

MARITIME SAFETY COMMITTEE
104th session
Agenda item 18

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**REPORT OF THE MARITIME SAFETY COMMITTEE
ON ITS 104TH SESSION**

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1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The 104th session of the Maritime Safety Committee was held remotely from 4 to 8 October 2021, chaired by Mrs. Mayte Medina (United States). The Vice-Chair of the Committee, Mr. Theofilos Mozas (Greece), was also present.

1.2 The session was attended by Members and Associate Members; representatives from the United Nations Programmes, specialized agencies and other entities; observers from intergovernmental organizations with agreements of cooperation; and observers from non-governmental organizations in consultative status, as listed in document MSC 104/INF.1.

Opening address of the Secretary-General

1.3 The Secretary-General welcomed participants and delivered his opening address, the full text of which can be downloaded from the IMO website at the following link:

<https://www.imo.org/en/MediaCentre/SecretaryGeneral/Pages/Secretary-GeneralsSpeechesToMeetings.aspx>

Measures taken to facilitate remote sessions

1.4 The Committee recalled that at the joint extraordinary session of all IMO Committees (ALCOM/ES), held in September 2020, the Committees jointly approved *Interim guidance to facilitate remote sessions of the Committees during the COVID-19 pandemic* (MSC-LEG-MEPC-TCC-FAL.1/Circ.1); and had agreed in particular to:

- .1 waive rule 3 of their respective rules of procedure, in part, to allow sessions to be held remotely;
- .2 accept, for the purpose of facilitating remote sessions, electronically submitted credentials, with originals to follow; and
- .3 consider Members that had submitted valid credentials, were registered at OMRS and were listed as participants in the remote session, as "present" within rule 28(1) of its Rules of Procedure.

Adoption of the agenda and related matters

1.5 The Committee adopted the agenda (MSC 104/1) and agreed to be guided in its work, in general, by the annotations contained in document MSC 104/1/1 and by the provisional timetable (MSC 104/1/1, annex, as amended).

Credentials

1.6 The Committee noted that the credentials of 105 delegations attending the session were in due and proper form.

Consideration of selected agenda items by correspondence

1.7 The Committee considered the Chair's proposals concerning the consideration of agenda items 2, 4, 9, 10, 14 and 17 in total or in part by correspondence, as set out in document MSC 104/1/2, together with the comments received on those proposals as well as any resulting modifications to the proposed actions, as set out in document MSC 104/1/2/Add.1. In this regard, the Committee noted that the intention of considering the aforementioned selected agenda items by correspondence was to address the backlog that had been accumulating over

the last two sessions and that the proposed actions only concerned documents submitted to MSC 102 and MSC 103, which the Committee, owing to lack of time, had not been able to consider; and that any submissions made under those agenda items to this session would be considered separately, under the relevant agenda items.

1.8 The Committee approved, in principle, the proposed actions, as may have been modified following comments submitted, as set out in annex 2 of document MSC 104/1/2/Add.1, except for action 6.10 (MSC 104/1/2, annex, section 6) concerning the referral of the information on the recent publication of ISO/PAS 23678 provided in document MSC 102/22/6 (ISO), together with the comments thereon in documents MSC 103/20/15 (IACS) and MSC 103/20/17 (ICS et al), to SSE 8 for further discussion, which the Committee considered in more detail under agenda item 17 (see paragraph 17.20). The Committee noted that all relevant actions had been reflected in this report under the appropriate agenda items (see sections 2, 4, 9, 10, 14 and 17).

2 DECISIONS OF OTHER IMO BODIES

Matters emanating from MSC 102 and MSC 103 postponed for consideration at MSC 104

2.1 Having recalled that proposed actions on matters postponed for consideration at MSC 103 and MSC 104 pertaining to this agenda item had been arranged by correspondence (MSC 104/1/2 and Add.1), and that it had approved, in principle, most of the proposed actions under agenda item 1 (see paragraph 1.8), the Committee took action as outlined below.

Outcome of C 124, FAL 44, MEPC 75, LEG 107 and TCC 70

2.2 The Committee noted that MSC 103 had taken the decisions and outcomes of C 124, FAL 44, MEPC 75, LEG 107 and TCC 70 (MSC 103/2) with regard to its work into account and had taken action, as appropriate, under the relevant agenda items at MSC 103 (MSC 104/1/2, annex, paragraph 1.1).

Outcome of A 31: Process of updating the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC)

2.3 The Committee recalled that MSC 78 and MEPC 49 had agreed that the FSI (now III) Sub-Committee should coordinate the review of the Survey Guidelines so that whenever an amendment to a statutory instrument is developed which entails consequential amendments to the Guidelines, such amendments should be developed by the Sub-Committee under its continuous item on "Review of Survey Guidelines under the HSSC (resolution A.948(23))" before the entry into force of related amendments to mandatory instruments (MSC 78/26, paragraph 10.12 and MEPC 49/22, paragraph 10.2.9).

2.4 The Committee noted that A 31, having considered document A 31/10/2 (Germany et al.), in connection with the draft Assembly resolution on the Survey Guidelines, had noted that a number of delegations supported the proposals contained therein, in particular regarding the principle that draft amendments to the Guidelines should be linked to mandatory requirements. Consequently, A 31 invited MSC 102 and MEPC 75 to consider document A 31/10/2 and to take action, as appropriate. Owing to the pandemic, consideration of the issue had been postponed to this session.

2.5 The Committee, subject to concurrent decision by MEPC 77, instructed III 8 to consider the matter, taking into account documents MSC 102/2/3, MSC 102/2/4, MSC 103/2/1, MSC 103/2/2 and MSC 104/1/2/Add.1; to seek the Committees' advice in case of any policy decision needed; and to report back to the Committees accordingly (MSC 104/1/2, annex, paragraph 1.2).

Remaining matters

Outcome of FAL 45, MEPC 76, C 125 and LEG 108

2.6 The Committee, having noted the decisions of FAL 45, MEPC 76, C 125 and LEG 108, as set out in document MSC 104/2 (Secretariat), agreed to take them into account under the relevant agenda items.

Certified true copies of consolidated texts of all IMO conventions to assist in their implementation into domestic legislation

2.7 The Committee noted that C 125 had endorsed the recommendation of the Working Group on Council Reform to proceed with the preparation of certified true copies of consolidated versions of IMO conventions, as proposed by LEG 106, to assist in their implementation into domestic legislation. The Committee noted also that C 125 had invited the Committees to develop a priority list of conventions under their respective remits for which a consolidated version would be most beneficial.

2.8 Consequently, the Committee requested the Secretariat, in consultation with the Chair, to prepare, for consideration at MSC 105, a priority list of instruments under the remit of the Committee for which consolidated versions would be most beneficial.

3 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS

General

3.1 Parties to the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (1988 Load Lines Protocol) were invited to consider and adopt proposed amendments to chapters II and III of annex I of Annex B to the 1988 Load Lines Protocol. Parties constituting more than one third of the total of Parties to the Protocol were present during the consideration and adoption of said amendments by the expanded Maritime Safety Committee, in accordance with the provisions of paragraphs 2(c) and 2(d) of article VI of the 1988 Load Lines Protocol. The proposed amendments had been circulated, in accordance with paragraph 2(a) of article VI of the Protocol, to all IMO Member States and Parties to the Protocol by Circular Letter No.4341 of 13 November 2020.

3.2 Contracting Governments to the 1974 SOLAS Convention were also invited to consider and adopt proposed amendments to the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code), in accordance with the provisions of article VIII and regulation VII/11.1 of the Convention. More than one third of the Contracting Governments to the 1974 SOLAS Convention were present during the consideration and adoption of said amendments by the expanded Maritime Safety Committee, in accordance with articles VIII(b)(iii) and VIII(b)(iv) of the Convention. The proposed amendments to the Code mandatory under it had been circulated, in accordance with SOLAS article VIII(b)(i), to all IMO Members and Contracting Governments to the Convention by Circular Letter No.4339 of 13 November 2020.

Application of draft amendments to the 1988 Load Lines Protocol and the IGC Code

3.3 The Committee recalled that MSC 102 had approved draft amendments to:

- .1 regulation 27(13)(a) of annex I (Regulations for determining load lines) of Annex B to the 1988 Load Lines Protocol concerning watertight doors, as well as to regulation 22(1)(g) concerning scuppers, inlets and discharges (as a minor correction in accordance with paragraph 3.2(vi) of document C/ES.27/D); and
- .2 paragraph 2.7.1.1 of the IGC Code concerning watertight doors on cargo ships, with a view to adoption at MSC 103 (MSC 102/24, paragraph 17.28).

3.4 Subsequently, MSC 103, having noted that the application provision in the draft amendments to the 1988 Load Lines Protocol and the IGC Code warranted further discussion, had deferred their adoption to this session and invited relevant submissions on the issue. Additionally, the adoption of a minor correction to the 1988 Load Lines Protocol was also deferred (MSC 103/21, paragraphs 3.19 and 3.33).

Proposed amendments to the 1988 Load Lines Protocol

3.5 In this regard, the Committee considered the following documents:

- .1 MSC 104/3/1 (United Kingdom and IACS), proposing two options to add clarity regarding the application of the draft amendments and indicating a preference for Option 1, i.e. application to all ships with no modification of the draft amendments;
- .2 MSC 104/3/3 (United States), analysing the intent and providing support for the application of Option 1, as suggested in document MSC 104/3/1; and
- .3 MSC 104/3/4 (China), highlighting the different requirements for watertight doors on cargo ships in SOLAS, and the proposed draft amendments to the 1988 Load Line Protocol and IGC Code, and proposing that:
 - .1 a requirement for hinged doors of "quick-acting or single-action type" be included in SOLAS; and
 - .2 an additional application provision be added in the draft amendments to indicate that the amendments shall apply to all ships (new and existing).

3.6 In the ensuing discussion, the Committee noted, inter alia, the following views:

- .1 a separate application provision would not be necessary, as Option 1 in document MSC 104/3/1 (see paragraph 3.5.1) provided a pragmatic approach, which was supported in document MSC 104/3/3, with the understanding that the draft amendments would have no impact on existing ships;
- .2 although the amendments should apply to all ships, for clarity purposes an application provision stating "the amendments shall be applied to all ships" should be added in the draft amendments;

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- .3 the proposal in document MSC 104/3/4 to include additional requirements in SOLAS (see paragraph 3.5.3.1) would be outside the scope of the current output and, therefore, a new output proposal would be necessary;
 - .4 the perceived relaxation in document MSC 104/3/4 was not on the required type of watertight doors but on the determination of the final waterline after flooding and therefore would not prohibit replacing sliding watertight doors with hinged ones on existing ships; and
 - .5 the doors mentioned in paragraphs 3 and 4 of SOLAS regulation II-1/13-1 (Openings in watertight bulkheads and internal decks in cargo ships) were not within the scope of openings through which progressive flooding or downflooding could take place and, therefore, this would not lead to inconsistency with the provisions of SOLAS.

3.7 Consequently, with regard to the application provision, the Committee was of the view that:

- .1 the objective of the output was to harmonize the existing requirements for watertight doors by reviewing the relevant mandatory requirements in the SOLAS, MARPOL and Load Line Conventions, as well as the IBC and IGC Codes, in order to address inconsistencies; and
- .2 the draft amendments to the 1988 Load Lines Protocol and the IGC Code specify additional openings fitted with watertight closures, which were excluded from the requirement of being located above the final damage waterline and, therefore, they would have no impact on existing ships,

and agreed that the amendments should apply to new and existing ships upon their entry into force and, therefore, there was no need to introduce any application provision to the draft amendments. Consequently, the Committee confirmed the contents of the proposed amendments to the 1988 Load Lines Protocol, as set out in annex 1 to document MSC 104/WP.5 with no modification, subject to editorial improvements, if any.

3.8 In this regard, having recalled that MEPC 76 had agreed to defer the consideration of similar amendments to MARPOL and the IBC Code to MEPC 77, in order to take into account the relevant outcome of this session (MEPC 76/15, paragraph 10.3), the Committee agreed to advise MEPC 77 of the outcome of the discussion accordingly.

3.9 With respect to the particular proposal contained in document MSC 104/3/4 for inclusion of a requirement in SOLAS for hinged doors of "quick-acting or single-action type", the Committee, having recognized that this proposal would require thorough consideration by the relevant expert Sub-Committee, invited China and interested Member States and international organizations to submit a proposal for a relevant new output, in accordance with the Committees' method of work (MSC-MEPC.1/Circ.5/Rev.2).

Date of entry into force of the proposed amendments

3.10 The Committee agreed that the draft amendments to chapters II and III of annex I of Annex B to the 1988 Load Lines Protocol proposed for adoption at this session should be deemed to have been accepted on 1 July 2023 and enter into force on 1 January 2024, in accordance with the provisions of article VI of the Protocol.

Proposed amendments to the IGC Code, mandatory under SOLAS

3.11 Having recalled its earlier agreement on the application provision of identical draft amendments to the 1988 Load Lines Protocol (see paragraph 3.7), the Committee confirmed the contents of the proposed amendments to the IGC Code, as set out in annex 2 to document MSC 104/WP.5, subject to editorial improvements, if any.

Date of entry into force of the proposed amendments

3.12 The Committee agreed that the draft amendments to chapter 2 of the IGC Code proposed for adoption at this session should be deemed to have been accepted on 1 July 2023 and enter into force on 1 January 2024, in accordance with the *Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1481).

Amendments to the LSA Code on ventilation requirements for totally enclosed lifeboats

3.13 With respect to the draft amendments to the LSA Code on ventilation requirements, the Committee recalled that SSE 7 had:

- .1 prepared draft amendments to the LSA Code and the *Revised recommendation on testing of life-saving appliances* (resolution MSC.81(70)) on new requirements for the ventilation of survival craft, except for partially enclosed lifeboats and liferafts in the Revised recommendation; and
- .2 agreed to postpone further consideration until the draft amendments to the Revised recommendation were complete, so that they could be submitted to the Committee for consideration as a package, together with the draft amendments to the LSA Code regarding ventilation requirements for survival craft, for approval (SSE 7/21, paragraph 3.23).

3.14 In this regard, the Committee:

- .1 considered document MSC 104/3/2 (Bahamas et al.), proposing to approve the draft amendments to the LSA Code with regard to the ventilation of totally enclosed lifeboats as agreed by the SSE Sub-Committee and to take relevant action; and
- .2 noted the information contained in document MSC 104/INF.11 (Japan) on the history of discussion on ventilation of totally enclosed lifeboats to support the consideration of document MSC 104/3/2.

3.15 In order to facilitate the discussion and accommodate the concerns about a delayed four-year cycle in document MSC 104/3/2, the Committee considered a proposal by the Secretariat (MSC 104/WP.5/Add.1) for the introduction of an ad hoc mid-term amendment cycle under the exceptional circumstances clause in the *Guidance on entry into force of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1481), i.e. entry into force on 1 January 2026 for the draft amendments to mandatory instruments under the purview of the Committee that have been adopted before 1 July 2024, in order to minimize the disruption to the amendment cycle caused by the COVID-19 pandemic. In the ensuing discussion, the Committee noted, inter alia, the following comments:

- .1 the proposed ad hoc mid-term amendment cycle would not only help with the completion of the ongoing work on ventilation requirements in a structured manner but also allow for additional time to complete other pending amendments; and, therefore, should be supported;
- .2 the draft amendments to the LSA Code and the Revised recommendation on testing of LSA should be maintained as a package, as agreed by SSE 7, taking into account that the relevant Correspondence Group had not yet concluded its work;
- .3 the date of application should be clarified by utilizing the specific drafting format set out in the *Guidance on drafting of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1500/Rev.1); and
- .4 the proposal for a mid-term amendment cycle should not impact the possibility of applying the "exceptional circumstances" provision in the Guidance (MSC.1/Circ.1481).

3.16 Following discussion, the Committee:

- .1 agreed to an ad hoc midterm amendment cycle under exceptional circumstances in accordance with the Guidance (MSC.1/Circ.1481), i.e. entry into force on 1 January 2026 for the draft amendments adopted before 1 July 2024, for the draft amendments on new ventilation requirements, as well as other amendments to SOLAS and related mandatory instruments under the purview of the Committee; and
- .2 instructed SSE 8 to finalize its work on the draft amendments on new ventilation requirements, with a view to approval by MSC 106 and to advise the Committee on the most suitable date of application of the amendments, in consultation with the industry representatives.

Establishment of the Drafting Group

3.17 Having considered the above matters, the Committee established the Drafting Group on Amendments to Mandatory Instruments, chaired by Mr. N. Bolt (Germany), and instructed it, taking into account comments made and decisions taken in plenary, to prepare, for consideration by the Committee with a view to adoption, the final text of the:

- .1 draft amendments to chapters II and III of annex I of Annex B to the 1988 Load Lines Protocol and the associated draft MSC resolution, based on annex 1 to document MSC 104/WP.5; and
- .2 draft amendments to chapter 2 of the IGC Code and the associated draft MSC resolution, based on annex 2 to document MSC 104/WP.5.

Report of the Drafting Group

3.18 Having considered the report of the Drafting Group (MSC 104/WP.7), the Committee approved it in general and took action as outlined below.

Adoption of amendments to the 1988 Load Lines Protocol

3.19 The expanded Committee, including delegations of 86 Parties to the 1988 Load Lines Protocol, considered the final text of the proposed amendments to chapters II and III of annex I to Annex B to the Protocol, prepared by the Drafting Group (MSC 104/WP.7, annex 1), and adopted them unanimously by resolution MSC.491(104), as set out in annex 1.

3.20 In adopting resolution MSC.491(104), the expanded Committee determined, in accordance with article VI (2)(f)(ii)(bb) of the 1988 Load Lines Protocol, that the adopted amendments to the Protocol should be deemed to have been accepted on 1 July 2023 (unless, prior to that date, objections are communicated to the Secretary-General, as provided for in article VI 2(g)(ii) of the 1988 Load Lines Protocol) and should enter into force on 1 January 2024, in accordance with the provisions of article VI of the Protocol.

Adoption of amendments to the IGC Code

3.21 The expanded Committee, including delegations of 103 Contracting Governments to the 1974 SOLAS Convention, considered the final text of the draft amendments to chapter 2 of the IGC Code, prepared by the Drafting Group (MSC 104/WP.7, annex 2), and adopted them unanimously by resolution MSC.492(104), as set out in annex 2.

3.22 In adopting the above resolution, the expanded Committee determined, in accordance with article VIII(b)(vi)(2)(bb) of the 1974 SOLAS Convention, that the adopted amendments to the IGC Code should be deemed to have been accepted on 1 July 2023 (unless, prior to that date, objections were communicated to the Secretary-General, as provided for in article VIII(b)(vi)(2) of the Convention) and should enter into force on 1 January 2024, in accordance with the provisions of SOLAS article VIII.

Instructions to the Secretariat

3.23 The Committee authorized the Secretariat, when preparing the authentic texts of the amendments adopted at this session, to make any editorial corrections that might be identified, including updating references to renumbered paragraphs, and to bring to the attention of the Committee any errors or omissions which required action by the Contracting Governments to the 1974 SOLAS Convention and/or Parties to the 1988 Load Lines Protocol.

3.24 The Committee requested the Secretariat to ensure that the final text of the amendments contained in the annexes to the report is presented as clean text (i.e. not showing track changes).

4 CAPACITY-BUILDING FOR THE IMPLEMENTATION OF NEW MEASURES

Background

4.1 The Committee recalled that MSC 100 and MEPC 74 had agreed to discontinue the preliminary assessment of capacity-building implications and technical assistance needs related to new outputs for amending mandatory instruments at the time of the approval of such outputs; and MSC 101 and MEPC 75 had agreed to undertake the assessment instead in future at the stage of adoption of new, or amendments to, mandatory instruments and that the standing Drafting Group on Amendments to Mandatory Instruments should carry out the assessment when considering the final text of such amendments. The Committee also recalled that MSC 103 had postponed consideration of the matter to this session (MSC 104/1/2/Add.1, annex, section 2).

Consideration of capacity-building matters by correspondence

4.2 In accordance with the arrangements for this remote session, as outlined in documents MSC 104/1/2 and Add.1, the Committee considered this agenda item by correspondence and consequently agreed to:

- .1 include, at future sessions, the following instruction in the terms of reference of the Drafting Group on Amendments to Mandatory Instruments: "to assess the implications for capacity-building and technical cooperation and assistance of the new, or amendments to existing, mandatory instruments submitted for adoption at this session, against the procedures and criteria for identification of capacity-building implications set out in annex 2 of the Committees' Guidelines (MSC-MEPC.1/Circ.5/Rev.2)"; and
- .2 discontinue the agenda item on "Capacity-building for the implementation of new measures" since the work carried out under this item would from now on be absorbed under agenda item 3 (Consideration and adoption of amendments to mandatory instruments).

5 MEASURES TO IMPROVE DOMESTIC FERRY SAFETY

5.1 The Committee recalled that MSC 103 had approved, in principle, the basic structure of the Model Regulations on Domestic Ferry Safety, subject to ongoing review; had agreed to establish a Working Group on Domestic Ferry Safety at this session to further develop the model regulations using document MSC 103/8, annex 1, as the base document; had invited submissions on amendments to the model regulations to this session; and had requested the Secretariat to submit an updated work plan to MSC 104 for consideration.

5.2 The Committee agreed to refer the documents submitted to this session (MSC 104/5, MSC 104/5/1, MSC 104/5/2, MSC 104/5/3 and MSC 104/5/4), together with the documents submitted to MSC 102 the consideration of which had been postponed to this session (MSC 102/8, MSC 102/8/Add.1, MSC 102/8/1, MSC 102/8/2, MSC 102/8/3, MSC 102/8/4, MSC 102/8/5 and MSC 102/8/6) directly to the Working Group (see paragraph 5.4).

5.3 The Committee noted the information provided by China and Thailand in document MSC 104/INF.10, containing summary outcomes of the ASEAN Regional Forum Training on Ferry Safety Capacity Building, which had taken place from 22 to 25 June 2021 and from 5 to 9 July 2021; and by China in document MSC 104/INF.15, providing information on the ferry brightening measures taken by China to improve the identifiability of ships so as to effectively avoid collisions at night.

Establishment of the Working Group

5.4 The Committee established the Working Group on Domestic Ferry Safety, chaired by Mr. Watchara Chiemanukulkit (Thailand), with the following terms of reference:

- .1 taking into account comments made in plenary, further develop the draft Model Regulations on Domestic Ferry Safety on the basis of document MSC 103/8, annex 1, with the aim of finalizing them, taking into account documents MSC 102/8, MSC 102/8/Add.1, MSC 102/8/1, MSC 102/8/2, MSC 102/8/3, MSC 102/8/4, MSC 102/8/5, MSC 102/8/6, MSC 104/5/1, MSC 104/5/2, MSC 104/5/3 and MSC 104/5/4, and comments made at MSC 103;

- .2 review and update the work plan (MSC 104/5), as appropriate; and
- .3 consider the need for establishing a Correspondence Group on Domestic Ferry Safety and, if needed, identify a coordinator and prepare terms of reference.

Report of the Working Group

5.5 Having considered the report of the Working Group on Domestic Ferry Safety (MSC 104/WP.8), the Committee approved it in general and in particular:

- .1 noted the diverse yet relevant views on technical and legal aspects covering the provisions in the draft model regulations as reflected in the report (MSC 104/WP.8, paragraph 5);
- .2 approved the draft Model Regulations on Domestic Ferry Safety, as set out in annex 3, with a view to adoption at MSC 105;
- .3 authorized the Secretariat to effect any necessary editorial changes to the finalized model regulations;
- .4 requested the Secretariat to prepare a draft MSC resolution on adoption of the model regulations for consideration by MSC 105;
- .5 approved the updated plan of work, as set out in annex 4, and requested the Secretariat to keep it under review for consideration by the Committee as appropriate; and
- .6 concurred with the view of the Group that, as circumstances stood now, a Correspondence Group on Domestic Ferry Safety was not needed.

5.6 Following the approval of the Model Regulations on Domestic Ferry Safety, the delegation of the Republic of Korea offered its country's domestic ferry safety management systems for consideration by stakeholders as these were, in that delegation's view, in line with the approved model regulations.

6 GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS

6.1 The Committee recalled that MSC 102 had postponed the deliberations of documents MSC 102/7, MSC 102/7/4, MSC 102/INF.15, MSC 102/INF.20 and MSC 102/INF.24 to MSC 103 (MSC 102/24, paragraph 7.1) and that MSC 103 had postponed consideration of GBS matters to this session (MSC 103/21, paragraph 7.1).

Final report of the combined GBS audit on the rectification of non-conformities of IACS and DNV-GL ship construction rules

6.2 The Committee had for its consideration document MSC 103/7/1 (Secretary-General), containing the GBS audit report on the rectification of non-conformities stemming from the first GBS maintenance audit in 2018 and, in the case of DNV-GL, the non-conformities confirmed with respect to the re-verification audit of DNV-GL.

6.3 In this connection, the Committee noted the information provided in document MSC 103/INF.3 (Secretariat), informing it of the change of name of "DNV-GL" to "DNV", which had taken effect on 1 March 2021.

6.4 In considering document MSC 103/7/1, the Committee noted section 3 of the audit report containing the "Executive summary" with the conclusion of the auditors that the six non-conformities (NCs) audited had been addressed by IACS and DNV and, therefore, deemed rectified, with a caveat for non-conformity DNVGL/2019/ReVerif/NC/04, which could only be considered rectified if the internal procedure WPI-0055 submitted to the Audit Team on 26 January 2021 was properly implemented into DNV-GL rules and took effect as soon as possible.

6.5 Having considered the above report, the Committee agreed with the recommendations of the auditors and confirmed that:

- .1 the non-conformities of IACS common structural rules identified during the first GBS maintenance audit in 2018; and
- .2 the non-conformities identified during the re-verification audit of DNV-GL in 2019,

had been duly rectified and that IACS CSR and the DNV-GL rules demonstrated continued conformance with the Organization's goal-based ship construction standards for bulk carriers and oil tankers. In this regard, the Committee noted that the Secretariat would update MSC.1/Circ.1518/Rev.1 accordingly.

6.6 The Committee thanked the GBS auditors, Professor C. Rizzo and Dr. M. Nunez, for their work and conveyed its appreciation to Italy and the European Commission, respectively, for nominating them.

Consideration of remaining GBS matters by correspondence

6.7 Due to time constraints, the Committee agreed to consider the remaining documents under this agenda item (i.e. MSC 102/7, MSC 102/7/4, MSC 102/7/7, MSC 102/INF.15, MSC 102/INF.24, MSC 103/7, MSC 103/7/3, MSC 103/7/4, MSC 103/INF.3, MSC 103/INF.4, MSC 103/INF.6, MSC 104/INF.20, MSC 104/INF.8, MSC 103/7/5, MSC 103/7/2, MSC 102/INF.20, MSC 103/INF.9 and MSC 103/INF.5 and Add.1) intersessionally by correspondence, whereby the Chair would prepare a document for submission to MSC 105, proposing what action should be taken in relation to the documents and inviting Member States and international organizations to provide their comments, if any, on the proposed actions, for final consideration and decision by MSC 105.

7 MEASURES TO ENHANCE MARITIME SECURITY

Updates on developments related to maritime security

7.1 The Committee considered document MSC 104/7 (Secretariat), reporting on developments related to maritime security since MSC 103 and noted information on the delivery of maritime security-related activities as part of the Integrated Technical Cooperation Programme (ITCP), including information regarding two EU-funded port security projects currently being implemented by the Secretariat; the Secretariat attendance at the World Customs Organization (WCO) Cruise Ship Workshop from 5 to 9 July 2021 related to the development of Advanced Passenger Information (API) and Passenger Name Record (PNR) data standards; and ongoing Secretariat support to the United Nations global counter-terrorism coordination compact, including delivery of the maritime and port security elements of the Counter-Terrorism Committee Executive Directorate (CTED) hybrid visit to Benin in early July.

- 7.2 In this context, the Committee encouraged SOLAS Contracting Governments to:
- .1 review and update the information contained in the Maritime Security module of GISIS, in particular that related to port facility security plans;
 - .2 consider using the new option for electronic transfer of information into and from the Maritime Security module of GISIS so as to reduce the administrative burden on behalf of the nominated national point(s) of contact;
 - .3 develop effective maritime security governance structures, including national maritime security committees and strategies, and to strengthen these where they already exist;
 - .4 continue to effectively implement, in partnership with industry, IMO security measures, including SOLAS chapter XI-2 and the ISPS Code, taking into account new and emerging security threats, and to request IMO's technical assistance, as appropriate; and
 - .5 consider donating to IMO's International Maritime Security Trust Fund (IMST Fund) to support the continued delivery of technical assistance under the global programme for the Enhancement of Maritime Security.

Cyber risk management for ships and ports

7.3 The Committee recalled that, when approving the *Guidelines on maritime cyber risk management* (MSC-FAL.1/Circ.3) in 2017, it had underlined that they were complementary to the ISM and ISPS Codes, noting that the Guidelines included functional elements that supported effective cyber risk management and provided references to further detailed guidance, including the industry guidelines on cyber security on board ships.

7.4 The Committee had the following documents for consideration:

- .1 MSC 104/7/1 (IAPH), inviting it to note the first edition of the *IAPH Cybersecurity Guidelines for Ports and Port Facilities*, and to consider promoting them as appropriate and referencing them in the next version of the *Guidelines on maritime cyber risk management* (MSC-FAL.1/Circ.3/Rev.1) under additional detailed guidance and industry standards; and
- .2 MSC 104/INF.9 (France) providing a brief overview on recent French initiatives aimed at addressing cybersecurity issues in the maritime sector.

7.5 In considering the above documents, the Committee:

- .1 requested the Secretariat to update the industry guidance listed in paragraph 4.2 of MSC-FAL.1/Circ.3/Rev.1 to include the *IAPH Cybersecurity Guidelines for Ports and Port Facilities*, subject to concurrent decision by the FAL Committee;
- .2 noted that such inclusion should not be taken to mean that the Committee had endorsed every detail, but rather recognized the helpfulness of the IAPH Guidelines and promoted their availability; and

- .3 noted with appreciation the overview on recent French initiatives aimed at addressing cybersecurity issues in the maritime sector.

8 PIRACY AND ARMED ROBBERY AGAINST SHIPS

8.1 The delegation of Romania stated that it considered the safety and security of seafarers as extremely important; that many of its nationals were seafarers; and that it condemned the recent drone incident in July involving the **MT Mercer Street** in which one of its nationals and a United Kingdom national were both killed. The full text of the statement is set out in annex 42.

Updating resolution A.1069(28)

8.2 The Committee recalled that MSC 103 had acknowledged the progress made on a draft Assembly resolution updating resolution A.1069(28) on *Prevention and suppression of piracy, armed robbery against ships and illicit maritime activity in the Gulf of Guinea*, and had agreed to finalize it at MSC 104 for approval, with a view to submission to A 32 for adoption, noting two outstanding issues highlighted by the Working Group on Piracy at MSC 103.

8.3 The Committee also recalled that the first outstanding issue related to the footnotes with the definition of "piracy" and "armed robbery against ships" referred to in the title and the content of the draft; and the second issue being the request from some Member States to include a reference to the EU pilot case of the Coordinated Maritime Presence (CMP) concept in the Gulf of Guinea, which was included in square brackets to allow the Committee to gain a better understanding of the concept before deciding on this suggestion.

8.4 The Committee noted the proposal by the Chair that, given the limited time available at MSC 104 and the need to agree to the draft resolution in order for it to be submitted in time to A 32 for adoption, interventions on the draft Assembly resolution would be restricted to the two aforementioned outstanding issues.

8.5 In this regard, the Committee considered document MSC 104/8/1 (Secretariat) and noted document MSC 104/INF.5 (Austria et al.), concerning the prevention and suppression of piracy, armed robbery against ships and illicit maritime activity in the Gulf of Guinea, and information on the EU's CMP concept pilot case in the Gulf of Guinea, and noted in particular:

- .1 the advice of IMO's Legal Affairs and External Relations Division (LED) that the solution to the first issue (see paragraph 8.3) was to delete all footnotes defining the terms used in the title of the draft resolution. Alternatively, a reference to the definitions of "piracy" and "armed robbery" could be made in a preambular paragraph, as reflected in the draft updated Assembly resolution in the annex to document MSC 104/8/1;
- .2 the advice of the Secretariat that since EU Member States and the EC had provided information on the CMP concept pilot case (MSC 104/INF.5) for the benefit of the Committee, and given that the Committee now had a better understanding of the pilot case in the Gulf of Guinea, the Committee was now in a position to decide whether it wanted to retain the relevant text in square brackets or not; and
- .3 the recommendation by the Secretariat that the Committee approve the draft updated Assembly resolution, as amended and set out in the annex to document MSC 104/8/1, for submission to A 32 with a view to adoption.

8.6 In the ensuing extensive discussion, the following views, inter alia, were expressed:

- .1 LED's advice that the solution to the first issue was to delete all footnotes defining the terms used in the title of the draft resolution was not agreeable and the term "other illicit activity" without an agreed definition entailed the risk of unilateral interpretation;
- .2 additional operational information on the CMP concept pilot case should be provided and the following wording added at the end of operative paragraph 7(c) of the draft Assembly resolution: "and stresses the need to ensure consistency with international law, in particular the rights of coastal States in the area";
- .3 the draft Assembly resolution as amended by the Secretariat was supported;
- .4 the text on the CMP concept pilot case should be retained in square brackets, subject to the addition of the wording "concerning consistency with international law" (see paragraph 8.6.2); and
- .5 consideration should be given to moving operative paragraph 7(c) to the preambular text as this was standard practice for Assembly resolutions.

8.7 The delegation of Nigeria made a statement that outlined the initiatives underway within the region to counter acts of piracy, armed robbery and other illicit activities and the role played by the Maritime Coordination Centre in these efforts; and stressed the importance of including wording in paragraph 7(c) that acknowledged the need to coordinate any activities with coastal States. The delegation of Slovenia also made a statement that underlined that the EU CMP concept pilot case aims to promote international cooperation at sea and the exchange of information in the maritime security domain, and to work and collaborate with partners and States in the region, in particular the coastal States directly concerned; and recalled that the EU CMP respects in all instances international law, in line with the European Union's constant commitment to the international legal order, based on multilateral cooperation, in all domains. The full text of the above statements is set out in annex 42.

8.8 Following discussion, the Committee:

- .1 agreed to delete all footnotes with the definition of "piracy" and "armed robbery against ships" referred to in the title and the draft text, and instead to include a reference to those definitions in the preambular part of the draft resolution, as reflected in the draft resolution prepared by the Secretariat (MSC 104/8/1, annex), while noting concerns about the lack of an agreed definition of "other illicit maritime activity";
- .2 agreed to delete the square brackets and retain the text relating to the CMP concept pilot case in the Gulf of Guinea in operative paragraph 7(c);
- .3 invited interested parties to consider whether additional wording was required at the end of paragraph 7(c), and whether this paragraph should be moved to the preambular text and agreed with their recommendation that:
 - .1 the words "and stresses the need to ensure consistency with international law, in particular the rights of coastal States in the area;" should be added at the end of operative paragraph 7(c); and

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- .2 operative paragraphs 6 and 7 (as amended) should be moved after existing operative paragraph 3, and the paragraph numbering thereafter changed accordingly; and
 - .4 approved the draft Assembly resolution on *Prevention and suppression of piracy, armed robbery against ships and illicit maritime activity in the Gulf of Guinea*, as set out in annex 5, for submission to A 32 with a view to adoption.

Developments since MSC 103 including information sharing on incidents of piracy and armed robbery

8.9 The Committee considered document MSC 104/8 (Secretariat), reporting on developments concerning piracy and armed robbery against ships since MSC 103, including relevant statistics and updates on the implementation of the Djibouti Code of Conduct, and the situation in the Gulf of Guinea, and noted in particular:

- .1 eighty-three incidents of piracy and armed robbery against ships had been reported to the Organization as having occurred or been attempted from January to June 2021, constituting a decrease of approximately 23% at the global level compared to the same period last year. The areas most affected by acts of piracy and armed robbery during that time were West Africa (27), the Straits of Malacca and Singapore (23) and the South China Sea (12). The number of incidents in the Gulf of Guinea (West Africa) decreased in the first half of 2021 by five compared to the same period in 2020, constituting a decrease of 16%;
- .2 in relation to the implementation of the Djibouti Code of Conduct, as amended, the region has established, with the support of the Secretariat, a strong governance framework to spearhead the implementation and is now better prepared to find regional solutions to address existing gaps in Maritime Domain Awareness (MDA) and to develop response capabilities; and
- .3 in relation to initiatives in the Gulf of Guinea, following the recent comments of the Secretary-General at both the G7++ Friends of the Gulf of Guinea and Gulf of Guinea Maritime Collaboration Forum/Gulf of Guinea – Shared Awareness and Deconfliction meetings, the Secretariat is finalizing a strategy proposal to integrate IMO key partners such as African regional stakeholders, Member States and the industry, complementing existing initiatives.

8.10 In the ensuing discussion the delegation of Argentina recommended that, in future updates, the piracy and armed robbery against ships statistics reported by the Secretariat should be further disaggregated into those incidents which had occurred in territorial waters and that appropriate references to UN Security Council resolutions be added to future invitations to Member States to continue to provide naval assets off the coast of Somalia (see MSC 104/8, paragraph 25.7).

8.11 Having considered the information provided by the Secretariat and following the ensuing discussion, the Committee:

- .1 requested Member States to report incidents of piracy and armed robbery to the Secretariat to marsec@imo.org, using the reporting form in appendix 5 of MSC.1/Circ.1333/Rev.1;

- .2 requested the Secretariat to examine the matter of whether the piracy and armed robbery against ships' statistics could be disaggregated into those which had occurred within territorial waters and to report back on the matter to MSC 105;
- .3 concerning the verification of reports of piracy and armed robbery incidents, noted the recommendation that any clarification and/or correction of inaccuracies in reporting be raised with the Secretariat by the national focal point concerned and that the report(s) in the Piracy and Armed Robbery module of GISIS would then be updated, as required;
- .4 requested the Secretariat to monitor the number of cases in which national focal points raise points of clarification and/or correct inaccuracies with a view to reporting back on developments to a future session of the Committee;
- .5 requested Member States to provide and keep updated the information related to their National Contact Point(s) for communication of information on piracy and armed robbery through the Contact Points module of GISIS;
- .6 requested Member States to complete and keep updated the Questionnaire on information on port and coastal State requirements related to privately contracted armed security personnel on board ships (PCASP) (MSC-FAL.1/Circ.2), to be sent to the Secretariat through marsec@imo.org for posting on the IMO website;
- .7 noted the efforts undertaken to ensure continued implementation of the Djibouti Code of Conduct and the Yaoundé Code of Conduct, including the support provided to the Inter-regional Coordination Centre (ICC);
- .8 reminded companies, masters and seafarers to continue the diligent application of existing IMO guidance and the global counter-piracy guidance, including updated guidance for protection against piracy and armed robbery in the Gulf of Guinea region – Best Management Practices West Africa;
- .9 invited Member States to continue to provide naval assets off the coast of Somalia and flag States to continue to monitor the threat to ships flying their flag, and set appropriate security levels in accordance with the ISPS Code;
- .10 requested the Secretariat to add references to the appropriate UN Security Council resolution to future invitations to Member States to continue to provide naval assets off the coast of Somalia; and
- .11 called upon Member States, in line with resolution A.1069(28), in cooperation with the Organization and as may be requested by Member States of the region, to assist efforts in the region and to consider making financial contributions to IMO's West and Central Africa Trust Fund (WCA TF).

Progress report of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP)

8.12 The Committee noted, with appreciation, the information contained in document MSC 104/INF.6 (ReCAAP-ISC), providing an update of the activities carried out by ReCAAP-ISC and the situation of piracy and armed robbery against ships in Asia and thanked them for their continuous support to the Organization's piracy reporting.

Piracy and armed robbery against ships in the Gulf of Guinea

8.13 The Committee recalled the Secretary-General's remark to MSC 103 that significant discussions were being held to address and deter piracy in the Gulf of Guinea, which would culminate in the adoption of a resolution on recommended action to address piracy and armed robbery in the Gulf of Guinea (see paragraphs 8.1 to 8.6).

8.14 The Committee considered information on the Gulf of Guinea Declaration on Suppression of Piracy provided in document MSC 104/INF.3 (Liberia et al.); and the progress report on measures being undertaken by Nigeria to address piracy activities in Nigerian waters and the Gulf of Guinea region after MSC 103, contained in document MSC 104/INF.7 (Nigeria).

8.15 In this regard, the Secretariat stressed that it was important to recognize the positive strides made by the coastal States in the region over the past few months, e.g. that Ghana had passed anti-piracy legislation; the recent convictions of pirates in Nigeria and Togo were signs of genuine progress; and Nigeria's significant investment in their Deep Blue Project, which was now operational; which provided further evidence of a concerted and sustainable long-term commitment within the region.

8.16 The Committee noted in particular:

- .1 the intention of the Secretary-General to host a meeting in December of this year of the Presidents of the Economic Community of West African States, the Economic Community of Central African States, the Gulf of Guinea Commission and the Peace and Security Commissioner of the African Union, to report the findings of the regionally led expert levels talks (MSC 104/8, paragraph 19) and for discussions to consider the requirement for a review of the Yaoundé Code of Conduct;
- .2 the intended provision, in 2022, of an IMO integrator and coordinator, embedded in the region, to support the work of the ICC, Yaoundé, with the role to provide guidance and training support to progress the development of the Yaoundé Architecture, dovetailing with the operational readiness of the Zone F HF network (MSC 104/8, paragraph 20) and the enhancements in MDA and counter piracy incident response capabilities in the region; and
- .3 an offer by IMO, alongside other UN partners, to support Nigeria in its development and implementation of a national maritime strategy, linked to a new and innovative IMO concept on the whole of government approach to maritime security, involving the development of National Maritime Security Committees, Risk Registers and Strategies and integrating these with an effective MDA capability.

Review of the High-Risk Area (HRA) for piracy in the Indian Ocean

8.17 The Committee considered the update on the review of the extent of the Somali piracy HRA, revisions to the area, and envisioned next steps to develop a more dynamic threat assessment process, provided in document MSC 104/8/2 (ICS et al.).

8.18 In the ensuing discussion, the following views, inter alia, were expressed:

- .1 thanks to the industry group and appropriate bodies for their work on the revision of the HRA with regional stakeholders, and appreciation that a new dynamic threat assessment process will be put in place to more clearly identify areas in which threats exist;

- .2 any threat assessment process will need to be undertaken in close consultation with coastal States and relevant stakeholders;
- .3 the definition of HRA was an industry action that responded to the threat from Somali piracy and armed robbery against ships in accordance with UN Security Council's authorization under Chapter VII of the UN Charter, and it was highlighted that there was no such legal authorization for deterrent actions for other types of threats or for other areas;
- .4 with the decrease in piracy incidents off Somalia and in the Western Indian Ocean it was important that industry and the international community worked together to address other threats, but any updates to the threat assessment process and industry guidance were a matter for industry and outside the mandate of the Committee; and
- .5 the industry takes the safety and security of seafarers extremely seriously and the military mandates in the Western Indian Ocean had expanded to encompass new forms of threat including Water-borne Improvised Explosive Devices, limpet mines, drones etc. and as such it was important that the industry guidance and new threat assessment process reflected these new forms of threat.

8.19 A relevant statement by the observer from ICS is set out in annex 42.

8.20 Following the discussion, the Committee:

- .1 recalled that MSC 103, having discussed a request by Kenya for a revision of the HRA (MSC 103/10/2), had encouraged the industry group and appropriate bodies to continue to work with regional stakeholders, including coastal States and military authorities; and to provide an update to this session, taking into consideration further consultations with Kenya, which was provided in document MSC 104/8/2;
- .2 noted the conclusions of the review of the HRA and the boundary changes, in particular the removal of boundaries covering sea areas off the coasts of Kenya and Oman, and that this amendment had become effective on 1 September 2021;
- .3 noted also the intention of the co-authors of document MSC 104/8/2 to replace the existing HRA with a more dynamic threat-based approach and the timelines for this transition;
- .4 acknowledged that the HRA was an industry initiative; and
- .5 requested the aforementioned co-authors to provide a progress report to MSC 105.

9 UNSAFE MIXED MIGRATION BY SEA

Matters emanating from MSC 102 and MSC 103 postponed for consideration at MSC 104

9.1 Having recalled that proposed actions on matters postponed for consideration at MSC 103 and MSC 104 pertaining to this agenda item had been considered by correspondence (MSC 104/1/2 and Add.1), and that it had approved in principle most of the proposed actions under agenda item 1 (see paragraph 1.8), the Committee took action as outlined below.

9.2 The Committee also recalled that MSC 101 had encouraged Member States to issue clear and unambiguous instructions to shipmasters on ships flying their flag on how to act under different circumstances, if directed by authorities to return rescued persons to Libya, and concurred with the decision of FAL 43 to extend the target completion year of output OW 44 "IMO's contribution to addressing unsafe mixed migration by sea" to 2021, with the aim of keeping the Committee informed of developments.

Update on the Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Responsibility-Sharing for Refugees

9.3 The Committee noted the information provided in document MSC 103/11 (Secretariat), providing an update on the Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Responsibility-Sharing for Refugees.

Inter-Agency Group on Safety of Life at Sea

9.4 The Committee noted that UNHCR had launched an initiative to re-constitute an Inter-Agency Group on Safety of Life at Sea, to discuss, plan and execute coordinated joint action and advocacy to support the prevention of dangerous journeys at sea, SAR activities, and safe disembarkation. The Secretariat is participating in the meetings of the Group.

Extension of output to 2022

9.5 The Committee concurred with the decision of FAL 45 to extend the target completion year of output 5.13 "IMO's contribution to addressing unsafe mixed migration by sea" to 2022, with the aim of keeping the Committee informed of developments.

Reporting of migrant incidents at sea

9.6 The Committee encouraged Member States to provide, via GISIS, timely and accurate information on migrant incidents and on suspected smugglers by providing the information included in the appendix of the *Interim measures for combating unsafe practices associated with the trafficking, smuggling or transport of migrants by sea* (MSC.1/Circ.896/Rev.2).

Remaining documents submitted to MSC 104

Impacts of unsafe mixed migration by sea on shipping

9.7 The Committee considered documents MSC 104/9 (Denmark), suggesting the adoption of an MSC resolution to reiterate the importance of effective and timely involvement of Governments in cases of rescue of migrants at sea by merchant ships, together with document MSC 104/9/1 (Italy), supporting this request. In this regard, the Committee also noted information provided orally by the delegation of Denmark on some possible further amendments to the draft resolution.

9.8 In the ensuing discussion on the draft MSC resolution set out in the annex to document MSC 104/9, the following views, inter alia, were expressed:

- .1 while some delegations were of the view that the responsibility for a prompt disembarkation of persons rescued at sea was the responsibility of all parties involved in a SAR operation, other delegations expressed the view that the main responsibility for disembarkation was with the Contracting Government responsible for the SAR area;
- .2 the principle referred to in paragraph 6.8 of the *Guidelines on the treatment of persons rescued at sea* (resolution MSC.167(78)), i.e. "Governments and the responsible RCC should make every effort to minimize the time survivors remain aboard the assisting ship", should be included in the resolution;
- .3 ships providing assistance by embarking persons in distress at sea should be released from their obligations as soon as possible, with prompt disembarkation of persons rescued at sea;
- .4 the resolution should refer to the obligations of Contracting Governments derived from the SOLAS and SAR Conventions, and should not provide interpretations of those conventions; and
- .5 the resolution should acknowledge other obligations of Member States, such as under human rights law and refugee law.

9.9 The delegation of Malta, having expressed its support in principle for the draft resolution, reaffirmed its position as a persistent objector to the 2004 amendment to the SOLAS and SAR Conventions adopted by resolutions MSC.153(74) and MSC.155(74), respectively, as well as to the *Guidelines on the treatment of persons rescued at sea*, adopted by resolution MSC.167(78).

9.10 The full text of statements made by the delegations of Argentina, Germany, Malta and Spain is set out in annex 42.

9.11 Consequently, while having noted the support in principle for the draft resolution, the Committee, taking into account the various views and suggestions (see paragraph 9.8), agreed to postpone further consideration of the matter to MSC 105 and invited Member States to submit comments to that session, with a view to finalizing the resolution then.

10 FORMAL SAFETY ASSESSMENT

Background

10.1 The Committee recalled that MSC 101 had convened an intersessional meeting of the Experts Group on Formal Safety Assessment (FSA) to review the FIRESAFE I and II studies commissioned by the European Maritime Safety Agency (EMSA), addressing fires on ro-ro passenger ships, with a view to reporting its findings directly to SSE 7 (MSC 101/24, paragraph 17.4).

10.2 The Committee also recalled that MSC 101, having considered document MSC 101/10/3 (IACS), raising concerns on the risk matrix and risk assessment criteria in the *Procedure for identifying safety issues developed* by III 5 (III 5/15, annex 2), instructed the FSA Experts Group to review the criteria in the Procedure and submit a report to MSC 102 (MSC 101/24, paragraphs 17.5 and 17.6). MSC 102 and MSC 103, owing to time constraints, deferred consideration of the report to this session.

10.3 The Committee noted that the FSA Experts Group had met from 18 to 20 November 2019, with terms of reference as set out in paragraph 17.8 of the report of MSC 101 (MSC 101/24).

Report of the Experts Group

10.4 The Committee considered the report of the FSA Experts Group (MSC 102/12), together with comments thereon submitted by IACS (MSC 102/12/1), by correspondence (MSC 104/1/2 and Add.1), and recalled its earlier decisions on the actions requested (see paragraph 1.8), in particular that the Committee had:

- .1 noted the recommendations of the Group that the Revised FSA Guidelines may be amended at an appropriate time in the future, but that this did not warrant urgent action at this time;
- .2 noted that the FSA Experts Group agreed that the risk assessment criteria in the *Procedure for identifying safety issues developed* by III 5 (III 5/15, annex 2) should be revised and that documented examples of how the Procedure was to be utilized should be included; and
- .3 instructed III 8 to review the risk assessment criteria in the Procedure, taking into account documents MSC 102/12 and MSC 102/12/1, and submit a revised draft Procedure to the Committee for consideration.

11 HUMAN ELEMENT, TRAINING AND WATCHKEEPING

Report of HTW 7

11.1 Having recalled that HTW 7, originally scheduled to be held in June 2020, had been postponed owing to the COVID-19 pandemic (Circular Letter No.4213/Add.3) and had been eventually held remotely from 15 to 19 February 2021; and that MSC 103 (5 to 14 May 2021) had already taken action on urgent matters emanating from HTW 7 (MSC 103/21, paragraphs 13.1 to 13.5), the Committee:

- .1 approved, in general, the report of the seventh session of the Sub-Committee on Human Element, Training and Watchkeeping (HTW 7/16 and MSC 104/11) and took action as indicated below; and
- .2 expressed its sincere thanks to the outgoing Chair of the HTW Sub-Committee and current Chair of the Committee, Ms. Mayte Medina of the United States, as well as its outgoing Vice-Chair, Ms. Farrah Fadil of Singapore, for the outstanding work done and the fruitful outcome of this and all previous sessions they had led together.

Joint ILO/IMO working group on medical examination of fishing vessel personnel

11.2 The Committee noted the postponement of the establishment of a joint ILO/IMO working group to develop joint ILO/IMO guidelines on the medical examination of fishing vessel personnel and approved the holding of a meeting of the group, once established, in the 2022-2023 biennium, subject to the conditions set out in paragraph 8.6 of the report of HTW 7 (HTW 7/16).

Draft International safety code for ships carrying industrial personnel (IP Code)

11.3 The Committee considered document MSC 104/11/3 (Bahamas et al.), providing comments on the report of HTW 7 (HTW 7/16) and particularly highlighting that, in the provisions of the draft IP Code, there were no requirements for crew members regarding crowd management training (as provided in section A-V/2, paragraph 3, of the STCW Code), taking into account that these ships could carry a large number of people (industrial personnel) and the risk of having to take actions promptly and coordinate an emergency situation. The co-sponsors proposed that the HTW Sub-Committee be requested to consider this matter with a view to developing appropriate mandatory training for crews on IP certified ships.

11.4 In the ensuing discussion, the Committee noted, inter alia, the following views:

- .1 any crowd management familiarization of seafarers on board IP certified ships should be addressed by companies through their Safety Management Systems;
- .2 since industrial personnel would receive additional safety training in accordance with the draft IP Code, there was no need to require additional crowd management training for seafarers on IP certified ships;
- .3 taking into account that SOLAS exempts "other personnel" from the definition of passengers, an unlimited number of other personnel could be carried on board a cargo ship without additional training requirements for the crew;
- .4 if crowd management training was to be provided for seafarers on board cargo ships, this should not be limited to those on IP certified ships but extended to seafarers on all cargo ships; be included in the STCW Convention and Code rather than the IP Code; and a new output would be necessary to address this work; and
- .5 delegations that spoke shared the views of the submitters that training for both seafarers working on board and industrial personnel to close the gaps identified should be developed.

11.5 Following consideration, and having emphasized that the finalization of the IP Code should not be delayed, the Committee instructed HTW 8 to consider this matter, taking into account document MSC 104/11/3 and the comments made at this session, with a view to advising MSC 105 as to whether or not crowd management training would be necessary for seafarers on:

- .1 IP certified ships, and develop draft provisions, as appropriate; or
- .2 all cargo ships, in which case a new output would be necessary.

Report of the Correspondence Group on COVID-19 Training and Certification Matters

11.6 The Committee recalled that MSC 103 had endorsed the establishment of a Correspondence Group on COVID-19 Training and Certification Matters and the submission of its report to this session in order to expedite action on this matter (MSC 103/21, paragraph 13.3).

11.7 The Committee considered document MSC 104/11/2 (Norway), containing the report of the Correspondence Group, together with draft guidance on seafarers' training and certification for issuing Administrations, flag States and port States during the COVID-19 pandemic, developed in line with the principle that force majeure was temporary and that STCW Parties should seek to revert to performing their obligations under the STCW Convention and Code as soon as possible.

11.8 Following consideration, the Committee approved the report in general, and in particular:

- .1 noted the measures adopted and implemented by States during the pandemic;
- .2 concurred that the emphasis in the guidance would be on common approaches when adopting necessary measures, rather than harmonizing measures themselves;
- .3 agreed that guidance should be in the form of a circular and should not provide interpretations of the STCW Convention and Code;
- .4 agreed that the Committee should consider a cut-off date for exceptional measures in the future, when concrete discussion could take place and action be taken based on how the pandemic would have evolved;
- .5 agreed to the definition of exceptional measures in the guidance;
- .6 requested the Secretariat to develop a GISIS module containing the various measures adopted by Parties, while continuing issuing circular letters on such measures in the meantime, noting that the development of an add-on or a new GISIS module might take longer than desired for a timely response to the pandemic;
- .7 noted the views expressed regarding possible adverse effects of the measures adopted during the pandemic; and
- .8 approved MSC.1/Circ.1643 on *Guidance on seafarers' training and certification for issuing Administrations, flag States and port States during the COVID-19 pandemic*.

Secretary-General's reports pursuant to STCW regulations

Secretary General's report pursuant to STCW regulation I/7

11.9 The Committee considered the report for Kazakhstan, as set out in document MSC 104/WP.3; confirmed that the information provided demonstrated that full and complete effect had been given to the provisions of the STCW Convention; and requested the Secretariat to issue an update of the list of Parties giving full and complete effect to the relevant provisions of the Convention by means of MSC.1/Circ.1163/Rev.13.

Secretary-General's report pursuant to STCW regulation I/8

11.10 The Committee considered the reports for Bahamas, Georgia and India, as set out in document MSC 104/WP.3/Add.1; confirmed that the information provided demonstrated that they continued to give full and complete effect to the provisions of the STCW Convention; and requested the Secretariat to issue updated information concerning the subsequent reports by means of MSC.1/Circ.1164/Rev.24.

11.11 The Committee also encouraged Parties to the STCW Convention to submit their subsequent reports, in accordance with sections A-I/7 and A-I/8 of the STCW Code.

Approval of competent persons

11.12 The Committee considered document MSC 104/11/1 (Secretariat), containing information provided by STCW Parties regarding experts made available or recommended for inclusion in the list of competent persons, as well as competent persons withdrawn from the list.

11.13 Following consideration, the Committee:

- .1 approved the inclusion and updated information of 13 competent persons recommended by three Parties in the List of competent persons maintained by the Secretary-General pursuant to section A-I/7 of the STCW Code (MSC.1/Circ.797/Rev.35) and requested the Secretariat to issue the revised list by means of MSC.1/Circ.797/Rev.36;
- .2 noted the competent persons who had been withdrawn from the List by two STCW Parties;
- .3 invited STCW Parties to inform the Secretariat of any amendments that the List might require (withdrawals, additions, change of address, etc.) with a view to ensuring that those listed in the latest revision were available to serve as competent persons and were readily contactable; and
- .4 having thanked those STCW Parties that had nominated competent persons, encouraged all Parties to submit additional nominations to ensure the effective implementation of the provisions of the STCW Convention.

Joint ILO/IMO Working Group to Identify and Address Seafarers' Issues and the Human Element

11.14 The Committee recalled that MSC 103 had:

- .1 requested the Secretariat to keep it informed of developments relating to the draft resolution to be adopted by the Special Tripartite Committee (STC) of ILO;
- .2 approved, in principle, the establishment of a standing Joint ILO/IMO Working Group to Identify and Address Seafarers' Issues and the Human Element, subject to the approval of the terms of reference and other arrangements for the Standing Group as may be provided in the aforementioned STC resolution; and

- .3 invited C 125 to endorse this decision, in principle, subject to approval of the Group's method of work, as may be provided in the resolution to be adopted by the STC of ILO, by relevant IMO Committees.

11.15 In this regard, the Committee noted that:

- .1 C 125 had endorsed the decision of MSC 103 to approve, in principle, the establishment of a standing Joint ILO/IMO Working Group to identify and address seafarers' issues and the human element, subject to the terms set out in paragraph 11.14.3 above (C 125/D, paragraph 7.5.1);
- .2 the ILO and IMO Secretariats had been in contact on this subject, and that the draft resolution was being developed by the Office (ILO Secretariat) in consultation with the Officers of the STC; and
- .3 the draft resolution had been communicated to the STC members and adopted by correspondence by consensus and, consequentially, submitted to the 343rd session of the ILO Governing Body for consideration and decision (October-November 2021).

11.16 Subsequently, the Committee noted the information provided and requested the Secretariat to keep it informed of any developments on the matter.

12 NAVIGATION, COMMUNICATIONS AND SEARCH AND RESCUE

REPORT OF NCSR 8

12.1 The Committee approved, in general, the report of the eighth session of the Sub-Committee on Navigation, Communications and Search and Rescue (NCSR 8/14/1 and MSC 104/12) and took action as indicated hereunder.

Recognition of the Japanese QZSS as a component of the Worldwide Radionavigation System

12.2 The Committee considered the recognition of the Japanese Quasi-Zenith Satellite System (QZSS) as a component of the Worldwide Radionavigation System.

12.3 During the consideration, the delegation of Japan informed the Committee that, as part of a regular revision of technical documentation related to QZSS, Network IDs 13 to 19 were deleted from Table 4.1.4-1 in the *QZSS Interface Specification Centimeter Level Augmentation Service* (document IS-QZSS-L6 which was referenced in document NCSR 8/4 (Japan), annex 1, page 3), since they were currently not in use and would not bring any operational issues for QZSS implementation. The delegation of the Republic of Korea appreciated the actions taken by Japan in addressing their concerns expressed at NCSR 8.

12.4 Having noted the general support for the recognition of QZSS, the Committee approved SN.1/Circ.341 on *Recognition of the Japanese Quasi-Zenith Satellite System (QZSS)*, as a component of the Worldwide Radionavigation System.

Draft amendments to SOLAS 1974 and related instruments concerning the modernization of the GMDSS

12.5 The Committee considered draft amendments to the 1974 SOLAS Convention and related instruments, prepared by the Sub-Committee, concerning the modernization of the Global Maritime Distress and Safety System (GMDSS).

12.6 Subsequently, the Committee approved relevant draft amendments to:

- .1 SOLAS chapters II-1, III, IV and V, and the appendix (Certificates);
- .2 the 1988 SOLAS Protocol; and
- .3 the 1994 and 2000 HSC Codes,

as set out in annexes 6 to 9, respectively, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 105.

12.7 The observer from IACS informed the Committee of their intention to submit a proposal to MSC 105 on an additional consequential amendment to the 1988 SOLAS Protocol to exclude the survey of radio installations used in life-saving appliances from the Cargo Ship Safety Equipment Certificate as a result of the relocation of the related requirements contained in SOLAS chapter III to SOLAS chapter IV.

12.8 In connection with the approval of the above draft amendments to the 1974 SOLAS Convention and the 1988 SOLAS Protocol, the Committee also approved, in principle:

- .1 draft amendments to the 1983 and 2008 SPS Codes and the 1979, 1989 and 2009 MODU Codes, and the associated draft MSC resolutions for their adoption;
- .2 draft MSC resolutions on:
 - .1 *System performance standard for the promulgation and coordination of maritime safety information using high-frequency narrow-band direct-printing*, revising and superseding resolution A.699(17);
 - .2 *Performance standards for the reception of maritime safety information and search and rescue related information by MF (NAVTEX) and HF*, revising and consolidating resolutions A.700(17) and MSC.148(77), as amended;
 - .3 *Provision of radio services for the Global Maritime Distress and Safety System (GMDSS)*, revising and superseding resolution A.801(19), as amended;
 - .4 *Performance standards for search and rescue radar transponders*, revising and superseding resolutions A.530(13) and A.802(19), as amended;
 - .5 *Performance standards for shipborne VHF radio installations capable of voice communication and digital selective calling*, revising resolution A.803(19), as amended;

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- .6 *Performance standards for shipborne MF and MF/HF radio installations capable of voice communication, digital selective calling and reception of maritime safety information and search and rescue related information*, revising and consolidating resolutions A.804(19), as amended, and A.806(19), as amended;
 - .7 *Performance standards for Inmarsat-C ship earth stations capable of transmitting and receiving direct-printing communications*, revising resolution A.807(19), as amended;
 - .8 *Guidelines for the avoidance of false distress alerts*, revising and superseding resolution A.814(19);
 - .9 *Performance standards for survival craft portable two-way VHF radiotelephone apparatus*, revising resolution MSC.149(77);
 - .10 *Amendments to the performance standards for radiocommunication equipment (resolution MSC.80(70))*; and
 - .11 *Performance standards for a shipborne integrated communication system (ICS) when used in the Global Maritime Distress and Safety System (GMDSS)*, revising resolution A.811(19); and
- .3 draft MSC circulars on:
- .1 *Participation of non-SOLAS ships in the Global Maritime Distress and Safety System (GMDSS) and guidance on the development of training materials for GMDSS operators on non-SOLAS ships*, to be disseminated as MSC.1/Circ.803/Rev.1; and
 - .2 *Guidance for the reception of maritime safety information and search and rescue related information as required in the Global Maritime Distress and Safety System (GMDSS)*,

as set out in annexes 10 to 27, respectively, with a view to subsequent adoption and/or approval, as appropriate, at MSC 105 in conjunction with the adoption of the related amendments to the 1974 SOLAS Convention (see paragraph 12.6.1).

12.9 In addition, the Committee agreed, in principle, to:

- .1 revoke resolutions MSC.131(75), MSC.199(80) and MSC.247(83), and circulars MSC/Circ.882, MSC/Circ.1038, MSC/Circ.1123, MSC.1/Circ.1382/Rev.2 and COMSAR/Circ.17; and
- .2 invite A 33 to revoke resolutions A.334(IX), A.383(X), A.385 (X), A.421(XI), A.524(13), A.530(13), A.570(14), A.612(15), A.614(15), A.660(16), A.661(16), A.699(17), A.701(17), A.702(17), A.703(17), A.801(19), as amended, A.802(19), as amended, A.805(19) and A.814(19),

from the date of entry into force of the related amendments to the 1974 SOLAS Convention (see paragraph 12.6.1), subject to the final adoption of the amendments and related resolutions specified in paragraphs 12.6 and 12.8 above.

12.10 The Committee endorsed the action taken by the Sub-Committee in approving COMSAR.1/Circ.37/Rev.1 on *Guidance on minimum communication needs of maritime rescue coordination centres (MRCCs)* and COMSAR.1/Circ.50/Rev.4 on *Distress priority communications for RCCs from shore-to-ship via Global Maritime Distress and Safety System (GMDSS) satellite service providers*.

Other MSC resolutions and circulars

VDR and S-VDR Performance standards

12.11 The Committee considered draft amendments to the *Performance standards for shipborne simplified voyage data recorders (S-VDRs)* (resolution MSC.163(78), as amended) and the *Performance standards for shipborne voyage data recorders (VDRs)* (resolution MSC.333(90)) prepared by the Sub-Committee, containing consequential amendments due to the adoption of the *Performance standards for float-free emergency position-indicating radio beacons (EPIRBs) operating on 406 MHz* (resolution MSC.471(101)).

12.12 Subsequently, the Committee adopted resolution MSC.493(104) on *Amendments to the Performance standards for shipborne simplified voyage data recorders (S-VDRs) (resolution MSC.163(78), as amended)* and MSC.494(104) on *Amendments to the Performance standards for shipborne voyage data recorders (VDRs) (resolution MSC.333(90))*, as set out in annexes 28 and 29, respectively.

EPIRB-related guidelines

12.13 The Committee considered revisions to existing guidelines concerning float-free emergency position-indicating radio beacons (EPIRBs), prepared by the Sub-Committee, and approved MSC.1/Circ.1039/Rev.1 on *Guidelines for shore-based maintenance of emergency position-indicating radio beacons (EPIRBs)* and MSC.1/Circ.1040/Rev.2 on *Guidelines on annual testing of emergency position-indicating radio beacons (EPIRBs)*.

VHF radiocommunication equipment

12.14 The Committee considered a revision to existing guidance concerning VHF radiocommunication equipment, prepared by the Sub-Committee, and approved MSC.1/Circ.1460/Rev.3 on *Guidance on the validity of VHF radiocommunication equipment installed and used on ships*.

ITU matters

12.15 The Committee endorsed the action taken by the Sub-Committee in requesting the Secretariat to convey liaison statements to ITU on "Revision of Recommendation ITU-R M.1371-5" and "Protection measures for the operation of MSS terminals utilizing the frequency band 1 518-1 559 MHz from IMT operations in the frequency band 1 427- 1 518 MHz" (NCSR 8/14/1, annexes 28 and 29).

Expression of appreciation

12.16 The Chair expressed appreciation, on behalf of the Committee, to the outgoing Chair of the NCSR Sub-Committee, Mr. Ringo Lakeman (Netherlands), for his excellent leadership of the Sub-Committee since NCSR 3 and his previous services as Vice-Chair at COMSAR 17, NCSR 1 and NCSR 2; and welcomed the newly elected Chair, Mr. Nigel Clifford (New Zealand) and Vice-Chair, Mr. Alexander Schwarz (Germany).

REVISION OF THE INTERIM IRIDIUM SAFETYCAST SERVICE MANUAL

12.17 The Committee noted that NCSR 8, having considered a proposal by IHO and WMO to amend the *Interim Iridium SafetyCast service manual* (MSC.1/Circ.1613), had invited the submitters to review the proposed draft revision of the Interim Manual, taking into account the comments and views expressed at the session, with a view to considering, at a future session, perceived shortcomings and concerns expressed by some delegations about the time already spent on the matter, and take all necessary steps to submit the revised manual to MSC 104.

12.18 In this regard, the Committee considered document MSC 104/12/1 (IHO and WMO), providing revised proposed amendments to the *Interim Iridium SafetyCast service manual*, and consequently agreed to the amendments presented in the document, except for the proposed amendments to the definition of "Sea Area A3" (renumbered paragraph 2.2.1.36), having noted that this definition should be amended once the draft amendments to the 1974 SOLAS Convention approved earlier (see paragraph 12.6.1) had entered into force.

12.19 Subsequently, the Committee approved MSC.1/Circ.1613/Rev.1 on *Interim Iridium SafetyCast service manual* and agreed that the revised manual should become effective on 1 January 2022; and that, for its first edition, the manual should follow the amendment procedure agreed for all MSI-related documentation (NCSR 4/29, paragraphs 11.8 and 11.9).

13 IMPLEMENTATION OF IMO INSTRUMENTS

URGENT MATTERS EMANATING FROM III 7

13.1 The Committee considered urgent matters emanating from the seventh session of the Sub-Committee on Implementation of IMO Instruments (III 7/17 and Add.1), as outlined in document MSC 104/13 (Secretariat), and took action as indicated hereunder.

Draft Assembly resolutions

13.2 With regard to the *draft 2021 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)*, the Committee considered document MSC 104/17/9 (China) on clarification of the obligations of Parties in relation to the STCW Convention, as described in the *2019 Non-exhaustive list of obligations under instruments relevant to the IMO instruments implementation Code (III Code)* (resolution A.1141(31)).

13.3 In this context, the Committee recalled that paragraph 7.2.2 of part I of the annex to the *Framework and Procedures for the IMO Member State Audit Scheme* (resolution A.1067(28)) states that "with regard to the STCW Convention, as amended, the audit should not seek to duplicate existing mandatory audit requirements contained in that Convention. Only the aspects of that Convention that are specified therein should be covered by audits."

13.4 In order to facilitate the decision-making process of the Committee, the Chair provided the following additional information with regard to the issues raised by China:

- .1 audits under the IMO Member State Audit Scheme (IMSAS) are implemented through regulation I/16 of the STCW Convention and section A-I/16 of the STCW Code and are not meant to expand the areas specified in the Code;
- .2 the items related to STCW Convention and Code contained in the 2019 Non-exhaustive list (resolution A.1141(31)) and the draft 2021

Non-exhaustive list which are beyond the areas specified in the provisions of the STCW Code can be traced back to the *Code for the implementation of mandatory IMO instruments, 2007* (resolution A.996(25));

- .3 the 2019 Non-exhaustive list relevant to the *IMO Instruments Implementation Code (III Code)* (resolution A.1141 (31)) and the draft 2021 Non-exhaustive list are not fully in line with the provisions of Section A-I/16 of the STCW Code, with some items being beyond the areas as specified in that Section;
- .4 the limited scope of IMSAS audits in relation to the STCW Convention is defined in the Memorandum of Cooperation (MoC) concluded between the audited Member State and IMO before the audit and is strictly adhered to by the audit team. MoCs stipulate that "with regard to the STCW Convention, the audit will not seek to duplicate existing mandatory audit requirements contained in that Convention. Only the aspects of that Convention as stipulated in section A-I/16 of the STCW Code will fall fully within the scope of this audit"; and
- .5 with regard to the review by the audit team of relevant policies issued through national legislation, including the provision of "additional pre-audit information", as endorsed by C 125 for remote audits, any information on national legislation sought from the audited Member State shall observe the same limitation in the scope of the audit under the STCW Convention.

13.5 The Committee agreed to the need to reaffirm the limited scope of IMSAS audits under the STCW Convention and Code and, in the context of approving the draft Assembly resolution on the 2021 Non-exhaustive list, approved a proposal by the Chair to amend the third preambular paragraph of the draft resolution as follows:

"RECALLING FURTHER resolution A.1141(31), by which it adopted the *2019 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)* (hereafter referred to as the "Non-exhaustive list of obligations") for guidance on the implementation and enforcement of IMO instruments, in particular concerning including the identification of auditable areas relevant to the IMO Member State Audit Scheme, as provided in mandatory provisions of relevant IMO instruments, following successive revocation of resolutions A.1121(30), A.1105(29) and A.1077(28),"

13.6 Furthermore, the Committee instructed III 8 to review the items related to the STCW Convention and Code contained in the 2021 Non-exhaustive list under its related current output, in light of the provisions of the *Framework and Procedures for the IMO Member State Audit Scheme* (resolution A.1067(28)), under its related current output; taking into account document MSC 104/17/9 (China), as well as the mandatory requirements in the STCW Convention and the STCW Code, in order to clarify the purpose and scope of the IMSAS audit, in consultation with the HTW Sub-Committee.

13.7 Consequently, the Committee approved, subject to MEPC's concurrent decision, the following instruments, for submission to the thirty-second session of the Assembly for adoption:

- .1 draft *Procedures for port State control, 2021* and the associated draft Assembly resolution, as set out in annex 30, to revoke resolution A.1138(31);

- .2 draft *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2021* and the associated draft Assembly resolution, as set out in annex 31, to revoke resolution A.1140(31); and
- .3 draft *2021 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)* and the associated draft Assembly resolution, as amended, as set out in annex 32, to revoke resolution A.1141(31).

Model agreement for the authorization of ROs acting on behalf of an Administration

13.8 The Committee recalled that MSC 102 and MEPC 75 had considered a draft MSC-MEPC.5 circular on Model agreement for the authorization of recognized organizations acting on behalf of the Administration (III 6/15, annex 8), together with documents MSC 102/14/1 and MEPC 75/11/3 (Norway et al.), proposing either the deletion of, or amendments to, paragraph 6.5.5 of the draft Model agreement to address vague and undefined expressions. In this context, the Committees had noted that the text of paragraph 6.5.5 of the draft Model agreement was identical to that of paragraph 5.3.2.4 of the recommendatory part 3 of the *Code for recognized organizations (RO Code)* (resolutions MSC.349(92) and MEPC.237(65)) (MSC 102/24, paragraph 14.5; and MEPC 75/18, paragraph 11.12).

13.9 The Committee also recalled that MSC 102 and MEPC 75 had instructed III 7 to further consider the text of paragraph 6.5.5 only, taking into account the amended text proposed in paragraph 10 of document MSC 102/14/1 and, in this context, to consider also paragraph 5.3.2.4 of the recommendatory part 3 of the RO Code, with a view to advising the Committees on whether the text of both paragraphs should be aligned (MSC 102/24, paragraph 14.8; MEPC 75/18, paragraph 11.12).

13.10 Having considered the relevant outcome of III 7 and having noted, in particular, that the Sub-Committee had aligned paragraph 6.5.5 of the draft Model agreement with paragraph 5.3.2.4 of part 3 of the RO Code with respect to the scope of the "statutory certification and services" as defined in the RO Code, the Committee approved, subject to MEPC's concurrent decision, the draft MSC-MEPC.5 circular on *Model agreement for the authorization of recognized organizations acting on behalf of the Administration*, as set out in annex 33.

14 APPLICATION OF THE COMMITTEES' METHOD OF WORK

14.1 The Committee recalled that MSC 101 had approved the revised *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.2), subject to concurrent approval by MEPC 75.

14.2 Having recalled that proposed actions on matters postponed for consideration at MSC 103 and MSC 104 pertaining to this agenda item had been arranged by correspondence (MSC 104/1/2 and Add.1), and that it had approved in principle most of the proposed actions under agenda item 1 (see paragraph 1.8), the Committee noted that MEPC 75 had approved the revised Committees' Guidelines (MEPC 75/18, paragraph 15.2) (see also document MSC 104/1/2, annex, paragraph 5.1).

15 WORK PROGRAMME

PROPOSALS FOR NEW OUTPUTS

Remote surveys, ISM Code audits and ISPS Code verifications

15.1 The Committee recalled that MSC 102, while considering document MSC 102/22/11 (Republic of Korea) on a proposal to develop guidance on remote surveys in response to an increase in their use during the COVID-19 pandemic, had invited interested Member States and international organizations to submit a new output proposal to the Committee (MSC 102/24, paragraphs 22.19 and 22.20).

15.2 In this context, the Committee had for its consideration the following documents:

- .1 MSC 104/15/3 (Republic of Korea), proposing a new output on development of guidance for remote surveys;
- .2 MSC 104/15/6 (Austria et al.), proposing a new output on regulating remote surveys and audits;
- .3 MSC 104/15/12 (Austria et al.), proposing the development of guidelines for remote inspections and verifications in the field of maritime security; and
- .4 MSC 104/15/24 (China), proposing to undertake a scoping exercise of the framework and developing technical requirements for remote surveys, together with document MSC 104/INF.2 (China) providing information on the application of new technology in remote surveys of ships.

15.3 While supporting the Chair's proposal (MSC 104/WP.2, annex 2, section 4) to agree on a single new output to develop guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications, the Committee noted views that the work should also address the following matters:

- .1 technical aspects of remote and in-person surveys, ISM Code audits and ISPS Code verifications should be equivalent in order to comply with the intended purpose of the provisions in relevant IMO instruments;
- .2 consideration of categories and timing of surveys, ISM Code audits and ISPS Code verifications, or items/activities therein, which could be conducted remotely;
- .3 avoidance, as much as practicable, of additional burdens for shipowners, managers and crew in the management and operation of ships;
- .4 cooperation between the III Sub-Committee and the HTW Sub-Committee on the matter, as necessary; and
- .5 the issuing of electronic mandatory certificates onboard ship, as far as practicable, to facilitate port State control officers' inspections and their judgment in line with a single new output to develop guidance on assessments and applications of remote surveys.

15.4 The observer from IACS informed the Committee of the work in IACS on the development of its unified requirement, which addresses such issues as equivalency between remote and physical surveys, definitions, scope, conditions and limitations of remote surveys, training of personnel, gaps and hindrances in existing classification and statutory instruments, quality of information and requirements for communication technologies, evidence and documentation to be recorded and reported. IACS also informed the Committee that it intended to provide the results of the above work to the Organization.

15.5 Consequently, the Committee agreed to include a new output on "Development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications", in the biennial agenda of the III Sub-Committee for 2022-2023 and the provisional agenda for III 8, with a target completion year of 2024. Having noted that provisions for remote surveys may also be needed for environment-related instruments, the Committee invited MEPC to consider whether it should be included as parent organ for the output.

Maritime autonomous surface ships (MASS)

15.6 The Committee recalled that MSC 103 had approved the outcome of the regulatory scoping exercise (RSE) for the use of MASS, disseminated by means of MSC.1/Circ.1638, and had invited Member States and international organizations to submit output proposals on the best way forward to address MASS in the IMO regulatory framework to this session, taking into account the outcome of the RSE.

15.7 In this context, the Committee had for its consideration the following documents:

- .1 MSC 104/15/17 (China), proposing a new output on the development of a road map to address MASS operations in IMO instruments, together with documents MSC 104/15/34 (Japan) and MSC 104/15/36 (Republic of Korea) commenting on the proposal;
- .2 MSC 104/15/25 (Japan et al.), proposing a new output on the development of a goal-based MASS instrument and associated non-mandatory instruments, together with documents MSC 104/15/31 (Russian Federation), MSC 104/15/34 (Japan) and MSC 104/15/36 (Republic of Korea) commenting on the proposal;
- .3 MSC 104/15/26 (Norway et al.), proposing a new output on the development of a new goal-based and holistic code for MASS and consideration of amendments to SOLAS and other IMO instruments as deemed necessary for its implementation, together with documents MSC 104/15/34 (Japan) and MSC 104/15/36 (Republic of Korea) commenting on the proposal; and
- .4 MSC 104/15/29 (Turkey), proposing a new output for developing IMO strategies for MASS, together with documents MSC 104/15/34 (Japan) and MSC 104/15/36 (Republic of Korea) commenting on the proposal.

15.8 The Committee considered the proposed way forward by the Chair presented in document MSC 104/WP.2/Add.1. In the ensuing discussion, the following views, inter alia, were expressed:

- .1 support for the proposal by the Chair to agree on an output to prepare a draft road map for consideration at MSC 105, as well as support for the approval of an additional output to start substantial work on the development of a MASS-related instrument as soon as possible;

- .2 as technology developed, industry was moving faster than the regulators so prompt action to develop instruments would be desirable;
- .3 support for the development of a mandatory MASS Code, which should be the ultimate goal of the Committee;
- .4 the initial development of non-mandatory instruments should be the goal at this point in time;
- .5 development of an instrument would require an agreed destination which should be made clear in the road map;
- .6 instead of having two separate outputs, i.e. one on the development of a road map and another one on the development of an instrument, the proposed output should be generic to allow the work to be conducted under a single output, with the road map as the first step;
- .7 coordination of the work with other Committees was required, in particular the LEG and FAL Committees, which had already started related work; and
- .8 ships with a lesser degree of autonomy should be prioritized when the work commenced.

15.9 Following discussion, the Committee took the following decisions:

- .1 requested the Chair to prepare, together with the Secretariat and in consultation with the submitters of the proposals and commenting documents (see paragraph 15.6) and the former Chair of the MASS Working Group, a road map, including scope, steps and timelines, as well as the coordination of work with other IMO bodies, taking into account the documents submitted and comments made at this session and the outcome of the RSE (MSC.1/Circ.1638), for detailed consideration at MSC 105, to be submitted well in time for the next session to enable comments;
- .2 included in the biennial agenda of the Committee for 2022-2023 and the provisional agenda for MSC 105 a new output on "Development of a goal-based instrument for maritime autonomous surface ships (MASS)", with a target completion year of 2025, taking into account that the title of this output may be adjusted based on the review of the road map at MSC 105;
- .3 agreed that the first step in this new output would be the finalization of a road map to have a common understanding of the following steps; and, time allowing, the Committee could also embark on the development of instruments already at MSC 105;
- .4 agreed that the ultimate goal would be the preparation of a mandatory instrument to address MASS operations; and
- .5 agreed to re-establish the Working Group on MASS at MSC 105 to commence the work on the new output, including finalization of the aforementioned road map.

Remaining proposals for new outputs submitted to the session

15.10 Owing to time constraints the Committee was not able to consider the remaining proposals for new outputs submitted to this session (see document MSC 104/WP.2) and agreed to postpone their consideration to MSC 105.

Proposals for new outputs for consideration at MSC 105

15.11 In order to manage the huge number of new output proposals submitted to this session, the Committee also agreed not to accept any submissions containing proposals for new outputs for consideration at MSC 105, with the exception of proposals requiring immediate attention as a consequence of the pandemic or other urgent issues, whereby the Chair would make the determination of what constitutes an urgent issue; and that, therefore, proposals for new outputs should only be submitted to MSC 106.

Endorsement of new outputs

15.12 In accordance with Assembly resolution A.1111(30) on *Application of the Strategic Plan of the Organization*, the Committee invited the Council to endorse the inclusion of two new outputs on "Development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications" and "Development of a goal-based instrument for maritime autonomous surface ships (MASS)", in the outputs of the Committee for the 2022-2023 biennium (see paragraphs 15.5, 15.9.2 and 15.15 and annex 34).

OUTPUTS OF THE COMMITTEE FOR THE 2022-2023 BIENNIUM

15.13 The Committee considered document MSC 104/15/13 (Secretariat) containing the proposed list of outputs for the 2022-2023 biennium.

15.14 In considering the list of outputs on the post-biennial agenda and having noted that several outputs had been on the list for a very long time without being taken up, the Committee agreed on the need to review the outputs currently included in the post-biennial agenda since some of them may no longer be needed. Consequently, the Committee instructed the Sub-Committees to review the list of outputs in the post-biennial agenda under their respective remits and advise the Committee, as appropriate.

15.15 Accordingly, the Committee agreed to the proposed biennial agenda of the Committee for the 2022-2023 biennium, the biennial status report for the 2020-2021 biennium and the Committee's post-biennial agenda, as set out in annexes 34, 35 and 36, respectively, and requested the Secretariat to effect any further changes agreed at this session and submit them to the C/ES.34 for action, as appropriate.

BIENNIAL AGENDAS OF THE SUB-COMMITTEES AND PROVISIONAL AGENDAS FOR THEIR FORTHCOMING SESSIONS

Biennial agenda of the CCC Sub-Committee and provisional agenda for CCC 8

15.16 The Committee approved, subject to MEPC's concurrent decision, the biennial agenda of the CCC Sub-Committee and the provisional agenda for CCC 8, as set out in annexes 37 and 38. Subsequently, the Committee, having noted that CCC 7 had updated its work plan for the development of new low-flashpoint fuels under the IGF Code, as well as collection of information for using ammonia as a marine fuel, noted the support expressed on the need to develop guidelines for the safety of ships using ammonia as a marine fuel as soon as possible, taking into account that the relevant proposed new output in document

MSC 104/15/9 (Japan et al.), which could not be considered at this session due to time constraints (see paragraph 15.10), was expected to be considered by MSC 105 ahead of CCC 8 (tentatively scheduled to take place from 19 to 23 September 2022).

Biennial agenda of the HTW Sub-Committee and provisional agenda for HTW 8

15.17 The Committee approved the biennial agenda of the HTW Sub-Committee and the provisional agenda for HTW 8, as set out in annexes 37 and 38.

Biennial agenda of the III Sub-Committee and provisional agenda for III 8

15.18 The Committee, having recalled its earlier decision to include in the biennial agenda of the Sub-Committee and the provisional agenda for III 8 a new output on "Development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications", approved, subject to MEPC's concurrent decision, the biennial agenda of the III Sub-Committee and the provisional agenda for III 8, as set out in annexes 37 and 38.

Biennial agenda of the NCSR Sub-Committee and provisional agenda for NCSR 9

15.19 Having agreed to the recommendation by NCSR 8 on the proposed changes to six outputs (MSC 104/12, paragraph 3.1), the Committee approved the biennial agenda of the NCSR Sub-Committee and the provisional agenda for NCSR 9, as set out in annexes 37 and 38.

Biennial agenda of the SDC Sub-Committee and provisional agenda for SDC 8

15.20 The Committee confirmed the biennial agenda of the SDC Sub-Committee and the provisional agenda for SDC 8, as approved at MSC 103, set out in annexes 37 and 38.

15.21 In this regard the Committee agreed, having recalled a relevant request from SDC 6, to delete output no.32 on "Recommendations related to navigational sonar on crude oil tankers" from the post-biennial agenda of the Committee.

Biennial agenda of the SSE Sub-Committee and provisional agenda for SSE 8

15.22 The Committee confirmed the biennial agenda of the SSE Sub-Committee and the provisional agenda for SSE 8, as approved at MSC 103, set out in annexes 37 and 38.

FUTURE ARRANGEMENTS

Intersessional meetings

15.23 In addition to the intersessional meetings approved by MSC 103 to take place in 2022 (MSC 103/21, paragraph 18.45), the Committee approved, subject to endorsement by the Council, the holding of:

- .1 a meeting of the Experts Group on Ships' Routeing in advance of the plenary session of NCSR 9 in 2022;
- .2 the eighteenth meeting of the Joint IMO/ITU Experts Group, to take place in the second half of 2022; and
- .3 the twenty-ninth meeting of the ICAO/IMO Joint Working Group, to take place in the second half of 2022.

Substantive items for inclusion in the agendas for MSC 105 and MSC 106

15.24 Having considered the proposals in document MSC 104/WP.6, the Committee agreed to the final list of substantive items to be included in the agendas of its 105th and 106th sessions, as set out in annex 39.

Establishment of working and drafting groups at MSC 105

15.25 The Committee agreed that, based on the decisions taken under various agenda items, working and drafting groups on the following subjects could be established at MSC 105:

- .1 development of a goal-based instrument for MASS;
- .2 cost implications for MSI and SAR information providers; and
- .3 amendments to mandatory instruments.

Duration and dates of the next two sessions

15.26 The Committee, having agreed that both its sessions in 2022 should be of eight-day duration in order to cope with the backlog that had developed due to the time limitations of remote meetings, noted that MSC 105 had been tentatively scheduled to take place from 20 to 29 April 2022 and MSC 106 from 2 to 11 November 2022 and that it would be informed, well in time for the meetings, of their nature, i.e. physical, remote or hybrid, depending on developments regarding the COVID-19 pandemic.

16 ELECTION OF CHAIR AND VICE-CHAIR FOR 2022

16.1 The Committee unanimously re-elected Mrs. Mayte Medina (United States) as Chair and Mr. Theofilos Mozas (Greece) as Vice-Chair, both for 2022.

17 ANY OTHER BUSINESS

17.1 The Committee recalled that MSC 102 and MSC 103 had only considered documents related to the impact of the COVID-19 pandemic on safety-related matters under this agenda item and had postponed consideration of all remaining documents to this session (MSC 102/24, paragraphs 1.13 and 22.1; and MSC 103/21, paragraph 20.14).

COVID-19 related matters

General

17.2 The Committee recalled that MSC 103:

- .1 had adopted resolution MSC.490(103) on *Recommended action to prioritize COVID-19 vaccination of seafarers*; and
- .2 had requested the Secretariat to prepare a draft Assembly resolution consolidating issues related to crew change, access to medical care, "key worker" designation and vaccination to further highlight the relevance of these problems, for consideration and approval at this session, with a view to adoption by A 32.

Overview of the work of the Seafarer Crisis Action Team (SCAT)

17.3 The Committee noted the information in document MSC 104/17/2 (Secretariat), providing an overview of the work of IMO's Seafarer Crisis Action Team (SCAT).

17.4 The Committee also noted that the Secretariat had provided information on the crew change situation during the COVID-19 pandemic based on the work of SCAT, to the seventy-sixth session of the UN General Assembly, as requested in resolution A/75/L.37 on *International cooperation to address challenges faced by seafarers as a result of the COVID-19 pandemic to support global supply chains*.

Draft Assembly resolution – seafarers' challenges during the COVID-19 pandemic

17.5 The Committee considered the draft Assembly resolution on comprehensive action to address seafarers' challenges during the COVID-19 pandemic prepared by the Secretariat as requested by MSC 103 (see paragraph 17.2.2), as set out in document MSC 104/17/1 (Secretariat). In this regard, the Committee also considered document MSC 104/17/11 (Dominica et al.), supporting the draft Assembly resolution.

17.6 In considering the draft Assembly resolution, the Committee took the following decisions:

- .1 agreed to use the term "URGES" in the chapeau of operative paragraph 1;
- .2 in operative paragraph 1.1, urging Member States to designate seafarers as key workers, agreed not to include the term "other marine personnel", owing to the lack of a clear definition for this term and the required documentation for these personnel;
- .3 in the context of facilitating seafarers' travel across borders (operative paragraph 1.4), agreed not to introduce recognition of seafarers' proof of vaccination at this stage since recognition of vaccines was a national public health matter and acceptance of documents issued by other Member States a policy matter of each individual State;
- .4 agreed to delete the text "including medication, if needed, and medical and quarantine facilities" in operative paragraph 1.5, dealing with access to medical care; and
- .5 approved the draft Assembly resolution on Comprehensive action to address seafarers' challenges during the COVID-19 pandemic, as set out in annex 40, for submission to A 32 with a view to adoption.

17.7 In this connection, the Committee also noted statements by the delegations of Jamaica, Panama and Slovenia, and the observer from INTERTANKO, as set out in annex 42.

ASEAN recommendations

17.8 The Committee noted the information provided in document MSC 104/17/5 (Indonesia et al.), providing summary outcomes of the *Intersessional discussion on COVID-19: responses of ASEAN Member States to seafarers' access to crew change, repatriation, and national vaccination programmes*, held on 27 and 28 May 2021. In this context, the Committee noted the information provided by the observer of ICS on several occurrences where ships with seafarers on board with COVID-19 had been denied the right to call in ports of certain

ASEAN member countries to enable seafarers access to medical care, and that several ASEAN countries had refused to allow the remains of deceased seafarers to be offloaded for repatriation to their home country.

Thematic priorities for the ITCP for 2022-2023

17.9 The Committee recalled that MSC 101 had agreed on the safety- and security related thematic priorities for the ITCP covering the 2020-2021 biennium (MSC 101/24, paragraphs 23.1 to 23.3).

17.10 Following consideration of document MSC 104/17 (Secretariat) on the proposed thematic priorities for the ITCP for the 2022-2023 biennium, the Committee agreed on the following eight themes as the main subject areas, with more detailed information on the themes set out in annex 41:

- .1 Safety of fishing vessels, domestic ferries and other non-SOLAS vessels.
- .2 Maritime security and anti-piracy measures.
- .3 Implementation of IMO instruments.
- .4 Safety of navigation.
- .5 Search and rescue.
- .6 Implementation of the IMDG and IMSBC Codes.
- .7 Implementation of the Polar Code.
- .8 Seafarers' training and the human element.

17.11 In this context, the Committee noted that the information captured:

- .1 in the Country Maritime Profiles (CMPs) in GISIS;
- .2 in the IMSAS results related to maritime safety as contained in documents III 5/15 and III 5/INF.3 addressing identified root causes; and
- .3 through the assistance provided to countries with the implementation of their corrective action plans,

would be taken into account, and included, as far as possible, in the ITCP for 2022-2023; and urged Member States that had not yet provided their CMPs in GISIS to do so as soon as possible and those which had already done so, to update them as and when necessary, to ensure current and correct information.

Matters emanating from MSC 102 and MSC 103 postponed for consideration at MSC 104

17.12 Having recalled that proposed actions on matters postponed for consideration at MSC 103 and MSC 104 pertaining to this agenda item had been arranged by correspondence (MSC 104/1/2 and Add.1), and that it had approved in principle most of the proposed actions under agenda item 1 (see paragraph 1.8), the Committee took action as outlined below.

Outcome of the second meeting of the International Quality Assessment Review Body (IQARB) in the trial phase (MSC 102/22 and MSC 102/INF.9 (Secretariat))

17.13 The Committee:

- .1 noted the information provided in documents MSC 102/22 and MSC 102/INF.9 (Secretariat), particularly the developments at IQARB's second meeting (see MSC 104/1/2, annex, paragraph 6.1); and
- .2 requested the Secretariat to continue keeping it regularly updated on any developments during the trial phase (see MSC 104/1/2, annex, paragraph 6.2).

IMO/IACS cooperation on the IACS Quality System Certification Scheme (QSCS) (MSC 102/22/1 and MSC 103/20/4 (Secretariat))

17.14 The Committee:

- .1 noted the information provided by the IMO observer on IACS QSCS in documents MSC 102/22/1 and MSC 103/20/4 (Secretariat), particularly the developments in the Scheme during March 2019 to February 2021 and actions taken by IACS for promoting the IACS policy and objective of continued improvements to the Scheme (see MSC 104/1/2, annex, paragraph 6.3); and
- .2 requested the Secretariat to continue IMO's participation in IACS QSCS as per the current agreement between IMO and IACS and to provide a report to MSC 105 (see MSC 104/1/2, annex, paragraph 6.4).

Ongoing work in IACS (MSC 103/20/3 (IACS))

17.15 The Committee noted the information provided in document MSC 103/20/3 (IACS) on the work carried out on developing IACS requirements concerning the longitudinal strength requirement of large containerhips and invited IACS to provide an update after finalization of this work, expected in late 2022 (see MSC 104/1/2, annex, paragraph 6.5).

Fishing vessel safety (MSC 103/20/2 (Iceland et al.), MSC 103/20/7 (Secretariat) and MSC 103/20/11 (Iceland et al.))

17.16 The Committee:

- .1 noted the work of the Secretariat on promoting the 2012 Cape Town Agreement (MSC 103/20/7) and information on the progress made by a group of interested parties in developing draft guidance for its implementation and joint efforts to promote its entry into force, as provided in documents MSC 103/20/2 and MSC 103/20/11 (Iceland et al.), respectively (see MSC 104/1/2, annex, paragraph 6.6); and
- .2 encouraged interested Member States and international organizations to participate in the work of the aforementioned group to further develop the draft guidance (see MSC 104/1/2, annex, paragraph 6.7).

IMO Member State Audit Scheme (IMSAS) (MSC 102/22/3 (WMO) and MSC 103/20/9 (IALA))

17.17 The Committee instructed the NCSR Sub-Committee to consider the proposal contained in documents MSC 102/22/3 (WMO) and MSC 103/20/9 (IALA), taking into account related mandatory requirements contained in IMO instruments, and advise the Committee accordingly, so that their inclusion in the appropriate IMSAS guidance materials could be considered (see MSC 104/1/2, annex, paragraph 6.8).

Global Navigation Satellite Systems (GNSS) (MSC 103/20/6 (United States))

17.18 The Committee approved MSC.1/Circ.1644 on *Deliberate interference with the United States' Global Positioning System (GPS) and other Global Navigation Satellite Systems (GNSS)* (see MSC 104/1/2, annex, paragraph 6.9).

ISO matters (MSC 102/22/6 (ISO), MSC 103/20/1 (ISO), MSC 103/20/15 (IACS), MSC 103/20/17 (ICS et al.) and MSC 104/17/6 (CESA))

17.19 The Committee:

- .1 noted the information provided in document MSC 103/20/1 (ISO) regarding an update on ISO international standards recently published or under development that relate to items considered by the Committee; and invited relevant Sub-Committees to take this information into account when revising existing instruments or developing new ones under their purview (see MSC 104/1/2, annex, paragraph 6.11); and
- .2 encouraged interested Member States and international organizations to participate in, and contribute to, ISO's work on development of standards (see MSC 104/1/2, annex, paragraph 6.12).

17.20 Having noted comments by the delegations of Denmark and Norway and the observer from IACS and taking into account document MSC 104/17/6 (CESA), the Committee postponed consideration of action 6.10 (MSC 104/1/2, annex, section 6), concerning the recent publication of ISO/PAS 23678 provided in document MSC 102/22/6 (ISO), together with the comments thereon in documents MSC 103/20/15 (IACS) and MSC 103/20/17 (ICS et al.), to MSC 105.

Safety and security of navigation in the northern part of the Black Sea, the Sea of Azov and the Kerch Strait (MSC 102/22/4 (Ukraine) and MSC 102/22/7 (Russian Federation))

17.21 The Committee noted the information provided in document MSC 102/22/4 (Ukraine) and the comments thereon in document MSC 102/22/7 (Russian Federation), as well as the comment made by Denmark (MSC 104/1/2/Add.1, paragraph 6.13) (see MSC 104/1/2, annex, paragraph 6.13).

2nd Coast Guard Global Summit (MSC 102/INF.10 (Japan))

17.22 The Committee noted the information provided in document MSC 102/INF.10 (Japan) on the result of the 2nd Coast Guard Global Summit (see MSC 104/1/2, annex, paragraph 6.14).

Guidelines for the development of a Polar Water Operational Manual (MSC 102/INF.21 (ICS and OCIMF))

17.23 The Committee noted the information provided in document MSC 102/INF.21 (ICS and OCIMF) on recently published and publicly available "Guidelines for the development of a Polar Water Operational Manual" (see MSC 104/1/2, annex, paragraph 6.15).

Convention on the International Organization for Marine Aids to Navigation (MSC 103/20/5 (France and IALA))

17.24 The Committee noted the information provided in document MSC 103/20/5 (France and IALA) on the Convention on the International Organization for Marine Aids to Navigation, providing updates on the planned transformation of IALA into an intergovernmental organization (IGO) (see MSC 104/1/2, annex, paragraph 6.16).

LRIT distribution facility (MSC 103/20/8 (Secretariat))

17.25 The Committee noted the information provided in document MSC 103/20/8 (Secretariat), on actions taken by the Secretariat in response to a request by the United Kingdom, on behalf of the United Kingdom Maritime Trade Operations (UKMTO), to receive flag State LRIT information through the LRIT distribution facility; and invited SOLAS Contracting Governments to consider providing flag State LRIT information to UKMTO to aid their work in the repression of piracy and armed robbery against ships navigating in waters of the Gulf of Aden and the Western Indian Ocean (see MSC 104/1/2, annex, paragraphs 6.17 and 6.18).

Electronic inclinometers on containerships and bulk carriers (MSC 103/20/10 (France et al.))

17.26 Having noted the comments by Australia, Denmark and IACS (MSC 104/1/2/Add.1), the Committee referred the draft amendments to SOLAS chapter V proposed in document MSC 103/20/10 (France et al.), including the proposal to exempt those SOLAS amendments from the four-year amendment cycle, to NCSR 9 for consideration and advice to the Committee, taking into account the comments by IACS as set out in annex 1 to document MSC 104/1/2/Add.1 (see MSC 104/1/2, annex, paragraph 6.19).

Update of the footnote for SOLAS regulation V/23.2.3 (MSC 103/20/12 (Secretariat))

17.27 Having noted the comments made by Denmark and IACS (MSC 104/1/2/Add.1), the Committee referred document MSC 103/20/12 (Secretariat) concerning the update of a footnote in SOLAS regulation V/23.2.3, referring to the updated ISO standard 799-1:2019, Ships and marine technology – Pilot ladders, in the 2020 SOLAS Consolidated Edition, to NCSR 9 for consideration and advice to the Committee, taking into account the comments by IACS set out in annex 1 to document MSC 104/1/2/Add.1 (see MSC 104/1/2, annex, paragraph 6.20).

PSSA and associated protective measures within the territorial seas of Mauritius (MSC 103/INF.10 (Mauritius))

17.28 The Committee noted the information provided in document MSC 103/INF.10 (Mauritius) on an intended proposal for the designation of particularly sensitive sea areas (PSSAs) and the establishment of areas to be avoided (ATBAs) as associated protective measures (APMs) around the coasts of Mauritius and Rodrigues Island in the Southern Indian Ocean (see MSC 104/1/2, annex, paragraph 6.21).

17.29 In this connection, the delegation of France made a statement, as set out in annex 42, concerning the map annexed to document MSC 103/INF.10, in particular referring to Tromelin Island over which France exercises full sovereignty.

Best practice industry publications released in 2020/2021 (MSC 103/INF.11 (ICS))

17.30 The Committee noted the information provided in document MSC 103/INF.11 (ICS) on recent and forthcoming best practice guidance for tanker safety, released in 2020 and 2021, including the Tanker Safety Guide (Chemicals), Fifth Edition; Engine Room Procedures Guide, First Edition; Maritime Security: A Comprehensive Guide for Seafarers, Companies and Administrations, First Edition; and Guide for Ship/Helicopter Operations, Sixth Edition (see MSC 104/1/2, annex, paragraph 6.22).

Revised performance standards for ECDIS (MSC 103/INF.12 (Austria et al.))

17.31 The Committee noted the information provided in document MSC 103/INF.12 (Austria et al.) on an envisaged proposal for a new output to amend the *Revised performance standards for ECDIS* (resolution MSC.232(82)) to facilitate a standardized digital exchange of ship route plans (see MSC 104/1/2, annex, paragraph 6.23).

Remaining documents submitted to MSC 104

17.32 Owing to time constraints the Committee postponed consideration of documents MSC 104/17/3 (Ukraine), MSC 104/17/4 (Australia et al.), MSC 104/17/7 (WWF), MSC 104/17/8 (China), MSC 104/17/10 (Russian Federation), MSC 104/17/12 (FOEI and Pacific Environment), MSC 104/INF.4 (Austria et al.), MSC 104/INF.12 (Colombia), MSC 104/INF.13 (China), MSC 104/INF.14 (China), MSC 104/INF.16 (China), MSC 104/INF.17 (China) and MSC 104/INF.19 (France) to MSC 105. In this regard, the delegation of The Netherlands made a statement, the full text of which is set out in annex 42.

New ship reporting law in the South China Sea

17.33 The delegation of the United States, supported by the delegations of Australia, Canada, France, Germany, Japan, Netherlands, Spain and United Kingdom, expressed concern and views regarding a new mandatory ship reporting law by China. The full text of the statements made by Germany, Japan, United Kingdom and the United States, is set out in annex 42.

17.34 In responding to the above statements, the delegation of China, supported by the delegations of the Democratic People's Republic of Korea and the Russian Federation, also made a statement, the full text of which is set out in annex 42.

18 CONSIDERATION OF THE REPORT OF THE COMMITTEE ON ITS 104TH SESSION

Procedures for facilitating remote sessions

18.1 The draft report of the session (MSC 104/WP.1/Rev.1) was prepared by the Secretariat for consideration and adoption by the Committee, taking into account the provisions of the *Interim guidance to facilitate remote sessions of the Committees during the COVID-19 pandemic* (MSC-LEG-MEPC-TCC-FAL.1/Circ.1).

18.2 During the virtual meeting held on 8 October 2021, delegations were given an opportunity to provide comments on the draft report (MSC 104/WP.1) and those wishing to

further comment on the decisions of the Committee were given a deadline of 18 October 2021, 23.59 (UTC+1) to do so by correspondence, as provided for in the aforementioned Interim guidance.

18.3 By the above deadline, one comment, from Ukraine, had been received. The comment, together with the Chair's ruling on it, is set out in document MSC 104/WP.1/Rev.1/Add.1. The report of the Committee was then finalized by the Secretariat in consultation with the Chair. The session was closed on 18 October 2021, 23.59 (UTC+1), pursuant to rule 35 of the Rules of Procedure.

Action requested of other IMO organs

18.4 The Assembly, at its thirty-second session, is invited to:

- .1 note that the Committee adopted amendments to the 1988 Load Lines Protocol and the IGC Code and approved/adopted a number of non-mandatory instruments (paragraphs 3.19, 3.21, 7.5.1, 8.8.4, 11.8.8, 11.9, 11.10, 11.13, 12.4, 12.10, 12.12, 12.13, 12.14, 12.19, 13.7, 13.10, 17.2 and 17.6.5 and annexes 1, 2, 5, 28 to 33 and 40);
- .2 adopt the draft Assembly resolution on *Prevention and suppression of piracy, armed robbery against ships and illicit maritime activity in the Gulf of Guinea* (paragraph 8.8.4 and annex 5);
- .3 adopt the draft Assembly resolution on *Procedures for port State control* (paragraph 13.7.1 and annex 30);
- .4 adopt the draft Assembly resolution on *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2021* (paragraph 13.7.2 and annex 31);
- .5 adopt the draft Assembly resolution on *2021 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)* (paragraph 13.7.3 and annex 32);
- .6 adopt the draft Assembly resolution on *Comprehensive action to address seafarers' challenges during the COVID-19 pandemic* (paragraph 17.6.5 and annex 40); and
- .7 note the action taken on matters related to seafarers' challenges during the COVID-19 pandemic (paragraphs 17.1 to 17.8 and annex 40).

18.5 The Council, at its thirty-fourth extraordinary session, is invited to:

- .1 consider the report of the 104th session of the Maritime Safety Committee and, in accordance with Article 21(b) of the IMO Convention, transmit the report, with its comments and recommendations, to the thirty-second session of the Assembly;
- .2 note the action taken regarding certified true copies of consolidated texts of all IMO conventions to assist in their implementation into domestic legislation (paragraphs 2.7 and 2.8);

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- .3 note that the Committee adopted amendments to the 1988 Load Lines Protocol and the IGC Code and approved/adopted a number of non-mandatory instruments (paragraphs 3.19, 3.21, 7.5.1, 8.8.4, 11.8.8, 11.9, 11.10, 11.13, 12.4, 12.10, 12.12, 12.13, 12.14, 12.19, 13.7, 13.10, 17.2 and 17.6.5 and annexes 1, 2, 5, 28 to 33 and 40);
 - .4 note the decisions taken on measures to improve domestic ferry safety (paragraphs 5.1 to 5.6 and annexes 3 and 4);
 - .5 note the decisions taken on matters related to goal-based ship construction standards and the GBS verification scheme (paragraphs 6.1 to 6.7);
 - .6 note the decisions taken on measures to enhance maritime security (paragraphs 7.1 to 7.5);
 - .7 note the decisions taken on matters related to piracy and armed robbery against ships (paragraphs 8.1 to 8.20 and annex 5);
 - .8 note the decisions taken on matters related to unsafe mixed migration by sea (paragraphs 9.1 to 9.11);
 - .9 note the action taken regarding the outcome of the work of the sub-committees reporting to this session (sections 11 to 13);
 - .10 endorse the inclusion of two new outputs in the list of outputs of the Committee for the 2022-2023 biennium (paragraphs 15.5, 15.9.2, 15.12 and 15.15 and annex 34);
 - .11 endorse the proposed biennial agenda of the Maritime Safety Committee for the 2022-2023 biennium (paragraphs 15.15 and annex 34);
 - .12 note the biennial status report of the Maritime Safety Committee for the 2020-2021 biennium (paragraph 15.15 and annex 35);
 - .13 note the post-biennial agenda of the Maritime Safety Committee (paragraph 15.15 and annex 36);
 - .14 endorse the approval of intersessional meetings for 2022 (paragraph 15.23);
 - .15 endorse the decision of the Committee that both MSC meetings planned for 2022, i.e. MSC 105 and MSC 106, should be of eight days duration, in order to cope with the backlog that has developed due to the time limitations of remote meetings (paragraph 15.26); and
 - .16 note the decisions taken on matters related to seafarers' challenges during the COVID-19 pandemic (paragraphs 17.1 to 17.8 and annex 40).

18.6 The Marine Environment Protection Committee, at its seventy-seventh session, is invited to:

- .1 concur with the decision to instruct III 8 to consider matters related to proposed amendments to the HSSC Survey Guidelines and report back to the Committees accordingly (paragraph 2.5)

- .2 note the decisions taken on the amendments to the 1988 Load Lines Protocol and the IGC Code regarding watertight doors, in particular that the new amendments will apply to both new and existing ships (paragraphs 3.5 to 3.8, 3.19 and 3.21 and annexes 1 and 2);
 - .3 note the decisions taken on matters related to the assessment of capacity-building implications and technical assistance needs for the implementation of new measures (paragraph 4.2);
 - .4 concurrently approve the draft Assembly resolutions on *Procedures for port State control*, on *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2021*, and on *2021 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)* (paragraphs 13.7.1 to 13.7.3 and annexes 30 to 32);
 - .5 concurrently approve the draft MSC-MEPC.5 circular on *Model agreement for the authorization of recognized organizations acting on behalf of the Administration* (paragraph 13.10 and annex 33);
 - .6 note the inclusion of a new output on "Development of guidance on assessments and applications of remote surveys, ISM Code audits and ISPS Code verifications", in the biennial agenda of the III Sub-Committee for 2022-2023 and the provisional agenda for III 8, with a target completion year of 2024; and consider whether MEPC should be included as parent organ for the output, taking into account that provisions for remote surveys may also be needed for environment-related instruments (paragraph 15.5); and
 - .7 concurrently approve the biennial agendas of the CCC and III Sub-Committees and the provisional agendas for CCC 8 and III 8 (paragraphs 15.16 and 15.18 and annexes 37 and 38).
- 18.7 The Legal Committee, at its 109th session, is invited to:
- .1 note the action taken regarding certified true copies of consolidated texts of all IMO conventions to assist in their implementation into domestic legislation (paragraphs 2.7 and 2.8);
 - .2 note the decisions taken regarding future work related to maritime autonomous surface ships (MASS) (paragraph 15.8.7); and
 - .3 note the decisions taken on matters related to seafarers' challenges during the COVID-19 pandemic (paragraphs 17.1 to 17.8 and annex 40).
- 18.8 The Facilitation Committee, at its forty-sixth session, is invited to:
- .1 concur with the Committee's decision to instruct the Secretariat to update the industry guidance listed in paragraph 4.2 of MSC-FAL.1/Circ.3/Rev.1 to include the IAPH cybersecurity guidelines for ports and port facilities (paragraph 7.5.1);
 - .2 note that the Committee concurred with the decision of FAL 45 to extend the target completion year for the output on "IMO's contribution to addressing unsafe mixed migration by sea" to 2022 (paragraph 9.5);

- .3 note the decisions taken regarding future work related to maritime autonomous surface ships (MASS) (paragraph 15.8.7); and
 - .4 note the decisions taken on matters related to seafarers' challenges during the COVID-19 pandemic (paragraphs 17.1 to 17.8 and annex 40).
- 18.9 The Technical Cooperation Committee, at its seventy-second session, is invited to:
- .1 note the decisions taken on matters related to the assessment of capacity-building implications and technical assistance needs for the implementation of new measures (paragraph 4.2);
 - .2 note the decisions taken on measures to improve domestic ferry safety (paragraphs 5.1 to 5.6 and annexes 3 and 4);
 - .3 note the decisions taken on matters related to seafarers' challenges during the COVID-19 pandemic (paragraphs 17.1 to 17.8 and annex 40); and
 - .4 note the decisions taken on the safety- and security related thematic priorities for the ITCP covering the 2022-2023 biennium (paragraphs 7.2, 17.9 to 17.11 and annex 41).

(The annexes will be issued as addenda to this report.)
