Introduction

The 3rd session of the IMO Sub-Committee on Implementation of IMO Instruments (III 3) was held from 18 to 22 July 2016, at the IMO headquarters in London.

Summary of discussions

The following agenda items are relevant to the work of Lloyd’s Register.

Decisions of other IMO Bodies (Agenda item 2)

III 3 was informed of relevant decisions made and action taken by MSCs 95 & 96, MEPC 69, Council, FAL 40 and other Sub-Committees (SDC 3, HTW 3, NCSR 3, SSE 3) as appropriate. These were discussed further under the relevant agenda items and included in this report under the same.

In particular III 3 considered:

- Lessons learned from Marine Casualties (Agenda item 4)
- Guidance for port State control officers (Agenda item 5)
- Acceptance of electronic certificates (Agenda item 5)
- Guidelines for port State control officers on certification of seafarers, hours of rest and manning (Agenda item 5)
- Exemption of UNSP barges from MARPOL survey and certification requirements (Agenda item 8).

Consideration and analysis of reports on alleged inadequacy of port reception facilities (Agenda item 3)

Compliance with the discharge requirements of MARPOL by ships depends largely on the availability of adequate port reception facilities, especially within Special Areas and the Government of each Party shall notify the Organization, for transmission to the Parties concerned, of all cases where the facilities are alleged to be inadequate.

The revisions to MARPOL Annex V that came into force 1 January 2013 decreased the types of garbage which could be discharged into the sea. This revision also made more explicit the Solid Cargo residues and/or wash water that is hazardous to the marine environment. The annual enforcement reports on port reception facilities for 2015 (III 3/3 Secretariat) show that for the reports received of facilities being inadequate for 2015, 73% of them were for MARPOL Annex V.

III 3 considered reports related to the availability of port reception facilities for Solid Cargo residues and/or wash water that is HME and proposals that the category for MARPOL Annex V is broken into two, one being for that relating to Solid Cargo residues and/or wash water that is HME.

After some discussion, III 3 acknowledged the issues and that Member States should be reminded of their obligations under MARPOL to respond to reports of inadequate facilities.

Draft amendments to MEPC.1/Circ.834 Consolidated guidance for port reception facility providers and users

To facilitate better reporting III 3 agreed to draft amendments to MEPC.1/Circ.834 so that item G in the table of Appendix 1 will be specifically for HME cargo residues and hold washings and consequently, the remaining three waste...
types that include cargo residues that are not HME are included as a separate category. The relevant module of GISIS will be likewise amended. The draft amendments will go to MEPC for approval.

Lessons learned and safety issues identified from the analysis of marine safety investigation reports (Agenda item 4)

MSC 93 noted the problem of under-reporting in casualty databases as well as the benefits to be gained from the analysis of casualty investigation report data. III is considered to be the technical Sub-Committee to review such issues.

III 3 noted the report of the Correspondence Group on Casualty Analysis and in addition considered:

- **Optimum use of casualty data.** III 3 discussed the use of accident data in IMO instruments and while they agreed with the merits of the proposed harmonisation of data entries the sub-committee did not agree to the proposal of adding a new summary outlining the main cause of the casualty without a clearer definition in the Casualty Investigation Code. However, they did agree that there could be some benefit in the reporting of less serious casualties and near misses.

- Following discussion at MSC 96, III 3 considered proposed new ways to improve the dissemination of lessons learned and, in particular, lessons learned that might be used for seafarers’ training and education. It was decided that as it is mandatory for flag administrations to make casualty reports public then the default for reports on GISIS should be ‘public’ (rather than private as it is currently) unless expressly instructed otherwise by the flag administration. Reports already submitted to GISIS will remain private.

- III 3 also discussed the issue of enhancing watchkeeping and lookout on bridges of ships transiting areas of high density traffic and acknowledged the complexity of the issue. Member States were encouraged to consider submitting a request for a new output to MSC to take the issue forward.

Measures to harmonize port State control (PSC) activities and procedures worldwide (Agenda Item 5)

III 3 reviewed the report of the Correspondence Group on Measures to Harmonize Port State Control (PSC) Activities and Procedures Worldwide and in particular the proposed draft amendments to resolution A.1052 (27) on the Procedures for Port State Control 2011, however, due to time constraints they were not able to complete this work which will be continued at III 4.

III 3 also considered proposed revisions to the 2009 Guidelines for Port State Control under the revised MARPOL Annex VI to include reference to the amendments to MARPOL Annex VI regarding regulations on energy efficiency for ships which is not included in the 2009 Guidelines. It was noted that the proposed draft amendments did not cover the full revision of MARPOL Annex VI and that they exceeded the scope of control contained in the provisions of MARPOL Annex VI and it was decided that they should be referred to MEPC.

III 3 also noted that MSC 96 and MEPC 69 agreed to defer a decision on the draft MSC-MEPC.4 circular on Guidelines for Port State Control Officers on the ISM Code previously developed by III 1 pending further information from HTW.

III 3 also considered:

- Annual reports of the PSC regimes.
- Progress reports on regional PSC agreements.
- Outcome of concentrated inspection campaigns (CICs).
- Performance of flag Administrations and Recognised Organisations (ROs). With regard to this item III 3 also considered a proposal for a harmonised approach among the PSC regimes in collating and presenting the data on RO-related deficiencies, in a format to make it easier for the flag States and other stakeholders for comparison and assessment of the performance of ROs.
- Draft amendments to the Procedures for Port State Control, 2011 (resolution A.1052 (27)), aimed at promoting wider acceptance of electronic certificates.
- Amendments to the main body of the draft Guidelines for Port State Control Officers on certification of seafarers, hours of rest and manning developed by HTW 3 and made amendments and recommendations as
necessary. The draft guidelines will now go to HTW for finalisation. III 3 also recommended that once complete the guidelines should be incorporated into the Revised Guidelines for PSC as Annex 11.

Updated Survey Guidelines under the Harmonized System of Survey and Certification (Agenda item 8)

The survey guidelines under the Harmonized System of Survey and Certificate (HSSC) were originally adopted as Assembly Resolution A.746(18). Since then, the guidelines have been constantly reviewed and updated to accommodate new regulatory requirements. The current work covers new requirements entering into force up to and including 31st December 2015. While these guidelines are not mandatory under IMO, the guidelines are mandatory for all European Recognised Organisations under EU Regulation 391/2009.

III 3 considered the report of the Correspondence Group on the Review of the Survey Guidelines under HSSC and the Non-exhaustive list of obligations that was established at III 2 and in particular:

- **Draft amendments to the annex to FAL.2/Circ.127-MEPC.1/Circ.817 –MSC.1/Circ./1462 List of certificates and documents required to be carried on board ships.** The list of new requirements that were adopted during the intersessional period including those adopted by MEPC 68 and MSC 95.

- **Survey and certification matters under the requirements of the Polar Code.** III 3 discussed the survey and certification requirements of the Polar Code and in anticipation of the entry into force of the Polar Code 1st January 2017 and prepared draft amendments to the HSSC Survey Guidelines together with associated interim draft MSC and MEPC resolutions and an MSC-MEPC.5 circular with a view to submission to MSC 97 and MEPC 70 for approval as appropriate. MEPC and MSC will be invited to decide whether a resolution or a circular is most appropriate.

- **Draft MSC-MEPC.5 circular concerning the date of expiration assigned to statutory certificates.** III 3 finalised the text of this circular taking into account the definition of “anniversary dates” contained in the conventions and “valid certificates” in the PSC Procedures (resolution A.1052(27)). This circular will go to MEPC 70 and MSC 97 for approval.

- **Draft amendments to the Survey Guidelines under the HSSC (resolution A.1104(29)).** III 3 agreed that the draft amendments need to be further developed to include the requirements deriving from amendments to IMO instruments up to and including 31st Dec 2017 with a view to submission to Assembly 30 (Dec 2017). These will be referred to the correspondence group to continue the work and report to III 4.

III 3 also considered the following issues under this agenda item:

- **Early Implementation of SOLAS amendments.** Since the adoption of the four year cycle for the entry into force of SOLAS amendments there appears to have been an increase in the number of circulars encouraging the early implementation of new regulations or amendments to existing regulations. Early implementation of SOLAS regulations is at the discretion of flag Administrations. At MSC 96 concern was expressed with regard to ensuring that any of their ships that are affected carry documentary evidence of the early implementation. A wide range of views were expressed including:
  - Early implementation of amendments to SOLAS may lack international legal basis and be in conflict with the four-year cycle of entry into force.
  - One possible way might be through exemption or equivalence but this might still lack the necessary legal basis because the amendments to SOLAS have not yet entered into force.
  - It is necessary for a ship to have clear evidence on board in the same way as an equivalent to the provision of SOLAS would be required by PSC.

However, due to the diverse views no clear recommendations could be agreed and the issue will be considered at MSC 97.

- **Possible misunderstanding of the term ‘examined’ as defined in paragraph 3.9.1 of the HSSC guidelines.** III 3 generally supported the proposal to clarify the term ‘examined’ in the text of paragraph 3.9 of the HSSC Survey Guidelines and made the appropriate amendments.
Draft amendments to MARPOL Annexes I, IV, and VI and related guidelines for the exemption of UNSP barges from survey and certification requirements under the MARPOL Convention.

III 3 finalised the draft amendments for the exemption of UNSP barges from the survey and certification requirements of the MARPOL Convention noting that:

1. Any exemption should be limited to no more than 5 years.
2. Exemption certificates should be provided under individual MARPOL annexes.
3. MARPOL Annex IV should be included in the exemption from survey and certification requirements.
4. The reference to regulation 17.1 of MARPOL Annex 1 regarding the OIL Record Book should be retained.
5. The draft guidelines, once approved by the Committee, should be issued as an MEPC circular.

The finalised amendments will go to MEPC 70 for approval pending adoption.

Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation (Agenda item 9)

III 3 considered the relevant part of the Report of the Correspondence Group on the Review of the Survey Guidelines under HSSC that considers the non-exhaustive list of obligations and which includes a list of new requirements that have been adopted during the intersessional period including those adopted by MEPC 68 and MSC 95.

Draft amendments to the non-exhaustive list of obligations (resolution A.1070(28)). III 3 prepared the draft amendments but agreed that further work was needed to include the amendments to IMO instruments entering into force up to and including 1st July 2018 and forwarded them to the Correspondence Group that will report to III 4 where they will be finalised before adoption at Assembly 30.

Any other business (Agenda item 13)

III 3 considered the following under this agenda item:

- Potential additions and draft amendments to the list of certificates and documents required to be carried on board ships (Annex to FAL.2/Circ.127-MEPC.1/Circ.817-MSC.1/Circ.1462). Please note the outcome as reported under agenda item 8.

- III 3 overwhelmingly supported a review of the Model Agreement for the Authorisation of Recognised Organisations acting on behalf of the Administration. A proposal for a new output will go to MSC 97.
This report has been produced and disseminated immediately after the closure of the meeting in order to provide timely advice to the reader. Subsequently we apologise if it has not been fully proof read to remove grammatical errors.

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