

The International Regulations Commission met at Yas Conference Centre, Abu Dhabi, UAE at 09:30 – 13:30 hours (UTC+4) on Saturday 22 October 2022

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Present:

Alan MASSEY (GBR) - Chairman

Patrick LINDQVIST (FIN)

Elena MATZARIDOU (GRE)

Apologies:

Sally Garrett (NZL)

Others Present:

Sarah KENNY (AUS) Vice-President

Niall McLEOD (GBR) - Observer

Katrina HAM (WS Classes Executive)

Francesco GULIZZI (WS Technical Specialist)

Stuart CARRUTHERS (GBR) - WS at IMO Team

Timo HASS (GER) - Observer

Jaime NAVARRO (WS Director of Technical & Offshore)

1) Opening of the Meeting

The Chair welcomed Commission members to the first face to face meeting in 3 years. He noted that in the absence of physical meetings there had been numerous virtual meetings and that Commission members had been assiduous in monitoring regulatory and technical developments over the period. The Chairman noted the apology received from Sally Garrett as well as the recent resignation of Deputy Chair Sönke Thomsen. He said he would seek guidance from the Board on selecting a replacement. Meanwhile for this meeting the minimum quorum had been met.

World Sailing Vice-President Sarah Kenny welcomed everyone to the meeting and thanked the Commission members for their dedication. She highlighted the important work of the Commission and emphasised the support for its work from the Board.

No Declaration of conflicts of interest were noted.

2) Minutes of the Previous Meetings

(a) Minutes

The minutes of the International Regulations Commission meeting of 24 October 2021 were noted (circulated and approved after the meeting). The minutes can be downloaded at www.sailing.org/meetings

(b) Minutes - matters arising

The Chair identified that a number of actions identified in the last meeting minutes would be covered by agenda items later in the meeting but wanted to draw attention to item 2 (b) i) in the 2021 Minutes regarding navigation lights on sailing vessels.

Stuart Carruthers explained the history of the item, linked back to a collision involving a racing yacht in Hong Kong harbour and subsequent discussions around the visibility of navigation lights on board. He explained that the 1972 Colregs specifying sailing vessel navigation lights were now sub-optimal for racing yachts and in need of updating. However, there was a marked reluctance by IMO Member States to re-open for negotiation the Collision Regulations, which were generally effective

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and finely balanced. No MS was prepared to champion the cause of re-writing any of the Colregs on the basis of only minor, specialised adjustments, and it would require a significant new development – such as the advent of autonomous vessels – to justify initiating any Colregs review. We should therefore hold back on this subject, while remaining prepared to make a strong case for change if and when Colregs are re-opened for other reasons.

Action:

Commission to maintain a watching brief on the status of Colregs, and be prepared to make the case for updating rules for sailing vessel navigation lights if the opportunity arises.

3) Commission – Terms of Reference

The Commission's Terms of Reference (Regulation 8.7) were noted, and no concerns or comments were raised by Commission members nor WS staff.

It was agreed that the TORs remain fit for purpose and relevant to the work of the Commission.

4) International Maritime Organization

- (a) Reports were received on the IMO meetings attended by the 'World Sailing at IMO' team since the last meeting of the International Regulations Commission. The Chair reported on the main points of each meeting.

- i. MEPC 77 – 22-26 November 2021 Maritime Environment Protection Committee.

GHG emission reduction – the overall trend is toward greater ambition in regard both to targets and scope, with some Member States questioning why most environmental regulatory measures apply only to larger (SOLAS Convention) ships.

Marine Plastic Litter – it was noted that this now covers fishing vessels, and signals the future potential inclusion of smaller craft in the drive for a 'low-plastics future'.

Garbage record book – regulations were being targeted at non-SOLAS vessels of 100-400 Gross Tons, with the future potential to reach incrementally down to smaller recreational craft. Patrick Lindqvist and Stuart Carruthers noted that the GRB was already becoming a management issue for yacht clubs and small harbours (and has the potential to affect single domestic moorings).

Ballast water – the Ballast Water Management Convention is due to be reviewed and presumably toughened. All but the very largest sailing vessels are exempt from its current provisions, but any reduction in the exemption's lower limit of ballast water tonnage would impact more small craft. The Chair reiterated the trend toward expanding the scope of requirements to embrace more vessels, and the importance of seeking to ensure that the impacts of new regulatory restrictions are proportionate to the size of the affected vessels and to the associated risk to the environment.

- ii. MEPC 78 – 6-10 June 2022 Marine Environment Protection Committee.

GHG emissions – it was noted that the MEPC again sought an increase in the level of ambition for GHG reduction and around the greater usage of alternative, greener fuels.

ECA zone – MEPC 78 approved a proposal to designate the Mediterranean Sea as an ECA, with a view to this being adopted at MEPC 79 in December 2022. The date of entering into force is still to be decided but, if adopted at MEPC 79, it may be as early as 2024 or 2025. This would require ships navigating the Mediterranean Sea to burn fuel oils with no more than

0.10% m/m sulphur content.

Elena Matzaridou proposed that WS should grasp the strategic opportunity presented by the global environmental agenda to strengthen the position of sailing as an environmentally friendly and responsible sport. Taking a positive stand now, supported by appropriate marketing and business development, would enable WS to make a powerful statement around its sustainability, and to mitigate the risk of its being subjected to negative perceptions and possibly disproportionate regulatory measures downstream. The Chair agreed that WS shouldn't let itself be viewed as immutably defensive and always seeking to push back on new regulation: a sensible balance needed to be struck. A good example was the WS-driven Polar Yachting Guide, whereby the sport had devised its own guidelines for safe yacht operations in the extreme conditions of the polar regions, proactively meeting the spirit of the IMO's Polar Code for large vessels while avoiding excessive and impracticable constraints on yachts. A further example was the Large Yacht Code, created as an equivalence to SOLAS regulation and adopted voluntarily by many Flag states as best practice for superyacht construction and equipment. Sarah Kenny agreed that it would be important to be proactive and educate the public to demonstrate that the sector does not need to be over-regulated.

Elena Matzaridou referred to the South African IMO submission (MSC 106/INF.5) for the upcoming MSC 106 meeting, seeking to promote sailing and its benefits in all regions. The Chair noted the submission and highlighted its positive message for the sport of sailing. Stuart Carruthers noted that it was a submission for MSC but suggested it might be worth steering South Africa also towards the MEPC, as the submission emphasised the environmental friendliness of sailing. Jaime Navarro suggested further investigating the nature and purpose of the MOUs with stakeholders mentioned in the paper.

Action:

Commission to investigate with South African authorities the intent of their submission in order to understand what they are trying to achieve and provide support for their position. Sarah Kenny to follow up with Board member Philip Baum.

iii. MSC 105 – 20-29 April 2022 Maritime Safety Committee

GMDSS – The MSC had adopted a set of amendments to complete the work on the modernisation of GMDSS. This was a positive outcome for oceanic and offshore sailing.

Marine Autonomous Surface Ships (MASS) – the IMO had set an ambitious target of adopting a non-mandatory code for MASS by 2024 and a mandatory code for entry into force by 1 January 2028. It was agreed that the core issue for WS will be the safe interaction of MASS vessels with small craft. WS intends to maintain its membership of the associated MSC correspondence group to represent the interests of vulnerable small craft and to facilitate the flow of communication on this topic.

STCW – There will be a comprehensive review of the Standards of Training, Certification and Watchkeeping Convention and Code for Seafarers. While not directly impacting on small sailing vessels, the link to the wider industry and the training provided was important for the sailing community.

iv. NCSR 9 – 21-30 June 2022 (Sub-committee on Safety of Navigation, Communications and Search and Rescue).

Polar Code – NCSR had finalised draft amendments of the Polar Code to make it applicable to non-SOLAS ships including fishing vessels over 24m, pleasure yachts of 300 GT+ and cargo ships of 300-500 GT. As mentioned above, the existence of the PYG should help to forestall

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any future impact of the Code on WS interests.

There had been some changes to Traffic Separation Schemes, in particular in the Black Sea as a result of the current Russia-Ukraine conflict.

BeiDou Satellite Navigation - formal recognition of the Chinese satellite navigation system had been granted by IMO. This could bring potential benefits to sailing in terms of increased competition between providers, leading hopefully to lower prices and improved quality of communications services.

(v) CCC 8 14 – 23 September 2022 (Sub-committee on Carriage of Cargoes and Containers).

It was noted that some 2000 to 3000 containers are lost at sea annually. Those remaining afloat or partially submerged pose both an environmental risk and a serious hazard to small vessels. The Sub-committee had agreed draft new requirements for a mandatory reporting regime for lost containers to be adopted in late 2023, as a step towards enhancing their positioning, tracking and recovery. WS was supportive of these measures; had contributed to the CCC's work; and intended to remain closely engaged with the subject. There was a discussion among Commission members around the feasibility and cost of container tracking devices. Elena Matzaridou felt that these should not be considered an expensive measure for shipping companies, although there would likely be some resistance to the corresponding level of transparency and responsibility that might follow. The Chair quoted an analogous example of satellite imagery being used along with AIS tracking to identify and prosecute ships that had caused pollution. This had proven to be an effective deterrent to malpractice. Patrick Lindqvist suggested engaging with insurance companies to help promote this cause.

Action:

Commission to remain actively engaged in promoting the reporting and tracking of lost containers to mitigate the associated risk to sailing vessels.

(b) IMO Polar Code

Patrick Lindqvist provided an update on the IMO Polar Code. He noted discussions during the year had included a suggestion to change the applicability criteria from gross tonnage to waterline length in meters, however this had not been adopted. In regard to the WS Polar Yachting Guide, he informed the Commission that this would be reviewed in the coming year, with a view to updating it as required (for example to include new technologies and equipment). He also noted the important differences between the Arctic and Antarctic polar zones and the challenges they each pose to small craft: these distinctions should be drawn out in any PYG update.

Action:

Patrick Lindqvist to continue to monitor developments with the IMO Polar Code, and review World Sailing's PYG guidance with a view to updating it in 2023 as required.

(c) IMO GloFouling Partnerships Project

Katrina Ham provided a report on behalf of Alexandra Rickman, Head of Sustainability at World Sailing. Alexandra had attended several sessions of the IMO-GloFouling Conference including one that looked at the possible implementation of a bio-security zone off the coast of Brazil that would require vessels to undertake quite stringent bio-security precautions. The report also highlighted that biofouling is not limited to water and hulls but also sails and other equipment. The Chair highlighted that invasive species

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carried on other equipment items other than the hull are often overlooked.

Action:

Katrina Ham to request more information from Alexandra Rickman as to the scope and scale of the bio-security challenge; its potential to become a global issue; and how it might impact on smaller vessels.

(d) Piracy

World Sailing guidance on Piracy had recently been updated and a comprehensive new edition published. While regional incident rates fluctuated, underlying problems that caused piracy had not gone away, and mariners needed to stay alert to the threat. It was noted that the regions of significant danger had shifted from east of Africa to the west of Africa: especially in and around the Gulf of Guinea. The Malacca Strait also remained a high-risk zone for piracy and armed robbery.

Stuart Carruthers noted that the RYA had provided a web link to the World Sailing guidance, which had proven very popular. Elena Matzaridou asked whether cyber security was included in the ambit of piracy, which he confirmed. Cruise ships were particularly concerned about this risk, which was also of increasing interest to the IMO.

(e) IMO Meeting Schedule

The upcoming schedule was noted, as well as the move back to physical meetings. Elena Matzaridou highlighted the benefits of face-to-face meetings and volunteered to attend selected IMO meetings in London, asking the Chair to facilitate this. The Chair agreed. Patrick Lindqvist also confirmed his willingness to attend some meetings in person. Jaime noted that given budgetary restraints there would be a need to prioritise meetings to attend when virtual attendance was not possible. He highlighted the need to plan ahead and make a strong business case each time to justify the costs. Elena Matzaridou also mentioned the difficulty of finding and viewing IMO papers online and asked if a request could be made to improve the IMO's document-search system to make it easier to identify papers.

Action:

Alan Massey and Katrina Ham to develop a plan for attendance at meetings (IMO and other bodies) including a priority list. Stuart to contact the IMO and to look into the document searching functions and the possibility of email notifications.

5) International Standards Organization

(a) ISO 12215-9 Yacht Appendages - Keel Fatigue

Stuart Carruthers reported that ISO 12215-9 had been reopened for review despite considerable resistance from some States, even though keel failures were continuing to occur. A working party (WG 35) had been established including Richard Hinterhoeller who is on the OOC and will be working on behalf of World Sailing. Simon Forbes was thanked for his work in establishing the WS Project Team and nominating experts. One of the challenges of the review will be the tension between those advocating mandatory rules and those favouring 'guidance' measures only.

(b) ISO TC 188/SC1 – Personal Safety Equipment

The meeting noted that ISO 15085- Man Overboard Prevention and Recovery - was under review and is linked to World Sailing Offshore Special Regulations. The length of safety lines specified in ISO 12401 also needed to be reviewed given there is still confusion over the

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length of 3 hook safety lines. In addition, there were outstanding issues with safety line hooks, specifically following an incident in a Clipper race where a hook failed after being put under load in a way that is not tested in the original standard. It was noted that the next ISO meeting will be in Japan.

Action:

Stuart Carruthers to continue to monitor and engage in ISO standards and specifically to campaign for making keel fatigue standards a mandatory requirement.

6) Regulatory Information from Regional and other Organisations

Stuart Carruthers reported on developments in the European Boating Association, highlighting a number of concerns at European level around emerging regulation and EU Directives, particularly on the environmental agenda. These largely reflected and reinforced the Commission's own priority areas for focus at the global (IMO/ISO) regulatory level. Notable issues included:

- 'End-of-life disposal of boats
- Biofouling (and the EBA's Bern Convention Code of Conduct)
- Emissions from boats and the decarbonisation challenge
- Port reception facilities for waste from ships (including recreational craft)
- Exclusion zones in offshore renewable energy installations
- Collision hazards with Orcas/killer whales: avoidance and reporting

The Commission noted these items of concern and resolved to keep them under review, in parallel with the continued monitoring of IMO/ISO developments. Opportunities to leverage European weight and influence in support of WS interests should be taken wherever possible (for example in current work to advocate new rules around the reporting, location and tracking of cargo containers lost at sea).

7) Reports from Commission Members

The Chair thanked David Brunskill, who had contributed considerably to the Commission's objectives in the past year despite adverse personal circumstances.

(a) MASS

It was noted that World Sailing has been actively engaged in discussions on Marine Autonomous Surface Ships, with a particular concern around effective lookout and collision avoidance where small, low-conspicuity craft are involved. The Commission will watch carefully the evolution of the MASS Code and intervene where appropriate to highlight risks to sailing vessels. Patrick Lindqvist recalled a situation where an autonomous ferry that was being trialled had to have its experimental traffic light system removed as this caused more confusion and danger than the automated ship itself.

Action:

Commission to continue to monitor and intervene where appropriate in developments with the IMO MASS Code.

(b) Windfarms

It was noted that challenges were emerging from inconsistencies between countries in the regulation of small craft navigation in windfarms. For example, the UK allows unrestricted navigation by boats through such installations at own risk, while other countries bordering the North Sea prohibit leisure craft from waters within windfarms. Such restrictions introduce

potential safety issues including: forcing sailing vessels into areas of congested traffic; limiting the ability for sailing vessels to route around bad weather; and increasing passage times and therefore risks. Elena Matzaridou asked about the wind interference when passing through a windfarm, which Stuart Carruthers reported to be minimal as the turbines are well spread out with at least 500m between each. He also mentioned that the UK requires the bottom of the turbine blade to be at least 22m above Mean High Water Springs: well above the masthead height of most yachts.

Action:

Commission to monitor and engage where possible to advocate for standardisation of requirements and freedom of passage for sailing vessels in windfarms.

8) World Sailing Sustainability Agenda 2030

Katrina Ham provided an update on behalf of Alexandra Rickman, Head of Sustainability for WS. She reported on the Life Cycle Project, which aims to calculate the environmental impact of producing one of each Olympic Class boat. The project is in collaboration with MarineShift360 and developed in collaboration with 11th hour racing. She also reported on the sustainability survey and sustainability audit being developed for associated site visits. Elena Matzaridou queried the methodology of accounting for the extended life-cycle of certain vessels which acquire 'classic' status and therefore remain in use for many years, long after their competitive campaigns have ended, thus enhancing their relative sustainability. She was reassured that this factor would be taken into account in the life cycle calculations. It was noted that a key objective of the project is to have an understanding of the environmental impact of each class, as a factor influencing decisions as to future Olympic class choices for Brisbane 2032.

9) Any Other Business

Elena Matzaridou proposed investigating a collaboration between World Sailing and IWSA, the International Windship Association. She felt this could be an opportunity to open a constructive dialogue with the shipping industry. She also noted that such an initiative could improve ship captains' awareness of sailing, as well as providing an opportunity for World Sailing to position itself favourably in the development of such environment-friendly operations.

Action:

Alan Massey to make contact with IWSA and investigate the organisation's aims and the possibilities of collaboration.

The Chair thanked the Commission members, observers and staff for their support and, there being no further business, closed the meeting at 1245.