

IMO Codes and Conventions – Flag State

Training for Flag State Inspectors for ENP beneficiary countries

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The IMO Instruments Implementation (III) Code

- History
- General Principles & Structure
- Part 2 – Flag State responsibilities
- IMSAS

- ❑ **States have rights and obligations as Flag, Port and/or Coastal States**
- ❑ **1982 United Nations Convention on the Law of the Sea (UNCLOS)**
- ❑ **Obligations stemming from IMO & ILO key conventions like SOLAS, MARPOL, STCW, MLC**
- ❑ **IMO audit (IMSAS) – a tool to achieve harmonised implementation of IMO standards and make them work better**
- ❑ **IMO Instruments Implementation Code (III Code)**
 - **January 2016 - mandatory**
 - **Objective: to enhance global maritime safety and protection of the marine environment and assist States in the implementation of SOLAS, MARPOL, COLREG, LL, STCW, TONNAGE**
 - **Forms the basis of the audit standard**

Resolution A.1070(28) IMO Instrument Implementation (III) Code

- ☐ Part 1 – Common Areas
- ☐ Part 2 – Flag State
- ☐ Part 3 – Coastal State
- ☐ Part 4 – Port State

- ☐ **Objective**
- ☐ **Strategy**
- ☐ **General**
- ☐ **Scope**
- ☐ **Initial actions**
- ☐ **Communication of information**
- ☐ **Records**
- ☐ **Improvement**

Para 1 – 2, Objective

- ❑ To enhance global maritime safety and protection of the marine environment and assist States in the implementation of instruments
- ❑ An Administration is only bound by the instruments to which it is Party
- ❑ By virtue of geography and circumstance, States may have a greater role as flag / port / coastal States



Para 3, Strategy

- ☐ develop an overall strategy to ensure that its international obligations and responsibilities as a flag, port and coastal State are met;
- ☐ establish a methodology to monitor and assess that the strategy ensures effective implementation and enforcement of relevant international mandatory instruments; and
- ☐ continuously review the strategy to achieve, maintain and improve the overall organizational performance and capability as a flag, port and coastal State.

Para 4 – 5, General

- ☐ States should be responsible for promulgating laws and regulations and for taking all other steps to ensure safety of life at sea and protection of the marine environment

Scope: Para 6

- ☐ safety of life at sea
- ☐ prevention of pollution from ships
- ☐ load lines
- ☐ tonnage measurement of ships
- ☐ regulations for preventing collisions at sea
- ☐ standards of training, certification and watchkeeping for seafarers



Scope: para 7 – areas that should be considered

- ☐ jurisdiction;
- ☐ organization and authority;
- ☐ legislation, rules and regulations;
- ☐ promulgation of the applicable international mandatory instruments, rules and regulations;
- ☐ enforcement arrangements;
- ☐ control, survey, inspection, audit, verification, approval and certification functions;
- ☐ selection, recognition, authorization, empowerment and monitoring of recognized organizations, as appropriate, and of nominated surveyors;
- ☐ investigations required to be reported to the Organization; and
- ☐ reporting to the Organization and other Administrations.

Initial actions, para 8:

The Government should have:

- ☐ the ability to promulgate laws
- ☐ a legal basis for the enforcement of its national laws and regulations;
- ☐ the availability of sufficient personnel with maritime expertise.



Communication of information, para 9

- ☐ Communicate the strategy, including information on the national legislation, to all concerned
- ☐ To IMO as required by the relevant mandatory IMO instruments
- ☐ To all concerned within the Government of the audited State:
responsibilities may be shared between different entities within the Government



Records, para 10

- ☐ Established and maintained;
- ☐ Purpose: to provide evidence of conformity to requirements and effective operation of the State;
- ☐ Legible, readily identifiable and retrievable;
- ☐ Documented procedures to define the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records



Improvements, para 11-14



- ☐ made through rigorous and effective application and enforcement of national legislation, as appropriate, and monitoring of compliance;
- ☐ Stimulate a culture of improvement of the maritime safety and environmental protection;
- ☐ Take action to identify and eliminate the cause of any non-conformities in order to prevent recurrence

- ☐ Implementation
- ☐ Delegation of authority
- ☐ Enforcement
- ☐ Flag State surveyors
- ☐ Flag State investigations
- ☐ Evaluation and review



Implementation, para 15

- ❑ Implement policies and assign responsibilities

Implementation, para 16

Establish resources and processes capable of administering a safety and environmental protection programme

- ☐ **Administrative instructions or interpretative national regulations may be needed to implement applicable international rules and regulations**
- ☐ **Audit and inspection programme**
- ☐ **“to the satisfaction of the Administration” – Should be addressed in legislation/regulation/policy and procedures**
- ☐ **Compliance with STCW Convention – i.e. training, certificates and monitoring**

Delegation of authority, para 18-21

- ☐ **Authorizations to be regulated in accordance with SOLAS regulation XI-1/1 which makes RO Code mandatory**
 - ✓ Written agreement
 - ✓ Issue instructions
 - ✓ Provide national law and interpretations
 - ✓ Require adequate resources and maintenance of records

- ☐ **Establish or participate in an oversight programme with adequate resources for monitoring of, and communication with, its recognised organisation(s)**

Enforcement, para 22-27



- ❑ **take all necessary measures to secure observance of international rules and standards by ships entitled to fly its flag and by entities and persons under its jurisdiction**
 - Prohibiting ships entitled to fly its flag from sailing until compliant with rules
 - Periodic inspection
 - Penalties of adequate severity in national law

- ❑ **develop and implement a control and monitoring programme, as appropriate**

Enforcement, para 22-27 (cont.)

- ☐ Provide an appropriate number of qualified flag State surveyors
- ☐ Provide an appropriate number of accident investigators
- ☐ Ensure training and oversight of the surveyors and investigators
- ☐ When a ship is detained under PSC oversee the appropriate corrective action to bring her in immediate compliance with Conventions
- ☐ Issue or endorse certificates only when a ship meets all applicable instruments

Flag State surveyors, para 28-37

- ☐ Minimum qualifications
- ☐ Minimum experience
- ☐ Formal training programme
- ☐ Appropriate practical and theoretical knowledge of ships
- ☐ Other personnel assisting to have appropriate training
- ☐ Documented system for qualifications
- ☐ Identification document



Flag State investigations, para 38-41

- ❑ conducted by impartial and objective investigators, who are suitably qualified and knowledgeable in matters relating to the casualty
- ❑ Recommended to ensure ready access to expertise
- ❑ Should be investigated and reported to IMO:
 - Resolution MSC.255(84) “Casualty Investigation Code”
 - Resolution A.1075(28) “Guidelines to assist investigators in the implementation of the Casualty Investigation Code”



Evaluation and review, para 42-44

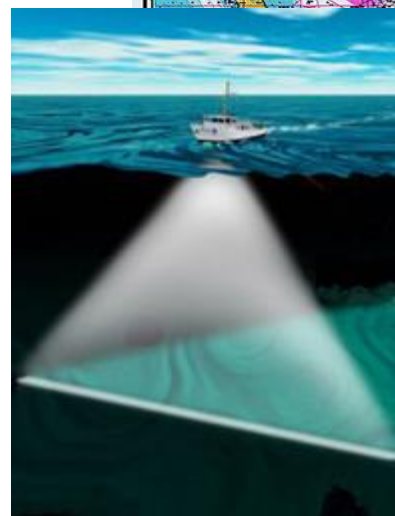
- ❑ Evaluate its performance on a periodic basis
- ❑ Measures to evaluate the performance should be in place
- ❑ Several areas recommended for regular review:



- fleet loss and accident ratios
- detained ships
- incompetence or wrongdoing by certificates holders
- responses to PSC deficiency reports
- investigations into serious & very serious casualties
- results of inspections, surveys & control of ships
- investigation of occupational accidents
- incidents & violations occurred under applicable international legislation
- suspensions or withdrawals of certificates, endorsements, approvals

Rights, obligations and responsibilities may include, inter alia:

- ☐ Radio-communication services
- ☐ Meteorological services
- ☐ Search and rescue services
- ☐ Hydrographic services
- ☐ Ships' routeing
- ☐ Ship reporting systems
- ☐ Vessel traffic services
- ☐ Aids to navigation



Rights, obligations and responsibilities may include, inter alia:

- ☐ provision of appropriate reception facilities or capability to accept all waste streams
- ☐ keeping a register of fuel oil suppliers
- ☐ port State control



Resolution A.1121(30) - 2017 Non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code (to be kept under review):

A 30/Res.1121
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Annex

2017 NON-EXHAUSTIVE LIST OF OBLIGATIONS UNDER INSTRUMENTS RELEVANT TO THE IMO INSTRUMENTS IMPLEMENTATION CODE (III CODE)

(This Non-exhaustive list of obligations takes into account the amendments to the IMO instruments relevant to the III Code which have, or are expected to have, entered into force by or on 1 July 2018)

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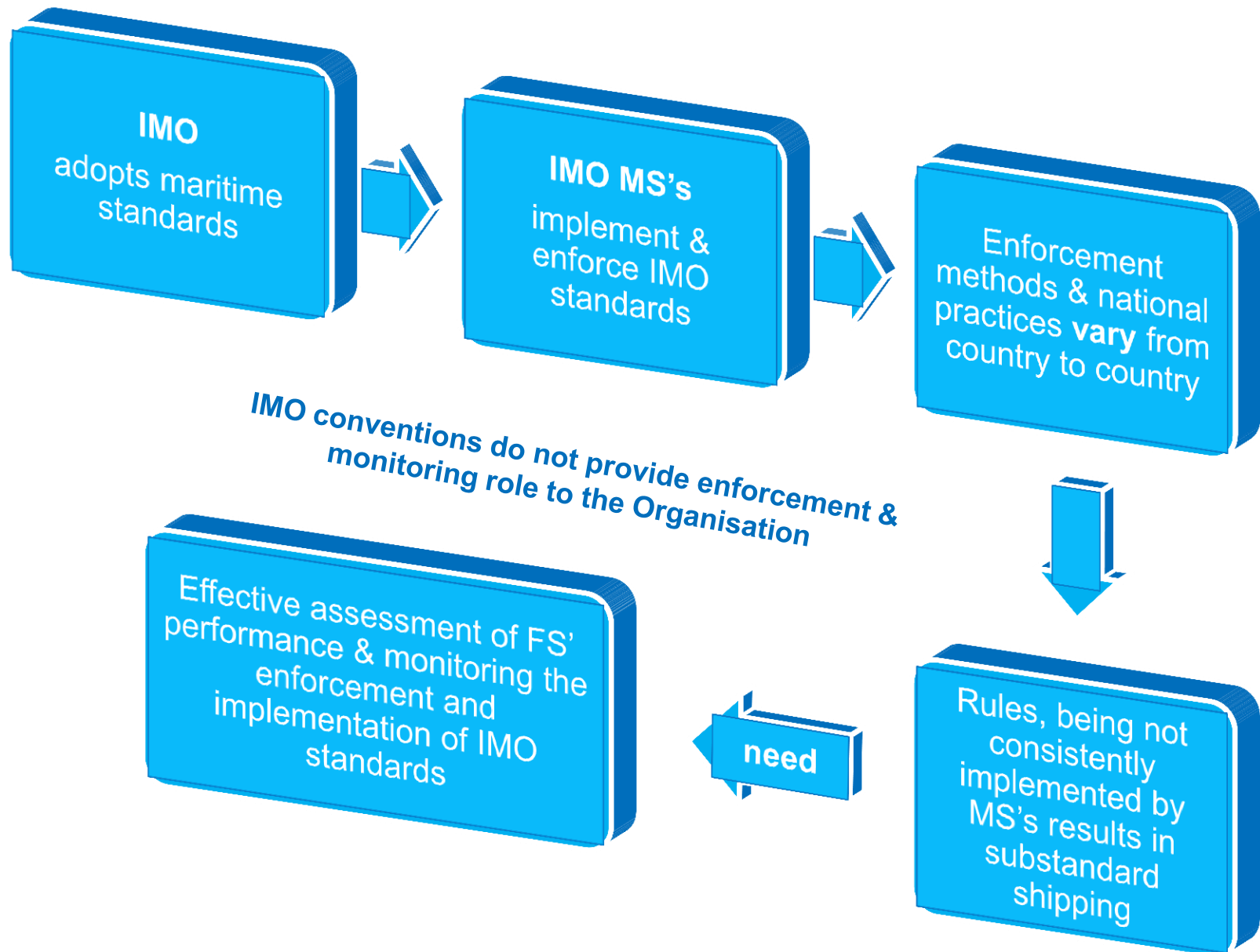
Annex 1:	OBLIGATIONS OF CONTRACTING GOVERNMENTS/PARTIES
Annex 2:	SPECIFIC FLAG STATE OBLIGATIONS
Annex 3:	SPECIFIC COASTAL STATE OBLIGATIONS
Annex 4:	SPECIFIC PORT STATE OBLIGATIONS
Annex 5:	INSTRUMENTS MADE MANDATORY UNDER IMO CONVENTIONS
Annex 6:	SUMMARY OF AMENDMENTS TO MANDATORY INSTRUMENTS REFLECTED IN THE NON-EXHAUSTIVE LIST OF OBLIGATIONS (ANNEXES 1 TO 4)
Annex 7:	AMENDMENTS TO IMO INSTRUMENTS EXPECTED TO BE ACCEPTED AND TO ENTER INTO FORCE BETWEEN 1 JANUARY 2018 AND 1 JULY 2018

Annex 2

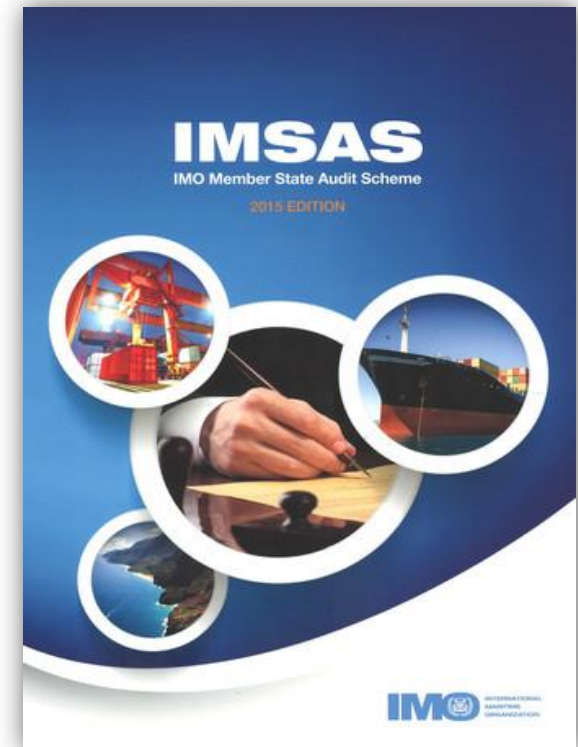
SPECIFIC FLAG STATE OBLIGATIONS

The following table contains a non-exhaustive list of obligations, including those obligations imposed when a right is exercised.

SPECIFIC FLAG STATE OBLIGATIONS		
SOURCE	SUMMARY DESCRIPTION	COMMENTS
TONNAGE 1969		
Article 6	Determination of tonnages	
Article 7(2)	Issue of certificates	
Article 9	Form of certificate	
Annex I, Reg. 1(3)	Novel types of craft – determination of tonnage and communication to IMO on method used	
Annex I, Reg. 5(3)(b)	Change of net tonnage – alterations or modifications deemed by the Administration to be of a major character	
Annex I, Reg. 7	Measurement and calculation	



- ❑ **Mandatory audit since 1 January 2016**
- ❑ **Resolution A.1067(28)**
Framework and Procedures for
the IMO Member State Audit
Scheme
- ❑ **III Code forms the basis of the**
audit standard



MEMBER STATES SCHEDULED TO BE AUDITED IN 2018

NO.	MEMBER STATE	Audit period	Remark
51	Djibouti	January	No response yet
52	Myanmar	February	Audit confirmed
53	Guyana	February	Audit confirmed
54	Suriname	January	Audit confirmed
55	Ukraine	February	Audit confirmed
56	Barbados	March	No response yet
57	Fiji	May	Audit confirmed
58	Brunei Darussalam	March	Audit confirmed
59	Samoa	May	No response yet
60	Cook Islands"		Voluntary audit carried out, moved to the back of the list
61	Colombia"		Voluntary audit carried out, moved to the back of the list
62	Saint Lucia	May	No response yet
63	Lebanon	March	Audit confirmed
64	Turkmenistan	April	Audit confirmed
65	Indonesia"		Voluntary audit carried out, moved to the back of the list
66	Austria	June	No audit Subject to C116 review
67	Kenya	June	Audit confirmed
68	Sudan	September	No response yet
69	Grenada	September	No response yet
70	Sao Tome and Principe	October	No response yet
71	Equatorial Guinea	September	No response yet
72	Costa Rica	November	Audit confirmed
73	Sierra Leone	October	No response yet
74	San Marino	October	No response yet
75	Congo	November	No response yet



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