



# IMO III 9 Meeting Summary

August 24, 2023

The 9th meeting of the IMO’s Sub-Committee on Implementation of IMO Instruments (III 9) was held 31 July – 4 August 2023 in the IMO Headquarters in London, supplemented by hybrid (online) participation.

Among others, LISCR participated in the following groups in addition to the plenary:

Group	Subject
WG 1	Working Group on Lessons learned and safety issues identified from the analysis of marine safety investigation reports
WG 2	Working Group on Measures to harmonize port State control (PSC) activities and procedures worldwide
WG 3	Working Group on the Survey Guidelines under the HSSC, the Non-exhaustive list of obligations, and the Guidance on remote survey, audit and verification
DG 1	Drafting Group on the III Code implementation guidance

## Implementation matters

### Russian certificates in temporarily occupied territories of Ukraine

III 9 recognized the need for flag and port States to take specific actions in cases where ship certificates were issued by an institution located in the temporarily occupied territories of Ukraine.

### Port reception facilities (PRF)

III 9 noted the information provided by the IMO Secretariat on the alleged inadequacy of port reception facilities and stressed the importance of timely reporting of alleged inadequacies of PRFs.

III 9 considered further ways of assessing progress in the response from port States to alleged inadequacy reports, as well as ways of more prominently displaying non-responding port States in the IMO’s Global Integrated Shipping Information System (GISIS), and noted the ongoing efforts of the Secretariat to improve and streamline reporting on alleged inadequacies of PRFs in GISIS.

## Casualty analysis

### Lesson learned

III 9, having reviewed the work of the correspondence group (CG), approved the summary of lessons learned from the casualty reports submitted to the Member States and analyzed by the designated analyst.

Another thirteen (13) lessons learned for preventing future occurrence will be posted on the IMO public website.

<https://www.imo.org/en/OurWork/MSAS/Pages/Casualties.aspx>

### Falls from height

Following the proposal of the CG, III 9 developed a new work proposal to address falls from height for the Sub-Committee on Human Element, Training and Watchkeeping (HTW Sub-Committee) to develop guidelines.

The proposal will be reviewed by the 108th session of the Maritime Safety Committee (MSC 108) scheduled for May 2024. The HTW Sub-Committee will embark on the work only after approval by the MSC.

### ISM Code implementation

III 9 reviewed the following issues identified by the CG:

- a common safety issue was a lack of risk assessment;
- a majority of the cases indicated ISM Code/SMS had not been fully implemented;

- in many cases, the ISM-related deficiency could have been detected during an inspection/audit; and
- the problem was how the ISM Code is implemented, not with the ISM Code itself.

In this regard, III 9 noted that a comprehensive review of the ISM Code and related guidelines was discussed by MSC 107, and the Committee agreed to keep the proposal in abeyance until after the results of relevant studies, including the Secretariat's study on the ISM Code and related instruments, and the outcome of the ILO/IMO Joint Tripartite Working Group (JTWG) would be made available.

III 9 invited MSC to bring this to the attention of the ILO/IMO Joint Tripartite Working Group (JTWG).

## Port State control

### PSC Regimes and inspection records

The IMO Secretariat provided updated information on recent development in port State control regimes. It explains overall information on nine regional MOU regimes and the USCG PSC and recommended data harmonization for analysis.

III 9 noted that 63,761 inspections were carried out in 2020, 4,574 in 2021 and 81,346 in 2022. 1,530 detentions were reported in 2020, 1,746 in 2021 and 2,160 in 2022. As a result, the overall detention rate increased from 2.34% in 2021 to 2.66% in 2022.

### PSC Procedure

#### Financial security of seafarers in case of abandonment

III 9 was advised that the 110 session of the Legal Committee (LEG 110) had urged flag and port States to take further action to ensure the presence of financial security, as required by the Maritime Labour Convention (MLC), 2006 Standard A2.5.2, and to take appropriate action when financial security was not in place.

#### GHG reduction measures and Fuel consumption report

With regard to the inspection of the Carbon Intensity Indicator (CII) rating, III 9 was advised that the 79th session of the Marine Environment Protection Committee (MEPC 79) had noted the conclusion of III 8 that there was no support to consider the absence of implementation of corrective actions for a ship rated as D for three consecutive years, or rated as E, as a detainable deficiency.

III 9 agreed to clarify that the Statement of Compliance for IMO Data Fuel Consumption System reporting and Carbon Intensity Indicator rating for new ships are to be provided by June of the following year after the delivery.

## Procedures for port State control, 2023

III 9 developed the final draft text of *the Procedures for port State control, 2023* for submission to the 33rd session of the IMO Assembly (A 33) scheduled for 27 November – 6 December 2023.

Key points are:

- Clarification of time of provision of the Statement of Compliance (SOC) (see “GHG reduction measures and Fuel consumption report” above);
- To include the information on the financial security provider required by ILO MLC 2006;
- Not to include BWM Convention-related PSC guidance at this stage, as MEPC is still working on the outcome of the Experience Building Phase;
- Add a new Appendix to accommodate *the 2022 Guidelines for inspection of anti-fouling systems on ships* (MEPC.357(78)); and
- Clarifying that the scope of “re-inspection” is not explicitly limited to verifying the rectification of deficiencies which have been recorded before the inspection was suspended.

## Survey and certification

### HSSC guidelines

This is the IMO's survey checklist, which has been updated regularly.

Following the close and final examination of the list by the working group, III 9 updated the final draft for submission to A 33.

Key changes to the *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2021* (resolution A.1156(32)), are:

- Covering additional mandatory requirements entering into force on 1 January 2022, and up to, 31 December 2023; and
- To include elements of “remote survey” (see “Remote survey and certification” below).

The following issues will be addressed at the next update, and was tasked the CG to work further:

- to review all existing footnotes;
- to develop survey requirements for the new mooring requirements (SOLAS regulation II-1/3-8);
- to review the survey items that are not directly linked to mandatory requirements; and
- to update the guidelines to cover mandatory requirements that enter into force on or after 1 January 2024 up to and including 31 December 2025.

- Detailed Guidelines are to be developed in the future.

## Remote survey and certification

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

The following principles are included in the above-mentioned draft revisions to the *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)*:

- remote surveys/audits are only under extraordinary circumstances beyond the control of the parties; and
- not to include the ISPS audits at this stage.

The following may be noted:

- There was an intense discussion on “force majeure”, and in the end, III 9 decided not to prepare a definition of this term due to conflict with existing national legislations of member States.
- It was decided to use  
“*extraordinary circumstances beyond the control of the parties, such as natural disasters, warfare, pandemic/epidemic outbreak, strike, riot, crime, or sudden legal change, which prevents on-site audit although the parties have taken all the reasonable steps to perform.*”
- Legal issues, including data protection, were not specifically mentioned in the guidelines, but a generic caution was inserted; and
- crew training is included in the guidelines.

III 9 also agreed to work on *the Guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications* and tasked the CG to work on the Guidance.

### ISM audit guidelines

As a consequence, III 9 developed the final draft of the 2023 *Guidelines on implementation of the International Safety Management (ISM) Code by Administrations*, which will revoke existing resolution A.1118(30) upon adoption by A 33.

Key changes are:

- To address remote audits;
- The amendment to paragraph 4.8.2 refers to an “interim certificate” with validity not exceeding six (6) months. This interim certificate is not to be confused with the “interim certificate” issued upon completion of an interim audit. Instead, it should be considered a certificate with validity not exceeding five years upon satisfactory completion of the remote audit under extraordinary circumstances.
- Use of a remote audit under “normal” circumstances is limited to company audits;

## FURTHER INFORMATION

For further information please contact: [imo@lis.cr.com](mailto:imo@lis.cr.com)

## III 9 – Summary of Major Decisions

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### **Provisional list of draft resolutions and circulars**

- CCC circular on the quality of casualty investigation report
- Draft Procedures for port State control, 2023
- Draft Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2023
- Draft 2023 Guidelines on implementation of the International Safety Management (ISM) Code by Administrations