

## European Maritime Safety Agency

### The IMO Code for the implementation of mandatory IMO instruments

1

---

---

---

---

---

---

---

---

## Introduction



Easy or  
difficult to  
be a Flag  
State?

Easy if  
actually  
committed

IMO  
Guidelines

Limited to  
some  
instruments

2

---

---

---

---

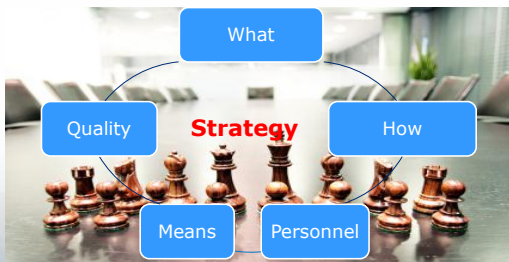
---

---

---

---

## Code for the implementation of mandatory IMO instruments



3

---

---

---

---

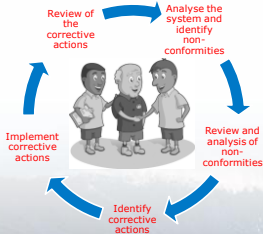
---

---

---

---

## Code for the implementation of mandatory IMO instruments



### Quality

- Define clear procedures
- Assign tasks and responsibilities
- Establish records to provide clear evidence of conformity to requirements
- Provide for the analysis of records

4

---

---

---

---

---

---

---

---

## Code for the implementation of mandatory IMO instruments

### Analysis of records

#### Records that can be established and maintained:

Legislation, international – national  
Consistency of the fleet  
Companies  
Seafarers qualification  
Surveyors  
Survey and inspections  
Certificates, issued-renewed-withdrawn-etc  
Marine casualties-investigations  
Results of survey-inspections, statutory-PSC  
Proceedings

5

---

---

---

---

---

---

---

---

## Code for the implementation of mandatory IMO instruments

### Initial action for new or amended IMO instruments



Ability to promulgate laws permitting an effective Jurisdiction and control on national ships

6

---

---

---

---

---

---

---

---

### Code for the implementation of mandatory IMO instruments

#### Initial actions

- Define national legislation, possible framework: *"Amended or new instrument-Work plan-Assignment-Translation-Consultation-Approval-Legislation-Publication"*
- Define national interpretations, if and when going beyond the Instrument, if to implement or not the IMO recommendations
- Take into account the needs for additional resources and training

7

---

---

---

---

---

---

---

### Code for the implementation of mandatory IMO instruments

#### Initial actions

- Establish legal basis for the enforcement:
  - ✓ *Inspections*
  - ✓ *Establish penalties adequate to discourage violations*
  - ✓ *Investigative and penal processes in case of violations*
  - ✓ *Safety investigations into marine accidents (according to the IMO Code on marine accident investigations)*
- Take into account the needs for additional resources and training

8

---

---

---

---

---

---

---

### Code for the implementation of mandatory IMO instruments

#### Initial actions

- Develop documentation and provisions of guidance concerning those requirements that are to the SATISFACTION OF THE ADMINISTRATION
- Disseminate instructions to implement international and national legislation to interested Parties (*ship-owners, branch offices, ROs, Surveyors*)
- Ensure sufficient and efficient manning of national ships

9

---

---

---

---

---

---

---

## Code for the implementation of mandatory IMO instruments

### Delegation of authority

Determine RO has adequate resources

Written agreement as basis

Instructions if a ship is found unfit to proceed

National legislation and interpretation

Requires records are maintained and provided to the administration

10

---

---

---

---

---

---

---

---

## Code for the implementation of mandatory IMO instruments

### Enforcement

#### Measures to be taken

**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**

11

---

---

---

---

---

---

---

---

## Code for the implementation of mandatory IMO instruments

### Surveyors



#### Minimum criteria

- Qualification
- Experience



#### Training

- Formalized and detailed training programme
- Documented system for qualification



#### Identification

- Issuance of and identification card to carry when performing tasks

12

---

---

---

---

---

---

---

---

**Code for the implementation of mandatory  
IMO instruments**

**Investigations**

Conducted according to the Code of the international standards and recommended practice for a safety investigation into a marine casualty or a marine incident (Solas XI-1/6 and MSC-MEPC.3/Circ.2)

13

Independence  
Qualified investigators  
Safety investigation  
Report to the IMO

---

---

---

---

---

---

---

---

**Code for the implementation of mandatory  
IMO instruments**

**Evaluation and review**

Periodic basis

Flag State inspections results

Communication and information  
process

Others:  
Responses to port State  
deficiency reports

PSC detention rate

Casualty statistics

Annual loss statistics

14

---

---

---

---

---

---

---

---

**Code for the implementation of mandatory  
IMO instruments**

**ANY  
QUESTION?**

15

---

---

---

---

---

---

---

---