



IMO Implementation of IMO Instruments Ninth session (III 9)

Agenda Preview

Executive Summary

The Executive Summary provides an overview of the topics expected to be discussed at III 9 which will have some impact on current and future shipping. More detail on these can be found under the relevant subject headings in the document.

- III 9 is expected to consider the proposals for amendments to the *Survey Guidelines under the HSSC (A.1156(32))* and the *Revised guidelines on the implementation of the International Safety Management (ISM) Code by Administrations on [draft guidelines on the assessment and application of remote statutory surveys, ISM Code audits and ISPS Code verifications](#)*. This work is not expected to be finalised until 2024.
- III 9 is expected to finalise the draft [amendments to the Survey Guidelines under the Harmonized System of Survey and Certification \(HSSC\)](#). These proposed draft revisions take into account the amendments to the relevant mandatory instruments due to enter into force up to and including 31 December 2023 and amendments to SOLAS which enter into force 1 January 2024. The revisions to the Guidelines are expected to be adopted at Assembly 33 (Dec 2023).
- III 9 is also expected to finalise the draft amendments to the [Procedures for Port State Control \(A.1155\(32\)\)](#). The proposed draft amendments include guidelines for the detention of ships under MARPOL Annex VI. The revisions to the Guidelines are expected to be adopted at Assembly 33 (Dec 2023).

Introduction

III 9 will take place 31 July – 4 August 2023 at the IMO in London. This briefing summarises the discussions which are significant to LR's work with our customers.

Additional Information

LR's [Summary Report for III 8](#) and [Summary Report for MSC 107](#)

Port Reception Facilities

Inadequacy of Port Reception Facilities

Ship operational compliance with the discharge requirements of MARPOL depends largely on the availability of adequate port reception facilities, especially within MARPOL Special Areas. Administrations are obliged to notify the IMO 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.

III 9 is expected to note the annual enforcement reports on alleged inadequacy in port reception facilities for 2022. The majority of reports for 2022 (93 out of 108 reports) related to MARPOL Annex V waste, with plastics, food waste (especially organic food waste), domestic waste, cooking oil, incinerator ashes and operational waste the most reported categories. Reports related to MARPOL Annex I (15 out of 108 reports) referred to sludge and oily tank washings.

Casualty Investigation

III 9 is expected to review the report of the intersessional Correspondence Group on the Analysis of Marine Safety Investigation Reports and in particular consider:

- The analysis of maritime safety investigation reports, prioritising very serious marine casualties involving SOLAS ships which have occurred since 1 January 2010.
- Analysis of incidents involving collisions with fishing vessels.
- Analysis on ISM Code-related concern on unsatisfactory implementation of safety management systems.
- A proposal for a new output addressing the identified safety issues of seafarers exposed to risk of falls from height.
- A proposal for a new output for preventing loss of containers at sea. (Clients should note that MSC 107 agreed to a proposal for a new output on prevention of loss of containers at sea). This work will be added to the agenda for CCC 9 (Sept 2023).

III 9 is expected to note the Bulk Carrier Casualty Report for 2013-2022 noting that cargo shift and/or liquefaction remains the greatest contributor to loss of life while grounding remains the greatest cause of ship losses. The report can be downloaded from the INTERCARGO website: <https://www.intercargo.org/imo-iii-paper-2023/>.

III 9 is also expected to consider:

- Analysis of the safety risks and proposed countermeasures regarding lifeboat slings. (Clients should note that this subject is due to be considered at SSE 10 (expected Mar 2024))
- Review of the Casualty Investigation Code.
- Analysis of enclosed space asphyxiation accidents.

Harmonization of port State control (PSC) activities

III 9 will consider the report of the intersessional correspondence group on *Measures to Harmonize Port State Control (PSC) Activities* and is expected to finalise the draft amendments to the *Procedures for Port State Control* (A.1155(32)).

The revisions include draft amendments to:

- The PSC inspection report in appendix 13 to include information concerning the validity period and contract information of financial security providers of the insurance certificate as required by the 2014 amendment to the Maritime Labour Convention (MLC).
- Chapter 3 - Suspension of Inspection of a Substandard Ship.
- Guidance on notifying the flag Administration and recognised organisation (RO) in the case of a detention or suspension of inspection.
- Guidelines for the detention of ships under MARPOL Annex VI (Appendix 2, Section 5, Detainable Deficiencies) including but not limited to:
 - The absence of a valid International Energy Efficiency Certificate, the EEDI Technical File or the Ship Energy Efficiency Management Plan (SEEMP).
 - The absence of a valid required Statement(s) of Compliance - Fuel Oil Consumption Reporting covering the year 2019 and onwards from 1 June of each following year, where due account should be given if the ship has changed the flag State and/or company.
 - Emission reduction by equivalent arrangements is not met.
 - On ships not equipped with equivalent means of SO_x compliance, the sulphur content of any fuel oil being used or carried for use on board exceeds the applicable limit required by regulation VI/14.
 - On ships equipped with equivalent means of SO_x compliance:
 - Absence of an appropriate approval for the equivalent means, which applies to relevant fuel combustion units on board.
 - Exhaust Gas Cleaning Systems (EGCS) installed on board fail to provide effective equivalence to the requirements of MARPOL Annex VI, regulations 14 and 14.4.
 - Regarding combustion units not connected to an EGCS, the sulphur content of any fuel oil being used on these combustion units exceeds the limits stipulated in MARPOL Annex VI regulation 14 (considering the provisions of MARPOL Annex VI regulation 18.2).

Subject: Draft revisions to the Procedures for Port State Control (A.1155(32)).

Impact: The Procedures for Port State Control are for the guidance of Administrations; however, the consequence will determine enforcement actions that ships will be subject to.

Application: Guidance for Administrations and PSC Officers. Expected to enter into force 1 January 2024.

Application: Once finalised the *Procedures for Port State Control* are expected to be adopted at IMO Assembly 33 (Dec 2023) and will enter into force 1 January 2024.

III 9 is also expected to progress the review of the 2022 *Guidelines for inspection of anti-fouling systems on ships* (resolution MEPC.357(78)), the *Guidelines for port State control under the BWM Convention* (resolution (MEPC.252(67))) and the *Interim guidance on control and compliance measures to enhance maritime security* (resolution MSC.159(78)) with a view to them being added as new appendices.

III 9 will also consider the following:

- Proposed amendments to paragraph 1.2 of the *Procedures for Port State Control* (A.1155(32)) to clarify inspection principles for the risk assessment regulations by either limiting the inspection to verifying the risk assessment report or by verifying the actual conditions of the ship based on the risk assessment report.
- Proposed amendments to Appendix 11 (Guidelines for Port State Control Officers on Certification of Seafarers, Manning and Hours of Rest) of the *Procedures for port State Control, 2021* (A.1155(32)) to add provisions emphasising the reduction of the risk of seafarers' fatigue induced by PSC inspections.
- Further amendments to the draft guidance for port State control officers (PSCOs) on the suspension of inspection to clarify the definition of 're-inspection'.

Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)

HSSC Survey Guidelines

The *Survey Guidelines under the Harmonized System of Survey and Certification (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. While these guidelines are not made mandatory by the IMO, the guidelines are made mandatory for all European Union Recognised Organisations under EU Regulation 391/2009.

The current guidelines (A.1156(32)) include requirements that entered into force up to and including 31 December 2021.

III 9 is expected to finalise the proposed draft amendments to the Survey Guidelines under the HSSC. These proposed draft revisions take into account the amendments to the relevant mandatory instruments due to enter into force up to and including 31 December 2023 and amendments to SOLAS which enter into force 1 January 2024 and include, but are not limited to:

- MARPOL Annex VI: (as amended by MEPC.328(76))
 - Confirmation of the update of the Ship Energy Efficiency Management Plan (SEEMP).
 - Confirmation of the ship's attained EEXI.
 - Statement of Compliance related to operational carbon intensity rating.
- Amendments to SOLAS (MSC.474(102))
 - Towing and mooring equipment.
 - Openings in the shell plating below the bulkhead deck of passenger ships and the freeboard deck of cargo ships.

Application: Once finalised the revised guidelines are expected to be adopted at Assembly 33 (Dec 2023) and are expected to enter into force 1 January 2024. The new resolution will revoke A.1156(32).

Subject: Draft amendments to the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC).

Impact: Not mandatory under IMO but mandatory for all European Union Recognised Organisations under EU Regulation 391/2009.

Application: Administrations and their Recognised Organisations who carry out surveys on their behalf.

The revised Survey Guidelines are expected to enter into force 1 January 2023.

Under this agenda item III 9 will also consider:

- **The procedure for revising standards referenced in IMO instruments** was deferred by III 8 to the intersessional correspondence group (CG). III 9 will consider a recommendation by the CG that, to develop a procedure, member States should be encouraged to submit proposals to a future session.
- **A proposal to improve the method of inserting footnotes** in the survey items in Survey Guidelines.
- **Multiple deadweights** - Clarifying that the issue of only one each of the Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate and International Oil Pollution Prevention Certificate with the maximum deadweight entered is acceptable, even though the ship may possess multiple Load Lines certificates corresponding to different deadweights.
- **Clarification of paragraph 4.6.1 of the Survey Guidelines** (Frequency) to ensure that two bottom inspections in every five-year cycle of the certificate are conducted without fail. It is considered that there is some ambiguity in this respect.

LR View

LR understands that the problem is only one bottom survey is credited in the first 5 year cycle and agrees with clarification of paragraph 4.6.1 of the Survey Guidelines to ensure that two bottom inspections are documented.

Development of Guidance on Assessments and Applications of Remote Surveys, ISM Audits and ISPS Code Verifications

The global restrictions levied by governments as a response to the COVID-19 global pandemic highlighted the benefits of remote surveys as an alternative method to maintain the validity of ships' certificates. This was recognised by many flag Administrations, and it is acknowledged that the use and the scope of remote surveys will continue to expand.

IMO agreed a new work item for the III sub-committee to “develop guidance on the assessment and applicability of remote surveys, ISM Code audits and ISPS Code verifications”. III 8 agreed to a framework for the development of guidance on the assessment and application of remote surveys, ISM Code audits and ISPS Code verifications. These guidelines will include amendments to both the *Survey Guidelines under the HSSC* and the *Revised Guidelines on the implementation of the ISM Code by Administrations* (resolution A.1118(30)).

III 9 is expected to consider the proposals for amendments to the *Survey Guidelines under the HSSC* (A.1156(32)) and the *Revised guidelines on the implementation of the International Safety Management (ISM) Code by Administrations* (A.1118(30)) as drafted by the intersessional correspondence group.

This work is not expected to be finalised at this session but instead referred to the intersessional correspondence group and finalised at III 10 (expected Jul 2024).

LR View

LR gained significant experience in performing remote surveys, audits and verifications during the global restrictions levied as a response to the COVID-19 pandemic and has actively contributed to an IACS project to develop unified requirements for the conduct of remote classification surveys. As a result of this work, IACS has adopted the new IACS Unified Requirement (UR) Z29, which was published in April 2022 on the IACS

website <https://iacs.org.uk/publications/unified-requirements/ur-z/?page=2> and applies to remote surveys which commence on or after 1 January 2023.

Marine Plastic Litter from Ships

Marine plastic litter in the form of large plastic items such as plastic bags, water bottles, fishing gear, and microplastics (small plastic particles generally five millimetres or less in size), enters the marine environment due to a wide range of land-based and sea-based activities. These plastics have a harmful effect on marine life and biodiversity, as well as negative impacts on human health, tourism, fisheries and shipping. MARPOL Annex V prohibits discharge of all plastics, including synthetic ropes, synthetic fishing nets, plastic garbage bags and incinerator ash from plastic products into the sea.

MEPC 73 adopted the *Action Plan to address marine plastic litter from ships* (MEPC.310(73)) which is designed to significantly reduce and prevent marine plastic pollution by 2025. This action plan has been developed to contribute to the global solution for preventing marine plastic litter entering the oceans through ship-based activities.

As part of the action plan, the III sub-committee has been tasked with the following:

- To consider the preparation of a circular to remind member States to enforce the requirements of MARPOL Annex V on fishing vessels through PSC measures.
- To consider proposals for enhancing the enforcement of MARPOL Annex V, including, where possible, through a risk-based approach, and if appropriate prepare draft amendments to the PSC procedures.

Unfortunately, the intersessional correspondence group was not able to progress the work due to a heavy workload. No papers have been submitted to III 9 and the sub-committee is expected to consider how to take this work forward.

Development of guidance to assist Competent Authorities in the implementation of the 2012 Cape Town Agreement

The 2012 Cape Town Agreement is an internationally binding instrument that sets minimum requirements on the design, construction, equipment, and inspection of fishing vessels of 24 m in length and over or equivalent in gross tonnes. The Agreement includes mandatory international requirements for stability and associated seaworthiness, machinery and electrical installations, life-saving appliances, communications equipment and fire protection, as well as fishing vessel construction. The agreement will enter into force 12 months after at least 22 States, with an aggregate 3,600 fishing vessels of 24 m in length and over, operating on the high seas have ratified it.

MSC 106 and MEPC 79 agreed to develop guidance to assist competent authorities in the implementation of the Cape Town Agreement of 2012. The draft guidance is expected to be completed by 2024.

III 9 is expected to consider the draft guidance that is included in the report of the 'Group of interested parties' that has been working intersessionally.

Any Other Business

Under Any Other Business, III 9 will consider:

- The preparation for the fifth Joint FAO/ILO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters.
- Proposal to urge recognised organisations to issue certificates in required languages of relevant conventions and codes.
- Holistic approach on the human element.
- Shipping Industry Flag State Performance Table (2022-2023).

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