**III 6 – 1st to 5th july 2019**

The 6th session of the sub-committee on implementation of IMO instruments (III6) was held at IMO Headquarters from 1 to 5 July 2019.

***Consideration and analysis of reports on alleged inadequacy of port reception facilities***

96 cases of alleged inadequacies of Port Reception Facilities (PRFs) were reported in 2018, (21 more cases than in 2017).

Following the request of III 5, the previous annual enforcement report on inadequacies of port reception facilities for 2017 was taken into account by MEPC 73 in drafting Resolution MEPC.310(73) on Action Plan to address marine plastic litter from ships.

The Action Plan encouraged Parties to MARPOL Annex V to implement their obligation to provide adequate facilities at ports and terminals for the reception of garbage.

MEPC 74 has tasked III 7 to consider proposals for enhancing the enforcement of MARPOL Annex V, including, where possible, through a risk-based approach, and if appropriate prepare draft amendments to the Procedures for PSC.

***Lessons learned and safety issues identified from the analysis of marine safety investigation reports***

III 6 approved the text of Lessons Learned from Marine Casualties and their release on the IMO website. It agreed that the following three potential safety issues would require further analysis:

- fatal accidents involving elevators;

- fatal accidents related to collisions involving fishing vessels; and

- fatal accidents due to fall from height.

In considering the loss of the very large ore carrier (VLOC) Stellar Daisy, III 6 noted the intention of the Marshall Islands to make appropriate proposals on the identified safety issues to MSC 102.

***Guidelines and procedures for PSCOs***

III 5 had established the Correspondence Group on Measures to harmonize PSC activities and procedures worldwide.

It was tasked to develop, for finalization at III 6, the draft revision of the Procedures for port State control, 2017 (Procedures for PSC), annexed to Resolution A.1119(30).

III 6 approved the draft Assembly Resolution on Procedures for PSC, 2019, to revoke Resolution A.1119(30), for direct submission to A 31 for adoption.

Considering that the amended Assembly resolution on Procedures for PSC, 2019, would most likely not be issued before 1 January 2020, MEPC 74 had agreed that, in view of the imminent entry into force of the 0.50% sulphur limit on 1 January 2020, the 2019 Guidelines for port State control under MARPOL Annex VI Chapter 3 would be issued as an MEPC Resolution.

III 6 agreed to consider ways of adequately reflecting resolution MEPC.321(74) on the 2019 Guidelines for port State control under MARPOL Annex VI Chapter 3, without amending its contents, in the draft Assembly Resolution.

III 6 reflected Resolution MEPC.321(74) on 2019 Guidelines for port State control under MARPOL Annex VI chapter 3, without amending its contents, in the draft Assembly resolution by inserting the full resolution as the new appendix 18 of the Procedures of PSC.

III 6 has invited PPR 7 to further review the amendments to the Procedures for PSC relevant to the use of electronic record books that had not been included by III 6, considering that the amendments to the different MARPOL Annexes on the use of electronic record books have not yet entered into force.

MEPC 75 has been invited to instruct III 7 to review those amendments before consolidation into the Procedures for PSC.

III 6 agreed on the definitions of "ISM related" and "ISM deficiency", and further agreed to add a new column to Form B of the Report of inspection in accordance with IMO port State control procedures, as contained in appendix 13 to the Procedures for PSC, to mark whether the nature of the deficiency was ISM related.

III 6 had also for its consideration text amending the Guidelines for Control of operational requirements.

Several delegations expressed the view that there is a need to better structure and align the existing appendix 7 with operational control provisions.

Several delegations further expressed the view that the guidelines would need to be aligned with the Guidelines for port State control officers on the ISM Code.

***Proposals to develop an evaluation and review guidance for the implementation of the III Code by Member States.***

The Assembly, at its twenty-eighth session, adopted the Framework and Procedures for the IMO Member State Audit Scheme (resolution A.1067(28)), as well as the IMO Instruments Implementation (III) Code (resolution A.1070(28)), which were envisaged to serve both as the guidelines for Member States and the audit standard under the Scheme, once related amendments to the relevant IMO instruments entered into force.

III 3 had noted that Member States could benefit from the development of a more detailed descriptive guidance, clarifying specific requirements of the III Code, and providing guidance for their implementation in order to assist Member States with regard to the number of requirements of the III Code, related to the established major areas of findings.

III 5 had also noted the need for the development of a more detailed descriptive document, which would include practical guidance on the implementation and enforcement of the mandatory IMO instruments.

III 6 had also for its consideration a proposal to develop a Member State Manual for IMSAS based on Circular Letter No.3425 (Auditors Manual for IMSAS) to assist Member States in preparing for future audits under IMSAS, and following up from the decisions made by III 5 in terms of the need for additional support to Member States in their preparation for the audit.

A large majority of delegations that intervened supported the proposals that there is a need to develop guidelines to assist in the implementation of the III Code by Member States, and this should include all parts of the III Code (general, flag, coastal and port State areas of activities).

Acknowledging that the development of the proposed guidelines went beyond its existing work programme, III 6 agreed to propose a new output to MSC and MEPC.

***Updated survey guidelines under the harmonized system of survey and certification (HSSC)***

III 5 had agreed to the text of the draft Model Agreement, together with the associated draft MSC-MEPC.5 circular on Model Agreement for the authorization of recognized organizations acting on behalf of the Administration for submission to MEPC 74 and MSC 101 for approval.

MSC 101 considered the draft MSC-MEPC.5 circular containing proposed amendments to the draft Model Agreement.

The Committee instructed III 6 to further consider and review the draft Model Agreement.

III 6 considered the proposed changes to the Model Agreement and having determined those proposed changes that were substantial and which should not be considered for insertion.

III 6 agreed to the draft MSC-MEPC circular on the revised Model Agreement for the authorization of recognized organizations acting on behalf of the Administration with a view to submission to MEPC 75 and MSC 102 for approval.

***List of certificates and documents required to be carried on board ships***

FAL 41, MEPC 70 and MSC 97 and LEG 104 had approved FAL.2/Circ.131-MEPC.1/Circ.873-MSC.1/Circ.1586-LEG.2/Circ.3 containing the revised List of certificates and documents required to be carried on board ships, 2017.

III 6 considered a list of potential additions and draft amendments to the annex of this circular and instructed the intersessional correspondence group to further develop the draft amendments.

***Exemption of survey and certification requirements under the MARPOL Convention for unmanned non-self-propelled (UNSP) barges***

III 6 agreed to the draft amendments to MARPOL Annexes I, IV and VI concerning the exemption of UNSP barges from survey and certification requirements, for submission to MEPC 75 for approval.

III 6 had for its consideration draft amendments to MARPOL Annexes I, IV and VI and the associated draft MEPC.1 Circular on Guidelines for exemption of the survey and certification requirements under MARPOL Convention for unmanned non self-propelled barges.

***Amendments to the survey guidelines under HSSC***

III 6 approved the draft amendments to the Survey Guidelines under the HSSC, 2017 (Res. A.1120(30)), together with the draft requisite Assembly resolution, with a view to submission, in a consolidated form, to A 31 for consideration and adoption.

III 4 had established a Correspondence Group to continue updating the Survey Guidelines to include the requirements deriving from amendments to relevant IMO instruments entering into force up to and including 31 December 2019, with a view to submission of draft amendments to the Survey Guidelines to the Committees for approval and to A 31 for adoption.

While approving BWM.2/Circ.70 on Guidance for the commissioning testing of ballast water management systems, MEPC 73 had instructed the above-mentioned Correspondence Group to ensure that the validation of ballast water management systems (BWMS) at their commissioning be incorporated in the Survey Guidelines under the HSSC, 2019 for all ships, including new ballast water management system installations on existing ships.

As per the instruction of MEPC 73, the survey item (BI) 1.1.3.17 regarding the validation of ballast water management systems (BWMS) at their commissioning has been incorporated into the draft amendments to the Survey Guidelines, bearing in mind that the survey item derives from amendments to regulation E-1 of the BWM Convention, which are expected to be adopted by MEPC 75.

***Non-exhaustive list of obligations under instruments relevant to the IMO instruments implementation code (III CODE)***

III 6 has approved the draft amendments to the 2017 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (Resolution A.1121(30)), together with the draft Assembly resolution, with a view to submission, in a consolidated form, to A 31 for consideration and adoption.

III 5 had agreed that the draft amendments to the 2017 Non-exhaustive list of obligations needed to be further developed intersessionaly to include the requirements deriving from all amendments to the relevant mandatory IMO, deriving from the amendments to the relevant mandatory instruments due to enter into force up to and including 1 July 2020, for submission to A 31, in a consolidated form, for adoption.

III 6 agreed that the annexes to the Non-exhaustive list of obligations need to be further amended in the future, in order to keep them updated with amendments to the relevant IMO instruments entering into force up to and including 1 July 2022. In this respect the Group suggested the re-establishment of the correspondence group.