

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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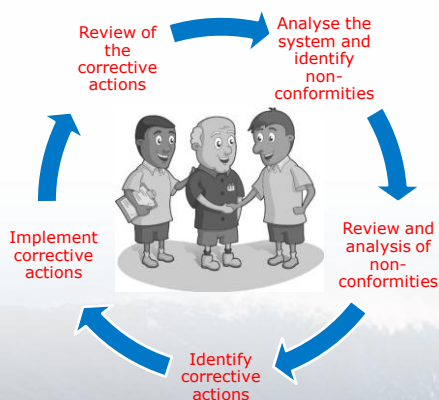


Code for the implementation of mandatory IMO instruments



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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

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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Certificates, issued-renewed-withdrawn-etc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

Flag State inspections results

Communication and information process

Others:
Responses to port State
deficiency reports

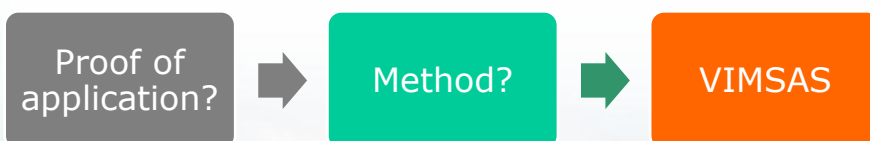
PSC detention rate

Casualty statistics

Annual loss statistics

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INTERNATIONAL MARITIME ORGANIZATION

RESOLUTION A.847(20)

adopted on 27 November 1997

GUIDELINES TO ASSIST FLAG STATES IN THE IMPLEMENTATION OF IMO INSTRUMENTS

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING FURTHER that, at its sixteenth session, it affirmed the contents of resolution A.500(XII) and the assignment of the highest priority to promoting the implementation of relevant international instruments for the improvement of maritime safety and pollution prevention,

RECOGNIZING that international law requires flag States to meet the responsibilities set forth in generally accepted international regulations, procedures and practices contained in IMO instruments and other mandatory instruments, and to take any steps which may be necessary to secure their observance,

REAFFIRMING its desire that ships comply at all times with maritime safety and pollution prevention standards laid down in relevant IMO instruments,

BEING AWARE of the difficulties some States have in giving full and complete effect to the provisions of IMO instruments,

RECOGNIZING the importance of the ratification and implementation by all flag States of relevant instruments adopted by other international bodies,

DESIRING to assist Member Governments to ensure achievement of the IMO objectives,

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INTERNATIONAL MARITIME ORGANIZATION


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ASSEMBLY
24th session
Agenda item 9

A 24/Res.973
19 December 2005
Original: ENGLISH

Resolution A.973(24)

Adopted on 1 December 2005
(Agenda item 9)

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CODE FOR THE IMPLEMENTATION OF MANDATORY IMO INSTRUMENTS

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING FURTHER resolution A.847(20) entitled "Guidelines to assist flag States in the implementation of IMO instruments" intended to provide flag States with a means to establish and maintain measures for the effective application and enforcement of the relevant IMO instruments,

BEING AWARE of the request of the seventh session of the UN Commission on Sustainable Development (CSD 7) to develop measures to ensure that flag States give full and complete effect to the IMO and other relevant conventions to which they are party, so that the ships of all flag States meet international rules and standards,

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SPECIFIC FLAG STATE OBLIGATIONS

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

Specific flag State obligations		
Source	Summary description	Comments
TONNAGE 69		
Art. 6	Determination of tonnages	
Art. 7(2)	Issue of certificates	
LL 66 and LL PROT 88*		
	Existing certificates	LL PROT 88 only (Art.II-2)
Art. 6(3)	Exemptions – reporting	
COLREG 72		
Annex I, paragraph 14	Approval of construction of lights and shapes and the installation of lights on board	

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STCW 78

Art. VI	Certificates
Art. VIII(3)	Dispensation – reporting
Art. IX(2)	Equivalents – reporting

SOLAS 74

Reg. I/4(b)	Exemptions – reporting	in SOLAS PROT 78 and SOLAS PROT 88
Reg. I/5(b)	Equivalents – reporting	
Reg. I/6	Inspection and survey	

MARPOL

Art. 4(1) and (3)	Violation
Art. 6(4)	Detection of violations and enforcement of the Convention – investigations

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Res. A.739(18)

Para 2	Assignment of authority
Para 3	Verification and monitoring

ISM Code

Para 13.2	Issue of DOC
Para 13.4	Annual verification (DOC)
Para 13.5	Withdrawal of DOC
Para 13.7	Issue of SMC
Para 13.8	Intermediate verification (SMC)
Para 13.9	Withdrawal of SMC
Para 14.1	Issue of Interim DOC

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SPECIFIC COASTAL STATE OBLIGATIONS

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

Specific coastal State obligations		
Source	Summary description	Comments
SOLAS 74		
Reg. V/7.1	Search and rescue services – necessary arrangements	
Reg. V/7.2	Search and rescue services – information to IMO	
Reg. V/8	Life-saving signals	
Reg. VII/6.1 and 7-4.1	Reporting of incidents involving dangerous goods	
MARPOL Annex I		
Reg. 11(c)	Exceptions – approval of discharge of substances containing oil for the purpose of combating pollution incidents	

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SPECIFIC PORT STATE OBLIGATIONS

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

Specific port State obligations		
Source	Summary description	Comments
TONNAGE 69		
Art. 12	Inspection	
LL 66 and LL PROT 88		
Art. 21	Control	amended by LL PROT 88
STCW 78		
Art. X	Control	
Reg. I/4	Control procedures	
SOLAS 74		
Reg. I/6(c)	Ships not allowed to sail	

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ASSEMBLY
27th session
Agenda item 9

A 27/Res.1054(27)
20 December 2011
Original: ENGLISH

Resolution A.1054(27)

Adopted on 30 November 2011
(Agenda item 9)

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CODE FOR THE IMPLEMENTATION OF MANDATORY IMO INSTRUMENTS, 2011

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines regarding maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO that, by resolution A.996(25), it adopted the Code for the Implementation of Mandatory IMO Instruments, 2007 and, by resolution A.1019(26), amendments thereto,

RECOGNIZING the need for the above-mentioned Code to be further revised to take account of the amendments to the IMO instruments referred to in the Code which have entered into force or become effective since the adoption of resolution A.1019(26),

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SUMMARY OF AMENDMENTS TO MANDATORY INSTRUMENTS REFLECTED IN THE CODE

The amendments to mandatory instruments reflected in annexes 1 to 4 are summarized below to facilitate the amendment of corresponding tables in the future.

SOLAS 1974	up to and including 2009 amendments (res. MSC.282(86), except res. MSC.202(81) and SOLAS/2004 Conf./res.1) as adopted
Res. MSC.215(82)	
Res. MSC.133(76), as amended	up to and including the 2004 amendments (res. MSC.158(78))
2008 IS Code	MSC.267(85)
FSS Code	up to and including the 2006 amendments (res. MSC.217(82) annex 1)
FTP Code	up to and including the 2004 amendments (res. MSC.173(79))
LSA Code	up to and including the 2008 amendments (res. MSC.272(85))
IMSBC Code	MSC.268(85)
CSS Code, sub-chapter 1.9	up to and including the 2002 amendments (MSC/Circ.1026)
GRAIN Code	up to and including the 1991 amendments (res. MSC.23(59))
IMDG Code	up to and including the 2008 amendments (res. MSC.262(84))
IBC Code	up to and including the 2006 amendments (res. MSC.219(82) and res. MEPC.166(56))
IGC Code	up to and including the 2006 amendments (res. MSC.220(82))

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AMENDMENTS¹⁰ TO IMO INSTRUMENTS EXPECTED TO BE ACCEPTED AND TO ENTER INTO FORCE BETWEEN 1 JANUARY 2012 AND 1 JULY 2012

The following tables contain non-exhaustive lists of obligations, including those obligations imposed when a right is exercised.

OBLIGATIONS OF CONTRACTING GOVERNMENTS/PARTIES		
SOURCE	SUMMARY DESCRIPTION	COMMENTS
STCW 78		
<u>Reg. I/2.12</u>	<u>Issuance of certificates of competency</u>	<u>In force 1.1.2012 by STCW/Conf.2/res.1</u>
<u>Reg. I/2.14</u>	<u>Maintenance of a register or registers of all certificates and endorsements</u>	<u>In force 1.1.2012 by STCW/Conf.2/res.1</u>
<u>Reg. I/2.15 and 2.16</u>	<u>Availability of information on the status of certificates of competency, endorsements and dispensations (as of 1 January 2017, available in English through electronic means)</u>	<u>In force 1.1.2012 by STCW/Conf.2/res.1</u>
<u>Reg. I/3</u>	<u>Principles governing near-coastal voyage waters, communication of information and incorporation of limits in the endorsements</u>	<u>In force 1.1.2012 by STCW/Conf.2/res.1</u>
<u>Reg. I/5</u>	<u>National provisions – Impartial investigation, enforcement measures including penalties or disciplinary measures and cooperation</u>	<u>In force 1.1.2012 by STCW/Conf.2/res.1</u>

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ASSEMBLY
27th session
Agenda item 8

A 27/8
6 September 2011
Original: ENGLISH

VOLUNTARY IMO MEMBER STATE AUDIT SCHEME

Progress report on the implementation of the Audit Scheme

Note by the Secretary-General

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SUMMARY

Executive summary: This document reports on progress made in the implementation of the Voluntary IMO Member State Audit Scheme and work on the further development of the Scheme since the twenty-sixth regular session of the Assembly

Strategic direction: 2

High-level action: 2.0.2

Planned output: 2.0.2.3, 2.0.2.4, 2.0.2.5, 2.0.2.6, 2.0.2.7

Action to be taken: Paragraph 29

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4 ALBERT EMBANKMENT
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Circular letter No.3225
6 September 2011

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To: All IMO Members

Subject: **Fifth Session of the Joint Working Group on the Member State Audit Scheme (JWGMSA 5), 2 to 4 April 2012**

1 Pursuant to the decision of the Council, at its 106th session, the Secretary-General has the honour to invite representation at the fifth session of the Joint Working Group on the Member State Audit Scheme (JWGMSA), to be held at IMO Headquarters, 4 Albert Embankment, London SE1 7SR, United Kingdom. The session will take place from 9.30 a.m. on **Monday, 2 to Wednesday, 4 April 2012.**

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CORRECTIVE ACTION PLAN AND FOLLOW-UP ACTION

Member State		Audit Period:	
Department:		Team leader:	
Finding No.:		Observation No.:	

Root Cause:

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[Proposed] Corrective Action:

Proposed target completion date:

For Action:
Member
State:

Name

Date

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**ANY
QUESTION?**

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