



IMO MSC 104 Meeting Summary

2 December, 2021

The 104th session of the Maritime Safety Committee was held remotely from 4 to 8 October 2021.

Owing to backlog that had accumulated over the last two sessions, the following agenda items were considered in total or in part by correspondence before the meeting.

1. agenda item 2: Decisions of other bodies
2. agenda item 4: Capacity-building for the implementation of new measures
3. agenda item 9: Unsafe mixed migration by sea
4. agenda item 10: Formal safety assessment
5. agenda item 14: Application of the Committee's method of work
6. agenda item 17: Any other business

Adoption of Amendments to Mandatory Instruments

MSC 104 adopted:

- by resolution [MSC.491\(104\)](#), amendments to chapters II (Conditions of assignment of freeboard), as well as amendments to chapter III (Freeboards) of annex I (Regulations for determining load lines) of Annex B to the 1988 Load Lines Protocol concerning acceptable arrangements of scuppers and discharges, as well as satisfactory condition of equilibrium after flooding, and
- by resolution [MSC.492\(104\)](#), associated amendments to chapter 2 (Ship survival capability and location of cargo tanks) of the International Code of the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code) concerning watertight doors on cargo ships in damage stability calculations with those in SOLAS.

The amendments are expected to enter into force on 1 January 2024 and will apply to all ships with the understanding that existing ships will not be affected.

Ad hoc mid-term amendment cycle for SOLAS and related mandatory instruments

Since 1 January 2020, amendments to SOLAS and related mandatory instruments have followed a four-year cycle of entry into force. All amendments for the 2024 update must be adopted before 1 July 2022.

MSC 104 recognized that the COVID-19 pandemic has caused delays in some ongoing work and agreed to introduce an ad hoc mid-term amendment cycle with an entry-into-force date of 1 January 2026 for amendments adopted before 1 July 2024.

Measures to improve domestic ferry safety

Ferry services are an indispensable means of domestic transport in many countries, in particular for those with rich archipelagic, coastal and river resources. The improvement of ferry safety is a key factor to ensure sustainable development in these countries.

According to reports, 93% of lives lost to ship incidents in the past 50 years are attributed to domestic ferry incidents.

While domestic operations are outside the scope of the IMO's work, MSC 104 approved non-mandatory model regulations on domestic ferry safety.

A draft MSC resolution on the adoption of the model regulations will be considered by MSC 105 in April 2022.

Measures to enhance maritime security

MSC 104 agreed 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.

Piracy and armed robbery against ships

MSC 104 approved a draft Assembly resolution updating **resolution A.1069(28) Prevention and suppression of piracy, armed robbery against ships and illicit maritime activity in the Gulf of Guinea** for submission to the 32nd session of the IMO Assembly (Assembly 32) with a view to adoption.

The draft revised resolution will include a reference to the definitions of “piracy” and “armed robbery against ships” in the preambular part in addition to other editorial changes, including:

- appeals to States in the region to take all measures possible within the provisions of international law, to ensure that all acts or attempted acts of piracy, armed robbery against ships and other illicit maritime activities are terminated forthwith and any plans for committing such acts are also forthwith abandoned; and any hijacked ships, kidnapped seafarers held on them and any other persons on board such ships are immediately and unconditionally released and that no harm is caused to them;
- urges Governments to cooperate with and assist States in the Gulf of Guinea to develop their national and regional capabilities to improve maritime governance in waters under their jurisdiction; to prevent piracy, armed robbery against ships and other illicit maritime activities in accordance with international law, in particular UNCLOS; and to assist States to build capacity to interdict and bring to justice those who commit crimes; and
- urges companies, masters and seafarers to continue the diligent application of existing IMO guidance and the effective implementation of **Best Management Practices (BMP) West Africa (WA)** to assess the risks associated with voyages through the Gulf of Guinea and mitigate any potential threats to their safety and well-being;

MSC 104 also considered information on the **Gulf of Guinea Declaration on Suppression of Piracy** provided in document **MSC 104/INF.3** co-sponsored by **Liberia**. The Declaration has gained the support of more than 300 flag

States, shipowner associations, shipowners, ship managers, P&I clubs, etc. Among the actions called for were naval operations by non-regional naval forces and enhanced regional capacity building with priority given to those coastal States which demonstrate the will to participate actively in law enforcement at sea.

Unsafe mixed migration by sea

MSC 104 considered a proposal to adopt 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. While there was support in principle for a draft resolution, many conflicting views were expressed and the Committee agreed to postpone further consideration of the matter and invited Member States to submit comments to the next session, with a view to finalizing the resolution at MSC 105.

Human element, training and watchkeeping

Governments that are Party to the STCW Convention are facing challenges during the continuing COVID-19 pandemic with regard to the issuance, renewal of certificates/documents, endorsements and extensions of validity; and the provision of continued professional competence through refresher training.

MSC 104 approved draft MSC Circular on *Guidance on seafarers' training and certification for issuing Administrations, flag States and port States during the COVID-19 pandemic*.

MSC 104 further agreed to develop a new GISIS module containing the various measures adopted by Parties, while continuing issuing circular letters related to seafarer certification, 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.

Navigation, communications, search and rescue

The Quasi-Zenith Satellite System (QZSS)

Subsequent to adoption of Performance standards for shipborne Japanese Quasi-Zenith Satellite System (QZSS) receiver equipment (resolution MSC.480(102)), MSC 104 approved a safety of navigation (SN) circular on *Recognition of the Japanese Quasi-Zenith Satellite System (QZSS)*, as a component of the Worldwide Radio Navigation System. *Modernization of the Global Maritime Distress and Safety System*.

MSC 104 approved in principle, draft SOLAS amendments to modernize the GMDSS requirements, as well as consequential draft amendments to the High-Speed Craft (HSC), Special Purpose Ships (SPS) and Mobile Offshore Drilling Units (MODU) Codes.

Among others, the GMDSS modernization introduces more generic requirements, independent of specific service providers or technologies. For example, the reference to the sole service provider Inmarsat in the definition of sea area A3 have been replaced by a reference to a recognized mobile satellite service.

Furthermore, maintenance criteria to ensure GMDSS availability will be at the discretion of the flag Administration. For instance, the footnote in SOLAS IV, regulation 15.7 refers to IMO resolution A.702(17), which will be revoked.

In connection with the approval of the above draft amendments to SOLAS, MSC 104 also approved in principle, 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;
- .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)

The draft amendments and related MSC resolutions are expected to enter into force on 1 January 2024, subject to adoption by MSC 105 (April 2022).

MSC 104 also approved in principle, draft MSC circulars for approval at MSC 105 in conjunction with the adoption of the draft SOLAS amendments:

- .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)',

Performance standards for Voyage Data Recorders (VDR)

MSC 104 adopted by resolutions [MSC.493\(104\)](#) and [MSC.494\(104\)](#) consequential amendments to the performance standards for simplified VDRs (S-VDRs) and

VDRs, following adoption of the performance standards for float-free emergency position-indicating radio beacons (EPIRBs) operating on 406 MHz (Resolution MSC.471(101) in 2019.

S-VDRs amendments:

- .1 be fitted with means to facilitate grappling and recovery;
- .2 be so constructed as to comply with the requirements specified in resolution MSC.471(101) and to minimize risk of damage during recovery operations; and
- .3 the device should be capable of transmitting an initial satellite distress alerting signal and further locating and homing signals over a period of not less than seven days/168 hours.”

Governments should ensure that S-VDRs:

- .1 if installed on or after 1 July 2022, conform to performance standards not inferior to those specified in the annex to resolution MSC.163(78), as amended by resolution MSC.214(81) and the present resolution;
- .2 if installed on or after 1 June 2008, but before 1 July 2022, conform to performance standards not inferior to those specified in the annex to resolution MSC.163(78), as amended by resolution MSC.214(81); and
- .3 if installed before 1 June 2008, conform to performance standards not inferior to those specified in the annex to resolution MSC.163(78).

VDRs amendments:

The float-free recording medium should be installed in a float-free capsule which should meet all of the following requirements:

- .1 be fitted with means to facilitate grappling and recovery;
- .2 maintain the recorded data for a period of at least six months following termination of recording;
- .3 be so constructed as to comply with the requirements specified in resolution MSC.471(101) and to minimize risk of damage during recovery operations;

- .4 be capable of transmitting an initial satellite distress alerting signal and further locating and homing signals over a period of not less than seven days/168 hours; and
- .5 be capable of being accessed following an incident but secure against a physical or electronically manipulated change or deletion of recorded data.”

RECOMMENDS Governments to ensure that VDRs:

- .1 if installed on or after 1 July 2022, conform to performance standards not inferior to those specified in the annex to resolution MSC.333(90), as amended by the present resolution;
- .2 if installed on or after 1 July 2014 and before 1 July 2022, conform to performance standards not inferior to those specified in the annex to resolution MSC.333(90); if installed on or after 1 June 2008, but before 1 July 2014, conform to performance standards not inferior to those specified in the annex to resolution A.861(20), as amended by resolution MSC.214(81); and
- .3 if installed before 1 June 2008, conform to performance standards not inferior to those specified in the annex to resolution A.861(20).

EPIRB-related guidelines

MSC 104 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

MSC 104 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’.

Iridium SafetyCast service manual

MSC 104 approved a revision of the Iridium SafetyCast service manual (MSC.1/Circ.1613) and agreed that the revised manual should become effective on 1 January 2022.

Implementation of IMO instruments

Procedures for port State control (PSC)

MSC 104 approved, subject to MEPC's concurrent decision, for submission to the thirty-second session of the Assembly for adoption, draft "procedures for port State control, 2021" and the associated draft Assembly resolution, to revoke resolution A.1138(31).

The amendments mainly relate to appendix 7 of the guidelines for control of operational requirements addressing mandatory drills and the assessment of compliance with operational requirements; and inclusion of a sample form to facilitate the endorsement of a cargo operation in an electronic Cargo Record Book to appendix 4 of the Procedures.

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

MSC 104 also approved, subject to MEPC's concurrent decision, for submission to the thirty-second session of the Assembly for adoption, draft 'Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2021' and the associated draft Assembly resolution, to revoke resolution A.1140(31).

The revised guidelines include provisions related to:

- .1 Operational readiness, maintenance and inspections for lifeboats and rescue boats, launching appliances and release gear;
- .2 Means of escape for passenger ships and helicopter facilities;
- .3 System commissioning testing of ballast water management systems
- .4 Harmonization of survey periods of cargo ships not subject to the ESP Code;
- .5 Check of two-way VHF's using expired primary batteries;
- .6 Electronic record books under MARPOL;
- .7 Helicopter facility foam firefighting appliances

RO Model agreement

MSC 104 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', aligning 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 certificate and services" as defined in the RO Code.

Work programme

Remote surveys, ISM Code audit and ISPS Code verifications

MSC 104 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. MSC 104 further noted that provisions for remote surveys may also be needed for environment-related instruments and invited MEPC to consider whether it should be included as the parent Committee for the output.

Maritime Autonomous Surface Ships (MASS)

MSC 104 agreed to develop a goal-based instrument to address MASS operations and to include a new output in the biennial agenda of the MSC for 2022-2023 and the provisional agenda for MSC 105 with a target completion year of 2025.

This follows completion of the regulatory scoping exercise in May 2021 which analyzed relevant ship safety treaties, in order to assess how MASS could be regulated internationally.

Ammonia as a marine fuel

MSC 104 noted that CCC 7 had updated its work plan for the development of new low-flashpoint fuels under the IGF Code, as well as the collection of information for using ammonia as a marine fuel. There was support for CCC to also develop guidelines for the safety of ships using ammonia as a marine fuel, as soon as possible. Due to time constraints, this matter could not be fully considered at MSC 104 and is expected to be considered by MSC 105 with a view to including the work in the agenda for CCC 8.

Other Business

MSC 104 approved a draft IMO Assembly resolution consolidating issues related to crew change, access to

medical care “key worker” designation and seafarers’ prioritization for COVID-19 vaccination, with a view to adoption at the 32nd session of the IMO Assembly (6-15 December 2021).

The draft Assembly resolution on comprehensive action to address seafarers' challenges during the COVID-19 pandemic urges Member States to:

- designate seafarers as “key workers” in order to facilitate shore leave and safe and unhindered movement across borders, and recognize their relevant documentation for this purpose;
- consider the implementation of the Industry recommended framework of protocols for ensuring safe ship crew changes and travel during the Coronavirus (COVID-19) pandemic;
- prioritize vaccination of seafarers, as far as practicable, in their national COVID-19 vaccination programmes;
- consider exempting seafarers from any national policy requiring proof of COVID-19 vaccination as a condition for entry, taking into account that seafarers should be designated as “key workers” and that they travel across borders frequently;
- provide seafarers with immediate access to medical care and facilitate medical evacuation of seafarers in need of urgent medical attention when the required medical care cannot be provided either on board or in the port of call.

COVID guidance approved

The MSC approved Guidance on seafarers' training and certification for issuing Administrations, flag States and port States during the COVID-19 pandemic. The guidance contains recommended practices for exceptional measures adopted as a consequence of the pandemic. The guidance outlines the principle that force majeure is temporary and that STCW Parties should seek to revert to performing their obligations under the STCW Convention and Code as soon as possible.

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PROVISIONAL LIST OF MSC 104 RESOLUTIONS AND CIRCULARS

DRAFT MODEL REGULATIONS ON DOMESTIC FERRY SAFETY

DRAFT ASSEMBLY RESOLUTION ON PREVENTION AND SUPPRESSION OF PIRACY, ARMED ROBBERY AGAINST SHIPS AND ILLICIT MARITIME ACTIVITY IN THE GULF OF GUINEA

DRAFT AMENDMENTS TO SOLAS CHAPTERS II-1, III, IV AND V, AND THE APPENDIX (CERTIFICATES)

DRAFT AMENDMENTS TO THE 1988 SOLAS PROTOCOL

DRAFT AMENDMENTS TO THE 1994 HSC CODE

DRAFT AMENDMENTS TO THE 2000 HSC CODE

DRAFT MSC RESOLUTION ON AMENDMENTS TO THE CODE OF SAFETY FOR SPECIAL PURPOSE SHIPS (1983 SPS CODE)

DRAFT MSC RESOLUTION ON AMENDMENTS TO THE CODE OF SAFETY FOR SPECIAL PURPOSE SHIPS, 2008 (2008 SPS CODE)

DRAFT MSC RESOLUTION ON AMENDMENTS TO THE CODE FOR THE CONSTRUCTION AND EQUIPMENT OF MOBILE OFFSHORE DRILLING UNITS (1979 MODU CODE)

DRAFT MSC RESOLUTION ON AMENDMENTS TO CODE FOR THE CONSTRUCTION AND EQUIPMENT OF MOBILE OFFSHORE DRILLING UNITS, 1989 (1989 MODU CODE)

DRAFT MSC RESOLUTION ON AMENDMENTS TO CODE FOR THE CONSTRUCTION AND EQUIPMENT OF MOBILE OFFSHORE DRILLING UNITS, 2009 (2009 MODU CODE)

DRAFT MSC RESOLUTION ON SYSTEM PERFORMANCE STANDARD FOR THE PROMULGATION AND COORDINATION OF MARITIME SAFETY INFORMATION USING HIGH-FREQUENCY NARROW-BAND DIRECT-PRINTING

DRAFT MSC RESOLUTION ON PERFORMANCE STANDARDS FOR THE RECEPTION OF MARITIME SAFETY INFORMATION AND SEARCH AND RESCUE RELATED INFORMATION BY MF (NAVTEX) AND HF

DRAFT MSC RESOLUTION ON PROVISION OF RADIO SERVICES FOR THE GLOBAL MARITIME DISTRESS AND SAFETY SYSTEM (GMDSS)

DRAFT MSC RESOLUTION ON PERFORMANCE STANDARDS FOR SEARCH AND RESCUE RADAR TRANSPONDERS

DRAFT MSC RESOLUTION ON PERFORMANCE STANDARDS FOR SHIPBORNE VHF RADIO INSTALLATIONS CAPABLE OF VOICE COMMUNICATION AND DIGITAL SELECTIVE CALLING

DRAFT MSC RESOLUTION ON 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

DRAFT MSC RESOLUTION ON PERFORMANCE STANDARDS FOR INMARSAT-C SHIP EARTH STATIONS CAPABLE OF TRANSMITTING AND RECEIVING DIRECT-PRINTING COMMUNICATIONS

DRAFT MSC RESOLUTION ON GUIDELINES FOR THE AVOIDANCE OF FALSE DISTRESS ALERTS

DRAFT MSC RESOLUTION ON PERFORMANCE STANDARDS FOR SURVIVAL CRAFT PORTABLE TWO-WAY VHF RADIOTELEPHONE APPARATUS

DRAFT MSC RESOLUTION ON AMENDMENTS TO THE PERFORMANCE STANDARDS FOR RADIOCOMMUNICATION EQUIPMENT (RESOLUTION MSC.80(70))

DRAFT MSC RESOLUTION ON PERFORMANCE STANDARDS FOR A SHIPBORNE INTEGRATED COMMUNICATION SYSTEM (ICS) WHEN USED IN THE GLOBAL MARITIME DISTRESS AND SAFETY SYSTEM (GMDSS)

DRAFT MSC CIRCULAR ON 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

DRAFT MSC CIRCULAR ON 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)

DRAFT ASSEMBLY RESOLUTION ON PROCEDURES FOR PORT STATE CONTROL, 2021

DRAFT ASSEMBLY RESOLUTION ON SURVEY GUIDELINES UNDER THE HARMONIZED SYSTEM OF SURVEY AND CERTIFICATION (HSSC), 2021

DRAFT MSC-MEPC.5 CIRCULAR ON MODEL AGREEMENT FOR THE AUTHORIZATION OF RECOGNIZED ORGANIZATIONS ACTING ON BEHALF OF THE ADMINISTRATION