MARITIME SAFETY COMMITTEE
106th session
Agenda item 19

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DRAFT REPORT OF THE MARITIME SAFETY COMMITTEE ON ITS 106TH SESSION

1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The 106th session of the Maritime Safety Committee was held from 2 to 11 November 2022, 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 106/INF.1.

Use of hybrid meeting capabilities

1.3 The Committee noted that the plenary sessions would be conducted in hybrid mode, i.e. remote participation enabled, taking into account the relevant decisions of C 127 (C 127/D, paragraph 17.3).

1.4 In this regard, the Committee noted that C 127 had:

.1 agreed to the use of hybrid facilities to complement in-person meetings from September 2022, for a trial period of one year;

.2 agreed that the Rules of Procedure and the *Interim guidance to facilitate remote sessions of the IMO Council during the COVID-19 pandemic*, as appropriate, should be applied and that only representatives of the Members attending the meeting in person at IMO Headquarters would be allowed to vote; and

.3 invited other organs of the Organization to follow the above decisions and to report to a future session of the Council on their experience with hybrid meetings.

1.5 In this connection, the Chair recalled that, as per Article 30 of the IMO Convention, the Committee shall adopt its own rules of procedure and, in line with the decisions of the Council, the Committee agreed as follows:

.1 as per the current rules of procedure of the Committee and the *Interim guidance to facilitate remote sessions of the Committees during the COVID-19 pandemic* (MSC-LEG-MEPC-TCC-FAL.1/Circ.1), adopted by the Committee at the ALCOM meeting in September 2020, for this hybrid session, a Member State will be considered "present" for the purposes of rule 28(1) if they are either physically present in the Main Hall, or are registered and participating remotely online using the hybrid system; and

.2 any voting by secret ballot will take place in person only.

Opening address of the Secretary-General

1.6 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

Adoption of the agenda and related matters

1.7 The Committee adopted the agenda (MSC 106/1) and agreed to be guided in its work, in general, by the annotations contained in document MSC 106/1/1 and by the provisional timetable (MSC 106/1/1, annex, as amended).

Credentials

1.8 The Committee noted that the credentials of […] delegations attending the session were in due and proper form.

Consideration of selected agenda items by correspondence

1.9 The Committee considered the Chair's proposals concerning the consideration of agenda items 4 (Goal-based new ship construction standards), 9 (Formal safety assessment) and 15 (Application of the Committee's method of work) in total or in part by correspondence, as set out in document MSC 106/1/2, together with two comments received on those proposals as well as the resulting modification to one proposed action, as set out in document MSC 106/1/2/Add.1.

1.10 The Committee approved the proposed actions, as well as that modified following comments submitted, as set out in annex 2 to document MSC 106/1/2/Add.1, and noted that the actions approved had been reflected in this report under the appropriate agenda items (see sections 4, 9 and 15).

2 DECISIONS OF OTHER IMO BODIES

2.1 The Committee agreed to consider document MSC 106/2/2 (Canada et al.), proposing amendments to the Committees' method of work (MSC-MEPC.1/Circ.5/Rev.3) to take into account lessons learned from remote meetings, under agenda item 15 (Application of the Committee's method of work) (see paragraphs 15[…] to 15[…]).

Outcome of FAL 46, MEPC 78 and C 127

2.2 The Committee, having noted the decisions of FAL 46, MEPC 78 and C 127 relevant to its work, as set out in document MSC 106/2 (Secretariat), agreed to take them into account under relevant agenda items.

Outcome of TC 72

2.3 The Committee also noted an oral report by the Secretariat on the outcome of TC 72 on the following matters related to the work of the Committee, since, due to the close proximity of the meetings of TC 72 and MSC 106, the final report of TC 72 was not yet available:

.1 concerning the *Model regulations on domestic ferry safety* (adopted at MSC 105), TC 72 was of the view that since they had been developed by MSC, the development of an explanatory manual and related online training material should be carried out under the purview of MSC in close cooperation with TCC; and that the Secretariat would consider the way forward in consultation with TCD and submit a document on the matter to MSC 107;

.2 TC 72 requested MSC to revise its thematic priorities for the ITCP for the 2024-2025 biennium and include a provision for technical assistance related to SOLAS chapter X, as appropriate; and the Secretariat would submit a document on the thematic priorities to MSC 107 for consideration and approval; and

.3 TC 72 decided to suspend in principle the participation of the Russian Federation in any IMO technical cooperation activity either as a recipient or as a host until the TC Committee decided otherwise, and report accordingly to the next session of the Council.

Final report of the UN Panel of Experts regarding the DPRK

2.4 Having recalled that C 127 had noted an update by the Secretary-General on the final report of the UN Panel of Experts regarding the Democratic People's Republic of Korea (DPRK) and his intention to inform the relevant IMO organs of the recommendations of the Panel, the Committee considered document MSC 106/2/1/Rev.1 (Secretariat), providing an update on the findings and recommendations of the report, including two actions requested of IMO, and noted, inter alia, the following views:

.1 serious concerns were expressed regarding the launches of ballistic missiles by the DPRK without proper prior notification and on the threat that these posed to regional and international peace and security and to the safety of shipping;

.2 AIS tampering may be used to disguise illicit oil deliveries and transferring of oil between ships on the high seas which increased the risk of oil pollution accidents;

.3 it was unacceptable to politicize the work of the Organization; the focus should only be on technical aspects such as the safety of navigation; and any action taken should stay within the Organization's mandate;

.4 several delegations emphasized that the UN Security Council resolutions and sanctions had to be implemented, while one delegation stated that it did not recognize the partial and illegal "resolution", infringing on the right to existence and development of a sovereign State;

.5 the Secretariat could get in touch with the Member States that did not comply or disregarded the requirements of the Continuous Synopsis Record (CSR);

.6 resolution A.706(17), on *World-Wide Navigational Warning Service*, provided for Member States to give notice of incidents which might affect the safety of navigation, including the launch of missiles, so that navigational warning and maritime safety information might be transmitted to the ships in the sea area concerned;

.7 two companies had suspended their general communication services to the ships of some countries, including the DPRK, which was now unable to implement LRIT and currently failed to ensure safety, security and search and rescue of DPRK flagged vessels as well as marine environmental protection; and

.8 IMO could not react to all reports of panels of experts from all international forums and the Committee must not go beyond its mandate as a technical organization.

2.5 The Secretariat informed the Committee that the national contact points for the CSRs can be found in the IMO's GISIS module "Contact Points" and information on ship details in the GISIS module "Ship and company particulars".

2.6 The delegation of the DPRK stated that its ballistic missile launches had been conducted with scientific calculation, were justified exercises of the right to self-defence and posed no threat to safety or security. They stated that the greatest regional threats to safety and security were posed by the United States which had conducted numerous large scale joint military exercises against the DPRK with the Republic of Korea and Japan, and had also conducted over 2,000 nuclear tests and ballistic missile tests almost every day; that there had been a number of incidents in the region where warships in military operations of these Member States had collided with innocent fishing and commercial vessels; that it should be noted that two communication companies had stopped their services to some Member States, including the DPRK, which had impacted its ability to operate LRIT and had resulted in significant SAR, safety and environmental protection concerns; that the DPRK had never recognized the UN Security Council sanctions resolutions which had no legal justification and impartiality and rejected previous other interventions and Circular Letter No.4649; and urged the Organization not to go beyond its legal mandate as a technical Agency. The full text of the statement by the DPRK is set out in annex […].

2.7 The full text of statements made by the delegations of France (on behalf of the EU), supported by Australia, Germany, Japan, Republic of Korea, United Kingdom and the United States of America, and Ukraine are set out in annex [...].

2.8 Following the discussion, Committee took action as follows:

.1 referred the recommendation that IMO should consider the review of hardware and software security standards for preventing the tampering of AIS transponders to the NCSR Sub-Committee for consideration and advice to the Committee, as appropriate; and

.2 urged all flag States to ensure that the CSR requirements are complied with, including for such information to be updated accordingly in GISIS.

Ongoing military conflict between the Russian Federation and Ukraine and its effect on international shipping and seafarers; and Black Sea Grain Initiative

2.9 Having noted document MSC 106/INF.11 (Secretariat), providing information on the *Initiative on the Safe Transportation of Grain and Foodstuffs from Ukrainian Ports* (Black Sea Grain Initiative), including on the important technical and facilitation support provided by IMO as part of the UN effort to ensure the resumption of critical global food exports from Ukraine, together with additional information by the Secretariat, providing an update on developments since the date of issue of the document, the Committee noted, inter alia, the following views:

.1 the aggression by the Russian Federation against Ukraine was condemned in the strongest possible terms as a violation of Ukraine's territorial sovereignty, a threat to the Ukrainian people and a threat to the safety and security of international shipping and seafarers in the Black Sea and Sea of Azov region;

.2 concern was expressed that the Russian Federation was distorting the facts and that the Black Sea Grain Initiative should not be linked in any way to recent acts related to the armed conflict between the Russian Federation and Ukraine, and that the initiative should automatically be renewed as it was vital to alleviating global food shortages;

.3 Ukrainian grain silos, facilities and operating companies continued to be subject to hostile acts;

.4 flag States were urged not to register Russian Federation ships and an investigation was called for regarding the illegal transportation of Ukrainian grain by the Russian Federation;

.5 the Secretariat was thanked for document MSC 106/INF.11 and the updated information on the Black Sea Grain Initiative; and the UN Secretary-General and the IMO Secretary-General were thanked for their role in the humanitarian effort;

.6 the UN, Türkiye and all other involved parties, including the Joint Coordination Centre, were thanked for the success of the Black Sea Grain Initiative to date, which had made a very significant difference to helping to alleviate global food shortages; however, concern was expressed with regard to the number of ships and seafarers still stranded in the conflict area;

.7 the Black Sea Grain Initiative should be expanded to include the safe evacuation of all types of stranded ships and seafarers remaining in the Black Sea and Sea of Azov region, as well as additional ports. In this regard, the delegation of Panama informed the Committee that they would submit a document to C 128 to this effect;

.8 all interested parties should be urged to exercise calm and restraint to avoid an escalation of the ongoing conflict, to work together to ensure the safety of navigation and shipping, to create the conditions for negotiation and to avoid politicizing the maritime domain;

.9 grain and other commodity exports by the Russian Federation had yet to take place under the Black Sea Grain Initiative, despite this being included in the Agreement, and sanctions were preventing the Russian Federation from taking action to help alleviate global food and other supply shortages; and

.10 the Russian Federation had been able to resume its participation in the Black Sea Grain Initiative following written assurances from Ukraine that the Initiative would not be used in any way to facilitate acts of aggression.

2.10 The vast majority of delegations supported a proposal to develop an MSC resolution to remind Member States of their responsibilities and obligations under the SOLAS and SAR Conventions in the context of armed conflicts.

2.11 Statements on the matter were made by a number of Member States and, as requested, the full texts of those made by the delegations of Australia, Canada, Croatia, Finland, France, Germany, Italy, Panama, Portugal, Spain, Türkiye, Ukraine, the United Kingdom and the United States of America are set out in annex [...].

2.12 The delegation of the Russian Federation stated that there was irrefutable evidence of Ukraine's guilt in shelling civilian port infrastructure, attacking merchant shipping, holding seafarers as hostages and blockading its own ports; that grain exports from the Ukrainian ports under the Initiative did not go to vulnerable countries, but instead were mostly transported to European ports; that the suspension of the Black Sea Grain Initiative was a result of a terrorist attack by Ukraine on Russian ships protecting the vessels operating under the Initiative, thus undermining the humanitarian nature of this undertaking; and that sanctions by Western countries in respect of the Russian Federation blocked the food and fertilizer exports from the Russian Federation and served as a real reason for the disruption of global food supply chains and the ensuing world food crisis. The full text of the statement is set out in annex […].

2.13 Following consideration, the Committee:

.1 urged the UN Secretary-General and IMO Secretary-General to continue to work on humanitarian efforts to evacuate all stranded ships and seafarers in the conflict area, including efforts to expand the Initiative to other types of ships and additional ports;

.2 thanked the Secretary-General and the Secretariat for the important contribution to the success of the Black Sea Grain Initiative, in particular the key roles played by the Director of the Legal Affairs and External Relations Division and the Special Advisor to the Secretary-General on Maritime Security;

.3 noted the success to date of the Black Sea Grain Initiative which had been achieved through an interagency "One UN approach" involving relevant UN bodies, other international agencies, NGOs and the Member States concerned;

.4 emphasized the important contribution that the Black Sea Grain Initiative was making to alleviate the global food supply shortages resulting from the ongoing conflict in Ukraine;

.5 recalled that the Black Sea Grain Initiative had been recognized by the UN Secretary-General as a landmark agreement to help vulnerable people in every corner of the world; and

.6 agreed to develop an MSC resolution to remind Member States of their responsibilities and obligations under the SOLAS and SAR Conventions in the context of armed conflicts.

2.14 The Committee considered the draft MSC resolution on Member States' obligations in connection with search and rescue services under the SOLAS and SAR Conventions in the context of armed conflicts (see paragraph 2.13.6), as developed by a group of interested parties during the session (MSC 106/WP.13).

2.15 In considering the draft resolution, the Committee noted the view of the delegation of Ukraine that the main purpose of this resolution was to acknowledge the importance of SAR services in saving human life at sea and to confirm their special protected status under international law, which meant that under any conditions, especially in times of armed conflict, these services must operate without interruption and their personnel and units must be protected, considering the humanitarian nature of their missions.

2.16 The delegation of the Russian Federation introduced a proposal to include a new operative sub-paragraph in the draft resolution to urge Member States to refrain from using SAR units and facilities for military purposes as this was a well-established principle in international law. Several delegations opposed this proposal and one delegation indicated that it was not in line with the initial purpose of the draft resolution. The delegation of the Russian Federation stressed that this was a session of the Maritime Safety Committee whose main responsibility was safety at sea and further highlighted that the position of the opposing delegations was unfounded and counter to the MSC mandate and that those delegations thus openly supported the usage of SAR units for transporting weapons and military personnel. Subsequently, the Committee agreed to keep the text of the draft resolution as proposed in document MSC 106/WP.13 without any changes.

2.17 Consequently, having noted the overwhelming support for the draft resolution set out in document MSC 106/WP.13, the Committee adopted resolution MSC.[...](106) on *Member States' obligations in connection with search and rescue services under the SOLAS and SAR Conventions in the context of armed conflicts*, as set out in annex [...].

2.18 The delegation of Hong Kong, China, expressed concern about the Hong Kong, China, flagged vessel **Joseph Schulte** (IMO No.9605243) which had been stuck at the port of Odesa since the beginning of the conflict in the region. It stated that every effort had been made for the release of the vessel but without success so far and, although the original crew onboard had been replaced and repatriated, the current crew was still stuck onboard. The delegation strongly urged all parties concerned to work together to facilitate the release and safe passage of the vessel and the crew onboard without further delay.

2.19 The delegation of Ukraine expressed its concern that the Hong Kong, China, delegation had not informed it of the problems faced by its ship. Nevertheless, the delegation of Ukraine confirmed the readiness for the departure of a number of vessels, including **Joseph Schulte** and other vessels under the flag of Denmark, Malta, Panama, Liberia, Marshall Islands and the Cayman Islands, which remained blocked in Ukraine's ports because of the Russian Federation armed aggression since late February 2022, whenever the JCC for the Black Sea Grain Initiative would give consent to it. In particular, the delegation of Ukraine informed about its relevant proposal within the framework of the JCC of allowing the withdrawal of other ships that did not fall under the Initiative, in particular from those ports where the security situation was conducive to facilitating their safe departures. However, the request of the Ukrainian side remained unanswered at the moment. The delegation of Ukraine also informed about a proposal to Türkiye and the UN to extend the Initiative for a longer period, as well as to expand it to the ports to the south of the Mykolaiv region, which had provided 35% of Ukrainian food exports before the invasion of the Russian Federation.

2.20 The delegation of the Russian Federation clarified that the JCC operated on the basis of clear instructions based on the agreement reached and that the Russian Federation was clearly in favour of the swift resolution of the situation and of the exit of all civilian ships and the return of crews since that was the reason for the creation of the safe maritime corridors in the Black Sea by the Russian Federation.

2.21 The full texts of statements made by the delegations of Ukraine, the Russian Federation and Hong Kong, China, are set out in annex [...].

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 as follows:

.1 to SOLAS chapter II-2, in accordance with the provisions of article VIII of the Convention;

.2 new SOLAS chapter XV, in accordance with the provisions of article VIII of the Convention;

.3 to 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 to the International Code of Safety for Ships using Gases or other Low-flashpoint Fuels (IGF Code), in accordance with the provisions of article VIII and regulation II-1/2.28 of the Convention;

.5 to 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; and

.6 to the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code), in accordance with the provisions of article VIII and regulation VII/8.1 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 the aforementioned 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 had been circulated, in accordance with SOLAS article VIII(b)(i), to all IMO Members and Contracting Governments to the Convention by Circular Letter No.4560 of 6 May 2022.

3.3 In connection with the adoption of new SOLAS chapter XV, the Committee was also invited to consider and adopt the International Code of Safety for Ships Carrying Industrial Personnel (IP Code), together with the associated draft MSC resolution.

3.4 Parties to the 1978 SOLAS Protocol were invited to participate in the consideration and adoption of proposed amendments to the appendix to the annex to the Protocol. Parties constituting more than one third of the total of Parties to the Protocol were present during the consideration and adoption of said amendments by the expanded Maritime Safety Committee, in accordance with the provisions of articles VIII(b)(iii) and VIII(b)(iv) of the 1974 SOLAS Convention and article II of the 1978 SOLAS Protocol. The proposed amendments to the 1978 SOLAS Protocol were circulated in accordance with article VIII(b)(i) of the 1974 SOLAS Convention and article II of the 1978 SOLAS Protocol to all IMO Members and Parties to the 1978 SOLAS Protocol by Circular Letter No.4560 of 6 May 2022.

PROPOSED AMENDMENTS TO THE 1974 SOLAS CONVENTION

Draft amendments to SOLAS chapter II-2

3.5 The Committee recalled that MSC 105 had approved draft amendments to SOLAS chapter II-2, concerning reporting of confirmed cases where oil fuel suppliers had failed to meet the flashpoint requirements, with a view to adoption at this session (MSC 105/20, paragraph 5.13).

3.6 In this regard, the Committee considered document MSC 106/3/6 (Japan), commenting on the aforementioned draft amendments and proposing to review and modify the term "Confirmed case (flashpoint)" to avoid superfluous wording.

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

.1 the definition of "Confirmed case (flashpoint)" provided under draft SOLAS regulation II-2/3.59 had been agreed after thorough consideration; therefore, it should not be modified at this stage;

.2 the term "Confirmed case (flashpoint)" should be used accurately in other draft regulations to ensure consistency throughout the draft amendments;

.3 the word "flashpoint" should remain as part of the new term to enable the distinction between the definitions of confirmed cases of flashpoint and confirmed cases concerning other parameters, as and when defined in the future; and

.4 the word "flashpoint" should be replaced by "closed cup flashpoint" in the draft amendments to provide clarity concerning the method used for its determination.

3.8 The Committee also noted an intervention by the delegation of France, supported by others, that new consequential amendments to SOLAS regulation II-2/1.2 (Applicable requirements to existing ships) would be necessary in order to ensure the application of the new requirements to all ships, including those constructed before 1 July 2012, in line with the original intent of the draft amendments.

3.9 Following discussion, the Committee agreed:

.1 to maintain the definition of "Confirmed case (flashpoint)" and use the term accurately throughout the draft amendments; and

.2 on the need for consequential amendments to SOLAS regulation II-2/1.2 to ensure the application of the new requirements to all ships.

3.10 Subsequently, the Committee confirmed the proposed amendments to chapter II-2 of the 1974 SOLAS Convention, with the agreed modifications, as set out in annex 1 to document MSC 106/WP.5, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.11 The Committee agreed that the aforementioned draft amendments proposed for adoption at this session should be deemed to have been accepted on 1 July 2025 and enter into force on 1 January 2026, in accordance with the *Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1481), as well as the ad hoc midterm amendment cycle agreed by MSC 104 (MSC 104/18, paragraph 3.16.1).

Draft new SOLAS chapter XV

3.12 The Committee recalled that MSC 105 had approved the draft new SOLAS chapter XV on "Safety measures for ships carrying industrial personnel", making the new draft IP Code mandatory, with a view to adoption at this session (MSC 105/20, paragraph 15.2).

3.13 In this context, the Committee noted comments provided by the observer from IACS, highlighting the need for defining the terms "constructed on or after" and "similar stage of construction" in the context of draft new SOLAS chapter XV for providing clarity on the application of the new chapter and in line with the practice in other SOLAS chapters.

3.14 Having noted that no comments on the proposed draft new SOLAS chapter XV had been submitted to this session, the Committee confirmed its contents, as set out in annex 2 to document MSC 106/WP.5, subject to necessary modifications with respect to the terms "constructed on or after" and "similar stage of construction", and editorial improvements, if any.

Date of entry into force of the proposed new SOLAS chapter

3.15 The Committee agreed that the new SOLAS chapter XV proposed for adoption at this session should be deemed to have been accepted on 1 January 2024 and enter into force on 1 July 2024, as an exemption from the four-year SOLAS amendment cycle, in accordance with the Guidance (MSC.1/Circ.1481).

PROPOSED AMENDMENTS TO THE 1978 SOLAS PROTOCOL

3.16 The Committee recalled that MSC 105 had approved draft amendments to the appendix to the annex to the 1978 SOLAS Protocol, concerning the Form of Safety Equipment Certificate for Cargo Ships, with a view to adoption at this session (MSC 105/20, paragraph 3.69).

3.17 Having noted that no comments on the draft amendments had been submitted, the Committee confirmed their contents, as set out in annex 8 to document MSC 106/WP.5, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.18 The Committee agreed that the aforementioned draft amendments proposed for adoption at this session should be deemed to have been accepted on 1 July 2025 and enter into force on 1 January 2026, in accordance with the Guidance (MSC.1/Circ.1481), as well as the ad hoc midterm amendment cycle agreed by MSC 104.

PROPOSED AMENDMENTS TO THE IGC, IGF, 2011 ESP AND IBC CODES, MANDATORY UNDER THE 1974 SOLAS CONVENTION (EXPANDED COMMITTEE UNDER SOLAS ARTICLE VIII)

Draft amendments to the IGC and IGF Codes

3.19 The Committee recalled that MSC 105 had approved draft amendments to chapter 6 (Materials of construction and quality control) of the IGC Code and chapter 7 (Materials of general pipe design) of part A-1 (Specific requirements for ships using natural gas as fuel) of the IGF Code, concerning the application of high manganese austenitic steel for cryogenic service, with a view to adoption at this session (MSC 105/20, paragraph 14.3.1).

3.20 In this regard, the Committee considered the modifications proposed in document MSC 106/3/5 (Japan) concerning note 10 to table 6.3 of the IGC Code, note 10 to table 7.3 of the IGF Code and the associated footnotes thereto.

3.21 Having agreed to the modifications proposed in document MSC 106/3/5, the Committee confirmed the proposed amendments to chapter 6 of the IGC Code and chapter 7 of part A-1 of the IGF Code, as modified, as set out in annexes 3 and 4 to document MSC 106/WP.5, respectively, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.22 The Committee agreed that the aforementioned draft amendments proposed for adoption at this session should be deemed to have been accepted on 1 July 2025 and enter into force on 1 January 2026, in accordance with the Guidance (MSC.1/Circ.1481), as well as the ad hoc midterm amendment cycle agreed by MSC 104.

Draft amendments to the 2011 ESP Code

3.23 The Committee recalled that MSC 105 had approved draft amendments to parts A and B of annexes A and B of the 2011 ESP Code, as prepared by SDC 8 in accordance with the procedure agreed by MSC 92 (MSC 92/26, paragraph 13.31) for undertaking regular updates of the Code, with a view to adoption at this session (MSC 105/20, paragraph 15.12).

3.24 The Committee recalled also that regular updates to the 2011 ESP Code were exempted from the four-year cycle for entry into force of SOLAS amendments (MSC 92/26, paragraph 13.31).

3.25 Having noted that no comments on the draft amendments had been submitted, the Committee confirmed their contents, as set out in annex 5 to document MSC 106/WP.5, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.26 The Committee agreed that the aforementioned draft amendments, proposed for adoption at this session, should be deemed to have been accepted on 1 January 2024 and enter into force on 1 July 2024, in accordance with the procedure for regular updates to the 2011 ESP Code agreed at MSC 92.

Draft amendments to the IBC Code

3.27 The Committee recalled that MSC 102 had approved draft amendments to chapter 2 (Ship survival capability and location of cargo tanks) of the IBC Code, concerning watertight doors on cargo ships, with a view to adoption, subject to concurrent approval by MEPC (MSC 102/24, paragraph 17.28).

3.28 In this regard, the Committee noted that MEPC 78 had adopted *Amendments to the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code)* (resolution MEPC.345(78)), containing the aforementioned amendments (MEPC 78/17, paragraph 3.20, and annex 3).

3.29 Having noted that no comments on the draft amendments had been submitted, the Committee confirmed their contents, as set out in annex 6 to document MSC 106/WP.5, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.30 The Committee agreed that the aforementioned draft amendments, proposed for adoption at this session, should be deemed to have been accepted on 1 January 2024 and enter into force on 1 July 2024, in line with resolution MEPC.345(78) and in accordance with the Guidance (MSC.1/Circ.1481), as well as to ensure their entry into force on a date as close as possible to the identical amendments adopted under the 1988 Load Lines Protocol and the IGC Code (resolutions MSC.491(104) and MSC.492(104) refer).

PROPOSED ADOPTION OF THE DRAFT INTERNATIONAL CODE OF SAFETY FOR SHIPS CARRYING INDUSTRIAL PERSONNEL (IP CODE)

3.31 The Committee recalled that MSC 105 had approved, in principle, the draft MSC resolution on Adoption of the International Code of Safety for Ships Carrying Industrial Personnel (IP Code), with a view to adoption at this session in conjunction with the adoption of the associated new SOLAS chapter XV (MSC 105/20, paragraph 15.7) (see paragraphs 3.12 to 3.14).

3.32 In this regard, the Committee considered the modifications proposed in document MSC 106/3/4 (China) concerning the need to avoid repetitive entries in Form IP and to maintain consistency with the relevant Records of Equipment under the 1974 SOLAS Convention, the 1988 SOLAS Protocol and the 2000 HSC Code.

3.33 Having agreed to the modifications proposed in document MSC 106/3/4, the Committee confirmed the contents of the draft new IP Code, as modified, as set out in annex 7 to document MSC 106/WP.5, subject to editorial improvements, if any.

Date of taking effect of the proposed new Code

3.34 The Committee agreed that the draft new IP Code, proposed for adoption at this session, should take effect on 1 July 2024, in conjunction with the entry into force of the related amendments to the 1974 SOLAS Convention (see paragraph 3.14).

USE OF CERTAIN TERMS IN THE APPLICATION REQUIREMENTS OF IMO INSTRUMENTS

3.35 The Committee recalled that MSC 105, having considered a proposal concerning the use of certain terms in non-mandatory instruments (MSC 105/3/4 (IACS)), had invited interested Member States and international organizations to submit relevant proposals to MSC 106 for further consideration (MSC 105/20, paragraph 3.48).

3.36 In this regard, the Committee considered document MSC 106/3/3 (Norway et al.), proposing a way forward to clarify the use of the terms "fitted", "provided", "installed" and "installation" in the application requirements of mandatory and non-mandatory instruments under the purview of the Committee, as well as MEPC, and related revisions to the *Guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1500/Rev.1).

3.37 Following consideration and noting the overwhelming support for the proposals in document MSC 106/3/3, the Committee:

.1 confirmed that application statements of future resolutions concerning new mandatory or non-mandatory instruments, or amendments to existing ones, which use the terms "fitted", "provided", "installed" or "installation", should provide a clear understanding of the intended meaning of such terms, and invited all sub-committees to take action accordingly;

.2 invited MEPC 80 to consider confirming the same understanding as set out in subparagraph .1 above for instruments under the purview of MEPC; and

.3 instructed the Drafting Group to prepare the final text of a revision of MSC.1/Circ.1500/Rev.1, taking into account paragraph 12.2 of document MSC 106/3/3, to be disseminated as MSC.1/Circ.1500/Rev.2 with an effective date of 1 July 2023, for approval by the Committee.

ASSESSMENT OF CAPACITY-BUILDING AND TECHNICAL COOPERATION AND ASSISTANCE IMPLICATIONS OF THE DRAFT AMENDMENTS TO MANDATORY INSTRUMENTS

3.38 The Committee, in accordance with the relevant decision of MSC 104 (MSC 104/18, paragraph 4.2), instructed the Drafting Group to assess the implications of the amendments to existing mandatory instruments considered for adoption at this session for capacity-building and technical cooperation and assistance, against the procedures and criteria for identification of capacity-building implications set out in annex 2 of the Committees' method of work (MSC-MEPC.1/Circ.5/Rev.3).

ESTABLISHMENT OF THE DRAFTING GROUP

3.39 Having considered the above matters, the Committee established the Drafting Group on Amendments to Mandatory Instruments and instructed it, taking into account the comments made and decisions taken in plenary, to:

.1 prepare, for consideration by the Committee with a view to adoption or approval, as appropriate, the final text of the:

.1 draft amendments to chapter II-2 of the 1974 SOLAS Convention, including the associated MSC resolution;

.2 draft new chapter XV of the 1974 SOLAS Convention, including the associated MSC resolution;

.3 draft amendments to the appendix to the annex to the 1978 SOLAS Protocol, including the associated MSC resolution;

.4 draft amendments to the IGC and IGF Codes, including the associated MSC resolutions;

.5 draft amendments to the 2011 ESP Code, including the associated MSC resolution;

.6 draft amendments to the IBC Code, including the associated MSC resolution;

.7 draft IP Code, including the associated MSC resolution; and

.8 draft revision of MSC.1/Circ.1500/Rev.1, to be disseminated as MSC.1/Circ.1500/Rev.2; and

.2 assess the implications for capacity-building and technical cooperation and assistance of the amendments to the mandatory instruments submitted for adoption at this session, against the procedures and criteria for identification of capacity-building implications set out in annex 2 of the Committees' method of work, and advise the Committee as appropriate.

REPORT OF THE DRAFTING GROUP

3.40 Having considered the report of the Drafting Group (MSC 106/WP.7), the Committee approved it in general and took action as outlined below.

Adoption of amendments to and a new chapter of the 1974 SOLAS Convention

3.41 The expanded Committee, including delegations of [109] Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to chapter II-2 and the proposed new chapter XV of the 1974 SOLAS Convention, prepared by the Drafting Group (MSC 106/WP.7, annexes 1 and 2, respectively), and unanimously adopted them by resolutions MSC.[…](106) and MSC.[…](106), as set out in annexes […] and […], respectively.

3.42 In adopting resolution MSC.[…](106), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments should be deemed to have been accepted on 1 July 2025 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and enter into force on 1 January 2026, in accordance with the provisions of article VIII thereof and the Guidance (MSC.1/Circ.1481).

3.43 In adopting resolution MSC.[…](106), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted new chapter XV should be deemed to have been accepted on 1 January 2024 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and enter into force on 1 July 2024, in accordance with the provisions of article VIII thereof and the Guidance (MSC.1/Circ.1481).

Adoption of amendments to the 1978 SOLAS Protocol

3.44 The expanded Committee, including delegations of [95] Parties to the 1978 SOLAS Protocol, considered the final text of the proposed amendments to the appendix to the annex to the Protocol prepared by the Drafting Group (MSC 106/WP.7, annex 3) and unanimously adopted the amendments by resolution MSC.[…](106), as set out in annex […].

3.45 In adopting resolution MSC.[…](106), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention and article II of the 1978 SOLAS Protocol, that the adopted amendments should be deemed to have been accepted on 1 July 2025 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the 1974 SOLAS Convention and article II of the 1978 SOLAS Protocol) and should enter into force on 1 January 2026, in accordance with the provisions of article VIII of the Convention, article II of the 1978 SOLAS Protocol and the Guidance (MSC.1/Circ.1481).

Adoption of amendments to Codes mandatory under the 1974 SOLAS Convention

Amendments to the IGC and IGF Codes

3.46 The expanded Committee, including delegations of [109] Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the IGC and IGF Codes, prepared by the Drafting Group (MSC 106/WP.7, annexes 4 and 5, respectively), and unanimously adopted them by resolutions MSC.[…](106) and MSC.[…](106), as set out in annexes […] and […], respectively.

3.47 In adopting resolutions MSC.[…](106) and MSC.[…](106), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments should be deemed to have been accepted on 1 July 2025 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and enter into force on 1 January 2026, in accordance with the provisions of article VIII thereof and the Guidance (MSC.1/Circ.1481).

Amendments to the 2011 ESP Code

3.48 The expanded Committee, including delegations of [109] Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the 2011 ESP Code, prepared by the Drafting Group (MSC 106/WP.7, annex 6), and unanimously adopted them by resolution MSC.[…](106), as set out in annex […].

3.49 In adopting resolution MSC.[…](106), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments should be deemed to have been accepted on 1 January 2024 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and enter into force on 1 July 2024, in accordance with the provisions of article VIII of the Convention.

Amendments to the IBC Code

3.50 The expanded Committee, including delegations of [109] Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the IBC Code, prepared by the Drafting Group (MSC 106/WP.7, annex 7), and unanimously adopted them by resolution MSC.[…](106), as set out in annex […].

3.51 In adopting resolution MSC.[…](106), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments should be deemed to have been accepted on 1 January 2024 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and enter into force on 1 July 2024, in accordance with the provisions of article VIII thereof and the Guidance (MSC.1/Circ.1481).

Adoption of the International Code of Safety for Ships carrying Industrial Personnel (IP Code)

3.52 The expanded Committee, including delegations of [109] Contracting Governments to the 1974 SOLAS Convention, considered the final text prepared by the Drafting Group (MSC 106/WP.7, annex 8), and unanimously adopted the International Code of Safety for Ships carrying Industrial Personnel (IP Code) by resolution MSC.[…](106), as set out in annex […].

3.53 In adopting resolution MSC.[…](106), the expanded Committee determined that the adopted instrument should take effect on 1 July 2024, in conjunction with the date of entry into force of the new chapter XV of the 1974 SOLAS Convention adopted by resolution MSC.[…](106) (see paragraph 3.45).

3.54 The Committee noted the considerations of the Drafting Group concerning the harmonization of the expressions "ships carrying more than" and "the ship is certified to carry more than" in part IV of the draft IP Code and instructed the SDC Sub-Committee to take this matter into account when undertaking further work under output 2.4 on "Further development of the IP Code and associated guidance".

Approval of amendments to non-mandatory instruments

3.55 Having considered the final text of proposed modifications to MSC.1/Circ.1500/Rev.1, prepared by the Drafting Group (MSC 106/WP.7, annex 9), the Committee approved the revised *Guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments*, to be disseminated as MSC.1/Circ.1500/Rev.2, and requested the Secretariat to update the cover page of the circular, as appropriate, before dissemination.

Assessment of capacity-building implications

3.56 Having considered the parts of the Drafting Group's report (MSC 106/WP.7, paragraphs 23 to 28) addressing the implications of the amendments adopted at this session for capacity-building and technical cooperation and assistance, the Committee:

.1 agreed with the Drafting Group's assessment that there may be capacity-building implications and a need for technical cooperation or assistance in relation to new SOLAS chapter XV and the associated new IP Code adopted at this session;

.2 in relation to the above, invited the Technical Cooperation Committee to note the outcome of the aforementioned assessment;

.3 encouraged those Member States in need of capacity-building in relation to the implementation of new SOLAS chapter XV and the related new IP Code to contact the Organization with requests for assistance, as appropriate;

.4 noted that the Drafting Group could not identify definitive capacity-building implications or a need for technical cooperation and assistance at this stage for the rest of the amendments submitted for adoption at this session; and

.5 noted the views concerning the assessment of capacity-building implications and technical cooperation and assistance needs by the Drafting Group, in particular, the challenges faced during the process, including the need for proper knowledge and expertise concerning technical assistance, and invited interested Member States to consider the matter and propose alternative mechanisms to address the issue at a future meeting (MSC 106/WP.7, paragraph 28).

Authorization of the Secretariat

3.57 The Committee authorized the Secretariat, when preparing the authentic texts of the amendments adopted at this session, to make any editorial corrections that may be identified, including updating references to renumbered paragraphs, and to bring to the attention of the Committee any errors or omissions which required action by the Contracting Governments to the 1974 SOLAS Convention and/or the Parties to the 1978 SOLAS Protocol.

3.58 The Committee further requested the Secretariat to ensure that the final text of the amendments contained in the annexes to this report is presented as clean text (i.e. not showing track-changes).

4 GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS

General

4.1 The Committee recalled that MSC 105 had agreed that recognized organizations (ROs) already verified against GBS were required to communicate annual rule changes deriving from a continuous improvement process in accordance with paragraph 26.2 of the Revised GBS Verification Guidelines (resolution MSC.454(100)) by 31 March each year.

4.2 The Committee also recalled that MSC 105 had agreed to a harmonized three-year scheduled maintenance cycle so that all ROs already verified as complying with the GBS, regardless of the year of their initial verification, would be subject to the third GBS maintenance audit, which had commenced in April 2022.

Matters considered by correspondence

4.3 The Committee recalled that it had not been able to consider all documents submitted to its previous sessions under this agenda item due to time constraints and that MSC 105, therefore, decided to consider those documents intersessionally by correspondence (MSC 105/20, paragraph 6.14).

4.4 Having considered, under agenda item 1 (see paragraph 1[…]), the Chair's proposals for the actions to be taken in relation to documents considered by correspondence (MSC 106/1/2) and having received no further comments on those proposed actions, the Committee took decisions on GBS matters as set out in paragraphs 4.5 and 4.6.

Status report of corrective actions taken to address non-conformities

4.5 The Committee noted the corrective actions taken by Lloyd's Register regarding the non-conformity identified during the second GBS maintenance audit (MSC 105/6).

Status report addressing GBS audit observations

4.6 The Committee also noted the status reports addressing audit observations provided in documents MSC 105/INF.7 (Secretariat) and MSC 105/INF.9 (IACS), as well as the information provided in document MSC 105/INF.6 (Secretariat) containing the updated list of all findings from GBS audits.

Report on the current status of GBS verification audits and on the GBS Trust Fund

4.7 In considering document MSC 106/4 (Secretariat), the Committee noted that the Secretary-General had established an Audit Team to conduct a combined 2022 audit, which

comprised the audit of the outstanding non-conformities stemming from the second maintenance audit in 2019 and the audit of the rule changes submitted over the period 2019 to 2021, in accordance with paragraphs 30 and 27.4, respectively, of the Revised GBS Verification Guidelines (resolution MSC.454(100)).

4.8 The Committee also noted that, while the Audit Team had successfully completed the rectification of the non-conformities part of the audit (MSC 106/4/1), it had not been able to complete the maintenance audit in time for submission to this session of the Committee, owing to the large amount and different reporting format of the information in the technical documentation package submitted by the 13 ROs, which covered, for the first time, a three-year rule change reporting period.

4.9 Subsequently, the Committee agreed to the proposal (MSC 106/4, paragraph 8) that the matter of rule change reporting be further considered at the second GBS Workshop, tentatively scheduled to take place at, or shortly after, MSC 107, i.e. when the report of the third GBS Maintenance Audit was expected to be considered by the Committee, and that the outcome and recommendations from the GBS Workshop will be reported to MSC 108.

Combined 2022 GBS Audit on rectification of non-conformities and second maintenance audit

4.10 The Committee had for its consideration document MSC 106/4/1 (Secretary-General) containing the final GBS audit report on the rectification of non-conformities stemming from the second (2019) GBS maintenance audit, as part of the combined 2022 Audit.

4.11 Having considered the auditors' recommendations (MSC 106/4/1, annex, paragraph 3.1), the Committee confirmed that the request of MSC 102 that the identified non-conformities be rectified (MSC 102/24, paragraph 7.12.3) had been duly accomplished and that the second maintenance audit had been successfully completed for the respective class societies' ship construction rules.

4.12 Notwithstanding the above, the Committee noted the auditors' observations on the need for non-IACS members to establish their own benchmarking processes, as they did not fall under the benchmarking scheme for rules established by IACS members, nor were they involved in technically developing them (MSC 106/4/1, paragraph 4).

4.13 Subsequently, the Committee expressed its appreciation to the Audit Team under the lead of Prof. Cesare Rizzo (Italy), ably supported by Mr. Stephan Assheuer (Germany), Dr. Mustafa Insel (Türkiye), Prof. Masahiko Fujikubo (Japan) and Dr. Miguel Nunez (Spain).

Status report addressing GBS audit observations and list of all GBS audit findings

4.14 The Committee noted the status reports addressing audit observations provided in document MSC 106/INF.7 (Secretariat), as well as the information provided in document MSC 106/INF.8 (Secretariat), containing the updated list of all findings from GBS audits, and requested the Secretariat to provide an updated list when new information became available.

5 DEVELOPMENT OF A GOAL-BASED INSTRUMENT FOR MARITIME AUTONOMOUS SURFACE SHIPS (MASS)

Background

5.1 The Committee recalled that MSC 105 had:

.1 approved the *Road map for developing a goal-based Code for MASS* (MSC 105/20/Add.2, annex 28), which envisaged the finalization and adoption of a non-mandatory Code at MSC 109 (end of 2024) and the adoption of a mandatory Code at MSC 110 (spring session of 2025), with a view to entry into force on 1 January 2028; and

.2 established an intersessional MASS Correspondence Group to commence the development of a non-mandatory goal-based MASS Code and requested it to provide a verbal status report at MSC 106 and a written report to MSC 107.

5.2 With respect to the Joint MSC-LEG-FAL Working Group on MASS (MASS-JWG), the Committee recalled that MSC 105, LEG 109 and FAL 46 had agreed to convene its first meeting (MASS-JWG 1) from 7 to 9 September 2022 and noted that the outcome of the meeting (MSC 106/5) would be considered at this session (see paragraphs 5.3 to 5.9 below).

Outcome of MASS-JWG 1

5.3 The Committee had for its consideration document MSC 106/5 (Secretariat), containing the report of the first session of the MASS-JWG, including a table to identify and collect information of options for interpretations for the common issues in instruments under

the purview of the three Committees (annex 1), as well as a draft work plan for the further work of MASS-JWG (annex 2). The Committee noted that MASS-JWG was chaired by Mr. H. Tunfors (Sweden) and that the Group had agreed to appoint Prof. Gen Goto (Japan) as Co-Chair, so as to provide a balance of both the technical and legal perspectives at its meetings.

5.4 In this regard, the Committee noted that, following the successful IMO Seminar on Development of a Regulatory Framework for MASS, which had taken place on 5 and 6 September 2022, MASS-JWG had agreed to organize another seminar with a focus on legal issues, including UNCLOS, expected to take place back to back with the next MASS-JWG meeting.

5.5 Having noted that the Committee had set out to develop a goal-based MASS Code for all types of MASS, including those which were fully autonomous and thus without crew on board, the delegation of Argentina highlighted that such an approach posed significant difficulties, in particular with regard to UNCLOS and its article 94, which requires ships to be manned. As established by LEG 109, MASS would need to comply with UNCLOS and any greater levels of autonomy of ships must be addressed and agreed to by all the States Parties to UNCLOS before IMO could address these higher degrees of autonomy; and the Organization might then have to consider absolute responsibility for MASS operations.

Addressing the common issues identified by the three Committees

5.6 In considering the outcome of the work of MASS-JWG 1 on identifying the common issues, i.e. common potential gaps and themes which required clarification in order to accommodate MASS operations across existing IMO instruments, the Committee noted that the Group had agreed to the use of a table for the identification and collection of information of options for interpretations for the common issues in the instruments under the purview of the three Committees.

5.7 In this regard, the Committee also noted that, while the Group agreed on the format, the content provided for the aforementioned table had not been discussed nor agreed and that Member States and international organizations had been invited to submit relevant comments to the next MASS-JWG meeting, using the agreed format provided in annex 1 to document MSC 106/5.

Work plan and future meetings of MASS-JWG

5.8 Having considered the draft work plan for MASS-JWG (MSC 106/5, annex 2), together with the request of the Group to convene two sessions in 2023, the first of which should be a five-day hybrid meeting, the Committee noted the concerns of some delegations about the timeline for achieving the goals of MASS-JWG if it had to await consideration of its reports by all three Committees before it could resume its work.

5.9 Having taken the aforementioned concerns into account, the Committee endorsed the work plan of MASS-JWG and, subject to concurrent approval by LEG 110 and FAL 47, agreed:

.1 to the holding of a hybrid five-day meeting of MASS-JWG from 17 to 21 April 2023, subject to endorsement by C 128;

.2 that MASS-JWG could meet before all three Committees had considered its report(s), bearing in mind that the meeting dates of the three Committees, which advanced their work on MASS at different speeds, would have an impact on the work of the Group and the scheduling of its meetings; and

.3 to authorize MASS-JWG to meet twice in each calendar year until decided otherwise by the three Committees, subject to endorsement by C 129 (July 2023).

Development of a goal-based MASS instrument

5.10 Following the decision of MSC 105 to request the intersessional Correspondence Group on MASS to submit a written report to MSC 107 and to provide a verbal status report to this session (MSC 105/20, paragraphs 7.31 and 7.32), its Coordinator, Mr. C. McHardy (Marshall Islands), informed the Committee that the Correspondence Group had:

.1 developed an initial draft framework for the MASS Code, including principles, purpose and objectives;

2. given initial consideration to the high priority common potential gaps and themes identified during the Regular Scoping Exercise (RSE); and

3. progressed the development of MSC MASS positions on identified key points, with a view to their submission to MASS-JWG.

5.11 In this connection, the Committee considered MSC 106/WP.10, containing the aforementioned initial draft framework for the MASS Code developed by the Correspondence Group and intended for use as the base document for the further development of the draft MASS Code by the MASS Working Group to be established at this session, so as to avoid duplication of work by the Working and Correspondence Groups.

5.12 In considering the verbal report by the Coordinator of the Correspondence Group on MASS (see paragraph 5.10) and the draft framework for the MASS Code provided in document MSC 106/WP.10, the Committee agreed to refer the document to the MASS Working Group and instructed it to use it as the base document for the development of the draft MASS Code.

5.13 The Committee also had for its consideration the following documents:

.1 MSC 106/5/1 and MSC 106/INF.4 (Japan), providing a framework structure for two proposed chapters of the goal-based non-mandatory MASS Code, including key elements for realizing automated navigational tasks and functions, as well as new MASS concepts, based on the experience gained from the Nippon Foundation MEGURI 2040 Fully Autonomous Ship Program;

.2 MSC 106/5/2 and MSC 106/INF.15 (Republic of Korea), proposing the development of an accident response system for fire and flooding accidents on MASS for inclusion in the Code, including the required sensor system, data communication and redundancy, and providing details of the methodology for responding to such accidents, corroborating the proposals in document MSC 106/5/2, respectively;

.3 MSC 106/5/3 (China) proposing to incorporate an independent risk assessment chapter in the MASS Code and providing a summary framework for such a chapter; and

.4 MSC 106/5/4 (Russian Federation and United Arab Emirates), commenting on document MSC 106/5/1 and supporting a function-based approach for the MASS Code as the preferred option for a structured consideration of common MASS issues, and providing a concrete proposal for a MASS Code framework.

5.14 In considering the above documents, the Committee noted a view that there was a trend in the global maritime sector for a transition to using autonomous technologies under real commercial conditions and, therefore, the MASS Code should take into account the experience gained from the operation of autonomous ships since otherwise the on-going work risked becoming an academic exercise detached from real-world applications.

5.15 Having agreed that all documents submitted (see paragraph 5.13) would usefully contribute to the development of the MASS Code, the Committee agreed to forward them to the MASS Working Group for detailed consideration.

Remaining information documents

5.16 The Committee noted the following information documents:

.1 MSC 106/INF.6 (United Kingdom), providing a summary of the research and policy work that had taken place in the United Kingdom in support of the development and introduction of MASS;

.2 MSC 106/INF.13 (Republic of Korea), providing information on the research conducted by the Republic of Korea with respect to ship structure and the current technical level of autonomous systems applied to onboard systems;

.3 MSC 106/INF.14 (Republic of Korea), providing information on the Korea Autonomous Surface Ship (KASS) Project, which was set up to develop some core technologies for MASS, including intelligent navigation systems, machinery automation systems and some other key technologies, and to lay the foundation for the commercialization and safe operation of MASS;

.4 MSC 106/INF.18 (China), providing information on the common gaps and key issues in IMO instruments, as well as relevant observations, with a view to presenting a holistic perspective of the impact of the use of MASS on the IMO regulatory framework as a whole; and

.5 MSC 106/INF.20 (Republic of Korea), providing information on the MASS remote control simulation training carried out by the Republic of Korea, including the knowledge and experience required by Remote Operators in operating MASS level 2, and also lessons learned from the training.

5.17 Having agreed that the information provided in the above documents would be beneficial when developing the MASS Code, the Committee agreed to forward them to the MASS Working Group, and request it to take them into account in their work on the draft MASS Code.

Documents kept in abeyance since completion of the RSE

5.18 The Committee considered the documents listed in appendix 3 of the *Outcome of the Regulatory Scoping Exercise for the use of Maritime Autonomous Surface Ships (MASS)* (MSC.1/Circ.1638), marked as "to be kept in abeyance for future consideration" and agreed to request the MASS Working Group to review the list with a view to identifying those documents which should be considered by the Correspondence Group when further developing the draft MASS Code, taking into account the views of the submitters.

Establishment of the MASS Working Group

5.19 Having considered the above matters, the Committee established the MASS Working Group and instructed it, taking into account comments and decisions made in plenary, to:

.1 further develop the draft non-mandatory MASS Code, using document MSC 106/WP.10 as the basis, taking into account documents MSC 106/5/1, MSC 106/5/2, MSC 106/5/3 and MSC 106/5/4, as well as documents MSC 106/INF.4, MSC 106/INF.6, MSC 106/INF.13, MSC 106/INF.14, MSC 106/INF.15, MSC 106/INF.18 and MSC 106/INF.20;

.2 review and identify any issues that may need to be addressed by the Joint MSC-LEG-FAL Working Group on MASS (MSC 105/20, paragraph 7.27), for approval by the three Committees, taking into account document MSC 106/5;

.3 review the documents listed in MSC.1/Circ.1638, appendix 3, marked as "to be kept in abeyance for future consideration" and identify those which should be considered by the Correspondence Group when further developing the draft MASS Code, taking into account the views of the submitters; and

.4 update the *Road map for developing a goal-based code for maritime autonomous surface ships* (MSC 105/20/Add.2, annex 28).

Report of the MASS Working Group

5.20 Having considered the report of the Working Group (MSC 106/WP.8), the Committee approved it in general and took action as described hereunder.

5.21 In addition to the statement set out in paragraph 5.5 above, on the significant difficulties encountered by the Organization when regulating MASS in the context of UNCLOS, the delegation of Argentina made a further statement on the matter, the full text of which is set out in annex […].

Development of goals and functional requirements for the MASS Code

5.22 The Committee noted the structure of the draft MASS Code, prepared by the Group based on the initial framework developed by the Correspondence Group (MSC 106/WP.10) and incorporating relevant text from documents MSC 106/5/1, MSC 106/5/2, MSC 106/5/3 and MSC 106/5/4, as well as the goal and functional requirements developed by the Group for the draft section on fire protection/safety.

5.23 Having also noted that the Group had agreed to follow closely the *Generic guidelines for developing IMO goal-based standards* (MSC.1/Circ.1394/Rev.2) (Generic GBS Guidelines) when developing goals and functional requirements for the non-mandatory draft MASS Code, the Committee agreed, in principle, that:

.1 the MASS Code should not repeat provisions or regulations of existing IMO instruments, most notably SOLAS, to avoid duplication, bearing in mind that the Code was intended to complement existing IMO instruments;

.2 work on the MASS Code should focus on developing goals and functional requirements since Tier IV regulation development might take too long to be completed in time for adoption of the non-mandatory MASS Code for entry into effect in 2025;

.3 in light of sub-paragraph .2, the development of Tier IV regulations, rules or provisions and their subsequent inclusion in the MASS Code may refer to IMO instruments or be based on those developed by national Administrations or other organizations, such as classification societies;

.4 Tier III (Verification) requirements under the GBS framework (MSC.1/Circ.1394/Rev.2, paragraphs 16 to 19) should be further considered**;** and

.5 consideration of the human element was crucial and any work undertaken in developing the MASS Code should take into account the *Checklist for considering and addressing the human element* (MSC-MEPC.1/Circ.5/Rev.3, annex 5).

5.24 In addition, the Committee noted that the Group had agreed that it might not always be appropriate to use all steps of the FSA process beyond the hazard identification and that other methods may be applied for the hazard identification, taking into account the *Example for the development of functional requirements for the IMO MASS Code* (MSC 106/WP.8, annex 2), developed by the Group for use in other sections in the MASS Code.

5.25 Having taken into account that the work by the Group on the draft goal-based MASS Code had revealed a high degree of uncertainty and lack of experience and knowledge of developing goals and functional requirements, which had then led to the development of the aforementioned example by the Group to aid further work on formulating text for Tiers I and II for the goal-based sections of the Code, the Committee agreed to re-establish the GBS Working Group at MSC 107 to consider annex 2 of document MSC 106/WP.8 and, if considered appropriate, to amend the Generic GBS Guidelines (MSC.1/Circ.1394/Rev.2) to facilitate their use in the future.

Meaning of the term "MASS"

5.26 With respect to the meaning of the term "MASS", the Committee noted that the Group:

.1 had encountered difficulties in its work for developing functional requirements because of the lack of concept of what constituted a MASS, i.e. the question of when a ship would be considered a MASS and whether that translated only to an unmanned ship (fully autonomous or remotely controlled) or whether this would include ships with some (reduced) crew on board; and

.2 had agreed that the matter in sub-paragraph .1 needed clarification in order for functional requirements to be developed in a consistent manner.

Member States and international organizations volunteering to assist with the development of selected sections of the draft MASS Code

5.27 Having recognized the large amount of work required for the further development of the MASS Code and drawing from the experience in splitting the work up among participating Member States as part of the regulatory scoping exercise, the Committee noted that some Member States and international organizations had communicated their interest in assisting in developing the goals and functional requirements for various sections of the draft MASS Code (MSC 106/WP.8, annex 3).

5.28 In this regard, the Committee requested further volunteers interested in co-developing sections of the draft MASS Code to make their interest known to the Coordinator of the intersessional MASS Correspondence Group (see contact details in paragraph 5.34).

Review of documents kept in abeyance (MSC.1/Circ.1638) for future consideration

5.29 Following the earlier decision to review the list of documents kept in abeyance (MSC.1/Circ.1638) and with a view to identifying those documents which should be considered by the Correspondence Group when further developing the draft MASS Code (see also paragraph 5.18), the Committee agreed with the Group's recommendation to:

.1 refer document MSC 102/5/2 (IFSMA) to MASS-JWG 2; and

.2 refer document MSC 103/5/7 (Russian Federation), with respect to the legal matters addressed therein, including liability insurance, to LEG 110.

Review and identification of issues that may need to be addressed by MASS-JWG

5.30 While the Committee noted that the work carried out by the Group did not generate any input on common issues that would fall under the MASS-JWG, it agreed to inform MASS-JWG 2 of the progress made at MSC 106 and requested the Secretariat to prepare a relevant submission to the next meeting of the Joint Working Group.

Revised road map for developing a goal-based Code for MASS

5.31 Taking into account the progress made by the Group at this session, the Committee approved the *Revised road map for developing a goal-based Code for MASS,* as set out in annex […]).

Revised terms of reference for the MASS Correspondence Group

5.32 Following the further development of the draft MASS Code by the Group, and in order to avoid any duplication of work, the Committee agreed to revised terms of reference for the MASS Correspondence Group established at MSC 105 (MSC 105/20, paragraph 7.31). In particular, the Correspondence Group, under the coordination of the Marshall Islands,[1] taking into account the comments and decisions made at MSC 105 and MSC 106, was instructed to:

.1 consider key principles and common understanding of the purpose and objectives for the new instrument;

.2 continue the development of the non-mandatory goal-based MASS instrument (MASS Code), based on annex 1 to document MSC 106/WP.8, taking into account the example and associated guidance in annex 2 to document MSC 106/WP.8, as well as potential gaps and themes identified, the scope and framework of the non-mandatory code, as well as documents MSC 105/7/2, MSC 105/7/3, MSC 105/7/6, MSC 105/7/7, MSC 105/7/8 and MSC 105/7/9;

.3 consider also, as part of the work under sub-paragraph .2, documents MSC 102/5/14, MSC 102/5/16 and MSC 103/5/10, taking also into account document MSC 102/5/2 and ISO/TS 23860;

.4 consider the common potential gaps and/or themes identified during the Regulatory Scoping Exercise (RSE) (MSC.1/Circ.1638, section 5), focusing on the high priority items (MSC.1/Circ.1638, paragraphs 6.11.1 to 6.11.3);

.5 if time permits, develop MSC MASS WG positions on the following points with the intention that these are submitted to the Joint MSC/LEG/FAL Working Group in the future (MSC.1/Circ.1638, paragraphs 6.11.1 to 6.11.3), which include, but are not limited to:

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.1 consideration, together with relevant documents, whether to amend the definition for MASS and degrees of autonomy (including the respective definition);

.2 meaning of the terms master, crew or responsible person;

.3 remote control station/centre; and

.4 determination of the remote operator as a seafarer,

and advise on a way forward in addressing them;

.6 limit the development of the non-mandatory MASS Code to cargo ships with a view to consider the feasibility for application to passenger ships at a future stage;

.7 keep a list of volunteering Member States and international organizations with consultive status for the development of selected sections of the draft non-mandatory goal-based MASS Code under review and update it, as appropriate (MSC 106/WP.8, annex 3); and

.8 submit a written report to MSC 107.

6 MEASURES TO ENHANCE MARITIME SECURITY

Updates on developments related to maritime security

6.1 The Committee, having recalled that this agenda item had not been considered at MSC 105 due to time constraints, considered documents MSC 106/6 and MSC 105/8 (Secretariat), reporting on developments related to maritime security since MSC 104 and noted the following:

.1 information on the delivery of maritime security-related activities as part of IMO's Integrated Technical Cooperation Programme (ITCP), including regarding two EU funded port security projects currently being implemented by the Secretariat;

.2 approval by FAL 46 of the inclusion of Advanced Passenger Information (API) and Passenger Name Record (PNR) data sets (FAL 46/6/6) in the priority list of data sets to be examined by the Expert Group on Data Harmonization (EGDH) for inclusion in the IMO Compendium and the possibility of a future request from WCO and Member States to amend the FAL Convention to include the maritime API and PNR requirements; and

.3 ongoing Secretariat support to the UN Global Counter-terrorism Coordination Compact, including delivery of the maritime and port security elements of the comprehensive visits of the UN Counter-Terrorism Committee.

6.2 Following discussion, 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 so as to reduce the administrative burden on behalf of the nominated national point(s) of contact;

.3 continue to effectively implement, in partnership with industry, IMO security measures, including the provisions of 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

.4 consider donating to the International Maritime Security Trust (IMST) Fund to support the significant updates being made by the Secretariat to the global Programme for the Enhancement of Maritime Security, and the continued delivery of global maritime security technical assistance.

6.3 The Committee, having noted a suggestion by the delegation of Colombia that the Secretariat should explore the feasibility of making GISIS modules available in all official UN languages, requested the Secretariat to submit relevant information on the feasibility to MSC 107.

6.4 The Committee, having considered document MSC 106/6/1 (INTERPORTPOLICE) on their maritime security programmes, principally the development of evidence-based

Community Security Best Practices (CSBP), thanked INTERPORTPOLICE for their important maritime security programmes, noted that they would help improving the reporting of maritime security issues and took the following action:

.1 noted the information provided on the INTERPORTPOLICE initiatives with police forces and Government agencies relating to maritime security, in particular on the development of evidence-based CSBP; and

.2 encouraged Member States to bring this information to the attention of their national maritime transport security and facilitation committees, Designated Authorities and/or agencies responsible for responding to maritime security incidents.

Electronic transfer of information into and from the Maritime Security module of GISIS

6.5 The Committee noted with appreciation an EC update (MSC 106/INF.2), providing the results of tests executed to download information from IMO's GISIS Maritime Security module to the European SafeSeaNet system and informing the Committee that the link should be ready to "go live" in the last quarter of 2022.

Passenger facilitation and control

6.6 The Committee considered document MSC 105/8/1 (WCO), updating their previous documents MSC 103/9/4 and MSC 102/9/1 on WCO initiatives to develop measures for passenger facilitation and control in the maritime environment in general, and for cruise ships and ferries in particular.

6.7 In this regard, the observer from CLIA highlighted the need not to go beyond the scope of API and PNR requirements established in the aviation sector; that PNI was not adapted for the maritime sector; and the need to remain within the requirements of the FAL Convention and the Single Window concept.

6.8 Following discussion, the Committee:

.1 noted the information provided on the WCO initiatives relating to passenger facilitation and control and, in particular, on the recent development of a global data standard for cruise ships similar to API and PNR;

.2 encouraged Member States to consider regular attendance at the relevant WCO working bodies, primarily the Passenger Facilitation and Control Working Group (PFCWG), and to share their national interests and practices, including existing cooperation and exchange of information with relevant entities, in the area of cruise ship passenger facilitation and controls;

.3 requested the Secretariat to continue to attend meetings of the WCO PFCWG and to report back on developments to future sessions of the Committee; and

.4 noted the importance of co-ordination between MSC and FAL's Expert Group on Data Harmonization (EGDH).

Cyber risk management for ships and ports

6.9 The Committee noted with appreciation information provided by Singapore (MSC 105/8/2) on voluntary cyber risk management guidelines for shipboard operational technology (OT) systems aimed at addressing cybersecurity issues in the maritime sector.

7 PIRACY AND ARMED ROBBERY AGAINST SHIPS

Developments since MSC 105

7.1 The Committee, having recalled that this agenda item was not considered at MSC 105 due to time constraints, considered documents MSC 106/7 and MSC 105/9 (Secretariat), reporting on developments concerning piracy and armed robbery against ships since MSC 104, including relevant statistics and updates on the implementation of the Djibouti Code of Conduct (DCoC) and the situation in the Gulf of Guinea, and noted, in particular:

.1 69 incidents of piracy and armed robbery against ships were reported to the Organization as having occurred or been attempted in January to June 2022, constituting a decrease of approximately 22% at the global level compared to the same period last year. The areas most affected from January to June 2022 were the Straits of Malacca and Singapore (36), West Africa (13) and South America (Pacific) (9). The number of incidents in the Gulf of Guinea (West Africa) decreased in the first half of 2022 by 14 compared to the same period in 2021, constituting a decrease of 52%;

.2 in relation to the implementation of the DCoC, the region, with the support of the Secretariat, is working to strengthen the information-sharing framework to enable effective sharing of information on broader threats to maritime security, and is improving the coordination of capacity-building efforts through concerted efforts to promote utilization of synergies, avoidance of duplication and better collaboration with donors and implementing partners; and

.3 in relation to initiatives in the Gulf of Guinea, following the 2022 plenary meeting of the G7++ Friends of the Gulf of Guinea (FoGG) from 5 to 6 July 2022 in Berlin and expert level talks with the Economic Community of West Africa States (ECOWAS), the Economic Community of Central Africa States (ECCAS) and the Gulf of Guinea Commission (GGC) for consideration of the Yaoundé Code of Conduct (YCC), the Secretariat remains fully engaged in providing assistance to the region.

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

.1 there was some discrepancy in the piracy and armed robbery statistics provided by ReCAAP-ISC and the Secretariat;

.2 the decrease in the number of piracy and armed robbery incidents in the Gulf of Guinea was due to the commitment and improved coordination of littoral States, donor States, regional and international organizations and industry;

.3 the industry's intention to remove the Indian Ocean HRA with effect from 00:01 UTC on 1 January 2023 due to the improved piracy situation in the region was welcomed by several Member States (see paragraph 7.6 and 7.7); and

.4 with regard to any discrepancies in reporting, the priority remained the dissemination of information to mariners as quickly as possible to ensure their safety and security.

7.3 The Secretariat recalled that MSC 104 had noted that any clarification and/or correction of inaccuracies in reporting of piracy and armed robbery incidents should be raised

with the Secretariat by the national focal point concerned and that the report(s) in the Piracy and Armed Robbery Module of GISIS would then be updated, as required; and advised the Committee that no such reports had been received from Member States and that the Secretariat had discussed discrepancies in reporting with ReCAAP-ISC and had suggested that proposals on the issue should be submitted to a future session of the Committee.

7.4 Following discussion, the Committee:

.1 requested Member States to report incidents of piracy and armed robbery to the Secretariat (marsec@imo.org), using the reporting form in appendix 5 of MSC.1/Circ.1333/Rev.1 (Recommendations to Governments for preventing and suppressing piracy and armed robbery against ships);

.2 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 (marsec@imo.org) for posting on the IMO website;

.3 noted the efforts undertaken to ensure continued implementation of the Djibouti Code of Conduct and encouraged Member States to continue to support the DCoC Trust Fund; and

.4 called upon Member States, in line with resolution A.1159(32), in cooperation with the Organization and as may be requested by Member States of the region, to assist efforts in the Gulf of Guinea and to consider making financial contributions to the West and Central Africa Trust Fund.

Progress report by ReCAAP-ISC

7.5 The Committee noted, with appreciation, the information contained in documents MSC 106/INF.12 and MSC 105/INF.8 (ReCAAP-ISC), providing an update of the activities carried out by the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP-ISC) and the situation of piracy and armed robbery against ships in Asia, together with an oral update by the observer from ReCAAP-ISC, and thanked them for their continuous support to the Organization's piracy reporting. The full text of the statement made by ReCAAP-ISC is set out in annex […].

Removal of the Indian Ocean High Risk Area (HRA)

7.6 The Committee noted an update by the shipping industry in document MSC 106/INF.10 (ICS et al.), providing notice of the industry's intention to remove the Indian Ocean HRA with effect from 00:01 UTC on 1 January 2023 due to the improved piracy situation in the region.

7.7 Having considered the information provided by in the document, the Committee:

.1 noted that the co-sponsors of document MSC 106/INF.10, during their ongoing reviews of the security situation in the Indian Ocean and Southern Red Sea, had assessed that the status of the piracy situation would now allow for the Indian Ocean HRA to be removed; and

.2 drew attention to the notice of removal of the Indian Ocean HRA by the co-sponsors with effect from 1 January 2023.

Whole of Government approach to maritime security

7.8 The Committee considered document MSC 105/9/1 (Kenya), providing information on the importance of a Whole of Government approach to maritime security by DCoC Signatory States and progress made by Kenya in this regard.

7.9 Having considered the information provided by Kenya, the Committee:

.1 encouraged DCoC Signatory States to prioritize the development of National Maritime Security Committees, Risk Registers and Strategies and identify national champions in the process;

.2 welcomed the offer of Kenya to share its good practice in the establishment of a National Maritime Security Committee and the development of a National Maritime Security Risk Register and a National Maritime Security Strategy, either bilaterally or through regional workshops; and

.3 encouraged other regions to consider adopting the Whole of Government approach to maritime security, and to approach the Secretariat for technical assistance if required.

Niger Delta pirates and how to draw on lessons learned from Somali piracy

7.10 The Committee noted, with appreciation, the information contained in document MSC 105/INF.3 (BIMCO et al.), outlining points of interest from an online seminar on how to effectively meet the challenge of Niger Delta pirates and how to draw on lessons learned from Somali piracy.

8 UNSAFE MIXED MIGRATION BY SEA

Inter-agency group on protection of refugees and migrants moving by sea

8.1 The Committee, having recalled that this agenda item was not considered at MSC 105 due to time constraints, considered documents:

.1 MSC 105/10 (Secretariat), providing information about the Inter-Agency Group reconvened by UNHCR, following the previous Inter-Agency Group on the Treatment of Persons, an initiative of IMO between 2002 and 2004; and

.2 MSC 106/8 (Secretariat), reporting on the activities of the Inter-Agency Group led by UNHCR and including a joint statement on *The concept of place of safety under international law and the creation of conditions for the respect of the rights of migrants and refugees by all States*, which was endorsed by some of the participating organizations.

8.2 The Committee noted that the new Inter-Agency Group (IAG) had been established to discuss, plan and execute coordinated joint action and advocacy to support the prevention of dangerous journeys at sea, strengthen SAR capacities and ensure safe disembarkation; and that UNHCR had invited ILO, IMO, IOM, OLA, OHCHR, UNHCR, UNODC, UN Special Rapporteur on the human rights of migrants, UNICEF and ICS to participate in the work of the Group which had so far met four times, in 2021 and 2022.

8.3 The Committee noted in particular that IAG, previously called the "Inter-Agency Group on Safety of Life at Sea", had been renamed and was now called the "Inter-Agency Group on protection of refugees and migrants moving by sea".

8.4 The Committee requested the Secretariat to keep it informed about the work of the Group.

Impact of unsafe mixed migration by sea on shipping

8.5 The Committee recalled that MSC 104, having considered a proposal by Denmark (MSC 104/9) for a resolution highlighting the impacts of unsafe mixed migration by sea on shipping, together with a commenting document by Italy (MSC 104/9/1), supporting the proposal, noted the support in principle for such a resolution but, taking into account the various views and suggestions made, postponed further consideration of the matter to this session and invited Member States to submit comments, with a view to finalizing the resolution.

8.6 In this regard, the Committee considered document MSC 105/10/1 (Denmark and Italy), suggesting the adoption of an MSC resolution to reiterate the importance of an effective and timely involvement of Governments in cases of rescue of migrants at sea by merchant ships.

8.7 In the ensuing discussion, the Committee noted, inter alia, the following views:

.1 no one wanted to leave their country unless considered necessary, and migrants were fleeing their countries due to different reasons, such as wars, conflicts, economy or impact of climate change, and, therefore, the root causes should be tackled to improve the situation in the countries of origin;

.2 masters of rescuing ships had to be assisted by countries responsible for the respective SAR areas in order to disembark migrants rescued at sea at a place of safety as soon as possible; and

.3 not facilitating prompt and effective solutions to disembark migrants at sea would put the SAR services provided by ships at risk.

8.8 In this regard, the Committee noted an intervention by the United Nations High Commissioner for Refugees (UNHCR) (the full text of the statement is set out in annex […]), who called on Member States to:

.1 establish effective cooperative arrangements enabling safe and predictable disembarkation, as required by those engaged in rescues at sea, including the shipping sector; and

.2 engage in inter-state discussions to further define the concept of "place of safety" and consider the development of, or amendment of existing, provisions of international law of the sea.

8.9 The Committee also noted views that the resolution had to include references to the fact that a resolution could not in any way be interpreted as undermining other obligations of States beyond IMO's remit, in particular those deriving from international human rights and refugee law.

Establishment of a working group

8.10 Subsequently, the Committee established the Working Group on Draft MSC Resolution on Impacts of Unsafe Mixed Migration by Sea on Shipping and instructed it, taking into account the comments and decisions made in plenary, to prepare an MSC resolution on recommended cooperation to ensure the safety at sea, the rescue of persons in distress at sea and the safe embarkation of rescued persons.

8.11 Having considered the Working Group's report (MSC 106/WP.14), the Committee approved it in general and, in particular, took note of the following views:

.1 the delegation of Argentina recalled that in accordance with international law, a search and rescue operation was not finalized until the survivors were disembarked and delivered to a place of safety; and

.2 the delegations of Germany and Norway, while supporting the draft resolution, stated that, according to the international maritime rules on search and rescue, flag States did not have a duty to identify a place of safety for rescue operations that take place outside their search and rescue areas.

8.12 Subsequently, the Committee adopted resolution MSC.[…](106) on *Recommended cooperation to ensure the safety of life at sea, the rescue of persons in distress at sea and the safe disembarkation of survivors*.

Reporting of migrant incidents at sea

8.13 Having noted that since the launch of the Inter-agency platform for information-sharing on migrant smuggling by sea in GISIS on 6 July 2015 only 31 incidents

had been reported, the Committee encouraged Member States to provide and update the information included in the appendix to the *Interim measures for combating unsafe practices associated with the trafficking, smuggling or transport of migrants by sea* (MSC.1/Circ.896/Rev.2) via the platform.

Extension of target completion year of the output

8.14 The Committee agreed to extend the target completion year of this output to 2023, with the aim of keeping Member States and international organizations informed of developments with regard to the issue of mixed migration.

9 FORMAL SAFETY ASSESSMENT

Background

9.1 Having recalled that proposed actions on matters postponed for consideration at MSC 105 pertaining to this agenda item had been considered by correspondence (MSC 106/1/2 and Add.1), and that it had approved in principle the proposed actions under agenda item 1 (see paragraph 1.[…]), the Committee took action as outlined below.

9.2 The Committee recalled that SSE 8, when considering the agenda item 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", had (SSE 8/20, paragraph 10.6):

.1 agreed to a road map in accordance with the *Revised guidelines for formal safety assessment (FSA) for use in the IMO rule-making process* (MSC-MEPC.2/Circ.12/Rev.2) in order to identify the regulatory gaps with a view to developing relevant draft amendments to SOLAS and the FSS Code addressing fire safety on containerships, as well as identifying gaps in all relevant IMO instruments for a holistic approach, as appropriate, in accordance with the *Generic guidelines for developing IMO goal-based standards* (MSC.1/Circ.1394/Rev.2);

.2 having noted the CARGOSAFE FSA Study to be conducted by EMSA (SSE 8/10/3) on the matter, invited the Committee to establish an FSA Experts Group to review the outcome of any relevant studies on the matter embodying an FSA approach, which would report directly to an appropriate session of the SSE Sub-Committee for consideration of the Group's report; and

.3 requested the Secretariat to submit draft terms of reference for the FSA Experts Group to MSC 105 for consideration, as appropriate.

Establishment of the FSA Experts Group

9.3 In accordance with appendix 10 of the *Revised Guidelines for Formal Safety Assessment (FSA) for use in the IMO rule-making process* (MSC-MEPC.2/Circ.12/Rev.2), the Committee agreed to establish an FSA Experts Group to review the outcome of any relevant FSA studies concerning detection and control of fires in cargo holds and on the cargo deck of containerships; that such studies should be submitted to the Committee and forwarded to the Group by the Secretariat; and that the report of the Group would be submitted directly to the SSE Sub-Committee for consideration, with a view to developing relevant amendments.

9.4 In this respect, having considered the draft terms of reference for the FSA Experts Group prepared by the Secretariat (MSC 105/WP.11), the Committee instructed the Group to review the outcome of any relevant FSA studies addressing the detection and control of fires on containerships, and, in particular, to:

.1 check:

.1 the adequacy of scope of the FSA; and definition of the problem;

.2 the validity of the input data (transparency, comprehensiveness, availability, etc.);

.3 the adequacy of expertise of participants in FSA; identified hazards and their ranking; and the reasonableness of assumptions; and

.4 the adequacy of accident scenarios, risk models and calculated risks; identified RCMs and RCOs; selection of RCOs for Cost-Benefit Analysis (CBA); and CBA results;

.2 check methodologies used and relevance of methods and tools for:

.1 decision in the group(s) in the FSA;

.2 HAZID;

.3 calculation of risk;

.4 CBA; and

.5 sensitivity and uncertainty analysis;

.3 if any deficiency was identified in the items above, consider whether they affect the results;

.4 consider whether the FSA was conducted in accordance with the FSA Guidelines;

.5 check whether the recommendations in the FSA required any immediate action or propose any changes to IMO instruments;

.6 consider whether the results and the recommendations in the FSA are credible and advise the decision makers (e.g. committees of the Organization) accordingly;

.7 consider whether it is necessary to improve the FSA Guidelines, and, if so, propose amendments; and

.8 submit a written report to an appropriate session of the SSE Sub-Committee.

9.5 The Committee noted that the organizational details and arrangements for a meeting of the FSA Experts Group, including Chairs, provisional agenda and dates, would be, as per usual practice, communicated by a circular letter once the outcome(s) of relevant FSA studies had been made available to the Secretariat, following which interested Member States and international organizations would be invited to nominate experts for participation in the Group.

9.6 The Committee invited the Council to endorse the holding of a meeting of the FSA Experts Group at an appropriate time in 2023.

10 HUMAN ELEMENT, TRAINING AND WATCHKEEPING

Report of HTW 8

10.1 Having recalled that MSC 105 had already taken action on urgent matters emanating from HTW 8 (MSC 105/20, paragraphs 16.1 to 16.10), the Committee approved the report of the eighth session of the Sub-Committee on Human Element, Training and Watchkeeping (HTW), in general (HTW 8/16 and MSC 106/10), and took action as indicated below.

Guidelines for the development, review and validation of model courses

10.2 The Committee approved draft amendments to the *Guidelines for the development, review and validation of model courses*, with the revised Guidelines to be issued as MSC-MEPC.2/Circ.15/Rev.2, providing new appendices 4 and 5 on action verb taxonomy for model courses and guidance on learning outcomes, respectively, subject to concurrent decision by MEPC 79.

Electronic certificates of seafarers

10.3 The Committee considered document MSC 106/10/4 (Japan) proposing aligning the terminology in the draft definition for original certificates (regulation I/1) with the terminology in the STCW Convention and referring to the draft Guidelines on the use of electronic certificates of seafarers in the draft amendments to regulation I/2; together with the action requested by the HTW Sub-Committee regarding the draft amendments to the STCW Convention and Code for the use of electronic certificates of seafarers.

10.4 Following consideration, and having agreed to the aforementioned modifications, the Committee approved draft amendments to STCW regulations I/1 and I/2, as set out in annex […], and requested the Secretary-General to circulate them in accordance with article XII of the STCW Convention, with a view to adoption at MSC 107.

10.5 The Committee also approved related draft amendments to section A-I/2 of the STCW Code, as set out in annex […], and requested the Secretary-General to circulate them in accordance with article XII of the STCW Convention, with a view to adoption at MSC 107.

10.6 In connection with the aforementioned amendments, the Committee considered document MSC 106/10/2 (Cook Islands et al.), proposing modifications to the draft guidelines on the use of electronic certificates of seafarers, which are expected to be considered at MSC 107 for approval, to clarify the responsibilities of the parties involved in cases of recognition of certificates (STCW regulation I/10), including the addition of a definition of the term "Administration".

10 .7 In the ensuing discussion, the Committee noted the following views:

.1 the proposed definition of the term "Administration" was not in line with the existing definition in article II of the STCW Convention, which would create confusion and might entail other possible unintended consequences;

.2 replacing the term "original" with "authentic" in line with the proposal would not add clarity;

.3 cooperation between Administrations would provide the necessary flexibility to ensure access for the verification of certificates by relevant parties;

.4 an Administration should only be responsible for the certificates it had issued; and

.5 the disparity of the technology available for the verification of certificates in different ports should be addressed.

10.8 Having agreed that the proposed modifications needed detailed consideration, the Committee referred the draft guidelines, together with document MSC 106/10/2 and the comments made at this session, to HTW 9 for further consideration and advice to MSC 107.

10.9 Finally, taking into account that the above guidelines would coexist with the existing *Guidelines for the use of electronic certificates* (FAL.5/Circ.39/Rev.2), the Committee invited the FAL Committee to consider whether there may be any discrepancies between the two sets of guidelines and inform MSC 107 accordingly.

Secretary-General's reports pursuant to STCW regulations

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

10.10 The Committee considered the reports for Bulgaria, the Cook Islands, Egypt, Italy, Singapore, South Africa, Switzerland and the United States of America, as set out in documents MSC 106/WP.3 and Add.1; confirmed that the information provided demonstrated that these STCW Parties continued to give full and complete effect to the provisions of the STCW Convention; and requested the Secretariat to issue updated information concerning the subsequent reports by means of MSC.1/Circ.1164/Rev.26.

10.11 In this regard, the Committee 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

10.12 The Committee considered document MSC 106/10/1 (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.

10.13 Following consideration, the Committee:

.1 approved the inclusion of nine competent persons recommended by three 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.37) and requested the Secretariat to issue the revised list by means of MSC.1/Circ.797/Rev.38;

.2 noted the competent persons who had been withdrawn from the list by two STCW Parties;

.3 invited STCW Parties to inform the Secretariat of any amendment that the list may require (withdrawals, additions, change of address, etc.), with a view to ensuring that the competent persons listed in the latest revision were available to serve 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.

Safety learning culture

10.14 The Committee considered document MSC 106/10/3 (Italy et al.), providing information on the outcomes and planned activities of the SAFEMODE Project related to safety learning culture in shipping.

10.15 Following consideration and having noted general support for the principle of applying the safety learning culture concept in the context of casualty analysis, the Committee invited interested Member States and international organizations to submit concrete proposals, including for a new output, as appropriate, in order for IMO bodies to take further action relating to the application of this concept in the context of casualty analysis.

11 SHIP SYSTEMS AND EQUIPMENT

REPORT OF SSE 8

11.1 The Committee approved, in general, the report of the eighth session of the Sub-Committee on Ship Systems and Equipment (SSE) (SSE 8/20 and MSC 106/11) and took action as outlined below.

New ventilation requirements for survival craft

Amendments to the LSA Code

11.2 The Committee considered draft amendments to the Life-Saving Appliances (LSA) Code in relation to the ventilation requirements for survival craft in chapter IV (SSE 8/20, annex 1), together with document MSC 106/11/3 (Bahamas et al.), proposing to complete the output on new ventilation requirements for survival craft by limiting the scope to totally enclosed lifeboats.

11.3 During the discussion, the Committee noted the following views:

.1 the draft amendments should be considered as a package; however, priority should be given to the adoption of requirements for totally enclosed lifeboats and, therefore, the agenda item should be kept on the provisional agenda for SSE 9 for further discussion of other types of survival craft;

.2 entrances on partially enclosed lifeboats and liferafts could not be used for ventilation, in particular under adverse weather conditions and cold climates where CO_2 levels inside a survival craft could reach intolerable levels; and, therefore, certain standards should be adopted for all types of survival craft, while the draft amendments for totally enclosed lifeboats should be approved at this session;

.3 functional requirements should be applied consistently to all survival craft by keeping CO_2 levels under 5,000 ppm and avoiding water ingress through openings; and such requirements should not be in conflict with existing requirements as stipulated in paragraphs 4.1.1.5.4 and 4.5.2.6 of the LSA Code, i.e. survival craft shall admit sufficient air for the occupants at all times, even with the entrances closed; and therefore, all survival craft should be considered within the scope;

.4 a compelling need and technical evaluation for bringing in ventilation requirements for liferafts and partially enclosed lifeboats had not been demonstrated and, therefore, the scope should be limited to totally enclosed lifeboats, as proposed in document MSC 106/11/3;

.5 SSE 9 should be instructed to consider any compelling need for survival craft other than totally enclosed lifeboats to be subject to ventilation requirements;

.6 while the draft amendments for totally enclosed lifeboats should be approved at this session, partially enclosed lifeboats and liferafts should be considered under a new output with a clear demonstration of the need and analysis of the problem; and

.7 the draft testing requirements for liferafts (resolution MSC.81(70)) did not match the current design principles, where openings were designed as part of ventilation but still providing insulation against water ingress and wind in accordance with the LSA Code; and passive ventilation was considered sufficient as long as a habitable environment was maintained and this had not been an issue for liferafts; therefore, only amendments for totally enclosed lifeboats should be approved.

11.4 Taking into account that the draft amendments for totally enclosed lifeboats were supported for approval by many delegations, whereas more discussion by the Sub-Committee would be required for other types of survival craft, the Committee took action as follows:

.1 approved the draft amendments to the LSA Code for totally enclosed lifeboats as a matter of priority, as set out in annex […], with a view to adoption at MSC 107 and entry into force on 1 July 2026 and requested the Secretary-General to circulate them in accordance with SOLAS article VIII; and

.2 agreed to keep the agenda item on the agenda for SSE 9 for consideration of any compelling need for ventilation requirements for partially enclosed lifeboats and liferafts, for inclusion in both the LSA Code and resolution MSC.81(70) (see paragraph 11.6).

11.5 In this regard, the Committee noted a safety concern expressed by the observer from IACS about the possibility of using survival craft entrances to meet ventilation requirements, as this might undermine the intended protection of occupants; that entrances typically have a larger opening area and were located close to the water and if they were left open in adverse weather conditions, there would be a much-increased chance of water ingress from sea or rain with potentially life-threatening consequences; and there might be situations where it was necessary to keep entrances closed to prevent smoke ingress.

Amendments to the Revised recommendation on testing of LSA

11.6 The Committee, having recalled its earlier approval of draft amendments to the LSA Code concerning new ventilation requirements for totally enclosed lifeboats (see paragraph 11.4):

.1 approved the associated draft amendments to the *Revised recommendation on testing of life-saving appliances* (Revised Recommendation) (resolution MSC.81(70)) for totally enclosed lifeboats, in principle, with a view to adoption at MSC 107, in conjunction with the adoption of the associated LSA Code amendments (SSE 8/20, annex 2); and

.2 requested the Secretariat to prepare the associated draft MSC resolution for consideration at MSC 107.

LSA and arrangements for ships operating in polar waters

11.7 The Committee approved MSC.1/Circ.1614/Rev.1 on *Revised interim guidelines on life-saving appliances and arrangements for ships operating in polar waters*.

Revision of SOLAS chapter III and the LSA Code

11.8 The Committee noted the progress made with regard to the revision of SOLAS chapter III and the LSA Code, in particular that an intersessional working group met from 24 to 28 October 2022 to address risk indexing and scoring, as well as hazard identification, and that the report of the group would be submitted to SSE 9 for consideration.

Fire safety on ro-ro passenger ships

11.9 The Committee noted the progress made on draft amendments to relevant IMO instruments regarding fire safety on ro-ro passenger ships, in particular that the Correspondence Group on Fire Protection had been progressing the work intersessionally.

Approval of fixed dry chemical powder fire-extinguishing systems

11.10 The Committee considered draft revised guidelines for the approval of fixed dry chemical powder fire-extinguishing systems for the protection of ships carrying liquefied gases in bulk (SSE 8/20, annex 4), together with document MSC 106/11/2 (IACS), proposing to:

.1 modify the draft revised guidelines to include an application statement pertaining to the phrase "installed on or after"; and

.2 further revise the requirement for onboard discharge testing of fixed dry chemical powder fire-extinguishing systems so as to provide consistency with section 11.4.8 of the IGC Code.

11.11 Having noted the general support for the proposals in the document, the Committee agreed to establish the Working Group on SSE Matters and instructed it to finalize the draft revised guidelines for the approval of fixed dry chemical powder fire-extinguishing systems for the protection of ships carrying liquefied gases in bulk (MSC.1/Circ.1315), based on annex 4 to document SSE 8/20 and taking into account document MSC 106/11/2, with a view to approval and dissemination as MSC.1/Circ.1315/Rev.1.

In-water performance of SOLAS lifejackets

11.12 The Committee noted that the Sub-Committee had agreed to continue the discussion on amendments to the LSA Code and the Revised Recommendation to address the in-water performance of SOLAS lifejackets intersessionally through the LSA Correspondence Group, which would report to SSE 9.

Requirements for onboard lifting appliances and anchor handling winches

Draft SOLAS amendments

11.13 The Committee, having noted that:

.1 the draft SOLAS amendments concerning onboard lifting appliances and anchor handling winches (OLAW) had been approved, in principle, by MSC 102, pending the completion of the two sets of associated draft guidelines (MSC 102/24, paragraph 19.10); and

.2 SSE 8 had finalized the aforementioned associated guidelines (see paragraphs 11.15 and 11.18),

requested the Secretary-General to circulate the draft amendments to SOLAS chapter II-1 concerning onboard lifting appliances and anchor handling winches (SSE 7/21, annex 4), as set out in annex […], in accordance with SOLAS article VIII, with a view to adoption at MSC 107.

11.14 In this respect, the Committee requested the Secretariat to inform the ILO Secretariat about the development of the new SOLAS requirements for lifting appliances, inviting ILO to take appropriate action regarding survey intervals as stipulated in ILO Convention No.152, so as to avoid duplicative surveys.

Draft guidelines for anchor handling winches

11.15 The Committee considered the draft guidelines for anchor handling winches (SSE 8/20, annex 5), together with the following documents:

.1 MSC 106/11/4 (Germany and IACS), proposing modifications to the draft guidelines in order to address technical concerns and providing editorial improvements; and

.2 MSC 106/11/7 (Japan), proposing modifications to paragraph 4.7.1.2 of the draft guidelines to clarify the vague requirement on "the minimum information to be included should be used".

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

.1 regarding the proposals in document MSC 106/11/4:

.1 conducting overload test of anchor handling winches with excessive horizontal heaving force, which would need a wire connection to a strong point onboard or ashore, was considered difficult to conduct in a safe manner, taking into account practical advice provided by the industry; and

.2 the bollard pull test should be applicable for the vessel, rather than for the winch itself; and

.2 regarding the proposals in document MSC 106/11/7: the proposed modifications were considered agreeable for clarification; however, the wording "recognized by the Administration" should be included before "The relevant classification society" in paragraph 4.7.1.2 of the draft guidelines, providing Administrations with control over documenting the thorough examination and testing.

11.17 Following discussion, the Committee instructed the Working Group on SSE Matters to finalize the draft guidelines for anchor handling winches, based on annex 5 to document SSE 8/20 and taking into account documents MSC 106/11/4 and MSC 106/11/7, with a view to approval in principle and subsequent approval in conjunction with the adoption of the associated draft amendments to SOLAS.

Draft guidelines for onboard lifting appliances

11.18 The Committee considered the draft guidelines on onboard lifting appliances (SSE 8/20, annex 6), together with the relevant part of document MSC 106/11/4, proposing modifications and stating the need for clarification of how lifting appliances which are not currently covered under "another international instrument acceptable to the Administration" would comply with the new requirements in draft SOLAS regulation II-1/3-13.

11.19 During the discussion, the Committee noted a statement by the delegation of New Zealand that, although the suggested modifications in paragraphs 7 to 10 of the document were agreeable, it was considered that the draft guidelines provided sufficient guidance under draft SOLAS regulation I-1/3-13 for existing lifting appliances not currently covered under "another international instrument acceptable to the Administration", as stated in paragraph 3.3.3 of the draft guidelines; that such appliances were required to be tested and thoroughly examined in accordance with paragraphs 3.2.1.2 and 3.2.2.1 of the draft guidelines and paragraph 3.3.3 provided flexibility to Administrations, in particular those Party to ILO Convention No.152; that, as long as the approval of the draft guidelines was not delayed, a unified interpretation could be developed and submitted to the SSE Sub-Committee for consideration, in order to further clarify that existing lifting appliances to which paragraph 3.3.3 of the draft guidelines would not apply should be load tested and thoroughly examined in accordance with paragraphs 3.2.1.2 and 3.2.2.1 of the draft guidelines; or alternatively, such clarification could be recorded in the final report of the Committee. The full text of the statement is set out in annex […].

11.20 Additionally, the Committee noted a view that the options provided in paragraph 15 of the document were suggested to help clarify the implementation of the draft guidelines, but not to delay their approval.

11.21 Consequently, the Committee instructed the Working Group on SSE Matters to:

.1 finalize the draft guidelines for lifting appliances, based on annex 6 to document SSE 8/20 and, taking into account document MSC 106/11/4, with a view to approval in principle and subsequent approval in conjunction with the adoption of the related draft amendments to SOLAS; and

.2 develop a statement of fact confirming only the scope of draft SOLAS regulation II-1/3-13.2.4, with a view to its inclusion in the final report of the Committee.

Amendments to SOLAS chapter II-2 and the FSS Code concerning containership fires

11.22 The Committee noted the Sub-Committee's discussion on the development of amendments to SOLAS chapter II-2 and the FSS Code concerning containership fires, in particular that relevant FSA study(ies) were expected to be conducted and submitted to the Committee, with a view to the drafting of such amendments by an experts group (see also section 9).

Fire protection of accommodation and service spaces, and control stations

11.23 The Committee noted the discussion of the Sub-Committee on draft amendments to SOLAS regulation II-2/7.5.5 and the *Unified interpretations of SOLAS chapter II-2, and the FSS and FTP Codes* (MSC.1/Circ.1456) with respect to the protection of accommodation and service spaces, and control stations, in particular that the work was being progressed through the Correspondence Group on Fire Protection, established by SSE 8.

Prohibition of PFOS

11.24 The Committee, having noted that SSE 8 had agreed on draft amendments to SOLAS chapter II-2 and the 1994 and 2000 HSC Codes concerning the prohibition of perfluorooctane sulfonic acid (PFOS) fire-extinguishing media (SSE 8/20, annexes 7, 8 and 9, respectively), considered the draft amendments, together with the commenting documents submitted, as outlined below.

Acceptable alternatives to prohibited PFOS

11.25 The Committee considered document MSC 106/11/5 (United Kingdom and IACS), seeking confirmation regarding acceptable alternatives to prohibited PFOS and the potential need to revise the *Revised guidelines for the performance and testing criteria, and surveys of foam concentrates for fixed fire-extinguishing systems* (MSC.1/Circ.1312).

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

.1 the draft amendments agreed by SSE 8 covered only PFOS but not other types of foams and, therefore, if other types were included, modifications to the draft amendments would be necessary;

.2 the original output was intended to ban fire-fighting foams containing PFOS and the parameters of the Revised Guidelines (MSC.1/Circ.1312) should not be changed without any technical discussion; therefore, a thorough analysis at the Sub-Committee level for additional substances would be required.

11.27 Having noted the need for further technical deliberation, the Committee agreed to keep the agenda item on the agenda for SSE 9 and instructed the Sub-Committee to further consider, taking into account document MSC 106/11/5, and advise it accordingly:

.1 the prohibition of other fire-fighting foam types in addition to PFOS, such as PFOA, and whether the existing output should be expanded in that regard; and

.2 the potential need to revise the Revised Guidelines (MSC.1/Circ.1312).

Draft amendments concerning the prohibition of PFOS

11.28 The Committee considered document MSC 106/11/6 (United Kingdom and IACS), proposing to modify the draft amendments to SOLAS chapter II-2 and the 1994 HSC Code agreed by SSE 8 (see paragraph 11.24), for clarity regarding their implementation on existing ships and craft, as appropriate.

11.29 Having agreed with the proposed modifications in the document, the Committee approved draft amendments to:

.1 SOLAS chapter II-2, as modified, as set out in annex […];
.2 the 1994 HSC Code, as modified, as set out in annex […]; and
.3 the 2000 HSC Code, as set out in annex […],

and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 107.

Model Course 3.03 on Survey of Machinery Installations

11.30 The Committee noted the Sub-Committee's discussion on the draft revision of Model Course 3.03 on Survey of Machinery Installations, which was expected to be validated at SSE 9 in accordance with the agreed terms of reference for the course developer(s) and the review group (SSE 8/20, annex 10).

Revision of the 1995 Code of Safety for Diving Systems

11.31 The Committee noted the progress made on the revision of the 1995 Code of Safety for Diving Systems, in particular that SSE 8 had agreed on fundamental aspects of the new draft Code and that a correspondence group had been established to progress the work intersessionally.

11.32 In this regard, the Committee authorized the Sub-Committee to establish an experts group at SSE 9, in addition to the planned working and drafting groups, to deal with issues related to the revision of the 1995 Code of Safety for Diving Systems.

Unified interpretations of SOLAS chapter II-2

11.33 The Committee approved MSC.1/Circ.[…] on *Unified interpretations of SOLAS chapter II-2*, concerning SOLAS regulation II-2/9.7.3.1.2 on fire insulation of ducts passing through "A" class divisions; and SOLAS regulation II-2/9.7.3.2 on the penetration of "B" class bulkheads.

Deletion of post-biennial agenda item no.65

11.34 The Committee, having considered the recommendation of SSE 8 to delete post-biennial agenda item no.65 on "Application of amendments to SOLAS and related codes and guidelines", as it was no longer needed, since MSC 94 approved MSC.1/Circ.1500 on *Guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments,* agreed to delete the item from its post-biennial agenda.

Draft amendments to standardized LSA evaluation and test report forms

11.35 Taking into account the considerations at SSE 8, the Committee:

.1 agreed to consequential draft amendments to the *Revised standardized life-saving appliance evaluation and test report forms* (MSC.1/Circ.1630) (SSE 8/20, annex 14), emanating from the recent amendments to the Revised Recommendation (resolution MSC.81(70)) adopted by resolution MSC.488(103), pertaining to the correction of references to standards for coated fabric material tests for inflatable liferafts; and

.2 approved the *Revised standardized life-saving appliance evaluation and test report forms* (MSC.1/Circ.1630/Rev.1).

Draft amendments concerning types of immersion suits and anti-exposure suits

Draft amendments to SOLAS and the HSC Codes

11.36 The Committee approved draft amendments to the forms of the Record of Equipment for certificates regarding types of immersion suits and anti-exposure suits in the following instruments, as minor corrections (C/ES.27/D, paragraph 3.2(vi)):

.1 the 1974 SOLAS Convention, as set out in annex […];
.2 the 1994 HSC Code, as set out in annex […]; and
.3 the 2000 HSC Code, as set out in annex […],

and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 107.

Draft amendments to the SPS Codes

11.37 Consequently, the Committee also approved, in principle, associated draft amendments to the forms of the Record of Equipment for certificates in the 1983 and 2008 SPS Codes, with a view to subsequent adoption by MSC 107, together with the associated amendments to SOLAS and the HSC Codes (see paragraph 11.36).

Improvement of IMOSpace

11.38 The Committee noted the Sub-Committee's recommendations regarding the improvement of IMOSpace (SSE 8/20, paragraph 18.6), which had been duly passed on to the Secretariat for action as appropriate.

Completion of the review of the 2014 Standard specification for shipboard incinerators

11.39 The Committee noted that the Sub-Committee had concluded the review of the *2014 Standard specification for shipboard incinerators* (resolution MEPC.244(66)) requested by MEPC and had prepared relevant draft amendments to the Standard Specification (SSE 8/20, annex 17), for submission to MEPC 79 with a view to adoption, as appropriate.

OTHER MATTERS

Draft amendments to paragraph 4.4.7.6.17 of the LSA Code

11.40 The Committee recalled that SSE 7 had agreed to (SSE 7/21, paragraph 12.6):

.1 draft amendments to paragraph 4.4.7.6.17 of the LSA Code to ensure adequate safety standards for lifeboats and rescue boats fitted with single fall and hook systems with on-load release capability (SSE 7/WP.3, annex 5); and

.2 submit the draft amendments to a future session of the Committee, as a package, in conjunction with the draft amendments to the LSA Code related to ventilation of survival craft.

11.41 Having recalled the earlier approval of draft amendments to the LSA Code related to ventilation of totally enclosed lifeboats (see paragraph 11.4), the Committee agreed to also consider the related draft amendments regarding single fall and hook systems with on-load release capability.

11.42 In this respect, the Committee considered document MSC 106/11/1 (Bahamas et al.), identifying an unforeseen consequence of the proposed deletion of paragraph 4.4.7.6.8 pertaining to off-load hooks and suggesting relevant modifications to the text agreed by SSE 7, together with the associated check/monitoring sheet and the record format, prepared by the Secretariat (MSC 106/WP.9).

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

.1 the modifications proposed in the document were agreeable; however, there was an additional type of hook that should also be exempted from the requirements of paragraph 4.4.7.6.8 of the LSA Code, i.e. hooks with the load over centre type (which is held fully closed by the weight of the boat) with a spring-loaded guard on the hook mouth;

.2 the modifications should contain more specific criteria and the term "mechanically simplistic with few moving parts" was considered to be vague and too subjective;

.3 any hook capable of being released under load should also be fully capable of resetting before taking the load, and the proposed modifications could cause confusion on when to apply the necessary safety requirements to prevent accidental release of a hook on load;

.4 further consideration should be given to other consequential amendments to paragraph 4.4.7.6 of the LSA Code to clearly state when these safety measures should apply, rather than when they might be exempted; and

.5 paragraph 4.4.7.6.17 of the LSA Code aimed to prevent accidents involving simple release mechanisms described in the document and such hooks would require manual separation of the lifting ring from the jaw of the hook, which in the past had been known to cause significant accidents.

11.44 Following consideration, the Committee instructed the Working Group on SSE Matters to finalize the draft amendments to paragraph 4.4.7.6.17 of the LSA Code concerning single fall and hook systems, based on document MSC 106/WP.9, with a view to approval and subsequent adoption.

SafePASS Project

11.45 The Committee noted, with appreciation, document MSC 106/INF.3 (EC), providing information on the EU research project SafePASS that aims to develop the next generation of evacuation and abandonment processes and life-saving appliances.

Establishment of the Working Group on SSE Matters

11.46 Having considered the above matters, the Committee established the Working Group on SSE Matters and instructed it, taking into account comments and decisions made in plenary, to:

.1 finalize the draft MSC circular on revised guidelines for the approval of fixed dry chemical powder fire-extinguishing systems for the protection of ships carrying liquefied gases in bulk (MSC.1/Circ.1315), based on annex 4 to document SSE 8/20 and taking into account document MSC 106/11/2, with a view to approval and dissemination as MSC.1/Circ.1315/Rev.1;

.2 finalize the draft MSC circular on guidelines for anchor handling winches, based on annex 5 to document SSE 8/20 and taking into account documents MSC 106/11/4 and MSC 106/11/7, with a view to approval in principle and subsequent approval in conjunction with the adoption of the related draft amendments to SOLAS;

.3 finalize the draft MSC circular on guidelines for lifting appliances, based on annex 6 to document SSE 8/20 and taking into account document MSC 106/11/4, with a view to approval in principle and subsequent approval in conjunction with the adoption of the related draft amendments to SOLAS; and develop a statement of fact confirming only the scope of draft SOLAS regulation II-1/3-13.2.4, with a view to inclusion in the final report of the Committee; and

.4 finalize the draft amendments to paragraph 4.4.7.6.17 of the LSA Code on single fall and hook systems, based on document MSC 106/WP.9, with a view to approval and subsequent adoption.

Report of the Working Group on SSE Matters

11.47 Having considered the report of the Working Group (MSC 106/WP.11), the Committee approved it in general and took action as described hereunder.

Revised guidelines for the approval of fixed dry chemical powder fire-extinguishing systems

11.48 The Committee approved 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*, as finalized by the Group, with the effective date of 1 July 2023.

Finalization of draft guidelines for anchor handling winches

11.49 The Committee approved, in principle, the draft MSC circular on Guidelines for anchor handling winches, as finalized by the Group and set out in annex 2 to document MSC 106/WP.11, with a view to final approval by MSC 107, in conjunction with the adoption of the associated draft amendments to SOLAS (see paragraph [11.13]).

Finalization of draft guidelines for lifting appliances

11.50 The Committee approved, in principle, the draft MSC circular on Guidelines for lifting appliances, as finalized by the Group and set out in annex 3 to document MSC 106/WP.11, with a view to final approval by MSC 107, in conjunction with the adoption of the associated draft amendments to SOLAS (see paragraph [11.13]).

Mutual understanding on existing lifting appliances

11.51 The Committee noted the discussion of the Group pertaining to the scope of draft SOLAS regulation II-1/3-13.2.4 for existing lifting appliances, including the option of statement of fact suggested in document MSC 106/11/4.

11.52 In this respect, subject to the adoption of the related draft SOLAS amendments and approval of the associated Guidelines on lifting appliances, the Committee endorsed the following mutual understanding developed by the Group:

.1 Existing lifting appliances with valid certificates of test and thorough examination under another international instrument, e.g. ILO Convention No.152, acceptable to the Administration and issued prior to the entry into force of SOLAS regulation II-1/3-13, should be considered compliant with SOLAS regulation II-1/3-13.2.4, so as to avoid duplicative testing and thorough examination.

.2 Where existing lifting appliances installed before the entry of the force date have no valid certificates of test and thorough examination under another international instrument, they should be documented as compliant with SOLAS regulation II-1/3-13.2.4 no later than the date of the first renewal[2] survey on or after that date. SOLAS Contracting Parties are encouraged to consider paragraphs 3.2.1.2, 3.2.1.6 and 3.2.2.1 of the Guidelines when issuing this documentation.

.3 In accordance with paragraph 3.2.3.2 of the Guidelines, demonstration of compliance following testing and thorough examination may be documented in any convenient form, provided each entry contains the necessary information stipulated in the Guidelines, is clearly legible and is authenticated

[2] Refer to the surveys required by SOLAS regulations I/7 (Surveys of passenger ships) and I/10 (Surveys of structure, machinery and equipment of cargo ship).

by a competent person. A factual statement issued by the Administration or a classification society recognized by the Administration, could serve as a demonstration of compliance for existing lifting appliances without valid certificates of test and thorough examination under another international instrument.

11.53 The Committee requested the IMO Secretariat to include the Group's above mutual understanding in the letter to the ILO Secretariat inviting ILO to take action to avoid duplicative surveys (see paragraph [11.14]).

Draft amendments to the LSA Code on single fall and hook systems

11.54 With regard to the draft amendments to the LSA Code concerning single fall and hook systems, the Committee noted the Group's discussion, in particular that further consideration would be necessary. Therefore, the Committee endorsed the Group's recommendation to consider the draft amendments in more detail at SSE 9.

11.55 In this respect, the Committee:

.1 reinstated the agenda item in SSE 9's agenda; and instructed the SSE Sub-Committee to consider document MSC 106/11/1, together with any other relevant submissions to SSE 9;

.2 redefined the scope of the output to include other sub-paragraphs of paragraph 4.4.7.6 of the LSA Code to provide the necessary clarity for consistent application of the requirements and rename it as "Amendments to the LSA Code concerning single fall and hook systems with on-load release capability" (see paragraph [18…]); and

.3 instructed SSE 9 to complete the output as a matter of priority in order to remain in the ad-hoc midterm amendment cycle agreed by MSC 104, with a view to approval at MSC 107 and subsequent adoption at MSC 108.

12 POLLUTION PREVENTION AND RESPONSE

12.1 Having noted that the Sub-Committee on Pollution Prevention and Response (PPR) had held its eighth and ninth sessions from 22 to 26 March 2021 and 4 to 8 April 2022, respectively, and that the reports on those sessions had been circulated as documents PPR 8/13 and PPR 9/21, the Committee noted, in particular, the following matters of relevance to its work:

.1 the Sub-Committee was currently coordinating with the NCSR, SDC and HTW Sub-Committees regarding the development of draft guidelines on mitigation measures to reduce risks of use and carriage for use of heavy fuel oil (HFO) as fuel by ships in Arctic waters and this work was still ongoing; and

.2 the outcome of PPR 8 related to the draft IP Code had been taken into account by SDC 8 during the finalization of the Code (SDC 8/18, paragraph 4.4 and PPR 8/13, paragraph 13.2.1).

13 NAVIGATION, COMMUNICATIONS AND SEARCH AND RESCUE

REPORT OF NCSR 9

13.1 The Committee approved, in general, the report of the ninth session of the Sub-Committee on Navigation, Communications and Search and Rescue (NCSR 9/24 and addenda, and MSC 106/13) and took action, as indicated hereunder.

Ongoing military conflict between the Russian Federation and Ukraine and its effect on international shipping and seafarers

13.2 The Committee noted the Sub-Committee's discussion of document NCSR 9/2/2 (Ukraine) proposing consideration of search and rescue (SAR) related measures due to the ongoing military conflict between the Russian Federation and Ukraine and the support from delegations at NCSR 9 to address these matters, as well as the intention of the delegation of Ukraine to work with interested parties on a submission to MSC 106 (NCSR 9/24, paragraphs 2.6 to 2.13). In this context, the Committee recalled that this matter had been discussed under agenda item 2 (see paragraphs 2.[…] to 2.[…]).

Ships' routeing proposals

13.3 The Committee adopted, in accordance with the *Procedure for the adoption and amendment of traffic separation schemes, routeing measures other than traffic separation schemes, including designation and substitution of archipelagic sea lanes, and ship reporting systems* (resolution A.858(20)), amendments to traffic separation schemes (TSSs) and associated measures to be implemented on 1 June 2023, for dissemination by means of COLREG.2/Circ.[…], as follows:

.1 amended TSS and associated measures *Approaches to the Chornomorsk, Odesa and Pivdennyi ports*, which replaced the existing TSSs *Between the ports of Odessa and Ilichevsk* and *In the approaches to the ports of Odessa and Ilichevsk* (COLREG.2/Circ.14, paragraphs 1.1.2 and 1.1.3); and

.2 amendments to the existing TSS *In the Santa Barbara Channel* (COLREG.2/Circ.64, annex 6).

13.4 The Committee also adopted, in accordance with resolution A.858(20), routeing measures other than TSSs, including amendments to existing measures, to be implemented on 1 June 2023, for dissemination by means of SN.1/Circ.[…], as follows:

.1 recommended route *Off the coast of Shio-no-Misaki*;

.2 amendments to areas to be avoided *Off the California coast* (resolution A.711(17));

.3 no anchoring area *In the southern portion of Pulley Ridge*; and

.4 recommendation on navigation for containerships in the traffic separation schemes *Off Vlieland, Vlieland North and Vlieland Junction, Terschelling-German Bight, Off Friesland* and *German Bight western approach*.

Amendments to LRIT Performance standards and related circulars

13.5 The Committee adopted resolution MSC.263(84)/Rev.1 on *Performance standards and functional requirements for the long-range identification and tracking of ships*, as set out in annex […].

13.6 The Committee approved amendments to the:

.1 *Long-range identification and tracking system – Technical documentation (part I)* (MSC.1/Circ.1259/Rev.8) (NCSR 9/24/Add.1, annex 4);

.2 *Guidance on the survey and certification of compliance of ships with the requirement to transmit LRIT information* (MSC.1/Circ.1307) (NCSR 9/24/Add.1, annex 5); and

.3 *Continuity of service plan for the LRIT system* (MSC.1/Circ.1376/Rev.4) (NCSR 9/24/Add.1, annex 6),

for dissemination as MSC.1/Circ.1259/Rev.9, MSC.1/Circ.1307/Rev.1 and MSC.1/Circ.1376/Rev.5, respectively.

Draft amendments to SOLAS chapter XIV and the Polar Code

13.7 During the consideration of the draft amendments to SOLAS chapter XIV and the Polar Code, the observer from Pew made a statement, as set out in annex […], commenting on the need to align the proposed amendments to SOLAS and the Polar Code with the requirements of the 2012 Cape Town Agreement, including the application of provisions.

13.8 The delegation of Spain, recalling the opening remarks by the Secretary-General, when he urged Member States to take action to achieve the entry into force of the 2012 Cape Town Agreement, offered to provide technical and legal support to other Member States with regard to accession and implementation.

13.9 Following consideration, the Committee approved the draft amendments to SOLAS chapter XIV and the Polar Code, as set out in annexes […] and […], and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption by MSC 107 and entry into force on 1 January 2026.

13.10 In this connection, the Committee agreed that the certificate showing compliance with the requirements of chapters 9-1 and 11-1 of part I-A of the Polar Code should be left to the discretion of the flag Administration.

13.11 The observers from WWF and FOEI, while welcoming the approval of the draft amendments to SOLAS chapter XIV and the Polar Code, called for a wider application of these measures to smaller fishing vessels. The full text of the statement made by the observer from FOEI is set out in annex […].

Revision of the *Guidelines on places of refuge for ships in need of assistance* (resolution A.949(23))

13.12 The Committee approved the draft Assembly resolution on *Guidelines on places of refuge for ships in need of assistance*, as set out in annex […], and invited MEPC and the Legal Committee to concurrently approve it, with a view to adoption by A 33.

13.13 The delegation of Argentina made a statement, as set out in annex […], supporting the approval of the draft Guidelines by the Committee and their referral to MEPC and the Legal Committee for concurrent approval, noting that one specific paragraph referring to a "right" or an "accepted practice" of foreign ships to enter ports or internal waters of another State, which did not conform to UNCLOS, might require further consideration by the Legal Committee.

Consequential amendments to existing circulars relating to the SOLAS amendments on modernization of the GMDSS

13.14 The Committee endorsed the approval of COMSAR.1/Circ.32/Rev.1 on *Harmonization of GMDSS requirements for radio installations on board SOLAS ships* and COMSAR.1/Circ.33/Rev.1 on *GMDSS Coast Station Operator's Certificate (CSOC) syllabus*, and the consequential revocation of COMSAR/Circ.16, COMSAR/Circ.17, COM/Circ.110, COM/Circ.110/Corr.1 and COM/Circ.117, as from the date of entry into force of the SOLAS amendments adopted by resolution MSC.496(105) concerning the modernization of the Global Maritime Distress and Safety System (GMDSS) (i.e. 1 January 2024).

13.15 In this connection, the observer from IACS expressed the view that COMSAR.1/Circ.32/Rev.1 could require further amendments in order to avoid non-uniform implementation of GMDSS requirements on or after 1 January 2024 and advised of their intention to submit a document to NCSR 10 with detailed information for consideration.

13.16 The delegation of Japan was also of the view that further modifications to COMSAR.1/Circ.32/Rev.1 could be required to clarify carriage requirements of equipment and advised that they had submitted relevant information to the upcoming meeting of the Joint IMO/ITU Experts Group on Maritime Radiocommunication Matters for consideration (see document IMO/ITU EG 18/8).

13.17 The Committee also approved:

.1 MSC.1/Circ.[…] on *GMDSS operating guidance for ships in distress situations*, superseding COM/Circ.108;

.2 MSC.1/Circ.[…] on *Procedure for responding to DSC distress alerts by ships*, superseding COMSAR/Circ.25;

.3 MSC.1/Circ.[…] on *Guidance on distress alerts*, superseding COMSAR/Circ.45; and

.4 MSC.1/Circ.892/Rev.1 on *Guidance on alerting of search and rescue authorities*.

Recognition of BDMSS for use in the GMDSS

13.18 The Committee recalled that MSC 99 had considered an application by China for the recognition of the BeiDou Message Service System (BDMSS) for use in the GMDSS (MSC 99/12/1) and referred it to the NCSR Sub-Committee for evaluation, also authorizing the Sub-Committee to invite IMSO to conduct the technical and operational assessment, as appropriate (MSC 99/22, paragraphs 12.32 and 12.33).

13.19 The Committee recalled also that MSC 101 had agreed that the assessment of BDMSS should be conducted in accordance with the existing requirements of the *Criteria for the provision of mobile satellite communication systems in the GMDSS* (resolution A.1001(25)), taking into account any interpretation and/or exception following the assessment of Iridium's services (MSC 101/24, paragraph 21.35).

13.20 The Committee noted that NCSR 9, having considered IMSO's report on the technical and operational assessment of BDMSS for use in the GMDSS (NCSR 9/24, paragraphs 10.38 and 10.39):

.1 approved a comprehensive list of outstanding issues identified during the assessment (NCSR 9/WP.5, annex 2), comprising technical, operational and implementation issues that needed to be addressed before China Transport Telecommunication Information Group Co. Ltd. (CTTIC) could be integrated as a recognized mobile satellite service provider;

.2 recommended recognizing BDMSS as a maritime mobile satellite service provided by CTTIC for use in the GMDSS, subject to completion of all outstanding technical and operational issues listed in document NCSR 9/WP.5, annex 2, appendix 1; and

.3 invited IMSO to submit a report to MSC 106 on the outcome of the planned site visit to the BDMSS facilities in China, providing information on the above outstanding technical and operational issues.

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

.1 MSC 106/13/1 (IMSO), reporting on the outcome of the on-site visit by IMSO's technical and operational assessment team to the BDMSS facilities in China from 11 to 16 July 2022, confirming that the outstanding issues requiring verification on site, as listed in document NCSR 9/WP.5, annex 2, appendix 1, were successfully resolved and demonstrated by CTTIC; and

.2 MSC 106/13/2 (China), providing information on the on-site visit to the BDMSS facilities in China led by IMSO and further activities to be conducted in order to address the outstanding implementation issues identified by NCSR 9 and presenting, for consideration, a draft MSC resolution for recognition of the maritime mobile satellite services provided by CTTIC through BDMSS, along with other related actions.

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

.1 general support for the recognition of maritime mobile satellite services provided by CTTIC through BDMSS for use in the GMDSS, which had satisfactorily demonstrated compliance with the criteria set out in resolution A.1001(25);

.2 further implementation issues which were outside the scope of resolution A.1001(25), including those listed in document NCSR 9/WP.5, annex 2, appendix 2, could be resolved after recognition, but before the commencement of services;

.3 BDMSS could be recognized for use in the GMDSS, subject to addressing the outstanding implementation issues, in particular the necessary regulatory actions by ITU to safeguard the availability and full protection of the spectrum used by BDMSS;

.4 BDMSS implementation should also take into account interoperability and interconnectivity issues between recognized GMDSS mobile satellite services, including cost implications for information providers, which were under consideration by the NCSR Sub-Committee;

.5 the recognition of BDMSS would be for a specific region and any future expansion would require a new application;

.6 IMSO should be invited to monitor the outstanding implementation issues and keep the Committee informed of developments; and

.7 since BDMSS was a regional system, the Committee should invite IMSO to contact relevant stakeholders, including NAVAREAs and METAREAs Coordinators that would be disseminating information in those areas, as well as IHO and WMO, and convey any relevant information to the NCSR Sub-Committee for consideration.

13.23 The delegation of the Bolivarian Republic of Venezuela made a statement supporting the recognition of BDMSS, as set out in annex […].

13.24 After consideration, the Committee took the following action:

.1 agreed that CTTIC, through BDMSS, had satisfied the criteria established to receive recognition as a mobile satellite communication service provider in the GMDSS;

.2 recognized the maritime mobile satellite services provided by CTTIC through BDMSS for use in the GMDSS;

.3 adopted resolution MSC.[…] on *Statement of recognition of the maritime mobile satellite services provided by CTTIC through BDMSS*, as set out in annex […];

.4 noted the commitment of the delegation of China and CTTIC to address any outstanding implementation issues, including those listed in NCSR 9/WP.5, annex 2, appendix 2, before the commencement of services;

.5 invited IMSO to monitor the implementation and report to the Committee when the Public Services Agreement with CTTIC had been concluded and the Letter of Compliance had been issued; and

.6 agreed that any future expansion of the coverage area of BDMSS would require a new submission for consideration by the Committee, based on the applicable requirements.

Guidance for the dissemination of SAR related information through the international EGC service

13.25 The Committee approved MSC.1/Circ.[…] on *Guidance for the dissemination of search and rescue related information through the international enhanced group call service*.

EPIRB MMSI encoding for craft associated with a parent ship

13.26 The Committee endorsed the action taken by NCSR 9 in requesting the Secretariat to convey a liaison statement to ITU on *EPIRB MMSI encoding for craft associated with a parent ship* (NCSR 9/24/Add.1, annex 16).

Revised NAVTEX Manual

13.27 The Committee approved MSC.1/Circ.1403/Rev.2 on *NAVTEX Manual* with an effective date of 1 January 2023.

Draft IMO position on relevant ITU WRC-23 agenda items concerning matters relating to maritime services

13.28 The Committee considered the draft IMO position on relevant ITU World Radio Conference 2023 (WRC-23) agenda items concerning matters relating to maritime services (NCSR 9/24, annex 18), in particular, the options under the draft IMO position on agenda item 1.11 concerning the recognition of BDMSS for use in the GMDSS.

13.29 Recalling the decisions taken earlier regarding the recognition of BDMSS (see paragraphs […] to […]), the Committee agreed to modify the draft IMO position on agenda item 1.11 by retaining the text of option 1 under "Background" and deleting option 2, and retaining the paragraph in square brackets under "Draft IMO position".

13.30 The Committee also considered document MSC 106/13/6 (IMSO) proposing modifications to the draft IMO position on agenda item 1.11 concerning support for the continued use of L-band frequencies following removal of L-band EPIRBs from SOLAS

chapter IV. Having noted the overwhelming support for the proposal, the Committee agreed to the proposed modifications to the draft IMO position on agenda item 1.11, as presented in paragraph 4 of document MSC 106/13/6.

13.31 Following consideration, the Committee approved the draft IMO position on relevant WRC-23 agenda items, as modified, and requested the Secretariat to submit it to the ITU's Conference Preparatory Meeting for WRC-23 (to be held in Geneva, Switzerland, from 27 March to 6 April 2023).

13.32 In this regard, the Committee authorized NCSR 10 to submit the final IMO position to MSC 107, as an urgent matter, for approval and subsequent submission to WRC-23 (to be held in the United Arab Emirates, from 20 November to 15 December 2023).

Other ITU matters

13.33 The Committee endorsed the action taken by NCSR 9 in requesting the Secretariat to convey liaison statements to ITU on:

.1 *Issues concerning WRC-23 agenda item 1.11* (NCSR 9/24/Add.1, annex 19); and

.2 *Revision of Recommendation ITU-R M.1371-5* (NCSR 9/24/Add.1, annex 20).

Documents and publications to be held by a MRCC or JRCC and routeing distress alerts

13.34 The Committee endorsed the approval of SAR.7/Circ.15 on *List of documents and publications which should be held by a Maritime or Joint Rescue Coordination Centre* and COMSAR.1/Circ.60 on *Procedure for routeing distress alerts*.

Training on and operation of emergency personal radio devices in multiple casualty situations

13.35 The Committee approved MSC.1/Circ.[…] on *Guidance on the training on and operation of emergency personal radio devices in multiple casualty situations.*

Revised *ECDIS – Guidance for good practice*

13.36 The Committee approved MSC.1/Circ.1503/Rev.2 on *ECDIS – Guidance for good practice*.

Draft MSC resolution on ECDIS Performance standards

13.37 The Committee considered the draft MSC resolution on *Performance standards for electronic chart display and information systems (ECDIS)* presenting, inter alia, a phased introduction of new IHO product specifications (i.e. S-98, S-100 and S-101) for ECDIS, together with the following documents:

.1 MSC 106/13/3 (IACS), proposing consideration of consequential amendments to SOLAS regulation V/19.2.1 and the records of equipment regarding the use of electronic nautical publications (ENP) through ECDIS, which was incorporated as an ECDIS function in the draft MSC resolution;

.2 MSC 106/13/4 (IACS), proposing modifications to the draft MSC resolution in order to clarify the application statement, in particular, the use of the expression "installed on or after [date]"; and

.3 MSC 106/13/5 (China) commenting on the draft MSC resolution and proposing consideration of a number of actions to:

.1 evaluate the feasibility of the proposed implementation dates according to the development of S-100 based product specifications and IEC standards;

.2 develop a mechanism for further revisions to *ECDIS – Guidance for good practice* (MSC.1/Circ.1503/Rev.2) to address onboard ECDIS updates; and

.3 review and consider human element issues, including training requirements and possible amendments to the STCW Code or MSC.1/Circ.1503/Rev.2.

13.38 During the consideration of document MSC 106/13/3, the majority of the delegations that took the floor indicated that it would be premature to consider amendments to SOLAS regarding the use of ENP through ECDIS at this stage. Views were also expressed that a formal proposal for a new output would be necessary to give appropriate consideration to the matter.

13.39 With regard to document MSC 106/13/4, the proposed modifications to the cover page of the draft MSC resolution were supported in general, also in line with the decisions taken under agenda item 3 (see paragraphs […] to […]).

13.40 In connection with document MSC 106/13/5, the delegation of China advised that, following consultations with IHO after the submission of the document, China had agreed on the implementation dates set out in the draft MSC resolution noting that IHO would continue to monitor the implementation and provide regular updates to the NCSR Sub-Committee.

13.41 Subsequently, the observer from IHO advised that the implementation dates proposed in the draft MSC resolution had been carefully considered with relevant stakeholders and were part of an implementation roadmap agreed by IHO members.

13.42 The majority of the delegations that took the floor supported the draft MSC resolution and the proposed implementation dates to give effect to the new IHO product specifications. A view was expressed, however, that human element aspects had not been appropriately considered and that an adequate transition period should be further assessed.

13.43 Following consideration, the Committee agreed to the modifications proposed in document MSC 106/13/4 (IACS) and adopted resolution MSC.[…](106) on *Performance standards for electronic chart display and information systems (ECDIS)*, as set out in annex […]. In doing so, the Committee invited IHO to keep IMO informed on the process development of the IHO S-100 framework standard.

Draft SOLAS amendments on mandatory carriage of electronic inclinometers

13.44 The Committee recalled that MSC 105 had considered a recommendation by III 7 to extend the requirement for the mandatory carriage of electronic inclinometers to all SOLAS ships of more than 3,000 GT and, after consideration, instructed the NCSR Sub-Committee to consider the proposal and advise the Committee, as appropriate (MSC 105/20, paragraphs 13.3 to 13.8).

13.45 In this respect, the Committee agreed with the recommendation of NCSR 9 that the requirement for the mandatory carriage of electronic inclinometers should only apply to containerships and bulk carriers of 3,000 GT and upwards.

13.46 Consequently, the Committee approved the relevant draft amendments to SOLAS chapter V and the appendix (Certificates), the 1978 SOLAS Protocol and the 1988 SOLAS Protocol, as set out in annexes […] to […], and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption by MSC 107 and entry into force on 1 January 2026.

13.47 In this regard, the Committee agreed that the carriage requirement for electronic inclinometers should not apply to cargo ships occasionally carrying cargoes in bulk 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.

Update of a footnote in the 2020 SOLAS consolidated edition

13.48 The Committee recalled that MSC 104 had referred document MSC 103/20/12 (Secretariat) on the update of a footnote in SOLAS regulation V/23.2.3, referring to the updated ISO standard 799-1:2019, Ships and marine technology – Pilot ladders, in the 2020 SOLAS consolidated edition, to the NCSR Sub-Committee for consideration and advice to the Committee, taking into account the comments by IACS in document MSC 104/1/2/Add.1, annex 1 (MSC 104/18, paragraph 17.27).

13.49 In this regard, the Committee approved the update of the footnote in the 2020 SOLAS consolidated edition, referring to the updated ISO standard 799-1:2019 under SOLAS regulation V/23.2.3.

14 IMPLEMENTATION OF IMO INSTRUMENTS

Report of III 8 and related matters

14.1 The Committee approved, in general, the report of the eighth session of the Sub-Committee on Implementation of IMO Instruments (III 8/19 and MSC 106/14), and took action as indicated below. With regard to document MSC 106/14/1 (Canada et al.), regarding IQARB matters, the Committee agreed to consider it with the related documents submitted under agenda item 18 (Any other business) (see paragraphs […] to […]).

Safety issues that need further consideration

14.2 The Committee noted the Sub-Committee's discussions on document III 8/4 (Sweden) on the report of the Correspondence Group regarding how containers should be secured on deck, taking into account the work being undertaken by the Top Tier joint industry project (JIP) on securing containers safely, as described in document MSC 104/17/4 (Australia et al.), and that the Correspondence Group on Analysis of Marine Safety Investigation Reports had been instructed to develop a proposal for a new output for preventing the loss of containers at sea.

14.3 In this connection, the Committee, having noted that 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" was currently on the agenda of the CCC Sub-Committee, instructed the Correspondence Group to take the ongoing work in the Sub-Committee into account when developing the proposal for the new output.

14.4 The Committee noted the Sub-Committee's discussions on occupational accidents (falls from height) (III 8/4, annex 6) which might justify a new output, and that the Correspondence Group on Analysis of Marine Safety Investigation Reports had been instructed to develop a proposal for a new output on guidelines addressing the identified safety issues of seafarers exposed to risk of falls from height; with the HTW Sub-Committee as the coordinating body.

Updated Procedure for identifying and forwarding safety issues

14.5 The Committee recalled that MSC 104, taking into account the relevant decision of MSC 101, and the agreement of the FSA Expert Group on the need to revise the risk assessment criteria in the *Procedure for identifying safety issues* developed by III 5 (III 5/15, annex 2), had instructed III 8 to review the risk assessment criteria in the Procedure, taking into account documents MSC 102/12 (Chair of the FSA Experts Group) and MSC 102/12/1 (IACS), and submit a revised draft Procedure to the Committee for consideration.

14.6 The Committee, having noted the inclusion of a direct reference to paragraph 5.2.2 and appendix 4 of the *Revised Guidelines for formal safety assessment (FSA) for use in the IMO rule-making process* (MSC-MEPC.2/Circ.12/Rev.2), with respect to the risk matrix and risk assessment criteria, approved the updated *Procedure for identifying and forwarding safety issues*, as set out in annex […]

Proposal for a new output to amend the Casualty Investigation Code to mandate root causes investigation

14.7 The Committee recalled that MSC 105, following consideration of document MSC 104/15/16 (Vanuatu et al.), proposing a new output to amend the Casualty Investigation Code to mandate a root cause investigation, had instructed the III Sub-Committee to assess the proposal and report back to the Committee.

14.8 Having noted concerns expressed at III 8 (III 8/18, paragraph […]) that the proposal may not be in line with the principles of the Casualty Investigation Code and resolution A.1075(28) on *Guidelines to assist investigators in the implementation of the Casualty Investigation Code (resolution MSC.255(84)*, the Committee endorsed the Sub-Committee's recommendation not to support the proposal.

Draft guidance framework for the application of casualty cases and lessons learned to seafarers' education and training

14.9 The Committee noted that HTW 8 had agreed to the draft Guidance framework for the application of casualty cases and lessons learned to seafarers' education and training (HTW 8/WP.7, annex 2), and had invited the III Sub-Committee to review the appendix for submission to the Committee with a view to approval.

14.10 Having agreed to the recommendation of III 8 that the appendix to the draft Guidance framework should be removed and that paragraph 4.3 should be replaced with the following alternative text:

> "Training institutions collect cases in a timely manner through different channels, including sources, such as the GISIS MCI module, official websites of Member States and relevant organizations that publish casualty information; shipping companies, classification societies, and insurance agencies."

the Committee approved MSC.1/Circ.[…] on *Guidance framework for the application of casualty cases and lessons learned to seafarers' education and training*.

Appropriateness and effectiveness of SOLAS regulation XI-1/6

14.11 The Committee noted the outcome of III 8's considerations regarding the appropriateness and effectiveness of SOLAS regulation XI-1/6 (Additional requirements for the investigation of marine casualties and incidents), based on the outcome of the analysis of the

first four Consolidated Audit Summary Reports (CASRs) by the Sub-Committee, as referred to by MSC 105; and that III 8 had invited interested Member States to submit a proposal concerning the review of the appropriateness and effectiveness of said regulation.

Extension of scope of output (7.5)

14.12 The Committee approved, subject to concurrent decision by MEPC, the recommendation of III 8 to rename output 7.5 (…) as "Identified issues relating to the implementation of IMO instruments from the analysis of data" from "Identified issues relating to the implementation of IMO instruments from the analysis of PSC data", thereby extending its scope.

Process of updating the Survey Guidelines under the HSSC

14.13 The Committee recalled that A 31, having considered document A 31/10/2 (Germany et al.), in connection with the draft Assembly resolution on the Survey Guidelines under the HSSC, had noted that a number of delegations supported the proposals contained therein, in particular regarding the principle that draft amendments to the Guidelines should be linked to mandatory requirements.

14.14 The Committee also recalled that MSC 104 had instructed III 8 to consider the matter (MSC 104/18, paragraphs 2.4 to 2.5), seek the Committees' advice in case a policy decision was needed, and report back to the Committees accordingly.

14.15 Consequently, the Committee, subject to concurrent decision of MEPC:

.1 re-affirmed the agreed methodology (MSC 78/26, paragraph 10.12; MEPC 49/22, paragraph 10.2.9) that the III Sub-Committee should coordinate the review so that, whenever an amendment to a statutory instrument was adopted which entailed consequential amendments to the HSSC Survey Guidelines, draft amendments to the Guidelines should be developed by the Sub-Committee under its continuous item on "Updated Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)" before the entry into force of the amendments;

.2 agreed to the principle that draft amendments to the Survey Guidelines should be derived from, and linked to, mandatory requirements, which,

however, should not mean that in describing how the items should be surveyed, additional and effective implementing measures directly linked to the mandatory requirements were excluded from the scope of the Guidelines;

.3 endorsed the view of the Sub-Committee that the phrase "directly linked to requirements in mandatory instruments" should be understood as "the Survey Guidelines under the HSSC should include survey instructions for items based on mandatory instruments"; and

.4 endorsed the recommendation of the Sub-Committee that the review exercise to identify any existing gaps between the Survey Guidelines and the mandatory requirements, with a view to removing those items not directly linked to requirements in mandatory instruments, should not prevent the approval and adoption of updated Guidelines as usual, given that the review exercise might take time to complete.

Guidance concerning remote surveys, ISM Code audits and ISPS Code verifications

14.16 The Committee noted the progress made on the development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications (output 1.18), in particular the framework for the output, roadmap and methodology, as well as the way forward.

Assembly resolutions to be prepared by III 9

14.17 In considering the authorization for III 9 to report the outcome on matters related to draft Assembly resolutions directly to A 33, the Committee noted the following views:

.1 careful consideration was necessary, in particular regarding technical aspects of remote surveys, ISM Code audits and ISPS Code verifications;

.2 Committee 2 of the Assembly would provide the opportunity for further discussion of matters related to the draft Assembly resolutions;

.3 all resolutions referred to were the result of continuous work of the Sub-Committee with opportunities to update or improve them in the near future; and

.4 the matters addressed by those resolutions were urgent and they needed to be adopted by the Assembly, bearing in mind that the Committee had on previous occasions authorized the Sub-Committee to report directly to the Assembly if the Committees did not meet after a meeting of the III Sub-Committee and before the following Assembly meeting.

14.18 Consequently, the Committee authorized III 9, subject to concurrent decision by MEPC, to report the outcome of its work related to the Procedures for Port State Control, 2023; the Survey Guidelines under the HSSC 2023, including provisions for remote surveys; the revised Guidelines on the implementation of the ISM Code by Administrations, including provisions for remote ISM Code audits; and the Non-exhaustive list of obligations under instruments relevant to the III Code, which would require the adoption of Assembly resolutions, directly to A 33.

Model courses and e-learning

14.19 The Committee recalled that MSC 102 had requested the III Sub-Committee to consider how e-learning training material could assist with the implementation of instruments other than the STCW Convention and advise the Committee accordingly.

14.20 In this context, taking into account the workloads of sub-committees, the Committee, subject to concurrent decision by MEPC, as appropriate, requested the Secretariat to provide a list of relevant e-learning courses under the remit of each sub-committee to assist in their prioritization by the sub-committees in relation to the implementation of instruments other than the STCW Convention , taking into account the List of IMO Model Courses set out in annex 7 to document III 8/19, but not limited to the courses in the list.

Provisions in IMO instruments containing the phrase "to the satisfaction of the Administration"

14.21 The Committee considered an issue raised by the delegation of Singapore in connection with their recent IMO Member State Audit Scheme (IMSAS) audit, concerning the implementation of provisions in IMO instruments containing the phrase "to the satisfaction of the Administration", or equivalent.

14.22 Following a lengthy discussion during which a number of Member States stated that the same issue had been raised during their IMSAS audits, the Committee identified the following three main aspects of the issue:

.1 The individual flexibilities accorded by the various instruments, which were included for various reasons and should remain, and the potential lack of harmonization. There had been no support in the Committee to tackle each provision individually.

.2 The documentation/structure that Administrations must provide in order to demonstrate compliance with each provision that includes the statement "to the satisfaction of the Administration", or equivalent. There was no consistent way to document the interpretations or guidelines in such cases and delegations raised concerns about the administrative burden in developing such documentation.

.3 The audit process must provide assurance to Administrations that these flexibilities as envisaged by the IMO instruments will be accepted by the auditors. This relates to evidence that auditors will want to see and accept during an audit, which must be applied in a harmonized way across all audits conducted.

14.23 Consequently, the Committee instructed the III Sub-Committee to:

.1 develop guidance for Administrations on the documentation/structure that they should provide to demonstrate compliance with provisions that include the statement "to the satisfaction of the Administration", or equivalent, taking into account that not all flexibilities provided by various IMO instruments are the same, avoiding imposing an administrative burden on Administrations; and

.2 develop guidance for IMSAS auditors on how to audit provisions that include the statement "to the satisfaction of the Administration" to ensure compliance and acceptance of the flexibilities as envisaged by relevant IMO instruments, including guidance on what type of information auditors should seek and review as evidence to verify compliance. The Sub-Committee should provide their views and recommendations on the matter to the Committee so that they can be forwarded to the Council when convening the Joint Working Group on the Member States Audit Scheme (JWGMSA) that is expected to revise the Auditors' Manual.

14.24 In this context, the Committee invited Member States and interested parties to submit documents, under current output 1.14 on "Development of guidance in relation to IMSAS to assist in the implementation of the III Code by Member States", to III 9 to facilitate the discussions on the matter.

15 APPLICATION OF THE COMMITTEE'S METHOD OF WORK

15.1 Having recalled that proposed actions on matters postponed from MSC 105 pertaining to this agenda item had been considered by correspondence (MSC 106/1/2 and Add.1), and that it had approved the proposed actions under agenda item 1 (see paragraph […]), the Committee noted that MEPC 78 had concurrently approved the revised *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.3).

15.2 The Committee noted that C 127, when considering lessons learned from holding remote meetings, had invited the Committees to review their methods of work and report to the Council on their experience. In this regard, the Committee considered document MSC 106/2/2 (Canada et al.), containing proposals to amend the Committee's method of work (MSC-MEPC.1/Circ.5/Rev.3) to incorporate efficiency measures introduced during the holding of remote meetings.

Proposal to generally not introduce documents in plenary

15.3 In considering the proposal of not introducing documents in plenary unless the Chair decides otherwise, bearing in mind that this principle does not limit the possibility of submitters to introduce additional supporting information, the Committee noted the following comments:

.1 retaining efficiency measures adopted during the pandemic would help reducing the backlog of work and better manage the increasing workload of the Committees. In particular, not introducing documents was saving a considerable amount of time during meetings;

.2 returning to full-day meetings provided sufficient time to consider all documents submitted; therefore it was preferable not to use a one size fits all approach and to allow for some flexibility in the introduction of documents;

.3 submitters should be given the opportunity at a meeting to provide context and additional information not included in the submitted document, or to highlight issues not introduced in the document summary provided by the Chair; or to provide relevant updates on the proposals since documents may have been submitted a long time before a meeting;

.4 submitters should provide any additional information at the start of the discussion on the document; and

.5 the reports of subsidiary bodies should be introduced in plenary since this benefited those participants that did not attend the subsidiary bodies' meetings.

15.4 In this regard, the delegation of the Cook Islands stated that they did not support the non-introduction of documents and that the decision to introduce a document should remain with the submitter.

15.5 Several delegations expressed their preference to discuss the proposals made in the document in the Council. In this regard, the Chair clarified that decisions on the method of work remained with individual committees, as set out in the IMO Convention.

15.6 Following discussion, the Committee, having noted that many delegations supported the proposal to generally not introduce documents, agreed that some flexibility should be given to allow submitters to introduce additional context and information not included in the submitted document, such as relevant updates or necessary clarifications, and that such information would be provided at the start of the relevant discussion.

Proposal to continue the practice of decisions by correspondence

15.7 In considering the proposal to continue the practice of decisions by correspondence prior to a meeting, the Committee noted the following comments:

.1 the proposal was aimed at streamlining the work of the Organization and not intended to bypass discussions that were needed in plenary;

.2 this practice imposed additional burden on delegations upstream and experience showed that very few delegations had provided input regarding decisions proposed to be taken by correspondence;

.3 consideration by correspondence had many limitations, it was difficult to respond in a short time, and this did not contribute to a constructive debate;

.4 the type of documents dealt with by correspondence should be and remain limited;

.5 draft terms of reference should not be considered by correspondence;

.6 delegations should be able to raise any disagreement with the proposals considered by correspondence and there should be no limitation to the discussions in plenary on items dealt with by correspondence, regardless of the type of document; and

.7 the need for efficiency should not limit discussions or comments on any decisions made and should not jeopardize the full participation in the decision-making process of any delegation and in particular smaller ones.

15.8 Following discussion, the Committee agreed to limit the type of documents to be considered by correspondence to documents requiring no other action than to be noted and documents deferred from previous sessions where the subject matter had been overtaken by events; and that any proposal dealt with by correspondence should be subject to approval and endorsement in plenary by the relevant body.

Proposal to introduce a five working days period for commenting on the draft report

15.9 Regarding the proposal to introduce a five working days period for commenting on the draft report by correspondence, the Committee noted the following comments:

.1 the practice to allow comments on the draft report after it had been read improved the quality of the final report;

.2 the practice had been introduced to address rare instances where delegations were not able to comment on the draft report on the last day of the meeting, such as connection problems, and therefore seemed no longer necessary;

.3 if maintained, comments submitted during this period should be limited to editorials and statements by delegations and should not reopen any discussion or decision made in plenary; and

.4 while this practice was beneficial for delegations, it also delayed the work of the Secretariat in producing the final report.

15.10 Following discussion, the Committee agreed to maintain the practice of a five-working-day period for commenting on the draft report by correspondence introduced for remote meetings and that comments submitted during the five-day period should be limited to editorials and statements by delegations.

Establishment of a drafting group

15.11 Having considered the above matters, the Committee established the Drafting Group on amendments to the Committee's method of work and instructed it, taking into account the decisions made in plenary on the proposals in document MSC 106/2/2, to prepare amendments to the relevant text passages of the *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.3).

Report of the Drafting Group

15.12 Having considered the report of the Drafting Group (MSC 106/WP.12), the Committee approved it in general and took action as follows:

.1 approved the inclusion of a new sub-section on "Preparation of the Committees' or subsidiary bodies reports" (MSC 106/WP.12, annex), after existing paragraph 4.36, in the method of work (MSC-MEPC.1/Circ.5/Rev.3), renumbering the remaining paragraphs;

.2 did not agree to the new proposed section on "Consideration by correspondence" (MSC 106/WP.12, annex) at this time, but was of the view that a more informed discussion on the proposed deadlines was necessary and, therefore, agreed to postpone a decision on the final text of this section to the next session, requesting the Secretariat to submit a document to support this discussion to the next session. In view of this decision, the Committee also agreed that no documents would be considered by correspondence at the next session;

.3 approved amendments to existing paragraph 6.3 of the method of work (MSC 106/WP.12).

15.13 Following the approval of the aforementioned amendments, as set out in annex […], subject to concurrent approval by MEPC, the Committee requested the Secretariat to revise the *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.3) accordingly, and issue the revised method of work as MSC-MEPC.1/Circ.5/Rev.4.

16 WORK PROGRAMME

Proposals for new outputs

16.1 The Committee recalled that, owing to time constraints at its last two sessions, the consideration of five proposals for new outputs submitted to MSC 104 and one proposal submitted to MSC 105 had been postponed to this session.

Mandatory root cause investigation

16.2 The Committee recalled that MSC 105 had considered document MSC 104/15/16 (Vanuatu et al.), proposing to amend the Casualty Investigation Code to mandate a root cause investigation and had instructed the III Sub-Committee to assess the proposal and report back to the Committee.

16.3 In this regard, the Committee noted that it had considered the matter under agenda item 14 (Report of III 8) and had endorsed the recommendation of III 8 not to support the proposal (see paragraphs 14.[…] to 14.[…]).

FSS Code system control requirements of fixed gas fire-extinguishing systems

16.4 The Committee considered document MSC 104/15/20 (China), proposing to amend the FSS Code in relation to the system control requirements of fixed gas fire-extinguishing systems.

16.5 Following consideration, having noted views and concerns of several delegations questioning the compelling need for the suggested FSS Code amendments, and also taking into account the workload of the SSE Sub-Committee, the Committee did not agree to the proposal.

Unified requirements for deck foam systems on tankers of different deadweight

16.6 The Committee considered document MSC 104/15/21 (China), proposing to amend SOLAS regulation II-2/10.8.1 to provide unified requirements for deck foam systems on tankers of different deadweight.

16.7 Following consideration, having noted views and concerns of several delegations regarding possible safety implications and lack of thorough analysis, also taking into account the workload of the SSE Sub-Committee, the Committee did not agree to the proposal and invited the proponents to resubmit the proposal to a future session, taking into account the views and concerns expressed.

Safety of pilot transfer arrangements

16.8 The Committee had for its consideration the following documents:

.1 MSC 104/15/23 (China), proposing to amend SOLAS regulation V/23 and associated instruments, including resolution A.1045(27) on *Pilot transfer arrangements* and MSC.1/Circ.1428 on *Required boarding arrangements for pilots*, to improve the safety of pilot transfer arrangements;

.2 MSC 104/15/32 (IMPA), commenting on document MSC 104/15/23 and supporting the proposal by China that SOLAS regulation V/23 and resolution A.1045(27) be revised to ensure that they were consistent with the recent revisions to ISO's standard 799 (*Ships and Marine Technology – Pilot ladders standards*); and

.3 MSC 104/15/35 (Türkiye), commenting on the proposal by China and suggesting that the term "pilot transfer arrangements" be discussed in a holistic way in order to include the transfer of a pilot from the pilot station to the ship and back, including the development of appropriate guidance for non-SOLAS ships.

16.9 The Committee also considered:

.1 document MSC 104/17/8 (China), proposing amendments to SOLAS regulation V/23.3.3.2 for pilot ladders for approval at this session due to the urgent need; and also recommending that an early implementation circular for these amendments be issued at this session; and

.2 the related outcome of III 8 (MSC 106/14, paragraph 2.3), regarding pilot ladder-related safety issues, including associated transfer arrangements.

16.10 In considering the proposals, the Committee noted that China, in document MSC 104/15/23, had proposed two aspects in relation to SOLAS regulation V/23:

.1 addressing maintenance and inspection requirements for pilot transfer arrangements; and

.2 clarifying the requirements for the pilot ladder when using a combination arrangement,

whereas their document MSC 104/17/8 only addressed the issue of technical requirements for pilot ladders as part of the combination arrangements in SOLAS regulation V/23.3.3.2 and, thus, further amendments to SOLAS regulation V/23 would be required.

16.11 The Committee also noted views that the proposals in document MSC 104/15/35 would entail expanding the proposed output beyond ship arrangements, including non-SOLAS ships, and that this would require further detailed information for appropriate consideration.

16.12 Following consideration, the Committee:

.1 recognizing the urgent need to address this matter, agreed to include in the biennial agenda of the NCSR Sub-Committee for 2022-2023 and the provisional agenda for NCSR 10 an output on "Revision of SOLAS regulation V/23 and associated instruments to improve the safety of pilot transfer arrangements", with a target completion year of 2024; and

.2 instructed the NCSR Sub-Committee to consider also, as part of this output, the comments emanating from III 8 concerning pilot ladder safety issues.

16.13 The Committee also agreed that:

.1 the proposals in document MSC 104/15/35 would not be considered as part of the work of this output; and

.2 the proposed draft amendments in document MSC 104/17/8 would not be approved at this stage.

16.14 In approving the new output, the Committee agreed, in accordance with MSC.1/Circ.1481 and MSC.1/Circ.1500/Rev.1, that:

.1 the output was to amend SOLAS regulation V/23, resolution A.1045(27) as amended, and MSC.1/Circ.1428;

.2 the amendments to SOLAS regulation V/23 relating to maintenance and inspection and to MSC.1/Circ.1428 should apply to all ships on all voyages; and the amendments to resolution A.1045(27) should apply, in principle, to new ships, and equipment and arrangements for pilot transfer on existing ships, on all voyages; 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 guidance to assist competent authorities in the implementation of the 2012 Cape Town Agreement

16.15 The Committee considered document MSC 104/15/27 (Iceland et al.), proposing to develop guidance in order to assist competent authorities in the implementation of the Cape Town Agreement of 2012; together with documents MSC 103/20/2 (Iceland et al.), providing relevant draft guidance, and MSC 103/20/11 (Iceland et al.) on a work plan to address issues related to the implementation of the Agreement.[3]

16.16 During the ensuing discussion, the Committee noted the overwhelming support for the proposal to develop guidance, as well as declarations of intent by several delegations regarding accession to the 2012 Cape Town Agreement. In this connection, the Committee also noted a statement by the observer from Pew, strongly supporting the development of guidance on the implementation of the Agreement, the full text of which is set out in annex [...].

16.17 Consequently, the Committee agreed:

[3] **Focal point:**
Mr. Víctor Jiménez Fernández,
Counsellor for Transport – Alternate Perm. Rep. to IMO
Embassy of Spain in London
Email: vjfernandez@mitma.es
Website: https://www.icetra.is/maritime/international-maritime-organization-imo/cta

.1 to include in the biennial agenda of the III Sub-Committee for 2022-2023 and the provisional agenda for III 9 an output on "Development of guidance to assist competent authorities in the implementation of the Cape Town Agreement of 2012", with a target completion year of 2024; and

.2 that the scope of the guidance should be limited to matters under the purview of the Organization only.

Amendments to SOLAS regulation V/19-1 on LRIT

16.18 The Committee considered document MSC 104/15/28 (Brazil et al.), proposing to amend SOLAS regulation V/19-1 to allow coastal States to receive LRIT information at the standard transmission rate free of charge.

16.19 In this regard, the Committee recalled that the LRIT system had been developed initially to enhance maritime security and for search and rescue and that, as set out in resolution MSC.242(83), it had agreed that SOLAS Contracting Governments might request, receive and use LRIT information for safety and marine environment protection purposes as well.

16.20 The Committee noted, in particular, that the proposal would entail providing LRIT information transmitted at the standard rate (six hours) free of charge to coastal States for ships navigating within a distance not exceeding 1,000 nautical miles of their coast.

16.21 During the consideration, many delegations supported the proposal, recognizing the responsibilities of coastal States concerning the safety of life at sea, safety of navigation and protection of the marine environment and maritime security. One delegation drew the attention of the Committee to the fact that Contracting Parties have not used the LRIT system to its full potential due to its current financial arrangements. Other delegations, while sympathizing with the intent of the proposal, were of the view that making the information available free of charge to coastal States would jeopardize the financial sustainability of the LRIT system and would shift the cost to flag States instead of coastal States requesting the information, the implications of which had not been duly considered. Therefore, the Committee concluded that further information was necessary to consider how the cost-related issues would be addressed.

16.22 Following extensive consideration, the Committee did not agree to the proposal and invited interested parties to consider re-submitting the proposal to a future session, addressing cost implications.

Development of measures to ensure safe operation of elevators on board ships

16.23 The Committee considered document MSC 105/13 (Secretariat) and annex 2 to the report of III 7 (III 7/17), proposing to amend SOLAS chapter II-1 to address the safe operation of elevators and develop non-mandatory guidelines on the design, installation, maintenance, inspection and operation of elevators on board ships.

16.24 In this regard, the Committee noted that the output had been proposed for inclusion in the 2022-2023 biennial agenda of the SSE Sub-Committee, but that the current workload of the Sub-Committee did not allow the inclusion of an additional item as proposed.

16.25 Following discussion, the Committee agreed to include in its post-biennial agenda an output on "Development of measures to ensure the safe operation of elevators on board ships", including amendments to SOLAS chapter II-1 and non-mandatory guidelines on the design, installation, maintenance, inspection and operation of elevators on board ships, with four sessions needed to complete the item, assigning the SSE Sub-Committee as the associated organ.

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

.1 the amendments to SOLAS chapter II-1 to be developed should apply to new ships concerning requirements for design and installation; while maintenance, and inspection and safe operation requirements should apply to all ships equipped with elevators to which SOLAS applies;

.2 the output was to amend SOLAS chapter II-1; and

.3 the amendments to be developed should enter into force on 1 January 2032, provided that they were adopted before 1 July 2030.

Amendments to MSC.1/Circ.1331

16.27 The Committee considered document MSC 106/16 (Denmark et al.), proposing a new output to amend the *Guidelines for construction, installation, maintenance and inspection/survey of means of embarkation and disembarkation* (MSC.1/Circ.1331) to address the safety risk to crew when rigging safety netting from the ship's deck to the outboard side of an accommodation ladder and/or gangway.

16.28 Consequently, the Committee agreed to include in its post-biennial agenda an output on "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", with one session needed to complete the item, assigning the SDC Sub-Committee as the coordinating organ, in association with the SSE Sub-Committee, as and when requested by the SDC Sub-Committee.

Revision of resolution A.1050(27) to ensure safety of personnel entering enclosed spaces aboard ships

16.29 The Committee had for its consideration the following documents:

.1 MSC 106/16/1 (China), proposing a new output to revise the *Revised recommendations for entering enclosed spaces aboard ships* (resolution A.1050(27)) to ensure the safety of personnel entering enclosed spaces on board ships;

.2 MSC 106/16/2 (Islamic Republic of Iran), commenting on document MSC 106/16/1 and proposing that the Committee ensure the implementation of SOLAS regulation XI-1/7 (Atmosphere testing instrument for enclosed spaces) under the survey and certification process in the context of this output, as well as amendments to said regulation, and SOLAS regulation I/12 (Issue or endorsement of certificates) and the Form of Safety Equipment Certificate for Cargo Ships; and

.3 MSC 106/16/4 (United Kingdom et al.), proposing the expansion of the scope of the proposed output, to undertake a comprehensive review of resolution A.1050(27), involving other IMO bodies, and consider additional information and data on matters relating to enclosed space incidents.

16.30 In this regard, the Committee recalled that MSC 101 had included in the provisional agenda for CCC 7 an output on "Revision of the *Revised recommendations for entering enclosed spaces aboard ships* (resolution A.1050 (27))" with a very specific narrow scope; and that consideration had started at CCC 8 which had agreed to keep the item in abeyance, pending the decision of the Committee on this proposed new output with an expanded scope (MSC 106/16/5, paragraph 2.4).

16.31 Consequently, the Committee agreed to include in the biennial agenda of the CCC Sub-Committee for 2022-2023 and the provisional agenda of CCC 9 an output on "Revision of

resolution A.1050(27) to ensure the safety of personnel entering enclosed spaces on board ships", with a target completion year of 2024, in association with the III, HTW, PPR, SDC and SSE Sub-Committees, as and when requested by the CCC Sub-Committee. The Committee also agreed that the new output would absorb the ongoing work in the CCC Sub-Committee on the matter.

Revision of the GISIS Maritime Security Module to include port facility security level notification

16.32 The Committee considered document MSC 106/16/3 (Islamic Republic of Iran), proposing a new output to modify the GISIS Maritime Security Module to include port facility security level notifications by SOLAS Contracting Governments, with a view to improving the accuracy of such information for shipping companies and port operators and assisting Contracting Governments and their designated authorities in enhancing the security of port facilities under their authority.

16.33 Following consideration, the Committee, taking into account the lack of an associated mandatory provision, security issues due to the sensitivity of the information, and the significant burden this would impose on SOLAS Contracting Governments, did not agree to the proposal.

Review of SOLAS regulation IV/5 (Provision of radiocommunication service)

16.34 The Committee recalled that MSC 105, when considering III 7's initial analysis and recommendation of the effectiveness and appropriateness of SOLAS regulation IV/5, had instructed III 8 to prepare a justification for a new output for the NCSR Sub-Committee, to be submitted to MSC 106 for consideration.

16.35 In this context, the Committee considered document MSC 106/14 (Secretariat) on the outcome of III 8, together with the report of III 8 (III 8/19), which proposes reviewing the appropriateness and effectiveness of SOLAS regulation IV/5.

16.36 During consideration, the Committee noted that the provisions in SOLAS regulation IV/5 in force at the time of the referenced Member State audits were due to be replaced by SOLAS amendments adopted at MSC 105 (resolution MSC.496(105)), developed in the context of the modernization of the GMDSS, which would enter into force on 1 January 2024; but that, however, the base elements or principles had not changed much in terms of obligations of Contracting Governments.

16.37 Consequently, the Committee agreed to include in its post-biennial agenda an output on "Review of the appropriateness and effectiveness of SOLAS regulation IV/5 (Provision of

radiocommunication service)", with two sessions needed to complete the item, assigning the NCSR Sub-Committee as the associated organ.

Endorsement of new outputs

16.38 The Committee invited the Council to endorse the agreed new outputs, in accordance with Assembly resolution A.1149(32) on revised *Strategic Plan for the Organization for the six-year period 2018 to 2023*.

Biennial status report and post-biennial agenda of the Committee

16.39 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 its report on the status of outputs for the 2022-2023 biennium and its post-biennial agenda, as set out in annexes [...] and [...], respectively.

Biennial agendas and biennial status reports of the sub-committees and provisional agendas for their forthcoming sessions

Urgent matters emanating from CCC 8

16.40 Having noted that CCC 8 had met from 14 to 23 September 2022 and that its report on that session (CCC 8/18) would be considered at MSC 107, the Committee considered document MSC 106/16/5 (Secretariat), containing urgent matters emanating from the session.

Safe decarbonization

16.41 The Committee noted the deliberations of CCC 8, in particular its invitation to interested Member States and international organizations to liaise with IACS with a view to submitting a proposal for a new output on a holistic approach for the development of safety requirements at the needed pace to support the achievement of the Organization's decarbonization goal to MSC 107.

16.42 In this regard, the Committee invited the Technical Cooperation Committee to consider measures to support the worldwide implementation of IMO instruments related to safe decarbonization, including the safety provisions for alternative fuels and related technologies.

16.43 The Committee agreed to expand the scope and amend the title of existing output 2.3 to read "Amendments to the IGF Code and development of guidelines for alternative fuels and

related technologies", in order to accommodate the consideration of alternative fuels not having a low-flashpoint, and endorsed the updated work plan for the development of the IGF Code and safety provisions on alternative fuels. In this regard, the Committee instructed the CCC Sub-Committee to coordinate directly with other relevant IMO bodies, as necessary, in order to progress the output in an expeditious manner.

Use of the hybrid meeting system

16.44 The Committee noted the high level of satisfaction of the Sub-Committee with the use of the hybrid meeting system to complement in-person meetings and observations on the experience gained with the new system.

Biennial agenda of the CCC Sub-Committee and provisional agenda for CCC 9

16.45 The Committee, having recalled its earlier decision to include a new output on "Revision of resolution A.1050(27) to ensure the safety of personnel entering enclosed spaces on board ships" in the biennial agenda of the CCC Sub-Committee for 2022-2023 and the provisional agenda for CCC 9 (see paragraphs [16…] to [16…]), replacing the existing output on "Revision of the revised recommendations for entering enclosed spaces aboard ships (resolution A.1050(27))", noted the biennial status report of the Sub-Committee for the 2022-2023 biennium and approved the provisional agenda for CCC 9, as set out in annexes […] and […], respectively.

Biennial agenda of the HTW Sub-Committee and provisional agenda for HTW 9

16.46 The Committee confirmed the biennial status report of the Sub-Committee for the 2022-2023 biennium, as set out in annex […], and the provisional agenda for HTW 9, as approved at MSC 105.

Biennial agenda of the III Sub-Committee and provisional agenda for III 9

16.47 The Committee, having recalled its earlier decisions to:

.1 include a new output on "Development of guidance to assist competent authorities in the implementation of the Cape Town Agreement of 2012" in the biennial agenda of the III Sub-Committee for 2022-2023 and the provisional agenda for III 9 (see paragraph 16.17); and

.2 endorse, subject to concurrent decision by MEPC, the recommendation of the Sub-Committee to rename output 7.5 as "Identified issues relating to the implementation of IMO instruments from the analysis of data", extending the scope of the output (see paragraph [14...]),

noted the biennial status report of the Sub-Committee for the 2022-2023 biennium and approved the provisional agenda for III 9, as set out in annexes […] and […], respectively.

Biennial agenda of the NCSR Sub-Committee and provisional agenda for NCSR 10

16.48 Having recalled its earlier decision to include a new output on "Revision of SOLAS regulation V/23 and associated instruments to improve the safety of pilot transfer arrangements" (see paragraph 16.12), the Committee agreed to:

.1 include the following outputs from the post-biennial agenda in the biennial agenda of the NCSR Sub-Committee for 2022-2023 and the provisional agenda for NCSR 10:

.1 180 (Development of amendments to SOLAS chapters IV and V and performance standards and guidelines to introduce VHF Data Exchange System (VDES)); and

.2 181 (Development of performance standards for a digital navigational data system (NAVDAT)); and

.2 extend the target completion year of the following outputs to 2023:

.1 2.11 (Consideration of descriptions of Maritime Services in the context of e-navigation); and

.2 2.12 (Development of generic performance standards for shipborne satellite navigation system receiver equipment).

16.49 The Committee recalled that MSC 105 had agreed to include in the post-biennial agenda an output on "Amendments to the revised ECDIS performance standards (resolution MSC.232(82)) to facilitate a standardized digital exchange of ships' route plans", with one session needed to complete the item, and had invited NCSR 9, time permitting, to consider the scope of the output and report back to the Committee (MSC 105/20, paragraphs 18.20 and 18.21).

16.50 Having agreed with the advice by NCSR 9 that the scope of this output should be limited to amendments necessary to facilitate a standardized digital exchange of ships' route plans and that the work should be based on the ECDIS performance standards adopted at this session, the Committee renamed it as "Amendments to ECDIS performance standards (resolution MSC.[…](106)) to facilitate a standardized digital exchange of ships' route plans" and included it in the 2022-2023 biennial agenda of the Sub-Committee.

16.51 The Committee noted the biennial status report of the Sub-Committee for the 2022-2023 biennium and approved the provisional agenda for NCSR 10, as set out in annexes […] and […], respectively.

Authorization to NCSR 10

16.52 Having noted the close proximity of NCSR 10 and MSC 107, the Committee authorized NCSR 10 to submit, as urgent matters, the biennial status report for the 2022-2023 biennium, the proposed biennial agenda for the 2024-2025 biennium and the provisional agenda for NCSR 11 for approval to MSC 107, along with any other urgent matters requiring approval by that session of the Committee.

16.53 Following consideration of a proposal by the observer from WMO, the Committee authorized NCSR 10 also to submit, as an urgent matter, the Iridium SafetyCast service manual, updating the interim version (MSC.1/Circ.1613/Rev.1), for approval by MSC 107.

Biennial agenda of the SDC Sub-Committee and provisional agenda for SDC 9

16.54 The Committee confirmed the biennial status report of the Sub-Committee for the 2022-2023 biennium, as set out in annex […], and the provisional agenda for SDC 9, as approved at MSC 105.

Biennial agenda of the SSE Sub-Committee and provisional agenda for SSE 9

16.55 Having recalled its earlier agreement to:

.1 retain the output on "Development of provisions to prohibit the use of fire-fighting foams containing perfluorooctane sulfonic acid (PFOS) for firefighting on board ships" in the provisional agenda for SSE 9; and

.2 redefine the output dealing with single fall and hook systems in the context of the LSA Code as "Amendments to the LSA Code concerning single fall and hook systems with on-load release capability", and retain it in the provisional agenda for SSE 9,

the Committee confirmed the biennial status report of the Sub-Committee for the 2022-2023 biennium and the provisional agenda for SSE 9, as revised, as set out in annexes […] and […], respectively.

Intersessional meetings

16.56 The Committee approved, subject to endorsement by the Council, the holding of:

.1 two intersessional meetings of the E&T Group for the IMDG Code, one in the spring of 2023 and another one immediately after CCC 9;

.2 the nineteenth meeting of the Joint IMO/ITU Experts Group on Maritime Radiocommunication Matters in 2023;

.3 the thirtieth meeting of the ICAO/IMO Joint Working Group on Harmonization of Aeronautical and Maritime Search and Rescue in 2023;

.4 two intersessional meetings of the MSC/LEG/FAL Joint Working Group on MASS in 2023; and

.5 an intersessional meeting of the FSA Experts Group.

Substantive items for inclusion in the agendas for MSC 107 and MSC 108

16.57 Having considered the proposals in document MSC 106/WP.6, the Committee agreed to the substantive items to be included in the agendas for its 107th and 108th sessions, as set out in annex […].

Establishment of working and drafting groups at MSC 107

16.58 The Committee agreed that, based on the decisions taken under various agenda items, working and drafting groups on the following subjects may be established at MSC 107:

.1 MASS;
.2 fuel oil safety;
.3 GBS; and
.4 amendments to mandatory instruments.

Duration and dates of the next two sessions

16.59 The Committee noted that MSC 107 had been tentatively scheduled to take place from 31 May to 9 June 2023, and that MSC 108 had been scheduled to take place in spring 2024.

17 ELECTION OF CHAIR AND VICE-CHAIR FOR 2023

17.1 The Committee unanimously re-elected Mrs. Mayte Medina (United States) as Chair and Mr. Theofilos Mozas (Greece) as Vice-Chair, both for 2023.

18 ANY OTHER BUSINESS

General

18.1 The Committee recalled that MSC 105 had considered under this agenda item the impact of the COVID-19 pandemic on safety-related matters and matters deferred by MSC 102, MSC 103 and MSC 104; and postponed consideration of ISO matters, as well as all remaining documents submitted to MSC 105, to this session.

Matters considered by correspondence

18.2 Having considered, under agenda item 1 (see paragraph 1…), the Chair's proposals for actions to be taken under this agenda item in relation to documents considered by correspondence (MSC 106/1/2) and having noted that no comments on those proposed actions had been received, the Committee took decisions as set out in the following paragraphs.

IMO/IACS cooperation on the IACS Quality System Certification Scheme (QSCS)

18.3 The Committee noted the information provided in document MSC 105/19 (Secretariat), in particular that the IMO consultant/observer had continued participating in the QSCS implementation since their last report to MSC 103; and the information provided by the IMO observer, particularly concerning the developments of the Scheme from March 2021 to January 2022 and action taken by IACS to promote the IACS policy and objective of continued improvements to the Scheme.

18.4 The Committee requested the Secretariat to continue IMO's participation in IACS QSCS, as per the current agreement between IMO and IACS, and to provide a report to MSC 107.

Outcome of the third meeting of IQARB in the trial phase

18.5 The Committee noted the information provided in document MSC 105/19/3 (Secretariat), in particular on the outcome of the third meeting of the International Quality Assessment Review Body (IQARB) in the trial phase, held at IMO Headquarters on 11 and 12 October 2021, and requested the Secretariat to continue keeping it regularly updated on any developments during the trial phase (see also paragraphs 18.29 to 18.30).

Seafarers' access to the COVID-19 vaccination and medical care

18.6 With regard to the actions requested in document MSC 105/19/9 (Ecuador et al.), supported by document MSC 105/INF.13 (Panama), the Committee:

.1 urged Member States, international organizations, and intergovernmental and non-governmental organizations to join Panama's effort regarding seafarers' vaccinations;

.2 agreed that the Organization should encourage the establishment of other regional Maritime Humanitarian Hubs where the need was imperative due to the constant arrival of vessels and seafarers, in addition to supporting UN mechanisms led by WHO for the supply of vaccines that would be administered to seafarers in these regional humanitarian logistic centres;

.3 encouraged all Member States that had a maritime single window system to include the request for vaccine doses within this system in order to expedite the international maritime vaccination process; and

.4 urged IMO Members and other key sectors of the global maritime industry, echoing the Neptune Declaration, to continue to promote policies and measures that facilitate priority access to vaccines for seafarers, as well as improving the coordination needed for more expeditious crew changes, complying with the health protocols of the region or country where they take place.

18.7 With regard to the actions requested in document MSC 105/19/10 (ICS and ITF), commenting on document MSC 105/19/9 in the context of the ongoing practice of denying seafarers medical assistance in ports, including dental and optical care, the Committee invited Member States to:

.1 ensure that seafarers, as key workers, have the right to be treated with dignity and respect, taking into account that they spend most of their time travelling and at sea with a greater degree of testing and regular medical checks than any other person, and are only able to visit the shore for a short time, so a human approach to their medical needs and treatments must be respected; and

.2 acknowledge seafarers' key role and facilitate their repatriation, access to medical care and protection in respect of shipowners' protocols to avoid contagion especially during the gradual relaxation of COVID-19 restrictions.

Gaskets containing asbestos

18.8 With regard to the actions requested in document MSC 105/19/12 (Germany and Netherlands), proposing to amend MSC.1/Circ.1374 on *Information on prohibiting the use of asbestos on board ships*, in order to allow asbestos-containing gaskets in good condition if installed between 1 July 2002 and 1 January 2011, instead of removal, the Committee approved the proposed amendments to MSC.1/Circ.1374 and requested the Secretariat to issue a revision, to be disseminated as MSC.1/Circ.1374/Rev.1.

Two-way communication service on Cospas-Sarsat distress beacons

18.9 The Committee noted the information in document MSC 105/INF.5 (Austria et al.) on the preliminary results of the demonstration of a two-way communication service on Cospas-Sarsat distress beacons and the results of the stakeholders' consultation.

Terrestrial radio navigation systems

18.10 The Committee noted the information in document MSC 105/INF.10 (Finland et al.) on a new approach towards a terrestrial radio navigation system suitable for use as a stand-alone maritime positioning and backup system for today's satellite navigation systems.

Best practice guidance released by ICS

18.11 The Committee noted the information in document MSC 105/INF.11 (ICS) on recent and forthcoming best practice guidance released in 2021 and 2022 by ICS, including Bridge Procedures Guide, Sixth Edition; Maritime Security: A Comprehensive Guide for Seafarers, Companies and Administrations, First Edition; and Guide for Ship/Helicopter Operations, Fifth Edition.

ISO related matters

ISO/PAS 23678 (series) and implementation of resolution MSC.402(96)

18.12 In relation to the standard ISO/PAS 23678 and the implementation of the *Requirements for maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear* (resolution MSC.402(96)), the Committee recalled that the consideration of relevant documents submitted to MSC 102, MSC 103 and MSC 104 had been postponed to this session, due to time constraints (MSC 105/20, paragraph 19.10).

18.13 In this respect, the Committee considered the following documents, submitted to previous sessions:

.1 MSC 102/22/6 (ISO), informing of the recent publication of ISO/PAS 23678, in support of the effective implementation of the Requirements (resolution MSC.402(96)), which took effect on 1 January 2020;

.2 MSC 103/20/15 (IACS), commenting on document MSC 102/22/6 and raising concerns about referencing an ISO publicly available specification (PAS) in the Requirements;

.3 MSC 103/20/17 (ICS et al.), also commenting on document MSC 102/22/6 and, with respect to the proposed reference to ISO/PAS 23678:2020 (series) in resolution MSC.402(96), highlighting difficulties experienced by the industry due to the non-uniform interpretation of the terms "make and type" used in the Requirements;

.4 MSC 104/17/6 (CESA), raising concerns regarding non-uniform interpretations of the terms "make" and "type" and suggesting modifications to resolution MSC.402(96) to clarify these terms and to develop a GISIS module serving as a database of products for clarity and consistency in the naming of them;

.5 MSC 105/19/1 (Secretariat), recalling the discussion related to the publication of ISO/PAS 23678; its status as a publicly available specification; the possibility of making reference to it in resolution MSC.402(96); and clarification of some of the terms and requirements in the resolution;

.6 MSC 105/19/5 (ILAMA), sharing views on the questions raised by the Secretariat in document MSC 105/19/1, with the aim to support the Committee in making informed decisions on the matters related to the clarification of requirements in resolution MSC.402(96);

.7 MSC 105/19/6 (ISO), addressing the status of ISO PAS and proposing that PAS be referenced in IMO instruments;

.8 MSC 105/19/7 (CESA), reiterating concerns regarding non-uniform interpretations of the terms "make" and "type"; emphasizing the significance of competent personnel trained and certified for individual LSA models and performing services using type specific tools and maintenance manuals; and

.9 MSC 105/19/8 (IACS), seeking clarification as to whether SOLAS regulation III/20.11 and resolution MSC.402(96) were applicable to inflated rescue boats.

18.14 Additionally, the Committee also had the following documents for its consideration, submitted to this session:

.1 MSC 106/18/3 (IACS), discussing the applicability of resolution MSC.402(96) to life-saving appliances installed on high-speed crafts and mobile offshore drilling units, with a view towards global and uniform implementation; and

.2 MSC 106/18/5 (ILAMA), commenting on the application and compliance of the recently published ISO 23678:2022 (series) in regard to the questions raised by the Secretariat in document MSC 105/19/1, with the aim to support the Committee in making informed decisions at MSC 106 on matters related to the status of the ISO/PAS series, seeking approval of a draft MSC circular, discussing the inclusion of a footnote to resolution MSC.402(96) and clarification of requirements in resolution MSC.402(96).

18.15 In this regard, the Committee recalled that SSE 8:

.1 had considered documents SSE 8/15/5 (IACS) and SSE 8/15/14 (ILAMA) relevant to the matter and had deferred them for further consideration to SSE 9, pending the outcome of MSC 105 on the issue; and

.2 had noted a statement by the observer from ISO, informing the Sub-Committee that the definitions of make and type in document SSE 8/15/14 had been submitted to ISO for inclusion in ISO 23678 for becoming an international standard; and that it was expected that ISO would publish the new standard around the time of MSC 105.

18.16 Taking into account the above, and in order to provide clear guidance to SSE 9 for its deliberations on the matter, the Committee considered, in particular:

.1 the status of ISO 23678 and referencing in the *Requirements for maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear* (resolution MSC.402(96)) through a footnote and an associated draft MSC circular; and

.2 referring all other matters relating to the implementation of the Requirements to SSE 9, in particular the clarification of the terms used in the Requirements, such as "certification programme", "make and type", including training requirements and establishing a GISIS module; and applicability of the Requirements to inflated rescue boats, including the applicability of SOLAS regulation III/20.11; as well as to the LSA equipment installed on high-speed craft and mobile offshore drilling units.

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

.1 the publication of ISO 23678:2022 was welcomed and a reference to ISO 23678:2022 in resolution MSC.402(96) could be added as a minor correction;

.2 it was premature to add a reference to ISO 23678:2002 as a footnote in resolution MSC.402(96) until it could be determined whether ISO 23678:2022 met the requirements of resolution MSC.402(96), which should be discussed among experts at the SSE Sub-Committee;

.3 the definitions of the terms "make" and "type" in ISO 23678:2022 should be used as reference in resolution MSC.402(96);

.4 the definitions of the terms "make and type" needed to be clarified in resolution MSC.402(96) and this matter should not be left to the ISO standard;

.5 the use of the terms "make" and "type" in the service engineer certificate issued by an approved service provider in accordance with the ISO standard should be limited to the equipment for which the manufacturer has provided maintenance manuals and other technical information;

.6 the definition of the term "type" in ISO 23678 conflicted with MSC's intention to ensure that type-specific competencies of service providers adequately reflected the large variety of technologies, equipment and functionalities of LSA;

.7 any amendments to resolution MSC.402(96) should be undertaken with a view to improving the ISO standard and ISO should be invited to develop a compatible standard in close cooperation with IMO;

.8 development of a new GISIS module with the makes, types, models and series of equipment was not supported;

.9 the application of resolution MSC.402(96) added some unforeseen burden, noting that the intention had been to facilitate uniform application and not to fundamentally change requirements for service providers;

.10 the draft MSC circular proposed in documents MSC 102/22/6 and MSC 106/18/5 was needed, with an additional paragraph to read "Member Governments are invited to consider and bring to the attention of ROs acting on their behalf International Standard ISO 23678:2022 when authorising service providers in accordance with resolution MSC.402(96)";

.11 the possible impact of the definitions in ISO 23678 on the implementation of resolution MSC.402(96) should be carefully considered; and

.12 the term "recognized national, international or industry standard" and its associated footnote as proposed in document MSC 106/18/5 needed to be further clarified.

18.18 Following discussion, the Committee agreed that it was premature to conclude on the matter of ISO Standard 23678 and the implementation of resolution MSC.402(96), and that more discussion by the technical experts in the SSE Sub-Committee was necessary. Consequently, the Committee instructed SSE 9 to consider, as an urgent matter, all relevant submissions (i.e. MSC 103/20/15, MSC 103/20/17, MSC 104/17/6, MSC 105/19/1, MSC 105/19/5, MSC 105/19/7, MSC 105/19/8, MSC 106/18/3 and MSC 106/18/5), under the agenda item "Any other business", with a view to reporting the outcome to MSC 107, in particular on the following aspects:

.1 whether ISO 23678 can be referenced in the resolution MSC.402(96) as a footnote or whether the resolution itself should be amended;

.2 clarification and implementation of resolution MSC.402(96), including "certification programme" and "make and type", should be undertaken with a view to revising the resolution;

.3 the draft MSC circular as proposed in documents MSC 102/22/6 and MSC 106/18/5, taking into account an additional paragraph proposed in this regard (see paragraph 18.17.10 above); and

.4 applicability of the requirements to inflated rescue boats, including the applicability of SOLAS regulation III/20.11; as well as to the LSA equipment installed on high-speed craft and mobile offshore drilling units.

Matters related to ISO 15364:2021

18.19 With respect to ISO Standard 15364, the Committee considered document MSC 105/19/2 (ISO), informing of the 2021 revision of the *Standard for ship pressure-vacuum relief valve and devices to prevent the passage of flame into cargo tanks* and the resulting need to update the *Revised standards for the design, testing and locating of devices to prevent the passage of flame into cargo tanks in tankers* (MSC/Circ.677) accordingly.

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

.1 the proposed application date of the revised circular, i.e. applying to devices installed on or after 1 January 2023, was too close and would present a heavy burden for both administrations and industry, noting the substantial differences between ISO 15364/2000 and ISO 15364/2001;

.2 the impact of ISO 15364/2001 with regard to consequential modifications to the nominal settings of maximum leakage rates for pressure/vacuum (P/V) valves needed to be further considered by the SSE Sub-Committee; and

.3 a thorough review of the applicability of the proposed revised guidance by the SSE Sub-Committee was needed.

18.21 Following consideration, the Committee:

.1 concluded that more discussion pertaining to the effective date of application of the revised circular, as well as some consequential technical modifications, were needed at the Sub-Committee level;

.2 instructed SSE 9 to consider document MSC 105/19/2, with a view to revising MSC/Circ.677, under the agenda item "Any other business", for submission to MSC 107 for approval; and

.3 invited relevant submissions from Member Governments and international organizations to SSE 9 to contribute to the discussions.

Update on ISO international standards

18.22 Having considered document MSC 106/18 (ISO), providing an update on ISO international standards related to maritime safety issues and information for the relevant Sub-Committees of the work already undertaken by ISO, the Committee:

.1 noted the update on published ISO international standards;

.2 invited relevant IMO bodies to note the relevant work undertaken by ISO (MSC 106/18, annex); and

.3 invited interested Member States and international organizations to participate in the ISO standards development.

Oil fuel parameters other than flashpoint

18.23 The Committee considered document MSC 106/18/1 (BIMCO et al.), providing information from fuel samples tested during 2020 – especially in relation to off specification (off-spec) occurrence rates for various parameters of ISO 8217, including geographical differences; proposing that Member States, including individual ports, and relevant intergovernmental organizations consider implementing and enforcing a licensing scheme for bunker suppliers operating within their jurisdiction to combat the high off-spec occurrence rates in some poorer performing geographical regions; and proposing to include this document in the terms of reference for the Correspondence Group on Development of Further Measures to Enhance the Safety of Ships Relating to the Use of Fuel Oil, re-established by MSC 105 to help enhance the safety of ships in relation to fuel oil parameters other than flashpoint.

18.24 In this connection, the Committee also noted document MSC 106/INF.19 (Singapore), providing information on MPA's investigations into the supply of bunker fuel containing elevated levels of chlorinated organic compounds, actions taken, and key observations on how to further strengthen the quality assurance of bunkers supplied globally; noting that the current test requirements under table 2 of ISO 8217 for residual marine fuel may not be adequate to address chemical contaminants in fuel; and stating that enhancements to ISO 8217 may be needed to ensure that fuel is acceptable for use.

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

.1 the information regarding fuel samples tested during 2020, in particular the off-spec occurrence rates for various parameters of ISO 8217 provided in document MSC 106/18/1, was welcomed and should be further considered by the correspondence group on oil fuel safety established by MSC 105;

.2 the term "off-spec" had been used for any results exceeding the parameter limit; whereas the industry norm was to follow the ISO 4259 approach referenced in ISO 8217 and integrated into each individual test method; ISO 4259 applied a 95% confidence level on the test result and a fuel was only considered "off-spec" when this confidence level was exceeded and, therefore, caution was needed since the percentage "off spec" in document MSC 106/18/1 may be overstated;

.3 the first half of 2020 was a transition period for the supply industry;

.4 "off-spec" fuels did not necessarily impose a significant risk for the ship receiving the fuel, but rather required the ship to manage the off-spec parameter of the fuel within the confines of their onboard handling capability;

.5 Member States, including their individual ports, and relevant intergovernmental organizations should consider implementing and enforcing a licensing scheme for bunker suppliers operating within their jurisdiction to combat the high off-spec occurrence rates in some poorer performing geographical regions;

.6 the data presented in document MSC 106/18/1 did not appear to take the 95% confidence interval into account, hence the percentage of off-specs was greater than if the submitters had followed the industry accepted approach to test results; data from two testing agencies from the start of 2021 to Q3 of 2022 that did take the 95% confidence interval into account showed the percentage of off-specs at much lower levels;

.7 the matter of a licensing scheme for bunker suppliers had already been thoroughly discussed, both by MSC and MEPC;

.8 a licensing scheme for bunker suppliers should be implemented on a voluntary basis;

.9 concrete cases of incidents, despite the challenges indicated in paragraphs 5 and 6 of document MSC 106/18/1, might be submitted through the provision of anonymized information;

.10 an indication of the degree of exceeding the specs of ISO 8217 for each parameter across the range of samples, and the possible influence on fuel oil safety, should be further examined;

.11 the relevance of exceeding the sulphur content parameter for fuel oil safety should be further considered, noting that this parameter related merely to the issue of emission control; and

.12 the application of a 95% confidence interval to other fuel oil parameters would lead to undesirable situations for a blended fuel with maximum or minimum limits, compared with applying a marginal allowance provided by the 95% confidence interval.

18.26 In this regard, the Committee noted a statement by the observer of IBIA, the full text of which is set out in annex […].

18.27 Regarding the matter of a register of bunker suppliers, the Committee recalled that this had already been considered at MSC 100 (MSC 100/8/1, paragraph 29), where, having noted that the requirement to maintain a register of bunker suppliers was under the purview of MARPOL, it had agreed that the proposed licensing scheme should be addressed by MEPC (MSC 100/20, paragraph 8.15). Moreover, the Committee noted that the matter had also been discussed by MEPC, at MEPC 74 (MEPC 74/WP.8, paragraphs 31 and 32) and MEPC 76 (MEPC 76/15, paragraphs 5.8 and 5.9).

18.28 Subsequently, the Committee:

.1 noted the information provided in documents MSC 106/18/1 and MSC 106/INF.19;

.2 reiterated that the matter of a licensing scheme for bunker suppliers was under the purview of MARPOL and invited interested Member States and international organizations to submit relevant proposals to MEPC for consideration; and

.3 instructed the Correspondence Group on Development of Further Measures to Enhance the Safety of Ships Relating to the Use of Fuel Oil established by MSC 105 to take documents MSC 106/18/1 and MSC 106/INF.19 into account, together with the comments made in plenary (see paragraphs 18.25 to 18.27 above) and consider possible measures related to oil fuel parameters other than flashpoint.

International Quality Assessment Review Body (IQARB) related matters

Fourth meeting of IQARB in the trial phase

18.29 The Committee recalled that MSC 104, having noted the information provided in documents MSC 102/22 and MSC 102/INF.9 (Secretariat), in particular on the developments at IQARB's second meeting, requested the Secretariat to continue keeping it regularly updated on any developments during the trial phase.

18.30 In this context, the Committee noted the information provided in documents MSC 106/18/2 and MSC 106/INF.9, in particular on the outcome of the third and fourth meetings of IQARB in the trial phase and the Factual Statements issued to 11 IACS members by IQARB; and requested the Secretariat to continue keeping the Committee regularly updated on any developments during the trial phase.

Recognition of Factual Statements issued by IQARB

18.31 The Committee recalled that MSC 100 had noted views that IQARB could be developed into a fully international and independent quality assessment review body with independent quality standards; and could be a component to assist Member States in fulfilling some of their obligations with regard to the oversight programme exercised by flag States for their ROs.

18.32 The Committee further recalled that MSC 100 had also noted a view that IQARB should not be seen as an alternative to the sovereign right and duty of a flag State to exercise effective oversight of the ROs authorized to act on its behalf.

18.33 The Committee considered document MSC 106/14/1, highlighting the development of IQARB, the relevant discussions at III 8, and some of the causes underlying the major area of recurrent findings/observations from IMSAS audits relating to delegation of authority and RO oversight; proposing that the III Sub-Committee and its Correspondence Group on III Code Implementation Guidance be instructed to include, within that Guidance, text which will facilitate the use by flag States of IQARB Factual Statements as part of their RO oversight programme to demonstrate that their ROs have effective quality management systems in place.

18.34 In the ensuing discussion, all delegations that spoke agreed that IQARB Factual Statements were of value for Member States, had benefits regarding reducing administrative burden for Member States as well as ROs, and may be used as a part of the oversight programme of ROs, which would provide an independent evaluation or views as evidence of the effectiveness of a RO's quality management system that would supplement Member States' efforts to fulfil their obligations and responsibilities under the RO and III Codes. However, the use of Factual Statements should be on a voluntary basis and should not replace or substitute the oversight obligations and responsibility of a Member State over its ROs. Some of the delegations were of the view that it might be premature at this stage of the IQARB trial phase to instruct the III Sub-Committee to have relevant text included in the III Code Implementation Guidance; however, it was suggested that initial discussion could be necessary at III 9 so that the outcome could be reported back to the Committee for its consideration.

18.35 Consequently, the Committee agreed:

.1 that the IQARB Factual Statements confirming that ROs had implemented an effective quality management system may assist Member States to focus their individual RO oversight programmes on targeted areas and specific matters pertaining to their ships;

.2 that the IQARB Factual Statements may be recognized during IMSAS audits as part of the oversight programme of ROs implemented by Member States in relation to evidencing that the RO had an effective quality management system in place; and

.3 to instruct the Correspondence Group on III Code Implementation Guidance of the III Sub-Committee to further consider the matter and prepare aligned relevant text for inclusion in the III Code Implementation Guidance.

Implementation of the Polar Code

18.36 The Committee considered document MSC 106/18/4, providing details of a recent review published by WWF analysing gaps and challenges in the implementation of the Polar Code, along with links to the final report, a blog post, infographic and webinar outlining the findings of the review; seeking other relevant experience to enable further discussion of these issues and inviting the Committee to consider the need for the development of a new output.

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

.1 the detailed review in document MSC 106/18/4 was welcomed and further discussion on the identified gaps and challenges were needed;

.2 the IMO-Nautical Institute (NI) Polar Maritime Seminar held on 31 October and 1 November 2022 was timely and the joint effort of the Secretariat and NI in organizing it was appreciated;

.3 the Committee should consider the need for the development of a new output on the implementation of the Polar Code;

.4 information in document MSC 106/18/4 could also be beneficial for amendments to the Polar Code, if so decided at a future stage;

.5 some of the provisions of the Polar Code could not be implemented for small recreational or sailing crafts and the development of relevant guidance would be useful to ensure the safety of such crafts operating in polar regions; and

.6 the inclusion of fishing vessels, pleasure yachts not engaged in trade and small cargo vessels should be taken into account in the course of the further development of guidance or amendments to the Polar Code.

18.38 Subsequently, the Committee invited interested Member States and international organizations to submit proposals for a new output to MSC 107.

Remaining information documents

18.39 The Committee noted with appreciation the information provided in the following documents:

.1 MSC 106/INF.5 (South Africa), providing information on the memorandum of understanding entered into by and between the Department of Transport of the Republic of South Africa, South African Sailing and the Transport Education and Training Authority, with an aim of promoting safety on sailing for sport and leisure in all regions;

.2 MSC 106/INF.16 (Australia et al.), providing an update on the progress of the MARIN Top Tier Joint Industry Project (JIP) on securing container safety;

.3 MSC 106/INF.17 (ICS et al.), providing information regarding a coalition of industry NGOs, organizations and maritime safety experts, a Together in Safety initiative; and

.4 MSC 106/INF.21 (CIRM), providing information on an ongoing global shortage of electronic and hardware components that is adversely affecting the manufacture, delivery and servicing of electronic marine equipment.

Singapore rescue operation concerning "Lady R3"

18.40 The delegation of Singapore informed the Committee of a rescue operation that took place in their Maritime Search and Rescue Region (MSRR) on 7 November 2022, involving the wooden vessel **Lady R3**. They had received information from MRCC Colombo that a wooden vessel about 221nm Southeast of Vung Tau, Viet Nam, was sinking. Upon confirmation that the vessel was in distress, MRCC Singapore promptly issued a safety broadcast and in coordination with MRCC Vung Tau, requested vessels in the vicinity to render immediate assistance. Amongst those that responded was the Japanese car carrier **Helios Leader** which proceeded to assist the distressed vessel and successfully rescued the 305 persons on board. With the assistance of the Vietnamese authorities, **Helios Leader** safely arrived at the Vung Tau anchorage in Viet Nam. The rescued persons were in good health. The delegation of Singapore thanked the Member States and stakeholders, particularly the Japanese car carrier **Helios Leader** and the Viet Nam Government, for their swift and generous assistance in the search and rescue operation.

Situation concerning "Heroic Idun"

18.41 The Committee noted statements by the delegations of Nigeria, the Marshall Islands and ITF, the full text of which is set out in annex […], with regard to the situation concerning the VLCC **Heroic Idun**. Having noted the concerns expressed regarding the well-being of the crew and the safety of the ship, the Committee was informed by the Director of the Legal and External Relations Division that the Secretariat had been following this matter closely through the IMO Seafarer Crisis Action Team (SCAT) and was in touch with all parties involved. The Director further highlighted that fair treatment of seafarers in the event of non-casualty cases was an item on the agenda of the Legal Committee (see LEG 110/1/Rev.1) and interested Member States and international organizations could submit proposals and relevant information to LEG 110.

Situation concerning "Mount Hikurangi"

18.42 The Committee noted statements by the delegation of Hong Kong, China, and the observer from ICS with regard to the situation concerning **Mount Hikurangi** and, in particular, its Captain Yu Yihai, who had been held for more than 14 months without bail in Honduras and was still awaiting legal proceedings. The full texts of the statements are set out in annex […].

Statement of support for the work being undertaken at COP 27

18.43 The Committee noted a statement of support for the work being undertaken at the 27th Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 27) by the delegation of the Bahamas, supported by the delegation of Jamaica, the full text of which is set out in annex […]. Several other delegations shared the importance of efforts to combat climate change, and support was expressed for the role of the Secretary-General in informing COP 27 of the work undertaken by IMO, as he had done in the past.

Experience with hybrid meetings

18.44 The Committee, as requested by the Council, discussed the experience and views of delegations about the use of hybrid capabilities. In this regard, the Committee noted the overall satisfaction expressed by many delegations on the use of the hybrid meeting system at this session, complementing the in-person meeting, and expressed appreciation to the Secretariat for the preparation and implementation of the hybrid meeting facilities. In this context, the Committee also noted the following observations:

.1 hybrid capacities in the meeting rooms used for working and drafting groups should be enabled as soon as possible and, until the Secretariat had confidence that the system is functioning with satisfaction, the remote meeting facility should remain available for the groups;

.2 the quality of the Wi-Fi connection in the committee rooms as well as live-streaming of the plenary session, which was frequently interrupted and not working for periods of time, should be improved;

.3 different time zones and differences of Internet and electricity infrastructure, in particular for developing countries, should be taken into account for remote meeting arrangements;

.4 hybrid meeting arrangements should only be a complement to the in-person meeting and meeting modalities should be announced well in advance of a meeting in order to facilitate the delegations to arrange travel accordingly;

.5 the capacity of the hybrid system should be examined, the number of active remote participants per delegation for plenary sessions should be increased and the limitation for active remote participants in working and drafting groups should be lifted;

.6 technical support for the remote participants was essential;

.7 the legal impacts of the hybrid meeting arrangements should be taken into account and the rules of procedure and method of work of the Committee should be adjusted accordingly;

.8 the hardware to enable the hybrid meeting mobility, including the audio and video system and headphones, could be further improved;

.9 USB ports should be installed at the tables in the meeting room(s);

.10 the hybrid meeting capacity provided flexibility for the delegations regarding their participation in a meeting and this could also be contributing to reducing the carbon footprint of participants; and

.11 a live display listing the delegations requesting to speak, as well as the agenda item and document numbers being considered in plenary, would be helpful and assist the plenary to keep to its planned timetable.

Expressions of condolence

18.45 The Committee noted with great sadness the recent passing away of Mr. Christian Breinholt of Denmark, the former Chair of the Maritime Safety Committee from 2012 to 2015. The Committee appreciated his contribution to the work of the Organization; expressed its condolences to the Breinholt family and the delegation of Denmark; and requested the delegation of Denmark to convey its sincere sympathy to Mr. Breinholt's family and colleagues.

Expression of appreciation

18.46 The Committee expressed appreciation to the following delegates and members of the Secretariat who had recently retired for their invaluable contribution to its work and wished them a long and happy retirement:

- Captain Richard Brough (ICHCA International)
- Captain Moin Ahmed (IMSO)
- Mrs. Janet Strode (IPTA)
- Mr. Irfan Rahim (IMO Secretariat)

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ANNEX

PROVISIONAL LIST OF ANNEXES

ANNEX … RESOLUTION MSC.519(106) – MEMBER STATES' OBLIGATIONS IN CONNECTION WITH SEARCH AND RESCUE SERVICES UNDER THE SOLAS AND SAR CONVENTIONS IN THE CONTEXT OF ARMED CONFLICTS

ANNEX … RESOLUTION MSC.520(106) – AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974 (CHAPTER II-2)

ANNEX … RESOLUTION MSC.521(106) – AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974 (CHAPTER XV)

ANNEX … RESOLUTION MSC.522(106) – AMENDMENTS TO THE PROTOCOL OF 1978 RELATING TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974

ANNEX … RESOLUTION MSC.523(106) – AMENDMENTS TO THE INTERNATIONAL CODE FOR THE CONSTRUCTION AND EQUIPMENT OF SHIPS CARRYING LIQUEFIED GASES IN BULK (IGC CODE)

ANNEX … RESOLUTION MSC.524(106) – AMENDMENTS TO THE INTERNATIONAL CODE OF SAFETY FOR SHIPS USING GASES OR OTHER LOW-FLASHPOINT FUELS (IGF CODE)

ANNEX … RESOLUTION MSC.525(106) – AMENDMENTS TO THE INTERNATIONAL CODE ON THE ENHANCED PROGRAMME OF INSPECTIONS DURING SURVEYS OF BULK CARRIERS AND OIL TANKERS, 2011 (2011 ESP CODE)

ANNEX … RESOLUTION MSC.526(106) – AMENDMENTS TO THE INTERNATIONAL CODE FOR THE CONSTRUCTION AND EQUIPMENT OF SHIPS CARRYING DANGEROUS CHEMICALS IN BULK (IBC CODE)

ANNEX … RESOLUTION MSC.527(106) – INTERNATIONAL CODE OF SAFETY FOR SHIPS CARRYING INDUSTRIAL PERSONNEL (IP CODE)

ANNEX… REVISED ROAD MAP FOR DEVELOPING A GOAL-BASED CODE FOR MARITIME AUTONOMOUS SURFACE SHIPS (MASS)

ANNEX … RESOLUTION MSC.528(106) – RECOMMENDED COOPERATION TO ENSURE THE SAFETY OF LIFE AT SEA, THE RESCUE OF PERSONS IN DISTRESS AT SEA AND THE SAFE DISEMBARKATION OF SURVIVORS

ANNEX … DRAFT AMENDMENTS TO STCW REGULATIONS I/1 AND I/2

ANNEX … DRAFT AMENDMENTS TO SECTION A-I/2 OF THE STCW CODE

ANNEX … DRAFT AMENDMENTS TO THE LSA CODE

ANNEX …	DRAFT AMENDMENTS TO SOLAS CHAPTERS II-1, II-2, V AND XIV AND THE APPENDIX (CERTIFICATES)
ANNEX …	DRAFT AMENDMENTS TO THE 1994 HSC CODE
ANNEX …	DRAFT AMENDMENTS TO THE 2000 HSC CODE
ANNEX …	RESOLUTION MSC.263(84)/REV.1 – PERFORMANCE STANDARDS AND FUNCTIONAL REQUIREMENTS FOR THE LONG-RANGE IDENTIFICATION AND TRACKING OF SHIPS
ANNEX …	DRAFT AMENDMENTS TO THE POLAR CODE
ANNEX …	DRAFT ASSEMBLY RESOLUTION ON GUIDELINES ON PLACES OF REFUGE FOR SHIPS IN NEED OF ASSISTANCE
ANNEX …	RESOLUTION MSC.529(106) – STATEMENT OF RECOGNITION OF MARITIME MOBILE SATELLITE SERVICES PROVIDED BY CTTIC THROUGH BDMSS
ANNEX …	RESOLUTION MSC.530(106) – PERFORMANCE STANDARDS FOR ELECTRONIC CHART DISPLAY AND INFORMATION SYSTEMS (ECDIS)
ANNEX …	DRAFT AMENDMENTS TO THE 1978 SOLAS PROTOCOL
ANNEX …	DRAFT AMENDMENTS TO THE 1988 SOLAS PROTOCOL
ANNEX …	PROCEDURE FOR IDENTIFYING AND FORWARDING SAFETY ISSUES
ANNEX …	BIENNIAL STATUS REPORTS OF THE SUB-COMMITTEES
ANNEX …	PROVISIONAL AGENDAS FOR THE FORTHCOMING SESSIONS OF THE SUB-COMMITTEES
ANNEX…	SUBSTANTIVE ITEMS FOR INCLUSION IN THE AGENDAS FOR MSC 107 AND MSC 108
ANNEX…	STATEMENTS BY DELEGATIONS AND OBSERVERS

LIST OF CIRCULARS APPROVED BY MSC 106

MSC.1/Circ.1500/Rev.2	Guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments
MSC-MEPC.2/Circ.15/Rev.2	Guidelines for the development, review and validation of model courses
MSC.1/Circ.1164/Rev.26	Promulgation of information related to reports of independent evaluation submitted by Parties to the 1978 STCW Convention confirmed by the Maritime Safety Committee to have communicated information which demonstrates that Parties are giving full and complete effect to the relevant provisions of the Convention
MSC.1/Circ.797/Rev.38	List of competent persons maintained by the Secretary-General pursuant to section A-I/7 of the Seafarers' Training, Certification and Watchkeeping (STCW) Code
MSC.1/Circ.1614/Rev.1	Revised interim guidelines on life-saving appliances and arrangements for ships operating in polar waters
MSC.1/Circ.1315/Rev.1	Revised guidelines for the approval of fixed dry chemical powder fire-extinguishing systems for the protection of ships carrying liquefied gases in bulk
MSC.1/Circ.1655	Unified interpretations of SOLAS chapter II-2
MSC.1/Circ.1630/Rev.1	Revised standardized life-saving appliance evaluation and test report forms
COLREG.2/Circ.78	Traffic separation schemes and associated measures
SN.1/Circ.342	Routeing measures other than traffic separation schemes
MSC.1/Circ.1259/Rev.9	Long-range identification and tracking system – Technical documentation (part I)
MSC.1/Circ.1307/Rev.1	Guidance on the survey and certification of compliance of ships with the requirement to transmit LRIT information
MSC.1/Circ.1376/Rev.5	Continuity of service plan for the LRIT system
MSC.1/Circ.1656	GMDSS operating guidance for ships in distress situations
MSC.1/Circ.1657	Procedure for responding to DSC distress alerts by ships
MSC.1/Circ.1658	Guidance on distress alerts
MSC.1/Circ.892/Rev.1	Guidance on alerting of search and rescue authorities

MSC.1/Circ.1659	Guidance for the dissemination of search and rescue related information through the international enhanced group call service
MSC.1/Circ.1403/Rev.2	NAVTEX Manual
MSC.1/Circ.1660	Guidance on the training on and operation of emergency personal radio devices in multiple casualty situations
MSC.1/Circ.1503/Rev.2	ECDIS – Guidance for good practice
MSC.1/Circ.1661	Guidance framework for the application of casualty cases and lessons learned to seafarers' education and training
MSC-MEPC.1/Circ.5/Rev.4	Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies