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To: To All IMO Member States

Subject: **Auditor's Manual for the IMO Member State Audit Scheme (IMSAS)**

- 1 The Secretary-General has the honour to transmit herewith for information the Auditor's Manual for the IMO Member State Audit Scheme (IMSAS), as approved by the Council at its 110th session for use by Member States and auditors in the delivery of IMSAS.
- 2 The annexed Auditor's Manual will be updated periodically and as necessary.

ANNEX

**AUDITOR'S MANUAL FOR
THE IMO MEMBER STATE AUDIT SCHEME (IMSAS)**

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AUDITOR'S MANUAL

1 INTRODUCTION

1.1 This Manual has been developed as guidance to assist in the planning, conducting and reporting by auditors in the execution of their duties as defined in the *Framework and Procedures for the IMO Member State Audit Scheme*, which was adopted by the Assembly through resolution A.1067(28)].

1.2 This guidance is intended to promote consistency in the delivery of the audit programme. The universally established procedures are outlined in the Framework and Procedures for the Scheme and where a conflict may arise in the application of this guidance, the auditor should refer to the Framework and Procedures for the Scheme as the authoritative source.

2 GENERAL GUIDANCE TO AUDITORS

Channel of communication

2.1 All administrative and logistic-related communications between the Member State and the audit team leader (ATL), or with other sections of IMO, should be coordinated by, or copied to, Member State Audit of IMO (MSA). The ATL, assisted by MSA, will ensure that the needs of the audit team members (ATMs) are addressed to ensure the successful completion of the audit.

2.2 Once ATMs are appointed, they should communicate directly with the assigned ATL on matters concerning technical aspects of the audit. The assigned ATL will be assisted by MSA, as applicable, for all administrative and technical requirements of ATMs.

2.3 The ATL should establish communication link with the single point of contact (SPC) of the Member State concerned as soon as possible, to commence planning for the audit.

Documentation and information management

2.4 The control of documents and the management of information relating to the audit are crucial. In this regard, it is important for the ATL and ATMs to preserve all notes and materials developed and obtained during the audit or audit follow-up.

2.5 During the audit or audit follow-up mission, the ATL should ensure that copies of any document provided to them by the Member State, are not shared with anyone other than the concerned ATMs, the relevant Member State's officials and counterparts, and only for the purpose of facilitating the audit or audit follow-up. In this respect, as with other issues relating to the confidential aspects of the Audit Scheme, ATMs should abide by their undertaking contained in the signed *Statement of Confidentiality*.

2.6 The *Statement of Confidentiality* is binding on the ATL and all ATMs in relation to their assignments as IMO Member State audit/audit follow-up team members and is applicable to all information received in any form as a result of their association with the Audit Scheme. In this regard, all auditors appointed to audit teams must accept and sign the *Statement of Confidentiality* before any document or information relating to the Member State to be audited, particularly the *State-specific confidential audit file*, can be provided to them.

2.7 Audit/audit follow-up team members shall ensure that at the end of their mission all documentation relating to the audit/audit follow-up are returned to the ATL and that all information in electronic format has been deleted from the computer of each auditor before departing from the audited Member State. The ATL should submit all materials to MSA when the *audit final report* has been agreed and submitted to the Member State concerned.

2.8 Member States should provide their authorization to IMO for release of the audit reports, including executive summary report, corrective action plan, final report and Member State comments on the implementation of the corrective action plan, of their audit to the public or to Member States, or the Member State may make the report public through its own media, including their web pages. This action, however, does not release the ATL or the ATMs from their confidentiality agreement.

2.9 In some cases, observer auditors may be attached to audit teams, based on requests received from Member States for their nominated auditors to gain necessary training and experience through actual audits. These instances are also opportunities for MSA to obtain feedback from the ATL on suitability of those individuals as future ATMs. As observer auditors will have access to the information in the audit reports of a Member State, they are required to sign the *Statement of Confidentiality* as audit team members.

Review of the State-specific confidential audit file

2.10 The State-specific confidential audit file will be forwarded to ATMs on receipt of the signed Statement of confidentiality. On receipt of the file, each ATM must initial/sign the accompanying Index of the State-specific confidential audit file, confirming receipt of the file with contents as listed on the Index. The initialled/signed Index should be communicated to MSA by fax or email, with the original sent by mail.

2.11 The ATL is responsible to ensure that ATMs review all available material relating to the maritime activities of the Member State to be audited. Main documents, which need to be reviewed, include the pre-audit questionnaire and the State-specific confidential audit file prepared by MSA. For the purpose of focusing on the scope of the audit programme and time available, additional material reviewed should have a direct relationship with the scope of the audit to be conducted.

2.12 The Member State Audit module in the Global Integrated Shipping Information System (GISIS) will provide a platform for the audit team to review information about Member States to be audited. All available data for a particular Member State, as reported to IMO, will be available, including audit specific information. In addition, the audit team is encouraged to review any relevant background information.

2.13 Additional material, which may be reviewed by ATMs, can be obtained by the ATL from the Member State or MSA, as appropriate. Furthermore, if there has been any previous audit by IMO, documents from that audit should also be reviewed. MSA will assist, where necessary, in obtaining relevant documentation and will make it available to the ATL.

2.14 In conducting the audit, ATMs should take note of specific concerns raised during the initial review of the Member State's documentation. A review of the records may indicate a need for further information to be solicited from the Member State during the conduct of the audit, which should be requested through the ATL.

3 PLANNING FOR THE AUDIT

3.1 The planning for the audit should commence on receipt of the *State-specific confidential audit file* and the Secretary-General's letter appointing the audit team. All preparation for the audit should be consistent with section 5 of the Procedures for the Scheme (hereinafter the "Procedures"). The ATL should review the CVs of the ATMs and identify various areas of strength, which would form the basis for the distribution of areas to be covered during the audit by each ATM. This may seem like a straightforward process; however, careful consideration should be given to identifying capabilities that would not only centre on areas of expertise, i.e. flag, port or coastal State responsibilities, but also expertise or sufficient knowledge of the applicable mandatory IMO instruments to be covered during the audit. The ability of the audit team to cover the administrative, legal and technical areas as enumerated in paragraph 7.4.2 of the Framework for the Scheme (hereinafter the "Framework") should also form part of the consideration in the distribution of tasks.

3.2 The ATL should make contact with the SPC, who is the key partner in the Member State, as soon as possible to commence discussions on the specific areas to be covered during the audit visit, possible visits to other entities and locations, individuals to be interviewed during the audit, etc. In doing so, the ATL and the SPC should endeavour to establish a detailed audit timetable and programme. A model for the audit timetable and programme is set out in annex 1 of this Manual.

3.3 In that context, the ATL should review the information provided by the Member State regarding overall organization and functions of its relevant entities, and provide the SPC with a draft timetable that includes all of the areas that need to be addressed, in accordance with the model set out in annex 1 of this Manual.

3.4 The SPC, in turn, will act as the internal coordinator for the maritime administration of a Member State to be audited, by identifying the appropriate persons and entities that should be audited in order to address all the areas of the audit. Due to the unique interrelationship of various entities that comprise a maritime administration, where in some instances also multiple entities may share responsibility for the implementation of an area to be audited, the ATL must impress upon the SPC that he/she is expected to play an active role in providing detailed information in this regard and in preparing and coordinating all entities involved in an audit. This includes making sure that the proper entities of a maritime administration have been contacted and that they are aware of the dates and times for their interviews and the materials that they should have available for review by the audit team, such as procedures, relevant national legislation, records, etc.

3.5 The ATL should inquire with the SPC as to the normal work schedule for the participants and try, to the extent possible, to accommodate that schedule so as not to place any undue burden on the participants that could disrupt their normal transportation arrangements to and from work or their professional or personal commitments. The SPC should also advise the ATL if there will be any scheduled events that could divert audit participants. This could include local holidays, cultural or religious customs, celebrations and ceremonies, which can be accommodated in the audit timetable, but the ATL should consider their impact on the available audit time and, if necessary, request a compensatory time to be added to the audit timetable.

3.6 Any agreement reached between the ATL and the SPC, including the audit timetable and programme should be communicated to ATMs and MSA by the ATL. It is recommended that MSA be copied on all e-mail between the ATL and the SPC, so that MSA can track the progress of the audit preparations and provide any advice or assistance, as necessary.

3.7 Key logistical arrangements to be agreed between the ATL and SPC before the audit, include:

- .1 arrangements for the arrival at the airport and day by day transport to and from the hotel of the audit team, as necessary;
- .2 assistance in obtaining visas or other travel permissions, which may be needed for the ATMs. This should be addressed as soon as the ATL and the ATM are known and MSA should instruct each ATM to correspond with the SPC individually to attend to these important travel matters. The SPC may need to ensure that documentation is provided to ATMs in order for them to secure the necessary entry visas. Likewise, ATMs should ensure that their passport or other personal records, such as required vaccinations, are complete and up to date, for the place to be visited.
- .3 suitable location of a hotel for auditors in order to reduce the time for transfers between the hotel and the audit locations;
- .4 a meeting room for auditors, at the audit locations to facilitate auditor's end-of-interview briefings;
- .5 a meeting room at the hotel or the main audit location, equipped with a projector/TV screen to facilitate auditor's end-of-day briefings, coordination and writing of the draft interim report after working hours and over the weekend, if necessary;
- .6 internet connection in the hotel/meeting room for access to online support, GISIS, IMODOCS, etc.;
- .7 any in-country travel to other locations involved in the audit should be agreed beforehand and time spent travelling should be limited as much as is practicable; and
- .8 participation of observer(s), who may be observer auditors or individuals invited by the Member State. Observers accepted or invited by a Member State should not fulfil, in whole or in part, any of the obligations of the Member State subject to the audit (e.g. observers from a Member State's RO are normally not permitted). Whilst it remains the prerogative of the Member State to allow observers, ATL should clearly inform SPC on the expected standard of their conduct during the audit, in order to make sure that observers do not interfere with the smooth running of the audit and that the numbers are limited, particularly during interviews.

3.8 Identification of documents necessary to conduct the audit is part of the audit plan (see annex of resolution A.1067(28), part II, paragraph 5.7.5). Whilst some top level documents, e.g. legislation and notices are usually available in the official audit language, some are also available in advance, either through the maritime administration's website, *pre-audit questionnaire* or on request. Other documents and records might be available only in the national language. Consideration should be given by the audit team leader in advance to the scale of this issue, to ensure that critical documents are available in the audit language before the audit or to request that interpreters are available during interviews. Although requests for translations could be made during audit, these take time and should be limited.

3.9 The use of interpreters is discouraged whenever possible since it significantly slows the pace of the audit. However, it may be necessary when interviewing certain personnel who, for reasons of their functions, may not be fluent in the audit language.

3.10 Interpreters may be the employees of the maritime administration and should be familiar with the technical language related to the maritime topics of the audit. Supervisors or other persons who review, control or influence the work of a person being interviewed should not serve as interpreters.

3.11 As mentioned earlier, the issue of in-country travel should be taken into account when developing the audit timetable, as the time spent travelling to field locations may significantly limit the amount of time available to do the actual audit. This is an element to be considered between the ATL and the SPC to minimize in-country travel to what is absolutely necessary. It is suggested that consideration be given to the minimum amount of time to be spent at a location and to include this in the outline audit plan.

3.12 The option of leaving Friday afternoon unallocated during the development of the audit timetable should be considered by the ATL to allow time for areas to be revisited, or for the receipt of additional information or clarification from the Member State on outstanding issues.

3.13 The actual on-site audit would normally commence on the Saturday or Sunday, with the arrival of the audit team in the Member State for the face-to-face preparatory meeting of the team. The face-to-face preparatory meeting is a very important component of the planning process. The preparatory meeting should cover the areas mentioned in paragraph 5.7 of the Procedures, with particular emphasis on the following topics:

- .1 reviewing the completed *pre-audit questionnaire* and supporting documentation;
- .2 reviewing the audit timetable and plan and confirming the role and responsibility of each auditor;
- .3 agreeing on how information obtained from interviews and examination of records will be recorded for reporting purposes;
- .4 agreeing on the procedures to be used for the issuance of audit findings and observations;
- .5 considering and agreeing on any checklists developed by individual ATMs and consolidating them into one checklist for the audit;
- .6 discussing and agreeing on any issue for which a common understanding is necessary; and
- .7 reviewing the model draft interim report (set out in annex 2 to this Manual) and agreeing on a routine, preferably a daily end-of-day meeting, for transposing information recorded (as mentioned in .3 above) and findings and observations to the draft interim report.

3.14 A preparatory meeting may also be organized between the audit team and SPC on arrival of the team in the country, which is an opportunity for confirmation of all arrangements for the conduct of the audit, including conduct of the opening meeting and any administrative issues.

3.15 Taking into account that the *IMO Instruments Implementation Code* (resolution A.1070(28)) (hereinafter the III Code) is the audit standard, a consistent review of each Member State's activities falling within the III Code should be ensured. In this context, each audit

team should verify all the items enumerated in the Verification Index set out in appendix 2 to annex 2 to this Manual, which closely follows the requirements of the III Code.

4 COMMENCEMENT OF THE AUDIT

4.1 The audit will normally commence on the morning of the first working day of the week of the audit and the conduct of the audit should be consistent with section 6 of the Procedures.

4.2 The opening meeting is the first event and sets the stage for the entire audit. Therefore, time should be allocated for the proper introduction of all participants in the meeting along with the audit team. An agenda, which should have been prepared earlier by the ATL, should include all the issues listed in paragraph 6.3.2 of the Procedures. A list of attendees should be provided to the ATL by the SPC. Normally, the senior executive of the lead entity of the maritime administration attends the opening meeting and provides introductory remarks.

4.3 During the audit opening meeting, the ATL should emphasize that interviews of selected individuals would be done with the individual concerned alone and not in a group, unless necessary and previously agreed. This does not exclude the "guide" and interpreter from being present. This has been found to be important in avoiding one senior manager or a handful of people shadowing the audit team and answering all the questions.

5 THE AUDIT

5.1 Immediately following the opening meeting, the audit should move onto the phase where a representative of the Member State presents an overview of the State's institutional arrangements for carrying out the functions of a maritime administration, including a detailed explanation of how and where the responsibilities contained in various mandatory IMO instruments are carried out. The overall strategy (see section 6 of this Manual) should be presented in that context. Although many separate entities may contribute to the accomplishment of the required functions, it should be demonstrated that a strategy exists, at the appropriate level, to ensure that efforts are coordinated and that they are consistently and successfully carried out.

5.2 As per the audit plan, the audit team would, at some point, take on specific areas to be covered during the audit. As previously noted, particular attention should be given to verify that all of the entities are contributing to the implementation of the strategy. This ensures that a coherent approach is adopted throughout the audit, which would enable the audit team as a whole to reach objective conclusions on the flag, port and coastal State responsibilities as carried out by the State. This could require periodic briefings during lunch and coffee breaks among the audit team members and also briefings of representatives of the relevant functional area of the maritime administration.

5.3 Also, daily debriefing of the audit team should be planned during the audit, to enable the auditors to produce a common set of notes based on the notes they had made individually during the day, and to review and consolidate audit findings and observations. This will facilitate the preparation of the draft interim report, as well as an effective follow-up of issues on the following day. Not all of the ATMs may be equal in terms of their mastery of the written language of the audit. The ATL is ultimately responsible for the quality and content of the audit report. The ATMs should collaborate by reviewing and revising the notes and the audit report to ensure that they are technically and grammatically correct.

5.4 Auditors should indicate areas of possible findings and observations to the auditee as they arise during the audit, but should not assign them as final until they have been reviewed by the team. The purpose of this approach is to collectively give an opinion on these and to look at ways to structure findings and observations to avoid duplication, as well as to examine the

findings to see whether they are related or indicate a common problem. Findings and observations are to be formally provided to the auditee in a written format after they had been agreed by the team. The audit interim report as a whole should be provided to the auditee as soon as possible and prior to the closing meeting to allow ample time for its review by the auditee.

5.5 As the audit is a team effort, active involvement of all ATMs in the audit process is crucial. It falls within the ATL's responsibility to assure the active participation and professionalism of all ATMs. Any deviation from the above by ATMs should be effectively addressed during the audit by the ATL. During the drafting of the audit interim report, including findings and observations, there may be professional disagreement between the auditors. ATMs should try to reach consensus, but in cases where opinion is divided, the decision of the ATL will be final.

5.6 In conducting the audit, the audit team will, as much as possible, aim to avoid and prevent disputes from arising by working closely with the Member State being audited in the most transparent and fair manner. However, disputes and differences may arise for several reasons. In the event that differences cannot be resolved through dialogue and persist to a level that an audit or an audit follow-up, as a whole or in part, is affected, a dispute resolution action shall be initiated by the ATL, in coordination with MSA, as soon as possible.

5.7 The first action to resolve disputes, if they should arise, prior to the audit, will be taken within MSA. Thus, an effort to resolve differences and disagreements, before they escalate to disputes, will initially be attempted by MSA through dialogue with the Member State concerned, the ATL and ATMs, as necessary. If a dispute arises during the preparatory phase and during the audit, involving the ATL and the Member State, the ATL should take all necessary measures to resolve differences prior to the audit and may solicit the assistance of MSA as necessary. If the dispute arises during the audit, the ATL and the Member State should resolve the differences amicably, as provided for in section 7 of the Memorandum of Cooperation. Paragraphs 7.2.3 and 7.2.4 of the Procedures for Member State audit should be adhered to in resolving and/or recording disagreements and opinions.

5.8 As the purpose of the audit is to assure improvement, it should be emphasized during the audit closing meeting that corrective action plan, **using Form B (Corrective action)**, should be prepared by the audited State for all findings and may also be prepared for observations, within 90 days after receipt of the agreed interim report. **Member States should complete the "Root cause" section in the Form B (Corrective action)**, so that root cause(s), as identified by the Member State, can be included, together with corrective action, in the *audit final report* and to provide input to lessons learned to all Member States.

6 ORGANIZATIONAL PERFORMANCE

Strategy

6.1 **The general aspect of the audit should seek to establish whether there exists an overall strategy by the State to meet its obligations and responsibilities as a maritime administration (flag, port and coastal State) under the various mandatory IMO instruments, as outlined in part I of the III Code. Furthermore, the audit should establish whether a methodology is in place for monitoring the overall organizational performance of the maritime administration in the execution of its duties, as contained in paragraphs 3 and 9 of the III Code.**

6.2 The foregoing should not be confused with individual ministries' or entities' strategy, and performance evaluation. Instead, the above referred strategy and performance measurement is an umbrella and collective evaluation of all ministries and agencies performing maritime functions relating to those mandatory IMO instruments to which the State is a Party. In reviewing the overall

strategy, account should be taken of the **division of responsibilities among various entities** of a State, which participate in the implementation and enforcement of the mandatory IMO instruments. **A mechanism should exist for all involved entities of a State to contribute to the overall effectiveness of the State in the discharge of its obligations and responsibilities that are derived from the applicable IMO instruments.** In that context, the overall strategy should present a framework, which **effectively coordinates their maritime-related work and provides a mechanism for assessing the overall effectiveness of the State in meeting its international obligations under the mandatory IMO instruments.**

6.3 As the requirement for an overall strategy is recommendatory in the III Code, any shortcoming in this area should only be recorded as an observation in the report.

Legislation

6.4 The initial actions section of the III Code, paragraphs 7 and 8 refer, provides sufficient latitude for the audit team to fully establish that the regulatory processes within the State do indeed **deliver timely and adequate regulations** on a consistent basis.

6.5 All of the mandatory IMO instruments require a Party thereto to put in place legislation pertinent to the mandatory IMO instrument in question. Therefore, the audit team should **make use of some of the recent amendments to mandatory IMO instruments as contained in the annex to the III Code to test the viability of the process** and whether enabling legislation/regulations have been properly issued, no later than the entry into force date of the amendment concerned or, in the case of a new treaty, the entry into force date for the State concerned.

6.6 If the government entity that is responsible for the implementation of the mandatory IMO instruments is not granted the authority for enacting them into national legislation, audit teams should take a practical approach during their evaluation of this area, taking into account the Member State's constitution, current national legislative process and its legislation framework.

6.7 Whilst the issue of sufficient personnel with maritime expertise is subjective, the discharge of those responsibilities listed in paragraph 8.3 of the III Code, is a mandatory provision of IMO instruments. Some States **authorize non-governmental third parties** to execute some of their responsibilities. **These arrangements should be carefully evaluated by the audit team to ensure that the delegated functions are executed effectively,** as well as that they are monitored and controlled by an appropriate government entity.

Records and improvement

6.8 The aspects covered by paragraphs 9 to 14 of the III Code should be looked at, both in support of the overall organizational performance measurement and evaluation, under flag, coastal and port State activities. Evaluation and review with respect to specific flag, coastal or port State responsibilities are also dealt with under those areas.

7 FLAG STATE

Implementation

7.1 The III Code, paragraphs 15 to 17, provides a detailed list of areas to establish the extent of implementation of mandatory IMO instruments by a Member State. It is for the audit team to use those areas listed and match them with specific regulations in the mandatory IMO instruments in order to satisfy themselves of the degree of compliance by the Member State concerned.

7.2 One particular area, which is of interest and significance in the implementation of mandatory requirements, is paragraph 16.5 of the III Code – "to the satisfaction of the Administration". Whilst there is a specific question in the *pre-audit questionnaire* on the application of this phrase, the audit team should verify exactly what action the Member State has taken in respect of those provisions of the mandatory IMO instruments containing that phrase. ***This should always be recorded in the draft interim report.***

7.3 With respect to the 1978 STCW Convention, as amended, audit teams should always remain guided by the restriction established in that Convention related to the audit.

Delegation of authority

7.4 In most cases, Member States have delegated all or some statutory responsibilities to recognized organizations (ROs). The audit should be rigorous in verifying that the Member State has granted authority to each RO in accordance with the *Guidelines for the authorization of organizations acting on behalf of the Administration* (resolution A.739(18) and taking into account the Code for recognized organizations (RO Code) (resolutions MSC.349(92) and MEPC.237(65)), as appropriate), and that such ROs have been duly scrutinized and confirmed to comply with *Specifications on the survey and certification functions of recognized organizations acting on behalf of the Administration* (resolution A.789(19) and taking into account the RO Code (resolutions MSC.349(92) and MEPC.237(65)), as appropriate). The two Assembly resolutions are mandatory under SOLAS regulation XI-1/1, MARPOL Annexes I, II and VI and LL PROT 88 and references thereto will be replaced by resolutions MSC.349(92) and MEPC.237(65), when amendments to relevant IMO instruments making the RO Code mandatory, enter into force. Therefore, paragraphs 18 to 21 of the III Code dealing with delegation of authority should be fully covered during the audit.

7.5 Another area of interest in the delegation of authority to ROs, which is sometimes overlooked in terms of compliance with resolutions A.739(18) and A.789(19), taking into account the RO Code, as appropriate, is radio equipment survey and certification, as this work is sometimes given to specialized entities. Notwithstanding the specialized nature of this type of work, the granting of authority to any entity to carry out statutory surveys should always comply with the two resolutions mentioned above, taking into account the RO Code, as appropriate. In doing so, Governments should have sufficient numbers of technical personnel that are capable of monitoring and evaluating the work of ROs in quantitative and qualitative terms. This area should be explored by the audit team.

7.6 In the context of monitoring of the activities of ROs, auditors should be aware that some States may also use private sector organizations or independent surveyors to perform State duties, such as the conduct of flag State inspections, as a part of the flag State's responsibility to carry out oversight of their ROs. The State should have full knowledge of the activities of such organizations or independent surveyors and should exert control over the quality and consistency of their work.

Enforcement

7.7 Enforcement is a critical component in ensuring global and uniform implementation of mandatory IMO instruments. However, this area could be very problematic for auditors as enforcement provisions may not necessarily rest within the maritime laws and regulations. In some cases, this is incorporated under civil or criminal law statutes and some enforcement actions may rest with another governmental entity that is not directly participating in the audit. One aspect that is almost always present is what role, if any, does the maritime authority play in the collection and provision of adequate information to enforcement agencies. In this instance, auditors should use their sound judgement in determining who to interview and what documentation they would like to see.

Flag State surveyors

7.8 The III Code, paragraphs 28 to 37, contains a list of issues that would be expected of an Administration if its responsibilities as a flag State were to be properly executed. Surveyors are at the sharp end of implementation and enforcement. Therefore, the audit should explore the issue of flag State surveyors, with a view to encouraging improvement and the implementation of this part of the III Code by Member States. Paragraph 29.3 of the III Code allows for accreditation of surveyors through formalized training programmes that lead to the same standards as 29.1 and 29.2. A practical view should be taken regarding the application of this equivalence. The skills necessary to be a competent flag State surveyor are not the same as those necessary to be a ship's officer. Although a basic knowledge of ships' structures and systems provide an excellent foundation for surveyors, the mere possession of a degree or a license attesting to shipboard skills does not itself make a competent surveyor. A documented system for training and qualification of personnel that provides essential knowledge of ships' systems, combined with a rigorous knowledge of applicable regulations, together with continuous updating of their knowledge through, for example, a surveyor mentoring programme, can be seen as an evidence of conformity with the requirement of paragraph 35 of the III Code.

7.9 The training programmes developed for flag State surveyors should encompass inspectors, auditors, investigators and other technical experts carrying out duties that require certain expertise.

Flag State investigations

7.10 The issue of investigation of marine casualties and pollution incidents is a mandatory requirement under a number of IMO instruments. The audit, therefore, should not only seek to establish that the Member State has in place adequate mechanisms to investigate casualty and incidents; but also that reports of investigations are provided to interested parties and to the Organization. There are numerous regulations that would support findings in this area. Auditors should be careful when identifying any shortcoming, to ensure that it is specific and supported by mandatory provisions and the Casualty Investigation Code.

7.11 There should be national legislation or regulations that define the thresholds for timely mandatory reporting of casualties by ships to the flag State Administration. The thresholds should, at a minimum, meet the requirements for the conduct of investigations in the Casualty Investigation Code, but they may also be more extensive. The Member State may choose to require greater reporting of casualties or near miss situations for the purpose of conducting trend analysis, but need to investigate, as a minimum, those specified by the Casualty Investigation Code. Also, there should be a linkage between reporting of ship damage for survey purposes and casualty reporting to the Administration to ensure consistency. This is especially valid when an RO is the primary recipient of damage reports, as the damage may meet the casualty reporting thresholds of the flag State.

7.12 Part of the casualty investigation process is to evaluate if there are measures that should be taken to prevent future reoccurrence of similar casualties. **Continual improvement by an Administration relies on unbiased self-critical analysis.** This process is essential to deriving the maximum organizational benefit from the casualty investigation process. For this reason, there is a mandatory requirement that investigators are impartial and objectives, as well as that, results of marine safety investigations are reported without direction or interference from any persons or organizations that may be affected by its outcome. In small Administrations, with few employees, this separation of duties between investigators and inspectors may prove difficult to achieve. It is not necessary that investigators be completely divorced from any ship inspection duties, but when they are serving as investigators their work should not be influenced by their inspector/surveyor duties or by those who supervise them as inspectors. Where clear boundaries between investigators and inspectors do not exist, the auditors should use their

judgement to determine if a conflict of interest existed for a particular investigation or that such a conflict of interest could likely exist based on the organizational structure of the maritime administration. An important role of an investigator is to evaluate if their own or other flag administrations' inspection processes were capable of detecting and adequately addressing the cause(s) of a casualty and thus preventing future casualties. For this reason, auditors should carefully evaluate if casualty investigators are impartial and that they are empowered to recommend corrective actions to, inter alia, inspection processes. Maritime administrations should document that investigation recommendations have been evaluated, addressed and implemented, as appropriate.

Evaluation and review

7.13 Apart from the Member State's overall organizational performance review, separate and detailed methodology should be in place for the Member State concerned to evaluate its performance as a flag State. Paragraphs 42 to 44 of the III Code provide the recommended process for such a review. The audit team should explore this, which would also confirm whether measures taken to implement and enforce mandatory provisions on ships entitled to fly the flag of the State are effective and lessons learned are being used for continual improvement.

8 COASTAL STATE

8.1 A coastal State's rights and obligations have been aptly identified in annex 3 to the III Code. Whilst there are not many, they are crucial, particularly as the SAR Convention is not yet included under IMSAS. Paragraph 48 of the III Code provides a non-exhaustive list of rights, obligations and responsibilities, implementation and enforcement of which should be verified by the audit. In this area, full use should be made of the provisions of SOLAS chapter V. Also, additional guidance has been provided in documents **MSC 81/24/1** (IALA) and **MSC 81/24/4** (IHO), which are included in this Manual as annex 3. Evaluation and review also apply separately to coastal State activities.

8.2 In some instances, coastal States enter into bilateral or regional agreements for the sharing of coastal State responsibilities, thus leveraging scarce resources to achieve a superior outcome. The execution of coastal State responsibilities is as unique as the geography of each coastal State. Auditors should, therefore, carefully evaluate not just the resources of the individual Member State but also the combined resources, which are available through the State's agreements with neighbouring States.

8.3 In cases where a State uses private sector organizations to perform State duties, such as pollution response, SAR, maintenance of aids to navigation, vessel traffic management, waste reception or charting/hydrography, considerations as presented in paragraph 7.6 apply.

9 PORT STATE

9.1 A port State has rights and obligations. Sometimes these are heavily weighted on the right to exercise port State control (PSC) on foreign flag ships and the associated reporting requirement, with the latter being seen as the obligation. There are a number of other important areas of responsibility assigned to port States, as set out in paragraph 56 of the III Code, and these should be explored by the audit team.

9.2 With regard to PSC programmes, auditors should focus on the qualification of PSC officers, and the quality and consistency of PSC inspections that are conducted in accordance with IMO guidelines. Also, port States should engage with the ship's flag State and ROs when deficiencies are revealed by PSC officers. Port States are required to have procedures for notification of a detained ship to the flag State.

9.3 Reception facilities as required by MARPOL should be verified. For those States that are Party to MARPOL Annex VI, there are requirements for them to provide certain services as port States and these should also be checked, i.e. issues related to local suppliers of fuel oils. Evaluation and review apply separately to port State activities.

10 REPORTING ON THE AUDIT

Draft audit interim report

10.1 The draft audit interim report, which is intended to be tabled at the audit closing meeting, is the only basis for fully developing and reporting on what, where and how the audit was conducted and its findings. It is important that the audit team, from the outset, develops a daily routine for recording its activities, which would form the basis for preparing the draft audit interim report.

10.2 The draft audit interim report should describe succinctly the actual structure of the maritime administration in terms of all of its substantive components, entities, agencies, departments, divisions, etc. and the processes put in place for the implementation and enforcement of applicable IMO instruments, as shown in model draft audit interim report (set out in annex 2 to this Manual).

10.3 The draft audit interim report should also include details of findings, as narrative in the body of the report and as appendices (Form A), as well as the verification index, providing the list of all items verified during the audit, in accordance with the relevant requirements of the III Code. These contents of the draft interim report provide the basis to confirm what and where the audit team actually visited, what was audited and the findings.

10.4 The report should also capture what the audit team found to be areas of positive development, including any best practices, and it should also put forward areas where it is felt the Member State should improve. The latter can largely be deduced from the general observations of the State's maritime administration.

10.5 ATLs should ensure that the *draft audit interim report* conforms to the format attached in annex 2.

10.6 The *draft audit interim report* should contain concise descriptions of the processes through which relevant requirements of the III Code are implemented and enforced, as set out in the model draft audit interim report (contained in annex 2 to this Manual), as well as details of the findings. Findings should be drafted clearly and concisely and should reflect the appropriate provisions of the mandatory IMO instrument(s) concerned and/or the III Code. Models as provided in annex 2 to this Manual, as well as practices reported through consolidated audit summary reports (CASRs), may be used as guidance.

10.7 Any specific arrangements in place for effective implementation of a particular IMO instrument, to which other Member States might have the benefit of being informed, should be described in sufficient detail as best practices, and reported under the areas of positive development.

10.8 The draft audit interim report that is tabled at the audit closing meeting will not normally be fully fleshed out or thoroughly edited and the ATL will need to complete the report in consultation with the Member State, before it can be agreed as the audit interim report. In this regard, the *draft audit interim report* should not be agreed as the *audit interim report* during the closing meeting. The *audit interim report* should include a succinct description of the findings and observations found under the appropriate section of the report. The IMO Secretariat (MSA) will assist the audit team leader, as necessary, to ensure the completion of the audit interim report in the standardized format.

10.9 Once the report has been finalized, the ATL is required to formally submit it to the Member State, copied to MSA, as the *audit interim report*. The 90-day period in which the Member State is required to prepare and submit its corrective action plan begins from the date of submission of the audit interim report to the Member State.

Executive summary report

10.10 A draft executive summary report should be prepared by the audit team leader in accordance with the model set out in Appendix 5 to the Procedures and tabled during the closing meeting.

Corrective action plan

10.11 As a starting point for developing corrective action(s) for each finding and/or observation identified during the audit, the Member State should aim to identify related root cause(s). Corrective action should be seen as a systemic action aiming at eliminating a cause of detected non-compliance (finding or observation). Through these actions a mechanism for continual compliance with a requirement in the future should be established, as appropriate.

10.12 Examples of how Form B of Corrective Action should be completed by the audited State, are set out in appendix 3 to annex 2 of this Manual. Form B must be signed by the Member State and the ATL in the appropriate sections. A scanned copy may be used and forwarded initially by electronic mail to MSA, however, the original signed copy should be provided, for record keeping.

Audit final report

10.13 The *audit final report* is the *audit interim report* previously issued to the Member State, which should now incorporate the State's comments and corrective action plan in the appropriate parts of the report. MSA will assist, as necessary, in finalizing the *audit final report*.

10.14 The corrective action plan should be reviewed by the ATL and confirmed as being appropriate to address the various findings in the *audit interim report*. Also, a synopsis of the corrective action(s) and root cause should be included in the body of the *audit final report* after the findings and observations concerned. Comments by the ATL on the corrective action plan should not be included in the body of the *audit final report*. The comments should be drafted in the appropriate section of Form B.

10.15 Once the *audit final report* has been completed, it should then be submitted to the MSA, for review and consistency check, and then submitted to the Member State concerned, for acceptance.

Member State's comments on the progress of implementation of corrective action plan

10.16 A Member State may communicate progress made in the implementation of corrective action plan and can issue statements for various issues related with the audit, including possible disagreement with the audit findings. Based on the authorization received from a Member State, Member States' comments are published as received by an audited State, to public or Member States only, without validation by IMO or the audit team leader and can be updated as the implementation of the corrective action plan progresses.

Audit team leader's mission report

10.17 As per the Procedures (paragraph 7.6) and terms of reference, the ATL should provide the IMO Secretariat with a mission report, which should be concise and describe positive elements and difficulties encountered during preparation for, and conduct of the audit. Feedback on the logistical and administrative arrangements for the conduct of the audit should be included, with any recommendations for improving the implementation of audits.

10.18 An appraisal of all ATMs' performance by the ATL should be included in the report. The appraisal should take account of ATMs' auditing skills; knowledge of IMO instruments; effective application of the audit standard (III Code); knowledge of functions of a maritime administration; auditors' specialties within areas to be audited; ability to effectively communicate in the audit language with auditee; and ability to succinctly capture in writing the facts and findings from the audit during the production of the draft interim report. This will assist the IMO Secretariat in the formation of future audit teams. The ATL should provide a specific recommendation to MSA regarding each ATM as to their readiness to assume the duties of ATL. Alternatively, the ATL should note if the ATM would benefit from being an ATM at additional audits before assuming the duties of ATL. The appraisal should be drafted in the form as set out in annex 4 to this Manual and attached to the audit team leader's mission report.

Feedback from the Member State

10.19 Member States are encouraged to provide to MSA their feedback describing the conduct of the audit, including all phases from the preparation, on-site audit and reporting from the audit. Besides any positive elements, comments and recommendations with regard to the difficulties encountered and proposals to improve the planning and conduct of audits would provide an input to the quality assurance programme for the audit scheme and enable the improvements in audit planning.

11 DRAFTING OF FINDINGS AND OBSERVATIONS

11.1 Audit teams are to report exactly what is the current status of audited elements during the audit. In this regard, where a shortcoming has been identified that warrants the issuance of a finding or observation, audit teams should issue the appropriate finding irrespective of whatever ongoing action the Member State is taking to address the identified shortcoming. Where there is an ongoing action by the Member State to address an identified shortcoming, this should be noted in the report.

11.2 Findings should only be issued for failings in the legislation, implementation and enforcement of the provisions of applicable IMO instruments or some provisions of the III Code. As some provisions of the III Code are also requirements from mandatory IMO instruments, appropriate references to the applicable provisions from the applicable IMO instrument and the III Code should be inserted in the Findings Notice.

11.3 Drafting of findings and observations should be consistent and supported by evidence. Examples of how Form A – Findings/Observations Notice should be completed, are attached to the draft interim report set out in annex 2 to this Manual.

11.4 Form A should be agreed and signed by the ATL and a senior representative from the Member State during the closing meeting, in two originals. One original signed Form A will be kept by the Member State and another handed over to the ATL, for submission to MSA, for record keeping.

12 AUDIT FOLLOW-UP

12.1 The audit will be concluded by the verification of the effective implementation of the corrective action plan and confirmed by ATL as being appropriate to address the various findings in the *audit final report*.

12.2 The verification will normally be carried out as a document based audit (document review) by the ATL after receipt of all relevant documents showing the objective evidence on the Member States' effective implementation of the corrective action plan. Such evidence may consist of copies of new legislation or policies implemented, evidence of reporting to IMO, records of compliance, evidence of appropriate training of staff, copy of signed RO agreements, independent evaluation reports, etc.

12.3 The ATL may propose to the MSA that an on-site audit is necessary in order to verify the effective implementation of the corrective action plan. The standard auditing procedures applied to the on-site audit follow-up are the same as for the regular Member State audit described in the Procedures. The only exception is the difference in scope, as the audit follow-up should be limited to verification of the effective implementation of the corrective action plan.

12.4 The on-site audit follow-up team will normally consist of an audit team leader and other members, as required, depending on the scope of the audit.

12.5 When the effective implementation of the corrective actions have been verified through a document based or an on-site audit, the ATL and IMO will sign off the finding and/or observation on the Form C and insert any necessary comments in the appropriate section of Form C. The original of the signed Form C will be forwarded to the Member State and a copy will be kept by MSA.

13 CONCLUSION

13.1 This Manual draws on the experience gained from audits under the Voluntary IMO Member State Audit Scheme and it should be viewed as a dynamic document, which will be updated as necessary. Auditors are encouraged to implement the recommendations contained herein and to make proposals for improvement of, and additions to, this Manual.

ANNEX 1

MODEL TIMETABLE FOR THE AUDIT OF [MEMBER STATE] [DATE]

[date] Day 1	[date] Day 2	[date] Day 3	[date] Day 4	[date] Day 5	[date] Day 6
<p>Opening Meeting</p> <p>All Auditors</p> <p>Strategy, structure and responsibilities of entity(s) comprising the maritime administration, processes for continual review, risk analysis, performance measurement/ evaluation/ improvement</p> <p>[Member State representatives/bodies]</p> <p>All auditors</p> <p>Legislation processes, review of legislation, interpretations and guidance notes</p> <p>[Member State representatives/bodies]</p>	<p>Implementation of MARPOL, operational pollution response + enforcement.</p> <p>[Member State representatives/bodies]</p> <p>Review of policies for the implementation of MARPOL, tonnage and load lines</p> <p>[Member State representatives/ bodies]</p> <p>Implementation of MARPOL, tonnage and load Lines</p> <p>[Member State representatives/bodies]</p> <p>Review of policies for the implementation of SOLAS</p> <p>[Member State representatives/bodies]</p> <p>Implementation of SOLAS</p> <p>[Member State representatives/bodies]</p> <p>Legislation processes and implementation of STCW</p> <p>[Member State representatives/bodies]</p>	<p>Implementation of MARPOL, including provision of port reception facilities</p> <p>[Member State representatives/bodies]</p> <p>Coastal rescue, aids to navigation</p> <p>SAR coordination</p> <p>[Member State representatives/bodies]</p> <p>RO Monitoring</p> <p>[Member State representatives/bodies]</p> <p>Implementation of survey, policies for PSC, flag State inspections, surveys</p> <p>[Member State representatives/bodies]</p> <p>Surveyor training and recruitment</p> <p>[Member State representatives/bodies]</p>	<p>Implementation of survey, PSC, flag State inspection policies</p> <p>[Member State representatives/bodies]</p> <p>Rescue, aids to navigation, etc.</p> <p>[Member State representatives/bodies]</p> <p>Any outstanding Issues</p>	<p>Casualty investigation</p> <p>[Member State representatives/bodies]</p> <p>Review of policies for the implementation of COLREG and SOLAS chapters IV + V incl. training policies for VTS, AIS and remaining navigational issues</p> <p>[Member State representatives/bodies]</p> <p>Any outstanding issues</p> <p>All auditors private meeting</p>	<p>Closing meeting – submission of draft interim report including findings and observations, and draft executive summary report</p>

MODEL DETAILED AUDIT TIMETABLE AND PROGRAMME
[MEMBER STATE] [DATE]

Day 1			
Time	Activity	Participants	Division and Location
10.00 – 10.30	Opening Meeting	All auditors [Member State representatives/ bodies]	
10.45 – 11.30	Introduction <ul style="list-style-type: none"> • Overall maritime strategy • Structure and responsibilities of entity(s) comprising the maritime administration • Processes for continual review • Risk analysis and performance measurement/evaluation/improvement 	All auditors [Member State representatives/ bodies]	
11.30 – 12.15	Strategy <ul style="list-style-type: none"> • Structure and responsibilities of entity(s) comprising the maritime administration • Processes for continual review • Risk analysis and performance measurement/evaluation • Controlling 	All auditors [Member State representatives/ bodies]	
12.15 – 13.15	Lunch break	All auditors	
13.00 – 15.00	Legislation processes <ul style="list-style-type: none"> • Review of legislation, interpretations and guidance notes 	All auditors [Member State representatives/ bodies]	
15.15 – 16.00	SOLAS <ul style="list-style-type: none"> • Legislation processes • Review of legislation, interpretations and guidance notes 	Auditor(s) [to be determined] [Member State representatives/ bodies]	
15.15 – 16.00	MARPOL/LOAD LINES/TONNAGE <ul style="list-style-type: none"> • Legislation processes • Review of legislation, interpretations and guidance notes 	Auditor(s) [to be determined] [Member State representatives/ bodies]	
16.00 -	Debriefing and private meeting	All auditors	

Day 2			
Time	Activity	Participants	Division and Location
09.30 – 12.00	<ul style="list-style-type: none"> Implementation of MARPOL Operational pollution response and enforcement. 	Auditor(s) [to be determined] [Member State representatives/bodies]	
09.30 – 12.00	Review of policies for the implementation of SOLAS	Auditor(s) [to be determined] [Member State representatives/bodies]	
12.00 – 13.00	Lunch break	All auditors	
13.00 – 14.45	Legislation processes and implementation of STCW	Auditor(s) [to be determined] [Member State representatives/bodies]	
13.00 – 14.00	Review of policies for the implementation of MARPOL, Tonnage and Load Lines	Auditors(s) [to be determined] [Member State representatives/bodies]	
14.00 – 16.00	Implementation of MARPOL, Tonnage and Load Lines	Auditor(s) [to be determined] [Member State representatives/bodies]	
15.00 – 16.00	Implementation of SOLAS	Auditor(s) [to be determined] [Member State representatives/bodies]	
16.00 -	Debriefing and private meeting	All auditors	

Day 3			
Time	Activity	Participants	Division and Location
09.30 – 12.00	Implementation of MARPOL, including provision of port reception facilities	Auditor(s) [to be determined] [Member State representatives/ bodies]	
09.30 – 12.00	Coastal rescue SAR coordination Aids to navigation	Auditor(s) [to be determined] [Member State representatives/ bodies]	
12.00 – 13.00	Lunch break	All auditors	
13.00 – 13.45	Introduction to RO monitoring	Auditor(s) [to be determined] [Member State representatives/ bodies]	
14.00 – 15.00	Implementation of RO monitoring	Auditor(s) [to be determined] [Member State representatives/ bodies]	
13.00 – 15.00	Implementation of survey, policies for PSC, flag State inspections, surveys	Auditor(s) [Member State representatives/ bodies]	
15.15 – 16.00	Surveyor training and recruitment	Auditor(s) [to be determined] [Member State representatives/ bodies]	
16.00 –	Debriefing and private meeting	All auditors	

Day 4			
Time	Activity	Participants	Division and Location
09.30 – 12.00	Implementation of survey, PSC, flag State inspection policies	Auditor(s) [to be determined] [Member State representatives/bodies]	Field office (as applicable)
09.30 – 12.00	SAR coordination Aids to navigation Operational pollution response and enforcement Provision of port reception facilities	Auditor(s) [to be determined] [Member State representatives/bodies]	Field office (as applicable)
12.00 – 13.00	Lunch break	All auditors	
13.00 – 16.00	Any outstanding Issues	Auditor(s) [to be determined] [Member State representatives/bodies]	Field office (as applicable)
13.00 – 16.00	SAR coordination Aids to navigation Operational pollution response and enforcement Provision of port reception facilities	Auditor(s) [to be determined] [Member State representatives/bodies]	Field office (as applicable)

Day 5			
Time	Activity	Participants	Division and Location
09.30 – 12.00	Casualty Investigation	Auditor(s) [to be determined] [Member State representatives/ bodies]	
09.30 – 12.00	Review of policies for the implementation of: <ul style="list-style-type: none"> • COLREG • SOLAS chapters IV + V • incl. training policies for VTS, AIS and remaining navigational issues • 	Auditor(s) [to be determined] [Member State representatives/ bodies]	
12.00 – 13.00	• Lunch break	All auditors	
13.00 –	Debriefing and private meeting Outstanding issues	All auditors	

Day 6			
Time	Activity	Participants	Division and Location
10.00 – 12.30	Closing Meeting Submission of draft interim report including findings and observations, and draft executive summary report	All auditors	

ANNEX 2

IMO MEMBER STATE AUDIT SCHEME

AUDIT OF [name of Member State]

[dates of audit]

MODEL [DRAFT] INTERIM REPORT

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APPENDICES

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ANNEXES

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* To be inserted by the audit team.

1 Introduction

1.1 The IMO Member State Audit Scheme creates a basis to assess the extent to which a Member State complies with its obligations set out in the various IMO instruments to which it is a Party. In addition, the IMO Instruments Implementation (III) Code (resolution A.1070(28)) stipulates a number of principles a Member State should adhere to in order for its maritime administration to deliver on its obligations and responsibilities, with respect to maritime safety and protection of the marine environment, and to be capable of improving its performance in the discharge of its duties.

1.2 This report has been drafted in accordance with the *Framework and Procedures for the IMO Member State Audit Scheme* (resolution A.1067(28)).

1.3 The audit of [name of Member State] was undertaken from [date] to [date], by [three] auditors drawn from [____, ____ and ____]. The scope of the audit included the flag, coastal and port State obligations of [MS] in relation to the applicable IMO instruments to which it is a Party.

1.4 The audit team was appointed by IMO on [date].

1.5 The pre-audit questionnaire (PAQ), as provided by [name of Member State], was submitted to the audit team members on [date]. The PAQ is a major document for the preparatory work of the audit team prior to the audit.

1.6 The Memorandum of Cooperation (MOC) signed between [name of Member State] and IMO, concerning participation in the IMO Member State Audit Scheme, was signed on [date].

1.7 The detailed audit timetable and programme regarding the audit of [name of Member State] was confirmed on [date].

1.8 The opening meeting was held at [____], on [____]. Those entities of the State that are involved in the implementation and enforcement of the provisions of the various mandatory IMO instruments and which were represented at the meeting were:

.1 [list]

1.9 The closing meeting was held on [date] at [____].

1.10 The following report provides a detailed account of the findings and the evidence on which the findings are based. Additional information on the findings, along with the corrective actions provided by the State can be found in the appendices to this report.

2 Background

2.1 The current audit of [name of Member State] was undertaken using fully the principles established under the *Framework and Procedures for the IMO Member State Audit Scheme* and the III Code. This report sets out the outcome of this audit in the format adopted under section 7.2 of the Procedures for the Scheme.

3 Members of the Audit Team

[list members of the audit team.]

4 Involved Officials from the Member State

[only list appropriate and pertinent officials who facilitated the audit.]

5 Acknowledgement

5.1 The auditors wish to express their considerable thanks to [principle entity for the audit], other entities if the State for their fullest cooperation during this audit. In particular, thanks are due to [name of SPC or facilitator during the audit] for [his/her] efforts during the preparation for this audit and for its facilitation.

6 Scope, objectives and activities of the Audit

6.1 The Scope of the audit addressed flag, coastal and port State obligations of the [name of Member State].

6.2 The objectives of the audit were:

- .1 to determine the extent that [name of Member State] met the obligations imposed upon it through its adoption of the following applicable mandatory IMO instruments:

[Insert instruments listed in section 5, paragraph 10 of the MOC]; and

- .2 the effectiveness of the implementation of these objectives.

[Insert any relevant issues agreed in the MOC under Section 10 "Additional Provisions"]

6.3 The audit was conducted using the programme set out at annex 1. The methodology used was to establish through a series of visits, interviews, examination of written records and databases, the objective evidence which would determine the extent to which the Administration achieved the objectives.

6.4 The programme followed a process which sought initially to determine the strategy for the implementation of the applicable IMO instruments, the review processes in place and the arrangements for continual improvement. Following this, an examination of the national legislation in place and which provides the instruments with force of law was undertaken. The processes by which the State develops and makes known its interpretations, policies and instructions regarding these instruments, as well as the practical implementation of these arrangements were also reviewed.

6.5 An opening meeting was conducted on [day, date and place], in accordance with the Procedures and agenda and list of attendees is attached as annex 2. At the closing meeting, which was held [day, date and place], a draft interim report was tabled to assist in focusing discussion and the next steps to be taken.

7 Overview and general maritime activities of the State

General

7.1 The maritime administration of [name of Member State] is divided between [number of entities]. Annex 3 sets out in diagrammatic format the general structure of the entities involved.

7.2 [Provide general division of responsibilities among State entities.]

Strategy

7.3 [Provide description of strategic framework in place, as well as subsidiary documents containing responsibilities of State entities, plans of activities, key performance indicators and review mechanism, including responsibilities for an overall assessment of performance of a State.]

Legislation

7.4 [Provide description of legislative processes of the Member State.]

Records and improvement

7.5 [Provide status in accordance with relevant requirements of the III Code.]

7.6 **Findings** *[all findings related to general activities to be grouped at the end of this section of the report.]*

- .1 There is no evidence of reports being submitted to IMO for the period 2012-2015 relating to MARPOL and the maritime administration confirmed that they have not submitted the required reports to IMO (MARPOL, articles 11(1) and 12(2), III Code, part 1, paragraph 8.3). See Form A...

Corrective action

[To include a succinct summary of corrective action in the audit final report.]

Root cause

[To include a succinct summary of root cause(s) in the audit final report.]

- .2 The Administration was not able to provide evidence of reporting to IMO of a permanent Load Line Convention exemption for one of its ships subject to the 1966 Load Lines Convention. The ship was permanently allowed to operate without fixed or portable covers for a ventilation opening on deck as required by the Convention. The permanent equivalence was based on the sheltered location of the vents and the hold dewatering system capability (LL 66, Article 6(3); III Code, part 1, paragraph 8.3). See Form A ...

Corrective action

[To include a succinct summary of corrective action in the audit final report.]

Root cause

[To include a succinct summary of root cause(s) in the audit final report.]

7.7 **Observations** *[all observations related to general activities to be grouped at the end of this section of the report.]*

- .1 It was established that the State has no strategy for meeting its overall obligations and responsibilities contained in the mandatory IMO instruments to which it is a Party. This was evidenced by the lack of documentation setting out the strategy; absence of continuous review and verification of the effectiveness of the State in respect of its international obligations; and the overall organizational performance and capability had not been assessed (Code, part 1, paragraph 3). See Form A...

Corrective action

[To include a succinct summary of corrective action in the audit final report.]

Root cause

[To include a succinct summary of root cause(s) in the audit final report.]

8 Flag State activities

8.1 *[Provide description of flag State activities and work of divisions/department/subordinate entities.]*

8.2 *[Provide details of each of the above and what they do.]*

Implementation

8.3 *[Provide description of processes and arrangements in place for all relevant requirements in paragraphs 15-17 of the Code, including **always**, how the term "to the satisfaction of the Administration" has been interpreted, as well as how exemptions, dispensations and equivalent arrangements are approved.]*

Delegation of authority

8.4 *[Provide a description of the process of delegation of authority, agreements in place, oversight programme, etc.]*

Enforcement

8.5 *[Provide a description of requirements of national legislation and actions taken.]*

Flag State surveyors

8.6 *[Provide a description of processes in accordance with the requirements of the Code.]*

Evaluation and review

8.7 *[Provide a description of responsibilities for review and processes in accordance with the requirements of the Code.]*

Investigation of maritime accidents

8.8 *[Provide a description of organization, responsibilities and processes in place for investigation of marine casualties).]*

8.9 **Findings** *[all findings related to flag State activities to be grouped at the end of this section of the report.]*

- .1 **The ship M/T OVERCROWDED, IMO No. XXXXXXXX, was allowed to operate for a period of 90 days on unrestricted international voyages with five persons aboard in excess of the ship's lifeboat capacity. The necessity of the carriage of these individuals was not the result of extraordinary circumstances, rather, it was to facilitate a request by the owner so that the ship could carry out routine maintenance. This is in contravention of the**

authority granted to the Administration under SOLAS 74, regulation I/4 (SOLAS 74 regulation I/4, III Code, part 2, paragraphs 15.1 and 22). See Form A-...

Corrective action

[To include a succinct summary of corrective action in the audit final report.]

Root cause

[To include a succinct summary of root cause(s) in the audit final report.]

- .2 The Administration has no records of compliance by all of its recognized organizations (ROs) with the provision of resolutions A.739(18) and A.789(19). There was no evidence that two of its ROs, namely, Zenith Classification Society and Galaxy Communications Inc., comply with appendix 1 to annex 1 of resolution A.739(18) and that the authority granted had been done after assessing that the two ROs met the applicable Module contained in the annex to resolution A.789(19) (SOLAS 74, regulation XI-1/1, MARPOL Annex I, regulation 4; III Code, part 2, paragraph 18). See Form A...

Corrective action

[To include a succinct summary of corrective action in the audit final report.]

Root cause

[To include a succinct summary of root cause(s) in the audit final report.]

- .3 The Administration does not take all necessary measures to institute proceedings after an investigation has been conducted against ships entitled to fly its flag, which have violated international rules and standards, irrespective of where the violation [has] occurred. There is no provision within the national law for proceedings to be brought and for the imposition of penalties of adequate severity against a ship for violation of the provisions of those mandatory IMO instruments to which the State is a Party (III Code, part 2, paragraphs 22.5 and 22.6). See Form A...

Corrective action

[To include a succinct summary of corrective action in the audit final report.]

Root cause

[To include a succinct summary of root cause(s) in the audit final report.]

8.10 Observations *[all observations related to flag State activities to be grouped at the end of this section of the report.]*

- .1 It was established during the audit that individuals holding STCW certificates as Officers in Charge of Engine or Deck Watch, with less than three years of sea service, were classified as surveyors without any documented evidence that they had undergone appropriate training. Additionally, it was further established that there was no formalized detailed training programme for surveyors, who, upon their recruitment, did not meet the same standards of knowledge and ability as required by paragraphs 28[9.1, 29.2 and] to 34[2 of] the III Code (III Code, part 2, paragraph 29.3). See Form A...

Corrective action

[To include a succinct summary of corrective action in the audit final report.]

Root cause

[To include a succinct summary of root cause(s) in the audit final report.]

9 Coastal State activities

Implementation

9.1 [Describe the main division of responsibilities for coastal State obligations. Depending on the actual division of responsibility, the following list of areas should be used as guidance and adapted to actual circumstances. A brief description of processes should be included for each area.]

Radiocommunication services

9.2 [Describe the system in place.]

Meteorological services and warnings

9.3 [Describe the system in place.]

Search and rescue (SAR) services

9.4 [Describe the system in place.]

Hydrographic services

9.5 [Describe the system in place.]

Ships' routing, ship reporting systems and vessel traffic services

9.6 [Describe the system in place.]

Aids to navigation (AtoN)

9.7 [Describe the system in place.]

Oil spill response

9.8 [Describe the system in place.]

Enforcement

9.9 [Provide a description of processes in accordance with the requirements of the III Code.]

Evaluation and review

9.10 [Provide a description of responsibilities for review and processes in accordance with the requirements of the III Code.]

Findings

- .1 The Administration has not arranged for the use of life-saving signals during search and rescue operations (SOLAS 74 regulation V/8, III Code, part 3, paragraph 49). See Form A...

Corrective action

[To include a succinct summary of corrective action in the audit final report.]

Root cause

[To include a succinct summary of root cause(s) in the audit final report.]

- .2 During the audit, no objective evidence was found of independent evaluation of the effectiveness of the information on safety of navigation provided by the State to maritime users in the form of navigational warnings (III Code, part 3, paragraph 51). See Form A...

Corrective action

[To include a succinct summary of corrective action in the audit final report.]

Root cause

[To include a succinct summary of root cause(s) in the audit final report.]

10 Port State activities

Port State control (PSC)

10.1 [Provide a description of organization, responsibilities, resources, procedures, training of PSCOs, etc.]

Reception facilities

10.2 [Provide a description of organization, responsibilities, availability of adequate reception facilities, etc.]

Register of fuel oil suppliers

10.3 [Provide a description of organization and responsibilities.]

Dangerous goods and grain loading

10.4 [Provide a description of responsibilities and processes, as applicable.]

Enforcement

10.5 [Provide a description of processes in accordance with the requirements of the III Code.]

Evaluation and review

10.6 [Provide a description of responsibilities for review and processes in accordance with the requirements of the III Code.]

Findings

- .1 It was established that the maritime administration does not maintain a list of local suppliers of fuel oil to ships (MARPOL Annex VI, regulation 18.9.1; III Code, part 1, paragraph 10, and part 4, paragraph 56.3). See Form A...

Corrective action

[To include a succinct summary of corrective action in the audit final report.]

Root cause

[To include a succinct summary of root cause(s) in the audit final report.]

11 Comments

11.1 In order to ensure a consistent review of each Member State's activities falling within the III Code, all items from the verification index, which closely follows the requirements of the III Code, have been verified and the outcome provided in appendix 2 to this report.

Areas of positive development

11.2 Areas of positive development include:

Best Practices (if any)

- .1 ...

Other areas of positive development

- .2 ...

Areas for further development

11.3 Areas for further development include:

- .1 ...

APPENDIX 1
FINDINGS AND OBSERVATIONS
IMO MEMBER STATE AUDIT SCHEME

Form A

FINDINGS/OBSERVATIONS	
Member State: Round Department: Environment Division	Audit Period: 20-30 June 2016
Finding No.: FD-01	Observation No.:
STATEMENT: There is no evidence of reports being submitted to IMO for the period 2012-2015 relating to MARPOL and the maritime administration confirmed that they have not submitted the required reports to IMO. EVIDENCE: <i>[To include evidence, as appropriate]</i>	
APPLICABLE PROVISIONS OF THE AUDIT STANDARD: <i>MARPOL, article 11(1)– The Parties to the Convention undertake to communicate to the Organization:</i> <i>(f) An annual statistical report, in a form standardized by the Organization, of penalties actually imposed for infringement of the present Convention.</i> <i>MARPOL, article 12(2) – Each Party to the Convention undertakes to supply the Organization with information concerning the findings of such investigation, when it judges that such information may assist in determining what changes in the present Convention might be desirable.</i> <i>III Code, part 1, paragraph 8.3 – The availability of sufficient personnel with maritime experience to assist in the promulgation of the necessary national laws and to discharge all the responsibilities of the State, including reporting as required by the respective conventions.</i>	
Team Leader: J. Johnson	Date: 21 June 2016
Member State: (Name and signature)	Date Received: 21 June 2016

IMO MEMBER STATE AUDIT SCHEME

Form A

FINDINGS/OBSERVATIONS	
Member State: Round Department: Ship Safety Division	Audit Period: 20-30 June 2016
Finding No.: FD-02	Observation No.:
STATEMENT: The Administration was not able to provide evidence of reporting to IMO of a permanent Load Line Convention exemption for one of its ships subject to the 1966 Load Lines Convention. The ship was permanently allowed to operate without fixed or portable covers for a ventilation opening on deck as required by the Convention. The permanent equivalence was based on the sheltered location of the vents and the hold dewatering system capability. EVIDENCE: <i>[To include evidence, as appropriate.]</i>	
APPLICABLE PROVISIONS OF THE AUDIT STANDARD: <i>1966 Load Lines Convention, article 6(3) – The Administration which allows any exemption under paragraphs (1) and (2) of this article shall communicate to the Inter-Governmental Maritime Consultative Organization (hereinafter called the Organization) particulars of the same and reasons therefore which the Organization shall circulate to the Contracting Governments for their information.</i> <i>III Code, part 1, paragraph 8.3 – The availability of sufficient personnel with maritime experience to assist in the promulgation of the necessary national laws and to discharge all the responsibilities of the State, including reporting as required by the respective conventions.</i>	
Team Leader: J. Johnson	Date: 21 June 2016
Member State: (Name and signature)	Date Received: 22 June 2016

IMO MEMBER STATE AUDIT SCHEME

Form A

FINDINGS/OBSERVATIONS	
Member State: Round	Audit Period: 20-30 June 2016
Department: Ship Safety Division	
Finding No.: FD-03	Observation No.:
STATEMENT: The ship M/T Overcrowded , IMO No. XXXXXXXX, was allowed to operate for a period of 90 days on unrestricted international voyages with five persons aboard in excess of the ship's lifeboat capacity. The necessity of the carriage of these individuals was not the result of extraordinary circumstances, rather, it was to facilitate a request by the owner so that the ship could carry out routine maintenance. This is in contravention of the authority granted to the Administration under SOLAS 74 regulation I/4.	
EVIDENCE: <i>[To include evidence, as appropriate.]</i>	
APPLICABLE PROVISIONS OF THE AUDIT STANDARD: SOLAS 74 regulation I/4 – <i>A ship which is not normally engaged on international voyages but which, in exceptional circumstances, is required to undertake a single international voyage may be exempted by the Administration from any of the requirements of the present regulations provided...</i> III Code, part 2, paragraph 15.1 – <i>In order to effectively discharge their responsibilities and obligations, flag States should: implement policies through the issuance of national legislation and guidance, which will assist in the implementation and enforcement of the requirements of all safety and pollution prevention conventions and protocols to which they are parties.</i> III Code, part 2, paragraph 22 – <i>Flag States should take all necessary measures to secure observance of international rules and standards by ships entitled to fly its flag and by entities and persons under their jurisdiction so as to ensure compliance with their international obligations.</i>	
Team leader: J. Johnson	Date: 23 June 2016
Member State: (Name and signature)	Date Received: 23 June 2016

IMO MEMBER STATE AUDIT SCHEME

Form A

FINDINGS/OBSERVATIONS	
Member State: Round	Audit period: 20-30 June 2016
Department: Survey Division	
Finding No.: FD-04	Observation No.:
STATEMENT: <p>The Administration has no records of compliance by all of its recognized organizations (ROs) with the provisions of resolutions A.739(18) and A.789(19).</p> <p>There was no evidence that two of its ROs, namely Zenith Classification Society and Galaxy Communications Inc., comply with appendix 1 to annex 1 of resolution A.739(18) and that the authority granted had been done after assessing that the two ROs met the applicable Module contained in the annex to resolution A.789(19).</p>	
EVIDENCE: <p><i>[To include evidence, as appropriate.]</i></p>	
APPLICABLE PROVISION OF THE AUDIT STANDARD: <p>SOLAS 74 regulations I/6 and XI-1/1, MARPOL Annex I, regulation 4 and resolutions A.739(18) and A.789(18); (supplementary guidance MSC/Circ.710 – MEPC/Circ.307).</p> <p><i>SOLAS 74, regulation XI-1/1 – Organizations referred to in regulation I/6 shall comply with the guidelines adopted by the Organization by resolution A.739(18), as may be amended by the Organization, and the specifications adopted by the Organization by resolution A.789(19), as may be amended...</i></p> <p><i>III Code, part 2, paragraph 18 – With regard only to ships entitled to fly its flag, a flag States authorizing a recognized organization to act on its behalf in conducting the surveys, inspections and audits, issuing of certificates and documents, marking of ships and other statutory work required under the conventions of the Organization or under their national legislation, should regulate such authorization(s) in accordance with the applicable requirements of the international mandatory instruments to ...</i></p>	
Team leader: J. Johnson	Date: 24 June 2016
Member State: (Name and signature)	Date received: 25 June 2016

IMO MEMBER STATE AUDIT SCHEME

Form A

FINDINGS/OBSERVATIONS	
Member State: Round Department: Investigation Division	Audit Period: 20-30 June 2016
Finding No.: FD-05	Observation No.:
STATEMENT: <p>The Administration does not take all necessary measures to institute proceedings after an investigation has been conducted against ships entitled to fly its flag which have violated international rules and standards, irrespective of where the violation has occurred.</p> <p>There is no provision within the national law for proceedings to be brought and for the imposition of penalties of adequate severity against a ship for violation of the provisions of those mandatory IMO instruments to which the State is a Party.</p>	
EVIDENCE: <p><i>[To include evidence, as appropriate.]</i></p>	
APPLICABLE PROVISIONS OF THE AUDIT STANDARD: <p>III Code, part 2, paragraph 22 – <i>Flag States should take all necessary measures to secure observance of international rules and standards by ships entitled to fly their flag and by entities and persons under their jurisdiction so as to ensure compliance with their international obligations. Such measures should, inter alia, include:</i></p> <ul style="list-style-type: none"> .5 <i>providing, in national laws and regulations, for penalties of adequate severity to discourage violation of international rules and standards by ships entitled to fly their flag;</i> .6 <i>instituting proceedings – after an investigation has been conducted – against ships entitled to fly its flag, which have violated international rules and standards, irrespective of where the violation has occurred;</i> 	
Team Leader: J. Johnson	Date: 25 June 2016
Member State: (Name and signature)	Date Received: 25 June 2016

IMO MEMBER STATE AUDIT SCHEME

Form A

FINDINGS/OBSERVATIONS	
Member State: Round	Audit period: 20-30 June 2016
Department: Coast Guard, Search and Rescue Division	
Finding No.: FD-06	Observation No.:
STATEMENT The Administration has not arranged for the use of life-saving signals during search and rescue operations. This was evidenced by the lack of records confirming that life-saving signals are used during search and rescue operations and confirmed by the auditee that they have not been used. EVIDENCE: <i>[To include evidence, as appropriate.]</i>	
APPLICABLE PROVISION OF THE AUDIT STANDARD: <i>SOLAS 74 regulation V/8 – Contracting Governments undertake to arrange that life-saving signals are used by search and rescue facilities engaged in search and rescue operations when communicating with ships or persons in distress.</i> <i>III Code, part 3, paragraph 49 – A coastal State should take all necessary measures to ensure their observance of international rules when exercising their rights and fulfilling their obligations.</i>	
Team leader: J. Johnson	Date: 27 June 2016
Member State: (Name and signature)	Date received: 27 June 2016

IMO MEMBER STATE AUDIT SCHEME

Form A

FINDINGS/OBSERVATIONS	
Member State: Round	Audit period: 20-30 June 2016
Department: Navigation and Radio Division	
Finding No.: FD-07	Observation No.:
STATEMENT: During the audit, no objective evidence was found of independent evaluation of the effectiveness of the information on safety of navigation provided by the State to maritime users in the form of navigational warnings.	
EVIDENCE: <i>[To include evidence, as appropriate.]</i>	
APPLICABLE PROVISION OF THE AUDIT STANDARD: <i>III Code, part 3, paragraph 51 – A coastal State should periodically evaluate its performance in respect of exercising its rights and meeting its obligations under the applicable international instruments.</i>	
Team leader: J. Johnson	Date: 23 June 2016
Member State: (Name and signature)	Date received: 24 June 2016

IMO MEMBER STATE AUDIT SCHEME

Form A

FINDINGS/OBSERVATIONS	
Member State: Round	Audit period: 20–30 June 2016
Department: Environment Division	
Finding No.: FD-08	Observation No.:
STATEMENT: The Administration does not maintain a list of local suppliers of fuel oil to ships. No list of local suppliers of fuel oil could be produced nor was it known how many suppliers of fuel oil existed within the State. EVIDENCE: <i>[To include evidence, as appropriate.]</i>	
APPLICABLE PROVISION OF THE AUDIT STANDARD: <i>MARPOL Annex VI, regulation 18.9.1 – Parties to the Protocol of 1977 undertake to ensure that appropriate authorities designated by them:</i> <i>(a) maintain a register of local suppliers of fuel oil</i> <i>III Code, part 1, paragraph 10 – Records, as appropriate, should be established and maintained to provide evidence of conformity to requirements and of the effective operation of the State...</i> <i>III Code, part 4, paragraph 56.3 – Those rights, obligations and responsibilities may include, inter alia: ... 3 keeping a register of fuel oil suppliers.</i>	
Team leader: J. Johnson	Date: 28 June 2016
Member State: (Name and signature)	Date received: 30 June 2016

IMO MEMBER STATE AUDIT SCHEME

Form A

FINDINGS/OBSERVATIONS NOTICE	
Member State: Round	Audit Period: 20-30 June 2016
Department: Maritime Administration	
Finding No.:	Observation No.: OB-01
STATEMENT: It was established that the State has no strategy for meeting its overall obligations and responsibilities contained in the mandatory IMO instruments to which it is a Party.	
EVIDENCE: A lack of documentation setting out the strategy; absence of continuous review and verification of the effectiveness of the State in respect of its international obligations; and the overall organizational performance and capability had not been accessed.	
APPLICABLE PROVISIONS OF THE AUDIT STANDARD: <i>III Code, part 1, paragraph 3 – In order to meet the objective of this Code, a State is recommended to:</i> <ul style="list-style-type: none">.1 develop an overall strategy to ensure that its international obligations and responsibilities as a flag, port and coastal State are met;.2 establish a methodology to monitor and assess that the strategy ensures effective implementation and enforcement of relevant international mandatory instruments; and.3 continuously review the strategy to achieve, maintain and improve the overall organizational performance and capability as a flag, port and coastal State.	
Team Leader: J. Johnson	Date: 22 June 2016
Member State: (Name and signature)	Date Received: 22 June 2016

IMO MEMBER STATE AUDIT SCHEME

Form A

FINDINGS/OBSERVATIONS	
Member State: Round	Audit Period: 20-30 June 2016
Department: Administrative Division	
Finding No.:	Observation No.: OB-02
STATEMENT: It was established during the audit that individuals holding STCW certificates as Officers in Charge of Engine or Deck Watch, with less than three years of sea service, were classified as surveyors without any documented evidence that they have undergone appropriate training. Additionally, it was further established that there was no formalized detailed training programme for surveyors, who, upon their recruitment, did not meet the same standards of knowledge and ability as required by paragraphs 29.1, 29.2 and 32 of the III Code.	
EVIDENCE: <i>[To include evidence, as appropriate.]</i>	
APPLICABLE PROVISIONS OF THE AUDIT STANDARD: <i>III Code, part 2, paragraph 29.3 – Personnel responsible for, or performing, surveys, inspections and audits on ships and companies covered by the relevant international mandatory instruments shall have as a minimum the following:</i> <i>.3 accreditation as a surveyor through a formalized training programme that leads to the same standard of surveyor's experience and competency as that required in paragraphs 29.1, 29.2 and 32.</i>	
Team Leader: J. Johnson	Date: 24 June 2016
Member State: (Name and signature)	Date Received: 24 June 2016

APPENDIX 2

ASSESSMENT OF AREAS RELATED TO THE III CODE (VERIFICATION INDEX)

Paragraph of III Code	REQUIREMENT OF III CODE	COMPLIANCE ACHIEVED
		COMMENT
COMMON AREAS		
STRATEGY		
3.1	An overall strategy exists to ensure that international obligations and responsibilities as a flag, port and coastal State are met	
3.2	Methodology established to monitor and assess that the strategy ensures effective implementation and enforcement of relevant international mandatory instruments; and	
3.3	Continuous review of the strategy undertaken to achieve, maintain and improve the overall organizational performance and capability as a flag, port and coastal State	
GENERAL		
4.8	Means in place to ensure compliance with relevant international rules and regulations in respect of maritime safety and protection of the marine environment	
4	National legislation exist to give effect to the provisions of relevant IMO instruments	
INITIAL ACTIONS (NATIONAL LEGISLATION)		
8	Capability to implement and enforce the provisions of the applicable IMO instruments through appropriate national legislation and to provide the necessary implementation and enforcement infrastructure	
8.1	Capability to promulgate laws which permit effective jurisdiction and control in administrative, technical and social matters over ships flying its flag	
8.2	A legal basis in place for the enforcement of national laws and regulations, including the associated investigative and penal processes	
8.3	Sufficient personnel with maritime expertise to assist in the promulgation of the necessary national laws and to discharge all the responsibilities of the State, including reporting as required by the respective conventions	
COMMUNICATION		
9	Strategy, including information on relevant national legislation, communicated to all concerned	

Paragraph of III Code	REQUIREMENT OF III CODE	COMPLIANCE ACHIEVED
		COMMENT
RECORDS		
10	Records established and maintained	
10	Records are legible, readily identifiable and retrievable	
10	Documented procedure defining controls on identification, storage, protection, retrieval, retention time and disposition of records	
IMPROVEMENT		
11	Demonstrates continual improvement of measures giving effect to conventions and protocols accepted	
11	Improvement made through rigorous and effective application and enforcement of national legislation, as appropriate, and monitoring of compliance	
12	A culture exists providing opportunities to people for improvement of performance in maritime safety and environmental protection activities	
13	Action taken to identify and eliminate causes of any non-conformities in order to prevent recurrence	
13.1	Non-conformities reviewed and analysed	
13.2	Implementation of necessary corrective actions monitored	
13.3	Reviews of corrective actions taken	
FLAG STATE SPECIFIC REQUIREMENTS		
IMPLEMENTATION		
15.1	Policies implemented through national legislation and guidance	
15.2	Responsibilities within the Administration assigned to update and revise any relevant policies adopted	
16	Resources and processes capable of administering a safety and environmental protection programme in place	
16.1	Administrative instructions to implement applicable international rules and regulations issued	
16.2	Resources in place to ensure compliance with the requirements of IMO instruments, through an independent audit and inspection programme	
16.3	An audit and inspection programme independent of any administrative bodies is in place, for requirements of STCW 1978, as amended	
16.3	Training, assessment of competence and certification of seafarers are in accordance with the provisions of STCW 1978	
16.3.2	STCW certificates and endorsements accurately reflect the competencies of the seafarers, using the appropriate terminology	
16.3.3	Impartial investigation capabilities ensured	

Paragraph of III Code	REQUIREMENT OF III CODE	COMPLIANCE ACHIEVED
		COMMENT
16.3.4	Ability exists for certificates or endorsements to be effectively withdrawn, suspended or cancelled	
16.4	Resources in place to ensure the conduct of investigations into casualties and adequate and timely handling of cases of ships with identified deficiencies	
16.5	Resources in place to develop, document and provide guidance of requirements found in relevant mandatory IMO instruments	
17	Ships entitled to fly the flag of the State are sufficiently and efficiently manned	
DELEGATION OF AUTHORITY (<i>as far as applicable</i>)		
18.1	The Administration determines that recognized organizations (ROs) have adequate resources	
18.2	Formal written agreements between the Administration and ROs in place	
18.3	Specific instructions issued to ROs detailing action to be followed when a ship is unfit to proceed to sea	
18.4	ROs provided with all appropriate instruments of national law and interpretations thereof	
18.5	ROs required to maintain records and give the Administration access to them	
20	An oversight programme established or participation in such a programme ensured, with adequate resources	
20.1	Authority exercised to conduct supplementary surveys	
20.2	Supplementary surveys conducted, as necessary	
20.3	Staff available with requisite knowledge to carry out effective oversight of ROs	
21	Nominations of surveyor(s) regulated, as appropriate	
ENFORCEMENT		
22	All necessary measures to secure observance of international rules and standards by ships entitled to fly the flag of the State and by entities and persons under its jurisdiction so as to ensure compliance with their international obligations	
22.1	Legal/administrative mechanism exist to prohibit ships from sailing for non-compliance	
22.2	Periodic inspection of ships entitled to fly the flag of the State to verify that the actual condition of the ship and its crew is in conformity with the certificates it carries	
22.3.1	Surveyors ensure that seafarers assigned to the ships are familiar with their specific duties	
22.3.2	Surveyors ensure that seafarers assigned to the ships are familiar with ship arrangements, installations, equipment and procedures	

Paragraph of III Code	REQUIREMENT OF III CODE	COMPLIANCE ACHIEVED
		COMMENT
22.4	Surveyors ensuring that ship's complement, as a whole, can effectively coordinate their activities in an emergency situation and perform functions vital to safety or to the prevention or mitigation of pollution	
22.5	Penalties of adequate severity to discourage violation of international rules and standards exist in national laws and regulations	
22.6	Capability to institute proceedings – after an investigation has been conducted – against ships which have violated international rules and standards, irrespective of where the violation has occurred	
22.7	Penalties of adequate severity to discourage violations of international rules and standards by individuals issued with certificates or endorsements under their authority exist in national laws and regulations	
22.8	Capability to institute proceedings – after an investigation has been conducted – against individuals holding certificates or endorsements who have violated international rules and standards, irrespective of where the violation has occurred	
23	Control and monitoring programme developed and implemented	
23.1	Prompt and thorough casualty investigations, with reporting to IMO, provided	
23.2	Statistical data collected and trend analyses conducted	
23.3	Timely response to deficiencies and alleged pollution incidents reported by port or coastal States	
24.5	Training and oversight of the activities of flag State surveyors and investigators ensured	
25	Appropriate corrective measures to bring own ships into compliance with the applicable international conventions can be taken	
26	Provision for flag State or RO to determine international certificates only issued to ships meeting all applicable standards	
27	International certificate of competency or endorsement only issued after it has been determined that the person meets all applicable requirements	
FLAG STATE SURVEYORS		
28	Responsibilities, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention defined and documented	
29	Personnel responsible for, or performing surveys, inspections and audits on ships and companies covered by the relevant IMO mandatory instruments appropriately qualified	

Paragraph of III Code	REQUIREMENT OF III CODE	COMPLIANCE ACHIEVED
		COMMENT
32	Personnel have appropriate practical and theoretical knowledge of ships, their operation and the provisions of the relevant national and international instruments necessary to perform their duties as flag State surveyors obtained through documented training programmes	
33	Personnel assisting surveyors have education, training and supervision commensurate with the tasks they are authorized to perform	
35	Documented system for qualification of personnel and continuous updating of their knowledge as appropriate to the tasks they are authorized to undertake	
37	Identification document issued for the surveyor to carry when performing his/her tasks	
FLAG STATE INVESTIGATIONS		
38	Casualty investigations conducted by suitably qualified, impartial investigators, competent in matters relating to the casualty	
38	Qualified investigators provided, irrespective of the location of casualty or incident	
39	Individual investigators have working knowledge and practical experience in those subject areas pertaining to their normal duties	
39	State has ready access to expertise in listed areas: navigation and the Collision Regulations; flag State regulations on certificates of competency; causes of marine pollution; interviewing techniques; evidence gathering; and evaluation of the effects of the human element	
40	Any accidents involving personal injury necessitating absence from duty of three days or more and any deaths resulting from occupational accidents and casualties investigated, and the results of such investigations made public	
41	Ship casualties investigated and reported in accordance with the relevant IMO conventions, and the guidelines developed by IMO	
41	Investigation reports forwarded to IMO together with the flag State's observations	
EVALUATION AND REVIEW		
42	Performance evaluated with respect to the implementation of administrative processes, procedures and resources necessary to meet their obligations as required by the conventions to which they are party	

Paragraph of III Code	REQUIREMENT OF III CODE	COMPLIANCE ACHIEVED
		COMMENT
COSTAL STATE SPECIFIC REQUIREMENTS		
IMPLEMENTATION		
46.1	Policies implemented through issuance of national legislation and guidance	
46.2	Responsibilities assigned to update and revise any relevant policies adopted	
47	Legislation, guidance and procedures established for the consistent implementation and verification of the rights, obligations and responsibilities of the State contained in the relevant international instruments to which it is a party, in general;	
48.1	For radiocommunication services;	
48.2	For meteorological services and warnings;	
48.3	For search and rescue services;	
48.4	For hydrographic services;	
48.5	For ship routeing;	
48.6	For ship reporting systems;	
48.7	For vessel traffic services; and	
48.8	For aids to navigation	
ENFORCEMENT		
49	All necessary measures taken to ensure observance of international rules when exercising the rights and fulfilling the obligations as a coastal State	
50	Control and monitoring programme considered, developed and implemented	
50.1	Statistical data collected and trend analyses conducted	
50.2	Mechanisms for timely response to pollution incidents established	
50.3	Cooperation with flag States and/or port States in investigation of maritime casualties	
EVALUATION AND REVIEW		
51	Performance periodically evaluated in respect of exercising its rights and meeting its obligations under the applicable international instruments	
PORT STATE SPECIFIC REQUIREMENTS		
IMPLEMENTATION		
54.1	Policies implemented through issuance of national legislation and guidance	
54.2	Responsibilities assigned to update and revise any relevant policies adopted	

Paragraph of III Code	REQUIREMENT OF III CODE	COMPLIANCE ACHIEVED
		COMMENT
55	Legislation, guidance and procedures established for the consistent implementation and verification of the rights, obligations and responsibilities of the State contained in the relevant international instruments to which it is a party, in general;	
56.1	For provision of appropriate reception facilities or capability to accept all waste streams regulated under the instruments of the Organization;	
56.2	For port State control activities; and	
56.3	For keeping a register of fuel oil suppliers	
ENFORCEMENT		
57	All necessary measures taken to ensure observance of international rules when exercising the rights and fulfilling the obligations as a port State	
59	No more favourable treatment put in place when carrying out port State control	
60	Processes to administer a port State control programme established consistent with the relevant resolution adopted by the Organization	
61	Port State control carried out only by authorized and qualified port State control officers in accordance with the relevant procedures adopted by the Organization	
62	Port State control officers and persons assisting them free from any commercial, financial and other pressures and have no commercial interest, either in the port of inspection or the ships inspected	
62	Port State control officers and persons assisting them not employed by or undertake work on behalf of recognized organizations or classification societies	
62	Procedures implemented to ensure that persons or organizations external to the port State cannot influence the results of port State inspection	
EVALUATION AND REVIEW		
63	Performance periodically evaluated in respect of exercising its rights and meeting its obligations under the applicable instruments of the Organization	

APPENDIX 3

[to be annexed to the audit final report]

IMO MEMBER STATE AUDIT SCHEME

Form B

CORRECTIVE ACTION			
Member State	Round	Audit Period:	20-30 June 2016
Department:	Environment Division	Team leader:	J. Johnson
Finding No.: FD-01		Observation No.:	

Root Cause(s):

1. There was a lack of awareness on the extent and level of IMO reporting requirements; and
2. The responsibility for submitting mandatory reports to IMO was not clearly defined.

Corrective Action:

A formal written procedure and a central recording system will be developed to record communication to IMO for any given calendar year to ensure that annual reports under MARPOL are submitted to IMO. Responsibilities for reporting to IMO will be assigned and arrangements will be made to ensure ongoing monitoring and review of the communication system occurs, with personnel designated to follow up. This corrective action will be completed by the end of February 2017. To ensure continuous compliance with this requirement, the Code has been included in the quality system manual and as one of the materials in the induction training that is given to personnel who are assigned to the relevant environment divisions.

Proposed target completion date:

Action Plan Submitted:

By _____ (Name and signature) On _____

To: Audit Team		IMO Secretariat:	
Leader:	_____	_____	_____
	Name		Name
<input type="checkbox"/> For Review:		<input type="checkbox"/> For Information:	
Signature	Date	Signature	Date
Copies to: <input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>		<input type="checkbox"/>	

IMO MEMBER STATE AUDIT SCHEME

Form B

CORRECTIVE ACTION			
Member State	Round	Audit Period:	20-30 June 2016
Department:	Maritime Administration	Team leader:	J. Johnson
Finding No.:		Observation No.: OB-01	

Root Cause(s):

1. Maritime affairs were not prioritized on the national level;
2. There was a lack of competent personnel and insufficient financing for development of the strategy for the implementation and enforcement of the mandatory IMO instruments.

Corrective Action:

To achieve full compliance, maintain and enhance the State's ability to fully meet its obligations under the mandatory IMO instruments, planned corrective action includes:

- .1 Drafting and implementing a maritime safety and marine pollution prevention strategy based on the mandatory IMO instruments to which the State is a Party. The maritime administration will draft and submit for approval to the inter-agency coordination body, to be established by the State, a strategy for achieving a high level of safety of its ships, as well as criteria for assessment of fulfilment of the obligations under the mandatory IMO instruments. The maritime administration will also draft and submit to the Council of Ministers a report on the measures necessary for the provision of the maritime administration with adequate administrative capacity, the attraction of highly qualified and experienced professionals, and improvement of their remuneration. The deadline for the implementation of this action is 1 May 2017.
- .2 A mechanism will be developed through which the Ministry of Transport will monitor and evaluate the activity of the maritime administration related to the fulfilment of the obligations under the mandatory IMO instruments. The maritime administration will submit an annual report to the Minister of Transport on its assessment of maritime safety and protection of the marine environment activities based on approved criteria for their achievement. The report will be drafted in accordance with the form to be approved by the Minister of Transport, and accompanied by proposal for corrective measures. The report will be submitted not later than 1 March each year. The deadline for approval of the form of the report is 1 December 2017.
- .3 An inter-agency coordination body, dealing with maritime safety and marine pollution prevention from ships, will be established by a government decree. The inter-agency coordination body, which will report to the Minister of Transport, will comprise deputy ministers of the ministries involved and will carry out consultations, coordination and cooperation between the legal entities and natural persons engaged in the implementation of mandatory IMO instruments. The inter-agency

coordination body will be tasked to approve the strategy for maritime safety and marine environment protection; monitor and coordinate the activities of the institutions involved in fulfilling the obligations under the respective mandatory IMO instruments. The inter-agency coordination body will draft mandatory guidelines for the respective institutions, based on the assessment of maritime safety and marine environment protection activities aiming at improving the performance of these institutions. It will also draft and enforce a mechanism for incorporation into national legislation of all amendments to the applicable mandatory IMO instruments to which the State is a Party. The deadline for the implementation of this action is 1 October 2016.

Proposed target completion date:

Action Plan Submitted:

By _____ (*Name and signature*) On _____

To: Audit Team

IMO Secretariat:

Leader:

Name

Name

☐ For Review:

☐ For Information:

Signature

Date

Signature

Date

Copies to: ☐

☐

☐

☐

Annex 1

Audit programme

(to be completed and inserted by the audit team)

Annex 2

Agenda and list of attendees to the opening meeting

(to be prepared and inserted by the audit team)

Annex 3

Structure of the maritime Administration

(to be inserted by the audit team)

ANNEX 3

**ANNEX TO DOCUMENT MSC 81/24/1, WHICH HAS BEEN PROVIDED FOR
GUIDANCE TO MEMBER STATES AND AUDITORS**

**PART 1 – Pre-Audit Questionnaire – Aids to Navigation (AtoN) and Vessel Traffic Services (VTS)
elements**

This part is intended to facilitate the response to the pre-audit questionnaire for those Administrations responsible for the provision of VTS and AtoN in Member States who have volunteered to participate in the Voluntary IMO Member State Audit Scheme.

SOLAS regulations V/12 and 13 refer to the appropriate recommendations and guidelines of IMO and IALA. The IALA recommendations are freely available for download in pdf format at www.iala-aism.org under "publications". Information on the general management of AtoN and VTS can be found in IALA manuals (NAVGUIDE and IALA VTS Manual).

I – General Information

1, 2 – Not Applicable to AtoN and VTS (N/A)

3 – Details of Government body(ies)

Include details on Government body(ies) responsible for AtoN and VTS.

4, 5, 6 – N/A

**7 – Information on relevant State territorial body(ies) and relationship to
the Administration**

Reference to AtoN and VTS authorities should be noted in this section.

8 – Extent of State's involvement in activities

8.2 – Functions related to AtoN and VTS that fall under coastal State activities.

II, III, IV, V, VI and VII – N/A

VIII – Information on coastal State activities

1, 2 – N/A

3 – Arrangements for establishment and maintenance of AtoN

It is suggested the following information be provided regarding the obligation stemming from SOLAS regulation V/13:

1. Please describe your process for justifying the provision of AtoN relative to the volume of traffic and degree of risk.
2. Please describe how your organization achieves uniformity in AtoN in accordance with IALA recommendations and guidelines.
3. Please describe the process used to promulgate information about, and changes to, AtoN.

4, 5, 6, 7, 8, 9, 10 – N/A

11 – Reporting systems or VTS in force

Although there is no VTS system formally adopted by IMO, VTS should be in conformity with IMO regulations. It is suggested the following information be provided regarding the obligation stemming from SOLAS regulation V/12:

1. Please describe your process for justifying the provision of VTS relative to the volume of traffic or degree of risk.
2. Please describe your arrangements for compliance with resolution A.857(20), Guidelines for VTS.
3. Please describe the measures taken to ensure compliance with VTS by ships entitled to fly your flag. (Flag State responsibility.)

12 – National legislation of State to establish sanctions for violations of mandatory IMO instruments within its jurisdiction

1. Please describe what, if any, national legislation is in place with respect to VTS.
2. Please describe what, if any, national legislation is in place with respect to AtoN.

13 – Methodology the State employs to enforce maritime legislation within its territorial waters

1. Please describe the measures employed by the State to enforce VTS legislation.
2. Please describe the measures employed by the State to enforce AtoN legislation.

14 – N/A**15 – Measures to evaluate effectiveness in implementing IMO mandatory instruments**

1. Please describe the measures, if any, taken to evaluate the effectiveness in implementing SOLAS regulations V/12 and 13 (see also section X).

IX – N/A***X – Evaluation and review***

1. Please describe the measures taken to evaluate effectiveness of AtoN and VTS (e.g. vessel tracking analysis, incident analysis, service availability, AtoN planning and inspection).

XI – Management system

Please note that these points should be responded to in the context of AtoN and VTS.

1. Does the State use a recognized quality management system, e.g. ISO 9001:2000, for AtoN or VTS?
Yes ☐ No ☐

If yes, relevant documentation should be copied and submitted together with this questionnaire.

2. Does the State use other management systems for AtoN or VTS, e.g., internal contracts between management and subdivisions, external contracts between the organization to be audited and its superiors of either a political and/or administrative nature or any other proprietary management system?
- Yes ☐ No ☐

If yes, copies of contracts or other relevant documentation (in an appropriate language) should be submitted together with this questionnaire.

PART 2 – Checklist for Auditors – Aids to Navigation (AtoN) and Vessel Traffic Services (VTS) elements

SOLAS regulations V/12 and 13, refer to the appropriate recommendations and guidelines of IMO and IALA. The IALA recommendations and guidelines are freely available for download in pdf format at www.iala-aism.org under "publications". Information on the general management of AtoN and VTS can be found in IALA manuals (NAVGUIDE and IALA VTS Manual).

Legislation

- What national Administration is responsible for AtoN?
- What national Administration is responsible for VTS?
- Under what law(s) does each Administration act?

Organization

- How is each Administration organized?
- To what other bodies, if any, has responsibility for AtoN and/or VTS been delegated?
- Has this delegation been formally established and documented?

Resources

- What is the mechanism for establishing resource requirements (Equipment/Human)?
- What are the funding mechanisms for the Administration?
- What is the mechanism for ensuring competence of personnel?

International recommendations/regulations

- What national legislation is in place to support provision of, and compliance with, AtoN and VTS systems?

What international recommendations and guidelines in respect of AtoN and VTS are reflected in the Administration's policies and procedures?

**ANNEX TO DOCUMENT MSC 81/24/4, WHICH HAS BEEN PROVIDED
FOR GUIDANCE TO MEMBER STATES AND AUDITORS**

General

- 1 Are you a member of the IHO?
- 2 Are you a member, or associate member, of an IHO Regional Hydrographic Commission?
- 3 Do you have a Hydrographic Office? If not, is there another governmental, or non-governmental, agency with responsibility for hydrographic matters?
- 4 Is the responsibility for providing hydrographic services officially assigned by your government, by decree or any other legal text, to an organization within your country?
- 5 Do you require Capacity-Building Support to help develop your hydrographic services? If the answer to this question is yes, please indicate in which of the following areas support is required: Hydrographic Surveys, Production of paper and/or electronic charts, Promulgation of MSI, Training.
- 6 If you provide hydrographic services, are those related to safety of navigation accredited with quality assurance certification (e.g. ISO 9001)? If yes, what does the certification apply to (surveys, charting, broadcasting nautical information)?

SOLAS regulations V/4 and V/9

1 Hydrographic Surveys

- .1 Do you conduct hydrographic surveys? If yes, do you comply with the IHO Standards for Hydrographic Surveys (S-44)?
- .2 Do you conduct hydrographic surveys in cooperation with other countries, through bilateral agreements or otherwise? If yes, please provide details.
- .3 Do you contract out hydrographic surveys to commercial companies? If yes, do these surveys comply with S-44?
- .4 Please complete the following information relating to the status of hydrographic surveys as reported in IHO Publication S-55 "Status of Hydrographic Surveying and Nautical Charting Worldwide" – 3rd Edition. Comments should be added wherever appropriate:
 - A1 The percentage of national waters, 0-200 m in depth, which is adequately surveyed: [] %.
 - A2 The percentage of national waters, greater than 200 m in depth, which is adequately surveyed: [] %.
 - B1 The percentage of national waters, 0-200 m in depth, which requires resurveying at a larger scale or to modern standards: [] %.
 - B2 The percentage of national waters, greater than 200 m in depth, which requires resurveying at a larger scale or to modern standards: [] %.

- C1 The percentage of national waters, 0-200 m in depth, which has never been systematically surveyed: []%.
- C2 The percentage of national waters, greater than 200m in depth, which has never been systematically surveyed: []%.

2 Nautical Charting

- .1 Do you produce nautical paper charts, RNCs, ENCs, and nautical publications as defined in paragraph 2 of SOLAS regulation V/2?
- .2 If the answer to a. is yes, do you maintain these by issuing NtM/ER?
- .3 Do you have bilateral agreements with other countries for the production of nautical charts? If yes, please give details.
- .4 Are the charts you produce available to worldwide shipping?
- .5 Do you have an agreement with a Regional ENC Co-ordinating Centre (RENC) for the distribution of ENC's and RNCs? If yes, please give details.
- .6 Please complete the following information relating to the status of nautical charting as reported in IHO Publication S-55 "Status of Hydrographic Surveying and Nautical Charting Worldwide" – 3rd Edition. Comments should be added wherever appropriate:
- A. Offshore passage and small-scale charts:
- The percentage of national waters covered by INT¹⁴ Charts: []%.
- The percentage of national waters covered by RNCs^{22:} []%.
- The percentage of National waters covered by ENC's^{3,3} []%.
- B. Landfall, coastal passage and medium-scale charts:
- The percentage of national waters covered by INT Charts: []%.
- The percentage of national waters covered by RNCs: []%.
- The percentage of National waters covered by ENC's: []%.
- C. Approaches, ports and large-scale charts:
- The percentage of national waters covered by INT Charts: []%.
- The percentage of national waters covered by RNCs: []%.
- The percentage of National waters covered by ENC's: []%.

¹ INT = International Charts or national equivalent meeting the standards set out in IHO publication "Regulations of the IHO for International (INT) Charts and Chart Specifications of the IHO" (M-4).

² RNC = Raster Navigational Chart meeting the standards set out in IHO Publication "Product Specification for Raster Navigational Charts (RNCs)" (S-61).

³³ ENC = Electronic Navigational Charts meeting the standards set out in IHO Publication "IHO Transfer Standards for Digital Data" (S-57).

3 Maritime Safety Information

- .1 Are you a NAVAREA Coordinator? If so, for which area?
- .2 Are you a Sub-Area Coordinator? If so, for which sub-area?
- .3 Are you a National Coordinator? If not, who is your National Coordinator?
- .4 Please complete the following information relating to the promulgation of MSI as reported in IHO Publication S-55 "Status of Hydrographic Surveying and Nautical Charting Worldwide" – 3rd Edition. Answers may be Yes, No or Partial and comments should be added wherever appropriate:
 - A Navigational Warnings:
 - Do you issue local warnings?
 - Do you issue coastal warnings?
 - Do you issue port information?
 - Do you issue NAVAREA warnings?
 - B GMDSS Implementation (IMO GMDSS Handbook):
 - Master Plan?
 - A1 Area?
 - A2 Area?
 - A3 Area?
 - NAVTEX?
 - SafetyNET?

ANNEX 4

APPRAISAL OF AUDIT TEAM MEMBERS (ATMs)

Areas of Interest	ATM 1 (Name)	ATM 2/OBSERVER (Name)
Knowledge of mandatory instruments		
Effective Application of audit standard (the Code)		
Knowledge of the functions of a maritime administration		
Auditing skills		
Reporting skills		
Interpersonal/communication skills		
Assessment of aptitude for future ATL		
