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Subject: News Flash of III 3 (Implementation of IMO Instruments)

III 3 on Implementation of IMO Instruments (III) held its 3<sup>rd</sup> session from 18<sup>th</sup> to 22<sup>th</sup> Jul. 2016. Having issued information of the main and summarized outputs of III 3 is as below;

### 1. MEASURES TO HARMONIZE PORT STATE CONTROL ACTIVITIES (Agenda 5)

- Proposed amendments to the 2009 Guidelines for port State control under the revised MARPOL Annex VI regarding the regulations on energy efficiency for ships (III 3/5/3)

- The group noted that the draft amendments did not cover the full revision of MARPOL Annex VI. Furthermore, the group considered that the proposal went over and above the limited scope of control contained in the MARPOL Annex VI provisions. and the draft amendments should be referred to MEPC for further instruction on the coordinating role of this Sub-Committee and associated technical review by the PPR<sup>1</sup> Sub-Committee.

#### ◆ Implications

- √ **Shipowners** : should consider amendments to the 2009 Guideline for PSC under revised MARPOL Annex VI regarding the regulations on energy efficiency for ships
  - √ **Shipbuilders** : n/a
  - √ **Manufacturers** : n/a
- Early implementation of amendments to SOLAS 1974 (III 3/8/2)

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<sup>1</sup> Sub-Committee on Pollution Prevention and Response

- This subject is separately handled by PSC and HSSC<sup>2</sup> Working Group.
- PSC Working Group recommends a standard paragraph in each early implementation circular as follows;
  - "The Secretary-General encourages all IMO Member Governments and international organizations to ensure that awareness of the acceptance of early implementation of amendments pertaining to [XXXX] is as widespread as possible. Furthermore, the Secretary-General urges SOLAS Contracting Governments to ensure that the necessary information and processes for early implementation of amended [SOLAS regulation xxx] are brought to the attention of their port State control officers"; and
- Working Group recommends that Member States refer the circular to their PSCOs.

## 2. UPDATED SURVEY GUIDELINES UNDER THE HARMONIZED SYSTEM OF SURVEY AND CERTIFICATION (HSSC) (Agenda 8)

- o **Update Survey Guideline under HSSC and Non-exhaustive list of obligations under instruments relevant to the IMO instruments implementation code(III Code) (Agenda 3/8)**
  - 1) ***draft Polar Code<sup>3</sup>-related amendments to the Survey Guidelines under the HSSC***
    - finalize the draft Polar Code-related amendments to the Survey Guidelines to submission to MEPC 70 and MSC 97 for approval or

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<sup>2</sup> HSSC(Harmonized System of Survey and Certification): as amended by Res.A.1104(28)

<sup>3</sup> Polar Code: adopted by MSC 94, MEPC 68, enter into force 2017.1.1 / POLAR Code is divided into two parts (Part I/SOLAS, Part II/MARPOL).

adoption, as appropriate.

- the survey item of relevant POLAR Code(Part II) need to be further considered at the next session.

◆ **Implications**

√ **Shipowners** : shipowners should consider a related polar code requirement in HSSC guideline when operate ship in Polar area.

√ **Shipbuilders** : n/a

√ **Manufacturers** : n/a

2) **Unified interpretation on the expiration date of statutory certificates**

- Group has discussed about different interpretation of maximum period validity of the certificate from III 2(IACS)

- the expiry date is the maximum period of validity of the certificate allowed for in SOLAS regulation I/14, less on day : 9 members (including KR)

*(ex: full term certificate issued on 15 January 2014 will have an expiry date of 14 January 2019)*

- the expiry date is the maximum period of validity of the certificate allowed for in SOLAS regulation I/14: 3 members (RINA, DNV-GL, etc)

*(ex: full term certificate issued on 15 January 2014 will have an expiry date of 15 January 2019)*

- both approaches as above should be accepted by PSC and other authorities

- the group agreed to the text of the proposed draft MSC-MEPC.5 circular to submission to MEPC 70 and MSC 97 for approval

◆ **Implications**

√ **Shipowners** : should consider above decision when PSC inspection.

√ **Shipbuilders** : n/a

√ **Manufacturers** : n/a

3) **Reflect the survey item of IGF Code into HSSC guideline.**

- the group agreed the relevant generic items developed by the Correspondence Group. However, the group recommended the items

related to the IGF Code be referred to a correspondence group for further review and development as appropriate.

◆ **Implications**

√ **Shipowners** : shipowners should consider a related IGF code requirement in HSSC guideline if operate ship fitted with Gas Fuel System.

√ **Shipbuilders** : n/a

√ **Manufacturers** : n/a

4) **Exemption certificates of "MARPOL I, IV, VI for UNSP Barges"**

- group considered draft amendment to MARPOL Annexes I, IV and VI concerning the exemption of UNSP barges from survey and certification requirements.
- III finalized amendments will go to MEPC 70 for approval pending adoption

**[MEPC 69 decision]**

- \* Any exemption should be limited to no more than 5 years.
- \* Exemption certificates should be provided under individual MARPOL annexes;
- \* MARPOL Annex IV should be included in the exemption from survey and certification requirements;
- \* The reference to Reg-17.1 of MARPOL Annex 1 regarding Oil Record Book should be retained;
- \* The draft guidelines, once approved by the Committee, should be as an MEPC Circular.

**[III decision]**

- \* **group of III 3 agreed relevant generic item proposed by MEPC 69 .**
- \* the draft form of exemption certificates as an appendix to the individual MARPOL Annexes I, IV and VI should be refined and further considered.
- \* the issue regarding definitions or identification of UNSP barges should to be further considered.

○ **EARLY IMPLEMENTATION OF AMENDMENTS TO SOLAS 1974**

**(Agenda 3/8/2)**

1) the issuing the early implementation circulars is thought that this dramatic increase may be a consequence of the four-year cycle<sup>4</sup> for entry into force of an amendment. And the following problem may be expressed;

(\*past five years only five early implementation circulars have been issued. However, MSC 96 saw three further instances).

- early implementation of amendments to SOLAS 1974 may lack international legal basis
- the PSC problem caused by disagreement between flag state has taken action on early implementation and a port state has not taken such action.

2) Taking into account above problems, member states request MSC 97 to further discuss about early implementation.

◆ This subject is a very sensitive issue and will be discussed in depth at MSC 97. Thus, shipowners, shipbuilder, manufacturers should pay attention to progress and decision at MSC 97.

○ **amendments to the Survey Guidelines related to the term "examining"**  
**(Agenda 3/8/3)**

- there is misunderstandings about the actual survey scope with the requirement of "thorough examination" to all the items, regardless of initial survey, annual survey or renewal survey. Regarding this problem. The IACS submitted the document related to amendments to HSSC 3.9.1

- deletion of the words "a thorough" and "

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<sup>4</sup> Refer to MSC.1/Circ.1481

**[definition of examining in HSSC guideline 3.9.3]**

\* "Examining" except where used in "examining the plans" or "examining the design" should be understood as a thorough examination, using appropriate techniques, of the components, system or appliance in question for satisfactory provision, arrangement and condition and for any signs of defects, deterioration or damage;

**[III decision]**

\* "Examining" except where used in "examining the plans" or "examining the design" should be understood as an a **thorough** examination using appropriate techniques, of the components, system or appliance in question for satisfactory provision, arrangement and condition and for any signs of defects, deterioration or damage. (The extent of this examination shall be adapted by the surveyor ~~under consideration of the applicable survey content and the given accessibility of the individual components, system or appliance, and~~ considering the type of survey performed (e.g. Initial/Annual /Renewal/ etc.) and the actual maintenance condition of the ship and its equipment)

\* ( xxx ) is proposed by IACS

o **List of new relevant requirements (III 3/8/1, III3/INF.7, III3/INF.7/Add.1)**

- the group agreed to submit the amendments to the relevant mandatory instruments from MEPC 68, MSC 95, A 29 due to enter into force up to and including 31 December 2017 (III 3/8, annex 5; and III 3/INF.7 and Add.1) for finalization at the next session with a view to submission to A 30 for adoption.
- Separately develop further draft amendments to the Survey Guidelines for adoption in accordance with the four-year cycle of entry into force of amendments to SOLAS 1974 and related mandatory instruments;

**3. Update Non-exhaustive list of obligations (Agenda 9)**

- o the group agreed to submit draft amendments to the Non-exhaustive list

of obligations, deriving from the amendments to the relevant mandatory instruments due to enter into force up to and including 1 July 2018 (III 3/8, annex 7; and III 3/INF.8 and Add.1), for finalization at the next session with a view to submission of the draft amendments.

- o Separately develop further draft amendments to the Non-exhaustive list of obligations for adoption in accordance with the four-year cycle of entry into force of amendments to SOLAS 1974 and related mandatory instruments.



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