emirates, supported by the delegation of Saudi Arabia, expressed the view that the high-risk area was not under the mandate or the remit of the Organization. The amendment of the high-risk area, as defined in BMP 5, which provided guidance by the shipping industry for the shipping industry and its amendment, was not an action that IMO could either undertake or require. The delegation of the Islamic Republic of Iran stressed the need for strengthening regional collaboration, ensuring that implementation and compliance with security requirements contained in SOLAS and the ISPS Code were adhered to. With respect to requesting the Committee to develop the required recommendations and guidance, it was noted that there was no specific proposal to be considered by the Committee. The full text of statements made by the delegations of Egypt, Eritrea, France, the Islamic Republic of Iran, Saudi Arabia and the United Arab Emirates on the matter is set out in annex 16.

9.11 In this regard, the Committee recalled its discussion under agenda item 10 (see paragraphs 10.5 to 10.9) regarding the existing high-risk area in the Western Indian Ocean, where it had noted that it was not within its remit to declare or define such areas. Consequently, the Committee found the issue to be outside its remit and, therefore, did not support the proposal contained in document MSC 103/9/3.

Passenger facilitation and control

9.12 The Committee considered document MSC 103/9/4 (WCO), updating documents MSC 102/9/1 and MSC 102/INF.23 on WCO-led initiatives to develop measures for passenger facilitation and control in the maritime environment in general, and for cruise ships and ferries

in particular, discussing the need for Advanced Passenger Information (API) and Passenger Name Record (PNR) data standards and transmission methodology.

9.13 In the ensuing discussion, the following views were expressed:

- .1 WCO was thanked for its continued work on developing standardized procedures for passenger facilitation and control, including electronic systems that could enhance security and render cruise ship operations more timely and effective, and help counter challenges posed to customs administrations as well as other border agencies;
- .2 it was essential that such systems were based on an international standard and that any new requirements were standardized with existing global best practices. Cruise ships regularly changed operating regions over the course of a year, and compliance with different systems in different regions or countries was costly and inefficient;
- .3 these initiatives should not come at the expense of the seamless boarding and travel experiences of passengers and crew members, nor result in unnecessary disruption of maritime traffic. The legal, technical and financial challenges of the development of a PNR standard or instrument was underlined; and
- .4 any new system should be as similar as possible to the existing United States' Advanced Passenger Information System, with which many operators were already fully compliant, and fully in line with the European Entry/Exit System and Travel Information and Authorization System already under way.

9.14 Following discussion, the Committee:

- .1 noted the information provided on the WCO initiatives relating to passenger facilitation and control and, in particular, on the Cruise Ship Report – Way Forward to Improve Cruise Ship Controls, including consideration to contribute to the Compendium of Best Practices to ensure familiarization with the ISPS Code among customs administrations;
- .2 invited Member States to share their national practices, including existing cooperation and exchange of information with relevant entities, in the area of cruise ship passenger controls and pre-arrival information for security;
- .3 invited Member States to consider regular attendance at the relevant WCO working bodies, primarily the planned WCO Passenger Control and Facilitation Working Group where relevant international standards and instruments would be developed and ultimately published, in particular new or updated existing global API and PNR standards, for facilitating the submission of information by the cruise line industry to regulatory bodies in advance of the arrival of a cruise ship, with the possibility of extending this to other ship types; and
- .4 requested the Secretariat to attend meetings of the WCO Passenger Controls and Facilitation Working Group and report back on developments to future sessions of the Committee as well as to inform the FAL Committee of the outcome of its deliberations.

10 PIRACY AND ARMED ROBBERY AGAINST SHIPS

Developments since MSC 101, including information-sharing on incidents of piracy and armed robbery

10.1 The Committee considered documents MSC 103/10 and 102/10 (Secretariat), reporting on developments concerning piracy and armed robbery against ships since MSC 101, including relevant statistics and updates on the implementation of the Djibouti Code of Conduct, the situation in the Gulf of Guinea and risks to shipping in littoral waters off Yemen, and noted, in particular, the following:

- .1 226 incidents of piracy and armed robbery against ships had been reported to the Organization as having occurred or been attempted in 2020. This constituted an increase of about 17% at the global level compared to last year. The areas most affected by acts of piracy and armed robbery against ships in 2020 were West Africa (87 incidents), the Straits of Malacca and Singapore (48 incidents) and South China Sea (37 incidents). The number of incidents that took place in the Gulf of Guinea (West Africa) increased by 20 compared to 2019, with a total of 112 crew members reported as kidnapped/missing.
- .2 In relation to initiatives in the Gulf of Guinea, the Secretariat in 2020 continued its support to the Interregional Coordination Centre (ICC) for implementation of the Yaoundé Code of Conduct (YCC). IMO was facilitating a series of expert-level dialogues to assess the current implementation of the YCC and provide recommendations for the Economic Community of West Africa States (ECOWAS), the Economic Community of Central Africa States (ECCAS) and the Gulf of Guinea Commission (GCC).
- .3 The aim of a new UNDP project on Explosive ordnance contamination in Yemen's littoral waters was to provide safe areas within which vessels could operate with a degree of confidence without the effects of explosive ordnance, and to clear those items of ordnance deemed high-threat and high-impact. Notable events that had a potential to affect shipping would be disseminated with a Notice to Mariners.

10.2 Having considered the information provided by the Secretariat, the Committee:

- .1 requested Member States to report incidents of piracy and armed robbery to the Secretariat to marsec@imo.org, using the reporting form in appendix 5 to MSC.1/Circ.1333/Rev.1;
- .2 requested Member States to provide and keep updated the information related to their National Point(s) of Contact for communication of information on piracy and armed robbery through the Contact Points module of GISIS;
- .3 requested Member States to complete and keep updated the *Questionnaire on information on port and coastal State requirements related to privately contracted armed security personnel on board ships* (PCASP) (MSC-FAL.1/Circ.2), to be sent to the Secretariat through marsec@imo.org for posting on the IMO website;

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- .4 noted the efforts undertaken to ensure continued implementation of the Djibouti Code of Conduct and the Yaoundé Code of Conduct, including the support provided to ICC;
 - .5 reminded companies, masters and seafarers to continue the diligent application of existing IMO guidance and the global counter-piracy guidance, including updated guidance for protection against piracy and armed robbery in the Gulf of Guinea region – Best Management Practices West Africa;
 - .6 invited Member States to continue to provide naval assets off the coast of Somalia and flag States to continue to monitor the threat to ships flying their flag, and set appropriate security levels in accordance with the ISPS Code;
 - .7 noted the information provided by UNDP regarding the conflict in Yemen, including the threat to shipping and seaports posed by sea mines and other improvised explosive devices in Yemen's littoral waters; and
 - .8 called upon Member States, in line with resolution A.1069(28), in cooperation with the Organization and as might be requested by Member States of the region, to assist efforts in the region and to consider making financial contributions to the IMO WCA Maritime Security Trust Fund.

Progress report of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP)

10.3 The Committee noted with appreciation the information contained in documents MSC 103/INF.7 and MSC 102/INF.11 (ReCAAP-ISC) providing an update of the activities carried out by ReCAAP-ISC and the situation of piracy and armed robbery against ships in Asia, and thanked them for their continuous support to the Organization's piracy reporting. In this regard, the observer from ReCAAP-ISC made a statement, including information on a decrease of total incidents in Asia in the first quarter of 2021, as set out in annex 16.

10.4 The Committee noted a statement by the delegation of Indonesia, commenting on the ReCAAP-ISC mechanism for classification of incidents and expressing concern regarding reputational damage caused by reporting incidents of so-called petty theft under the definition of armed robbery; together with a reply statement by the observer from ReCAAP-ISC that there was no definition of petty theft and that all unauthorized boardings were crimes posing threats to seafarers. The full text of both statements is set out in annex 16.

Comments and analysis on the review of the HRA for piracy in the Indian Ocean

10.5 The Committee recalled that MSC 101 noted information from the industry authors related to the 2019 review of the geographical boundaries of the high-risk area (HRA) to better reflect the threat of piracy in the region while retaining the primary objective to ensure the safety and security of seafarers.

10.6 The Committee considered the comments and analysis of the previous review of the HRA for piracy in the Indian Ocean provided by Kenya in document MSC 103/10/2, presenting key considerations on the status of Kenyan waters stemming from this analysis. In a separate statement, the delegation of Kenya outlined the contributions by the Kenyan government and the African Union Mission to Somalia (AMISOM) forces in neutralizing the threat posed by Somali pirates, as evidenced by no attacks occurring in Kenyan waters since the last review of the HRA; explained the negative economic effects stemming from the current classification not only to Kenya and the wider East African region, which were dependent on the port

of Mombasa; and invited the Committee to recommend to the appropriate bodies to consider excluding the specific adjacent area to the south of the equator from the HRA. The full text of the statement is set out in annex 16.

10.7 In this regard, the Committee also considered the comments by the industry group in document MSC 103/10/4 (ICS et al.), advising it that a new review of the HRA had commenced in February 2021 and that consultations were being sought with interested States and organizations.

10.8 In the ensuing discussion, all delegations that spoke supported the Kenyan proposal contained in document MSC 103/10/2 and commended the efforts by Kenya in suppressing the piracy threat, and a suggestion was raised that Kenya could also provide an update of their efforts in the annual reoccurring resolution by the UN General Assembly on Oceans and the Law of the Sea. An industry observer explained that two consultations had already taken place with Kenya as part of the currently ongoing review (MSC 103/10/4), and that while the Kenyan concerns were well understood, some of the waters concerned to the south of the equator were Somali waters, and it was necessary to keep the overarching aim of ensuring seafarers' safety in mind. Concerns were voiced over the process of review of the HRA as conducted by the industry group and appropriate bodies and further involvement of the Organization and all interested parties in the process was encouraged.

10.9 In view of the above, the Committee encouraged the industry group and appropriate bodies to continue to work on the matter with regional stakeholders, including coastal States and military authorities, and requested them to provide an update report to MSC 104, taking into account further consultations with Kenya.

Piracy and armed robbery against ships in the Gulf of Guinea

10.10 The Committee recalled that MSC 101 had noted remarks by the Secretary-General that a concerted effort by all key stakeholders was needed in the Gulf of Guinea, namely Member States, industry and international organizations working in partnership for the benefit of the safety and security of seafarers, and that the significant efforts undertaken by coastal States to address the threat were recognized as critical to a successful outcome.

10.11 Addressing the Committee, the Secretary-General expressed his serious concerns over the current situation in the Gulf of Guinea, which presented a worrying threat to the safety and security of crews and ships operating in the region, especially since, despite the global pandemic, an increasing number of attacks had been noted. He stressed that, as highlighted in Circular Letter No.4382, he was taking all possible measures to facilitate the coordination of initiatives among stakeholders and to enhance capacity-building programmes in the region. He appreciated the collective efforts of littoral States in the region, in particular those by Nigeria in implementing the Deep Blue Project. He expressed his desire for a successful future development and supported the establishment of a working group to show commitment and to enhance support for international, regional and national efforts to tackle piracy.

10.12 The Committee agreed with the proposal of the Chair, given the renewed urgency to protect seafarers performing their duties on ships operating in the region and in the interest of time, to refer all documents relating to piracy and armed robbery against ships in the Gulf of Guinea directly to the Working Group on Piracy, i.e. documents MSC 103/10/3 and MSC 102/10/1 (Greece), MSC 103/10/5 and MSC 102/10/5 (Nigeria), MSC 103/10/6 (China), MSC 102/10/2 (France), MSC 102/10/3 and MSC 102/10/6 (ICS et al.) and MSC 102/INF.22 (Ghana).

10.13 The delegation of Portugal, in concurring with the Secretary-General's call for action to deter piracy in the region, supported further initiatives, such as a working group convening at this session. The discussions should take into account the work within the G7++ Friends of the Gulf of Guinea, consistent with Portugal's continuous support for the current interregional framework, the Yaoundé Architecture, in addressing the threats in the Gulf. The full text of the statement is set out in annex 16.

10.14 The delegation of Nigeria stated that owing respect for the sovereignty of the coastal State was important to ensure effective regional collaboration and informed on their efforts and initiatives undertaken, including the establishment of a sub-committee to enable a robust collaboration between the Nigerian Maritime Administration and Safety Agency's (NIMASA) command, control, communication, computers and intelligence operations, the International Maritime Bureau (IMB) and the Maritime Domain Awareness for Trade – Gulf of Guinea (MDAT-GoG) centre. Nigeria and ICC in Yaoundé had formed a new collaborative forum to galvanize regional and international efforts: the Gulf of Guinea Maritime Collaboration Forum (GOG-MCF/SHADE GoG), purposed to facilitate shared awareness and deconfliction of activities in the Gulf of Guinea. The full text of the statement is set out in annex 16.

10.15 The delegation of Argentina recognized the efforts by the States in the region and shared the concern at the increase in episodes; and supported addressing the matter in a working group and, in that regard, highlighted that the situation in the Gulf of Guinea was not addressed by the United Nations Security Council under Chapter VII of the UN Charter, therefore cooperative efforts to suppress piracy and armed robbery against ships had to be undertaken within the framework of UNCLOS and duly respect the sovereignty and jurisdiction of the Coastal States in the area with regard to the territorial sea, as well as their specific jurisdictions in the EEZ. The delegation stated that the remarks made by Nigeria with regard to the need to respect the sovereignty of the coastal States of the region should be duly taken into account and addressed in the draft Assembly resolution contained in document MSC 103/10/1; and added that the deployment of armed personnel or weapons on board private ships was not allowed under UNCLOS.

10.16 The observer from IMB informed that actions to allow relevant authorities to be immediately notified had secured good outcomes thanks to early notification by shipowners; stated that a dedicated single information exchange platform for the Gulf of Guinea could be helpful, including identification of the responding authority, reduced response times, and alerting responses by neighbouring authorities; and encouraged all maritime authorities to continue to report all incidents to IMB. The full text of the statement is set out in annex 16.

10.17 In the ensuing extensive discussion, the following views, inter alia, were expressed:

- .1 the services of MDAT-GoG needed to be enhanced and a reporting mechanism should be developed taking into account crew members' nationality;
- .2 international maritime security exercises were important to support capacity-building, such as the Grand African Nemo and the OBANGAME express, and the EU pilot case of a coordinated maritime presence in the Gulf of Guinea was supported;
- .3 due respect for the sovereignty of the coastal State was important and the Gulf of Guinea did not present a situation under Chapter 7 of the UN Charter and should be addressed in the context of UNCLOS, as recognized in the updated draft Assembly resolution on *Prevention and suppression of piracy, armed robbery against ships and illicit maritime activity in the Gulf of Guinea* (MSC 103/10/1);

- .4 the United Kingdom and Senegal as co-chairs of the G7++ Friends of the Gulf of Guinea in 2021 had presented a joint road map with three overarching objectives; namely broadening engagement and building regional capability, working towards initial operating capability of the Yaoundé architecture, and bringing industry, civil society and other actors more closely together;
- .5 non-regional navies were needed to solve the situation since the pirates in the Gulf of Guinea operated from a geographically limited area, but attacked at up to 200 nautical miles from their bases, and pirates should be suppressed from the sea, like Somali pirates had been;
- .6 all States should be encouraged to act in accordance with UNCLOS to suppress piracy outside territorial waters in the Gulf of Guinea, and regional States were encouraged to support and collaborate to accept transfer of arrested pirates, prosecution of suspected pirates and imprisonment of convicted pirates; and
- .7 a working group on the use of private and military maritime security assets under the Montreux document forum was about to publish an integrated guide as a reference document on their website, which could have a positive impact for many actors.

10.18 Following discussion, the Committee agreed that:

- .1 the many and complex challenges associated with the fast-changing nature of piracy in the Gulf of Guinea required a holistic, integrated and global approach, focused on reaching lasting solutions that reinforced local and regional ownership;
- .2 there was a need for sustained technical cooperation activities on anti-piracy benefiting the regional countries, such as providing training workshops/webinars, developing online courses and conducting anti-piracy exercises to improve collaboration between countries;
- .3 constructive proposals presented in a number of submitted documents formed a good basis for supporting and promoting cooperation among stakeholders, and further discussion in a working group would help to identify cooperation routes and feasible actions to resolve the issue;
- .4 the Yaoundé Code of Conduct framework, supported by the G7++ Friends of the Gulf of Guinea was a long-term solution, but was progressing well, and regional States were coming together, even during the current COVID-related challenges;
- .5 Nigeria and ICC in Yaoundé had formed a new collaborative forum to galvanize regional and international efforts: the Gulf of Guinea Maritime Collaboration Forum (GOG-MCF/SHADE GoG), purposed to facilitate shared awareness and deconfliction of activities in the Gulf of Guinea;
- .6 the Secretary-General should continue to work with other UN bodies, Member States and regional and international partners in order to align efforts and support, in particular Nigerian and ICC initiatives;

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- .7 regional States should support and collaborate to accept transfer of arrested pirates, prosecution of suspected pirates and imprisonment of convicted pirates; and
 - .8 the tasks of the working group should be prioritized to ensure sufficient time for important outcomes, such as the updated Assembly resolution (MSC 103/10/1).

Establishment of a Working Group on Piracy

10.19 During the discussion of the proposed terms of reference for the Working Group (MSC 103/WP.4), prepared by the Secretariat in consultation with the Chair of the Working Group on Piracy, Captain Derrick Attachie (Ghana), a number of delegations expressed concerns and suggested amendments, including omitting references to navies as this was deemed outside the remit of the Organization; concern about possible duplication of work between working groups under the G7++ Friends of the Gulf of Guinea; and concern about lack of universal applicability if the group were to discuss requirements for the use of privately armed security personnel in territorial waters in the region.

10.20 Following discussion, the Committee instructed the Working Group, taking into account comments and decisions made in plenary and documents MSC 103/10/3, MSC 103/10/5, MSC 103/10/6, MSC 102/10/1, MSC 102/10/2, MSC 102/10/3, MSC 102/10/5, MSC 102/10/6 and MSC 102/INF.22, in order of priority, to:

- .1 prepare an MSC resolution for adoption at this session demonstrating the Organization's determination to continue to address piracy and armed robbery against ships in the waters of the Gulf of Guinea, and to encourage Member States and all stakeholders to work together and take effective and efficient preventive measures;
- .2 finalize the text of the draft Assembly resolution contained in document MSC 103/10/1, including urging the United Nations and other international agencies to continue to address piracy in the Gulf of Guinea;
- .3 amend MSC.1/Circ.1601 on *Revised industry counter-piracy guidance*, replacing annex 3 with the BMP West Africa guidance, as referenced in document MSC 102/10/6;
- .4 discuss the need for cooperative mechanisms for countering piracy and armed robbery against ships in the Gulf of Guinea region;
- .5 provide an update on the status of regional and international efforts to arrest and prosecute suspected pirates;
- .6 consider options for available protection solutions and their implications; and
- .7 identify reasons for under-reporting of piracy and armed robbery incidents with a view to optimizing current incident reporting, response coordination and information-sharing mechanisms.

Verification of reports of piracy and armed robbery incidents

10.21 The Committee recalled that MSC 95, prior to approving the *Recommendations to Governments for preventing and suppressing piracy and armed robbery against ships* (MSC.1/Circ.1333/Rev.1), discussed the issue of verification of incidents and did not support development of a validation regime, based on concerns over the practicability and usefulness

of such a regime for the purpose of the GISIS piracy and armed robbery module, bearing in mind the additional administrative burden for flag and coastal States; and instead agreed to the establishment of a national focal point to interface with the Organization on these matters, including to provide further details of incidents or correct inaccuracies. The Committee also recalled that it had, including at this session (see paragraph 10.2.2), repeatedly encouraged Member States to provide a national focal point, as many had not yet done so. The Committee noted that a total of 58 Member States, out of 174, had provided the national focal point information in the Contact Points module of GISIS.

10.22 The Committee considered document MSC 102/10/4 (Argentina et al.) presenting an analysis of the findings of a regional study on incidents of piracy and armed robbery against ships registered in the GISIS module, and requesting the Committee to implement a mechanism for prior validation of the information by coastal States, in order not to compromise the integrity of GISIS statistics, particularly with regard to incidents not involving physical violence against the crew.

10.23 In the ensuing discussion, the following views were expressed:

- .1 if reports first had to be analysed and approved by coastal States, this could hinder the immediate action requested, upon which the lives of mariners depended;
- .2 the reporting of incidents and the response to incidents should not be confused and reporting should not be done unilaterally by industry to IMO without consultation with the coastal State concerned;
- .3 introducing a validation mechanism would result in additional administrative burden and lead to fewer reports in a situation where under-reporting was already of concern;
- .4 while the highest quality of data was important, careful consideration of practical implications was necessary; including how an element of validation could be added to the incident report in GISIS; and
- .5 it was not the intention to introduce additional burdens or create delays, but to contribute to accurate reporting of incidents.

10.24 Following discussion, the Committee thanked the co-sponsors for drawing attention to the importance of accurate reporting, and:

- .1 agreed that collation, assessment and dissemination of accurate information and statistics on attacks by pirates and armed robbers at sea was critical in countering the threat;
- .2 noted that the Committee had earlier, under this agenda item, requested Member States to continue to report incidents to the Secretariat and had also requested Member States to provide and make use of the National Point(s) of Contact for communication of information on piracy and armed robbery (see paragraph 10.2);
- .3 noted that, should there be a rise in incidents being disputed or found inaccurate by Member States concerned, the Secretariat could consider amending the GISIS module to allow easier identification of disputed incidents in regard to the compiled statistics generated from the module; and

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- .4 requested the Secretariat to study the matter and report to the next session of the Committee, taking into account document MSC 102/10/4 and the comments made in plenary.

Report of the Working Group on Piracy

10.25 Having considered the report of the Working Group (MSC 103/WP.9), the Committee approved it in general and took action as described in the following paragraphs.

10.26 The Committee:

- .1 adopted resolution MSC.489(103) on *Recommended action to address piracy and armed robbery in the Gulf of Guinea*, set out in annex 9;
- .2 acknowledged the progress made on a draft Assembly resolution updating the previous resolution A.1069(28) on *Prevention and suppression of piracy, armed robbery against ships and illicit maritime activity in the Gulf of Guinea* (MSC 103/WP.9, annex 2) and agreed to finalize it at MSC 104 for approval, with a view to submission to A 32 for adoption, noting the outstanding issues highlighted by the Group (MSC 103/WP.9, paragraphs 4.1 to 4.5);
- .3 requested the Secretariat to update MSC.1/Circ.1601 on *Revised industry counter-piracy guidance*, replacing annex 3 with the BMP West Africa guidance, as referenced in document MSC 102/10/6, for dissemination as MSC.1/Circ.1601/Rev.1;
- .4 noted the Group's discussion on the need for cooperative mechanisms for countering piracy and armed robbery against ships in the Gulf of Guinea region, and the international framework as announced by Nigeria and ICC;
- .5 noted the updates provided during the Group's discussions on the status of regional and international efforts to arrest and prosecute suspected pirates and the encouragement for future updates;
- .6 noted the Group's discussion on options for available protection solutions and their implications; and
- .7 noted the Group's identified reasons for under-reporting of piracy and armed robbery incidents with a view to optimizing current incident reporting, response coordination, and information-sharing mechanisms and the recommendation that this should be discussed at the next session.

10.27 Concerning the issue of under-reporting of incidents (see paragraph 10.26.7), the Committee noted a statement by the observer from ReCAAP-ISC, supported by the delegation of Bangladesh, that they did not support a review of IMO's guidance for incident reporting contained in MSC.1/Circ.1333/Rev.1 and MSC.1/Circ.1334, as amending the circulars would have implications for governance mechanisms in other regions. Any future review would need clear terms of reference and should bear in mind that MSC 101, after lengthy discussions, had not agreed to undertake a review. Upholding regional differences in reporting arrangements was necessary to ensure the close link between incident reporting and incident responses of coastal States, which had proven highly successful in Asia. The full text of the statement is set out in annex 16.

10.28 The view was expressed that among the reasons identified for under-reporting was the lack of a common understanding of the definition of "armed robbery against ships" and that, therefore, a future discussion might mean amendments to the aforementioned two circulars in this regard; however, the main aim of the action requested (see paragraph 10.26.7) was to have a full and detailed discussion at the next session. In response, the view was expressed that the definition of "armed robbery against ships" used by the UN Security Council and the UN General Assembly involved not only some of the United Nations main organs but also the application of UNCLOS, and therefore it was not a term IMO could itself define.

11 UNSAFE MIXED MIGRATION BY SEA

11.1 The Committee postponed consideration of this agenda item to MSC 104.

12 FORMAL SAFETY ASSESSMENT

12.1 The Committee postponed consideration of this agenda item to MSC 104.

13 HUMAN ELEMENT, TRAINING AND WATCHKEEPING

Urgent matters emanating from HTW 7

13.1 The Committee considered urgent matters emanating from the seventh session of the Sub-Committee on Human Element, Training and Watchkeeping (HTW) (HTW 7/16), as outlined in document MSC 103/13 (Secretariat), and took action as indicated below.

Strategic direction on the human element

13.2 Taking into account the broad spectrum of areas that the human element embraced and its ongoing relevance, especially during the pandemic, as well as the fact that C/ES.32 had already considered document C/ES.32/4/13 (Spain) on this matter, the Committee agreed to request C 125 to include a specific strategic direction on the human element in the current Strategic Plan for the Organization at the earliest opportunity.

Correspondence Group on COVID-19 Training and Certification Matters

13.3 The Committee endorsed the establishment of a Correspondence Group on COVID-19 Training and Certification Matters and the submission of its report to MSC 104 in order to expedite action on this matter (HTW 7/16, paragraphs 4.10 to 4.12).

Draft guidelines for fishing vessels of 24 m in length and over operating in polar waters

13.4 The Committee took the modifications proposed by the HTW Sub-Committee to paragraph 11.5 of the draft guidelines for fishing vessels of 24 m in length and over operating in polar waters into account when approving the guidelines (see paragraph 15.2).

Draft interim guidelines on safe operation of OPS service in port

13.5 The Committee noted that HTW 7, having recognized that thorough and detailed consideration of the personnel, training and familiarization provisions was required before the approval of the draft interim guidelines on safe operation of onshore power supply (OPS) service in port for ships engaged on international voyages, had postponed the consideration of these provisions to HTW 8 (see paragraphs 16.2 and 16.3).

Secretary-General's reports pursuant to STCW regulations

Secretary-General's report pursuant to STCW regulation I/7

13.6 The Committee noted that no reports on initial communication of information, pursuant to STCW regulation I/7, paragraph 2, had been completed for consideration at this session.

Secretary-General's report pursuant to STCW regulation I/8

13.7 The Committee considered the reports for Bahrain, Ghana, Greece, Honduras, Peru, the Republic of Korea and Seychelles, as set out in documents MSC 103/WP.3 and Add.1, and confirmed that the information provided by:

- .1 Bahrain, Ghana, Greece, Peru, the Republic of Korea and Seychelles demonstrated that they continued to give full and complete effect to the provisions of the STCW Convention; and
- .2 Honduras demonstrated that they continued to give effect to the provisions of the STCW Convention for support level only, since the information and traceability did not allow verifying compliance for operational and management levels,

and requested the Secretariat to issue updated information concerning the subsequent reports by means of MSC.1/Circ.1164/Rev.23.

13.8 The Committee also encouraged Parties to the STCW Convention to submit their subsequent reports, in accordance with sections A-I/7 and A-I/8 of the STCW Code.

Approval of competent persons

13.9 The Committee considered documents MSC 103/13/1 and Add.1 (Secretariat), containing information provided by STCW Parties regarding experts made available or recommended for inclusion in the list of competent persons, as well as competent persons withdrawn from the list.

13.10 Following consideration, the Committee:

- .1 approved the inclusion and updated information of four competent persons recommended by two Parties in the *List of competent persons maintained by the Secretary-General pursuant to section A-I/7 of the STCW Code* (MSC.1/Circ.797/Rev.34) and requested the Secretariat to issue the revised List by means of MSC.1/Circ.797/Rev.35;
- .2 noted the competent persons who had been withdrawn from the List by one STCW Party;
- .3 invited STCW Parties to inform the Secretariat of any amendments that the List might require (withdrawals, additions, change of address, etc.), with a view to ensuring that those listed in the latest revision were available to serve as competent persons and were readily contactable; and
- .4 having thanked those STCW Parties that had nominated competent persons, encouraged all Parties to submit additional nominations to ensure the effective implementation of the provisions of the STCW Convention.

Joint ILO/IMO working group on seafarers' issues and the human element

13.11 The Committee recalled that MSC 102 had deferred consideration of document MSC 102/13/2 (Secretariat), concerning the establishment of a joint ILO/IMO working group to identify and address seafarers' issues and the human element, to this session, pending the outcome of LEG 107.

13.12 In this connection, the Committee noted that LEG 107 had considered this matter (LEG 107/14/3) and had:

- .1 agreed to request, as a matter of urgency, the Special Tripartite Committee (STC) of MLC, 2006, of ILO to authorize the establishment of an ILO/IMO tripartite working group to identify and address seafarers' issues and the human element, which would need to be endorsed by the ILO Governing Body during its meeting in November 2021, as recommended by the ILO Sectoral Meeting; and
- .2 invited the Committee to make a similar request to the Council when considering document MSC 102/13/2 (Secretariat).

13.13 The Committee also noted that the STC of MLC, 2006, at its fourth meeting held remotely from 19 to 23 April 2021, had:

- .1 considered a document requesting the establishment of said joint group, submitted by the IMO Secretariat in line with the agreement of LEG 107;
- .2 based on the consensus in favour of IMO's proposal, requested the ILO Secretariat to liaise with the IMO Secretariat to prepare a draft resolution in close consultation with, and under the overall guidance of, the STC Officers, recommending the establishment of the group to the ILO Governing Body, including precise terms of reference;
- .3 agreed that, as an exceptional decision-making method, once this draft resolution had been finalized by the ILO and IMO Secretariats, and unanimously approved by the STC Officers, it would be submitted to STC members for adoption by correspondence; and
- .4 agreed that, if adopted by correspondence, the resolution would be submitted to the 343rd session of the ILO Governing Body (November 2021) for consideration and decision, or alternatively to the 344th session (March 2022), as necessary.

13.14 In this regard, the Committee also considered document MSC 102/13/2 (Secretariat), also on the establishment of the joint ILO/IMO working group, following the recommendation emanating from the ILO Sectoral Meeting on the Recruitment and Retention of Seafarers and the Promotion of Opportunities for Women Seafarers (25 February to 1 March 2019).

13.15 In the ensuing discussion, the Committee noted the following views:

- .1 the joint tripartite working group would strengthen synergies between ILO and IMO in areas of common interest;

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- .2 ILO/IMO joint groups operated well if the terms of reference were tight with respect to the expected work to be accomplished and were agreeable to the membership of both organizations;
 - .3 recognizing that this would be a standing group, the ILO and IMO Secretariats should ensure that specific terms of reference and a detailed framework for the group were agreed by the Committees before its establishment;
 - .4 the establishment of the group should not entail duplication or reconsideration of work already being undertaken by either ILO or IMO bodies; and
 - .5 the functions and method of work of the group should not digress from those approved prior to its establishment.

13.16 The Committee also noted information provided by the Secretariat that:

- .1 the aforementioned draft resolution to be prepared in cooperation with the ILO Secretariat was intended to address the scope of work and terms of reference, meeting details and the framework of proceedings; and
- .2 the STC had agreed to have a standing joint ILO/IMO working group and that specific terms of reference for matters to be discussed by this group would have to be approved by relevant bodies of both organizations.

13.17 Subsequently, the Committee:

- .1 requested the Secretariat to keep it informed of developments relating to the draft resolution to be adopted by the STC of ILO;
- .2 approved, in principle, the establishment of a standing joint ILO/IMO working group to identify and address seafarers' issues and the human element, subject to the approval of the terms of reference and other arrangements for the standing group as may be provided in the STC resolution; and
- .3 invited C 125 to endorse this decision, in principle, subject to approval of the group's method of work, as may be provided in the resolution to be adopted by the STC of ILO, by relevant IMO Committees.

14 NAVIGATION, COMMUNICATIONS AND SEARCH AND RESCUE

Amendments to the IAMSAR Manual

14.1 The Committee recalled that MSC 102 had authorized the Secretariat to submit the draft amendments to the International Aeronautical and Maritime Search and Rescue Manual (IAMSAR Manual), as finalized by the twenty-seventh meeting of the ICAO/IMO Joint Working Group on Harmonization of Aeronautical and Maritime Search and Rescue, directly to MSC 103 for approval (MSC 102/24, paragraph 16.26).

14.2 In this context, the Committee considered document MSC 103/14 (Secretariat) containing, in the annex, the draft amendments to the IAMSAR Manual finalized by the ICAO/IMO Joint Working Group, and taking into account ICAO's concurrence with the inclusion of the draft amendments in the 2022 edition of the IAMSAR Manual, approved MSC.1/Circ.1640 on *Amendments to the IAMSAR Manual*.

Dissemination of MSI and SAR-related information over multiple GMDSS recognized mobile satellite services

14.3 The Committee recalled that MSC 102 had considered the report of NCSR 7 and, having briefly considered the discussions on dissemination of maritime safety information (MSI) and search and rescue (SAR) related information over multiple recognized mobile satellite services for use in the Global Maritime Distress and Safety System (GMDSS), deferred the consideration of matters concerning cost implications for MSI and SAR information providers to MSC 103 (MSC 102/24, paragraphs 16.8 to 16.13).

14.4 In this connection, the Committee had for its consideration the following documents:

- .1 MSC 102/16/3 (IMSO), providing comments on cost implications related to the dissemination of MSI over multiple recognized mobile satellite services and presenting options for discussion to address them;
- .2 MSC 102/16/4 (Canada et al.), providing comments on cost implications related to multiple recognized mobile satellite services and proposing consideration of possible solutions to mitigate the cost impacts to MSI providers for dissemination of MSI;
- .3 MSC 102/16/5 (New Zealand), providing comments on cost implications related to the dissemination of MSI over multiple recognized mobile satellite services, including requirements for broadcast monitoring, as well as on personnel and infrastructure required to support additional mobile satellite services, both for MSI and SAR information providers;
- .4 MSC 103/14/1 (Secretariat), providing background information on considerations at NCSR 7 and MSC 102 on this matter; and
- .5 MSC 103/14/2 (France), providing comments and supporting the establishment of a dedicated fund by IMO, replenished by Member States on the basis of their merchant fleet and subject to a cost ceiling, which would allow costs to be shared between States responsible for the dissemination of MSI and beneficiary States.

14.5 The Committee also took into consideration the discussion and decisions taken at NCSR 8 on issues concerning the dissemination of MSI and SAR-related information over multiple recognized mobile satellite services, including broadcast monitoring (MSC 103/WP.13).

14.6 Before inviting comments, the Chair provided a summary of the main issues, comments and proposals presented in the above documents, highlighting in particular the important role of MSI and SAR information providers (i.e. NAVAREA and METAREA Coordinators and SAR services) in ensuring the timely dissemination of information over recognized mobile satellite services for the benefit of the whole shipping community and the need to address the cost burden for information providers associated with the recognition of new mobile satellite services for use in the GMDSS. The Chair also recognized that this was a complex issue and that further information would be necessary before the Committee could take a final decision, such as detailed information on actual costs for dissemination of information and other related functions, consideration of options to either eliminate or reduce the shore-to-ship charge for dissemination of navigational and meteorological warnings, and procedural aspects related to the possible establishment of a fund by IMO to spread the cost. Consequently, the Chair invited comments on the cost issue and on the possible establishment of a correspondence group to progress this work intersessionally with a view to reporting to MSC 105 with a final recommendation on how to address the matter.

14.7 During the ensuing discussion, both the comments by the Chair and the proposal to establish a correspondence group were supported in general and the importance of maintaining the consideration of this matter at Committee level and finding a resolution as soon as possible was stressed. In particular, the following views were expressed:

- .1 the Committee should consider whether to make it explicitly mandatory for all area coordinators to provide MSI and SAR information to all mobile service providers recognized by the Organization;
- .2 the establishment of a dedicated fund by IMO in order to share the cost burden across all beneficiaries Member States was supported, but also exploring other possible solutions, including revising resolution A.707(17) or maintaining the current implementation; and
- .3 no additional cost should be borne by Member States, shipowners, ship operators or end users due to the recognition of new mobile satellite services.

14.8 The observer from WMO emphasized that the cost issue was related to the decision by the Committee to recognize additional mobile satellite services and, therefore, this matter was not under the remit of WMO or IHO and should be resolved by IMO; in addition, it should be made clear that METAREAs and NAVAREAs Coordinators should not be responsible for any extra costs associated with this decision. The observer, while supporting progressing the work on the cost issue intersessionally without further delay, recommended the Committee to urgently clarify the confusion regarding the mandatory requirement to disseminate information over all recognized mobile satellite services. She also suggested that NAVAREA and METAREA Coordinators, together with the IMO Enhanced Group Call Coordinating Panel and relevant WMO and IHO bodies, should be part of the correspondence group proposed by the Chair.

14.9 After consideration, the Committee:

- .1 noted the information provided regarding the implementation of the Iridium SafetyCast service;
- .2 agreed that the implementation of mobile satellite services recognized by the Organization was of utmost importance to protect the integrity of the GMDSS, providing not only advance information necessary for safe navigation, but also essential information for SAR operations and timely assistance to persons in distress at sea;
- .3 encouraged Member States responsible for the promulgation of MSI through the World-Wide Navigational Warning Service (WWNWS) and the Worldwide Met-Ocean Information and Warning Service (WWMIWS), as well as those responsible for the dissemination and reception of SAR-related information, to progress the implementation of GMDSS mobile satellite services recognized by the Organization and to communicate this information through the GISIS module on GMDSS Master Plan, as and when changes occurred;
- .4 agreed to the establishment of a correspondence group to consider the matter intersessionally and report to MSC 105;
- .5 invited Member States responsible for the dissemination of MSI and SAR-related information and having concerns about the cost issues to submit detailed information on cost implications directly to the correspondence group and, in particular, an estimation of the actual cost for the dissemination of such information over recognized mobile satellite services;

- .6 invited the United Kingdom and the United States, in cooperation with Inmarsat and Iridium, respectively, to advise the correspondence group on the feasibility of eliminating or reducing the shore-to-ship charge for navigational and meteorological warnings (as was the case with distress alerts) and to share their views on how the cost issues could be addressed; and
- .7 requested the Secretariat to submit information directly to the correspondence group on procedural aspects related to the possible establishment of a fund, including any other relevant information, as appropriate.

Establishment of a correspondence group

14.10 The Committee established the Correspondence Group on Dissemination of MSI and SAR-related information, under the coordination of Australia,² and instructed it, taking into account decisions, comments and proposals made at this session, as well as any additional information that might be submitted directly to the Group, to:

- .1 consider the mandatory use of all recognized mobile satellite services providing services within the service area for dissemination of information by MSI and SAR information providers, and advise the Committee, as appropriate;
- .2 consider options to address cost implications for MSI and SAR information providers concerning the dissemination of information over multiple GMDSS mobile satellite services; present an analysis of the advantages and disadvantages of each option; and recommend a way forward for consideration by the Committee, including an implementation plan, as appropriate; and
- .3 submit a report for consideration by MSC 105.

14.11 The Committee invited experts representing the recognized mobile satellite service providers, NAVAREA and METAREA Coordinators, SAR authorities, Member States and international organizations concerned, in particular WMO and IHO, to actively participate in the deliberations of the Correspondence Group in order to ensure a satisfactory resolution of the issue for all parties concerned.

14.12 Taking into account the current circumstances and in order to make as much progress as possible intersessionally, the Committee agreed that the coordinator of the Correspondence Group should have the flexibility to convene virtual meetings, as necessary, to facilitate the consideration of issues of particular complexity, as a complement to the work by correspondence.

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15 SHIP DESIGN AND CONSTRUCTION

Background

15.1 The Committee recalled that it had considered the report of the seventh session of the Sub-Committee on Ship Design and Construction (SDC) (SDC 7/16) at its last session (MSC 102/24, section 17) but kept the draft guidelines for fishing vessels and for pleasure yachts operating in polar waters in abeyance, pending input from HTW 7.

Safety measures for non-SOLAS ships operating in polar waters

Guidelines for safety measures for fishing vessels operating in polar waters

15.2 Having considered the relevant part of document MSC 103/15/1 (Secretariat), reporting on the input from HTW 7 on paragraph 11.5 of the draft guidelines (SDC 7/16, annex 3) (see paragraph 13.4), the Committee agreed to the changes proposed by HTW 7 and approved MSC.1/Circ.1641 on *Guidelines for safety measures for fishing vessels of 24 m in length and over operating in polar waters*.

15.3 The observer from FOEI made a statement welcoming the approval of the Guidelines, the full text of which is set out in annex 16.

Guidelines for pleasure yachts operating in polar waters

15.4 The Committee approved MSC.1/Circ.1642 on *Guidelines for pleasure yachts of 300 gross tonnage and above not engaged in trade operating in polar waters* (SDC 7/16, annex 4).

Report of the Intersessional Working Group on Carriage of Industrial Personnel

15.5 The Committee noted the information provided in document MSC 103/15/1 (Secretariat), reporting on the outcome of the Intersessional Working Group on Carriage of Industrial Personnel (IP), which met remotely from 8 to 12 March 2021. In particular, the Committee noted that the Group had finalized draft SOLAS chapter XV and the draft IP Code, including provisions for high-speed craft carrying no more than 60 industrial personnel, and the Model Industrial Personnel Safety Certificate Form; had agreed on grandfathering provisions for ships permitted to operate under the interim recommendations (resolution MSC.418(97)); and that the outcome of the Group would be considered in detail by SDC 8.

15.6 The Committee also noted that, given the progress made by the Group, there was no need for an intersessional correspondence group as it was expected that SDC 8 would conclude the work and submit the new draft SOLAS chapter XV and the draft IP Code to MSC 105 for approval with a view to subsequent adoption.

16 SHIP SYSTEMS AND EQUIPMENT

Outcome of SSE 7, HTW 7 and MSC 102

16.1 Regarding the outcome of SSE 7, HTW 7 and MSC 102, as contained in document MSC 103/16 (Secretariat), the Committee had the following matters for consideration:

- .1 draft interim guidelines on safe operation of onshore power supply (OPS) service in port for ships engaged on international voyages (SSE 7/21, annex 6);
- .2 draft amendments to the *Guidelines for the maintenance and inspections of fixed carbon dioxide fire-extinguishing systems* (MSC.1/Circ.1318) (SSE 7/21, annex 18) (MSC 103/16, paragraphs 3 and 4); and
- .3 draft MSC circular on voluntary early implementation of the draft amendments to SOLAS chapter III and the LSA Code, which had been discussed under agenda item 3 and referred to the drafting group for finalization (see paragraph 3.36).

Draft interim guidelines on safe operation of OPS service in port

16.2 With respect to the personnel, training and familiarization provisions of the draft interim guidelines on onshore power supply service in port for ships engaged on international voyages, the Committee noted that HTW 7, owing to time constraints, had postponed consideration of those provisions to HTW 8 (see paragraph 13.5).

16.3 In this respect, the Committee also considered document MSC 103/16/1 (IACS), commenting on the draft interim guidelines and proposing several modifications. Bearing in mind the pending input from HTW 8, as well as the comments in document MSC 103/16/1, the Committee referred the draft interim guidelines, together with the proposals by IACS, to SSE 8 for further consideration under the agenda item on "Any other business", with a view to finalization and submission of the draft guidelines to MSC 105 for approval, pending the input from HTW 8.

Draft amendments to the guidelines for fixed carbon dioxide fire-extinguishing systems

16.4 With regard to draft amendments to the *Guidelines for the maintenance and inspections of fixed carbon dioxide fire-extinguishing systems* (MSC.1/Circ.1318), the consideration of which MSC 102 had postponed to this session, the Committee considered document MSC 103/16/2 (United Kingdom and IACS), proposing modifications to align them with the *Revised guidelines for the maintenance and inspection of fire protection systems and appliances* (MSC.1/Circ.1432).

16.5 Having agreed with the modifications proposed in the document, the Committee approved the *Revised guidelines for the maintenance and inspections of fixed carbon dioxide fire-extinguishing systems* (MSC.1/Circ.1318/Rev.1).

Correction of references to standards for coated fabric material tests for inflatable liferafts

16.6 The Committee recalled that SSE 7, when considering the replacement of the outdated standard ISO/TR 6065 with ISO 15372:2000 in the *Revised recommendation on testing of life-saving appliances* (resolution MSC.81(70)), had:

- .1 agreed not to take any action, confirming that the discrepancy between the temperature for the oil exposure tests in ISO/TR 6065 and ISO 15372:2000 was a typographical error; and

- .2 noted a statement by the ISO/TC 8 observer that ISO had initiated the process to issue an amendment to rectify this error (SSE 7/21, paragraphs 20.16 and 20.17).

16.7 In this regard, the Committee had the following documents for consideration:

- .1 MSC 103/16/3 (ISO), addressing the need for minor corrections to references to standards for material tests for inflatable liferafts and hydrostatic release unit membranes in the revised recommendation (resolution MSC.81(70)); and
- .2 MSC 103/16/4 (China), supporting the draft corrections suggested in document MSC 103/16/3 and proposing new working procedures when considering revisions of standards referenced in IMO instruments, in accordance with the procedure for minor modifications established by C/ES.27.

16.8 While some delegations were of the view that the proposed modifications should be referred to SSE 8 for a review to confirm them as being minor, other delegations expressed the view that the modifications, which would update outdated references, had been thoroughly considered by SSE 7 and, therefore, should be accepted as minor changes.

16.9 Following discussion, the Committee, having recalled the agreement at SSE 7 that the outdated references should be revised after the typographical errors had been addressed (SSE 7/21, paragraph 20.16):

- .1 agreed to the modifications proposed in document MSC 103/16/3 as minor corrections in accordance with the decisions of C/ES.27 (C/ES.27/D, paragraph 3.2(vi)); and
- .2 requested the Secretariat to:
 - .1 incorporate these modifications in the final MSC resolution on amendments to the revised recommendation (see paragraph 3.34), containing other consequential modifications emanating from amendments to SOLAS chapter III and the LSA Code; and
 - .2 submit a document with suggested consequential amendments to the *Revised standardized life-saving appliance evaluation and test report forms (survival craft)* (MSC.1/Circ.1630) for consideration at SSE 8, with a view to aligning them with the aforesaid amendments to resolution MSC.81(70).

Procedure for revising standards referenced in IMO instruments

16.10 With regard to the procedure for revising standards referenced in IMO instruments proposed in document MSC 103/16/4, the following views were expressed:

- .1 the procedure would ensure that references to industry standards in IMO instruments were updated appropriately when such standards had been revised and, therefore, should be supported;
- .2 Assembly resolution A.911(22) on *Uniform wording for referencing IMO instruments* should be taken into account when referencing industry standards in IMO instruments, together with the earlier relevant discussion at NCSR 8;

- .3 cases where updating referenced standards could lead to more than minor changes should be carefully considered and how the proposed procedure would be documented should be clarified; and
- .4 international standardization organizations had greater expertise in examining standards than IMO bodies and interested parties should take part in their work.

16.11 Following discussion, noting that more thorough deliberation of the procedure proposed in document MSC 103/16/4 was required, the Committee agreed to refer the matter to the III Sub-Committee for further consideration and invited interested Member States and international organizations to submit relevant proposals to III 8.

17 APPLICATION OF THE COMMITTEE'S METHOD OF WORK

17.1 The Committee postponed consideration of this agenda item to MSC 104.

18 WORK PROGRAMME

Proposals for new outputs

Review of the IGC Code

18.1 The Committee considered document MSC 102/21/1 (Marshall Islands et al.) proposing a new output to conduct a review of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code) to clarify its requirements, taking into account experience gained in its implementation; together with documents MSC 102/21/14 (Norway), MSC 102/21/16 (Japan) and MSC 102/21/20 (Republic of Korea), commenting on the proposal.

18.2 Following discussion, and having agreed that the scope of the review should not be limited to specific paragraphs of the Code, the Committee agreed to include in its post-biennial agenda an output on "Review of the IGC Code", with two sessions needed to complete the item, assigning the CCC Sub-Committee as the associated organ.

18.3 The Committee also agreed, in accordance with MSC.1/Circ.1481 and MSC.1/Circ.1500/Rev.1, that:

- .1 the amendments to be developed should apply to all new ships to which the IGC Code applied on or after the date of entry into force;
- .2 the instrument to be amended was the IGC Code; and
- .3 the amendments to be developed should enter into force on 1 January 2028, provided that they were adopted before 1 July 2026.

Revision of MODU Code provisions to prohibit use of materials and products containing asbestos

18.4 The Committee considered document MSC 102/21/2 (Russian Federation) proposing amendments to the 1979, 1989 and 2009 MODU Codes to align them with the provisions of SOLAS regulation II-1/3-5 to prohibit the use of materials containing asbestos in the structure of mobile offshore drilling units and develop respective interpretations.

18.5 Following discussion, the Committee agreed to include in the biennial agenda of the SDC Sub-Committee for 2022-2023 and the provisional agenda for SDC 8 an output on

"Revision of the 1979, 1989 and 2009 MODU Codes and associated MSC circulars to prohibit the use of materials containing asbestos, including control of storage of such materials on board", with a target completion year of 2023.

Fire protection on containerhips

18.6 The Committee had for its consideration documents:

- .1 MSC 102/21/3 (Marshall Islands et al.) proposing a new output to evaluate the adequacy of fire protection, detection and extinction arrangements on board containerhips to fight container fires, with a view to amending SOLAS and the FSS Code, as required; and
- .2 MSC 102/21/7 and Corr.1 (Bahamas et al.), MSC 102/INF.2 and MSC 102/INF.3 (IUMI), proposing amendments to SOLAS chapter II-2 to enhance provisions for early fire detection and effective control of fires in containerized cargoes stowed on and under deck of containerhips.

18.7 As these documents addressed similar matters on fire protection on containerhips, the Committee considered the two proposals together with document MSC 102/21/24 (Liberia et al.) commenting on both proposals, and noted the following views:

- .1 both documents MSC 102/21/3 and MSC 102/21/7 had the same goals and therefore should be considered uniformly to establish a single unified output to effectively address the matter;
- .2 more information and evidence were needed concerning the inadequacy of the current fire-extinguishing systems, as the main cause of containerhip fires was erroneous declaration of cargoes leading to unsafe stowage;
- .3 careful consideration should be given to the heavy workload of the SSE Sub-Committee, which was already working on fire safety on ro-ro passenger ships;
- .4 the scientific and economic feasibility of the advanced risk control options mentioned in paragraph 17 of document MSC 102/21/7 should be examined;
- .5 an analytic approach should be followed before amending the relevant regulations, and prioritization should be given to enhancement of risk prevention and mitigation; and
- .6 the matter of erroneous declarations and the existing gap in the fire protection regulatory framework should be discussed in parallel with enhancing the safety of crew.

18.8 Following discussion, and having noted, in particular, the need for a holistic risk-based approach and prioritization of risk prevention and mitigation enhancement when developing amendments, the Committee agreed to include in the biennial agenda of the SSE Sub-Committee for 2022-2023 and the provisional agenda for SSE 8 an output on "Development of amendments to SOLAS chapter II-2 and the FSS Code concerning detection and control of fires in cargo holds and on the cargo deck of containerhips", with a target completion year of 2025, in association with the CCC Sub-Committee as and when requested by the SSE Sub-Committee.

18.9 The Committee also agreed, in accordance with MSC.1/Circ.1481 and MSC.1/Circ.1500/Rev.1, that:

- .1 the amendments to be developed should apply to new ships;
- .2 the output was to amend regulations in SOLAS chapter II-2 and the FSS Code to enhance provisions for early fire detection and effective control of fires in containerized cargoes stowed on and under deck of containerships; and
- .3 the amendments to be developed should enter into force on 1 January 2028, provided that they were adopted before 1 July 2026.

Amendments to SOLAS chapter V and development of VDES-relevant IMO instruments

18.10 The Committee considered documents MSC 102/21/4 and MSC 103/18 (Japan et al.) proposing amendments to SOLAS chapter V to introduce the VHF Data Exchange System (VDES), develop related performance standards and guidelines, and revise/amend relevant IMO instruments.

18.11 During the ensuing discussion, the delegations that took the floor supported in general the proposal to advance developments related to the introduction of VDES, recognizing also the need to progress the development of relevant SOLAS amendments to comply with the four-year cycle (MSC.1/Circ.1481). Views were also expressed indicating, in particular, the need to:

- .1 include also the development of amendments to SOLAS chapter IV as part of this output; and
- .2 develop related performance standards and guidelines before approving amendments to SOLAS.

18.12 Following discussion, the Committee agreed to include in its post-biennial agenda an output on "Development of amendments to SOLAS chapters IV and V and performance standards and guidelines to introduce VHF Data Exchange System (VDES)", with two sessions needed to complete the item, assigning the NCSR Sub-Committee as the associated organ, and also agreed to exempt those SOLAS amendments from the four-year amendment cycle.

18.13 The Committee also agreed, in accordance with MSC.1/Circ.1481 and MSC.1/Circ.1500/Rev.1, that:

- .1 the amendments to be developed should apply to all ships of 300 gross tonnage and above engaged on international voyages, cargo ships of 500 gross tonnage and above not engaged on international voyages, and passenger ships irrespective of size, taking into account the application provisions of SOLAS chapters IV and V, on or after the date of entry into force;
- .2 the instrument to be amended was SOLAS, chapters IV and V, including the development of related performance standards and guidelines, and consequential amendments to existing instruments; and

- .3 the NCSR Sub-Committee should recommend the appropriate entry-into-force date for the amendments and also consider options with a view to developing appropriate guidance for early implementation.

Extension of SOLAS requirements for emergency towing arrangements to all ship types

18.14 The Committee considered documents MSC 102/21/5 and Corr.1 (France et al.) proposing an extension of the requirements for emergency towing arrangements in SOLAS regulation II-1/3-4, applicable to tankers of not less than 20,000 tonnes deadweight, to all types of large new ships. In this connection, the Committee noted the information contained in documents MSC 102/INF.4 and MSC 102/INF.5 (France), providing information on the evolution of ship size in the English Channel and a summary of a towing exercise between a large container ship and a rescue tug, respectively.

18.15 Following discussion, the Committee agreed to include in the biennial agenda of the SDC Sub-Committee for 2022-2023 and the provisional agenda for SDC 8 an output on "Development of amendments to SOLAS regulation II-1/3-4 to apply requirements for emergency towing equipment for tankers to other types of ships", with a target completion year of 2023.

18.16 The Committee also agreed, in accordance with MSC.1/Circ.1481 and MSC.1/Circ.1500/Rev.1, that:

- .1 the amendments to be developed should apply to all types of new ships of [20,000] gross tonnage and above, whereby the tonnage threshold was left in square brackets for consideration by the SDC Sub-Committee and advice to the Committee;
- .2 the instrument to be amended was SOLAS regulation II-1/3-4; and
- .3 the amendments to be developed should enter into force on 1 January 2028, provided that they were adopted before 1 July 2026.

Development of performance standards for NAVDAT

18.17 The Committee considered document MSC 102/21/6 (Belgium et al.), together with document MSC 102/INF.6 (China and France), proposing a new output to develop performance standards for a digital navigational data system (NAVDAT) for the reception of maritime safety and security-related information. In this connection, the Committee also considered document MSC 102/21/25 (United Kingdom), proposing additionally to assess the need for a NAVDAT coordination scheme and propose solutions; develop a NAVDAT manual; amend MSI manuals to support the introduction of NAVDAT and the relationship with the existing MSI services; and update the GMDSS Master Plan in GISIS to reflect NAVDAT stations; and agreed to include these additional items in the work under the output.

18.18 Following discussion, the Committee agreed to include in its post-biennial agenda an output on "Development of performance standards for a digital navigational data system (NAVDAT)", with two sessions needed to complete the item, assigning the NCSR Sub-Committee as the associated organ.

Revision of COLREG, 1972, for vessels carrying special types of cargo

18.19 The Committee considered document MSC 102/21/8 (Islamic Republic of Iran) proposing, with reference to the report on the investigation of the collision between **MT Sanchi**

and **MV CF Crystal**, a partial revision of COLREG, 1972, for vessels carrying dangerous goods; together with documents MSC 102/21/18 (China) and MSC 102/21/23 (OCIMF) commenting on the proposal.

18.20 Following discussion, and having noted, in particular, views indicating that a key outcome of the casualty investigation was that a proper lookout had not been carried out; that the COLREG provisions, in particular rule 5, already provided requirements for a proper lookout irrespective of type and size of a vessel; and that the existing regulatory framework was sufficient, the Committee concluded that the proposed output was not supported and, therefore, was not to be taken forward.

Amendments to SOLAS chapter XII and revision of associated unified interpretations

18.21 The Committee considered document MSC 102/21/9/Rev.1 (Brazil et al.) proposing amendments to SOLAS chapter XII (Additional safety measures for bulk carriers) and a revision of the unified interpretations of SOLAS regulations XII/4.2 and XII/5.2 (MSC/Circ.1178) in order to close gaps in these regulations that were identified during the flag State's marine safety investigation of the loss of **MV Stellar Daisy**, together with document MSC 102/21/21(IACS) commenting on the proposal.

18.22 During the ensuing discussion, several delegations, while supporting a review of SOLAS chapter XII and MSC/Circ.1178 in general, recognized that it was premature to commence the work since this matter required a thorough analysis before developing a requirement regarding water level detectors in addition to the existing requirements and strength and stability of bulk carriers.

18.23 Following discussion, the Committee instructed the SDC Sub-Committee to consider both documents under its agenda item "Any other business", taking into account the comments made, and report back to the Committee with a recommendation on the way forward.

Amendments to the 2011 ESP Code

18.24 The Committee considered document MSC 102/21/10 (Brazil et al.) proposing amendments to the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code) to address safety issues that were identified during the flag State's marine safety investigation of the loss of **MV Stellar Daisy**; together with document MSC 102/21/17 (IACS) commenting on the proposal.

18.25 Having noted general support for considering the matters raised in document MSC 102/21/10, as well as support for the comments provided by IACS and the perceived lack of evidence that would warrant additional survey requirements of water ballast tank and void spaces for all bulk carriers, the Committee instructed the SDC Sub-Committee to consider the matter under its existing continuous output "Amendments to the ESP Code", taking into account both documents.

18.26 The Committee also agreed in accordance with MSC.1/Circ.1481 and MSC.1/Circ.1500/Rev.1, that:

- .1 the SDC Sub-Committee consider in detail proposed amendments to the 2011 ESP Code to address matters related to surveys of ballast tanks and void spaces, and advise the Committee on the application requirements;
- .2 the instrument to be amended was the 2011 ESP Code; and

- .3 the amendments to be developed should enter into force with other amendments being developed under the existing output.

Review of the 2010 FTP Code

18.27 The Committee considered document MSC 102/21/11 (Austria et al.) proposing a new output on a revision of the International Code for Application of Fire Test Procedures, 2010 (2010 FTP Code) in order to allow for new fire protection systems and materials, also taking into account unified interpretations of the Code and most recent ISO fire test standards.

18.28 Following discussion, the Committee agreed to include in its post-biennial agenda an output on "Revision of the 2010 FTP Code to allow for new fire protection systems and materials", with three sessions needed to complete the item, assigning the SSE Sub-Committee as the associated organ.

18.29 The Committee also agreed, in accordance with MSC.1/Circ.1481 and MSC.1/Circ.1500/Rev.1, that:

- .1 the amendments to be developed should apply to all new ships to which the 2010 FTP Code applied;
- .2 the instrument to be amended was the 2010 FTP Code; and
- .3 the amendments to be developed should enter into force on 1 January 2028, provided that they were adopted before 1 July 2026.

Review of guidance on the application of SOLAS provisions related to safe return to port

18.30 The Committee considered document MSC 102/21/12 (Bahamas et al.) proposing a new output for a revision of the *Interim explanatory notes for the assessment of passenger ship systems' capabilities after a fire or flooding casualty* (MSC.1/Circ.1369) and related circulars; together with document MSC 102/21/22 (CLIA) commenting on the proposal.

18.31 Following discussion, the Committee agreed to include in its post-biennial agenda an output on "Revision of the *Interim explanatory notes for the assessment of passenger ship systems' capabilities after a fire or flooding casualty* (MSC.1/Circ.1369) and related circulars", with two sessions needed to complete the item, assigning the SDC Sub-Committee as the coordinating organ, in association with the SSE and HTW Sub-Committees as and when requested by the SDC Sub-Committee.

Containers lost at sea

18.32 The Committee considered document MSC 102/21/13 (Vanuatu) proposing the development of measures to facilitate the detection, reporting, positioning, tracking and recovery of containers lost at sea; together with document MSC 102/21/19 (Austria et al.) commenting on the proposal.

18.33 During the ensuing discussion, the delegations that took the floor supported the importance and urgency of the issue. Having noted the timing of CCC 7, scheduled for September 2021, the Committee recognized that consideration by the CCC Sub-Committee should commence in the 2022-2023 biennium. The delegation of the Netherlands expressed the view that following recent incidents involving large numbers of lost containers, a principal and holistic discussion was warranted on whether the requirements and standards developed

by the Organization had kept pace with the unrestrained increase in scale of containerships in the previous decades. The observer from WSC made a statement on the issue as set out in annex 16.

18.34 Following discussion, the Committee agreed to include in its post-biennial agenda an output on "Development of measures regarding the detection and mandatory reporting of containers lost at sea that may enhance the positioning, tracking and recovery of such containers", with two sessions needed to complete the item, assigning the CCC Sub-Committee as the coordinating organ, in association with the NCSR Sub-Committee as and when requested by the CCC Sub-Committee.

New outputs proposed by the III Sub-Committee

New entrant training manual for PSC personnel

18.35 The Committee considered a proposal for a new output prepared by III 6 (III 6/15, annex 5) to develop a training manual for new entrant PSC personnel, which would be regularly updated, for voluntary use.

18.36 Following discussion, the Committee agreed to include in the biennial agenda of the III Sub-Committee for 2022-2023 and the provisional agenda for III 8 an output on "Development of an entrant training manual for PSC personnel", with a target completion year of 2023, subject to concurrent decision by MEPC.

IMSAS guidance to assist in the implementation of the III Code by Member States

18.37 The Committee considered a proposal for a new output prepared by III 6 (III 6/15, annex 7) to develop guidance in relation to the IMO Member State Audit Scheme (IMSAS) to assist Member States in the implementation of the III Code.

18.38 Following discussion, the Committee agreed to include in the biennial agenda of the III Sub-Committee for 2022-2023 and the provisional agenda for III 8 an output on "Development of guidance in relation to IMSAS to assist in the implementation of the III Code by Member States", with a target completion year of 2023, subject to concurrent decision by MEPC.

Endorsement of new outputs

18.39 In accordance with Assembly resolution A.1111(30) on *Application of the Strategic Plan of the Organization*, the Committee invited the Council to endorse the agreed new outputs.

18.40 Following the consideration of the proposals for new outputs, the Committee noted a statement by the Chair of the CCC Sub-Committee with respect to ongoing considerations in the Sub-Committee to allocate more meeting time for working groups; and that, in this context, document CCC 7/12 (Chair of CCC Sub-Committee) had been submitted to CCC 7 with two proposed options, and interested Member States and international organizations were invited to submit commenting documents by the submission deadline of 11 June 2021.

Biennial agendas of the Sub-Committees and provisional agendas for their forthcoming sessions

18.41 Owing to time constraints, the Committee only considered the biennial agendas of the SDC and SSE Sub-Committees and the provisional agendas for their forthcoming sessions, taking into account that MSC 102 had already confirmed the biennial and provisional agendas of the CCC, HTW, III and NCSR Sub-Committees.

Biennial agenda of the SDC Sub-Committee and provisional agenda for SDC 8

18.42 The Committee, having recalled its earlier decisions to include three new or renamed outputs on:

- .1 "Revision of the 1979, 1989 and 2009 MODU Codes and associated MSC circulars to prohibit the use of materials containing asbestos, including control of the storage of such materials on board";
- .2 "Development of amendments to SOLAS regulation II-1/3-4 to apply requirements for emergency towing equipment for tankers to other types of ships"; and
- .3 "Revision of the *Performance standards for water level detectors on bulk carriers and single hold cargo ships other than bulk carriers* (resolution MSC.188(79))",

in the biennial agenda of the SDC Sub-Committee for 2022-2023 and the provisional agenda for SDC 8, approved the Sub-Committee's biennial agenda and the provisional agenda for SDC 8, as set out in annexes 10 and 11, respectively.

Biennial agenda of the SSE Sub-Committee and provisional agenda for SSE 8

18.43 The Committee, having recalled its earlier decision to include a new output on "Development of amendments to SOLAS chapter II-2 and the FSS Code concerning detection and control of fires in cargo holds and on the cargo deck of containerships" in the biennial agenda of the SSE Sub-Committee for 2022-2023 and the provisional agenda for SSE 8, approved the Sub-Committee's biennial agenda and the provisional agenda for SSE 8, as set out in annexes 10 and 11, respectively.

Biennial status report and post-biennial agenda of the Committee

18.44 Having recalled that, as usual, the status of outputs and the updated post-biennial agenda would be produced after the session as annexes to its report to avoid any unnecessary duplication of work, the Committee invited the Council to note the report on the status of outputs for the 2020-2021 biennium and its post-biennial agenda, as set out in annexes 12 and 13, respectively.

Intersessional meeting

18.45 In addition to the intersessional meetings approved by MSC 102 to take place in 2021 (MSC 102/24, paragraphs 21.11 to 21.23), the Committee approved, subject to endorsement by the Council, the holding of the thirty-sixth meeting of the E&T Group on the IMSBC Code, to take place in the first half of 2022.

Substantive items for inclusion in the agendas for MSC 104 and MSC 105

18.46 Having considered the proposals in document MSC 103/WP.6, the Committee agreed to the substantive items to be included in the agendas of its 104th and 105th sessions, as set out in annex 14.

Establishment of working and drafting groups at MSC 104

18.47 The Committee agreed that, based on the decisions taken under various agenda items, working and drafting groups on the following subjects could be established at MSC 104:

- .1 piracy;
- .2 domestic ferry safety; and
- .3 amendments to mandatory instruments.

Duration and dates of the next two sessions

18.48 The Committee noted that MSC 104 had been scheduled to take place from 4 to 8 October 2021 and that MSC 105, expected to take place in the first half of 2022, had not yet been scheduled.

18.49 The Committee noted that owing to the uncertainty of which kind of meetings (physical, remote or hybrid) would be held in 2022, the preliminary programme of meetings for 2022 was not yet available and that meeting dates for 2022 were expected to be published shortly after C 125 in July 2021.

19 ELECTION OF CHAIR AND VICE-CHAIR FOR 2021

19.1 In accordance with its Rules of Procedure, the Committee unanimously elected, at the beginning of the session, Ms. Mayte Medina (United States) as Chair and Mr. Theofilos Mozas (Greece) as Vice-Chair, both for 2021.

19.2 In this regard, the Committee noted that, with her election as Chair of the Committee, Ms. Medina stepped down from her position as Chair of the HTW Sub-Committee.

Expression of appreciation

19.3 The Committee expressed sincere thanks and appreciation to Mr. Brad Groves (Australia) and Mr. Juan Carlos Cubisino (Argentina) for their excellent services during the last five years when they served as Chair and Vice-Chair, respectively.

20 ANY OTHER BUSINESS

20.1 The Committee recalled that MSC 102 had only considered documents related to the impact of the COVID-19 pandemic on safety-related matters under this agenda item and had postponed consideration of all remaining documents to this session (MSC 102/24, paragraphs 1.13 and 22.1).

COVID-19 related matters***General***

20.2 The Committee noted information provided orally by the Secretariat on the current status of seafarers' designation as "key workers" and latest relevant developments relating to the pandemic, in particular that:

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- .1 as of 10 May 2021, 58 Member States and 2 Associate Members had notified the Organization of their recognition of seafarers as "key workers" (Circular Letter No.4204/Add.35/Rev.6), and urged Governments that had not yet done so to designate seafarers as "key workers", taking into account the relevance of this designation, including for seafarers' prioritization for vaccination;
 - .2 as requested by MSC 102, the new GISIS module on Crew Change and Repatriation of Seafarers had been developed and was available for the notification and dissemination of information on ports that facilitated crew changes and on National Focal Points on the matter (Circular Letter No.4398 of 8 April 2021) and that, following the deployment of the module, the MSC.7 circular series for the dissemination of such information would be discontinued; and
 - .3 the *Industry-recommended framework of protocols for ensuring safe ship crew changes and travel during the coronavirus (COVID-19) pandemic* (MSC.1/Circ.1636) had been revised and disseminated by means of MSC.1/Circ.1636/Rev.1, as agreed at MSC 102 (MSC 102/24, paragraph 22.7). This revision took into account issues relevant to the global roll out of vaccines and the critical part they played in facilitating ships' crew changes and the efficient movement of world trade, including, inter alia, Circular Letter No.4204/Add.38 of 25 March 2021 containing a Joint Statement by ICAO, ILO, IMO, WHO and IOM, urging all United Nations Member States to prioritize seafarers in their national COVID-19 vaccination programmes, to protect them through vaccination as soon as possible and to facilitate their safe movement across borders; and endorsed MSC.1/Circ.1636/Rev.1.

Ongoing work on COVID-19 related matters

20.3 The Committee noted the information provided in document MSC 103/20 (Secretariat), on the ongoing work of the Organization on COVID-19 matters, in particular on the dissemination of relevant information and statements of the Secretary-General and joint statements with other UN organizations; regulatory work, including in partnership with UN organizations; collaboration on matters other than regulatory with the UN and other UN agencies; collaboration with the shipping industry; and assistance and support provided to seafarers, including through IMO's Seafarer Crisis Action Team (SCAT).

COVID-19 vaccination of seafarers

20.4 The Committee considered documents:

- .1 MSC 103/20/13 (France), proposing to develop and adopt a resolution to set out the principles of a strategy for the vaccination of seafarers as key workers; and to put in place powerful means to exchange information on the various vaccination strategies implemented by States to avoid creating new obstacles to crew changes; and
- .2 MSC 103/20/16 (Viet Nam), urging the Organization to adopt a resolution requesting Member States to prioritize seafarers, both national and foreign, calling at ports under a State's jurisdiction, for COVID-19 vaccination (as a result of designating seafarers as "key workers").

20.5 The Committee noted information provided orally by the Secretariat on the latest developments relating to COVAX³ and prioritization of seafarers' vaccination, in particular, that:

- .1 the Organization had actively engaged in supporting the analysis, development and implementation of measures to address the impact of the COVID-19 pandemic on seafarers, particularly those related to crew change and vaccination, in relation to which IMO continued to engage with the UN COVID-19 Crisis Management Team which, among many other matters, addressed the impact of the pandemic on trade and travel, including the shipping sector;
- .2 the discussions in the UN framework were led by WHO and the important role of seafarers and their particular circumstances had been recognized and acknowledged, as evidenced by the Joint Statement by IMO, ICAO, IMO, ILO, WHO and IOM (Circular Letter No.4204/Add.38);
- .3 the global and equitable distribution of COVID-19 vaccines was a challenge and the support from Member States to prioritize seafarers as key workers within their national vaccination programmes in accordance with the advice from the WHO SAGE Roadmap⁴ was paramount; and
- .4 Member States and all other stakeholders were encouraged to share their plans and initiatives with the Secretariat, communicate experiences and lessons learned and, above all, support the initiatives of the Organization in calling for the designation of seafarers as key workers and recognition of their priority needs in national vaccination programmes.

20.6 The Committee also noted that the Secretariat, in consultation with the Chair of the Committee, and taking into account the ongoing crew change crisis, the need for prioritization of seafarers' vaccination and the aforementioned documents related thereto, had prepared a draft resolution on recommended action to prioritize COVID-19 vaccination of seafarers, as set out in document MSC 103/WP.12, with a view to facilitating consideration and action, as appropriate.

20.7 In considering these matters, the Committee noted the following views:

- .1 national vaccination policies around the world were uneven, complex and numerous, and differing groups had been prioritized in different States;
- .2 IMO needed to play an important role in the exchange of information and in the development of a global strategy for the vaccination of seafarers;
- .3 proof of vaccinations should not be required of seafarers as they travelled across boundaries;
- .4 the draft resolution on seafarers' vaccination should:

³ COVAX is the vaccines pillar of the Access to COVID-19 Tools (ACT) Accelerator. It is co-led by the Coalition for Epidemic Preparedness Innovations (CEPI is a global partnership launched in 2017 to develop vaccines to stop future epidemics) and Gavi (an international organization – a global Vaccine Alliance, bringing together public and private sectors with the shared goal of creating equal access to new and underused vaccines for children living in the world's poorest countries) and WHO.

⁴ WHO Strategic Advisory Group of Experts on Immunization: [WHO SAGE Roadmap for Prioritizing Uses of COVID-19 Vaccines in the Context of Limited Supply](#).

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- .1 present a practical and realistic scheme of measures to prioritize seafarers' vaccination, taking into account the limitations on ports in administering vaccines and the consequences of any adopted measures for seafarers' health on board ships;
 - .2 embody the current status of COVID-19 vaccination globally, acknowledging the reality of access to vaccines; and highlight the importance of the role that the Secretary-General played in the prioritization of seafarers' vaccination; and
 - .3 be kept under review following its adoption owing to the evolving nature of access to vaccines and national vaccination programmes;
 - .5 vaccines should be administered before seafarers joined ships, in particular taking into account that most vaccines required two doses;
 - .6 vaccination of seafarers, regardless of their nationality, under national vaccination programmes would be advisable, but this was beyond the ability of many States;
 - .7 although a global vaccination strategy and a unified procedure for the maritime sector under the coordination of IMO would be desirable, this fell under the responsibility of WHO with the assistance of UNICEF, and was already being coordinated as part of the WHO SAGE Roadmap, with the support of relevant stakeholders and maritime administrations; and
 - .8 exchange of information on the various vaccination strategies implemented by States and coordinated by IMO would be of paramount importance to avoid creating new obstacles to crew change and for the global allocation of vaccines; however, the dynamic nature of this information might hinder its continuous reliability and accuracy.

20.8 In this connection, the Committee also noted statements by the delegations of Indonesia and Philippines, as set out in annex 16.

20.9 Following consideration, the Committee:

- .1 acknowledging the difficulties of maintaining reliability and accuracy of information on vaccination strategies implemented by States, invited Member States to provide updated information on national vaccination programmes, and relevant information related thereto, to the Secretariat with a view to dissemination via circular letters;
- .2 recognized that the coordination of a global vaccination strategy, including prioritization of seafarers, was undertaken by WHO with the assistance of UNICEF, as part of the WHO SAGE Roadmap;
- .3 adopted resolution MSC.490(103) on *Recommended action to prioritize COVID-19 vaccination of seafarers*, as set out in annex 15; and
- .4 requested the Secretariat to prepare a draft Assembly resolution consolidating issues related to crew change, access to medical care, "key worker" designation and vaccination to further highlight the relevance of these problems, for consideration at MSC 104, with a view to adoption by A 32.

Proposal for agreement by Member States to address the pandemic

20.10 The Committee considered document MSC 103/20/14 (Dominica), proposing that all IMO Member States create and sign an agreement to commit to and implement five actions (designation of seafarers as "key workers"; related internationally recognized documentation of this status; allowances for travel; creation of quarantine facilities; and provision of access to medical care, including access to vaccines) in order to address the crew change crisis, avoid adverse impact on seafarers' physical and mental well-being, and ensure maritime safety.

20.11 In considering the proposal, the Committee noted that the five actions highlighted in the document had already been the subject of substantial discussion within the UN, ILO and IMO, resulting in the following resolutions:

- .1 MSC.473(ES.2) on *Recommended action to facilitate ship crew change, access to medical care and seafarer travel during the COVID-19 pandemic*, adopted by the Committee on 21 September 2020;
- .2 A/75/L.37 on *International cooperation to address challenges faced by seafarers as a result of the COVID-19 pandemic to support global supply chains*, adopted by the United Nations General Assembly on 1 December 2020;
- .3 GB.340/Resolution (Rev.2) – *Resolution concerning maritime labour issues and the COVID-19 pandemic*, adopted by ILO on 8 December 2020;
- .4 *Resolution concerning the implementation and practical application of the MLC, 2006, during the COVID-19 pandemic*, and the *Resolution concerning COVID-19 vaccination for seafarers*, adopted by the Special Tripartite Committee of the Maritime Labour Convention, 2006, as amended (MLC, 2006) on 23 April 2021; and
- .5 resolution MSC.490(103) on *Recommended action to prioritize COVID-19 vaccination of seafarers*, adopted at this session (see paragraph 20.9.3).

20.12 The Committee also noted that the proposal raised a number of questions, inter alia, how an agreement signed by Member States would fit within IMO proceedings in terms of its nature (mandatory or non-mandatory); and that no draft text for such an agreement had been provided.

20.13 Following consideration and recognizing that the matters raised in the document had been addressed in resolutions of IMO, ILO, WHO and the UN General Assembly (see paragraph 20.11), draft text for the agreement had not been provided, and that the use of an agreement raised questions, the Committee agreed not to take any action at this stage.

Matters postponed

20.14 Owing to time constraints the Committee postponed consideration of documents MSC 102/22, MSC 102/INF.9, MSC 103/20/4 and MSC 102/22/1 (Secretariat), MSC 103/20/2 and MSC 103/20/11 (Iceland et al.), MSC 103/20/7 (Secretariat), MSC 102/22/3 (WMO), MSC 103/20/9 (IALA), MSC 103/20/6 (United States), MSC 102/22/6 (ISO), MSC 103/20/15 (IACS), MSC 103/20/17 (ICS et.al), MSC 102/22/4 (Ukraine), MSC 102/22/7 (Russian Federation), MSC 102/INF.10 (Japan), MSC 102/INF.21 (ICS and OCIMF), MSC 103/20/1 (ISO), MSC 103/20/3 (IACS), MSC 103/20/5 (France and IALA), MSC 103/20/8 (Secretariat), MSC 103/20/10 (France et al.), MSC 103/20/12 (Secretariat), MSC 103/INF.10 (Mauritius), MSC 103/INF.11 (ICS) and MSC 103/INF.12 (Austria et al.) to the next session.

21 CONSIDERATION OF THE REPORT OF THE COMMITTEE ON ITS 103RD SESSION

21.1 The draft report of the session (MSC 103/WP.1/Rev.1) was prepared by the Secretariat for consideration and adoption by the Committee taking into account the provisions of the *Interim guidance to facilitate remote sessions of the Committees during the COVID-19 pandemic* (MSC-LEG-MEPC-TCC-FAL.1/Circ.1).

21.2 During the virtual meeting held on Friday, 14 May 2021, delegations were given an opportunity to provide comments on the draft report and those wishing to further comment on the decisions of the Committee were given a deadline of 24 May 2021, 23.59 (UTC+1) to do so by correspondence, as provided for in the aforementioned Interim Guidance.

21.3 With no comments received by the above deadline, the report of the Committee was finalized by the Secretariat in consultation with the Chair. The session was closed on 24 May 2021, 23.59 (UTC+1), pursuant to rule 35 of the Rules of Procedure.

Action requested of other IMO organs

21.4 The Council, at its 125th session, is invited to:

- .1 consider the report of the 103rd session of the Maritime Safety Committee and, in accordance with Article 21(b) of the IMO Convention, transmit the report, with its comments and recommendations, to the thirty-second session of the Assembly;
- .2 note that the consideration of agenda items 2, 4, 7, 11, 12, 17 and part of item 20, and of the respective documents submitted under those items, was deferred to MSC 104, taking into account the limited time available at this remote session;
- .3 note that the Committee adopted amendments to the 1974 SOLAS Convention, related mandatory codes and the STCW Convention and Code and approved/adopted two non-mandatory instruments (section 3 and annexes 1 to 7);
- .4 note that the Committee completed the regulatory scoping exercise for the use of maritime autonomous surface ships (MASS) (section 5 and annex 8);
- .5 note the progress made regarding the development of further measures to enhance the safety of ships relating to the use of fuel oil and measures to improve domestic ferry safety (sections 6 and 8);
- .6 note the progress made regarding matters related to maritime security and piracy and armed robbery against ships, in particular the adoption of resolution MSC.489(103) on *Recommended action to address piracy and armed robbery in the Gulf of Guinea* (sections 9 and 10 and annex 9);
- .7 note the actions taken regarding the outcome of the work of the sub-committees reporting to this session (sections 13 to 16);
- .8 include a specific strategic direction on the human element in the current Strategic Plan for the Organization at the earliest opportunity (paragraph 13.2);

- .9 endorse the decision to approve, in principle, the establishment of a standing joint ILO/IMO working group to identify and address seafarers' issues and the human element, subject to approval of the group's method of work, as may be provided in the resolution to be adopted by the STC of ILO, by relevant IMO Committees (paragraph 13.17.3);
 - .10 endorse the decision of the Committee to approve 11 new outputs (paragraphs 18.1 to 18.40);
 - .11 note the biennial status report and the post-biennial agenda of the Committee (paragraph 18.44 and annexes 12 and 13);
 - .12 endorse the holding of an intersessional meeting of E&T 36 in the first half of 2022 (paragraph 18.45); and
 - .13 note the decisions taken on matters related to the impact of the COVID-19 pandemic on ship safety related matters, in particular the adoption of resolution MSC.490(103) on *Recommended action to prioritize COVID-19 vaccination of seafarers* (section 20 and annex 15).
- 21.5 The Marine Environment Protection Committee, at its seventy-sixth session, is invited to:
- .1 note that the Committee deferred the adoption of proposed amendments to the 1988 Load Lines Protocol and the IGC Code concerning watertight doors on cargo ships to MSC 104 (paragraph 3.19 and 3.33);
 - .2 note the discussions regarding the coordination of MASS-related regulatory work between the Committees (paragraphs 5.29 to 5.33);
 - .3 noted the deliberation of the Working Group on Fuel Oil Safety with regard to coordination between MSC and MEPC (paragraph 6.22); and
 - .4 concurrently approve two new outputs, on "Development of an entrant training manual for PSC personnel" and "Development of guidance in relation to IMSAS to assist in the implementation of the III Code by Member States", for inclusion in the biennial agenda of the III Sub-Committee for 2022-2023 and the provisional agenda for III 8 (paragraphs 18.35 to 18.38).
- 21.6 The Facilitation Committee, at its forty-fifth session, is invited to:
- .1 note that the Committee, with regard to MASS, agreed that the development of a harmonized and well-defined terminology was essential, especially as the progress on MASS would be considered by various organizations and the industry, as well as by other IMO organs, such as the LEG and FAL Committees (paragraph 5.24);
 - .2 note that the Committee, regarding the establishment of a joint LEG/MSC/FAL Working Group to coordinate MASS-related regulatory work, agreed that it would be premature to do so at this point in time, recognizing that the Committees had not yet completed the regulatory scoping exercise for instruments under their purview, and that any future work on MASS undertaken by a joint working group would require the identification of common potential gaps and/or themes as well as priorities for future work from all Committees (paragraph 5.32 and 5.33);

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- .3 concurrently approve MSC-FAL.1/Circ.3/Rev.1, updating the industry guidance listed in paragraph 4.2 of the *Guidelines on maritime cyber risk management* (MSC-FAL.1/Circ.3) to include the consolidated IACS *Recommendation on cyber resilience* (Recommendation 166) (paragraph 9.7);
 - .4 note that the Committee requested the Secretariat to attend meetings of the WCO Passenger Controls and Facilitation Working Group and report back on developments to future sessions of the Committee as well as to inform the FAL Committee of the outcome of its deliberations (paragraph 9.14); and
 - .5 note that the Committee requested Member States to complete and keep updated the *Questionnaire on information on port and coastal State requirements related to privately contracted armed security personnel on board ships* (PCASP) (MSC-FAL.1/Circ.2), to be sent to the Secretariat through marsec@imo.org for posting on the IMO website (paragraph 10.2.3).

21.7 The Legal Committee, at its 108th session, is invited to:

- .1 note that the Committee, with regard to MASS, agreed that the development of a harmonized and well-defined terminology was essential, especially as the progress on MASS would be considered by various organizations and the industry, as well as by other IMO organs, such as the LEG and FAL Committees (paragraph 5.24); and
- .2 note that the Committee, regarding the establishment of a joint LEG/MSC/FAL Working Group to coordinate MASS-related regulatory work, agreed that it would be premature to do so at this point in time, recognizing that the Committees had not yet completed the regulatory scoping exercise for instruments under their purview, and that any future work on MASS undertaken by a joint working group would require the identification of common potential gaps and/or themes as well as priorities for future work from all Committees (paragraph 5.32 and 5.33).

21.8 The Technical Cooperation Committee, at its seventy-first session, is invited to note the developments and progress made on the subject of domestic ferry safety (section 8).

(the annexes to this report are set out in document MSC 103/21/Add.1)