



NEWS BRIEF

III 10



ABS



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The IMO Sub-Committee on Implementation of IMO Instruments (III) held its 10th session from July 22 to July 26, 2024. This Brief provides an overview of the more significant issues progressed at this session.

KEY DEVELOPMENTS

- Guidance on Remote Surveys / ISM / ISPS Audits
- Draft amendments to the 2023 HSSC Guidelines
- Draft amendments to the 2023 Procedures for Port State Control
- Guidance on the 2012 Cape Town Agreement

ABS RESOURCES

- ABS Regulatory News ([link](#))
- ABS Regulatory Lessons ([link](#))
- ABS Safety in Minutes Video Series ([link](#))
- ABS Remote Survey Services ([link](#))
- ABS Port State Control Checklist ([link](#))
- ABS Smart Scheduler™ Survey Booking Tool ([link](#))
- ABS Rules and Guides ([link](#))

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DEVELOPMENT OF SURVEY GUIDANCE

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

The Survey Guidelines, initially adopted as Assembly Resolution A.746(18), have undergone regular reviews and updates to align with new regulatory requirements. Although these guidelines are not mandatory according to the IMO, they are mandated for all European Union Recognized Organizations under EU Regulation (EC) 391/2009.

The Sub-Committee noted that A 33 had adopted the *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2023*, (Resolution A.1186(33)), which included those amendments to the relevant IMO regulations that entered into force up to and including December 31, 2023. The Assembly, in the context of the resolution, requested that MSC and MEPC keep the Survey Guidelines updated. The Sub-Committee continued its work on the draft amendments to the Survey Guidelines under HSSC 2023. These draft revisions encompass survey requirements for mandatory instruments that will come into effect by December 31, 2025, along with amendments to SOLAS, following its four-year cycle for entry into force.

In addition, the Sub-Committee recalled that the Correspondence Group was instructed to review all footnotes contained in the text of the Survey Guidelines under the HSSC and to identify any gaps between the Survey Guidelines and the mandatory requirements with a view to removing those items not directly linked to requirements in mandatory instruments.

Next Steps: The revised guidelines will be presented at Assembly 34 (December 2025) for adoption and if adopted will take effect from 1 January 2026.

Proposed Amendments to the Annex to Circular MEPC.1/Circ.876

The Sub-Committee considered proposed amendments to the annex to circular MEPC.1/Circ.876 on *Sample format for the confirmation of compliance, early submission of the SEEM Part II on the ship fuel oil consumption data collection plan and its timely verification pursuant to regulation 5.4.5 of MARPOL annex VI*.

During the discussion on the footnote regarding “*confirming, when appropriate, that confirmation(s) of compliance for the SEEMP is (are) provided to and retained on board the ship (MARPOL Annex VI, regulations 5.4.5 and 5.4.6)*”, it was noted that the reference to MEPC resolution and the regulation of MARPOL Annex VI related to the contents of the Sample Format of Confirmation of Compliance is not up to date.

Next Steps: The Sub-Committee agreed to invite MEPC 82 (October 2024) to consider amending circular MEPC.1/Circ.876 and update the references accordingly.

Verifying the Validity of Certificates Under the Survey Guidelines Under the HSSC

The Sub-Committee considered the issue regarding the survey items related to examining the validity of certificates from other conventions, which are not pertinent to the certificates to which these survey items are related. The Sub-Committee, having noted that the current approach is a legacy issue and, in the absence of solid grounds directly linked to the requirements of present mandatory instruments, agreed to make changes to the current approach regarding the examination of certificates and records from other conventions, and instructed a correspondence group on the Survey Guidelines, to review the Survey Guidelines and propose necessary changes to remove these survey items, as appropriate.

Next Steps: The work will continue at the next meeting at the next Sub-Committee meeting III 11 (July 2025).



Guidance on Remote Survey, Audit and Verification

Based on experience gained from the increased use of remote surveys and audits because of the COVID-19 pandemic, Member States have generally recognized the benefits of remote surveys and are seeking to formalize guidelines for such surveys as their use expands. To this scope, the Sub-Committee finalized the second phase of its planned development of guidance on the assessment and applicability of remote surveys, ISM Code audits and ISPS Code verifications

At the previous session, the Sub-Committee agreed on draft amendments in relation to remote surveys and remote audits, which were adopted at Assembly 33 in December 2023. The below roadmap provides a timeline for sub-outputs within the scope of developing guidance for remote surveys, ISM Code audits and ISPS Code verifications:

No.	Sub-output	Target Completion Year
1	Amendments to the Survey Guidelines under the HSSC (part 1) and amendments to the Revised Guidelines on the implementation of the International Safety Management (ISM) Code (part 2)	2023 (Adopted at A 33)
2	Guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications (part 3)	2024 (Expected to be adopted at A 34)
3	Further amendments to the Survey Guidelines under the HSSC (part 1) and amendments to the Revised Guidelines on the implementation of the International Safety Management (ISM) Code (part 2)	2025 (To be adopted at A 34)

At this session, the Sub-Committee finalized the draft *Guidance on Assessments And Applications Of Remote Surveys, ISM Code audits and ISPS Code Verifications* and the associated draft MSC-MEPC circular. However, since the working group concluded that there was a need to further develop the draft guidance and associated MSC-MEPC circular, the Correspondence Group on Survey Guidelines under the HSSC, the Non-exhaustive List of Obligations, and the Guidance on Remote Surveys, Audits and Verifications was re-established.

In-Person and Remote Audits for DoC ISM Audits

It was agreed that interim, initial, renewal and additional Document of Compliance (DoC) ISM audits should be conducted in person. However, exceptions were made for interim DoC audits when adding a new ship type to an existing DoC, as well as annual audits between five-year issuance/renewal audits. Consideration may also be given to the use of remote auditing methods.

Guidance for ISPS Remote Verifications

It was agreed to limit the use of remote verifications in place of in-person attendance to extraordinary circumstances due to the highly sensitive nature of the information involved in ISPS verifications.

Tasks Assigned to the Correspondence Group

The correspondence group was tasked with reviewing the relevant section on technical requirements in the draft guidance and developing specific technical requirements for remote methods to achieve a level equivalent to in-person attendance. Additionally, they were tasked with reviewing the elements to be examined during an ISPS verification and its eligibility for remote verification, and further developing part B-III of the draft guidance. The correspondence group was also assigned the responsibility of developing and updating the coding of the HSSC Guidelines for eligible, not eligible, or eligible for remote survey only under extraordinary circumstances, with a footnote that remote surveys may be authorized by the flag Administration due to extraordinary circumstances.

Review of Acceptance Process

The acceptance process for eligible items for remote surveys, audits and verifications related to rectifying deficiencies following PSC inspections/detentions was reviewed. It was noted that the scope of ISM remote verifications after PSC detentions should be determined by the Administration and may vary. Additionally, it



was highlighted that additional HSSC surveys could be general or partial, depending on the circumstances. The correspondence group was tasked with further developing the text on this matter.

Next Steps: Due to time constraints, the Sub-Committee was unable to finalize the draft *Guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications*. A correspondence group will work intersessionally to finalize it by the next session at III 11 (July 2025), and if finalized, for subsequent adoption at Assembly 34 (December 2025).

HARMONIZATION OF PSC ACTIVITIES WORLDWIDE

Guidelines and Procedures for PSC

The Sub-Committee considered draft guidelines on control and compliance measures to enhance maritime security with a view to inclusion as a new appendix to the Procedures for Port State Control and, in its annex 2, agreed to the draft amendments to the appendices 2, 8, 9, 11 and 18 of the *Procedures for Port State Control, 2023* (resolution A.1185(33)) providing guidance in relation to the detention of ships.

Furthermore, the working group considered how to address the STCW "clear grounds and detainable deficiencies" when "records of daily hours of rest are not on board, as well as the establishment of inspection principles for regulations related to risk assessment.

However, due to the complexity of the issue of the absence of records of daily hours of rest, the group did not reach an agreement on the Convention basis. The group noted different legal basis applied by several regional PSC regimes and suggested bringing the issue to the attention of the HTW Sub-Committee as further clarification may be required. The group also noted that for inspection principles related to risk assessment, the relevant section of the PSC procedures related to the Alternative Design and Arrangement, and none of the regulations required an approved risk assessment. Consequently, as the GBS approach did not directly relate to PSC activities, the group took no further action at this time.

In addition, the Sub-Committee agreed to continue working on draft PSC Guidelines to improve maritime security. These guidelines aim to be included as a new appendix to the Procedures for PSC, 2023 in the next version. To facilitate this, an intersessional correspondence group has been formed to carry out further work. The draft guidelines are being developed based on the *Interim guidance on control and compliance measures to enhance maritime security* (resolution MSC.159(78)). It has been noted that this resolution contains sections that are not relevant for port state control officers (PSCOs) and the PSC Guidelines. Therefore, as part of this work, the resolution will be reworded, moved, or deleted to ensure its relevance.

Next Steps: The agreed draft amendments to appendices 2, 8, 9, 11 and 18 of Resolution A.1185(33) are expected to be submitted for adoption at Assembly 34 (December 2025). Additionally, an intersessional correspondence group will continue their work with the aim of finalizing the draft PSC Guidelines during the next Sub-Committee meeting III 11 (July 2025).



ANALYSIS OF MARINE SAFETY INVESTIGATION REPORTS

Analysis of Marine Casualty Reports and Lessons Learned

The Sub-Committee received the report of an intersessional correspondence group in which 36 marine safety investigation reports were collected for analysis of both content and quality of reporting. Significant observations identified for follow-up actions are discussed further in the below sections.

Next Steps: The IMO Secretariat will be asked to publish a summary of 34 Lessons Learned from the analysis of reported marine casualties at this session of the Sub-Committee for release on the IMO website.

Safety Issues Identified from Five Recent Accidents Related to Fumigation on Board

The Sub-Committee considered information in relation to safety issues identified from five accidents associated with fumigation onboard. Fumigation is usually conducted on ships carrying grain goods to prevent the spread of pests and keep the quality of goods. Due to its low cost and high efficacy, aluminium phosphide is widely used as the fumigant on board to kill pests and their eggs in grains. On the other hand, aluminium phosphide is categorized as class 4.3 and with a subsidiary risk of 6.1 in the International Maritime Dangerous Goods (IMDG) Code, which, by interaction with water or acid, will quickly produce highly toxic phosphine gas. Phosphine gas becomes spontaneously flammable if it reaches the lowest explosion concentration limit of 1.8 to 2 percent and may cause fire or even explosion.

The Sub-Committee agreed to invite the Sub-Committee on Carriage of Cargoes and Containers (CCC) to consider the information relevant to the fumigation on board ships. Also, the Sub-Committee recommended to the CCC that the three MSC.1 circulars related to fumigation (i.e. MSC.1/Circ.1264, MSC. 1/Circ.1358 and MSC. 1/Circ.1361/Rev.1) be consolidated and combined into a new MSC.1 circular to facilitate effective implementation of the recommendations on the use of pesticides for the benefit of the end user.

Next Steps: The proposal will be presented to CCC 10 (September 2024) for further consideration.

Safety Issues Associated with Preventing Collisions with Fishing Vessels

At the previous session, the Sub-Committee considered analysis of safety issues related to collisions involving fishing vessels and received data from the IMO Global Integrated Shipping Information System (GISIS) regarding collisions with fishing vessels that have already been collected and analyzed, but no recommendations were made. It was noted that fishing vessels are subject to different legislation than other vessel types, have a different performance profile and may also present cultural differences compared to crew in other services.

At this session, the Sub-Committee considered analysis of more than 300 collisions between fishing vessels and commercial ships reported by more than 50 member States and noted the result of a survey of member States in which 50 percent of the responding States required AIS, and 70 percent had requirements for VHF for fishing vessels, less than 20 percent of the fishing vessels in the reported collisions were carrying a working AIS or VHF, creating considerable difficulty for other vessels to communicate with many fishing vessels. The Sub-Committee agreed to the recommendation for the prevention of collisions with fishing vessels and instructed the casualty analysis working group to draft a proposal for a recommendation to national Administrations to expand the requirements for carriage of Automatic Identification Systems (AIS) and Very High Frequency (VHF) for domestic fishing fleet.

Next Steps: The Sub-Committee finalized the draft MSC.1 circular on Recommendations to national Administrations to expand the requirements for carriage of AIS and VHF for domestic fishing fleet to prevent collisions with fishing vessels, which is expected to be submitted to MSC 109 for approval.



OTHER DEVELOPMENTS

Reporting of Alleged Inadequacy of Port Reception Facilities

The Sub-Committee received the annual report consolidated by the IMO Secretariat to summarize reporting by member States of inadequate port reception facilities (PRFs) encountered by their registered vessels. Each State that is party to the MARPOL Convention is obligated to support compliance by providing adequate PRFs to serve in the proper disposal of ships' wastes, and GISIS provides a module through which Member States may report alleged inadequacies of PRFs.

This annual summary of reported PRF deficiencies noted that compliance with MARPOL discharge requirements was largely dependent on the availability of PRFs, especially within MARPOL Special Areas. An assessment of the data available within the dedicated GISIS module for reporting inadequate PRFs (collected from 2022 to 2023) noted that:

1. PRFs were available, but only under certain conditions
2. Miscommunication between the ship and the receiving State was identified as a possible cause of alleged inadequacies
3. There was a need to encourage ship operators to provide precise information in advance of arrival in the port
4. Not all cases when inadequate or non-existent PRFs were encountered were reported to the flag States
5. Lack of training or awareness on using GISIS PRF module

Recognizing the importance of timely reporting of alleged inadequacies of PRFs to the Organization, the Sub-Committee noted the views that it was crucial that inadequacies were accurately reported to address existing problems. It further noted that there was a need for improving communication between flag States and port States during all port operations, in addition to continuing to notify the failure of PRFs by member States in GISIS.

The Sub-Committee requested the Secretariat to propose further ways of assessing progress in port States' response to reports of alleged inadequacies, to identify ways of more prominently displaying non-responding port States in GISIS and to map out the existing responsibilities of all parties involved in the reporting of alleged inadequacies in GISIS. In addition, the Sub-Committee urged Parties to MARPOL to increase the level of reporting and to review their respective reports within the PRF module to ensure that these are accurate and up to date, and invited member States to submit proposals on how to improve PRF reporting, to a future session of the Sub-Committee.

Next Steps: Member States are invited to propose further ways on how to improve PRF reporting.

Guidance to Assist Competent Authorities in Implementation of the 2012 Cape Town Agreement

The 2012 Cape Town Agreement (2012 CTA) provides standards on the design, construction and equipment of fishing vessels, and includes regulations designed to protect the safety of crews, providing a level playing field for a sector of the marine industry recognized as one of the most high-risk for seafarers.

The treaty will enter into force 12 months after at least 22 States with an aggregate of 3,600 fishing vessels of 24 m in length and over operating on the high seas have expressed their consent to be bound by it. As of today, 21 member States have ratified the Agreement.

In anticipation of entry into force, at this session, the Sub-Committee progressed work on guidance to assist competent authorities in the implementation of the 2012 CTA. The structure of this implementation guidance addresses the following:



- 1) Overview of the 2012 Cape Town Agreement
- 2) Application, surveys and certificates
- 3) Technical requirements for new and existing vessels
- 4) Technical requirements for new vessels only
- 5) Port State Control guidance
- 6) Casualties on fishing vessels

The Sub-Committee finalized the draft MSC resolution on *Interim Guidance for the implementation of the Cape Town Agreement of 2012*. This draft, intended for submission to MSC 109 for adoption, outlines how to adhere to the Agreement's requirements for a harmonized implementation. It was emphasized that this interim guidance is provisional until the Agreement takes effect and is fully implemented. Additionally, it was agreed that flag States with pre-existing safety standards exceeding those of the Agreement should maintain their higher national standards.

Next Steps: The draft MSC resolution will be presented to the MSC 109 (December 109) for adoption.



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