Briefings of IMO Meeting
MSC 106 (2nd ~ 11th Nov 2022)
No. IMO-0013-2022

BRIEFING STATUS
☑ Flash
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Subject: Newsflash of MSC 106

The 106th session of Maritime Safety Committee (hereinafter referred to as MSC) was convened as a hybrid meeting from 2nd to 11th November 2022 to discuss a wide range of issues under the purview of the Committee. This news flash briefs on the outcomes of MSC 106 on major technical issues.

1. Adoption of amendments to mandatory IMO instruments (Agenda 3)

1.1 Amendments to SOLAS Chapter II-2 related oil fuel safety (Res. MSC.520(106) / MSC 106/WP.7, Annex 1)

MSC has discussed oil fuel safety issues since its 101st session, concerning the safety risks arising from the use of non-compliant oil fuel. As the first output of such works and subsequent to the approval by MSC 105, MSC 106 adopted the amendments to SOLAS II-2 to regulate the supply of oil fuel not complying with the flashpoint requirements in SOLAS regulation II-2/4.2.1 (i.e. the prohibition of using oil fuel with a flashpoint of less than 60°C).

With the amendments, oil fuel suppliers are required to, prior to bunkering, provide ships with a declaration certifying that the oil fuel TO BE supplied is in conformity with SOLAS regulation II-2/4.2.1 and indicating the test method utilized. Further, a bunker delivery note for the oil fuel DELIVERED to the ship shall contain either the flashpoint measured or a statement that the flashpoint has been measured at or above 70°C. Where a non-compliant case is confirmed upon analyzing a representative sample[1], the Administration needs to report the case to the IMO and take action as appropriate against the oil fuel suppliers that have been found to deliver the non-compliant oil fuel. The amendments will enter into force on 1 Jan 2026.

1.2 Establishment of new SOLAS Chapter XV and the IP[2] Code (Res. MSC.521(106) and MSC.527(106) / MSC 106/WP.7, Annexes 2 and 8)

Subsequent to the approval of MSC 105, MSC 106 adopted new SOLAS Chapter XV and the IP Code to establish safety requirements for the transport of more than 12 industrial personnel[2] on cargo ships and high-speed cargo crafts, of 500 GT or upwards, adding on existing SOLAS Convention and/or the HSC Codes. The new SOLAS Chapter XV and the IP Code will apply, as shown below, and enter into force on 1 July 2024,

- For the transport of more than 12 industrial personnel, cargo ships or high-speed cargo crafts, regardless of their construction date, shall comply and be certified in accordance with SOLAS Chapter XV and the IP Code;

- Nonetheless, cargo ships or high-speed cargo crafts constructed before 1 July 2024, but already authorized by the Administration to carry more than 12 industrial personnel in accordance with resolution

[1] The oil fuel sample needs to be analyzed in accordance with ISO 2719:2016 by the laboratory accredited to ISO/IEC 17025:2017, etc.
[2] Industrial Personnel (IP) means all persons transported or accommodated on board for the purpose of offshore industrial activities performed on board other ships and/or offshore facilities.

MSC.418(97)[3], shall comply with the requirements of the IP Code pertaining to IP's qualification, safe transfer, life-saving appliances/arrangements and dangerous goods; and

- For relevant certification, IP Safety Certificate shall be issued in addition to SOLAS Safety Certificates or HSC Safety Certificate

1.3 Amendments to the IGC Code and the IGF Code for the use of high-manganese austenitic steel as a cryogenic material (Res. MSC.523(106) and MSC.524(106) / MSC 106/WP.7, Annexes 4 and 5)

Subsequent to the approval of MSC 105, MSC 106 adopted the amendments to the IGC Code and the IGF Code to permit the use of high-manganese austenitic steel as a cryogenic material having minimum design temperature -165°C. The use of high-manganese austenitic steel should be done based on MSC.1/Circ.1599 (Rev.2), unless the flag Administration provides any other equivalent standards. The amendments will enter into force on 1 Jan 2026.

1.4 Amendments to the 2011 ESP Code (Res. MSC.525(106) / MSC 106/WP.7, Annex 6)

Subsequent to the approval of MSC 105, MSC 106 adopted the amendments to the 2011 ESP Code to strengthen and clarify the inspection provisions therein, as summarized below. The amendments will enter into force on 1 July 2024.

- The coating condition of bulk carriers' ballast tanks, for which examination and thickness measurements are required at annual survey, was enhanced from "poor" to "less than good";

- Double-sided skin void spaces of bulk carriers exceeding 20 years of age and of 150 m in length and upwards were newly added for examination and thickness measurements at renewal survey and, if necessary, at intermediate survey and annual survey; and

- The definitions of "Double-hull oil tanker" and "oil tanker" were modified to expressly exclude oil tankers with independent cargo tanks, such as asphalt carriers, from the application of the Code.

1.5 Amendments to the IBC Code related to hinged watertight doors (Res. MSC.526(106) / MSC 106/WP.7, Annex 7)

Subsequent to the approval of MSC 102 and with the co-adoption of MEPC 78 as resolution MEPC.345(78), MSC 106 co-adopted the amendments to the IBC Code to exclude hinged watertight doors[4] from the openings through which progressive flooding or down-flooding may occur in any flooding stages. The amendments to the

[3] Interim recommendations on the safe carriage of more than 12 industrial personnel on board vessels engaged on international voyages (resolution MSC.418(97))

[4] 1) Hinged watertight access doors with open/closed indication locally and at the navigation bridge, of the quick-acting or single-action type that are normally closed at sea; and 2) hinged watertight doors that are permanently closed at sea

IBC Code incorporate the watertight door concept of SOLAS in the IBC Code, and correspond to the amendments to the ICLL 1988 Protocol, the IGC Code and MARPOL Convention, already and respectively adopted through resolutions MSC.491(104), MSC.492(104) and MEPC.343(78). The amendments will enter into force on 1 July 2024[5].

1.6 Amendments to 1978 SOLAS Protocol related to the form of Cargo Ship Safety Equipment Certificate (Res. MSC.522(106) / MSC 106/WP.7, Annex 3)

Subsequent to the approval of MSC 105, MSC 106 adopted the amendments to 1978 SOLAS Protocol to revise the form of cargo ship safety equipment certificate in line with the one appended to 1974 SOLAS Convention. The amendments will enter into force on 1 January 2026.

2. Non-mandatory IMO instruments adopted or approved at MSC 106 (Agenda 11, 13 and 18)

MSC 106, after its own contemplation, approved an IMO instrument, as follows:

- MSC.1/Circ.1374/Rev.1 on *Information on prohibiting the use of asbestos on board ships* (Refer to paragraph 8 of MSC 105/19/12): For asbestos containing gaskets installed onboard between 1 July 2002 and 1 January 2011 in contravention of SOLAS regulation II-1/3-5, the revised Circular allows a risk-based maintenance and monitoring programme in accordance with MSC/Circ.1045[6] instead of their removal within three(3) years. Such asbestos containing gaskets should be subsequently removed when planned repairs or removal of the relevant system is carried out.

In addition, after discussion on the reports of SSE 8 and NCSR 9, MSC 106 further adopted or approved the following IMO Instruments:

- MSC.1/Circ.1614/Rev.1 on *revised interim guidelines on life-saving appliances and arrangements for ships operating in polar waters* (Refer to Annex 3 of SSE 8/20): The revised circular additionally provides a methodology on how to estimate the calculation of the maximum expected time of rescue[7], which needs to be established as part of operational assessment as required by the Polar Code.

- MSC.1/Circ.1315/Rev.1 on *revised guidelines for the approval of fixed dry chemical powder fire-extinguishing systems for the protection of ships carrying liquefied gases in bulk* (Refer to Annex 1 of MSC 106/WP.11): The revised Guidelines no longer restricts dry chemical powder to be potassium or prevent the use of sodium bicarbonate, and provides performance-based test methodologies for the approval of fixed dry chemical powder fire-extinguishing systems installed on or after 1 July 2023.

[5] The implementation date of the IBC Code amendments differs to those of resolutions MSC.491(104), MSC.492(104) and MEPC.343(78), i.e. 1 Jan 2024
[6] Guidelines for maintenance and monitoring of on-board materials containing asbestos
[7] Maximum expected time of rescue means the time adopted for the design of equipment and system that provide survival support. It shall never be less than 5 days.

- MSC.1/Circ.1655 on unified interpretations of SOLAS II-2 (Refer to Annex 11 of SSE 8/20): With regard to SOLAS regulations II-2/9.7.3.1.2 and 9.7.3.2, the Circular provides interpretations that the fire insulation for ducts and/or sleeves passing through "A" class division should be located on the same side of the division being fire insulated, with a minimum length of 450mm; and that any clearance should not be allowed between a duct and "B" class bulkhead.

- MSC.1/Circ.1630/Rev.1 on *revised standardized life-saving appliance evaluation and test report forms* (Refer to Annex 14 of SSE 8/20): The revised forms update the references of the withdrawn standards related to hydrostatic release units and inflatable liferaft's materials.

- MSC.1/Circ.1659 on *Guidance for the dissemination of search and rescue related information through the international enhanced group call service* (Refer to Annex 15 of NCSR 9/24): This guidance is addressed to SAR authorities for providing the procedures and responsibilities related to the dissemination of SAR-related information through EGC.

- MSC.1/Circ.1403/Rev.2 on *NAVTEX Manual* (Refer to Annex 17 of NCSR 9/24): The revision provides the updated NAVTEX Manual for use by national Authorities and others concerned with the preparation and broadcasting of Maritime Safety Information (MSI) from 1 Jan 2023.

- MSC.1/Circ.1660 on *Guidance on the training on and operation of emergency personal radio devices in multiple casualty situations* (Refer to Annex 22 of NCSR 9/24): Although Emergency Personal Radio Devices (EPRD) are neither required nor regulated under mandatory IMO instruments, they may be utilized onboard as voluntary personal equipment. To address the concern that the concurrent uses of EPRDs may hinder search and rescue and harm on-scene communication at the time of multiple casualty evacuation, the Circular provides the guidance on the training and operation of EPRDs for inclusion in ship's safety management system.

- MSC.1/Circ.1503/Rev.2 on *ECDIS - Guidance for good practice* (Refer to Annex 23 of NCSR 9/24): The revised Guidance establishes the documentation and re-certification requirements for manufacturers and Type Approval Authority (TAA) to ensure the uniform implementation of ECDIS type approval when onboard ECDIS units are being updated.

- Resolution MSC.530(106) on *Performance standards for electronic chart display and information systems (ECDIS)* (Refer to Annex 24 of NCSR 9/24): The revised Performance standards include references to IHO publications S-98, S-100 and S-101 to allow for the introduction of the next technical generation of Electronic Navigational Charts (S-101 ENC), and establishes requirements to embody both nautical charts and nautical publications on ECDIS,

- Resolution MSC.529(106) on *Statement of Recognition of Maritime Mobile Satellite Services provided by CTTIC through BMDSS* (Refer to Annex of MSC 106/13/2): MSC 106 recognized the BeiDou Message Service System (BDMSS), having the limited areal coverage of latitude 10°N to 55°N and longitude 75°E to

135°E and, as a mobile satellite service for use in the GMDSS; and adopted related Statement of Recognition.

3. Approval of amendments to mandatory IMO instruments for subsequent adoption at MSC 107 (Agenda 10, 11, and 13)

Subsequent to the reports of HTW, SSE and NCSR Sub-Committees, MSC 106 approved the following draft amendments to mandatory IMO instruments for subsequent adoptions at MSC 107. However, it should be noted that they remain as draft documents and are not legally binding until the adoption of MSC in future.

- Draft amendments to the 1978 STCW Convention and the STCW Code, to facilitate the issuance and use of electric certificates for crew, with expected implementation date 1 Jan 2025 (Refer to Annexes 7 and 8 of HTW 8/16)

- The draft amendments to the LSA Code Chapter 4, to establish the ventilation requirements related to CO_2 concentration for totally enclosed lifeboats installed on or after 1 January 2029, with expected implementation date 1 Jan 2026. However, upon reviewing document MSC 106/11/3, MSC 106 did not approve the ventilation requirements for partially enclosed lifeboats and liferafts, but instructed the SSE Sub-Committee to reconsider the compelling need for establishing them. (Refer to Annex 1 of SSE 8/20)

- The draft amendments to SOLAS Chapter II-2, and the 1994 and 2000 HSC Codes, to prohibit the use and storage of fire-extinguishing media containing perfluoro-octane sulfonic acid (PFOS) and require their disposal to shore-based reception facilities, with expected implementation date 1 Jan 2026. However, MSC 106 instructed SSE 9 to consider the need to expand the ban to other fire-fighting foam types, in addition to PFOS, and consequentially amend MSC.1/Circ.1312. (Refer to Annexes 7 to 9 of SSE 8/20)

- The draft amendments to SOLAS, 1994 HSC Code, 2000 HSC Code, and SPS Code, to revise the record of equipment forms appended to related safety certificates regarding type of immersion suits and anti-exposure suits, with expected implementation date 1 Jan 2026 (Refer to Annexes 8, 9, 15 and 16 of SSE 8/20)

- The draft amendments to SOLAS Chapter V and the appendix (Certificates), to establish the definitions of the terms “bulk carrier” and “container ship” for SOLAS Chapter V and to require the installation of electronic inclinometer[8] on container ships and bulk carriers of 3,000 GT and upwards constructed on or after 1 Jan 2026. It was also confirmed by MSC 106 that the draft requirement for electronic inclinometers should not apply to cargo ships occasionally carrying dry bulk cargoes and general cargo ships carrying containers on deck, and that electronic and mechanical back-up systems for inclinometers would not be needed as they were not considered critical for safety of navigation (Refer to Annexes 25 to 27 of NCSR 9/24)

[8] Refer to Performance standards for electronic inclinometers (resolution MSC.363(92))

- The draft amendments to SOLAS Chapter XIV and the Polar Code, to apply newly established chapters 9-1 (safety of navigation) and 11-1 (voyage planning) of the Polar Code Part I-A to non-SOLAS ships[9]. The draft requirements are expected to be implemented on 1 Jan 2026, and will be also applicable to the non-SOLAS ships constructed before 1 Jan 2026. Based on MSC 106's decision, the certificate showing compliance with the requirements of chapters 9-1 and 11-1 of part I-A of the Polar Code will be left to the discretion of the flag Administration. (Refer to Annexes 7 and 8 of NCSR 9/24)

It may be noteworthy that the draft new SOLAS regulation II-1/3-13 previously approved at MSC 102 are also expected to be adopted at MSC 107 to regulate lifting appliances and anchor handling winches; and that, in this regard, MSC 106 discussed[10] two (2) non-mandatory guidelines, including the draft guidelines for lifting appliances and the draft guidelines for anchor handling winches, for concurrent approval at MSC 107. (Refer to Annex 14 of MSC 102/24/Add.1, and Annexes 2 and 3 of MSC 106/WP.11)

4. New work programme (Agenda 16)

MSC 106 approved the following new outputs. The new output categorized as "Biennial" will be initiated with an urgency by responsible Sub-Committees within the period of year 2022-2023, and the one categorized as "Post-biennial" will get started at an appropriate point after the period of year 2022-2023.

New outputs approved by MSC 106	Responsible bodies	
Review of the appropriateness and effectiveness of SOLAS regulation IV/5 (Provision of radiocommunication services)	NCSR	Post-biennial
Development of measures to ensure the safe operation of elevators on board ships (i.e. SOLAS II-1)	SSE	Post-biennial
Revision of SOLAS regulation V/23 and associated instruments (i.e. resolution A.1045(27) and MSC.1/Circ.1428) to improve the safety of pilot transfer arrangements	NCSR	Biennial
Development of guidance to assist competent authorities in the implementation of the Cape Town Agreement of 2012	III	Biennial
Amendments to the Guidelines for construction, installation, maintenance and inspection/survey of means of embarkation and disembarkation (MSC.1/Circ.1331) concerning the rigging of safety netting on accommodation ladders and gangways	SDC	Post-biennial
Revision of resolution A.1050(27) to ensure the safety of personnel entering enclosed spaces on board ships	CCC	Biennial

[9] Non-SOLAS ships hereby means fishing vessels of 24 m in length overall and above; pleasure yachts of 300 GT and upwards not engaged in trade; and cargo ships of 300 GT and upwards but below 500 GT

[10] The certification of existing lifting appliance was further clarified by MSC 106 as contained in paragraphs 5.3 to 5.5 of MSC 106/WP.11

5. Progress of developing a goal-based instrument for MASS (Autonomous ships) (Agenda 5)

5.1 As per the road map for developing a goal-based MASS Code, as endorsed by MSC 105, MSC 106 further considered various issues and, in particular, prepared the structure of the draft MASS Code, as found in Annex 1 of MSC 106/WP.8.

5.2 The Committee also updated the road map for developing a goal-based MASS Code, as found in Annex 5 of MSC 106/WP.8. However, the milestones of the road map remain unchanged, as shown below;

- the approval and entry into effect of a non-mandatory MASS Code at MSC 109 in 2024; and
- the adoption of the mandatory MASS Code at MSC 110 in 2025 for entry into force in 1 Jan 2028

5.3 Finally, MSC 106 decided to establish the GBS Working Group at MSC 107 to consider the example for the development of functional requirements for the MASS Code, as found in Annex 2 of MSC 106/WP.8, and, if considered appropriate, to subsequently amend MSC.1/Circ.1394/Rev.2 to facilitate its use in future.

6. Any other issues (Agenda 2, 13 and 18)

6.1 MSC 106 approved the update of ISO standard's reference (i.e. ISO 799-1:2019) footnoted to SOLAS regulation V/23.2.3 as contained in the 2020 SOLAS consolidated edition issued by the IMO Secretariat. Based on the decision, the updated ISO standard (i.e. ISO 799-1:2019) may be applied for the certification of pilot ladders, in lieu of ISO 799:2004[11].

6.2 MSC 106 endorsed the approval of COMSAR.1/Circ.32/Rev.1, which provides revised interpretations of GMDSS requirements in SOLAS Chapter IV and other related IMO instruments. However, some delegations expressed their concern on the misunderstanding that may arise from COMSAR.1/Circ.32/Rev.1, and indicated their plans to submit papers to forthcoming IMO/ITU EG 18 and NCSR 10, with a view towards further modifications to and/or clarifications on the circular.

6.3 With regard to the longstanding unresolved issues of resolution MSC.402(96)[12] and ISO 23678:2022[13], MSC 106 could not reach a conclusion on the definition of the term "make and type", footnoting ISO 23678:2022 to paragraph 7.1.1 of resolution MSC.402(96), etc.; and instructed SSE 9 to urgently discuss the matters under the A.O.B agenda with a view towards reporting back to MSC 107.

[11] ISO 799:2004 is still referenced to in resolution A.1045, which is footnoted to SOLAS regulation V/23.1.2. The discrepancy of references to ISO 799:2004 and ISO 799-1:2019 will be further discussed in future IMO meetings. Until then, KR interprets that both the standards may be accepted as applicable international standards for pilot ladders.

[12] Requirements for maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear

[13] Ships and marine technology - Service personnel for the maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear

6.4 MSC 106 also instructed SSE 9 to discuss the publication of ISO 15364:2021[14] and the consequential amendments to MSC/Circ.677[15] arising thereof, and report them back to MSC 107.

Should you have inquiries, please contact P.I.C. Thank you.

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[14] Ships and marine technology - Pressure-vacuum valves for cargo tanks and devices to prevent the passage of flame into cargo tanks
[15] Revised standards for the design, testing and locating of devices to prevent the passage of flame into cargo tanks in tankers