



# IMO Implementation of IMO Instruments Ninth session (III 9)

Summary Report

# Executive Summary

Below are some of the topics discussed and decisions made at III 9 which will have some impact on current practices. These can be found in detail under the relevant subject headings in the document.

- III 9 finalised general guidance on the [assessment and application of remote surveys and remote audits](#) for inclusion in the draft *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)* and the draft *Revised guidelines on the implementation of the International Safety Management (ISM) Code by Administrations*. The guidance focusses on the circumstances, scope, and type of survey (e.g. annual, renewal, intermediate, etc.) or audit where remote technology may appropriately be employed and also provides circumstances where in-person survey or audit must be used either as a supplement to remote methods, or as the only appropriate method when remote technology is not suitable. Additional guidelines are expected to be finalised at III 10 (Jul 2024).
- III 9 finalised [draft amendments to the Survey Guidelines under the Harmonized System of Survey and Certification \(HSSC\)](#). These 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) and will enter into force 1 January 2024.
- III 9 also finalised the draft amendments to the [Procedures for Port State Control \(A.1155\(32\)\)](#). The 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) and will enter into force 1 January 2024.

## Introduction

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

### Additional Information

LR's [Agenda Preview for III 9](#) and [Summary Report for MSC 107](#)

## Port Reception Facilities

### Inadequacy of Port Reception Facilities

A ships' 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 noted 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.

In noting the information, the sub-committee urged member States to increase the level of reporting and ensure consistent and accurate reports of inadequate port reception facilities.

## Casualty Investigation

III 9 reviewed the report of the intersessional Correspondence Group on the Analysis of Marine Safety Investigation Reports and:

- Agreed with the analysis of maritime safety investigation reports, prioritising very serious marine casualties involving SOLAS ships which have occurred since 1 January 2010 and drafted Lessons Learned as appropriate. These will be available from the IMO website. ([Lessons learned English \(imo.org\)](#))
- Agreed with the analysis of incidents involving collisions with fishing vessels and approved a revised questionnaire on fishing vessel collisions for the use of member States.
- Agreed with the analysis on ISM Code-related concern on unsatisfactory implementation of safety management systems and agreed to refer it to the ILO/IMO Joint Tripartite Working Group (JTWG).
- Agreed to the proposal for a new output addressing the identified safety issues of seafarers exposed to risk of falls from height should be submitted to MSC for further consideration.
- Agreed that a proposal for a new output for preventing loss of containers at sea had merit and agreed to forward it to the CCC sub-committee to consider under their current agenda item 'Development of

measures regarding the detection and mandatory reporting of containers lost at sea that may enhance the positioning, tracking and recovery of such containers’.

III 9 noted 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.intercargoo.org/imo-iii-paper-2023/>.

III 9 also considered:

- Analysis of the safety risks and proposed countermeasures regarding lifeboat slings and agreed to refer it to the SSE sub-committee (**Clients should note** that this subject is due to be considered at SSE 10 (expected Mar 2024)).
- A proposed review of the Casualty Investigation Code. III 9 supported the proposal in general and the request for a new output to MSC.
- Analysis of enclosed space asphyxiation accidents and noted the information.

## Harmonization of port State control (PSC) activities

III 9 considered the report of the intersessional correspondence group on *Measures to Harmonize Port State Control (PSC) Activities* and finalised 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) were amended to include:
  - The absence of a valid required Statement(s) of Compliance for Carbon Intensity Rating from 2023 and onwards of each following year (Regulation 28) would be considered as a detainable deficiency.
  - It was clarified that port State control officers (PSCOs) should take a pragmatic approach if a ship has changed flag and/or company and there is evidence the losing Administration has not acted in accordance with regulation/s or data was not provided by the previous company when the ship was transferred.

On ships provided with an equivalent means of SO<sub>x</sub> compliance, i.e. an EGCS:

- It would be considered as a detainable deficiency if an Exhaust Gas Cleaning System (EGCS) fails to provide effective equivalence to the requirements in MARPOL Annex VI, regulations 14 and 14.4; and
- It would be considered as a detainable deficiency if the sulphur content of any fuel oil being used in combustion units not connected to the EGCS 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:** The revised *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 also:

- Agreed to include the *2022 Guidelines for inspection of anti-fouling systems on ships* (resolution MEPC.357(78)) as a new appendix to the PSC Guidelines.
- Agreed not to review the *Guidelines for port State control under the BWM Convention* (resolution (MEPC.252(67))) for inclusion in the PSC Guidelines until MEPC has concluded its work on the BSM Convention.
- Agreed to refer the *Interim guidance on control and compliance measures to enhance maritime security* (resolution MSC.159(78)) to the intersessional correspondence group with a view to them being added as new appendices.

III 9 also considered 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 and referred it to the intersessional correspondence group for further consideration.
- 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 and agreed to refer it to the intersessional correspondence group for further consideration.
- Further amendments to the draft guidance for PSCOs on the suspension of inspection to clarify the definition of 're-inspection' but agreed that due to variations in the approach by different PSC inspection regimes, that it would be premature to try to define 'follow-up inspection' or 're-inspection' as there needed to be consistency across the PSC systems first.

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

### HSSC Survey Guidelines

#### **Draft Assembly resolution *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)***

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 finalised the draft amendments to the Survey Guidelines under the

**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 2024.

HSSC. These 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 which 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:** 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).

Under this agenda item III 9 also considered the following:

- **The procedure for revising standards referenced in IMO instruments** and agreed that the III sub-committee will consider this issue at a future session.
- **A proposal to improve the method of inserting footnotes** in the survey items in Survey Guidelines. and agreed that, as a principle, if the instrument referred to in the footnote has been quoted in the text of the corresponding requirement of the mandatory instruments, it is unnecessary to add the footnote.
- **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 Line certificates corresponding to different deadweights. III 9 agreed that for a ship with multiple load lines leading to multiple deadweights, one single set of certificates should be sufficient as long as the related certificates use the maximum deadweight.
- **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. III 9 agreed that the Survey Guidelines were already clear and no changes were needed.

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

### Draft Assembly resolution on Revised guidelines on the implementation of the International Safety Management (ISM) Code

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 considered 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. Some member States urged that a cautious approach should be taken with concerns expressed over cyber security, the definition of the term *force majeure* (which, after some discussion, was removed from the text), and the need for the effectiveness of remote surveys to be verified.

III 9 finalised general guidance on the assessment and application of remote surveys and remote audits for inclusion in the draft *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)* and the draft *Revised guidelines on the implementation of the International Safety Management (ISM) Code by Administrations*. The guidance focusses on the circumstances, scope, and type of survey (e.g. annual, renewal, intermediate, etc.) or audit where remote technology may appropriately be employed and also provides circumstances where in-person survey or audit must be used either as a supplement to remote methods or as the only appropriate method where remote technology is not suitable. The further development of guidance on assessments and application of remote surveys, ISM Code audits and ISPS Code verifications has been referred to an intersessional correspondence group and is expected to be finalised at III 10 (July 2024).

## 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.

III 9 noted that the intersessional correspondence group was not able to progress the work due to a heavy workload and that no papers had been submitted to III 9 for consideration. The sub-committee agreed to defer any discussion on this item to the next meeting (III 10 expected July 2024).

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

## **Draft MSC resolution on Guidance to assist competent authorities in the implementation of the Cape Town Agreement of 2012**

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. Currently 21 States have ratified which an aggregate fleet below the 3,600 vessel threshold.

III 9 continued with the development of the draft guidelines. This work will be continued through an intersessional correspondence group and is expected to be finalised at III 10 (July 2024). If finalised as expected the draft MSC resolution will go to MSC 109 (Nov 2024) for adoption.

## Any Other Business

Under Any Other Business, III 9 considered:

- A proposal to urge recognised organisations to issue certificates in the required languages of relevant conventions and codes. III 9 considered that it could cause confusion and an additional administrative burden to try to translate ships names and company names that include special characters into one of IMO's official languages on the certificates.

Under this agenda item III 9 also noted the information provided on the following:

- The preparation for the fifth Joint FAO/ILO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters.
- Shipping Industry Flag State Performance Table (2022-2023).
- The holistic approach on the human element. III 9 noted the information provided by the Secretariat and agreed to advise MSC of the same.



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