

European Maritime Safety Agency

The IMO Code for the implementation of mandatory IMO instruments

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Introduction



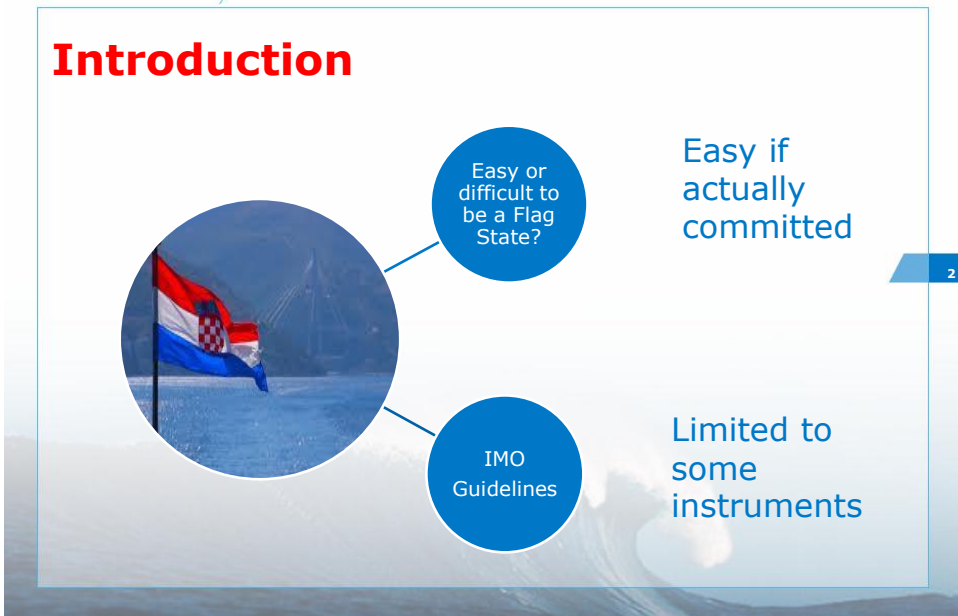
Easy or
difficult to
be a Flag
State?

Easy if
actually
committed

IMO
Guidelines

Limited to
some
instruments

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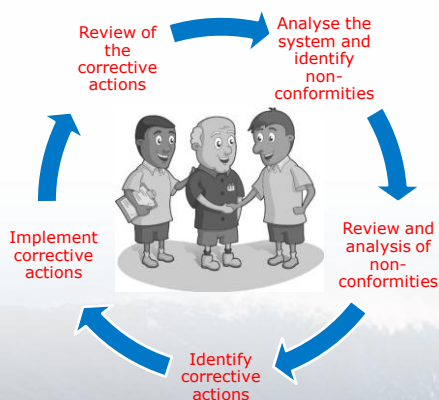


Code for the implementation of mandatory IMO instruments



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Quality

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

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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Certificates, issued-renewed-withdrawn-etc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

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Initial action for new or amended IMO instruments



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

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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

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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)*

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Take into account the needs for additional resources and training

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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

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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

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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

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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

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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)

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Independence
Qualified investigators
Safety investigation
Report to the IMO

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Evaluation and review

Periodic basis

PSC detention rate

Flag State inspections results

Casualty statistics

Communication and information process

Annual loss statistics

Others:
Responses to port State
deficiency reports

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**ANY
QUESTION?**

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