Introduction

The 20th session of the IMO Sub-Committee on Flag State Implementation (FSI 20) will be held from 26 to 30 March 2012, at the IMO headquarters in London. This briefing summarises subjects under discussion which are relevant to the work of Lloyd’s Register. Due attention should be made to the “Advice” and “Application” sections given in annexes.

Overview of agenda items

The following agenda items are relevant to the work of Lloyd’s Register:

Responsibilities of governments and measures to encourage flag State compliance (Agenda item 3)

While these discussions are primarily aimed at the work of the flag Administration, one proposal on the development of a set of global regulations for ships not conversed by the SOLAS Convention is of Lloyd’s Register’s interest.

Casualty statistics and investigation (Agenda item 5)

The report of the correspondence group on casualty analysis will be reviewed. If some further investigations are required, such incident reports will be forwarded to relevant Sub-Committees.

Harmonization of port State control activities (Agenda item 6)

Under this agenda item, FSI 20 will consider the following elements:

- the relevant outcome of the 5th IMO Workshop for PSC MoU/Agreement Secretaries and Database Managers (FSI 20/6);
- the latest developments in the Equasis system and current activities of that organisation (FSI 20/6/1);
- a progress report on regional PSC agreements (FSI 20/6/2), the annual reports of the PSC regimes (see FSI 19/19, paragraph 6.38)
- the information on new convention requirements relevant to PSC activities (see FSI 19/19, paragraph 6.56);
- a progress report (FSI 20/6/3) on the GISIS module on PSC including areas such as the progress of activities with PSC regimes for the transfer of data.
- the Guidelines for PSCOs related to the ISM Code (MSC/Circ.890–MEPC/Circ.354), in cooperation with the STW Sub-Committee, as appropriate (see MSC 89/25, paragraph 12.9).

For details, please refer to Annex 1 to this document.

PSC Guidelines on seafarers’ hours of rest and PSC guidelines in relation to the Maritime Labour Convention, 2006 (Agenda item 7)

MSC 85 endorsed the view of STW 39 that it would not be appropriate for the PSC guidelines on inspection of seafarers’ working hours to be issued as an MSC circular. In this context, FSI 17 agreed to await the outcome of the consideration by the STW Sub-Committee of the requirements relating to proper maintenance of records of hours of rest with a view to harmonising them with the relevant provisions in the ILO Maritime Labour Convention, 2006 (MLC 2006), as well as clarifying the minimum time that constituted a period of rest.
Target completion of this agenda item is set as 2013.

The IMO Secretariat prepared a document presenting relevant information i.e., MLC Convention, STCW Convention, and Assembly resolution A.1047(27) on minimum safe manning. No submission document has been presented by members.

**Development of guidelines on port State control under the 2004 BWM Convention (Agenda item 8)**

While the BLG Sub-Committee is preparing guidelines for sampling of ballast water, the FSI Sub-Committee was tasked to develop PSC guidelines. FSI 19, being aware of the development at the BLG Sub-Committee, proceeded with caution to avoid a conflict between two instruments. However, owing to the shortage of time, the matter was deferred to FSI 20.

Target completion of this agenda item is set as 2013.

BLG 16 held February 2012 could not agree upon the sampling guidelines as “sampling” may cause a problem if that is rigorously applied. In other words, an innocent shipowner who bought a type approved treatment system and maintains the equipment in accordance with the manufacturer’s instruction may still be found guilty if a sample taken does not meet the required standard.

Lloyd’s Register, taking into account the discussion which took place at BLG 16 about sampling of the ballast water, will closely monitor the discussions with concerns as such “sampling” which may conflict against the basic principle of product “type approval” of product.

**Review of the Survey Guidelines under the HSSC and the annexes to the Code for the Implementation of Mandatory IMO Instruments (Agenda item 10)**

FSI 20 will consider
- the Survey Guidelines under the HSSC - report of the correspondence group established by FSI 19 and information provided by the Secretariat on the new instrument
- the reporting procedure on the results of evaluation of existing lifeboat release and retrieval systems and a factual statement to be issued by a manufacturer upon satisfactory completion of the overhaul examination, which are described in MSC.1/Circ.1392 Guidelines for evaluation and replacement of lifeboat release and retrieval systems

It is expected to conclude application criteria of the LSA Code (keel laid date, actual installation, etc) at this session which could not conclude at FSI 19.

*For details, please refer to Annex 2 to this document*

**Review of the IMO Instruments Implementation Code (Agenda item 12)**

A mandatory code replacing the current voluntary code on the responsibilities of flag Administrations in implementing international convention is under discussion. It is expected that this discussion will be concluded at this session.

**Development of a Code for Recognized Organizations (Agenda item 13)**

A mandatory code, replacing existing mandatory requirements for the Recognized Organizations (resolution A.739(18)) will be discussed.
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Annex 1 - Harmonization of port State control activities (Agenda item 6)

Overview

Under this agenda item, FSI 20 will consider the following elements:

• the relevant outcome of the 5th IMO Workshop for PSC MoU/Agreement Secretaries and Database Managers (FSI 20/6);
• the latest developments in the Equasis system and current activities of that organisation (FSI 20/6/1);
• a progress report on regional PSC agreements (FSI 20/6/2), the annual reports of the PSC regimes (see FSI 19/19, paragraph 6.38);
• the information on new convention requirements relevant to PSC activities (see FSI 19/19, paragraph 6.56);
• a progress report (FSI 20/6/3) on the GISIS module on PSC including areas such as the progress of activities with PSC regimes for the transfer of data;
• the Guidelines for PSCOs related to the ISM Code (MSC/Circ.890–MEPC/Circ.354), in cooperation with the STW Sub-Committee, as appropriate (see MSC 89/25, paragraph 12.9).

Background

Harmonization of Port State Control activities is, as a matter of fact, providing interpretations to existing IMO instruments. It is therefore important that such activities are transparent and consistent. IMO has been updating the PSC procedures to keep up with regulatory developments.

This is an ongoing agenda item without any specific target completion date.

Lloyd’s Register’s position

In general, Lloyd’s Register welcomes initiatives taken by IMO which will ensure harmonized PSC activities. Among issues raised, Lloyd’s Register will closely monitor the following:

• Paris MOU Concentrated Inspection Campaign on damage stability compliance (FSI 20/INF.4) - the matter is also being discussed at the SLF Sub-Committee;
• PSC on ISM Code - Lloyd’s Register will closely monitor the discussions as there are concerns whether the principle of quality system audit is understood by concerned parties.

Advice to clients

The PSC activities in some ways, serve as interpretations of statutory requirements.

Applicability

To all ships.

Documents submitted (relevant to the activities of Lloyd’s Register only)

FSI 20/6/4 (Paris MOU) - Guidelines for the Port State Control Officer on Certification of Seafarers, Rest Hours according to the STCW Convention and Manning Requirements from the Flag State

Annexed to this document are the Guidelines for the Port State Control Officer on Certification of Seafarers, Rest Hours according to the STCW Convention and Manning Requirements from the Flag State that will be in force on 1 January 2012 in the Paris MoU region.
FSI 20/6/9 (IACS) - Development of guidelines for PSCO\textunderscore s related to the ISM Code
This document provides comments on the Sub-Committee\textquoteleft s further consideration of the development of guidelines for port State control officers related to the ISM Code, as referred to in documents FSI 20/1/1 and FSI 20/2/1 and on the basis of document FSI 19/6/5.

FSI 20/INF.4 (Paris MOU) - Results of the 2010 Paris MoU Concentrated Inspection Campaign (CIC) on tanker damage stability
This document provides the results of the CIC on Tanker Damage Stability carried out between 1 September 2010 and 30 November 2010 in the Paris MoU region. A matter of serious concern is that a total of 173 tankers, 16.2\% (77 oil tankers, 84 chemical tankers and 12 gas carriers) could not demonstrate that they were normally loaded in accordance with the stability information booklet (SIB).

FSI 20/INF.18 (Australia) - Guidance on ECDIS for ships calling at Australian ports
This document contains information about guidance to be provided by Australia regarding ECDIS.

Return to overall summary at start of document
Annex 2 - Review of the Survey Guidelines under the HSSC and the annexes to the Code for the Implementation of Mandatory IMO Instruments (Agenda item 10)

Overview

FSI 20 will consider:

• the Survey Guidelines under the HSSC - report of the correspondence group established by FSI 19 and information provided by the Secretariat on the new instrument
• the reporting procedure on the results of evaluation of existing lifeboat release and retrieval systems and a factual statement to be issued by a manufacturer upon satisfactory completion of the overhaul examination, which are described in MSC.1/Circ.1392 Guidelines for evaluation and replacement of lifeboat release and retrieval systems

It is expected that the above matter will be discussed by a working group.

It is expected to conclude application criteria of the LSA Code (keel laid date, actual installation, etc) at this session which did not conclude at FSI 19.

Background

The survey guidelines under the Harmonized System of Survey and Certificate (HSSC) was originally adopted as Assembly Resolution A.746(18). Since then, the guidelines have been constantly reviewed and updated as new requirements come in. The latest version is the 2011 HSSC guidelines, adopted as A.1053(27). Although amendments to the guidelines will be a mere reflection of recently introduced requirements, change made within the survey guidelines will ensure enforcement of the requirements.

This is an ongoing agenda item without any specific target completion date.

Lloyd’s Register’s position

In general, Lloyd Register will closely monitor the development in updating the Survey Guidelines under the HSSC, as the survey guidelines are mandatory under EU regulation.

In addition, Lloyd’s Register will closely monitor the discussion on the lifeboat release and retrieval system under discussion at FSI 20, i.e., the reporting procedure on the results of evaluation of existing systems and a factual statement to be issued by a manufacturer upon satisfactory completion of the overhaul examination.

With regard to the replacement of the Lifeboat launch and recovery system, while one might see that the phrase “unless expressly provided otherwise” in paragraph 1.2.1.3 of the LSA Code would allow for replacement of survival craft without replacement of the related launching appliance in SOLAS III/1.4.2, Lloyd’s Register understands that paragraph 1.2.1.3 applies solely to the provisions of the LSA Code and not to SOLAS and therefore considers there is, at least, an ambiguity (if not a conflict) between the LSA Code and SOLAS Chapter III which needs clarification.

With regard to the application criteria of the LSA Code, Lloyd’s Register expects a clear conclusion by IMO. While the proposed text prepared by the correspondence group (FSI 20/10, Annex 1) provide clarity in the application, further works may be required. For example, elements given in SOLAS regulation III/1.4.2, which are applicable
to ship constructed before 1 July 1998 - an Administration may allow a survival craft to be replaced by the same type if its launching appliances has not been replaced, or vice versa - should be addressed properly.

**Advice to clients**

The amendments to survey guidelines will affect survey items. Although amendments to the guidelines will be a reflection of new recently introduced requirements, change made within the survey guidelines will ensure enforcement of the requirements.

Discussions on application criteria of the LSA Code, future drafting of the amendments to the SOLAS will impact on the new buildings, e.g., ships under construction as of date of entry into force may be required to install life saving appliances that meet the latest standard.

**Applicability**

To all ships.

**Documents submitted (relevant to the activities of Lloyd’s Register only)**

**FSI 20/10 (Germany) - Report of the Correspondence Group**

This document contains the report of the intersessional Correspondence Group on the Review of the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) and annexes to the Code for the Implementation of Mandatory IMO Instruments. The Sub-Committee is invited to note the progress made in the group and, in particular, to:

1. consider the revised draft amendment to the LSA Code (paragraphs 4 to 12 and annex 1);
2. consider the draft MSC circular on guidance for drafting amendments to the International Life-Saving Appliances Code for approval by the MSC (paragraphs 13 to 15 and annex 2);
3. consider the proposed deletion of the word "oil" from the section headers for the cargo ship safety equipment survey and the subsequent review of the related paragraph 3.4 in the "Genera" part of the Survey Guidelines (paragraphs 19 and 20);
4. agree to the draft amendments to the Survey Guidelines under the HSSC, including the draft survey items for the alternative design and arrangement and the status of draft amendments not yet included (paragraphs 16 to 24 and annexes 3 and 4);
5. agree to the development of definitions or guidance of the terms "examination" and "testing" used in the Survey Guidelines (paragraph 23);
6. consider the issue of future referencing of the mandatory IMO instruments in the Survey Guidelines (paragraph 24);
7. agree to the draft amendments to the annexes of the Code for implementation and the identification of amendments affecting the Code (paragraphs 25 to 29 and annex 5); and
8. consider the comments and proposals regarding the Guidance on the Organization and Method of Work of the MSC and MEPC and their Subsidiary Bodies, and, in particular, the guidance for working and drafting groups tasked to draft, develop or finalize amendments to the SOLAS Convention (paragraphs 30 to 41).

**FSI 20/10/1 (Secretariat) - List of new relevant requirements**

This document provides information on the list of new relevant requirements, which were adopted since the last session, to facilitate the identification of those that might necessitate the preparation of appropriate amendments to the Survey Guidelines under the Harmonized System of Survey and Certification, 2011, adopted by resolution A.1053(27), and the development of the tables of references concerning new requirements relevant to PSC activities.

**FSI 20/10/2 (Secretariat) - List of relevant amendments to mandatory instruments**

This document provides information on amendments to mandatory instruments, which were adopted since the last session of the Sub-Committee and might be relevant to amendments to the annex to the Code for the
Implementation of Mandatory IMO Instruments, 2011, adopted by resolution A.1054(27), to facilitate the preparation of appropriate amendments to the Code

FSI 20/INF.6 (Secretariat) - List of new relevant requirements
This document contains a list of new relevant requirements that were adopted since the last session as referred to in document FSI 20/10/1, paragraph 5.

Return to overall summary at start of document