

MARITIME SAFETY COMMITTEE
105th session
Agenda item 2

MSC 105/2/4
31 March 2022
Original: ENGLISH
Pre-session public release:

DECISIONS OF OTHER IMO BODIES

Urgent matters emanating from LEG 109

Note by the Secretariat

SUMMARY

<i>Executive summary:</i>	This document reports on the outcome of LEG 109 on matters of interest to the Maritime Safety Committee
<i>Strategic direction, if applicable:</i>	Not applicable
<i>Output:</i>	Not applicable
<i>Action to be taken:</i>	Paragraph 8
<i>Related document:</i>	LEG 109/WP.1/Rev.1

Introduction

1 The 109th session of the Legal Committee was held remotely from 21 March to 5 April 2022, and is currently in the correspondence period, after completing the virtual meetings on 25 March 2022. The draft report of that session has been circulated under the symbol LEG 109/WP.1/Rev.1. The following paragraphs report on the outcome of LEG 109 on matters of interest to the Committee.

Seafarer abandonment cases

(LEG 109/WP.1/Rev.1, paragraphs 4(d).1 to 4(d).10)

2 Having considered documents LEG 109/4(d) and LEG 109/4(d)/1, LEG 109 agreed, inter alia, to:

- .1 endorse draft guidelines for port State and flag State authorities on how to deal with seafarer abandonment cases;
- .2 forward the report and the draft guidelines as a base document for consideration and further refinement to the joint ILO-IMO Tripartite Working Group to identify and address seafarers' issues and the human element;

- .3 include information indicating a response from, or action taken by the flag State, port State and Member State of which the seafarer is a national, in the reporting form of the IMO/ILO joint database of abandonment of seafarers;
- .4 refer the issue of inclusion of the name and continuous discharge certificate (CDC) or seafarers' identity document (SID) number of abandoned seafarers to the IMO/ILO Joint Working Group to find solutions and report back to LEG 110; and
- .5 encourage Member States to develop a mechanism to provide a rapid response in cases of seafarer abandonment from the perspective of the flag State, port State and State of which the seafarer is a national.

Unauthorized and unlawful issuance of certificates in respect of ships in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation

(LEG 109/WP.1/Rev.1, paragraphs 5.1 to 5.15)

3 LEG 109 included a new sub-item (a) on the impact on shipping and seafarers of the situation in the Black Sea and the Sea of Azov in its agenda, under the existing item on "Advice and guidance in connection with the implementation of IMO instruments" and approved LEG.1/Circ.12 on *Guidance on the impact of the situation in the Black Sea and the Sea of Azov on insurance or other financial security certificates* (LEG 109/WP.1/Rev.1, annex 1).

4 LEG 109 noted documents LEG 109/5 and LEG 109/5/Add.1 (Ukraine), and the intention of the submitters to raise items in annex 1 of document LEG 109/5/Add.1 at C 127; and to submit the information in annex 2 to that document for consideration by the Council, MSC and the Sub-Committee on Implementation of IMO Instruments (III), as appropriate.

Unlawful practices associated with fraudulent registration and registries of ships

(LEG 109/WP.1/Rev.1, paragraphs 6.15 to 6.19)

5 Having considered document LEG 109/6/1 (Secretariat) reporting on cases of fraudulent registration and fraudulent registries of ships received since LEG 108, together with further information provided orally by the observer of INTERTANKO, LEG 109 noted the concerns expressed, in particular that AIS data were deliberately manipulated and that ships were able to operate transmitting fake data; and agreed to inform MSC of this issue, for possible investigation of how ships without proper registration were able to obtain Maritime Mobile Service Identity (MMSI) numbers.

Maritime Autonomous Surface Ships (MASS)

(LEG 109/WP.1/Rev.1, paragraphs 13.7 to 13.9)

6 LEG 109 noted that the human element should be an important aspect to consider in the completion of this output, as well as the fact that MASS should operate within the legal framework of UNCLOS, as also noted in paragraph 3.8 of the *Outcome of the Regulatory Scoping Exercise and Gap Analysis of Conventions emanating from the Legal Committee with respect to MASS* (LEG.1/Circ.11), and:

- .1 included a new output on "Measures to address Maritime Autonomous Surface Ships (MASS) in the instruments under the purview of the Legal Committee" on the 2022-2023 biennial agenda, and subsequently the 2024-2025 biennial agenda, with a target completion year of 2025; and

- .2 invited concrete proposals to LEG 110 on the scope of the work on the new output and a draft road map to have a common understanding of the steps to be taken by the Legal Committee.

Proposal for a joint MSC-LEG-FAL Working Group on MASS

(LEG 109/WP.1/Rev.1, paragraphs 13.10 to 13.14)

- 7 Having considered documents LEG 109/13/3 and LEG 109/13/5, LEG 109:
 - .1 approved the establishment of a joint MSC-LEG-FAL Working Group on MASS and its terms of reference (LEG 109/13/3, annex);
 - .2 included an additional point in the terms of reference, to read "develop a work plan taking into account the road maps developed and updated by the three Committees", subject to approval by MSC and FAL;
 - .3 requested the Secretariat to make arrangements for the holding of the first meeting of the Joint Working Group as soon as possible after C 127 in July 2022, subject to MSC, FAL and the Council's approval; and
 - .4 encouraged Member States and observer organizations to submit proposals to the Joint Working Group on common issues.

Action requested of the Committee

- 8 The Committee is invited to note the information provided and take action, as appropriate, in particular:
 - .1 consider whether to investigate how ships without proper registration were able to obtain MMSI numbers (paragraph 5), and
 - .2 in relation to the establishment of a joint MSC-LEG-FAL Working Group on MASS, to consider the inclusion of an additional point in the terms of reference (paragraph 7.2).
-