



The 9th session of The Sub-committee on Implementation of IMO Instruments (hereinafter referred to as 'III 9') was convened as a hybrid meeting from 31st to 4th August 2023. This News Flash briefs on the main and summarized outputs of III 9.

1. Issuance of flag, class and statutory certificates in certain parts of Ukraine temporarily occupied by the Russian Federation (Agenda 2)

III 9 discussed recurring unauthorized and unlawful practices by the Russian Federation occupation authorities in certain parts of Ukraine temporarily occupied by the Russian Federation in relation to the issuance of certificates of the right to sail under its flag, as well as class and statutory certificates, and recommended guidelines to address these issues.

Whereas the Russian Federation launched a full-scale invasion of Ukraine ('22.2.24.), which was firmly condemned by the United Nations General Assembly ('22.3.2.) in its resolution A/RES/ES-11/1 of its eleventh emergency special session.

It is recommended that flag States and port State Controls, while carrying out inspections of ships of the Russian Federation or other flag states, ensure that their officers check whether the certificate in question was issued by the authority where it is located. Notes that documents issued in the temporarily occupied territories of Ukraine are considered fraudulent and appropriate procedural measures should be taken against the vessel in terms of detention in accordance with port state control procedures

III 9 decided to refer the following matter to the Committee.

- The proposal of Ukraine on documents relating to seafarers issued in the illegally occupied territory of Ukraine, noting that the overwhelming majority of the delegations that spoke condemned Russia's aggression against Ukraine. Noting Russia's violations of international maritime law and condemning the immediate cessation of Russian Federation incursions and unlawful acts undermining Ukraine's sovereignty and territorial integrity, the majority of Member States recognized the need for flag States and port States to take specific actions in some cases, reiterating the outcomes of the MSC 107, and calling for appropriate procedural measures to be taken under port State control procedures.
- Member States condemned the Russian Federation's invasion of Ukraine. The Committee noted that the question of whether an invasion was unlawful was not for the IMO to determine. Therefore, they

called on interested Member States to take appropriate measures at their own discretion to fulfil their obligations as flag States and Port States under the STCW Convention, and invited interested Member States to submit proposals to MSC 108 for further consideration.

2. MEASURES TO HARMONIZE PORT STATE CONTROL (PSC) ACTIVITIES AND PROCEDURES WORLDWIDE (Agenda 5)

(Analysis of PSC activities, practices and statistics) Requests all PSC regimes to submit annual reports to the Sub-Committee on an ongoing basis, using the form set out in Annex 3 of document FSI 20/WP.5. Specifically requests them to provide information on the evaluation of flag states and ROs, and to assist flag states in delegating high performing ROs.

(Performance of flag Administrations and ROs) Invited PSC regimes to continue to provide information on the performances of flag Administrations and ROs in particular, in order to assist flag Administrations in selecting high performing ROs to act on their behalf.

(Transparency and harmonization of PSC information)

- **(Equasis information system)** The Sub-Committee reiterated the invitation to representatives of Equasis to provide relevant updates and attend future sessions.
- **(Regulatory basis for port State control and opportunities for future developments)** The Sub-Committee considered document III 9/5/5 (Secretariat) on the roles and responsibilities of Contracting Governments in their right to exercise port State control; the supporting role of IMO; and a prospect of possible future developments. The Sub-Committee was informed, among others, of the prospect of possible future developments taking into consideration the request of the Paris MoU Committee to the Paris MoU Secretariat to liaise with IMO in relation to the potential development of an overarching database under the umbrella of IMO; the need for analysis of PSC data stored in GISIS to establish trends to support regulatory and policy developments; and the increasing number of PSC MoUs/Agreements that were working on the development of a port State control regime for fishing vessels.

The delegation of Panama stated that while it supported the future developments and opportunities described in paragraphs 18 to 20, it was concerned about the future developments shown in paragraph 21 of document III 9/5/5. The Panama delegation indicated that it could support the future developments described in paragraph 21 only after the Cape Town Agreement 2012 entered internationally into force.

In conclusion, the Sub-Committee agreed in principle with the proposed future developments described in paragraphs 18 to 21 of document III 9/5/5, with the proviso stated by the delegation of Panama with regard to paragraph 21 of document III 9/5/5.

(Guidelines and procedures for PSCOs)

- **(Financial security of seafarers in case of abandonment)** The Sub-Committee was advised that LEG 110 had urged flag and port States to take further action to ensure the presence of financial security, as required by the Maritime Labour Convention (MLC), 2006 Standard A2.5.2; and to take appropriate action when financial security was not in place (LEG 110/18/1, paragraph 4(a).12.6).
- **(Short-term carbon intensity reduction measures)** The Sub-Committee was advised that MEPC 79 had noted the conclusion of III 8 that, at that stage, there was no support within the III Sub-Committee to consider, as a detainable deficiency, the absence of implementation by the ship, as planned at the time of the inspection, of the three-year implementation plan and/or the plan of corrective actions for a ship rated as D for three consecutive years, or rated as E (MEPC 79/15, paragraphs 7.65 and 9.5).
- **(Report of the Correspondence Group)** The Sub-Committee recalled that III 8 had re-established the Correspondence Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide, under the coordination of the European Commission with the terms of reference specified in paragraphs 5.69 and 14.14 of document III 8/19, to continue developing amendments to the *Procedures for port State control, 2021*.

In this context, the Sub-Committee considered document III 9/5 (European Commission) containing the report of the Correspondence Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide and presenting, inter alia, its work on the revision of the Procedures for PSC.

The delegation of Canada, commenting on the report of the Correspondence Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide, indicated that MEPC was implementing the Convention Review Plan under the experience-building phase associated with the BWM Convention. Thus, the Guidelines for PSC under the BWM Convention (resolution MEPC.252(67)) would need to be revised again in the near future.

- **(Establishing inspection principles for regulation related to risk assessment and introducing pre-inspection of ship certificates)** The Sub-Committee considered document III 9/5/3 (China), proposing amendments to *Procedures for port State control, 2021* (resolution A.1155(32)) regarding establishing inspection principles for regulations related to risk assessment and introducing the pre-inspection of ship certificates.

In the ensuing discussion, the Sub-Committee noted that various views were expressed as follow:

- the IGF Code did not require ships to be furnished with a risk assessment report. Thus, it was more appropriate to consider the relevant proposal contained in document III 9/5/3 (China) after

such a risk assessment report was clearly defined and required by the IGF Code or any other mandatory IMO instrument;

- PSCOs may be advised to request the inspection of certificates and documents before boarding with a view to reduce the duration of a physical PSC inspection and hence, avoiding disturbance to seafarers' rest;
 - the proposed guidance recommended that PSCOs used the risk assessment approved by the flag Administration and suggested the risk assessment methodology in section 4.2 of the IGF Code be carried out to provide advice on the process required by regulation 55 of SOLAS chapter II-1. However, regulation 55 of SOLAS chapter II-1 did not require the flag State to approve a risk assessment as this was part of the engineering analysis and this did not mean the flag Administration would approve the risk assessment; and
 - when planning to inspect a ship, the PSCO should be aware of the effect that the PSC inspection may have on compliance with work and rest requirements of MLC 2006 and the STCW Convention. It was recommended the PSCO consider using mechanisms to reduce the duration of a physical PSC inspection where appropriate.
- **(Suspension of inspection contained in the proposed amendments to the annex to resolution A.1155(32))** The Sub-Committee considered document III 9/5/4 (Brazil), proposing amendments to the draft guidance for port State control officers (PSCOs) on the suspension of inspection contained in the proposed amendments to the annex to resolution A.1155(32).

With regard to document III 9/5/4, the Sub-Committee noted that various views were expressed, as follows:

- regarding the text of chapter 3.6 of the proposed amendments to the annex to resolution A.1155(32), one delegation expressed their preference for text one as it provided better clarity, and suggested the issue be further considered by the Working Group;
- many delegations recalled that the issue of the suspension of inspection had already been discussed by the Correspondence Group and the opinion of the Group was that it felt it was more appropriate to introduce an amendment into section 3 than to draw up a separate appendix. Therefore, they did not feel that it was necessary for the Working Group to consider the proposal from Brazil and suggested that the Working Group focused only on finalizing certain aspects of the amendment in section 3;
- one delegation supported the proposal from Brazil for clarifying the concept of re-inspection in order to have clearer language; and to have better implementation of procedures during PSC activities; and
- this document, which seeks to harmonize PSC activities, envisages that clarifying relevant procedures as a guidance including procedures for suspension of inspection notification action required for re-inspection, reporting with a view to the unified implementation of suspension of inspection or substandard ships, would be needed.

- **(Inspection of fixed carbon dioxide fire-extinguishing systems)** The Sub-Committee agree to refer document III 9/INF.21 (China), relating to the issues identified through PSC inspection data analysis and case studies concerning the quality of maintenance and inspections of the fixed CO₂ systems, to the Working Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide to be established under agenda item 14 for further consideration.

Concluding, the Sub-Committee referred documents III 9/5, III 9/5/3, III 9/5/4, III 9/10/1 and III 9/INF.19 to the Working Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide to be established under agenda item 14 for consideration and instructed the Working Group, taking into account the proposed amendments as contained in document III 8/5; the outcome of III 8 and MEPC 79 (III 8/19, paragraphs 5.55, 5.64 and 5.69.8; MEPC 79/15, paragraphs 7.65 and 9.5) on short-term carbon intensity reduction measures; LEG 110 on financial security (LEG 110/18/1, paragraph 4(a).12.6); and decisions and proposals made in plenary, to:

- consider the proposal in document III 8/5/3, taking into account the views expressed at III 8 (III 9/5, paragraph 7.1);
- advise the Sub-Committee on the necessity of the introduction of definitions as proposed under paragraph 12 of document III 8/5/3 with a view to deciding on the way forward (III 9/5, paragraph 7.2);
- review the *Guidelines for port State control under the BWM Convention* (resolution MEPC.252(67)), with the view to adding them as a new appendix (III 9/5, paragraph 8);
- review the *2022 Guidelines for inspection of anti-fouling systems on ships* (resolution MEPC.357(78)), with a view to adding them as a new appendix (III 9/5, paragraph 9);
- review the *Interim guidance on control and compliance measures to enhance maritime security* (resolution MSC.159(78)) with a view to adding it as a new appendix (III 9/5, paragraph 10);
- consider the proposal as contained in document III 9/5/3 (China), regarding establishing inspection principles for regulations related to risk assessment and introducing the pre-inspection of ship certificates;
- consider the proposal as contained in document III 9/5/4 (Brazil), regarding the suspension of inspection without reintroducing annex 2 to document III 8/5;
- finalize, as a matter of priority, the proposed draft amendments to *Procedures for port State control, 2021* (resolution A.1155(32)), as contained in documents III 9/5 (European Commission) and III 8/5 (European Commission), with a view to submission, in a consolidated form, to A 33 for adoption, taking into account document III 9/INF.19 (Secretariat) and the outcome of the Working Group's consideration of .1 to .8 above, as appropriate.

[Report of the Working Group]

Having considered the report of the Working Group on Measures to Harmonize PSC Activities and Procedures Worldwide (III 9/WP4), the Sub-Committee took decisions as reflected, and to be prepared by the Secretariat, in consultation with the Chair, after the session based on the report of the Group and the actions requested therein, taking into account the decisions taken by the Sub-Committee during subsequent discussions

- 1) **(REPORT OF THE CORRESPONDENCE GROUP) (Carbon Intensity Rating)** In relation to the absence of a valid statement of compliance, the Group agreed to clarify that new ships are not required to be furnished with statements of compliance until June of 2024. In this regard, the Group agreed that the term "new ships" includes ships to which the regulation is applied anew.
- 2) **(REPORT OF THE CORRESPONDENCE GROUP) (Carbon Intensity Rating)** The Group agreed that the absence of implementation by the ship as planned at the time of the inspection of the three-year implementation plan and/or the plan of corrective actions for a ship rated as D for three consecutive years or rated as E should not be regarded as a detainable deficiency.
- 3) **(GUIDELINES FOR PORT STATE CONTROL UNDER THE BWM CONVENTION)** Concluding, the Group agreed, given the nature, the number and the complexity of the issues involved, and the fact that the work of MEPC should be concluded before the III Sub-Committee embarked in a detailed revision of the Guidelines for PSC under the BWM Convention; to recommend to the III Sub-Committee commence the revision of the aforementioned guidelines only after MEPC concluded its current revision of the BWM Convention.
- 4) **(GUIDELINES FOR INSPECTION OF ANTI-FOULING SYSTEMS)** In considering the 2022 Guidelines for inspection of anti-fouling systems on ships, the Group agreed to add the annex to resolution MEPC.357(78) as a new appendix to the Procedures for PSC without alterations.
- 5) **(INTERIM GUIDANCE ON CONTROL AND COMPLIANCE MEASURES TO ENHANCE MARITIME SECURITY)** The Group, taking into consideration the extent of amendments needed and the required involvement of subject matter experts, agreed to recommend to the III Sub-Committee to task the Correspondence Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide to review in detail the Interim guidance on control and compliance measures to enhance maritime security (resolution MSC.159(78)). Furthermore, the Group agreed to recommend to the III Sub-Committee to invite Member States and international organizations to support the work of the Correspondence Group with maritime security experts.
- 6) **(DEVELOPMENT OF GUIDANCE FOR FOLLOW-UP INSPECTIONS AND RE-INSPECTION)** Concluding, the Group agreed that it is premature to consider introducing definitions for the terms "follow-up inspection" and "re-inspection" in the Procedures for PSC.
- 7) **(DEVELOPMENT OF GUIDANCE FOR SUSPENSION OF INSPECTION)** In considering the two options, several delegations expressed concerns regarding the proposed text shown in the annex to document III 9/5 as "Text 1". At the same time, several other delegations indicated that they preferred the above text. Following a short discussion, the Group agreed to keep the text shown

in the annex to document III 9/5 as "Text 2" with minor amendments, as it did not raise any concerns.

- 8) **(INSPECTION PRINCIPLES FOR REGULATIONS RELATED TO RISK ASSESSMENT AND PRE-INSPECTION OF SHIP CERTIFICATES)** Concerning the proposal to introduce the pre-inspection of electronic certificates and documents to reduce the duration of a physical PSC inspection and consequentially reducing the risk of seafarers, one PSC MoU spoke to inform the WG this issue was being discussed at their upcoming PSCC meeting. Thus, the Group agreed it was considered premature to include the proposed amendments to the PSC Procedures at this time.

(MAINTENANCE AND INSPECTIONS OF THE FIXED CO2 SYSTEMS)

Concluding, the Group agreed, considering the decision of MSC 107 and the fact that the document did not propose any specific actions, not to consider the issue further.

(RE-ESTABLISHMENT OF THE CORRESPONDENCE GROUP ON MEASURES TO HARMONIZE PORT STATE CONTROL (PSC) ACTIVITIES AND PROCEDURES WORLDWIDE AND ITS DRAFT TERMS OF REFERENCE)

The Group recommended the re-establishment of the Correspondence Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide, to continue its work intersessionally, coordinated by the European Commission (EC), using the IMO Space facilities, under the following draft terms of reference:

- review in detail the Interim guidance on control and compliance measures to enhance maritime security (resolution MSC.159(78)) with a view to inclusion as a new appendix to a future version to the Procedures for PSC;
- review the annex to the resolution on Procedures for PSC, 2023 in order to ensure the consistency of the guidance provided in relation to the detention of ships;
- taking into consideration the decisions of the Sub-Committee concerning document III 9/5/3 and, in particular, the proposed amendment to paragraph 1.2.6 of the Procedures, to develop guidance for PSCOs concerning SOLAS 1974 regulation II-1/56; and
- report to III 10.

(FUTURE MEETINGS OF THE PSC WORKING/DRAFTING GROUP)

During the discussion on the future meetings of the PSC Working/Drafting Group, the Group, taking into consideration the volume of work and the challenges faced during III 8 due to the establishment of a drafting group rather than a working group; the Group agreed to recommend that at III 10 a working group should be established to examine the issues related to the Procedures for PSC rather than a drafting group.

(ACTION REQUESTED OF THE SUB-COMMITTEE III 9)

The Sub-Committee is invited to approve the report of the Group in general and in particular to:

- 1) agree to the text of the draft Assembly resolution on Procedures for PSC, 2023, to revoke resolution A.1155(32), as set out in the annex for submission to A 33 for adoption; and to agree to request the Secretariat to make any editorial corrections to the draft Assembly resolution that may be identified before its submission to A 33 (paragraphs 4 to 13 and annex);
- 2) concur with the Group's recommendation to commence the revision of the Guidelines for PSC under the BWM Convention (resolution MEPC.252(67)) only after the MEPC concludes its current revision of the BWM Convention; (paragraphs 14 to 21);
- 3) concur with the Group's recommendation to urge Member States to convey to the Correspondence Group established by MEPC any difficulties faced by the PSCOs in implementing the Guidelines for PSC under the BWM Convention and enforcing the provisions of the BWM Convention (paragraph 20)
- 4) concur with the Group's recommendation to add the 2022 Guidelines for inspection of anti-fouling systems on ships resolution MEPC.357(78) as a new appendix to the Procedures for PSC (paragraphs 22 to 23);
- 5) concur with the Group's recommendation to task the Correspondence Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide to review the Interim guidance on control and compliance measures to enhance maritime security (resolution MSC.159(78)) with a view to adding it as a new appendix (paragraphs 24 to 26);
- 6) agree to invite Member States and international organizations to support the work of the Correspondence Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide with the involvement of maritime security experts (paragraph 26);
- 7) concur with the Group's recommendation that it is premature to consider introducing definitions for the terms "follow-up inspection" and "re-inspection" in the Procedures for PSC (paragraphs 27 to 32);
- 8) concur with the Group's recommendation concerning the suspension of inspection (paragraph 33 to 37)

"In considering the two options, several delegations expressed concerns regarding the proposed text shown in the annex to document III 9/5 as "Text 1". At the same time, several other delegations indicated that they preferred the above text. Following a short discussion, the Group agreed to keep the text shown in the annex to document III 9/5 as "Text 2" with minor amendments, as it did not raise any concerns"

ANNEX
PROPOSED AMENDMENTS TO THE PROCEDURES FOR
PORT STATE CONTROL, 2021
RESOLUTION A.1155(32)

CHAPTER 3 – CONTRAVENTION AND DETENTION

3.6 SUSPENSION OF INSPECTION

(As shown below as III 9/5 “Text 2” without minor amendments)

3.6.1 In exceptional circumstances where, as a result of a more detailed inspection, the overall condition of a ship and its equipment, also taking into account the crew conditions, is found to be obviously substandard, the PSCO may suspend an inspection.

3.6.2 Prior to suspending an inspection, the PSCO should have recorded detainable deficiencies in the areas set out in appendix 2, as appropriate and detained the vessel. The PSCO should issue an inspection report as set out in appendix 13. The report should indicate in free text that the inspection has been suspended and the reason for suspending the inspection. Suspension of an inspection should not be used when an inspection is halted for operational/safety reasons (for example overnight) and continued later.

3.6.3 The suspension of the inspection may continue until the responsible parties have taken the steps necessary to ensure that the ship fully complies with the requirements of the relevant instruments and, on that basis, invite the PSCO for a re-inspection. The measures to be taken by the responsible parties are therefore explicitly not limited to the rectification of only those deficiencies which have been recorded in Form B before the inspection was suspended.

3.6.4 In cases where the ship is detained and an inspection is suspended, the port State authority should notify the responsible parties without delay. The notification should include information about the detention, and state that the inspection is suspended until that authority has been informed that the ship complies with all relevant requirements.

9) concur with the Group's recommendation to task the Correspondence Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide to develop guidance for PSCOs concerning SOLAS 1974 regulation II-1/56 taking into consideration the decisions of the Sub-Committee concerning document III 9/5/3 and in particular the proposed amendment to paragraph 1.2.6 of the Procedures (paragraphs 38 to 40);

10) concur with the Group's recommendation not to introduce the pre-inspection of ship certificates in the Procedures for PSC (paragraph 41);

- 11) concur with the Group's recommendation not to consider further the issues raised in document III 9/INF.21 (China) (paragraphs 42 to 44);
- 12) concur with the Group's recommendation that the Correspondence Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide be re-established under the proposed draft terms of reference (paragraph 45);
- 13) concur with the Group's recommendation that the Working/ Correspondence Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide, if re-established at the next session, should start their work on the morning of the first day of III 10, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.5/Rev.4 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, and be established under the proposed draft terms of reference (paragraph 46); and
- 14) concur with the Group's recommendation that a working group should be established rather than a drafting group (paragraph 47).

3. VALIDATED MODEL TRAINING COURSES (Agenda 6)

Following discussion, the Sub-Committee approved the draft terms of reference for the course developer(s) and the review group for the revision of the Model Course 3.09 on Port State Control, with a view to validation of the draft revised Model Course at III 10.

Draft time frame for model courses to be submitted to III 10 for validation	
Deadline	Action to be taken
5 January 2024	The course developer(s) prepares an initial draft to be forwarded to the designated representative of the IMO Secretariat.
2 February 2024	The IMO Secretariat may conduct a review of the first draft of the course for adequacy and consistency with instructions, and suggest changes, where appropriate.
16 February 2024	The course developer(s) will then prepare a draft with revisions from the IMO Secretariat. The IMO Secretariat receives the second draft and forwards the draft model course to the review group.
15 March 2024	Model course review group returns any additional comments and guidance to model course developer(s) for additional edits and development, as appropriate.
5 April 2024	Model course developer(s) submits the final revised draft of the model course to the IMO Secretariat for forwarding to the review group for final comments.
19 April 2024	Review group coordinator submits report to the IMO Secretariat including the evaluation questionnaire, as contained in appendix 6 of MSC-MEPC.2/Circ.15/Rev.2.

Subsequently, the Sub-Committee established the Review Group to work between sessions by correspondence for the revision of the Model Course 3.09 on Port State Control and invited interested delegations to take part in the revision work as course developer(s), coordinator and members of the review group.

- Following the establishment of the Review Group, the Sub-Committee recalled that III 8 had invited Member States and international organizations to indicate their willingness to participate either as developer to revise the IMO Model Course 3.09 on Port State Control or as review group members/coordinators for the Model Course 3.09 on Port State Control. In this context, the delegation of China expressed their willingness to undertake the review and update of Model Course 3.09 on Port State Control as a developer; and the delegations of Australia and New Zealand volunteered to assist in the development or the review of Model Course 3.09 on Port State Control.
- The delegation of China reconfirmed its willingness to undertake the role of the course developer, and Australia confirmed its desire to take the role of the coordinator of the Review Group. The delegations of New Zealand and the Marshall Islands expressed their willingness to be members of the Review Group.
- Subsequently, the Sub-Committee accepted China's offer as a developer and Australia's offer as a coordinator of the Review Group. Furthermore, the Sub-Committee invited Member States and international organizations to indicate their willingness to the Secretariat, through the email address III@imo.org, to be part of the Review Group for Model Course 3.09 on Port State Control no later than one and a half months after the closing of the meeting.

4. IDENTIFIED ISSUES RELATING TO THE IMPLEMENTATION OF IMO INSTRUMENTS FROM THE ANALYSIS OF DATA (Agenda 7)

The Sub-Committee was advised that the project entitled "Establishment of an IT-enabled Programme for improved data analysis to support policy development and decision-making at IMO" was launched by the Secretary-General in 2023, covering six modules of the Global Integrated Shipping Information System (GISIS), as follows:

- Marine Casualties and Incidents (MCI 2)
- Port State Control (PSC)
- Member State Audits (MSA)
- Fuel consumption database;
- Port Reception Facilities (PRFs)
- Global Maritime Distress and Safety System (GMDSS)

The initial focus of the project was on marine casualties and incidents (MCI 2) module, whilst the scope may gradually be extended to other modules in GISIS and areas of interest to the Organization, at a later stage.

Following consideration of possible ways forward in terms of using the analyses submitted under this agenda item to support regulatory work of IMO bodies effectively, the Sub-Committee:

- instructed the Working Group on Analysis of Marine Safety Investigation Reports, established under agenda item 4, to consider forwarding relevant analyses to other IMO organs, with a view to ensure that the analyses support the existing regulatory work of various IMO organs effectively, as possible part of a mechanism to support data-based decision-making and policy development at IMO;
- invited Member States, international organizations and the Secretariat to continue submitting their analyses of various data sets under this agenda item, as well as proposals on the way forward in relation to effective use of analysis in support of the regulatory work of IMO and policy development; and
- urged Member States to increase the level of reporting under relevant GISIS modules, to ensure the completeness and accuracy of data, as a basis for meaningful analysis.

5. Updated survey guidelines under the HSSC (Harmonized System of Survey and Certification) Non-exhaustive list of obligations under instruments relevant to III Code (Agenda 10, 11)

III 9 considered the report of the Correspondence Group on the Review of the Survey Guidelines under the HSSC and the Non-exhaustive list of obligations, and finalized draft amendments to the Survey Guidelines under the HSSC. In draft amendment to HSSC guidelines, the survey item relevant with Confirmation of the update of the SEEMP, Confirmation of the ship's attained EEXI, Statement of Compliance related to operational carbon intensity rating.

III 9 recommended that the correspondence group be tasked to develop the survey items relevant to the revised SOLAS regulation II-1/3-8(Towing and mooring equipment), taking into account MSC.1/Circ.1362/Rev.2(the unified interpretation of SOLAS II-1), as appropriate.

Under these agenda items III 9 considered as follows:

- III 9 agreed that if a document mentioned in the footnote is already cited within the corresponding requirement of mandatory instruments, then the footnote is redundant and shouldn't be added. The Correspondence Group (CG) for the next session decided to review the footnote included in the Survey Guidelines under the HSSC.
- III 9 agreed that regarding the deadweight on statutory certificates other than Load Lines certificate, the deadweight should be as specified in the corresponding conventions.
- III 9 agreed that for the inspection of the outside of ship's bottom of cargo ships, the provisions outlined in the Survey Guidelines should be followed, especially in situations described in document III 9/10/4

6. Development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications (Agenda 12)

III 9 reviewed the draft amendments to the Survey Guidelines under the HSSC (Res.A.1156(32)) and the Revised guidelines on the implementation of the International Safety Management (ISM) Code by Administrations (Res.A.1118(30)). Several member States stressed the scope of application should have a cautious approach, taking into account experience gained during the pandemic and the development of technology.

The term of "force majeure" was discussed. Some member states felt that including the term might be misleading since there's no global definition, but it's defined in some national laws. Others believed it was necessary for conducting remote surveys. As a compromise, they decided to remove "force majeure" from the amendments and replaced it with examples of "extraordinary circumstances" that prevent from performing on-site surveys.

III 9 finalized the draft amendments to HSSC Guideline Res.A.1156(32)) and guidelines on the implementation of ISM Code by administration (Res.A.1118(30)) which include contents related remote survey and remote audits. The working group focused on discussions regarding the scope of remote surveys and audits, terms like "force majeure" and "legal requirements", the protection of seafarers, and training of personnel involved in physical surveys and audits.

The further development of guidance on assessments and application of remote surveys and ISM Code and ISPS Code verifications has been referred to an intersessional correspondence group and is expected to be completed at III 10.

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