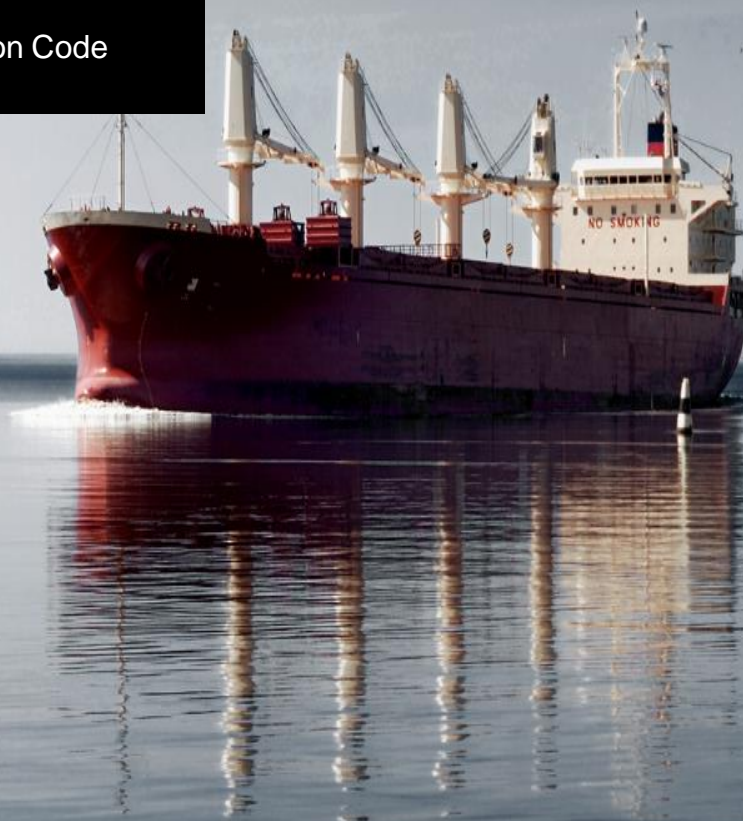


IMO MEMBER STATE AUDIT SCHEME

SAFEMED IV Training on the implementation of the III Code

Resolution A.1070(28)
IMO Instruments Implementation Code
(III Code) – Parts 1 and 2



Contents

- Part 1 Common areas
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Part 1

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

Objective: para 1 - 2

- Enhance global maritime safety and protection of the marine environment
- An Administration is only bound by the instruments to which it is Party
- Different circumstances in different States

Strategy: para 3

A State is recommended to:

- Develop an **overall strategy** to ensure that its international obligations and responsibilities 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

General: para 4 - 5

- Treaty law (UNCLOS) is not an IMO mandatory instrument, it is an "umbrella convention"
- The Audit is to be carried out against relevant mandatory IMO instruments and *NOT against UNCLOS*

Scope: para 6

- Safety of life at sea;
- Prevention of pollution from ships;
- Standards of training, certification and watchkeeping for seafarers;
- Load lines;
- Tonnage measurement of ships; and
- Regulations for preventing collisions at sea

Scope: para 7 - areas covered by the audit

- Jurisdiction
- Organization and authority
- Legislation, rules and regulations
- Promulgation of IMO 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
- Reporting to the Organization and other Administrations

Initial actions: para 7 - 8

The Government of a State Party to a mandatory IMO instrument must be in a position to:

- Implement and enforce its provisions through appropriate national legislation; and
- Provide the necessary implementation and enforcement infrastructure

Communication of information: para 9

- 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 that Government
 - FSI 18/INF.14
 - C108
 - Using GISIS

Records: para 10

Records must be:

- Established and maintained
- Legible, readily identifiable and retrievable
- Documented with procedures for identification, storage, protection, retrieval, retention time and disposition of records

Improvement: para 11 - 14

- Rigorous and effective application and enforcement of national legislation, as appropriate, and monitoring of compliance
- Stimulation of a safety culture
- Action to identify and eliminate the cause of non-conformities, as well as potential non-conformities

Part 2 – FLAG STATES

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

Implementation: para 15 - 17

- Areas listed match with specific regulations in the mandatory IMO instruments. In addition, III Code covers:
 - Legislation → policies → responsible parties → resources and processes → implementation
- Establish resources and processes capable of administering a safety and environmental protection programme. Such a programme could form part of an internal management system
- Administrative instructions or interpretative national regulations may be needed to implement applicable international rules and regulations

Implementation (cont.): para 15 - 17

- Para 16.5 of the Code – "to the satisfaction of the Administration" - should be addressed in legislation/regulations/policy and procedures
- STCW Convention – to be guided by the restriction established in the Framework. List of questions included in amendments to STCW Code (resolution MSC.374(93))

Delegation of authority: para 18 - 21

- To be regulated in accordance with:
 - SOLAS regulation XI-1/1
 - chapter I of annex I to annex B of the Protocol of 1988 relating to the 1966 Load Lines Convention and
 - Annex I and Annex II of the MARPOL Conventionwhich make the provisions of part 1 and part 2 of the Code for recognized organizations (RO Code) (resolutions MSC.349(92) and MEPC.237(65)) mandatory
- Establishing or participating in an oversight programme with adequate resources

Enforcement: para 22 - 27

- Take all necessary measures to ensure observance of international and national standards by ships entitled to fly the flag of the State and by entities and persons under its jurisdiction
- Consider developing and implementing a control and monitoring programme. Such a programme could be part of an internal management system

Flag State surveyors: para 28 - 37

- Minimum academic qualifications
- Minimum experience
- General qualifications
- Other personnel assisting
- Formal training programme
- Documented system
- Identification document

Flag State Investigations: para 38 - 41

- Conducted by impartial and objective investigators, who are suitably qualified and knowledgeable
- Have ready access to expertise
- Should be reported to IMO in accordance with:
 - Resolution MSC.255(84) - Casualty Investigation Code (mandatory Code)
 - Resolution A.1075(28) - Guidelines to assist investigators in the implementation of the Casualty Investigation Code

Evaluation and Review: para 42 - 44

- Evaluate performance on a periodic basis
- Measures should be in place to evaluate performance (performance indicators)
- Areas for regular review

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