



IMO MEMBER STATE AUDIT SCHEME SAFEMED IV Training on the implementation of the III Code

Background and latest developments

Introduction

- Actors
- IMO's role in monitoring and enforcement
- New approaches and tools
- Evolution of the Audit Scheme
- III Code – audit standard and guidance
- Latest decisions
- Lessons learned

WHO ARE THE ACTORS IN ENSURING COMPLIANCE WITH INTERNATIONAL MARITIME STANDARDS?

- IMO has the responsibility to develop technical safety, security and pollution prevention standards related to maritime transport;
- GOVERNMENTS have the duty to implement and enforce these standards;
- RECOGNIZED ORGANIZATIONS have a duty to be impartial and exercise due diligence;
- SHIPPING COMPANIES are responsible for applying the same standards to individual ships; and
- SHIPBOARD PERSONNEL have the task of putting into operation the various safety and anti-pollution measures applicable to the ship.

IMO HAS NO ENFORCEMENT AND COMPLIANCE MONITORING POWERS

- The IMO Convention does not contain any provision that gives the Organization an enforcement and monitoring role.
- With the drive for greater transparency and accountability, it has often been said that IMO needs teeth to ensure compliance.
- How to achieve that, is emerging gradually.



WHERE DOES IMO FIT IN MONITORING ENFORCEMENT AND PERFORMANCE? (cont.)

- In the absence of enforcement powers came the need for measuring the effectiveness of IMO standards, how they are implemented and enforced by Member States
- With the abundance of data from lives lost, ship casualties, pollution incidents and PSC detentions, there still was no authoritative methodology for Member States to measure their contribution towards improving maritime safety and pollution prevention
- To assist in this process, the [FSI Sub-Committee](#) was established to review implementation and enforcement issues by Member States

NEW APPROACHES AND NEW TOOLS FOR PERFORMANCE MEASUREMENT

SELF-ASSESSMENT OF FLAG STATE PERFORMANCE – RESOLUTION A.912(22)

- Provides constructive and positive process for self-evaluation
- Uniform basis through the use of an agreed questionnaire including criteria and performance indicators
- Serves to assist a flag State to obtain a clear picture of how it implements convention requirements based on agreed criteria
- Enables the flag State to determine its deficiencies and take positive steps to rectify them

BACKGROUND – Audit Scheme

- In 2002, Member States proposed to:
 - FSI Sub-Committee to review resolution A.847(20) – Guidelines on Implementation of Mandatory instruments to make it a Flag State Code; and
 - the Council to develop an IMO Model Audit Scheme
- In November 2003, the Assembly adopted Resolution A.946(23) – the Voluntary IMO Member State Audit Scheme (VIMSAS)

BACKGROUND



A cooperative mechanism had to be developed for States to accept a monitoring regime through IMO. This mechanism had to address certain core principles:

- Sovereignty and universality;
- Consistency, fairness, objectivity, and timelines;
- Transparency and disclosure;
- Co-operation; and
- Continual improvement

Adoption of the Documentation for the Audit Scheme

The Assembly, at its 24th regular session in November/December 2005, adopted two resolutions:

1. *Resolution A.973(24) – Code for the implementation of mandatory IMO instruments; (the Audit Standard – revised several times thereafter); and*
2. *Resolution A.974(24) – Framework and Procedures for the Voluntary IMO Member State Audit Scheme*

EVOLUTION OF IMO AUDIT SCHEME

ASSEMBLY 24 – 2005

VOLUNTARY IMO MEMBER
STATE AUDIT SCHEME
(VIMSAS)

2005 – 2013

Resolution A.974(24) –
Framework and Procedures

Resolution A.973(24) – Code for
the implementation of
mandatory IMO instruments

79 Member States and two
Associate Members have
volunteered

59 Member State, two
Associate Members and five
dependent territories audited

ASSEMBLY 26 – 2009

DEVELOPMENT OF THE
MANDATORY AUDIT SCHEME

2010 - 2015

Resolution A.1018(26)

Revised Code - IMO Instrument
Implementation (III) Code

Amendments to 8 instruments

Revised Framework and
Procedures

Auditor's Manual –
Circular letter No.3425

ASSEMBLY 28 – 2013

IMO MEMBER STATE AUDIT
SCHEME

1 January 2016

Resolution A.1067(28)
Framework and Procedures for
the IMO Member State Audit
Scheme

Resolution A.1068(28)
Transition from the Voluntary
IMO Member State Audit
Scheme to IMO Member State
Audit Scheme

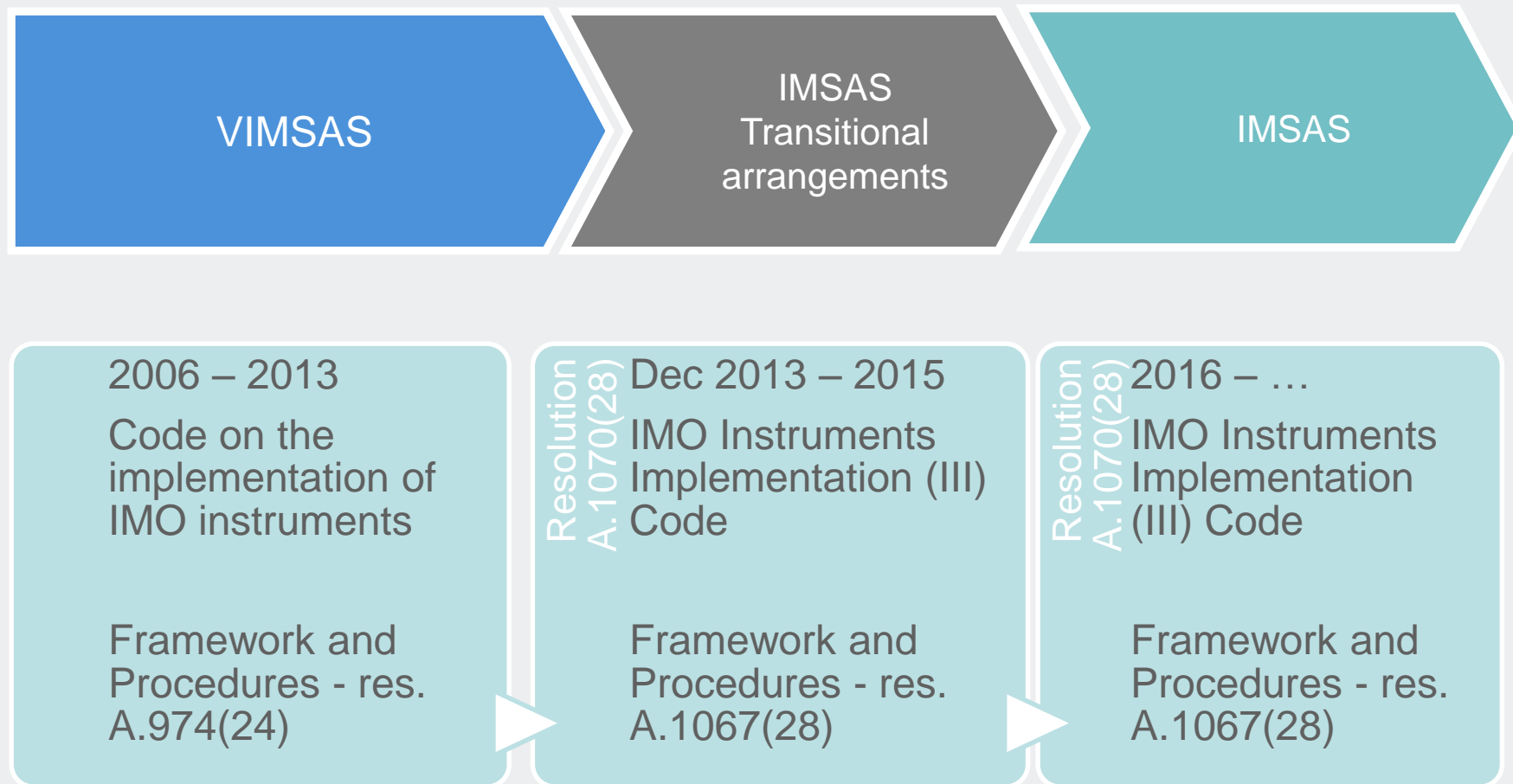
Resolution A.1070(28) IMO
Instrument Implementation (III)
Code

Resolutions A.1083 (28),
A.1084 (28) and A.1085 (28)

TRANSITIONAL ARRANGEMENTS

- Resolution A.1068(28)
- All audits after 28th session of the Assembly carried out:
 - In accordance with the Framework and the Procedures resolution A.1067(28)
 - Using the III Code as the audit standard resolution A.1070(28)

Audit standard



INSTITUTIONALIZATION OF THE AUDIT SCHEME

- Amendments to:

SOLAS 1974	resolution MSC.366(93)
MARPOL	resolution MEPC.246(66) – annexes I - V
	resolution MEPC.247(66) – annex VI
STCW 1978	resolution MSC.373(93)
	resolution MSC.374(93) - STCW Code
LL 1966	resolution A.1083(28)
LL PROT 1988	resolution MSC.375(93)
TONNAGE 1969	resolution A.1084(28)
COLREG 1972	resolution A.1085(28)

- Majority of amendments entered into force in January 2016 and amendments to TONNAGE 1969 and LL 1966 entered into force under the unanimous acceptance procedure, on 28 February 2017 and 28 February 2018, respectively. This completes the basis for the conduct of mandatory audits under all nine instruments included in the scope of the Scheme making the auditing of Member States using the III Code mandatory.

MANDATORY IMO INSTRUMENTS

- Entry into force of amendments to make the use of the III Code and auditing mandatory:

	Adopted	Acceptance	Entry into force
SOLAS 1974	MSC 93 (05/14)	1/7/15	1/1/16
MARPOL and annexes	MEPC 66 (03/14)	1/7/15	1/1/16
LL 1966	A 28 (11/13)	unanimous acceptance 3 years (28/02/14 – 28/02/17)	28/02/18
		explicit acceptance	12 months
LL PROT 1988	MSC 93 (05/14)	1/7/15	1/1/16
STCW 1978	MSC 93 (05/14)	1/7/15	1/1/16
COLREG 1972	A 28 (11/13)	1/7/15	1/1/16
TONNAGE 1969	A 28 (11/13)	unanimous acceptance 2 years (28/02/14 – 28/02/16)	28/02/2017
		explicit acceptance	12 months

Supporting reference document

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

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

MANDATORY IMO INSTRUMENTS

9 instruments included in the scope of the scheme:

- SOLAS 1974
- SOLAS PROTOCOL 1988
- MARPOL 73/78
- MARPOL PROTOCOL 1997
- STCW 1978
- LOAD LINES 1966 (LL 1966)
- LL 66 PROT 1988
- TONNAGE 1969
- COLREG 1972

Conclusion

- III Code – serves as audit standard under the IMO Member States Audit Scheme, but also as guidance for maritime administrations
- It is envisaged not to be amended for a full audit cycle (7 years)
- Non exhaustive list of references (resolution A.1121(30)) will be kept under review



Council at its 112th session, 16 to 19 June 2014:

- considered the issue of consistency and sustainability of the audit scheme
- made the decision on the option to conduct the audits of Member States under the mandatory Scheme, including human and financial resources
- noted the audit schedule as developed by the Secretary General in accordance with the set of principles stipulated in the Procedures (document C 112/INF.3)
- Noted the preparatory work for the institutionalization of the Scheme

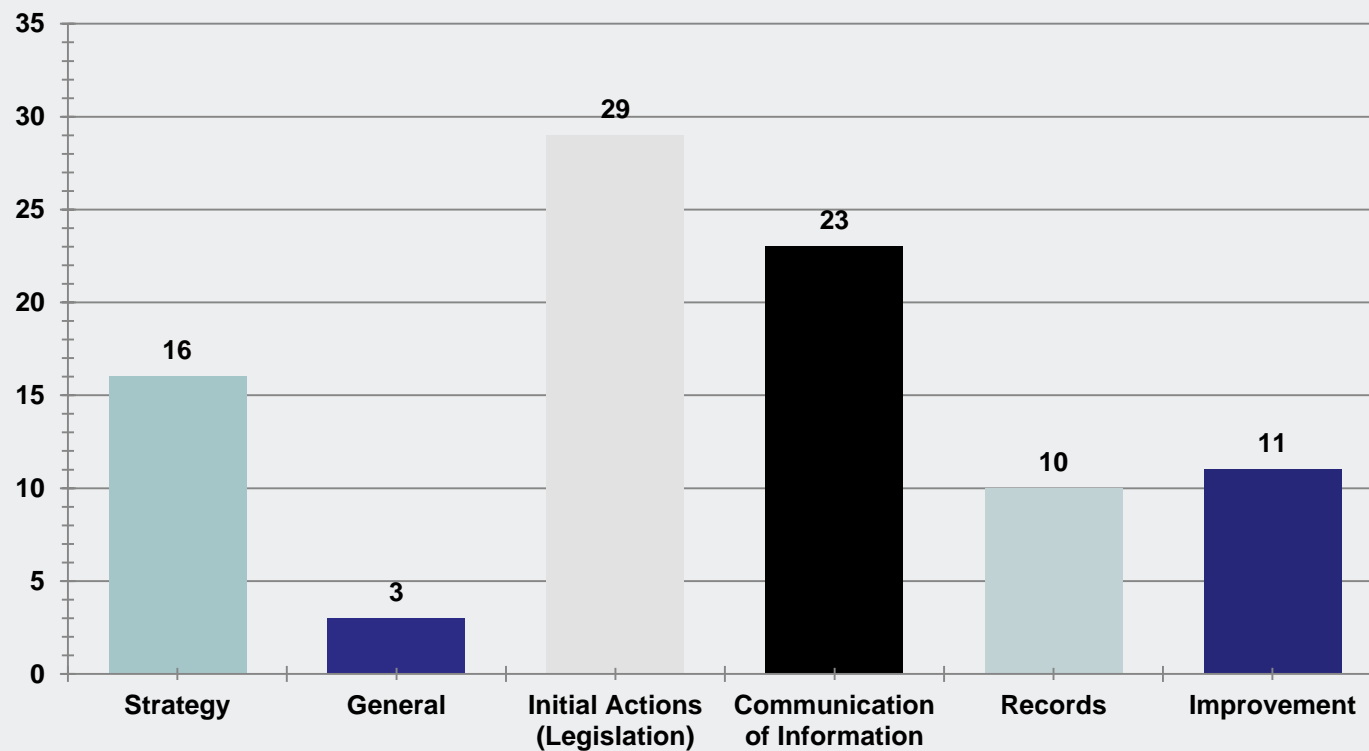
Expected benefits of making the Scheme mandatory

- **Mandatory audits** under the Scheme commenced in **2016**.
- **50 audits** conducted so far
- The process is inclusive of all, therefore **all States** will benefit from the Scheme.
- The diversity of State structures, ability and specific maritime interests will **inform the regulatory framework** for the future.
- The administrative and organizational aspects of the Scheme will not rely exclusively on the decision of individual Member State; but become a collective pool of resources.
- The concept of a management system is introduced globally in the implementation and enforcement of State obligations and responsibilities relating to maritime transport.

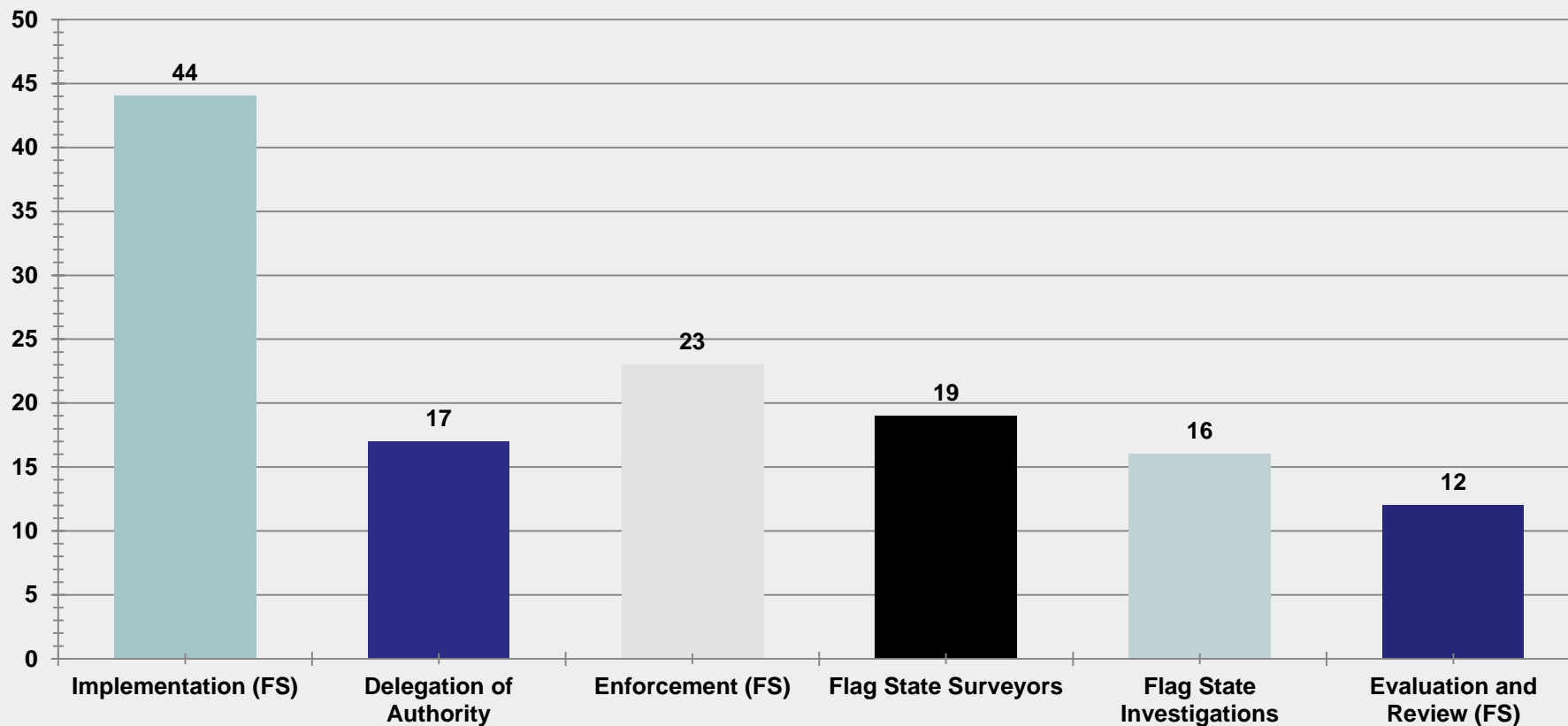
Reporting from audits – lessons learned

- Consolidated audit summary report from 18 audits conducted in 2016 issued as Circular Letter No.3772
- Analysis of audit outcomes will be issued as a document to III 5

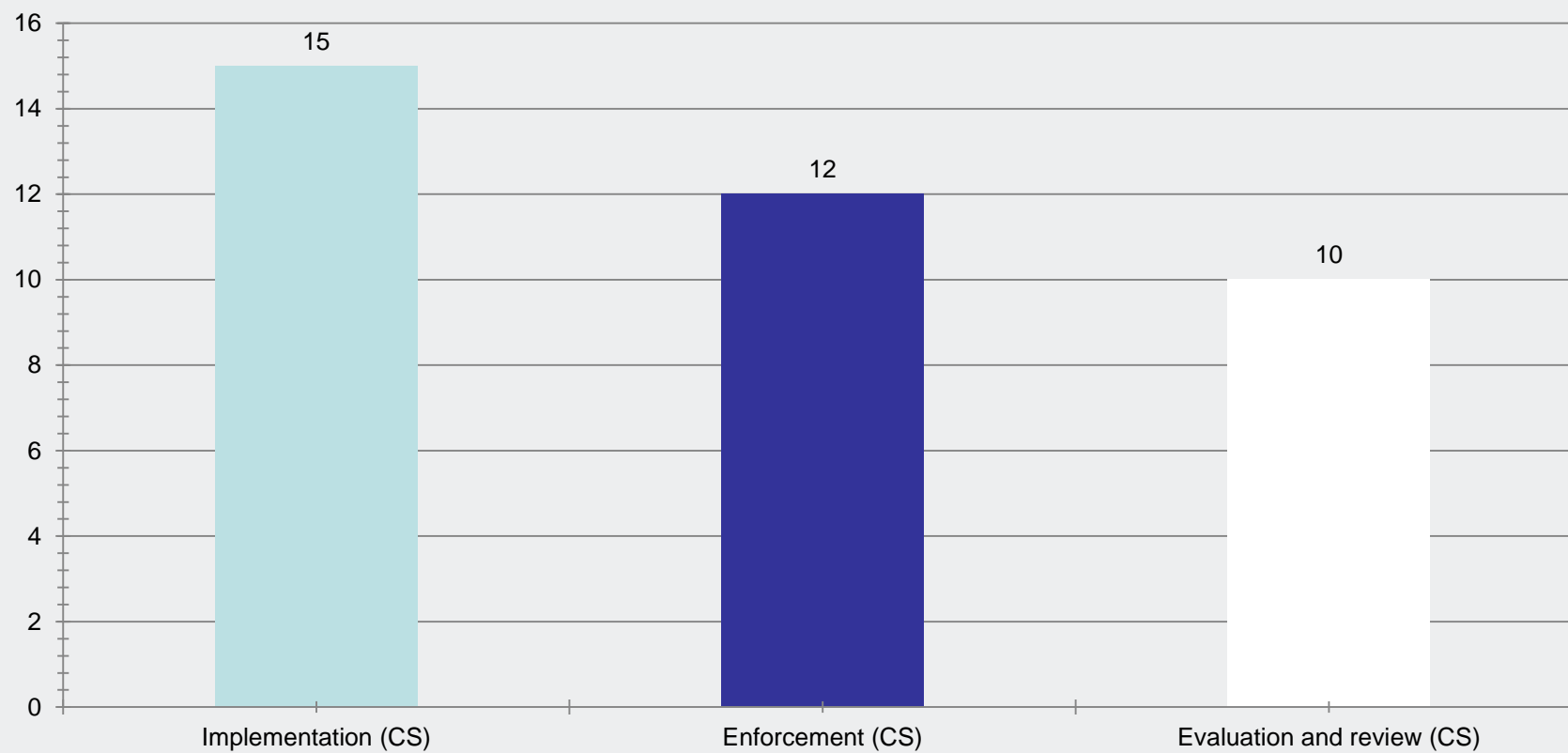
Lessons learnt – common areas



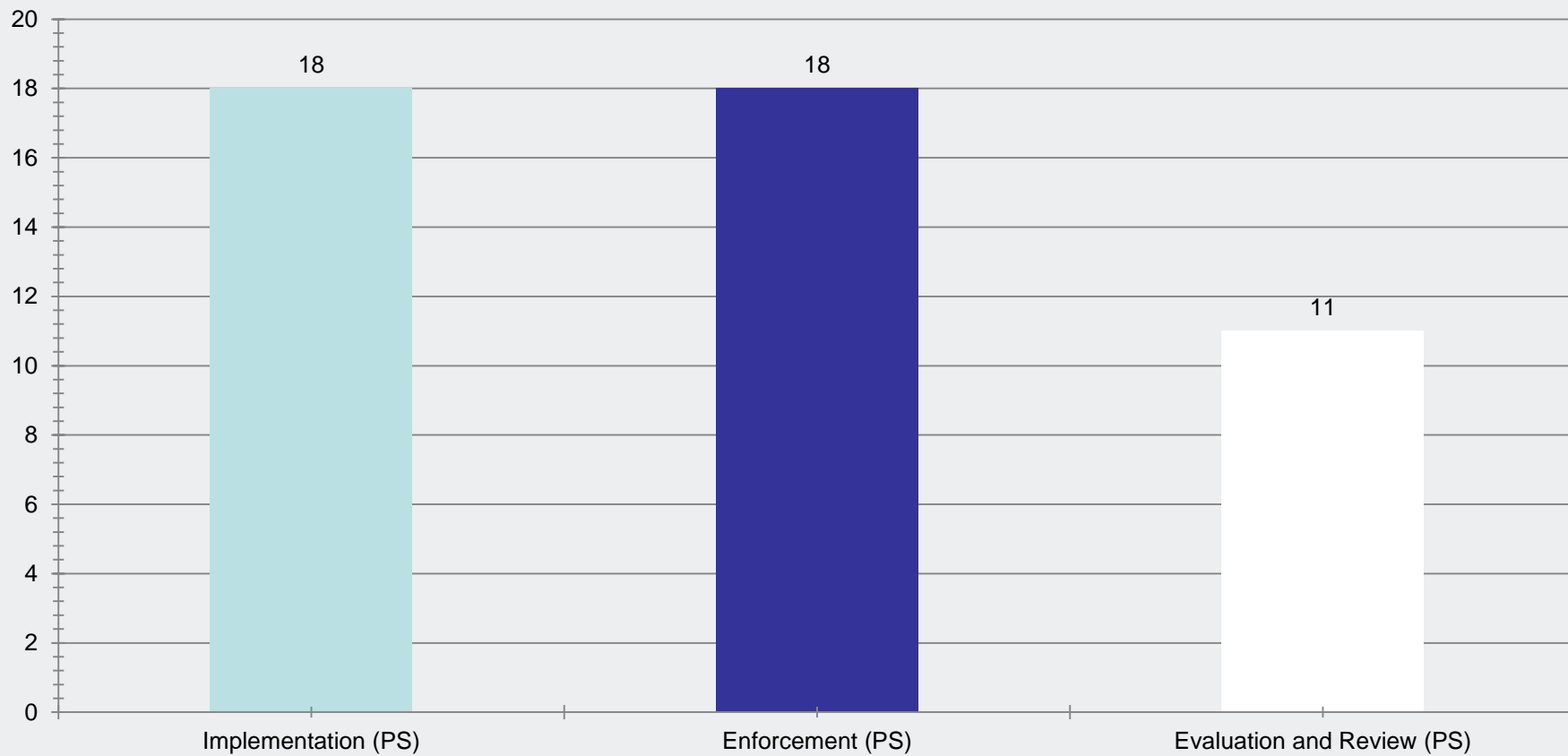
Lessons learnt – flag State activities



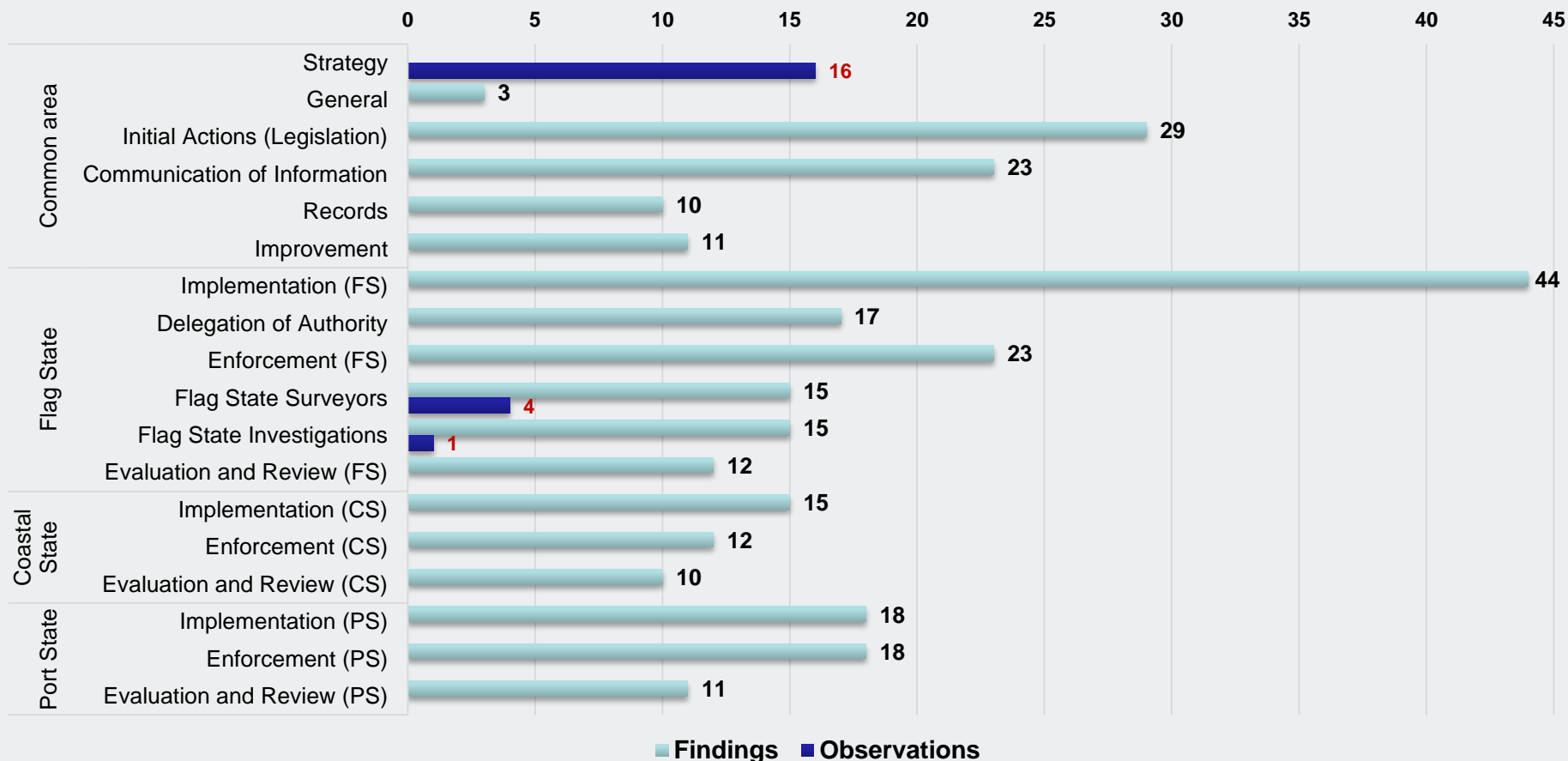
Lessons learnt – coastal State activities



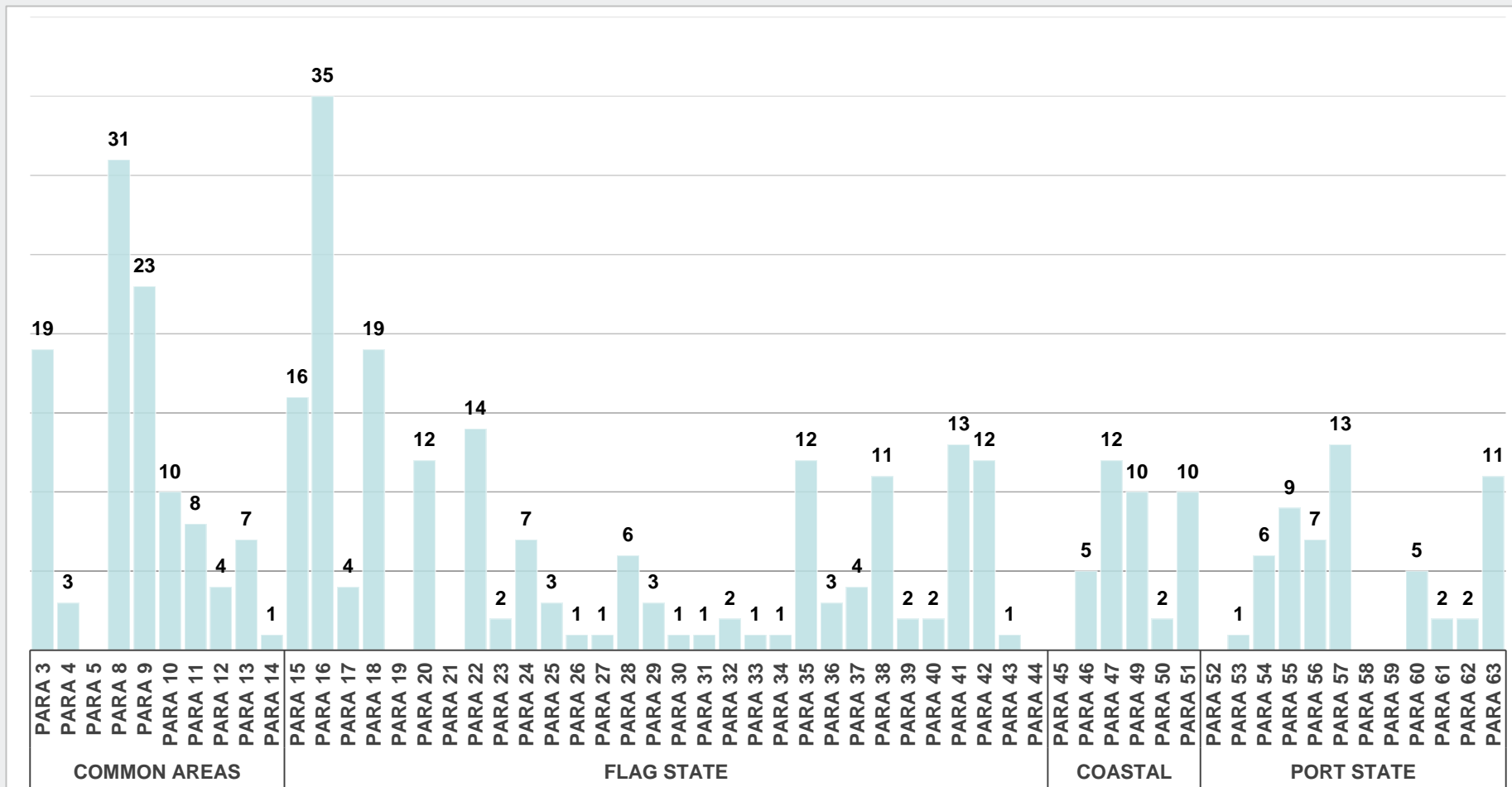
Lessons learned – port State activities



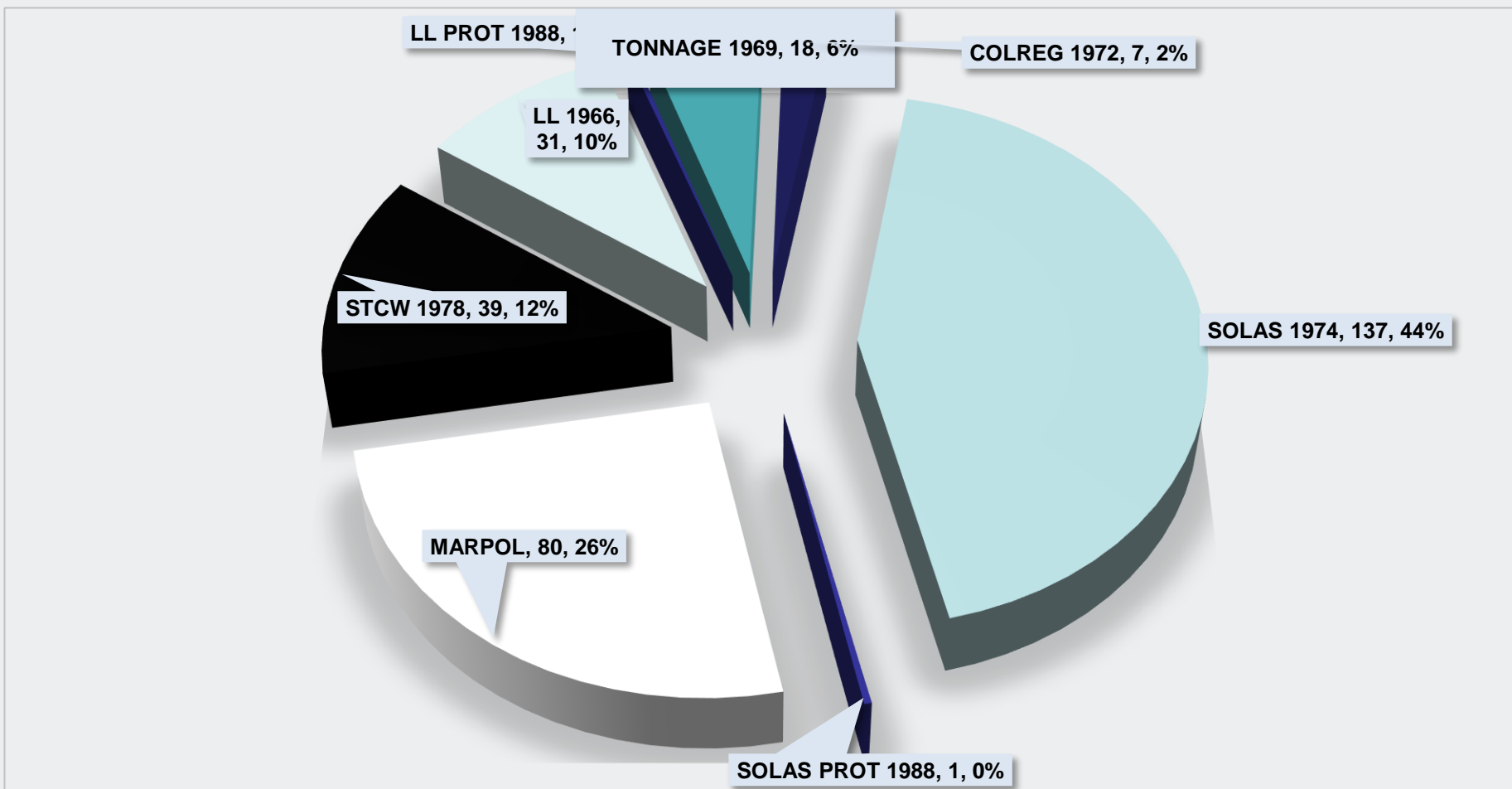
Lessons learnt so far – number of FDs and OBs



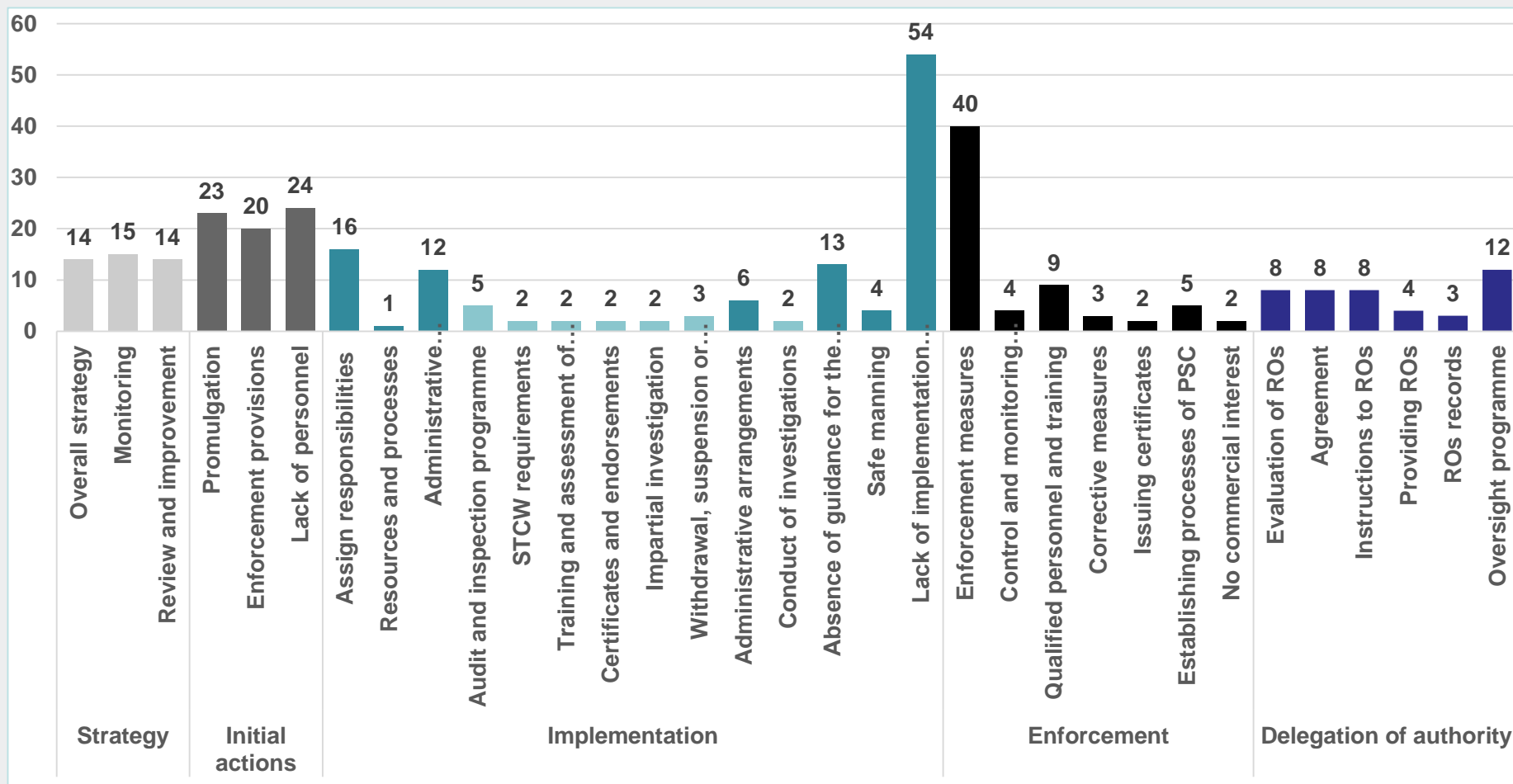
Lessons learned - number of references by paragraphs of the III Code



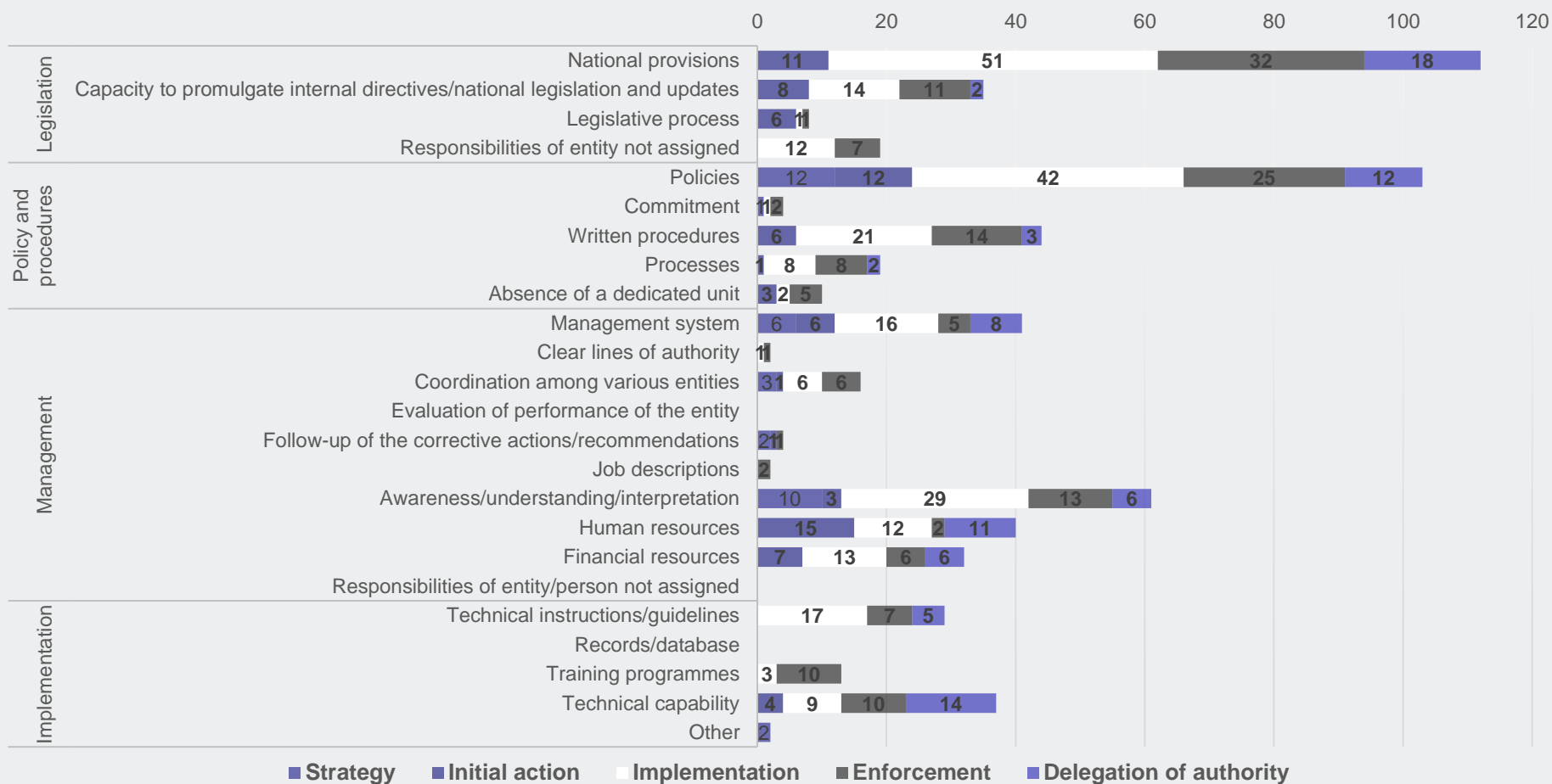
Lessons learned – FDs by mandatory IMO instruments



Lessons learned – most recurrent shortcomings reported in audits by major areas of findings



Lessons learned – major root causes categories per major categories of FDs



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