**Appendix 1**

# **MODEL MEMORANDUM OF COOPERATION**

**Model Memorandum of Cooperation**

**between [Member State] and the International Maritime Organization**

**concerning participation in the IMO Member State Audit Scheme**

**Preamble**

1 *Whereas* the Assembly of the International Maritime Organization (IMO) has adopted resolution A.1070(28) on the *IMO Instruments Implementation (III) Code*; and resolution A.1067(28) on the Framework and Procedures for the IMO Member State Audit Scheme, for the purpose of ensuring the consistent and effective implementation of IMO instruments globally and compliance with their requirements,

2 *Whereas* [Member State] supports the principles on which this scheme has been based and is committed to contributing to its success,

3 [Member State] and IMO have agreed as follows:

**Section 1 – General**

4 [Member State] hereby consents to the conduct of a Member State audit by an IMO audit team. This audit will be in conformity with the Framework and Procedures set out in Assembly resolution A.1067(28).

5 The audit will be conducted in accordance with the prescribed sequence of activities. It should be completed within the scheduled period, following consultation between the parties to this Memorandum.

**Section 2 – Confidentiality**

6 The parties agree that all information gathered, materials, notes and reports obtained or compiled during this audit will be treated in confidence. The term "in confidence" is understood to mean that none of the above will be communicated or provided by the audit team or the Secretary-General to any other party, unless authorized by [Member State] in writing.

7 Notwithstanding the previous paragraph, it is agreed that the executive summary report, the corrective action plan and comments on the progress of implementation of the corrective action plan will be released to [all Member States of IMO] [the public] as individual reports[[1]](#footnote-1).

**Section 3 – Member State responsibilities**

8 [Member State] agrees to provide the audit team with any cooperation and assistance necessary to the successful completion of the audit. This includes:

.1 designating a single point of contact within the [Administration] for all communications regarding the audit conducted pursuant to this Memorandum;

.2 assisting with the procedures for any visas or permits that may be necessary for the audit team to perform its duties;

.3 providing the audit team with copies of, and/or convenient access to, relevant documents and records, including electronically maintained records;

.4 making the appropriate staff members and officials from its [Administration] and any other involved organizational elements available for interview by the audit team at a mutually agreed time and place;

.5 closely monitoring implementation of the agreed timeline for the audit and bringing to the attention of the audit team any conditions which may make adjustments necessary;

.6 arranging, as may be requested by the audit team, for the team to observe operations or activities that fall within the scope of the audit, provided that the Member State is not expected to arrange for observations of operations or activities which are not scheduled in the normal course of business; and

.7 otherwise facilitating the work of the audit team by providing administrative, secretarial, interpretation and transportation services, as appropriate.

**Section 4 – IMO responsibilities**

9 The Secretary-General will support the audit undertaken pursuant to this Memorandum by:

.1 designating a single point of contact within the Secretariat for all communications regarding the audit conducted pursuant to this Memorandum;

.2 selecting the audit team leader and members of the audit team, the composition of which (names, nationalities and qualifications and other relevant information that may be necessary to facilitate entry) will be provided to [Member State] prior to the audit;

.3 closely monitoring implementation of the agreed timeline for the audit and bringing to the attention of the audit team and [Member State] any conditions which may make adjustments necessary;

.4 maintaining appropriate records of the audit; and

.5 providing practical, logistical and other assistance as necessary to facilitate the conduct of the audit.

**Section 5 – Scope of the audit**

[*To be agreed between the parties*]

**Section 6 – Privileges and immunities and other legal implications**

10 Nothing in this Memorandum shall constitute a waiver, express or implied, of any privilege or immunity which IMO and [Member State] may enjoy, whether pursuant to the Convention on Privileges and Immunities of the Specialized Agencies or any other convention or agreement, law or decree of international or national character.

11 Individuals who are designated, pursuant to this Memorandum, to serve as auditors will be considered to be IMO experts for the purposes of annex XII of the Convention on Privileges and Immunities of the Specialized Agencies.

12 Nothing in this Memorandum is intended to create any legal right or obligation between the parties or regarding third parties.

**Section 7 – Settlement of disputes**

13 Any dispute, controversy or claim between the parties arising out of, or relating to, this Memorandum is to be resolved amicably by negotiation.

**Section 8 – Suspension, modification or cancellation**

14 This Memorandum may be suspended, modified or cancelled at any time by the Member State by giving one month's written notice, provided that due consideration is given to winding up any arrangements which have been put in place pursuant to this Memorandum.

**Section 9 – Validity and duration**

15 This Memorandum shall be valid from the date on which it has been signed by both parties and remain valid for a period of three years, or until the agreed timeline referred to in section 4 has been completed, whichever is later. Implementation of this Memorandum is subject to the availability of funding.

**Section 10 – Additional provisions**

[*As necessary*]

16 In witness whereof, the parties have signed the present Memorandum in two originals.

On behalf of [Member State] On behalf of IMO

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(Name and title) Secretary-General

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. This paragraph is optional for authorizing the release of the information stated therein. A Member State may opt to use a separate authorization process for the release of the information. [↑](#footnote-ref-1)