

SUB-COMMITTEE ON SHIP SYSTEMS AND
EQUIPMENT
10th session
Agenda item 14

SSE 10/14/1
24 November 2023
Original: ENGLISH
Pre-session public release:

**COMPREHENSIVE REVIEW OF THE REQUIREMENTS FOR MAINTENANCE,
THOROUGH EXAMINATION, OPERATIONAL TESTING, OVERHAUL AND REPAIR OF
LIFEBOATS AND RESCUE BOATS, LAUNCHING APPLIANCES AND RELEASE GEAR
(RESOLUTION MSC.402(96)) TO ADDRESS CHALLENGES WITH THEIR
IMPLEMENTATION**

**Comments on document SSE 10/14 relating to the safety issues and barriers to
consistent implementation of resolution MSC.402(96)**

Submitted by IACS

SUMMARY

Executive summary: This document provides comments on paragraphs 13 to 16 and annex 2 to document SSE 10/14 relating to the identified safety issues and barriers to consistent implementation of resolution MSC.402(96), with a view towards prioritizing the issues and establishing relevant solutions.

*Strategic direction,
if applicable:* 7

Output: 7.29

Action to be taken: Paragraph 29

Related documents: SSE 1/17/15; SSE 5/12; SSE 8/15/5 and SSE 10/14

Introduction

1 The amendments to SOLAS regulation III/20.11, as adopted by resolution MSC.404(96) and resolution MSC.402(96) have been implemented since 1 January 2020 to establish a uniform and safe scheme for the maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear.

2 However, different interpretations or understandings of the provisions of resolution MSC.402(96) have been experienced amongst stakeholders.

Discussion

3 As per the conditional instruction of SSE 9 and the subsequent decision of MSC 107, the LSA Correspondence Group established by SSE 9, after brainstorming, identified the safety issues and barriers to consistent implementation of *Requirements for maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear* (resolution MSC.402(96)), as listed in annex 2 to document SSE 10/14.

4 IACS believes that the identified safety issues and barriers need to be validated and prioritized based on their implication, and that the LSA Working Group, if established by SSE 10, should be tasked to perform this work ahead of the rest.

5 IACS considers that the following areas need to be addressed as a priority:

- .1 authorization of service providers, including equipment manufacturers;
- .2 manufacturer's established certification programme;
- .3 clarification of the certification of personnel;
- .4 definitions of various terms; and
- .5 timing of annual servicing.

6 In document SSE 8/15/5, based on the experience gained since the beginning of the implementation of resolution MSC.402(96), IACS already identified most of the areas listed in paragraph 5 above and provided related interpretations for its universal and uniform implementation. IACS is of the view that the interpretations already provided in that document are still relevant and, therefore, IACS proposes related amendments to resolution MSC.402(96) as solutions.

Authorization of service providers, including equipment manufacturers

7 The following definitions are provided in paragraphs 2.2.1 and 2.2.3 of the annex to resolution MSC.402(96):

- "1 *Authorized service provider* means an entity authorized by the Administration in accordance with section 3 and section 7."; and
- "3 *Manufacturer* means the original equipment manufacturer or any entity which has taken legal and legitimate responsibilities for equipment when the original equipment manufacturer no longer exists or supports the equipment."

8 MSC 96 confirmed that a manufacturer need not be approved as a service provider for providing services on its own equipment (MSC 96/25, paragraphs 3.22 and 3.23). There are multiple references within the annex to resolution MSC.402(96) to "manufacturer or authorized service provider". However, the definition of the term "authorized service provider" (hereinafter referred to as ASP) in the annex to resolution MSC.402(96) does not expressly exclude the need for manufacturers to be authorized by the Administration. As such, IACS members have experienced that paragraphs 2.2.1 and 3.2 of the annex to resolution MSC.402(96) remain ambiguous to the concerned parties as to whether the manufacturer undertaking servicing works on its own equipment needs to be authorized by the Administration, and that the ambiguity has led to several differing interpretations from Administrations and other parties.

9 To address the ambiguity, IACS proposes that the definition in paragraph 2.2.1 and the requirement in paragraph 3.2 of the annex to resolution MSC.402(96) should be amended as follows:*

"*Authorized Service Provider* means an entity, other than the manufacturer as defined in paragraph 2.2.3, authorized by the Administration in accordance with section 3 and section 7"; and

"The requirements in section 7 shall equally apply to manufacturers, as defined in paragraph 2.2.3, when they are acting as authorized service providers for the equipment which is not their own equipment."

Manufacturer's established certification programme

10 With regard to the acceptable certification of personnel, paragraph 7.1.1 of the annex to resolution MSC.402(96) states:

"employment and documentation of personnel certified in accordance with a recognized national, international or industry standard as applicable, or a manufacturer's established certification programme. In either case, the certification programme shall comply with section 8 for each make and type of equipment for which service is to be provided;".

11 While some flag or port States only accept the original equipment manufacturer's established certification programme within the scope of implementation of resolution MSC.402(96), other States accept a recognized national, international or industry standard, on the basis of ISO 23678:2022 series, or a manufacturer's established certification programme.

12 In this regard, it has been argued by some stakeholders that a manufacturer's established certification programme may cover equipment not manufactured by itself even without complying with any recognized national, international or industry standard.

13 However, paragraph 2.2.3 of the annex to resolution MSC.402(96) defines "manufacturer" as "the original equipment manufacturer" except when the original equipment manufacturer no longer exists or supports the equipment. Based on that provision, IACS is of the view that for the implementation of the term "a manufacturer's established certification programme", the programme should only cover that manufacturer's own equipment. However, where a manufacturer is acting as an ASP for equipment not manufactured by themselves, its personnel should be certified in accordance with a recognized national, international or industry standard, or a certification programme established by another manufacturer, as defined in paragraph 2.2.3 of the annex to resolution MSC.402(96), to which it has been granted access. That understanding is also in line with the decision recorded in paragraphs 3.22 and 3.23 of document MSC 96/25.

14 Therefore, for more clarity, IACS proposes to amend paragraph 7.1.1 of the annex to resolution MSC.402(96) as follows:

"employment and documentation of personnel certified in accordance with a recognized national, international or industry standard as applicable, or a manufacturer's established certification programme for its own equipment. In either case, the certification programme shall comply with section 8 for each make and type of equipment for which service is to be provided;".

* Throughout this document tracked changes are indicated using "strikeout" for deleted text and "grey shading" to highlight new insertions and all modifications.

Clarification of the certification of personnel

15 With regard to the certification of personnel, paragraph 8.1 of the annex to resolution MSC.402(96) states:

"8.1 Personnel for the work specified in paragraphs 4.2 and 4.3 shall be certified by the manufacturer or authorized service provider for each make and type of the equipment to be worked on in accordance with the provisions in this section."

16 Based on paragraphs 7.1.1 and 8.1 of the annex to resolution MSC.402(96), the certification of ASP's personnel may be conducted, as categorized below:

- .1 ASP's personnel are to be certificated through its own training and qualification scheme developed for its own personnel (i.e. its own "certification" scheme) as per a recognized national, international or industry standard; and
- .2 ASP may "use" the training and qualification scheme already established by an equipment manufacturer, provided that such a manufacturer grants to the ASP the necessary "access" to its "certification" scheme.

17 For the case in paragraph 16.1 above, IACS considers that the certification of personnel by service provider in paragraph 8.1 of the annex to resolution MSC.402(96) is meant for personnel employed by the same service provider, including the one employed by its subsidiary and agents. However, in IACS' view, this does not prevent a service provider from contracting the training of its personnel to another service provider already authorized by the Administration; in such cases, the final certification is necessary from the employing service provider. IACS considers such understanding to be in line with paragraph 8.1 of the annex to resolution MSC.402(96).

18 For the case in paragraph 16.2 above, IACS considers that an original equipment manufacturer (OEM) offering a certification programme to ASP may certify the ASP's personnel limited to its own equipment. Further, IACS reiterates that where a manufacturer acts also as an authorized service provider for equipment made by other manufacturers, the manufacturer's personnel shall be certified in accordance with a recognized national, international or industry standard or a certification programme established by the manufacturer, as defined in paragraph 2.2.3 of the annex to resolution MSC.402(96).

19 Based on paragraphs 15 to 18, IACS proposes that the following requirements should be established under paragraph 8 of the annex to resolution MSC.402(96) to clarify the certification of personnel, in addition to paragraph 8.1 therein:

"8 REQUIREMENTS FOR CERTIFICATION OF PERSONNELS**8.1 Certification of personnel**

8.1.1 Personnel for the work specified in paragraphs 4.2 and 4.3 shall be certified by the manufacturer or authorized service provider for each make and type of the equipment to be worked on in accordance with the provisions in this section.

8.1.2 For the certification of personnel, an authorized service provider may rely on the certification programme already established by a manufacturer, provided that such a manufacturer grants to the authorized service provider the necessary access to its certification programme. However, in this case, the manufacturer's certification programme shall only certify the authorized service provider's personnel for its own equipment.

8.1.3 Certification of personnel by an authorized service provider is meant for the personnel employed by the service provider, including any of its subsidiaries and agents. Nonetheless, a service provider may contract the education and training of its personnel, as required by paragraph 8.2, to another service provider authorized by the Administration; in such cases, final certification shall be issued by the authorized service provider employing the personnel, including any of its subsidiaries and agents.

8.1.4 Where a manufacturer acts also as an authorized service provider for the equipment made by other manufacturers, the manufacturer's personnel shall be certified in accordance with a recognized national, international or industry standard or a certification programme established by the manufacturer, as defined in paragraph 2.2.3."

Definition of terms "make", "type", "subsidiary", and "agent"

20 IACS understands that one of the objectives of resolution MSC.402(96) is to provide for the familiarization of service personnel with particular equipment being serviced by them. Such familiarization is achieved by general education, followed-up practical technical training which includes disassembly, reassembly, correct operation and adjustment of each make and type of the equipment for which the personnel are to be certified as per paragraph 8.2.2 of the annex to resolution MSC.402(96). In addition, paragraph 8.1 of the annex to resolution MSC.402(96) requires personnel to be certified for each make and type of the equipment on which they would be working. Hence, IACS is of the view that the term "make" should mean the name of the manufacturer, and the term "type" should mean the model or series of the equipment.

21 IACS observes that the structures/arrangements of firms acting as an authorized service providers may vary, and that there may exist subsidiaries or agents under an ASP to enable its global service coverage to perform as required by SOLAS regulation III/20.11 and resolution MSC.402(96). Through the experience gained in approving service providers by its members, IACS considers the definitions of the terms "subsidiary" and "agents" based on IACS unified requirement UR Z17, as follows:

- .1 the term "subsidiary" means a company which is wholly or partly owned by the approved service provider which is managed under the service provider's quality system and is included in the list of subsidiaries on the authorization document issued to the service provider; and
- .2 the term "agents" means a person or company authorized to act for, or to represent a manufacturer or approved/recognized service provider, and which is managed under the service provider's quality system and is included in the list of agents on the authorization document issued to the service provider.

22 Based on paragraphs 20 and 21, IACS proposes that the definition of the terms "make", "type", "subsidiary" and "agents" should be clearly defined in paragraph 2.2 of the annex to resolution MSC.402(96) to establish common understanding.

Timing of annual servicing

23 In document SSE 1/17/15, IACS proposed to establish a unified interpretation of SOLAS regulation III/20.11, before the adoption of resolution MSC.404(96). The proposal tried to clarify whether an annual servicing, including the five-early one, needs to be conducted in the presence of a surveyor, as follows:

"The presence of a surveyor is necessary for:

- annual thorough examination and annual operational test, if not carried out by the manufacturer/licensee or a service provider authorized by Administration in accordance with MSC.1/Circ.1277;
- the five-year overhaul, if not carried out by the manufacturer/licensee or a service provider authorized by Administration in accordance with MSC.1/Circ.1277;
- tests in five-year intervals, regardless of the service provider;

The initial five-year period is five years after the date of the delivery of the vessel, which is the date of completion of the Initial Safety Equipment survey."

24 However, the aforementioned proposal was not supported by SSE 1 for the reasons that the amendments to SOLAS regulation III/20.11 and the adoption of resolution MSC.402(96) were soon anticipated at that time.

25 Later, IACS submitted document SSE 5/12 containing an interpretation of SOLAS regulation III/20.11 as amended by resolution MSC.404(96), to address the issue limited to the five yearly servicing. Subsequent to the endorsement by SSE 6, MSC 101 approved MSC.1/Circ.1618 containing the interpretation of SOLAS regulation III/20.11 as follows:

"The thorough examinations, overhauls and operational tests, carried out at intervals of at least once every five years, should be done in the presence of a surveyor."

26 While the presence of a surveyor is clearly stated for the servicing carried out at intervals of at least once every five years in MSC.1/Circ.1618, it is still not clear if the presence of a surveyor is stated for an annual servicing other than the five yearly one. In this regard, it was observed that an annual servicing conducted prior to an annual survey, but within the survey window, may not be accepted even as an exceptional circumstance.

27 IACS considers that if the quality of ASP may be relied upon, the annual servicing other than the five yearly one may be conducted by an authorized service provider prior to the annual survey but within the survey window, subject to the subsequent confirmation of the overall condition by a surveyor at the time of the annual survey. To capture such understanding and the interpretation already established in MSC.1/Circ.1618, IACS proposes to respectively add the provisions under paragraphs 6.2 and 6.3 of the annex to resolution MSC.402(96), as follows:

"The thorough examinations and operational tests may be annually carried out within the 'time window' of the annual/periodical/renewal survey under the Harmonized System of Survey and Certification (HSSC), but not later than the date of completion of the survey for endorsement/renewal of the relevant Certificate. However, where the servicing is not performed in the presence of a surveyor, the overall condition shall be confirmed before the completion of the annual/periodical/renewal survey, as appropriate."; and

"The thorough examinations, overhauls and operational tests, carried out at intervals of at least once every five years, should be done in the presence of a surveyor."

Proposal

28 In light of the above discussion and proposals, IACS has prepared a marked-up version of resolution MSC.402(96) in the annex for consideration of the Sub-Committee.

Action requested of the Sub-Committee

29 The Sub-Committee is invited to consider the above, the proposal in paragraph 28 and take action, as appropriate.

ANNEX

DRAFT AMENDMENTS TO RESOLUTION MSC.402(96)

1 Paragraph 2.2.1 is to be amended as follows:

".1 *Authorized Service Provider* means an entity, other than the manufacturer as defined in paragraph 2.2.3, authorized by the Administration in accordance with section 3 and section 7".

2 Under paragraph 2.2, new paragraphs are to be respectively added, as follows:

".8 *Make* means the name of the manufacturer.";

".9 *Type* means the model or series of the equipment.";

".10 *Agents* means a person or company authorized to act for, or to represent a manufacturer or approved/recognized service supplier, and which is managed under the service provider's quality system and is included in the list of agents on the authorization document issued to the service provider"; and

".11 *Subsidiary* means a company which is wholly or partly owned by the authorized service provider which is managed under the service provider's quality system and is included in the list of subsidiaries on the authorization document issued to the service provider."

3 Paragraph 3.2 is to be amended, as follows:

"3.2 The requirements in section 7 shall equally apply to manufacturers, as defined in paragraph 2.2.3, when they are acting as authorized service providers for equipment which is not their own equipment."

4 Under paragraphs 6.2, a new paragraph 6.2.11 is to be added as follows:

"The thorough examinations and operational tests may be annually carried out within the 'time window' of the annual/periodical/renewal survey under the Harmonized System of Survey and Certification (HSSC), but not later than the date of completion of the survey for endorsement/renewal of the relevant Certificate. However, where the servicing is not performed in the presence of a surveyor, the overall condition shall be confirmed before the completion of the annual/periodical/renewal survey, as appropriate."

5 Under paragraphs 6.3, a new paragraph 6.3.5 is to be added as follows:

"The thorough examinations, overhauls and operational tests, carried out at intervals of at least once every five years, should be done in the presence of a surveyor."

6 Paragraph 7.1.1 is to be amended as follows:

".1 employment and documentation of personnel certified in accordance with a recognized national, international or industry standard as applicable, or a manufacturer's established certification programme for its own equipment. In either case, the certification programme shall comply with section 8 for each make and type of equipment for which service is to be provided;"

7 Paragraph 8.1 is to be amended as follows:

"8 REQUIREMENTS FOR CERTIFICATION OF PERSONNELS

8.1 Certification of personnel

8.1.1 Personnel for the work specified in paragraphs 4.2 and 4.3 shall be certified by the manufacturer or authorized service provider for each make and type of the equipment to be worked on in accordance with the provisions in this section.

8.1.2 For the certification of personnel, an authorized service provider may rely on the certification programme already established by a manufacturer, provided that such a manufacturer grants to the authorized service provider the necessary access to its certification programme. However, in this case, the manufacturer's certification programme shall only certify the authorized service provider's personnel for its own equipment.

8.1.3 Certification of personnel by an authorized service provider is meant for the personnel employed by the service provider, including any of its subsidiaries and agents. Nonetheless, a service provider may contract the education and training of its personnel, as required by paragraph 8.2, to another service provider authorized by the Administration; in such cases, final certification shall be issued by the authorized service provider employing the personnel, including any of its subsidiaries and agents.

8.1.4 Where a manufacturer acts also as an authorized service provider for the equipment made by other manufacturers, the manufacturer's personnel shall be certified in accordance with a recognized national, international or industry standard or a certification programme established by the manufacturer, as defined in paragraph 2.2.3."
