

MARITIME SAFETY COMMITTEE 100th SESSION (MSC 100) 3 – 7 Dec 2018

The One Hundredth session of the Maritime Safety Committee was held at IMO Headquarters from 3 – 7 Dec 2018, chaired by Mr. Brad Groves (Australia). The Vice-Chair of the Committee, Mr. Juan Carlos Cubisino (Argentina), was also present.

Opening Remarks from the Sec Gen IMO.

The full text of his Opening Address is at:

<http://www.imo.org/MediaCentre/SecretaryGeneral/Secretary-GeneralsSpeechesToMeetings>

However as of today, 13 Dec, it has not yet been placed on the website. Bullets of his key points of note are:

- World Seafarers' Day
- IMCO Convention – consist of a MSC and a Secretariat
 - Held its first session in 1959 with 14 Members
- This 10th meeting of MSC, the collaborative efforts of all those attending today enhance Maritime safety and reducing the number of casualties
- Many important items
- RSE of use of MASS has caught the attention of the Shipping Community
 - Consider the work of the CG on MASS
 - Method of Work of the WSE needs to be finalised this session
- Consider the final report on the Audit over the rules of Recognised
- Safety Measures for non SOLAS Ships operating in Polar Waters
- Celebrate the 60th Anniversary of AMBER for Rescue Coordination Centres
- Report of Subsidiary Bodies
 - HTW Report on Guidelines of fatigue
 - Safety implication of the use of Low Sulphur Fuels
 - Unsafe Mixed Migration in the Med and important work of IOM
 - Piracy and Armed Robbery is on a par with previous years – increase in incidents off the African Coast by 100%

UKRAINE

After the opening of the meeting by the Chair, before the start of the Agenda, the floor was given to delegation of Ukraine to object to the behaviour of Russia in the Black Sea and sea of Azof and the harassment of vessels in this area and the seizing of Ukraine Naval vessels and personnel. They demanded that Russia release the vessels and their personnel and equipment. In addition they demand that Russia not interfere with vessels transiting the Azof Sea to Ukrainian Ports.

RUSSIAN FEDERATION

The Russian Federation replied with a completely different story of events which highlighted the Ukraine Military Vessels crossing into Russian Territorial Waters. The Vessels were arrested and the personnel will undergo trial for this violation.

Germany, USA, UK as a Member state of the EU, Canada, Georgia, Australia, Spain, Ireland, Estonia, Denmark, Brazil, Finland, Latvia, Norway, Iceland, Luxemburg and Slovenia spoke in strong condemnation of Russia and the violation of International Law by Russia and reiterated the right of Ukraine and the illegal annexation of Crimea by Russia. France also made a statement on behalf of the EU in support but reiterated that the IMO is not a political organisation and cannot support the political statements of either party. Called on Russia to respect the rights of freedom of movement of vessels in accordance with International Law. China stated it understood the issues of both parties and urgent to open a constructive dialogue to resolve this issue and reaffirmed that the IMO is a technical body and not the right place for this type of discussion. Spoke of the heightening of tension and expects Russia to allow free passage in the area as required by

International Law and the return of the Ukrainian Ships and personnel. Further said it could never recognise the unlawful annexation of Crimea and Sevastopol.

1. Adoption of the agenda

- a. Ad hoc working and drafting groups will be established during the session:
 - i. Working Group on Goal Based standards (Agenda Item 6)
 - ii. Working Group on Maritime Autonomous Surface Ships (Agenda Item 5)
Currently IFSMA attendance on this WG is expected to be Mr David Appleton(Nautilus Int) and Mr Andrew Higgs (Independent Maritime Lawyer advising IFSMA on the Codes, Regulations etc on a voluntary basis)
 - iii. Drafting Group on Amendments to Mandatory Instruments;
 - iv. Working Group on Safety measures for non-SOLAS ships operating in polar waters may also be established depending on the outcome of discussions;
Captain Morten Kviem (Norwegian Maritime Officers Association) will attend this WG for IFSMA.

2. Agenda item 2 - DECISIONS OF OTHER IMO BODIES

- a. MSC 100/2 - Sec – Outcome of C120 – **Not yet held**
- b. MSC 100/2/1 – Sec – Outcome of FAL 42
- c. MSC 100/2/2 – Sec – Outcome of TC 68
- d. MSC 100/2/3 – Sec – Outcome of MEPC 72 and 73.
 - i. **No Items for action at MSC – only note** – Chair stated that unless there are any specific comments then MSC should concur with the outcomes of the various Committees above.

3. Agenda item 3 – CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

- a. MSC 100/3 – Sec – Amendments to the 2011 ESP Code
- b. MSC 100/3/1 - Sec – Draft amendments to the Code of Safety for Special Purpose Ships (SPS Code) (resolution A.534(13))
- c. MSC 100/3/2 – IACS and Sec – Comments on document MSC 100/3
- d. **Nothing Significant for IFSMA in the above Papers**

4. Agenda Item 4 – Measures to enhance maritime security

- a. MSC 100/4 - Sec – Updates on recent developments related to maritime security
- b. MSC 100/Inf.8 – Sec - Guidance for the electronic transfer of information into the Maritime Security module of GISIS
- c. **Nothing of interest to report for IFSMA**

5. Agenda Item 5 – Regulatory scoping exercise for the use of Maritime Autonomous Surface Ships (MASS) Reading all of the Papers on this Agenda Item shows the need for continuity of attendance at the Working Group and also to take part in the Correspondence Group in order to fully understand the detail of the complexity of the Papers and what they are proposing. This, however, is a lot work and currently beyond the capability of IFSMA without a volunteer to commit to this.

- a. MSC 100/5 – Finland – Report of the Correspondence Group on MASS
 - i. **Finland introduced the Report.**
- b. MSC 100/5/1 – ISO - Proposal for a classification scheme for degrees of autonomy – **Whilst ISO has made this a very technical paper, the Definition at Annex 2 are not much different than that proposed by the CG.**
- c. MSC 100/5/4 – Sec – Comments on document MSC 100/5 – **Useful comments by the Sec and I agree the proposals to focus on Autonomy Level, 2,3 and 4. However, proposes more work for the WG (is there enough time)**
- d. MSC 100/5/5 – Japan – Comments on document MSC 100/5 – **An interesting Paper. I am not sure that a generic model for the regulatory scoping exercise would**

help matters but I do think that it will be necessary to determine the safety measures referred to in paragraph 9 in the future, but not during the RSE.

- i. Chair stated that this Paper is one that should be considered at a later stage.
- e. MSC 100/5/6 – Australia, Denmark, Finland, France and Turkey - Comments on document MSC 100/5 – This should be supported as it makes a point about the level of automation and operational control and focuses on the Human Element. It does not affect the RSE, but care needs to be taken that this does not get too complex. It suggests that this should be pursued Intersessional Group by and discussed by the WG to provide a way ahead for Plenary. In addition, I do not believe that the technology has yet been proven to have periodically unmanned Bridges and should not be supported.
- f. MSC 100/5/7 – china - Comments on document MSC 100/5 -If Paper 5/4 (Secretariat) and 5/8 (US) are agreed then it will negate this Paper.
- g. MSC 100/5/8 – USA – Comments on document MSC 100/5 – Following discussion with the US and ITF, IFSMA has reviewed the Paper again in detail along with the CG Report and now believes that the US Paper does indeed have merit and should be supported. The proposal for a single coordinator, volunteer or secretariat to analyse the results of the survey reports is a good idea, but I would prefer this to be the secretariat to ensure impartiality.
- h. MSC 100/5/Inf.3 – Sec – Initial review of IMO instruments under the purview of MSC – A detailed and very useful Reference Paper
- i. MSC 100/5/Inf.6 – China – Preliminary analysis of the International Regulations for Preventing Collisions at Sea, 1972 – An interesting paper to read which will open up a hornets nest in the future. This is an issue that will have to be addressed in due course but currently for information only
- j. MSC 100/5/Inf.10 – Republic of Korea – Results of technology assessment on Maritime Autonomous Surface Ships (MASS) – An interesting info Paper.
 - i. All of the above Papers were introduced other than the .Inf Papers which were noted, before the floor was opened for comments. The Chair reminded Delegates to keep comments short and to the point to enable the WG on RSE to start its work.
 - ii. The actions required by the Committee in 100/5 were as follows

The Committee is invited to approve the report in general and, in particular, to:

.1 note the Group's confirmation that the framework and methodology for the regulatory scoping exercise would be, in principle, suitable for its purpose and that additional work on the framework would be required, especially regarding the level of detail and depth of the analysis (annex, paragraphs 7 to 9);

- a. Attention was drawn to the Annex to the Paper on the proposed improvements to the RSE and invited comments specifically on the degrees of Autonomy
- b. Norway reminded the Committee that this was an RSE and that the proposal to keep it High Level was important and fully supported the Sec Paper 5/4
- c. ITF intervened in support of this Paper but also the removal of Autonomy Level 4
- d. ICS Intervened that the industry does not have the appetite for all levels of Autonomy and raised concerns about the ISO Paper.
- e. Germany stated their lack of support for the ISO Paper as it was premature to discuss this as part of RSE and was follow on work
- f. France felt all the levels of Autonomy should be part of RSE although got no support
- g. Italy, Sweden, Panama
- h. BIMCO stated the need for reality of what technology is available. BIMCO believes that ISO should take the lead on degrees of Autonomy to get robust definitions as soon as possible.

i. IFSMA intervened with:

Chair in the interests of brevity and to avoid unnecessary repetition IFSMA would wish to be associated with the statements by Norway, ITF, ICS and those of Germany on the ISO Paper 100/5/1.

- j. **Chair** summed that in view of the Interventions thus far the thrust of what we are trying to achieved is improved efficiency in the RSE. Aim to finalise the methodology this session. It is too early to take forward the ISO and AUS Paper are of interest after the RSE is complete and should not go forward to the WG.. The Japanese Paper should not go forward. The Sec Paper not to take forward to take forward Level was should be taken forward by WG. Chinese suggested the WG should use simple technology and the WG should heed this.
- k. UK agreed will all but removing Degree one from the RSE. They suggested moving forward on degrees 2 – 4 and come back to Degree 1 at the next session. Supported by Argentina, UAE,
- l. Norway asked that the ITF proposal to delete Level 4 should also be taken forward. Agreed by Netherlands.
- m. Chair summed again and suggested that following the UK intervention the main focus off attention of the WG should be levels 2 and 3.
- n. The Chair summed that the Paper submitted by US and Sec to keep the RSE at high level should be heeded and that the main focus should be on the mandatory instruments.

.2 note the discussions regarding the framework and methodology, including the template, and consider the proposed improvements prepared by the Group (annex, paragraphs 10 to 39 and 45 to 47, and appendix 1);

.3 consider the discussion related to the regulatory approach for the two degrees of unmanned MASS and note, in particular, that a preferable option would be to develop a dedicated instrument (annex, paragraphs 40 to 44);

.4 consider the issue related to the number of comments received during the consideration of SOLAS regulations II-1/3-4, III/17-1, V/19.2 and V/22, and LL regulation 10 and the challenges to summarize the discussions (annex, paragraphs 48, 49 and 53, and appendices 2 to 6); and

.5 consider the practical arrangements and mechanisms for the method of work during the regulatory scoping exercise, in particular, whether:

.1 it would be more efficient if the "provision" column in the template was populated in advance and distributed to the members performing the work, and if so, how would it be populated and at what level of detail (annex, paragraphs 50 to 52); and

.2 Microsoft Word would be the ideal program to enable sorting and analysing the filled templates quantitatively, or whether other solutions or programs, such as Microsoft Excel, should be considered (annex, paragraphs 54 to 55).

iii. **The Chair stated bearing in mind the wide ranging discussion**

- b. MSC 100/5/2 – Norway and BIMCO - Interim guidelines for MASS trials – This should be supported and that a Working Group on MASS should be directed to consider the draft guidelines with a view to further development, together with an instruction to clarify the way forward; However, this will be further down the line from the Regulatory Scoping Study and I am not sure there will be enough time for them to consider. Two separate guidelines would be required (i.e. one for

- Administrations and one for the industry). The Committee should consider making the informal CG a formal one to provide some guidance to the Committee as this would then include views of the ROK at 5/3 below.
- c. MSC 100/5/3 – Republic of Korea – Proposals for the development of interim guidelines for Maritime Autonomous Surface Ships (MASS) trials. IFSMA has no issue with this, but as they are proposing guidelines for trials with seafarers onboard then the Seafarers onboard should have the ultimate responsibility.
 - a. After a long discussion the Chair summed that the WG on RSE as a priority are to focus on the RSE and not producing Guidelines. The Guidelines should be a single set applicable to Administrations and the industry as a whole. If the WG has time after it has completed its prime task of RSE then it can look at the Principals of the Guidelines only.
 - d. Following the Report of the WG, The Committee approved, subject to endorsement by the Council, the holding of an intersessional working group on MASS, from 2 to 6 September 2019, in order to review the results of the first step of the scoping exercise and authorize, on behalf of the Committee, the commencement of the second step. In this regard, the Committee agreed to develop terms of reference for that group at its next session.
6. **Agenda Item 6 –GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS – WG2** will be established on this Agenda Item – There was nothing of significance or interest to IFSMA in the below Papers or in the discussion in Plenary and therefore no requirement to attend the WG.
- a. MSC 100/6 – Sec – Amendments to the draft MSC resolution on Revised guidelines for verification of conformity with goal-based ship construction standards for bulk carriers and oil tankers (Revised GBS Guidelines)
 - b. MSC 100/6/2 – Sec – Draft MSC circular on Interim guidelines for development and application of the IMO goal-based standards safety level approach
 - c. MSC 100/6/4 – Sec Gen – Final report of the GBS Initial Verification Audit of Türk Loydu
 - d. MSC 100/6/8 – Sec – Corrective Action Plans submitted by Türk Loydu for the non-conformities and observations identified during the initial GBS verification audit
 - e. MSC 100/6/6 – Sec – Report on the observations of the GBS audit teams
 - f. MSC 100/6/9 – IACS – Comments on documents MSC 100/6/4, MSC 100/6/6 and MSC 100/6/8
 - g. MSC 100/6/11 – Turkey – Comments on document MSC 100/6/9
 - h. MSC 100/6/5 and Add.1 – Sec Gen – Final report of the GBS maintenance of verification audit of 12 recognized organizations and IACS' common structural rules for bulk carriers and oil tankers (CSR)
 - i. MSC 100/6/10 – IACS – Corrective/Improvement Action Plans submitted in response to the findings identified during the first GBS maintenance of verification audit
 - j. MSC 100/6/3 – Sec – Proposal to conduct a re-verification audit of DNV-GL's ship construction rules to verify conformity with the goal-based standards (GBS)
 - k. MSC 100/6/1 – Sec – Analysis of the costs for GBS maintenance audits and audits to verify the rectification of non-conformities
 - l. MSC 100/6/7 – Sec – Report on GBS Trust Fund
 - m. MSC 100/Inf.7 – Sec – Status reports addressing observations
7. **Agenda Item 7 – Safety measures for non-SOLAS vessels operating in polar waters – Captain Morten Kviem (NMOA) will attend WG3 which will be set up to look at this Item but as there is nothing Significant for IFSMA in the 2 Papers below it will not be necessary to attend although IFSMA fully supports the line that the proposals in both Papers that Chap V – all ships on all voyages are covered by the Polar Code..**
- a. MSC100/7 – Canada and New Zealand – Application of chapters 9, 10 and 11 of the Polar Code

- b. MSC 100/7/1 – Canada – Comments on document MSC 100/7 – Application of chapters 9 and 11 of the Polar Code
- c. There was much discussion on the issue both for and against.. supported by IUMI, which was important, and opposed by Sweden, Germany and US, IFSMA therefore intervened with:

IFSMA fully supports the wider application proposed by Papers 100/7 and 100/7/1 and the intervention by FOEI and Norway before we broke for coffee, we do not agree with the intervention by Sweden. There is a general perception by the operators of these smaller vessels that the Polar Regions are now safe for them to go to ply their trade and to seek adventure as climate change has reduced the ice area. This is indeed not the case as my Shipmasters are well aware with the additional training and experience they require to understand the complexity of demands and dangers in these waters. We need to be sensitive to the Marine Environment in these areas and mindful that it is those Nations with responsibility for SAR Resources that are more and more pressed by the increasing traffic by non SOLAS ships. We would therefore fully support these papers going to the Working Group for further consideration and that the Polar Code should apply to all ships on all voyages.

- d. The Chair summed that these documents would go forward to WG for consideration.

Progress of the working group was noted and further submissions were encouraged to determine the feasibility of applying the polar code to all ships.

Captain Morten Kviem Report from WG 3, Safety measures for non-SOLAS ships operating in polar waters:

The working group was established Tuesday at lunch under the competent leadership of Ms. S. Sonninen (Fin.) with the following terms of reference:

1. further consider draft amendments to SOLAS regulations XIV/2 (Application) and XIV/3 (Requirements for ships to which this chapter applies) to widen the scope of application of the Polar Code to certain non-SOLAS ships, using the text in document MSC 100/7, annex 1, as the basis;
2. further consider draft amendments to part I-B of the Polar Code on add-on linkages between the Polar Code, section 9.3, and SOLAS chapter V regulations referenced in regulation V/1.4, using the text in document MSC 100/7, annex 2, as the basis;
3. consider document MSC 100/7/1 proposing certain mandatory methodologies for determining a ship's operational capabilities in ice in the context of voyage planning (Polar Code, chapter 11) and mandatory carriage requirement of a polar water operational manual (PWOM), and provide advice on the implementation of the proposal;
4. update the reference table on existing regulatory provisions for non-SOLAS vessels operating in polar waters (MSC 99/WP.10, annex 1) and the Roadmap (MSC 99/WP.10, annex 2); and
5. submit a written report to plenary by Thursday, 6 December 2018.

It became clear already in plenary that the views on this subject were ranging from very positive to mandatory regulations on one side, to very negative to any kind of regulations on the other side. The “negative side” included many of the important member states, so it was soon clear that it would be impossible to get unanimous support for a mandatory solution at this meeting. An unofficial count showed that the two sides were about the same size.

The chair proposed that one way forward could be to produce a guideline circular/resolution as a short-term solution, while continuing the work on exploring the possibilities of a mandatory solution in the future. This received wide support. The earliest date for changes to SOLAS is 2024, so there is time to do the necessary detailed work in relevant sub-committees.

The Canadian proposal in MSC 100/7/1 received very limited support, and many objections. In general, the objections were that the proposal would be an overkill for the ships we were discussing. Mandatory usage of Polaris and a required PWOM would be an excessive administrative burden for ships of this size. The issue will be looked into later at a more limited scale.

The reference table on existing regulatory provisions was considered, and no amendments were required.

The roadmap was adjusted where necessary to illustrate the progress required to meet relevant deadlines for inclusion into the revision of SOLAS in 2024, and the plan for development of generic guidance as an interim solution.

The group finalized its work on Thursday December 6.

8. **Agenda Item 8** - Pollution Prevention and Response

- a. MSC 100/8 – Sec – Report of the fifth session of the Sub-Committee – Draft amendments to the IBC and BCH Codes – **Nothing Significant for IFSMA**
- b. MSC 100/8/1 – Liberia, ICS, INTERTANKO, IPTA and INTERFERRY - Effective implementation of existing provisions for fuel quality and safety in IMO conventions –
- c. The Committee were asked to consider the recommendation in Para 27 and 28 as follows:
 - i. the development of a mechanism to assign responsibility for these provisions to MSC; or
 - ii. appropriate regulatory amendments to incorporate these provisions within the SOLAS Convention.
 - iii. **Netherlands and many others did not support this line of approach and reiterated that MEPC had primacy in this and that MEPC seek advice from MSC as and when required. Therefore the status quo should be maintained and this should not be incorporated in SOLAS. This is a subject which has been discussed in the past and that the regulatory requirements should remain within MARPOL.**
 - iv. **The Cooke Isles made some very good points that the problems with reduced Sulphur levels have been there with fuels as they are now and have been ignored by this Committee. He stated that MSC is the Guardian of SOLAS and that it should take action on this key point and were wholly supportive of these 2 proposals. This view was supported by the Marshall Isles and a few other delegations.**
 - v. **The Chair summed that as this is a safety issue it is very clearly in the role of MSC. He proposed that MSC should look at a new Output to look at the Fuel Issues and that we form a Drafting Group to propose what this output should be and to come back to Plenary on Thursday for consideration and inclusion on the Agenda for MSC 101. This was agreed.**
- d. In Para 29 the co-sponsors proposed that MSC consider amending the current requirement to maintain a register of bunker suppliers, replacing it with a requirement stating that parties to MARPOL Annex VI should establish bunker supplier licensing schemes. Details for these schemes, including fuel oil suppliers with the necessary accreditation, could then be provided in GISIS.
 - i. **Japan, USA and others suggested that this was an MEPC issue as it was to do with MARPOL. The Chair summed that the majority supported this and it should be referred to MEPC by the co-sponsors.**
- e. In para 30, the co-sponsors propose that GISIS should be improved to provide greater granularity in fuel quality and safety reports which are uploaded onto the system by creating a new GISIS module for fuel oil safety matters.
 - i. **After a short discussion the majority in support the Chair summed that this was supported but MEPC 73 asked for concrete proposal to enhance GSIS and therefore MSC should ask for MEPC advice on how GSIS should be enhanced.**
- f. In Para 31, the co-sponsors recognized that the above proposals would take time to implement and would not achieve immediate safety. The co-sponsors would therefore

propose that, in the interim, MSC adopts an MSC circular recommending that all Member States should take appropriate action to ensure that fuel suppliers under their jurisdiction deliver fuels that comply with the agreed specifications and applicable statutory requirements outlined in the Guidance on Best Practice for Fuel Oil Purchasers/Users for Assuring the Quality of Fuel Oil Used on Board Ships (MEPC.1/Circ.875).

- i. Cooke Isle and others agreed whole heartedly with this proposal. The Chair summed that MSC agrees that a Circular should be developed and that PPR6 should prepare a joint Circular for agreement by MEPC and MSC.
- g. MSC 100/8/2 – Bahamas, Liberia, Marshall Islands, Panama, BIMCO, INTERCARGO and INTERTANKO - Safety implications and respective challenges associated with 2020 compliant fuels
 - i. The Chair suggested that Drafting Group should look at this paper as part of the new Output proposal.

9. Agenda Item 9 – Ship Systems and Equipment

- a. MSC 100/9 – Sec - Report of the fifth session of the Sub-Committee - **Nothing Significant to report for IFSMA**
- b. MSC 100/9/1 – Japan, New Zealand and ICHCA - Requirements for onboard lifting appliances and anchor handling winches - **Nothing Significant to report for IFSMA**
- c. MSC 100/9/5 – IMCA – Comments on the draft regulations and guidelines for onboard lifting appliances and anchor handling winches - **Nothing Significant to report for IFSMA**
- d. MSC 100/9/2 – Japan – Application of the draft amendment to paragraph 6.1.1.3 of the LSA Code – **The amendment for rescue boats which are not part of a vessel's survival craft were approved but ask SSE to clarify the issues raised and bring it back to MSC 101 before adoption of the text..**
- e. MSC 100/9/9 – IACS – Comments on the draft amendment to paragraph 6.1.1.3 of the LSA Code – **As above**
- f. MSC 100/9/3 – Japan – Application date of the draft MSC circular on Revised guidelines for the design and approval of fixed water-based fire-fighting systems for ro-ro spaces and special category spaces – Approved - **Nothing Significant to report for IFSMA**
- g. MSC 100/9/4 – CIRM – Fire-fighter radios required by resolution MSC.338(91) - Agreed - **Nothing Significant to report for IFSMA**
- h. MSC 100/9/8 – ICS – Comments on document MSC 100/9/4 -**Useful support for CIRM Paper above.**
- i. MSC 100/9/6 – Japan – Amendment to the LSA Code relating to the unified interpretation on lifeboat equipment – **This issue should be referred to**
- j. MSC 100/9/7 – China – Proposal to add a footnote to item 8.1 in Forms C, E and P of the appendix to the SOLAS Convention - **Nothing Significant for IFSMA**
- k. MSC 100/9/10 – ICS, BIMCO, IFSMA, INTERCARGO, INTERMANAGER, IPTA and ITF - Draft amendments to the LSA Code regarding the ventilation of totally enclosed lifeboats – **IFSMA is a co-sponsor to this Paper following discussions at the ILG after ISMA's intervention and concerns over CO levels in totally enclosed lifeboats. The vast majority of the interventions would not support this as they argued that this had been agreed by SSE after much debate and were not prepared to open the arguments up again.**

10. Agenda Item 10 Human Element, Training and Watchkeeping

- a. MSC 100/10 – Sec – Report of the fifth session of the Sub-Committee
 - i. HTW 5/16 refers **see .4 and .5 below in blue and comments in red**

The Committee is invited to:

- .1 endorse the Sub-Committee's agreement that only selected provisions of the

Procedural aspects related to the drafting of amendments to safety-related IMO conventions, other than the 1974 SOLAS Convention, and related mandatory instruments (MSC.1/Circ.1587) apply to the STCW Convention and Code (paragraphs 2.5 and 2.6); 1

.2 consider and instruct relevant IMO bodies to consider whether their respective model courses might need to be updated (paragraph 3.10.3);

.3 approve the draft amendments to the Revised guidelines for the development, review and validation of model courses (MSC-MEPC.2/Circ.15), to be issued as MSC-MEPC.2/Circ.15/Rev.1 (paragraph 3.68 and annex 2); **Approved**

.4 approve the draft Guidelines on fatigue and the associated draft MSC circular (paragraph 8.11.1 and annex 6); **Generally, the Draft Guidelines are adequate. IFSMA tried and failed in the Working Group to have the Chapter "Fatigue and the Master" retained, but it was felt by the majority of Delegations that Masters came under the Seafarer catchall. Following guidance from the Chair the way that MSC had been approaching other Sub Committees work, there would be no appetite by the Committee to revisit this.. I discussed our concerns which we had raised in the Working Group with the UK, etal supporting IFSMA. The general view was that as this had been passed by HTW, albeit a seemingly split decision, the UK and other would not support going back over old ground. Hopefully IFSMA points can be re-voiced in .5 below at HTW in the future.**

.5 endorse the agreement of the Sub-Committee that any proposals to include fatigue risk management tools as appendices to the Guidelines on fatigue could be considered under the agenda item on the "Role of the human element" at future sessions (paragraph 8.11.2); **IFSMA supports this**

.6 agree that, in the future, amendments to part B of the STCW Code be adopted by means of resolutions instead of STCW .6 circulars (paragraph 15.18.1); **Agreed**

.7 adopt the draft amendments to sections B-V/a, B-V/b, B-V/c, B-V/d, B-V/e, B-V/f and current B-V/g of the STCW Code together with the associated draft MSC resolution (paragraph 15.18.6 and annex 9); and

.8 approve the report in general. **Adopted**

- b. MSC 100/10/1 – Japan and Panama – Proposal for the revision of the Guidance on arrangements between Parties to allow for recognition of certificates under regulation I/10 of the STCW Convention (MSC.1/Circ.1450)**Based on the many interventions raised this was not agreed and it was an issue for individual Nations.**
- c. MSC 100/10/2 – Finland – Consequential work related to the International Code for Ships Operating in Polar Waters – Supplementary training provided for crew and personnel. **This is seen as a .Inf Paper as they are asking the Committee to take this Paper into forward on any future work on polar waters training.**
- d. MSC 100/10/3 and Add.1– Sec – List of competent persons to be maintained by the Secretary-General pursuant to section A-I/7 of the STCW Code.
- e. MSC 100/10/4 – Mexico – Mandatory seagoing service for candidates for certification under the STCW Convention, 1978, as amended Web. **After a few interventions by National delegations and BIMCO, the Chair suggested that in view of time, all those who were interested should work with Mexico on a new Output Paper. IFSMA will offer support.**
- f. MSC 100/10/5- ITF – Fatigue among Panama Canal tugboat captains – **an interesting report, but not sure how it will be handled by MSC. Suspect it will be noted as this would be interfering in National business. It was introduced by ITF and as suspected Panama replied in effectively saying that ITF were out of order and not the business of IMO as it was internal waters. They thanked ITF for the recommendations and were taking them into account as they reform their tugboat business in the Canal.**

11. Agenda Item 11 Carriage of Cargoes and Containers

- a. MSC 10/11 – Sec – Urgent matters emanating from the fifth session of the Sub-Committee
- b. MSC 100/11/1 – ICS and SGMF – Comments on document MSC 100/11 regarding the draft amendments to paragraph 9.5 of the IGF Code
- c. **Nothing Significant to report for IFSMA**

12. **Agenda Item 12** – Implementation of IMO instruments
- a. **No Papers submitted**
13. **Agenda Item 13** – Capacity Building for the Implementation of New Measures
- a. MSC 100/13 – Vice Chair – Assessment of capacity-building implications of amendments to mandatory instruments and outputs related to mandatory instruments approved at MSC 99
 - b. **Nothing Significant to report for IFSMA**
14. **Agenda Item 14** – Piracy and Armed Robbery against Ships
- a. MSC 100/14 – Sec – Developments since MSC 99 – **Worth reading the latest 2018 figures and trends. Will draw the attention of members to this.**
 - b. **Statement by Nigeria apologising for the large increase in incidents in their region and the efforts they are making with the help of the UK and France to try and stamp out Piracy in their Region.**
 - c. MSC 100/14/1 – ICS, BIMCO, OCIMF, IFSMA, INTERTANKO, P & I Clubs, INTERCARGO and InterManager – Industry Counter Piracy Guidelines - **A very good read particularly as IFSMA had a big input into these Guidelines. The Committee approved the proposed MSC Circular with minor additions requested by Singapore and ReCAAP and revoke MSC1/Circ.1339.**
 - d. MSC 100/14/3 – Islamic Republic of Iran – Comments on documents MSC 100/14 and MSC 100/14/1 – **Nothing Significant for IFSMA**
 - e. MSC 100/14/2 – Oman – Trend of ships' attacks during the past three years in the northern portion of the Indian Ocean High Risk Area (HRA) – **An understandable complaint of being in the HRA. The Chair summed up after a short discussion there is a group who are currently reviewing the HRAs and encouraged those countries with an interest to engage with INTERTANKO and ICS to discuss the issues as this is an industry issue and led by the industry and not an IMO decision. INTERTANKO agreed that they would take into account all of the comments made and undertake dialogue with those interested.**
 - f. MSC 100/Inf.4 – ReCAAP – Progress Report of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia
 - g. MSC 100/Inf.12 – Marshall Islands, BIMCO, OCIMF and INTERTANKO- - Standardized reporting of global piracy and armed robbery incidents
15. **Agenda Item 15** – Unsafe Mixed Migration by Sea
- a. MSC 99/15 – Sec – Progress made with the Global Compact for Safe, Orderly and Regular Migration and the global compact on responsibility-sharing for refugees
 - b. **Nothing significant to report for IFSMA.**
16. **Agenda Item 16** - Application of the Committee's Method of Work
- a. **No Papers submitted**
17. **Agenda Item 17** – Work Programme
- a. MSC 100/17 – The Chairs of the Maritime Safety Committee and the Marine Environment Protection Committee – Activities, priorities and plan of meeting weeks of the Committees and their subsidiary bodies – **Change to the meetings of Committees and Sub-Committees**
 - b. MSC 100/17/1 and Corr.1– Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom, EC, ICS, IUMI, BIMCO, ISU, INTERTANKO and P&I Clubs – Proposal for a new output for a revision of resolution A.949(23) on Guidelines on places of refuge for ships in need of assistance – **This was agreed**

- c. MSC 100/17/2 – United States – Proposal for a new output for a revision of resolution A.949(23) on Guidelines on places of refuge for ships in need of assistance – **a good idea**
- d. MSC 100/17/3 – United Kingdom – Proposal for a new output to develop guidance in the use of emergency personal radio devices in multiple casualty situations - **a good idea - Approved**
- e. MSC 100/17/4 – China and IMLA – Proposal for a new output to amend the Revised guidelines for the development, review and validation of model courses (MSC-MEPC.2/Circ.15) – **If it improves the uniform training across the industry then it can only be good - Approved**
- f. MSC 100/17/12 – IMHA – Comments on document MSC 100/17/4 - **Nothing Significant for IFSMA**
- g. MSC 100/17/5 – China – Proposal for a new output for revision of ECDIS – Guidance for good practice (MSC.1/Circ.1503/Rev.1) – **Sounds a good idea for better coordination of ECDIS standards, but will be interesting to hear what CIRM have to say - Approved**
- h. MSC 100/17/6 – Marshall Isles and RINA – Proposal for a new output on the assessment of the practicality of survival craft (specifically lifeboat) seating arrangements – **This should get total support as it is a matter of safety as currently the number of people supposed to be put into a life raft does not reflect reality of the oversize of so many people. – There was broad support for the principle however many expressed support for ILAMA’s opinion that this could be dealt with under the revision of the LSA code. We did have our card up to support the proposal however the cahir summed up that it would be moved forward however a new input was not required.**
- i. MSC 100/17/13 – ILAMA – Comments on document MSC 100/17/6 -**Interesting to read ILAMA comments that there will not be enough space for bigger or more Liferrafts on many passenger ships is irrelevant – passenger ships have too many passengers on them already and new ones will just have to ensure their size is built accordingly. – There was support for the argument that this should be dealt with under the review of the LSA code however they were rebuked by Norway for the quality of their arguments.**
- j. MSC 100/17/7 – Belarus and Russian Republic – Proposal for a new output to address the use of electronic certificates pursuant to the STCW Convention and Code – **Worth looking at as long as it does not become a bigger admin burden – Approved.**
- k. MSC 100/17/8 – United States – Proposal for a new output to enhance performance standards and carriage requirements for shipborne voyage data recorders – **Another good idea, but how practical – will be resisted by shipowners on cost – More information needed – not approved.**
- l. MSC 100/17/9 – New Zealand and ICHCA – Proposal for a new output to revise MSC.1/Circ.1442, as amended by MSC.1/Circ.1521 – **This should improve safety – Approved.**
- m. MSC 100/17/10 – Panama, CLIA and IBIA – Proposal for a new output to amend SOLAS regulation II-2/13.4 regarding means of escape from machinery spaces below the bulkhead deck for new ships – **good for safety of the Mariner – more information needed – Not approved.**
- n. MSC 100/17/11 – China – Comments on document MSC 99/22/Add.1 – **Nothing significant for IFSMA**

18. Agenda Item 18 - Election of Chair and Vice-Chair for 2019

- a. Malaysia proposed Mr. Brad Groves (Australia) be nominated to retain his position as Chair for 2019, seconded by Mexico and elected by acclamation. The Vice-Chair of the Committee, Mr. Juan Carlos Cubisino (Argentina), was also reelected.

19. Agenda Item 19 – Any other Business

- a. MSC 100/19 – United States – The Automated Merchant Vessel Reporting (Amver) Programme - **Nothing significant for IFSMA**
- b. MSC 100/19/1 – Sec – Minor corrections to references in the Revised recommendation on testing of life-saving appliances (MSC.81(70)) - **Nothing significant for IFSMA**
- c. MSC 100/19/2 – Sec – Draft IMO position on WRC-19 agenda items concerning matters relating to maritime services - **Nothing significant for IFSMA**
- d. MSC 100/19/3 – Russian Federation – Proposal for the development of IMO requirements on design, construction and survey of seagoing vessels with Fibre Reinforced Plastic (FRP) hulls and/or FRP structures contributing to global strength - **Nothing significant for IFSMA**
- e. MSC 100/19/4 – Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom and EC - Accelerated weathering tests of retro-reflective materials on life-saving appliances - **Nothing significant for IFSMA**
- f. MSC 100/19/5 – Ukraine – Safety and Security of Navigation in the Northern part of the Black Sea – **Political and nothing Significant for IFSMA**
- g. MSC 100/19/11 – Russian Federation – Comments on document MSC 100/19/5 – **As above**
- h. MSC 100/19/6 – China – Considerations on Domestic Ferry Safety - **Much of this is already being done – see Paper MSC 100/19/10 from Sec**
- i. MSC 100/19/10 – Sec – Comments on document MSC 100/19/6 – Considerations on domestic ferry safety
- j. MSC 100/19/7 – ISO – Status of recent standards activities of the ISO Technical Committee on Ships and Marine Technology (ISO/TC 8) related to the work of the Maritime Safety Committee - **Nothing significant for IFSMA**
- k. MSC 100/19/8 – Liberia, Marshall Isles, New Zealand and IACS – Trial for an independent assessment of the IACS Quality System Certification Scheme (QSCS) - **Nothing significant for IFSMA**
- l. MSC 100/19/9 – Australia, Canada, France, Italy, Japan, United Kingdom and United States - Deceptive shipping practices employed by Democratic People's Republic of Korea – **A political issue which is not for IFSMA to get involved in**
- m. MSC 100/Inf.2 – Sec – Global Integrated Shipping Information System (GISIS)
- n. MSC 100/Inf.5 – Russian Federation, FAO, PEW and Sec – Communication between fisheries and transport ministries to support the entry into force of the 2012 Cape Town Agreement and combat IUU fishing (Outcome of the Global Fishery Forum – Saint Petersburg, Russian Federation, 13 to 15 September 2018)
- o. MSC 100/Inf.9 – Republic of Korea – Information on the 2018 Korea Maritime Week
- p. MSC 100/Inf.11 – Sec - One hundred sessions enhancing safety and security of international shipping
- q. **Nothing significant for IFSMA on the above 4 info Papers**

Draft Report on the “MSC 100” Working Group @IMO – Wednesday 5th December 2018

Attending IMO’s Working Group (WG 1) on the regulatory review of US/MASS for the third and busy day in Room #9 with Robert Veal (Institute of Maritime Law @ Southampton University with CMI) and David Appleton (Nautilus with IFSMA). (0900hrs – 18.00hrs). The WG is very well-chaired by Sweden. Xavier represented the IMO Secretariat, and the IMO Legal Department was also represented.

First, draft *Terms of Reference* for the *MSC Regulatory Review* were reviewed and completed, based on the draft, which was annexed to the Paper presented by Finland, and the outcome of the deliberations of the hard work of the intercessional Correspondence Group. In effect, it is a so-called “high level” exercise, and “gap analysis”. This work is to be completed in two sequential Stages.

Secondly, the four “*Degrees of Automation*” are largely unchanged, since that which was proposed by the Correspondence Group; although the precise wording is open to challenge, where +95% of All Ships fall within the Degree 1 Category, it was privately suggested by Anderson (for Lloyds Register). In other words, what might be interpreted as being the status quo, currently, on one interpretation.

Plenary recommended a focus/priority on Degrees 2 & 3; being so-called “Remotely-Controlled MASS” (manned and unmanned). Degree 4 is widely regarded as being aspirational and visionary.

Thirdly, the following nation States volunteered to lead and support the exercise so far as the purview of MSC is concerned, where FAL might look at Ship’s Documents and Ship’s Equipment in due course, MEPC might look at MARPOL, and LEGAL might look at the Salvage convention and liability conventions in due course:-

SOLAS Chapter II-1 – led by Sweden

SOLAS Chapter III – led by Netherlands

SOLAS Chapter IV – led by Turkey

SOLAS Chapter V (Safety of Navigation) – led by China and supported by Denmark et al

SOLAS Chapter IX - - led by Norway and supported by Korea and Russia.

SOLAS Chapter XI-2 – no volunteers as yet; although I suggested this to the UK delegation.

COLREGs – led by Marshall Islands and China, and supported by Japan and the USA.

STCW – led by USA and supported by Japan, Republic of Korea and the Russian Federation

LL – Led by India

This exercise was to bear in mind future generic “high level” *IMO Guidelines for US/MASS trials*, which is intended to be a single document for both Owners/Operators of US/MASS, as well as flag States, Coastal States and Port States. This may prove to be a significant drafting challenge, where similar guidelines were prepared some years ago for PCASGs aboard All Merchant Ships, and were divided into three sets of IMO Guidelines, which were found to be very helpful, so I recall, by both nation States and the shipping industry.

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Thursday 6th December 2018

Report from WG 3, Safety measures for non-SOLAS ships operating in polar waters.

The working group was established Tuesday at lunch under the competent leadership of Ms. S. Sonninen (Fin.) with the following terms of reference:

1. further consider draft amendments to SOLAS regulations XIV/2 (Application) and XIV/3 (Requirements for ships to which this chapter applies) to widen the scope of application of the Polar Code to certain non-SOLAS ships, using the text in document MSC 100/7, annex 1, as the basis;
2. further consider draft amendments to part I-B of the Polar Code on add-on linkages between the Polar Code, section 9.3, and SOLAS chapter V regulations referenced in regulation V/1.4, using the text in document MSC 100/7, annex 2, as the basis;
3. consider document MSC 100/7/1 proposing certain mandatory methodologies for determining a ship's operational capabilities in ice in the context of voyage planning (Polar

- Code, chapter 11) and mandatory carriage requirement of a polar water operational manual (PWOM), and provide advice on the implementation of the proposal;
4. update the reference table on existing regulatory provisions for non-SOLAS vessels operating in polar waters (MSC 99/WP.10, annex 1) and the Roadmap (MSC 99/WP.10, annex 2); and
 5. submit a written report to plenary by Thursday, 6 December 2018.

It became clear already in plenary that the views on this subject were ranging from very positive to mandatory regulations on one side, to very negative to any kind of regulations on the other side. The “negative side” included many of the important member states, so it was soon clear that it would be impossible to get unanimous support for a mandatory solution at this meeting. An unofficial count showed that the two sides were about the same size.

The chair proposed that one way forward could be to produce a guideline circular/resolution as a short-term solution, while continuing the work on exploring the possibilities of a mandatory solution in the future. This received wide support. The earliest date for changes to SOLAS is 2024, so there is time to do the necessary detailed work in relevant sub-committees.

The Canadian proposal in MSC 100/7/1 received very limited support, and many objections. In general, the objections were that the proposal would be an overkill for the ships we were discussing. Mandatory usage of Polaris and a required PWOM would be an excessive administrative burden for ships of this size. The issue will be looked into later at a more limited scale.

The reference table on existing regulatory provisions was considered, and no amendments were required.

The roadmap was adjusted where necessary to illustrate the progress required to meet relevant deadlines for inclusion into the revision of SOLAS in 2024, and the plan for development of generic guidance as an interim solution.

The group finalized its work on Thursday December 6.