

OUTCOME
of the
8th session of the
IMO SUB-COMMITTEE ON IMPLEMENTATION OF IMO INSTRUMENTS (III 8)
remotely from 25 to 29 July 2022

The eighth session of the Sub-Committee on IMO Sub-Committee on Implementation of IMO Instruments (III 8) was held remotely from 25 to 29 July 2022. This brief covers the outcome of some relevant items to the bulk carrier sector.

Contents of this report:

- Consideration and analysis of reports on alleged inadequacy of port reception facilities
- Lessons learned and safety issues identified from the analysis of marine safety investigation reports
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- Development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications

CONSIDERATION AND ANALYSIS OF REPORTS ON ALLEGED INADEQUACY OF PORT RECEPTION FACILITIES

AGENDA ITEM 3 **Consideration and analysis of reports on alleged inadequacy of port reception facilities (PRFs)**

The compliance of ships with the discharge requirements of MARPOL depends largely on the availability of adequate port reception facilities (PRFs), especially within Special Areas.

Flag States should report their alleged inadequacies of PRFs cases directly into GISIS, following which the concerned port State receives a notification of the alleged inadequacy.

III 8 reminded all Member States:

- .1 that following the update of the Port Reception Facilities Module in GISIS, flag States have, since 1 March 2018, full access to the module and should directly report their cases without having to submit the information to the Secretariat; and
- .2 of the importance of reporting alleged inadequacies of reception facilities to IMO GISIS. To progress IMO's efforts to reduce pollution caused by marine plastic litter from ships, it is crucial that inadequacies are accurately reported to address existing problems, including based on analysis of data in the GISIS module and identifying any trends for further actions.

LESSONS LEARNED AND SAFETY ISSUES IDENTIFIED FROM THE ANALYSIS OF MARINE SAFETY INVESTIGATION REPORTS

AGENDA ITEM 4 **Lessons learned and safety issues identified from the analysis of marine safety investigation reports**

Under this agenda item, III 8 established a Working Group to consider the issues raised in the papers and concluded with the following decisions:

1). III 8 noted with appreciation the information on bulk carrier casualty statistics and analysis between the years 2012-2021, as contained in document **III 8/INF.3 submitted by INTERCARGO**.

2). **14 cases of lessons learned** from marine casualties reported were reviewed and approved, to be released on the IMO website, **as attached**.

3.) A **Correspondence Group (CG)** on Analysis of Marine Safety Investigation Reports be re-established, under the coordination of Sweden, to continue its work intersessionally and conduct a review of the marine safety investigation reports including collision with fishing vessel cases, prioritizing very serious marine casualties which have occurred since 1 January 2010 involving SOLAS ships; and prepare a summary list of draft lessons learned from marine casualties, where available.

4). With regard to the proposal for a new output to amend the **Casualty Investigation Code to mandate root causes** (MSC 104/15/16 by Vanuatu, OCIMF and WMU), it was the view of III 8 that the root cause investigation sought by the submitters is contrary to what/how a complex marine safety investigation is expected to be conducted and the human factor being already considered in resolution 1075(28) does not warrant such a change. III 8 did not support the proposal for a new output to mandate such a root cause investigation or prescribe its scope as suggested in the paper.

5). With regard to the lessons learned from fire in the self-unloading (SUL) spaces of **bulk carrier Iron Chieftain**, i.e. ineffective in mitigating the risk of fire in Iron Chieftain's SUL spaces and unacceptable absence of an effective means of fire detection and suppression, III 8 recognised that there is opportunity to improve the requirements for ships to put in place effective measures to detect a fire in the space of origin and provide alarm for effective firefighting. III 8 agreed to task the correspondence group, taking into consideration the revised Casualty Analysis Procedure, use the safety issue identified in III 8/4/3, test the Procedure, and report to III 9.

6). With regard to occupational accidents (**fall from height**), the following safety issues were highlighted:

- .1 the procedures in ship manager's safety management systems for working at height or over the side were not always effectively implemented and did not always achieve their intended purpose;
- .2 tasks that involved the risk of falling from height were not always considered as "working at height"; therefore, no control measures to avoid falls or minimize their consequences were implemented;
- .3 personal protective equipment (PPE), intended to reduce the risk of falling from height or over the side, was not being used or might not be the most appropriate for the planned work;
- .4 onboard safety training did not appear to be achieving its intended purpose; and
- .5 onboard management supervision and control of seafarers performing shipboard tasks that required working at height or over the side was ineffective and needed to be improved.

The external ISM audits should address the apparent:

- .1 non-implementation of safety management system procedures for working from height and over the side, and pre-task hazard assessments;
- .2 ineffectiveness of pre-task risk assessments and safety meetings;
- .3 non-use of PPE;
- .4 ineffective supervision of seafarers exposed to risk of falls from height; and
- .5 ineffectiveness of onboard training regarding the use of PPE intended to reduce risk of falling from height or over the side.

7). The **pilot ladder-related safety** issues, including those associated boarding arrangements, were discussed fully and highlighted the following findings:

.1 regulations and associated instruments appeared at times to be unclear or ambiguous, resulting in different parties interpreting the rules differently. The regulations were also spread over many different documents, which was likely to increase the difficulty to have a unified interpretation; and

.2 pilot transfer arrangements, especially pilot ladders, were used frequently, hence susceptible to damages. Since they were usually stowed away, such damages were not likely to be identified.

The concern related to the lack of clear and consolidated regulatory standards was also noted.

III 8 requested that the Correspondence Group, if established, taking into consideration the revised Casualty Analysis Procedure, if endorsed, use the safety issue identified in III 8/4/3, test the Procedure, and report to III 9.

8). The following two cases were raised with regard to the lessons learned and preventive measures on **entering enclosed space**:

Case 1: An accident number occurred on a bulk carrier V anchored alongside the berth, loaded with beans on 17 June 2020. Two stevedores entered the lower stool space of cargo holds to sample the beans. Subsequently, the two stevedores were found to have fainted in the lower stool space and unfortunately, were later confirmed dead after resuscitation was attempted.

Case 2: There was an access door leading to the cargo hold located in the anchor windlass room on a bulk carrier C, laden with coal. The access door was suspected to be open and not closed tightly before the accident, which resulted in the emission of methane generated by the coal contained in the cargo hold to the windlass room and the gas accumulated to the explosion limits. The C/O and the cadet were seriously injured when they were operating the control panel of windlass On 19 February 2021.

III 8 noted that the related investigation reports were not yet available in the GISIS MCI module and invited the marine safety investigating State to upload the reports in GISIS. After these investigation reports are made available in the GISIS MCI module, the matter should be referred to CG to analyse the reports and identify safety issues and/or Lessons Learned; and be further brought forward for MSC/relevant sub-committees' consideration.

MEASURES TO HARMONIZE PORT STATE CONTROL (PSC) ACTIVITIES AND PROCEDURES WORLDWIDE

AGENDA ITEM 5 Measures to harmonize port State control (PSC) activities and procedures worldwide

1). Performances of flag Administrations and recognized organizations (ROs)

III 8 invited PSC regimes to provide information on the performances of flag Administrations and recognized organizations (ROs) in particular, in order to assist flag Administrations in selecting high performing ROs to act on their behalf.

2). Equasis and double reporting

Under the subject of Transparency and harmonization of PSC information, after the review of the information on recent developments concerning the Equasis information system (Electronic Quality Shipping Information System), III 8 noted:

- Concerning the challenge of double reporting, Equasis has implemented an interim measure on its website that aggregates common information on one line when two PSC regimes send data related to a single inspection. Reports to different PSC regimes information systems are still visible in the system, in accordance with the Equasis principle not to interpret and change the data, but these reports are presented in one line to clearly indicate that there is one single inspection (or detention);
- Equasis has taken note of ideas that have been discussed during the IMO Expert Group on Data Harmonization (EGDH) to create a unique identifier of a PSC inspection which could be beneficial for electronic exchanging of data between port States, but also for addressing the double reporting issue.

3). Amendments to Procedures for port State control, 2021

After being presented the proposed amendments to the Procedures for port State control, 2021 (resolution A.1155(32)) contained draft guidance developed for PSCOs on suspension of inspection for inclusion in the Procedures for PSC. III 8 agreed the re-establishment of the Correspondence Group to consider the draft amendments to the Procedures for port State control, 2021 (resolution A.1155(32)), noting that such amendments needed to be finalized prior to potential direct submission to A 33 for adoption.

4). Reinspection and follow-up inspection

The majority of the delegations who spoke expressed concerns indicating that the matter needed to be discussed at the level of the Working Group, where PSC experts would be able to provide input not only concerning the proposed definitions but also on the changes to the procedures concerning the harmonization of the various PSC regimes. As a consequence, III 8 agreed to task a working group to be established at III 9 for consideration of the proposed amendments.

5). Short-term carbon intensity reduction measures

With regard to the draft amendments to the Procedures for port State control, 2021, III 8 considered whether **the implementation plan and/or the plan of corrective actions** for a ship rated as D for three consecutive years, or rated as E, should be regarded as a detainable deficiency if these are not implemented by the ship as planned at the time of the inspection.

III 8 **agreed** that at this stage **there was not sufficient support to regard as a detainable deficiency** the absence of an implementation plan/ plan of corrective actions for a ship rated as D for three consecutive years, or rated as E, and **agreed to advise MEPC 79** accordingly.

III 8 **invited** interested Member States, international organizations and PSC regimes to submit analysis and **proposals** to a future MEPC session, including **on possible CII enforcement scenarios**.

UPDATED SURVEY GUIDELINES UNDER THE HARMONIZED SYSTEM OF SURVEY AND CERTIFICATION (HSSC)

AGENDA ITEM 10 **Updated Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)**

III 8 agreed that a Correspondence Group on the Survey Guidelines under the HSSC, the Non-exhaustive List of Obligations, and the Guidance on Remote Surveys, Audits and Verifications be tasked to identify any existing gaps between the Survey Guidelines under the HSSC and the mandatory requirements with a view to removing those items not directly linked to requirements in mandatory instruments, and in doing so, prepare a plan for the review exercise.

It was also noted that the review exercise with regard to identification of any existing gaps should not prevent approval and adoption of the updated Survey Guidelines under the HSSC as usual, given that the review exercise might take time to complete.

Re the AFS Convention, it was the view of III 8 that there is no such a requirement for type-approval as pre-qualification for anti-fouling paint products for issuance of International Anti-fouling System Certificates, though it should be at the discretion of the Administration to decide whether or not more than what is required under the provisions of the Convention is needed and advise MEPC 79 accordingly.

It was agreed that draft amendments to the Survey Guidelines need to be further developed to include the requirements deriving from amendments to relevant IMO instruments entering into force up to and including 31 December 2023, with a view to submission of draft amendments, to III 9 for finalization prior to potential direct submission in consolidated form to A 33 for adoption.

DEVELOPMENT OF GUIDANCE ON ASSESSMENTS AND APPLICATIONS OF REMOTE SURVEYS, ISM CODE AUDITS AND ISPS CODE VERIFICATIONS

AGENDA ITEM 12 Development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications

III 8 agreed that the framework for the output on "Development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications" should consist of three parts, amendments to Survey Guidelines under the HSSC (part 1); amendments to the Revised Guidelines on the implementation of the International Safety Management (ISM) Code (part 2); and development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications (part 3).

III 8 also agreed that the guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications (part 3) should consist of one document containing principle and common areas (part 3-0) and three guidance: guidance on assessments and applications of remote surveys (part 3-1); guidance on assessments and applications of remote ISM Code audits (part 3-2); and guidance on assessments and applications of remote ISPS Code verifications (part 3-3).

A Correspondence Group (CG) on the Updated Survey Guidelines under HSSC, the Non-exhaustive List of Obligations under Instruments relevant to the III Code and the Guidance on Remote Surveys, Audits and Verifications was agreed to be re-established. The CG is expected to develop the output.

End

Attachment: Lessons Learned from Marine Casualties