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EQUIPMENT
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Agenda item 10

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**UNIFIED INTERPRETATION OF PROVISIONS OF IMO SAFETY,
SECURITY, ENVIRONMENT, FACILITATION, LIABILITY AND
COMPENSATION-RELATED CONVENTIONS**

**Draft unified interpretation providing the factual statement for the test and
thorough examination of non-certified lifting appliances**

Submitted by Germany, New Zealand, Norway and IACS

SUMMARY

<i>Executive summary:</i>	This document responds to the outcome of SSE 10 and proposes a revised draft unified interpretation of SOLAS regulation II-1/3-13.2.4 to facilitate uniform documentation of load testing and thorough examination for existing non-certified lifting appliances.
<i>Strategic direction, if applicable:</i>	7
<i>Output:</i>	7.1
<i>Action to be taken:</i>	Paragraph 0
<i>Related documents:</i>	MSC 106/19; MSC 108/20; MSC.1/Circ.1663; SSE 10/12/6 and SSE 10/20

Background

1 MSC 107 adopted SOLAS regulation II-1/3-13 on shipboard lifting appliances and anchor handling winches (resolution MSC.532(107)). The *Guidelines for lifting appliances* (MSC.1/Circ.1663) ("the Guidelines") were approved in conjunction with the adoption of the SOLAS amendments.

2 IACS submitted to SSE 10 a draft unified interpretation of SOLAS regulation II-1/3-13.2.4 containing a sample form for the factual statement for the test and thorough examination of non-certified lifting appliances installed before 1 January 2026 (SSE 10/12/6). Whilst this proposal was supported in principle, some modifications were suggested with respect to the issuing entities and the consideration of the safe working load (SWL); and IACS was invited to submit a revised proposal to a future session (SSE 10/20, paragraphs 12.51 to 12.54).

Introduction

3 SOLAS regulation II-2/3-13.2.4 requires existing lifting appliances to be tested and thoroughly examined in accordance with the Guidelines, as follows:

"2 Design, construction and installation

2.4 Lifting appliances installed before 1 January 2026 shall be tested and thoroughly examined, based on the Guidelines developed by the Organization* and comply with paragraph 2.3 no later than the date of the first renewal survey on or after 1 January 2026."

4 The Guidelines address existing lifting appliances in their relevant paragraphs, as follows:

"3.2.1.2 Lifting appliances to which SOLAS regulation 3-13.2.4 applies, should be load tested to the satisfaction of the Administration no later than the date of the first renewal survey on or after 1 January 2026 or after repairs, modifications or alterations of major character.";

"3.2.1.4 Lifting appliances to which SOLAS regulations II-1/3-13.2.1 and 3-13.2.4 apply should be retested at least once in every five years.";

"3.2.3.2 Load testing and thorough examination may be documented in any convenient form, provided each entry contains the necessary information, is clearly legible and is authenticated by a competent person. The minimum information to be included in the *Certificate of test and thorough examination*, as set out in the appendix 1, should be used. Alternatively, other formats may be used which are acceptable to the Administration, such as those of a classification society recognized by the Administration.";

"3.3.2 Lifting appliances installed before 1 January 2026 should be certified as compliant with SOLAS regulation II-1/3-13.2.4 no later than the date of the first renewal survey on or after 1 January 2026."; and

"3.3.3 Existing lifting appliances with valid certificates of test and thorough examination under another international instrument acceptable to the Administration and issued prior to the entry into force of SOLAS regulation II-1/3-13, should be considered compliant with SOLAS regulation II-1/3-13.2.4."

Discussion

5 Paragraph 3.3.3 of the Guidelines addresses existing lifting appliances with valid certificates of test and thorough examination under another international instrument, which should be considered compliant with SOLAS regulation II-1/3-13.2.4. The co-sponsors understand that the purpose is to avoid duplicative testing and thorough examination. Further, it is the understanding of the co-sponsors that another international instrument acceptable to the Administration could be, for example, the ILO Convention concerning Occupational Safety and Health in Dock Work (No. 152).

* Refer to the *Guidelines for lifting appliances* (MSC.1/Circ.1663).

6 Existing lifting appliances without valid certificates of test and thorough examination under another international instrument are not specifically addressed by the Guidelines, except that paragraph 3.2.1.2 of the Guidelines provides for the load testing for all lifting appliances to which SOLAS regulation 3-13.2.4 applies.

7 In accordance with paragraph 3.2.3.2 of the Guidelines, demonstration of compliance following load testing and thorough examination may be documented in any convenient form provided each entry contains the necessary information stipulated in the Guidelines, it is clearly legible and is authenticated by a competent person.

8 MSC 106 noted that a factual statement issued by the Administration or a classification society recognized by the Administration could serve as a demonstration of compliance for existing lifting appliances without valid certificates of test and thorough examination under another international instrument (MSC 106/19, paragraph 11.52.3).

9 The co-sponsors acknowledge that recognized organizations witnessing testing and thorough examination of existing lifting appliances without valid certificates would need a separate form to document compliance with SOLAS regulation II-1/13.2.4, as the certification history and responsibility would be different than for the lifting appliances with valid certificates.

10 This draft unified interpretation aims to provide the necessary clarity for the demonstration of compliance of existing lifting appliances without valid certificates of the load test and thorough examination under another international instrument and installed before 1 January 2026 in the form of a factual statement. The unified interpretation explains the way the information should be presented in order to distinguish between existing lifting appliances with a valid certificate and without such certificates. Therefore, it is the co-sponsors understanding that this draft unified interpretation complies with the safeguards as provided in paragraph 19.6 of document MSC 108/20.

Proposal

11 To provide the consistent application of SOLAS regulation II-1/3-13.2.4, the co-sponsors propose a draft unified interpretation providing a factual statement, as a form of documentation of load testing and thorough examination of existing lifting appliances without valid certificates, which were installed before 1 January 2026, to be effective from 1 January 2026 with the expected entry into force of the regulation.

Action requested of the Sub-Committee

12 The Sub-Committee is invited to consider the foregoing, the proposal in paragraph 11 and the draft unified interpretation as set out in the annex, and to take action, as appropriate.

ANNEX

DRAFT UNIFIED INTERPRETATION OF SOLAS REGULATION II-1/3-13.2.4 WITH RESPECT TO A FACTUAL STATEMENT FOR THE TEST AND THOROUGH EXAMINATION OF NON-CERTIFIED LIFTING APPLIANCES

SOLAS regulation II-1/3-13.2 states:

"2 Design, construction and installation

2.1 Lifting appliances installed on or after 1 January 2026 shall be:

- .1 designed, constructed and installed in accordance with the requirements of a classification society which is recognized by the Administration in accordance with the provisions of regulation XI-1/1 or standards acceptable to the Administration which provide an equivalent level of safety; and
- .2 load tested and thoroughly examined after installation and before being taken into use for the first time and after repairs, modifications or alterations of major character.

...

2.3 Lifting appliances installed on or after 1 January 2026 shall be permanently marked and provided with documentary evidence for the safe working load (SWL).

2.4 Lifting appliances installed before 1 January 2026 shall be tested and thoroughly examined, based on the Guidelines developed by the Organization* and comply with paragraph 2.3 no later than the date of the first renewal survey on or after 1 January 2026."

Guidelines for lifting appliances (MSC.1/Circ.1663) state:

"3 Maintenance, operation, inspection and testing

...

3.2.3.2 Load testing and thorough examination may be documented in any convenient form, provided each entry contains the necessary information, is clearly legible and is authenticated by a competent person. The minimum information to be included in the Certificate of test and thorough examination, as set out in the appendix 1, should be used. Alternatively, other formats may be used which are acceptable to the Administration, such as those of a classification society recognized by the Administration."

Interpretation

1 For existing lifting appliances installed before 1 January 2026 without valid certificates of the test and thorough examination under another international instrument (e.g. ILO Convention concerning Occupational Safety and Health in Dock Work (No. 152)) acceptable to the Administration, compliance with SOLAS regulation II-1/3-13.2.4 could be demonstrated by means of a "factual statement" (also known as a "statement of fact"), issued by the competent person approved by the Administration, or the classification society recognized by the Administration (recognized organization (RO)).

* Refer to the *Guidelines for lifting appliances* (MSC.1/Circ.1663).

2 The factual statement should confirm that the lifting appliance has been subjected to a load test (the value of the test load is to be taken as per table 1 of paragraph 3.2.1.5 of the *Guidelines for lifting appliances* (MSC.1/Circ.1663)) and subsequently been thoroughly examined by the competent person approved by the Administration, or an RO, satisfying the requirements in SOLAS regulation II-1/3-13.2.4 only. The criteria against which the load test and thorough examination have been carried out should be clearly stated in the factual statement. It should further be stated that the factual statement does not confirm compliance with SOLAS regulations II-1/3-13.2.1 and II-1/3-13.2.3. A sample factual statement is provided in the annex to this unified interpretation.

3 Where, as described in paragraph 3.2.1.6 of the *Guidelines* (MSC.1/Circ.1663), the safe working load (SWL) has been nominated by the Company (see definition SOLAS regulation IX/1), it should be made clear in the factual statement that the competent person approved by the Administration, or an RO, has confirmed that the test load has been calculated based on a SWL nominated by the Company, to the satisfaction of the Administration. Further, it should be made clear in the factual statement that the SWL is not confirmed by the competent person.

4 To avoid misinterpretation of the extent of the confirmation of compliance, the factual statement form should be different from the form used to confirm compliance with SOLAS regulations II-1/3-13.2.1 and II-1/3-13.2.3. The Sample Certificate in appendix 1 of the *Guidelines* should not be used also as a factual statement form to confirm compliance with SOLAS regulation II-1/3-13.2.4.

5 In order to document the history of the test and thorough examination and to comply with paragraph 3.2.2.1.1 of the *Guidelines*, the factual statement may be attached to the form "Register of lifting appliances and cargo handling gear" in appendix 3 of the *Guidelines*, as long as the factual statement clearly refers to documenting the compliance with SOLAS regulation II-1/3-13.2.4 only.

6 In order to comply with paragraph 3.2.2.1.2 of the *Guidelines*, the annual thorough examination may be documented (as 12-monthly, with reference to Note 2 (b)) in the form "Register of lifting appliances and cargo handling gear" in appendix 3 of the *Guidelines*.

ANNEX*

DRAFT OF SAMPLE FORM OF THE FACTUAL STATEMENT OF THE TEST AND THOROUGH EXAMINATION OF NON-CERTIFIED EXISTING LIFTING APPLIANCES INSTALLED BEFORE 1 JANUARY 2026

Factual Statement
of the test and thorough examination of non-certified existing lifting appliances
installed before 1 January 2026

Issued under the provisions of paragraph 3.2.3.2 of the *Guidelines for lifting appliances* (MSC.1/Circ.1663).

(Official seal) Document No.:

Name of Ship:

IMO Number:

Call Sign:

Port of Registry:

Name of Owner:

THIS FACTUAL STATEMENT:

- .1 is to confirm that the lifting appliance(s) described herein, has/have been load tested and thoroughly examined and, on examination, found free from defects, as far as could be seen;
- .2 may be used to document compliance with SOLAS regulation II-1/3-13.2.4;
- .3 does not confirm compliance with SOLAS regulations II-1/3-13.2.1 and II-1/3-13.2.3;
- .4 does not confirm the safe working load (SWL) of the lifting appliance(s) nominated by the Company, to the satisfaction of Administration;
- .5 is to confirm that the lifting appliance(s) listed below has/have been subjected to a load test followed by thorough examination carried out by a competent person; and
- .6 is to confirm that the test load of _____ (tonnes) has been calculated in accordance with paragraphs 3.2.1.5 and 3.2.1.6 of the *Guidelines for lifting appliances* (MSC.1/Circ.1663), based on the safe working load (SWL) of _____ (tonnes) nominated by the Company to the satisfaction of the Administration (attached to this factual statement).

* The sample Factual Statement provided in the annex represents only a possible form of a factual statement. Other forms can also be used provided that all necessary information is contained.

Situation and description of lifting appliance (with distinguishing number or mark, if any) which has been tested and thoroughly examined	Angle to the horizontal or radius at which test load is applied		Test load (tonnes)
	Angle (degrees)	Radius (metres)	
Lifting appliance A (e.g. description, serial number, etc.)			
Lifting appliance B (e.g. description, serial number, etc.)			

This factual statement is valid until: (dd/mm/yyyy)

Date of load test and thorough examination: (dd/mm/yyyy)

Issued at: (place of issue of the statement)

Date of issue: (dd/mm/yyyy)

Signature of the competent person issuing the factual statement:
