INTERNATIONAL MARITIME ORGANIZATION

E

MARITIME SAFETY COMMITTEE
105th session
Agenda item 19

MSC 105/19/7
15 February 2022
Original: ENGLISH
Pre-session public release: ☒

ANY OTHER BUSINESS

On the need to clarify the terms "make" and "type" within resolution MSC.402(96)

Submitted by CESA

SUMMARY

Executive summary:	This document reiterates concerns regarding non-uniform interpretations of the terms "make" and "type". CESA emphasizes the significance of competent personnel, which are trained and certified for individual LSA models and perform services using type specific tools and maintenance manuals. Uncertainties of the mandatory requirements should be rectified by clear definitions within a revised resolution MSC.402(96).
Strategic direction, if applicable:	Not applicable
Output:	Not applicable
Action to be taken:	Paragraph 19
Related documents:	MSC 102/22/6; MSC 103/20/15, MSC 103/20/17; MSC 104/17/6; SSE 8/15/5, SSE 8/15/14; MSC 105/19/1; resolution MSC.402(96) and ISO/PAS 23678 (series)

Background

1 At MSC 102, ISO notified the Committee of the publication of the "Publicly Available Specification" ISO/PAS 23678 (series) "Service personnel for the maintenance, thorough examination, operational testing, overhaul and repair of lifeboats (including free-fall lifeboats) and rescue boats (including fast rescue boats), launching appliances and release gear" providing guidance on the training and certification of LSA service personnel in document MSC 102/22/6. ISO proposed to refer to it by means of a footnote to paragraph 7.1.1 of resolution MSC.402(96).

2 ISO's proposal has been discussed and commented controversially since then. Due to time constraints induced by the COVID-19 pandemic, the Committee was not in the position to consider the input by ISO, IACS, ICS et al. and CESA at MSC 103 and MSC 104. Document MSC 105/19/1 (Secretariat) adequately summarizes the background.

3 In the meantime, complementing documents have been submitted to SSE 8 by IACS and ILAMA (SSE 8/15/5 and SSE 8/15/14, respectively). This development initiated the submission of an updated CESA position, which reconfirms the concerns

of LSA manufacturers and provides additional input regarding a model certificate illustrating the safe interpretation of the terms "make" and "type".

Discussion

4 Shipbuilders and equipment manufacturers would like to emphasize the significance of regular inspection and maintenance, thorough examination, operational testing, overhaul and repair of life-saving appliances (LSA) by qualified and certified personnel in order to maintain the highest safety standards for passengers and crew members. CESA has scrutinized the issue in detail in consultation with members and would like to bring the following observations and conclusions to the attention of the Committee.

5 The safety intention of resolution MSC.402(96) is clear and has not been disputed yet. Although the resolution does not contain explicit definitions of "make" and "type", the meaning of these terms appear to be self-explanatory, if considered in the context of the general objectives and individual safety requirements. The resolution establishes standards for type approved LSA equipment and requires maintenance, examination, testing, overhaul and repair to be performed by adequately trained personnel according to maintenance manuals developed by the manufacturer. Manuals and associated technical documentation are, for good reasons, type specific and cannot be substituted by generic information for broad categories of LSA equipment that might have common characteristics, which are nevertheless difficult to establish and to maintain permanently.

6 The interpretation and implementation of the term "type" is not homogenous. Despite the clear intention, certificates of authorization of service providers are not uniform and differ significantly among Member States. While some Administrations issue certificates incorporating detailed annexes comprising manufacturer/make, type/model, equipment category and sometimes even sub-categories, others just display generic equipment categories without disclosing the makes and types for which the company service providers are required to provide ISO accreditation or documentation regarding service engineer qualifications.

7 *Guidelines for evaluation and replacement of lifeboat release and retrieval systems* (MSC.1/Circ.1392) define the term "type" for lifeboat release and retrieval systems. It should be noted that for lifeboat release and retrieval systems the definition of type is rather detailed and related to the term "identical", making it unlikely that types can successfully be consolidated into generic categories, even for the purpose of authorizing service providers or certifying the competency and training service personnel.

8 Publicly Available Specifications differ significantly from finalized ISO Standards, as an ISO/PAS is an early deliverable in the development of internationally agreed standards (step 2 out of 6 in the TC/SC route displayed in figure 1). ISO explains the status and objectives of an ISO PAS, as follows (Source: ISO homepage, Developing Standards – Deliverables, retrieved on 21 July 2021, https://www.iso.org/deliverables-all.html):

> "A Publicly Available Specification is published to respond to an urgent market need, representing either the consensus of the experts within a working group, or a consensus in an organization external to ISO. As with Technical Specifications, Publicly Available Specifications are published for immediate use and also serve as a means to obtain feedback for an eventual transformation into an International Standard. Publicly Available Specifications have a maximum life of six years, after which they can be transformed into an International Standard or withdrawn."

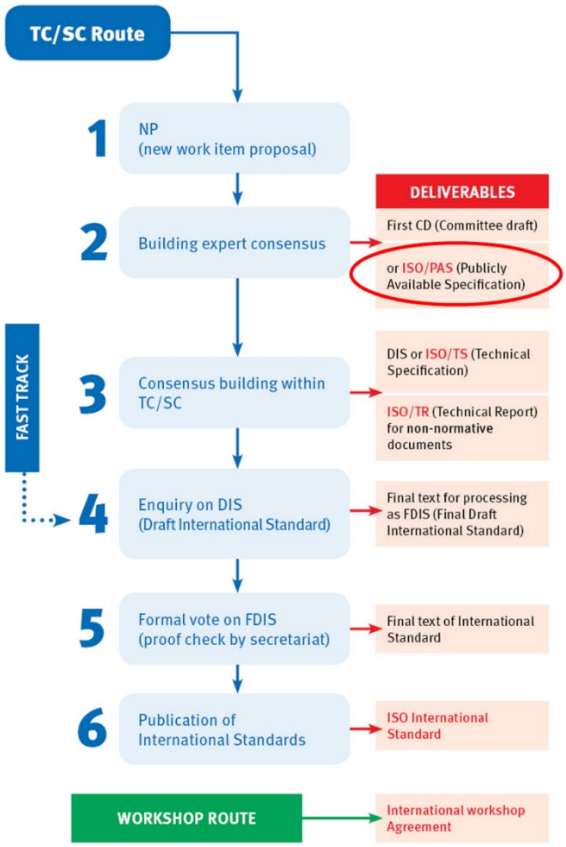

Figure 1: Schematic diagram describing the development of ISO Standards

9 Publicly Available Specifications are inappropriate to interpret IMO instruments regardless of whether they are mandatory or recommendatory. CESA welcomes a PAS as a tool to facilitate the technical consideration and consensus building among experts but fails to see how such an intermediate deliverable could be utilized for the interpretation of public international law. This scepticism is amplified by the fact that PAS issued by ISO and IEC are potentially not unique. The ISO/IEC Directives, Part 2 notes in section 3.1.6 that:

> "Competing Publicly Available Specifications on the same subject are permitted."

The homogenous application of IMO requirements world-wide would obviously be hampered if competing ISO specifications could be developed by other expert groups or organizations. In the interest of legal certainty, CESA recommends clarifying the meaning of important terms at IMO level by means of appropriate modifications to resolution MSC.402(96).

10 ISO/PAS 23678-1:2020 proposes a generic approach to the categorization of LSA. Section 3 of Part 1 contains a misleading definition of the term "type", which conflicts with the intention of resolution MSC.402(96) described in paragraph 5 of this submission:

> **"3.18 Type**
> Category of LSA equipment (3.6) having common characteristics, including lifeboats (including free-fall lifeboats) and rescue boats (including fast rescue boats), launching appliances and release gear"

The intention of this definition to group individual models of original equipment manufacturers into generic categories constitutes an obvious deviation from the make and type specific

approach of resolution MSC.402(96). The motivation of the authors to depart from the IMO approach is clearly described in the introduction to ISO/PAS 23678-1:2020 stating on page v:

> "This document has been developed by identifying common design features in relation to survival craft, davits, winches and release gear makes and types for which service is provided. This has been achieved by professional discussions with disciplined experts to obtain the appropriate information to develop a training programme that is fit for purpose. Successfully completing the service technician training in ISO/PAS 23678-2 (…) enables personnel certified by an authorized service provider to meet the IMO requirements, section 7, paragraph 7.1.1., and section 8."

11 Although ISO's intention to standardize training modules according to generic LSA categories is well understood, CESA doubts that the complex relation between specific makes and types, and generic training requirements can be adequately assessed and regulated by service providers based on a PAS. In order to achieve and maintain compatibility of individual product with standardized training modules several conditions would need to be fulfilled:

.1 availability of detailed information on functionalities, materials, dimensions and other specifics required for the definition of suitable training modules;

.2 robust verification and documentation of appropriate cross-referencing of system peculiarities with standardized ISO training modules by IMO; and

.3 regular review and update of both product information and training requirements in order to integrate novel systems entering the LSA market and to ensure that the ISO categorization remains compatible with the state-of-the-art.

12 In summary, CESA is of the view that:

.1 resolution MSC.402(96) and ISO/PAS 23678 are incompatible due to differences in intention, approach and definition;

.2 only unique and finalized standards should be utilized to complement IMO instruments when carefully reviewed by the Organization, but should never prevail over safety regulations by changing definitions or modifying intentions;

.3 LSA safety could in future benefit from technical standardization of equipment designs, but standardization of education and training programmes should not overtake and hurry ahead of the standardization of products;

.4 continuous compatibility between individual products and standardized training provisions requires a detailed cross-referencing of the functionalities of equipment with the technical content of training modules; and

.5 competence and responsibility to distinguish types with significant differences in design, functionalities, etc. rest with the original equipment manufacturer and should not be transferred to service providers.

Proposals and way forward

13 Based on the above considerations, CESA offers the following proposals to amend and improve resolution MSC.402(96) (additional wording is underlined):

"2.2 For the purpose of these Requirements:

(…)

.8 "Make" means the name of the original equipment manufacturer;

.9 "Type" means the [specific][unique] brand name of the equipment model or series of the original equipment manufacturer provided in conjunction with the make in order to clearly identify and distinguish individual [type approved] equipment [to be maintained, examined, tested, overhauled and repaired in accordance with the Requirement]."

14 In order to improve the transparency of the scope of the certification of service providers defined in paragraph 7.1, paragraphs 7.2 and 7.4 should also be clarified, as follows:

"7.2 The Administration shall ensure that make and type specific information regarding authorized service providers is made available.

(…)

7.4 Issuance and maintenance of authorization document:

.1 upon successful initial audit of a service provider, an authorization document shall be issued by the Administration defining the scope of services provided (e.g. makes and types of equipment). The expiry date shall be clearly written on the document;

.1*bis* the document issued shall contain a list of specific LSA equipment defining the scope of expertise of the service provider providing for each entry the name of the manufacturer (make), as well as the name of model or series (type) to be serviced. It is not sufficient to refer to generic groups of LSA equipment, such as lifeboats, rescue boats etc., or to generic elements of the system, such as different propulsion systems, davits, winches or release gear."

15 The scope of the certification of personnel provided in paragraph 8.1 could also be clarified with analogous wording:

"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. In order to clarify the scope for which the personnel have been educated and trained, the Certificate issued shall contain a list of specific LSA equipment providing for each entry the name of the manufacturer (make), as well as the name of model or series (type) to be serviced. It is not sufficient to refer to generic groups of LSA equipment, such as lifeboats, rescue boats etc., or to generic elements of the system, such as different propulsion systems, davits, winches or release gear."

16 This clarification could be complemented by a model certificate annexed to resolution MSC.402(96). Such guidance could significantly improve clarity of the scope of authorization

and the transparency of the process. In order to uniformly implement the meaning of the term "type", the model certificate should contain a structured three-column table. In order to illustrate this approach, the table presented below contains typical entries of specific models/series that have to be distinguished (kindly provided by Fr. Fassmer GmbH & Co KG):

Make (manufacturer)	**Description** (of LSA category)	**Type** (name of the model or series)
Launching appliances (incl. davits, ramps)		
FASSMER	Hydraulic davit	FHD
FASSMER	Hinged davit	FHDY
FASSMER	Freefall davit	FFH
FASSMER	Freefall ramp	FLR
FASSMER	(Multi) pivot davit	FPD, FFD D, FMPD
FASSMER	Outrigger davit	FOD, FOD LBC, FOD SAR, FOD-R, FOD-TC
FASSMER	Rescueboat davit	FOSV
FASSMER	Rescueboat crane	FSAH, FSAR
FASSMER	Rescueboat liferaft crane	FSARR
Release gear		
FASSMER	Freefall lifeboat release mechanism	FFRU
FASSMER	Offload rescue boat hook	FOH
FASSMER	Onload release gear	Duplex xxE, Duplex xxE2, Duplex xxxE2
Lifeboats (incl. freefall lifeboats, tenders)		
FASSMER	Davit launched totally enclosed lifeboat	GMR, TGMR, CLR-C, CLR-T, CL-C, CL-T, CLX
FASSMER	Freefall lifeboat	CFL, CFL-C, CFL-T, GAR, GAR-T,
FASSMER	Partially enclosed lifeboat (incl. multi-purpose)	CL-P, SEL, SEL-T, SEL-R, PLL, PLT-EVO, SEL-RT
Rescue boats (incl. fast rescue boats)		
FASSMER	Rescueboat	RIR
FASSMER	Rigid rescueboat	RR, RR-M, RR ID
FASSMER	Fast rigid rescueboat	FRR, FRIR

17 It should be noted that the LSA sub-categories listed in the middle column comprises equipment differing significantly and therefore requiring specific services and training. Among series with similar designation listed in the right-hand column (e.g. CFL) also specific versions with ship type related design characteristics must be distinguished (e.g. -T for tanker from -C for cargo ships). In addition, models of different size might require differentiation due to technical peculiarities although named with identical letters.

18 Company specific naming conventions necessitate a process in which the manufacturer takes responsibility to distinguish LSA models requiring specific consideration in the authorization process based on in-depth knowledge of their designs. In order to facilitate clarity and consistency in the classification and naming of LSA products, a database of existing make and types should be developed and maintained as an additional GISIS module. The combination of a model table with make and entries extracted from the database would ensure uniformity of the authorization documents and facilitate homogeneous auditing.

Action requested of the Committee

19 The Committee is invited to consider the assessment summarized in paragraph 12, as well as the proposals provided in paragraphs 13 to 18 and take action, as appropriate.