

MARITIME SAFETY COMMITTEE
107th session
Agenda item 20

MSC 107/20
26 June 2023
Original: ENGLISH

**REPORT OF THE MARITIME SAFETY COMMITTEE
ON ITS 107TH SESSION**

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1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The 107th session of the Maritime Safety Committee was held from 31 May to 9 June 2023, 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 107/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 agreed:

- .1 to the use of hybrid facilities to complement in-person meetings from September 2022, for a trial period of one year; and
- .2 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.

1.5 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 would be considered "present" for the purposes of Rule of Procedure 28(1) if they were either physically present in the Main Hall, or were registered and participating remotely online using the hybrid system; and
- .2 any voting by secret ballot would 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 107/1) and agreed to be guided in its work, in general, by the annotations contained in document MSC 107/1/1 and by the provisional timetable (MSC 107/1/1, annex, as amended).

Credentials

1.8 The Committee noted that the credentials of 111 delegations attending the session were in due and proper form.

2 DECISIONS OF OTHER IMO BODIES

Outcome of MEPC 79, FAL 47 and LEG 110

2.1 Having noted the decisions of MEPC 79, FAL 47 and LEG 110 relevant to its work, as set out in document MSC 107/2/1 (Secretariat), the Committee agreed to consider them under the relevant agenda items.

2.2 With regard to the outcome of LEG 110 concerning the draft Assembly resolution on guidelines on places of refuge for ships in need of assistance, approved at MSC 106 for concurrent approval by LEG and MEPC, the Committee noted that LEG 110 had agreed to some minor editorial changes and one substantive amendment in paragraph 4.3 of section 4 (International/regional cooperation and coordination for places of refuge) of the annex to the draft resolution (LEG 110/18/1, annex 5). In this respect, the Committee noted that there would be further opportunity to consider the draft resolution and attached Guidelines at A 33, before its adoption.

Outcome of C 128

Review of parts of the Strategic Plan of the Organization under MSC's purview

2.3 Having noted the decisions of C 128 as set out in document MSC 107/2 (Secretariat), the Committee reviewed, as requested by the Council, the parts of the Strategic Plan under its purview, considering in particular document C 129/4(a) (Report of the Intersessional Working Group on the Strategic Plan (ISWG-SP)).

2.4 In this regard, the Committee noted an oral update by the ISWG-SP Chair, Mr. Darrick Leow (Singapore), on the outcome of the first session of the Group in May 2023, in particular that the Group commenced work on preparing a first draft of the Organization's Strategic Plan for the six-year period 2024 to 2029, taking into consideration key themes, trends and developments; and made considerable progress and achieved consensus on the mission and vision statements, overarching principles, and strategic directions (SDs) 1, 2, 4, 5 and 6, with the agreed text for these sections presented in document C 129/4(a). Owing to time constraints, the Group was unable to consider SDs 7 and 8 as well as performance indicators, and while they had an initial discussion on SD 3 (Respond to climate change), there was agreement to hold its finalization in abeyance, pending the outcome of MEPC 80. The Chair highlighted the following key points specific to the work of the Committee and its subsidiary bodies:

- .1 The Group considered whether to include the term "fishers" or the term "fishing vessel personnel" within the Strategic Plan, while noting the ongoing developments at MSC in relation to such terminologies, and eventually agreed to include a reference to "fishing vessel personnel" within the overarching principles, but acknowledged that terminology may need to be amended following the outcome of discussions at MSC. However, the Chair noted the Committee's agreement under agenda item 13 to keep the term "fishing vessel personnel" in the revised STCW-F Convention and the new STCW-F Code (see paragraph 13.13) and that, therefore, no amendments would be required in the terminology used.

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- .2 When discussing SD 1 (Improve implementation), the Group agreed to highlight the importance of capacity development in ensuring the continuous, effective and uniform implementation of IMO instruments by all Member States.
 - .3 When discussing SD 2 (Integrate new and advancing technologies in the regulatory framework), the Group agreed to not include specific reference to technologies such as MASS or e-navigation, in order to keep the text high-level and sufficiently broad, so as not to exclude any specific types of technologies.
 - .4 When discussing SD 5 (Enhance global facilitation and security of international trade), the Group agreed on the need to recognize the importance of strengthening maritime and supply chain resilience, as well as the care and recognition of seafarers, following the experience gained during the COVID-19 pandemic.
 - .5 When discussing SD 6 (Address the human element), the Group agreed to expand on the various aspects relevant to training, certification and watchkeeping as well as fair treatment, to address current trends and developments such as new technologies, future fuels, bullying and harassment, including sexual assault and sexual harassment (SASH).

2.5 Having noted that the Council's discussion on SD 3 had been put in abeyance pending the outcome of MEPC 80, the Committee agreed that a reference to the work related to its new approved output on the "Development of a safety regulatory framework to support the reduction of GHG emissions from ships using new technologies and alternative fuels" (see paragraphs 17.1 to 17.7) would have to be included in the text for SD 3 in the Strategic Plan, and agreed to inform C 129 accordingly.

Possible measures to prevent acts of endangering the safety of navigation

2.6 Having recalled that C 128 had invited MSC 107 to consider possible measures to address the threats to maritime safety and the international community caused by repeated missile launches by the Democratic People's Republic of Korea (DPRK) and to inform C 129 accordingly, the Committee considered documents MSC 107/2/2 (Australia et al.), proposing a draft MSC resolution to address actions threatening international maritime safety, such as repeated missile launches by the DPRK; and MSC 107/2/4 (DPRK), commenting on document MSC 107/2/2.

2.7 The delegation of Japan stated that the repeated launches of ballistic missiles by the DPRK were in violation of relevant UN Security Council resolutions and constituted a threat to the peace and security of the region and to the international community and also posed grave threats to the safety of international shipping due to lack of proper prior notification as required by IMO Assembly resolution A.706(17), as amended on the *World-Wide Navigational Warning Service*. In this context, the co-sponsors of document MSC 107/2/2 requested the Committee to strongly condemn the DPRK for its missile launches without proper prior notification, to urgently call upon the DPRK to comply with the relevant regulation of the SOLAS Convention and recommendations contained in the IMO Assembly resolution in order to ensure the safety of international shipping, and to urgently call upon the DPRK to cease its unlawful and unannounced ballistic missile launches across international shipping lanes. Furthermore, the co-sponsors requested the Secretary-General to take appropriate and practicable actions to establish close and cooperative relationships with other relevant international organizations, including ICAO, and to provide an update to Members of the Organization and relevant maritime stakeholders, and proposed that the Committee adopt the draft MSC resolution containing all these proposals to show its determination to ensure the safety of shipping.

2.8 The delegation of the DPRK stated that the Korean peninsula was still under ceasefire and the Korean War had not ended yet; that it was not in a position to be able to provide prior notification of missile launches in the special security environment on the Korean peninsula, which was technically still at war, as was the case in other regions in conflict or at war; that the United States had conducted thousands of rounds of aggressive joint military exercises against the DPRK together with the Republic of Korea since 1953 and openly threatened to intercept the satellites for peaceful purposes, if the DPRK launched them; that from the situation on the Korean peninsula, it absolutely went against common sense that the DPRK, technically at war with the United States, notified the latter the belligerent party of its military activities in advance; that the missile launches by the DPRK had never posed any danger to the security of neighbouring countries and the safety of international shipping, since they were based on the scientific calculation and consideration of their point of impact and the routes of ships sailing in the waters to ensure the safety of international shipping; that document MSC 107/2/2 was submitted by the United States and its followers for realizing their sinister political purpose to deprive the DPRK of sovereignty and rights to building its self-defensive capability, therefore abusing the name of IMO; that the issue raised in document MSC 107/2/2 was an unreasonable and political issue which did not consider the special security environment on the Korean peninsula and went beyond the mandate of IMO, as UN technical specialized agency; and, consequently, requested the Committee to reject document MSC 107/2/2, including the proposal contained therein in terms of not only maintaining impartiality and objectivity in IMO but also the mandate of IMO and carefully consider paragraph 16 of document MSC 107/2/4 as proposed.

2.9 The delegation of the United States stated that they supported the proposals in document MSC 107/2/2 and the adoption of the draft resolution; that the increasing frequency of unannounced missile launches from the DPRK placed the world, including mariners at sea, at growing risk, and was a threat to peace, security and safety at sea; that despite repeated condemnation of its blatant disregard for the safety of seafarers and commercial vessels and calls from this and other IMO bodies for it to conform to international norms, the DPRK continued its reckless course; that the United States rejected document MSC 107/2/4 which was an attempt by the DPRK to evade its responsibilities under SOLAS and Assembly resolution A.706(17); that the DPRK's evasion of UN sanctions and the repeated launches of ballistic missiles by the DPRK were in violation of UN Security Council resolutions and constituted a threat to the peace and security of the region and the international community; that document MSC 107/2/4 was an affront to the many Member States that had joined in calling on the DPRK to respect the safety of seafarers and commercial vessels and cease its illegal and reckless unannounced missile launches and that it again condemned these acts by the DPRK and committed to continue its work with others to implement the international regime to its fullest extent. The full text of the statement is set out in annex 47.

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

- .1 the missile launches without prior notification posed a high risk to international shipping lanes, jeopardized seafarers' lives, posed a danger to ships in those shipping lanes and to inhabitants of the adjacent countries and, therefore, it was appropriate to discuss this matter in IMO;
- .2 the DPRK so-called satellite launches were a serious violation of UN Security Council resolutions which prohibited the launch of any object using ballistic missile technology and that the DPRK should withdraw any plans to launch the so-called satellite;
- .3 there had been 80 ballistic missile launches by the DPRK in 2023 alone, including eight intercontinental ballistic missile launches;

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- .4 the DPRK was deliberately ignoring circular MSC.1/Circ.1551 on *Navigational warnings concerning operations endangering the safety of navigation*, and the communication of the Governments of Japan, the Republic of Korea and the United States, circulated by Circular Letter No.4649 on 1 November 2022, and the decisions by C 128 calling on DPRK to observe IMO provisions;
 - .5 a number of States were artificially introducing political issues such as the missile launches by the DPRK in the Organization's agenda in the pursuit of their own interests;
 - .6 IMO and ICAO had common challenges due to the DPRK's unannounced missile launches which endangered shipping and aviation and, therefore, IMO should work with other relevant international organizations, including ICAO, to address these mutual challenges; and
 - .7 the matter discussed was a political and security issue and therefore should be discussed at the UN Security Council and not within a technical agency like IMO.

2.11 The delegation of South Africa stated that the matter at hand had significant political connotations and, consequently, the Organization should assess whether to deal with this issue since there were conflicting views and/or understanding on what matters were deemed political in nature and therefore potentially fall outside the scope of work of IMO; that the matter at hand was on the UN Security Council agenda and the UN Secretary-General had issued a statement "strongly condemning the military satellite launch conducted by the DPRK", as it was contrary to relevant Security Council resolutions; and that the Committee needed to stay within the scope and mandate of IMO, so as to avoid technical decisions being influenced by political considerations, which would be a great shame for this glorious Organization. The full text of the statement is set out in annex 47.

2.12 During the discussion, the overwhelming majority of delegations that spoke supported the adoption of the proposed MSC resolution (MSC 107/2/2, annex) to show the Committee's determination to ensure the safety of shipping through a number of actions described in the resolution. Statements on the matter were made by a number of delegations and, as requested, the full text of those made by the delegations of Canada, France, Germany, Italy, Japan, the Republic of Korea, Spain, Sweden, Ukraine, the United Kingdom and the United States is set out in annex 47.

2.13 In this regard, the Committee was informed by the Secretariat that, in October 2022, ICAO had adopted Assembly resolution A41-3 on *Unannounced missile launches by the Democratic People's Republic of Korea*.

2.14 In response to the statements above, the delegation of the DPRK stated that:

- .1 the DPRK did not acknowledge partial and illegal "resolutions" of the UN Security Council cooked up by the United States by abusing the UN Security Council; that in any international laws including the UN Charter, UN General Assembly resolutions, NPT or Outer Space Treaty there was no provision stipulating that nuclear test or satellite and ballistic missile launches constituted a threat to international peace and security and that when other countries conducted such tests or launches, no UN Security Council resolution against those States had been adopted; that the UN Security Council resolutions against the DPRK seriously infringed upon the right of existence and development of a sovereign State;

- .2 the missile launches by the DPRK were the justified exercises of a sovereign country's legitimate right to defend its destiny and strengthen its national defence capability to cope with aggressive threats by the United States; that even this year, the United States and the Republic of Korea had staged several joint military exercises against the DPRK, including joint military exercises "Freedom Shield" and the "Ssangyong" combined landing drills and at this time they were conducting the largest-ever "combined joint fire annihilation drill" from 25 May to 15 June; that no one could affirm that the current combined drill of the United States and the Republic of Korea would not lead to the all-out armed invasion of the DPRK; that therefore the DPRK condemned the United States and the Republic of Korea in the strongest possible terms and urged them to stop their ongoing joint aggressive military exercises, which were the greatest potential danger to the safety of international shipping in Korean peninsula waters;
- .3 the DPRK was compelled to possess nuclear weapons to defend itself from nuclear threats by the United States for over 70 years and that the DPRK was free from any NPT obligations as it had legally declared its withdrawal from the treaty as early as 20 years ago and had legalized the policy of the nation's nuclear forces; that any intention to apply CVID to the DPRK would be considered as illegal acts of interference in the internal affairs of the DPRK; and
- .4 as a signatory to the Outer Space Treaty and "Convention on Registration of Objects Launched into Outer Space", satellite launches by the DPRK were a legitimate exercise by a sovereign State recognized under the UN Charter and the Outer Space Treaty, which were above the UN Security Council resolutions. Furthermore, in the Outer Space Treaty there was no article which stipulated that ballistic rocket technology could not be used in launching a satellite and it was the American-style double standards to claim that the DPRK's satellite launch was illegal but the ones by the United States and its followers were legal.

2.15 In response to the DPRK statement, the delegation of Japan stated that according to IMO Assembly resolution A.706(17) on the *World-Wide Navigational Warning Service*, as amended, missile launches fell under "special operations which might affect the safety of shipping" and that NAVAREA warnings concerning missile launches should be issued not less than five days in advance of the special operations and, therefore, missile launches were subject to prior notification, and that the current system, which required prior notification of incidents that might affect the navigational safety of ships, had been resolved by the IMO Assembly and complied with by Members of the Organization for many years as it was crucial for ensuring the navigational safety of ships. The delegation further stressed that addressing the issue of missile launches by the DPRK was within the competency and scope of IMO, which was also clear as C 128 had made a decision concerning this matter, and that IMO should be the body to address this serious risk to the safety of international shipping.

2.16 The delegation of the Republic of Korea emphasized that it was appropriate to discuss this issue in this Committee because firing missiles without proper prior notification was an activity that endangered the safety of international shipping and that promoting the safety of international shipping through cooperation among Member States was the mission of this Committee. The full text of the statement is set out in annex 47.

2.17 The delegation of the DPRK, commenting on the statement by the delegation of Japan, asked if there had been any prior notification by the belligerent parties in other regions in conflict or at war and stated that in these regions the requirement for prior notification was normally not observed under its circumstance of security; and that, therefore, prior notification was directly related to the political and military issue rather than simply a safety matter; and that the special security situation on the Korean peninsula should be considered with regard to implementation of the requirement related to prior notification.

2.18 The delegation of Japan, in referring to the statement by the delegation of the DPRK, further stressed the fact that numerous missiles had been launched into sea areas used by international shipping, and that those launches were in violation of relevant international agreements and were endangering the safety of shipping.

2.19 Following consideration, based on the support of the overwhelming majority of delegations that spoke, the Committee adopted resolution MSC.531(107) on *Strengthening measures for ensuring the safety of international shipping*, as set out in annex 1.

2.20 The delegation of the DPRK stated that it totally denounced, rejected and would never recognize the adoption of the partial and unfair MSC resolution; and that the Committee should draw its attention to the intention of the United States and its followers to politicize IMO for achieving their sinister political purpose.

2.21 The full text of the statements made by the delegation of the DPRK is set out in annex 47.

Issuance of certificates of competency and seafarers' identity documents in certain parts of Ukraine temporarily occupied by the Russian Federation

2.22 Having noted that HTW 9 had underscored the importance of preserving the integrity and functions of the maritime education and training system in Ukraine, including the delivery of training and the issuance of lawful seafarers' certificates and documents, and had invited relevant proposals to MSC 107, the Committee considered documents MSC 107/2/3 (Ukraine), proposing guidance for flag and port State control officers to address the issuance of certificates of competency and seafarers' identity documents in certain parts of Ukraine temporarily occupied by the Russian Federation; and MSC 107/2/5 (Russian Federation), commenting on document MSC 107/2/3.

2.23 The delegation of Ukraine stated that it had forewarned of the Russian Federation's aggression against Ukraine and the safety and security of navigation in the Black Sea, the Sea of Azov and the Kerch Strait and beyond, including the seizure of maritime rescue coordination centres, the misuse of NAVTEX transmissions, interference with SAR services and attempts to destroy Ukraine's infrastructure including ports participating in the Black Sea Grain Initiative. They pointed out that since the attempted annexation of Ukraine's Crimea in 2014, the Russian Federation had started issuing certificates of competency and seafarers identity documents despite their lack of legal authority to do so; that these fake certificates undermined the training and certification system and caused danger to human safety at sea and was the same pattern the Russian Federation was keen to apply in certain parts of Donetsk, Kherson, Luhansk and Zaporizhzhia regions of Ukraine, temporarily occupied since 2022; that the UN General Assembly had adopted relevant resolutions calling upon all States, international organizations and UN specialized agencies to refrain from recognizing any documents issued by the Russian occupation authorities in the above areas and that HTW 9 had recognized the importance of preserving the integrity and functions of Ukraine's maritime education system, including training delivery and the issuance of lawful seafarers' certificates and documents. The delegation urged all Member States not to recognize seafarers' documents issued by the

Russian Federation in ports or by institutions located in the temporarily occupied territories of Ukraine and to take appropriate measures while inspecting Russian-flagged vessels or vessels under the flag of other States with Russian nationals in their crews.

2.24 The delegation of the Russian Federation stated that document MSC 107/2/3 presented an erroneous interpretation of the STCW Convention, misleading Member States. It was added that in the document mentioned, under the guise of discussing legitimacy of issued certificates, the question of recognition/non-recognition of territories had been brought to the attention of the Committee. It was stressed that neither the Committee nor the Organization had competence over such matters and introducing such topics served only to politicize the work of the Organization. It was also highlighted that nothing in the conclusions of HTW 9 called for any guidance as had been proposed in document MSC 107/2/3. Further it was underlined that, if Member States were to be given the right to arbitrarily declare as fraudulent other Member States' certification of seafarers, this would lead to chaos in the maritime industry. Member States were called on to comply with the provisions of the STCW Convention and not to undermine the legitimate work of the Organization. The delegation reaffirmed the legitimacy of its certificates issued in accordance with relevant national legislation. Regarding the allegations made relating to attacks on port infrastructure in Ukraine, where NATO military supplies via Ukrainian ports were involved, the delegation called on Ukraine to stop using civilian infrastructure including ports for concealing and stockpiling military supplies and on NATO to cease escalating the situation and supplying weapons to Ukraine.

2.25 In the ensuing discussion, the delegation of Sweden, on behalf of the Members of the European Union, which are all Members of IMO, condemned in the strongest possible terms the unprovoked and unjustified act of aggression by the Russian Federation against Ukraine, which grossly violated international law and the UN Charter and undermined international security and stability. They stated that the Russian Federation must immediately withdraw its troops from the entire territory of Ukraine and abide by UN General Assembly resolution "Aggression against Ukraine" supported by 141 States at the eleventh emergency special session of the UN General Assembly; that they resolutely supported Ukraine's inherent right to self-defence and the Ukrainian armed forces' efforts to defend Ukraine's territorial integrity and population in accordance with Article 51 of the United Nations Charter and that the Russian Federation must respect its obligations under international law at all times, including international humanitarian and human rights law, including with respect to the protection of civilians, women and children, and that it also needed to stop its disinformation campaign and cyberattacks. The delegation of Sweden furthermore strongly rejected and unequivocally condemned the Russian Federation's attempted illegal annexation of the Ukrainian regions of Donetsk, Luhansk, Zaporizhzhia and Kherson. Following these decisions, and the fact that the European Union had adopted on 6 October sanction measures against Russian maritime transport of hydrocarbons, the delegation of Sweden also expressed the view that Member States should do their utmost to denounce the Russian Federation's illegal unilateral actions in the temporarily occupied territories of Ukraine, including its unauthorized and unlawful practices associated with certificates of competency and seafarers' identity documents; and, with regard to the actions requested by Ukraine in paragraph 21 of document MSC 107/2/3, urged all Member States to be vigilant and to take a cautious approach when encountering potentially fraudulent documents and to put in place suitable measures in this regard. The intervention was supported by the delegations of Australia, Belgium, Canada, Cyprus, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, the Kingdom of the Netherlands, Norway, Poland, Portugal, Romania, Slovenia, Spain, Türkiye, the United Kingdom, the United States and the EC observer.

2.26 Statements on the matter were made by a number of delegations, and as requested, the full text of the statements made by the delegations of Australia, Canada, Finland, France, Georgia, Germany, Italy, Ireland, Japan, Lithuania, Luxembourg, Poland, Spain, Sweden, Türkiye, the United Kingdom and the United States is set out in annex 47.

2.27 The delegation of China stated that there were no specific requirements for the nationality of the recipient of certificates or for the place of issuance in the STCW Convention and that it was the Contracting Party to the Convention that was responsible for the authenticity of the certificates issued and for providing assistance in the verification of these certificates and that, therefore, certificates issued by the competent authority of a Contracting Party in accordance with the STCW Convention did not fall under the category of "fraudulent certificates".

2.28 The delegation of the DPRK stated that the matter of seafarers' fraudulent documents raised in the document was a political issue rather than the matter addressed in resolution A.892(21) and STCW regulation I/5; that if any vessel was detained during a PSC inspection, the relevant seafarer who had certificates legally issued in accordance with the requirements of the STCW Convention would unfairly become a victim with measures taken for political reasons; that the Organization had been heavily involved in attempting to secure the safe evacuation of stranded ships and seafarers from the Black Sea region, yet this issue was encouraging the detention of ships and seafarers for political reasons rather than the risks related to marine safety and pollution prevention; that seafarers and ships should not be used as hostages for the achievement of political purposes by any Member State; and that the proposal in document MSC 107/2/3 was a discriminatory measure which contradicted the purpose of the Organization, including the facilitation of shipping; and that, therefore, the DPRK did not support document MSC 107/2/3.

2.29 In response to the earlier statement by the Russian Federation, the delegation of Ukraine stated that the Russian Federation had no right to enforce its own legislation in the temporarily occupied territories and had to observe local laws and regulations. The Merchant Shipping Code of Ukraine and other related acts of the Government of Ukraine set out the specific requirements as to the relevant procedures and forms of the seafarer documents to be issued by the Ukrainian Authorities. No right had been afforded to the Russian Federation to issue any seafarers certificates or identity documents on Ukraine's behalf. The delegation declared that any document issued to a seafarer in the above temporarily occupied territories of Ukraine by the Russian Federation State or privately owned agencies was regarded as illegally obtained and did not confirm that its owner fulfilled the requirements of the STCW Convention. Similar documents issued in the temporarily occupied territories of Ukraine to members of fishing vessel personnel on the basis of the STCW-F Convention were also fraudulent. Emphasis was given to the need of States Parties of the STCW and STCW-F Conventions to diligently observe their respective obligations taking into account the above.

2.30 Following consideration, based on the support of the overwhelming majority of delegations that spoke, the Committee took the following actions:

- .1 condemned the illegal and unprovoked invasion of Ukraine by the Russian Federation and called on the Russian Federation to immediately cease its war on Ukraine and withdraw its forces from Ukrainian territory extending to its territorial waters;
- .2 acknowledged the call from Ukraine that Member States should take resolute efforts in denouncing the Russian Federation's illegal unilateral actions in temporarily occupied territories of Ukraine, including its unauthorized practices associated with seafarers' certificates and documents issued by Russian occupation authorities;

- .3 expressed general support for the concerns raised in document MSC 107/2/3 and the proposals therein, aimed at identifying seafarers' certificates and documents fraudulently issued by entities and/or from locations in the territory of Ukraine temporarily occupied by the Russian Federation, and taking appropriate action in line with relevant international instruments;
- .4 encouraged Member States to fulfil their obligations under the STCW Convention as flag and port States, to prevent unlawful practices by the Russian Federation with respect to seafarers' certificates and documents, noting the recommendations contained in paragraph 17 and the information provided in paragraph 18 of document MSC 107/2/3; and
- .5 further encouraged flag and port States to consider the issues raised in document MSC 107/2/3 and take appropriate action when examining seafarers' certificates and documents issued from locations in the territory of Ukraine temporarily occupied by the Russian Federation.

2.31 The delegation of the Russian Federation stated that the proposed actions of the Committee did not reflect the discussion held and its actual outcome. Further on, it was underlined that alleged decisions to be taken by the Committee contradicted one of the basic conventions of the Committee – the STCW, and that regardless of the support received by other delegations, the Committee could not change the provisions and articles of the Convention since clear procedures had been established for this. In highlighting the discrepancies between so-called conclusions of the Committee and the STCW provisions, the delegation requested clarification regarding how the so-called "unauthorized practices associated with certificates of competency and seafarers' identification documents issued by Russian authorities" were illegal practices under the STCW. In particular, the delegation indicated that if the illegality was in the issuance of certificates, article II(c) stipulated that "certificate means a valid document, by whatever name it may be known, issued by or under the authority of the Administration or recognized by the Administration authorizing the holder to serve as stated in this document or as authorized by national regulations". Therefore, the issuance of certificates by the Russian Federation was carried out in full accordance with the Convention. On the other hand, if the issue was in the so-called "documents fraudulently issued", article X "Control" where the phrase "fraudulently obtained" is mentioned, corresponded to a completely different context and did not refer to the actions of the States or bodies that issued the certificates. Regarding the proposed action to call on IMO Members to "fulfil their obligations under the STCW Convention to prevent unlawful practices by the Russian Federation with respect to seafarers' certificates and documents", the delegation stressed that such obligations did not exist under the STCW and could not be introduced by the Committee. Therefore, the delegation of the Russian Federation:

- .1 urged all IMO Members to act in full accordance with the STCW Convention and to immediately contact the relevant authorities of the Russian Federation in case of questions about certificates and other maritime documents issued by authorized Russian bodies;
- .2 emphasized that the Maritime Safety Committee as a key part of IMO should comply with the provisions of the IMO Convention and in particular, its Article 1(b) which stated that the purpose of the Organization was to "encourage the removal of discriminatory measures", and not the creation of such measures by the Organization itself, as followed from the proposed actions;

- .3 highlighted that if the actions were to be agreed, a precedent would be set for any State to discriminately question the validity of the certificates issued by the other State thus jeopardizing the maritime industry; and
- .4 stressed that most prominently this would adversely affect ordinary fully qualified seafarers, properly certified and licensed, but undesirable to a handful of countries, despite the ongoing seafarers' crisis on the global scale.

2.32 The delegation of Ukraine stated that the Russian Federation had no sovereign rights over the Autonomous Republic of Crimea and the city of Sevastopol and other temporarily occupied territories of Ukraine and, respectively, no right to issue seafarers' certificates and documents from these locations, only Ukraine had the regulatory authority to do so.

2.33 The delegation of the DPRK requested the Committee to carefully consider its mandate in relation to this issue; recalled that the matter on the recognition of certificates issued by any Administration under authorization of its Government of a Party to the STCW Convention was directly related to the recognition of the Administration; and that in both the STCW and IMO Conventions, there was no article stipulating that IMO, including the Committee, could decide to recognize individual Member State's authority, including its activities, for political reasons. Although the relevant UN Assembly resolutions were adopted as mentioned in document MSC 107/2/3, this issue should be considered and decided at the IMO Assembly because it was a matter of IMO policy, and it was not appropriate for the Committee to decide the relevant measures on the issue by directly applying the recommendations of relevant UN Assembly resolutions without any decision of the Council or Assembly in terms of mandate of the Committee and the procedures within IMO. The full text of the statements made by the delegation of the DPRK is set out in annex 47.

2.34 The delegation of the Russian Federation stated that none of the interventions made had provided any counterargument to the fact of contravention of the STCW and IMO Conventions by the proposed actions of the Committee as was previously detailed by the Russian Federation. This conscious step by the Committee, to which the Russian delegation refused to join, clearly set a precedent when the Committee had violated the STCW and the IMO Convention. This also served as a precedent applicable in many regional situations worldwide, especially with regard to colonial possessions forcibly retained by some countries. Furthermore, it had been stressed that simple seafarers should be aware that it was the Committee that was making purposeful strides against them by taking action aimed at overt discrimination by the Committee against seafarers. The full text of the statements made by the delegation of the Russian Federation are set out in annex 47.

Attack against the Kakhovka hydroelectric power plant

2.35 The delegation of Ukraine stated that in the early morning of 6 June 2023 the forces of the Russian Federation had detonated explosives in the dam of the Kakhovka hydroelectric power plant, located in the temporarily occupied territories in Kherson region. This had resulted in massive flooding of the territories downstream of the Dnipro river, and the facilities were beyond repair. This was a human-made disaster; the Russian Federation had previously threatened to blow up the dam and in autumn 2022 had damaged part of the dam which led to a decrease in the water level in the Kakhovka reservoir. Ukraine had publicly warned of such a tragedy in autumn 2022 and had called for an international observation mission at the facility. This attack was planned well in advance and was the response to countries calling for peace talks with the Russian Federation. The terrorist attack by the Russian Federation would have long-term economic and irreparable environmental consequences not only for Ukraine but for the ecosystem of the entire Black Sea region. More than 80 settlements were in the flood zone and residents of the low left bank of the Dnipro river under Russian Federation occupation

would have suffered most heavily. The large-scale flooding had directly affected navigation on the Dnipro river and the functioning of the Ukrainian seaports in Kherson and Mykolaiv regions. Eight key ports and terminals in the regions, which were capable of making significant shipments of agricultural products, were under threat. The world was once again on the brink of a nuclear catastrophe, as the water from the Kakhovka reservoir was necessary for the Zaporizhzhia nuclear power plant turbine condensers and safety systems. Putting the Kakhovka hydroelectric power plant out of action may also have stopped the supply of water through the North Crimea canal. According to international humanitarian law, the incident was the equivalent of the use of weapons of mass destruction. The Russian Federation has been carrying out a regime of ecocide; on 5 June 2023, the Russian Federation damaged the ammonia pipeline in the Kharkiv region. Only the complete liberation of Ukrainian territories and the expulsion of the invaders would stop this endless terror and Ukraine called on the international community to strongly condemn the terrorist attack by the Russian Federation on the Kakhovka hydroelectric power plant. The full text of the statement made by the delegation of Ukraine is set out in annex 47.

2.36 In response to the Ukrainian intervention, the delegation of the Russian Federation stated that the information provided had been unfounded and the facts had been blatantly manipulated. They further stressed that Ukraine had been shelling the Kakhovka hydroelectric power plant for months, which had been confirmed by the Ukrainian Authorities themselves. The Russian side in turn had on many occasions warned of the outcomes of such reckless action. It further was highlighted that if a dam was repeatedly shelled it would collapse. Moreover, it was pointed out that this act was directed against the Russian towns and territories downstream that were most affected and that this act was part and parcel of the Ukrainian counteroffensive to give its forces a military advantage.

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 the proposed amendments to:

- .1 SOLAS chapters II-1, II-2, V and XIV and appendix (Certificates), in accordance with the provisions of article VIII of the Convention;
- .2 the International Life-Saving Appliance (LSA) Code, in accordance with the provisions of article VIII and regulation III/3.10 of the Convention;
- .3 the International Code of Safety for High-Speed Craft, 1994 (1994 HSC Code), in accordance with the provisions of article VIII and regulation X/1.1 of the Convention;
- .4 the International Code of Safety for High-Speed Craft, 2000 (2000 HSC Code), in accordance with the provisions of article VIII and regulation X/1.2 of the Convention;
- .5 the International Code for Ships Operating in Polar Waters (Polar Code), in accordance with the provisions of article VIII and regulation XIV/1.1 of the Convention; and
- .6 the International Maritime Solid Bulk Cargoes (IMSBC) Code, in accordance with the provisions of article VIII and regulation VI/1-1.1 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 Letters No.4642 of 29 October 2022 and No.4658/Rev.1 of 30 November 2022.

3.3 Parties to the 1978 STCW Convention were invited to consider and adopt the proposed amendments to chapter I of the Convention and to section A-I/2 of the STCW Code. More than one third of the Parties to the 1978 STCW Convention were present during the consideration and adoption of said amendments by the expanded Maritime Safety Committee, in accordance with the provisions of article XII(1)(a)(iv) and regulation I/1.2.3 of the Convention. The proposed amendments to the 1978 STCW Convention and the STCW Code had been circulated in accordance with article XII(1)(a)(i) of the Convention to all IMO Member States and Parties to the Convention by Circular Letter No.4658/Rev.1 of 30 November 2022.

3.4 Parties to the 1978 and 1988 SOLAS Protocols were invited to participate in the consideration and adoption of the proposed amendments to the appendix to the annex to the Protocols. Parties constituting more than one third of the total of Parties to the Protocols 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, article II of the 1978 SOLAS Protocol and article VI of the 1988 SOLAS Protocol. The proposed amendments to the 1978 and 1988 SOLAS Protocols were circulated in accordance with article VIII(b)(i) of the 1974 SOLAS Convention, article II of the 1978 SOLAS Protocol and article VI of the 1988 SOLAS Protocol to all IMO Members and Parties to the 1978 and 1988 SOLAS Protocols by Circular Letter No.4658/Rev.1 of 30 November 2022.

3.5 In conjunction with the adoption of the aforementioned amendments, the Committee was also invited to consider and adopt/approve, as appropriate:

- .1 draft MSC resolutions on:
 - .1 amendments to the Code of Safety for Special Purpose Ships, 1983 (1983 SPS Code);
 - .2 amendments to the Code of Safety for Special Purpose Ships, 2008 (2008 SPS Code); and
 - .3 amendments to the *Revised recommendation on testing of life-saving appliances* (resolution MSC.81(70)); and
- .2 draft MSC circulars on:
 - .1 Guidelines for anchor handling winches;
 - .2 Guidelines for lifting appliances;
 - .3 Revised form for cargo information for solid bulk cargoes;
 - .4 Guidelines for the submission of information and completion of the format for the properties of cargoes not listed in the IMSBC Code and their conditions of carriage (MSC.1/Circ.1453/Rev.2);

- .5 Guidelines for developing and approving procedures for sampling, testing and controlling the moisture content for solid bulk cargoes which may liquefy or undergo dynamic separation (MSC.1/Circ.1454/Rev.2);
- .6 Lists of solid bulk cargoes for which a fixed gas fire-extinguishing system may be exempted or for which a fixed gas fire-extinguishing system is ineffective (MSC.1/Circ.1395/Rev.6);
- .7 Guidelines on the use of electronic certificates of seafarers;
- .8 Revised standardized life-saving appliance evaluation and test report forms (survival craft) (MSC.1/Circ.1630/Rev.2); and
- .9 Revised standardized life-saving appliance evaluation and test report forms (personal life-saving appliances) (MSC.1/Circ.1628/Rev.1).

Proposed amendments to the 1974 SOLAS Convention (expanded Committee under SOLAS article VIII)

Draft amendments to SOLAS chapter II-1

3.6 The Committee recalled that:

- .1 MSC 102 had approved, in principle, draft amendments to SOLAS chapter II-1 concerning onboard lifting appliances and winches, with a view to subsequent adoption at a future session of the Committee, in conjunction with the approval of associated draft guidelines, once finalized (MSC 102/24, paragraph 19.10);
- .2 MSC 106 had approved, in principle, draft MSC circulars on guidelines for anchor handling winches and on guidelines for lifting appliances, with a view to final approval at this session, in conjunction with the adoption of the aforementioned amendments to SOLAS chapter II-1 (MSC 106/19, paragraphs 11.49 and 11.50);
- .3 MSC 106 had further approved minor corrections to the Record of equipment for passenger ship safety (Form P), Record of equipment for cargo ship safety (Form E) and Record of equipment for cargo ship safety (Form C) concerning types of immersion suits, and electronic inclinometers in Form C and Form E; and
- .4 SSE 8, having considered document SSE 8/9/1 (IACS), proposing modifications to the draft amendments to SOLAS chapter II-1 for lifting appliances and anchor handling winches, had agreed that the proposed modifications on the application provision of the draft amendments could be addressed by a drafting group established by the Committee when finalizing the draft amendments for adoption.

3.7 With regard to document SSE 8/9/1, having noted the clarification provided by the observer from IACS that the proposals therein should be considered as individual proposals rather than exclusive options, the Committee agreed to the proposed modifications in paragraph 8 of the document only, regarding the scope of application, as the proposal in

paragraph 7 to add "on all ships" to draft SOLAS regulation II-1/3-13.1.1 might imply that the requirements would be also applicable to the existing ships constructed before 1 January 2009.

3.8 The Committee also considered document MSC 107/3/5 (China), commenting on the aforementioned draft amendments and proposing:

- .1 modifications to clarify the application of the new requirements for lifting appliances and anchor handling winches; and
- .2 that the Committee direct the SDC Sub-Committee to conduct a review of the "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" to clarify how inspections following maintenance, repair and modification of embarkation and disembarkation equipment (resolution A.1045(27), annex, paragraph 3.8) shall comply with regulations II-1/3-9 and II-1/3-13, and MSC.1/Circ.1331, as well as the *Guidelines for lifting appliances*.

3.9 During consideration, the delegation of China provided the following views, with the full text of the statement set out in annex 47:

- .1 "anchor handling winch" was a new term introduced in the draft amendments to SOLAS chapter II-1 and its scope of application needed to be clarified, particularly as to whether it included traditional anchor windlass;
- .2 the application scope of the draft amendments needed to be clarified, in particular as to whether winches for embarkation and disembarkation systems were subject to the new requirements, with a view to identifying applicable provisions for maintenance, inspection and testing; and
- .3 marking and reporting requirements in draft SOLAS regulation II-1/3-13.2.3 should be aligned with the relevant provisions in the draft guidelines for lifting appliances and the differences of marking and reporting requirements of new and existing lifting appliances and loose gears should be clear.

3.10 In the ensuing discussion, the Committee also noted the following comments:

- .1 the scope of application of the draft SOLAS regulation II-1/3-13 was sufficiently clear and did not include traditional anchor windlasses and winches for embarkation and disembarkation;
- .2 SOLAS regulation I/3 regulated the scope of application of the Convention; therefore, the application provision in draft SOLAS regulation II-1/3.13.1.2 did not need to be amended; and
- .3 the draft amendments to SOLAS chapter II-1 had been approved after long and thorough consideration and, therefore, substantial proposals should not be discussed at this late stage.

3.11 Having agreed that the definitions, exclusions and scope of application of the draft amendments did not need to be modified substantially, the Committee confirmed the proposed amendments to chapter II-1 of the 1974 SOLAS Convention, with the agreed modifications, as set out in annex 1 to document MSC 107/WP.5, subject to any editorial improvements.

Date of entry into force of the proposed amendments

3.12 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 amendments to SOLAS chapter II-2

3.13 The Committee recalled that MSC 106 had approved draft amendments to SOLAS chapter II-2 in relation to the prohibition of fire-fighting foams containing perfluorooctane sulfonic acid (PFOS), with a view to adoption at this session (MSC 106/19, paragraph 11.29).

3.14 Having noted that no comments on the draft amendments had been submitted, the Committee confirmed their contents, as set out in annex 1 to document MSC 107/WP.5, subject to any editorial improvements.

Date of entry into force of the proposed amendments

3.15 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 amendments to SOLAS chapter V and the appendix (Certificates)

3.16 The Committee recalled that MSC 106 had approved draft amendments to SOLAS chapter V concerning mandatory carriage of electronic inclinometers, and the appendix (Certificates) of the annex to the Convention, with a view to adoption at this session (MSC 106/19, paragraphs 11.36 and 13.46).

3.17 In this regard, the Committee considered document MSC 107/3/4 (India), commenting on the aforementioned draft amendments and proposing modifications to the Forms of Safety Equipment Certificate for Cargo Ships, Safety Construction Certificate for Cargo Ships and Safety Certificate for Cargo Ships in the Convention, and the Form of the Document of Compliance in the ISM Code, in relation to the introduction of the definition of "bulk carrier" in draft new SOLAS regulation V/2.8, owing to the different definitions provided in different chapters of SOLAS.

3.18 Following consideration, the Committee:

- .1 agreed that a comprehensive analysis of the consistency of the term "bulk carrier" and its respective definition in all certificates would be appropriate and that a new output would be necessary to conduct this work; and
- .2 instructed the Drafting Group to consider whether the Form of safety construction certificate for cargo ships and the Form of safety certificate for nuclear cargo ships in the Convention needed to be amended as a result of the introduction of a definition for "containership" in SOLAS chapter V, and advise the Committee accordingly.

3.19 Subsequently, the Committee confirmed the proposed amendments to SOLAS chapter V, and appendix (Certificates) of the annex to the Convention, as set out in annex 1 to document MSC 107/WP.5, subject to any editorial improvements.

Date of entry into force of the proposed amendments

3.20 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 amendments to SOLAS chapter XIV

3.21 The Committee recalled that MSC 106 had approved draft amendments to SOLAS chapter XIV introducing safety measures for non-SOLAS ships operating in polar waters, with a view to adoption at this session (MSC 106/19, paragraph 13.9).

3.22 In this regard, the Committee considered document MSC 107/3/7 (Iceland and Pew), commenting on the aforementioned draft amendments and proposing modifications in order to align their scope of application with the requirements of the 2012 Cape Town Agreement.

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

- .1 since the 2012 Cape Town Agreement had not entered into force yet, any terminology alignment with it should be considered after its entry into force;
- .2 the use of the term "length overall" would have minimal impact on the extension of the scope of application of the amendments to SOLAS chapter XIV compared to the use of the term "length", which should be used for uniformity and consistency purposes;
- .3 if the term "length" was to be used in SOLAS chapter XIV, the corresponding definition should be introduced in said chapter or a proper reference included; and
- .4 the use of the term "length" would reduce the scope of application of the additional safety measures provided in the draft amendments to SOLAS chapter XIV and the Polar Code.

3.24 Having noted that the majority of the delegations that took the floor had supported the proposals in the document to align the scope of the draft amendments to SOLAS chapter XIV and the Polar Code with the requirements of the 2012 Cape Town Agreement, agreed to the proposals, in principle, and instructed the Drafting Group to consider whether there would be unintended consequences emanating from the proposed modifications.

3.25 Subsequently, the Committee confirmed the proposed amendments to chapter XIV of the 1974 SOLAS Convention, as set out in annex 1 to document MSC 107/WP.5, with the agreed modifications, subject to any editorial improvements.

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 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).

Proposed amendments to the 1978 and 1988 SOLAS Protocols

3.27 The Committee recalled that MSC 106 had approved draft amendments to the appendix to the annex to the 1978 and 1988 SOLAS Protocols concerning mandatory carriage of electronic inclinometers, with a view to adoption at this session (MSC 106/19, paragraph 13.46).

3.28 Having noted that no comments on the draft amendments had been submitted, the Committee confirmed their contents, as set out in annexes 7 and 8 to document MSC 107/WP.5, respectively, subject to any editorial improvements.

Date of entry into force of the proposed amendments

3.29 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).

Proposed amendments to the LSA, 1994 and 2000 HSC, Polar and IMSBC Codes, mandatory under the 1974 SOLAS Convention (expanded Committee under SOLAS article VIII)***Draft amendments to the LSA Code***

3.30 The Committee recalled that MSC 106 had approved draft amendments to chapter IV (Survival craft) of the LSA Code, concerning the ventilation requirements for totally enclosed lifeboats, with a view to adoption at this session (MSC 106/19, paragraph 11.4).

3.31 Having noted that no comments on the draft amendments had been submitted, the Committee confirmed their contents, as set out in annex 2 to document MSC 107/WP.5, subject to any editorial improvements.

Date of entry into force of the proposed amendments

3.32 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 amendments to the 1994 and 2000 HSC Codes

3.33 The Committee recalled that MSC 106 had approved draft amendments to chapter 7 (Fire safety) concerning the prohibition of fire-fighting foams containing perfluorooctane sulfonic acid (PFOS) and to annex 1 (Form of High-speed Craft Safety Certificate and Record of Equipment), concerning type of immersion suits, of the International Codes of Safety for High-Speed Craft 1994 and 2000 (1994 and 2000 HSC Codes), with a view to adoption at this session (MSC 106/19, paragraphs 11.29 and 11.36).

3.34 Having noted that no comments on the draft amendments had been submitted, the Committee confirmed their contents, as set out in annexes 3 and 4 to document MSC 107/WP.5, respectively, subject to any editorial improvements.

Date of entry into force of the proposed amendments

3.35 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 amendments to the Polar Code

3.36 The Committee recalled that MSC 106 had approved draft amendments to the International Code for Ships Operating in Polar Waters (Polar Code), introducing safety measures for non-SOLAS ships operating in polar waters, with a view to adoption at this session (MSC 106/19, paragraph 13.9).

3.37 In this regard, having recalled its consideration of document MSC 107/3/7 (Iceland and Pew) in the context of the draft amendments to SOLAS chapter XIV (see paragraph 3.24), the Committee agreed to take the same action in relation to the proposals concerning the Polar Code.

3.38 Subsequently, the Committee confirmed the proposed amendments to the Polar Code, as set out in annex 5 to document MSC 107/WP.5, with the agreed modifications, subject to any editorial improvements.

Date of entry into force of the proposed amendments

3.39 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 amendments to the IMSBC Code

3.40 The Committee recalled that the draft amendments (07-23) to the IMSBC Code had been agreed by CCC 8, finalized by E&T 37 and subsequently circulated in accordance with SOLAS article VIII(b)(i) and the agreed amendment procedure for the IMSBC Code (MSC 86/26, paragraph 7.2), for consideration with a view to adoption at this session.

3.41 The Committee recalled also that amendments to the IMSBC Code were exempted from the four-year cycle for entry into force of SOLAS amendments (MSC.1/Circ.1481, paragraph 3.4).

3.42 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 107/WP.5 and Circular Letter No.4642, subject to any editorial improvements.

Date of entry into force of the proposed amendments

3.43 The Committee agreed that the draft amendments, proposed for adoption at this session, should be deemed to have been accepted on 1 July 2024 and shall enter into force on 1 January 2025, and that Contracting Governments to the SOLAS Convention could apply the amendments from 1 January 2024 on a voluntary basis.

Proposed amendments to the 1978 STCW Convention and Code

Draft amendments to the 1978 STCW Convention

3.44 The Committee recalled that MSC 106 had approved draft amendments to chapter I (General provisions) of the 1978 STCW Convention, concerning the use of electronic certificates of seafarers, with a view to adoption at this session (MSC 106/19, paragraph 10.4).

3.45 Having noted that no comments on the draft amendments had been submitted, the Committee confirmed their contents, as set out in annex 9 to document MSC 107/WP.5, subject to any editorial improvements.

Date of entry into force of the proposed amendments

3.46 The Committee agreed that the aforementioned draft amendments proposed for adoption at this session should be deemed to have been accepted on 1 July 2024 and enter into force on 1 January 2025.

Draft amendments to the STCW Code

3.47 The Committee recalled that MSC 106 had approved draft amendments to section A-I/2 of the STCW Code, concerning the use of electronic certificates of seafarers, with a view to adoption at this session (MSC 106/19, paragraph 10.5).

3.48 Having noted that no comments on the draft amendments had been submitted, the Committee confirmed their contents, as set out in annex 10 to document MSC 107/WP.5, subject to any editorial improvements.

Date of entry into force of the proposed amendments

3.49 The Committee agreed that the aforementioned draft amendments proposed for adoption at this session should be deemed to have been accepted on 1 July 2024 and enter into force on 1 January 2025.

Non-mandatory instruments

Draft amendments to part I-B of the Polar Code

3.50 The Committee recalled that MSC 106 had approved draft amendments to part I-B of the Polar Code, with a view to adoption at this session, together with the associated amendments to part I-A of the Code (MSC 106/19, paragraph 13.9) (see paragraphs 3.36 to 3.39).

3.51 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 107/WP.5, subject to any editorial improvements.

Draft amendments to the 1983 and 2008 SPS Codes

3.52 The Committee recalled that MSC 106 had approved, in principle, together with the amendments to SOLAS and the HSC Codes (MSC 106/19, paragraph 11.37) (see paragraphs 3.16 and 3.33), associated draft amendments to the forms of the Record of Equipment for certificates in the 1983 and 2008 SPS Codes, concerning types of immersion suits, with a view to adoption at this session.

3.53 Having noted that no comments on the draft amendments had been submitted, the Committee confirmed their contents, as set out in annexes 11 and 12 to document MSC 107/WP.5, subject to any editorial improvements.

Effective date of the proposed amendments

3.54 The Committee agreed that the aforementioned draft amendments, proposed for adoption at this session, should take effect on 1 January 2026, in conjunction with the entry into force of the related draft amendments to the 1974 SOLAS Convention and the HSC Codes.

Draft amendments to the Revised recommendation on testing of LSA (resolution MSC.81(70))

3.55 The Committee recalled that MSC 106 had approved, in principle, consequential draft amendments to the *Revised recommendation on testing of life-saving appliances* (resolution MSC.81(70)) for totally enclosed lifeboats, emanating from the draft amendments to the LSA Code (MSC 106/19, paragraph 11.6), with a view to adoption at this session in conjunction with the adoption of the associated draft amendments to the LSA Code (see paragraphs 3.30 to 3.32).

3.56 In this regard, the Committee noted that SSE 9 had agreed to additional draft amendments for adoption at this session, with respect to updating of an ISO standard (ISO 12402-7) on personal flotation devices and thermal performance of immersion suits (SSE 9/20, annex 1).

3.57 Having noted that no comments on the draft amendments to the Revised recommendation (resolution MSC.81(70)) had been submitted, the Committee confirmed their contents, as set out in annex 13 to document MSC 107/WP.5, subject to any editorial improvements.

Associated draft MSC circulars

3.58 The Committee recalled that MSC 106 had approved, in principle, draft MSC circulars on guidelines for anchor handling winches and on guidelines for lifting appliances, with a view to final approval at this session, in conjunction with the adoption of the associated draft amendments to SOLAS chapter II-1 approved by MSC 102 (see paragraphs 3.6 to 3.12).

3.59 The Committee noted that, as instructed by CCC 8, E&T 37 had finalized the following draft provisions:

- .1 Revised form for cargo information for solid bulk cargoes;
- .2 amendments to the *Guidelines for the submission of information and completion of the format for the properties of cargoes not listed in the IMSBC Code and their conditions of carriage* (MSC.1/Circ.1453/Rev.1);
- .3 amendments to the *Guidelines for developing and approving procedures for sampling, testing and controlling the moisture content for solid bulk cargoes which may liquefy* (MSC.1/Circ.1454/Rev.1), with the amended title "Guidelines for developing and approving procedures for sampling, testing and controlling the moisture content for solid bulk cargoes which may liquefy or undergo dynamic separation"; and
- .4 amendments to the *Lists of solid bulk cargoes for which a fixed gas fire-extinguishing system may be exempted or for which a fixed gas fire-extinguishing system is ineffective* (MSC.1/Circ.1395/Rev.5),

with a view to approval at this session, in conjunction with the adoption of the associated draft amendments to the IMSBC Codes, as appropriate.

3.60 The Committee also noted that HTW 8 had prepared draft guidelines on the use of electronic certificates of seafarers and recalled that MSC 106, having considered the proposed modifications to the draft guidelines (MSC 106/10/2), had referred them to HTW 9 for further consideration and advice to this session, with a view to approval in conjunction with the adoption of the amendments to the 1978 STCW Convention and Code (HTW 9/15, paragraph 14.4) (see paragraphs 3.44 to 3.49).

3.61 The Committee further noted that SSE 9 had prepared, with a view to approval at this session, draft amendments to the following instruments:

- .1 the *Revised standardized life-saving appliance evaluation and test report forms (survival craft)* (MSC.1/Circ.1630/Rev.1), emanating from the amendments to the LSA Code and resolution MSC.81(70) on ventilation requirements for totally enclosed lifeboats (see paragraphs 3.30 to 3.32), to be disseminated as MSC.1/Circ.1630/Rev.2; and
- .2 the *Revised standardized life-saving appliance evaluation and test report forms (personal life-saving appliances)* (MSC.1/Circ.1628), emanating from the amendments to resolution MSC.81(70) on thermal manikin tests (see paragraph 3.56), to be disseminated as MSC.1/Circ.1628/Rev.1.

3.62 Having noted that no comments on the aforementioned draft MSC circulars had been received, the Committee confirmed their contents, as set out in annexes 14 to 22 to document MSC 107/WP.5, as appropriate, subject to any editorial improvements.

Status of footnotes in SOLAS amendments

3.63 The Committee considered document MSC 107/3/6 (Secretariat), advising on the status of footnotes in mandatory instruments and inviting it to re-examine the intent of the text in some footnotes contained in the amendments to SOLAS chapter II-2 and the new Industrial Personnel (IP) Code, adopted by resolutions MSC.520(106) and MSC.527(106), respectively.

3.64 In this context, the Committee:

- .1 noted that the amendments adopted by these resolutions had not yet entered into force;
- .2 concerning the footnote corresponding to SOLAS regulation II-2/3.59, adopted by resolution MSC.520(106), agreed to keep the footnote but replaced the phrase "is to be" with "should be" and requested the Secretariat to modify the text of the footnote accordingly;
- .3 concerning the footnote corresponding to SOLAS regulation II-2/4.2.1.6, adopted by resolution MSC.520(106), agreed to keep it, instructed the Drafting Group to consider the text of the footnote taking into account that the related amendments to MARPOL Annex VI/18 referred to therein had already been adopted by MEPC 79, and advise the Committee accordingly; and
- .4 concerning the footnote corresponding to paragraph III/1.3 of the IP Code, adopted by resolution MSC.527(106), noting that the footnote provided equivalent training arrangements, agreed to:
 - .1 develop a draft amendment to the IP Code regarding equivalent training arrangements for industrial personnel, with a view to approval at this session, and instructed the Drafting Group accordingly; and
 - .2 keep the existing footnote in the certified text of the IP Code until the above-mentioned amendment entered into force.

3.65 In this regard, the Committee requested the Sub-Committees under its purview to give due consideration to paragraph 5.4 (Status of footnotes) of MSC.1/Circ.1500/Rev.2 when drafting footnotes for inclusion in mandatory instruments.

Assessment of capacity-building and technical cooperation and assistance implications of the draft amendments to mandatory instruments

3.66 In accordance with the relevant decision of MSC 104 (MSC 104/18, paragraph 4.2), the Committee 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 *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.4) (hereinafter "Committees' method of work").

Establishment of the Drafting Group

3.67 Subsequently, 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 SOLAS chapters II-1, II-2, V and XIV and the appendix (Certificates), including the associated MSC resolution;
 - .2 draft amendments to the appendix to the annex to the 1978 and 1988 SOLAS Protocols, including the associated MSC resolutions;
 - .3 draft amendments to the LSA Code, including the associated MSC resolution;
 - .4 draft amendments to the 1994 and 2000 HSC Codes, including the associated MSC resolutions;
 - .5 draft amendments to the Polar Code, including the associated MSC resolution;
 - .6 draft amendments to the IMSBC Code, including the associated MSC resolution;
 - .7 draft amendments to chapter I of the 1978 STCW Convention, including the associated MSC resolution;
 - .8 draft amendments to chapter I, section A-I/2 of the STCW Code, including the associated MSC resolution;
 - .9 draft amendments to the 1983 and 2008 SPS Codes, including the associated MSC resolutions;
 - .10 draft amendments to the *Revised recommendation on testing of life-saving appliances* (resolution MSC.81(70)), including the associated MSC resolution; and
 - .11 draft MSC circulars on:
 - .1 Guidelines for anchor handling winches;
 - .2 Guidelines for lifting appliances;
 - .3 Revised form for cargo information for solid bulk cargoes;
 - .4 Revised Guidelines for the submission of information and completion of the format for the properties of cargoes not listed in the IMSBC Code and their conditions of carriage, to be disseminated as MSC.1/Circ.1453/Rev.2;

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- .5 Revised Guidelines for developing and approving procedures for sampling, testing and controlling the moisture content for solid bulk cargoes which may liquefy or undergo dynamic separation, to be disseminated as MSC.1/Circ.1454/Rev.2;
 - .6 Revised Lists of solid bulk cargoes for which a fixed gas fire-extinguishing system may be exempted or for which a fixed gas fire-extinguishing system is ineffective, to be disseminated as MSC.1/Circ.1395/Rev.6;
 - .7 Guidelines on the use of electronic certificates of seafarers;
 - .8 Revised standardized life-saving appliance evaluation and test report forms (survival craft), to be disseminated as MSC.1/Circ.1630/Rev.2; and
 - .9 Revised standardized life-saving appliance evaluation and test report forms (personal life-saving appliances), to be disseminated as MSC.1/Circ.1628/Rev.1; and
- .2 concerning document MSC 107/3/6:
- .1 consider the text of the footnote corresponding to SOLAS regulation II-2/4.2.1.6, adopted by resolution MSC.520(106), taking into account that the related amendments to MARPOL Annex VI/18 referred to therein had already been adopted by MEPC 79, and advise the Committee; and
 - .2 prepare draft amendments to the IP Code (resolution MSC.527(106)) concerning equivalent training arrangements for industrial personnel, with a view to approval at this session; and
- .3 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

3.68 Having considered the report of the Drafting Group (MSC 107/WP.8), the Committee approved it in general and took action as outlined below.

Adoption of amendments to the 1974 SOLAS Convention

3.69 The expanded Committee, including delegations of 110 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to chapters II-1, II-2, V and XIV and the appendix (Certificates) of the Convention, prepared by the Drafting Group (MSC 107/WP.8, annex 1).

3.70 In considering the final text of the proposed amendments prepared by the Group, the expanded Committee:

- .1 considered unintended consequences emanating from the use of the term "length" in the draft amendments to SOLAS chapter XIV and the Polar Code, as proposed in document MSC 107/3/7, regarding possible application ambiguities linked with the lack of a relevant definition (see paragraphs 3.21 to 3.25);
- .2 consequently agreed to revert to the term "length overall and above" as approved at MSC 106, instead of "length and over"; and
- .3 unanimously adopted the final text of the proposed amendments to chapters II-1, II-2, V and XIV and the appendix (Certificates) of the Convention by resolution MSC.532(107), as set out in annex 2.

3.71 In adopting resolution MSC.532(107), 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 on entry into force (MSC.1/Circ.1481).

Adoption of amendments to the 1978 and 1988 SOLAS Protocols

3.72 The expanded Committee, including delegations of 89 Parties to the 1978 SOLAS Protocol and 94 Parties to the 1988 SOLAS Protocol, considered the final text of the proposed amendments to the appendix to the annex to the 1978 and 1988 Protocols prepared by the Drafting Group (MSC 107/WP.8, annexes 2 and 3, respectively) and unanimously adopted the amendments by resolutions MSC.533(107) and MSC.534(107), as set out in annexes 3 and 4, respectively.

3.73 In adopting resolutions MSC.533(107) and MSC.534(107), the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, article II of the 1978 SOLAS Protocol and article VI of the 1988 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, article II of the 1978 SOLAS Protocol and article VI of the 1988 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, article VI of the 1988 SOLAS Protocol and the Guidance on entry into force (MSC.1/Circ.1481).

Adoption of amendments to Codes mandatory under the 1974 SOLAS Convention

Amendments to the LSA Code and the 1994 and 2000 HSC Codes

3.74 The expanded Committee, including delegations of 110 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to:

- .1 chapter IV (Survival craft) of the LSA Code (MSC 107/WP.8, annex 4); and
- .2 chapter 7 and annex 1 (Certificate) of the 1994 and 2000 HSC Codes (MSC 107/WP.8, annexes 5 and 6, respectively),

prepared by the Drafting Group, and unanimously adopted them by resolutions MSC.535(107), MSC.536(107) and MSC.537(107), as set out in annexes 5 to 7, respectively.

3.75 In adopting resolutions MSC.535(107), MSC.536(107) and MSC.537(107), 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 on entry into force (MSC.1/Circ.1481).

Amendments to the Polar Code

3.76 The expanded Committee, including delegations of 110 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to part I-A of the Polar Code prepared by the Drafting Group (MSC 107/WP.8, annex 7).

3.77 In considering the final text of the proposed amendments prepared by the Group, and recalling the decision taken on the use of the term "length" in the draft amendments to SOLAS chapter XIV (see paragraph 3.70), the expanded Committee unanimously adopted them by resolution MSC.538(107), as set out in annex 8.

3.78 In adopting resolution MSC.538(107), 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 on entry into force* (MSC.1/Circ.1481).

Amendments to the IMSBC Code

3.79 The expanded Committee, including delegations of 110 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the IMSBC Code, prepared by the Drafting Group (MSC 107/WP.8, annex 8), and adopted them unanimously by resolution MSC.539(107), as set out in annex 9.

3.80 In adopting resolution MSC.539(107), 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 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 January 2025, in accordance with the provisions of article VIII of the Convention.

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

Adoption of amendments to the 1978 STCW Convention

3.81 The expanded Committee, including delegations of 107 Parties to the 1978 STCW Convention, considered the final text of the proposed amendments to chapter I of the 1978 STCW Convention, prepared by the Drafting Group (MSC 107/WP.8, annex 9), and adopted them unanimously by resolution MSC.540(107), as set out in annex 10.

3.82 In adopting resolution MSC.540(107), the expanded Committee determined, in accordance with article XII(1)(a)(vii)(2) of the 1978 STCW Convention, that the adopted amendments to the 1978 STCW Convention should be deemed to have been accepted on 1 July 2024 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article XII(1)(a)(ix) of the Convention) and enter into force on 1 January 2025, in accordance with the provisions of article XII of the Convention.

Adoption of amendments to the STCW Code

3.83 The expanded Committee, including delegations of 107 Parties to the 1978 STCW Convention, considered the final text of the proposed amendments to section A-I/2 of the STCW Code, prepared by the Drafting Group (MSC 107/WP.8, annex 10), and adopted them unanimously by resolution MSC.541(107), as set out in annex 11.

3.84 In adopting resolution MSC.541(107), the expanded Committee determined, in accordance with article XII(1)(a)(vii)(2) of the 1978 STCW Convention, that the adopted amendments to the STCW Code should be deemed to have been accepted on 1 July 2024 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article XII(1)(a)(ix) of the Convention) and enter into force on 1 January 2025, in accordance with the provisions of article XII of the Convention.

Adoption/approval of amendments to non-mandatory instruments

3.85 Having considered the final text of the proposed draft MSC resolutions concerning non-mandatory instruments prepared by the Drafting Group (MSC 107/WP.8, annexes 7 and 11 to 13), the Committee adopted the following resolutions, as set out in the respective annexes:

- .1 resolution MSC.538(107) on *Amendments to part I-B of the International Code for Ships Operating in Polar Waters (Polar Code)* (annex 8);
- .2 resolution MSC.542(107) on *Amendments to the Code of Safety for Special Purpose Ships, 1983 (1983 SPS Code)* (annex 12);
- .3 resolution MSC.543(107) on *Amendments to the Code of Safety for Special Purpose Ships, 2008 (2008 SPS Code)* (annex 13); and
- .4 resolution MSC.544(107) on the *Revised recommendation on testing of life-saving appliances* (annex 14).

3.86 Having also considered the final text of the proposed draft MSC circulars prepared by the Drafting Group (MSC 107/WP.8, annexes 14 to 22), the Committee approved:

- .1 MSC.1/Circ.1662 on *Guidelines for anchor handling winches*;
- .2 MSC.1/Circ.1663 on *Guidelines for lifting appliances*;
- .3 MSC.1/Circ.1664 on *Revised form for cargo information for solid bulk cargoes*;
- .4 MSC.1/Circ.1453/Rev.2 on *Guidelines for the submission of information and completion of the format for the properties of cargoes not listed in the International Maritime Solid Bulk Cargoes (IMSBC) Code and their conditions of carriage*;
- .5 MSC.1/Circ.1454/Rev.2 on *Guidelines for developing and approving procedures for sampling, testing and controlling the moisture content for solid bulk cargoes which may liquefy or undergo dynamic separation*;

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- .6 MSC.1/Circ.1395/Rev.6 on *Lists of solid bulk cargoes for which a fixed gas fire-extinguishing system may be exempted or for which a fixed gas fire-extinguishing system is ineffective*;
 - .7 MSC.1/Circ.1665 on *Guidelines on the use of electronic certificates of seafarers*;
 - .8 MSC.1/Circ.1630/Rev.2 on *Revised standardized life-saving appliance evaluation and test report forms (survival craft)*; and
 - .9 MSC.1/Circ.1628/Rev.1 on *Revised standardized life-saving appliance evaluation and test report forms (personal life-saving appliances)*.

3.87 The delegation of New Zealand, as the originator of the relevant work, expressed their satisfaction concerning the adoption of the draft amendments to SOLAS chapter II-1 on safety requirements for lifting appliances and anchor handling winches and the approval of associated guidelines (see paragraphs 3.70.3 and 3.86), and thanked the Member States, in particular the delegation of Japan, and international organizations for their hard work and contributions.

Status of footnotes in SOLAS amendments

3.88 The Committee, having considered the Group's report concerning the status of the footnotes contained in the amendments to SOLAS chapter II-2 and in the new Industrial Personnel (IP) Code, adopted by resolutions MSC.520(106) and MSC.527(106), respectively:

- .1 agreed to the modified text of the footnote corresponding to SOLAS regulation II-2/4.2.1.6, adopted by resolution MSC.520(106), to read "Refer to regulation 18 of MARPOL Annex VI" and instructed the Secretariat to effect the modification, as appropriate; and
- .2 approved the following modifications to the IP Code adopted by resolution MSC.527(106) for training arrangements of industrial personnel as a minor correction and requested the Secretariat to take the necessary action:
 - .1 deletion of the footnote to existing paragraph III/1.3; and
 - .2 insertion of the following new paragraph III/1.4 after existing paragraph III/1.3 and renumbering of the subsequent paragraphs:

"1.4 Notwithstanding the requirements of paragraph 1.3, suitably qualified industrial personnel based on a standard acceptable to the Administration¹ may be considered to meet the functional requirements set out in paragraph II/1.2.3.

¹ Refer to the training requirements in paragraph 5.5 of the *Recommendations for the training and certification of personnel on mobile offshore units* (resolution A.1079(28)) or industrial training standards, such as those of the Global Wind Organization (GWO), Offshore Petroleum Industry Training Organization (OPITO) or Basic Offshore Safety Induction and Emergency Training (OPITO-accredited)."

Assessment of capacity-building implications

3.89 Having considered the parts of the Drafting Group's report (MSC 107/WP.8, paragraphs 32 to 37), 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 might be capacity-building implications and a need for technical cooperation or assistance in relation to the draft amendments to SOLAS chapter V, the LSA Code, the 1994 and 2000 HSC Codes and the Polar Code adopted at this session;
- .2 in relation to the above, invited TCC to note the outcome of the aforementioned assessment;
- .3 encouraged those Member States in need of capacity-building in relation to the implementation of the aforementioned amendments 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;
- .5 noted the views of the Drafting Group concerning the assessment of capacity-building implications and technical cooperation and assistance needs, in particular the challenges faced during the process, including the need for proper knowledge and expertise concerning technical assistance; and
- .6 invited interested Member States and international organizations to propose alternative mechanisms to address the issue to MSC 108.

Authorization of the Secretariat

3.90 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, the Parties to the 1978 and 1988 SOLAS Protocols and/or the Parties to the 1978 STCW Convention.

3.91 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 noted that the Secretary-General had established an audit team to conduct a 2022 combined 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 (third GBS maintenance audit) (MSC 105/20, paragraph 6.12).

4.2 The Committee also recalled that MSC 106 had 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 consideration by MSC 106, owing to the large amount and different reporting format of the information in the technical documentation package submitted by the 13 recognized organizations (ROs), which covered, for the first time, a three-year rule change reporting period (MSC 106/19, paragraph 4.8).

4.3 The Committee further recalled that, in order to address the difficulties auditors had during GBS maintenance audits in handling the different reporting formats for rule changes used by ROs already verified as being GBS-compliant, MSC 106 had agreed to the holding of a second GBS workshop, the outcome of which would be reported to MSC 108.

4.4 In this regard, the Committee also noted that MSC 105 had recommended to GBS workshop participants that the aims and objectives of the workshop should be limited to giving feedback, with a view to improving the Organization's GBS Audit Scheme (MSC 104/INF.8, paragraph 23) and that the ROs whose request for initial verification was pending, should be invited to attend such workshops (MSC 105/20, paragraphs 6.5 and 6.6).

Updated report on the current status of GBS verification audits and the GBS Trust Fund

4.5 The Committee considered document MSC 107/4 (Secretariat) and noted the information therein relating to the updated report on the current status of GBS verification audits and the GBS Trust Fund, as well as on the second GBS workshop, scheduled to take place on 12 June 2023.

Third GBS maintenance audit (2022 GBS Audit)

4.6 The Committee considered document MSC 107/4/1 (Secretary-General), containing the final report of the third GBS maintenance audit of the 13 ROs already verified as being GBS-compliant and of IACS's Common Structural Rules for bulk carriers and oil tankers.

4.7 In this regard, the Committee recalled that the 2022 GBS Audit had been the first GBS maintenance audit under the three-year cycle in accordance with the Revised GBS Verification Guidelines (resolution MSC.454(100)), covering the changes to ship construction rules for the years 2020 to 2022.

4.8 Having considered the final recommendations of the auditors set out in section 1.4 of the report, the Committee agreed with the Audit Team and confirmed that the submitted ship construction rules of all 13 ROs continued to comply with the Standards (resolution MSC.287(87)), as further supported in the audit summary in section 3 of the report, showing that the Audit Team had not identified any audit findings.

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

4.10 With respect to future audits, the Committee recalled that, in accordance with paragraph 27.2 of the Revised GBS Verification Guidelines, each RO already verified against the Standards should make available, at least annually, any new rules or rule changes, including any errata, corrigenda or clarifications, to the Secretary-General and to all Administrations that had recognized them. In addition, the Committee also noted that, in accordance with paragraph 27.4 of the aforementioned Guidelines, audits of rule changes submitted annually as part of a continuous improvement process, were subject to a maintenance audit every three years; and since the last maintenance audit had been conducted in 2022, the next maintenance audit would take place in 2025.

Report on the observations of the GBS Audit Team

4.11 The Committee considered document MSC 107/4/2 (Secretariat), providing the observations of the GBS Audit Team for the third GBS maintenance audit, in accordance with paragraph 11.10 of the Revised GBS Verification Guidelines, and noted:

- .1 the difficulties for auditors to keep track of rule changes submitted annually over a three-year period, which resulted in the same rule set being submitted three times, often creating superfluous volume;
- .2 the need perceived by auditors for a common standard for the presentation of GBS-relevant rule changes, especially for submitted non-searchable technical documentation in which the rule changes had not been clearly marked or were not easily identifiable; and
- .3 the need perceived by auditors for clarification of the provisions concerning the application of benchmarking in the Revised GBS Verification Guidelines.

4.12 Consequently, the Committee agreed that the above-mentioned auditors' observations should be addressed at the upcoming second GBS workshop, for consideration of the relevant outcome by the Committee at MSC 109.

Status report addressing GBS audit observations

4.13 The Committee noted the status reports addressing audit observations common to IACS members provided in document MSC 107/INF.10 (IACS). With respect to the status report relating to IACS's review of the North Atlantic wave data, the Committee also noted concerns and comments provided by the observer from ICS, supported by the observer from INTERCARGO, with respect to less onerous sea conditions than were previously used for the Common Structural Rules in the new data provided. Relative to the previous IACS data, a reduction in the mean wave height of about 0.8 m, and a reduction in the number of extreme waves was noted. The observer's opinion was that this potential change to IACS' wave data would be contrary to the expectation of the auditors, and could have far-reaching implications for the design of ship structures and their reliability. Therefore, the observer invited the auditors to pay close attention to the methodology and data utilized when reporting IACS's review to the Organization. The full text of the statement made by the observer from ICS is set out in annex 47.

4.14 In this respect, the Committee noted the intention of IACS to submit the outcome of their review to the IMO Secretariat as part of the second "IACS common package" in March 2024 for the second three-year cycle GBS maintenance of verification in 2025, as reported in document MSC 107/INF.10.

Establishment of the GBS Working Group

4.15 The Committee recalled that MSC 106 had noted a high degree of uncertainty and lack of experience and knowledge regarding the development of goals and functional requirements during the work on the draft goal-based MASS Code.

4.16 In this regard, the Committee also recalled that MSC 106 had agreed to re-establish the GBS Working Group at this session to consider the Example for the development of functional requirements for the IMO MASS Code (MSC 106/WP.8, annex 2) and, if considered appropriate, to amend the *Generic guidelines for developing IMO goal-based standards* (Generic GBS Guidelines) (MSC.1/Circ.1394/Rev.2) accordingly, to facilitate their future use (MSC 106/19, paragraph 5.25).

4.17 Subsequently, the Committee established the GBS Working Group and instructed it, taking into account comments and decisions made in plenary, to:

- .1 consider annex 2 of document MSC 106/WP.8 from a goal-based perspective with a view to determining whether the example functional requirements for the MASS Code (part A and part B) follow, in general, the principles of drafting goal-based provisions in IMO instruments as set out in the Generic GBS Guidelines; and
- .2 if considered appropriate, identify which provisions of the Generic GBS Guidelines would require amendments to facilitate their use in the future.

Report of the GBS Working Group

4.18 Having considered the report of the Working Group (MSC 107/WP.11), the Committee approved it in general and took action as described below.

Example for the development of functional requirements for the MASS Code

4.19 With regard to the Example for the development of functional requirements for the MASS Code (MSC 106/WP.8, annex 2), the Committee:

- .1 noted the discussion of the Group in this regard;
- .2 endorsed the Group's view that the Example followed the principles of drafting goal-based provisions in IMO instruments in the Generic GBS Guidelines, in general; and
- .3 endorsed the Group's specific observations and recommendations for improving the Example to be utilized when developing functional requirements (FRs) for the draft MASS Code (MSC 107/WP.11, paragraphs 3.4, 3.5 and 3.8).

Application of the Generic GBS Guidelines

4.20 In relation to the application of the Generic GBS Guidelines for the purposes of developing the draft MASS Code and a possible revision, the Committee:

- .1 noted the Group's discussion on revising the Generic GBS Guidelines; and
- .2 endorsed the Group's view that the Generic GBS Guidelines provided sufficient guidance for the development of FRs for developing the draft MASS Code; however, they might need to be revised in the future for certain types of new instruments, including the MASS Code, as it would be premature to amend the Guidelines at this stage only by taking into account the experience gained when developing the FRs for the draft MASS Code; and other relevant experience should also be considered.

4.21 In this respect, the Committee invited interested Member States and international organizations to submit relevant proposals for revising the Generic GBS Guidelines to future sessions of the Committee, including possible consideration of the experience gained in the development of other goal-based instruments, such as the IGF and Polar Codes.

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

Background

5.1 The Committee recalled that MSC 105 had established an intersessional MASS Correspondence Group to start developing a non-mandatory goal-based MASS Code and requested it to provide a verbal status report at MSC 106 and submit a written report to MSC 107.

5.2 The Committee also recalled that MSC 106 had agreed on basic principles for the development of the goal-based MASS Code and to establish a GBS working group at MSC 107 to consider the Example for the development of functional requirements for the IMO MASS Code in document MSC 106/WP.8, annex 2, and, if considered appropriate, to amend the *Generic guidelines for developing IMO goal-based standards* (Generic GBS Guidelines) (MSC.1/Circ.1394/Rev.2) to facilitate their use in the future.

5.3 With respect to the Joint MSC-LEG-FAL Working Group on MASS (MASS-JWG), the Committee further recalled that MSC 106, LEG 110 and FAL 47 had approved, and C 128 endorsed, the holding of a hybrid five-day meeting of the MASS-JWG from 17 to 21 April 2023; and that the three committees had also agreed that the MASS-JWG could meet before all three Committees had considered its report(s) and, further, had authorized the MASS-JWG to meet twice each year until decided otherwise, subject to endorsement by C 129 (July 2023).

5.4 Concerning the agreed timeline and work plan for developing a goal-based MASS Code, the Committee recalled that MSC 106 had approved a Revised road map for developing the MASS Code.

Report of the Correspondence Group

5.5 The Committee had for its consideration the report of the MASS Correspondence Group (MSC 107/5), including a first draft of the International Code of Safety for Maritime Autonomous Surface Ships (MASS Code) prepared by the Group.

5.6 Following consideration, the Committee took action as follows:

- .1 agreed, in principle, to the approach taken and the structure of the draft non-mandatory MASS Code (MSC 107/5, paragraphs 5 to 35 and annex 1);
- .2 noted the proposed positions on matters that might be considered by the MASS-JWG and agreed to forward them, as appropriate, to the Group for its consideration (MSC 107/5, paragraphs 22, 26, 28, 32 and 34); and
- .3 agreed to the establishment of an intersessional MASS Working Group, scheduled to convene from 30 October to 3 November 2023, in order to meet the tight time schedule for the completion of the work on the MASS Code, subject to endorsement by C 129.

Further work on the draft MASS Code

5.7 With respect to the further work on the draft MASS Code, the Committee had for its consideration the following documents:

- .1 MSC 107/5/2 (Russian Federation), providing a report on the implementation of autonomous navigation during the ongoing national experiment in the Russian Federation, conducted in accordance with the *Interim guidelines for MASS trials* (MSC.1/Circ.1604);
- .2 MSC 107/5/3 (ISO), providing information on technical specification ISO/TS 23860, published in June 2022 and containing a preliminary and voluntary industry standard on MASS vocabulary, for consideration by the Committee;
- .3 MSC 107/5/4 and MSC 107/INF.8 (Austria et al.), proposing a MASS risk-assessment methodology, the so-called risk-based assessment tool, which used a function decomposition approach (multilevel function maps) as part of functional safety and was intended for inclusion in the MASS Code;
- .4 MSC 107/5/6 (Japan), proposing a human element section for the MASS Code, containing two parts, one for seafarers on board MASS, the other for remote control operators;
- .5 MSC 107/5/7 (Republic of Korea), proposing priority consideration for developing the navigation functional requirement of the MASS Code, including considerations for clarifying detailed requirements, mode of operations and system components;
- .6 MSC 107/5/8 (Republic of Korea and ITF), proposing minimum competencies in addition to the current STCW requirements for operating a MASS for remote operators engaged in MASS navigation;
- .7 MSC 107/5/9 (Denmark et al.), proposing to proceed with the development of the MASS Code by first considering issues highlighted for common understanding, before proceeding with the further development of part 3 of the draft Code;
- .8 MSC 107/5/10 (Japan and GlobalMET), providing cases and scenarios to be considered for the proposed development of concepts on fallback, override and minimal risk manoeuvre (MRM);
- .9 MSC 107/5/11 (France), providing comments on various issues in relation to the draft MASS Code (MSC 107/5), and proposing to include in the terms of reference of the Joint IMO/ILO Working Group clarification of the labour law applicable to remote operators; and
- .10 MSC 107/5/12 (China), proposing to define all operational boundaries and limitations of autonomous navigation systems in the MASS Code by using the terminology of Operational Design Conditions.

5.8 In addition to the above documents, the Committee also noted the information contained in the following documents:

- .1 MSC 107/INF.2 (China), providing detailed information on the MASS navigation risk assessment process, based on MASS projects conducted in China, with a view to facilitating the development of functional requirements for the IMO MASS Code;
- .2 MSC 107/INF.11 (Republic of Korea), providing information on cybersecurity in the maritime domain considering the future systems and requirements for network security equipment to support MASS operation;
- .3 MSC 107/INF.12 (France), providing a summary of the MASS regulatory framework implemented in France, in alignment with the *Interim guidelines for MASS trials* (MSC.1/Circ.1604);
- .4 MSC 107/INF.14 (Belgium), providing a summary of the key findings of a study carried out by Belgium on the definition and organization of a remote control centre (RCC) with a view to its certification; and
- .5 MSC 107/INF.18 (Republic of Korea), providing information on a transoceanic MASS trial with an autonomous navigation system that had the functions of autonomous navigation, manoeuvring, and collision detection and collision avoidance (CDCA).

5.9 During consideration, the Committee noted inter alia the following views, as set out in the following paragraphs.

National projects on MASS

5.10 The Committee noted additional information provided by the Russian Federation on an ongoing national experiment for the operation of MASS and the successful implementation of their a-Navigation systems, especially on two of its largest rail/vehicle ferries that would be certified as autonomous ship class, paired with special training programmes for crew members and onshore service staff to operate autonomous ships.

5.11 In response to the above statement, the delegation of Ukraine condemned the Russian Federation with respect to its invitation to other interested parties to cooperate on matters related to MASS (MSC 107/5/2, paragraph 15). The full text of the statement is attached in annex 47.

Search and rescue provisions for MASS

5.12 With respect to section 10 of the draft MASS Code, relating to search and rescue, the need was highlighted to incorporate provisions that required MASS to render assistance to persons in distress at sea in an expeditious manner, to be able to receive, transmit and relay distress messages and monitor distress GMDSS frequencies for SAR-related communications and to be fitted with protected spaces to take rescued persons at sea on board while the MASS operator should be enabled to coordinate SAR efforts.

Risk assessment methodologies to be used for MASS operations in the draft MASS Code

5.13 The Committee noted a view supporting the inclusion of the proposed risk-based assessment tool as one possible option, highlighting that the MASS Code should not restrict the use of a particular risk assessment methodology but provide for other risk assessment methods such as Functional Hazard Assessment, Failure Mode and Effect Analysis or System-Theoretic Accident Model and Processes; and that it was necessary to clarify, "who" would conduct the risk assessment, the targets to be assessed, assessment conditions, as well as procedures and other general requirements.

Terminology to be used for the development of functional requirements

5.14 The Committee noted a view highlighting the importance of discussing differing proposals for terminology and concepts when developing functional requirements for the MASS Code, including but not limited to Autonomous Navigation System and Operational Design Domain and fallback, versus concepts such as those presented in document MSC 107/5/10 on the human-machine interaction for different modes of operation.

5.15 The Committee noted a statement by one delegation that the establishment of international regulations for MASS was crucial in the long term and that it was important to address unclear or ambiguous elements early in order to systematically develop the MASS Code as presented in document MSC 107/5/7 (Republic of Korea).

Consideration by the Working Group

5.16 Subsequently, the Committee decided to forward the report of the Correspondence Group and all documents listed in paragraphs 5.7 and 5.8 to the MASS Working Group for consideration and to be taken into account in the further development of the draft MASS Code.

Development of competencies relating to MASS operations

5.17 The Committee agreed to also consider under this agenda item document MSC 107/13/2 (Russian Federation and United Arab Emirates), proposing to instruct the HTW Sub-Committee to address the issue of the development of competencies relating to MASS operations as part of the comprehensive review of the 1978 STCW Convention and Code.

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

- .1 the issue had already been deliberated by HTW 9, which had agreed that the impact of digitalization and emerging technologies would need to be considered as part of the comprehensive review of the 1978 STCW Convention and Code;
- .2 the comprehensive review of the 1978 STCW Convention and Code should not be tied to the development of the MASS Code as this might delay the progress and eventual adoption of either instrument;
- .3 it was premature to task the HTW Sub-Committee with developing competencies for seafarers operating MASS, as the discussion of the roles and responsibilities of different personnel operating MASS was ongoing and had not yet been agreed;

- .4 the MASS work plan already included actions to involve sub-committees and the involvement of the HTW Sub-Committee had therefore been planned for and was timely;
- .5 requirements regarding knowledge, proficiency and understanding of seafarers were developed on the basis of provisions in IMO instruments; the basis for STCW requirements concerning MASS would be the MASS Code, which was currently inconclusive on the requirements for MASS operators; and
- .6 in addition to developing requirements in the STCW Convention and Code for personnel engaged in the operation of MASS, the Committee should also consider preparing MASS training plans for the technical personnel of maritime Administrations.

5.19 Following discussion, the Committee agreed that the HTW Sub-Committee would eventually have to develop competencies relating to MASS operations but that, at the present time, it was premature to consider the matter, given the early stage of the MASS Code development.

Outcome of MASS-JWG 2

5.20 The Committee considered the report of the second session of the Joint MSC-LEG-FAL Working Group on MASS (MASS-JWG 2) (MSC 107/5/1).

5.21 The Committee noted a statement by the delegation of Argentina, highlighting that the highest levels of autonomy presented very notable challenges, including with regard to the master, the crew and the role and location of the remote operations centre. The delegation also stressed that one of the outcomes of the discussion at MASS-JWG 2 was that regulating MASS should respect UNCLOS, while also highlighting other legal aspects, such as the possibility of strict liability. It was also stressed that there was a need to share knowledge with developing countries, bearing in mind the technological gap that existed, and which had a bearing on issues such as SAR coordination, pollution and the responsibilities of coastal States under international instruments. The full text of the statement is set out in annex 47.

5.22 Having considered the report (MSC 107/5/1), together with the comments made, the Committee approved it in general and, in particular:

- .1 noted that a seminar on legal issues relating to MASS, including UNCLOS, had been held on 17 April 2023, prior to MASS-JWG 2;
- .2 concurred, in principle, that:
 - .1 there should be a human master responsible for a MASS, regardless of mode of operation or degree/level of autonomy;
 - .2 the master may not need to be on board, depending on the technology used in the MASS and human presence on board, if any; and
 - .3 regardless of mode of operation or degree or level of autonomy, the master of a MASS should have the means to intervene when necessary;

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- .3 noted that the Group had requested the Secretariat to compile a list of the roles and responsibilities of a master in existing IMO instruments and UNCLOS in order to identify which of those roles could be delegated or entrusted to some other party, and invited submissions on related provisions concerning the master, including instruments not under the purview of IMO;
- .4 concurred, in principle, that a detailed discussion of the circumstances where a master of a MASS could be responsible for several MASS was needed, and that it was for the relevant Committee(s) to further consider what those conditions were;
- .5 concurred, in principle, that several masters could be responsible for a MASS on a single voyage, under certain conditions, and that it was for the relevant Committee(s) to further consider what those conditions were;
- .6 concurred, in principle, that only a single master should be responsible for a MASS at any one time;
- .7 noted information provided by the Secretariat on possible ways forward in bringing developments relating to MASS to the attention of ILO;
- .8 noted that the Group had agreed that it was premature to discuss the roles of the crew of a MASS before having considered the role of the master of a MASS in detail and decided to add this matter to the work plan for MASS-JWG 3;
- .9 concurred, in principle, with the term "remote operations centre" (ROC) and its definition;
- .10 concurred, in principle, to not exclude the possibility that one or more ROCs may be responsible for a MASS on a single voyage, under certain conditions, which would need to be further considered by the appropriate Committee(s);
- .11 concurred, in principle, that, however, only a single ROC must be responsible for a MASS at any one time; and that this was a matter solely for MSC to consider and thus there was no need for this to be discussed further by the MASS-JWG;
- .12 noted that the Group had agreed to further consider the conditions that may allow for the handover of responsibility for a MASS from one ROC to another ROC, and the issues that would arise if the ROC was located outside of the flag State of a MASS;
- .13 concurred, in principle, that a person (a master) at the ROC may be responsible for multiple MASS at the same time, under certain conditions, which would need to be further considered by the appropriate Committee(s);
- .14 noted that the requirements for the ROC (MSC 107/5/1, annex 1) were a matter to be further discussed by MSC when developing the MASS Code;
- .15 concurred, in principle, with the definition for "remote operator";
- .16 noted that the requirements for a remote operator (MSC 107/5/1, annex 1, table 4) should be further discussed by MSC when developing the MASS Code;

- .17 noted the discussion on the designation of a master of a MASS in an ROC; however, agreed that this was a matter solely for MSC and thus there was no need for this to be considered further by the MASS-JWG;
- .18 noted that further discussion within the Group and the relevant Committee(s) was required regarding the need for a master to be on board when there were person(s) or crew on board;
- .19 noted that the Group had agreed that the matter of jurisdiction, including the conditions for having an ROC outside the territorial jurisdiction of the flag State, was a matter for consideration by the Legal Committee;
- .20 noted that the Group had agreed that the interpretation of UNCLOS pertained to its States Parties, but that this did not preclude IMO, as the competent body for global shipping, from facilitating arrival at practical and legally feasible solutions when dealing with MASS;
- .21 noted that the Group had also agreed that relevant proposals, such as to consider a similar framework to that of the ISM Code, should be considered by the relevant Committee(s);
- .22 noted the recommendation for MSC to further consider the application of the ISM Code to MASS;
- .23 noted the recommendation for MSC to take into account, at the appropriate time, the proposal in document LEG 110/11/3 (paragraph 25.3) concerning the inclusion of a subsection or paragraph in the introduction section of the MASS Code reflecting on the legal framework of the Code;
- .24 concurred, in principle, to continue to use the acronym MASS as "maritime autonomous surface ships", and its current definition, noting that this may change in the future, and that definitions and terminology regarding MASS should be further discussed by MSC when developing the MASS Code;
- .25 noted that the Group had agreed that the modes of operation or degrees/levels of autonomy should be discussed by MSC;
- .26 endorsed the updated work plan for MASS-JWG 3 (MSC 105/5/1, annex 2), which might need further updating, taking into account the outcome and decisions of this session of the Committee;
- .27 noted that MASS-JWG 3 had been scheduled to take place from 11 to 15 September 2023, together with a seminar on implications, challenges and opportunities of MASS operations for ports and public authorities, on the first day of the meeting;
- .28 approved the following revised terms of reference for MASS-JWG 3:

"MASS-JWG 3, following the outcome of the regulatory scoping exercises conducted by the three Committees (MSC.1/Circ.1638, LEG.1/Circ.11 and FAL.5/Circ.49) and the discussions during MASS-JWG 2, is instructed to:

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- .1 further address the common issues, taking into account the discussions at and outcome of FAL 47, LEG 110 and MSC 107, including:
 - .1 the role and responsibilities of the MASS master and MASS crew;
 - .2 certificates and other documents;
 - .3 sharing of information as part of the obligation to communicate with coastal and port States, port authorities, etc.; and
 - .4 issues relating to connectivity, cybersecurity and remotely controlled operations, based on annex 1 to document MASS-JWG-2/WP.1, as appropriate;
 - .2 consider the following, as and when requested by the Committees:
 - .1 definitions and terminology regarding MASS; and
 - .2 issues associated with the "remote operations centre" and "remote operator", including situations when the ROC is located outside of the flag State;
 - .3 update the work plan; and
 - .4 provide a written report to the Committees"; and
 - .29 noted that the Group had supported a proposal to hold a seminar(s) on technological developments relating to MASS, with a view to providing relevant information to Member States, in particular developing States, and encouraging their participation in the work on MASS in the Organization.

MASS trials with officer of navigational watch acting as sole lookout in periods of darkness

5.23 The Committee considered document MSC 107/5/5 (Germany et al.), proposing a draft MSC circular to, inter alia, permit trials under regulation I/13 of the STCW Convention during which the officer of the navigational watch acted as the sole lookout in periods of darkness, to be conducted in accordance with the *Interim guidelines for MASS trials* (MSC.1/Circ.1604).

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

- .1 there could be no justification to reduce the bridge crew to one lookout being the officer of the watch; therefore, for manned ships during MASS trials, bridges should be properly manned at all times in order to fully assess new technology;
- .2 the existing IMO instruments covering the lookout function reflected a decision made more than 25 years ago and this might hamper the possibility of undertaking MASS trials to its full purpose; therefore, an MSC circular should be issued, clarifying the scope of MASS trials and revoking outdated decisions preventing such trials;

- .3 to have a sole watchkeeper during trials in periods of darkness caused serious concerns due to the potential adverse impact on safety of navigation and protection of the marine environment, given the uncertainty about the reliability of new equipment;
- .4 MSC/Circ.566, MSC/Circ.733 and MSC/Circ.867 remained relevant for conventional ships and should not be revoked while MASS trials with a sole lookout might be conducted, if considered safe;
- .5 safety concerns about permitting a solo lookout during MASS trials could be addressed by conducting a prior risk assessment;
- .6 MASS trials should not be a reason for lowering the safety standard and consideration should be given to increasing, rather than decreasing, the number of people during trials; and
- .7 the proposal had merits and should be further discussed in the Working Group.

5.25 The Committee was divided on whether solo lookouts during hours of darkness should be exceptionally permitted during MASS trials and what conditions needed to be met for this to be done in a safe manner.

5.26 Following discussion, the Committee agreed to refer the proposal in document MSC 107/5/5 to the Working Group for further discussion, time permitting, with a view to advising the Committee on the best way forward.

Establishment of the MASS Working Group

5.27 In order to advance the work on the MASS Code, the Committee established the MASS Working Group, which would also take into account the outcome of the work of the GBS Working Group (see paragraph 5.2), established under item 4 (see paragraph 4.17), and instructed it, taking into account comments and decisions made in plenary, to:

- .1 further develop the draft non-mandatory MASS Code, based on annex 1 to document MSC 107/5, considering the approach proposed in document MSC 107/5/9, taking into account documents MSC 107/5/2, MSC 107/5/3, MSC 107/5/4, MSC 107/5/6, MSC 107/5/7, MSC 107/5/8, MSC 107/5/9, MSC 107/5/10, MSC 107/5/11 and MSC 107/5/12, as well as the oral report of the GBS Working Group Chair on MSC 107/WP.11;
- .2 consider the outcome of the second session of the Joint MSC-LEG-FAL Working Group on MASS (MASS-JWG 2) and whether there were additional common issues that should be submitted to the JWG;
- .3 consider the involvement of sub-committees in the further development of the MASS Code;
- .4 update the road map for developing a goal-based MASS Code, based on annex 10 to document MSC 106/19/Add.1; and

- .5 prepare draft terms of reference for the:
 - .1 intersessional Correspondence Group on Development of a Goal-Based Instrument for Maritime Autonomous Surface Ships (MASS); and
 - .2 intersessional Working Group on Development of a Goal-Based Instrument for Maritime Autonomous Surface Ships (MASS).
- .6 if time permitted, consider document MSC 107/5/5 and provide recommendations to the Committee on the way forward.

Report of the MASS Working Group

5.28 Having considered the report of the Working Group (MSC 107/WP.9), the Committee approved it in general and took action as outlined below.

Human element factors for MASS

5.29 The Committee noted a statement by the observer of ITF, supported by France, Spain and Argentina, highlighting that the work carried out so far had unreasonably focused on defining requirements of the human element factor for MASS and that, because there was no clarity and a common understanding on the social, legal and technical implications of MASS and its functions and operations, it was premature to reach a common position, such as the one stated in paragraph 82 of document MSC 107/WP.9.

Outcome of the second session of the Joint MSC-LEG-FAL Working Group on MASS (MASS-JWG 2)

5.30 The Committee noted that the Group had agreed to be guided by the outcome of MASS-JWG 2, as confirmed by the Committee (see paragraph 5.22), and had taken it into account as and when matters pertaining to that outcome arose.

Progress made on the development of the MASS Code

Application of the MASS Code

5.31 The Committee noted the progress made on the development of the draft goal-based non-mandatory MASS Code, including an application provision for the Code (part 1 (General), section 2), which had been agreed by the Group.

5.32 In this respect, the Committee considered the request of the Group for clarification of the scope of the Code and whether the Committee's earlier decision to apply the Code to cargo ships would include ships certified under both SOLAS chapter I and chapter X, i.e. high-speed craft. Having acknowledged the wider implication of any decision in this respect, the Committee agreed to postpone its decision to MSC 108 in order to allow for thorough consideration.

5.33 In this context, the Committee recalled the decision of MSC 105 that the non-mandatory MASS Code should initially cover cargo ships, while also assessing the application to passenger ships with a view to considering detailed provisions for such ships at a later stage.

Linkage between SOLAS and the MASS Code

5.34 With regard to how to apply relevant SOLAS regulations to MASS, the Committee noted that the Group had agreed that the MASS Code should not repeat SOLAS regulations and that applying SOLAS in its entirety to MASS might not be possible, especially those regulations which required human action on board (e.g. use of portable fire extinguishers).

5.35 Notwithstanding the above, the Committee also noted that, at the same time, additional requirements would need to be developed to accommodate the unique risks arising from the operation of autonomous functions on a MASS or for remotely controlled MASS.

Guidance for reviewing part 3 sections of the MASS Code

5.36 The Committee noted that the Group agreed to use the goal and the chapeau of the associated FR for the fire safety section of part 3 of the draft MASS Code as an example to follow in principle, in connection with the *Guidance for reviewing part 3 sections of the MASS Code* (MSC 107/WP.9, annex 3).

Critical working terms

5.37 With regard to the use of critical working terms to be used in the draft MASS Code, the Committee noted that the Group had agreed to draft definitions of "operational envelope (OE)" and "concept of operation (ConOps)" (MSC 107/WP.9, annex 1, part 1, section 4).

5.38 In addition to the above, the Committee agreed, in principle, to the definition of "modes of operation" (MSC 107/WP.9, paragraph 23 and annex 1, part 1, section 4).

Risk assessment methodologies

5.39 With respect to section 2.4 in part 2 of the MASS Code on Risk Assessment, the Committee noted that the Group had incorporated text for risk assessment methodologies and that it had agreed that no specific risk assessment methodology should be recommended to be used in the MASS Code, so as to allow for flexibility.

Harmonization of the sections of the MASS Code

5.40 Recognizing that the different draft sections for part 3 of the draft MASS Code had been developed by different volunteering Member States and international organizations, the Committee noted that the Group had agreed to review and harmonize them.

Recommendations from the GBS experts

5.41 The Committee noted that the Chair of the GBS Working Group had provided the Group orally with the analysis and recommendations of the GBS Working Group which, together with the GBS Working Group report (MSC 107/WP.11), was then used by the Group to develop the *Guidance for reviewing part 3 sections of the MASS Code* (MSC 107/WP.9, annex 3).

5.42 The Committee further noted that the Group had agreed to use the aforementioned guidance for the further development of part 3 of the draft MASS Code.

Flag State oversight for a remote operations centre

5.43 The Committee noted the discussion in the Group with respect to the consideration of MASS-JWG 2 to apply the ISM Code's oversight mechanism for a flag State also for remote operations centres and that the Group, in this respect, had agreed that the technical details of such an oversight mechanism were within the remit of the Group.

Common position on training, certification and competency requirements, and the applicability of STCW

5.44 In considering the common position of the Group regarding training, certification and competency requirements, and the applicability of STCW, the Committee noted the view of one delegation stating that it was premature to do so as STCW defined master and other shipboard positions with requirements for their training and competency, which would then not be applicable to shore-based personnel. In addition, it would also be inconsistent as the HTW Sub-Committee would still have to consider the MASS Code with its training, certification and competency requirements, and its impact on STCW chapter VIII.

5.45 Taking into account the above concerns and those of the observer from ITF (see paragraph 5.29), the Committee agreed to note the following common positions of the Group (MSC 107/WP.9, paragraph 82):

- .1 When there are seafarers on a MASS, STCW applies to them.
- .2 However, when remote operators and masters at ROC are not on board a ship, STCW does not apply to those persons, and the MASS Code will be required to address all training, certification and competency requirements with the STCW requirements to be considered as a basis.
- .3 There are certain principles (e.g. regarding watchkeeping) in STCW that, when considering autonomy and remote operation, should be addressed in the MASS Code, irrespective of the application of STCW.

5.46 In addition to the above, the Committee also noted that the Group could not agree whether to invite the Committee to instruct the HTW Sub-Committee to consider amending chapter VIII of the STCW Convention separately from the STCW comprehensive review, so as to address the prescriptive provisions therein and to allow for alternatives to the physical presence of seafarers on the bridge and engine-room on MASS.

Input for the Joint MSC/LEG/FAL Working Group on MASS

5.47 In light of the decision taken above on the common positions of the Group (see paragraph 5.45), and recalling its competency with respect to matters concerning training, certification and competency requirements, the Committee agreed that MASS-JWG should be invited to note the common positions, as well as the draft MASS Code developed so far (MSC 107/WP.9, annex 1).

Consideration of the impact of COLREG on MASS

5.48 The Committee noted that the Group had considered COLREG rule 5 concerning "Look-out" and whether this rule needed to be amended, and that the Group had subsequently agreed that there was no such need as COLREG specifically referred to the "vessel" rather than a "person".

5.49 Subsequently, the Committee agreed that there was no need to amend COLREG as it could be applied in full to any MASS.

MASS trials where the officer of the navigational watch acts as the sole lookout in periods of darkness

5.50 The Committee noted that the Group, owing to time constraints, had not been able to consider document MSC 107/5/5 (Germany et al.) concerning MASS trials where the officer of the navigational watch acted as the sole lookout in periods of darkness, and agreed that the aforementioned document should be discussed by the intersessional Working Group (see paragraph 5.56.5).

Updated Road Map for developing a goal-based Code for MASS

5.51 In considering the updated Road Map prepared by the Group, the Committee noted that the Group, after considering the tight timeline, had agreed to keep the date of entry into force of the mandatory MASS Code (1 January 2028) but to change the planned adoption of the mandatory Code from MSC 110 (2025) to MSC 111 (2026), taking into account the current work progress.

5.52 In this regard, the Committee also noted that the Group had agreed that document LEG 110/11/3 should be taken into account at the finalization stage of the non-mandatory MASS Code, planned for MSC 108.

5.53 Subsequently, the Committee approved the updated Road Map, as set out in annex 15.

Re-establishment of the MASS Correspondence Group

5.54 The Committee concurred with the Group that, in order to progress the work on the MASS Code in line with the approved Road Map, work should continue intersessionally, and agreed to re-establish the MASS Correspondence Group.

5.55 Subsequently, the Committee instructed the Correspondence Group, under the coordination of the Marshall Islands,¹ taking into account the comments and decisions made at MSC 107, to:

- .1 continue the development of the non-mandatory goal-based MASS instrument (MASS Code), based on annex 1 to document MSC 107/WP.9, taking into account the outcome of the GBS Working Group in document MSC 107/WP.11, as well as documents MSC 107/5/2, MSC 107/5/3, MSC 107/5/4, MSC 107/5/6, MSC 107/5/7, MSC 10/5/8, MSC 107/5/9, MSC 10/5/10, MSC 107/5/11, MSC 10/5/12, MSC 107/INF.2, MSC 107/INF.8, MSC 107/INF.11, MSC 107/INF.12, MSC 107/INF.14 and MSC 107/INF.18 and the preliminary conclusions of MASS ISWG 2;
- .2 consider the common potential gaps and/or themes identified during the Regulatory Scoping Exercise (MSC.1/Circ.1638, section 5), focusing on the high priority items (MSC.1/Circ.1638, paragraphs 6.11.1 to 6.11.3);

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- .3 if required, develop positions on any common issues for submission to a Joint MSC/LEG/FAL Working Group in the future;
 - .4 limit the development of the non-mandatory MASS Code to cargo ships with a view to considering the feasibility of application to passenger ships at a future stage;
 - .5 reinstate the work procedures by which volunteering Member States and international organizations developed selected sections of the draft non-mandatory goal-based MASS Code;
 - .6 provide a verbal report (by the Coordinator) to MASS-JWG 3 and MASS ISWG 2; and
 - .7 submit a written report to MSC 108.

5.56 In this regard, the Committee authorized the Correspondence Group to convene remote meetings using a suitable platform in order to consider any of the terms of reference, as necessary, for the further development of the MASS Code.

Establishment of the intersessional MASS Working Group

5.57 Recalling its earlier agreement to establish the intersessional MASS Working Group (see paragraph 5.6.3), the Committee instructed MASS ISWG, taking into account the progress made by the intersessional Correspondence Group and comments and decisions made at MSC 107, to:

- .1 continue the development of the non-mandatory goal-based MASS instrument (MASS Code), taking into account the latest draft of the Code prepared by the Correspondence Group, based on annex 1 to document MSC 107/WP.9;
- .2 further consider the common potential gaps and/or themes identified during the Regulatory Scoping Exercise (MSC.1/Circ.1638, section 5), focusing on the high priority items (MSC.1/Circ.1638, paragraphs 6.11.1 to 6.11.3);
- .3 if necessary, develop positions on any common issues for submission to a Joint MSC/LEG/FAL Working Group in the future;
- .4 limit the development of the non-mandatory MASS Code to cargo ships with a view to considering the feasibility for application to passenger ships at a future stage;
- .5 if time permitted, consider document MSC 107/5/5 and provide recommendations to the Committee on the way forward; and
- .6 submit a written report to MSC 108.

Postponement of the meeting of MASS-JWG 3

5.58 Having considered the progress made on the development of the draft MASS Code and that no specific action had been requested of MASS-JWG other than stated in paragraph 5.47, and having recalled that MASS-JWG 3 had been scheduled to meet in September 2023 (see paragraph 5.22.27), the Committee considered whether there was a need for MASS-JWG 3 to meet in 2023.

5.59 Following consultations by the Committee Chair with the Chairs of the FAL and Legal Committees and having received confirmation that the work of those two Committees would not be affected by postponing the meeting of MASS-JWG, the Committee agreed that MASS-JWG 3 should meet after LEG 111 and FAL 48, but well before MSC 108, and provide its report to the Committee in May 2024.

5.60 With respect to the holding of the planned seminar on implications, challenges and opportunities of MASS operations for ports and public authorities, originally scheduled to take place on the first day of MASS-JWG 3 on 11 September 2023 (MSC 107/5/1, paragraph 62), the Committee agreed with the FAL Chair that, following the above decision to postpone the meeting of MASS-JWG 3, the seminar should be held in conjunction with FAL 48 instead.

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

Background

6.1 The Committee recalled that MSC 105 had re-established the Correspondence Group on Oil Fuel Safety and requested it to submit a report to this session (MSC 105/20, paragraph 5.18); and that MSC 106 had instructed the Group to take documents MSC 106/18/1 (BIMCO et al.) and MSC 106/INF.19 (Singapore) into account, together with the comments made during that session (MSC 106/19, paragraphs 18.25 to 18.27), and consider possible measures related to oil fuel parameters other than flashpoint.

Outcome of MEPC 79

6.2 The Committee noted that MEPC 79 had:

- .1 adopted amendments to MARPOL Annex VI (resolution MEPC.362(79)), concerning, inter alia, information on flashpoint to be included in the bunker delivery note (MEPC 79/15, paragraphs 3.35 to 3.38 and annex 4);
- .2 with regard to licensing schemes for bunker suppliers, encouraged Member States to make use of the revised *Guidance for best practice for Member State/coastal State* (MEPC.1/Circ.884/Rev.1); and
- .3 invited interested Member States and international organizations to submit information on experience gained with the implementation of the guidance and relevant instruments to a future MEPC session (MEPC 79/15, paragraph 5.25).

Report of the Correspondence Group and commenting documents

6.3 The Committee had for its consideration document MSC 107/6 (Germany), containing the report of the Correspondence Group on Oil Fuel Safety, together with the following documents commenting on the report:

- .1 MSC 107/6/1 (China), proposing the development of a regulatory measure by revising resolution MSC.286(86), in order to assist shipowners and operators, crew members and fuel oil suppliers in identifying whether oil fuel contained unusual components as specified in resolution MEPC.320(74), and to minimize the adverse impacts of those components on marine machinery and crew members;

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- .2 MSC 107/6/3 (IBIA), proposing modifications to the draft MSC-MEPC guidelines for the sampling of oil fuel, to reflect practical considerations regarding sample integrity and sample bottle size;
 - .3 MSC 107/6/4 (ISO and IBIA), explaining why it was considered unadvisable to regulate oil fuel parameters other than flashpoint owing to uncertainties in establishing clear and consistent links between specific oil fuel parameters and the safety of ships; and discussing the ISO 8217 standard specific requirements for marine fuels used in diesel engines and boilers, with parameters that affected fuel quality and handling; and
 - .4 MSC 107/6/5 (IBIA), proposing amendments to the draft MSC-MEPC sampling guidelines with regard to the sampling location, in order to take into account critical safety considerations, as well as practicality and alignment with established industry practice.

Draft guidelines for sampling procedures

6.4 In considering the discussion during and progress made by the Correspondence Group concerning the draft guidelines for sampling procedures, the Committee noted the following views:

- .1 a joint MSC-MEPC circular should be developed in order to establish a single sampling regime under both the SOLAS and MARPOL Conventions;
- .2 the scope of the draft guidelines for sampling procedures should be limited to oil fuels only;
- .3 the provisions regarding the sampling location outlined in resolution MEPC.182(59) and draft guidelines should be retained without any changes, as they had been extensively discussed by both the Correspondence Group and MEPC;
- .4 a sample should be drawn at the bunker inlet manifold of the receiving ship and the reopening of the discussion with regard to sampling location should be avoided;
- .5 the provisions regarding the sampling location should allow enough flexibility, and in particular the weather conditions, physical limitations and safety of personnel during the sampling process should be taken into account;
- .6 the most important aspect of the statutory sample was that it was representative of the fuel delivered on board the ship;
- .7 the guidelines in resolution MEPC.182(59) regarding the sampling location were not widely followed because of the lack of oversight and enforcement measures against bunker suppliers;
- .8 the flexibility provided by the existing provisions regarding the sampling location was sufficient;
- .9 ISO 13739:2020 (Procedures for transfer of bunkers to vessels) should be taken into account;

- .10 section 10 (Procedures and documentation following testing of retained sample) in annex 1 to document MSC 107/6 should be either deleted or its application further clarified in connection with regulation 18.8.2 of MARPOL Annex VI;
- .11 a 400 ml sample size was sufficient to undertake tests for both flashpoint and sulphur and there was no need to increase the size; and
- .12 the Correspondence Group had already considered the matter of the size of sampling containers and an additional test should consequently require more fuel.

6.5 Following discussion, the Committee endorsed the Group's proposal to develop a joint MSC-MEPC circular to establish a single sampling regime under both the SOLAS and MARPOL Conventions, and to limit the scope of such a regime to oil fuels only, subject to a concurrent decision by MEPC.

6.6 Furthermore, the Committee agreed to only forward the relevant part of document MSC 107/6/3 regarding sampling and sample integrity to the Working Group on Oil Fuel Safety for further consideration, to ensure there were no traces of low-flashpoint solvents used to clean the equipment as this could contaminate the sample. Subsequently, the Committee instructed the Working Group to further develop the draft MSC-MEPC guidelines for sampling procedures, based on annex 1 to document MSC 107/6, taking into account the part of document MSC 107/6/3 regarding sampling and sample integrity, with a view to finalization at this session.

Possible measures related to oil fuel parameters other than flashpoint

6.7 In considering the discussion during and progress made by the Correspondence Group on information sources to support the development of possible measures related to oil fuel parameters other than flashpoint, the Committee noted the following views:

- .1 the analysis of oil fuel's unusual components in document MSC 107/6/1 could be further considered by the Working Group, while the proposal for amendments to Material Safety Data Sheets (MSDS) was not supported;
- .2 using MSDS as documentation related to flashpoint had already been discussed during MSC 101 (MSC 101/WP.10) and it was noted that this was not mandatory, together with concerns about the timeliness of MSDS, especially regarding possible contamination during storage and transport prior to bunkering;
- .3 the draft SOLAS regulations related to other parameters, i.e. proposal 1 in annex 3 to document MSC 107/6, could serve as a general regulation in line with regulation 18 of MARPOL Annex VI, and should be supported;
- .4 referring to ISO 8217:2017 in SOLAS provisions would in essence make compliance with the ISO standard mandatory, which might lead to an increased number of debunkering;
- .5 the reference to "harmful to personnel" in the draft SOLAS amendments regarding the safe use of oil fuel should be carefully considered in respect of oil fuel quality parameters that were harmful to personnel;

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- .6 the detailed information on unusual components mentioned in resolution MEPC.320(74) should be taken into account for the development of amendments to the MSDS, which could ensure the quality of the fuel delivered to ships;
 - .7 despite being non-mandatory, the marine fuels standard ISO 8217 had proven effective in ensuring that the vast majority of fuels were of acceptable quality and safe to use provided they were appropriately managed on board;
 - .8 there was ongoing work to identify links between specific chemicals and operational problems, but commercial and legal interests, such as data confidentiality and proprietary test methods at laboratories, made it a complex task;
 - .9 listing unusual components not listed in ISO 8217 in MSDS, as proposed in document MSC 107/6/1, needed more scientific justification;
 - .10 maritime administrations were encouraged to share information on fuel contamination and the operational issues arising from such contamination and the contamination of oil fuel during transportation should also be addressed; and
 - .11 using MSDS to record unusual components referred to in resolution MEPC.320(74) could improve fuel production quality, and fuel oil contamination issues during transportation should be addressed separately.

6.8 In this regard, the Committee noted a statement by the delegation of Singapore, as set out in annex 47, concerning the establishment of an industry experts group to make recommendations on additional measures to strengthen the quality assurance of bunkers supplied in Singapore.

6.9 Following discussion, the Committee agreed not to pursue the proposal in document MSC 107/6/1 for revising MSDS in resolution MSC.286(86), while the analysis regarding unusual components in the document could be taken into account by the Working Group for the development of possible measures related to oil fuel parameters other than flashpoint; and reiterated that it was not supporting making ISO 8217 mandatory in an IMO instrument.

6.10 Subsequently, the Committee instructed the Working Group to further consider possible measures related to oil fuel parameters other than flashpoint, based on annexes 2 and 3 to document MSC 107/6, and taking into account document MSC 107/6/4 and the relevant part of document MSC 107/6/1.

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

6.11 Having recalled that MSC 105 had endorsed the updated action plan for the work under this agenda item (MSC 105/WP.10, annex 3), the Committee instructed the Working Group to update the plan, taking into account the progress made at this session.

Unified interpretation of SOLAS regulation II-2/4.6 concerning flashpoint documentation

6.12 The Committee considered document MSC 107/6/2 (IBIA), proposing a unified interpretation (UI) of SOLAS chapter II-2 concerning the required documentation of flashpoint as adopted at MSC 106, to help clarify the meaning of the regulatory text in resolution MSC.520(106); and expressing the view that a corresponding UI would also be needed for the amendments to MARPOL Annex VI adopted by resolution MEPC.362(79).

6.13 Having recalled that the aforementioned amendments to SOLAS chapter II-2 were expected to be accepted on 1 July 2025, with an entry-into-force date of 1 January 2026, the Committee noted overwhelming support for the UI proposed in document MSC 107/6/2 and that concurrent action should be recommended to MEPC with regard to amendments to MARPOL Annex VI adopted by resolution MEPC.362(79). However, the Committee also noted the concerns by one delegation regarding the terms in the draft UI, i.e. "it should be understood that undertaking or continuing the test beyond 70°C is not required".

6.14 Following consideration, the Committee instructed the Working Group to further consider document MSC 107/6/2 and advise the Committee how best to proceed.

Establishment of the Working Group

6.15 Having considered the above matters, the Committee established the Working Group on Fuel Oil Safety and instructed it, taking into account comments and decisions made in plenary, to:

- .1 further consider the draft MSC-MEPC guidelines for sampling procedures, based on annex 1 to document MSC 107/6, taking into account part of document MSC 107/6/3 regarding sampling and sample integrity, with a view to finalization;
- .2 further consider possible measures related to oil fuel parameters other than flashpoint, taking into account annexes 2 and 3 to document MSC 107/6, document MSC 107/6/4 and part of document MSC 107/6/1;
- .3 review and update the work plan for the work under this output;
- .4 further consider document MSC 107/6/2 and advise the Committee how best to proceed; and
- .5 consider whether the Correspondence Group should be re-established and, if so, prepare terms of reference for consideration by the Committee.

Report of the Working Group

6.16 Having considered the report of the Working Group (MSC 107/WP.10), the Committee approved it in general and took action as described below.

6.17 The Committee noted a general statement by the delegation of the Cook Islands, as set out in annex 47, expressing their support for the task accomplished under this output, including the set of SOLAS amendments to enhance the safety of ships relating to the use of oil fuel and highlighting the importance of future closer coordination between MSC and MEPC. In this context, the Committee confirmed that it would coordinate with MEPC regarding measures to enhance the safety of ships relating to the use of oil fuel and other related matters.

Draft MSC-MEPC guidelines for sampling procedures

6.18 The Committee approved the draft MSC-MEPC circular on guidelines for the sampling of [oil fuel]² for determination of compliance with the revised MARPOL Annex VI and SOLAS chapter II-2, as set out in annex 16, subject to concurrent approval by MEPC, and requested the Secretariat to issue the circular in due course.

² Use of the terms "oil fuel" or "fuel oil" to be further considered and decided by MEPC.

6.19 In this connection, the Committee noted concerns by one delegation concerning new paragraph 5.2.3 of the Guidelines with regard to the possibility of reusing sample containers cleaned by solvents. Following discussion, the Committee confirmed that the intention of adding text regarding low-flashpoint solvents to paragraph 5.2.3 should not be interpreted as allowing the reusing of sample containers cleaned by solvents.

Fuel properties other than flashpoint and future work plan

6.20 The Committee noted the list of references to documents and information sources relevant for the development of measures to enhance the safety of ships relating to the use of fuel oil, as set out in annex 2 of document MSC 107/WP.10.

6.21 The Committee approved draft amendments to SOLAS regulation II-2/4 related to oil fuel parameters other than flashpoint, as set out in annex 17, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII(b)(i), with a view to adoption at MSC 108.

6.22 The Committee agreed with the Group that it was not necessary to re-establish the Correspondence Group on Oil Fuel Safety and noted that the work under the output had been completed.

Mutual understanding on flashpoint documentation

6.23 The Committee endorsed the following mutual understanding concerning flashpoint documentation, subject to the entry into force of SOLAS regulation II-2/4.2.1.6 (see paragraph 6.21):

"The test method will provide a specified temperature when an ignition source produces a "flash" in the sample. If this flash occurs when the sample has been heated to a temperature below 70°C, this temperature should be reported on the bunker delivery note. If, however, the sample is heated to 70°C and then tested without producing a flash, there will not be an actual measured flashpoint temperature to report, but this is sufficient to establish that the flashpoint is above the 60°C minimum and thus allow for a statement to be made that the flashpoint has been measured at or above 70°C. If heating and testing of the sample has been carried out beyond 70°C and produced a flash, there will be a specific temperature that can be reported."

6.24 In this regard, the Committee invited MEPC to note the above decision and to take action as appropriate.

7 MEASURES TO ENHANCE MARITIME SECURITY

Updates on developments related to maritime security

7.1 The Committee considered document MSC 107/7 (Secretariat), reporting on developments related to maritime security since MSC 106, and noted, in particular, 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 consideration by FAL 47 of the implications of the additional data elements required by the Advanced Passenger Information (API) data set, including for the existing crew list declaration (FAL Form 5) and the passenger list declaration (FAL Form 6) and the impact of the proposed Passenger Name Record (PNR) data set on ship reporting, noting the progress made and change of PNR to "Passenger booking information"; and
 - .3 ongoing Secretariat support for 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.
- 7.2 In the ensuing discussion, the Committee noted inter alia the following views:
- .1 the Secretariat was thanked for its delivery of maritime security-related activities under the ITCP in the Philippines, Indonesia and Malaysia;
 - .2 ongoing implementation efforts by certain Member States of SOLAS chapter XI-2 and the ISPS Code were highlighted; and
 - .3 owing to the continuing Russian invasion of Ukraine and related security situation in the Black Sea and the Sea of Azov, the Secretariat was requested to consider a regional capacity-development programme for enhancing national maritime security management systems and port and ship security. The full text of the statement made by the delegation of Ukraine in this regard is set out in annex 47.
- 7.3 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 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.

Access to ports and ships by ship suppliers

7.4 The Committee considered document MSC 107/7/1 (ISSA), informing it of continued delays, obstruction and unfair charges experienced by ship suppliers when seeking to enter ports globally and highlighting the availability of ISSA guidance related to ship supply and compliance with the ISPS Code.

7.5 In this regard, the delegation of Greece stated that most of the ports mentioned in the document were privately owned and any fees and charges related to port cargo involving third parties were not related to ISPS Code security; and invited ISSA members to discuss the matter directly with the ports concerned.

7.6 Following discussion, the Committee:

- .1 thanked ISSA for providing an update on the important issue of delays, obstruction and unfair charges experienced by ship suppliers when seeking to enter ports;
- .2 encouraged ISSA members to communicate directly with the ports concerned;
- .3 recalled that the provisions of SOLAS chapter XI-2 and the ISPS Code were intended to provide a legal framework to protect ships and ports from acts of unlawful interference; and
- .4 encouraged Member States to remind relevant departments and/or agencies that, under the ISPS Code, security measures and procedures must be applied in such a way as to cause a minimum of interference with, or delay to, passengers, ships, ships' personnel and visitors, goods and services.

Difficulties in receiving maritime security alerts through the security alert system

7.7 The Committee considered document MSC 107/7/2 (Colombia), providing the experience of Colombia regarding the effectiveness of the ship security alert system (SSAS), specifically in cases of armed robbery incidents in Colombian ports.

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

- .1 any form of check-in/check-out system for ships entering territorial waters would create a significant administrative burden that would not be commensurate with any benefit to maritime security;
- .2 any SSAS transmitted automatically to authorities not designated by the Administration could have unintended consequences, including cybersecurity risks;
- .3 modifications to SSAS would require constant real-time updates when passing through the coastal waters of different countries and would create a considerable burden on the seafarer;
- .4 Long-range Identification and Tracking (LRIT) could provide a means to alert coastal States to ship transits;
- .5 it was important that obligations were adhered to, including the effective functioning of the SSAS, and that points of contact were designated by flag States; and
- .6 the matter should be discussed further at a future session of the Committee and consideration given to a working group and/or potential resolution of the issue.

- 7.9 Following discussion, the Committee took action as follows:
- .1 thanked Colombia for the information provided on their experience of the activation of the SSAS;
 - .2 noted the overwhelming support for the proposal in paragraph 14 of the document, i.e. that the Secretariat urge SOLAS Contracting Governments to ensure that the SSAS functioned properly, which required a designated point of contact to be available at all times (24 hours a day, 7 days a week), with the ability to manage information with the highest level of priority;
 - .3 agreed that a circular on the issue could be considered at a future session of the Committee;
 - .4 urged Member States to fulfil their obligations relating to SSAS under SOLAS regulation XI-2/6, i.e. when an Administration received notification of a ship security alert, it must immediately notify the State(s) in the vicinity of which the ship was presently operating; and under SOLAS regulation XI-2/13.1.3, which required Contracting Governments to communicate to the Organization and to make available to companies and ships the names and contact details of those who had been designated to be available at all times (24 hours a day, 7 days a week) to receive and act upon ship security alerts; and
 - .5 reminded Member States of the *Guidance on the message priority and the testing of ship security alert systems* (MSC/Circ.1155) including that Administrations should ensure that their designated recipients of ship security alerts were capable of processing the information received with the highest priority and taking appropriate actions.

Cyber risk management for ports

7.10 The Committee noted with appreciation information provided by Brazil (MSC 107/INF.17) on the cyber risk management procedures adopted for Brazilian port facilities.

8 PIRACY AND ARMED ROBBERY AGAINST SHIPS

Developments since MSC 106

8.1 The Committee considered document MSC 107/8 (Secretariat) reporting on developments concerning piracy and armed robbery against ships since MSC 106, including relevant statistics and updates on the implementation of the Djibouti Code of Conduct and the situation in the Gulf of Guinea, and noted in particular that:

- .1 there had been 131 incidents of piracy and armed robbery against ships reported to the Organization as having occurred or been attempted in 2022, constituting a decrease of approximately 24% at the global level compared to 2021. The areas most affected in 2022 were the Straits of Malacca and Singapore (72), West Africa (21) and South America (Pacific) (14). The number of incidents in the Gulf of Guinea (West Africa) had decreased in 2022 by 17 compared to the same period in 2021, constituting a decrease of 45%;

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- .2 in relation to the implementation of the Djibouti Code of Conduct, the region, with the support of the Secretariat, was working to strengthen the information-sharing framework to enable effective sharing of information on broader threats to maritime security, and was improving the coordination of capacity-building efforts through better collaboration with donors and implementing partners; and
 - .3 in relation to initiatives in the Gulf of Guinea, following the second plenary meeting of the G7++ Friends of the Gulf of Guinea (G7++FOGG) from 28 November to 2 December 2022 in Abidjan, Côte d'Ivoire and expert level talks with the Economic Community of West Africa States, the Economic Community of Central Africa States and the Gulf of Guinea Commission for consideration of the Yaoundé Code of Conduct, the Secretariat remained fully engaged in providing assistance to the region.

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

- .1 there had been a welcome reduction in piracy and armed robbery incidents off East Africa, with the Djibouti Code of Conduct having made successful efforts towards the adoption of a whole-of-government approach to maritime security and an effective information-sharing network;
- .2 the importance of national, regional and international efforts in tackling the problem of piracy and armed robbery in the Gulf of Guinea were highlighted including Nigeria's Deep Blue project, activities by Côte d'Ivoire, the important work of Maritime Domain Awareness for Trade – Gulf of Guinea, and the efforts of the French navy. The full text of the statement made by the delegation of Côte d'Ivoire is set out in annex 47;
- .3 despite the overall decrease in the number of piracy and armed robbery incidents globally in 2022, recent incidents in the Gulf of Guinea involving the kidnap of crew were of significant concern;
- .4 the observer from BIMCO stated that whilst the Yaoundé Code of Conduct was a strong framework, with regional navies unable to counter the threat of piracy, and until the regional maritime law enforcement capability was fully developed, non-regional ships and helicopters were needed with the ability and mandate to overpower and arrest pirates. The full text of the statement is set out in annex 47;
- .5 the Yaoundé Code of Conduct, G7++FOGG and the Gulf of Guinea Maritime Collaboration Forum/Gulf of Guinea – Shared Awareness and Deconfliction (SHADE-GoG) provided useful collaboration forums, but they required sustained input from the region to be successful;
- .6 incidents of piracy and armed robbery were not just an ordeal for seafarers but also for the families concerned;
- .7 the delegation of Singapore expressed its appreciation to Member States that rendered assistance in the search and rescue of the Singapore-registered oil tanker, **Success 9**, which was boarded by unidentified persons off the Abidjan Coast, Côte d'Ivoire, on 10 April 2023. The full text of the statement is set out in annex 47;

- .8 the delegation of Malaysia highlighted the discrepancy in reporting of piracy-related incidents between the IMO and ReCAAP-ISC Secretariats, with only two incidents having occurred in the Strait of Malacca in 2022;
- .9 the number of attacks in the Straits of Malacca and Singapore was of concern but the efforts undertaken by regional States to tackle the problem were recognized; and
- .10 there was a difference in the role and jurisdiction of coastal States depending on the geographical location of an incident and whether an incident was piracy or armed robbery related;

8.3 The delegation of Argentina mentioned the Report of the United Nations Secretary-General on Oceans and the Law of the Sea (A/77/331), highlighting that, owing to the improvement in the situation, the authorization given by the Security Council for States and regional organizations cooperating with Somalia to fight piracy off its coast had expired in 2022. It also suggested considering in the future introducing in Circular MSC.1/Circ.1333/Rev.1 the identification of the maritime area (not only the geographical coordinates) where incidents occurred, highlighting that the legal remedies applicable to the territorial sea and beyond it were different; also, some aspects with regard to the intervening State and the need to state if alert was given to a coastal State should be considered.

8.4 The observer from ICS commented that the *Guidance to shipowners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships* (MSC.1/Circ.1334) should also be reviewed in this context.

8.5 Following discussion, the Committee:

- .1 noted the explanation provided in paragraph 10 in document MSC 107/8 (Secretariat) regarding the discrepancies in piracy and armed robbery figures reported by the Secretariat and ReCAAP-ISC;
- .2 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*);
- .3 requested Member States to complete and keep updated the *Questionnaire on information on port and coastal State requirements related to privately contracted armed security personnel on board ships (PCASP)* (MSC-FAL.1/Circ.2), to be sent to the Secretariat (marsec@imo.org) for posting on the IMO website;
- .4 noted the efforts undertaken to ensure continued implementation of the Djibouti Code of Conduct and encouraged Member States to continue to support the Djibouti Code of Conduct Trust Fund;
- .5 called upon Member States, in line with resolution A.1159(32) (*Prevention and suppression of piracy, armed robbery against ships and illicit maritime activity in the Gulf of Guinea*), in cooperation with the Organization and as may be requested by Member States of the region, to assist Yaoundé Code of Conduct implementation efforts in the Gulf of Guinea and to consider making financial contributions to the West and Central Africa Trust Fund; and

- .6 invited interested Member States and international organizations to propose amendments to the *Recommendations to Governments for preventing and suppressing piracy and armed robbery against ships* (MSC.1/Circ.1333/Rev.1) and *Guidance to shipowners and ship operators, shipmasters and crews on preventing and suppressing acts of piracy and armed robbery against ships* (MSC.1/Circ.1334) at a future session of the Committee.

Progress report by ReCAAP

8.6 The Committee noted, with appreciation, the information contained in document MSC 107/INF.9 (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, and thanked them for their continuous support for the Organization's piracy reporting; together with an oral update on the activities carried out by ReCAAP-ISC and the situation of piracy and armed robbery against ships in Asia for the period January-April 2023. The full text of their statement is set out in annex 47.

9 UNSAFE MIXED MIGRATION BY SEA

9.1 The Committee recalled that MSC 106, having considered a relevant proposal by Denmark and Italy (MSC 105/10/1), had adopted resolution MSC.528(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*.

Inter-Agency Group on protection of refugees and migrants moving by sea

9.2 The Committee considered document MSC 107/9 (Secretariat), reporting on the activities of the UNHCR-led Inter-Agency Group on Protection of Refugees and Migrants Moving by Sea since MSC 106, in particular that the Group had held two meetings, on 14 December 2022 on "Challenges and opportunities in the Caribbean" and on 22 February 2023 on "Multipurpose aerial surveillance and the role of Frontex in the central Mediterranean Sea".

9.3 The Committee requested the Secretariat to continue keeping it informed about the work of the Group and other developments concerning refugees and migrants moving by sea.

Proposal to develop guidelines concerning non-survivors in migrant boats

9.4 The Committee considered document MSC 107/9/1 (Liberia), proposing the development of guidelines to assist shipmasters and regional coordination centres (RCCs) in handling cases of deceased persons found in migrant boats and of death after recovery, to complement the guidance provided in resolution MSC.528(106) (see paragraph 9.1).

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

- .1 the legal status of a deceased person might vary depending on the jurisdiction, and there was a need to pay due respect to religion, quarantine and other local public health policies.

- .2 Volume III, section 21, of the IAMSAR Manual was dedicated to the handling of deceased persons, but did not include guidance on the handing over of bodies between various organizations, which still required additional consideration and guidelines, otherwise bodies could remain on board;
- .3 new guidance should be addressed to all crew, not only the master;
- .4 while one delegation mentioned the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949 as an instrument that potentially could be taken into account for developing new guidance, other delegations highlighted that it would not be appropriate to be guided by an instrument applicable to armed military conflict;
- .5 taking into account the impact of the disembarkation of deceased persons on shipping, guidance should be developed jointly with the FAL Committee; and
- .6 any guidance should uphold human dignity of the dead, but also flag States and coastal States should be reminded of the need to duly comply with their obligations towards survivors under international human rights law, and refugee law of survivors should not be underestimated, because the majority of these persons were refugees fleeing to escape danger in certain areas of the world.

9.6 Following consideration, the Committee agreed with the proposal to develop guidance for handling cases of deceased persons found in migrant boats and of death after recovery, either as an amendment to resolution MSC.528(106) or as a separate set of guidelines, and invited Member States and international organizations to submit relevant proposals to MSC 108 under this agenda item.

9.7 The delegation of Argentina expressed its preference for developing a separate set of guidelines to complement resolution MSC.528(106) instead of amending it, as the resolution applied to survivors, who were specifically protected by international law.

9.8 The Committee also emphasized the obligations of flag and coastal States with regard to survivors rescued at sea under international human rights and refugee law, as stressed in resolution MSC.528(106).

Reporting of migrant incidents at sea

9.9 Having noted that, since the launch of the GISIS Inter-agency platform for information-sharing on migrant smuggling by sea on 6 July 2015, only 34 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

9.10 The Committee agreed to extend the target completion year of this output to 2025, with the aim of keeping Member States and international organizations informed of developments with regard to the issue of mixed migration and to develop guidelines to assist shipmasters and RCCs in handling cases of deceased persons found in migrant boats and of death after recovery (see paragraph 9.6).

10 FORMAL SAFETY ASSESSMENT

10.1 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 containerhips", had agreed to a road map in order to identify regulatory gaps, with a view to developing relevant draft amendments to SOLAS and the FSS Code addressing fire safety on containerhips; and, having noted the information on the EMSA CARGOSAFE FSA Study (SSE 8/10/3), had invited the Committee to establish an FSA Experts Group to review the outcome of any relevant studies on the matter (SSE 8/20, paragraph 10.6).

10.2 The Committee also recalled that MSC 106 had (MSC 106/19, paragraphs 9.3 and 9.4):

- .1 established 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 containerhips; and
- .2 agreed that such studies should be submitted to a future session and be forwarded to the Group by the Secretariat; and that the report of the FSA Experts Group would be submitted directly to the SSE Sub-Committee for consideration, with a view to developing relevant amendments.

10.3 In this regard, the Committee noted that SSE 8 and SSE 9 had agreed to postpone consideration of relevant documents in relation to containerhip fires, pending the outcome of the CARGOSAFE study, to ensure a holistic approach (SSE 8/20, paragraphs 10.5 and 10.8; and SSE 9/20, paragraph 10.7).

10.4 The Committee considered document MSC 107/10 (Sweden), providing information on the completion of the CARGOSAFE study and on accessing the reports of the study; and agreed to refer the reports to the FSA Experts Group for a review, acknowledging the compelling need for addressing containerhip fires, which were severely impacting international shipping, holistically.

10.5 Following consideration, the Committee:

- .1 requested the Secretariat to arrange the next meeting of the FSA Experts Group, to take place from 23 to 26 October 2023 at IMO Headquarters, and to circulate further details in due course; and
- .2 instructed the FSA Experts Group to review the report of the CARGOSAFE study and submit a report to SSE 10, so that it could be considered together with the deferred documents submitted to SSE 8 and SSE 9, i.e. SSE 8/10/1 (China), SSE 8/10/2 (Denmark), SSE 9/10 (Qatar et al.) and SSE 9/10/1 (Republic of Korea), for a holistic approach.

11 CARRIAGE OF CARGOES AND CONTAINERS

Report of CCC 8

11.1 The Committee approved, in general, the report of the eighth session of the Sub-Committee on Carriage of Cargoes and Containers (CCC) (CCC 8/18 and MSC 106/19) and took action as indicated below.

Draft Interim guidelines for the safety of ships using LPG fuels

11.2 The Committee approved MSC.1/Circ.1666 on *Interim guidelines for the safety of ships using LPG fuels*.

Draft amendments to the IGF Code and associated circular

11.3 The Committee approved draft amendments to the IGF Code, as set out in annex 18, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 108, together with an MSC circular on the early implementation of the draft amendments to paragraphs 4.2.2 and 8.4.1 to 8.4.3 of the IGF Code.

Draft amendments to the IMSBC Code and associated circulars

11.4 The Committee recalled that it had considered the draft amendments (07-23) to the IMSBC Code (MSC 107/3/1) and associated circulars, as finalized by E&T 37 directly after CCC 8, under agenda item 3 (see paragraphs 3.40 to 3.43).

Draft amendments to the Grain Code

11.5 The Committee approved draft amendments to the *International Code for the Safe Carriage of Grain in Bulk* (resolution MSC.23(59)), as set out in annex 19, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 108.

Carriage conditions for VOC Condensate

11.6 The Committee endorsed the approval by CCC 8 of CCC.1/Circ.5 on *Carriage conditions for VOC Condensate*.

Draft amendments to SOLAS chapter V

11.7 The Committee approved draft amendments to SOLAS chapter V with regard to the reporting of the loss of containers, as set out in annex 20, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 108.

11.8 In this regard, the Committee invited the Legal Committee to consider taking any appropriate action regarding the loss of containers at sea concerning the Wreck Removal Convention.

Unified interpretations of the IGF and IGC Codes

11.9 The Committee approved:

- .1 MSC.1/Circ.1667 on *Unified interpretation of requirements in the IGF Code for fuel preparation rooms not located on an open deck*;
- .2 MSC.1/Circ.1668 on *Unified interpretation of bunkering manifold arrangements fitted on LNG bunkering ships in the IGC Code*;
- .3 MSC.1/Circ.1669 on *Unified interpretation of the IGC Code*, with regard to specific guidance for the application of paragraphs 4.20.3.5 to 4.20.3.7, 5.13.2.5 and 13.3.5 of the IGC Code; and
- .4 MSC.1/Circ.1670 on *Unified interpretations of the IGF Code* regarding piping systems for fuel supply to consumers.

Statement by the delegation of Ukraine on the Black Sea Grain Initiative

11.10 The Committee noted a statement made by the delegation of Ukraine, as set out in annex 47, providing an update on the status of implementation of the Black Sea Grain Initiative, in particular on the impact of the Russian Federation's attempts to block the delivery of foodstuffs to the nations in need across the world.

12 SHIP DESIGN AND CONSTRUCTION

12.1 The Committee approved, in general, the report of the ninth session of the Sub-Committee on Ship Design and Construction (SDC) (SDC 9/16 and MSC 107/12) and took action as indicated below.

Draft amendments to the 2011 ESP Code

12.2 The Committee approved draft amendments to the 2011 ESP Code, as set out in annex 21, prepared by SDC 9 in accordance with the procedure for undertaking regular updates of the Code agreed by MSC 92 (MSC 92/26, paragraph 13.31), and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 108.

Amendments to the Revised guidelines on alternative design and arrangements for SOLAS chapters II-1 and III (MSC.1/Circ.1212/Rev.1)

12.3 The Committee endorsed the proposal by the Sub-Committee to consider the development of functional requirements and expected performances of SOLAS regulations II-1/28, II-1/29 and II-1/30 under the output on "Revision of SOLAS chapters II-1 (part C) and V and related instruments regarding steering and propulsion requirements to address both traditional and non-traditional propulsion and steering system".

12.4 In this regard, the Committee decided to transfer the aforementioned output, for which the SSE Sub-Committee had been initially assigned as the coordinating organ, from its post-biennial agenda to SDC 10's provisional agenda, in order to balance the workload between the two Sub-Committees and to ensure that any amendments to MSC.1/Circ.1212/Rev.1 in relation to SOLAS chapter II-1 would be prepared by the same Sub-Committee (see also paragraph 14.48).

12.5 In addition, the Committee agreed with the Sub-Committee to take annex 4 to document SDC 9/7 (Japan) into account when commencing the work on the above new output, as it contained draft functional requirements for steering and propulsion under SOLAS regulations II-1/28 to 30 derived from the STEERSAFE project.

Incorporating gender-neutral terms in IMO instruments

12.6 The Committee considered whether to use the gender-neutral term "continuously attended" instead of the term "manned" in the goals for part E of SOLAS chapter II-1, considering that the current regulations in SOLAS chapter II-1 used the term "manned".

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

- .1 the Organization had been actively engaged in being more inclusive as manifested by recent events concerning women in maritime, as well as by supporting the UN Sustainable Development Goals (SDG 5 on gender equality) and, therefore, should embark on addressing the matter of gender-neutral terminology but should do so in a holistic manner;

- .2 while there was agreement on the need to start looking into the matter, there were wider implications and difficulties in amending a plethora of IMO regulations which were also ratified in national legislation and some of which were embedded in primary legislation that required lengthy legal processes to be amended;
- .3 a holistic approach was needed to address the matter in various IMO instruments, including the effect of the translation of new terminology into different languages;
- .4 a change of the text of IMO regulations required substantial work and was also a major task for national Administrations; however, some of them had already started this process; and
- .5 the matter of using gender-neutral language was not limited to changing IMO instruments but also included how to address the chairpersons of IMO bodies (e.g. use of "Madame Chair").

12.8 Cognizant that the term "manning" and variations thereof were used extensively across many IMO instruments, the Committee concurred that the issue had wider implications beyond instruments under the purview of MSC, including terminology used in certificates under various IMO conventions and codes.

12.9 Subsequently, the Committee acknowledged that the work to be undertaken to address gender-neutral language was a major effort and required a holistic approach beyond the instruments of the Committee and, therefore, agreed to bring the matter to the attention of the Council and the Assembly for their consideration.

Draft amendments to the 1979, 1989 and 2008 MODU Codes to prohibit materials containing asbestos

12.10 The Committee adopted resolutions MSC.545(107), MSC.546(107) and MSC.547(107) on amendments to the 1979, 1989 and 2009 MODU Codes, respectively, prohibiting materials containing asbestos, as set out in annexes 22, 23 and 24, respectively.

12.11 In this regard, the Committee also approved the associated circulars MSC.1/Circ.1671 on *Unified interpretation on implementation of regulation 2.10.3 of the 2009 MODU Code, regulation 2.8.2 of the 1989 MODU Code and regulation 2.7.2 of the 1979 MODU Code* and MSC.1/Circ.1672 on *Guidelines for maintenance and monitoring of materials containing asbestos on board MODUs*.

Requirements for emergency towing equipment for ship types other than tankers

12.12 The Committee approved draft amendments to SOLAS regulation II-1/3-4 relating to new requirements for all new ships other than tankers of not less than 20,000 GT to be fitted with emergency towing arrangements, as set out in annex 25, taking into account the associated check/monitoring sheet, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 108 and entry into force on 1 January 2028.

12.13 In considering the request of SDC 9 to develop associated guidelines, following the finalization of the aforementioned draft amendments, the Committee agreed to an expansion of the output on "Development of amendments to SOLAS regulation II-1/3-4 to apply requirements for emergency towing equipment for tankers to other types of ship" to develop a complete new set of guidelines for emergency towing arrangements on new ships other than tankers, based on, or as a revision of, resolution MSC.35(63), taking into account the justification for the work prepared by SDC 9 (SDC 9/16, paragraph 9.15).

12.14 Subsequently, the Committee agreed to a revised output title to read "Development of guidelines for emergency towing arrangements for ships other than tankers", having noted that, as a consequence, the *Revised guidance on shipboard towing and mooring equipment* (MSC.1/Circ.1175/Rev.1) would also need to be amended and therefore be included under the revised output.

12.15 In this regard, the Committee noted that SDC 9 had invited the III Sub-Committee to consider document SDC 9/10 in connection with its work on the update of the HSSC Survey Guidelines, as it contained a proposal for an interpretation of the necessary documentation required in order to support the Administration or RO in verifying compliance with SOLAS regulation II-1/3-8 (Towing and mooring equipment).

Unified interpretation of SOLAS regulation II-1/1.1.3

12.16 The Committee approved MSC.1/Circ.1673 on *Unified interpretation of SOLAS regulation II-1/1.1.3*, addressing the uncertainty among industry regarding ships with a contract placed before 1 January 2024 but with a keel-laying date between 1 January 2024 and 1 July 2024. The UI clarified that "ships constructed before 1 January 2024" included those having a keel-laying date, or are at a similar stage of construction date, on or after 1 July 2020 but before 1 July 2024, provided they were delivered before 1 January 2028.

Revision of unified interpretation of the 2008 IS Code

12.17 The Committee approved MSC.1/Circ.1537/Rev.2 on *Unified interpretations of the 2008 IS Code*, expanding the application of the interpretation of the specific down-flooding points beyond the severe wind and rolling criterion (weather criterion) in part A, chapter 2.3, of the 2008 Intact Stability Code to the entire Code.

Revision of unified interpretation of SOLAS chapter II-1

12.18 The Committee approved MSC.1/Circ.1362/Rev.2 on *Unified interpretation of SOLAS chapter II-1*, providing an interpretation of SOLAS regulation II-1/3-8, clarifying the documentation which was necessary to support an Administration or RO in verifying compliance with SOLAS regulation II-1/3-8 (Towing and mooring equipment), and an interpretation of SOLAS regulation II-1/13.2.3, clarifying that heat-sensitive piping systems penetrating a watertight bulkhead or deck on a passenger ship should be tested and type-approved for watertight integrity after the fire test, as per the Explanatory Notes to regulation II-1/13.2.3.4 (resolution MSC.429(98)/Rev.1 or Rev.2, as applicable).

Revised performance standards for water level detectors on ships

12.19 The Committee considered the draft MSC resolution on revised performance standards for water level detectors on ships subject to SOLAS regulations II-1/25, II-1/25-1 and XII/12, together with document MSC 107/12/2 (IACS), proposing to amend operative paragraph 3 of resolution MSC.188(79)/Rev.1, so as to align its application provision, which used an installation date, with MSC.1/Circ.1500/Rev.2 on *Guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments*, which became effective on 1 July 2023.

12.20 Following consideration, the Committee adopted resolution MSC.188(79)/Rev.2 on *Revised performance standards for water level detectors on ships subject to SOLAS regulations II-1/25, II-1/25-1 and XII/12*, as set out in annex 25, also incorporating the changes proposed in document MSC 107/12/2.

Amendments to SOLAS chapter XII and revision of associated unified interpretations

12.21 The Committee considered the outcome of SDC 9 in response to the request of MSC 103 to advise on the new output proposal in document MSC 102/21/9/Rev.1 (Brazil et al.) to amend SOLAS regulations XII/4.2 and 5.2, based on the lessons learned from the sinking of **MV Stella Daisy** (MSC 103/21, paragraph 18.23), and agreed with SDC 9 that, owing to a lack of justification for the proposed revision of SOLAS chapter XII, there was no compelling need to commence such work.

Explanatory notes to the Interim guidelines on the second generation intact stability criteria

12.22 The Committee noted an error of the sample data for the application example in the *Explanatory notes to the Interim guidelines on the second generation intact stability criteria* (MSC.1/Circ.1652), which had occurred when converting the unit from the engineering unit system to the SI unit system, and agreed with the correction as an oversight (SDC 9/16, paragraph 15.19).

Experience gained in the use of the IMO hybrid meeting system

12.23 The Committee noted a suggestion by the Sub-Committee concerning the use of the hybrid meeting system, i.e. proposing to ensure that when remote speakers took the floor and wished to comment on a document projected via screenshare, they should be able to see the text when given the floor (at present ZOOM hybrid meetings showed the remote speaker only, the screenshare document was then not visible), and forwarded the above view to the Council.

Revision of the Guidelines for the reduction of underwater radiated noise from shipping to address impacts on marine life

12.24 The Committee noted the action requested by SDC 9 of MEPC 80 in relation to the draft revised guidelines for the reduction of underwater radiated noise from shipping to address impacts on marine life, in particular the finalization of the associated MEPC circular for approval. The Committee also noted that related work was continuing in a correspondence group established by SDC 9, which had been tasked to finalize and prioritize the provisional list of suggested next steps to further prevent and reduce underwater radiated noise from ships.

Clarification of the application of the Revised explanatory notes to the SOLAS chapter II-1 subdivision and damage stability regulations

12.25 The Committee, having considered document MSC 107/12/1 (Secretariat), proposing a correction to the Revised Explanatory Notes (resolutions MSC.429(98)/Rev.1 and MSC.429(98)/Rev.2) to replace the reference to "SOLAS regulation II-1/1.1.1.1" with "SOLAS regulation II-1/1, paragraph 1.1.1", so as to avoid confusion as to which text it referred to, agreed to the proposal and requested the Secretariat to issue a correction to resolutions MSC.429(98)/Rev.1 and MSC.429(98)/Rev.2 accordingly.

13 HUMAN ELEMENT, TRAINING AND WATCHKEEPING

Report of HTW 9

13.1 The Committee approved, in general, the report of the ninth session of the Sub-Committee on Human Element, Training and Watchkeeping (HTW) (HTW 9/15 and MSC 107/13), and took action as indicated below.

Impact of the Russian Federation's invasion of Ukraine on the functioning of the system of maritime education and training institutions in Ukraine

13.2 The Committee, having noted that HTW 9 had invited interested Member States and international organizations to submit proposals regarding the possible development of guidance to address matters with regard to certificates of competency and seafarers' identity documents (HTW 9/2/3, paragraph 17.4) to MSC 107 for further consideration, recalled that it had dealt with the matter under agenda item 2 (see paragraphs 2.22 to 2.34).

E-learning courses

13.3 The Committee noted that HTW 9 had recalled the implications of converting STCW model courses into e-learning model courses, as had been considered at HTW 6 (HTW 6/13, paragraph 3.3), in particular that, except for the accountability implications related to the independent evaluations, which were only relevant to STCW model courses, those implications affected all model courses.

13.4 Consequently, the Committee agreed with the Sub-Committee's advice that model courses should not generally be converted into e-learning training material.

Appropriateness and effectiveness of STCW regulations I/7 and I/8

13.5 The Committee noted that, with regard to the review of the appropriateness and effectiveness of STCW regulations I/7 and I/8, HTW 9 had agreed that the ongoing work and decisions made under the output on "Implementation of the STCW Convention" were in line with the Committee's instruction emanating from the analysis conducted by the III Sub-Committee.

13.6 In this connection, the Committee also noted that any additional work on this matter by the Sub-Committee would take account of any relevant information contained in appendix 5 to annex 4 to document III 7/17, as necessary.

Non-exhaustive list of obligations and auditable areas subject to IMSAS

13.7 The Committee noted the Sub-Committee's concurrence with the view of III 8 that, in line with the purpose of the *2021 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)* (resolution A.1157(32)) as a supporting tool for the implementation of IMSAS and its related requirements under the 1978 STCW Convention, said list should be limited to the areas subject to audit in accordance with section A-I/16 of the STCW Code.

Comprehensive review of the STCW Convention and Code***Draft amendments to the STCW Code on bullying and harassment, including sexual assault and sexual harassment***

13.8 The Committee approved draft amendments to table A-VI/1-4 of the STCW Code, as set out in annex 27, to prevent and respond to bullying and harassment, including SASH, and requested the Secretary-General to circulate them in accordance with article XII of the STCW Convention, with a view to adoption at MSC 108.

13.9 In this connection, the Committee noted the Sub-Committee's agreement to also refer the above-mentioned draft amendments to the second meeting of the Joint ILO/IMO Tripartite Working Group to identify and address seafarers' issues and the human element (JTWG), for consideration and advice to MSC 108, before their adoption at that session.

Preliminary assessment of the scope of the work

13.10 Having recalled the instructions given at MSC 105 (MSC 105/20, paragraph 18.13.3), the Committee approved the draft aims and principles to guide the work on the comprehensive review of the STCW Convention and Code (HTW 9/15, annexes 8 and 9).

13.11 In this regard, the Committee recalled that document MSC 107/13/2 (Russian Federation and United Arab Emirates) had been considered under agenda item 5 (see paragraphs 5.17 to 5.19).

Comprehensive review of the STCW-F Convention

13.12 With regard to the finalization of the comprehensive review of the 1995 STCW-F Convention, the Committee took action as indicated in the following paragraphs.

Use of the term "fisher"

13.13 The Committee noted that HTW 9, owing to possible legal and procedural implications, had requested consideration of the matter of the use of the term "fisher" (instead of "fishing vessel personnel") in the revised STCW-F Convention and new STCW-F Code to this session of the Committee, having requested the Secretariat to provide legal advice, research, analysis and options regarding the matter.

13.14 In this connection, having considered the legal advice provided in document MSC 107/13/4 (Secretariat), including possible legal implications and regulatory options in relation to the use of the term "fisher" (instead of "fishing vessel personnel"), and having noted that the majority of delegations that spoke expressed a preference to keep using the term "fishing vessels personnel" for various reasons, the Committee agreed to keep the term "fishing vessel personnel" in the revised STCW-F Convention and new STCW-F Code.

Use of the term "GMDSS"

13.15 The Committee noted that, regarding the use of the term "GMDSS" in the context of the 1995 STCW-F Convention, the Sub-Committee had invited interested Member States and international organizations to submit relevant proposals to MSC 107 and requested the Secretariat to provide advice on the legal aspects.

13.16 In this connection, the Committee considered documents:

- .1 MSC 107/13/5 (Secretariat), providing advice in relation to the legal aspects of using the term "GMDSS" in the context of the requirements for certification of radio operators in the STCW-F Convention, in particular advising that the use of this term would be consistent with the provisions of other international instruments; and
- .2 MSC 107/13/3 (France), proposing that the term "GMDSS" be retained in the 1995 STCW-F Convention, for reasons of consistency with other instruments of the Organization, taking into account that GMDSS should be considered as goal-based functionalities for distress, urgency and safety communications to be performed by all vessels at sea.

13.17 Following consideration, the Committee agreed to retain the term "GMDSS" in the revised STCW-F Convention and new STCW-F Code, in the context of the requirements for the certification of radio operators in the Convention.

Approval of the draft revised STCW-F Convention and new STCW-F Code

13.18 The Committee approved the draft revised 1995 STCW-F Convention, as set out in annex 28, and requested the Secretary-General to circulate it in accordance with article 10 of the STCW-F Convention, with a view to adoption at MSC 108.

13.19 The Committee also approved, in principle, the draft new Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F) Code, as set out in annex 29, with a view to adoption in conjunction with the adoption of the revised 1995 STCW-F Convention.

Guidelines on the medical examination of fishing vessel personnel

13.20 With regard to the guidelines on the medical examination of fishing vessel personnel, the Committee approved the establishment of an intersessional Joint ILO/IMO Working Group (JWG) on Guidelines on the medical examination of fishing vessel personnel, tentatively scheduled to meet in the first quarter of 2024, subject to endorsement by C 129.

13.21 In approving the establishment of the JWG, the Committee:

- .1 noted that, as in the case of the Joint ILO/IMO Tripartite Working Group to identify and address seafarers' issues and the human element, this JWG would be subject to the tripartite constituency of ILO;
- .2 appointed the following eight Government representatives as members of the JWG, having given due consideration to geographical representation:
 - .1 Argentina
 - .2 Bangladesh
 - .3 China
 - .4 Germany
 - .5 New Zealand
 - .6 South Africa
 - .7 Spain
 - .8 United Kingdom;
- .3 noted that the JWG shall elect a Chair among the Government representatives and three Vice-Chairs, one from each of the three participating groups, i.e. government, shipowners' and seafarers' representatives;
- .4 noted that all Member States that were STCW-F Parties, other than those appointed as members of the JWG, might attend as observers; and
- .5 noted that HTW 9 had authorized the JWG to finalize the draft guidelines (HTW 9/WP.8, annex 3) with a view to approval at MSC 108, in conjunction with the adoption of the revised 1995 STCW-F Convention and the new STCW-F Code.

Guidelines on the use of electronic certificates of seafarers

13.22 Having noted that FAL 47 had advised that there were no discrepancies between these draft guidelines and the *Guidelines on the use of electronic certificates* (FAL.5/Circ.39/Rev.2), the Committee approved the *Guidelines on the use of electronic certificates of seafarers* (MSC.1/Circ.1665), in conjunction with the adoption of the related amendments to the STCW Convention and Code (see paragraph 3.86.7).

Joint MSC-FAL circular on Guidelines for the use of electronic certificates

13.23 Following approval of the above Guidelines (see paragraph 13.22), and having noted that FAL 47 had proposed the development of a joint MSC-FAL circular on guidelines for the use of electronic certificates, the Committee:

- .1 agreed that any guidelines to be developed should address electronic certificates and documents comprehensively; and
- .2 invited MEPC and the LEG Committee to consider what certificates and documents provided in the instruments under their respective purviews could be addressed in future joint guidelines and advise MSC and the FAL Committee accordingly.

Measures to reduce risks of heavy fuel oil (HFO) in Arctic waters

13.24 The Committee noted that HTW 9 had agreed to amendments to the provisions for familiarization, training and drills in sections I and II of the draft guidelines on mitigation measures to reduce risks of use and carriage for use of HFO as fuel by ships in Arctic waters and had referred them to PPR 10 for consideration (HTW 9/15, annex 15).

Hybrid meeting system

13.25 The Committee noted the Sub-Committee's experience and views expressed in relation to the use of the hybrid meeting system during the session, with a view to reporting them to the Council (HTW 9/15, paragraph 14.16).

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

13.26 The Committee considered the reports for Croatia, Malta, Myanmar, Pakistan, Panama, the Republic of Korea and Hong Kong, China, as set out in documents MSC 107/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.27.

13.27 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

13.28 The Committee considered document MSC 107/13/1 (Secretariat), containing information provided by STCW Parties regarding experts made available or recommended for inclusion in the list of competent persons, as well as competent persons withdrawn from the list.

13.29 Following consideration, the Committee took action as follows:

- .1 approved the inclusion of 12 competent persons recommended by two Parties in the *List of competent persons maintained by the Secretary-General pursuant to section A-1/7 of the STCW Code* (MSC.1/Circ.797/Rev.38) and requested the Secretariat to issue the revised list by means of MSC.1/Circ.797/Rev.39;
- .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 might 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.

Gender-based Violence at Sea seminar

13.30 The Committee noted the information provided in document MSC 107/INF.16 (South Africa) concerning a Gender-based Violence at Sea seminar, held in South Africa on 24 November 2022, and the corresponding outcomes.

14 SHIP SYSTEMS AND EQUIPMENT

14.1 The Committee approved, in general, the report of the ninth session of the Sub-Committee on Ship Systems and Equipment (SSE) (SSE 9/20, SSE 9/20/Add.1 and MSC 107/14) and took action as outlined below.

New ventilation requirements for survival craft

Ventilation requirements for liferafts and partially enclosed lifeboats

14.2 The Committee noted SSE 9's discussion on the compelling need for ventilation requirements for liferafts and partially enclosed lifeboats, in particular that the Sub-Committee had deferred consideration of specific proposals suggesting such amendments to the LSA Code to SSE 10, having agreed that further discussion on the need for ventilation requirements for such types of survival craft was required.

Draft amendments to resolution MSC.81(70)

14.3 The Committee agreed to consider the part of the draft MSC resolution on amendments to the *Revised recommendation on testing of life-saving appliances* (resolution MSC.81(70)) (hereinafter "the Revised Recommendation") relating to excepting ventilation performance testing for fast rescue boats under agenda item 3, together with the related draft amendments on ventilation requirements for totally enclosed lifeboats previously approved in principle by MSC 106 (SSE 8/20, annex 2), with a view to adoption at this session (see paragraph 3.85).

Draft amendments to MSC.1/Circ.1630/Rev.1

14.4 The Committee agreed to consider draft amendments to the life-saving appliance evaluation and test report forms (survival craft), set out in MSC.1/Circ.1630/Rev.1, under agenda item 3, in conjunction with the associated draft amendments to the LSA Code and resolution MSC.81(70) on ventilation requirements for totally enclosed lifeboats (see paragraph 3.86).

Draft amendments to resolution MSC.402(96)

14.5 Having approved draft amendments to paragraph 6.2.3 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)), as set out in annex 30, emanating from new ventilation requirements for survival craft, the Committee requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption by MSC 108.

Lowering speed of survival craft and rescue boats***Scope of the output***

14.6 The Committee recalled that the output on "Development of amendments to the LSA Code to revise the lowering speed of survival craft and rescue boats for cargo ships" had been completed by SSE 9.

14.7 The Committee also recalled that SSE 9 had agreed that:

- .1 the original scope of the output was limited to "minimum lowering speed" of survival craft and rescue boats; however, "maximum lowering speed" should also be regulated in accordance with the relevant ISO Standard to enhance safety; and
- .2 the original scope of the output was limited to all cargo ships to which SOLAS chapter III applied; however, "maximum lowering speed" should also be regulated for passenger ships, in addition to cargo ships.

14.8 In this respect, the Committee endorsed the expansion of the output to include addressing the maximum lowering speed for passenger ships by amending paragraphs 6.1.2.8 and 6.1.2.10 of the LSA Code, as reflected in the biennial status report of the Committee, set out in annex 40.

Draft amendments to the LSA Code on lowering speed

14.9 In view of the agreed expansion of the scope of the output (see paragraph 14.8), the Committee considered the draft MSC resolution on amendments to the LSA Code for minimum and maximum lowering speed of survival craft and rescue boats, together with document MSC 107/14/5 (IACS), commenting on the draft amendments to paragraph 6.1.2.10 of the LSA Code, and proposing editorial improvements and consequential changes, as well as raising technical concerns for future work.

14.10 In the ensuing discussion, the Committee noted the following views regarding the proposals in document MSC 107/14/5:

- .1 with regard to the proposed modification to paragraph 6.1.2.10 of the LSA Code, the proposed modifications were agreeable;
- .2 with regard to the impact of the draft amendments on fast rescue boats, some delegations were of the view that, in order to address the concerns, the matter should be referred back to SSE 10 for further consideration, and a new output was not necessary; however, other delegations stated that, notwithstanding the aforementioned concerns, the matter could better be addressed under a new output, as discussed in the document; and
- .3 with regard to consequential amendments to the Revised Recommendation, the proposed amendments were agreeable; and consequential draft amendments to the resolution regarding fast rescue boats could be addressed under a new output.

14.11 Following discussion, the Committee took action as follows:

- .1 agreed to modify the draft amendments to paragraph 6.1.2.10 of the LSA Code as suggested in document MSC 107/14/5 and approved the draft amendments to the LSA Code (paragraphs 6.1.2.8 and 6.1.2.10), as set out in annex 31;
- .2 requested the Secretary-General to circulate the draft amendments in accordance with SOLAS article VIII, with a view to adoption at MSC 108;
- .3 invited IACS and interested Member States and international organizations to submit relevant proposals for a new output pertaining to lowering speed of fast rescue boats; and
- .4 approved, in principle, draft amendments to the *Revised recommendation on testing of life-saving appliances* (resolution MSC.81(70), containing consequential modifications to paragraphs 6.1.2 and 6.1.5 in part 2 thereof, as set out in annex 32, with a view to adoption at MSC 108, in conjunction with the adoption of the associated amendments to the LSA Code.

Revision of SOLAS chapter III and the LSA Code

14.12 The Committee noted that, owing to time constraints, the Sub-Committee had been unable to progress the work on hazard identification for the revision of SOLAS chapter III and the LSA Code, and therefore considered that further discussion was necessary intersessionally.

14.13 In this respect, the Committee (see paragraph 17.86.7):

- .1 authorized the re-establishment of an Intersessional Working Group on the Revision of SOLAS Chapter III and the LSA Code, to meet in person from 9 to 13 October 2023 in Hamburg, Germany, in conjunction with subsequent virtual meetings to close outstanding matters, if any; and
- .2 requested the Secretariat to make the necessary arrangements, and circulate the details of the meeting and invitation for nominating relevant subject matter experts to the Group.

Fire safety of ro-ro passenger ships

Draft amendments to SOLAS chapter II-2

14.14 The Committee considered the draft amendments to SOLAS chapter II-2 on fire safety of ro-ro passenger ships, together with the following documents:

- .1 MSC 107/14/2 (IACS), identifying some inconsistencies and ambiguities in the draft amendments to SOLAS regulation II-2/20 and proposing to address them through further modifications; and
- .2 MSC 107/14/4 (Japan), proposing to modify the draft amendments to SOLAS regulation II-2/20.

14.15 In this respect, the Committee also considered annex 1 of document MSC 107/WP.12, providing a consolidated set of amendments prepared by the Secretariat for ease of reference, incorporating proposed modifications in the form of notes. In the ensuing discussion, the Committee noted the following views:

With regard to the proposals in document MSC 107/14/2:

- .1 the modification to SOLAS regulation II-2/20.4 (MSC 107/WP.12, note 1) could be supported;
- .2 notwithstanding the above, the addition of a footnote was considered unnecessary, as there were other regulations in SOLAS which did not refer to the *Unified interpretation of the term "first survey" referred to in SOLAS regulations* (MSC.1/Circ.1290) and this could cause misunderstanding and inconsistency;
- .3 the modification to SOLAS regulation II-2/20.4.1 (MSC 107/WP.12, note 2) was not supported, as it could lead to the misunderstanding that existing ships not required to have fire detection systems shall be required to have such systems after 1 January 2026, and not after 1 January 2028;
- .4 the modification to SOLAS regulation II-2/20.4.1.5 (MSC 107/WP.12, note 8) needed further analysis of its implications for cargo ships and, therefore, could not be supported;

With regard to the proposals in document MSC 107/14/4:

- .5 the application provision in SOLAS regulation II-2/20.4.1 should be further clarified as proposed in the document for existing ships constructed before 1 January 2026 (MSC 107/WP.12, note 3); and
- .6 the proposed modifications were providing consistency and clarity, and therefore, were acceptable, including the modification to SOLAS regulation II-2/20.4.1.6 (MSC 107/WP.12, note 9).

14.16 Following discussion, the Committee:

- .1 agreed with the modification proposals, except for notes 1 and 2 in document MSC 107/WP.12 in relation to adding a footnote to MSC.1/Circ.1290 and removal of the last sentence of the introductory paragraph of SOLAS regulation II-2/20.4.1, respectively;
- .2 approved draft amendments to SOLAS chapter II-2 on fire safety of ro-ro passenger ships, as set out in annex 33, as modified, taking into account documents MSC 107/14/2 and MSC 107/14/4; and
- .3 requested the Secretary-General to circulate the approved amendments in accordance with SOLAS article VIII, with a view to adoption at MSC 108.

Draft amendments to the FSS Code

14.17 Having approved draft amendments to the FSS Code on fire safety of ro-ro passenger ships, as set out in annex 34, with a view to adoption by MSC 108 together with the associated draft amendments to SOLAS (see paragraph 14.16), the Committee requested the Secretary-General to circulate them in accordance with SOLAS article VIII.

Revision of MSC.1/Circ.1430/Rev.2

14.18 The Committee approved the *Revised guidelines for the design and approval of fixed water-based fire-fighting systems for ro-ro spaces and special category spaces* (MSC.1/Circ.1430/Rev.3), incorporating modifications agreed by SSE 9 concerning the use of the term "free height".

Thermal protective tests of immersion suits

Draft amendments to resolution MSC.81(70)

14.19 The Committee recalled that it had considered draft amendments to paragraph 3.2.3 of the Revised Recommendation concerning thermal protective tests of immersion suits under agenda item 3 (see paragraph 3.85).

Draft amendments to MSC.1/Circ.1628

14.20 The Committee also recalled that it had considered draft amendments to the *Revised standardized life-saving appliance evaluation and test report forms (personal life-saving appliances)* (MSC.1/Circ.1628) emanating from the draft amendments on thermal protective tests of immersion suits and thermal manikin tests (see paragraph 14.19), under agenda item 3, in conjunction with the adoption of the draft amendments to the Revised Recommendation (see paragraphs 3.85 and 3.86).

In-water performance of lifejackets

Draft amendments to the LSA Code

14.21 Having approved draft amendments to chapter II of the LSA Code concerning the in-water performance of lifejackets, as set out in annex 31, with a view to adoption at MSC 108, the Committee requested the Secretary-General to circulate them in accordance with SOLAS article VIII.

Draft amendments to resolution MSC.81(70)

14.22 The Committee approved, in principle, draft amendments to the Revised Recommendation on testing of life-saving appliances (resolution MSC.81(70)), containing draft consequential amendments on the in-water performance of lifejackets, as set out in annex 32, with a view to adoption at MSC 108, in conjunction with the adoption of the associated draft amendments to the LSA Code (see paragraph 14.21).

Draft amendments to MSC.1/Circ.1628/Rev.1

14.23 The Committee approved, in principle, the draft MSC circular on revised standardized life-saving appliance evaluation and test report forms (personal life-saving appliances), emanating from the draft amendments with respect to the in-water performance of lifejackets, with a view to final approval at MSC 108, in conjunction with the adoption of the associated draft amendments to the LSA Code and the Revised Recommendation, for dissemination as MSC.1/Circ.1628/Rev.2 (see paragraphs 3.86, 14.21 and 14.22).

Further work on the output

14.24 The Committee endorsed the Sub-Committee's recommendation to place output 7.39 on "Development of amendments to the LSA Code and resolution MSC.81(70) to address the in-water performance of SOLAS lifejackets" on the Committee's post-biennial agenda, noting that additional testing requirements were currently under development and new requirements might need to be incorporated in the future.

Provisions for helicopter facilities in SOLAS and the MODU Code

14.25 The Committee noted that, owing to time constraints, the Sub-Committee had agreed to defer the consideration of the agenda item on "Revision of the provisions for helicopter facilities in SOLAS and the MODU Code" to its next session.

Containership fires

14.26 The Committee noted that the Sub-Committee had agreed to postpone consideration of the proposals submitted under agenda item 10 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" to its next session, with a view to taking a holistic approach, pending the expected outcome of the CARGOSAFE FSA study (see paragraph 10.5).

Fire detection within control stations and cargo control rooms***Draft amendments to SOLAS chapter II-2***

14.27 Having approved draft amendments to SOLAS regulation II-2/7.5.5 concerning fire detection within control stations and cargo control rooms, as set out in annex 33, with a view to adoption at MSC 108, the Committee requested the Secretary-General to circulate them in accordance with SOLAS article VIII.

Draft amendments to MSC.1/Circ.1456

14.28 The Committee considered draft amendments to the *Revised unified interpretations of SOLAS chapter II-2 and the FSS and FTP Codes* (MSC.1/Circ.1456), together with document MSC 107/14/3 (IACS), proposing to modify the draft amendments to the UI to bring them in line with the corresponding draft amendments to SOLAS regulation II-2/7.5.5.

14.29 Following consideration, the Committee approved, in principle, the draft MSC circular on revised unified interpretations of SOLAS chapter II-2 and the FSS and FTP Codes, as modified by document MSC 107/14/3, with a view to final approval at MSC 108, together with the adoption of the associated draft amendments to SOLAS chapter II-2 (see paragraph 14.27).

Revision of the 1995 Code of Safety for Diving Systems

14.30 The Committee adopted resolution MSC.548(107) on *International Code of Safety for Diving Operations, 2023 (2023 Diving Code)*, as set out in annex 35, applicable to ships of not less than 500 gross tonnage that have a diving system installed on or after 1 January 2024.

14.31 In this regard, the Committee, having noted that SSE 9 had completed its work on the revision of the 1995 Code of Safety for Diving Systems, also took the following action:

- .1 invited A 33 to take appropriate action to reinstate the revoked resolutions A.536(13) on *Code of Safety for Diving Systems* and A.583(14) on *Amendments to the Code of Safety for Diving Systems*, possibly by deleting operative paragraph 4 of resolution A.831(19) on *Code of Safety for Diving Systems, 1995* (SSE 9/20, paragraphs 12.13 and 12.14); and
- .2 noted the action taken by the Sub-Committee to develop a new instrument in parallel to the existing 1995 Diving Code, given the need to address both diving safety and the specifications for hyperbaric evacuation systems in a single instrument and to expand on the industry's specific needs, as already noted by MSC 106 (MSC 106/19, paragraph 11.31, and SSE 9/20, paragraph 12.16).

Model courses

14.32 The Committee noted that the Sub-Committee had:

- .1 validated revised Model Course 3.03 on Survey of Machinery Installations and its associated compendium, with a view to publication; and
- .2 established a Review Group to work between sessions by correspondence to review the draft revision of Model Course 3.04 on Survey of Electrical Installations to be prepared by a course developer, and report to SSE 10.

Unified interpretations of IMO instruments

Use of LED torches

14.33 The Committee approved MSC.1/Circ.1674 on *Unified interpretations of the LSA Code and the 1994 and 2000 HSC Codes*, concerning the use of LED torches.

Revision of MSC.1/Circ.1369

14.34 The Committee endorsed the Sub-Committee's recommendation to refer document SSE 8/15 (IACS) proposing clarification of the fire testing requirements for pipe couplings required to remain operational after a safe return to port (SRTP) fire casualty in the *Interim Explanatory Notes for the assessment of passenger ship systems' capabilities after a fire or flooding casualty* (MSC.1/Circ.1369), to the Correspondence Group on Revision of the Interim Explanatory Notes (MSC.1/Circ.1369) established at SDC 9, inviting fire safety experts to participate in the discussions of the Group (SDC 9/16, paragraph 11.9).

Revision of MSC.1/Circ.1276

14.35 The Committee approved MSC.1/Circ.1276/Rev.1 on *Revised unified interpretations of SOLAS chapter II-2*, revising the interpretations with regard to the separation of galley ducts from spaces to align with SOLAS, as amended by resolution MSC.365(93).

References to ISO 15371:2009 in SOLAS

14.36 The Committee authorized the Secretariat to take appropriate action to replace the references to ISO 15371:2009 in SOLAS regulations II-2/9.7.5.1.1.3, II-2/9.7.5.2.4 and II-2/10.6.4.1 with ISO 15371:2015 when preparing the next consolidated SOLAS edition.

Revision of MSC.1/Circ.1557

14.37 The Committee approved MSC.1/Circ.1557/Rev.1 on *Revised hazardous area classification (application of SOLAS regulation II-1/45.11)* incorporating consequential modifications emanating from the review of IEC 60092-502 on hazardous area classification.

Single essential propulsion components and treatment of unified interpretations

14.38 The Committee considered a draft UI of SOLAS chapter II-1 concerning single essential propulsion components and their reliability, together with document MSC 107/14/1 (IACS), proposing an alternative application date, i.e. 1 July 2024, to address the safety aspects of those designs, on the basis of IACS's consideration of technical and contractual aspects related to application of the proposed UI of SOLAS regulation II-1/26.2 to existing designs.

14.39 In the ensuing discussion, the Committee noted the view of the delegation of Finland that:

- .1 the draft unified interpretation would have an impact on currently allowed designs and arrangements, e.g. double acting ships that in open water make way normally bow first, but in ice conditions turn around and make way stern ahead;
- .2 the draft UI was not a clarification of SOLAS regulation II-1/26.2 but a significant deviation from that regulation and this matter should preferably be dealt with by amending SOLAS; and given that an amendment to SOLAS would take a considerable amount of time, the best option would be to refer the matter to SSE 10 for further consideration; and
- .3 with regard to document MSC 107/14/1, the transition period should be similar to the usual period concerning amendments to the SOLAS Convention, to allow manufacturers to make new designs and have those type approved; and therefore, the date of application should be revised as 1 July 2026.

14.40 The Committee also noted the view of the observer from IACS that:

- .1 the draft UI aimed to mitigate a potential safety risk of yet unproven designs by providing recommendatory guidance to Administrations on how to assess the reliability of single essential propulsion components with dual winding on a single motor;

- .2 amending SOLAS was not an ideal solution to address such new technologies which, with time and experience, could be proven reliable; therefore, a recommendatory interpretation offered an efficient way of creating a safety net until the right time; and
- .3 the proposed revised application date, i.e. 1 July 2024, was considered practically achievable without having an impact on existing designs.

14.41 Additionally, the Committee noted comments by some other delegations supporting the approval of the draft UI at this session.

14.42 In view of the above diverging views, the Committee discussed whether unanimity should be required for the approval of a draft UI, taking into account that its previous practice had been to approve UIs only if there was unanimous support.

14.43 In this respect, the Committee noted information provided by the Director of the Legal Affairs and External Relations Division that the hierarchy of legal weight for interpretive instruments for treaties is guided by the *Vienna Convention on the Law of Treaties (VCLT)*. An amendment to a treaty carries more legal weight than a unified interpretation. In this regard, the Director noted that amendments to mandatory international instruments under IMO, such as SOLAS, usually required a two-thirds majority for entry into force, and not unanimity. Requiring unanimity for the approval of IMO unified interpretations (which had lower legal weight than treaties) by the Committee would therefore be somewhat illogical in light of the hierarchy in VCLT, given that amending a mandatory IMO instrument did not require unanimity.

14.44 Following consideration, the Committee:

- .1 referred the draft UI (SSE 9/20, annex 16) back to SSE 10 for further consideration, given that unanimity had not been reached; and agreed to continue to follow that approach until it had made a policy decision on the matter of the approval of UIs;
- .2 invited the delegation of Finland and interested Member States and international organizations to submit proposals regarding the draft UI to SSE 10; and
- .3 requested the Secretariat to provide legal advice to MSC 108 on how to approach the approval of unified interpretations when there was no unanimity, for consideration under the agenda item "Any other business".

Fire-fighting foams containing PFOS

14.45 The Committee noted the consideration by the Sub-Committee relating to the use of fire-fighting foams containing perfluoro-octane sulfonic acid (PFOS) and its conclusion that further discussion was necessary regarding the prohibition of other fire-fighting foam types in addition to PFOS; but that SSE 9 had invited it to proceed with the expected adoption of the draft amendments to SOLAS and the HSC Codes on PFOS, as approved by MSC 106 (see paragraphs 3.13 and 3.69).

14.46 In this respect, the Committee endorsed the change of scope of the related output and the revision of its title to "Development of provisions to consider prohibiting the use of fire-fighting foams containing fluorinated substances, in addition to PFOS, for fire-fighting on board ships", based on the justification agreed by the Sub-Committee.

Single fall and hook systems

14.47 Having approved draft amendments to paragraphs 4.4.7.6.8 and 4.4.7.6.17 of the LSA Code concerning single fall and hook systems, as set out in annex 31, the Committee requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 108.

Transfer of a post-biennial agenda item

14.48 The Committee endorsed the transfer of the post-biennial agenda item on "Revision of SOLAS chapters II-1 (part C) and V and related instruments regarding steering and propulsion requirements to address both traditional and non-traditional propulsion and steering systems" to SDC 10's provisional agenda, in order to balance the workload between the two Sub-Committees and maintain the integrity with the relevant agenda item of the SDC Sub-Committee on "Safety objectives and functional requirements of the Guidelines on alternative design and arrangements for SOLAS chapter II-1" (see also paragraph 12.4).

Interim guidelines on safe operation of OPS service

14.49 The Committee approved MSC.1/Circ.1675 on *Interim guidelines on safe operation of onshore power supply (OPS) service in port for ships engaged on international voyages*.

Revision of resolution MSC.402(96)

14.50 The Committee noted SSE 9's discussion on ISO Standard 23678 and a revision of resolution MSC.402(96) on *Requirements for maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear*, and considered the justification for a relevant new output prepared by SSE 9.

14.51 Consequently, the Committee agreed to a new output on "Comprehensive review 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)) to address challenges with implementation of the requirements", for inclusion in the biennial agenda of the Sub-Committee for 2024-2025 and the provisional agenda for SSE 10 (see paragraph 17.62).

Instructions to the LSA Correspondence Group

14.52 The Committee endorsed the instructions given to the LSA Correspondence Group established at SSE 9 to consider the relevant documents listed in paragraph 19.18 of document SSE 9/20 and the proposals therein regarding the comprehensive review of resolution MSC.402(96), and to advise SSE 10 accordingly under the new output (see paragraphs 14.51 and 17.62).

References to standard ISO 12402-7 in resolution MSC.81(70)

14.53 The Committee agreed to consider draft amendments to the Revised Recommendation with respect to updating the current references to standard ISO 12402-7 on tests of components and materials of lifejackets, as a minor correction (C/ES.27/D, paragraph 3.2(vi)), under agenda item 3 (see paragraph 3.85).

SSE Sub-Committee's involvement in human element matters

14.54 The Committee noted the discussion of SSE 9 on the Sub-Committee's involvement in human element matters, in particular the need to establish guiding principles to provide a regulatory framework addressing the human element more consistently, which might be applied across the work of the SSE Sub-Committee and others.

Experience gained with using the hybrid system

14.55 The Committee noted the observations of SSE 9 with respect to the experience gained with using the hybrid system and agreed to forward them to the appropriate session of the Council to take action, as appropriate, in particular that the chair of any group working late should provide a brief summary of the discussions on the next day, for the benefit of delegates that had not been able to work late for various reasons (e.g. time zone differences).

15 NAVIGATION, COMMUNICATIONS AND SEARCH AND RESCUE (URGENT MATTERS EMANATING FROM THE TENTH SESSION OF THE SUB-COMMITTEE)

Urgent matters emanating from NCSR 10

15.1 The Committee considered urgent matters emanating from the tenth session of the Sub-Committee on Navigation, Communications and Search and Rescue (MSC 107/WP.7), taking into account documents MSC 107/15 (IEC and CIRM), MSC 107/15/1 (ICS) and MSC 107/15/3 (Japan), and took action as indicated below.

Draft recommended APMs within a PSSA in the North-Western Mediterranean Sea

15.2 The Committee noted that NCSR 10 had agreed to draft recommended associated protective measures (APMs) (MSC 107/WP.7, annex 1), with a view to being included in the final MEPC resolution on the designation of a particularly sensitive sea area (PSSA) in the North-Western Mediterranean Sea to be considered by MEPC. In this respect, having noted that the Sub-Committee was an associated organ of output 4.1 (Identification and protection of Special Areas, Emission Control Areas and PSSAs and associated protective measures), the Committee agreed that these APMs could be referred by the NCSR Sub-Committee directly to MEPC 80, taking into account the general nature of the APMs, aiming at information-sharing primarily for contributing to the protection of the marine environment.

Iridium SafetyCast service manual

15.3 Having considered the draft revision of MSC.1/Circ.1613/Rev.1 on *Interim Iridium SafetyCast service manual* (MSC 107/WP.7, annex 2), the Committee approved MSC.1/Circ.1613/Rev.2 on *Iridium SafetyCast service manual* and agreed to the recommended implementation date of 1 July 2023, noting that the interim manual had been in operational use since it became effective on 1 January 2022 and, thus, there had been adequate time for circulation within the maritime community.

IMO position on WRC-23 agenda items

15.4 The Committee approved the IMO position on ITU World Radio Conference 2023 (WRC-23) agenda items concerning matters relating to Maritime Services, as set out in annex 36, and requested the Secretariat to submit it to WRC-23.

15.5 In this regard, the Committee requested the Secretariat, in cases where proposals were submitted for consideration by WRC-23 which had not been foreseen when developing the IMO position, to consult with IMO Member States present at WRC-23 and take appropriate action on new issues not included in the IMO position to protect IMO's interests.

Revision of COMSAR.1/Circ.32/Rev.1

15.6 The Committee endorsed the approval of COMSAR.1/Circ.32/Rev.2 on *Harmonization of GMDSS requirements for radio installations on board SOLAS ships*, superseding COMSAR.1/Circ.32/Rev.1, with an effective implementation date of 1 January 2024.

Delays affecting the availability of new GMDSS radio equipment

15.7 The Committee recalled that MSC 105 had adopted amendments to SOLAS chapter IV and other instruments, including revised performance standards, concerning the modernization of the Global Maritime Distress and Safety System (GMDSS), and agreed that those amendments should enter into force on 1 January 2024 (MSC 105/20, section 3).

15.8 In this respect, the Committee considered document MSC 107/15 (IEC and CIRM) advising on expected delays in the availability of new GMDSS radio equipment recommended for installation on or after 1 January 2024, in compliance with the revised performance standards, for:

- .1 shipborne VHF radio installations capable of voice communication and digital selective calling (resolution MSC.511(105)); and
- .2 shipborne MF and MF/HF radio installations capable of voice communication, digital selective calling and reception of maritime safety information and search and rescue related information (resolution MSC.512(105)),

and proposing the approval of an MSC circular inviting Member States to allow continued installation of such equipment conforming to the performance standards set out in resolutions A.803(19), as amended, A.804(19), as amended, and A.806(19), as amended, until 1 January 2026.

15.9 The Committee also considered document MSC 107/15/3 (Japan), commenting on document MSC 107/15, and proposing to:

- .1 allow additional time, beyond the proposed date of 1 January 2026, for the continued installation of shipborne VHF, MF and MF/HF radio installations conforming to the performance standards set out in resolutions A.803(19), as amended, A.804(19), as amended, and A.806(19), as amended;
- .2 consider taking the same approach for Inmarsat-C ship earth stations capable of transmitting and receiving direct-printing communications conforming to resolution A.807(19), as amended, which had been revised by resolution MSC.513(105), applicable to equipment installed on or after 1 January 2024; and
- .3 take into account possible further delays in the publication of IEC standards due to questions raised by ITU concerning the scope of the *Performance standards for bridge alert management (BAM)* (resolution MSC.302(87)).

15.10 The Committee noted that NCSR 10 had already considered the above proposals and revised the draft MSC circular proposed in document MSC 107/15 (MSC 107/WP.7, annex 4) recommending, in particular, also including GMDSS equipment affected by resolution MSC.513(105), as proposed in document MSC 107/15/3, and extending the deadline for the continued installation of the aforementioned shipborne radio installations and Inmarsat-C ship earth stations to 1 January 2028.

15.11 With regard to the comments in document MSC 107/15/3 concerning resolution MSC.302(87), the Committee noted that NCSR 10 had:

- .1 approved a reply liaison statement to ITU on this matter (NCSR 10/WP.5, annex 3);
- .2 invited submission of relevant proposals for a new output to clarify the scope of BAM with respect to GMDSS alarms; and
- 3 also invited IEC to further study the questions regarding the technical implementation of BAM according to relevant IEC standards.

15.12 Following consideration, the Committee approved MSC.1/Circ.1676 on *Delays affecting the availability of new GMDSS equipment compliant with the revised performance standards set out in resolutions MSC.511(105), MSC.512(105) and MSC.513(105)*.

Revision of MSC.1/Circ.1460/Rev.3

15.13 The Committee considered document MSC 107/15/1 (ICS) proposing a revision of MSC.1/Circ.1460/Rev.3 on *Guidance on the validity of radiocommunications equipment installed and used on ships* to ensure continued GMDSS communication capability and the availability of appropriate GMDSS radiocommunication equipment after 1 January 2024.

15.14 In this respect, the Committee noted that NCSR 10 had already considered the proposed revision of MSC.1/Circ.1460/Rev.3 and recommended extending the deadline for updating VHF radiocommunication equipment to 1 January 2028, in alignment with the recommendation concerning the implementation of resolutions MSC.511(105), MSC.512(105) and MSC.513(105) (see paragraph 15.10).

15.15 Following consideration, the Committee agreed to the proposed draft revision of MSC.1/Circ.1460/Rev.3 (MSC 107/15/1, annex), with a modification to extend the deadline for updating VHF radiocommunication equipment to the first radio survey after 1 January 2028, as recommended by NCSR 10, and approved MSC.1/Circ.1460/Rev.4 on *Guidance on the validity of radiocommunications equipment installed and used on ships*.

Information concerning the announcement by the United Kingdom Hydrographic Office to discontinue the paper charts portfolio

15.16 The Committee considered document MSC 107/15/2 (Germany and ICS) expressing concern regarding the official announcement by the United Kingdom Hydrographic Office to discontinue paper charts production at an undefined time after 2030.

15.17 In this respect, the observer from IHO made a statement, as set out in annex 47, commenting on document MSC 107/15/2 and providing information concerning the ongoing work at IHO on the future of paper charts production.

15.18 During consideration, the majority of the delegations that spoke supported the recommendations contained in document MSC 107/15/2 in general. Views were also expressed indicating that:

- .1 ECDIS was not a mandatory carriage requirement for all ships and, therefore, paper charts would continue to be used, at least for the foreseeable future, by certain ships, including those not regulated by SOLAS;
- .2 more time was needed to explore possible solutions, including standardized data formats; consider the financial and operational consequences for coastal States; and develop appropriate transitional arrangements; and
- .3 coordination on this matter between IMO and IHO was essential.

15.19 Following consideration, the Committee:

- .1 concurred with the recommendations in document MSC 107/15/2 in general, regarding the continuity of paper charts or equivalent printable digital arrangements, recognizing that there were challenges ahead that would require further consideration;
- .2 invited the HTW Sub-Committee to note the considerations on this matter and to take them into account when undertaking the comprehensive review of the STCW Convention in relation to training of seafarers; and
- .3 requested the Secretariat to liaise with IHO and keep the Committee informed of any relevant developments related to this matter.

16 APPLICATION OF THE COMMITTEE'S METHOD OF WORK

16.1 The Committee recalled that MSC 106 and MEPC 79 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.4) (Committee's Guidelines), incorporating efficiency measures first introduced during the COVID-19 pandemic when holding remote meetings.

16.2 Having recalled that MSC 106 had postponed the decision on whether or not to continue the practice of taking decisions by correspondence, which had been introduced during the COVID-19 pandemic to deal with the backlog of deferred documents, the Committee considered document MSC 107/16 (Secretariat) providing clarifications on the feasibility and benefits of continuing this practice; and introducing the new Meeting Document Submission Portal.

Taking decisions by correspondence

16.3 In the ensuing discussion regarding the continuation or discontinuation of the practice of taking decisions by correspondence, the Committee noted inter alia the following views:

- .1 as a large number of documents was submitted to each session, creating a heavy workload for the Secretariat and for delegations, especially smaller ones, any decision of the Committee on its guidelines should aim at supporting the Secretariat and delegations to better cope with the workload and focus on the most vital issues of the Committee;

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- .2 the continuation of the practice should not be supported because it added complexity to the preparation for meetings and it would be difficult to use it in an effective way, also taking into account the number and frequency of meetings delegations needed to attend;
 - .3 as the current session demonstrated, in-person meetings provided sufficient time to consider all documents, making the practice of taking decisions by correspondence unnecessary, as normally no documents would be deferred to future sessions;
 - .4 the practice under discussion put additional strain on delegations and forced them to analyse documents in a short period of time while other meetings might be taking place simultaneously;
 - .5 the deadlines for the submission and translation of meeting documents would render the practice inefficient; and
 - .6 the Committee should analyse its document and workload, taking into account its significant increase, and inform the Council about the outcome of this exercise.

16.4 Following consideration, based on the views of the overwhelming majority of delegations that spoke, the Committee agreed to discontinue the practice of taking decisions by correspondence.

New Meeting Document Submission Portal

16.5 The Committee, having been advised that the new Meeting Document Submission Portal on IMODOCS was now fully operational, and having noted the views of many delegations that it was a very helpful tool for the submission of documents to IMO meetings, approved amendments to 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.4), for the inclusion of a new paragraph 6.2 in the section "Preparation of documents" of the Committees' method of work, as set out in annex 37, subject to concurrent approval by MEPC.

16.6 The Committee also agreed to inform the Council about the Committee's decision on this matter; and to recommend to the Facilitation, Legal and Technical Cooperation Committees the inclusion of the portal in their respective guidelines on the method of work.

16.7 Subsequently, the Committee requested the Secretariat to circulate the revised Committees' method of work as MSC-MEPC.1/Circ.5/Rev.5 in due course, following the concurrent approval of the change by MEPC.

17 WORK PROGRAMME

Proposals for new outputs

Regulatory framework for the safe reduction of GHG emissions from ships

17.1 The Committee considered document MSC 107/17/21 (Belgium et al.), proposing a new output on a comprehensive regulatory assessment to deliver a regulatory framework for the safe reduction of GHG emissions from ships, together with the following commenting documents:

- .1 MSC 107/17/24 (IACS), proposing an approach to organizing the work of the Committee including a timeline and format of a road map for the safe decarbonization regulatory assessment and the subsequent work;
- .2 MSC 107/17/25 (Canada et al.), proposing to amend the title of the proposed output to reflect the already started regulatory work on matters related to safe decarbonization and future actions; and
- .3 MSC 107/17/27 (Denmark), proposing to give due consideration to the possibilities for alternative designs and arrangements in the context of safe decarbonization, based on the experience gained by Member States.

17.2 During the ensuing discussion, the following views inter alia were expressed:

- .1 a new output to carry out a regulatory assessment of the instruments under the purview of the Committee to identify the safety issues that could arise owing to the implementation of GHG measures should be established urgently, particularly following the use of alternative fuels;
- .2 a practical and stepped approach should be followed for the work under this new output and the initial step should be the development of a list of fuels and technologies being considered by the industry as well as to collect supporting information about them;
- .3 a correspondence group should be established in order to work intersessionally and its terms of reference should be carefully drafted;
- .4 it was imperative for MSC to work with other IMO bodies, in particular MEPC, to develop a regulatory framework for the safe reduction of GHG emissions from ships, allowing the industry to make informed investment decisions;
- .5 though MSC had been proactive and already initiated and developed several measures to address the safety of alternative fuels and new technologies, the proposed new output for a holistic approach should be supported;
- .6 the proposed new output would provide MSC with the ability to maintain oversight and coordination across its bodies, while building on the ongoing work by the CCC Sub-Committee;
- .7 noting that IMO was considering steps to decarbonize international shipping, including through the adoption of new technologies and use of alternative low and zero-carbon fuels, there would be a need to ensure that this transition happened in a safe and orderly manner;
- .8 the Committee should focus on conducting the technical assessment for the safe reduction of GHG emissions from ships, but not on prioritizing which fuel should be more suitable for decarbonization;
- .9 the Committee should refrain from duplicating work ongoing in MEPC; at the same time the review of the IMO GHG Reduction Strategy should not be affected and the outcome of MEPC should not be prejudged;

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- .10 the ongoing work under the CCC Sub-Committee was different in nature from the development process of MASS, therefore the work under this new output should not necessarily follow the process of MASS;
 - .11 a prioritized list of new technologies and alternate fuels for consideration under this new output was not supported and the ongoing work under MEPC, in particular under ISWG-GHG, should be taken into account;
 - .12 the development of a list of alternative fuels and new and adapted technologies should be an evolving process and such a list should be a living document, regularly reviewed and updated as necessary, based on the latest information available and technology developments;
 - .13 document MSC 107/17/21, together with commenting documents MSC 107/17/24, MSC 107/17/25 and MSC 107/17/27 should be further considered in the Working Group on Fuel Oil Safety;
 - .14 the task of identifying new fuels and technologies and associated assessment would be iterative as new alternative fuels and technologies were identified and as lessons learned were brought back to the Organization;
 - .15 a new output could be agreed by the Committee, with modifications on various aspects based on the proposals in documents MSC 107/17/21, MSC 107/17/24, MSC 107/17/25 and MSC 107/17/27, such as title, scope, work plan and target completion year; and
 - .16 the outcome of this output would allow IMO to give the industry the confidence to invest in such fuels and technologies, with the certainty of the safety framework keeping pace with the environmental framework.

17.3 The Committee also noted the following comments by the Chair of the CCC Sub-Committee:

- .1 currently the CCC Sub-Committee was working in accordance with its work plan (CCC 8/18, annex 2), which had been submitted to both MSC and MEPC, on the development of safety provisions for LNG, hydrogen, ammonia and possible provisions on low-flashpoint oil fuels, and mandatory instruments regarding methyl/ethyl alcohols and fuel cells in the near future;
- .2 noting the proposal for the new output and if agreed by the Committee, the CCC Sub-Committee should be able to continue its efforts in accordance with the work plan, until further specific instructions from the Committee at a future stage; and
- .3 the outcome of the CCC Sub-Committee would continue to be submitted to the Committee, and possibly contribute and/or serve as a basis for future developments under the new output.

17.4 Following discussion, the Committee agreed:

- .1 to include in the biennial agenda of the Committee a relevant output;
- .2 that the goal of this output was to develop a regulatory framework (to include regulations and/or guidelines) to address new alternative fuels and new technologies for the safe reduction of ships' GHG emissions;
- .3 that the work under this output must be fuel/technology neutral, meaning that IMO must not choose/push a solution;
- .4 that the work under this output should start with the effort already completed by the CCC Sub-Committee, which should continue its work in accordance with its work plan for the development of alternative fuels and related technologies;
- .5 that the scope of the new output should be as follows:
 - .1 identify alternative fuels and new technologies;
 - .2 conduct an assessment for each alternative fuel and new technology (identified under the previous task), in order to:
 - .1 determine obstacles and gaps in the current IMO instruments that may impede the use of the alternative fuel or new technology; and
 - .2 consider the use of alternative designs and equivalent arrangements;
 - .3 develop and execute a road map to close the gap and identify the Sub-Committees to be involved; and
 - .4 amend existing instruments or develop new instruments, to include mandatory requirements and/or guidelines;
- .6 that the developments under this output should be conducted in close coordination with MEPC;
- .7 that it was envisioned that the tasks would be iterative as new alternative fuels and technologies were identified and as lessons learned were brought back to the Organization;
- .8 to establish a correspondence group to progress the work under this new output (with the scope as indicated in paragraphs 17.4.5.1 and 17.4.5.2); and
- .9 to instruct the Working Group on Fuel Oil Safety, taking into account the comments made and decisions taken in plenary, to further consider the proposal in document MSC 107/17/21, together with documents MSC 107/17/24, MSC 107/17/25 and MSC 107/17/27 and advise the Committee on how best to proceed with the work under the new output, i.e. title, target completion year and terms of reference for a correspondence group.

Report of the Working Group

17.5 Having considered the part of the report of the Working Group (MSC 107/WP.10) dealing with the matter, the Committee approved it in general and took action as described below.

Title and target completion year of the new output

17.6 The Committee agreed to include in its biennial agenda for 2024-2025 a continuous output on "Development of a safety regulatory framework to support the reduction of GHG emissions from ships using new technologies and alternative fuels", assigning the Committee as the coordinating organ, in association with the CCC, HTW, III, SSE and SDC Sub-Committees as and when requested by the Committee and invited MEPC to consider being an associated organ.

Draft terms of reference for a Correspondence Group

17.7 The Committee agreed to establish a Correspondence Group on Development of a Safety Regulatory Framework to Support the Reduction of GHG Emissions from Ships Using New Technologies and Alternative Fuels, under the coordination of the United States,³ with the following terms of reference:

- .1 identify and update a list of fuels and technologies which will assist international shipping to support the reduction of GHG emissions from ships using new technologies and alternative fuels;
- .2 conduct an assessment for each identified fuel and new technologies (e.g. the state of knowledge of risks and the technical considerations of solutions, Hazards and Risks, Risk Control Measures) in sub-paragraph .1 in relation to persons, ships (new built and converted) and applicable operations for these, from e.g. projects applying alternative design and approval process where permitted;
- .3 based on the outcomes of .1 and .2 above, develop a record for safety obstacles and gaps in the current IMO instruments that may impede the use of the alternative fuel or new technology; and
- .4 submit a written report to MSC 108.

Amendments to the Recommendations on the safe use of pesticides in ships applicable to the fumigation of cargo holds (MSC.1/Circ.1264)

17.8 The Committee considered document MSC 107/17/1 (Luxembourg and Netherlands), proposing a new output to amend the *Recommendations on the safe use of pesticides in ships applicable to the fumigation of cargo holds* (MSC.1/Circ.1264), together with commenting document MSC 107/17/30 (China), proposing that amendments to SOLAS regulation VI/4 also be considered as part of this work.

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17.9 During the discussion, while the need to revise the recommendations was widely supported, concerns were expressed that amending the SOLAS regulation would consequentially affect other IMO instruments as this subject was addressed by several instruments and would require a significant amount of time to complete the work.

17.10 Following discussion, having agreed that amendments to SOLAS should not be addressed at this stage and taking into account that there was a continuous output to address amendments to the IMSBC Code and supplements (including MSC.1/Circ.1264) on the 2022-2023 biennial agenda of the CCC Sub-Committee, the Committee instructed CCC 9 to consider this proposal, under the existing agenda item on "Amendments to the IMSBC Code and supplements".

Solid bulk cargoes not listed in the IMSBC Code but shipped based on provisional assessments (tripartite agreements)

17.11 The Committee considered document MSC 107/17/2 (Finland et al.), proposing a new output on annual listing and real-time updating of solid bulk cargoes not listed in the IMSBC Code but shipped based on provisional assessments (tripartite agreements).

17.12 Following discussion and taking into account that there was a continuous output to address amendments to the IMSBC Code and supplements on the 2022-2023 biennial agenda of the CCC Sub-Committee, the Committee instructed CCC 9 to consider this proposal under the existing agenda item on "Amendments to the IMSBC Code and supplements".

Shipboard towing and mooring equipment

17.13 The Committee considered document MSC 107/17/3 (Marshall Islands, Panama and IACS), proposing a new output to review appendices A and B of the *Revised guidance on shipboard towing and mooring equipment* (MSC.1/Circ.1175/Rev.1), to align them with updated industry standards.

17.14 Following consideration, the Committee agreed to include in its post-biennial agenda an output on "Revision of appendices A and B of the *Revised guidance on shipboard towing and mooring equipment* (MSC.1/Circ.1175/Rev.1)", with one session needed to complete the item, assigning the SDC Sub-Committee as the associated organ.

Amendments to the FSS Code on construction requirement for gaskets

17.15 The Committee considered document MSC 107/17/4 (Japan et al.), proposing a new output to amend paragraph 2.1.2.5 of chapter 5 of the FSS Code concerning construction requirement for gaskets used in discharge piping inside protected spaces.

17.16 Following consideration, the Committee agreed to include in its post-biennial agenda an output on "Development of amendments to paragraph 2.1.2.5 of chapter 5 of the FSS Code on construction requirement for gaskets", with one session needed to complete the item, assigning the SSE Sub-Committee as the associated organ and instructing it to consider if the amendments should only apply to new ships or also to existing ships.

17.17 The Committee also agreed, in accordance with the provisions of MSC.1/Circ.1481 and MSC.1/Circ.1500/Rev.2, that:

- .1 the instrument to be amended was chapter 5 of the FSS Code; and
- .2 the amendments to be developed should enter into force on 1 January 2028, provided that they were adopted before 1 July 2026.

Comprehensive review of the ISM Code and related guidelines

17.18 The Committee considered document MSC 107/17/5 (Norway), proposing a new output on a comprehensive review of the International Safety Management (ISM) Code and related guidelines.

17.19 During consideration, the Committee noted information provided by the Secretariat that a study on the effectiveness and effective implementation of the ISM Code and related instruments had been commissioned by the Secretariat which was expected to be concluded by the end of 2023. The Committee also noted that the conclusions and results of this study could support any regulatory exercise in the context of the ISM Code and related instruments, with a view to responding to the need to ensure safe, secure, environmentally sound, efficient and sustainable shipping.

17.20 The Committee further noted inter alia the following views:

- .1 there had been many developments in the operation and management of ships over the history of the ISM Code, but since it was designed to be goal-based, generic and flexible, it did allow implementation in a manner consistent with the requirements therein;
- .2 the Code in its current form provided sufficient flexibility; the issues identified in the proposal could be addressed without amending the Code; and amendments to guidelines on implementation could instead be considered to enhance it, taking into account recent developments;
- .3 undertaking a scoping exercise would be more appropriate to identify the need for amendments to the guidelines associated with the Code, as a first step, followed by identifying the need for amendments to the Code, as appropriate;
- .4 it was premature to undertake a review of the Code at this stage since the study on the ISM Code and related instruments conducted by the Secretariat was still ongoing, taking also into account that the next meeting of the ILO/IMO Joint Tripartite Working Group (JTWG) was expected to provide some relevant recommendations;
- .5 there was a clear link through human element between the ISM Code and the STCW Convention; however, taking into account that the comprehensive review of the STCW Convention had just started and the heavy workload it entailed, the HTW Sub-Committee would have limitations on addressing a comprehensive review of the ISM Code; and
- .6 since this work mainly concerned implementation matters, the III Sub-Committee, which already undertook the work on casualty analysis, should be tasked with coordinating the work, letting the HTW Sub-Committee focus on the comprehensive review of the STCW Convention.

17.21 Following discussion, the Committee agreed to keep the proposal in document MSC 107/17/5 in abeyance until after the results of relevant studies, including the Secretariat's study on the ISM Code and related instruments, and the outcome of the Joint ILO/IMO JTWG, were available.

Addressing time pressure and related organizational factors

17.22 The Committee considered document MSC 107/17/14 (Dominica et al.), proposing a new output to develop guidance to address time pressure and related organizational factors.

17.23 Following consideration, the Committee agreed to include in the post-biennial agenda an output on "Development of guidance to address time pressure and related organizational factors", with one session needed to complete the output, assigning the HTW Sub-Committee as the coordinating organ, in association with the III Sub-Committee, as and when requested by the HTW Sub-Committee.

Lashing software as a supplement to container stowage and securing plan

17.24 The Committee considered document MSC 107/17/6 (France et al.), proposing a new output to revise the *Revised guidelines for the preparation of the Cargo Securing Manual* (MSC.1/Circ.1353/Rev.2) to include harmonized performance standards for lashing software as a supplement to the container stowage and securing plan.

17.25 Acknowledging the wide use of lashing software by the industry and having noted that the proposed scope of the work could also address ship stability calculations, the Committee agreed to include in its post-biennial agenda an output on "Revision of the *Revised guidelines for the preparation of the Cargo Securing Manual* (MSC.1/Circ.1353/Rev.2) to include a harmonized performance standard for lashing software to permit lashing software as a supplement to the Cargo Securing Manual", with two sessions needed to complete the item, assigning the CCC Sub-Committee as the associated organ.

Revision of the Guidelines on maritime cyber risk management

17.26 The Committee considered document MSC 107/17/9 (Australia et al.), proposing a new output to revise the *Guidelines on maritime cyber risk management* (MSC-FAL.1/Circ.3/Rev.2) to include the latest cybersecurity guidance and identify next steps to enhance maritime cybersecurity, together with commenting document MSC 107/17/28 (IAPH), highlighting the critical importance of cybersecurity as an inherent component of the maritime single window (MSW) and the need for capacity-building and cooperation to implement a cyber-secure MSW by 1 January 2024.

17.27 During the ensuing discussion, the following views inter alia were expressed:

- .1 while it might be possible to address the issue within the existing agenda item "Measures to enhance maritime security", it would be desirable to have a separate and distinct output to highlight its importance and start the work as soon as possible given the urgency;
- .2 it was important to ensure that the Guidelines would continue to be non-prescriptive and generic to ensure flexible implementation; and
- .3 as part of this work, it was important to consider cost implications for port States and the need for capacity-building of developing countries, in relation to which TCC should be involved in due course.

17.28 Following consideration, the Committee agreed to include in its biennial agenda for the 2024-2025 biennium and the provisional agenda of MSC 108 an output on "Revision of the *Guidelines on maritime cyber risk management* (MSC-FAL.1/Circ.3/Rev.2) and identification of next steps to enhance maritime cybersecurity", with a target completion year of 2024, inviting

the FAL Committee to become an associated organ. In agreeing, the Committee noted that cybersecurity, along with maritime security measures, was already addressed in one of the thematic priorities of the ITCP for the 2024-2025 biennium (see paragraph 19.4).

Requirements for software maintenance of shipboard navigation and communication equipment and systems

17.29 The Committee considered document MSC 107/17/10 (Marshall Islands et al.) proposing a new output to develop provisions for software maintenance of shipboard navigation and communication equipment and systems, together with associated amendments to SOLAS chapters IV (Radiocommunications) and V (Safety of navigation), to ensure that software maintenance carried out for such equipment was conducted in a planned, structured, safe and secure manner.

17.30 During consideration, the majority of the delegations that took the floor recognized the importance of software maintenance and updates. However, while some delegations supported the development of mandatory requirements under SOLAS chapters IV and V, others were of the view that the requirements should not be mandatory, and that the Committee should consider instead developing recommendatory guidance. Views were also expressed recommending:

- .1 expanding the scope to include engineering systems and control devices regulated under other SOLAS chapters; and
- .2 including also equipment and systems used for transmission and reception of search and rescue (SAR) related information.

17.31 Furthermore, a question was raised regarding the inclusion of hardware replacement or upgrade as part of the requirements to be developed and concerns were expressed on potential cost implications.

17.32 In this respect, the Committee noted further information provided by the co-sponsors of document MSC 107/17/10 indicating that:

- .1 the scope of the proposal was shipboard navigation and communication equipment and systems regulated under SOLAS chapters IV and V, which would also include consideration of equipment and systems used for transmission and reception of SAR-related information;
- .2 hardware upgrade or replacement was not included in the proposal; and
- .3 the requirements to be developed were expected to save costs by preventing malfunction of equipment and systems and ensuring that software maintenance was conducted in a controlled, safe and secure manner.

17.33 Following consideration, the Committee agreed to proceed on a step-by-step basis by developing non-mandatory guidelines first and considering, at a later stage, the need to develop mandatory requirements. The Committee agreed also that the scope of the output should only include shipboard navigation and communication equipment and systems regulated under SOLAS chapters IV and V, including those used for transmission and reception of SAR-related information. Accordingly, the Committee agreed to include in its post-biennial agenda an output on "Development of guidelines for software maintenance of shipboard navigation and communication equipment and systems", with two sessions needed to complete the output, assigning the NCSR Sub-Committee as the associated organ.

Two-way communication service demonstration for Cospas-Sarsat distress beacons using the SAR/Galileo Return Link service

17.34 The Committee considered document MSC 107/17/11 (Austria et al.) proposing a new output on a comprehensive review of the outcomes of the two-way communication service demonstration for Cospas-Sarsat distress beacons using the SAR/Galileo Return Link Service and investigation of its applicability for emergency position-indicating radio beacons (EPIRBs) in the maritime domain.

17.35 Following consideration, the Committee agreed to include in its post-biennial agenda an output on "Development of guidelines for EPIRBs which implement the two-way communication service via the SAR/Galileo Return Link service as a complement to EPIRB performance standards (resolution MSC.471(101))", with two sessions needed to complete the item, assigning the NCSR Sub-Committee as the associated organ.

Prevention of loss of containers at sea

17.36 The Committee considered document MSC 107/17/12 (Australia et al.), proposing a new output on the prevention of the loss of containers at sea, addressing the matter by means of joint and coordinated measures by relevant IMO organs; and providing the status of recent losses and the current work undertaken by individual IMO organs; together with commenting document MSC 107/17/29 (China), expressing general support for the new output, but highlighting that the detection technology and application practicality of lost freight containers still needed further discussion to enhance the positioning, tracking and recovery of lost containers, including a discussion on the application of new technologies.

17.37 Following consideration, the Committee agreed to include in the biennial agenda of the CCC Sub-Committee for the 2024-2025 biennium and the provisional agenda of CCC 10 an output on "Development of measures to prevent the loss of containers at sea", with a target completion year of 2025, assigning the CCC Sub-Committee as the coordinating organ, in association with the SDC, NCSR, HTW and III Sub-Committees, as and when requested by the CCC Sub-Committee.

Fire prevention by detecting hazardous levels of airborne fuels and oil-based vapours on ships

17.38 The Committee considered document MSC 107/17/13 (Denmark et al.), proposing a new output on updating the *Code of Practice for Atmospheric Oil Mist Detectors* (MSC/Circ.1086) for fire prevention by detecting hazardous levels of airborne fuels and oil-based vapours on ships.

17.39 Following consideration, the Committee agreed to include in its post-biennial agenda an output on "Review and update of the *Code of Practice for Atmospheric Oil Mist Detectors* (MSC/Circ.1086)", with two sessions needed to complete the item, assigning the SSE Sub-Committee as the associated organ.

Guidelines for harmonizing the date format of various certificates issued under IMO instruments

17.40 The Committee considered document MSC 107/17/15 (China), proposing a new output to develop guidelines for harmonizing the date format of various certificates issued under IMO instruments.

17.41 Following consideration, and having noted the need for a solution to define and harmonize date formats, the Committee agreed to include in its post-biennial agenda an output on "Development of guidelines for harmonizing the date format of various certificates issued under IMO instruments", with two sessions needed to complete the item, assigning the III Sub-Committee as the associated organ; and invited the FAL Committee to cooperate on this output, taking into account its expertise on data harmonization.

Comprehensive review of COLREG

17.42 The Committee considered document MSC 107/17/16 (China) proposing a new output to comprehensively review the International Regulations for Preventing Collisions at Sea (COLREG), 1972, from the perspective of conventional ship operations, as preparatory work for future amendments; together with commenting document MSC 107/17/26 (Japan), suggesting that the review of COLREG should be undertaken when the results of the discussion on the MASS Code at MSC 107 were available, and be limited to these results only.

17.43 During consideration, the majority of the delegations that took the floor did not support a comprehensive review of COLREG. In this regard, views were expressed that:

- .1 casualties related to COLREG were mainly resulting from non-compliance with existing regulations;
- .2 a comprehensive review of COLREG would have an impact on training of seafarers and existing practices that should be carefully evaluated; and
- .3 it would be premature to consider amendments to COLREG related to MASS.

17.44 Views were also expressed indicating that amendments to some of the COLREG provisions could be considered, such as those related to the use of gongs and shapes, but without undertaking a comprehensive review of the instrument.

17.45 Following consideration, the Committee did not agree with the proposal to undertake a comprehensive review of COLREG at this stage.

Revision of requirements for gyro-compasses on ships operating in polar waters

17.46 The Committee considered documents MSC 107/17/17 and MSC 107/INF.3 (China) proposing a new output to revise the *Performance standards for gyro-compasses* (resolution A.424(XI)) and the *Guidance for navigation and communication equipment intended for use on ships operating in polar waters* (MSC.1/Circ.1612), and providing additional analysis on the applicability and implementation of these instruments.

17.47 Following consideration and having noted some differing views regarding the need to amend resolution A.424(XI), the Committee agreed to include in its post-biennial agenda an output on "Revision of the *Performance standards for gyro-compasses* (resolution A.424(XI)) and *Guidance for navigation and communication equipment intended for use on ships operating in polar waters* (MSC.1/Circ.1612)" with two sessions needed to complete the item, assigning the NCSR Sub-Committee as the associated organ, and instructed the NCSR Sub-Committee to consider, as part of the output, whether amendments to resolution A.424(XI) were necessary.

Requirement for setting of guard rails on the deck structure

17.48 The Committee considered document MSC 107/17/18 (China), proposing a new output to amend regulation 25(3) of the 1988 Load Line Protocol regarding the requirement for the setting of guard rails on the deck structure.

17.49 During consideration, views were expressed that no compelling need for this output had been demonstrated, and that, in order to address the matter, it would be better not to restrict consideration of amendments to regulation 25(3), but to generally consider amendments to regulation 25.

17.50 Following consideration, the Committee agreed to include in the biennial agenda of the SDC Sub-Committee for 2024-2025 and the provisional agenda of SDC 10 an output on "Amendment to regulation 25 of the of the 1988 Load Line Protocol regarding the requirement for setting of guard rails on the deck structure", with a target completion year of 2024.

17.51 The Committee also agreed, in line with the provisions of MSC.1/Circ.1587, that:

- .1 the amendments to be developed should apply to new ships only;
- .2 the instrument to be amended was the 1988 Load Line Protocol; and
- .3 the amendments to be developed should enter into force on 1 January 2028, provided that they were adopted before 1 July 2026.

Revision of the IMO Standard Marine Communication Phrases

17.52 The Committee considered document MSC 107/17/19 (China et al.) proposing a new output to revise the *IMO Standard Marine Communication Phrases* (resolution A.918(22)) to accommodate the changes in maritime communications over the past two decades, with a view to enhancing the efficiency and effectiveness of communications on board ships, as well as between ships, and shore and ships.

17.53 Following consideration, the Committee agreed to include in its post-biennial agenda an output on "Revision of the *IMO Standard Marine Communication Phrases* (resolution A.918(22))", with two sessions needed to complete the item, assigning the NCSR Sub-Committee as the coordinating organ, in association with the HTW Sub-Committee, as and when requested by the NCSR Sub-Committee.

Revision of the Performance Standards for Shipborne BeiDou Satellite Navigation System (BDS) Receiver Equipment

17.54 The Committee considered document MSC 107/17/20 (China) proposing a new output to revise the *Performance Standards for Shipborne BeiDou Satellite Navigation System (BDS) Receiver Equipment* (resolution MSC.379(93)), taking into consideration the completion and commission of the BeiDou-3 Navigation Satellite System (BDS-3) since 2020.

17.55 Following consideration, the Committee agreed to include in its post-biennial agenda an output on "Revision of the *Performance Standards for Shipborne BeiDou Satellite Navigation System (BDS) Receiver Equipment* (resolution MSC.379(93))", with one session needed to complete the item, assigning the NCSR Sub-Committee as the associated organ.

Performance standards for dual frequency multi-constellation satellite-based augmentation systems and advanced receiver autonomous integrity monitoring in shipborne radionavigation receivers

17.56 The Committee considered document MSC 107/17/7 (Australia et al.) proposing a new output to develop minimum performance standards for dual frequency multi-constellation satellite-based augmentation systems (DFMC SBAS) and advanced receiver autonomous integrity monitoring (ARAIM) in shipborne radionavigation receivers.

17.57 In this respect, the Committee noted that:

- .1 radionavigation systems and global navigation satellite systems (GNSS) were assessed and recognized by the Organization following the procedures and criteria set out in resolutions A.1046(27) and A.915(22), as appropriate, and on this basis performance standards for receiver equipment were developed;
- .2 procedures and/or criteria for the recognition of augmentation systems as part of the Worldwide Radionavigation System were not clearly established by the Organization; and
- .3 augmentation systems were proposed as new functionalities or capabilities for GNSS shipborne receiver equipment.

17.58 Following consideration, the Committee agreed to include in its post-biennial agenda:

- .1 an output on "Development of procedures and requirements for the recognition of augmentation systems in the World-wide radionavigation system", with one session needed to complete the item; and
- .2 an output on "Development of performance standards for dual frequency multi-constellation satellite-based augmentation systems (DFMC SBAS) and advanced receiver autonomous integrity monitoring (ARAIM) in shipborne radionavigation receivers", with two sessions needed to complete the item,

assigning the NCSR Sub-Committee as the associated organ. In doing so, the Committee agreed that the performance standards for DFMC SBAS and ARAIM in shipborne radionavigation receivers should be developed only after the approval/adoption of the necessary procedures and requirements for the recognition of augmentation systems.

Revision of MSC.1/Circ.1318/Rev.1 to clarify the testing and inspection requirements of CO₂ cylinders

17.59 The Committee considered document MSC 107/17/22 (United Kingdom and IACS), proposing a new output to revise the *Revised guidelines for the maintenance and inspections of fixed carbon dioxide fire-extinguishing systems* (MSC.1/Circ.1318/Rev.1) in order to clarify the testing and inspection provisions for CO₂ cylinders, and having supported the proposal, noted views that:

- .1 a provision should be introduced under section 6 (minimum recommended maintenance) of the revised guidelines addressing the risk linked to faulty couplings installed on newly installed pilot hoses; and

- .2 in addition to the options provided in paragraph 16 of the document, flexibility should be exercised to harmonize differences between test date of cylinders and ship's delivery date, so as to allow for the schedule of hydrostatic testing of CO₂ cylinders to be harmonized as much as possible with the surveys schedule stipulated in SOLAS regulation I/7 or I/8, as appropriate.

17.60 Following consideration, the Committee agreed to include in its post-biennial agenda an output on "Revision of the *Revised guidelines for the maintenance and inspections of fixed carbon dioxide fire-extinguishing systems* (MSC.1/Circ.1318/Rev.1) to clarify the testing and inspection provisions for CO₂ cylinders", with one session needed to complete the item, assigning the SSE Sub-Committee as the associated organ.

Comprehensive review of resolution MSC.402(96) to address challenges with implementation of the requirements

17.61 The Committee considered a proposal by SSE 9 (MSC 107/14 and SSE 9/20, annex 21) for a new output on a comprehensive review 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)) to address challenges with the implementation of these requirements.

17.62 Following consideration, the Committee agreed to include in the biennial agenda of the SSE Sub-Committee for 2024-2025 and the provisional agenda of SSE 10 an output on "Comprehensive review 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)) to address challenges with their implementation", with a target completion year of 2025, assigning the SSE Sub-Committee as the associated organ.

17.63 The Committee also agreed, in accordance with the provisions of MSC.1/Circ.1481 and MSC.1/Circ.1500/Rev.2, that:

- .1 the amendments to be developed should apply to all ships to which SOLAS applied;
- .2 the instrument to be amended was resolution MSC.402(96); and
- .3 the amendments to be developed should enter into force on 1 January 2028, provided that they were adopted before 1 July 2026.

Suggestions for new outputs

17.64 The Committee noted the following two documents with suggestions for potential future outputs:

- .1 MSC 107/17/23 (WWF et al.), identifying elements that should be considered for inclusion in a proposal for a new output on evaluation of the implementation of the Polar Code; and
- .2 MSC 107/17/31 (FOEI), commenting on document MSC 107/17/23 and highlighting that assessing the effectiveness of the Polar Code should include consideration of both the implementation of the current provisions as well as risks in polar waters not considered when the Code was developed.

17.65 In this regard, the Committee also noted views by observer delegations, emphasizing the importance of protection of the environment in polar regions, that more should be done urgently by the Organization to review the Polar Code holistically, and that any incidents in the polar regions could have the potential to be devastating for ships' crews, the marine environment and indigenous communities. In this context, the delegation of Argentina, with regard to an intervention made by the observer delegation of FOEI, also referred to the initiative of its country and Finland at the Antarctic Treaty Consultative Meeting of the Antarctic Treaty (ATCM 45, June 2023, Helsinki) to raise awareness of the Polar Code and related matters, where reference was made to the Polar Seminar organized by IMO in 2022; and reiterating the importance of safe navigation in polar waters and that, with regard to Antarctica, coordination between Parties to the Antarctic Treaty was expected.

Endorsement of new outputs

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

Workload of the Committee and its subsidiary bodies

17.67 Taking into account the ongoing and prospective high workload of the Committee, including the 31 documents concerning 22 proposals for new outputs submitted to this session, the Committee noted an outline of the current work in the agendas of the Committee and its subsidiary bodies (the Sub-Committees) provided orally by the Chair.

17.68 In this regard, the Committee considered the following proposals by the Chair:

- .1 a relevant working group should be established at MSC 108 to conduct a holistic review of the workload of the Committee and sub-committees and provide recommendations on matters such as:
 - .1 the future process for considering and approving new outputs;
 - .2 prioritization of outputs;
 - .3 possible mechanisms to manage the workload of the sub-committees; and
 - .4 any other related matters to ensure the sustainability of the workload of Committee and sub-committees;
- .2 to request the Secretariat to provide an analysis of the relevant outputs to MSC 108 for consideration and action, as appropriate; and
- .3 to apply a moratorium on submissions of proposals for new outputs to MSC 108 in order to focus on the consideration of the workload of the Committee and sub-committees.

17.69 Subsequently, having noted the overwhelming support for the above-mentioned proposals and the concerns expressed in relation to the implications of the ongoing heavy workload for Secretariat and delegations alike, the Committee agreed:

- .1 with the proposal by the Chair to consider and address the workload of the Committee and sub-committees, to be undertaken taking into account the lessons learned from similar exercises conducted in the past and any budgetary implications as a result of the upcoming exercise at MSC 108;

- .2 that only duly justified urgent proposals for new outputs should be submitted to MSC 108, subject to assessment by the Chair; and
- .3 to keep the Council informed of relevant outcomes.

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

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

17.70 Having recalled its earlier decision to instruct CCC 9 to consider under the existing output on "Amendments to the IMSBC Code and supplements":

- .1 amendments to the *Recommendations on the safe use of pesticides in ships applicable to the fumigation of cargo holds* (MSC.1/Circ.1264); and
- .2 annual listing and real-time updating of solid bulk cargoes not listed in the IMSBC Code but shipped based on provisional assessments (tripartite agreements),

the Committee confirmed the Sub-Committee's biennial status report for the 2022-2023 biennium and the provisional agenda for CCC 9, as approved at MSC 106, as set out in annexes 38 and 39, respectively.

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

17.71 The Committee:

- .1 noted the biennial status report of the Sub-Committee for the 2022-2023 biennium; and
- .2 approved the biennial agenda of the Sub-Committee for the 2024-2025 biennium and the provisional agenda for HTW 10, including the integration of the work under continuous output 1.32 (Implementation of the STCW Convention) and outputs 6.5 (Development of measures to facilitate mandatory seagoing service required under the STCW Convention), 6.6 (Development of measures to ensure quality of onboard training as part of the mandatory seagoing service required by the STCW Convention) and 6.11 (Development of training provisions for seafarers related to the BWM Convention) in output 6.17 (Comprehensive review of the 1978 STCW Convention and Code),

as set out in annexes 38 and 39, respectively.

17.72 In connection with the work on the human element, the Committee noted information provided orally by the Secretariat on a meeting of the ILO and IMO Secretariats, led by their respective principals, held at IMO Headquarters on 22 May 2023, to intensify the already close cooperation between the two UN agencies and discuss matters affecting seafarers, including the situation of ships and their crews stranded in Ukrainian ports since the outbreak of the military conflict, the role of the human element in shipping, the need to ensure decent working conditions for all seafarers, how to develop synergies in the field of technical cooperation and shared concerns with respect to manning and fatigue, fair treatment of seafarers, including abandonment, criminalization and bullying and harassment. It was noted that the Secretariats had agreed to hold regular consultations and that their principals had reiterated their deep interest in raising the profile of the critical role of shipping and seafarers through a future possible joint conference on these matters.

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

17.73 The Committee confirmed the Sub-Committee's biennial status report for the 2022-2023 biennium and the provisional agenda for III 9, as approved at MSC 106, as set out in annexes 38 and 39, respectively.

Biennial agenda of the NCSR Sub-Committee and provisional agenda for NCSR 11

17.74 Having noted the close proximity of NCSR 10 (10 to 19 May 2023) and this session, and that the report of NCSR 10 (NCSR 10/22) would be considered at MSC 108, the Committee considered document MSC 107/WP.7 (Secretariat), reporting on urgent matters emanating from NCSR 10, and took action as summarized in the following paragraphs.

Decisions on outputs under the Sub-Committee's remit

17.75 The Committee considered the request to extend the target completion year of output 2.12 (Development of generic performance standards for shipborne satellite navigation system receiver equipment) and change its scope; and noted, in this context, that the target completion year for this output had already been extended in the past and that its original purpose had been to consolidate existing performance standards for shipborne satellite navigation system receiver equipment, without creating any new requirements.

17.76 Having noted that the urgency and possible implications for existing performance standards of a change of scope of the output had not been thoroughly considered by the Sub-Committee, and taking into account its current workload, as well as the decisions taken at this session on new outputs, the Committee agreed not to extend the target completion year of the output and moved output 2.12 to the post-biennial agenda instead, until a clear indication of the new scope of the work to be conducted and information on the associated implications had been provided by the Sub-Committee.

17.77 The Committee also agreed to:

- .1 relocate output 2.11 (Consideration of descriptions of Maritime Services in the context of e-navigation) to the post-biennial agenda, in order to have the possibility to revisit it at a future session, as necessary, to review existing Maritime Services and/or include new ones;
- .2 extend the target completion year of output 1.3 (Revision of the Criteria for the provision of mobile satellite communication services in the Global Maritime Distress and Safety System (GMDSS) (resolution A.1001(25))) to 2024;
- .3 delete output 2.9 (Development of amendments to VDR performance standards and carriage requirements) from the biennial agenda of the Sub-Committee owing to the absence of submissions for two consecutive sessions, in accordance with paragraph 5.12 of the Committees' method of work (MSC-MEPC.1/Circ.5/Rev.4); and
- .4 include a new output on "Identification of measures to improve the security and integrity aspects of AIS" in the biennial agenda of the Sub-Committee for 2024-2025 and the provisional agenda of NCSR 11, with a target completion year of 2025, in order to continue to address the instructions given by MSC 105 (MSC 105/20, paragraph 2.7) and MSC 106 (MSC 106/19, paragraph 2.8.1).

Biennial agenda and provisional agenda for NCSR 11

17.78 The Committee noted the biennial status report of the Sub-Committee for the 2022-2023 biennium and, taking into account the above decisions, approved the proposed biennial agenda for the 2024-2025 biennium and the provisional agenda for NCSR 11, as set out in annexes 38 and 39, respectively, including:

- .1 the consolidation of outputs 1.34 (Development of global maritime SAR services, including harmonization of maritime and aeronautical procedures) and 7.20 (Amendments to the IAMSAR Manual), renaming output 1.34 as "Development of global maritime SAR services, including harmonization of maritime and aeronautical procedures and amendments to the IAMSAR Manual" to facilitate the consideration of actions emanating from the reports of the ICAO/IMO Joint Working Group;
- .2 the renaming of output 7.22 (Routeing measures and mandatory ship reporting systems) as "Routeing measures and ship reporting systems", removing the term "mandatory";
- .3 the inclusion of outputs 188 (Development of guidelines for the use of electronic nautical publications (ENP)) and 196 (Review of the appropriateness and effectiveness of SOLAS regulation IV/5 (Provision of radiocommunication services)) from the post-biennial agenda of the Committee; and
- .4 the relocation of output 2.12 (Development of generic performance standards for shipborne satellite navigation system receiver equipment) to the post-biennial agenda of the Committee.

Intersessional meetings

17.79 The Committee approved the holding of annual meetings of:

- .1 the Joint IMO/ITU Experts Group on Maritime Radiocommunication Matters on a continuous basis, until decided otherwise either by IMO or ITU; and
- .2 the ICAO/IMO Joint Working Group on Harmonization of Aeronautical and Maritime Search and Rescue on a continuous basis, until decided otherwise either by IMO or ICAO.

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

17.80 Having recalled its earlier decision to include:

- .1 a new output on "Amendment to regulation 25 of the of the 1988 Load Line Protocol regarding the requirement for setting of guard rails on the deck structure"; and
- .2 the output on "Revision of SOLAS chapters II-1 (part C) and V and related instruments regarding steering and propulsion requirements to address both traditional and non-traditional propulsion and steering systems" (paragraph 14.48),

in the biennial agenda of the SDC Sub-Committee for 2024-2025 and the provisional agenda of SDC 10, the Committee:

- .3 noted the biennial status report for the 2022-2023 biennium; and
- .4 approved the proposed biennial agenda for the 2024-2025 biennium and the provisional agenda for SDC 10, as revised,

as set out in annexes 38 and 39, respectively.

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

17.81 Having recalled its earlier decision to include a new output on "Comprehensive review 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)) to address challenges with their implementation" in the biennial agenda of the SSE Sub-Committee for 2024-2025 and the provisional agenda of SSE 10, the Committee:

- .1 noted the biennial status report of the Sub-Committee for the 2022-2023 biennium; and
- .2 approved the proposed biennial agenda for the 2024-2025 biennium and the proposed provisional agenda for SSE 10,

as set out in annexes 38 and 39, respectively.

Biennial status report of the Committee

17.82 The Committee invited the Council to note its updated report on the status of outputs for the 2022-2023 biennium, as set out in annex 40.

Outputs of the Committee for the 2024-2025 biennium

17.83 The Committee, having considered document MSC 107/17/8 (Secretariat), containing the proposed list of outputs for the 2024-2025 biennium, and taking into account that SSE 9 and NCSR 10 had taken place after the preparation of this document, as well as decisions made earlier during this session:

- .1 approved its biennial agenda for the 2024-2025 biennium, as revised, and its post-biennial agenda, as revised, as set out in annexes 41 and 42, respectively, for endorsement by the Council; and
- .2 invited the Council to note that the Secretariat would effect any updates and further changes to the list emanating from III 9 and CCC 9, which would meet after C 129.

Substantive items for inclusion in the agendas for MSC 108 and MSC 109

17.84 Having considered the proposals in document MSC 107/WP.6 and taking into account the decisions made during the session, the Committee agreed to the substantive items to be included in the agendas of its 108th and 109th sessions, as set out in annex 43.

Activities, priorities and plan of meeting weeks of the Committee and its subsidiary bodies for the 2024-2025 biennium

17.85 The Committee, having considered document MSC 107/17 (Secretariat), containing the MSC and MEPC Chairs' proposals on activities, priorities and meetings of the two Committees and their subsidiary bodies for the 2024-2025 biennium:

- .1 noted the information regarding the Committee's and Sub-Committees' planned activities and priorities during the 2024-2025 biennium (MSC 107/17, paragraphs 4 and 5); and
- .2 approved the proposed plan of meeting weeks for MSC and its subsidiary bodies for the 2024-2025 biennium (MSC 107/17, paragraph 6), for inclusion in the Secretary-General's relevant budget proposals.

Intersessional meetings

17.86 The Committee approved, subject to endorsement by the Council, the holding of the following intersessional meetings:

- .1 Intersessional Working Group on MASS, to be held from 30 October to 3 November 2023;
- .2 the third session of the Joint MSC/LEG/FAL Working Group on MASS, to be held in April 2024;
- .3 two intersessional meetings of the E&T Group for the IMSBC Code, one in the spring of 2024 and another one immediately after CCC 10;
- .4 Joint ILO/IMO Working Group on the Guidelines on the Medical Examination of Fishing Vessel Personnel, tentatively scheduled to take place in the first quarter of 2024;
- .5 nineteenth meeting of the Joint IMO/ITU Experts Group on Maritime Radiocommunication Matters, during the week of 9 to 13 October 2023 and the annual holding of subsequent meetings on a continuous basis, until decided otherwise either by IMO or ITU;
- .6 thirtieth meeting of the ICAO/IMO Joint Working Group on Harmonization of Aeronautical and Maritime Search and Rescue, from 6 to 10 November 2023, in Cape Town, South Africa, and the annual holding of subsequent meetings on a continuous basis, until decided otherwise either by IMO or ICAO;
- .7 Intersessional Working Group on the Revision of SOLAS Chapter III and the LSA Code, from 9 to 13 October 2023 in Hamburg, Germany; and
- .8 Experts Group on Formal Safety Assessment from 23 to 26 October 2023.

Establishment of working and drafting groups at MSC 108

17.87 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 108:

- .1 Maritime autonomous surface ships (MASS);

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- .2 development of a safety regulatory framework to support the reduction of GHG emissions from ships using new technologies and alternative fuels;
 - .3 workload of the Committee and its subsidiary bodies; and
 - .4 amendments to mandatory instruments.

Duration and dates of the next two sessions

17.88 The Committee noted that MSC 108 and MSC 109 had been tentatively scheduled to take place from 15 to 24 May 2024 and from 2 to 6 December 2024, respectively.

18 ELECTION OF CHAIR AND VICE-CHAIR FOR 2024

18.1 The Committee unanimously re-elected Mrs. Mayte Medina (United States) as Chair and Mr. Theofilos Mozas (Greece) as Vice-Chair, both for 2024.

19 ANY OTHER BUSINESS

Coating inspector certifications

19.1 The Committee considered document MSC 107/19 (AMPP), suggesting corrections to the *Performance standards for protective coatings for dedicated seawater ballast tanks* and the *Performance standards for protective coatings for cargo oil tanks of crude oil tankers* (resolutions MSC.215(82) and MSC.288(87)) with regard to coating inspector certifications, following the change of name of NACE International to Association for Materials Protection and Performance Inc. (AMPP) in January 2021.

19.2 Consequently, the Committee approved, as a minor correction, the amendments to resolutions MSC.215(82) and MSC.288(87), i.e. replacing the references to "NACE Coating Inspector Level 2" in paragraph 6.1.1 of the two resolutions with "AMPP Certified Coatings Inspector", as set out in annex 44, with a view to adoption by MSC 108.

Thematic priorities for the ITCP of the Organization for the 2024-2025 biennium

19.3 The Committee recalled that MSC 104 had agreed on the safety- and security-related thematic priorities for IMO's Integrated Technical Cooperation Programme (ITCP) covering the 2022-2023 biennium (MSC 104/18, paragraphs 17.9 to 19.11).

19.4 Following consideration of document MSC 107/19/1 (Secretariat) on the proposed thematic priorities for the ITCP for the 2024-2025 biennium, the Committee agreed to the following eight themes as the main subject areas, with more detailed information on the themes set out in annex 45:

- .1 Safety of fishing vessels, domestic ferries and other non-SOLAS vessels
- .2 Maritime security and anti-piracy measures
- .3 Implementation of IMO instruments
- .4 Safety of navigation
- .5 Search and rescue
- .6 Implementation of the IMDG and IMSBC Codes
- .7 Implementation of the Polar Code
- .8 Seafarers training and the human element.

19.5 The Committee urged Member States that had not yet provided their Country Maritime Profiles in GISIS to do so as soon as possible and those which had already done so to update them as appropriate, to ensure current and correct information.

Impact of the COVID-19 pandemic on the world's transport workers and the global supply chain

19.6 The Committee considered document MSC 107/19/2 (Secretariat), informing it on the recommendations emanating from the UN Joint Action Group to review the impact of the COVID-19 pandemic on the world's transport workers and the global supply chain (JAG-TSC), of which IMO was a member. The JAG-TSC also recommended that member agencies of the United Nations submit the recommendations to their appropriate governance structures to obtain a mandate to ensure action. Consequently, the Secretariat prepared a pertinent draft Assembly resolution, set out in the annex to the document, for consideration by the Committee, with a view to approval and submission to A 33 for adoption.

19.7 The delegation of Argentina, having supported the draft Assembly resolution, suggested however that more recognition for the uninterrupted services provided by maritime transport during the COVID-19 pandemic should be given, and proposed that the IMO Secretary-General present the recommendations of the JAG-SC referred to in operative paragraph 6(a) of the aforementioned draft resolution to the UN Secretariat under General Assembly agenda item "Oceans and the law of the sea". In this regard, the IMO Secretariat informed the Committee that the JAG-SC recommendations were expected to be approved by the Principals of the UN organizations which participated in the work of the Group at a UN Executive Committee Meeting and that MSC 108 would be informed accordingly.

19.8 Consequently, the Committee approved the draft Assembly resolution on *Recommendations emanating from the Joint Action Group to review the impact of the COVID-19 pandemic on the world's transport workers and the global supply chain*, as set out in annex 46, for submission to A 33 with a view to adoption.

Update on domestic ferry safety

19.9 In considering document MSC 107/19/3 (Secretariat), providing an update on developments since the adoption of the Model Regulations on Domestic Ferry Safety at MSC 105, the Committee noted the information provided by the Secretariat in the document, as well as related statements made by the delegations of Bangladesh, the Philippines, the Republic of Korea and Thailand, supporting the steps taken and activities implemented by the Secretariat in cooperation with relevant Member States, international organizations and charitable foundations/trusts, with a view to enhancing domestic ferry safety.

19.10 In this respect, the Committee encouraged interested Member States, international organizations and charitable foundations/trusts to consider providing in-kind and financial support for the ongoing work of the Secretariat on domestic ferry safety.

Safety and decent work in fisheries

19.11 The Committee considered document MSC 107/19/5, jointly prepared by the Secretariats of FAO, ILO and IMO, providing updated information on safety and decent work in fisheries and the role of regional fishery bodies in promoting safety at sea in fisheries; together with document MSC 106/INF.13 (Nautical Institute), providing information about two instruments developed by the Institute: the Fishing Safety Management Code (FSM Code), based on the ISM Code, and the Fishing ISM Lead Auditor course for fishing professionals.

19.12 In this regard, the Committee noted that, as of 7 June 2023, 21 States with an aggregate number of 2,603 fishing vessels of 24 m in length and over operating on the high seas had ratified the 2012 Cape Town Agreement, whereas the entry-into-force conditions required 22 States with an aggregate number of 3,600 fishing vessels.

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

- .1 the joint initiatives by IMO, ILO and FAO on ocean governance, in particular the Joint FAO/ILO/IMO Ad Hoc Working Group on IUU fishing and Related Matters would also contribute to the entry into force of the 2012 Cape Town Agreement;
- .2 it was important to collaborate with regional fishery bodies (RFBs) and regional fisheries management organizations (RFMOs) for raising awareness and building capacity for the entry into force and implementation of the relevant international treaties, including the 2012 Cape Town Agreement, the STCW-F Convention, FAO's Agreement on Port State Measures (PSMA) and ILO's Work in Fishing Convention, 2007 (No.188);
- .3 the role of RFBs and RFMOs in integrating safety in the management of fishing fleets under their mandates was supported, in particular their role in capacity-building and raising awareness on fishing vessel safety;
- .4 the safety of fishing vessels and the fight against IUU fishing were regulated by different authorities at national and international levels and it was important therefore to take into account different legal instruments and different competences in the conduct of awareness-raising campaigns to tackle these issues; and
- .5 one delegation indicated the matter entailed a challenge as it referred to two different phenomena, which were regulated by different norms and were under the responsibility of different authorities, in particular in the international arena; it highlighted that joint sensitization campaigns were positive, but any norms or measures should be adopted in accordance with the different competences.

19.14 The observer from FAO stated they were supporting various RFBs to develop action plans on safety at sea and decent work, in particular in the Bay of Bengal and the Western Central Atlantic regions; that safety at sea was increasingly considered important by RFMOs and, therefore, cooperation was necessary to incorporate safety aspects in fisheries management measures and to conduct training of RFMO members on safety and decent work; and that FAO had started consultations with IMO to discuss the establishment of a repository for fisher safety data and accident and mortality information globally and a relevant scoping document with recommendations for future steps would be presented at the next meeting of the FAO/ILO/IMO Ad Hoc Joint Working Group on IUU fishing and related matters.

19.15 The observer from Pew stated that, despite the challenges posed by the pandemic, the recent accessions to the 2012 Cape Town Agreement were highly appreciated and contributed to the entry into force of the Agreement, which would eventually make fishing vessels a safer working environment; that the Agreement would have a positive effect on the oversight of fishing vessels, as IUU fishing was often associated with poor labour conditions and unsafe vessels; and that draft guidance on the implementation of the Agreement would be considered by III 9 (III 9/15). He expressed Pew's willingness to assist Member States with respect to their accession processes, as needed.

19.16 Consequently, the Committee:

- .1 welcomed the supporting role of RFBs and RFMOs in integrating safety in the management of fishing fleets under their mandates;
- .2 encouraged possible collaboration with RFBs and RFMOs for raising awareness and building capacity for the entry into force and implementation of international fishing safety instruments, including the 2012 Cape Town Agreement and the STCW-F Convention and Code;
- .3 encouraged continued cooperation among the Secretariats of ILO, FAO and IMO regarding safety and decent work in fisheries and the fight against IUU fishing within their respective competences; and
- .4 thanked the Nautical Institute for the submission of the Fishing Safety Management (FSM) Code and the Fishing ISM Lead Auditor course for fishing professionals.

Matters related to IMO/IACS cooperation and IQARB

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

19.17 The Committee recalled that MSC 106 had noted that the IMO consultant/observer had continued participating in the IACS QSCS implementation and requested the Secretariat to continue IMO's participation, in accordance with the agreement between IMO and IACS.

19.18 In this regard, having noted the report of the IMO consultant/observer concerning the developments of IACS QSCS from February 2022 to February 2023, provided in document MSC 107/19/4 (Secretariat), 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 108.

Fifth meeting of IQARB in the trial phase

19.19 The Committee, having recalled that MSC 106 considered the developments at the fourth meeting of the International Quality Assessment Review Body (IQARB) and requested the Secretariat to continue keeping it regularly updated on any developments during the trial phase, noted information provided orally by the Chair of IQARB on the outcome of the fifth IQARB meeting (3 and 4 May 2023), in particular that:

- .1 regarding the membership of IQARB and in line with the IQARB Protocol, Chile and Singapore vacated their seats and were replaced by Brazil and Hong Kong, China, ensuring a full quota of States and continued geographical balance of IQARB Member States;
- .2 following a thorough review of the quality certification and quality-related data pertaining to the 11 IACS member societies, IQARB Factual Statements were accordingly issued to each member of IACS;
- .3 the meeting discussed three important areas for the future development of IQARB: future set-up of flag State membership; review extension to ROs other than IACS members; and future funding of IQARB;

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- .4 IQARB members noted information concerning the expected merger of IQARB and the Entity for the Quality Assessment and Certification of Organizations Recognized by the European Union CIC (QACE); and
 - .5 a revised road map for IQARB work and development and a revised IQARB Protocol were adopted.

19.20 The full text of the statement by the Chair of IQARB is set out in annex 47.

IMO Ship Identification Number Format Extension Impact Assessment Survey

19.21 The Committee noted document MSC 107/INF.4 (Secretariat) providing information on the IMO ship identification number format extension impact assessment survey (Circular Letters No.4690 of 6 February 2023 and No.4690/Rev.1 of 31 May 2023) and, having also noted that FAL 47 encouraged Member States to participate in the survey related to the implications of the proposed format extension of the IMO ship identification number beyond seven digits and that only 78 replies to survey had been received so far, encouraged all interested parties to participate in the survey, which would remain open until 30 June 2023; and requested the Secretariat to report the outcome of the survey to a future session.

Best practice guidance released in 2022 and 2023 by ICS

19.22 The Committee noted information provided by ICS (MSC 107/INF.6) on best practice guidance released in 2022 and 2023 by ICS, i.e. *International Medical Guide for Seafarers and Fishers*, First Edition; *Bridge Procedures Guide*, Sixth Edition; and *Guidelines on the IMO STCW Convention*, Fourth Edition.

Ongoing global shortage of electronic and hardware components

19.23 The Committee noted information provided by CIRM (MSC 107/INF.7), concerning the ongoing global shortage of electronic and hardware components that was adversely affecting the manufacture, delivery and servicing of electronic marine equipment.

Titanic Agreement

19.24 The delegation of the United Kingdom informed the Committee of an Agreement concerning the Shipwrecked Vessel **RMS Titanic**, developed by the United Kingdom, the United States, France and Canada which had entered into force for the United Kingdom and the United States in 2019; that, since then, both countries had worked together to encourage other nations to sign the Agreement to ensure a standardized, international approach to preserving the wreck site, with the purpose of ensuring the continued preservation of and respect for the resting site of more than 1,500 people aboard when the **Titanic** sank; and that the **Titanic** was inextricably linked to IMO, as the tragedy of its sinking led to the creation of the International Convention for the Safety of Life at Sea, which was still the fundamental basis for ship safety today. The full text of the statement is set out in annex 47.

19.25 The delegation of Argentina enquired as to the relationship of this Agreement with the 2001 Convention on the Protection of the Underwater Cultural Heritage (UNESCO). The delegation of the United Kingdom indicated that details would be provided at a later stage.

United Nations World Oceans Day

19.26 The Committee acknowledged the United Nations World Oceans Day marked on 8 June and noted this year's theme, "Planet Ocean: Tides Are Changing", aimed at generating new excitement towards protecting the ocean and the entirety of our blue planet. The delegation of Australia drew particular attention to the role of the ocean for coastal and island communities and many indigenous peoples and First Nations.

Expressions of condolence

19.27 The Committee noted with great sadness the recent passing away of Mr. Ivan Nikolov of Germany and Dr. James Cowley of Vanuatu and expressed its condolences to their families and the delegations of Germany and Vanuatu, and requested their delegations to convey its sincere sympathy to their families and colleagues.

Expression of appreciation

19.28 The Committee expressed appreciation to the following delegates and members of the Secretariat, who had recently relinquished their duties, retired or been transferred to other duties, or were about to do so, for their invaluable contribution to its work and wished them a long and happy retirement or, as the case might be, every success in their new duties:

- Mr. Damien Chevallier (France) (on new duties)
- Dr. Cleopatra Doumbia-Henry (WMU) (on retirement)
- Ms. Sarah Etheridge (IACS) (on retirement)
- Ms. Svenja Friedrich (Germany) (on new duties)
- Capt. Tero Jokilehto (Finland) (on retirement)
- Mr. Frederick Kenney (IMO Secretariat) (on retirement)
- Mr. Sverrir Konrádsson (Iceland) (on retirement)
- Mr. Richard Mason (EC) (on retirement)
- Mr. Naohiro Saito (IMO Secretariat) (on transfer)
- Mr. Hanqiang Tan (Singapore) (on new duties)
- Ms. Lynn Tan (IMO Secretariat) (on transfer)
- Mme. Geneviève van Rossum (France) (on retirement).

20 CONSIDERATION OF THE REPORT OF THE COMMITTEE ON ITS 107TH SESSION

20.1 The draft report of the session (MSC 107/WP.1/Rev.1) was prepared by the Secretariat for consideration and adoption by the Committee (see footnote on page 1).

20.2 During the hybrid meeting held on 9 June 2023, delegations were given an opportunity to provide comments on the draft report and those wishing to provide editorial corrections and improvements, including finalizing individual statements, were given a deadline of 21 June 2023, 23.59 (UTC+1), to do so by correspondence, in accordance with the relevant decisions taken by the Committee at this session.

Action requested of other IMO organs

20.3 The Assembly, at its thirty-third session, is invited to:

- .1 note the comments made and decisions taken on matters related to the threats to maritime safety and the international community caused by repeated missile launches without prior notification by the DPRK, including the adoption of resolution MSC.531(107) on *Strengthening measures for ensuring the safety of international shipping* (paragraphs 2.6 to 2.21 and annex 1);
- .2 note the comments made and decisions taken on matters related to the issuance of certificates of competency and seafarers' identity documents in certain parts of Ukraine temporarily occupied by the Russian Federation and the ongoing military conflict between Ukraine and the Russian Federation, (paragraphs 2.22 to 2.36);
- .3 note that the Committee adopted amendments to the 1974 SOLAS Convention, 1978 STCW Convention, 1978 and 1988 SOLAS Protocols and related mandatory codes and adopted and/or approved, as appropriate, a number of non-mandatory instruments (paragraphs 3.68 to 3.86, 11.2, 11.9, 12.10, 12.11, 12.16, 12.17, 12.18, 12.20, 14.18, 14.30, 14.33, 14.35, 14.37, 14.49, 15.3, 15.12 and 15.15, and annexes 2 to 14, 22 to 25 and 35);
- .4 note the action taken on matters related to goal-based new ship construction standards and the GBS verification audit scheme (paragraphs 4.5 to 4.14);
- .5 note the action taken on matters related to the development of requirements for MASS (paragraphs 4.15 to 4.20, section 5 and annex 15);
- .6 note the action taken on matters related to maritime security, piracy and armed robbery against ships and unsafe mixed migration by sea (sections 7 to 9);
- .7 note the conclusion of the Committee that any work to address gender-neutral language in IMO instruments required a holistic approach beyond the instruments under the remit of the Committee (paragraph 12.9);
- .8 note the adoption of the new 2023 Diving Code and the need to reinstate the revoked resolutions A.536(13) on *Code of Safety for Diving Systems* and A.583(14) on *Amendments to the Code of Safety for Diving Systems*, possibly by deleting operative paragraph 4 of resolution A.831(19) on *Code of Safety for Diving Systems, 1995*, and take action as appropriate (paragraphs 14.30 and 14.31 and annex 35);
- .9 note the comments made and decisions taken with regard to lessons learned from holding remote meetings and the approval of amendments to 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.4), subject to concurrent approval by MEPC (section 16 and annex 37); and
- .10 adopt the draft Assembly resolution on *Recommendations emanating from the Joint Action Group to review the impact of the COVID-19 pandemic on the world's transport workers and the global supply chain* (paragraph 19.8 and annex 46).

20.4 The Council, at its 129th session, is invited to:

- .1 consider the report of the 107th session of the Maritime Safety Committee and, in accordance with Article 21(b) of the IMO Convention, transmit the report, with its comments and recommendations, to the thirty-third session of the Assembly;
- .2 note the action taken regarding the review of the Strategic Plan of the Organization for matters under the Committee's purview, including the agreement to add a reference to the new output on the safety regulatory framework for the safe reduction of GHG emissions from ships (paragraphs 2.3 to 2.5 and 17.1 to 17.7);
- .3 note the comments made and decisions taken on matters related to the threats to maritime safety and the international community caused by repeated missile launches without prior notification by the DPRK, including the adoption of resolution MSC.531(107) on *Strengthening measures for ensuring the safety of international shipping* (paragraphs 2.6 to 2.21 and annex 1);
- .4 note the comments made and decisions taken on matters related to the issuance of certificates of competency and seafarers' identity documents in certain parts of Ukraine temporarily occupied by the Russian Federation and the ongoing military conflict between Ukraine and the Russian Federation, (paragraphs 2.22 to 2.36);
- .5 note that the Committee adopted amendments to the 1974 SOLAS Convention, 1978 STCW Convention, 1978 and 1988 SOLAS Protocols and related mandatory codes and adopted and/or approved, as appropriate, a number of non-mandatory instruments (paragraphs 3.68 to 3.86, 11.2, 11.9, 12.10, 12.11, 12.16, 12.17, 12.18, 12.20, 14.18, 14.30, 14.33, 14.35, 14.37, 14.49, 15.3, 15.12 and 15.15, and annexes 2 to 14, 22 to 25 and 35);
- .6 note the action taken on matters related to goal-based new ship construction standards and the GBS verification audit scheme (paragraphs 4.5 to 4.14);
- .7 note the action taken on matters related to the development of requirements for maritime autonomous surface ships (paragraphs 4.15 to 4.20, section 5 and annex 15);
- .8 note the action taken on matters related to related to maritime security, piracy and armed robbery against ships and unsafe mixed migration by sea (sections 7 to 9);
- .9 note the action taken regarding the outcome of the work of the sub-committees reporting to this session (sections 11 to 15), including the comments made regarding the use of the hybrid meeting system (paragraphs 12.23, 13.25 and 14.55);
- .10 note the conclusion of the Committee that any work to address gender-neutral language in IMO instruments required a holistic approach beyond the instruments under the remit of the Committee and take action as appropriate (paragraph 12.9);

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- .11 note the comments made and decisions taken with regard to lessons learned from holding remote meetings and the approval of amendments to 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.4), subject to concurrent approval by MEPC (section 16 and annex 37);
 - .12 endorse the new outputs approved by the Committee, in accordance with resolution A.1149(32) on the revised *Strategic Plan for the Organization for the six-year period 2018 to 2023* (paragraph 17.66);
 - .13 note the action taken regarding the ongoing high workload of the Committee and its subsidiary bodies and that a working group will be established at MSC 108 to conduct a holistic review to address the issue (paragraphs 17.67 to 17.69);
 - .14 note the biennial status report of the Maritime Safety Committee for the 2022-2023 biennium (paragraph 17.82 and annex 40);
 - .15 endorse the proposed biennial agenda of the Maritime Safety Committee for the 2024-2025 biennium and note that the Secretariat has been authorized to submit any further changes emanating from III 9 and CCC 9 directly to C 130, as appropriate (paragraph 17.83 and annex 41);
 - .16 note the post-biennial agenda of the Maritime Safety Committee (paragraph 17.83 and annex 42);
 - .17 note the approval of the proposed plan of meeting weeks for MSC and its subsidiary bodies for the 2024-2025 biennium, for inclusion in the Secretary-General's relevant budget proposals (paragraph 17.85);
 - .18 endorse the approval of intersessional meetings for 2023 and 2024 (paragraph 17.86); and
 - .19 note the approval of the draft Assembly resolution on *Recommendations emanating from the Joint Action Group to review the impact of the COVID-19 pandemic on the world's transport workers and the global supply chain*, for consideration with a view to adoption by A 33 (paragraph 19.8 and annex 46).

20.5 The Marine Environment Protection Committee, at its eighty-first session, is invited to:

- .1 note the action taken regarding the review of the Strategic Plan of the Organization for matters under the Committee's purview, including the agreement to add a reference to the new output on the safety regulatory framework for the safe reduction of GHG emissions from ships (paragraphs 2.3 to 2.5 and 17.1 to 17.7);
- .2 note that the Committee adopted amendments to the 1974 SOLAS Convention, 1978 STCW Convention, 1978 and 1988 SOLAS Protocols and related mandatory codes and adopted and/or approved, as appropriate, a number of non-mandatory instruments (paragraphs 3.68 to 3.86, 11.2, 11.9, 12.10, 12.11, 12.16, 12.17, 12.18, 12.20, 14.18, 14.30, 14.33, 14.35, 14.37, 14.49, 15.3, 15.12 and 15.15, and annexes 2 to 14, 22 to 25 and 35);

- .3 concurrently approve the draft MSC-MEPC circular on Guidelines for the sampling of [oil fuel] for determination of compliance with the revised MARPOL Annex VI and SOLAS chapter II-2 and decide on the use of the term "oil fuel" or "fuel oil" in the Guidelines (paragraph 6.18 and annex 16);
- .4 note the mutual understanding concerning flashpoint documentation endorsed by the Committee, subject to entry into force of SOLAS regulation II-2/4.2.1.6, and take action as appropriate (paragraphs 6.23 and 6.24);
- .5 note the conclusion of the Committee that any work to address gender-neutral language in IMO instruments required a holistic approach beyond the instruments under the remit of the Committee (paragraph 12.9);
- .6 consider, with regard to the proposed development of a joint MSC-FAL circular on guidelines for the use of electronic certificates, which certificates and documents provided in the instruments under MEPC's purview could be addressed in future joint guidelines and advise MSC and the FAL Committee accordingly (paragraphs 13.22 and 13.23);
- .7 note the comments made and decisions taken with regard to lessons learned from holding remote meetings, including the agreement to discontinue the practice of taking decisions by correspondence (paragraphs 16.3 and 16.4);
- .8 concurrently approve the draft amendments to 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.4) related to the new document submission portal (paragraphs 16.5 to 16.7 and annex 37);
- .9 note the action taken regarding the ongoing high workload of the Committee and its subsidiary bodies and that a working group will be established at MSC 108 to conduct a holistic review to address the issue (paragraphs 17.67 to 17.69);
- .10 note the comments made and decisions taken regarding the new output on "Development of a safety regulatory framework to support the reduction of GHG emissions from ships using new technologies and alternative fuels", included in the Committee's proposed biennial agenda for the 2024-2025 biennium and the provisional agenda of MSC 108, and consider becoming an associated organ for the output (paragraphs 17.1 to 17.7 and 17.87 and annex 41);
- .11 note that the Committee confirmed the biennial agendas of the CCC and III Sub-Committees and the provisional agendas for CCC 9 and III 9 (paragraphs 17.70 and 17.73 and annexes 38 and 39); and
- .12 note the approval of the proposed plan of meeting weeks for MSC and its subsidiary bodies for the 2024-2025 biennium, for inclusion in the Secretary-General's relevant budget proposals (paragraph 17.85).

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- 20.6 The Legal Committee, at its 111th session, is invited to:
- .1 note the comments made and decisions taken on matters related to the threats to maritime safety and the international community caused by repeated missile launches without prior notification by the DPRK, including the adoption of resolution MSC.531(107) on *Strengthening measures for ensuring the safety of international shipping* (paragraphs 2.6 to 2.21 and annex 1);
 - .2 note the comments made and decisions taken on matters related to the issuance of certificates of competency and seafarers' identity documents in certain parts of Ukraine temporarily occupied by the Russian Federation and the ongoing military conflict between Ukraine and the Russian Federation, (paragraphs 2.22 to 2.36);
 - .3 note the action taken on matters related to maritime autonomous surface ships and the report of the second session of the Joint MSC-LEG-FAL Working Group on MASS (MASS-JWG 2), including the approval of an updated road map (paragraph 5.5 to 5.56 and annex 15);
 - .4 note the agreement to postpone the third meeting of the Joint MSC/LEG/FAL MASS Working Group, originally scheduled to take place in September 2023, to take place after LEG 111 and FAL 48, but before MSC 108, and concurrently endorse the terms of reference approved by the Committee (paragraphs 5.57 to 5.59 and 17.86);
 - .5 note that the planned seminar on implications, challenges and opportunities of MASS operations for ports and public authorities, originally scheduled to take place in September 2023, has been scheduled to be held in conjunction with FAL 48 (paragraph 5.60);
 - .6 consider any appropriate action regarding the loss of containers at sea concerning the Wreck Removal Convention (paragraph 11.8);
 - .7 note the conclusion of the Committee that any work to address gender-neutral language in IMO instruments required a holistic approach beyond the instruments under the remit of the Committee (paragraphs 12.9);
 - .8 consider, with regard to the proposed development of a joint MSC-FAL circular on guidelines for the use of electronic certificates, which certificates and documents provided in the instruments under LEG's purview could be addressed in future joint guidelines and advise MSC and the FAL Committee accordingly (paragraphs 13.22 and 13.23);
 - .9 note the comments made and decisions taken with regard to lessons learned from holding remote meetings, including the agreement to discontinue the practice of taking decisions by correspondence (paragraphs 16.3 and 16.4); and
 - .10 note the approval of draft amendments to 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.4) related to the new document submission portal (paragraphs 16.5 to 16.7 and annex 37).

20.7 The Facilitation Committee, at its forty-eighth session, is invited to:

- .1 note the comments made and decisions taken on matters related to the threats to maritime safety and the international community caused by repeated missile launches without prior notification by the DPRK, including the adoption of resolution MSC.531(107) on *Strengthening measures for ensuring the safety of international shipping* (paragraphs 2.6 to 2.21 and annex 1);
- .2 note the comments made and decisions taken on matters related to the issuance of certificates of competency and seafarers' identity documents in certain parts of Ukraine temporarily occupied by the Russian Federation and the ongoing military conflict between Ukraine and the Russian Federation, (paragraphs 2.22 to 2.36);
- .3 note the action taken on matters related to maritime autonomous surface ships and the report of the second session of the Joint MSC-LEG-FAL Working Group on MASS (MASS-JWG 2), including the approval of an updated road map (paragraph 5.5 to 5.56 and annex 15);
- .4 note the agreement to postpone the third meeting of the Joint MSC/LEG/FAL MASS Working Group, originally scheduled to take place in September 2023, to take place after LEG 111 and FAL 48, but before MSC 108, and endorse the terms of reference approved by the Committee (paragraphs 5.57 to 5.59 and 17.86);
- .5 note that the planned seminar on implications, challenges and opportunities of MASS operations for ports and public authorities, originally scheduled to take place in September 2023, has been scheduled to be held in conjunction with FAL 48 (paragraph 5.60);
- .6 note the conclusion of the Committee that any work to address gender-neutral language in IMO instruments required a holistic approach beyond the instruments under the remit of the Committee (paragraphs 12.9);
- .7 note the approval of *Guidelines on the use of electronic certificates of seafarers* (MSC.1/Circ.1665), in conjunction with the adoption of the related amendments to the STCW Convention and Code, and the action taken with regard to the development of a joint MSC-FAL circular on guidelines for the use of electronic certificates, as proposed by FAL 47 (paragraphs 3.86.7, 13.22 and 13.23);
- .8 note the comments made and decisions taken with regard to lessons learned from holding remote meetings, including the agreement to discontinue the practice of taking decisions by correspondence (paragraphs 16.3 and 16.4);
- .9 note the approval of draft amendments to 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.4) related to the new document submission portal (paragraphs 16.5 to 16.7 and annex 37);

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- .10 consider becoming an associated organ for the output on "Revision of the *Guidelines on maritime cyber risk management* (MSC-FAL.1/Circ.3/Rev.2) and identification of next steps to enhance maritime cybersecurity", included in the Committee's proposed biennial agenda for the 2024-2025 biennium and the provisional agenda of MSC 108 (paragraph 17.28 and annex 41);
- .11 consider cooperating on the new output on "Development of guidelines for harmonizing the date format of various certificates issued under IMO instruments" assigned to the III Sub-Committee, taking into account FAL's expertise on data harmonization (paragraphs 17.40 and 17.41);
- .12 note the decision to relocate output 2.11 (Consideration of descriptions of Maritime Services in the context of e-navigation) to the post-biennial agenda, to be revisited at a future session, as necessary, to review existing Maritime Services and/or include new ones (paragraph 17.77.1); and
- .13 note the approval of the draft Assembly resolution on *Recommendations emanating from the Joint Action Group to review the impact of the COVID-19 pandemic on the world's transport workers and the global supply chain*, for consideration with a view to adoption by A 33 (paragraph 19.8 and annex 46).
- 20.8 The Technical Cooperation Committee, at its seventy-third session, is invited to:
- .1 note the decisions taken on the assessment of capacity-building implications for the amendments to mandatory instruments adopted at this session (paragraph 3.89);
- .2 note the agreement that model courses should not generally be converted into e-learning training material and take action as appropriate (paragraphs 13.3 and 13.4);
- .3 note the decisions taken on the safety- and security-related thematic priorities for the ITCP covering the 2024-2025 biennium and take action as appropriate (paragraph 19.4 and annex 45);
- .4 note the approval of the draft Assembly resolution on *Recommendations emanating from the Joint Action Group to review the impact of the COVID-19 pandemic on the world's transport workers and the global supply chain*, for consideration with a view to adoption by A 33 (paragraph 19.8 and annex 46);
- .5 note the update on matters related to domestic ferry safety and take action as appropriate (paragraphs 19.9 and 19.10); and
- .6 note the action taken on matters related to safety and decent work in fisheries and the need for collaboration with RFBs and RFMOs for raising awareness and building capacity for the entry into force and implementation of international fishing safety instruments, including the 2012 Cape Town Agreement and the STCW-F Convention and Code (paragraph 19.16).

(The annexes will be issued as addenda to this report.)