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### Subject: News Final of III 1 (Implementation of IMO Instruments)

III 1 on Implementation of IMO Instruments (III) held its 1<sup>st</sup> session from 14<sup>th</sup> to 18<sup>th</sup> Jul. 2014. Having issued III 1 – News Flash and News Highlight containing information of the main and summarized outputs of III 1, KR now release III 1 – News Final as the last step containing further detailed information including implication to the maritime industries concerned.

In reviewing this briefing, readers should be assured that the outputs written herein are not legally effective until they are adopted as mandatory instruments by MSC or MEPC.

### 1. Exemption of survey and certification requirements under the MARPOL for Unmanned and Non-Self-Propelled(UNSP) barges

● Background : III 1 referred to consider when unmanned and non-self-propelled (UNSP) barges could be exempted from survey and certification requirements under a specific MARPOL Annex.

● Discussion : III 1 considered and developed a draft MEPC circular on Guidelines for exemption of the survey and certification requirements under MARPOL Convention with sample form statement of exemption for UNSP barges.

◆ Main contents of the draft MEPC Circular

.1 Definition of UNSP barge

- not propelled by mechanical means;
- has neither crew nor passengers or other persons on board during navigation;
- carries no oil (as defined in MARPOL Annex I, regulation 1.1) in bulk; and

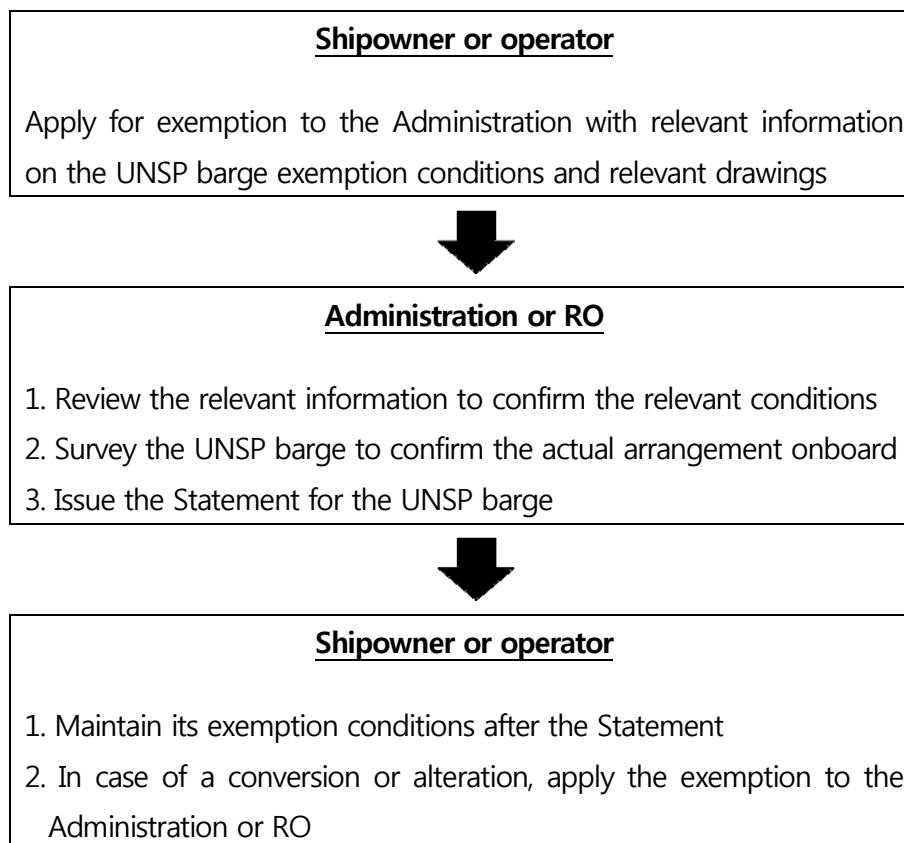
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- carries no noxious liquid substances (as defined in MARPOL Annex II, regulation 1.10) in bulk.

.2 Annexes of MARPOL to be exempted

- MARPOL Annex 1;
- MARPOL Annex 4; or
- MARPOL Annex 6

.3 Procedures for granting exemptions



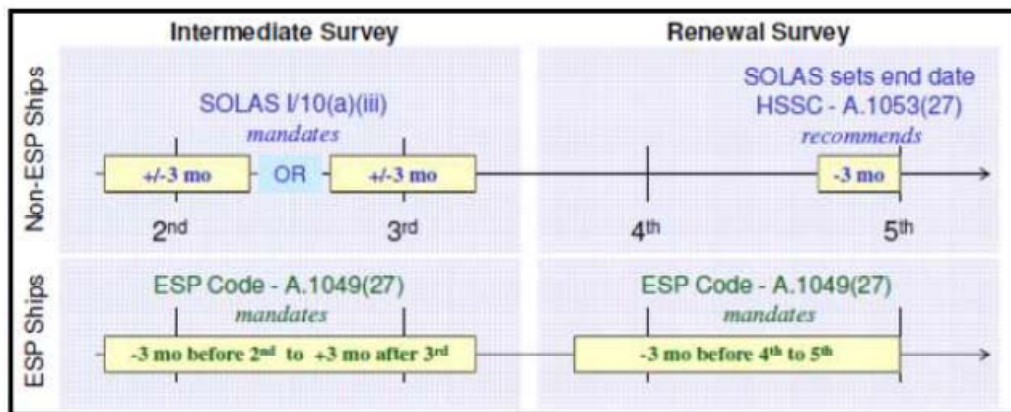
● Outcome : Consequently, III agreed to a draft MEPC circular on Guidelines for exemption of unmanned non-self-propelled barges from the survey and certification

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requirements under the MARPOL Convention, for consideration by MEPC 67, with a view to approval.

## 2. Intermediate and renewal survey window for ships not subject to the ESP Code

- Background : Survey window for ships is as below.



For ESP ships, the 2011 ESP Code specifies that the intermediate survey is a survey carried out either at the second or third annual survey or between these surveys (an 18-month window), and renewal survey may be commenced at the fourth annual survey and be progressed during the succeeding year with a view to completion by the fifth anniversary date (a 15-month window). In this regard, MSC 92/12/2 proposed to apply same survey scheme to non-ESP ships.

- Discussion : III Drafting group reviewed the amendments to align intermediate and renewal survey windows between ESP and non-ESP ships as below.
  - ◆ SOLAS Chapter XI-1 ➡ Intermediate survey for non-ESP ships
  - ◆ HSSC Survey Guideline ➡ Renewal survey for non-ESP ships



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● Outcome : III endorsed the group's recommendation that the proposed draft amendments to align the survey intervals should be further considered.

### 3. Guidelines for PSC inspection for compliance with the BWM Convention

● Background : The correspondence group, consisting 23 Member States, 5 intergovernmental organizations and 3 non-governmental organizations, developed the draft Guidelines for PSC under BWM Convention.

● Discussion : III 1 noted the outstanding issues related to a four-stage inspection approach, sampling, Type Approval Certificate and the use of indicative analysis and also recognized that these outstanding issues were of either a conceptual or scientific nature, consequently, agreed that it need further consideration at MEPC 67.

● Outcome : Except the above, III 1 agreed to the draft Guidelines for consideration with a view to adoption by MEPC 67 by means of an MEPC resolution.

### 4. IACS Unified Interpretation on keel laying date for FRP craft

● Background : The application of many IMO mandatory instruments is based on the expression "the keels of which are laid or which are at a similar stage of construction". Recognizing the difficulty involved in identifying either the keel laying date for a Fibre-Reinforced Plastic (FRP) craft, it was necessary to have a



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consistent interpretation<sup>1</sup> of the term "the keels of which are laid or which are at a similar stage of construction" for FRP craft.

● Discussion : To satisfy all scenarios, it was concluded by IACS that the start of "keel layup" is the time when the first structural reinforcement of the complete thickness of the approved hull laminate schedule is laid either in or on the mould. III Drafting group had considered information on IACS UI.

● Outcome : III 1 agreed IACS UI and developed a draft MSC-MEPC.5 circular on Unified interpretation on keel-laying date for fibre-reinforced plastic (FRP) craft, for submission to MEPC 67 and MSC 94 for consideration, with a view to approval.

## 5. Proposed amendments to the HSSC Guidelines with a view to providing clarity in the treatment of minor deficiencies

● Background : IMO instruments require that corrective action be taken immediately when "the condition of the ship or its equipment is unsatisfactory". In cases where the corrective action has not been undertaken the relevant certificate should be withdrawn and the port state concerned shall ensure that the ship shall not sail. However, the current wording "... that the condition of the ship or its equipment is unsatisfactory ..." may be open to differing interpretations and it focused on what are considered to be "detainable" deficiencies only.

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<sup>1</sup> III 1/11 IACS



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● Discussion :

◆ Guidance on how to deal with "minor findings" proposed by IACS

If a survey shows that the condition of the ship or its equipment is unsatisfactory and deficiencies cannot be rectified at the time of survey, but the ship is fit to proceed to sea without danger to the ship, or persons on board, or the environment, and corresponds substantially with the particulars of the certificate, the officer of the Administration, nominated surveyor or recognized organization should be guided by the following.

.1 Officer of the Administration

- A statutory condition with assigned due date for the time needed to rectify the deficiency should be issued with/without a conditional/short term certificate issued.

.2 Officer of the Administration

- A statutory condition with assigned due date for the time needed to rectify the deficiency should be issued with or without a conditional or short term certificate issued; and
- The Administration should be notified according to the agreement with the nominated surveyor.

.3 Recognized Organization

If the finding exclusively relates to a statutory certificate, a statutory condition with assigned due date for the time needed to rectify the deficiency should be issued with or without a conditional or short term certificate issued.

- If the finding relates to the rules of an RO, a Condition of Class or Recommendation should be issued with an assigned due date; and
- The Administration should be notified in accordance with the agreement with the recognized organization.

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- Outcome : A number of delegations expressed concerns of the proposed amendments, agreed to finalize at the next session.

## 6. Uniformity of procedures for issuance of Multiple Load Lines

- Background : For the operational needs, ships, especially oil tankers, are issued with one or more additional ILLCs indicating higher freeboard(s). However, in this case, the deadweight of the ships is differently indicated on certain statutory certificate (SC, SE, IOPP etc) and it had pointed out by PSCOs and the ships were unduly delayed.

- Discussion :

- ◆ Proposed Guidelines for Assignment of Multiple Load Line ships

- .1 Conditions to be complied with by a ship holding multiple load line certificate

- the load line marks corresponding to the deepest permitted draft of the ship, as well as other assigned drafts, are permanently marked on the ship's side shell. Only one set of marks associated with the ILLC in use, is "painted in" and visible at any given time. Other load line marks are obliterated or painted out with the same colour as its background;
- the ship should develop and maintain a system, to ensure that only one ILLC remains valid at any given time and all other ILLCs are kept in a sealed envelope under the safe custody of the Master. The procedures for change of ILLC may be included in the Safety Management System (SMS) of the ship;
- an official entry should be made in the ship's log book whenever the load line marking is changed;
- stability information for the relevant statutory loading conditions corresponding to each load line mark, should be approved by assigning authority and be available on board; and



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- the ship should comply with the requirements corresponding to the deepest permitted draft and the maximum permitted deadweight, at all times, irrespective of the ILLC in force.

.2 While carrying out the annual/renewal surveys, regardless of the deadweight value applicable at that time, the ship should be surveyed for compliance with the most severe statutory requirements corresponding to the greatest deadweight.

.3 The tonnage figures (i.e. GT and NT) of the ship should remain unaltered and should be those corresponding to the deepest draft.

.4 The statutory certificates issued under SOLAS and MARPOL, indicating the greatest deadweight of the ship may be considered as applicable for all the lower drafts as well. The lower deadweight(s) corresponding to other Load Line certificates with which the ship may be operating at times, need not be indicated on the statutory certificates.

● Outcome : III decided that the issue could not be addressed by means of a unified interpretation and would require more consideration, if an amendment to the 1988 LL Protocol were required. Therefore, III invited the delegation of India and supporting delegations to raise the matter at MSC, as appropriate.

## 7. PSC GUIDELINES ON SEAFARERS' HOURS OF REST AND PSC GUIDELINES IN RELATION TO THE MLC, 2006

● Background : III agreed the draft Guidelines for PSCOs on certification of seafarer's rest hours proposed by FSI 20 and had agreed to conduct a more detailed technical review of the draft Guidelines.





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- Discussion : Maritime Labour Convention, 2006 entered into force on 20<sup>th</sup> August 2013<sup>2</sup> and had been ratified by 54 ILO Member States as of 1 May 2014. And database of ILO MLC 2006 was under development accordingly as reported by the ILO secretariat.
- Outcome : Having agreed to the need to finalize the draft PSC guidelines on seafarers' hours of rest, in order to provide guidance for a harmonized approach on PSC inspections, III agreed to instruct the working group to be established to conduct a more detailed technical review of the draft guidelines for referral to the HTW Sub-Committee and MSC, as appropriate. <The End>

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<sup>2</sup> Ratified by 30 ILO Member States on 20<sup>th</sup> Aug. 2012