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WORK PROGRAMME

Proposal for a new output to review guidance on the application of SOLAS provisions related to safe return to port

Submitted by the Bahamas, Panama, CLIA and IACS

SUMMARY

<i>Executive summary:</i>	This document proposes a new output for the review of the guidance associated to SOLAS provisions on safe return to port for passenger ships, as contained in MSC.1/Circ.1369 and other related circulars
<i>Strategic direction, if applicable:</i>	1 and 6
<i>Output:</i>	Not applicable
<i>Action to be taken:</i>	Paragraph 29
<i>Related documents:</i>	MSC.1/Circ.1369 and Add.1, MSC.1/Circ.1400, MSC.1/Circ.1437 and MSC.1/Circ.1532/Rev.1

Introduction

1 This document is submitted in accordance with the provisions of paragraph 4.6 of the *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.1), related to requests for new outputs.

2 It is proposed to add a new output to the Committee's biennial agenda to initiate a review of the *Interim Explanatory Notes for the assessment of passenger ship systems' capabilities after a fire or flooding casualty* (MSC.1/Circ.1369), as amended by MSC.1/Circ.1369/Add.1.

Background

3 In 2006, after several years of work aimed at enhancing safety for passenger ships, MSC 82 adopted amendments to SOLAS chapters II-1 and II-2, with associated guidelines, in order to introduce the new concept of safe return to port. These new regulations are applicable to passenger ships, as defined in SOLAS II-2/21.1, constructed on or after 1 July 2010, with the purpose to improve safety levels of such ships by reducing the likelihood of evacuation, using concepts of essential/critical system redundancy, casualty thresholds and safe areas.

4 The relevant SOLAS regulations II-1/8-1, II-2/21 and II-2/22 are "goal-based" in principle and focus in practice on essential system redundancy, management of emergencies and casualty mitigation. The "Safe Return to Port" regulations (SRtP) are wide-ranging, ambitious and challenging, as they impact design and arrangement of complex ships and their systems, but also ship operations.

5 To provide additional guidance for the uniform implementation of such regulations, MSC 82 approved the *Performance standards for the systems and services to remain operational on passenger ships for safe return to port and orderly evacuation and abandonment after a casualty* (MSC.1/Circ.1214). This circular was subsequently superseded in 2010 by the *Interim Explanatory Notes for the assessment of passenger ship systems' capabilities after a fire or flooding casualty* (MSC.1/Circ.1369), as amended by MSC.1/Circ.1369/Add.1. The Interim Explanatory Notes is referenced through a footnote in SOLAS regulations II-1/8-1, II-2/21.4 and II-2/22.3.

6 Fifteen years after adoption of the SRtP concept, it has become apparent to the co-sponsors that there is a lack of uniform implementation across the passenger ship sector and a need for numerous clarifications or interpretations. Certain key terms (e.g. "remain operational" and "manual actions") and acceptance criteria are not defined clearly, which has given rise to differing interpretations. On operational aspects, no uniform standard has been established between stakeholders. The co-sponsors are of the view that the verification of compliance and associated documentation of compliance should also be improved.

7 The SRtP concept is currently applicable to passenger ships such as: cruise ships, expedition vessels, special purpose ships (SPS) and RoPax ships, that either have a length of 120 m or more or have three or more main vertical zones.

IMO's objectives

8 This proposal aims at improving essential safety standards for passenger ships, based on experience gained in their application over the past ten years. It falls directly under the scope of the IMO mission, to promote safe shipping by adopting the highest practicable standards of maritime safety.

9 The proposed new output will contribute to Strategic directions (SD) 1 "Improve implementation" and SD 6 "Ensure regulatory effectiveness", as defined in the IMO Strategic Plan (resolution A.1110(30)). In the context of SD 1, it will contribute to creating a level playing field through effective and uniform implementation of IMO instrument. Reviewing the current guidelines, based on experience gained, is also fully aligned with SD 1 by eliminating barriers to implementation. In the context of SD 6, the new output will contribute to ensure that IMO instruments continue to be globally implemented and applicable and continue to ensure a level playing field.

Need

10 The SOLAS regulations are mandatory goal-based standards, to be implemented using the associated guidance in the MSC circulars that, at present, contain interim explanatory notes and unified interpretations. As stated in the introduction of the Interim Explanatory Notes, these "have been developed in the light of the experience gained so far in the early application of the aforementioned requirements [...] taking into account the guidance contained in [...] MSC.1/Circ.1214".

11 The co-sponsors, as well as industry stakeholders, have now gained extensive knowledge and experience of SRtP regulations, on aspects such as application at design stage, application once a ship is in operation, verification of compliance during the ship's lifetime, documentary evidence, or crew training and drills. Ten years after entry into force, it is only natural to engage in a revision process for a guidance document that was originally considered as an interim guidance.

12 Furthermore, the co-sponsors have experienced uncertainties and different practices within the industry, with inconsistencies in interpretations and implementation practices. Years of practice have clearly shown that the guidance needs to be improved and amended on several aspects, as further detailed in the paragraphs below.

13 Some Administrations, whose fleets comprise a large number of passenger ships, have produced their own guidelines and interpretations to detail elements found to be insufficiently covered by the IMO guidance. While such efforts in establishing further flag-level guidance are crucial and welcomed by the industry, it is always preferable to ensure that the IMO framework itself provides the correct level of detail, which allows for global and uniform implementation, or in other words, a level playing field.

14 The opportunity must be taken now to learn from experience and improve the current regulatory framework on safe return to port at the IMO level, involving all Member States, non-governmental organizations and intergovernmental organizations. Missing this opportunity would create a risk to solidify disparities in implementation and harden possible inconsistencies between not only flag States, but also class societies, shipbuilders and shipowners. It is paramount to maintain the highest practicable safety level for the SRtP provisions, adopted over 15 years ago as a groundbreaking concept for the safety of passenger ships.

Analysis of the issue

15 The aim of the review should be to update and improve the content of the current guidance in MSC.1/Circ.1369. Based on this review, consequential amendments may be necessary for other related circulars (MSC.1/Circ.1400, MSC.1/Circ.1437 and MSC.1/Circ.1532/Rev.1). The work should focus on the key aspects described hereunder:

Status of the guidance document

While originally the SOLAS provisions were complemented by the Performance Standards in MSC.1/Circ.1214, the circular was later revised and retitled as Interim Explanatory Notes. The co-sponsors are of the view that this status should be reconsidered, aiming at giving a clearer and stronger legal status to the document.

Content of the guidance

The revision should have two purposes: clarification of existing content where needed; and updating the content based on experience gained. The ultimate aim should be to improve consistency and promote a uniform practice.

Examples of clarifications needed on some specific terms or general concepts:

- .1 *"remain operational"* – is there a uniform understanding of what "remain operational" means and designates, or are there different interpretations?
- .2 *"manual actions"* – does it refer to any manual intervention or could it include remote operation?
- .3 *"minimum possible time"*; *"critical systems"* – what is the correct understanding/interpretation?
- .4 operational intentions of the SRtP concept: *system recovery*, rather than emergency response;
- .5 possible differentiation between systems (propulsion/steering/power/navigation and comfort systems in safe areas). The current use of the terms "critical" and "essential" does not support a reasonable differentiation;
- .6 intended content of the "test, inspection and maintenance plan";
- .7 certain interpretations in annex A should be revised; and
- .8 lack of visibility and implementation of section related to drills for crew and training.

16 The co-sponsors note further that compliance to SOLAS regulations on safe return to port is not documented by a specific statutory certificate, nor referenced directly in the Passenger Ship Safety Certificate and/or its Form P. While provisions are clearly mandatory, the verification of compliance thereto has not been included in the *Survey Guidelines under the Harmonized System of Survey and Certification* (HSSC Guidelines). Consequently, there are no specific survey items for Administrations and their RO's to confirm and document compliance to the related SOLAS regulations. The co-sponsors are of the opinion that it would be useful to clarify and improve the link between those instruments.

17 In this document, the co-sponsors did not intend to list specific issues nor restrict tightly the scope of the review. Should the Committee approve the new output, consequential work may arise during the review of the Interim Explanatory Notes.

Analysis of implications

18 It is anticipated that this proposal would not incur any additional cost to the maritime industry. Additional administrative burdens are not expected, while there might be an impact on survey work.

19 Checklist for identifying administrative requirements and burdens is set out in annex 1.

Benefits

20 This review is expected to improve implementation, enforcement and verification of the SRtP regulations. It will allow uniform, streamlined and enhanced application of the current provisions. It will establish a level playing field which currently does not exist due to the limitation of the guidance in the Interim Explanatory Notes.

21 Safety of passenger ships will be improved through a more practical, targeted focus on critical systems. Better awareness of crews could also be achieved.

22 It is expected to have a beneficial impact on other aspects of shipbuilding projects, by providing a clear and streamlined process from design to final verification before delivery to shipowners. It could have a positive impact on construction costs for new ships (for example, by avoiding repeated tests due to different interpretations of testing process).

Industry standards

23 Some classification societies have established class notations for passenger ships complying to SRtP regulations. Some Administrations have established guidance for their fleets. Links are provided below:

- .1 Bahamas Maritime Authority:
<https://docs.bahamasmaritime.net/177ec389d70944fc9896cfbc8bbaff4/download/430/>
- .2 Red Ensign Group:
https://www.redensigngroup.org/media/1282/safe-return-to-port_oct-2019.pdf

Output

24 The proposed title of the new output is "Review of MSC.1/Circ.1369, as amended, related to safe return to port".

25 The checklist for identifying administrative requirements and burdens is set out in annex 1.

Human element

26 It is foreseen that this proposal will have no impact on the human element. The checklist for considering human element issues by IMO bodies (MSC-MEPC.7/Circ.1) is set out in annex 2.

Urgency

27 The proposed new output will review aspects related to a wide range of systems and arrangements, including subdivision and stability but also fire protection systems, falling under the remit of both the Sub-Committee on Ship Systems and Equipment (SSE) and the Sub-Committee on Ship Design and Construction (SDC). However, in view of the current workload of SSE, it is proposed to assign SDC as the coordinating body, in association with SSE as the associated body, as and when requested by SDC.

28 It is expected that the work on the output should be completed in two sessions. The co-sponsors propose that the item should be included in the provisional agenda for SDC 8.

Action requested of the Committee

29 The Committee is invited to consider the above proposal and decide, as appropriate.

ANNEX 1

CHECKLIST FOR IDENTIFYING ADMINISTRATIVE REQUIREMENTS AND BURDENS

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 requirement" is defined in accordance with resolution A.1043(27), as an obligation arising from a mandatory IMO instrument to provide or retain information or data.

Instructions:

- (A) If the answer to any of the questions below is **YES**, the Member State proposing an output should provide supporting details on whether the requirements are likely to involve start-up and/or ongoing costs. The Member State 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 <input type="checkbox"/> Start-up <input type="checkbox"/> Ongoing
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 <input type="checkbox"/> Start-up <input type="checkbox"/> Ongoing
Description of administrative requirement(s) and method of fulfilling it: (if the answer is yes)		
3. Publication and documentation? Producing documents for third parties, e.g. warning signs, registration displays, publication of results of testing	NR X	Yes <input type="checkbox"/> Start-up <input type="checkbox"/> Ongoing
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 <input type="checkbox"/> Start-up <input type="checkbox"/> Ongoing
Description of administrative requirement(s) and method of fulfilling it: (if the answer is yes)		
5. Other identified requirements?	NR X	Yes <input type="checkbox"/> Start-up <input type="checkbox"/> Ongoing
Description of administrative requirement(s) and method of fulfilling it: (if the answer is yes)		

ANNEX 2

CHECKLIST FOR CONSIDERING HUMAN ELEMENT ISSUES BY IMO BODIES

<p>Instructions: If the answer to any of the questions below is:</p> <p>(A) YES, the preparing body should provide supporting details and/or recommendation for further work.</p> <p>(B) NO, the preparing body should make proper justification as to why human element issues were not considered.</p> <p>(C) NA (Not Applicable) – the preparing body should make proper justification as to why human element issues were not considered applicable.</p>	
<p>Subject Being Assessed: (e.g. Resolution, Instrument, Circular being considered) Guidance on Safe Return to Port regulations (MSC.1/Circ.1369)</p>	
<p>Responsible Body: (e.g. Committee, Sub-Committee, Working Group, Correspondence Group, Member State)</p> <p>SDC Sub-Committee and SSE as supporting Sub-Committee</p>	
1. Was the human element considered during development or amendment process related to this subject?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
2. Has input from seafarers or their proxies been solicited?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
3. Are the solutions proposed for the subject in agreement with existing instruments? (Identify instruments considered in comments section)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
4. Have human element solutions been made as an alternative and/or in conjunction with technical solutions?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
5. Has human element guidance on the application and/or implementation of the proposed solution been provided for the following:	
• Administrations?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
• Shipowners/managers?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
• Seafarers?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
• Surveyors?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
7. Does the solution address safeguards to avoid single person errors?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
8. Does the solution address safeguards to avoid organizational errors?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
10. Have human element experts been consulted in development of the solution?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
<p>11. HUMAN ELEMENT: Has the proposal been assessed against each of the factors below?</p>	
<input type="checkbox"/> CREWING. The number of qualified personnel required and available to safely operate, maintain, support and provide training for system.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA

<input type="checkbox"/> PERSONNEL. The necessary knowledge, skills, abilities and experience levels that are needed to properly perform job tasks.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
<input type="checkbox"/> TRAINING. The process and tools by which personnel acquire or improve the necessary knowledge, skills and abilities to achieve desired job/task performance.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
<input type="checkbox"/> OCCUPATIONAL HEALTH AND SAFETY. The management systems, programmes, procedures, policies, training, documentation, equipment, etc. to properly manage risks.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
<input type="checkbox"/> 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.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
<input type="checkbox"/> 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.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
<input type="checkbox"/> HUMAN FACTORS ENGINEERING. Human-system interface to be consistent with the physical, cognitive and sensory abilities of the user population.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
<p>Comments: (1) Justification if answers are NO or Not Applicable. (2) Recommendations for additional human element assessment needed. (3) Key risk management strategies employed. (4) Other comments. (5) Supporting documentation.</p> <p>The new output proposed is not expected to change existing regulations in a way to would impact human element, hence "not considered applicable". However, the review on the existing content might focus on Safe return to port drills and training for crews, which could positively impact the current level of training for seafarers.</p>	