

ASSEMBLY
32nd session
Agenda item 12

A 32/12
15 November 2021
Original: ENGLISH
Pre-session public release:

**CONSIDERATION OF THE REPORTS AND RECOMMENDATIONS
OF THE MARITIME SAFETY COMMITTEE**

Note by the Secretary-General

SUMMARY

Executive summary: This document reports on the work of the Maritime Safety Committee since the thirty-first regular session of the Assembly

Strategic direction, if applicable: Not applicable

Output: Not applicable

Action to be taken: Paragraph 5

Related documents: MSC 102/24, MSC 102/24/Add.1, MSC 102/24/Add.2; MSC 103/21, MSC 103/21/Add.1; MSC 104/18, MSC 104/18/Add.1, MSC 104/18/Add.2; C 125/7, C 125/7/1, C 125/D; C/ES.34/9 and C/ES.34/D

General

1 Since the thirty-first regular session of the Assembly, the Maritime Safety Committee (MSC) has held, remotely, its:

- .1 102nd session (MSC 102), from 4 to 11 November 2020;
- .2 103rd session (MSC 103), from 5 to 14 May 2021; and
- .3 104th session (MSC 104), from 4 to 8 October 2021.

2 MSC 102 was chaired by Mr. Brad Groves (Australia); and the Vice-Chair, Mr. Juan Carlos Cubisino (Argentina), was also present. MSC 103 and MSC 104 were chaired by Mrs. Mayte Medina (United States); and the Vice-Chair, Mr. Theofilos Mozas (Greece), was also present.

3 The reports of the 102nd, 103rd and 104th sessions were circulated as documents MSC 102/24, MSC 103/21 and MSC 104/18, and their respective addenda, and were subsequently considered by the Council at its 125th session and thirty-fourth extraordinary session (C 125/7, C 125/7/1 and C/ES.34/9, respectively). The Assembly is requested to refer to those documents, which will not be reissued, as necessary.

Draft Assembly resolutions

4 The following draft resolutions were approved by the Committee for adoption by the Assembly:

- .1 Guidelines for Vessel Traffic Services;
- .2 Prevention and suppression of piracy, armed robbery against ships and illicit maritime activity in the Gulf of Guinea;
- .3 Procedures for port State control, 2021;*
- .4 Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2021;*
- .5 2021 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code);* and
- .6 Comprehensive action to address seafarers' challenges during the COVID-19 pandemic.

Action requested of the Assembly

5 The Assembly is invited to:

- .1 take note of the reports on the work of the Maritime Safety Committee at its 102nd, 103rd and 104th sessions and approve them in general terms (paragraph 3); and
- .2 consider and adopt the six draft Assembly resolutions referred to in paragraph 4, as set out in the annex.

* Subject to concurrent approval by MEPC 77.

ANNEX

DRAFT ASSEMBLY RESOLUTIONS¹

(1) GUIDELINES FOR VESSEL TRAFFIC SERVICES

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO regulation V/12 of the International Convention on Safety of Life at Sea, 1974 ("the Convention"), on vessel traffic services,

BEARING IN MIND the responsibility of Governments for the safety of navigation and protection of the marine environment in areas under their jurisdiction,

BEING AWARE that vessel traffic services are provided worldwide and make a valuable contribution to safety of navigation, improved efficiency of traffic flow and the protection of the marine environment,

RECOGNIZING that various organizational, operational and technological developments have taken place globally in a rapidly changing maritime domain since the adoption, in 1997, of resolution A.857(20) on *Guidelines for vessel traffic services* and that a revision of those Guidelines became necessary,

RECOGNIZING ALSO that the level of safety and efficiency in the movement of maritime traffic within an area covered by vessel traffic services is dependent upon close cooperation between those operating the vessel traffic services and participating ships,

RECOGNIZING FURTHER that the use of differing procedures may cause confusion to ship masters, and that vessel traffic services should be established and operated in a harmonized manner and in accordance with internationally approved guidelines,

NOTING that the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) has contributed significantly to the development of internationally harmonized guidance for vessel traffic services,

HAVING CONSIDERED the recommendation made by the Maritime Safety Committee at its 102nd session,

1 ADOPTS the revised *Guidelines for vessel traffic services*, set out in the annex to the present resolution;

2 RECOMMENDS Contracting Governments and Members of the Organization which are not Contracting Governments to the Convention to take into account the Guidelines contained in the annex when planning and implementing vessel traffic services in accordance with regulation V/12 of the Convention;

¹ As usual, for reasons of economy, the text of any annexes to the resolutions listed in this annex has not been included. Instead, a reference to the source document has been included at the end of each resolution.

- 3 RECOMMENDS Governments to encourage masters of ships navigating in an area for which a vessel traffic service is provided to make use of such a service;
- 4 AUTHORIZES the Maritime Safety Committee to keep the aforementioned Guidelines under review and amend them, as appropriate;
- 5 REVOKES resolution A.857(20).

ANNEX

GUIDELINES FOR VESSEL TRAFFIC SERVICES

(see MSC 102/24/Add.1, annex 11)

(2) PREVENTION AND SUPPRESSION OF PIRACY, ARMED ROBBERY AGAINST SHIPS AND ILLICIT MARITIME ACTIVITY IN THE GULF OF GUINEA

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

CONSIDERING the relevant provisions of United Nations General Assembly resolution 55/2, adopted on 8 September 2000, on the United Nations Millennium Declaration and, in particular, section II on Peace, security and disarmament; section III on Development and poverty eradication; section IV on Protecting our common environment; and section VII on Meeting the special needs of Africa,

CONSIDERING ALSO the initiatives of the Zone of Peace and Cooperation in the South Atlantic, established by United Nations General Assembly resolution 41/11 and, in particular, the request to all relevant organizations of the United Nations to render all appropriate assistance that States may seek in their joint efforts to continue to implement the Montevideo Plan of Action, as included in United Nations General Assembly resolution 69/322,

FURTHER CONSIDERING the intensified need caused by the global pandemic to strengthen support for the Sustainable Development Goals (SDGs) through the effective implementation of wider initiatives such as:

- (a) the African Integrated Maritime Strategy for 2050 (AIMS 2050), including its relevant provisions on inter-agency and transnational cooperation and coordination on maritime safety and security; illegal oil bunkering/crude oil theft; illegal arms and drug trafficking; piracy and armed robbery at sea; maritime terrorism; human trafficking, human smuggling and asylum seekers travelling by sea;
- (b) the Economic Community of West African States (ECOWAS) Integrated Maritime Strategy (EIMS), including its strategic objectives on strengthening maritime governance, ensuring a safe and secure maritime domain and optimizing the ECOWAS maritime economy;
- (c) the African Charter on Maritime Security and Safety and Development in Africa (Lomé Charter), including its objectives and measures to prevent and combat crimes at sea;
- (d) the African Maritime Transport Charter and the aspirations of the 2018 Sustainable Blue Economy Conference, held in Nairobi; and
- (e) the Global Maritime Security Conference (GMSC) hosted by Nigeria in 2019 on the challenges of maritime security in the Gulf of Guinea region and the development of tailored solutions,

REAFFIRMING ITS APPRECIATION of the actions taken by the Security Council of the United Nations ("the Security Council") and, in particular, the adoption of Security Council resolutions 2018 (2011) and 2039 (2012) in relation to piracy and armed robbery in the Gulf of Guinea,

NOTING IN PARTICULAR that resolution 2039 (2012) recognized the urgent need to devise and adopt effective and practical measures to counter piracy and armed robbery at sea in the Gulf of Guinea; reiterated the leadership role and responsibility of States in the region in countering the threat and addressing the underlying causes of piracy and armed robbery at sea in the Gulf of Guinea, in close cooperation with organizations in the region and their partners; emphasized the importance of building on existing national, regional and extra-regional initiatives to enhance maritime safety and security in the Gulf of Guinea; and welcomed the initiatives already taken by States in the region and regional organizations, including the Economic Community of Central African States (ECCAS), ECOWAS, the Gulf of Guinea Commission (GGC), and the Maritime Organisation for West and Central Africa (MOWCA), to enhance maritime safety and security in the Gulf of Guinea,

ALSO NOTING the presidential statement of the Security Council on 25 April 2016 condemning murders, kidnappings and hostage-taking occurring in the Gulf of Guinea; expressing its deep concern over piracy and armed robbery at sea in the area, and stressing the importance of a comprehensive approach – led by States of the region, with international support – to address the problem and its root causes,

NOTING FURTHER the presidential statement of the Security Council on 3 February 2021 expressing concern at the threat that piracy and armed robbery in the Gulf of Guinea pose to international navigation, security and development in the region and welcoming the work of the United Nations Office for West Africa and the Sahel (UNOWAS) on regional cooperation in response; underlining the need for security efforts to be aligned with political objectives, to promote the restoration of civilian security, the establishment of effective governance to deliver essential services, the administration of justice and accountability, and humanitarian assistance, and the revival of local economies to provide livelihood opportunities for surging youth populations,

REAFFIRMING ITS SUPPORT for, and continued development of, the Code of Conduct concerning the repression of piracy, armed robbery against ships and illicit maritime activity in west and central Africa (the Yaoundé Code of Conduct architecture), which has been adopted by 25 States, comprising:

- (a) the development of domestic laws and regulations, where these are not in place, criminalizing piracy and armed robbery at sea;
- (b) the development of a regional framework to counter piracy and armed robbery at sea, including information-sharing and operational coordination mechanisms in the region; and
- (c) the development and strengthening of domestic laws and regulations, as appropriate, to implement relevant international agreements addressing the safety and security of navigation, in accordance with international law,

RECALLING that the General Assembly of the United Nations, at its seventy-fifth session, adopted, on 31 December 2020, resolution 75/239 on Oceans and the Law of the Sea including its paragraphs 133, 134, 135, 138, 145, 146, 149, 151 and 153 which, inter alia:

- (a) emphasized the importance of promptly reporting incidents to enable accurate information on the scope of the problem of piracy and armed robbery against ships at sea and, in the case of armed robbery against ships at sea, by affected vessels to the coastal State; underlined the importance of effective information-sharing with States potentially affected by incidents of piracy and armed robbery against ships at sea; noted with appreciation the

important role of the Organization and the important contribution of the Information Sharing Centre of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia, based in Singapore, which aspires to be recognized as a centre of excellence within its purpose and mandate; and noted the Maritime Domain Awareness for Trade – Gulf of Guinea mechanism;

- (b) urged all States, in cooperation with the Organization, to actively combat piracy and armed robbery at sea by adopting measures, including those relating to assistance with capacity-building through training of seafarers, port staff and enforcement personnel in the prevention, reporting and investigation of incidents, by bringing the alleged perpetrators to justice, in accordance with international law, and by adopting national legislation, as well as by providing enforcement vessels and equipment and guarding against fraudulent ship registration; and
- (c) encouraged States to ensure effective implementation of international law applicable to combating piracy, as reflected in the Convention, called upon States to take appropriate steps under their national law to facilitate, in accordance with international law, the apprehension and prosecution of those who are alleged to have committed acts of piracy, including the financing or facilitation of such acts, also taking into account other relevant instruments that are consistent with the Convention, and encouraged States to cooperate, as appropriate, with a view to developing their national legislation in this regard,

RECALLING ALSO article 100 of the United Nations Convention on the Law of the Sea (UNCLOS), which requires all States to cooperate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State, article 101 which provides for the definition of piracy and the *Code of Practice for the Investigation of Crimes of Piracy and Armed Robbery Against Ships* (resolution A.1025(26)) which provides for the definition of armed robbery against ships,

RECALLING FURTHER article 105 of UNCLOS, which, inter alia, provides that, on the high seas or in any other place outside the jurisdiction of any State, every State may seize a pirate ship or aircraft, or a ship or aircraft taken by piracy and under the control of pirates, and arrest the persons and seize the property on board,

REAFFIRMING resolutions:

- (a) A.545(13) on *Measures to prevent acts of piracy and armed robbery against ships*, adopted on 17 November 1983;
- (b) A.683(17) on *Prevention and suppression of acts of piracy and armed robbery against ships*, adopted on 6 November 1991;
- (c) A.738(18) on *Measures to prevent and suppress piracy and armed robbery against ships*, adopted on 4 November 1993;
- (d) A.923(22) on *Measures to prevent the registration of "phantom" ships*, adopted on 29 November 2001;
- (e) A.1025(26) on *Code of practice for the investigation of the crimes of piracy and armed robbery against ships*, adopted on 2 December 2009;

- (f) A.1069(28) on *Prevention and suppression of piracy, armed robbery against ships and illicit maritime activity in the Gulf of Guinea*, adopted on 5 February 2014;
- (g) A.1117(30) on *IMO ship identification number scheme* adopted on 6 December 2017; and
- (h) A.1142(31) on *Measures to prevent the fraudulent registration and fraudulent registries of ships*, adopted on 4 December 2019,

NOTING with satisfaction the actions taken by the Council, the Maritime Safety Committee, the Legal Committee, the Technical Cooperation Committee, the Facilitation Committee and the Secretary-General aiming at preventing and suppressing acts of piracy and armed robbery against ships,

BEING AWARE of the serious safety and security concerns of the industry and the seafaring community as a result of the attacks against ships sailing in the Gulf of Guinea,

MINDFUL OF the grave danger to life and the serious risks to navigational safety and the environment that attacks by pirates, armed robbers and other criminals may cause,

REITERATING its full respect for the sovereignty, sovereign rights, jurisdiction and territorial integrity of all States and the relevant provisions of international law, in particular UNCLOS,

HAVING CONSIDERED, in the light of the situation prevailing in the Gulf of Guinea, the recommendations of the Council at its thirty-fourth extraordinary session,

1 CONDEMNNS AND DEPLORES piracy, armed robbery against ships and other illicit maritime activity, irrespective of where such acts have occurred or may occur;

2 EXPRESSES deep sympathy for the loss of seafarers' lives during attacks and while in captivity; for their plight while held hostage in appalling conditions; and for their families;

3 ACKNOWLEDGES the leadership role and responsibility of the States of the Gulf of Guinea to counter piracy, armed robbery against ships and illicit activity in their region;

4 EXPRESSES deep appreciation for the assistance already provided by the Organization to States in the Gulf of Guinea to help them repress piracy, armed robbery against ships and other illicit maritime activities in their region;

5 EXPRESSES ALSO deep appreciation for:

- (a) the initiatives of the G7++ Friends of the Gulf of Guinea (G7++FoGG) in collaboration with the Organization involving all stakeholders to support the effective implementation and the sustainability of the Yaoundé Code of Conduct, including its Interregional Coordination Centre (ICC);
- (b) the continuous efforts made by the region to curb piracy and armed robbery against ships in the Gulf of Guinea, including drafting anti-piracy laws, the Deep Blue project, and the establishment of the GoG Maritime Collaboration Forum (GoG-MCF/SHADE GoG) working with law enforcement and the Interregional Coordination Centre (ICC Yaoundé), utilizing useful platforms working in the region, such as the G7++ Friends of the Gulf of Guinea (FOGG) in support of the Framework;

- (c) the pilot case of the Coordinated Maritime Presences (CMP) concept in the Gulf of Guinea recently launched by the European Union which aims to provide further support to address the security challenges in the region affecting freedom of navigation, and to increase cooperation and partnership with the coastal States of the Gulf of Guinea as well as regional and maritime security organizations of the Yaoundé Architecture and stresses the need to ensure consistency with international law, in particular the rights of coastal States in the area;
- (d) the contribution by the Maritime Domain Awareness for Trade – Gulf of Guinea (MDAT-GoG) in support of the Yaoundé process to maintain coherent maritime situational awareness in the central and west African maritime areas, with the ability to inform and support industry to avoid, deter, delay and respond to piracy attacks and armed robbery against ships; and the reports to inform the Organization in relation to this issue;
- (e) the efforts undertaken by the industry stakeholders to engage in proactive dialogue with Member States in the region to address maritime insecurity;
- (f) the efforts of those who have contributed towards resolving cases involving ships that had been hijacked and seafarers who had been held hostage; and
- (g) the financial contributions made to the IMO West and Central Africa Maritime Security Trust Fund, the in-kind contributions made to further the implementation of the Code of Conduct concerning the repression of piracy, armed robbery against ships and illicit maritime activity in west and central Africa and the work done by the Secretary-General and the Secretariat towards the implementation of the provisions therein;

6 APPEALS to States in the region, in close cooperation with international and regional organizations, and other interested States to take all measures possible within the provisions of international law, to ensure that:

- (a) 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
- (b) 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;

7 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. Such assistance might include strengthening of the legal frameworks, including anti-piracy laws and enforcement regulations; the training of national maritime law enforcement agencies; promoting anti-piracy and law enforcement coordination and cooperation procedures between and among States, regions, organizations and industry; and the sharing of information;

8 REQUESTS Governments to instruct national rescue coordination centres, information-sharing centres or other agencies involved on receipt of a report of an attack, to

promptly initiate the transmission² of relevant advice and warnings (through the World-Wide Navigation Warning Service; the International Enhance Group Call Service; or any other appropriate means) to ships sailing in the Gulf of Guinea, so as to warn shipping in the immediate area of the attack;

9 FURTHER 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)³ which provides guidance to assist companies and seafarers to assess the risks associated with voyages through the Gulf of Guinea and mitigate any potential threats to their safety and well-being;

10 CALLS UPON Governments, in cooperation with the Organization and as may be requested by Governments of the region, to assist these efforts and to consider making financial contributions to the IMO West and Central Africa Maritime Security Trust Fund;

11 REQUESTS the Secretary-General to:

- (a) transmit a copy of the present resolution to the Secretary-General of the United Nations for consideration and any further action he may deem appropriate; and to express to him, and through him to the Security Council, the gratitude and appreciation of the Organization for the actions he and the Security Council have taken on this issue to date;
- (b) continue monitoring the situation in relation to threats to ships sailing in the Gulf of Guinea and report to the Council, the Maritime Safety Committee, the Legal Committee, the Technical Cooperation Committee and the Facilitation Committee, as and when appropriate, on developments and any further actions that may be required;
- (c) continue to consult with interested Governments, industry and organizations in establishing a process and means by which technical assistance can be provided for the coastal States of the Gulf of Guinea to enhance their capacity in order to give effect to the present resolution, as appropriate;
- (d) continue the efforts of the Organization to contribute to an effective response to acts and attempted acts of piracy, armed robbery against ships and illicit maritime activity, in particular in the Gulf of Guinea, including by promoting cooperation, coordination and avoidance of duplication of efforts among the States and organizations that provide or seek to provide assistance to the States in the region; and
- (e) undertake, as and when necessary, any other actions which would promote the implementation of the provisions of this resolution or would be conducive to the efforts of those seeking to implement its provisions;

12 REQUESTS the Maritime Safety Committee to review the provisions of this resolution as well as any salient provisions of related resolutions which have been or may be adopted by the Security Council in this respect and to develop, where and when necessary, guidance and recommendations so as to enable Member Governments and the shipping industry to implement its provisions, taking into account current and emerging trends and practices;

² Resolution MSC.305(87) on *Guidelines on operational procedures for the promulgation of Maritime Safety Information concerning acts of piracy and piracy countermeasure operations*.

³ MSC.1/Circ.1601, as revised.

13 REQUESTS the Legal Committee, the Technical Cooperation Committee and the Facilitation Committee to assist, as appropriate, the Maritime Safety Committee in pursuing the objectives of this resolution;

14 REQUESTS ALSO the Council to continue to monitor the situation in relation to acts and attempted acts of piracy and armed robbery against ships, illicit maritime activity and threats to vessels navigating in the Gulf of Guinea; and to initiate any actions which it may deem necessary, including coordinating the work of the competent Committees of the Organization to ensure the protection of seafarers and vessels navigating in those waters, and to ensure appropriate cooperation with other organizations and entities tasked with relevant activities.

(3) PROCEDURES FOR PORT STATE CONTROL, 2021

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization regarding the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO resolution A.1138(31), by which it adopted *Procedures for port State control, 2019* (hereafter referred to as the "Procedures"), following successive revocation of resolutions A.1119(30), A.1052(27), A.882(21), A.787(19), A.742(18), A.597(15) and A.466(XII),

RECOGNIZING that efforts by port States have greatly contributed to enhanced maritime safety and security, and prevention of marine pollution,

RECOGNIZING ALSO the need to update the Procedures to take account of the amendments to IMO instruments which have entered into force or have become effective since the adoption of resolution A.1138(31),

HAVING CONSIDERED the recommendations made by the Maritime Safety Committee, at its 104th session, and the Marine Environment Protection Committee, at its [seventy-seventh] session,

- 1 ADOPTS the *Procedures for port State control, 2021*, as set out in the annex to the present resolution;
- 2 INVITES Governments, when exercising port State control, to implement the aforementioned Procedures;
- 3 REQUESTS the Maritime Safety Committee and the Marine Environment Protection Committee to keep the Procedures under review and to amend them as necessary;
- 4 REVOKES resolution A.1138(31).

ANNEX

PROCEDURES FOR PORT STATE CONTROL, 2021

(see MSC 104/18/Add.1, annex 30)

**(4) SURVEY GUIDELINES UNDER THE HARMONIZED SYSTEM
OF SURVEY AND CERTIFICATION (HSSC), 2021**

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines regarding maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO the adoption by:

- (a) the International Conference on the Harmonized System of Survey and Certification, 1988 of the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 and of the Protocol of 1988 relating to the International Convention on Load Lines, 1966, which, inter alia, introduced the harmonized system of survey and certification (HSSC) in the International Convention for the Safety of Life at Sea, 1974, and the International Convention on Load Lines, 1966, respectively;
- (b) resolution MEPC.39(29) on amendments to introduce the HSSC in the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL);
- (c) resolution MEPC.132(53) on amendments to introduce the HSSC in MARPOL Annex VI;
- (d) the International Conference on Ballast Water Management for Ships of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, which included the HSSC in the Convention;
- (e) the resolutions below on amendments to introduce the HSSC in:
 - (i) the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code) (resolutions MEPC.40(29) and MSC.16(58));
 - (ii) the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code) (resolution MSC.17(58));
 - (iii) the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code) (resolutions MEPC.41(29) and MSC.18(58)),

RECALLING FURTHER resolution A.1140(31), by which it adopted the *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2019* (hereafter referred to as the "Survey Guidelines"), following successive revocation of resolutions A.1120(30), A.1104(29), A.1076(28), A.1053(27), A.1020(26), A.997(25), A.948(23) and A.746(18), replacing the guidelines adopted by resolutions A.560(14), MEPC.11(18) and MEPC.25(23),

RECOGNIZING the need for the Survey Guidelines to be further revised to take into account the amendments to the IMO instruments referred to above which have entered into force or become effective since the adoption of resolution A.1140(31),

HAVING CONSIDERED the recommendations made by the Maritime Safety Committee, at its 104th session, and the Marine Environment Protection Committee, at its [seventy-seventh] session,

- 1 ADOPTS the *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2021*, as set out in the annex to the present resolution;
- 2 INVITES Governments carrying out surveys required by relevant IMO instruments to apply the provisions of the annexed Survey Guidelines;
- 3 REQUESTS the Maritime Safety Committee and the Marine Environment Protection Committee to keep the Survey Guidelines under review and to amend them as necessary;
- 4 REVOKES resolution A.1140(31).

ANNEX

SURVEY GUIDELINES UNDER THE HARMONIZED SYSTEM OF SURVEY AND CERTIFICATION (HSSC), 2021

(see MSC 104/18/Add.1, annex 31)

**(5) 2021 NON-EXHAUSTIVE LIST OF OBLIGATIONS UNDER INSTRUMENTS
RELEVANT TO THE IMO INSTRUMENTS IMPLEMENTATION CODE (III CODE)**

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines regarding maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO that, by resolution A.1070(28), it adopted the *IMO Instruments Implementation Code* (III Code),

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 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),

RECOGNIZING the need for the annexes to the Non-exhaustive list of obligations to be further revised to take account of the amendments to the IMO instruments relevant to the III Code which have entered into force or become effective since the adoption of resolution A.1141(31),

RECOGNIZING ALSO that parties to the relevant international conventions have, as part of the ratification process, agreed to fully meet their responsibilities and to discharge their obligations under the conventions and other instruments to which they are party,

REAFFIRMING that it is the primary responsibility of States to have in place an adequate and effective system to exercise control over ships entitled to fly their flag and to ensure that they comply with relevant international rules and regulations in respect of maritime safety, security and protection of the marine environment,

REAFFIRMING ALSO that States, in their capacity as flag, port and coastal States, have other obligations and responsibilities under applicable international law in respect of maritime safety, security and protection of the marine environment,

NOTING that, while States may gain certain benefits by becoming party to instruments aimed at promoting maritime safety, security and protection of the marine environment, these benefits can be fully realized only when all parties carry out their obligations as required by the instruments concerned,

NOTING ALSO that the ultimate effectiveness of any instrument depends, inter alia, upon all States:

- (a) becoming party to all instruments related to maritime safety, security and pollution prevention and control;
- (b) implementing and enforcing such instruments fully and effectively;
- (c) reporting to the Organization as required,

RECALLING that, by resolutions A.1083(28), A.1084(28) and A.1085(28), it adopted amendments to the International Convention on Load Lines, 1966, the International Convention on Tonnage Measurement of Ships, 1969, and the Convention on the International Regulations for Preventing Collisions at Sea, 1972, to make the use of the III Code mandatory under these conventions,

NOTING that the Maritime Safety Committee, by resolutions MSC.366(93), MSC.373(93), MSC.374(93) and MSC.375(93), adopted amendments to the International Convention for the Safety of Life at Sea, 1974, the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, the Seafarers' Training, Certification and Watchkeeping (STCW) Code, and the Protocol of 1988 relating to the International Convention on Load Lines, 1966, respectively, to make the use of the III Code mandatory under these instruments,

NOTING ALSO that the Marine Environment Protection Committee, by resolutions MEPC.246(66) and MEPC.247(66), adopted amendments to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, respectively, to make the use of the III Code mandatory under these instruments,

HAVING CONSIDERED the recommendations made by the Maritime Safety Committee, at its 104th session, and the Marine Environment Protection Committee, at its [seventy-seventh] session,

- 1 ADOPTS the *2021 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (III Code)*, as set out in the annex to the present resolution;
- 2 URGES Governments of all States, in their capacity as flag, port and coastal States, to make use of the list as much as possible in implementing IMO instruments on a national basis;
- 3 REQUESTS the Maritime Safety Committee and the Marine Environment Protection Committee to keep the list under review and to amend it as necessary;
- 4 REVOKES resolution A.1141(31).

ANNEX

2021 NON-EXHAUSTIVE LIST OF OBLIGATIONS UNDER INSTRUMENTS RELEVANT TO THE IMO INSTRUMENTS IMPLEMENTATION CODE (III CODE)

(see MSC 104/18/Add.1, annex 32)

**(6) COMPREHENSIVE ACTION TO ADDRESS SEAFARERS' CHALLENGES
DURING THE COVID-19 PANDEMIC**

THE ASSEMBLY,

RECALLING Article 15(i) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines regarding maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO resolution MSC.473(ES.2) on *Recommended action to facilitate ship crew change, access to medical care and seafarer travel during the COVID-19 pandemic*, adopted by the Maritime Safety Committee on 21 September 2020,

RECALLING FURTHER resolution MSC.490(103) on *Recommended action to prioritize COVID-19 vaccination of seafarers*, adopted by the Maritime Safety Committee on 14 May 2021,

RECALLING that the Maritime Safety Committee, at its 102nd session, approved MSC.1/Circ.1636, containing the *Industry recommended framework of protocols for ensuring safe ship crew changes and travel during the coronavirus (COVID-19) pandemic*; recognized the importance of the protocols; and invited Member States and relevant stakeholders to consider them and take them into account,

NOTING resolution A.75/17 on *International cooperation to address challenges faced by seafarers as a result of the COVID-19 pandemic to support global supply chains*, adopted by the UN General Assembly on 1 December 2020,⁴

NOTING ALSO resolution GB.340/Resolution (Rev.2) – *Resolution concerning maritime labour issues and the COVID-19 pandemic*, adopted by the Governing Body of the International Labour Office on 8 December 2020,⁵

NOTING FURTHER the *Resolution concerning the implementation and practical application of the MLC, 2006, during the COVID-19 pandemic*, and the *Resolution concerning COVID-19 vaccination for seafarers*, adopted by the ILO Special Tripartite Committee of the Maritime Labour Convention, 2006, as amended (MLC, 2006) on 23 April 2021,⁶

MINDFUL of the severe challenges the COVID-19 pandemic poses for international shipping and Governments' ability to respond effectively to these challenges,

MINDFUL ALSO of the importance of the health and safety of seafarers and the need to protect their mental and physical health, welfare and well-being as these elements are paramount to ensure maritime safety, security and environmental protection,

BEING CONSCIOUS OF the unique and essential contribution of seafarers to international shipping and the world by ensuring the uninterrupted transportation of vital medical supplies, food and other basic necessities, including during the COVID-19 pandemic,

⁴ <https://undocs.org/en/A/RES/75/17>

⁵ https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_760649.pdf

⁶ https://www.ilo.org/global/standards/maritime-labour-convention/events/WCMS_679152/lang-en/index.htm

BEING AWARE OF the continuously high number of seafarers that require repatriation in accordance with the MLC, 2006, and those in urgent need to join ships to replace them,

MINDFUL of the need to protect seafarers through vaccination, as soon as possible, to facilitate their safe movement across borders,

REITERATING the numerous statements by the United Nations (UN) and UN System Organizations emphasizing, inter alia, the need to designate seafarers as "key workers" and ensure their access to medical care, prioritization for COVID-19 vaccinations and facilitation of travel, thus preserving their welfare and rights,

1 URGES Member States and relevant national authorities to:

- .1 designate seafarers as "key workers" in order to facilitate shore leave and safe and unhindered movement across borders, recognizing relevant documentation carried by seafarers as evidence of this status, which would entail the application of temporary measures including (where possible under relevant law) waivers, exemptions or other relaxations from any visa or documentary requirements;
- .2 consider the implementation of the *Industry recommended framework of protocols for ensuring safe ship crew changes and travel during the coronavirus (COVID-19) pandemic* (MSC.1/Circ.1636/Rev.1, as may be revised);
- .3 prioritize vaccination of seafarers, as far as practicable, in their national COVID-19 vaccination programmes, noting the advice of the WHO SAGE Roadmap⁷ for prioritizing the use of COVID-19 vaccines; and consider extending COVID-19 vaccines to seafarers of other nationalities, taking into account national vaccines supply;
- .4 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;
- .5 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;

2 REQUESTS Member States and international organizations to bring this resolution to the attention of all parties concerned.

⁷ WHO SAGE Roadmap for prioritizing the uses of COVID-19 vaccines in the context of limited supply: <https://www.who.int/publications/i/item/who-sage-roadmap-for-prioritizing-uses-of-covid-19-vaccines-in-the-context-of-limited-supply>