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'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)
No. Cion doc.:	9847/21
No. prev. doc.:	9848/1/21 REV 1
Subject:	Draft submission by Member States and the Commission to the 104th session of the International Maritime Organization's Maritime Safety Committee proposing a new output on guidelines for remote inspections and verifications in the field of maritime security – *Endorsement*

I. INTRODUCTION

1. On 14 June 2021, the Commission transmitted to the Council a Staff Working Document containing a draft submission to the 104th session of the Maritime Safety Committee (MSC 104) of the International Maritime Organization (IMO) proposing a new output on the development of guidelines for remote inspections and verifications in the field of maritime security. The deadline for transmitting the draft submission to the IMO Secretariat is 2 July 2021.

2. The proposed new agenda item should be seen against the background of the COVID-19 pandemic, which has catalysed a change in business interaction. Remote communication tools have become the solution whenever physical presence was not considered strictly necessary, in particular for safety-related surveys and audits. The pandemic has, however, also had an impact on maritime security statutory certification activity. There is a clear need for guidelines for remote inspections and verifications also in the field of maritime security.

II. WORK WITHIN THE COUNCIL

3. The draft submission was presented by the Commission to the Shipping Working Party on 14 June 2021, based on an informal advance copy. After that meeting, delegations were given the opportunity to make written comments, which were taken into account when preparing the final version of the text. No delegation raised objections to that final version, as set out in the Annex.

4. The Shipping Working Party also agreed that the Presidency would be allowed to indicate at the time of transmission that the document may be released to the public by the IMO secretariat prior to MSC 104.

5. However, there is no agreement on who should submit the draft submission. The Commission maintains the view that the draft submission should be made by "the European Commission on behalf of the European Union", while the Member States consider that it should be made by the Member States and the European Commission.

6. Given the importance and urgency of the matter, it was agreed at working party level to propose to transmit the submission in the name of the Member States and the European Commission, while taking good note of the position of the Commission.

7. Finally, the Shipping Working Party reiterates its request to the Commission that proposals for submissions to the IMO should be presented in such time as to allow for a proper examination of procedural and substantive issues in at least two working party meetings.

III. CONCLUSION

8. In the light of the above, the Permanent Representatives Committee is invited to endorse the text of the draft submission in the annex, with a view to its transmission by the Presidency to the International Maritime Organization by 2 July 2021.

MARITIME SAFETY COMMITTEE
104th session
Agenda item 15

MSC 104/15/XX
XX June 2021
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WORK PROGRAMME

Proposal for a new output on guidelines for remote inspections and verifications in the field of maritime security

Submitted by Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the European Commission

SUMMARY

Executive summary:	This document suggests that a new item be added to the work programme of the Sub-Committee on Implementation of IMO Instruments (III), to allow technical discussions in view of developing guidelines for remote inspections and verifications in the field of maritime security.
Strategic direction, if applicable:	1, 2, 5 and 6
Output:	Not applicable
Action to be taken:	Paragraph 31
Related documents:	MSC 102/22/11, MSC 102/24, Circular Letter No.4204/Add.6, IMO Circular Letter No.4204/Add.16, Circular Letter No.4204/Add.19/Rev.2, SOLAS/CONF.5/32, A.1118(30), A.1111 (30), III 7/INF.30

Introduction

1 During MSC 102, the Committee recalled Circular Letter No.4204/Add.19/Rev.2 on *Guidance for flag States regarding surveys and renewals of certificates during the COVID-19 pandemic*, which contains guiding principles for the provision of technical and implementation advice to flag States when considering whether to permit statutory certificate extensions beyond 3 months. The Committee considered document MSC 102/22/11 (Republic of Korea), proposing that guidance on the implementation of remote surveys be developed for safety related inspections, taking into account that the lack of uniform guidance on the matter may not only be burdensome to shipowners and ship crew, but may also undermine the credibility of survey quality and the fairness among stakeholders.

2 The Committee noted the sponsor's view that the use of remote surveys will continue to increase in the years ahead, even after the pandemic ends. The Committee, recognising that developing such guidance would require detailed technical consideration by experts, which should also include matters related to cases of force majeure, invited interested Member States and international organizations to submit a new output proposal to the Committee (MSC 102/24 paragraph 22.20), in accordance with the Committees' method of work (MSC-MEPC.1/Circ.5/Rev.2).

Background

3 The International Code for the Security of Ships and of Port Facilities, adopted by Diplomatic Conference in London in December 2002, contains the requirements for ships and for port facilities at the level of ship and port including:

.1 The provisions for ship verification and certification in accordance with ISPS/Part A Sec 19 by the Administration, and

.2 The provisions for the Designated Authority (DA) to exercise control and compliance measures (ISPS Sec B/1.6) to ensure that their port facilities comply with the requirements of the ISPS Code, including the possible issuance of statements of compliance (ISPS Part B para 16).

4 Owing to the fact that inspectors would not be able to carry-out comprehensive observations on the ship layout and processes remotely, as they would normally during an actual physical inspection, the risk of missing key information – e.g. unprotected access to a restricted area – should not be underestimated.

5 Although the supervision of these activities is covered by the ISPS Code, remote verifications and inspections are not contemplated therein.

IMO's objectives

6 This proposal for a new output to develop guidelines for remote inspections and verifications in the field of maritime security lies within the mission statement of IMO to promote safe, secure and environmentally sound, efficient and sustainable shipping.

7 This submission is also consistent with IMO's strategic direction (SD) 1 aiming at the effective, efficient and consistent implementation and enforcement of the provisions of the IMO instruments; with SD 2 aiming at integrating and advancing technologies in the regulatory framework; with SD 5 aiming at enhancing facilitation and security of international trade; and with SD 6 which aims to ensure that a universally adopted, effective, international regulatory framework is in place and implemented consistently, embracing and integrating new and advancing technologies, without causing unnecessary burdens.

Need

8 COVID-19 has catalysed a change in business interaction. Remote communication tools have become the solution whenever physical presence was not considered strictly necessary, including beyond the three-month extension as provided for in IMO Circular Letter No.4204/Add.6.

9 The IMO supported industry-developed 'Covid-19-related guidelines for ensuring a safe shipboard interface between ship and shore-based personnel' (IMO Circular Letter No.4204/Add.16) indicating that one safety control measure to reduce risk could be to conduct audits, surveys, inspections and training remotely.

10 Several flag State administrations accepted remote verifications instead of on-board surveys, whenever the Recognized Security Organization (RSO) or the Company proposed that said survey could be carried out remotely. However, to date, there are no provisions or common procedures agreed at international level for the execution of class and statutory surveys by remote means, i.e. without attendance by inspectors(s) and that include remote verifications and inspections in the field of maritime security.

11 At a similar level, digitalisation is increasingly one of the pillars of business and regulatory interaction. Consequently, stakeholders and notably SOLAS Contracting Governments maritime administrations are now contemplating alternative solutions to carry out tasks such as "remote inspections/surveys" not only to address these exceptional circumstances, but also as an option in the future for full or partial verification. Such new practices may assist in reducing waiting time at port due to an increase of digitalisation, hence reducing the carbon footprint and reducing crew fatigue when the ship calls in and needs to deal with multiple administrative requirements, including statutory inspections/verifications.

Analysis of the issue

12 In recent months, all industrial sectors have been facing substantial changes in the way they conduct business, which in turn are deeply affecting the maritime sector. Situations such as shortage of personnel, travel limitations, quarantines, lay-ups or closing of ports and port facilities have generated limitations to the physical access of ships or ports and port facilities and to perform the necessary activities as usual.

13 The above has also had an impact on maritime security statutory certification activity. SOLAS contracting governments took measures to extend their certificates without physical verification, however, these extensions had a maximum validity and interim measures needed to be taken to comply with the requirements of SOLAS Chapter XI-2 and the ISPS Code.

14 However, the introduction of such practice has some aspects that will require careful consideration, so that their establishment provides an equal level of satisfaction in the Maritime Administrations or Designated Authorities, as applicable. In this regard:

.1 inspectors will need to be granted remote access to Company procedures and manuals;
.2 a stable and secure network will need to be established to allow for continuous, secure and clear audio-visual communication;
.3 non-verbal communication could suffer, possibly depriving the inspector/auditor of important elements of information necessary to lead the inspection and identify potential findings;
.4 cyber-security aspects have to be considered;
.5 the inspectors may need additional training to be able to do the job satisfactorily; and

.6 remote verifications require full engagement of the Company and the ship with the Administration, or with the port facility and the inspector of a port facility, considering that a full remote inspection/verification is an exercise in mutual trust between the maritime administration and the Company and its ship, due to the obvious limitation of not having a physical access to the ship.

15 It is the co-sponsors' view that inspections and verifications, as provided for in different SOLAS Chapters, may well require a physical visit to the ship, but the amount of time allocated for such visit depends upon many factors. In the case of a ship's verifications, parameters such as the age of the ship and the historical performance of the ship or the Company could, for example, be taken into account when deciding whether a more extensive physical visit to the ship is needed.

16 It is also noted that if the Maritime Administration decides on the conduct of a remote verification, the necessary verifications may particularly focus on the revision of documentary evidence and interviews, leaving the actual physical inspection as an important complement of the inspection activity that may not be as complicated as other inspection tasks. In this regard, the implementation of remote verifications of ships could be more achievable than other inspections (e.g. surveys), and, for example, could be seen as an alternative to physical inspections in the process of issuing interim international ship security certificates (ISSC). In the context of remote inspections, relying upon the use of data exchange tools, one aspect to be carefully considered inter alia when developing the guidelines is how to ensure confidentiality and cybersecurity in the communication process.

17 Furthermore, voluntary inspections to port facilities may follow the same pattern as ship verifications and therefore will also benefit from remote inspections. Considering that there are many countries with a large number of port facilities and a shortage of Inspectors from their Designated Authority, remote inspections may optimise the control processes. In this case, the Designated Authority will define the scope of the port facility verifications.

18 Upon analysis of the need to amend SOLAS, the ISPS Code or any mandatory instrument it was concluded that for the field of maritime security it is sufficient to develop guidelines dealing with remote verifications on ships and remote inspections on port facilities. With such guidelines, it will be up to the Administration to examine and approve a remote verification approach and set additional conditions to do so, when needed.

19 The approach to this inspection activity by means of verification, using audit techniques and control measures, may be relevant when considering remote techniques for other forms of maritime surveys, inspections and verifications.

Industry standards

21 There are no provisions or common procedures agreed for the partial or complete execution of statutory verifications/inspections by remote means, i.e. without attendance by inspectors/auditors.

21 Notwithstanding the above, there are land industry standards/documents related to remote audits that may be useful in this regard such as ISO 19011: 2018 Guidelines for auditing management systems.

Analysis of implications

22 It is considered that this proposal will not incur any additional administrative requirements or burdens. There will be no need for a new Convention or an amendment to an existing one.

23 In this regard, the completed administrative checklist, as set out in annex 5 to MSC-MEPC.1/Circ.5/Rev.1, is set out in Annex 1.

Benefits

24 In the maritime security context, there are substantial advantages in the introduction of the possibility to carry out remote verifications on ships in accordance with ISPS Code A/19 and remote inspections on Port Facilities such as:

.1 preparation for the inspection may be done at the office and the review of documentation may be done offsite;

.2 reduction of the number of hours spent on board by either inspectors, officers of the Administrations or auditors that might facilitate the operation of the ship;

.3 the inspection/verification process may be more effective, meaning that only the minimum required personnel will be requested to be interviewed and to provide evidence;

.4 depending on the circumstances, it may contribute to reducing stress in the crews and therefore to reducing fatigue if carried out at sea;

.5 the effectiveness of the e-communication channels between the ship and the Company could be enhanced; and

.6 it has the potential to reduce inspection costs due to the reduction in trips to the ship or port facility to be inspected.

25 This proposal could be done at minimal cost to the maritime industry and may have the benefits of reducing expenses and optimising resources without increasing maritime security risks. The guidelines will ensure provision of information to enable assessment and verification of ship and port security without limiting the possibility to carry out on-site verifications and inspections as deemed appropriate by the Administration.

Output

26 It is recommended that a new output on “Development of guidelines for remote inspections and verifications in the field of maritime security” be added to the work programme of the Sub-Committee on Implementation of IMO Instruments (III), with two sessions needed for completion for the 2022-2023 biennium. Some aspects could have an impact on the training and familiarisation of seafarers, and therefore the Sub-Committee on Human Element, Training and Watchkeeping (HTW) could be involved as associated organ.

27 The basic principles for the guidelines to be developed are set out in Annex 3.

Human element

28 The completed checklist contained in MSC-MEPC.7/Circ.1 is set out in Annex 2.

Urgency

29 The need to enable remote verifications and inspections on ship and port facility security in practical situations, either in case of emergency or other circumstances where considered appropriate by the Administration, as soon as possible and practicable. This is key due to the fact that these remote verifications are already being carried out due to COVID-19 and harmonisation is urgently needed to ensure a level playing field.

30 It is recommended that the new output be included in the biennial agenda for the Sub-Committee on Implementation of IMO Instruments, to enable proposals to be submitted to the eighth session of the Sub-Committee. This work should be completed within two sessions. The Sub-Committee on Human Element, Training and Watchkeeping could be associated organ for certain aspects, as appropriate.

Action requested of the Committee

31 The Committee is invited to consider the above proposal for a new output and take action, as appropriate.

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ANNEX 1

CHECKLIST FOR IDENTIFYING ADMINISTRATIVE REQUIREMENTS

This checklist should be used when preparing the analysis of implications required in submissions of proposals for inclusion of outputs. For the purpose of this analysis, the term "administrative requirements" is defined in resolution A.1043(27), i.e. administrative requirements are an obligation arising from future IMO mandatory instruments to provide or retain information or data.

Instructions:

(A) If the answer to any of the questions below is **YES**, the Contracting Government proposing an output should provide supporting details on whether the requirements are likely to involve start-up and/or ongoing costs. The Contracting Government should also give a brief description of the requirement and, if possible, provide recommendations for further work (e.g. would it be possible to combine the activity with an existing requirement?).

(B) If the proposal for the output does not contain such an activity, answer **NR** (Not required).

(C) For any administrative requirement, full consideration should be given to electronic means of fulfilling the requirement in order to alleviate administrative burdens.

1. Notification and reporting? Reporting certain events before or after the event has taken place, e.g. notification of voyage, statistical reporting for IMO Members	**NR** **x**	Yes ☐Start Up ☐On Going
Description of administrative requirement(s) and method of fulfilling it: (if the answer is yes)		
2. Record keeping? Keeping statutory documents up to date, e.g. records of accidents, records of cargo, records of inspections, records of education.	**NR** **x**	Yes ☐Start Up ☐On Going
Description of administrative requirement(s) and method of fulfilling it:(if the answer is yes)		
The existing record keeping is anticipated to continue. The proposal to encourage facilitating reporting results from inspections carried out by non-governmental entities seeks to mitigate any additional burden on Administrations.		
3. Publication and documentation? Producing documents for third parties, e.g. warning signs, registration displays, publication of results of testing	**NR** **X**	Yes ☐Start Up ☐On Going

Description of administrative requirement(s) and method of fulfilling it (if the answer is yes)		
4. Permits or applications? Applying for and maintaining permission to operate, e.g. certificates, classification society costs	**NR** **x**	Yes ☐Start Up ☐On Going
Description of administrative requirement(s) and method of fulfilling it:(if the answer is yes)		
5. Other identified requirements?	**NR** **x**	Yes ☐Start Up ☐On Going

ANNEX 2

CHECKLIST FOR CONSIDERING HUMAN ELEMENT ISSUES BY IMO BODIES

Instructions: If the answer to any of the questions below is: (A) YES, the preparing body should provide supporting details and/or recommendation for further work. (B) NO, the preparing body should make proper justification as to why human element issues were not considered. (C) NA (Not Applicable), the preparing body should make proper justification as to why human element issues were not considered applicable.			
Subject Being Assessed: (e.g. Resolution, Instrument, Circular being considered)			
New unplanned output to consider when and how remote surveys could be conducted			
Responsible Body: (e.g. Committee, Sub-committee, Working Group, Correspondence Group, Member State)			
Maritime Safety Committee and the Sub-Committee on Implementation of IMO Instruments (III) with the Sub-Committee on Human Element, Training and Watchkeeping (HTW) as associated organ			
1.	Was the human element considered during development or amendment process related to this subject?	~~Yes~~	~~No~~ NA ✔
2.	Has input from seafarers or their proxies been solicited?	~~Yes~~	~~No~~ NA ✔
3.	Are the solutions proposed for the subject in agreement with existing instruments? (Identify instruments considered in comments section)	~~Yes~~	~~No~~ NA ✔
4.	Have human element solutions been made as an alternative and/or in conjunction with technical solutions?	~~Yes~~	~~No~~ NA ✔
5.	Has human element guidance on the application and/or implementation of the proposed solution been provided for the following:	~~Yes~~	~~No~~ NA ✔
	• Administrations?	~~Yes~~	~~No~~ NA ✔
	• Ship owners/managers?	~~Yes~~	~~No~~ NA ✔
	• Seafarers?	~~Yes~~	~~No~~ NA ✔
	• Surveyors?	~~Yes~~	~~No~~ NA ✔
6.	At some point, before final adoption, has the solution been reviewed or considered by a relevant IMO body with relevant human element expertise?	~~Yes~~	~~No~~ NA ✔
7.	Does the solution address safeguards to avoid single	~~Yes~~	~~No~~ NA ✔

	person errors?			
8.	Does the solution address safeguards to avoid organizational errors?	~~Yes~~	~~No~~	NA ✔
9.	If the proposal is to be directed at seafarers, is the information in a form that can be presented to and is easily understood by the seafarer?	~~Yes~~	~~No~~	NA ✔
10.	Have human element experts been consulted in development of the solution?	~~Yes~~	~~No~~	NA ✔
11.	**HUMAN ELEMENT**: **Has the proposal been assessed against each of the factors below?**			
❑	CREWING. The number of qualified personnel required and available to safely operate, maintain, support, and provide training for system.	~~Yes~~	~~No~~	NA ✔
❑	PERSONNEL. The necessary knowledge, skills, abilities, and experience levels that are needed to properly perform job tasks.	~~Yes~~	~~No~~	NA ✔
❑	TRAINING. The process and tools by which personnel acquire or improve the necessary knowledge, skills, and abilities to achieve desired job/task performance	~~Yes~~	~~No~~	NA ✔
❑	OCCUPATIONAL HEALTH AND SAFETY. The management systems, programmes, procedures, policies, training, documentation, equipment, etc. to properly manage risks.	~~Yes~~	~~No~~	NA ✔
❑	WORKING ENVIRONMENT. Conditions that are necessary to sustain the safety, health, and comfort of those on working on board, such as noise, vibration, lighting, climate, and other factors that affect crew endurance, fatigue, alertness and morale.	~~Yes~~	~~No~~	NA ✔
❑	HUMAN SURVIVABILITY. System features that reduce the risk of illness, injury, or death in a catastrophic event such as fire, explosion, spill, collision, flooding, or intentional attack. The assessment should consider desired human performance in emergency situations for detection, response, evacuation, survival and rescue and the interface with emergency procedures, systems, facilities and equipment.	~~Yes~~	~~No~~	NA ✔
❑	HUMAN FACTORS ENGINEERING. Human-system interface to be consistent with the physical, cognitive, and sensory abilities of the user population.	~~Yes~~	~~No~~	NA ✔

ANNEX 3

Principles of the Guidelines for remote verifications on ships and inspections of Port Facilities in the field of Maritime Security

1. Remote activities should not impact on other IMO instruments related to maritime security.
2. A Goal Based Approach, following the functional requirements of the ISPS Code may be used.
3. Remote audit principles as established in industry standards, may be examined in the development of the guidelines.
4. Two different approaches may be considered, when necessary, for either ship verification by the Maritime Administration or port facility inspection by the Designated Authority.
5. Remote verification or inspection may be asked for by the Company, which will provide all necessary access and means for the verification/inspection to be carried out by the Maritime Administration, the Designated Authority or the RSO acting on their behalf if authorised to do so. In the area of ship security, only the Maritime Administration, and in the area of port security, only the Designated Authority decides on the implementation of remote verifications or inspections. They alone have the authority to decide on the intended type of verification or inspection. The necessary conditions for approval should be established by the Maritime Administration and the Designated Authority.
6. In order to verify whether a remote verification on a ship or a remote inspection on a port facility can be granted, a risk-based approach should be applied by the Maritime Administration or the Designated Authority.
7. Confidentiality needs to be ensured (e.g. through encrypted correspondence and documentation) regarding the documents needed for these inspections/verifications, such as the ship security plan and port facility security plan.
8. The result of a successful remote verification on a ship or port facility inspection should lead to a level of satisfaction to ensure certification/approval or alternatively might require completion with a physical visit to the ship.
9. The use of a remote verification of a ship or remote inspection of a port facility should not preclude the need to inspect the ship or site before completion.
10. Since the inspectors will not have access to the ship on the spot and direct visualisation is substituted by images provided via filming or a video using mobile devices, the inspectors could be limited in getting a full picture of the ship and therefore gaining full knowledge of the degree of implementation of legislation. Nevertheless, it might be useful to carry out the interviews and revision of documentation via audio or video conference. Also in this context, confidentiality needs to be ensured.
11. In case of certification after a successful verification, it is necessary to ensure that the level of satisfaction, as indicated above, remains the same.
12. Digital signatures and electronic certificates would be of the utmost importance in the certification process, where needed.