

MARITIME SAFETY COMMITTEE
100th session
Agenda item 6

MSC 100/6/9
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GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS

Comments on documents MSC 100/6/4, MSC 100/6/6 and MSC 100/6/8

Submitted by IACS

SUMMARY

Executive summary: This document provides information and comments to facilitate the Committee's consideration of documents MSC 100/6/4, MSC 100/6/6 and MSC 100/6/8

Strategic direction, if applicable: Other work

Output: OW 7

Action to be taken: Paragraph 14

Related documents: MSC 99/INF.19; MSC 100/6/4, MSC 100/6/6 and MSC 100/6/8

Introduction

1 This document is submitted in accordance with the provisions of paragraph 6.12.5 of the *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.1) and provides information and comments in relation to documents MSC 100/6/4, MSC 100/6/6 and MSC 100/6/8.

Background

2 Document MSC 100/6/4 provides the final report of the GBS initial verification audit of Türk Loydu (TL) and document MSC 100/6/8 contains the corrective action plans of TL for the non-conformities and observations identified during the initial GBS verification audit.

3 Document MSC 100/6/6 provides the observations of the audit teams that have submitted their reports to MSC 100, namely the audit team for the GBS initial verification audit of TL, and the GBS maintenance of verification audit of the 12 recognized organizations which successfully underwent the GBS initial verification audit.

Discussion

4 Documents MSC 100/6/4 and MSC 100/6/6 both highlight the concerns of the IMO audit teams that a submitter for GBS verification, which is not an IACS member, is able to adopt and apply the Common Structural Rules (CSR), Resolutions and Recommendations of IACS into its rule sets for the sake of the GBS initial verification.

5 The unified technical requirements developed by IACS are placed at the disposal of any non-IACS member, but the capability to apply IACS requirements by non-IACS members is outside of the control of IACS. This position has been reflected for many years on the IACS website (see <http://www.iacs.org.uk/publications>), which makes it clear that **(text bolded for emphasis)**:

"Note to Classification Societies which are not Members of IACS

IACS publishes all Unified Requirements ("URs"), including CSR, and technical background ("TB") information on the IACS website.

(...)

Notwithstanding the intellectual property rights held by IACS Members in IACS' URs and the related TB information, all classification societies are free to use the URs (including CSR) by effectively embedding them into their own published rules. Classification societies are also at liberty to enter into any agreement with any IACS member in relation to the provision of further information or assistance.

In the event that any classification society decides to embed IACS' requirements into its own rules, it will be the responsibility of that classification society to verify the contents and the application of those requirements. **The classification society's right to incorporate IACS' requirements into its own rules implies no representation by IACS or its Members that the classification society in question is operating in compliance with those requirements.** IACS and IACS' Members accept no liability (in contract, tort or otherwise) for any defect or deficiency in IACS' unified requirements and the related information or for any resulting damage."

6 Paragraph 5.1 of document MSC 100/6/6 makes a similar point that:

"IACS resolutions (including IACS CSR) are to be implemented by IACS Members under a quality system certification scheme. The appropriate implementation relies on the assumption that CSR are consistently interpreted and relevant IACS requirements and procedures are duly met. An equivalent scheme may or may not be adopted by non-IACS Members;"

7 In addition to requiring IACS Resolutions to be implemented by its members as part the IACS Quality System Certification Scheme (QSCS), IACS also recognizes the importance of CSR being consistently interpreted and continually reviewed. To this end, the Committee will recall that, as last reported in document MSC 99/INF.19, IACS has addressed Observation IACS/2015/FR1-8/OB/05, which was raised during the initial verification audit of the IACS members, by developing provisions for a five-yearly periodic cross-check of CSR software that is undertaken by all IACS members.

8 Noting the significant efforts that need to be made to maintain compliance with the GBS requirements, paragraph 1.2.3 of the annex to document MSC 100/6/4 is particularly noted, i.e.:

"1.2.3 In addition, it was noted that TL's self-assessment and, more importantly, justifications, as requested by the Verification Guidelines, were mainly based on IACS Technical Background (TB) Reports, taking into account the fact that CSR has already been found in compliance with the GBS Standards. Finally, it was noted by the GBS Audit Team that the TL rule linkage table was also submitted in the same way as IACS Members (i.e. compliance with the Standards is based on the adoption of IACS Resolutions complemented by individual rules and procedures)."

9 Paragraphs 4 and 5 of document MSC 100/6/6 make a similar point that:

"4 When conducting the GBS initial verification audit of classification society Türk Loydu (TL), which is not a member of IACS, the audit team noted that the TL documentation package was almost identical to those submitted by IACS members. TL adopted IACS' Common Structural Rules, relevant IACS resolutions and recommendations, as well as IACS technical background documentation and complemented them with their own set of rules and procedures. Consequently, the self-assessment and the rule linkage table submitted by TL reflect IACS members' self-assessments and rule linkage tables.

5 Although this approach does not seem to violate legal provisions or the GBS Guidelines, the audit team is concerned that it may jeopardize the intent of the GBS process for the following reasons:

(...)

.2 after the initial verification audit confirmed CSR compliance with GBS, rule changes adopted by IACS trigger GBS maintenance verification audits for IACS member ROs. However, ROs that are not members of IACS may or may not adopt those changes and no incentive currently exists to improve their rules after such initial verification."

10 Given the importance of updating and maintaining CSR, IACS wishes to draw the Committee's attention to the practical implications of the fact that, as clearly stated in documents MSC 100/6/4 and MSC 100/6/6, TL's rules, pertaining to the goal-based ship construction standards for bulk carriers and oil tankers, copy text from IACS CSR, Resolutions, and Recommendations.

11 Document MSC 100/6/8 also indicates that TL will incorporate all relevant changes adopted by IACS in the future and take the same improvement actions in addressing some of the Observations that were raised in its initial audit, such as those taken by IACS with respect to IACS/2015/FR1-8/OB/03, IACS/2015/FR1-8/OB/10 and IACS/2015/FR9-15/OB/05.

12 Therefore, and noting paragraph 5.2 of document MSC 100/6/6, IACS would remind the Committee that IACS submissions made to the IMO audit teams contain a mix of non-confidential and confidential material. While IACS freely makes available its URs (including CSR), other non-technical materials, such as the documents providing the self-assessment and rule linkage table, are confidential documents and are the intellectual property of the IACS members. As such, these confidential documents can only be used by IACS members to update and maintain compliance with CSR and not by other recognized organizations.

13 Taking into account that, for example, guidance on the action to be taken to address Observation IACS/2015/FR1-8/OB/03 was initially addressed in an IACS document that is not publicly available, but which is for implementation by IACS members depending on the individual member's rule system, it is clear that TL will have to address this audit finding using an alternative approach.

Action requested of the Committee

- 14 The Committee is requested to note the above information and to recognize that:
- .1 only material published on the IACS website (that includes URs and CSR) is freely available to third parties;
 - .2 the use of material taken from the IACS website implies no representation by IACS or its members that the classification society in question is operating in compliance with those requirements;
 - .3 the confidentiality of documents submitted for GBS verification and/or maintenance must be respected; and
 - .4 reference to confidential IACS documents as a means for non-IACS members to address audit findings should not be accepted.
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