

MARITIME SAFETY COMMITTEE 101st SESSION (MSC 100) Wed 5 – 14 JUN 19

The One Hundred and First Session of the Maritime Safety Committee will be held at IMO Headquarters from 5 – 14 Jun 19, chaired by Mr. Brad Groves (Australia). The Vice-Chair of the Committee, Mr. Juan Carlos Cubisino (Argentina), will also be present.

Introduction by IMO SG. Expressed sympathy for those affected by the River Danube tragedy in Hungary. He mentioned preparations for this year's World Maritime Day. – This year's theme - Empowering women in maritime community. He continued by mentioning subjects to be discussed including MASS, new GSIS module now available on High Level Review, IACS Classification Society rules for bulk carriers and tankers, encourage members to use GSIS to nominate new auditors, safety in use of fuel oil and 202 sulphur limit, piracy and armed robbery 223 incidents in 2018 an increase of 9% over 2017, half of incidents this year in Gulf of Guinea, Palau flagged tanker was hijacked off Libya by migrants after being rescued, he commended the crew and Govt. of Malta for assisting. Will consider amendments to various instruments. Will need consider many draft circulars. Will consider 21 outputs, the highest number for many years. Text of his speech may be viewed here:

<http://www.imo.org/en/MediaCentre/SecretaryGeneral/Secretary-GeneralsSpeechesToMeetings/Pages/Default.aspx>

Marshall Islands announced that they had completed their investigation into the loss of the Stella Daisy, the report is available on GSIS.

1. Adoption of the agenda

- a. Ad hoc working and drafting groups will be established during the session:
 - i. Working Group on Regulatory scoping exercise for the use of maritime autonomous surface ships (MASS); (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)**
 - ii. Working Group on Goal Based standards (Agenda Item 6)
 - iii. Working Group on Measures to enhance the safety of ships relating to the use of fuel oil; and
 - iv. Drafting Group on Amendments to Mandatory Instruments;
- b. Amendments to the 1974 SOLAS Convention under agenda item 3 (Consideration and adoption of amendments to mandatory instruments) will be considered by the expanded Committee, i.e. including States that are not IMO Members but are Contracting Governments to the Convention.

2. Agenda item 2 - Decisions of other IMO Bodies

- a. MSC 101/2 - Sec – Outcome of C121 –
- b. MSC 101/2/1 – Sec – Outcome of LEG 106
- c. MSC 101/2/2 – Sec – Outcome of FAL 43
- d. MSC 100/2/3 – Sec – Outcome of MEPC 73.
 - i. **No Items for action at MSC**
 - ii. **France requested that for containers lost at sea an accurate position is required to track the subsequent position of the containers for speedy recovery. New output supported for MSC102.**

3. **Agenda item 3** – Consideration and Adoption of Amendments to Mandatory Instruments (**A Drafting Group will be established for this Item**)
 - a. MSC 101/3 – Sec – Amendments to the 1974 SOLAS Convention and associated instruments
 - b. MSC 101/3/10 – ICS, IACS and SGMF – Comments on document MSC 101/3 regarding draft amendments to paragraph 9.5 of the IGF Code
 - c. MSC 101/3/1 -Sec – Amendments to the International Maritime Solid Bulk Cargoes (IMSBC) Code
 - d. MSC 101/3/2 – Sec – Amendments to the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code)
 - e. MSC 101/3/3 – Sec – Amendments to the BCH Code and draft consequential amendments to MSC.1/Circ.1395/Rev.3
 - f. MSC 101/3/4 and Corr.1 – Sec – Amendments to the Safety Certificate and the Record of Equipment Safety Certificate for Special Purpose Ships of the SPS Code (resolution A.534(13), as amended)
 - g. MSC 101/3/5 – Germany – Comment on the proposal for Amendments to the International Maritime Solid Bulk Cargoes (IMSBC) Code (resolution MSC.268(85))
 - h. MSC 101/3/6 – Japan – Draft amendment to the IMSBC Code
 - i. MSC 101/3/7 – Sec – Draft modifications to the draft amendments to the IBC Code
 - j. MSC 101/3/8 – Norway – Comments on the draft amendments to the IBC Code
 - k. MSC 101/3/9 – Japan and ICS – Draft amendment to the IGF Code
 - l. **Nothing Significant for IFSMA in the above Papers**

4. **Agenda Item 4** – Measures to enhance maritime security
 - a. **Prior to the commencement of this Agenda Item the UAE gave a statement about the sabotage of 4 vessels at Anchor in their territorial waters. After an investigation it was concluded that the attack was carried out by a State Actor because of the sophisticated and coordinated nature of the attack and the selection of the 4 vessels from over 100 at anchor.**
 - b. MSC 101/4 – Sec – Updates on recent developments related to maritime security - **Nothing Significant to report**
 - c. MSC 101/4/3 – Sec - Guidance for the electronic transfer of information into and from the Maritime Security module of GISIS – **Nothing Significant to report**
 - d. MSC 101/4/1 – ICS, IUMI, BIMCO, OCIMF, INTERTANKO, CLIA, INTERCARGO, InterManager and WSC - The Industry Guidelines on cyber security on board ships, version 3 – **This will be a useful Document to send out to the Federation and highlighted in the following Link:**

http://www.imo.org/en/OurWork/Security/Guide_to_Maritime_Security/Pages/Cyber-security.aspx
 - e. MSC 101/4/4 – United States, ICS and BIMCO - Cyber risk management in Safety Management Systems - **Nothing significant to report.**
 - f. MSC 101/4/2 – ISSA - Access to ports and vessels by ship suppliers – **The United States stated that with reference to Para 7.3 of the Paper, legislation has just been passed in the United States that full access be given and this includes allowing Ships personnel access to shore facilities without cost.**

5. **Agenda Item 5** – Regulatory scoping exercise for the use of Maritime Autonomous Surface Ships (MASS) **WG1-** NOTE – All of the Papers submitted under this Agenda Item, including the INF Paper should be read by anyone attending MSC with IFSMA. Those attending the Working Group

representing IFSMA should have read all of these Papers in detail and have a good knowledge of the contents.

- a. MSC 101/5 – Sec – Status report – Progress of the regulatory scoping exercise – **Important information to note for the Correspondence Group**
 - b. MSC 101/5/1 – ITF – The initial review of the mandatory IMO instruments related to maritime safety and security – **This Paper should be supported**
 - c. MSC 101/5/2 – China – The initial review of the mandatory IMO instruments related to maritime safety and security
 - d. MSC 101/5/3 – China - Proposals on key aspects of the interim guidelines for MASS trials
 - e. MSC 101/5/4 – Finland and France - Proposal for terms to be avoided, recommended terms and draft of glossary
 - i. **General agreement to content, considered premature, revisit at MSC102.**
 - f. MSC 101/5/5 – Finland, Japan, Norway, Republic of Korea, Singapore, United Arab Emirates and BIMCO - Interim guidelines for MASS trials
 - g. MSC 101/5/6 – Republic of Korea – Comments on documents MSC 101/5/5 and MSC 101/INF.17
- 6. Agenda Item 6 – Goal-Based New Ship Construction Standards – **WG2 will be established on this Agenda Item****
- a. MSC 101/6 – Sec Gen – Cyber risk management in Safety Management Systems
 - MSC 101/6/1 – China – Proposal for amendment to the Generic Guidelines for developing IMO goal-based standards
 - b. MSC 101/6/2 – Sec – Update on the progress made regarding development of the GISIS module 'National Contacts' with regard to the pool of GBS auditors
 - c. MSC 101/6/3 – Germany, Netherlands and Sweden - Proposal for amendments to the Generic guidelines for developing goal-based standards (MSC.1/Circ.1394/Rev.1)
 - d. MSC 101/6/Inf.13 – IACS – Status reports addressing GBS audit observations
 - e. MSC 101/6/Inf.19 – Sec – Actions taken by individual IACS members ROs on the observations from the initial GBS verification audit
 - f. **Nothing significant for IFSMA in the above Papers**
- 7. Agenda Item 7 – Safety measures for non-SOLAS vessels operating in polar waters –**
- a. MSC100/7 – Marshall Islands and New Zealand – Feasibility and consequences of applying the requirements in chapters 9 and 11 of the Polar Code to non-SOLAS vessels operating in polar waters
 - b. MSC 100/7/1 – Canada, Chile, France, Marshall Islands, New Zealand, FOEI, Pacific Environment and WWF - Draft Assembly resolution
 - c. MSC 101/7/2 – Chile, France, Marshall Islands, New Zealand, FOEI, WWF and Pacific Environment – Consideration of feasibility and consequences of applying the requirements in chapters 9 and 11 of the Polar Code to non-SOLAS ships operating in polar waters. – **This Paper should be supported if necessary.**
 - d. MSC 101/Inf.10 - WWF, FOE and Pacific Environment – Non-SOLAS ships operating in polar waters
 - e. MSC 101/Inf.18 – Canada, Denmark, Finland, Iceland, Norway, Russian Federation, Sweden & United States - Arctic Shipping Best Practice Information Forum
 - i. **Nothing significant in the above Papers unless highlighted.**

- ii. Papers 7 and 7/2 referred to NCSR to consider proposals, consequences and practicalities, and how best to implement.
- 8. **Agenda Item 8** - Development of Further Measures to Enhance the Safety of Ships Relating to the use of Fuel Oil (**WG 3 will be established on this Item**)
 - a. MSC 101/8 – IACS – Method of work for evaluating the need for further measures to enhance the safety of ships relating to the use of fuel oil
 - b. MSC 101/8/1 – IACS – Further comments on the revised version of IACS UI SC123 as provided in the annex to document SDC 6/9/4
 - c. MSC 101/8/2 – ICS, INTERTANKO, INTERTAMCO, IPTA - Comments on document MSC 101/8
 - i. **A pragmatic Paper that should be supported if necessary.**
 - ii. **Flashpoint of supplied fuel considered to be a potential problem, discussion on how to monitor and report deficiencies. Sent to WG.**
- 9. **Agenda Item 9** – Carriage Of Cargoes And Containers
 - a. MSC 100/9 – Sec – Report of the fifth session of the Sub-Committee
 - i. **Nothing significant for IFSMA in Actions 1-8 of Para 2**
 - b. MSC 100/9/1 – Sec – Revision of the IMO/ILO/UNECE Code of Practice for Packing of Cargo Transport Units (CTU Code)
 - i. **Revision is much needed by the industry to improve ship safety**
 - ii. **Action requested in 9/1 agreed.**
- 10. **Agenda Item 10** – Implementation of IMO Instruments
 - a. MSC 101/10 – Sec - Report of the fifth session of the Sub-Committee
 - b. MSC 101/10/3 – IACS – Comments on the Procedure for identifying safety issues
 - c. MSC 101/10/1 – Sec – Preparation for the fourth Joint FAO/ILO/IMO Working Group on IUU Fishing and Related Matters
 - d. MSC 101/10/2 – Marshall Islands, Russian Federation and IACS – Draft revised model agreement for the authorization of recognized organizations acting on behalf of the Administration
 - e. **Nothing significant to report for IFSMA in any of the above Papers. The subject of Marine Accident Investigations is to become a focus of attention for IFSMA at the next III sub committee meeting**
- 11. **Agenda Item 11** – Navigation, Communications and Search and Rescue
 - a. MSC 101/11 – Sec – Report of the sixth session of the Sub-Committee
 - b. MSC 101/11/5 – IMSO – Comments on document MSC 101/11
 - c. MSC 101/11/1 – IHO and WMO – Development of an interim preliminary draft Iridium SafetyCast service manual
 - d. MSC 101/11/4 – United States – Comments on document MSC 101/11/1
 - e. MSC 101/11/2 – IMSO – Proposed takeover of Inmarsat plc
 - f. MSC 101/11/3– United States – Implementation of the Iridium mobile-satellite system in the GMDSS
 - g. MSC 101/Inf.5 – India – Review of the Indian Regional Navigation Satellite System (IRNSS)
 - h. MSC 101/Inf.14 – IMSO - Monitoring of the GMDSS implementation of Iridium
 - i. **Nothing Significant to report for IFSMA in any of the above Papers**
- 12. **Agenda Item 12** – Ship Design and Construction
 - a. MSC 101/12 and Rev.1 – Sec – Report of the sixth session of the Sub-Committee
 - b. MSC 101/12/1 – Sec – Comments on document SDC 6/13

- c. MSC 101/12/2 – Norway – Comments on document SDC 6/13
- d. MSC 101/12/3 /Rev.1 – China – Comments on document SDC 6/13
- e. MSC 101/12/6 – Australia – Comments on document MSC 101/12
- f. MSC 101/12/4 – Japan and IACS - Modification to the draft revised guidance on shipboard towing and mooring equipment
- g. MSC 101/12/5 – Japan, United States and IACS – Comments on the draft amendments to the unified interpretations in MSC.1/Circ.1535/Corr.1
- h. **Nothing Significant for IFSMA in any of the above Papers**

13. Agenda Item 13 – Pollution Prevention and Response

- a. MSC 101/13 – Matters emanating from the sixth session of the Sub-Committee
- b. **Nothing Significant for IFSMA in any of the above Papers**

14. Agenda Item 14 – Ships System and Equipment

- a. MSC 101/14 – Sec – Report of the sixth session of the Sub-Committee
 - i. **Sub Para 11 of Para 2 Actions “consider the justification for a new output on the application of the requirement to launch free-fall lifeboats with the ship making headway at speeds up to 5 knots in calm water, and take action, as appropriate (paragraph 12.37 and annex 6);”**
 - ii. **This might cause an interesting debate and should be listened to carefully in case there is a need for IFSMA to intervene in support**
- b. MSC 101/14/8 – ICS, RINA and Interferry – Comments on document MSC 101/14
- c. MSC 101/14/1 – Sec – Draft MSC resolution on Amendments to the Revised recommendation on testing of life-saving appliances (MSC.81(70))
- d. MSC 101/14/2 – Sec – Draft Assembly resolution on Amendments on Use and fitting of retro-reflective materials on life-saving appliances (resolution A.658(16))
- e. MSC 101/14/3 – Germany – Clarification of SOLAS regulation II-2/19.3.8 in relation to the stowage of dangerous goods of class 1
- f. MSC 101/14/4 – Canada and Norway – Interim guidelines on life-saving appliances and arrangements for ships operating in polar waters
- g. MSC 101/14/5 – IACS – Interim guidelines on life-saving appliances and arrangements for ships operating in polar waters
- h. MSC 101/14/6 – IACS – Comments on the draft revised unified interpretation of SOLAS regulations II-1/28, II-1/29 and II-1/30
- i. MSC 101/14/7 – RINA – Proposed scope and method for the revision of SOLAS chapter III and the LSA Code
- j. MSC 101/14/9 – CLIA – Comments on the Interim guidelines on life-saving appliances and arrangements for ships operating in polar waters
- k. MSC 101/14/10 – CLIA – Comments on the safety objectives and functional requirements of the Guidelines on alternative design and arrangements for SOLAS chapters II-1 and III (MSC.1/Circ.1212)
 - Long discussion on ‘exposure to a long-term CO₂ concentration of more than 5,000 ppm for at least 24 hours’. Paper approved leaving out this precise limit for the moment. SSE will continue this work.**
- l. **Nothing Significant for IFSMA in any of the above Papers unless highlighted**

15. Agenda Item 15 – Implementation of the STCW Convention

- a. MSC 101/15 – Sec – List of competent persons to be maintained by the Secretary-General pursuant to section A-I/7 of the STCW Code
- b. MSC 101/Inf.6 - Behavioural competency assessment and verification for vessel operators

- i. An interesting read otherwise nothing significant for IFSMA in the above documents.

16. Agenda Item 16 – Capacity-Building for the Implementation of New Measures

- a. MSC 101/16 – Vice Chair – Preliminary assessment of capacity-building implications of amendments to mandatory instruments approved at MSC 100
- b. MSC 101/16/1 – Sec – Analysis of past capacity-building assessments
- c. Nothing Significant for IFSMA in any of the above Papers

17. Agenda Item 17 – Formal Safety Assessment

- a. MSC 101/17 - Firesafe I and II studies – FSA on fires on ro-ro decks of passenger ships
- b. Nothing Significant to report for IFSMA

18. Agenda Item 18 – Piracy and Armed Robbery Against Ships

- a. MSC 101/18 – Sec – Developments since MSC 100 – Draws attention to
 - i. remind companies, masters and seafarers to continue the diligent application of existing IMO guidance and the revised Best Management Practices guidance as well as the new Global Counter Piracy Guidance and the updated guidance for protection against piracy and armed robbery in the Gulf of Guinea region contained in Revised industry counter piracy guidance (MSC.1/Circ.1601); and
 - ii. invite Member States to continue to provide naval assets and flag States to continue to monitor the threat to ships flying their flag, and set appropriate security levels in accordance with the ISPS Code.
- b. MSC 101/Inf.2 – ReCAAP-ISC - Progress Report of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia – Information Sharing Centre (ReCAAP-ISC)
- c. MSC 101/Inf.15 – India – Establishment of Information Fusion Centre – Indian Ocean Region (IFC-IOR) – The above 2 Inf Papers are useful to read to update the Mariner.
- d. MSC 101/18/3 – India – Armed robbery and hijacking incidents in the Gulf of Guinea – A good proposal which was supported in the Paper 101/18/4, co-sponsored by IFSMA
- e. MSC 101/18/4 – ICS, ICC, BIMCO, OCIMF, IFSMA, INTERTANKO, INTERFERRY, P & I Clubs, SIGTTO, CLIA, INTERCARGO, InterManager, IPTA, IMCA, ITF and WSC - Comments on document MSC 101/18/3 – Supports the Indian Paper. BIMBCO gave a very firm and direct introduction on behalf of all the NGOs in the industry condemning the rise of Piracy in the area and the concern at the lack of International and National action to stop these incidents.
 - i. France gave a long intervention outlining the role of the G7 ++ in the area and did not agree with the formation of a contact Group as outlined in the Indian paper as this might undermine the work the Group is doing in the area. France invited India to join the G7++ committee to discuss how this could be taken forward with the Member States operating in the area.
 - ii. Ghana shared the concerns of what is happening in the area and gave a long intervention in support of the French Intervention and a statement of all the good things they are doing in the area and what is already in place and that a Contact Group would not be able to do any more. They went onto state that perhaps the Friends of the Gulf of Guinea should perhaps do more to advertise what they were trying to do and invited India to join the group to help improve the situation in the Gulf of Guinea.
 - iii. Liberia stated that the Gulf of Guinea area was nothing like the Somalia area and piracy issue as it is not based on State failure and a contact group would not be appropriate. This was supported by Nigeria who then went on to state what Nigeria is doing to stop Piracy in

- their area, particularly in their back waters and Inland waters trying to justify that they are doing a lot and are investing heavily in the area and it is not their fault.
- iv. Marshall Isles stated that they had listened to all and suggested that closer support and cooperation was needed in the area otherwise the proposals recommended by India should be considered.
 - v. The UK, as one of the G7++ could not support the Paper to set up a contact group but invited India and the NGOs to take part in the G7++ meetings to drive this forward.
 - vi. From the above interventions, the 2 Papers clearly struck a nerve and upset the Nations in the area and those supporting them. However, it is clear that in doing this we have achieved some of our aim by increasing the pressure on the MDATGoG and Nations to do more to improve the security and safety in the area.
 - vii. The debate continued with all the Regional States and others opposing the India proposal and supporting the work being done by the G7++ Friends of the GoG.
 - viii. The Bahamas made an excellent intervention asking France or UK on behalf of the G7++ to present a paper informing MSC of what they are doing and achieving in the area. The safety of Shipping is paramount and continues to be an issue. The concern of the Maritime Industry has led to the production of these 2 Papers and highlights that more information is needed from the G7++ so that other Nations can contribute to help eradicate the issue in the GoG area.
 - ix. At the end of the discussion the Secretary General IMO stated that we need more action in the area against Piracy and thanked India and INTERTANKO and co-sponsors for highlighting the issue here at MSC and it will urge further action by the G7++. He also stated the work done by ReCAAP and Gulf of Aden. He stated the IMO will make more concrete action with Nations in the GoG to facilitate further dialogue in the area, but recognised the work done by ICC and G7++ but encouraged more dialogue both here at IMO and at the G7++ Friends of the GoG Forum.
- f. MSC 101/18/1 – ICS, BIMCO, OCIMF, INTERTANKO and INTERCARGO - Review of the High-Risk Area for piracy in the Indian Ocean – Oman welcome the revised High Risk area but remains concerned that some of its Arabian seas are still in the HRA. They look forward to further examination of the remaining waters particularly as there had been no acts of piracy in their waters for over a year.
 - g. MSC 101/18/2 – Marshall Islands, ICC, BIMCO, OCIMF, IFSMA, INTERTANKO and INTERCARGO - Standardized reporting of global piracy and armed robbery incidents - ReCAAP did not like the Paper stating that it added further confusion and not clarity and therefore reporting should remain as is and that it is up to GoG Region to readdress their procedures. However, they were open to further discussion in the future. There followed a long debate with the majority of Nations against the paper stating that it was a Regional issue and not for IMO to impose standard reporting although the intention of having standardised reporting was supported. The wider amendments proposed in the paper were not supported. There was support for a Correspondence to be set up to resolve this issue of Standardised Reporting but it must have very clear ToR for its work. The Chair summed that the primacy of Coastal States should be upheld and any move forward in harmonisation of reporting procedures should not jeopardise those successful regions reporting procedures. The Chair proposed that firm proposals based on the discussions of general support should be put forward and discussed at MSC 102.

19. Agenda Item 19 – Unsafe Mixed Migration by Sea

- a. MSC 101/19 – Sec - Endorsement of the Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Responsibility-Sharing for Refugees

- b. United States supports much of what is included in the Compact above. The US is not prepared to allow an of its resource to be used for GCM but can support individual Nations if they wish to do so. UNHCR reported considerable migration around the world including Yemen and the Mediterranean, but serious concerns exist in the Med. More than 500 people have lost their life this year alone. UNHCR continues to be concerned about the fact that Libya is not a safe place to land Migrants and Shipmasters should not be criminalised for not doing so. They also stated their support for Shipmasters in the rescuing of Migrants and condemned Nations who do not give Shipmasters support for acting in accordance with International Law. Clearly the discussions that IFSMA has had with both UNHCR and the EU is getting the message home about the difficult situations this Mass Migration puts shipmasters in, and that they should not be directed to land Migrants back into Libya nor penalised if they do not do so. BIMCO added a very firm Statement in support of Shipmasters and called on Member States and MRCCs not to direct the returning of Migrants back to Libya.
- c. IFSMA Intervened with

Chair, IFSMA would like to thank UNHCR for its statement and the support it gave to the difficult position Shipmasters find themselves in. IFSMA fully supports the statement by BIMCO. Shipmasters who are acting in accordance with International Law and being threatened with people smuggling if they do not land them in places deemed unsafe by the United Nations Agencies is putting them and their crews at risk and this is an intolerable situation. Thank you Chair

20. Agenda Item 20 – Application of the Committee's Method of Work

- a. MSC 101/20 – Draft amendments to the Committees' method of work (MSC-MEPC.1/Circ.5/Rev.1)
- b. Draft amendments approved, but nothing Significant to report for IFSMA

21. Agenda Item 21 – Work Programme

- a. MSC 101/21 – Sec – Relocation of existing outputs to other Strategic Directions
- b. MSC 101/21/1 – Philippines and IAMU – Proposal for a new output on the development of provisions on quality of onboard training of prospective officers. **Supported, send to HTW.**
- c. MSC 101/21/2 – China – Proposal for a new output for the revision of MSC/Circ.608/Rev.1 on Interim guidelines for open-top containerships. **Not supported.**
- d. MSC 101/21/3 – Belgium, Luxemburg and SYBass – Proposal for a new output on fire protection of control stations on cargo ships. **Supported, send to SSE.**
- e. MSC 101/21/4 – Sec – Outputs of the Maritime Safety Committee for the 2020-2021 biennium – **nothing significant of interest to report**
- f. MSC 101/21/5 – United Kingdom - Proposal for a new output: Amendment to MSC.1/Circ.1318 to clarify the hydrostatic testing regime for high-pressure CO2 cylinders – **supported and requires clarification and be sent to SSE 7 for inclusion**
- g. MSC 101/21/6 – 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 European Commission - Proposal for a new output to review the LSA Code and resolution MSC.81(70) to address the in-water performance of SOLAS lifejackets -
- h. MSC 101/Inf.3 – 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 European Commission - Information in support of a review into the in-water performance of SOLAS lifejackets – it was agreed to take this forward for further technical discussion at the SSE Sub-Committee.

- i. MSC 101/21/7 – Norway – Proposal for a new output to amend paragraph 8.3.5 of the 1994 and 2000 HSC Codes – New output for SSE approved
- j. MSC 101/21/8 – Australia, Brazil, Canada, United States, NACE International and IIMA - Proposal for a new output to address the issue of assessment of solid bulk cargoes for the MHB (CR) hazard – This proposal received unanimous support for inclusion in the CCC Sub Committee. IFSMA made and Intervention Chair, IFSMA congratulates the Russian federation and the Philippines on their National Day. It thanks the Co-sponsors for their Paper and supports and welcomes this new proposal as it will provide Shipmasters with more accurate and consistent information on their cargoes and enhance the safety of the Mariner.
- k. MSC 101/21/9 – Israel, Liberia and Poland – Proposal for a new output on Performance Standards for Navigation Decision Support Systems for Collision Avoidance (NDSS CA) – The use of AIS Data for collision avoidance is absolutely not supported and should be robustly rebutted by IFSMA.
 - i. There was a long debate, on this issue, most against, and in particular the inclusion of AIS in a Collision avoidance tool. Additionally, the Human element Questionnaire was incorrectly completed and did not take into account the Mariner. There is no mandatory requirement for these systems and therefore in its current form the proposal was not approved.
- l. MSC 101/21/10 – Marshall Islands, New Zealand, ICS, BIMCO, IACS, IFSMA, INTERTANKO, INTERCARGO, InterManager, IPTA, RINA and NI - Arrangements used in the operational testing of free-fall lifeboat release systems without launching the lifeboat (equipment used in the simulated launching of free-fall lifeboats)- The proposal was unanimously supported.
- m. MSC 101/21/11 – Liberia, Marshall Islands, Spain, United States, BIMCO, INTERTANKO, and SIGTTO - Proposal for a new output to revise resolution A.1050(27) on Revised recommendations for entering enclosed spaces aboard ships – Proposal for new output approved as a matter of safety
- n. MSC 101/21/12 – Canada and United States – Proposal for a new output on amendments to the International Code for the Safe Carriage of Grain in Bulk – Proposal supported for CCC Agenda
- o. MSC 101/21/13- Islamic republic of Iran – Proposal for a new output for non-mandatory guidelines on security aspects of operation in non-ISPS ports – There was no support for this proposal
- p. MSC 101/21/14 – Germany – Proposal for a new output on the implementation of the performance standards for electronic inclinometers – This proposal was agreed.
- q. MSC 101/Inf.9 – Germany – Proposal for a new output on the implementation of the performance standards for electronic inclinometers
- r. MSC 101/21/15 – Germany – Proposal for a new output for the CCC Sub-Committee on amendments to the IMSBC Code and supplements - substance identification number for bulk cargoes of the IMSBC Code – This proposal was supported.
- s. MSC 101/21/16 – Liberia, Marshall Islands, New Zealand, Norway, United States and IACS - Review of mandatory requirements regarding watertight doors on cargo ships – Proposal supported
- t. MSC 101/21/17 – Norway – Proposal for a new output to amend the SOLAS requirements regarding prohibited substances in fire-extinguishing systems – Proposal supported
- u. MSC 101/Inf.7 – Norway - Report on the use of perfluorooctane sulfonic acid (PFOS) and other surfactants in fire-fighting foam on board ships

- v. MSC 101/21/18 – Mexico – Proposal for a new output on mandatory seagoing service for candidates for certification under the STCW Convention, as amended – **There was quite a long debate for this proposal. There was no need for IFSMA to intervene as it was unanimously supported**
- w. MSC 101/21/19 – Brazil, Islamic Republic of Iran, Jamaica, Nigeria, Peru, Russian Federation, Vanuatu and IMSO - Proposal for a new output for a revision of resolution A.1001(25) on Criteria for the provision of mobile satellite communication systems in the Global Maritime Distress and Safety System (GMDSS) – **Following debate and the 2 Papers below, The proposal was agreed by a small majority**
- x. MSC 101/21/23 – China – Comments on document MSC 101/21/19 -
- y. MSC 101/21/22 – Islamic republic of Iran – Comments on document MSC 101/21/19-
- z. MSC 101/21/20 – China – Proposal for a new output to introduce a comprehensive approach to enhance domestic ferry safety
- aa. MSC 101/23/1 – Sec – Measures to improve domestic ferry safety
 - i. **These 2 Papers were linked together and it agreed to include an item on “Measures to improve domestic ferry safety” in the provisional agenda for MSC 102, also agreeing that the work be carried out under existing output OW 33 (Finalization of a non-mandatory instrument on regulations for non-convention ships), with four sessions needed to complete the work;**
- bb. MSC 101/21/21 – United States – Proposal for a new output to amend SOLAS regulation V/20 on Voyage Data Recorders and resolutions MSC.333(90) on Performance standards for shipborne voyage data recorders (VDRs) and MSC.163(78) on Performance standards for shipborne simplified voyage data recorders (S-VDRs)**Agreed**

22. Agenda Item 22 – Election of the Chair and Vice-Chair.

The Committee unanimously re-elected Mr. Brad Groves (Australia) as Chair and Mr. Juan Carlos Cubisino (Argentina) as Vice-Chair, both for 2020.

23. Agenda Item 23 – Any Other Business

- a. MSC 101/23 – Sec – Thematic priorities for the ITCP of the Organization for 2020-2021
- b. MSC 101/23/2 – Sec – Development of an international legally binding instrument on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ) under UNCLOS
- c. MSC 101/23/3 – Sec – Outcome of the inaugural meeting of the International Quality Assessment Review Body (IQARB) in the trial phase
- d. MSC 101/23/4 – Sec – IMO/IACS cooperation on the IACS Quality System Certification Scheme (QSCS)
- e. MSC 101/23/5 – Canada and France – Advancing international collaboration for quiet ship design and technologies to protect the marine environment
- f. MSC 101/23/6 – Sec – Ministerial Conference on Fishing Vessel Safety and Illegal, Unreported and Unregulated (IUU) Fishing
- g. MSC 101/23/7/Rev.1 – China – Considerations on lessons learned from casualty during the trial of an azimuth stern drive tug
- h. MSC 101/23/8 – China - Considerations on lessons learned from the casualty during the trial of an azimuth stern drive tug
- i. MSC 101/23/9 – China – Proposals on promoting participation in the WMO Voluntary Observing Ships Scheme by IMO Member States
- j. MSC 101/23/12 – WMO – Comments on document MSC 101/23/9

- k. MSC 101/23/10 – Ukraine – Safety and security of navigation in the northern part of the Black Sea, the Sea of Azov and the Kerch Strait
- l. MSC 101/23/11 – IALA – Progress on the review of the Guidelines for Vessel Traffic Services (resolution A.857(20)) – **An information Paper advertising the Seminar at the IALA HQ to which the Sec Gen IFSMA is attending**
- m. MSC 101/Inf.4 – Sec - Global Integrated Shipping Information System (GISIS)
- n. MSC 101/Inf.8 – IALA – World Marine Aids to Navigation Day
- o. MSC 101/Inf.11 – Norway - Temporary suspension of Traffic Separation Scheme off Slettnes and associated recommended routes
- p. MSC 101/Inf.12 – Sec – Information on The Nippon Foundation-GEBCO Seabed 2030 project
- q. MSC 101/Inf.20 – Japan – Information on new local navigation rule established within the internal waters of Japan
- r. **Nothing of significance for IFSMA unless otherwise highlighted in the above Papers**

a meeting of the MASS Working Group, to be held from 2 to 6 September 2019;

REPORT FROM WORKING GROUP ON MARITIME AUTONOMOUS SURFACE SHIPS (MASS).

General.

The group, chaired by Henrik Tunfors (Sweden), was released from plenary on Wednesday, June 5, with the following terms of reference:

- .1 consider the progress made with the regulatory scoping exercise, taking into account documents MSC 101/5 and the current status of regulatory scoping exercise, and advise the Committee on any necessary actions;
- .2 finalize interim guidelines for MASS trials, bearing in mind the provisional principles outlined in paragraph 23 of document MSC 100/WP.8, and taking into account documents MSC 101/5/1, MSC 101/5/3, MSC 101/5/5, MSC 101/5/6 and MSC 101/INF.17;
- .3 prepare terms of reference for the Intersessional Working Group on MASS; and
- .4 submit a written report to the Committee by Thursday, 13 June 2019.

IFSMA was represented by Andrew Higgs part of the time, and Morten Kveim.

Regulatory scoping exercise.

Phase 1 of the RSE is still underway, with a deadline for submission of comments on June 30. Because of that, the discussion was limited to general topics, i.e. the format of the documents submitted to the intersessional WG (ISWG); the terms of reference for the ISWG; and who would draft the initial comments and coordinate the work with the remaining (and almost certainly irrelevant) documents. Presently, the plan is to finalize phase 1 during the ISWG, and get phase 2 started at the meeting. (Phase 1 is identifying gaps/themes and other findings with respect to the four levels of autonomy, phase 2 will identify necessary work with the relevant instruments.) It seems to me that more and more of the delegations/participants are beginning to fathom the complexity of the project and amount of work required to reach the point where IMO regulations open for autonomy levels 3 and 4.

Interim guidelines for MASS trials.

None of the five documents submitted received unanimous support in plenary, but they were on the other hand not binned completely. In addition to the five documents, Australia had sent an e-mail to the MASS secretariat with some suggestions, so the process was quite confusing to begin with. We had no base document for our discussion, only some cutouts from the five documents and the e-mail, randomly presented on the screen. The resulting draft, as it looked on Friday afternoon, was not acceptable in my opinion. We, as well as ITF, had on several occasions tried to address safety and risk assessment, but with very limited success. However, after the weekend, several of the most active member states were more in line with our views, and the draft was addressing these issues in a much better way.

These comments are written from a mariners point of view, and Andrew Higgs may have some supplementing comments about the legal side of things.

REPORT FROM WORKING GROUP ON MARITIME AUTONOMOUS SURFACE SHIPS (MASS). 2

1. *Definitions*, and nautical nomenclature (per CMI), continue to provide a major challenge for IMO's current Regulatory Review Exercise (RSE) for "All Seafarers, on All Ships, on All Voyages and on All Seas" [per IFSMA's intervention in IMO's LEGAL Committee], where the following are key examples:-

2. "Sea Areas" [per **UNCLOS, 1982**], is being led by the UK as host nation State of IMO's HQ in London together with other EU nation States supporting, with EMSA and Paris MoU:-

- *Inland & Territorial Waters* [1%] *
- *Regional EEZ (eg European Waters)* [10%]*
- *High Seas* (and All Seas Beyond National Jurisdiction) [60%]
- *All Seas*, where the surface area is 71% (and the total volume is 96.5%.)

3. *Port State Control* –[per **SOLAS**] with LEGAL and FAL Committees led by the IMO Secretariat: to address "Ships' Documents", "Ships' Equipment", the role of the "Master", and "good seamanship", where there is no algorithm, or other mathematical equation, able or available to replace competent and informed human oversight, by sentient human beings; as IFSMA and ITF continue to maintain.

4. *Ship Sizes* (GT & LOA), *Ship Types* (300+) and "*Small Ships*" [per **COLREGs**], led by Marshall Islands (in London), China and Japan, and concerns, issues and themes of "seaworthiness" for **IACS**, and all other so-called "Recognised Organisations", under IMO's RO Code. **[A key role for Trinity House...?]**

5. *Seafarers, and their competence* [per **STCW**], which is being led by the USA for all Master Mariners in command and control of any MASS that are being operated from ashore; using AI, machine learning, robotics and simulators, with societal changes for all transport modes, and other industries.

6. These "high level" legal/regulatory issues and themes arise out of the "soft" public international law *IMO Interim Guidelines for MASS Trials*, which were drafted over a 7 day period by the MSC 101 Working Group, and will be available for publication shortly on IMODOCS.

7. These IMO interim Guidelines are due to be discussed by IMO's Inter Sessional Working Group in London in the week beginning Monday 2nd September 2019, and reviewed over the next 4 months, with a view to a confidential report being made next year for discussion at MSC 102 (in Spring 2020).

8. Considering that MASS was only placed on the IMO Agenda two years ago, [in Spring 2017], by the UK, and other nation States, and this is (a) the first ever RSE of all 50+ IMO legal instruments, and (b) the first undertaken by IMO in its 60+ year history. This is commendable and a truly noteworthy UN international team effort, where all involved should be complimented.

CMI, IFSMA and ISO (et al) are expected to take an active lead in confidential consultations on all key definitions relating to MASS Operations & Trials, as leading Non-Government Organisations at IMO.