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Agenda item 13

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NAVIGATION, COMMUNICATIONS AND SEARCH AND RESCUE

Comments on document MSC 109/13 on pilot transfer arrangements

Submitted by Marshall Islands, New Zealand and IMPA

SUMMARY

Executive summary: This document provides proposals to address the unintended potential for inconsistent application of the draft resolution on performance standards for pilot transfer arrangements (annex 9 to NCSR 11/19/Add.1).

Strategic direction, if applicable: 7

Output: 7.44

Action to be taken: Paragraph 9

Related documents: MSC 109/13 and NCSR 11/19/Add.1

Introduction

1 This document is submitted in accordance with the provisions of paragraph 6.12.5 of the document on *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.5) and comments on document MSC 109/13 concerning the report of the eleventh session of the Sub-Committee on Navigation, Communications and Search and Rescue (NCSR 11).

Discussion

2 Sections 2 (Definitions) and 3 (General) of the draft new performance standards for pilot transfer arrangements (NCSR 11/19/Add.1, annex 9) contain details which are necessary for the consistent implementation of the draft amended SOLAS regulation V/23, and, in some cases, the current requirements of SOLAS regulation V/23:

- .1 definitions of terms used in the performance standards;
- .2 overall goal for pilot transfer arrangements (current SOLAS regulation V/23.2.1);

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- .3 the maximum height of climb on a pilot ladder (9 m) and the threshold height of climb for using a combination arrangement (current SOLAS regulation V/23.3.2);
 - .4 pilot transfer arrangements being provided on either side of a ship (current SOLAS regulation V/23.3.1);
 - .5 marking of pilot ladders (current SOLAS regulation V/23.2.4) and manropes; and
 - .6 supervision of inspection and rigging of pilot transfer arrangements by a designated responsible officer (current SOLAS regulation V/23.2.5).

3 Nevertheless, the provisions of revised SOLAS regulation V/23.3 and V/23.6 explicitly refer to parts A, B, and C and parts D and E, respectively, only. Sections 2 (Definitions) and 3 (General) are omitted from the list of parts of the performance standards that must be complied with.

4 The co-sponsors are concerned that this may result in:

- .1 inconsistent application of the provisions of the draft new performance standard if there is scope to interpret section 2 (Definitions) as non-mandatory;
- .2 pilots and other personnel being presented with unsafe pilot transfer arrangements if there is scope to interpret section 3 (General) as non-mandatory; and
- .3 a reduction in personnel safety rather than an improvement, in the case of those provisions of the current SOLAS regulation V/23.

5 Recalling the approach adopted in SOLAS regulation XIV/3 (Requirements for ships to which the Polar Code applies), the issue raised above can be easily addressed by:

- .1 modifying the draft new performance standards to include a new part titled "Introduction" before section 1 (Purpose); and
- .2 modifying the amendments to SOLAS regulations V/23.3 and V/23.6 to include "the Introduction" in the list of parts of the new performance standards that shall be complied with.

6 Given the likely implications in paragraph 4 above, it is clear that the omission of sections 2 and 3, in particular, from the scope of the mandatory requirements listed in revised SOLAS regulations V/23.3 and V/23.6 is an unintended oversight. The approach outlined above for addressing this does not include amendments to the technical requirements finalized at NCSR 11, instead focusing on a high-level approach with precedent.

7 It is strongly recommended that for the reasons outlined in paragraph 4, the Committee addresses the omissions based on the approach outlined in paragraph 5 and set out in paragraph 8 of this document.

Proposal

8 The co-sponsors propose that:

.1 the draft new SOLAS regulation V/23.3 is modified to read:

"3 Pilot transfer arrangements provided in accordance with paragraph 1 and installed on or after [1 January 2028] shall be designed, manufactured, constructed, secured and installed in accordance with the introduction and parts A, B and C of the performance standards adopted by the Maritime Safety Committee by resolution MSC.[...], as may be amended by the Organization, provided that such amendments are adopted, brought into force and take effect in accordance with the provisions of article VIII of the present Convention concerning the amendment procedures applicable to the annex other than chapter I."

"6 Inspection, stowage, maintenance, replacement and familiarization of all pilot transfer arrangements, regardless of the installation date, shall comply with the introduction and parts D and E of the performance standards adopted by the Maritime Safety Committee by resolution MSC.[...], as may be amended by the Organization, provided that such amendments are adopted, brought into force and take effect in accordance with the provisions of article VIII of the present Convention concerning the amendment procedures applicable to the annex other than chapter I."

.2 group sections 1 (Purpose), 2 (Definitions) and 3 (General) into a new part titled "INTRODUCTION".

Action requested of the Committee

9 The Committee is invited to note the information provided in paragraphs 2 to 6 and the recommendation in paragraph 7, consider the proposal in paragraph 8, and take action as appropriate.
