

## **WORLD SAILING**

### **INTERNATIONAL REGULATIONS REPORT OF THE MARITIME SAFETY COMMITTEE 98**

#### **HELD AT IMO HEADQUARTERS FROM 07 TO 16 JUNE 2017**

#### **1 INTRODUCTION – ADOPTION OF THE AGENDA**

MSC98 was held at the IMO Headquarters from 7 to 16 June 2017, chaired by Mr. Brad Groves (Australia).

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: <http://www.imo.org/MediaCentre/SecretaryGeneral/Secretary-GeneralsSpeechesToMeetings>

MSC98 adopted the Agenda (MSC98/1)

#### **2 DECISIONS OF OTHER IMO BODIES**

The Committee noted the outcomes of Council, Facilitation Committee and Legal Committee and agreed to take appropriate action under the relevant agenda items.

#### **3 CONSIDERATION AND ADOPTION OF AMENDMENTS TO MANDATORY INSTRUMENTS**

This was the traditional large agenda item that considered a range of amendments to IMO conventions and codes affecting international shipping. There was nothing that affects World Sailing from this session.

#### **4 EARLY IMPLEMENTATION/APPLICATION OF IMO INSTRUMENTS**

The addition of this item was agreed at MSC 97. MSC98 established a working group to develop guidelines for voluntary early implementation of IMO instruments, but there is nothing of interest that affects World Sailing.

#### **5 MEASURES TO ENHANCE MARITIME SECURITY**

This item considered development of guidance for the development of national maritime security legislation, measures towards enhancing maritime cyber security.

MSC98 agreed that there was an urgent need to raise awareness of cyber risk threats and vulnerabilities in order to support safe and secure shipping, which was operationally resilient to cyber risks, and that an important part of achieving this would be to consider cyber risk as part of existing safety management systems.

MSC98 agreed to appoint the Islamic Republic of Iran as course developer for the revision of Security Awareness Training for Port Facility Personnel with Designated Security Duties and Malaysia as the review group's coordinator.

#### **6 GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS**

This item again dealt with Goal Based Standard verification audits within class and is of no interest to World Sailing

## **7 CARRIAGE OF CARGOES AND CONTAINERS**

This item dealt with amendments to the International Maritime Dangerous Goods (IMDG) Code and the International Maritime Solid Bulk Cargoes (IMSBC) Code and is of no interest to World Sailing.

## **8 POLLUTION PREVENTION AND RESPONSE**

MSC98 took action to draft amendments to the International Bulk Chemical (IBC) Code and the Offshore Support Vessel (OSV) Chemical code. This item is of no interest to World Sailing

## **9 HUMAN ELEMENT, TRAINING AND WATCHKEEPING**

This item considered specialist seafarer courses, none of which are of interest to World Sailing.

## **10 SHIP DESIGN AND CONSTRUCTION**

The second phase of the Polar Code work was considered under this item and needs to be followed closely by World Sailing.

MSC98 considered a submission by New Zealand suggesting a possible approach for progression of the second phase of work on the Polar Code and included a preliminary analysis on how the Code could be applied to non-SOLAS ships and what its status should be.

In considering this issue, MSC98 noted that while there was an opportunity to apply the second phase of the Polar Code to all ships operating in polar waters, for the Antarctic the most important issue was to ensure safety of fishing vessels and yachts. However, it was further noted that the Polar Code did not apply to cargo ships between 300 gross tonnage and 500 gross tonnage, and fishing vessels and pleasure yachts had no basic international safety standards.

Taking the debate into account, MSC98 move the item to the agenda of MSC99 with a view to taking a policy decision regarding the scope of application of the second phase of the Polar Code, its mandatory or recommendatory status and types of vessels to be addressed.

## **11 NAVIGATION, COMMUNICATIONS AND SEARCH AND RESCUE**

The main points arising from the fourth session of NCSR are covered in my report for NCSR4.

It is worth noting that MSC98 endorsed the view of NCSR4 that it was of importance to consider the risks associated with light-emitting diodes (LEDs) used in emergency equipment, navigation aids and obstruction lighting which may not be detectable by night vision equipment. In this context, the Committee encouraged interested parties to submit relevant proposals for a new output to the Committee.

## **12 SHIP SYSTEMS AND EQUIPMENT**

The item dealt with experience gained on the application of the Generic guidelines for developing IMO goal-based standards and guidelines on ship abandonment drills; it is of no interest to World Sailing

### **13 CAPACITY BUILDING FOR THE IMPLEMENTATION OF NEW MEASURES**

This item examines the capacity of the organisation to deal with amendments to mandatory instruments and new outputs related to them; it is of no interest to world Sailing.

### **14 FORMAL SAFETY ASSESSMENT**

This item is of no interest to World Sailing.

### **15 PIRACY AND ARMED ROBBERY AGAINST SHIPS**

MSC98 noted that a total of 221 piracy and armed robbery incidents had occurred worldwide in 2016, representing a reduction of about 27% compared to 2015, where 303 incidents were reported. However, the MSC98 was concerned that incidents in West Africa had increased by 77% (62 incidents in 2016 against 35 in 2015) and although piracy and armed robbery activity in the South China Sea had decreased slightly with 68 cases reported in 2016 compared to 81 in 2015, developments in the South East Asian region, particularly in the Sulu-Celebes Sea, were also concerning (2 incidents in 2015 and 16 in 2016). In addition, piracy activity off the coast of Somalia was still active, with eight incidents reported between January and April 2017 involving six merchant ships and two dhows and around 39 crew members taken hostage/kidnapped.

MSC98 also received information related to recent incidents with two tankers in Bab-el-Mandeb Strait where small high-speed boats carrying a considerable amount of explosives were used to try to board the ships. The modus operandi represented a new kind of threat to shipping in the area. As a result, the threat to merchant ships from Somali pirates remained and merchant shipping should continue to take protective measures against possible piracy attacks through diligent application of IMO guidance and best management practices (BMP).

MSC98 considered a request from Oman proposing to further amend the boundaries of the northern portion of the High Risk Area (HRA), as defined in BMP 4, as no ships had been hijacked in the western part of the Arabian Sea during the last three years. After some discussion, MSC98, noting the general support to the proposal presented by Oman, invited the co-authors of BMP 4 to consider the request made by Oman. The ICS observer indicated that further consideration would be given to the proposal in consultation with Oman and that the outcome would be reported to the Committee.

### **16 UNSAFE MIXED MIGRATION BY SEA**

The Secretary-General reiterated his sincere appreciation to Member States that had been contributing to the rescue of migrants at sea using naval, military and intelligence services, and informed MSC98 that he was to organize a meeting among the relevant United Nations agencies, to share views and to find possible measures to solve this complex problem. The outcome of this interagency meeting would be reported to the next session of the Committee.

### **17 IMPLEMENTATION OF INSTRUMENTS AND RELATED MATTERS**

This agenda item included matters relating to the issue of Certificates of Fitness (CoF) under the IBC, BCH, GC, IGC and EGC Codes. Nothing in this agenda item is of concern to World Sailing.

### **18 RELATIONS WITH OTHER ORGANIZATIONS**

Nothing in this agenda item is of concern to World Sailing.

## **19 COMMITTEE'S ORGANIZATION AND METHOD OF WORK**

MSC98 adopted the revised Rules of Procedure of the Maritime Safety Committee, as set out in annex 33 of the minutes of MSC98 and authorized the Secretariat to effect any consequential editorial changes that might be deemed necessary.

## **20 WORK PROGRAMME**

### **Maritime Autonomous Surface Ships – Proposal for a regulatory scoping exercise**

The Committee considered a proposal from Denmark, Estonia, Finland, Japan, Netherlands, Norway, Republic of Korea, United Kingdom and United States to undertake a regulatory scoping exercise to determine how the safe, secure and environmentally sound operation of Maritime Autonomous Surface Ships (MASS) might be introduced in IMO instruments. MSC agreed that proper consideration should be taken into account on the legal aspects including where the responsibility would lie in case of an accident involving an MASS, its consequences to the cargo, and also the implications to the shore side. MSC further agreed on the need to define MASS and the different levels of automation.

As a result it was agreed to add the provisional agenda for MSC 99, an output on "Regulatory scoping exercise for the use of Maritime Autonomous Surface Ships (MASS)", with a target completion date of 2020.

### **Polar Code**

Following a decision to amend the title of the output on the "Application of the Mandatory Code to non-SOLAS ships operating in polar waters" to "Safety measures for non-SOLAS ships operating in polar waters", MSC agreed to move the output to its agenda for the 2018-2019 biennium and the provisional agenda of MSC 99.

## **21 ELECTION OF CHAIR AND VICE-CHAIR FOR 2017**

The Committee unanimously re-elected Mr. Brad Groves (Australia) as Chair, and Mr. Juan Carlos Cubisino (Argentina) as Vice-Chair, both for 2018.

## **22 ANY OTHER BUSINESS**

Nothing of interest for World Sailing under this agenda item.

## **23 ACTION REQUESTED OF OTHER IMO ORGANS**

Nothing in this agenda item is of concern to World Sailing.