

MARITIME SAFETY COMMITTEE
109th session
Agenda item 3

MSC 109/3/2
26 September 2024
Language: ENGLISH
Pre-session public release:

AMENDMENTS TO MANDATORY INSTRUMENTS

Draft circular for the voluntary early implementation of amendments to the IGC Code

Submitted by Belgium, Liberia, Netherlands (Kingdom of the), Republic of Korea, ICS, INTERTANKO, EUROMOT and IBIA,

SUMMARY

Executive summary: This document follows up on discussions at MSC 108 on the early implementation of the draft amendments to the IGC Code and proposes a draft MSC circular for their voluntary early implementation.

Strategic direction, if applicable: 1

Output: 1.17

Action to be taken: Paragraph 6

Related documents: MSC 108/20, paragraph 14.20, MSC 108/14/1; MSC.1/Circ.1565 and Circular Letter No.4879

Introduction

1 The Committee, at its 108th session (MSC 108), considered document MSC 108/14/1 (Belgium et al.), proposing to move forward the timeline for entry into force of the draft amendment to paragraph 16.9.2 of the IGC Code, set out in annex 2 to document CCC 9/WP.4, through approval of the draft amendment at that session and adoption at MSC 109; for its earlier entry into force (1 July 2026), as an exceptional circumstance defined in MSC.1/Circ.1481; and to issue an MSC circular inviting voluntary implementation of the amendment at MSC 109, based on MSC.1/Circ.1565.

2 After consideration, based on the proposal in the annex to document MSC 108/14/1, the Committee approved draft amendments to the IGC Code, as set out in annex 21, and requested the Secretary-General to circulate them in accordance with SOLAS article VIII, with a view to adoption at MSC 109, and entry into force on 1 July 2026, together with an MSC circular on the early implementation of the draft amendments to be issued at MSC 109. As an alternative to an MSC circular, MSC 109 could consider including an invitation for early implementation in the resolution containing the aforementioned amendments (MSC 108/20, paragraph 14.20).

Discussion

3 In relation to the options for early implementation either by a circular or by the cover page of the resolution, the co-sponsors noted that MSC 108, in relation to the LSA Code, decided not to use the resolution cover page for clarifying the application (MSC 108/20, paragraph 3.29):

"3.29 The Committee also noted that the application provisions in these amendments and other previous amendments to SOLAS chapter III adopted in the past had been included in the text of the resolution, which meant that the text of the regulation lacked its own scope of application, thereby hindering its effective implementation. In this regard, the Committee requested the Secretariat to explore possible ways to address this matter in the provisions concerned and in future relevant amendments for advice to the Committee."

4 The co-sponsors fully concur with the statements given in this paragraph and, therefore, prepared the draft early implementation circular set out in the annex. Key issues for the circular are:

- .1 to clarify that the amendments to the IGC Code chapter 16, as circulated by Circular Letter No.4879 of 29 May 2024, apply retroactively to ships subject to the IGC Code, as amended by resolution MSC.370(93); and
- .2 flag State Administrations may approve such arrangements as soon as the amendment to the Code is adopted on a voluntary basis in accordance with MSC.1/Circ.1565.

Proposal

5 Based on the understanding given in paragraph 4 above, the co-sponsors prepared the draft early implementation circular as provided in the annex.

Action requested of the Committee

6 The Committee is invited to consider the comments above, especially the proposed draft circular provided in the annex, and take action as appropriate.

ANNEX

DRAFT MSC CIRCULAR

**VOLUNTARY EARLY IMPLEMENTATION OF THE AMENDMENTS TO CHAPTER 16
OF THE IGC CODE, ADOPTED BY RESOLUTION MSC.[...](109)**

1 The Maritime Safety Committee, at its [109th] session (2 to 6 December 2024), adopted amendments to the IGC Code by resolution MSC.[...](109).

2 The entry-into-force date of the aforementioned amendments is 1 July 2026 applicable to ships subject to the Code, the keels of which are laid, or which are at a similar stage of construction, on or after 1 July 2016 in accordance with the annex to resolution MSC.370(93).

3 In adopting the amendments to chapter 16 of the IGC Code, the Committee, having considered the need for their voluntary early implementation, in accordance with the *Guidelines on the voluntary early implementation of amendments to the 1974 SOLAS Convention and related mandatory instruments* (MSC.1/Circ.1565), agreed to invite the Contracting Governments to the International Convention for the Safety of Life at Sea, 1974, to implement them prior to the entry-into-force date.

4 Voluntary early implementation should be communicated by a Contracting Government to the Organization for dissemination through GISIS.

5 In addition to the aforementioned communication, a Contracting Government may also consider the use of the existing provisions for equivalent arrangements under SOLAS regulation I/5 to cover the interim period between the date of the voluntary early implementation and the entry-into-force date of the amendments.

6 A Contracting Government, in line with paragraph 1.2.4 of the *Procedures for Port State Control, 2023* (resolution A.1185(33)), as may be amended, when acting as a port State, should refrain from enforcing its decision to voluntarily early implement the amendments to chapter 16 of the IGC Code to ships entitled to fly the flag of other Contracting Governments, calling at its ports.

7 The Contracting Governments, when undertaking port State control activities, should take into account the present invitation and any subsequent notifications communicated by other Contracting Governments through GISIS.

8 Contracting Governments are invited to be guided accordingly and to bring the contents of this circular to the attention of all concerned, especially port State control authorities and recognized organizations.