

MARITIME SAFETY COMMITTEE
108th session
Agenda item 20

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**REPORT OF THE MARITIME SAFETY COMMITTEE
ON ITS 108TH SESSION**

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- MSC.1/Circ.1628/Rev.2 Revised standardized life-saving appliance evaluation and test report forms (personal life-saving appliances)
- MSC.1/Circ.1456/Rev.1 Revised unified interpretations of SOLAS chapter II-2 and the FSS and FTP Codes
- MSC.1/Circ.1588/Rev.3 Revised emergency response procedures for ships carrying dangerous goods (EmS Guide)
- MSC.1/Circ.1330/Rev.1 Revised guidelines for maintenance and repair of protective coatings
- MSC.1/Circ.1399/Rev.1 Revised guidelines on procedures for in-service maintenance and repair of coating systems for cargo oil tanks of crude oil tankers
- MSC.1/Circ.1678 Guidelines on the medical examination of fishing vessel personnel
- MSC-FAL.1/Circ.3/Rev.3 Guidelines on maritime cyber risk management
- SN.1/Circ.343 Recognition of ship reporting system in the Pentland Firth (PENTREP)
- MSC.1/Circ.1610/Rev.1 Descriptions of Maritime Services in the context of e-navigation
- MSC.1/Circ.1310/Rev.2 Joint IMO/IHO/WMO Manual on Maritime Safety Information
- MSC-MEPC.2/Circ.19 Guidance in relation to the IMO Member State Audit Scheme (IMSAS) to assist in the implementation of the III Code by Member States

MSC.1/Circ.1599/Rev.3	Revised guidelines on the application of high manganese austenitic steel for cryogenic service
MSC.1/Circ.1622/Rev.1	Revised guidelines for the acceptance of alternative metallic materials for cryogenic service in ships carrying liquefied gases in bulk and ships using gases or other low-flashpoint fuels
MSC.1/Circ.1679	Interim guidelines for use of LPG cargo as fuel
MSC.1/Circ.1212/Rev.2	Revised guidelines on alternative design and arrangements for SOLAS chapters II-1 and III
MSC.1/Circ.1572/Rev.2	Unified interpretations of SOLAS chapters II-1 and XII, the technical provisions for means of access for inspections (resolution MSC.158(78)); and the Performance standards for water level detectors on ships subject to SOLAS regulations II-1/25 and 25-1, and XII/12 (resolution MSC.188(79)/Rev.2)
MSC.1/Circ.1680	Unified interpretations of SOLAS regulation XV/5.1 and paragraph 3.5 of part 1 of the International Code of Safety for Ships Carrying Industrial Personnel (IP Code) on the harmonization of the Industrial Personnel Safety Certificate with SOLAS safety certificates
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1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The 108th session of the Maritime Safety Committee was held from 15 to 24 May 2024, 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 108/INF.1.

Use of hybrid meeting capabilities

1.3 The Committee noted that the plenary sessions would be conducted in-person, supplemented by hybrid meeting capabilities, taking into account the relevant decisions of C 129 (C 129/D, paragraphs 18.3 and 18.4).

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

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

Opening address of the Secretary-General

1.5 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>

1.6 The Chair invited the Committee to observe a minute of silence to pay tribute to the late Mr. Jaideep Sirkar of the United States, taking into account his dedication and contribution to the Committee and the relevant sub-committees.

Adoption of the agenda and related matters

1.7 The Committee adopted the agenda (MSC 108/1) and agreed to be guided in its work, in general, by the annotations contained in document MSC 108/1/1 and by the provisional timetable (MSC 108/1/1, annex, as amended).

Credentials

1.8 The Committee noted that the credentials of 112 delegations attending the session were in due and proper form.

2 DECISIONS OF OTHER IMO BODIES

2.1 The Committee noted the decisions of MEPC 80, C 129, TC 73, C 130 and A 33 (documents MSC 108/2 and MSC 108/2/1), except for specific issues for the consideration of the Committee which would be dealt with under the relevant agenda items.

Matters emanating from MSC 107

Draft MSC-MEPC guidelines for sampling procedures

2.2 The Committee recalled that MSC 107 had invited MEPC 81 to 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 to decide on the use of the term "oil fuel" or "fuel oil" in the guidelines (MSC 107/20, paragraph 6.18 and annex 16);

2.3 The Committee, having noted that MEPC 81:

- .1 had approved the draft MSC-MEPC circular on guidelines for the sampling of fuel oil for determination of compliance with MARPOL Annex VI and SOLAS chapter II-2 (annex 1 to document MEPC 81/WP.7), subject to concurrent approval by MSC 108, as an urgent matter; and
- .2 had agreed to revoke resolution MEPC.182(59) on the 2009 Guidelines for the sampling of fuel oil for determination of compliance with the revised MARPOL Annex VI when the joint MSC-MEPC circular is issued,

approved the draft MSC-MEPC circular on guidelines for the sampling of fuel oil for determination of compliance with MARPOL Annex VI and SOLAS chapter II-2 (as set out in annex 1 to document MEPC 81/WP.7) and requested the Secretariat to issue the circular.

Guidelines on the use of electronic certificates

2.4 The Committee recalled that MSC 107 had approved the *Guidelines on the use of electronic certificates of seafarers* (MSC.1/Circ.1665), noting that FAL 47 had proposed the development of a joint MSC-FAL circular on guidelines for the use of electronic certificates, MSC 107 (MSC 107/20, paragraphs 13.22 and 13.23).

2.5 The Committee noted that MEPC 81 (MEPC 81/16, paragraphs 2.10 to 2.12):

- .1 had agreed that the guidance to be developed should be issued as a joint FAL-LEG-MEPC-MSC circular, and that, with regard to instruments under its purview, the joint circular should only address certificates at this stage, namely those listed in the List of certificates and documents required to be carried on board ships, 2022 (FAL.2/Circ.133-MEPC.1/Circ.902-MSC.1/Circ.1646-LEG.2/Circ.4);
- .2 had recognized that further work would be required if documents such as electronic record books and electronic bunker delivery notes were to be included in the scope of the joint guidance at a later stage; and
- .3 had invited MSC, FAL and LEG to note the discussion and outcome of this matter.

2.6 The Committee noted that FAL 48 had approved the new output "Development of joint FAL-LEG-MEPC-MSC guidelines on electronic certificates" in the 2024-2025 biennial agenda of the FAL Committee and in the provisional agenda for FAL 49, with a target completion year of 2026, and had invited LEG, MSC and MEPC Committees to become associated organs (FAL 48/20, paragraph 2.12).

2.7 The Committee noted that LEG 111 had agreed to inform FAL and MSC that certificates provided in the instruments under its purview could be addressed in future joint guidelines on electronic certificates and documents (LEG 111/WP.1/Rev.1, paragraph 11.7).

2.8 Following consideration, the Committee:

- .1 noted the decisions of MEPC 81, FAL 48 and LEG 111;
- .2 agreed to become an associated organ of the new output "Development of joint FAL-LEG-MEPC-MSC guidelines on electronic certificates" as approved by FAL 48, subject to the endorsement of C 132; and
- .3 invited FAL 49 to prepare the joint circular, to be considered at a future session of the Committee.

Outcome of C 129

Proposal of new output "Digitization of all certifications required under all IMO conventions as well as all commercial maritime documents in joint collaboration with the relevant international organizations and industry"

2.9 The Committee was informed that C 129, having considered document C 129/4(a)/3 (India), had not agreed to include on its biennial list of outputs for 2024-2025 a continuous output on "Digitization of all certifications required under all IMO conventions, as well as all commercial maritime documents in joint collaboration with the relevant international organizations and industry", and had invited the Committees, in particular MSC, MEPC, LEG and FAL, to consider this proposal, as the work that would be undertaken under this output mainly fell under their remit (C 129/D, paragraph 4(a).8).

2.10 The Committee recalled the decision of MSC 107 to develop joint FAL-LEG-MEPC-MSC guidelines on the use of electronic certificates (see paragraph 2.4) could cover part of the proposal of India on the digitization of certificates and documents under IMO conventions.

2.11 The Committee was informed that:

- .1 MEPC 81 was of the view that the aspects covered in document C 129/4(a)/3 (India), such as digitization of commercial maritime documents and digitalization of associated processes, were matters better discussed by the FAL Committee, and had agreed to inform the Council of the outcome of its consideration of document C 129/4(a)/3 and had invited LEG, MSC and FAL to note the views of the Committee in this regard (MEPC 81/16, paragraphs 14.4 and 14.5);
- .2 FAL 48, having recalled that the ongoing discussion on the *Guidelines on the use of electronic certificates* already covered part of the proposal in document C 129/4(a)/3 and recalling that China et al. had submitted a request for a new output to this session in document FAL 48/17 to develop an overarching IMO Strategy on digitalization to ensure standardization and

harmonization, noted the proposal of document C 129/4(a)/3, but did not consider it in detail to avoid duplication of work of the Organization on digitalization (FAL 48/20, paragraph 2.15); and

- .3 LEG 111 had noted the actions and decisions of MEPC and the FAL Committee with respect to document C 129/4(a)/3 and the proposal contained in C 129/4(a)/3 at this stage to avoid duplication of work on digitalization within the Organization; and had agreed to await the outcome of the work of other bodies of the Organization relating to digitalization (LEG 111/WP.1/Rev.1, paragraph 11.9).

2.12 Following consideration, the Committee noted the proposal of document C 129/4(a)/3 and agreed to await the outcome of the work of relevant Committees, including MSC, relating to digitalization, to avoid the duplication of work of the Organization on digitalization at this stage.

Outcome of A 33

Consolidated audit summary reports

2.13 The Committee noted that A 33 had requested MSC and MEPC to consider the consolidated audit summary reports (CASRs) containing lessons learned from seven mandatory audits completed in 2021 and 2022 (Circular Letter No.4771) and, in due course, to advise the Council of the outcome of their consideration.

2.14 In this regard, the Committee as per previous practice and, as agreed by MEPC 81 (paragraph 2.21 of MEPC 81/16), instructed the III Sub-Committee to consider the CASRs of the audits completed in 2021 and 2022 and report to the Committees on the outcome of its consideration.

Update on the work of UN relevant bodies on organized crime in the maritime sector (document MSC 108/2/2)

2.15 The Committee noted document MSC 108/2/2 (Secretariat), providing information on the activities of the Organization and other UN relevant bodies and agencies to mitigate organized crime in the maritime sector.

2.16 In this regard, the Committee noted that FAL 48 had approved a new output on "Development of amendments to the *Revised guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic*" (resolutions FAL.9(34) and MSC.228(82)) and as invited by FAL 48, agreed to become an associated organ to this output.

Assembly resolution A.1192(33) concerning dark fleet operations

2.17 The Committee noted that A 33 had adopted resolution A.1192(33) on *Urging Member States and all relevant stakeholders to promote actions to prevent illegal operations in the maritime sector by the "dark fleet" or "shadow fleet"*.

2.18 With regard to document MEPC 81/2/5 (India), forwarded by MEPC 81, proposing the inclusion of an additional operative paragraph in the resolution, concerning preventing inadvertent criminalization of seafarers, the Committee noted that LEG 111 had noted the discussion and views expressed by MEPC 81 and had referred the matter for further consideration to LEG 112 before transmitting the proposal to the Assembly at its thirty-fourth session in 2025.

2.19 Following consideration, the Committee noted the proposal and agreed to wait for the outcome of LEG 112.

Resolution A.1183(33) on Impact of the Russian armed invasion of Ukraine on international shipping

2.20 The Committee was informed that A 33 had adopted resolution A.1183(33) on *Impact of the Russian armed invasion of Ukraine on international shipping*, which, in particular, requested the Secretary-General to facilitate the implementation of its decision (i.e. to conduct a needs assessment as a priority with a view to establishing technical cooperation to support Ukraine in the implementation of the IMO instruments as Ukraine continued to operate the special maritime corridor), in consultation with Ukraine and contributing Member States; to ensure the needs assessment was initiated as soon as possible, and to report to the committees and the Council on the progress of this work.

2.21 The Committee was informed by the Secretariat that preparations for the needs assessment had started and consultants would carry out a remote assessment, in particular about Ukraine's special maritime corridor, in consultation with Ukraine, which was expected to take a few months; and that the outcomes would be reported to relevant committees and the Council, as required by the Assembly resolution.

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

2.22 The delegation of Ukraine provided an update on the impact of the lasting Russian armed invasion on international shipping in the Black Sea and the Sea of Azov and called on the international community to unequivocally condemn the actions of the Russian Federation, demanding the immediate cessation of hostilities. Some of the main points highlighted by the delegation of Ukraine included, inter alia:

- .1 since the onset of the full-scale invasion of Ukraine on 24 February 2022, the Russian Federation had escalated its aggression, including attacks on merchant and search and rescue vessels, abductions and torture of Ukraine maritime personnel, SATNAV jamming, and the destruction of maritime infrastructure;
- .2 in response to the threats to ships approaching and leaving Ukrainian ports, Ukraine and the UN had worked tirelessly to avert a looming global food crisis and release ships stranded by Russian missiles threats, resulting on the signing of the Black Sea Grain Initiative in Istanbul. However, the potential breakthrough was sabotaged by the Russian Federation, jeopardizing progress;
- .3 to counter the failed initiative, Ukrainian authorities established a special maritime corridor to facilitate the restoration of free international shipping. Thanks to military efforts, including high-speed MASS, Ukraine had kept the Russian navy at bay and forced it to relocate major resources to a distant base on Georgia's temporarily occupied territory. Over 10 months, this special maritime corridor has allowed Ukraine to increase cargo turnover by one and a half times, enabling the export of over 46 million tons of goods via more than 1,600 vessels from the ports of Greater Odesa;

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- .4 threats remain as the Russian Federation continued to launch air and land attack, deploying drones, ballistic and cruise missiles, targeting port infrastructure and Ukrainian and foreign-flagged vessels, causing not only damage to the facilities, but also causing numerous civilian casualties, among port workers and seafarers; and
 - .5 the thirty-third IMO Assembly's resolution A.1183(33) on *Impact of the Russian Armed Invasion of Ukraine on International Shipping* clearly outlined the demands Russian Federation must adhere to. Key demands included, inter alia: an immediate cessation of hostilities and the withdrawal of all troops and military equipment from Ukraine, cessation of harassing commercial ships, seafarers, and restricting international navigation in the Black Sea, the Sea of Azov, and the Kerch Strait for vessels sailing to or from Ukrainian ports, and a cessation of attacks on critical port infrastructure. All three requests were being ignored, disregarded and violated by the Russian Federation.

2.23 As requested, the full text of the statement by the delegation of Ukraine is set out in annex 28.

2.24 In response to this statement, the delegation of the Russian Federation highlighted the following points:

- .1 the Assembly resolution A.1183(33) was the weakest document of such kind adopted within IMO, with only 46 Member States supporting it. The majority of IMO Member States abstained from supporting it;
- .2 the allegations articulated by the delegation of Ukraine were dismissed as false or manipulative; it was mentioned that reactions to those were provided to Member States on many occasions and are well known to IMO bodies; and
- .3 the grave negative impact that application of double standards by several Member States has had onto the Organization's work and reputation as demonstrated by recent discussions at previous sessions of FAL and LEG.

2.25 In order to avoid detrimental effects on the Committee's work by the aforementioned phenomena, the delegation of the Russian Federation proposed the following actions to the Committee:

- .1 condemn and consider inadmissible the manifestation of double standards in the Organization and request the Chair to ensure that such situations do not occur;
- .2 recognize the inadmissibility of any groundless accusations without the provision of credible evidence and request the Chair that this demand is complied with;
- .3 welcome the relevant judgements of the International Court of Justice (ICJ), delivered on 31 January 2024 and 2 February 2024, and be guided by them in the course of any possible discussions on this issue;
- .4 confirm that issues such as sovereignty, aggression or territorial integrity lie outside of IMO's mandate and, in case there might be an opinion to the contrary, specific references to IMO instruments and IMO conventions need to be put forward to corroborate that argument; and

- .5 confirm that issues such as the use of force or movement of troops are prerogatives of other international structures, in particular of the Security Council, and also do not fall within the remit of IMO, and in case there might be an opinion to the contrary, specific references to IMO instruments and IMO conventions need to be put forward to corroborate that argument, as in paragraph 4 above.

2.26 As requested, the full text of the statement by the delegation of the Russian Federation is set out in annex 28.

2.27 Following the Russian Federation's proposal, the Chair invoked MSC rule of procedure 36 and requested the Russian Federation to share the proposals for circulation to the delegations one day prior to its consideration.

2.28 In supporting the intervention made by the delegation of Ukraine, many delegations expressed the following views:

- .1 the Russian Federation's unprovoked and illegal war of aggression against Ukraine should be condemned in the strongest possible terms;
- .2 the Russian Federation's occupation of Ukraine's territory, including territorial waters, is a violation of the territorial integrity and sovereignty of a UN Member State and the UN Charter;
- .3 to date, all key IMO bodies, including the Assembly, through resolution A.1183(33), had condemned Russia's illegal actions;
- .4 Russia's war of aggression against Ukraine continues to threaten peace and security in Europe and worldwide and has severe consequences in the form of increased food insecurity and rising energy prices;
- .5 Russia, its political leadership, and all those involved in the violation of international law and international humanitarian law in Ukraine should be held accountable;
- .6 freedom of navigation must be upheld and Ukraine's exports in the Black Sea are crucial for global food security; and
- .7 Russia must cease its threats to the safety and welfare of seafarers, the marine environment, the security of international shipping and freedom of navigation in the Black Sea and the Sea of Azov.

2.29 The delegation of China reiterated the need for all parties to remain calm and cautious under the current circumstances and to promote the stabilization of the situation. The work of the Maritime Safety Committee had one common goal – within the mandate of IMO – and this was to make all efforts to avoid and mitigate the impact of the current situation on ships and seafarers. Member States had the right to express their view, but China was concerned about the strain on meetings resources due to the growing number of political topics in all IMO Committees.

2.30 The delegation of the Democratic People's Republic of Korea (DPRK) aligned with the statements made by the delegations of the Russian Federation and China, and stated that IMO should never allow any proposal and discussion related to political issues which were under the purview of the UN Security Council and other UN political forum. The DPRK

reminded the Committee about the discussions on the workload during this session and that they were of the opinion that ensuring and improving the efficiency of IMO meetings was as important as assessing and prioritizing new outputs to manage the increasing workload. The DPRK was also of the opinion that IMO should not allow the application of double standards in making its decision, because it led to not only undermining the purpose and function of IMO but also damaging its reputation.

2.31 In responding to the statement by Russian Federation, the delegation of Ukraine expressed dissatisfaction with the Russian Federation's attempts to dilute the Committee's attention from the pertinent issues directly affecting freedom and security of international shipping, especially when they were the direct cause of the problem. Since the start of the Russian Federation aggression against Ukraine in 2014, Ukraine had provided evidence of Russia's breaches of international law affecting IMO matters. This continued after the full-scale invasion. IMO bodies had been addressing Russia's violations ever since, culminating with the adoption of IMO Assembly resolution 1183(33) which comprehensively addressed challenges posed by the Russian Federation invasion of Ukraine for international shipping and expressed overwhelming support to the territorial integrity and sovereignty of Ukraine. It was also stated that the vote banning the Russian Federation from the IMO Council affirmed that irresponsible Members had no place in the governing body. Finally, the delegation of Ukraine referred to the ICJ rulings which they believed were grossly misinterpreted by the Russian Federation, and that the Court did not examine claims on matters outlined by the Russian Federation and was not asked to do so. Instead, the Court found the Russian Federation in violation of conventions on terrorism financing, racial discrimination and provisional orders in these cases. In the case of application of the Genocide Convention case, the Russian Federation was ordered to immediately suspend military operations begun on 24 February 2022 in Ukraine and withdraw its troops.

2.32 The full text of the statements made by the delegation of Belgium (on behalf of the Members of the European Union), the United Kingdom, the United States, Canada, Poland, Japan, Spain, Sweden, Germany, Greece, France, Finland, Denmark, Netherlands (Kingdom of the), Portugal, Slovenia, Australia, Cyprus, Latvia, Italy, Norway, China, Estonia, Lithuania, Luxembourg, Ireland, the Democratic People's Republic of Korea, Iceland are set out in annex 28. The intervention by Belgium, speaking on behalf of the Members of the European Union, was also supported by Canada, Poland, Japan, Spain, Sweden, Germany, Greece, France, Finland, Denmark, Netherlands (Kingdom of the), Portugal, Slovenia, Cyprus, Latvia, Italy, Norway, Estonia, Malta, Lithuania, Luxembourg, Ireland, Iceland and the observer of the European Commission (EC).

2.33 In observing rule 36 of the Rules of Procedure of the Committee (paragraph 2.27), the delegation of the Russian Federation introduced document MSC 108/WP.11 with their proposal to the Committee. They explained that item 4 of the proposal combined their suggestion on points 4 and 5 made when they previously introduced them (paragraph 2.25), as they were related. The Russian Federation believed that some of the proposals could be incorporated in the Committee's method of work in the future. The proposals were straightforward and required a clear response from the Committee (yes or no). They also highlighted that all the issues fell within the competence of MSC. It was also noted that the decisions of the International Court of Justice, as the judicial body of the United Nations, were based on the presented evidence and facts and should be welcome and guide IMO's future work. They also stressed that having this discussion at this point of time confirmed the application of double standards within IMO. It was also indicated that MSC had already been involved in adopting illegitimate and discriminatory decisions.

2.34 The delegation of the United Kingdom wished to move a procedural motion under rule 39.1.3 of the Rules of Procedure of the Committee to adjourn the debate on the questions presented in document MSC 108/WP.11. The delegation of the United Kingdom stated that the proposal raised serious issues with potential consequences for the entire Organization and required careful consideration.

2.35 The Secretariat referred to rule 39.2 which states that "Permission to speak on a motion falling within rule 39.1 above shall be granted only to the proposer and in addition to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote". Accordingly, the Chair permitted delegations to speak in favour of and against the motion. The delegation of Japan spoke in favour of the motion; and the delegations of the Russian Federation and of China spoke against the motion.

2.36 The Secretariat also referred to rules 29 and 30 to remind the Committee of the rules on voting. The Chair stated that the question before the Committee was: "Are Members in favour of the motion to adjourn the debate on the question presented in document MSC 108/WP.11?" The Committee voted by show of hands.

The result of the voting was:	Yes: 36
	No: 5
	Abstentions: 29

Therefore, the motion to adjourn the debate on the question presented in document MSC 108/WP.11 was adopted.

2.37 The delegation of the Russian Federation expressed their disappointment with the result, and that it accurately reflected that some delegations were afraid to openly acknowledge the existence of the double standards at IMO, that such delegations were afraid that they would no longer be able to accuse other countries without facts and evidence and to politicize IMO's work indiscriminately. They reserved the right to use the provisions of rule 39.1.3 in any document submitted to the Committee, in particular made by certain delegations, in the future.

2.38 As requested, the full text of the statement by the delegation of the Russian Federation is set out in annex 28.

2.39 The Secretary-General addressed all Member States, reaffirming that, when he assumed his role as the Secretary-General of IMO, he was aware of the challenges ahead, but also recognized that he would have the support of the Member States to progress together. He also emphasized that IMO's efforts should consistently prioritize finding solutions to all matters related to safety and security of seafarers and the maritime industry. He stated that he has always asked the Secretariat to keep its impartiality when working for the Member States and in support of the Chairs of all IMO bodies. He urged Member States to consider the purpose of IMO's work and how the Organization can and must help the challenges it faces, rather than taking actions that could worsen the current situation.

3 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

General

3.1 Contracting Governments to the 1974 SOLAS Convention were invited to consider and adopt proposed amendments to:

- .1 SOLAS chapters II-1, II-2 and V, in accordance with the provisions of article VIII of the Convention;
- .2 the International Code of Safety for Ships Using Gases or Other Low-flashpoint Fuels (IGF Code), in accordance with the provisions of article VIII and regulation II-1/2.28 of the Convention;
- .3 the International Code for the Safe Carriage of Grain in Bulk (Grain Code), in accordance with the provisions of article VIII and regulation VI/8.1 of the Convention;
- .4 the International Code on the Enhanced Programme of Inspections During Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code), in accordance with the provisions of article VIII and regulation XI-1/2 of the Convention;
- .5 the International Life-Saving Appliance (LSA) Code, in accordance with the provisions of article VIII and regulation III/3.10 of the Convention;
- .6 the International Code for Fire Safety Systems (FSS Code), in accordance with the provisions of article VIII and regulation II-2/3.22 of the Convention;
- .7 the International Maritime Dangerous Goods (IMDG) Code, in accordance with the provisions of article VIII and regulation VII/1.1 of the Convention;
- .8 the *Performance standard for protective coatings for dedicated seawater ballast tanks in all types of ships and double-side skin spaces of bulk carriers* (resolution MSC.215(82)), in accordance with the provisions of article VIII and regulation II-1/3-2.2 of the Convention;
- .9 the *Performance standard for protective coatings for cargo oil tanks of crude oil tankers* (resolution MSC.288(87)), in accordance with the provisions of article VIII and regulation II-1/3-11.3.1 of the Convention; and
- .10 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)), in accordance with the provisions of article VIII and regulation III/3.25 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, Codes and MSC resolutions 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.4772 of 8 September 2023 and its revision, and No.4786 of 9 November 2023.

3.3 Parties to the 1978 STCW Convention were invited to consider and adopt proposed amendments to section A-VI/1 of the STCW Code. More than one third of the Parties to the 1978 STCW Convention were present during the consideration and adoption of the 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 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.4772 of 8 September 2023.

3.4 Parties to the 1995 STCW-F Convention were invited to consider and adopt the proposed revised annex to the Convention. More than one third of the Parties to the 1995 STCW-F Convention were present during the consideration and adoption of the said revised annex to the Convention by the expanded Maritime Safety Committee, in accordance with the provisions of article 10.2.4 of the Convention. In connection with the adoption of the revised annex to the 1995 STCW-F Convention, the Committee was invited to consider and adopt the new STCW-F Code, together with the associated draft MSC resolution. The proposed revised annex to the Convention and new STCW-F Code had been circulated in accordance with article 10.2.1 of the Convention to all IMO Member States and Parties to the Convention by Circular Letter No.4772 of 8 September 2023.

3.5 In conjunction with the adoption of the aforementioned amendments and the new STCW-F Code, the Committee was invited to consider and adopt/approve, as appropriate:

- .1 draft MSC resolution on amendments to the *Revised recommendation on testing of life-saving appliances* (resolution MSC.81(70)); and
- .2 draft MSC circulars on:
 - .1 Voluntary early implementation of the amendments to paragraphs 4.2.2 and 8.4.1 to 8.4.3 of the IGF Code, adopted by resolution MSC.551(108);
 - .2 Revised standardized life-saving appliance evaluation and test report forms (personal life-saving appliances) (MSC.1/Circ.1628/Rev.2);
 - .3 Revised unified interpretations of SOLAS chapter II-2 and the FSS and FTP Codes (MSC.1/Circ.1456/Rev.1);
 - .4 Revised emergency response procedures for ships carrying dangerous goods (EmS Guide) (MSC.1/Circ.1588/Rev.3);
 - .5 Guidelines for maintenance and repair of protective coatings (MSC.1/Circ.1330/Rev.1);
 - .6 Guidelines on procedures for in-service maintenance and repair of coating systems for cargo oil tanks of crude oil tankers (MSC.1/Circ.1399/Rev.1); and
 - .7 Guidelines on the medical examination of fishers.

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 MSC 107 had approved draft amendments to SOLAS regulation II-1/3-4 in relation to new requirements for all new ships other than tankers of not less than 20,000 GT to be fitted with emergency towing arrangements, with a view to adoption at this session and entry into force on 1 January 2028, based on the decision made by MSC 103 (MSC 103/21, paragraph 18.16.3, and MSC 107/20, paragraph 12.12).

3.7 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 108/WP.4, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.8 The Committee agreed that the aforementioned draft amendments proposed for adoption at this session should be deemed to have been accepted on 1 July 2027 and enter into force on 1 January 2028, in accordance with the *Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1481).

Draft amendments to SOLAS chapters II-2 and V

3.9 The Committee recalled that MSC 107 had approved draft amendments to SOLAS:

- .1 chapter II-2 in relation to oil fuel parameters other than flashpoint and fire safety of ro-ro passenger ships, as well as fixed fire detection and alarm systems in control stations and cargo control rooms (MSC 107/20, paragraphs 6.21 and 14.16); and
- .2 chapter V in relation to the reporting of the loss of containers (MSC 107/20, paragraph 11.7),

with a view to adoption at this session.

3.10 In this regard, the Committee considered proposed modifications suggested by document MSC 108/3 (Secretariat), with respect to the application provisions for ships constructed before 1 January 2026, as contained in the draft amendments to SOLAS II-2.

3.11 With regard to the draft amendments to chapter V concerning the reporting of the loss of containers, the Committee:

- .1 noted the intervention by the observer from WSC that reporting on the loss or observation of freight containers drifting at sea made pursuant to the new SOLAS requirements under regulations V/31 and V/32 might entail a duplication of the requirements on the reporting obligations under the Nairobi WRC;
- .2 noted that MEPC 81 had adopted amendments to article V of Protocol I of MARPOL concerning revised reporting procedures for the loss of containers by resolution MEPC.384(81), which referred to the reporting requirements under SOLAS regulations V/31 and V/32; and

- .3 invited the Legal Committee to consider the matter, in particular, the question of whether any reporting made pursuant to the new SOLAS requirements under regulations V/31 and V/32 on the loss or observation of freight containers drifting at sea also satisfied the reporting obligations under the Nairobi WRC.

3.12 Having agreed with the proposed modifications in document MSC 108/3 with respect to the application provisions in chapter II-2 (see paragraph 3.10), the Committee confirmed the contents of the draft amendments, as set out in annex 2 to document MSC 108/WP.4, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.13 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).

Deletion of the footnote under SOLAS regulation IV/1.2

3.14 The Committee considered document MSC 108/3/4 (Canada and the United States) proposing deletion of the footnote under SOLAS regulation IV/1.2, which references the Agreement between Canada and the United States of America for Promotion of Safety on the Great Lakes by means of Radio, 1973, due to the termination of the agreement.

3.15 Following consideration, and having recalled that the footnote under SOLAS regulation IV/1.2 was not included in the authentic text of the Convention, the Committee agreed that its deletion would not require an amendment to the Convention.

3.16 Having also recalled that SOLAS chapter IV, including regulation IV/1.2, had been most recently amended by resolution MSC.496(105), the Committee requested the Secretariat to issue a revision of document MSC 105/20/Add.1, which contained resolution MSC.496(105), with the above-mentioned footnote deleted and the remaining footnotes in annex 3 to this resolution renumbered, and with an additional explanatory footnote in document MSC 105/20/Add.1.

Proposed amendments to the IGF, Grain, 2011 ESP, LSA, FSS AND IMDG CODES; and resolutions MSC.215(82), MSC.288(87) and MSC.402(96), mandatory under the 1974 SOLAS Convention (expanded Committee under SOLAS article VIII)

Draft amendments to the IGF Code

3.17 The Committee recalled that MSC 107 had approved draft amendments to the IGF Code, with a view to adoption at this session, in conjunction with the approval of a draft MSC circular on early implementation of the draft amendments to paragraphs 4.2.2 and 8.4.1 to 8.4.3 of the IGF Code (MSC 107/20, paragraph 11.3).

3.18 Having noted that the amendments to paragraph 11.6.2 of the IGF Code, on provisions for portable dry chemical powder fire-extinguishers, lacked an application provision for existing ships and the possible implications of this gap, the Committee:

- .1 agreed to instruct the Drafting Group to include an application provision concerning the amendments to paragraph 11.6.2 for ships built before 1 January 2026; and
- .2 confirmed the remainder of the contents of the draft amendments to the IGF Code, as set out in annex 3 to document MSC 108/WP.4, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.19 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 Grain Code

3.20 The Committee recalled that MSC 107 had approved draft amendments to the Grain Code (resolution MSC.23(59)), with a view to adoption at this session (MSC 107/20, paragraph 11.5).

3.21 Having noted that no comments on the draft amendments had been submitted, the Committee confirmed their contents, as set out in annex 4 to document MSC 108/WP.4, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.22 The Committee agreed that the aforementioned draft amendments proposed for adoption at this session should be deemed to have been accepted on 1 July 2025 and enter into force on 1 January 2026, in accordance with the *Guidance 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 2011 ESP Code

3.23 The Committee recalled that MSC 107 had approved draft amendments to parts A and B of Annexes A and B of the 2011 ESP Code, as 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), with a view to adoption at this session (MSC 107/20, paragraph 12.2).

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

3.25 Having noted that no comments on the draft amendments had been submitted, the Committee confirmed their contents, as set out in annex 5 to document MSC 108/WP.4, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.26 The Committee agreed that the aforementioned draft amendments proposed for adoption at this session should be deemed to have been accepted on 1 July 2025 and enter into force on 1 January 2026, in accordance with the procedure for regular updates to the ESP Code agreed at MSC 92.

Draft amendments to the LSA Code

3.27 The Committee recalled that MSC 107 had approved draft amendments to chapters II, IV and VI of the LSA Code concerning the in-water performance of lifejackets; single fall and hook systems; and lowering speed of survival craft and rescue boats, with a view to adoption at this session (MSC 107/20, paragraphs 14.11.1, 14.11.2, 14.21 and 14.47).

3.28 The Committee noted that paragraph 4 of the draft resolution in annex 4 to document SSE 9/20, which had been agreed by SSE 9 and approved by MSC 107, addressing the application scope of the draft amendments, had been inadvertently omitted when producing document MSC 108/3, and had been included in document MSC 108/WP.4 for finalization by the Drafting Group.

3.29 The Committee also noted that the application provisions in these amendments and other previous amendments to SOLAS chapter III adopted in the past had been included in the text of the resolution, which entailed that the text of the regulation lacked its own scope of application, and therefore, hindering its effective implementation. In this regard, the Committee requested the Secretariat to explore possible ways to address this matter in the provisions concerned and in the future relevant amendments for advice to the Committee.

3.30 Subsequently the Committee confirmed the contents of the amendments to the LSA Code, as set out in annex 6 to document MSC 108/WP.4, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.31 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 FSS Code

3.32 The Committee recalled that MSC 107 had approved draft amendments to chapters 7 and 9 of the FSS Code concerning fire safety of ro-ro passenger ships, with a view to adoption at this session, together with the associated draft amendments to SOLAS chapter II-2 (see paragraph 3.9.1) (MSC 107/20, paragraphs 14.16 and 14.17).

3.33 Having noted that no comments on the draft amendments had been submitted, the Committee confirmed their contents, as set out in annex 7 to document MSC 108/WP.4, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.34 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 IMDG Code

3.35 The Committee recalled that:

- .1 the draft amendments (42-24) to the IMDG Code had been agreed by CCC 9, finalized by E&T 39 and subsequently circulated in accordance with SOLAS article VIII(b)(i) and the agreed amendment procedure for the IMDG Code (MSC 75/24, paragraph 7.36.3), for consideration with a view to adoption at this session;
- .2 amendments to the IMDG Code were exempted from the four-year cycle for entry into force of SOLAS amendments (MSC.1/Circ.1481, paragraph 3.4); and
- .3 in accordance with the decisions taken at MSC 75 (MSC 75/24, paragraph 7.36.1) and MSC 87 (MSC 87/26, paragraph 10.21), the IMDG Code should be amended every two years and a consolidated text of the Code should be produced every four years. Therefore, a consolidated text of the Code was expected to be adopted at this session.

3.36 Having noted that no comments on the draft amendments had been submitted, the Committee confirmed their contents, as set out in annex 8 to document MSC 108/WP.4 and Circular Letter No.4786, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.37 The Committee agreed that the 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, and that Contracting Governments to the SOLAS Convention could apply the amendments from 1 January 2025 on a voluntary basis.

Draft amendments to resolutions MSC.215(82) and MSC.288(87) on the Performance standard for protective coatings

3.38 The Committee recalled that MSC 107 had approved, as a minor correction, draft amendments to the *Performance standard for protective coatings for dedicated seawater ballast tanks in all types of ships and double-side skin spaces of bulk carriers* and the *Performance standard for protective coatings for cargo oil tanks of crude oil tankers* (resolutions MSC.215(82) and MSC.288(87), respectively) concerning replacement of the references to "NACE Coating Inspector Level 2" in paragraph 6.1.1 of the two resolutions with "AMPP Certified Coatings Inspector" following the change of name of NACE International to Association for Materials Protection and Performance Inc. (AMPP), with a view to adoption at this session (MSC 107/20, paragraph 19.2).

3.39 Having noted that no comments on the draft amendments had been submitted, the Committee confirmed their contents, as set out in annexes 9 and 10 to document MSC 108/WP.4, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.40 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 resolution MSC.402(96)

3.41 The Committee recalled that MSC 107 had 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)) emanating from the new ventilation requirements for totally enclosed lifeboats adopted through resolution MSC.535(107), with a view to adoption at this session (MSC 107/20, paragraph 14.5).

3.42 Having noted that no comments on the draft amendments had been submitted, the Committee confirmed their contents, as set out in annex 11 to document MSC 108/WP.4, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.43 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 STCW Code (expanded Committee under STCW article XII)

3.44 The Committee recalled that MSC 107 had approved draft amendments to section A-VI/1 of the STCW Code to prevent and respond to bullying and harassment, including sexual assault and sexual harassment, with a view to adoption at this session (MSC 107/20, paragraph 13.8).

3.45 In this connection, the Committee considered document MSC 108/3/2/Add.1 (Secretariat), providing proposed revised text of the draft amendments to section A-VI/1 of the STCW Code, as recommended by the second meeting of the ILO/IMO Joint Tripartite Working Group to Identify and Address Seafarers' Issues and the Human Element (JTWG).

3.46 The Committee also considered the proposal made by the Philippines orally for the inclusion of additional knowledge, understanding and proficiency (KUP) and modifications to columns 3 and 4 in table A-VI/1-4 of the draft amendments to the STCW Code, to ensure that Member States have uniform and better understanding of the new competence and related KUPs. However, noting the substantial nature of the changes proposed by the Philippines, the Committee agreed that the proposal could be considered by the HTW Sub-Committee based on a relevant document to be submitted by the Philippines as part of the output on "Comprehensive review of the 1978 STCW Convention and Code".

3.47 Following consideration, and having agreed to the modifications proposed in document MSC 108/3/2/Add.1, the Committee confirmed their contents, as set out in annex 12 to document MSC 108/WP.4, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.48 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.

Proposed amendments to the 1995 STCW-F Convention and new STCW-F Code (expanded Committee under STCW-F article 10)

Draft amendments to the 1995 STCW-F Convention

3.49 The Committee recalled that MSC 107 had approved draft amendments to the 1995 STCW-F Convention, revising the annex to the Convention and making the new draft STCW-F Code mandatory, with a view to adoption at this session (MSC 107/20, paragraph 13.18).

3.50 The Committee noted the statement by the delegation of China concerning the possible lack of adequate consideration of the characteristics of the fishing sector in some of the provisions in the revised annex to the Convention, and its anticipated impact on the level of ratifications. The full text of this statement is set out in annex 28.

3.51 The Committee considered a proposal by the delegation of Spain concerning the inclusion of a provision in regulation I/2 on the use by Administrations of equivalencies between gross tonnage and length. Having noted that, in line with the conclusion at HTW 8, an Administration should be able to establish an equivalence, the Committee could not agree to the inclusion of a relevant provision in regulation I/2, which, due to its substantial nature, should be addressed by means of amendments in the future.

3.52 Subsequently, the Committee confirmed the contents of the revised annex to the STCW-F Convention, as set out in annex 13 to document MSC 108/WP.4, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.53 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.

Draft new STCW-F Code

3.54 The Committee recalled that MSC 107 had approved the draft new Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F) Code, with a view to adoption at this session in conjunction with the adoption of the revised annex to the 1995 STCW-F Convention (see paragraph 3.48) (MSC 107/20, paragraph 13.19).

3.55 Having noted that no comments on the draft new Code had been submitted, the Committee confirmed their contents, as set out in annex 14 to document MSC 108/WP.4, subject to editorial improvements, if any.

Date of effect of the proposed new Code

3.56 The Committee agreed that the aforementioned draft new Code proposed for adoption at this session should take effect on 1 January 2026, in conjunction with the entry into force of the related amendments to the 1995 STCW-F Convention.

Non-mandatory instruments***Draft amendments to the Revised recommendation on testing of LSA (resolution MSC.81(70))***

3.57 The Committee recalled that MSC 107 had approved, in principle, consequential draft amendments to the *Revised recommendation on testing of life-saving appliances* (resolution MSC.81(70)) emanating from the draft amendments to the LSA Code concerning the in-water performance of lifejackets and lowering speed of survival craft and rescue boats, with a view to adoption at this session, in conjunction with the adoption of the associated draft amendments to chapters II and VI of the LSA Code (see paragraph 3.27) (MSC 107/20, paragraphs 14.11.4 and 14.22).

3.58 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 15 to document MSC 108/WP.4, subject to editorial improvements, if any.

Associated draft MSC circulars

3.59 The Committee recalled that MSC 107 had approved:

- .1 following the request from CCC 8 (CCC 8/18, paragraph 18.3.2), the draft amendments to the IGF Code (see paragraph 3.17) with a view to subsequent adoption at this session, together with the approval of 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 (MSC 107/20, paragraph 11.3);
- .2 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 to the LSA Code with respect to the in-water performance of lifejackets, with a view to final approval at this session, in conjunction with the adoption of said draft amendments (see paragraph 3.27) and the Revised Recommendation (resolution MSC.81(70)) (see paragraph 3.56), for dissemination as MSC.1/Circ.1628/Rev.2 (MSC 107/20, paragraph 14.23); and
- .3 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 this session, together with the adoption of the associated draft amendments to SOLAS chapter II-2 (see paragraph 3.9.1) (MSC 107/20, paragraph 14.29).

3.60 The Committee noted that, as instructed by CCC 9, E&T 39 had finalized draft consequential amendments to the *Revised Emergency Response Procedures for Ships Carrying Dangerous Goods* (MSC.1/Circ.1588/Rev.2), emanating from the draft amendments (42-24) to the IMDG Code (see paragraph 3.35.1), with a view to approval at this session for dissemination as MSC.1/Circ.1588/Rev.3 (CCC 10/6, paragraphs 4.1 and 4.2, and annex 5).

3.61 The Committee, having noted that the following MSC circulars contained the same reference to "NACE Coating Inspector Level 2" therein, agreed that consequential amendments emanating from the draft amendments to resolutions MSC.215(82) and MSC.288(87) (see paragraph 3.38) should be made to the following MSC circulars for approval at this session:

- .1 *Guidelines for maintenance and repair of protective coatings* (MSC.1/Circ.1330); and
- .2 *Guidelines on procedures for in-service maintenance and repair of coating systems for cargo oil tanks of crude oil tankers* (MSC.1/Circ.1399).

3.62 The Committee noted that HTW 9 had authorized the joint ILO/IMO Working Group on the Medical Examination of Fishing Vessel Personnel (JWG), the establishment of which had been approved by MSC 107 (MSC 107/20, paragraphs 13.20 and 13.21.5), to finalize the draft guidelines on the medical examination of fishing vessel personnel set out in annex 3 to document HTW 9/WP.8 and refer them to this session for approval, in conjunction with the adoption of the revision of the annex to the 1995 STCW-F Convention and the draft new STCW-F Code (see paragraphs 3.48 and 3.53) (HTW 9/15, paragraphs 8.26 and 15.3.12).

3.63 In this regard, the Committee noted also that document MSC 108/3/3/Add.1 (Secretariat) provided a draft MSC circular on guidelines on the medical examination of fishers finalized by the JWG.

3.64 Having noted the agreement at MSC 107 to keep the term "fishing vessel personnel" in the revised STCW-F Convention and new STCW-F Code based on the legal advice provided by the Secretariat in document MSC 107/13/4, the Committee agreed to replace the term "fisher" with "fishing vessel personnel" in the referred Guidelines, with a view to approval by means of an MSC circular at this session, and make any consequential changes of terminology in the Convention and new Code.

3.65 Subsequently, the Committee confirmed the contents of the draft MSC circulars, as set out in annexes 16 to 22 to document MSC 108/WP.4, as appropriate, subject to editorial improvements, if any.

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 new, or amendments to existing, mandatory instruments considered for adoption at this session for capacity-building and technical cooperation and assistance, against the procedures and criteria for identification of capacity-building implications set out in annex 2 of the Committees' method of work (MSC-MEPC.1/Circ.5/Rev.5).

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 and V, including the associated MSC resolutions;
- .2 draft amendments to the IGF Code, including the associated MSC resolution;
- .3 draft amendments to the Grain Code, including the associated MSC resolution;
- .4 draft amendments to the 2011 ESP Code, including the associated MSC resolutions;
- .5 draft amendments to the LSA Code, including the associated MSC resolution;
- .6 draft amendments to the FSS Code, including the associated MSC resolution;
- .7 draft amendments to the IMDG Code, including the associated MSC resolution;
- .8 draft amendments to the *Performance standard for protective coatings for dedicated seawater ballast tanks in all types of ships and double-side skin spaces of bulk carriers* (resolution MSC.215(82)), including the associated MSC resolution
- .9 draft amendments to the *Performance standard for protective coatings for cargo oil tanks of crude oil tankers* (resolution MSC.288(87)), including the associated MSC resolution;
- .10 draft amendments to 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)), including the associated MSC resolution;
- .11 draft amendments to section A-VI/1 of the STCW Code, including the associated MSC resolution;
- .12 draft amendments to the 1995 STCW-F Convention, including the associated MSC resolution;
- .13 draft new STCW-F Code, including the associated MSC resolution;
- .14 draft amendments to the *Revised recommendation on testing of life-saving appliances* (resolution MSC.81(70)), including the associated MSC resolution; and
- .15 draft MSC circulars on:
 - .1 Voluntary early implementation of the amendments to paragraphs 4.2.2 and 8.4.1 to 8.4.3 of the IGF Code, adopted by resolution MSC.551(108);

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- .2 Revised standardized life-saving appliance evaluation and test report forms (personal life-saving appliances), to be disseminated as MSC.1/Circ.1628/Rev.2;
 - .3 Revised unified interpretations of SOLAS chapter II-2 and the FSS and FTP Codes, to be disseminated as MSC.1/Circ.1456/Rev.1;
 - .4 Revised emergency response procedures for ships carrying dangerous goods (EmS Guide), to be disseminated as MSC.1/Circ.1588/Rev.3;
 - .5 Guidelines for maintenance and repair of protective coatings, to be disseminated as MSC.1/Circ.1330/Rev.1;
 - .6 Guidelines on procedures for in-service maintenance and repair of coating systems for cargo oil tanks of crude oil tankers, to be disseminated as MSC.1/Circ.1399/Rev.1; and
 - .7 Guidelines on the medical examination of fishing vessel personnel; and
- .2 assess the implications for capacity-building and technical cooperation and assistance of the new, or amendments to existing, 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 (MSC-MEPC.1/Circ.5/Rev.5), and advise the Committee as appropriate.

Report of the Drafting Group

3.68 Having considered the report of the Drafting Group (MSC 108/WP.6), the Committee approved it in general and took action as outlined below.

Adoption of amendments to the 1974 SOLAS Convention

Amendments to SOLAS chapter II-1

3.69 The expanded Committee, including delegations of 111 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to chapter II-1 of the Convention, prepared by the Drafting Group (MSC 108/WP.6, annex 1), and unanimously adopted them by resolution MSC.549(108), as set out in annex 1.

3.70 In adopting resolution MSC.549(108), 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 2027 (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 2028, in accordance with the provisions of article VIII thereof and the Guidance on entry into force (MSC.1/Circ.1481).

Amendments to SOLAS chapters II-2 and V

3.71 The expanded Committee, including delegations of 111 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to chapters II-2 and V of the Convention, prepared by the Drafting Group (MSC 108/WP.6, annex 2), and unanimously adopted them by resolution MSC.550(108), as set out in annex 2.

3.72 In adopting resolution MSC.550(108), 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), as well as the ad hoc midterm amendment cycle agreed by MSC 104 (MSC 104/18, paragraph 3.16.1).

Adoption of amendments to relevant instruments mandatory under the 1974 SOLAS Convention**Amendments to the IGF Code**

3.73 The expanded Committee, including delegations of 111 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the IGF Code (MSC 108/WP.6, annex 3).

3.74 With regard to the final text of the proposed amendments prepared by the Group, the expanded Committee:

- .1 noted that, in the draft amendments to paragraphs 9.8.1 and 9.8.2, the terminology "outer pipe or duct" and "ducting" had been aligned; and
- .2 unanimously adopted the final text of the proposed amendments to the IGF Code by resolution MSC.551(108), as set out in annex 3.

3.75 In adopting resolution MSC.551(108), 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), as well as the ad hoc midterm amendment cycle agreed by MSC 104 (MSC 104/18, paragraph 3.16.1).

Amendments to the Grain, 2011 ESP and LSA Codes

3.76 The expanded Committee, including delegations of 111 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to:

- .1 the Grain Code (MSC 108/WP.6, annex 4);
- .2 parts A and B of Annexes A and B of the 2011 ESP Code (MSC 108/WP.6, annex 5); and

- .3 chapters II, IV and VI of the LSA Code (MSC 108/WP.6, annex 6), prepared by the Drafting Group, and unanimously adopted them by resolutions MSC.552(108), MSC.553(108) and MSC.554(108), as set out in annexes 4 to 6, respectively.

3.77 In adopting resolutions MSC.552(108), MSC.553(108) and MSC.554(108), 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), as well as the ad hoc midterm amendment cycle agreed by MSC 104 (MSC 104/18, paragraph 3.16.1).

Amendments to the FSS Code

3.78 The expanded Committee, including delegations of 111 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to chapters 7 and 9 of the FSS Code (MSC 108/WP.6, annex 7).

3.79 In considering the final text of the proposed amendments prepared by the Group, the expanded Committee noted that:

- .1 EN 54 standards consisted of 31 parts and many of them were relevant to heat detectors, heat sensors or linear heat detectors; and
- .2 the Group had not been able to examine each part of the standards for relevance in detail and added "relevant parts of" before the reference to EN 54:2001 referred to in paragraph 2.3.1.3 in chapter 9.

3.80 Following consideration, the Committee:

- .1 unanimously adopted the final text of the proposed amendments to the FSS Code by resolution MSC.555(108), as set out in annex 7; and
- .2 instructed the SSE Sub-Committee to consider the validity of reference to EN 54:2001 standards, under its agenda item "Decisions of other IMO bodies", with a view to advising MSC 110, including on the possible need to submit a proposal for a new output in order to take any necessary action.

3.81 In adopting resolution MSC.555(108), 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), as well as the ad hoc midterm amendment cycle agreed by MSC 104 (MSC 104/18, paragraph 3.16.1).

Amendments to the IMDG Code

3.82 The expanded Committee, including delegations of 111 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to the IMDG Code, prepared by the Drafting Group (MSC 108/WP.6, annex 8).

3.83 With regard to the final text of the proposed amendments prepared by the Group, the expanded Committee:

- .1 adopted them unanimously by resolution MSC.556(108), as set out in annex 8; and
- .2 requested the Secretariat to prepare the consolidated full text of amendments (42-24) to the IMDG Code as a single annex, to be annexed to the report of the Committee after the session.

3.84 In adopting resolution MSC.556(108), 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 of the Convention.

3.85 The Committee agreed, as stated in operative paragraph 4 of resolution MSC.556(108), that Contracting Governments could apply the aforementioned amendments in whole or in part on a voluntary basis from 1 January 2025, pending their entry into force on 1 January 2026.

Amendments to resolutions MSC.215(82), MSC.288(87) and MSC.402(96)

3.86 The expanded Committee, including delegations of 111 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the proposed amendments to:

- .1 the *Performance standard for protective coatings for dedicated seawater ballast tanks in all types of ships and double-side skin spaces of bulk carriers* (resolution MSC.215(82)) (MSC 108/WP.6, annex 11);
- .2 the *Performance standard for protective coatings for cargo oil tanks of crude oil tankers* (resolution MSC.288(87)) (MSC 108/WP.6, annex 12); and
- .3 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)) (MSC 108/WP.6, annex 13),

prepared by the Drafting Group, and unanimously adopted them by resolutions MSC.557(108), MSC.558(108), and MSC.559(108), as set out in annexes 9 to 11, respectively.

3.87 In adopting resolutions MSC.557(108), MSC.558(108) and MSC.559(108), 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), as well as the ad hoc midterm amendment cycle agreed by MSC 104 (MSC 104/18, paragraph 3.16.1).

Adoption of amendments to the STCW Code

3.88 The expanded Committee, including delegations of 110 Parties to the 1978 STCW Convention, considered the final text of the proposed amendments to section A-VI/1 of the STCW Code, prepared by the Drafting Group (MSC 108/WP.6, annex 14), and adopted them unanimously by resolution MSC.560(108), as set out in annex 12.

3.89 In adopting resolution MSC.560(108), 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 2025 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article XII(1)(a)(vii) of the Convention) and enter into force on 1 January 2026, in accordance with the provisions of article XII of the Convention.

Adoption of amendments to the 1995 STCW-F Convention and new STCW-F Code

Amendments to the 1995 STCW-F Convention

3.90 The expanded Committee, including delegations of 25 Parties to the 1995 STCW-F Convention, considered the final text of the proposed revised annex to the Convention, prepared by the Drafting Group (MSC 108/WP.6, annex 15).

3.91 With regard to the final text of the proposed revised annex prepared by the Group, the expanded Committee:

- .1 noted that the Group had replaced the title of chapter II of the Convention "Certification of skippers, officers, engineer officers and radio operators" with "Certification of skippers, officers in charge of a navigational watch, engineer officers and radio operators" for consistency with the capacities therein and had made relevant consequential changes in the Convention and the STCW-F Code; and
- .2 unanimously adopted the final text of the proposed revised annex to the Convention by resolution MSC.561(108), as set out in annex 13.

3.92 In adopting resolution MSC.561(108), the expanded Committee determined, in accordance with article 10.2.7.2 of the 1995 STCW-F Convention, that the adopted revised annex to the Convention 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 10.2.7 of the Convention) and enter into force on 1 January 2026, in accordance with the provisions of article 10 of the Convention.

New STCW-F Code

3.93 The expanded Committee, including delegations of 25 Parties to the 1995 STCW-F Convention, considered the final text of the proposed new STCW-F Code, prepared by the Drafting Group (MSC 108/WP.6, annex 16), and adopted it unanimously by resolution MSC.562(108), as set out in annex 14.

3.94 In adopting resolution MSC.562(108), the expanded Committee determined that the adopted instrument should take effect on 1 January 2026, in conjunction with the date of entry into force of the revised annex to the 1995 STCW-F Convention adopted by resolution MSC.561(108).

Lessons learned – draft amendments to mandatory instruments

3.95 The Committee, during its consideration of the draft amendments to mandatory instruments at this session, noted that the Drafting Group had identified issues such as inconsistent use of terminology, lack of definitions for terms used in the draft amendments, issues related to the provisions on the scope of application, which could not be addressed due to the nature of the Group. The Committee also noted that these issues had been reflected in document MSC 108/WP.6, and should be considered as areas for improvement during the process of preparation of amendments to mandatory instruments at the sub-committee level.

Adoption/approval of amendments to non-mandatory instruments

3.96 Having considered the final text of the proposed draft MSC resolution concerning non-mandatory instruments prepared by the Drafting Group (MSC 108/WP.6, annex 17), the Committee adopted resolution MSC.563(108) on the *Revised recommendation on testing of life-saving appliances*, as set out in annex 15.

3.97 Having also considered the final text of the proposed draft MSC circulars prepared by the Drafting Group (MSC 108/WP.6, annexes 18 to 24), the Committee approved:

- .1 MSC.1/Circ.1677 on *Voluntary early implementation of the amendments to paragraphs 4.2.2 and 8.4.1 to 8.4.3 of the IGF Code, adopted by resolution MSC.551(108)*;
- .2 MSC.1/Circ.1628/Rev.2 on *Revised standardized life-saving appliance evaluation and test report forms (personal life-saving appliances)*;
- .3 MSC.1/Circ.1456/Rev.1 on *Revised unified interpretations of SOLAS chapter II-2 and the FSS and FTP Codes*;
- .4 MSC.1/Circ.1588/Rev.3 on *Revised emergency response procedures for ships carrying dangerous goods (EmS Guide)*;
- .5 MSC.1/Circ.1330/Rev.1 on *Revised guidelines for maintenance and repair of protective coatings*;
- .6 MSC.1/Circ.1399/Rev.1 on *Revised guidelines on procedures for in-service maintenance and repair of coating systems for cargo oil tanks of crude oil tankers*; and
- .7 MSC.1/Circ.1678 on *Guidelines on the medical examination of fishing vessel personnel*.

3.98 In approving MSC.1/Circ.1678 on *Guidelines on the medical examination of fishing vessel personnel*, the Committee endorsed the Group's agreement that the Guidelines should take effect on the date of entry into force of the amendments to the STCW-F Convention and new STCW-F Code adopted at this session.

Assessment of capacity-building implications

3.99 Having considered the parts of the Drafting Group's report (MSC 108/WP.6, paragraphs 41 to 45) addressing the implications of the amendments and new instrument adopted at this session for capacity-building and technical cooperation and assistance, the Committee:

- .1 agreed that there might be capacity-building implications and a need for technical cooperation or assistance in relation to the draft amendments to SOLAS chapters II-1, II-2 and V; the FSS Code, the IMDG Code and the STCW Code; and the STCW-F Convention and the new STCW-F Code;
- .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 assistance in relation to the implementation of the aforementioned amendments to contact the Organization with requests for assistance, as appropriate; and
- .4 noted that the 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 adopted at this session.

Authorization of the Secretariat

3.100 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 STCW Convention and/or the Parties to the 1995 STCW-F Convention.

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

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

Background

4.1 The Committee recalled that MSC 107 had re-established the intersessional MASS Correspondence Group, as well as the intersessional MASS Working Group, to further develop the non-mandatory goal-based MASS Code and had postponed the holding of the third session of the MSC-LEG-FAL Joint Working Group on MASS, originally planned for September 2023, to meet from 8 to 10 May 2024 instead, with terms of reference approved by MSC 107, FAL 48 and LEG 111.

4.2 The Committee also recalled that FAL 48 and LEG 111 had approved the report of the second meeting of the Joint MSC-LEG-FAL Working Group on Maritime Autonomous Surface Ships (MASS-JWG), which was held from 17 to 21 April 2023.

4.3 The Committee recalled that MSC 107, having agreed the updated road map for developing a goal-based code for MASS (MSC 107/20/Add.1, annex 15), had also agreed to

postpone discussion on whether the application of the MASS Code to cargo ships would include ships certified under both SOLAS chapters I and X, i.e. the inclusion of high-speed craft, to this session of the Committee.

Report of the second session of the intersessional Working Group (MSC/ISWG 2)

4.4 While considering the report of the second session of the MASS intersessional Working Group (MSC/ISWG/MASS 2) (MSC 108/4/1), containing, in its annex, the draft International Code of Safety for Maritime Autonomous Surface Ships (MASS Code), the Committee noted the following general comments thereon:

- .1 the development of the current draft MASS Code required further substantial work for consistency, to address all risk associated with MASS operations, and to be in line with the goal-based framework, necessitating input from the sub-committees;
- .2 small delegations faced difficulty to participate and to contribute to all chapters of the Code, which were developed in splinter groups; and
- .3 as part of the development of the MASS Code, capacity-building initiatives and technical assistance programmes to support the integration of MASS technologies were important, in particular for developing maritime nations like the Philippines, so as to benefit from the opportunities presented by autonomous shipping, while mitigating potential risks.

4.5 The delegation of Argentina stated that caution must be exercised in order to ensure compliance of MASS with IMO conventions, including SOLAS, and with UNCLOS. The full statement is set out in annex 28.

Network governance for MASS

4.6 In relation to the proposed initiation of the process of establishing network governance for MASS by the NCSR Sub-Committee, in cooperation with ITU (MSC/ISWG/MASS 2/4), the Committee had for its consideration the following documents:

- .1 MSC 108/4/9 (Liberia, Republic of Korea and United Arab Emirates), commenting on the report of ISWG 2, on network governance, and proposing to undertake analyses of the data requirements of MASS and the available network capacity to ensure that the required capacity is available; and
- .2 MSC 108/4/12 (Japan and United States), commenting on documents MSC 108/4 and MSC/ISWG/MASS 2/4, on network governance, and highlighting that the recognition of mobile satellite service for the GMDSS or the supervision by IMSO for LRIT, was not necessarily needed for MASS. Obtaining dedicated MASS channels or frequencies at the ITU World Radiocommunication Conference (WRC) would be challenging, even if undertaken by the NCSR Sub-Committee.

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

- .1 communications safety and reliability could be ensured through the flag State survey regime of the Remote Operation Centre (ROC) and the MASS;

- .2 the proposal for network governance for MASS was timely, given that no priority or safeguard for MASS operation had been devised;
- .3 tasking the NCSR Sub-Committee, in cooperation with ITU, would be premature. Instead, it would be more prudent to await, first, the information on data needs, which IMarEst kindly offered to collect;
- .4 MASS required to be designed with an overall quality communication design/capability and the type of the communication service should be left to the MASS owner/operator to decide;
- .5 leaving network governance unaddressed in the Code implied that a MASS company would have to negotiate with a network service provider on the data exchange and, thus, lead to safety concerns, in the absence of standards governing connectivity (similar to those of the GMDSS), which could lead to loss of connectivity;
- .6 ITU Radio Regulations included a specific appendix addressing GMDSS. A similar appendix was necessary for MASS, a task that could be initiated through the Joint ITU/IMO Expert Group;
- .7 close cooperation with ITU was necessary to ensure that the required network capacities for MASS were available. However, tasking the NCSR Sub-Committee to initiate the process would be premature, in light of the yet unclear details of MASS operations and since data needs would have to be established;
- .8 while there was a need to address network governance, it may not be included in the non-mandatory MASS Code, but should be developed as a separate set of guidance to be developed by the NCSR Sub-Committee; and
- .9 there was a clear distinction to be made between connectivity and communications, which required detailed analysis by the MASS Working Group.

4.8 Following discussion, the Committee agreed that:

- .1 it was premature to request the NCSR Sub-Committee and ITU to undertake work on network governance for MASS, as the data needs would have to be established first; and
- .2 the work under sub-paragraph .1 should be undertaken after finalization of the non-mandatory MASS Code.

Development of training requirements for MASS operators

4.9 The Committee noted the discussion at ISWG 2 on what aspects needed to be referred to other IMO bodies, in particular the HTW Sub-Committee. The Committee agreed to develop high-level training provisions for the MASS Code, whereby the detailed competence and knowledge, understanding and proficiency (KUPs) requirements might be developed by the HTW Sub-Committee at a later stage, when the Code had been finalized.

Involvement of other IMO bodies

4.10 The Committee invited MEPC to consider MASS in the context of instruments under its purview and requested the MASS Working Group to identify potential matters for consideration by appropriate sub-committees, for inclusion in the updated road map.

MASS symposium one day prior to MSC 110

4.11 The Committee noted that Norway intended to hold a dedicated MASS symposium one day prior to MSC 110.

Documents not considered at MSC/ISWG/MASS 2

4.12 The Committee noted that MSC/ISWG/MASS 2 had not been able to discuss all the documents submitted in detail and had agreed to forward documents MSC/ISWG/MASS 2/INF.2, 2/3, 2/3/2, 2/3/3, 2/3/5, 2/3/6 and 2/3/7 to the working group for consideration, as appropriate.

Report of the intersessional Correspondence Group

4.13 The Committee considered the report of the intersessional MASS Correspondence Group (MSC 108/4), containing the draft MASS Code in its annex, as developed on the basis of the revisions made by ISWG 2.

4.14 Commenting on the report, the following general views were expressed:

- .1 work in splinter groups advanced the work on the various chapters of the draft Code. However, all future discussions and drafting of chapters should be considered together, intersessionally, after MSC 108;
- .2 a hazard identification should be conducted as part of the development of functional requirements and expected performance in part 3 of the Code. Only when the hazard identification tables are shared, would there be an understanding on what risks had been addressed in the MASS Code; and
- .3 despite a draft chapter on the Human Element, the draft Code did not fully cover and address all matters necessary on this important issue.

4.15 The delegation of China highlighted the need to address concerns from port States receiving MASS, including details for arrangements in relation to pilotage for MASS without crew on board and port State control (PSC) inspections. The full statement is set out in annex 28.

Further work on the draft MASS Code

4.16 With respect to the further work on the draft MASS Code, the Committee considered the following documents:

- .1 MSC 108/4/2 (Belgium, Liberia and Republic of Korea), proposing an oversight mechanism for MASS and associated ROC(s), by introducing the concept of Remote Operation Management (ROM), with associated certification provisions for MASS and ROC;

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- .2 MSC 108/4/4 (IACS), outlining the work IACS has undertaken to assess, to consolidate and to standardize the vocabulary relevant to MASS to support the verification and validation of MASS systems;
 - .3 MSC 108/4/6 (IMarEST and ITF), commenting on the draft MASS Code by highlighting the need to address properly the human element and proposing, inter alia, revisions to chapter 7 (Human Element) of part 2 of the draft MASS Code;
 - .4 MSC 108/4/7 (France and Spain), proposing to include provisions in the MASS Code that address how steering and sailing rules of COLREGs would be applied to MASS, in light of the risks associated with the remote operator not being on board the MASS;
 - .5 MSC 108/4/8 (Russian Federation), commenting on documents MSC 108/4/1 (paragraph 61) and MSC/ISWG/MASS 2/3/3, and inviting the Committee to note the developments of legal aspects in respect to MASS implementation;
 - .6 MSC 108/4/10 (France), commenting on the draft MASS Code in document MSC 108/4 and proposing a number of matters to be considered in the further development of the MASS Code, such as: applicability of STCW Convention requirements for MASS master and crew; ILO addressing matters pertaining to remote operators, using a suitable vehicle, such as the Joint ILO/IMO Tripartite Working Group; cybersecurity; and connectivity;
 - .7 MSC 108/4/11 (Germany and Norway), commenting on the draft MASS Code in document MSC 108/4 and proposing, inter alia, to clearly define and to delineate from each other any new terminology that has not been used in IMO instruments before, including Autonomous Navigation System (ANS), fallback state, fallback response and Operational Design Domain (ODD);
 - .8 MSC 108/4/13 (Japan), commenting on the draft MASS Code in document MSC 108/4, concerning the human element section and proposing a revised draft text for draft paragraph 7.3, that is general to some extent, to be applicable for any MASS;
 - .9 MSC 108/4/14 (United Kingdom), proposing to re-order the structure of the MASS Code to support the coherent application of the Code and to ensure that all MASS are assessed consistently, regardless of the mode of operation or whether a function, system, or the whole ship are being assessed for compliance; and
 - .10 MSC 108/4/15 (IMRF), commenting on the draft MASS Code in document MSC 108/4, outlining the capabilities and requirements to ensure that MASS meet their obligations under SOLAS, and other relevant conventions, and to provide an effective and reliable emergency response to persons in distress at sea; and proposing procedural and technical requirements and functions, both at sea and ashore.

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

- .1 MSC 108/INF.2 (France), providing an overview of cybersecurity measures aboard maritime drones and autonomous ships, and identifying the main regulatory, human, technological and organizational recommendations to consider cybersecurity and safe operation of maritime drones in the context of autonomous ships;
- .2 MSC 108/INF.8 (IALA), providing an overview and findings of the recent IALA workshop on MASS and its accompanying publication;
- .3 MSC 108/INF.15 (ISO), providing information on the development of a standardization road map and international standards for smart shipping by the Ships and Marine Technology Technical Committee of ISO (ISO/TC 8);
- .4 MSC 108/INF.16 (Norway), informing on the ongoing domestic projects on MASS and sea drones, including their description, operational area and fallback states, crewing, associated ROC and other relevant information;
- .5 MSC 108/INF.17 (Republic of Korea), providing the results of a risk assessment conducted for the field tests of the KASS Autonomous Navigation System of the Republic of Korea, and outlining details of the HAZID study for the KASS Autonomous Navigation System; and
- .6 MSC 108/INF.18 (Republic of Korea), providing information on the results and the key considerations from the sea trial verification of the autonomous navigation system developed in the Republic of Korea, and the result of applying the autonomous navigation system to internationally operating vessels.

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

- .1 the role of the master, including the overriding authority and responsibility for the ship, required further consideration, in particular, in connection with the ROC and responsibility of the flag State;
- .2 the goal-based approach to be followed for the Code necessitated clearer functional requirements and should be supplemented with criteria, which could be used to assess compliance, i.e. expected performance in a quantitative manner, where possible and practicable;
- .3 hazard identification tables should be provided for the functional requirements, so as to enable an understanding of the rationale of the latter and to be able to revise them in the future; and
- .4 with respect to the establishment of a regulatory framework for ROC operations, as proposed in document MSC 108/4/2, the proposed ROM oversight mechanism was a means to address the flag State obligation under UNCLOS and to ensure safe MASS operation, although further elements needed to be addressed (e.g. responsibility division between ISM and ROM companies, ROC minimum manning and maximum number of ships operated by a single operator/ROC); and having the ROC company separate from the IMO company would be difficult to implement.

4.19 Subsequently, the Committee decided to forward all documents submitted to the MASS Working Group for consideration in the further development of the draft MASS Code.

Future intersessional work to progress the draft MASS Code

4.20 In considering the proposal of the intersessional Correspondence Group in relation to intersessional work arrangements (MSC 108/4, paragraphs 40 and 41), the Committee acknowledged that the current programme of meetings would only permit one meeting of the MASS intersessional Working Group, between MSC 108 and MSC 109, bearing in mind the workload for delegations and the Secretariat alike.

4.21 In connection with the above, the Committee also acknowledged that the timeline, as currently envisaged in the revised road map for developing the MASS Code (MSC 107/20/Add.1, annex 15), would need to be revised, as completion of the remaining outstanding work would be unrealistic for MSC 109 to adopt the non-mandatory Code, especially as input might be sought from relevant sub-committees before finalization.

4.22 Subsequently, the Group agreed to request the Working Group to consider the above decisions of the Committee (see paragraphs 4.20 and 4.21) when revising the road map.

Development of Guidelines for assessing the quality of Autonomous Navigation Systems

4.23 The Committee considered document MSC 108/4/5 (Russian Federation), proposing to develop IMO guidelines or guiding principles for assessment of the quality and functionality of Autonomous Navigation Systems (ANS) in accordance with the provisions of the MASS Code, based on a draft provided in the annex to the document.

4.24 While agreeing, in principle, to the proposal of developing guidance on assessment of ANS, the Committee, in light of the MASS Code still being drafted, decided to keep the document in abeyance, until after finalization of the non-mandatory MASS Code, not to delay the completion of the Code.

Outcome of MASS trials

4.25 The Committee recalled that paragraph 2.8.3 of the *Interim guidelines for MASS trials* (MSC.1/Circ.1604) stated that relevant authorities were encouraged to report the results and lessons learned from trials to the Organization through appropriate means; and in this context, the Committee noted document MSC 108/4/3 (Russian Federation), reporting on MASS trials that were being conducted from December 2020 to December 2025 on ships flying the flag of the Russian Federation, including successful trials in 2023 of two ships certified as MASS by the Russian Maritime Register of Shipping, which had been remotely operated from a ROC at the Saint Petersburg Passenger Port.

Application of the MASS Code to high-speed craft

4.26 The Committee recalled that it had postponed to this session, consideration of whether the decision to include cargo ships for the application of the MASS Code would also apply to high-speed cargo craft, certified under SOLAS chapter X (MSC 107/20, paragraph 5.32).

4.27 Having noted that the 2000 High-Speed Craft Codes was a stand-alone instrument and the MASS Working Group at MSC 107 had agreed that the MASS Code should not repeat SOLAS regulations, but should make reference to applicable SOLAS provisions instead, the Committee acknowledged that developing separate HSC Code provisions for MASS-HSC would add significantly to the workload.

4.28 Subsequently, the Committee agreed not to develop provisions for high-speed craft in the MASS Code for inclusion in the non-mandatory Code.

Outcome of FAL 48 and LEG 111

4.29 The Committee considered the relevant outcome of FAL 48 and LEG 111, related to MASS and, in this context:

with respect to the outcome of FAL 48, noted that the FAL Committee:

- .1 had been informed of the seminar on implications, challenges and opportunities of MASS operations for ports and public authorities, which was held on 11 April 2024;
- .2 had approved the report of the second meeting of the Joint MSC-LEG-FAL Working Group on Maritime Autonomous Surface Ships (MASS JWG); and
- .3 had approved the road map on addressing MASS issues related to the FAL Convention; and

with respect to the outcome of LEG 111:

- .4 agreed to refer the proposal in paragraph 8 of document LEG 111/10/5 (United Arab Emirates) for inclusion of draft text in the MASS Code currently being developed, reflecting on its legal framework and, in particular, its relationship with UNCLOS and other international regulations, procedures and practices, to the MASS Working Group for consideration and advice; and
- .5 noted that LEG 111 had supported using the ISM Code as a potential model for dealing with ROCs, as a practical and pragmatic way forward; and had identified no specific legal roadblocks; and that LEG 111 had agreed that further development of the model and its application to ROC would have to take place in MSC (LEG 111/WP.1/Rev.1, paragraph 10.26).

Outcome of the Joint MSC-LEG-FAL Working Group on MASS (MASS-JWG 3)

4.30 Having considered the report of the third session of the Joint MSC-LEG-FAL Working Group on MASS (MASS-JWG 3) (MASS-JWG 3/WP.1), the Committee approved it in general and, in particular:

- .1 noted that MSC/ISWG/MASS 2 and the intersessional MASS Correspondence Group had no matter to be referred to MASS-JWG 3 (MSC 108/4/1, paragraph 26 and MSC 108/4, paragraph 36, respectively);
- .2 agreed to instruct the III Sub-Committee to advise the Committee on the proposal in paragraphs 12 and 14 of document MASS-JWG 3/3/1 (China);
- .3 noted that while the issue of connectivity was important to discuss, the technical aspect of connectivity was a matter outside the remit of the Joint MSC-LEG-FAL Working Group, and the discussion should take place at the Committee level;
- .4 noted that substantive consideration on matters, such as competencies, qualifications and training relating to the crew of MASS, would be within the

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- remit of MSC and the HTW Sub-Committee; and any further discussion in the Joint MSC-LEG-FAL Working Group, before the finalization of the non-mandatory MASS Code, would be premature;
- .5 noted that any joint work of IMO and ILO on MASS-relevant issues would, first, require a concrete proposal for consideration by the relevant IMO Committee(s);
 - .6 noted that the overriding responsibility and authority of the master cannot be delegated, but certain tasks and functions of a master may be delegated;
 - .7 noted that the issue of a master being at the ROC, in particular when crew was on board, was a matter for MSC to further consider;
 - .8 agreed to use the annex to document MASS-JWG 3/WP.1 as a reference to identify any conflict with the existing provisions for the role and responsibility of the master and those intended to be included in the MASS Code;
 - .9 noted that the MASS-JWG 3 did not see the need to further address the concerns relating to flag State oversight over ROCs;
 - .10 noted that MASS-JWG 3 agreed that there was no further work to be undertaken at this stage and concluded that any further consideration of the common issues warranted further progress on the MASS Code;
 - .11 noted that MASS-JWG 3 did not update its Work Plan, and endorsed that the current Work Plan of the Group was completed; and
 - .12 agreed that the fourth meeting of the Joint MSC-LEG-FAL Working Group on MASS should only take place at the request of any of the three Committees, in consultation among the three Chairs.

Establishment of the MASS Working Group

4.31 In order to advance the work on the MASS Code, the Committee agreed to establish the MASS Working Group, and instructed it, taking into account comments and decisions made in plenary, as well as the following documents:

MSC 108/4/2, MSC 108/4/4, MSC 108/4/6, MSC 108/4/7, MSC 108/4/8, MSC 108/4/10, MSC 108/4/11, MSC 108/4/13, MSC 108/4/14, MSC 108/4/15, as well as MSC 108/INF.2, MSC 108/INF.8, MSC 108/INF.15, MSC 108/INF.16, MSC 108/INF.17, MSC 108/INF.18 and

MSC/ISWG/MASS 2/INF.2, MSC/ISWG/MASS 2/3, MSC/ISWG/MASS 2/3/2, MSC/ISWG/MASS 2/3/3, MSC/ISWG/MASS 2/3/5, MSC/ISWG/MASS 2/3/6 and MSC/ISWG/MASS 2/3/7; to:

- .1 further develop the draft non-mandatory MASS Code, based on annex 1 of document MSC 108/4, and in particular to:
 - .1 continue to consider part 3 of the draft Code, taking into account the GBS Guidelines (MSC.1/Circ.1394/Rev.2) for Tier I and Tier II, and the recommendations provided by the GBS expert; and to ensure consistency and that all necessary IMO instruments are addressed as appropriate;

- .2 further consider parts 1 and 2 of the draft Code, including principles, application and necessary definitions, to confirm their need and ensure their alignment and consistency with part 3; and
 - .3 consider what additional IMO guidance (e.g. circulars) may be necessary to support "how" the goals and functional requirements in part 3 can be achieved;
- .2 take into account document MASS-JWG 3/WP.1, containing the report of the MASS-JWG 3, when developing the draft Code and, if time permitted, to consider and to identify if there are additional common issues that should be submitted to the next session of the Joint MSC-LEG-FAL Working Group;
 - .3 identify potential matters for consideration by the appropriate sub-committees, or other international organizations, and to incorporate into the road map their engagement, with a view to:
 - .1 identifying other issues for potential inclusion in the Code;
 - .2 identifying any additional guidance that may be necessary to support how the goals and functional requirements can be achieved; and
 - .3 considering, regarding the HTW Sub-Committee, the "Training and Certification" provisions of the Code, taking into account the decisions made by the Committee on personnel issues (e.g. with regard to the remote operator and other personnel on board the MASS);
 - .4 update the road map (MSC 107/20/Add.1, annex 15);
 - .5 develop draft terms of reference for MSC/ISWG/MASS 3 on development of a goal-based instrument for MASS;
 - .6 consider the proposal in document LEG 111/10/5 (paragraph 8), and to advise the Committee accordingly; and
 - .7 consider documents MSC 107/5/5 (Germany et al.) and MSC/ISWG/MASS 2/6 (Liberia), relating to the OOW as the sole lookout in periods of darkness during MASS trials and to advise the Committee accordingly.

Report of the MASS Working Group

4.32 Having considered the report of the MASS Working Group (MSC 108/WP.7), the Committee approved it, in general, and took action as described below.

Progress made on the development of the MASS Code

4.33 The Committee noted the progress made in the MASS Working Group on the development of the draft MASS Code (MSC 108/WP.7, annex 1), which included some restructuring, moving various chapters among the three parts of the Code to ensure that each chapter of the Code was located in the right part, so as to meet the agreed purpose of the respective part.

Meaning of the term MASS

4.34 The Committee also noted the discussion regarding the use of the term "MASS" and whether, when referring to a ship to which the MASS Code applied, the term "ship" should instead be used, which might be inappropriate in cases where "MASS" referred to a ship and ROC, and thus required further consideration.

GBS Tier III - Verification of conformity

4.35 With respect to addressing GBS Tier III requirements for the goal-based MASS Code, the Committee noted that the MASS Working Group had deemed it not necessary to include a chapter on "Verification and Validation" as this oversight mechanism to verify that the MASS Code conformed to the goal-based approach, as set out in MSC.1/Circ.1394/Rev.2, could be included in the foreword of the MASS Code publication.

Application provision

4.36 The Committee considered, and subsequently agreed to the application provision of the draft Code (chapter 2), which stated that the Code applied to cargo ships to which SOLAS chapter I applied, except, not only cargo high-speed craft, but also, in principle, ships owned or operated by a Government, and when Administration deemed that compliance with base instruments was not practicable.

Safety management certification

4.37 The Committee noted that the MASS Working Group had considered a proposal for the establishment of an oversight mechanism for MASS and associated ROC(s) by establishing Remote Operation Management (ROM), as a safety regime complementary to the ISM Code that would, by design, provide for harmonization and avoid different safety regimes being implemented in the same ROC for the multiple (ISM) companies, the ships of which it may operate.

4.38 The Committee also noted that the MASS Working Group had agreed that, regardless of whether to use the ROM concept, or solely the ISM Code, there was a need for an oversight mechanism for ROC, including certification by the flag Administration and the company (ship operator/owner); and that the majority participating in the MASS Working Group had agreed, in general, that the ROM concept might be a solution which could bridge the gap, as regards responsibility among ship, ROC and company, as well as to ensure effective oversight by the flag State, and which may provide a solution for situations where one ROC manages ships for multiple (ISM) Companies.

4.39 With regard to the future for the Remote Operation Management (ROM) within the MASS Code, the Committee further noted that the MASS Working Group had agreed that responsibility for the safe operation of MASS remained with the ISM Company but that the ROM concept should be retained as a complementary alternative ISM Code scheme of certification for the safe operation management of the ROC.

Role of the master

4.40 In regard to the role of the master, and, in particular, whether a master should be on board when other persons were on board, the Committee noted that the MASS Working Group had agreed that in such cases the master needed to be on board to ensure the safety of the persons on board and to exercise the master's overriding authority.

4.41 Notwithstanding the above, the Committee also noted that the MASS Working Group had agreed to retain paragraph 15.2.4 of the draft MASS Code, addressing the above issue, in square brackets.

Legal framework of the MASS Code

4.42 Mindful of the decision by LEG 111 which had agreed to refer the proposal in paragraph 8 of document LEG 111/10/5 (United Arab Emirates) for inclusion of draft text in the MASS Code (see sub-paragraph 4.29.4), the Committee noted that the MASS Working Group, owing to time constraints, could not thoroughly consider the proposal and had agreed to include the text in square brackets in the preamble of the draft MASS Code.

Consideration of the way forward for developing the draft MASS Code

4.43 The Committee noted that the MASS Working Group had reflected on its progress during the session, and, in light of the outstanding work and the difficulty of meeting the current timeline for completion of the draft Code by MSC 109, the MASS Working Group had agreed that:

- .1 different chapters had a different degree of maturity, owing to their different complexity, but were generally supported;
- .2 the involvement of GBS expert(s) should be sought, so as to ensure that the GBS principles of the draft provisions were observed and to ensure consistency among the different chapters;
- .3 the HAZID tables needed to be shared, when used to develop chapters of the Code, so as to aid the MASS Working Group to understand the rationale for the development of the different chapters and parts; and
- .4 the involvement of relevant sub-committees should only be sought after the adoption of the non-mandatory Code.

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

4.44 With respect to further progressing the work on the development of the MASS Code, the Committee agreed to the Revised road map for developing a goal-based code for MASS, as set out in annex 16, in particular that:

- .1 the finalization and adoption of the non-mandatory MASS Code was planned for MSC 110, followed by an experience-building phase; and
- .2 it would not be possible to achieve the 2026 adoption deadline for a mandatory Code. Therefore, the earliest possible entry into force date would be 1 January 2032.

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

4.45 With respect to the proposal in documents MSC 107/5/5 (Germany et al.) and MSC/ISWG/MASS 2/6 (Liberia), relating to the OOW as the sole lookout in periods of darkness during MASS trials, the Committee agreed to instruct the HTW Sub-Committee, as a priority, to consider the aforementioned documents with a view to advising the Committee accordingly.

4.46 In connection with the above, the delegation of Greece expressed its general support for the Committee's work on this matter, but also iterated its concern over having an officer of the navigational watch acting as sole lookout in periods of darkness during MASS trials, as this would adversely affect the safety of navigation and protection of the marine environment. MASS trials should, therefore, be conducted following the principles of safe watchkeeping set out in the STCW Convention.

Re-establishment of the MASS Correspondence Group

4.47 The Committee, in considering the proposal for the re-establishment of the MASS Correspondence Group, noted the Chair's plea for a spirit of cooperation in developing the Code, putting national, commercial and technology interests aside to meet the revised deadline and, more importantly, to adopt a quality MASS Code.

4.48 Subsequently, the Committee agreed that work should continue intersessionally, and agreed to re-establish the MASS Correspondence Group under the coordination of the Marshall Islands,¹ and instructed it, taking into account the comments and decisions made at this session, to:

- .1 finalize the development of part 1, including terms and definitions, based on the annex to document MSC 108/WP.7, taking into account documents MSC 108/4/4 and MASS-ISWG 2/INF.2;
- .2 finalize, based on the annex 1 of document MSC 108/WP.7, the following chapters of part 2 of the draft MASS Code:
 - .1 Certificate and survey;
 - .2 Operational context;
 - .3 Alert management; and
 - .4 Human element;
- .3 report verbally to ISWG 3 and MSC 109;
- .4 include in the report the HAZID tables, that were used; and
- .5 submit a written report to MSC 110.

4.49 In addition to the above, the Committee instructed the MASS Correspondence Group to take into account the outcome of the intersessional MASS Working Group (MSC/MASS-ISWG 3) (see paragraph 4.51), as well as the outcome and instructions of MSC 109.

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Re-establishment of the intersessional MASS Working Group

4.50 The Committee noted, with respect to the request of the MASS Working Group to re-establish the intersessional MASS Working Group (MSC/MASS-ISWG 3), that the MASS Working Group had considered for this request the current schedule, including the dates for the convening of MSC 109 and the capacity limits of the Secretariat to support additional meetings (see also paragraph 4.20).

4.51 Subsequently, the Committee agreed to re-establish the intersessional MASS Working Group, chaired by Sweden,² to hold its third meeting from 9 to 13 September 2024 (see also paragraph 18.27.3) and instructed it, taking into account comments and decisions made at this session, to:

- .1 finalize the development of part 3, based on annex 1 of document MSC 108/WP.7;
- .2 if time permits, finalize the following chapters in part 2:
 - .1 Approval process;
 - .2 Risk assessment;
 - .3 System Design;
 - .4 Software principles;
 - .5 Management of safe operations;
 - .6 Connectivity;
 - .7 Radiocommunications; and
 - .8 Maintenance and repair;
- .3 invite GBS expert(s) to provide expert advice for the work under sub-paragraphs .1 and .2; and
- .4 submit a written report to MSC 109.

Appreciation and condolences to Mr. Jaideep Sirkar

4.52 The Committee supported the heartfelt thanks and sincere condolences of the MASS Working Group to the late Chair of the GBS Experts Working Group, Mr. Jaideep Sirkar, thankful for his invaluable help and contributions, noting that his advice and expertise continued to support the MASS Working Group and the development of the MASS Code.

² Mr. Henrik Tunfors
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5 DEVELOPMENT OF A SAFETY REGULATORY FRAMEWORK TO SUPPORT THE REDUCTION OF GHG EMISSIONS FROM SHIPS USING NEW TECHNOLOGIES AND ALTERNATIVE FUELS

5.1 The Committee recalled that MSC 107 had agreed to include in the biennial agenda for 2024-2025 of the Committee 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, SDC and SSE Sub-Committees, as and when requested by the Committee, and had invited MEPC to consider being an associated organ.

5.2 The Committee recalled also that MSC 107 had established 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.

5.3 The Committee noted that HTW 10 had agreed that this output could be utilized to develop training provisions for seafarers on ships using alternative fuels, taking into account the ongoing work by the Committee, the CCC Sub-Committee and any other relevant bodies.

Report of the HTW Sub-Committee

5.4 The Committee endorsed the agreement by the HTW Sub-Committee to proceed with the development of training provisions for seafarers on ships using alternative fuels.

Report of the Correspondence Group and commenting documents

5.5 The Committee considered document MSC 108/5 (United States) containing the report of the Correspondence Group on Development of a Safety Regulatory Framework to Support the Reduction of GHG Emissions from Ships Using New Technologies and Alternative Fuels.

5.6 The Committee noted that the Correspondence Group had developed a non-exhaustive and non-restrictive list of fuels and technologies, as set out in annex 1 to document MSC 108/5, which captured detailed information (technical background, hazards, and risks to ship/shoreside) for each identified fuel and technology.

5.7 The Correspondence Group indicated that additional work for validating and adding to the information provided so far would be necessary, and also developed a format to provide a consistent method of recording the assessments conducted for each listed fuel and technology, as set out in annex 2 to document MSC 108/5. The proposed format would also aim at facilitating the further development of a record for safety obstacles and gaps.

5.8 In considering the progress made by the Correspondence Group, the Committee noted the following views:

- .1 it would be prudent, in future, to consider wind energy, as an alternative fuel, taking into account the increase in the number of ships using wind-assisted propulsion systems;
- .2 bearing in mind the number of new alternative fuels and technologies identified prioritize a road map, based on objective criteria reflecting the uptake by the maritime industry, such as a list of projects, orders of new ships or those in service, as well as taking into account the ongoing work of the CCC Sub-Committee; and

- .3 each fuel and technology should be assessed in accordance with the principle of no more favourable treatment, also taking into account its toxicity.

5.9 The Committee also considered the following related documents:

- .1 MSC 108/5/1 (Republic of Korea), addressing the need for, and the development of, non-mandatory safety guidelines related to onboard carbon capture and storage (OCCS);
- .2 MSC 108/5/2 (China), commenting on document MSC 108/5 regarding the list of alternative fuels and technologies, as prepared by the Correspondence Group, and proposing to add supercapacitor energy storage technology in the fuel/energy storage subcategory to the list of alternative fuels and technologies;
- .3 MSC 108/5/3 (Singapore), commenting on document MSC 108/5, in connection with their experience on the use of methanol and ammonia, as alternative marine fuels, in the Port of Singapore;
- .4 MSC 108/5/4 (World Nuclear Transport Institute, WNTI), commenting on documents MSC 108/5, in particular its annex 2, providing a "description" and a "risks/hazards" overview of nuclear power, which contains several statements that are specific to pressurized water reactors; and MSC 108/INF.21, providing a gap analysis of the Code of Safety for Nuclear Merchant Ships;
- .5 SDC 10/16/1(Saudi Arabia), outlining the need for ship structural adaption to accommodate alternative fuels, emphasizing larger storage tanks affecting cargo space and weight distribution; and presenting a related case study; and
- .6 MSC 108/INF.24 (EC), providing information on the European Union's research project Orcelle, aimed at developing and demonstrating a solution for wind, as the main propulsion.

Onboard carbon capture and storage

5.10 The Committee noted that the proposal, in document MSC 108/5/1 (Republic of Korea), to develop non-mandatory safety guidelines related to onboard carbon capture and storage (OCCS) took into consideration the risks associated with the operation of onboard carbon capture devices, as well as the hazards associated with capturing and storing carbon dioxide.

5.11 While recognizing the potential value of the OCCS technology to reduce greenhouse gas emissions from ships, several delegations acknowledged the necessity of developing the proposed guidelines. However, some delegations believed that deciding to develop these guidelines in this session was premature until completing the road map based on the decision of MSC 107. Additionally, some concerns were raised in connection with liquified carbon dioxide captured within ships' waste, while recommending that the matter be considered by MEPC.

5.12 In this context, the Committee, while noting the ongoing consideration of onboard carbon capture storage by a correspondence group under MEPC to be taken into consideration, as appropriate, referred this matter to the Working Group on Development of a

Safety Regulatory Framework to Support the Reduction of GHG Emissions from Ships Using New Technologies and Alternative Fuels for further consideration to advise the Committee accordingly.

Supercapacitor energy storage technology

5.13 The Committee considered document MSC 108/5/2 (China), explaining that supercapacitor was a new type of high-performance energy storage technology, different from traditional capacitors or rechargeable batteries, through the technical comparison of these technologies.

5.14 Having noted support for this technology as an alternative energy source, as well as some views that in assessing supercapacitors, their suitability and risks involved should be carefully considered, the Committee referred document MSC 108/5/2 to the Working Group for further consideration in order to assess if supercapacitor energy storage technology could be included in the list (fuel/energy storage subcategory) of alternative fuels and technologies, as contained in annex 1 to document MSC 108/5.

Testing the use of methanol and ammonia, as alternative marine fuels

5.15 The Committee noted the information contained in document MSC 108/5/3 (Singapore), on their experience in the use of methanol and ammonia, as alternative marine fuels, recommending, when developing the intended safety regulatory framework, to consider the following three takeaways:

- .1 the applicability of an end-to-end operational risk assessment using established methodologies (HAZID/HAZOP);
- .2 the necessity of modelling plume dispersions for emergency response planning, given the flammable and toxic nature of alternative fuels; and
- .3 candidate energy solutions that had the most viable potential with the most significant risk profiles.

5.16 While the Committee noted the general support expressed for the two first takeaways, an objection was also raised, regarding the prioritization of solutions (third takeaway) based on the most viable potential and significant risk profile, requesting the Working Group to prioritize all solutions equally based on their readiness and related demand.

5.17 In this context, the Committee also noted the interest expressed towards the management of the alternative energy sources, including emergency preparedness and response, and inclusion of training to enhance the safety and health of shoreside personnel, as well.

5.18 The Committee appreciated some very important questions on how guidelines should be developed, in general, as raised in the context of the consideration of this proposal, but not necessarily exclusively. As such, before approving guidelines for new alternative fuels and technologies, the Committee would need to get advice from the working group on a more general approach to be followed, rather than considering specific hazards occurring from the use of specific technologies.

5.19 The Committee referred document MSC 108/5/3 to the Working Group for further consideration and to advise the Committee on how best to proceed, taking into account the comments made in plenary.

Nuclear power as alternative fuel

5.20 The Committee, having considered documents MSC 108/5/4 (WNTI), providing the "description" and a "risks/hazards" overview of nuclear power, in connection with nuclear power as an alternative fuel; and document MSC 108/INF.21 (WNTI), containing a framework for the development of a revised Nuclear Code, based on the non-prescriptive technology and neutral approach used by IAEA in their safety standard, referred the documents to the Working Group for further consideration and advice on how to proceed on this matter.

5.21 In this context, the delegation of the Russian Federation made a statement, calling for a single international legal framework, addressing the need to review the Code of Safety for Nuclear Merchant Ships and other international standards, in light of the improvement of the technologies of nuclear power facilities on ships, including the issue of floating nuclear reactors; and SOLAS provisions to be potentially harmonized.

5.22 The delegation of France stressed the importance of not ruling out any technology, and the need to treat them equitably from the point of view of their emission balances and safety frameworks. Regarding nuclear power, the Working Group could consider that the development of future SMR technologies should be subject to a specific safety framework once it had been demonstrated that a distinction must be drawn to take into account particular safety risks in relation to current pressurized water technologies which it remained important to retain.

Design of ships for new alternative fuels

5.23 The Committee, having considered document SDC 10/16/1(Saudi Arabia), as referred to by SDC 10, addressing some challenges in designing ships for alternative fuels, referred it to the Working Group for further consideration and advice on how to proceed on this matter.

European Union's research project Orcelle

5.24 The Committee noted document MSC 108/INF.24 (EC), providing information on the research project Orcelle and sharing their experience to reduce CO₂ emissions by ships in replacing conventional fossil fuel by carbon free energy sources.

5.25 The delegation of France reiterated the importance of taking into account wind technologies as an energy per se, and not just as one energy efficiency measure among others. Indeed, the proper consideration of wind energy as an energy source for ship propulsion, on a par with fuels given the intrinsically positive characteristics of this energy source (availability, free of charge, renewability and high potential), was essential to the continuation of this work, and this study could contribute to it.

Establishment of the Working Group

5.26 Having considered the above matters, the Committee established the Working Group on Development of a Safety Regulatory Framework to Support the Reduction of GHG Emissions from Ships Using New Technologies and Alternative Fuels, instructing it, based on document MSC 108/5, together with documents MSC 108/5/1, MSC 108/5/2, MSC 108/5/3, MSC 108/5/4 and SDC 10/16/1, and taking into account the comments made, and decisions taken, in plenary, to:

- .1 further develop and update the list of alternative fuels and new technologies to support the reduction of GHG emissions from ships;
- .2 continue the assessment for each identified fuel and new technology;

- .3 identify and record safety obstacles and gaps in the current IMO instruments that may impede the use of the alternative fuels or new technologies;
- .4 initiate a discussion on challenges or difficulties encountered in connection to ship design, ship building, structural adaption in existing ships and fuel supplying to accommodate new technologies and alternative fuels, taking into account document SDC 10/16/1;
- .5 consider a mechanism for the allocation of work to sub-committees for the appropriate coordination of tasks under this new corresponding output and to advise the Committee accordingly;
- .6 consider the proposals in document MSC 108/5/3 (Singapore) regarding the general development of IMO instruments for all new fuels and technologies and advise the Committee accordingly; and
- .7 if necessary, prepare draft terms of reference for a correspondence group to be established.

Report of the GHG Safety working group

5.27 Having considered the report of the Working Group (MSC 108/WP.8) on Development of a Safety Regulatory Framework to Support the Reduction of GHG Emissions from Ships Using New Technologies and Alternative Fuels, the Committee approved it in general and took action as described below.

Update and assessment of the list of alternative fuels and new technologies and identification of safety obstacles and gaps in the current IMO instruments that may impede the use of the alternative fuels or new technologies

5.28 The Committee noted the Group's discussions and deliberations in respect of updating of the list of alternative fuels and new technologies as well as the individual assessment for each entry in the list and invited interested Member States and international organizations to submit proposals in order to further update annexes 1 and 2 of document MSC 108/WP.8 with information, especially in those cases where it is noted that "no input" was available.

Training

5.29 The Committee noted the views of the Group that crew members should be required to have ship-specific training when joining a ship to ensure its safe operation, and that they are aware of the challenges, risks and complexities that these new and emerging technologies and fuels present in normal and emergency situations.

SOLAS, IGF Code and low-flash point fuels

5.30 The Committee noted the deliberations of the Group that the title of the IGF Code stated that it should apply to fuels that were gases or had a low-flash point, while, in SOLAS chapter II-1, Part G, the IGF Code applies to ships using low-flashpoint fuels regardless of whether they are in liquid or gaseous form.

5.31 The Committee also noted that the definition of low-flashpoint fuel in SOLAS regulation II-1/2 was "Low-flashpoint fuel means gaseous or liquid fuel having a flashpoint lower than otherwise permitted under regulation II-2/4.2.1.1".

5.32 Consequently, the Committee further noted the need to clarify whether or not the IGF Code applied to ships using gas as fuel irrespective of flashpoint.

5.33 In this regard, the Committee agreed to the proposal by the Chair of the CCC Sub-Committee, to refer this issue as an urgent matter to CCC 10 to be held in September of 2024 for consideration and advice to MSC 109 accordingly.

Onboard carbon capture and storage

5.34 The Committee noted the discussions of the Group in relation to *onboard carbon capture and storage (OCCS)* and that the acronym "(OCCS)" was also being used by MEPC for its related work, where "S" may refer to "Systems" or "Storage" or "Sequestration".

5.35 In this context, the Committee also noted that the Group had decided to keep the term "onboard carbon capture and storage (OCCS)" for its work, as its focus was directly related to safety issues, considering that the word "storage" referred to onboard temporary storage of carbon. Therefore, to avoid future confusion the Committee agreed to inform MEPC accordingly.

Ship design, ship building, structural adaption and new technologies

5.36 The Committee endorsed the view of the Group regarding the challenges faced by the shipbuilding industry (ship designers, ship builders, fuel suppliers and regulatory bodies) in designing new ships and preparing existing ones to use alternative fuels and that no further action was required.

Mechanism for the allocation of work to sub-committees for the appropriate coordination of GHG Safety matters

5.37 The Committee noted the view of the Group regarding the mechanism for the allocation of work to sub-committees for coordination of tasks under this new output and invited interested Member States and international organizations to submit proposals to MSC 109 containing elements that should be taken into consideration while assigning priority, if necessary, to the tasks to be allocated.

Future development of IMO instruments related to new fuels and technologies

5.38 While noting the general discussion of the Group in relation to the proposals contained in document MSC 108/5/3, the Committee:

- .1 endorsed the opinion of the Group that there was not enough information at this stage to make a decision on the applicability of end-to-end operational risk assessments using established methodologies (HAZID/HAZOP), and invited interested Member States and international organizations to submit more information at a future session for further elaboration and evaluation;
- .2 invited interested Member States and international organizations to submit proposals to CCC 10, regarding the necessity to include plume dispersion modelling for emergency response planning on board ships, for further elaboration in relation to the work that was already in progress for Ammonia and Hydrogen Interim Guidelines; and

- .3 endorsed the view of the Group that when preparing emergency response plans, the Port Community should be informed about the challenges posed by the use of alternative fuels. In this context, the Committee requested the Secretariat to liaise with ISO on whether there was any relevant work undertaken on the issue of potential challenges posed by the use of alternative fuels when preparing emergency response plans, and to inform MSC 109 accordingly.

Re-establishment of a correspondence group

5.39 The Committee re-established the Correspondence Group on Development of a Safety Regulatory Framework to Support the Reduction of GHG Emissions from Ships using New Technologies and Alternative Fuels and authorized it to submit its report to MSC 110, with an oral interim report to MSC 109.

5.40 Subsequently, the Committee instructed the Correspondence Group, under the coordination of the United States,³ taking into account the comments and decisions made at this session, to:

- .1 based on the information set out in annexes 1 and 2 of the report of the Working Group (MSC 108/WP.8), develop recommendations to address each of the identified barriers and gaps in current IMO instruments that impede the safe use of an alternative fuel or new technology, as listed in the annex 1 columns titled, "Instruments causing barriers" and "Gaps in the regulations";
- .2 for instruments causing barriers, ensure that each recommendation clearly states which IMO instrument is proposed to be amended;
- .3 for gaps in the regulations, ensure that each recommendation clearly states either which IMO instrument is proposed to be amended, or provides the scope, nature and purpose of any new instrument that is recommended for development to fill the gap; and
- .4 provide an interim oral report on the status of the Group's work to MSC 109, and submit a final written report to MSC 110.

Information provided to associated organs

5.41 The Committee agreed to inform MEPC on the progress made by the GHG Safety Group, in addition to its relevant subsidiary bodies (CCC, HTW, III, SDC and SSE Sub-Committees).

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GHG Safety Working Group

5.42 The Committee agreed that a group should be established at MSC 109 on development of a safety regulatory framework to support the reduction of GHG emissions from using new technologies and alternative fuels (see paragraph 18.30).

6 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**Revision of the Guidelines and next steps to enhance maritime cybersecurity**

6.1 The Committee recalled that MSC 107 had agreed to include in its biennial agenda for the 2024-2025 biennium and the provisional agenda of MSC 108 an output to revise the *Guidelines on maritime cyber risk management* (MSC-FAL.1/Circ.3/Rev.2) and identify the next steps to enhance maritime cybersecurity, with a target completion year of 2024, inviting the FAL Committee to become an associated organ.

6.2 The Committee considered documents MSC 108/6 and 108/6/1:

- .1 MSC 108/6 (Australia et al.) invited the Committee to consider the proposed revision of the Guidelines as detailed in the annex to the document and the proposal concerning publications relevant to maritime cyber risk management for inclusion on IMO's website under "Maritime cyber risk"; and
- .2 MSC 108/6/1 (IACS) invited the Committee to consider the proposed amendments to the Guidelines as shown in the annex to the document, highlighting the aspects of risk assessment and cyber resilience.

6.3 The delegation of Denmark stated, on behalf of the co-sponsors of document MSC 108/6, that discussions had been held with IACS and a draft consolidated text of the proposed revisions from documents MSC 108/6 and MSC 108/6/1 to the *Guidelines on maritime cyber risk management* (MSC-FAL.1/Circ.3/Rev.2) had been produced, which they requested the Secretariat to publish as a J paper for the consideration of the drafting group, if established. The observer from IACS confirmed their support for the consolidated text, with the following proposed addition at the end of paragraph 3.5 of the draft: "The functional/technical cybersecurity controls listed under each of the functional elements represent the minimum controls that must be implemented. Additional cybersecurity controls may be considered depending on the evaluation of the identified cyber risks".

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

- .1 it was important that the Guidelines were not prescriptive in order to allow for flexible implementation and to take account of the costs of port State control;
- .2 digital technology was critical to the operation, safety and security of ships, protection of the environment and continuity of the operations, and, in view of the emerging threats, the Guidelines should be reviewed based on existing standards;
- .3 drills for the purpose of emergency preparedness should be included in the revised Guidelines;

- .4 the term "shipping industry" used in several paragraphs was too broad, and should be replaced by "on board ships", both in the title and in application sections of the Guidelines;
- .5 basic cybersecurity awareness training should be provided to all seafarers and more advanced training for master mariners and deck officers, and training should encompass reporting procedures and drills;
- .6 cybersecurity was an important consideration for the non-mandatory MASS Code;
- .7 the importance of capacity-building in developing countries was stressed in order to improve implementation of the Guidelines, and the need to consult with the Technical Cooperation Committee in this regard;
- .8 the proposed revisions would help Administrations, shipowners, ship operators, as well as port States and facilities to increase their level of maritime security awareness, through simple, clear and comprehensive instructions; and
- .9 the current draft addresses shipowners and operators, but should also address manufacturers, suppliers and integrators.

6.5 Following discussion, the Committee agreed to amend the *Guidelines on maritime cyber risk management* (MSC-FAL.1/Circ.3/Rev.2) and that the draft consolidated text of the proposed revisions from documents MSC 108/6 and MSC 108/6/1, with the addition to paragraph 3.5 proposed by the observer from IACS, would be circulated as MSC 108/J/6, which should be referred to a drafting group for its consideration.

6.6 The Committee noted with appreciation the information provided in the following documents:

- .1 MSC 108/INF.11 (IACS), providing information about IACS Recommendation on incorporating cyber risk management into safety management systems (IACS Recommendation 171); and
- .2 MSC 108/INF.19 (Republic of Korea), providing a summary of the activities to enhance maritime cyber safety in the Republic of Korea.

Establishment of the Drafting Group on Maritime Security

6.7 In order to advance the work on the revision of the Guidelines, the Committee established the Drafting Group on Maritime Security and instructed it, taking into account comments and decisions made in plenary, to finalize the revision of the *Guidelines on maritime cyber risk management* (MSC-FAL.1/Circ.3/Rev.2) as contained in MSC 108/J/6.

Report of the Drafting Group

6.8 Having considered the report of the Drafting Group (MSC 108/WP.10), the Committee noted the following:

- .1 the term "ships" had been used in the proposed text to ensure consistency with resolution MSC.428(98) on *Maritime cyber risk management in safety management systems* and the International Safety Management (ISM) Code;

- .2 a definition of "Information Communications Technology" (ICT) had not been included under paragraph 2.1 "Key definitions" as ICT was not referenced in the Guidelines; and
- .3 a reference to MASS was included at the end of paragraph 2.2.1.9 as it did not prejudice the outcome of any discussions on the development of the non-mandatory International Code of Safety for Maritime Autonomous Surface Ships (MASS Code).

6.9 The delegation of China stated that there had been challenges as new and substantive proposals had not been able to be introduced as this was a drafting and not a working group, and requested to retain the proposed deleted text in paragraph 2.3.3 of the revised Guidelines making clear that the Guidelines were recommendatory.

6.10 Following discussion, the Committee:

- .1 confirmed that no objections had been raised in plenary when the Drafting Group on Maritime Security had been established and the Group's mandate was clear; and
- .2 reaffirmed that all guidance documents by their nature were recommendatory.

6.11 The Committee approved the report in general and:

- .1 approved the draft revised *Guidelines on maritime cyber risk management* (MSC-FAL.1/Circ.3/Rev.3), as set out in annex 1 to document MSC 108/WP.10, and agreed to forward them to the Facilitation Committee for its concurrent approval; and
- .2 authorized the Secretariat to effect any minor editorial corrections that may be required.

7 MEASURES TO ENHANCE MARITIME SECURITY

Updates on developments related to maritime security

7.1 The Committee considered document MSC 108/7 (Secretariat), reporting on developments related to maritime security since MSC 107, 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 the significantly expanded range of training offered to Member States to target both national maritime security governance frameworks and port and ship level security, and two EU-funded port security projects currently being implemented by the Secretariat;
- .2 consideration by FAL 48 of a new output to amend the FAL Convention to introduce mandatory reporting of the Advanced Passenger Information (API) and Booking and Reservation Information/Passenger Name Record (BRI/PNR) for maritime transport in the 2024-2025 biennial agenda of the FAL Committee and the provisional agenda for FAL 49, with a target completion date of 2025; and

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

7.2 The delegation of the Philippines stated that it regularly updated the Maritime Security Module of GISIS using the electronic data transfer facility. However, even though they had not entered into any security arrangements on ship and port facility security, the relevant field was showing as not updated and they requested that this be reflected in the report.

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.

Considerations on governance of port security in Brazil – Developments and Best Practices adopted in recent years

7.4 The Committee noted with appreciation information provided by Brazil (MSC 108/INF.10) on the best practices adopted to enhance security for Brazilian port facilities.

Update on the Red Sea

7.5 The Committee considered document MSC 108/7/1 (Secretariat), providing an update on the security situation in the Red Sea region, and noted in particular the following:

- .1 information on key events and respective actions taken by IMO until 27 February, including key meetings led by the Secretary-General with relevant stakeholders to discuss possible measures to protect seafarers and to de-escalate the conflict;
- .2 updates on the **MV Galaxy Leader**, **MV Rubymar**, and **MV True Confidence** incidents, including the tragic loss of seafarers' lives, environmental impacts and impacts on freedom of navigation and global trade; and
- .3 details on the international naval presence, updated interim guidance for navigating in the region and the importance of incident reporting taking place in the Red Sea by all stakeholders.

7.6 The Committee:

- .1 noted the information provided in document MSC 108/7/1;
- .2 encouraged Member States and non-governmental and governmental organizations to continue sharing information on incidents, best practice and impacts on safety of seafarers and freedom of navigation; and
- .3 encouraged Member States and non-governmental and governmental organizations to provide comments or guidance on further action to be taken by the Organization, as appropriate.

7.7 The Committee also considered document MSC 108/7/3 (Austria et al.), which commented on document MSC 108/7/1 and provided information on the European Union's EUNAVFOR ASPIDES.

7.8 The delegation of Belgium, on behalf of the co-sponsors of document MSC 108/7/3, stated that operation EUNAVFOR ASPIDES was launched on 19 February 2024 to help restore maritime security in the Red Sea region. It has played a key role not only for EU Member States and the wider international community but also in helping to safeguard innocent seafarers and in protecting freedom of navigation. The operation is purely a defensive mission, will not be engaged in any land operations and is fully in compliance with international law. Close liaison is maintained with all stakeholders including the US-led Operation Prosperity Guardian.

7.9 The delegation of Belgium, on behalf of the Members of the European Union, which were all Members of IMO, further stated that they strongly condemned the Houthi attacks on commercial ships which are unacceptable violations of international law, the IMO Convention and which present a threat to maritime security and peace in the region. Such attacks endanger innocent seafarers and disrupt global trade, have significant consequences for the climate and marine environment, and must cease. They called for the immediate release of the **MV Galaxy Leader** and its crew. The adoption of United Nations Security Council resolution 2722 (2024) was welcomed. Upholding freedom of navigation in the Red Sea is vital to the free flow of global commerce and regional security. As recalled in resolution 2722, States have the right to defend their vessels in accordance with international law. They stressed the obligation of all States to respect the arms embargo under United Nations Security Council resolution 2216 (2015).

7.10 A large number of delegations expressed views over:

- .1 the safety and welfare of seafarers, freedom of navigation, threatened to the marine environment and stability of the global supply chain resulting from the attacks by Houthi rebels on commercial ships in the Red Sea and the Gulf of Aden, in particular in the attacks on:
 - .1 the Belize-flagged general cargo ship **MV Rubymar**, which had sustained severe damage following a missile attack by Houthi rebels on 18 February 2024 during its transit through the Bab-el-Mandeb Strait, had almost fully sunk and posed a sub-surface impact risk to other ships transiting or operating in the area, as the bow of the ship was still above the sea surface while the stern rested on the seabed;

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- .2 the Barbados registered dry bulk carrier **MV True Confidence**, where three seafarers, two from the Philippines and one from Viet Nam had been killed in an assault involving anti-ship missiles launched by Houthi rebels on 6 March 2024, and other crew members had been injured, some of them seriously; and
 - .3 the Bahamas registered car-carrier **MV Galaxy Leader**, with its 25 crew members (17 from the Philippines, and other crew members from Bulgaria (including the captain and first mate), Ukraine, Mexico, and Romania) had been held hostage since the ship's hijacking by Houthi rebels on 19 November 2023.
- .2 the adoption by the United Nations Security Council of resolution 2722 (2024), underscored the importance of the exercise of navigational rights and freedom of vessels of all States in the Red Sea in accordance with international law, condemned the attacks on commercial ships, and demanded their cessation and calling for early release of the **MV Galaxy Leader** and its crew, and of United Nations Security Council resolution 2216 (2015), on the arms embargo on the Houthis;
 - .3 in the context of negative consequences to the environment, owing to the security situation in the Red Sea, many ships were being forced to navigate significantly longer routes in order to guarantee the safety of seafarers and to maintain the global distribution of essential goods, thereby increasing fuel consumption and harmful emissions; and
 - .4 the actions being taken to protect freedom of navigation and the safety of seafarers through an increased number of naval patrols and other assistance to merchant ships.

7.11 The following views were also expressed:

- .1 the Indian Navy had actively responded to incidents and played a crucial role in saving crew members of vessels, such as the **MV Rubymar**, and continued to play a key strategic role in strengthening maritime security in the Red Sea, the Gulf of Aden and the Arabian Sea. The Information Fusion Centre - Indian Ocean Region (IFC-IOR) had played an important part in these efforts through information-sharing and incident mitigation;
- .2 the most recent report from the Secretary-General noted that Panama was the third most affected flag State as the result of such attacks and, given the number of attacks such as those by drones, the delegation of Panama requested the Committee to study the possibility of drawing up recommendations on how to mitigate the threat from unmanned aerial vehicles for masters and ship operators;
- .3 the Suez Canal Authority continued to directly communicate with the international maritime community including international institutions and shipping lines. Navigation in the Suez Canal remains open and continues in both directions, and the Suez Canal Authority continued to provide all assistance necessary to reduce the impact of the current situation. The decline in revenue from the Suez Canal was resulting in direct economic damage to Egypt;

- .4 the delegation of the United States stated that such attacks were preventing crucial aid from reaching countries in the region including Sudan, Ethiopia and Yemen itself. The Islamic Republic of Iran was supporting the Houthis and is in violation of United Nations Security Council resolution 2216 (2015) by providing arms, training and financial support to carry out these attacks. Every Member State should urge the Islamic Republic of Iran to stop providing the Houthis with weapons and other support. On 13 April the Iranian military seized the **MSC Aries** and its crew in the Gulf of Oman, and they called for their immediate release;
- .5 Filipino seafarers were given the option to refuse to sail in warlike and high-risk areas with provision for repatriation at company's cost; and
- .6 several delegations called for the immediate release of the Portuguese flagged **MSC Aries** and its crew.

7.12 The delegation of China reiterated the importance of protecting seafarers and maintaining the security and smooth flow of international shipping, the Red Sea is an important trade route for goods and energy and called for the halt of all attacks upon and harassment of shipping. The UN Security Council never authorized the use of force by any country on Yemen and any actions that would escalate the situation in the Red Sea and increase the overall security risk in the region should be avoided. The sovereignty and territorial integrity of Yemen and other countries in the Red Sea region must be respected.

7.13 The delegation of the Islamic Republic of Iran reaffirmed its position of promoting all technical matters relating to maritime safety and security which fall within the mandate of the Organization, its commitment to a rules-based maritime order, based on international law, and its contribution to combating piracy in the region and beyond in cooperation with other Member States. It stated that during this session several delegations had made unfounded statements regarding the seizure of **MSC Aries**. The Islamic Republic of Iran stated that the seizure of this ship was due to technical issues and maintaining maritime safety, and that the issue was currently being investigated by the Iranian Authorities. The crew were in good circumstances and in contact with their families and national officials, many have been repatriated to their home countries and the other crew can be repatriated based on minimum safe manning standards and humanitarian grounds. Yemen acts in accordance with its own sovereignty, and the Islamic Republic of Iran is committed to UN Security Council resolutions 2140 and 2216 and a peaceful resolution of the Red Sea crisis. According to the delegation of the Islamic Republic of Iran, the roots of the crisis are the ongoing genocide in Gaza against the Palestinian people, and the ongoing security situation in the Red Sea is the result of that crisis.

7.14 The delegation of Portugal stated that seven crew members of the **MSC Aries** had been released on 9 May and that 17 crew members remained on board. The delegation of the Islamic Republic of Iran reiterated that several members of the crew of the **MSC Aries** had been repatriated to their home countries and that the seizure of the ship was due to technical issues and maintaining maritime safety, and that the issue was currently being investigated by the Iranian Authorities.

7.15 The full text of statements made by the delegations of Australia, the Bahamas, Bahrain, Belgium, Belize, Canada, Cyprus, Estonia, Finland, France, Germany, Greece, Ireland, the Islamic Republic of Iran, Italy, Japan, Kuwait, Luxembourg, Netherlands (Kingdom of the), the Philippines, Poland, Portugal, the Republic of Korea, Saudi Arabia, Slovenia, Spain, Ukraine, the United Kingdom, the United States, Yemen and the observers of BIMCO and EC is set out in annex 28. The intervention by Belgium, speaking on behalf of the Members of the EU was also supported by Australia, Denmark, Estonia, Finland, France, Germany, Greece,

Italy, Luxembourg, Netherlands (Kingdom of the), New Zealand, the Philippines, Poland, Portugal, the Republic of Korea, Somalia, Spain and Sweden and the observer of the EC.

7.16 Following discussion, the Committee:

- .1 expressed concern over the safety and welfare of seafarers, freedom of navigation, threats to the marine environment and stability of the global supply chain resulting from the attacks by Houthi rebels on commercial ships in the Red Sea and the Gulf of Aden;
- .2 condemned in particular in the attacks on the **MV Rubymar**, the sinking of which had resulted in serious risks to the marine environment with the spillage of oil and fertilizer that had been on board, the bulk carrier **MV True Confidence** which resulted in three casualties and serious injuries to other crew members;
- .3 in the case of the **MV Galaxy Leader**, urged the immediate and unconditional release of the ship and its 25 seafarers which continued to be held captive since its hijacking on November 2023, in line with the Secretary-General's opening address to the Committee;
- .4 highlighted the adoption by the United Nations Security Council of resolution 2722 (2024), underscoring the importance of the exercise of navigational rights and freedom of merchant and commercial vessels of all States in the Red Sea in accordance with international law;
- .5 condemned the attacks on commercial ships which constituted unacceptable violations of international law and the IMO Convention, commended the actions being taken to protect freedom of navigation and the safety of seafarers through an increased number of naval patrols and other assistance to merchant ships, including EUNAVFOR Operation ASPIDES and its defensive operational nature to restore maritime security in the region; and
- .6 commended the Secretary-General's initiatives in relation to the ongoing threats to commercial shipping in the Red Sea and the Gulf of Aden, in particular his communication with all relevant parties and his emphasis on the well-being of seafarers and invited the Secretary-General to continue his efforts in this regard.

Security in the Southern Red Sea and Gulf of Aden

7.17 The Committee considered the following documents:

- .1 MSC 108/7/2 (ICS et al.), informing the Committee of the impact of the ongoing security situation in the Red Sea and Gulf of Aden on industry, the actions taken by the international community, and proposed several actions including, inter alia, the development of an MSC resolution condemning the attacks and the promotion of best practice guidance for ships and seafarers preparing to transit, or transiting, the region; and
- .2 MSC 108/7/4 (Australia et al.), commenting on document MSC 108/7/2 and providing a draft MSC resolution on the "Security situation in the Red Sea and Gulf of Aden resulting from Houthi attacks on commercial ships and seafarers" for the consideration of the Committee.

7.18 The observer from ICS, on behalf of the co-sponsors of document MSC 108/7/2, stated that since 19 November 2023, merchant ships had been subjected to unprecedented attacks from Houthi forces in Yemen. This endangers the lives of seafarers on an almost daily basis, resulted in the sinking of the **MV Rubymar**, the tragic loss of life onboard the **MV True Confidence**, and the 25 crew members of the **MV Galaxy Leader** remain captives of the Houthis. Those Member States deploying military assets to protect seafarers and maintain freedom of navigation were thanked, in particular Operation PROSPERITY GUARDIAN and Operation ASPIDES, as was the Secretary-General for his unstinting support. The co-sponsors highlighted that shipping is a resilient industry, but it is unacceptable that seafarers are attacked in this way. They called the Committee to establish a Group to address the crisis, including the development of an MSC resolution condemning the attacks, the promotion of relevant best practice guidance for seafarers preparing to transit, or transiting, the region, identification of relevant regional and/or international structures that could enhance maritime security in the region and revision of current information flows to ensure accuracy. The co-sponsors thanked the submitters of document MSC 108/7/4 for the proposed resolution and proposed a new paragraph 10*bis* encouraging all parties to provide information to the Organization as appropriate.

7.19 The delegation of the United Kingdom introduced document MSC 108/7/4 on behalf of the co-sponsors of document, proposing a draft resolution as suggested by the co-sponsors of document MSC 108/7/2. The co-sponsors were of the view that the unprecedented threat from the Houthis to commercial shipping was a matter of grave concern and must be addressed by the Committee. Amongst other things, the draft resolution condemned the Houthi attacks on seafarers and commercial ships, demanded that the Houthis cease these attacks, urged the release of the **MV Galaxy Leader** and its crew, and encouraged any party that may have influence to encourage the Houthis to end their attacks.

7.20 The delegation of the United Kingdom further clarified that the terminology of the draft MSC resolution was aligned with UN Security Council resolution 2722 (2024) and specifically addresses Houthi attacks. Whilst they recognized that there had been an increase in piracy off the coast of Somalia, the Organization already had a number of resolutions and circulars in place to address this.

7.21 The delegation of the Russian Federation stressed that the draft resolution in document MSC 108/7/4 was very raw and needed further work on both its content, data and terminology. They stated that piracy should be included in the draft as its increase was directly related to the situation in the Red Sea and whilst there is item 8 on Piracy and Armed Robbery these issues should not be split up. Moreover, the delegation of the Russian Federation suggested to thank the Indian Navy for saving **MV Ruen** and its crew from pirates and to include this in the draft resolution. They also raised that there were no proposals about protection of the marine environment in the operative part of the draft resolution, the term maritime community was unclear, and there were discrepancies in the data with 50 attacks being mentioned, which differed from the report provided by the Secretary-General listing 43 attacks. The draft resolution should be referred to a working group for further consideration.

7.22 Many delegations that took the floor supported the adoption of the proposed resolution together with the oral proposal expressed by ICS at this session stressing that its contents were already clear and stated that the draft resolution should not include piracy as this was a separate issue and that the proposed resolution together with the ICS oral proposal should be finalized by a drafting group, and not a working group.

7.23 The full text of the statement made by the observer from ICS is set out in annex 28. The intervention by the United Kingdom was also supported by Australia, Belgium, Belize, Canada, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, , Latvia,

Lithuania, Luxembourg, Malta, Netherlands (Kingdom of the), Norway, Poland, Slovenia, Spain, Sweden, Ukraine, the United States and the observer of the EC.

7.24 Some delegations stated that they would prefer a Working Group on Maritime Security to be established in order to allow for further discussions.

7.25 Following discussion, the Committee:

- .1 noted that this proposed resolution was only specific to the Red Sea and did not address piracy; and invited those delegations who wished to submit proposals on the amendment of the existing resolution and/or circulars on piracy to do so at a future session of the Committee under the relevant agenda item;
- .2 recalled that the only proposal was for a draft resolution on the Red Sea and that there were no other proposals for consideration; and
- .3 noted that the draft resolution annexed to document MSC 108/7/4 was consistent with the terminology used in United Nations Security Council resolution 2722 (2024), but that there were some other editorial comments raised, including the proposed amendments by ICS which were supported by those delegations which spoke, and that the draft resolution should be referred to the Drafting Group on Maritime Security for further consideration.

7.26 The Committee instructed the Drafting Group on Maritime Security (see also paragraph 6.7), taking into account the comments and decisions made in plenary, to consider and finalize the draft MSC resolution on the "Security situation in the Red Sea and Gulf of Aden resulting from Houthi attacks on commercial ships and seafarers", based on document MSC 108/7/4, taking into account documents MSC 108/7/2 and MSC 108/7/3, for adoption by the Committee.

Report of the Drafting Group

7.27 Having considered the report of the Drafting Group (MSC 108/WP.10), the Committee noted the following:

- .1 in regard to the proposal to attribute "non-discriminatory" with reference to Article 1 of the IMO Convention, the Group had recalled the current mission statement in the Strategic Plan of IMO and retained the base text;
- .2 the terminology used in the preamble of the draft resolution in annex 2 to the document was consistent with the text used in UN Security Council resolution 2722 (2024) and the statement by the IMO Secretary-General; and
- .3 the Group did not develop the new text "as well as sincere sympathy to those seafarers that were injured or adversely affected as a consequence of this and other Houthi attacks" in the operative section of the draft resolution since this had not been discussed in plenary and the impact of Houthi attacks on seafarers more broadly was covered in other operative paragraphs.

7.28 The Committee approved the report in general and:

- .1 adopted the draft MSC resolution on the *Security situation in the Red Sea and Gulf of Aden resulting from Houthi attacks on commercial ships and seafarers*, as set out in annex 2 to document MSC 108/WP.10 (see annex 17); and
- .2 authorized the Secretariat to effect any minor editorial corrections that may be required.

8 PIRACY AND ARMED ROBBERY AGAINST SHIPS

Developments since MSC 107

8.1 The Committee considered document MSC 108/8 (Secretariat), reporting on developments concerning piracy and armed robbery against ships since MSC 107, including relevant statistics and updates on the implementation of the Djibouti Code of Conduct (DCoC) and the situation in the Gulf of Guinea, and noted in particular:

- .1 150 incidents of piracy and armed robbery against ships were reported to the Organization as having occurred or been attempted in 2023, constituting an increase of approximately 15% at the global level compared to 2022. The areas most affected in 2023 were the Straits of Malacca and Singapore (85), West Africa (22), the South China Sea (14) and South America (Pacific) (14). The number of incidents in the Gulf of Guinea (West Africa) increased in 2023 by 1 compared to the same period in 2022, constituting an increase of 5%;
- .2 in relation to the implementation of the DCoC, the region, with the support of the Secretariat, adopted standard operating procedures which would be used across the region to ensure seamless information-sharing among national and regional centres, as well as in communication with international naval forces supporting maritime security efforts in the region, and expanded the scope of the capacity-building coordination mechanism to include new sub-working groups for coordinating the various thematic areas encompassed in article 2 of the DCoC/JA; and
- .3 in relation to initiatives in the Gulf of Guinea, following the plenary meeting of the G7++ Friends of the Gulf of Guinea from 5 to 8 December 2023 in Dakar, Senegal and the extraordinary meeting of the Information Sharing and Incident Reporting Working Group of the Gulf of Guinea Maritime Collaboration Forum/Gulf of Guinea – Shared Awareness and Deconfliction (SHADE-GoG) initiative on 12 January 2024, 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 appreciation was expressed to the Secretariat for its support to Nigeria on its National Maritime Security Coordination Strategy and for its support to Sierra Leone on the development of its Maritime Security Strategy;
- .2 the financial contributions of the United Kingdom, the Republic of Korea and Germany to the West and Central Africa Trust Fund were welcomed;

- .3 the approximate 15% increase at the global level in incidents of piracy and armed robbery was of significant concern and jeopardized the safety and security of seafarers and safety of navigation;
- .4 some discrepancies exist in the reporting by the Secretariat of incidents in the Straits of Malacca and Singapore which should be clarified with the relevant coastal States;
- .5 the delegation of Peru explained that it had established a Maritime Information Centre for Latin America to share incidents of piracy and armed robbery in the Latin America region, and agreements had been signed with centres in other regions to improve the exchange of information;
- .6 ReCAAP-ISC were commended for their efforts to foster regional trust and cooperation to combat piracy and armed robbery in Asia. Most incidents in the Straits of Malacca and Singapore were opportunistic petty theft but strong enforcement and coordination between Member States in the region remained important;
- .7 reference was made to *Recommendations to Governments for preventing and suppressing piracy and armed robbery against ships* (MSC.1/Circ.1333/Rev.1) and the importance of informing the coastal State of any incidents so that they could take appropriate measures and, regarding the Ship Security Alert System, there were instances of alerts in territorial seas where the coastal State was not being informed;
- .8 the observer from ICC drew a distinction between the International Maritime Bureau and other reporting bodies in that their principal concern was to issue reports as quickly and accurately as possible so that seafarers and ships were kept safe, minor inaccuracies in reporting could be corrected later; and
- .9 the efforts of the Philippine Government had led to the neutralizing of the Abul Sayyaf Group in the Sulu Archipelago with the threat level in the Sulu and Celebes Sea area downgraded, a Contact Group was established between the Philippines, Malaysia and Indonesia through the initiative of UNODC, a Recommended Transit Corridor was established in the Moro Gulf and Basilan Strait, and the Philippines made a contribution to the Integrated Technical Cooperation Programme in 2023 to fund training relating to maritime security and anti-piracy.

8.3 The delegation of South Africa, on behalf of the Signatory States of the Djibouti Code of Conduct (DCoC), stated that the DCoC had demonstrated unwavering regional will and commitment to taking the lead in addressing the maritime threats affecting the Western Indian Ocean and the Gulf of Aden area. Over the past 15 years, significant accomplishments have been achieved, including the establishment of an Information Sharing Network and a regional training coordination mechanism benefiting nearly two thousand participants thus far. In January 2024, following a meeting with the Secretary-General, the DCoC presented regional capacity-building priorities based on an eight-point plan that they believe would make a substantial contribution to safeguarding the strategic shipping routes in the region and creating stability. However, the work of the DCoC is now under serious threat, since the DCoC multi-donor Trust Fund will be fully depleted by the end of 2024 if no further contributions are made, thereby jeopardizing critical initiatives. The full text of their statement is set out in annex 28.

8.4 The delegation of Argentina stressed that at MSC 107 and on previous occasions they had requested the Secretariat to draw a distinction between cases of piracy and armed robbery, when reporting in GISIS, as this has practical implications for whether the coastal State takes action in each case. In regard to the DCoC, they stated that the support of IMO Member States for regional cooperation did not entail a general acceptance of all regional security policies. The delegation of Argentina also stated that there was no objection to completing 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); however, this did not imply acceptance that merchant ships should have armed personnel and/or arms on board, the legitimacy of which may be contested depending on the law of the sea in force.

8.5 Following discussion, the Committee:

- .1 requested Member States to report incidents of piracy and armed robbery to the Secretariat (marsec@imo.org), using the reporting form in appendix 5 of MSC.1/Circ.1333/Rev.1 (Recommendations to Governments for preventing and suppressing piracy and armed robbery against ships);
- .2 requested Member States to complete and keep updated the *Questionnaire on information on port and coastal State requirements related to privately contracted armed security personnel on board ships (PCASP)* (MSC-FAL.1/Circ.2), to be sent to the Secretariat (marsec@imo.org) for posting on the IMO website;
- .3 noted the efforts undertaken to ensure continued implementation of the DCoC and encouraged Member States to continue to support the DCoC Trust Fund; and
- .4 called upon Member States, in line with resolution A.1159(32) on *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 might 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.

Progress report by ReCAAP-ISC

8.6 The Committee noted, with appreciation, the information contained in document MSC 108/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 to 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 to April 2024. The full text of their statement is set out in annex 28.

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 108/9 (Secretariat), reporting on the activities of the UNHCR-led Inter-Agency Group on the protection of refugees and migrants moving by sea since MSC 107, in particular that the Group had held three meetings, on 12 July 2023 on the situation in the Western Indian Ocean; on 30 October 2023 dedicated to the Global Refugee Forum, with a presentation of the "Multi-Stakeholder Pledge on Protection at Sea" and a presentation of the IOM-UNHCR's e-learning course on protection at sea; and on 11 March 2024, focused on the presentation of the Centre for Humanitarian Action at Sea and to inform about a proposed MSC resolution for MSC 109, to encourage the adoption of measures to ensure that the shipping sector was prepared in the eventuality of its involvement in SAR, as well as informing of the upcoming third version of the joint publication UNHCR-IMO-ICS "Rescue at sea: A guide to principles and practice as applied to refugees and migrants".

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 recalled that MSC 107 invited Member States and international organizations to submit proposals to MSC 108 to develop guidelines to assist shipmasters and rescue 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 The Committee considered document MSC 108/9/1 (Liberia and United Arab Emirates), proposing a draft MSC-FAL circular on guidelines concerning non-survivors in migrants' boats.

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

- .1 the proposal was appropriate and complemented resolution MSC.528(106), to provide guidance in case of deceased in migrants' boats;
- .2 further editorial refinements were required before the guidelines were approved by the Committee; and
- .3 the proposal was beyond the IAMSAR Manual, not aligned with the SAR Convention and imposed obligations on Contracting Governments.

9.7 The Committee, having considered the views expressed above, agreed not to approve the draft guidelines at this session and invited Member States and international organizations to submit a revised proposal to MSC 109.

Resolution A.1195(33) on Special recognition for merchant vessels and their crew involved in the rescue of mixed migrants at sea

9.8 The Committee noted resolution A.1195(33) on *Special recognition for merchant vessels and their crew involved in the rescue of mixed migrants at sea*, which:

- .1 commended all merchant vessels and their crew participating in the rescue of mixed migrants at sea for their bravery, professionalism and compassion embodying the highest traditions of the sea;

- .2 requested the Secretary-General to continue issuing special certificates, retroactively from 1 January 2014, marking this commendation by the Assembly, to be awarded to any merchant vessel and its crew participating in the rescue of mixed migrants at sea;
- .3 also requested Member Governments, intergovernmental organizations in cooperation with IMO and non-governmental organizations in consultative status with IMO to provide information to the Secretary-General on merchant vessels and their crew deserving such commendation; and
- .4 revoked resolution A.1093(29).

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.996/Rev.2) via the platform.

10 DOMESTIC FERRY SAFETY

Background

10.1 The Committee recalled that MSC 105 had adopted resolution MSC.518(105) on *Model Regulations on Domestic Ferry Safety*, providing framework provisions on domestic ferry safety for incorporation into national law that may serve as a basis for intergovernmental agreements, whether multilateral, bilateral or regional.

Activities and initiatives on domestic ferry safety undertaken by the Organization

10.2 The Committee considered document MSC 108/10 (Secretariat), providing information on the Organization's recent and planned future activities and initiatives on domestic ferry safety, including various projects on the matter.

10.3 During the discussion, the Committee noted:

- .1 appreciation of the activities and initiatives mentioned in document MSC 108/10, including the adoption of the Model Regulations (resolution MSC.518(105)), expressed, in particular, by the delegations of:
 - .1 the Philippines, on the tangible steps taken following up on the recommendations provided as a result of the FSA-P and ENV-V projects (MSC 108/10, paragraphs 11 and 12); and
 - .2 Indonesia, Malaysia and Thailand on the importance of domestic ferry safety for their region, welcoming the EU-ASEAN Sustainable Connectivity Package (SCOPE) Ship Safety Project that aimed at improving domestic ferry safety in these countries, as well as the wider ASEAN region; and

- .2 that, further to, and, in particular, the regional seminar on domestic ferry safety organized in April 2024, in the United Republic of Tanzania, in cooperation with Interferry, and other activities mentioned in document MSC 108/10, paragraphs 5 to 8, targeted technical cooperation support for the African region would be necessary, with a view to addressing domestic ferry safety concerns in the region.

10.4 Following consideration, the Committee:

- .1 noted the information provided in the document;
- .2 encouraged interested Member States and international organizations to consider providing in-kind and financial support for the ongoing work of the Secretariat; and
- .3 requested the Secretariat to provide further updates on the matter at future sessions of the Committee, as appropriate.

Online training material on domestic ferry safety

10.5 With respect to training on domestic ferry safety, the Committee considered document MSC 108/10/1 (China), providing online training material on domestic ferry safety for the consideration and review by the Committee.

10.6 In the ensuing discussion and taking into account the overwhelming support of the delegations for the wider use of the training material presented, the Committee, having recognized that the draft online training material would contribute to domestic ferry safety for those Member States in need of such material:

- .1 appreciated China's efforts in preparing the material, while recalling TC 73's agreement that the material would be translated by the Secretariat; and
- .2 noted the views that:
 - .1 online training materials were intended to supplement rather than replace in person training; and
 - .2 development of safety culture was important, similar to the purpose of the ISM Code, which was not mandatory for domestic ferries; and the material should be translated into as many languages as possible through technical cooperation to widen its use.

10.7 Consequently, the Committee:

- .1 noted the draft training material;
- .2 invited China to provide a Chinese version of the training material, if available, for further dissemination, as appropriate; and
- .3 requested the Secretariat to translate the material into French and Spanish, seeking funds to translate, with a view to inclusion of the material in the e-Learning platform and promotion of the use of the material, as appropriate.

Domestic ferry regulations in Chile

10.8 The Committee noted with appreciation the information contained in document MSC 108/INF.23 (Chile), presenting experiences regarding safety regulations for ferries in Chile, as a technical cooperation initiative aimed at Member States.

11 FORMAL SAFETY ASSESSMENT

Background

11.1 The Committee recalled that MSC 107 had considered document MSC 107/10 (Sweden), providing information on the completion of the CARGOSAFE study and had referred it to the FSA Experts Group for review and submission of a report to SSE 10.

11.2 The Committee was informed that the FSA Experts Group had met from 23 to 25 October 2023 and had submitted its report to SSE 10 (SSE 10/10), and that SSE 10 had invited MSC 109 to consider the Group's relevant observations, including those on the improvement of the *Revised guidelines for Formal Safety Assessment (FSA) for use in the IMO rule-making process* (MSC-MEPC.2/Circ.12/Rev.2).

Updating threshold for IMO cost-benefit assessment

11.3 In considering document MSC 108/11 (Norway), proposing to update the cost criterion used in the Revised FSA Guidelines (MSC-MEPC.2/Circ.12/Rev.2) for the cost-benefit assessment of risk mitigating measures, the Committee noted that:

- .1 MSC 109 would be invited to consider the findings that the FSA Experts Group had reported to SSE 10 with regard to improving the Revised FSA Guidelines, which could also include the findings of the previous FSA Experts Group that had met in 2019 and had reported to MSC 102 (MSC 102/12); and
- .2 the findings of the FSA Experts Group, as reported to SSE 10 in paragraph 4.19 of document SSE 10/10, would require concrete proposals for text modifications, as the Group had not prepared any draft amendments at the time of discussion.

11.4 Consequently, in lieu of considering the specific proposals in document MSC 108/11 for a coordinated review of all possible findings to improve the Revised FSA Guidelines, the Committee:

- .1 deferred the consideration of document MSC 108/11, together with the relevant parts of documents SSE 10/10 and MSC 102/12, to MSC 109;
- .2 requested the Secretariat to incorporate all the suggested concrete modifications to the Revised FSA Guidelines so far, in a submission to MSC 109, with a view to facilitating their consideration; and
- .3 invited relevant submissions with concrete text proposals to MSC 109 to improve the text of the Revised FSA Guidelines, addressing in particular, the findings of the FSA Experts Group (see paragraph 11.3.2 above).

12 NAVIGATION, COMMUNICATIONS AND SEARCH AND RESCUE

REPORT OF NCSR 10

12.1 The Committee recalled that urgent matters emanating from the tenth session of the Sub-Committee on Navigation, Communications and Search and Rescue (NCSR) had been considered at MSC 107 (MSC 107/20, paragraphs 15.1 to 15.15 and 17.74 to 17.79).

12.2 The Committee approved the report of NCSR 10, in general, and took action as indicated below.

Ongoing military conflict between the Russian Federation and Ukraine

12.3 The Committee noted the consideration of issues concerning the ongoing military conflict between the Russian Federation and Ukraine and, in particular, the actions taken by the Sub-Committee (NCSR 10/22, paragraphs 2.1 to 2.13).

Recognition of a new ship reporting system

12.4 The Committee approved SN.1/Circ.343 on *Recognition of ship reporting system in the Pentland Firth (PENTREP)*, to be implemented on 1 December 2024.

Revised descriptions of Maritime Services in the context of e-navigation

12.5 The Committee approved MSC.1/Circ.1610/Rev.1 on *Descriptions of Maritime Services in the context of e-navigation*, including the modifications agreed by FAL 48 concerning Maritime Service 8 (Vessel shore reporting) (FAL 48/20/Add.1, annex 1).

Recognition and implementation of new terrestrial GMDSS services

12.6 The Committee considered the need to develop a formal recognition framework for new terrestrial services that could become part of the Global Maritime Distress and Safety System (GMDSS), such as the digital navigational data system (NAVDAT), including implementation and cost issues for shore-based facilities.

12.7 In this connection, the Committee considered also related comments in document MSC 108/12/2 (Liberia and ICS), in particular a proposal that NAVDAT implementation should not entail replacement of shipborne NAVTEX receivers with NAVDAT receivers.

12.8 During the ensuing consideration, the following views were expressed:

- .1 a formal recognition process for NAVDAT was not required, noting that it was a terrestrial communication system that should be established voluntarily by SOLAS Contracting Governments, as deemed practical and necessary;
- .2 NAVDAT implementation should not necessarily require replacing NAVTEX shipborne equipment;
- .3 ships might use NAVDAT as an option to receive information in areas where NAVDAT service was to be available, provided that ships were fitted with appropriate receiving equipment;

.4 NAVDAT implementation would require coordination with existing NAVTEX services, including with regard to the possible expansion of functions of the IMO NAVTEX Coordinating Panel; and

.5 the NCSR Sub-Committee should consider NAVDAT implementation issues.

12.9 After consideration, the Committee, taking into account the relevant provisions of SOLAS, in particular SOLAS regulation IV/5, agreed that the establishment of a formal recognition framework for new terrestrial GMDSS services was not necessary. With regard to the implementation of NAVDAT, the Committee:

.1 agreed that NAVDAT implementation should not entail replacement of shipborne NAVTEX receivers with NAVDAT receivers; and

.2 instructed the NCSR Sub-Committee to consider NAVDAT implementation issues and implications of its introduction, both from the shore and ship perspectives, including coordination with existing NAVTEX services and carriage requirements, under the existing output on "Development of performance standards for a digital navigational data system (NAVDAT)", and advise the Committee, as appropriate.

Revised ECDIS performance standards

12.10 The Committee considered the draft revision of resolution MSC.530(106) on *Performance standards for electronic chart display and information systems (ECDIS)* to facilitate a standardized digital exchange of ships' route plans, together with the following documents:

.1 MSC 108/12/4 (IHO), providing information on the progress of the development and implementation of the IHO Universal Hydrographic Data Model (S-100) intended for use in future S-100 ECDIS as part of the next generation of Electronic Navigational Charts (S-101 ENCs) and an update on the matter of continued availability of printed nautical charts in response to the request of MSC 107 (MSC 107/20, paragraph 15.19.3); and

.2 MSC 108/12/5 (New Zealand), commenting on the draft revision of resolution MSC.530(106) regarding necessary actions required to be considered by IMO to support the implementation of S-100 products, including the dissemination and real-time exchange of information in S-100 format.

12.11 With regard to document MSC 108/12/4, the Committee, in particular:

.1 noted that IHO Member States were committed to the implementation dates stated in resolution MSC.530(106);

.2 acknowledged the progress being made on the development of IHO S-100 product specifications;

.3 encouraged Member States to develop S-100 data and production implementation strategies; and

.4 noted the information provided in relation to the availability of paper charts and requested the Secretariat to continue to liaise with IHO on this matter, monitor relevant developments and report back to the Committee, as and when appropriate.

12.12 Having expressed general support to the adoption of the revision of resolution MSC.530(106) introducing the capability of digital exchange of ships' route plans, the Committee noted a view highlighting the need to develop appropriate operational guidance for route exchange in accordance with operative paragraph 4 of the revised resolution.

12.13 With regard to matters related to S-100 development and implementation, the following views were expressed:

- .1 it was important to support S-100 implementation in a timely manner, in particular addressing matters related to data production, dissemination and exchange of information and seafarers training;
- .2 communication services were already in place for the delivery of data in S-57 format used in current ECDIS and would be expected to continue to be used for S-100;
- .3 S-100 products would include the capability of using digital signatures to authenticate the data;
- .4 the NCSR Sub-Committee could give initial consideration to S-100 implementation matters, including training and familiarization, and provide appropriate recommendations to the Committee; and
- .5 the FAL Committee and the HTW Sub-Committee could also be invited to consider issues under their purview, such as ship-shore communications and training requirements, respectively.

12.14 In addition, regarding the information provided in document MSC 108/12/4 on the availability of printed nautical charts, a view was expressed emphasizing the need to ensure the continued availability of printed nautical charts for the foreseeable future.

12.15 Following consideration, the Committee adopted resolution MSC.530(106)/Rev.1 on *Performance standards for electronic chart display and information systems (ECDIS)*, as set out in annex 18, and instructed the NCSR Sub-Committee to consider the development of appropriate operational guidance for route exchange in accordance with operative paragraph 4 of the resolution and advise the Committee, as appropriate.

12.16 The Committee also:

- .1 instructed NCSR 11, if time permitted, to further consider under "Any other business" the issues raised in documents MSC 108/12/4 and MSC 108/12/5, i.e. S-100 implementation matters and training needs of seafarers, taking into account the views expressed at this session (see paragraph 12.13), and advise MSC 109, as appropriate;
- .2 invited interested parties to consider, if necessary, submitting proposals for new outputs to a future session of the Committee; and
- .3 agreed to consider any necessary actions by the Facilitation Committee and the HTW Sub-Committee after receiving the advice from the NCSR Sub-Committee.

Joint IMO/IHO/WMO Manual on Maritime Safety Information

12.17 The Committee approved MSC.1/Circ.1310/Rev.2 on *Joint IMO/IHO/WMO Manual on Maritime Safety Information* to be implemented as from 1 January 2025.

Dissemination of information over multiple recognized mobile satellite services

12.18 The Committee considered the actions emanating from NCSR 10 concerning the dissemination of information over multiple recognized mobile satellite services (RMSSs) (MSC 108/12, paragraph 3.7), taking into account the following documents:

- .1 MSC 108/12/1 (New Zealand), providing comments on technical solutions to achieve interoperability for the dissemination of information via enhanced group call over multiple RMSSs, noting, in particular, the implementation by New Zealand of an application programming interface (API) to achieve interoperability;
- .2 MSC 108/12/3 (Australia et al.), presenting proposals to assist the Committee with its deliberations on the dissemination of information through all RMSSs, including cost implications for information providers, and the scope for the revision of resolution A.707(17) and alignment with the revision of resolution A.1001(25); and
- .3 MSC 108/12/2 (Liberia and ICS), commenting on the implications of introducing new communication technologies, both for ships and coastal States required to provide related shore services, in particular those used for dissemination of maritime safety information (MSI) and search and rescue (SAR) related information to ships.

12.19 In this regard, the Committee considered, in particular, the following issues:

- .1 mandatory dissemination of MSI and SAR related information over multiple RMSSs, including setting a deadline for disseminating information over the Iridium SafetyCast service;
- .2 scope of the revision of resolution A.707(17), and its harmonization with the revision of resolution A.1001(25); and
- .3 cost implications for information providers regarding the dissemination of information over multiple RMSSs.

12.20 The Committee recalled that the above issues had been under consideration for several sessions already and recognized that it was important to complete the implementation of GMDSS services recognized by the Organization as soon as possible in order to ensure the appropriate reception of MSI and SAR information by ships and preserve their safety.

12.21 The Committee had a long debate on the above issues, including the setting of a date as a deadline for implementation of the Iridium SafetyCast service. Some delegations supported setting a date or calling for immediate implementation, noting that ships were already carrying Iridium shipborne equipment and were at risk of not receiving information, which could jeopardize the safety of life at sea. Others were of the opinion that a date should not be set, and that the Organization should continue to address interoperability issues and cost implications for information providers before taking a final decision.

12.22 From the interventions, the Committee also noted the following views:

- .1 the cost for the dissemination of information over existing RMSS providers had been reduced significantly, with a total cost currently below that charged by the sole provider prior to the recognition of the Iridium SafetyCast service;
- .2 the implementation of an API for the simultaneous dissemination of information could facilitate operational issues, but its implementation had also cost implications and was not necessarily addressing the cost of dissemination; and
- .3 a combination of options could be further considered to address the cost implications in the short and long terms, which could include establishing a dedicated fund or using an existing one for such a purpose, establishing a ceiling for costs associated with the dissemination of information and/or eliminating the costs established in resolution A.707(17).

12.23 With regard to the revision of resolution A.707(17), views were expressed indicating that the ongoing revision of resolution A.707(17) should be limited to making the resolution compatible with all RMSS providers. Other views indicated that the revision of A.707(17) should continue to be considered as an element for addressing cost implications for information providers.

12.24 Following consideration and having noted, in general, the progress made by the NCSR Sub-Committee, including the related progress report (NCSR 10/22/Add.1, annex 7), the Committee took action as indicated in the following paragraphs.

12.25 With regard to the mandatory dissemination of MSI and SAR related information over multiple RMSSs, the Committee:

- .1 instructed the NCSR Sub-Committee to prepare draft amendments to the SOLAS Convention, including any necessary consequential amendments to related instruments, clearly stating the requirement for dissemination of MSI and SAR related information through all operational RMSSs, as appropriate;
- .2 agreed that MSI should be disseminated through all operational RMSSs with an implementation date not later than 31 December 2026; urged Member States responsible for the dissemination of MSI to complete the implementation of the Iridium SafetyCast service as soon as possible; and invited Member States that might experience delays with the implementation of the Iridium SafetyCast service to provide relevant information to the IMO Secretariat; and
- .3 agreed also that rescue coordination centres (RCCs) should disseminate SAR related information through all operational RMSSs, as appropriate, or, alternatively, establish the necessary arrangements with other certified providers for dissemination of information within the areas for which the RCC was responsible, taking into account the guidance provided in MSC.1/Circ.1659 and the relevant provisions of SOLAS regulation V/7.

12.26 With regard to the revision of resolutions A.707(17) and A.1001(25), the Committee agreed that:

- .1 the review, approval and adoption of the above resolutions should be aligned;
- .2 resolution A.707(17) should remain compatible with, and should not duplicate the requirements for, ship-to-shore distress and safety communications originating from a maritime mobile station in ITU-T Recommendation D.90;
- .3 the revision of resolution A.707(17) should apply to all RMSSs used in the GMDSS and would not address cost issues for information providers at this stage; and
- .4 the use of any new satellite system, including the VHF Data Exchange System (VDES), for use in the GMDSS, should be recognized by the Organization in accordance with the applicable procedures.

12.27 With regard to options to address cost implications for information providers, the Committee, considering that no concrete proposals had been received on the cost issue, agreed that no further action was needed to address cost implications for information providers at this stage.

Autonomous distress tracking of aircraft in flight

12.28 The Committee endorsed the action taken by NCSR 10 in approving COMSAR.1/Circ.59/Rev.1 on *Guidance for search and rescue services regarding implementation of autonomous distress tracking (ADT) of aircraft in flight*.

ITU matters

12.29 The Committee endorsed the action taken by the Sub-Committee in requesting the Secretariat to convey liaison statements to ITU on (NCSR 10/22/Add.1, annexes 9 to 12):

- .1 protection of maritime safety systems from electromagnetic interference (EMI) emanating from wireless power transmission systems;
- .2 revision of Recommendation ITU-R M.1371-5 on Technical characteristics for an automatic identification system using time-division multiple access in the VHF maritime mobile band;
- .3 EPIRB MMSI-encoding for craft associated with a parent ship; and
- .4 Digital Selective Calling alarms and the Bridge Alert Management.

SAR matters

12.30 The Committee invited Member States, international organizations and other interested parties to consider making contributions to the International SAR Trust Fund.

12.31 The Committee also invited the Technical Cooperation Committee to review the resource allocation for SAR matters in order to ensure that funds were available globally and regionally for SAR capacity-building and training.

Model courses

12.32 The Committee endorsed the action taken by NCSR 10 in discontinuing Model Course 3.08 on Survey of Navigational Aids and Equipment.

Use of hybrid capabilities and remote meetings

12.33 The Committee noted the considerations on the experience of the NCSR Sub-Committee with the use of hybrid capabilities and remote meetings (NCSR 10/22, paragraphs 19.12 to 19.14).

Holistic approach to the human element

12.34 The Committee noted the considerations of NCSR 10 regarding the holistic approach to the human element, in particular:

- .1 the general agreement by the Sub-Committee with the areas on the human element provided in document NCSR 10/21/2 (Secretariat); and
- .2 that, given the broad number of relevant areas under navigation, radiocommunications and search and rescue, more time and specific directions from the Committee would be needed before the Sub-Committee could conduct a more detailed analysis.

12.35 In this regard, the Committee noted that the HTW Sub-Committee, based on the input received from the sub-committees on the holistic approach on the human element, had invited interested Member States and international organizations to submit proposals to a future session of the HTW Sub-Committee and would propose related actions (see paragraph 13.18).

13 IMPLEMENTATION OF IMO INSTRUMENTS (REPORT OF THE NINTH SESSION OF THE SUB-COMMITTEE)

Report of III 9

13.1 The Committee approved, in general, the report of the ninth session of the Sub-Committee on Implementation of IMO Instruments (III 9/19 and MSC 108/13), and took action as indicated below.

Issuance of flag, class and statutory certificates in certain parts of Ukraine temporarily occupied by the Russian Federation

13.2 The Committee noted that the III Sub-Committee had invited interested Member States to submit proposals to MSC 108 for further consideration and possible action in cases where ship certificates were identified as issued by an institution located in the temporarily occupied territories of Ukraine, as proposed in document III 9/2/3 (Ukraine), as appropriate (III 9/19, paragraph 2.9). The Committee also noted that no document had been submitted to this session.

Comprehensive and holistic review of the Casualty Investigation Code

13.3 The Committee noted that the III Sub-Committee, while considering documents III 9/4/5 (INTERCARGO et al.) and III 9/4/8 (Australia et al.), with strong support for a comprehensive and holistic review of the Casualty Investigation Code, had invited interested Member States and international organizations to submit proposals to the Committee for a new output for a comprehensive and holistic review of the Casualty Investigation Code (III 9/19, paragraph 4.10).

III.3 circulars addressing the matters relevant to casualty investigation

13.4 The Committee, having concurred with the decision of MEPC 81 on III.3/Circ.10 and III.3/Circ.11, endorsed the approval of the following III.3 circulars:

- .1 III.3/Circ.10 on *Casualty Analysis and Statistics – Observations on quality of investigation reports*;
- .2 III.3/Circ.11 on *Development of lessons learned by Marine Safety Investigating State*; and
- .3 III.3/Circ.12 on *Casualty investigation questionnaire on fishing vessel collisions (2018-2022)*.

New output on "Development of guidelines addressing risks of falls from height"

13.5 The Committee, taking into account its decision made at MSC 107 that only duly justified urgent proposals for new outputs should be submitted to MSC 108, agreed to defer consideration of the new output on "Development of guidelines addressing risks of falls from height" to MSC 109, and instructed HTW 11 to consider the matter on falls from height under the current agenda item "Comprehensive review of the 1978 STCW Convention and Code" (output 6.17), in particular with respect to the seafarer's training.

Analysis on ISM Code-related concern on unsatisfactory implementation of safety management systems

13.6 The Committee, bearing in mind that the effective implementation of the ISM Code, including the issues raised in document III 9/4, falls under the remit of IMO and these matters should be considered by relevant IMO bodies, agreed to refer the analysis on the ISM Code-related unsatisfactory implementation (III 9/4) to MSC 109 for consideration together with the proposal for a new output on a comprehensive review of the International Safety Management (ISM) Code and related guidelines (MSC 107/17/5 (Norway)), as well as the outcome of the Secretariat's study on the ISM Code and related instruments, and the ILO/IMO Joint Tripartite Working Group.

Assembly resolutions prepared by III 9

13.7 The Committee noted that, as authorized by MSC 106 and MEPC 79, III 9 had prepared draft Assembly resolutions, which had been subsequently adopted by A 33 as listed below:

- .1 *Procedures for port State control, 2023* (resolution A.1185(33));
- .2 *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2023* (resolution A.1186(33));
- .3 *2023 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)* (resolution A.1187(33)); and
- .4 *2023 Guidelines on the implementation of the ISM Code by Administrations* (resolution A.1188(33)).

Guidance addressing the implementation of recurrent references to mandatory IMO instruments by Member States

13.8 The Committee noted that the III Sub-Committee had invited interested Member States to submit proposals to MSC and MEPC for a new output on guidance addressing the implementation of recurrent references to mandatory IMO instruments by Member States based on the analysis of consolidated audit summary reports (CASRs).

Alignment of the Auditor's Manual (Circular Letter No.3425) concerning the phrase "to the satisfaction of the Administration" or equivalent

13.9 The Committee, concurrently with the decision of MEPC 81, endorsed the recommendation of the III Sub-Committee on the need for alignment of the Auditor's Manual (Circular Letter No.3425) with the relevant part of the III Code Implementation Guidance concerning the phrase "to the satisfaction of the Administration" or equivalent, and agreed to provide it as input to the Council's Joint Working Group on the Member State Audit Scheme when revising the Auditor's Manual.

Guidance in relation to the IMO Member State Audit Scheme to assist in the implementation of the III Code by Member States

13.10 The Committee noted that the III Sub-Committee, in line with the report of MSC 106 (MSC 106/19, paragraph 18.35.3), had included in the draft Guidance in relation to the IMO Member State Audit Scheme (IMSAS) to assist in the implementation of the III Code by Member States the text related to factual statements issued by the International Quality Assessment Review Body.

13.11 The Committee also noted that the III Sub-Committee had developed, in the draft Guidance in relation to the IMO Member State Audit Scheme (IMSAS) to assist in the implementation of the III Code by Member States, guidance in relation to the provisions in the various IMO instruments containing the term "to the satisfaction of the Administration", or equivalent.

13.12 Consequently, the Committee, having concurred with the decision of MEPC 81, approved MSC-MEPC.2/Circ.19 on *Guidance in relation to the IMO Member State Audit Scheme (IMSAS) to assist in the implementation of the III Code by Member States*, while noting that the work on output 1.14 "Development of guidance in relation to IMSAS to assist in the implementation of the III Code by Member States" had been completed.

Guidance on remote ISPS Code verifications

13.13 The Committee noted the discussion of the III Sub-Committee regarding whether or not to develop guidance on remote ISPS Code verifications (III 9/19, paragraph 12.16) and its decision that guidance on remote ISPS Code verifications should be developed as instructed by the Committee.

Applicability of the Cape Town Agreement of 2012 to existing vessels

13.14 The Committee noted the discussion of the III Sub-Committee on the applicability of the Cape Town Agreement of 2012 to existing vessels, including the impact on the draft Guidance to assist competent authorities in the implementation of the Cape Town Agreement of 2012, and endorsed its decision to continue developing the draft Guidance on the basis that the Agreement would apply to existing vessels, including the provisions on survey and certification in section 3 of the draft Guidance, pending its consideration of the legal advice provided by the Secretariat.

Experience with the use of hybrid capabilities and remote meetings

13.15 Following the invitation by C 127, the Committee noted the considerations on the experience of the III Sub-Committee with the use of hybrid capabilities and remote meetings (paragraphs 16.10 and 16.11).

Appropriate language applied in ship's certificates

13.16 The Committee recalled that, under various applicable mandatory IMO instruments, certificates and records of equipment shall be drawn up in the form corresponding to the models given in the appendices or in the annexes to these instruments and if the language used was neither English nor French, and under specific requirements Spanish, the text shall include a translation into one of these languages.

13.17 In this regard, the Committee agreed that the language requirements under the different IMO instruments refer to the form of certificates rather than the content of the field concerned; therefore, the names of ships, companies, and addresses should be considered as administrative information and might be in special characters of the national official language of a Member State.

Holistic approach on the human element

13.18 The Committee noted the considerations of the III Sub-Committee with regard to the holistic approach on the human element on matters under the Sub-Committee's remit, in particular the general agreement with the areas on the human element provided in document III 9/18/2 (Secretariat) (see paragraph 12.35).

14 CARRIAGE OF CARGOES AND CONTAINERS

Report of CCC 9

14.1 The Committee approved, in general, the report of the ninth session of the Sub-Committee on Carriage of Cargoes and Containers (CCC) (CCC 9/14 and MSC 108/14) and took action as indicated below.

Updated work plan for the development of new alternative fuels

14.2 The Committee endorsed the updated work plan for the development of new alternative fuels, as contained in annex 1 to document CCC 9/14.

Intersessional Working Group on Development of Technical Provisions for Safety of Ships Using Alternative Fuels

14.3 The Committee approved, subject to the endorsement by the Council, a meeting of the Intersessional Working Group on Development of Technical Provisions for Safety of Ships Using Alternative Fuels (ISWG-AF), from 9 to 13 September 2024, immediately prior to CCC 10. In this context, the Committee recalled that MSC 107, when approving 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", had agreed 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 (MSC 107/20, paragraph 17.4.4) (see also paragraph 18.27.2).

14.4 The Committee also approved the associated terms of reference, as set out in annex 2 to document CCC 9/14, with a slight modification to the chapeau, in order to allow specifically ISWG-AF to consider relevant documents submitted to CCC 10, to read as follows:

"The Working Group is instructed, taking into account the comments and decisions made at CCC 9 and MSC 108, as well as documents submitted to ISWG-AF and relevant documents submitted to CCC 10, to:"

Draft amendments to the IGF Code

14.5 The Committee approved draft amendments to the IGF Code, 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 109. In approving the draft amendments, the Committee noted that the amendments to the IGF Code adopted under agenda item 3 (see paragraph 3.74) contained an amendment to 11.3.1 of the IGF Code, with an application date for ships constructed on or after 1 January 2026; whereas the draft amendments planned to be approved under this agenda item at this session contained a similar amendment to 11.3.1 of the IGF Code, with an application date for ships constructed on or after 1 January 2028. In this context, the Committee deemed the draft amendment to 11.3.1 of the IGF Code, planned to be approved under this agenda item, to be superfluous, taking into account the above-mentioned amendments adopted under agenda item 3. Therefore, the Committee agreed to delete the draft amendment to 11.3.1 of the IGF Code from the draft amendments approved at this session.

Application of high manganese austenitic steel for cryogenic service

14.6 With regard to the application of high manganese austenitic steel for cryogenic service, the Committee approved:

- .1 MSC.1/Circ.1622/Rev.1 on *Revised guidelines for the acceptance of alternative metallic materials for cryogenic service in ships carrying liquefied gases in bulk and ships using gases or other low-flashpoint fuels* (MSC.1/Circ.1622); and
- .2 MSC.1/Circ.1599/Rev.3 on *Revised guidelines on the application of high manganese austenitic steel for cryogenic service* (MSC.1/Circ.1599/Rev.2).

Interim guidelines for use of LPG cargo as fuel

14.7 The Committee approved MSC.1/Circ.1679 on *Interim guidelines for use of LPG cargo as fuel*.

Application of the new IGC Code amendments and the current scope of the output

14.8 The Committee noted the deliberations of the Sub-Committee with regard to the application of the new IGC Code amendments and that the current scope of the output might need to be revisited, subject to the outcome of the consideration of this matter.

Cargo information to be provided by the shipper and sample cargo declaration

14.9 The Committee noted the deliberations of the Sub-Committee on document CCC 9/5/10 (China), concerning a proposal to amend paragraph 4.2 of the IMSBC Code regarding the cargo information to be provided by the shipper and sample cargo declaration; and the invitation to interested Member States and international organizations to submit a proposal to the Committee for a new output.

Draft amendments to the IMDG Code and related recommendations and circulars

14.10 The Committee recalled that it had considered the draft amendments (42-24) to the IMDG Code (MSC 108/3/1) and related recommendations and circulars, as finalized by E&T 39 directly after CCC 9, under agenda item 3 (see paragraphs 3.35 to 3.37).

Revised interim recommendations for carriage of liquefied hydrogen in bulk

14.11 The Committee adopted resolution MSC.565(108) on *Revised interim recommendations for carriage of liquefied hydrogen in bulk*, as set out in annex 20.

14.12 The Committee also considered the following documents related to this matter:

- .1 MSC 108/14/2 (Republic of Korea), introducing concepts and safety requirements for a newly developed liquefied hydrogen cargo containment system, aiming to contribute to the interim recommendations for the transportation of liquefied hydrogen; and proposing to continue the discussion on the interim recommendations to incorporate emerging technologies in liquefied hydrogen cargo containment systems; and
- .2 MSC 108/INF.20 (Republic of Korea), providing additional information on the concept and safety measures of a prismatic cargo containment system under development in the Republic of Korea, which utilizes vacuum insulation panels, related to document MSC 108/14/2.

14.13 Following the discussion, the Committee noted the following views expressed on documents MSC 108/14/2 and MSC 108/INF.20:

- .1 in order to incorporate emerging technologies in liquefied hydrogen cargo containment systems, the output on "Revision of the Interim recommendations for carriage of liquefied hydrogen in bulk" should be included in the provisional agenda for CCC 10, and the target completion year should be extended to 2025;
- .2 new technologies and concepts would require specific regulations. There is a risk related to amending the existing tank concepts and requirements. In this regard, part F, paragraph 4.27 of the IGC Code concerning cargo containment systems of novel configuration, as well as appendix 5 of the Code, are applicable; and this issue should be further considered by the CCC Sub-Committee; and
- .3 there would be relatively little time for submitting documents to CCC 10, the deadlines for bulky and non-bulky documents being 14 June and 12 July 2024, respectively.

14.14 After consideration, the Committee agreed to reinstate the output on "Revision of the Interim recommendations for carriage of liquefied hydrogen in bulk" in the provisional agenda for CCC 10 and to extend the target completion year to 2026 (see paragraph 18.18).

Implementation of the ISM Code in relation to ensuring the safety of enclosed space entry

14.15 The Committee noted that the proper implementation of the ISM Code, in particular an effective implementation of resolution A.1050(27) on *Revised recommendations for entering enclosed spaces*, through the Safety Management System, was crucial to ensure the safety of enclosed space entry.

Safe use of onboard carbon capture and storage

14.16 The Committee noted the invitation to interested Member States and international organizations to consider a submission on the safe use of onboard carbon capture and storage to a future session of the Committee. In this context, the Committee also noted that document MSC 108/5/1 (Republic of Korea) had been considered under agenda item 5 (see paragraphs 5.10 to 5.12, 5.34 and 5.35).

Use of ammonia cargo as fuel

14.17 The Committee recalled that CCC 9 had noted the discussion and progress made by the Working Group on Amendments to the IGF Code and Review of the IGC Code-related to the draft amendments to the IGC Code, for finalization at CCC 10, with a view to approval at MSC 109 and subsequent adoption at MSC 110, with a view to entry into force on 1 January 2028 (CCC 9/14, paragraph 4.24; and CCC 9/WP.4, paragraphs 4.1 to 4.12 and annex 2).

14.18 The Committee considered document MSC 108/14/1 (Belgium et al.), proposing to move forward the timeline for entry into force of the draft amendment to paragraph 16.9.2 of the IGC Code, set out in annex 2 to document CCC 9/WP.4, through approval of the draft amendment at this session and adoption at MSC 109; for earlier entry into force of the amendment (1 July 2026), as an exceptional circumstance defined in MSC.1/Circ.1481; and to issue an MSC circular inviting voluntary implementation of the amendment at MSC 109, based on MSC.1/Circ.1565.

14.19 Following the discussion, the Committee noted the following views expressed on this matter:

- .1 the usual process in this regard had been that guidelines had been developed before legally mandatory provisions had entered into force. This had been beneficial for the industry. In this case, the entry-into-force date of the draft amendments to the IGC Code was planned for 1 January 2028 with a view to allowing enough time to develop the necessary guidelines;
- .2 the proposals in document MSC 108/14/1 could be supported. The proposed amendment for early entry into force only addressed the specific arrangement for fuel supply system and no other possible arrangements. Therefore, relevant consideration of arrangements for other types of tanks should be carried out with a view to reporting to MSC 109, as an urgent matter;
- .3 taking into account the need to reduce GHG emissions from shipping, agreeing to the proposals in document MSC 108/14/1 was urgent because there was currently a specific prohibition in the IGC Code. The prohibition of the use of ammonia cargo as fuel was unjustified for gas carriers and posed a safety risk. The amendments should apply to new and existing ships;
- .4 instead of issuing a separate circular for voluntary early implementation, another possibility would be to include a similar reference in the resolution containing the amendments, to be adopted at MSC 109; and
- .5 the proposals in document MSC 108/14/1 could be supported while acknowledging that CCC 10 was expected to finalize the draft guidelines for ships other than gas carriers, using ammonia as fuel. The main difference

with regard to the use of ammonia as fuel, as opposed to the use of ammonia cargo as fuel was related to storage. The guidelines for ships other than gas carriers using ammonia as fuel should be finalized first. Thereafter, guidelines for the use of ammonia cargo as fuel should be developed, taking into account the former guidelines.

14.20 After consideration, based on the proposal in the annex to document MSC 108/14/1, the Committee approved draft amendments to the IGC Code, as set out in annex 21, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 109, and entry into force on 1 July 2026, together with an MSC circular on the early implementation of the draft amendments to be issued at MSC 109. As an alternative to an MSC circular, MSC 109 could consider including an invitation for early implementation in the resolution containing the aforementioned amendments.

15 SHIP DESIGN AND CONSTRUCTION

15.1 The Committee approved, in general, the report of the tenth session of the Sub-Committee on Ship Design and Construction (SDC) (SDC 10/17 and MSC 108/15/Rev.1) and took action as indicated below.

Draft SOLAS regulation II-1/3-4 (Emergency towing arrangements on ships other than tankers)

15.2 The Committee noted that SDC 10 had considered the format of the application date for the approved draft amendments to SOLAS regulation II-1/3-4 (MSC 108/3, annex 1) and while not using the criteria based on three dates or the keel laying date based on a single date, SDC 10 had not supported any changes to the approved draft application date (see paragraph 3.69) under which the Committee had adopted amendments to SOLAS regulation II-1/3-4.

Development of guidelines for emergency towing arrangements for ships other than tankers

15.3 The Committee, in considering the request of SDC 10 to expand output 2.20 on "Development of Guidelines for emergency towing arrangements for ships other than tankers", recalled that MSC 107 had agreed, based on a proposal (MSC 107/17/3) to align the *Revised guidance on shipboard towing and mooring equipment* (MSC.1/Circ.1175/Rev.1) with updated industry standards, to place the output on "Revision of appendices A and B of the Revised guidance on shipboard towing and mooring equipment (MSC.1/Circ.1175/Rev.1)" on its post-biennial agenda.

15.4 Subsequently, the Committee agreed to the expansion of output 2.20 by moving the output on the "Revision of appendices A and B of the Revised guidance on shipboard towing and mooring equipment (MSC.1/Circ.1175/Rev.1)" from the Committee's post-biennial agenda and including it under existing output 2.20, i.e. to incorporate draft amendments to MSC.1/Circ.1175/Rev.1 deriving from the update of IACS UR A2 and Recommendation No.10.

Amendments to the 2011 ESP Code

15.5 The Committee noted that SDC 10 had agreed to develop draft amendments to the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code) to permit the use of remote inspection techniques (RIT) for the close-up survey of the structure of ships during surveys, as well as to develop related guidelines on RIT under the ESP Code.

15.6 In connection with the above, the Committee agreed to inform the III Sub-Committee on the work of the SDC Sub-Committee on RIT, bearing in mind that the former was working on the "Development of guidance on assessment and applications of remote surveys, ISM Code audits and ISPS Code verifications".

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

15.7 The Committee considered the draft new appendix 6 to the *Revised guidelines on alternative design and arrangements for SOLAS chapters II-1 and III* (MSC.1/Circ.1212/Rev.1), containing goals, functional requirements and expected performances for SOLAS chapter II-1, parts C, D and E.

15.8 Following consideration, the Committee approved MSC.1/Circ.1212/Rev.2 on *Revised guidelines on alternative design and arrangements for SOLAS chapters II-1 and III*.

Unified interpretation of SOLAS regulations II-1/3-6, 25 and 25-1, and XII/12

15.9 The Committee approved MSC.1/Circ.1572/Rev.2 on *Unified interpretations of SOLAS chapters II-1 and XII, of the Technical provisions for means of access for inspections* (resolution MSC.158(78)) *and of the Performance standards for water level detectors on ships subject to SOLAS regulations II-1/25 and 25 1, and XII/12* (resolution MSC.188(79)/Rev.2), as prepared by SDC 10 based on:

- .1 performance standards for water level detectors following adoption of resolution MSC.188(79)/Rev.2; and
- .2 unified interpretation of SOLAS regulation II-1/3-6, paragraph 2.3, recommending annual, instead of periodical, inspections by crew or competent inspectors for means of access arrangements, including portable equipment and attachments.

Unified interpretation of SOLAS regulations XV/3.2, 3.3 and 5.1

15.10 The Committee approved MSC.1/Circ.1680 on *Unified interpretations of SOLAS regulation XV/5.1 and paragraph 3.5 of part 1 of the International Code of Safety for Ships Carrying Industrial Personnel (IP Code) on the harmonization of the Industrial Personnel Safety Certificate with SOLAS safety certificates*, providing specific guidance on the initial and maintenance surveys, as required in SOLAS regulations XV/3.2, 3.3 and 5.1.

Unified interpretations of the Code on Noise Levels on Board Ships (resolution MSC.337(91))

15.11 The Committee approved MSC.1/Circ.1509/Rev.1 on *Unified interpretations of the Code on Noise Levels on Board Ships* (resolution MSC.337(91)), clarifying the standards against which sound level meters and their accompanying field calibrator need to be certified.

Unified interpretation of SOLAS regulations II-2/9 and 13

15.12 The Committee approved MSC.1/Circ.1511/Rev.1 on *Unified interpretations of SOLAS regulations II-2/9 and 13*, outlining that steering gear spaces were to be regarded as a "safe position" under the means of escape from machinery spaces (SOLAS regulations II- 2/9 and 13).

Alternative roll period formula used for second generation intact stability criteria

15.13 The Committee noted that in connection with the application of the *Interim guidelines on the second generation intact stability criteria* (MSC.1/Circ.1627), the roll period formula in the weather criterion was not suitable for ships longer than 140 metres.

15.14 In addition to the above, the Committee also noted the information provided in document MSC 108/INF.7 (Japan), which had been submitted in response to the discussion at SDC 10 on the container loss accident of **MV Maersk Essen** due to parametric rolling (SDC 10/16 (Denmark and WSC)), and providing information on an alternative roll period formula used for second generation intact stability criteria.

15.15 The Committee further noted the view expressed by one delegation that the method described in document MSC 108/INF.7 was based on one specific type of ship and the method should not, therefore, be applied to other types of ship without additional thorough analysis, especially for types where the roll period is much less related to the draught.

Correction to the *Explanatory notes to the Interim guidelines on second generation intact stability criteria* (MSC.1/Circ.1652)

15.16 The Committee concurred with the request of SDC 10 to the Secretariat to incorporate typographical errors in the *Explanatory notes to the Interim guidelines on second generation intact stability criteria* (MSC.1/Circ.1652), as contained in paragraph 4 of document SDC 10/INF.9 (Japan).

Challenges in designing ships for alternative fuels

15.17 As referred by SDC 10, the Committee considered document SDC 10/16/1 (Saudi Arabia) under the output on "Development of a safety regulatory framework to support the reduction of GHG emissions from ships using new technologies and alternative fuels" (agenda item 5) (see paragraphs 5.23 and 5.36).

Safety measures for non-SOLAS ships operating in polar waters

15.18 The Committee considered document MSC 108/15/1 (WWF), providing more detailed information in response to the discussion at SDC 10, on the number and types of ships under 500 gross tonnage (GT) operating in Arctic waters and the intention of WWF to provide MSC 109 with additional information to that contained in document SDC 10/16/2, in particular the outcome of the review of the data of pleasure yachts engaged in trade and cargo ships of 300 GT and over, and under 500 GT, for a number of years, and also on incidents and accidents involving these vessels operating in the Arctic.

15.19 In this context, the Committee recalled that, after SDC 9 had recognized the importance of establishing a robust regime for all vessels entering polar waters, but also noting the lack of data on traffic of smaller vessels in polar waters, MSC 107 had agreed with the Sub-Committee to place this output on its post-biennial agenda to allow more time for collecting relevant information, so that work could resume in the future.

15.20 Subsequently, the Committee noted the intention of WWF to invite MSC 109 to consider moving the output from the post-biennial agenda to the provisional agenda of the SDC Sub-Committee.

15.21 The delegation of Argentina, in response to the aforementioned proposal, referred to resolution 5 (2010) of the Antarctic Treaty Consultative Meeting (ATCM XXXIII) on *Co-ordination among Antarctic Treaty Parties on Antarctic proposals under consideration in the IMO*, which set out the applicable procedure when ATCM Parties initiated a proposal to the ATCM that resulted in a referral by the ATCM to IMO, concerning matters relevant to the Antarctic Treaty area. The delegation expressed its support for the consideration of the post-biennial output on "Safety measures for non-SOLAS ships operating in polar waters" at MSC 109, to be considered also by the ATCM beforehand.

15.22 In response to the information provided by Argentina, the Committee agreed to inform the ATCM Secretariat of the discussion on this matter, for appropriate consideration and action, as appropriate.

16 HUMAN ELEMENT, TRAINING AND WATCHKEEPING

Report of HTW 10

16.1 The Committee approved, in general, the report of the tenth session of the Sub-Committee on Human Element, Training and Watchkeeping (HTW 10/10 and MSC 108/16), and took action as indicated below.

Evaluation and implementation of the Polar Code

16.2 The Committee noted relevant recommendations set out in paragraph 4.2 of document HTW 10/6/8, with regard to the evaluation and implementation of the Polar Code (HTW 10/10, paragraph 6.34.1).

Launch of the new STCW GISIS module

16.3 The Committee noted the actions taken by the Sub-Committee in relation to the launch of the new STCW GISIS module and the agreed trial period of two years. In this context, the Committee also noted the information provided orally by the Secretariat that the new STCW GISIS module was operative with the following functionalities, and that its launch had been communicated through Circular Letter No.4864 of 13 May 2024:

- .1 STCW focal points;
- .2 initial communication of information (articles IV(1) and section A-I/7, paragraph 2);
- .3 subsequent reports (article IX(2) and section A-I/7, paragraphs 3 to 5);
- .4 list of competent persons (section A-I/7, paragraph 7, MSC.1/Circ.797 series and Circular Letter No.1882);
- .5 dispensations (article VIII(3));
- .6 fraudulent certificates (regulation I/5, MSC 83/28, paragraph 12.2 and STW 38/17, annex 1);
- .7 simulators (regulation I/12);
- .8 Parties, the Certificates of which are recognized in compliance with regulation I/10; and

- .9 the certificate verification facility.

16.4 In this connection, the Committee invited Member States to utilize the new STCW GISIS module and provide feedback to the Secretariat, with a view to improvement during the trial and to use the newly established proxy email, i.e. stcwcom@imo.org, for all future communications concerning the areas addressed in the GISIS module.

Comprehensive review of the STCW Convention and Code

16.5 The Committee approved:

- .1 the list of specific areas for the comprehensive review of the STCW Convention and Code, (HTW 10/10, annex 4) (see also paragraphs 16.9.1.1 and 16.14);
- .2 the methodology for the comprehensive review of the STCW Convention and Code (HTW 10/10, annex 5); and
- .3 the road map for the comprehensive review of the STCW Convention and Code (HTW 10/10, annex 6).

Prevention of fraudulent certificates

16.6 The Committee had for its consideration the following documents:

- .1 MSC 108/16/3 (Bangladesh), providing information on measures adopted by Bangladesh for the prevention of fraudulent certificates, including regulatory and enforcement mechanisms, as well as proposals to develop appropriate strategies and methodologies to facilitate the eradication or minimization of these fraudulent activities; and
- .2 MSC 108/16/4 (Austria et al.), highlighting the negative consequences of fraudulent certificates of competency and proficiency, and requesting consideration of measures to address them.

16.7 During the consideration of the above-mentioned documents, the following views were expressed:

- .1 fraudulent certificates of competency and proficiency for seafarers posed an unacceptable risk to safety, security and the marine environment;
- .2 the issuance of fraudulent certificates was difficult to address due to the fact that these were in many cases issued in locations outside of the jurisdiction of the Party concerned, and the holders might reside in a country other than the one where the certificate was provided;
- .3 the information provided in the reports on unlawful practices associated with certificates of competency under the standing agenda item of the HTW Sub-Committee should be expanded, including matters such as the actions taken by the relevant parties to respond and prevent such cases;
- .4 the digitalization of seafarers' certificates and the associated security measures should help identify and tackle unlawful practices;

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- .5 cooperation and coordination by Member States and other relevant stakeholders were necessary to provide an effective response to the issue of fraudulent certificates;
 - .6 the issues raised in documents MSC 108/16/3 and MSC 108/16/14 should be further considered by the HTW Sub-Committee, in particular on the development of appropriate strategies and methodologies to prevent fraudulent activities associated with seafarers' certificates;
 - .7 resolution A.1142(31) on *Measures to prevent the fraudulent registration and fraudulent registries of ships* and resolution A.1162(32) on *Encouragement of Member States and all relevant stakeholders to promote actions for the prevention and suppression of fraudulent registration and fraudulent registries and other fraudulent acts in the maritime sector*, together with the ongoing work under the Legal Committee, should be taken into account in the consideration of future measures to address the issue;
 - .8 the reporting functionality for fraudulent certificates under the new STCW GISIS module was welcomed and the Secretariat should consider its expansion to cover other unlawful practices concerning seafarers' certificates and enable exchange of information, in particular with PSC regimes; and
 - .9 the reports submitted to the HTW Sub-Committee at all its sessions, should be complemented by the Secretariat with comments or recommendations with respect to the information received by Parties and not only reflect them in the document. It would be beneficial to have these recommendations/comments added in the next report for HTW 11.

16.8 In this regard, the Committee also noted information orally provided by the Chair of the HTW Sub-Committee concerning HTW 10's considerations under its agenda item on "Reports on unlawful practices associated with certificates of competency", in particular on the issue of fraudulent endorsements raised in document HTW 10/5 (Japan, Panama and the Philippines), their proliferation and the need for a broader range of actions by STCW Parties to tackle this issue.

16.9 Acknowledging the importance of developing strategies and measures to be implemented by relevant parties to prevent and address these unlawful practices; and noting that those should focus on identification of mechanisms, enforcement of appropriate measures under STCW regulation I/5 (National provisions) and cooperation among STCW Parties, the Committee:

- .1 instructed the HTW Sub-Committee to consider, during the comprehensive review of the STCW Convention and Code, measures to increase:
 - .1 awareness, detection, information-sharing and prosecution of fraudulent activities concerning certificates, and agreed to include this matter in the list of specific areas for the comprehensive review of the STCW Convention and Code (see also paragraph 16.5 above); and
 - .2 cooperation between Parties for the detection and prosecution of fraudulent activities concerning certificates;

- .2 invited the LEG Committee to consider measures to improve cooperation between Parties to detect and prevent unlawful practices and prosecute anyone responsible for selling and/or issuing fraudulent certificates, including through cooperation between national law enforcement agencies, for advice to the HTW Sub-Committee; and
- .3 noting that the new STCW GISIS module included a reporting functionality for unlawful practices concerning seafarers' certificates, instructed the HTW Sub-Committee to consider how to exchange this information between the GISIS module and port State control regimes to facilitate identification of these practices.

Report of the second meeting of the Joint ILO/IMO Tripartite Working Group to Identify and Address Seafarers' Issues and the Human Element (JTWG)

16.10 The Committee approved, in general, the report of the JTWG 2 (MSC 108/16/1), and took action as indicated below.

Use of the terminology

16.11 The Committee endorsed the use of the terminology "violence and harassment, including sexual harassment, bullying and sexual assault" in relevant IMO instruments and guidance, as appropriate, with an associated reference to the definition of "violence and harassment" in the ILO Violence and Harassment Convention, 2019 (No.190) (ILO/IMO JTWG-SIHE 2/6, paragraph 3.5).

Actions requested in relation to the ISM Code

16.12 The Committee recalled that MSC 107 had agreed to keep the proposal for a new output on a comprehensive review of the International Safety Management (ISM) Code and related guidelines 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 JTWG were available.

16.13 In this context, the Committee agreed to defer consideration of the actions requested in paragraphs 2.2 and 2.3 of document MSC 108/16/1, concerning recommendations in the context of the ISM Code and its implementation, to MSC 109, together with the consideration of the proposal for a new output on the comprehensive review of the ISM Code and related guidelines (MSC 107/17/5), as well as the final report of the ISM Study commissioned by the Secretariat (see paragraph 16.26).

Inclusion of a requirement in STCW regulation I/5 (National provisions)

16.14 The Committee instructed the HTW Sub-Committee to consider the proposal in paragraph 14.2 of document ILO/IMO JTWG-SIHE 2/3/1, on the inclusion of a requirement in STCW regulation I/5 (National provisions) to take action in case of sexual assault, in the context of the comprehensive review of the STCW Convention and Code, and agreed to include this matter in the list of specific areas for the comprehensive review of the STCW Convention and Code (see paragraph 16.5).

Amendments to the International Medical Guide for Ships, 3rd edition

16.15 The Committee requested the Secretariat to coordinate with the WHO Secretariat, when amending the *International Medical Guide for Ships, 3rd edition*, the consideration of the actions taken as a result of the recommendations of the JTWG, noting that relevant industry and national medical guidelines or provisions should also be revised, accordingly.

Launching of awareness campaigns

16.16 The Committee requested the ILO and IMO Secretariats to coordinate the launching of an international campaign, with the support of ILO and IMO Member States, seafarers, shipowners, and governmental and non-governmental organizations, to raise awareness on the addressing of violence and harassment in the maritime sector, including sexual harassment, bullying and sexual assault, as a multilevel approach.

16.17 Furthermore, the Committee encouraged Governments to launch national campaigns, which should be organized by Administrations, in collaboration with social partners and other national organizations.

16.18 Finally, the Committee invited all stakeholders to consider supporting by means of funding and/or other resources the ILO and IMO Secretariats in relation to the arrangements for the campaign(s).

16.19 In this context, the Committee noted the statement by the delegation of the EC welcoming the recommendation by the JTWG on the launch of an international campaign and that the EC stood ready to consider funding a project aimed at raising awareness and providing training to tackle violence and harassment, including sexual harassment, bullying and sexual assault on board ships.

Facilitation of the collection of relevant data

16.20 The Committee requested the IMO and ILO Secretariats to continue their work on potential ways for collecting data in an appropriate manner, taking into account the concerns expressed by the JTWG; and encouraged Governments, seafarers, shipowners and all stakeholders to consider collectively in future meetings how to collect data holistically, with every necessary safeguard.

Draft amendments to table A-VI/1-4 of the STCW Code

16.21 The Committee recalled that the draft amendments to table A-VI/1-4 of the STCW Code had been dealt with under agenda item 3 (see paragraphs 3.44 to 3.48, 3.88 and 3.89).

Coordinated recommendations to the ILO Governing Body

16.22 The Committee noted that the JTWG also provided coordinated recommendations to the ILO Governing Body with regard to use of the terminology; the consideration of elements for possible amendments to the MLC, 2006 and the International Medical Guide for Ships, 3rd edition; the launching of awareness campaigns; and the collection of relevant data (ILO/IMO JTWG-SIHE 2/6, paragraph 6.2).

Recommendations to ITF and ICS

16.23 The Committee noted that the JTWG recommended that ITF and ICS carry out a review of their *Guidance on eliminating shipboard harassment and bullying, 2016*, and update

it, as necessary, in accordance with the actions taken by IMO and ILO bodies as a result of the recommendations emanating from the JTWG (ILO/IMO JTWG-SIHE 2/6, paragraph 6.3).

Expression of appreciation

16.24 The Committee expressed appreciation to:

- .1 the social partners representing seafarers and shipowners, and both governments' representatives and observers attending the meeting, in particular the Vice-Chairpersons of the JTWG, Mr. Vusi September (South Africa) for the Governments' Group, as well as Mr. Tim Springett for the Shipowners' Group and Mr. Danny McGowan for the Seafarers' Group, for their leadership and contributions to the JTWG; and
- .2 the joint ILO/IMO Secretariat, for their excellent work to support the JTWG, especially Mr. Brandt Wagner (ILO Secretariat), who had retired on the last day of the JTWG, i.e. 29 February 2024, for his invaluable contribution to improving the working and living conditions of maritime personnel, and wished him a long and happy retirement.

Statement by the delegation of Republic of Korea

16.25 The Committee noted the statement by the delegation of the Republic of Korea about their domestic experience on the seafarers' human rights education, including issues related to sexual assault and sexual harassment for seafarers and shipping company personnel in charge of human resources matters. Furthermore, the delegation of the Republic of Korea stated that additional measures were required to support the implementation of the ISM Code in order to prevent violence and harassment, including sexual harassment, bullying and sexual assault and it should be further considered by the HTW Sub-Committee and other relevant bodies.

Progress report on the ISM Code study

16.26 The Committee noted the information in document MSC 108/INF.4 (Secretariat), providing a progress report on the Study on the effectiveness and effective implementation of the International Safety Management (ISM) Code, in particular, informing that the final report of the Study, with proposed recommendations, was expected to be submitted to MSC 109 for consideration and action, as appropriate.

Secretary-General's reports pursuant to STCW regulations

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

16.27 The Committee considered the reports for Cyprus, Ghana, Ireland, the Marshall Islands, Norway, Palau, the Philippines, Spain and Sweden, as set out in document MSC 108/WP.2; 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.28.

16.28 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, and also encouraged them to do it by using the STCW GISIS module (see paragraphs 16.3 and 16.4).

Approval of competent persons

16.29 The Committee considered document MSC 108/16/2 (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 to be withdrawn from the list.

16.30 Following consideration, the Committee:

- .1 approved the inclusion of 22 competent persons recommended by two Parties in the *List of competent persons maintained by the Secretary-General pursuant to section A-I/7 of the STCW Code* (MSC.1/Circ.797/Rev.39) and requested the Secretariat to issue the revised list by means of MSC.1/Circ.797/Rev.40;
- .2 noted the competent persons who had been withdrawn from the list by four STCW Parties;
- .3 having noted the concerns expressed by the delegation of Cyprus that there was some inaccurate information in the current list of competent persons, emphasized the need for 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 effective implementation of the provisions of the STCW Convention through the new GISIS module (see paragraphs 16.3 and 16.4).

16.31 Having noted that the new GISIS module covers the function of the list of competent persons maintained by the Secretary-General pursuant to section A-I/7 of the STCW Code, the Committee agreed that MSC.1/Circ.797 series would be replaced by this function in the GISIS module, at a future stage.

17 APPLICATION OF THE COMMITTEE'S METHOD OF WORK

17.1 The Committee recalled that MSC 107 and MEPC 80 had concurrently approved amendments to the *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, disseminated as MSC-MEPC.1/Circ.5/Rev.5, incorporating efficiency measures first introduced during the COVID-19 pandemic when holding remote meetings.

17.2 The Committee recalled also that MSC 107 had agreed to discontinue the practice of taking decisions by correspondence.

Capacity-building implications

17.3 The Committee considered document MSC 108/17 (Chair) concerning the assessment of capacity-building implications and proposing to amend the procedure in the checklist contained in the Committees' method of work (MSC-MEPC.1/Circ.5/Rev.5, annexes 1 and 2), as well as the *Guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments* (annex 2 MSC.1/Circ.1500/Rev.2, annex 2).

Proposed changes in annex 1 to the Committees' method of work

17.4 Regarding the changes proposed to annex 1 of the Committees' method of work (MSC-MEPC.1/Circ.5/Rev.5), on the *Information required in submissions of proposals for inclusion of an output*, the Committee noted, inter alia, the following views:

- .1 some clarification might be needed as to how a submitter of a proposal should conduct the assessment of capacity-building of a proposal; and
- .2 the needs of capacity-building of Administrations were those to be assessed in the submission of proposals, for example the importance of capacity-building in developing countries on cybersecurity, as identified in the discussion on the revision of the *Guidelines on Maritime Cyber Risk Management* (MSC-FAL.1/Circ.3/Rev.2) under agenda item 6 (see paragraph 6.4.7).

17.5 Following the discussion, the Committee, taking into account the views and comments expressed, agreed that paragraph 4 of annex 1 to the Committees' method of work on the *Information required in submissions of proposals for inclusion of an output*, should be amended to include capacity-building implications, as set out in annex 22.

Proposed changes of annex 2 to the Committees' method of work

17.6 Regarding the changes proposed to annex 2 of the Committees' method of work (MSC-MEPC.1/Circ.5/Rev.5) on *Procedures for assessing capacity-building requirements when developing new, or amending existing, mandatory instruments*, the Committee noted that the proposed new paragraph 4.3 in annex 2 of MSC-MEPC.1/Circ.5/Rev.5 was aimed to ensure that industry had the opportunity to raise concerns about the implementation of new measures in the regular meetings of sub-committees or working groups.

17.7 The Committee, taking into account the views and comments expressed, agreed that annex 2 of the Committees' method of work on *Procedures for assessing capacity-building requirements when developing new, or amending existing, mandatory instruments* should be amended, as set out in annex 22.

17.8 Having approved draft amendments regarding the assessment of capacity-building implications in annexes 1 and 2 to the Committees' method of work, the Committee agreed to apply them as from MSC 109, and to advise MEPC 82 accordingly.

17.9 Having noted that resolution A.1174(33) on the Application of the Strategic Plan of the Organization had revoked previous resolution A.1130(30) and that FAL 48 (FAL 48/20, paragraph 16.7) and LEG 111 (LEG 111/WP.1, paragraph 11.12) had agreed to replace reference to "resolution A.1130(30)" with "resolution A.1174(33)" in their Method of work, respectively, the Committee agreed to amend the Committee's method of work accordingly.

17.10 The Committee agreed to issue the revised version of the Committees' method of work (MSC-MEPC.1/Circ.5/Rev.6), following consideration of the outcome of the considerations by the Working Group on Workload of the Committee by MSC 109 (see paragraph 19.9), and subject to the concurrent approval of the amendments by MEPC 83.

Proposed changes to the Guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments (MSC.1/Circ.1500/Rev.2)

17.11 Recognizing that the modifications concerning the assessment of capacity-building of a proposal to be included in the Committees' method of work also impacted

MSC.1/Circ.1500/Rev.2, the Committee approved the consequent revision of the *Guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1500/Rev.3).

Rules of Procedure of the Committee

17.12 Having recalled that MSC 98 had adopted the revised Rules of Procedure of the Maritime Safety Committee and that C 129 had requested the committees to inform C 132 of the outcome of the review of their respective rules of procedure, the Committee noted that:

- .1 MEPC 81 had agreed to inform C 132 that no comments had been made at that session about the harmonization of the rules of procedure, including the integration of rules relating to the use of hybrid meeting capabilities, and that it had noted that any comments could be submitted directly to C 132, to be taken into account in the work of the Council Working Group on Council Reform; and
- .2 FAL 48 and LEG 111 agreed a similar decision as MEPC 81 and that LEG 111 also recommended that the Council also include rules on the use of hybrid meeting capabilities in its rules of procedure and in its ongoing efforts at harmonizing the rules of procedure of the organs of the Organization.

17.13 In the ensuing discussion, the Committee noted that there might be a need to develop guidance to facilitate hybrid sessions or potential amendments to the existing Rules of Procedure and the method of work in due time.

17.14 Following consideration, the Committee, having noted the decisions taken by MEPC 81 and FAL 48 with regard to the harmonization of the rules of procedure, agreed to recommend that the Council include rules on the use of hybrid meeting capabilities in its rules of procedure.

18 WORK PROGRAMME

Background

18.1 The Committee recalled that MSC 107 (MSC 107/20, paragraph 17.69), taking into account the ongoing and prospective high workload of the Committee and having noted the overwhelming support for a proposal by the Chair to conduct a holistic review of the workload of the Committee and sub-committees at MSC 108, had agreed:

- .1 to consider and address the workload of the Committee and sub-committees at MSC 108, to be undertaken taking into account the lessons learned from similar exercises conducted in the past and any budgetary implications;
- .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.

18.2 In this regard, the Committee noted that three documents containing proposals for new outputs were submitted to this session of the Committee but, based on the aforementioned agreement at MSC 107, none of them was considered urgent by the Chair and, therefore, their consideration was deferred to a future session.

18.3 In this connection, the Committee agreed to extend the moratorium introduced at MSC 108 on submissions of proposals for new outputs until MSC 109 in order to enable further consideration of the workload of the Committee and sub-committees. In this context, the Committee also agreed that only duly justified urgent proposals for new outputs should be considered at MSC 109, subject to prior assessment of all new proposals, including those referred to in paragraph 18.2 and by the sub-committees, as appropriate.

Workload of the Committee and its subsidiary bodies

18.4 The Committee considered document MSC 108/18 (Chair) and noted the outcome of the assessment conducted by the Chair, in consultation with the Secretariat, on the workload of the Committee and its subsidiary bodies, along with related recommendations.

18.5 In considering the matter, the Committee agreed to take into account the workload-related elements presented in documents MSC 108/19/3 (IACS) and MSC 108/19/5 (Finland), based on the outcome of considerations under agenda item 19 concerning the approval of IMO unified interpretations (see paragraphs 19.1 to 19.11).

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

- .1 the decision on the acceptance or rejection of proposals for new outputs was the prerogative of the Committee thus, the recommended new advisory standing body (MSC 108/18, paragraph 40.1) should only undertake an assessment of proposals for new outputs in a transparent manner, including time frames and work involved, ensuring compliance with relevant procedures, taking into account the Committees' method of work, with a view to facilitating considerations and final decision by the Committee on those proposals;
- .2 if a general approach for work management was to be implemented, the Council should play a coordinating and financial oversight role;
- .3 revision of the terms of reference of sub-committees should be conducted with the involvement of other committees, in particular, MEPC, including considerations about the possible establishment of dynamic terms of reference;
- .4 it was essential to provide working and drafting groups established during committee or sub-committee sessions with the necessary time and arrangements they require to conduct their technical work and deliver quality products to ensure the effective implementation of IMO provisions;
- .5 notwithstanding the above, when determining the number of working and drafting groups at a committee or sub-committee session, due consideration should be given to the constraints of delegations with a small number of delegates; and
- .6 an objective mechanism should be developed to determine the priority of outputs in line with the Strategic Plan of the Organization, taking into account the matters to be addressed by the outputs proposed and the consequences of not addressing them.

18.7 With regard to issues referred to in document MSC 108/18, paragraphs 40.9 and 40.10, concerning the ICT infrastructure and Conference facilities of the Organization,

enhancement of multilingualism and resources of the Secretariat, having noted the intervention by the Secretary-General advising that these matters were under consideration by the Council due to their overall impact, the Committee agreed not to consider them at this stage, taking into account that the outcome of the Council's deliberations will be reported in due time.

18.8 Following discussion, the Committee generally agreed with the recommendations contained in the document and referred them to the Working Group for further consideration and advice, as appropriate.

Establishment of the Working Group on Workload of the Committee

18.9 In order to conduct a holistic review of the issue of workload, the Committee established the Working Group on Workload of the Committee and instructed it, taking into account the comments made and decisions taken in plenary, to:

- .1 consider the outcome of the assessment conducted by the Chair, in consultation with the Secretariat, on the workload of the Committee and its subsidiary bodies, along with related recommendations, excluding those concerning the ICT infrastructure and Conference facilities of the Organization, enhancement of multilingualism and resources of the Secretariat, based on document MSC 108/18, taking into account relevant elements in documents MSC 108/19/3 and MSC 108/19/5, and advise the Committee, as appropriate;
- .2 based on the outcome of the above:
 - .1 prepare 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.5); and
 - .2 review the terms of reference of the sub-committees set out in document MSC 92/26, annex 40 and prepare draft updates thereto, for consideration and action by the Committee; and
- .3 if further work was deemed necessary, recommend a way forward to progressing the work intersessionally.

Report of the Working Group on Workload of the Committee

18.10 Having considered the report of the Working Group (MSC 108/WP.9), the Committee approved it in general and took action as described below.

Outcome of the assessment conducted by the Chair

18.11 The Committee noted the Group's considerations regarding the measures recommended in document MSC 108/18 to address the increased workload of the Committee and its subsidiary bodies. In this regard, the Committee noted that further work was necessary to agree on concrete measures.

18.12 In this connection, the Committee:

- .1 invited all sub-committees to undertake an analysis of the continuous and annual outputs under their purview and make relevant suggestions to the Committee for their efficient consideration, minimizing additional workload;
- .2 instructed the NCSR Sub-Committee to explore additional measures to return to five-day sessions and advise MSC 109, as appropriate, when submitting the proposed biennial agenda for the 2026-2027 biennium, including the potential impact of those measures;
- .3 endorsed the Group's view that the development of criteria for the extension of the duration of a sub-committee session was not necessary, at this stage, noting that any sub-committee requesting extended session duration should provide the Committee with evidence and justification supporting its request, along with possible consequences of not having the requested additional time; and
- .4 invited the Secretariat to keep the Committee informed on developments concerning resources of the Secretariat and provide any additional information on the issue of workload, as appropriate (see paragraph 18.7).

Issues related to unified interpretations

18.13 The Committee noted the Group's considerations regarding the approval of unified interpretations, in particular that the Committees' method of work would be amended as appropriate (see paragraph 19.9).

Amendments to the Committees' method of work

18.14 The Committee noted the preliminary draft amendments to the Committees' method of work, as prepared by the Group (MSC 108/WP.9, annex). In this context, the Committee also noted the possible future need for consequential amendments to resolution A.1174(33) on *Application of the Strategic Plan of the Organization*, as a result of the revision of MSC-MEPC.1/Circ.5/Rev.5.

Revision of the terms of reference of sub-committees

18.15 The Committee invited all sub-committees to review their terms of reference, as set out in document MSC 92/26, annex 40, identify obsolete or missing elements therein and provide suggestions, excluding in relation to the restructuring of the sub-committees, to the next available session of the Committee, for consideration and approval, as appropriate.

Further progression of the work

18.16 The Committee invited interested Member States and international organizations to submit relevant proposals on measures to address the increased workload of the Committee and its subsidiary bodies, including draft amendments to MSC-MEPC.1/Circ.5/Rev.5, taking into account the progress made at this session, for consideration at MSC 109.

18.17 In this regard, the Committee invited also MEPC to take note of the work undertaken thus far on the revision of the Committees' method of work.

Biennial agendas of the Sub-Committees and provisional agendas for their forthcoming sessions***Biennial agenda of the CCC Sub-Committee and provisional agenda for CCC 10***

18.18 Having recalled its earlier decision to reinstate the output on "Revision of the Interim recommendations for carriage of liquefied hydrogen in bulk" in the provisional agenda for CCC 10 and to extend its target completion year (paragraph 14.14), the Committee, concurrently with the decisions of MEPC 81, approved the biennial status report of the Sub-Committee for the 2022-2023 biennium, the proposed biennial agenda of the Sub-Committee for the 2024-2025 biennium, as revised, and the proposed provisional agenda for CCC 10, as revised, as set out in annexes 23 and 24, respectively.

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

18.19 The Committee noted the biennial status report of the Sub-Committee for the 2024-2025 biennium and approved the proposed provisional agenda for HTW 11, as set out in annexes 23 and 24, respectively.

18.20 The Committee also approved the establishment of an intersessional working group on the Comprehensive review of the STCW Convention and Code, to take place before HTW 11, with the associated draft terms of reference, as set out in annex 9 to document HTW 10/10, subject to endorsement by C 132 (see also paragraph 18.27.1).

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

18.21 The Committee, concurrently with the decisions of MEPC 81, approved the biennial status report of the Sub-Committee for the 2022-2023 biennium, the proposed biennial agenda of the Sub-Committee for the 2024-2025 biennium and the proposed provisional agenda for III 10, as set out in annexes 23 and 24, respectively.

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

18.22 Recalling that MSC 107 had approved the proposed biennial agenda of the Sub-Committee for the 2024-2025 biennium and the provisional agenda for NCSR 11, the Committee confirmed these decisions, as set out in annexes 23 and 24, respectively.

18.23 The Committee noted that NCSR 11 was due to meet from 4 to 13 June 2024 and its outcome would be reported to MSC 109, which would consider the biennial status report of the Sub-Committee and the approval of the provisional agenda for NCSR 12.

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

18.24 Having agreed to:

- .1 extend to 2025 the target completion year of the outputs on:
 - .1 "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";

- .2 "Amendment to regulation 25 of the 1988 Load Line Protocol regarding the requirement for setting guard rails on the deck structure"; and
 - .3 "Revision of the *Interim explanatory notes for the assessment of passenger ship systems' capabilities after a fire or flooding casualty* (MSC.1/Circ.1369) and related circulars"; and
- .2 move the output on "Review of the 2009 Code on Alerts and Indicators" from the post-biennial agenda to the provisional agenda of SDC 11, with work to be undertaken, based on the annex to document SSE 10/17 (IACS) containing the draft amendments to the Code, after confirmation by SSE 10, which had been assigned as the coordinating organ (see also SSE 10/20, paragraph 17.7),

the Committee approved the biennial status report, as revised; and the provisional agenda for SDC 11, as set out in annexes 23 and 24, respectively.

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

18.25 Noting that SSE 10 had met from 4 to 8 March 2024 and that its outcome would be reported to MSC 109, the Committee noted the biennial status report of the Sub-Committee for the 2024-2025 biennium, which would be considered by MSC 109. Therefore, the Committee approved, in principle, the proposed biennial agenda of the Sub-Committee for the 2024-2025 biennium and the proposed provisional agenda for SSE 11 (SSE 10/20, paragraphs 17.17 and 17.18), subject to endorsement by MSC 109, as set out in annexes 23 and 24, respectively.

Biennial status report and post-biennial agenda of the Committee

18.26 The Committee invited the Council to note its updated report on the status of outputs for the 2024-2025 biennium and its post-biennial agenda, as set out in annexes 25 and 26, respectively.

Intersessional meetings

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

- .1 an intersessional working group on the comprehensive review of the 1978 STCW Convention and Code, from 7 to 11 October 2024 (paragraph 18.20);
- .2 an intersessional working group on development of technical provisions for safety of ships using alternative fuels, from 9 to 13 September 2024, immediately prior to CCC 10 (paragraph 14.3); and
- .3 an intersessional working group on maritime autonomous surface ships, from 9 to 13 September 2024 (paragraph 4.51).

18.28 In this regard, the Committee, recalling that MSC 107 had approved the holding of annual meetings of the following groups on a continuous basis until decided otherwise, noted that:

- .1 the twentieth meeting of the Joint IMO/ITU Experts Group on Maritime Radiocommunication Matters, had been planned to be held from 7 to 11 October 2024, at the IMO Headquarters; and
- .2 the thirty-first meeting of the ICAO/IMO Joint Working Group on Harmonization of Aeronautical and Maritime Search and Rescue, had been planned to be held from 4 to 8 November 2024, in Dublin, Ireland.

Substantive items for inclusion in the agendas for MSC 109 and MSC 110

18.29 Having considered the proposals in document MSC 108/WP.5, the Committee agreed to the substantive items to be included in the provisional agendas for MSC 109 and MSC 110, as set out in annex 27.

Establishment of working and drafting groups at MSC 109

18.30 The Committee agreed that, based on the decisions taken under various agenda items, working, experts and drafting groups on the following subjects may be established at MSC 109:

- .1 Maritime autonomous surface ships (MASS);
- .2 development of a safety regulatory framework to support the reduction of GHG emissions from ships using new technologies and alternative fuels;
- .3 method of work and workload of the Committee;
- .4 FSA Guidelines (MSC-MEPC.2/Circ.12/Rev.2) and GBS; and
- .5 consideration and adoption of amendments to mandatory instruments.

Duration and dates of the next two sessions

18.31 The Committee noted that MSC 109 had been scheduled to take place from 2 to 6 December 2024 and the timing of MSC 110 would be determined taking into account the six months required for circulation of amendments before their adoption.

19 ANY OTHER BUSINESS

Approval process of unified interpretations

19.1 The Committee recalled that MSC 107, having considered a draft unified interpretation (UI) of SOLAS chapter II-1 concerning single essential propulsion components and their reliability, discussed whether unanimity should be required for the approval of a unified interpretation, and the Committee had requested the Secretariat to provide legal advice to MSC 108 on how to approach the approval of UIs when there was no unanimity.

19.2 The Committee considered the legal advice provided by the Secretariat in document MSC 108/19/1, concluding that UIs did not need to be approved unanimously and they could be approved by consensus like any other decision at IMO. However, if consensus could not be achieved, decisions would be made on a majority basis according to the Rules of Procedure of the Maritime Safety Committee.

19.3 The Committee also considered documents:

- .1 MSC 108/19/3 (IACS), presenting IACS' approach on the way to approve UIs that approval by "consensus", as opposed to by "unanimity", offered tangible benefits to IMO and the shipping industry; and
- .2 MSC 108/19/5 (Finland), commenting on the above-mentioned documents and expressing that the unanimity approach should be retained.

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

- .1 consensus was the fundamental principle in IMO when taking decisions, and not unanimity;
- .2 notwithstanding the view expressed in paragraph 19.4.1 above, the current process of approval of UIs by unanimity by the sub-committees should be maintained;
- .3 the UIs approved by the Organization:
 - .1 should not go beyond the interpretation of a mandatory instrument;
 - .2 should not contradict the text of a mandatory instrument; and
 - .3 were not legally binding, and each implementing party of a mandatory instrument maintained its right to interpret the provisions therein;
- .4 a Member State had the right to provide instructions to its recognized organization(s) (RO) concerning the implementation of regulations to ships entitled to fly its flag when the Member State did not agree to a UI;
- .5 a safeguard was needed to avoid the approval of UIs that went beyond the interpretation of mandatory instruments, including using the UI mechanism to amend the context of mandatory instruments; and such amendments would require a new output;
- .6 the UIs were approved by the Committee without voting; and thus, the current practice was not necessarily "unanimity"; however, a UI is rejected once a single Member State expresses its objection. Thus, the current practice is not necessarily what we call "consensus", and it seems that each single party has a "de facto veto" despite it being a non-voting process;
- .7 there was no need for a GISIS module to reflect the objections to UIs of Member States (MSC 108/19/3, paragraph 17);
- .8 UIs would not be required if proper application of the existing guidance was ensured, i.e. use of check/monitoring sheet in the *Guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1500/Rev.2);
- .9 UIs were temporary mechanisms to resolve practical differences of obligations and they could turn into amendments under a single output, as in the case of revision of SOLAS regulation II-2/9 and the IGC Code;

- .10 the Committee should approve the UIs developed by the sub-committees in the same manner where the Chair could make their own decision based on consensus; and
- .11 ideally, when drafting regulations and amendments thereto, ambiguities should be avoided without requiring a UI; and UIs should not be utilized as a fast-track method to modify the implementation of the provisions of an instrument instead of amending it.

19.5 One delegation suggested with some support that the UI proposals should first be made to the Committee, with a view to making a preliminary assessment to ensure that the proposed UIs did not go beyond mandatory requirements and did not circumvent the requirement development process, before technical consideration had been given by the relevant sub-committee. However, the Committee, having recalled that this process was followed in the past and then discontinued due to the workload and inefficiency of the process, agreed to maintain the practice that proposals for UI would be submitted to the sub-committees directly, while such subsidiary bodies would report to the Committee any relevant issues related to the implementation of safeguards set out in paragraph 19.6.3.

19.6 The Committee, taking into account the views expressed, agreed on the following policy for consideration and approval of UIs to be followed by all its subsidiary bodies and, preferably, *in fine*, by all IMO bodies concerned:

- .1 with respect to the status of UIs (MSC 108/19/1, paragraph 3):
 - .1 Conventions and associated mandatory instruments had higher legal weight than UIs; and
 - .2 UIs are not legally binding and, irrespective of whether a UI is approved, each Contracting Government maintains its right to interpret the Convention and associated mandatory instruments;
- .2 UIs are useful in that they are meant to ensure uniform application of technical requirements containing vague expressions that are open to divergent interpretations, or to provide other more specific guidance;
- .3 in order to ensure that UIs do not go beyond mandatory requirements and do not circumvent the development process of mandatory requirements, the following safeguards should be observed:
 - .1 UIs are not meant to amend mandatory requirements in Conventions and associated instruments;
 - .2 UIs should not go beyond the interpretation of requirements; and
 - .3 UIs should not contradict the text of requirements;
- .4 consensus is to be applied to the decision-making process of UIs, and not unanimity; e.g. sub-committees should consider/discuss the UIs. If concerns are raised, sub-committees should discuss them and attempt to address them, and make a decision, which could include accepting the UI, amending it, rejecting it, asking the submitter to re-submit by taking into account the views expressed or requesting that a new output be submitted. The report of sub-committees should include any concerns raised, if any; and

- .5 when considering UIs, due regard should be given to the following issues:
 - .1 effective date of UIs, taking into account the preparedness of the industry for implementing it; and
 - .2 the potential for practical consequences of not approving a UI, which could result in different interpretations by Member States.

19.7 The delegation of the Marshall Islands requested confirmation on the following points:

- .1 all sub-committees, being instructed by the parent Committee, would confirm that all three safeguards had been satisfied when considering a UI submitted directly to a sub-committee for consideration;
- .2 the sub-committee would explicitly indicate in its report to the Committee whether the safeguards had been satisfied for each UI considered, regardless of the outcome of the discussion on technical aspects of the UI; and
- .3 for UIs approved by a sub-committee, the Committee would then be able to confirm that all three safeguards had been satisfied, as explicitly reported by the sub-committee, before approving the relevant circulars communicating the UI to the parties concerned.

19.8 The Chair confirmed that these points were addressed in the process for the decision-making for UIs outlined in paragraph 19.6, and thus, the sub-committees would have to capture in their report matters related to compliance with the three safeguards indicated in paragraph 19.6.3.

19.9 The Committee also agreed to amend the Committees' method of work (MSC-MEPC.1/Circ.5/Rev.5) accordingly, in order to include the decision-making process for UIs and the safeguards to ensure that UIs do not go beyond mandatory requirements and do not circumvent the requirement development process (see paragraphs 19.6.3, 19.6.4 and 19.6.5 above). The Committee instructed the Working Group on Workload of the Committee to undertake initial considerations to incorporate the above-mentioned decisions into the Committees' method of work. Taking into account the progress made at this session by the Working Group (see paragraph 18.13), the Committee agreed to finalize the development of any corresponding amendments to the Committees' method of work at MSC 109, based on the decision made at this session (see paragraph 17.10).

19.10 Regarding the effective implementation date of the IU-related process, the Committee agreed that the above-mentioned decision-making process and the safeguards, as set out in paragraph 19.6, should have immediate application by all relevant subsidiary bodies.

19.11 The Committee also agreed to communicate these decisions to other Committees that also approve UIs and invited MEPC to take concurrent decisions with a view to having a harmonized policy on UIs regarding the planned amendments to the Committees' method of work expected to be approved by MSC 109.

Matters related to IMO GBS Audits

19.12 In relation to ongoing IMO goal-based standards (GBS) audits, the Committee considered the following documents:

- .1 MSC 108/INF.14 (Secretariat), informing on the outcome of the 2nd GBS Workshop held between IMO GBS Auditors and representatives of classification societies in order to improve rule change reporting for GBS Maintenance Audits and informing on the intention for submission on the matter to MSC 109;
- .2 MSC 108/INF.25 (Secretariat), providing information on the ongoing combined GBS audit of the Initial verification audit of Biro Klasifikasi Indonesia and the audit of the revised IACS North Atlantic wave data (IACS Rec.34);
- .3 MSC 108/19 (ICS, INTERTANKO, INTERCARGO and RINA), expressing concerns relating to the methodology used by IACS to calculate the revised wave data for the North Atlantic (IACS Recommendation No.34), the substantially less onerous data that has resulted from the review, and the potential relaxation of ship construction standards that the new data could enable and, therefore, requesting a more detailed consideration of this revised data by the Committee; and
- .4 MSC 108/19/6 (IACS), commenting on document MSC 108/19 and providing explanations and details of the methodologies used for the revised wave data to address the concerns raised in document MSC 108/19.

19.13 The Committee, having noted that the GBS Audit of IACS Rec.34/Rev.2 on Standard Wave Data was ongoing, agreed to postpone the consideration of documents MSC 108/19 and MSC 108/19/6 to MSC 109, because both documents had been provided to the Audit Team; and the Audit report and the recommendation of the GBS Auditors would be considered at its next session.

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

19.14 The Committee recalled that MSC 107 had noted that the IMO observer had continued participating in the IACS QSCS implementation and 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.

19.15 In this regard, having noted the report of the IMO consultant/observer concerning the developments of IACS QSCS from March 2023 to February 2024, provided in document MSC 108/9/2 (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 110.

Harmonized implementation of the Polar Code

19.16 The Committee noted document MSC 108/19/4 (FOEI et al.) providing information relevant to the future development of a possible proposal for a new output addressing the harmonized implementation of the Polar Code, and encouraged the submitters to liaise with interested Member States, with a view to submitting a new output proposal to the Committee.

Best practice industry publications released in 2023/2024 and relevant to the Maritime Safety Committee

19.17 The Committee noted document MSC 108/INF.22 (ICS), providing information of recent best practice guidance released in 2023 and 2024 from ICS, including the *Engine Room Procedures Guide, Second Edition*; Guidelines on the Application of the ISM Code, Fifth

Edition; and *Tanker Safety Guide (Liquefied Gas)*, and agreed to inform the FAL Committee to consider this information when reviewing the *List of publications relevant to the ship/port interface* (FAL.6/Circ.14/Rev.1).

Thematic priority MSC 7 for ITCP during the current biennium

19.18 The Committee recalled that:

- .1 the MSC technical cooperation thematic priority MSC 7, for the current biennium read as follows:

"MSC 7 – Promoting the ratification and implementation of the 2012 Cape Town Agreement and the 1995 STCW-F Convention as well as proactive safety measures relating to fishing vessels and their personnel and the fight against Illegal, Unreported and Unregulated (IUU) Fishing, in cooperation with FAO and ILO, including promoting and enhancing maritime safety aspects relating to small fishing vessels."; and

- .2 these activities to support the entry into force and implementation of IMO instruments were complemented by the participation in fishing-related activities organized by the FAO and ILO, within the framework of the *Strategic Plan for the Organization for the six-year period 2024-2029* (resolution A.1173(33)) which included the continuous output (OW 8): "Cooperate with the United Nations on matters of mutual interest, as well as provide relevant input/guidance".

19.19 The Committee noted that TC 73 had advised the Committee to review the wording of the MSC technical cooperation thematic priority (MSC 7) of the current biennium, bearing in mind the competence of IMO (TC 73/16, paragraph 3.44.6), following a view expressed that the safety of fishing vessels was a matter that was linked to IUU fishing, but that the "fight against" IUU fishing exceeded the competence of, not only MSC, but also IMO (TC 73/16, paragraph 3.40). Following consideration of the matter, the Committee agreed that there was no need to amend thematic priority 7, and to inform TCC 74 of its decision accordingly.

19.20 The Committee also agreed to support the work carried under MSC 7, and other opportunities to cooperate with FAO and ILO under OW 8, in particular, those related to the entry into force and implementation of IMO instruments (e.g. Cape Town Agreement and STCW-F), and the work of the Joint FAO/ILO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters.

Participation of IMO in the Global Alliance for Drowning Prevention

19.21 The Committee noted document MSC 108/INF.3 (Secretariat), providing information on the participation of IMO in the Global Alliance for Drowning Prevention and the goals it pursues, launched in July 2023 by the World Health Organization.

IMCA's Code of Practice for the Training and Experience of Key DP Personnel

19.22 The Committee noted document MSC 108/INF.5 (IMCA), providing information on its updated *Code of Practice for the Training and Experience of Key DP Personnel* (IMCA M 117), Rev.3.1 version, issued in August 2023, with a more detailed, comprehensive and up-to-date approach to the training and competence of DP personnel, incorporating advancements in technology, changes in industry practices, and a heightened focus on safety, efficiency and continuous professional development.

Third Coast Guard Global Summit

19.23 The Committee noted document MSC 108/INF.6 (Japan), providing information on the outcome of the 3rd Coast Guard Global Summit held in Tokyo in autumn 2023, organized as a platform of dialogue and cooperation in order to deal with current global changes and related challenges faced by coast guards in the future.

Measures to strengthen the quality assurance of bunkers

19.24 The Committee noted document MSC 108/INF.12 (Singapore), providing information on the Industry Experts Group final recommendations on additional measures to strengthen the quality assurance of bunkers supplied in Singapore and the Maritime and Port Authority of Singapore (MPA) implementation of enhanced testing of bunkers supplied in Singapore.

EU Horizon 2020 project LASH FIRE

19.25 The Committee noted document MSC 108/INF.13 (Austria et al.), providing information on the EU Horizon 2020 project LASH FIRE and summarizing its findings; the project was intended to provide a technical basis for the future revision of IMO regulations by identifying fire safety measures and assessing their risk reduction and economic properties using the Formal Safety Assessment (FSA) methodology.

National Maritime Task Force established by Sri Lanka

19.26 The Committee noted document MSC 108/INF.26 (Sri Lanka), providing information regarding the decision of the Government of Sri Lanka to establish the National Maritime Task Force, to oversee and efficiently manage maritime affairs in alignment with the International Maritime Organization.

Expressions of condolence for the death of the President of the Islamic Republic of Iran

19.27 The Committee expressed its deepest condolences for the passing of the President of the Islamic Republic of Iran, His Excellency Mr. Ebrahim Raisi; the Foreign Minister, His Excellency Mr. Hossein Amir Abdollahian; other authorities and officers in a helicopter crash on 19 May 2024.

Expression of appreciation

19.28 The Committee expressed appreciation to Ms. Katy Ware (United Kingdom) for her invaluable contribution to the work of the Organization and wished her every success in her new duties.

20 CONSIDERATION OF THE REPORT OF THE COMMITTEE ON ITS 108TH SESSION

20.1 The draft report of the session (MSC 108/WP.1/Rev.1) was prepared by the Secretariat for consideration and adoption by the Committee.

20.2 During the meeting held on 24 May 2024, 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 10 June 2024, 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 Relevant IMO organs are invited to note the report of the Committee, in general, and in particular to take action as outlined in the ensuing paragraphs.

20.4 The Assembly, at its thirty-fourth session, is invited to:

- .1 note that the Committee adopted amendments to the 1974 SOLAS Convention, 1978 STCW Convention, 1995 STCW-F Convention and related mandatory codes and adopted and/or approved, as appropriate, a number of non-mandatory instruments (paragraphs 3.69 to 3.98, 6.11.1, 7.28, 12.4, 12.5, 12.15, 12.17, 13.12, 14.6, 14.7, 14.11, 15.8, 15.9, 15.10, 15.11, 15.12, 16.27, 16.30.1, 17.11 and annexes 1 to 15, 18, 20); and
- .2 note the actions taken by the Committee concerning the security situation in the Red Sea region, in particular, the adoption of resolution MSC.564 (108) on *Security situation in the Red Sea and Gulf of Aden resulting from Houthi attacks on commercial ships and seafarers* (paragraphs 7.16, 7.28 and annex 17).

20.5 The Council, at its 132nd session, is invited to:

- .1 consider the report of the 108th 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-fourth session of the Assembly;
- .2 note that the motion to adjourn the debate on the question presented in document MSC 108/WP.11 by the Russian Federation (paragraph 2.36);
- .3 note that the Committee adopted amendments to the 1974 SOLAS Convention, 1978 STCW Convention, 1995 STCW-F Convention and related mandatory codes and adopted and/or approved, as appropriate, a number of non-mandatory instruments (paragraphs 3.69 to 3.98, 6.11.1, 7.28, 12.4, 12.5, 12.15, 12.17, 13.12, 14.6, 14.7, 14.11, 15.8, 15.9, 15.10, 15.11, 15.12, 16.27, 16.30.1, 17.11 and annexes 1 to 15, 18, 20);
- .4 note the actions taken by the Committee concerning the security situation in the Red Sea region, in particular, the adoption of resolution MSC.564 (108) on *Security situation in the Red Sea and Gulf of Aden resulting from Houthi attacks on commercial ships and seafarers* (paragraphs 7.16, 7.28 and annex 17);
- .5 note the actions and work of the Committee in relation to:
 - .1 the development of a non-mandatory MASS Code expected to be adopted at MSC 110 (section 4);
 - .2 the development of a safety regulatory framework to support the reduction of GHG emissions from ships using new technologies and alternative fuels (section 5);
 - .3 matters on maritime security, piracy and armed robbery against ships, unsafe mixed migration by sea (sections 6 to 9);

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- .4 domestic ferry safety (section 10);
 - .5 formal safety assessment (section 11);
 - .6 the outcome of the work of the sub-committees reporting to this session (sections 12 to 16), including the comments made regarding the use of the hybrid meeting system (paragraphs 12.33 and 13.15); and
 - .7 the holistic review of the workload of the Committee and sub-committees and the consequent progress on the revision of the Committees' method of work and the possible future need for consequential amendments to resolution A.1174(33) on *Application of the Strategic Plan of the Organization* (paragraphs 18.1 to 18.17);
- .6 concur with the agreement of MSC and MEPC to provide input to the Council's Joint Working Group regarding the need for alignment of the Auditor's Manual (Circular Letter No.3425) with the relevant part of the III Code Implementation Guidance concerning the phrase "to the satisfaction of the Administration" or equivalent (paragraph 13.9);
 - .7 note the actions taken by the Committee in relation to the Committees' method of work (paragraphs 17.8 to 17.10, 18.1 to 18.17 and 19.6 to 19.9, and annex 22).
 - .8 having noted the decisions taken by MEPC 81 and FAL 48 with regard to the harmonization of the rules of procedure, include rules on the use of hybrid meeting capabilities in its rules of procedure (paragraph 17.14);
 - .9 note the status report of the outputs of the Committee for the 2024-2025 biennium and its post-biennial agenda (paragraph 18.26 and annexes 25 and 26, respectively); and
 - .10 endorse the approval of intersessional meetings for 2024 (paragraph 18.27).

20.6 The Marine Environment Protection Committee, at its eighty-second session, is invited to:

- .1 note that the Committee has invited FAL 49 to prepare the joint FAL-LEG-MEPC-MSC guidelines on electronic certificates, to be considered at a future session of the Committee (paragraph 2.8.3);
- .2 consider MASS in the context of the instruments under its purview (paragraph 4.10);
- .3 note the agreement of the Committee to use the term "onboard carbon capture and storage (OCCS)" in the context of the safety regulatory framework to support the reduction of GHG emissions from ships for its work (paragraph 5.35);
- .4 concurrently agree to reinstate the output on "Revision of the Interim recommendations for carriage of liquefied hydrogen in bulk" in the provisional agenda for CCC 10 and to extend its target completion year (paragraphs 14.14 and 18.18); and

- .5 in relation to the Committees' method of work, note:
- .1 that the Committee approved draft amendments to annexes 1 and 2 to the Committees' method of work regarding the assessment of capacity-building implications of amendments to, or new, provisions, and agreed to apply them as from MSC 109 (paragraphs 17.8 to 17.10 and annex 22);
 - .2 the actions and ongoing work of the Committee in relation to the holistic review of the workload of the Committee and sub-committees and that subsequent draft amendments to the Committees' method of work would be prepared (paragraphs 18.1 to 18.17);
 - .3 the decisions made by the Committee in relation to the consideration and approval of unified interpretations, applicable with immediate effect to all relevant subsidiary bodies, and the consequent draft amendments to be reflected in the Committees' method of work, expected to be approved by MSC 109 (paragraphs 19.6 to 19.11),

with a view to submission to a future session of MEPC, as a package, for concurrent approval.

20.7 The Legal Committee, at its 112th session, is invited to:

- .1 note that the Committee has invited FAL 49 to prepare the joint FAL-LEG-MEPC-MSC guidelines on electronic certificates, to be considered at a future session of the Committee (paragraph 2.8.3);
- .2 consider the question of whether any reporting made pursuant to the new SOLAS requirements under regulations V/31 and V/32 on the loss or observation of freight containers drifting at sea also satisfied the reporting obligations under the Nairobi WRC and take action, as appropriate (paragraph 3.11.3);
- .3 note the actions taken by the Committee concerning the report of the third session of the Joint MSC-LEG-FAL Working Group on MASS (MASS-JWG 3) (MASS-JWG 3/WP.1) (paragraph 4.30);
- .4 consider measures to improve cooperation between Parties to detect and prevent unlawful practices and prosecute anyone responsible for selling and/or issuing fraudulent certificates, including through cooperation between national law enforcement agencies, for advice to the HTW Sub-Committee (paragraph 16.9.2); and
- .5 note the actions taken by the Committee in relation to the Committees' method of work (paragraphs 17.8 to 17.10, 18.1 to 18.17 and 19.6 to 19.9, and annex 22).

20.8 The Facilitation Committee, at its forty-ninth session, is invited to:

- .1 prepare the joint FAL-LEG-MEPC-MSC guidelines on electronic certificates, to be considered at a future session of the Committee (paragraph 2.8.3);

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- .2 note the actions taken by the Committee concerning the report of the third session of the Joint MSC-LEG-FAL Working Group on MASS (MASS-JWG 3) (MASS-JWG 3/WP.1) (paragraph 4.30);
 - .3 concurrently approve the draft revised guidelines on maritime cyber risk management (MSC-FAL.1/Circ.3/Rev.3), as set out in annex 1 to document MSC 108/WP.10 (paragraph 6.11.1);
 - .4 note the actions taken by the Committee in relation to the Committees' method of work (paragraphs 17.8 to 17.10, 18.1 to 18.17 and 19.6 to 19.9, and annex 22); and
 - .5 consider the information contained in document MSC 108/INF.22 (ICS), concerning recent best practice guidance released in 2023 and 2024 from ICS, including the Engine Room Procedures Guide, Second Edition; Guidelines on the Application of the ISM Code, Fifth Edition; and Tanker Safety Guide (Liquefied Gas), when reviewing the List of publications relevant to the ship/port interface (FAL.6/Circ.14/Rev.1) for action, as appropriate (paragraph 19.17).

20.9 The Technical Cooperation Committee, at its seventy-fourth session, is invited to:

- .1 note the decisions taken on the assessment of capacity-building implications for the amendments to mandatory instruments adopted at the session (paragraph 3.99);
- .2 review the resource allocation for SAR matters in order to ensure that funds are available globally and regionally for SAR capacity-building and training (paragraph 12.31);
- .3 note the actions taken by the Committee in relation to the Committees' method of work (paragraphs 17.8 to 17.10, 18.1 to 18.17 and 19.6 to 19.9, and annex 22); and
- .4 following consideration of its technical cooperation thematic priority 7 in relation to IMO's work concerning IUU fishing, note the Committee's decision that there was no need to amend it (paragraph 19.19).

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