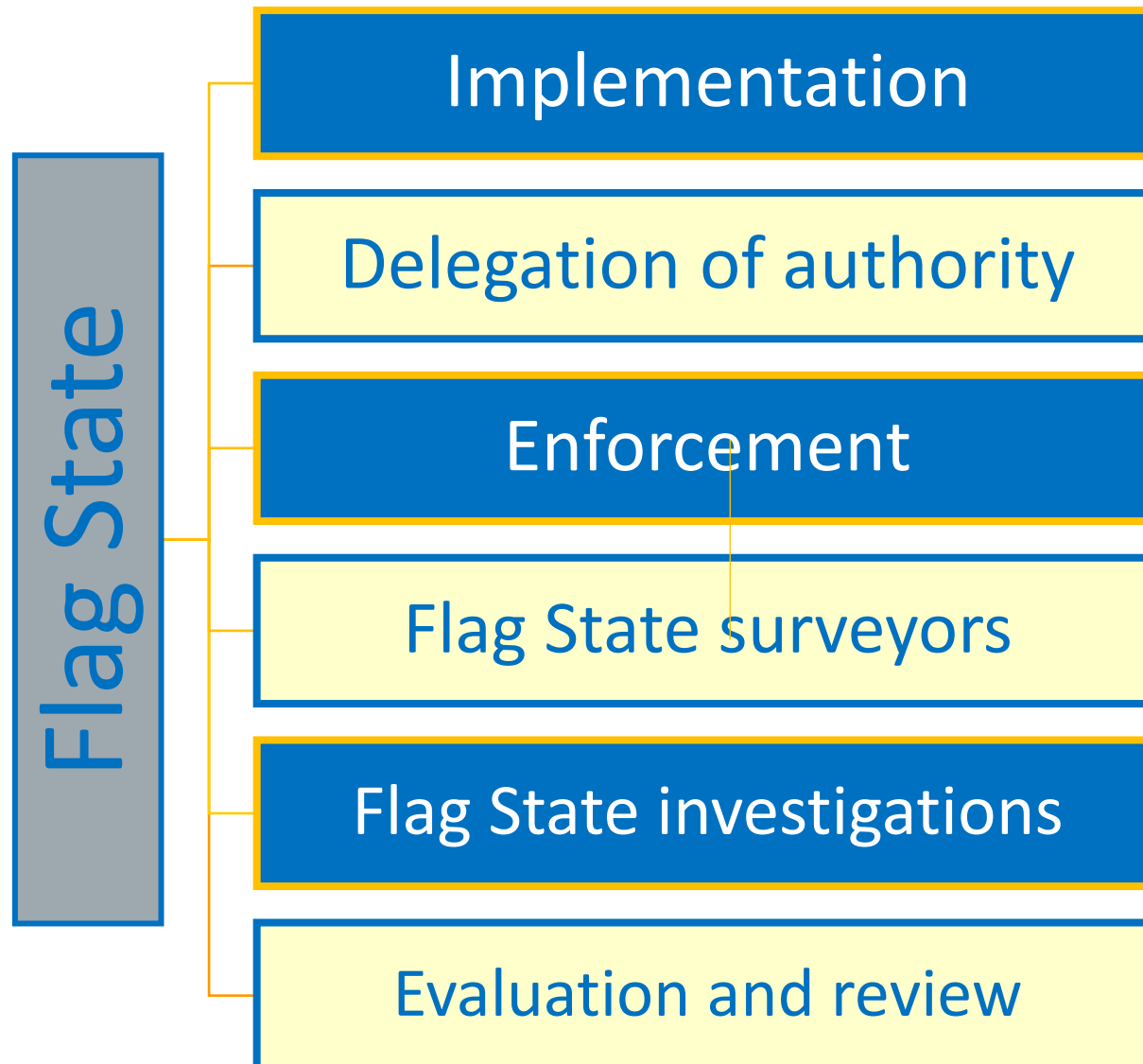
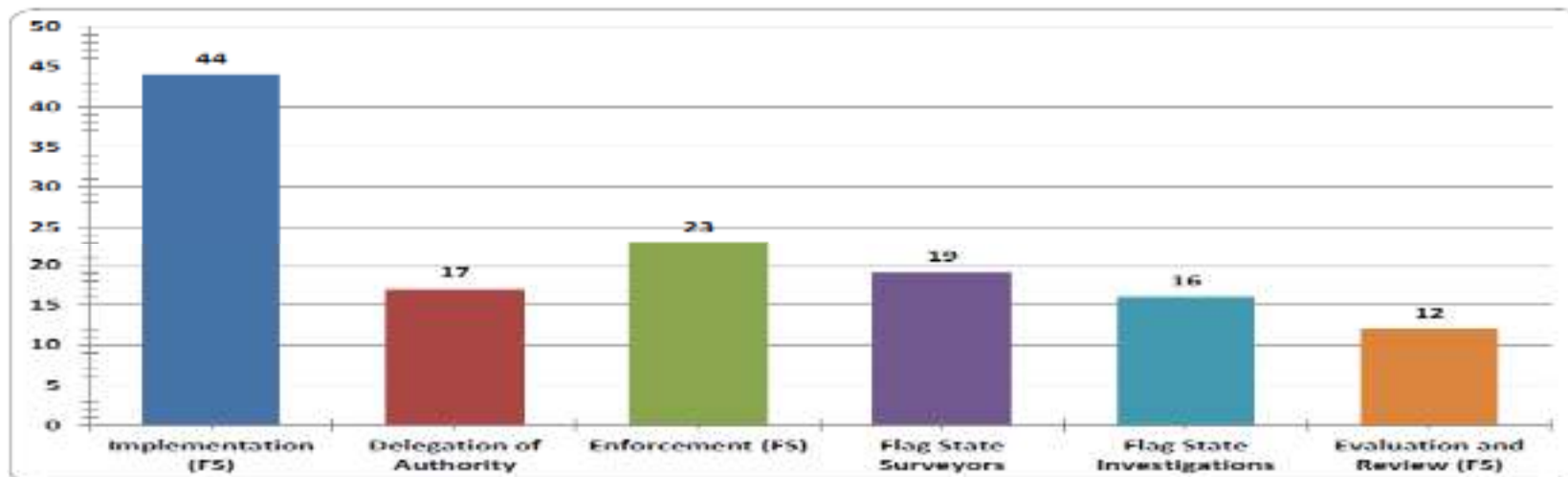
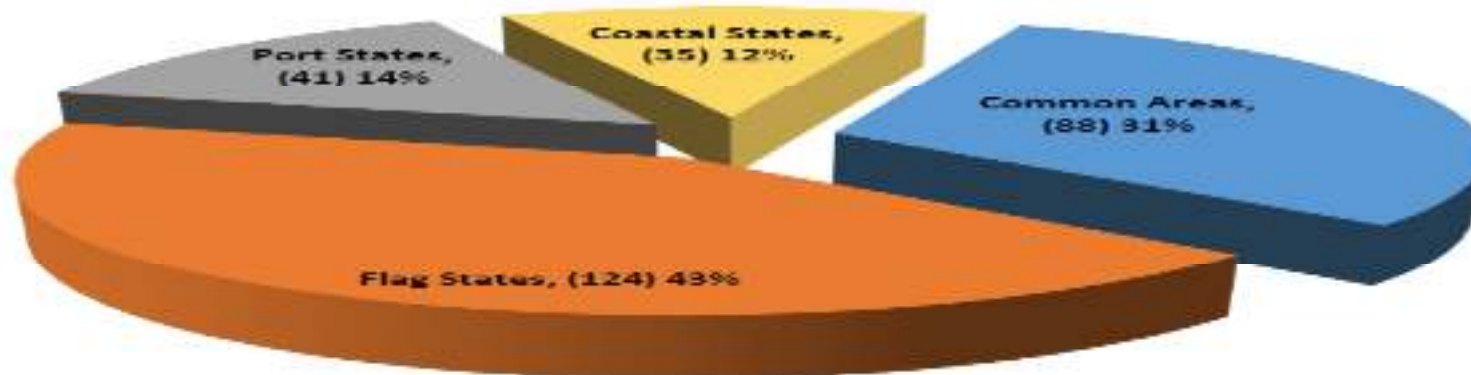


IMO III Code Flag State

Preparatory training for IMSAS



Flag State



To discharge responsibilities and obligations as Flag State



Implement policies



Assign responsibilities

IMO Res A.1141(31)
Non-exhaustive list of obligations
under instruments relevant to the III
Code

National legislation and guidance

A flag State should establish resources and processes capable of administering a safety and environmental protection programme, which, as a minimum, should consist of the following:

Administrative instructions to implement relevant instruments

Monitoring of ROs when acting on behalf of the Flag State

Training, assessment and certification of seafarers

Casualty investigations

Requirements at satisfaction of the administration

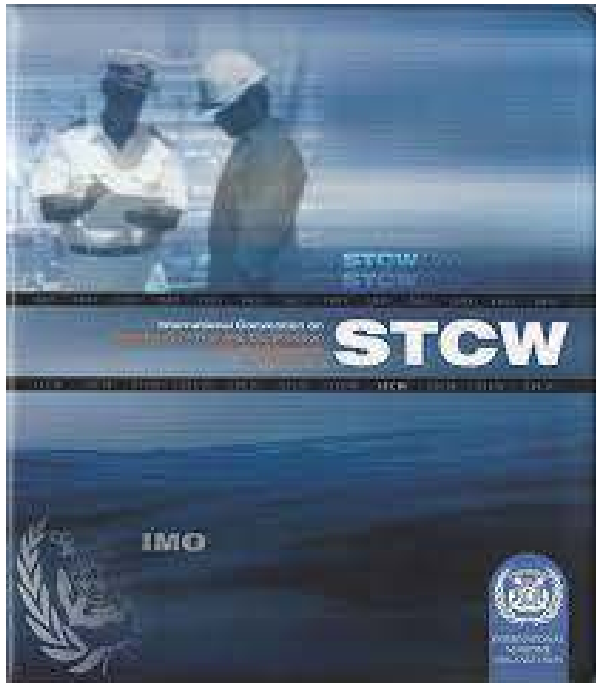
Minimum safe manning



Implementation

Para 16.3





Findings (from Circular letters 4317)

The Administration had not developed measures to establish and enforce the requirements of STCW 1978 relating to fitness for duty and watchkeeping, which include the prevention of drug and alcohol abuse, as well as rest periods and fatigue prevention

*(STCW 1978, regulation VIII/1.1; STCW 1978, regulation VIII/1.2; STCW 1978, regulation VIII/2.1; STCW 1978, regulation VIII/2.2; **III Code, paragraph 16.3)***

A large blue pyramid is positioned on the left side of the slide. To its right, three white rectangular boxes with rounded corners and yellow borders are stacked vertically. Each box contains a text item. A dashed diagonal line runs from the top-left corner of the top box to the bottom-right corner of the bottom box, passing through the pyramid.

Maintain established standards

Promote uniformity

Determine capability and capacity of ROs

DELEGATION OF AUTHORITY TO ROs

Para 18-21



SOLAS Regulations I/6 and I/12(a)viii
Entrusting inspections, surveys and
certification to nominated surveyors or
recognized organizations

Standards for Flag State

Clarifies the responsibilities of organizations



Provisions under
conventions



RO Code



III Code



Transfer of class

Additional requirements

Guidelines for Administrations to ensure the
adequacy of transfer of class-related matters
between Recognized Organizations (ROs)
(MSC-MEPC.5/Circ.2)

III Code requirement

- 18.1 RO must have adequate resources (technical, managerial and research)
- 18.2 The Delegation must be formalised with a written agreement
- 18.3 RO must be issued with instructions detailing:
 - Actions to be taken when a ship is unfit to proceed
 - All national laws and interpretation
- 18.5 RO must maintain records assisting the administration in the interpretation of requirements

Action by the Flag State

- Determine if it is the case
- The Written agreement must contain as minimum the information of the template made available by IMO (MSC Circ. 710 – MEPC Circ. 307)
- The Flag State must provide all that. The difficult part is developing (including the satisfaction of the administration)
- Should be also regulated via Written Agreement

Recommendations for administrations:

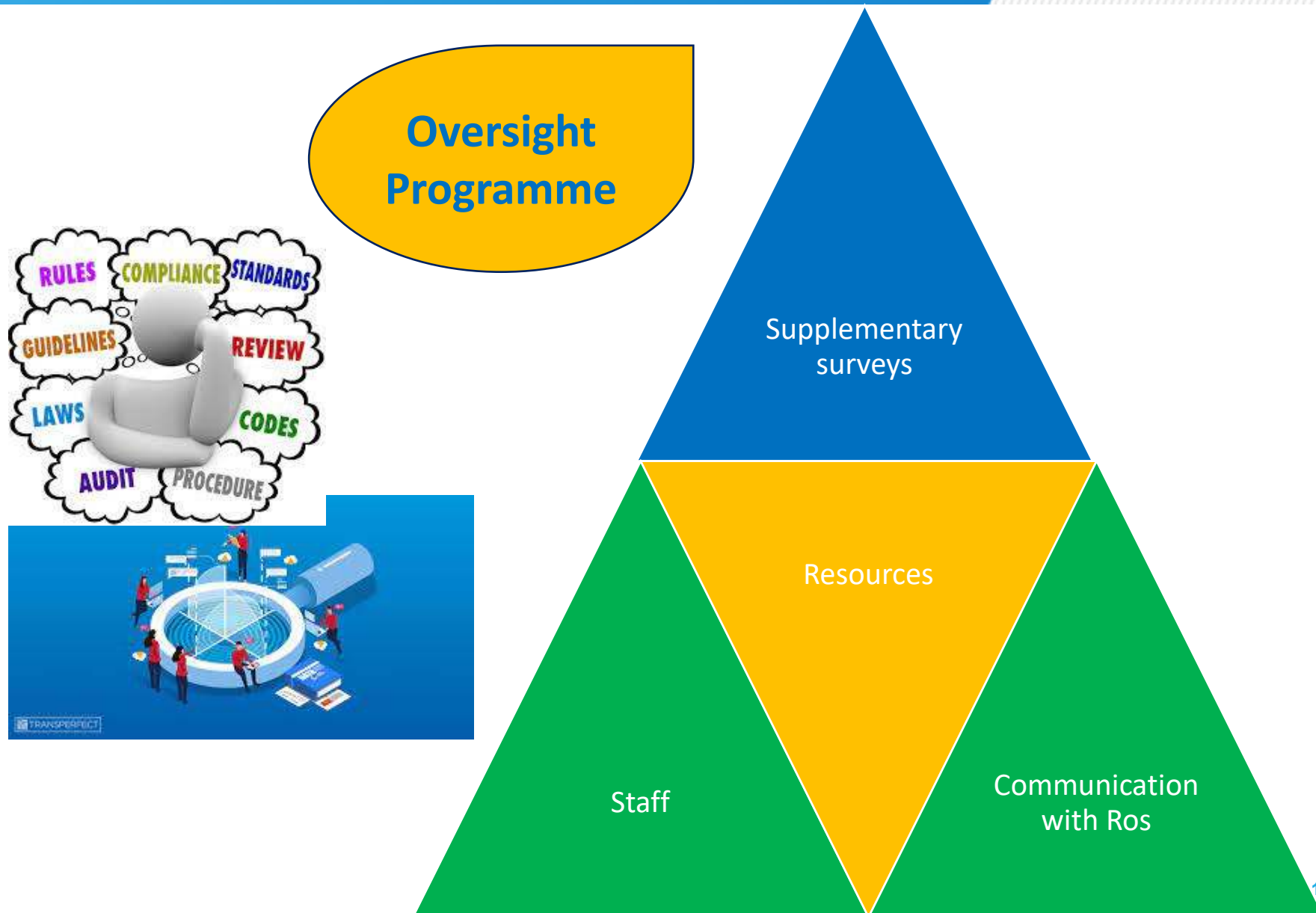
RO Code, Part 3 - Oversight of Recognized Organizations

A system to ensure adequacy of work performed by ROs, including guidance on:

- Establishing an oversight programme
- Principles of auditing
- Managing an oversight programme

Is it really a recommendation?
Did you link it to the paragraph 20 of III Code?





Findings (from Circular letters 4317)

The delegation of authority to ROs and independent surveyors was not adequately regulated and was inconsistent in determining whether ROs were adequately resourced.

The agreements with three ROs did not fully comply with the mandatory provisions of the RO Code.

In addition, the Administration had not provided specific instructions to ROs and independent surveyors and it had not put in place a monitoring programme nor provided qualified personnel to carry out effective oversight of ROs

*(SOLAS 1974, regulation XI-1/1; RO Code, part 1, section 4.2; RO Code, part 2, section 1.2 and appendix 3; RO Code, part 2, section 8; **III Code, paragraph 18; III Code, paragraph 20; III Code, paragraph 21)***

Enforcement

Para 22 - 27



Enforcement powers should be provided in national legislation and authorization given to officers of the competent entity for, inter alia:

- boarding and inspecting a ship or her equipment
- requiring the production of any book, certificate or document relating to any ship or persons on the ship
- detaining a ship
- requiring a ship to be taken into a dock to survey the hull



Periodic inspections and prohibiting ships from sailing if not in compliance

Sanctions and proceedings

- Enforcement provisions **not necessarily** rest within maritime laws and regulations
- In some cases, **incorporated** under civil or criminal law statutes
- Some enforcement actions **may rest** with another governmental entity that is not directly participating in the audit
- **What role**, if any, does the maritime authority play in the collection and provision of adequate information to enforcement agencies
- When **breaches** of statutory requirements have occurred, it is necessary to consider **whether prosecution** should take place.
- Prosecution action **will depend** on the circumstances and the nature of the breach.

Findings (from Circular letters 4317)

The Administration had not taken the necessary measures to ensure that ships entitled to fly the flag of the State complied with the requirements of the mandatory IMO instruments and, in particular, it had not established a programme of periodical inspections.

In addition, penalties provided for in national legislation were not of adequate severity to discourage violation of international rules and standards

(III Code, paragraph 22)

- **Contains a list of issues** expected of an Administration if its responsibilities as a flag State were to be properly executed
- **Explore the issue** of flag State surveyors, with a view to encouraging improvement
- **Non-compliances** under this area would be issued as findings (for paragraphs 28, 33, 34, 35, 36 and 37) and as observations (for paragraphs 29, 30, 31, 32)



- Minimum criteria for Flag State inspectors are recommended



- Qualification:
 - From a nautical institute and valid STCW certificate at management level, or
 - a degree or equivalent from a tertiary institutions within the fields of engineering or science
 - accreditation a surveyor through a formalised training programme
- On-board service not less than 3 years for those with STCW certificate or 3 years of work for those with degree or equivalent
- Appropriate practical and theoretical knowledge of ships, operations and national legislation

- Documented system for qualification and professional development

International and national rules

Procedures for surveys, certification and oversight functions

Understanding of the on-board and ashore processes

Full safety awareness

PROFESSIONAL
DEVELOPMENT



Flag State surveyors

Para 28 - 37



Findings (from Circular letters 4317)

The Administration had not defined and documented the responsibilities and authority of the surveyors and the personnel who manage, perform and verify the safety and pollution prevention activities, and the relationships between them.

In addition, the Administration had not put in place a documented system for qualification of flag State surveyors and continuous updating of their knowledge

(III Code, paragraph 28; III Code, paragraph 35; III Code, paragraph 36)

Flag State Investigations

Para 38-41



Seek to establish that:

- Member State has in place adequate mechanisms to investigate casualty and incidents
- Reports of investigations are provided to interested parties and the Organization



Compliance with IMO Casualty Investigation Code – resolution MSC.255(84)

1. Requirement to investigate very serious marine casualties

2. Investigator(s) - impartial and objective

3. Reporting of a casualty:

➤ *Recommendations*

➤ *Promulgation of lessons learnt*



Resolution A.1075(28) - Guidelines to assist investigators in the implementation of the casualty investigation code

Findings (from Circular letters 4317)

The arrangements for conducting marine safety investigations did not comply with the Casualty Investigation Code and it had not been transposed into national legislation.

Procedures that would guide the investigation process for investigation of all serious marine casualties were also not in place.

In addition, no flag State investigators were available to carry out the investigations

(SOLAS 1974, regulation XI-1/6; MARPOL, article 12(1); LL 1966, article 23; **III Code, paragraph 38; III Code, paragraph 41**).

Apart from Member State's overall organizational performance review, separate and detailed methodology should be in place for Member State to evaluate its performance as a flag State

Confirm whether measures taken to implement and enforce mandatory provisions on ships entitled to fly the flag of the State are:

- Effective
- Lessons learnt for continuous improvement



Findings (from Circular letters 4317)

There was no system in place for the Administration to periodically evaluate its performance with respect to administrative processes, procedures and resources necessary to meet its flag State obligations and responsibilities under the mandatory IMO instruments

(III Code, paragraph 42; III Code, paragraph 43)





- Questions? Thank you



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