

INTERNATIONAL TRANSPORT WORKERS' FEDERATION

IMO updates for **maritime professionals**



- Outcomes of the **Maritime Safety Committee**
106th Session, 2-11 November 2022
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* The purpose of this document is for international maritime professionals:

first, to have access to information on the work of high-level regulatory bodies in a user-friendly language;

second, to see how important the role that they have been playing is as a part of human element in 80 per cent of the world trades; and

third, to utilise information provided in pursuing the safety, security and environmental protection at sea.

The contents of this document have been selected by the interests and relevance of maritime professionals. Therefore, it should be noted that not all outcomes of the IMO meeting are addressed.



MSC 106

Decisions to note

Ongoing problems due to the Covid-19 pandemic and calling on governments

The establishment of the regional Maritime Humanitarian Hubs was agreed to:

“Ensure that seafarers, as key workers, have the right to be treated with dignity and respect, taking into account that they spend most of their time travelling and at sea with a greater degree of testing and regular medical checks than any other person, and are only able to visit the shore for a short time, so a human approach to their medical needs and treatments must be respected; and

Acknowledge seafarers' key role and facilitate their repatriation, access to medical care and protection in respect of shipowners' protocols to avoid contagion especially during the gradual relaxation of COVID-19 restrictions.”
(IMO MSC 106 working paper 1, revised)

Seafarers and offshore facilities workers are different! New SOLAS Chapter and the IP Code adopted

Industrial personnel (IP) are those who are employed to engage in offshore facilities, such as wind farm, offshore oil rigs, etc. As they are carried by vessels to where they work, their safety and security are under the scope of the IMO.

They are not ship's crew nor passengers. They are employed by a separate employer to be engaged in other work. However, these natures have been created confusion in industry when they were transferred to offshore workstations, which increased the risk of safety and environmental issues. As ships' advanced technology requires more professional competences, ship operations must be handled by only qualified and competent seafarers.

Moreover, the nature of the transfer operation from a ship to an offshore platform is dangerous. It must be carried out under thorough safety-proven procedures involving smooth communication between ships' crew and IPs.

A new SOLAS chapter XV and the Code (IP Code) will mandate all IP related operations from 1st January of 2024, including construction and designs, life-saving appliances, basic safety trainings and medical examinations for IP. The Code will be further developed when it commences its 2nd phase of development.

Ship's fuel flashpoint must be declared on the Bunker Delivery Note (BDN) by bunker supplier

Ship's engines require complex temperature and pressure dynamics. Flashpoint of ship's fuel is an essential characteristic to prevent fire and potential environmental pollutions.



60°C is the threshold that the IMO approves- above is considered non-conformity. ShipMasters and engineering crews have been struggling from the lack of such information from bunker suppliers and could be criminalised in case of accident.

From the 1st January 2026, all ships should be provided with a flashpoint of the oil fuel supplied (amendments to SOLAS Ch.II-2/4). The amendments also provide guidance on what a company should do when a confirmed non-conformity has been reported.

Russian – Ukraine War and seafarers’ safety

Due to the continuing Russian – Ukraine war, not only stranded seafarers but also disruptions in search and rescue operations causes threats to the safety of those in the area. There have been endeavours to facilitate the safety of maritime activities, such as the Black Sea Grain Initiative and the maritime safety corridor.

Expanding the initiative to all ship types has been empathised and requested for all stakeholders to work together to develop and adopt without any delay.

A resolution *Member States' Obligations in Connection with Search and Rescue Services Under the SOLAS and SAR Conventions in the Context of Armed Conflicts* has been adopted to urge Member States to fulfil their obligations to ensure the safety of ships and their crew at sea in war. The terms in this resolution should be utilised to accelerate implementing maritime safety corridors for assisting seafarers' safe transit.

Heroic Idun, typical example of criminalisation, unfair treatment against seafarers

From late July until 24th November 2022, the Heroic Idun (IMO: 9858058) and the crew were detained and interrogated by the navy of Equatorial Guinea and moved under Nigerian custody for further investigation despite no charges having been declared and to make it worse, without legal consular protection.

At the MSC 106, the ITF strongly condemned such unfair acts:

“We are concerned that the Equatorial Guinean authorities have illegally detained the vessel and have subjected the crew to unnecessary detention and interrogation. The crew have not been charged with an offence despite more than two months of detention.

We are highly concerned that the crew will not be afforded the fair treatment they are rightfully entitled to.

We are also concerned for the wellbeing of the crew and the safety of the vessel. Several crew members have been suffering with typhoid and malaria in recent weeks.”

The ITF will continue to support in any means necessary against such injustice against seafarers.

Unsafe mixed migration by sea, and safety and wellbeing of seafarers

There is an already existing prescriptive convention to ensure those who are in distress be rendered immediate help (SOLAS Ch. V and SAR Convention). Masters and seafarers play crucial roles with flag, port and coastal States during such operations.

What is easily overlooked is the impact on seafarers. The draft resolution addresses possible inadvertent safety risks for the ship, their crew and people on board when



rendering assistance, as well as the detrimental implications on seafarers physical and mental wellbeing.

Master in command when seeking for a place to refuge

In an incident, a ship needs a place to seek refuge to prevent the risk of further damage or pollution and to stabilise the situation by taking preventive actions such as to lighten its cargo and bunkers, and damage repair. It is likely possible more than one country would be involved in finding its refuge, meaning the need for pragmatic and unified standards to mitigate complications is driven by different jurisdictions.

The revised Guidelines on places of refuge for ships in need of assistance will be adopted in late 2023. One of revisions clarifies the role and authority of a Master in:

- Informing near coastal States for assistance with a form to fill out; and
- Executing and relinquishing the command for the safety of the ship.

IMO Regulations on Maritime Autonomous Surface Ship (MASS)

Regardless of the existing divided narratives on autonomous ships, the maritime industry has recognised the predominance of human elements– in particular, throughout the Covid-19 pandemic. The IMO has been working on developing international regulatory framework for the operation of MASSs at high sea, namely “the MASS Code”. The Code will be effective as non-mandatory from 2025 and become mandatory from 2028.

Heated discussions will be underway over the meaning, role and responsibilities of Master, crew, remote operating centre, remote operating crew, the role of IT personnel, to name a few.

The importance of this work is that this could be used to regulate *Near coastal voyages* and *Short sea shipping* as some countries already commenced bilateral collaborations.

In addition, the framework is likely to influence national regulatory development on inland navigation where unmanned ferries are already under development.

Therefore, the ITF works to ensure safe and proper manning with competent STCW certified seafarers must be part of the Code as a prerequisite.

Contact for further information to Seafares@itf.org.uk



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TRANSPORT
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FEDERATION**

**49-60 Borough Road
London SE11DR
+44 (0)20 7403 2733**