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ANALYSIS OF CONSOLIDATED AUDIT SUMMARY REPORTS

Suggestions on developing Member State Manual for the IMO Member State Audit Scheme

Submitted by

Canada, Denmark, Jamaica, Netherlands and United States

SUMMARY

<i>Executive summary:</i>	This document presents draft Member State Manual for the IMO Member State Audit Scheme, as developed by co-sponsors, to assist Member States in the implementation of the III Code and effective preparation for the conduct of, and reporting from audits under the Scheme
<i>Strategic direction, if applicable:</i>	1
<i>Output:</i>	1.4
<i>Action to be taken:</i>	Paragraph 6
<i>Related documents:</i>	Resolutions A.1070(28), A.1067(28) and Circular Letter No.3425

Background

1 Circular Letter No.3425 of 5 December 2013, containing the Auditors Manual for the IMO Member State Audit Scheme (IMSAS), has been a guidance to assist both auditors and Member States in the delivery of voluntary audits under the transitional arrangements, as well as audits under IMSAS.

2 To further assist Member States in preparing for future audits under IMSAS, and following up from the decisions made by III 5 in terms of the need for additional support to Member States in their preparation for the audit (III 5/15, paragraphs 7.23 to 7.25, and annex 8), a group of experts comprising both audit team leaders under IMSAS and officials from maritime administrations undertook the development of a Member State Manual for the IMO Member State Audit Scheme.

3 The group of experts consisted of representatives from Canada, Denmark, Jamaica, the Netherlands and the United States of America.

4 The Member State Manual has been developed with the Auditors Manual as a template, containing eight annexes as follows:

- .1 Pre-Audit Questionnaire including comments and guidelines;
- .2 Model Timetable for the audit of the Member State;
- .3 First meeting audit team members (ATMs) and Single Point of Contact (SPC)/delegates;
- .4 Assessment of areas related to the III Code (Verification Index);
- .5 Road map for the IMSAS process in the Member State;
- .6 Sample Maritime Administration of the Member State;
- .7 Annexes to documents MSC 81/24/1, MSC 81/24/4 and MSC 99/21/10; and
- .8 Sample forms B.

5 The co-sponsors believe that Member States anticipating their IMSAS audit would benefit immensely from this Manual and recommend that Member States make use of the attached document in preparing for their audits under the Scheme.

Action requested of the Sub-Committee

6 The Sub-Committee is invited to note the draft Member State Manual for the IMO Member State Audit Scheme, as set out in the annex.

ANNEX

**DRAFT MEMBER STATE MANUAL FOR THE IMO
MEMBER STATE AUDIT SCHEME (IMSAS)**

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THE MEMBER STATE MANUAL

1 INTRODUCTION

1.1 This Manual has been developed as guidance to assist in the planning, conducting and reporting by the Member State in the execution of their duties as defined in the *Framework and Procedures for the IMO Member State Audit Scheme, (Framework and Procedures)*, which was adopted by the Assembly through resolution A.1067(28) and *the IMO Instruments Implementation Code (III Code)*, which was adopted by the Assembly through resolution A.1070(28).

1.2 This Manual is intended to provide guidance that is hoped to clarify some of the 'grey areas' or areas where audits conducted under the Scheme have indicated to present some of the greatest challenges to the States.

1.3 The Audit Scheme has a well-developed structure which seeks to ensure that the audits are conducted in a pragmatic and fair manner and carried out in accordance with an agreed time frame. Recognizing and appreciating that different Member States may have different and equally valid ways of discharging their responsibilities, Member States should be prepared to explain and/or demonstrate how their management system achieves the goals of the III Code and results in the effective implementation of the mandatory IMO instruments given the scope of their responsibilities.

1.4 The universally established procedures are outlined in the Framework and Procedures for the Scheme. This Manual will seek to provide guidance to facilitate more effective preparation by States. Where a conflict may arise in the application of this guidance, the Member State should refer to the Framework and Procedures and the III Code for the Scheme as the authoritative source.

2 GENERAL GUIDANCE TO THE MEMBER STATE

Initial notification regarding the IMO Member State Audit

2.1 The Secretary-General will notify the Member State of the scheduled date of its audit as soon as possible but not less than 18 months in advance. Through this initial communication, the Member State is requested to appoint a Single Point of Contact (SPC) for the audit. To facilitate the planning and preparation for the audit, the Member State will be requested to respond with an acknowledgement letter indicating the name, title and full contact details, including mailing address, telephone, fax and e-mail of the State's designated SPC for the audit. The Member State must also confirm the IMO official language chosen by the Member State to be used for the audit. The SPC will later be contacted directly by the Sub-department for Member State Audit (MSA), to commence the process for the audit and to prepare all the detailed arrangements.

Single Point of Contact

2.2 When designating the SPC, the Member State should identify a senior official, who is well placed to liaise with all involved government entities in preparation for the audit, but also operational enough for keeping an effective liaison with MSA services of the IMO Secretariat and with the audit team leader (ATL).

Selection of auditors

2.3 Selection of the ATL and the audit team members (ATMs) will be carried out by the Secretary-General in accordance with the Procedures. Audit teams will possess an appropriate mix of flag, port and coastal State experience.

2.4 Prior to the formal appointment of the audit team by the Secretary-General, MSA will submit to the SPC the proposed audit team for comments, if any. Member States are allowed to review the credentials of the audit team members proposed by the Secretary-General and may in exceptional circumstances request an alternate to be provided. Once the feedback from the Member State has been provided, the Secretary-General will sign the formal appointment of the audit team.

Channel of communication

2.5 Communication between the Member State and IMO will start between the assigned MSA Audit Officer and the SPC before the audit team is officially formed and later the appointed ATL will communicate directly with the SPC about the audit details and planning.

2.6 All administrative and logistic-related communications between the Member State and the ATL, or with other sections of IMO, should be coordinated by, or copied to MSA.

2.7 The ATL will establish a communication link with the SPC of the Member State concerned as soon as possible, to commence planning for the audit.

Documentation and information management

2.8 The control of documents and the management of information relating to the audit are crucial.

2.9 Identification of documents necessary to conduct the audit is part of the audit planning (see annex of resolution A.1067(28), Part II, paragraph 5.7.5). 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 from the ATM.

2.10 The Member State must ensure that all documents available through the maritime administration's websites or GISIS are up to date with the relevant descriptions and documents in order to avoid any conflict or misunderstandings during the audit.

2.11 In principle, the audit team has access to all relevant documents and records during the audit. In certain cases the Member State may decide to restrict access or to not even hand over confidential documents to the audit team. The Member State should, therefore, consider if a solution to these cases could be displaying confidential documents to the auditors rather than handing over copies. In this respect, as with other issues relating to the confidential aspects of the Audit Scheme, Member States should note, that the ATMs are required to abide by their undertaking contained in the signed Statement of Confidentiality.

2.12 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.

2.13 Audit team members are required to ensure that all documentation relating to the audit are handled in accordance with the Statement of Confidentiality, the Memorandum of Cooperation, the Framework and Procedures and the guidance in the Auditors Manual.

2.14 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. As observer auditors will have access to the information in the audit reports of a Member State, they are also required to sign the Statement of Confidentiality as ATMs.

GISIS Member State Audit module

2.15 Each SPC will be provided with a secured and dedicated user name and password to the GISIS MSA module by the Secretariat. The SPC will receive a copy of the MSA Global Integrated Shipping Information (GISIS) ATL & SPC user manual. According to Circular Letter No. 3587, Member States are also invited to nominate one "authorized person" to receive full access to Member State audit reports through the GISIS Module.

2.16 The SPC will only be able to see Audit, Reports, Reports Over-view and Other Documents areas of the GISIS MSA module.

2.17 The module offers the following functionalities for the SPC:

- .1 allows for uploading of the State's completed pre-audit questionnaire (PAQ) and its annexes;
- .2 allows a quick link to check the State's reporting data in other GISIS modules;
- .3 allows for the review of preliminary audit results (draft audit interim report and executive summary report);
- .4 allows for the preparation of the corrective action plan (CAP) – "Form B"; and
- .5 allows, if authorized, to view other Member States' audit final reports, executive summary reports (ESR), CAPs and the State's comments on the progress of the implementation of the corrective action plan.

The Memorandum of Cooperation

2.18 The Memorandum of Cooperation (MoC) between the Member State and the International Maritime Organization concerning participation in the IMO Member State Audit Scheme will be signed by both parties and uploaded by the Secretariat in the MSA module in GISIS. A model MoC is attached as appendix 1 to the Procedures.

2.19 Through the MoC, Member States provide their authorization to IMO for the release of the audit reports, including executive summary report (ESR), corrective action plan (CAP) and Member State comments on the implementation of the corrective action plan. The authorization can be granted for the release of their audit results to all Member States or to the public. Member States may also make their report public through their own media, including their web pages. In addition to authorizations granted through the MoC, Member States may choose to grant further authorization to the Secretariat for release of the audit final report to all Member States or to the public, through a separate communication.

2.20 The scope of the audit, consistent with the applicable mandatory IMO instruments and the audit standard, is to be concluded between the Member State and the Secretary-General and included in the MoC.

2.21 It is important that, once a Member State receives the draft MoC for consideration and signature from MSA, due consideration is given to ensure that the State is properly named, that authorization for release of audit reports are dealt with and that the scope of the audit is appropriate with regard to the mandatory IMO instruments to which the State is a Party.

2.22 In cases where the MoC is concluded in French or Spanish, Member States will receive for consideration and signature a French or Spanish version of the MoC, as well as the English version, both of which will need to be signed.

The Pre-Audit Questionnaire

2.23 The Pre-Audit Questionnaire (PAQ) is attached as an appendix to the Procedures for the IMO Member State Audit. Please refer to pt. 3.6 – 3.8 with further guidance and the PAQ with comments and guidelines to the Member State attached as annex 1.

2.24 The PAQ will be completed, by the Member State to be audited, and uploaded onto the MSA Module in GISIS, as soon as possible and not later than two months after receipt, and updated, as appropriate, not later than three months before the audit.

2.25 The structure of the PAQ is harmonized with the sections and provisions of the IMO Instruments Implementation Code (III Code). The PAQ can also be supplemented by additional information in annexes, such as organograms of the government entities, division of responsibilities and legislation process flow charts, which can also be uploaded onto the MSA module in GISIS. This material provided may be used in the final audit report.

2.26 The PAQ, including relevant attachments and supporting documentation, is the first document based on which the audit team will start analyzing the status of the implementation and enforcement of the mandatory IMO instruments in order to make an impression on how various entities comprising maritime administration interact and fulfill relevant responsibilities and obligations under those instruments. For this reason, required information should be elaborated in the PAQ in detail, with any attachments added to assist in understanding the organizational structure and activities of the Member State.

2.27 If the ATL finds it necessary, he/she may, after consultations with the other members of the audit team, send additional questions to the Member State on an ad hoc basis.

The State-specific confidential audit file

2.28 The State-specific confidential audit which is available in the MSA module in GISIS, consists of:

- .1 Member States details;
- .2 MoC;
- .3 PAQ and annexes;
- .4 compilation of supporting documents for the Scheme, including Framework and Procedures, III Code as the audit standard, as well as terms of reference (ToRs) for the ATMs responsible to carry out the audit; and
- .5 blank forms of various audit reports for the use by Member States and ATMs.

2.29 The ATMs will be granted access by MSA to the State-specific confidential audit file through the MSA module in GISIS on receipt of the signed Statement of Confidentiality.

2.30 The MSA module in GISIS will provide a platform for the audit team to review information about Member States to be audited. All available data for the Member State, as reported to IMO, will be available, including audit specific information. In addition, the audit team may review any relevant background information e.g. relevant websites.

2.31 The ATL may request the Member State or MSA for additional material, which can be reviewed by ATMs. Furthermore, if there has been any previous audit by IMO (e.g. VIMSAS), documents from that audit will also be reviewed.

The information meeting

2.32 Under the Procedures, the Member State has the opportunity of receiving a visit by the ATL in advance of the actual audit, in order to be provided with information about the intention behind the Scheme, the scope of the audit, how such an audit is carried out, and all other information needed to enhance the understanding and cooperation between the audit team and the Member State to be audited.

2.33 If the Member State has requested an information meeting, the ATL will make the necessary arrangements for such a meeting in consultation with the Member State to be audited and will keep MSA informed. The Member State will be responsible for covering any travel expenses of the ATL for such an information meeting.

3 PLANNING FOR THE AUDIT IN THE MEMBER STATE

Involved government entities

3.1 The Member State should prepare an overview of all the relevant government entities that are involved in fulfilling the Member State's international obligations and responsibilities as a flag, port and coastal State under the mandatory IMO instruments. Therefore, the Member State, through the SPC, should start coordination among the entities involved in the early stages of the preparation for the audit.

3.2 A diagram showing a sample distribution of areas of responsibilities between Government entities within the scope of the mandatory IMO instruments is shown in annex 6.

3.3 The SPC should consider establishing a Member State Audit working group consisting of representatives from all the relevant Government entities that are involved in the Member State's international obligations and responsibilities as a flag, port and coastal State. The SPC may arrange an initial meeting in order to present and discuss, inter alia, some of the following items:

- .1 scope, objective and purpose of the audit under IMSAS;
- .2 Member State's international obligations and responsibilities as a flag, port and coastal State;
- .3 identification and description of the division of responsibilities relating to the effective implementation and enforcement of relevant IMO instruments. The latest version of the non-exhaustive list of obligations under the mandatory IMO instruments relevant to the III Code. This may assist the Member State in identifying the division of responsibilities, obligations and any gaps in the list of obligations;

- .4 distribution of responsibilities and tasks regarding the preparation of the PAQ for the Member State;
- .5 outstanding issues after previous audits (VIMSAS, internal audits etc.).
- .6 conduct of an internal audit of the Maritime Administration or an independent preparatory audit e.g. by a neighbouring Member State, using the III Code;
- .7 review the Consolidated Audit Summary Reports (CASR) which are issued regularly by the IMO in the form of circular letters. The CASR could be used to assist Member States to enhance further their implementation and enforcement of the mandatory IMO instruments; and
- .8 consider the possibility to request technical assistance in the implementation of the III Code within the scope of the IMO Technical Cooperation Programme or through any other possible means.

3.4 If the Member State had implemented an overall strategy aiming to ensure that its international obligations and responsibilities as a flag, port and coastal State are met (III Code, paragraph 3); the methodology for monitoring and assessing the strategy can be seen as a powerful management tool for the State in preparation for the audit, to evaluate its organizational performance and capability, as well as to take the necessary corrective and preventive actions to improve performance.

Communication of information

3.5 The Member State must ensure that all the required information including relevant documents relating to the mandatory IMO instruments have been uploaded onto the MSA module in GISIS and/or submitted to IMO. The non-exhaustive list of obligations may assist the Member State in identifying the requirements.

Preparation of the Pre-Audit questionnaire

3.6 The planning for the audit of the Member State will continue with the tasks regarding the completion of a draft PAQ including the chapters General Information, part 1: Common areas, part 2: Flag State, part 3: Coastal State and part 4: Port State. It is important to involve all the relevant government entities in the preparation of the draft PAQ, regular reviews and the final approval by all the involved parties before the PAQ is uploaded onto GISIS.

3.7 The Member State should keep the descriptions/answers clear and concise and, if more convenient, link the responses to appendices or documents attached to the PAQ containing descriptions, procedures, diagrams, etc., which are relevant for answering the questions in the PAQ and to illustrate the Member State's implementation of the applicable mandatory IMO instruments. The Member State should also consider inserting links to relevant websites that may support the descriptions in the PAQ and assist the ATMs in their preparation for the audit. The Member State must ensure that the documentation, including the websites, are up-to-date.

3.8 As the PAQ is structured following the sections and provisions of the III Code, as indicated before each section, the responses to the questions should be consistent with the requirements of the III Code, by inserting clear and concise answers in the PAQ.

3.9 In some cases individuals may perform several duties within an administration. Where the total number of persons performing particular duties is listed by category there should be a notation if any of the person(s) are being counted in multiple categories.

Conduct of a GAP analysis

3.10 The Member State may consider doing a GAP analysis of the relevant parts and activities in the maritime administration, as per the non-exhaustive list of obligations under the mandatory IMO instruments relevant to the III Code, as revised from time to time, as well as the III Code itself, to verify if it meets the objectives or set of requirements. The GAP analysis can be used as a ranking of "Good", "Average" or "Poor" and a specific action plan can be devised to address all identified shortcomings in order to ensure improvements.

Audit Timetable and programme

3.11 After the PAQ, including the relevant documents, has been uploaded onto GISIS, the ATL and ATMs will start reviewing the documents. The ATL will 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, 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 2 of this Manual.

3.12 In that context, the ATL will review the information provided by the Member State regarding the 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 2 of this Manual.

3.13 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 government entities that should be audited and persons to be interviewed 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 multiple entities may share responsibility for the implementation of an area to be audited, the SPC 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.

3.14 The SPC may request all the involved entities to appoint a contact person (local SPC) that will be responsible to coordinate all activities regarding the audit interviews including the preliminary presentation of the Government entity, individuals to be interviewed, local transport, access (authorization) to visits and verification of relevant equipment etc.

3.15 The SPC should coordinate with all the government entities on how to introduce the Member State audit to the employees of the entities to be involved in the audit. Particular attention should be given to the individuals in the timetable selected to be interviewed by the audit team. The auditees may consider preparing themselves on for example the following issues:

- .1 answers to questions from the audit team with special focus on the relevant subjects within the relevant area of responsibility;
- .2 presentation of objective evidence to the audit team in the area of responsibility;

- .3 what to bring for the interview including portable computer with wi-fi access or similar relevant electronic systems and databases, sample reports and certificates etc.;
- .4 ensure the division of responsibilities are clear to everyone involved;
- .5 identify and arrange relevant records, files and archives and actual cases to be presented as examples.
- .6 if the person(s) being interviewed are not in the location where relevant records are stored or readily accessible then consideration should be given on how those records will be made accessible in a timely manner during the interviews. It may be more advantageous to conduct interviews at the location where the records are readily accessible.

3.16 The SPC together with the involved entities, must ensure that all the individuals in the timetable have appointed/defined deputies in case of absence due to illness or other reasons.

3.17 The ATL will inquire the SPC regarding the normal work schedule for the participants and try, as much as 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. 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. The SPC should take this into consideration when agreeing the date of the audit in order to minimize disruptions during the audit

Audit period

3.18 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 audit team.

3.19 A preparatory meeting is normally also organized between the SPC and the audit team on arrival of the team in the country, which is an opportunity for confirmation of all practical arrangements for the conduct of the audit, including conduct of the opening meeting and any administrative issues. Issues to be dealt with in the preparatory meeting are shown in annex 3.

3.20 The official audit will commence with the opening meeting on the first day followed by an average of five days of interviews depending of the size and complexity of the Member State. The audit team will then have a break for two days to prepare the draft interim report including the findings and observations (Form A) and the draft executive audit report to be tabled during the last day of the on-site audit.

Selection of locations and individuals to be interviewed

3.21 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.

3.22 Debriefing meetings may also be organized between the SPC and the audit team at the end of each day for the audit team to indicate areas of possible findings and observations to the auditee, but also to confirm practical arrangements for the next day.

3.23 Special arrangements should be considered when the Member State is geographically composed by a group of islands or an entity(ies) is located far away from the location planned for the audit. The SPC may need to ensure that representatives of such entity(ies) are available at the main location where the audit is planned or that other appropriate means are explored to verify relevant activities (e.g. teleconference).

Logistical and administrative arrangements

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

- .1 arrangements for the arrival at the airport of the audit team and day to day transport to and from the hotel, as necessary;
- .2 arrangements regarding security as applicable;
- .3 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 ATMs are known and MSA will 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 e.g. formal invitation letters, in order for them to secure the necessary entry visa;

Likewise, ATMs will ensure that their passport or other personal records, such as required vaccinations, are complete and up-to-date, for the State to be visited;
- .4 suitable location of a hotel for auditors in order to reduce the time for transfers between the hotel and the audit locations. Hotels recommended should be safe, secure, sanitary and to the extent possible within IMO per diem rates for the area: If the area surrounding the hotel is potentially unsafe during the evening or at other times then the hotel should have adequate dining facilities or transport available to safe areas;
- .5 a meeting room for auditors, at the audit locations to facilitate auditor's end of interview briefings;
- .6 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. If the meeting room is at the main audit location then

- it must be readily accessible on the weekend, taking into account any security access requirements as well as functional lighting, internet Wi-Fi, AC/heat and electrical;
- .7 internet connection in the hotel/meeting room for access to online support, GISIS, IMODOCS, etc.;
- .8 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
- .9 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 not permitted). Whilst it remains the prerogative of the Member State to allow observers, it should be ensured that the observers do not interfere with the smooth running of the audit and that the numbers are limited, particularly during interviews.

Use of interpreters and translation of supporting documentation

3.25 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.

3.26 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.

3.27 Documents and records might be available only in the national language. Consideration should be given by the Member State in advance to the scale of this issue, to ensure that critical documents are available in the audit language before the audit and/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.

4 COMMENCEMENT OF THE AUDIT

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

The opening meeting

4.2 The opening meeting is the first event and sets the stage for the entire audit. Therefore, time will be allocated for the proper introduction of all participants in the meeting along with the audit team. An agenda, which will have been prepared earlier by the ATL, will include all the issues listed in paragraph 6.3.2 of the Procedures. The SPC will provide the ATL with a list of attendees.

4.3 The Member State decides who will attend the opening meeting including senior representatives from all the relevant government entities involved in the audit. In some cases, the Member State decides that all representatives indicated in the audit timetable attends the opening meeting. The SPC will notify the ATL in advance about the venue and the attendees participating in the opening meeting.

4.4 The opening meeting is chaired by the ATL, however, the senior executive of the lead entity of the maritime administration will provide introductory remarks welcoming ATMs to the Member State before handing over the meeting to the ATL, who will proceed in accordance with the agenda for the meeting.

5 THE AUDIT

5.1 Immediately following the opening meeting, the audit should move onto the phase where representatives of the Member State or the lead entity present 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 included in the scope of the audit are carried out.

5.2 The Member State may provide the overview in the form of a presentation (e.g. PowerPoint). 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 activities are coordinated and that they are consistently and successfully carried out and evaluated, to achieve continual improvement. The overall strategy (see section 6 of this Manual) should be presented in this context.

5.3 The interviews of selected individuals should be directly with the individuals who are subject matter experts (SME) alone. This does not exclude the "guide" and in some cases an interpreter from being present. Having a senior manager or a team of people shadowing the audit team and answering all the questions undermines the credibility of the SMEs. Further, this may give the unintended impression to the auditors that the SME's are being prevented from speaking freely.

5.4 As per the audit plan, the ATMs will, at some point, take on specific areas to be covered during 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.

5.5 Taking into account that the III Code is the audit standard, a consistent review of the Member State's activities falling within the III Code should be ensured. In this context, the audit team will verify all the items enumerated in the Verification Index set out in the Auditor's Manual (copy included as annex 4 to this Manual), which closely follows the requirements of the III Code. The Verification Index provides a good guide to the Member State as to the type of information the audit team will be seeking to gather/verify during the audit.

Findings and observations during the audit

5.6 Auditors may indicate areas of possible findings and observations to the auditee as they arise during the audit but will not assign them as final until they have been reviewed by the audit 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.

5.7 Findings and observations are to be formally provided to the auditee in a written format during the closing meeting. The audit interim report as a whole, will 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.

Disputes during the audit

5.8 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.

5.9 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 will 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, refer to 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.

6 ORGANIZATIONAL PERFORMANCE

Strategy

6.1 The general aspect of the audit will 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 will 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 Party. In reviewing the overall strategy, accounts 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 mandatory 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 The strategic mechanisms that States are called on to put in place should include:

- .1 methods for establishing competence and areas of responsibility of entities involved in a State's maritime activities;
- .2 clear lines of authority for each entity, leading to an overall coordinating body, with a mandate for all maritime activities, which would then constitute the maritime administration;

- .3 processes and procedures for determining each entity's performance against its areas of responsibility, and the overall organizational performance of those entities forming the maritime administration; and
- .4 a system to monitor, evaluate and improve the performance of the maritime administration.

6.4 The strategy should be a high-level document, decree or official government paper, which may also provide for the appointment of a coordinating body or council and define its functions and powers. For this purpose, a maritime administration may not be a single agency but a collection of entities with the implementation and enforcement responsibilities under the applicable mandatory IMO instruments. Where it is not possible to totally re-engineer a maritime administration, de facto systems currently in place may be accepted, but the Member State should consider questions such as:

- .1 How are the functions of the maritime administration undertaken?
- .2 How is the strategy communicated to all concerned entities?
- .3 How would planning for a new convention or amendment to an existing one be done?
- .4 How do entities communicate?
- .5 What are some joint responsibilities and how are these allocated?
- .6 How is performance assessed against convention obligations and future performance indicators? and
- .7 How is the overall assessment to be done?

6.5 The Strategy may encompass items like, for example:

- .1 a high-level document decree or official government paper setting out the national strategy, including the appointment of a coordinating body or council and its powers;
- .2 setting of quality targets and key policy objectives;
- .3 records of continuous review and verification of the State's effectiveness in respect of its international obligations; and
- .4 assessment or performance evaluation of overall organizational effectiveness and capability, including administrative capacity to implement the instruments, e.g. qualified mariners, ship detentions, etc.

6.6 A strategy is not the same as for example a national maritime transport policy or an entity's quality policy. The transport policy sets the high-level policy direction for governance, regulation and development in the maritime transport sector and is not necessarily focused on the implementation of maritime conventions to meet flag, port and coastal State responsibilities. The quality policy is a policy related to quality and again it is not necessarily focused on the implementation of maritime conventions.

6.7 As the requirement for an overall strategy is recommendatory in the III Code, any shortcomings in this area will be recorded as an observation in the report.

Legislation

6.8 The audit will seek to identify the process for the incorporation of the mandatory IMO instruments into national legislation and to fully establish that the regulatory processes within the State do indeed deliver timely and adequate regulations on a consistent basis.

6.9 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 Member State may use some of the recent amendments to the mandatory IMO instruments 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.

6.10 The Member State should ensure that the government entity responsible for the implementation and enforcement of the mandatory IMO instruments is granted the authority for enacting them into the national legislation. In some instances, national legislation only provides authority to ministries or departments to create regulations which provide greater detail necessary for actual application and enforcement. The Member State should be prepared to describe how authority from national legislation cascades down via regulation, policy and procedures. In rare instances national legislation may be sufficiently detailed to implement directly by field personnel without intermediate regulations but there should be a policy or work instruction that describes enforcement.

6.11 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 the mandatory IMO instruments. In that context, some States authorize non-governmental third parties to execute some of their responsibilities. These arrangements should be carefully evaluated to ensure that the delegated functions are executed effectively, and are monitored and controlled by the appropriate government entity, which in some cases may require issuing relevant national legislation. Please refer to paragraphs 7.7 and 7.8 of this Manual.

Records

6.12 The Member State must ensure that records, as appropriate, must be established and maintained to provide evidence of conformity to requirements and of the effective operation of the State. Records may be filed as hardcopies or electronically and may include for example copies of minutes of meetings, certificates, exemptions, equivalents, inspection reports, investigation reports, technical cases such as newbuilding's and ships' drawings.

6.13 In conducting the audit, ATMs may refer to specific concerns identified 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 will be requested through the ATL.

6.14 The entities must ensure that a documented procedure is established to define the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records. The documented procedure may be a corporate procedure for all the entities or an individual procedure for each entity, e.g. as part of the entity's quality management system.

Improvement

6.15 The Member State must ensure that aspects covered by paragraphs 11 to 12 of the III Code are addressed in support of both the overall organizational performance measurement and the 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.

6.16 Further, the State must take action to identify and eliminate the cause of any non-conformities in order to prevent recurrence. These actions should be documented in the individual records of each relevant entity e.g. as part of the entity's quality management system.

7 FLAG STATE

Implementation

7.1 Paragraphs 15 to 17 of the III Code, , provide a detailed list of areas to establish the extent of implementation of the mandatory IMO instruments by the Member State. The Member State may use those areas listed and match them with specific regulations in the mandatory IMO instruments in order to satisfy themselves of their degree of compliance.

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". The Member State should identify all the areas in the mandatory IMO instruments where this terminology is used. The Member State must take action in respect of those provisions of the mandatory IMO instruments containing that phrase, including development, documentation and provision of guidance to relevant personnel in the State, shipping companies, seafarers and recognized organisations (ROs).

7.3 With respect to the STCW 1978 Convention, as amended, the audit will remain guided by the restriction established related to the audit as detailed in Section A- I/16 of the STCW Code (verification of compliance).

Delegation of authority

Recognized organizations

7.4 In most cases, Member States have delegated all or some statutory responsibilities to recognized organizations (ROs). The audit will be rigorous in verifying that the Member State has granted authority to each RO in accordance with the Code for Recognized Organizations (RO Code) (resolutions MSC.349(92) and MEPC.237(65), and that such ROs have been duly scrutinized and confirmed to comply with the RO Code. Paragraphs 18 to 21 of the III Code dealing with the delegation of authority will be fully covered during the audit.

7.5 Another area of interest in the delegation of authority of 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 work given to specialized entities. This may include such things as radio equipment survey and certification, cargo gear/lifting appliances and approval of grain loading manuals and authorizations among other services that are related to issuance of one or more certifications under IMO regulations. Notwithstanding the specialized nature of this type of work, the granting of authority to any entity to carry out statutory surveys should always be ensured to comply with the two resolutions mentioned above, taking into account the RO Code. Annex 1, Part 1, Paragraph 2.5 of the RO Code notes that the elements of the RO code should be "applied in a manner that is compatible with the limited scope of recognition".

Monitoring of recognized organizations

7.6 The Member State must develop, implement, and manage an effective oversight programme for ROs that act on its behalf. The oversight programme should include various monitoring activities, which may inter-alia consist of:

- .1 audits of the RO local offices;
- .2 supplementary surveys and audits;
- .3 review of survey reports, certificates issued by ROs and other relevant documentation; and
- .4 regular meetings with ROs.

7.7 The RO Code provides detailed guidance relative to the establishment of an oversight programme and the management of such a programme, respectively. The Member State should have sufficient technical personnel that are capable of monitoring and evaluating the work of ROs in quantitative and qualitative terms.

7.8 In the context of monitoring the activities of ROs, 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 must regulate the authorization of such organizations or independent surveyors including full knowledge of their activities and should exert control over the quality and consistency of their work.

Use of subcontractors

7.9 Member States may also delegate responsibilities and authorize miscellaneous private subcontractors including handling of, for example:

1. flag State obligations such as response to deficiencies and alleged pollution incidents;
2. coastal State obligations such as meteorological services or hydrographic services etc.; and
3. port State obligations such as reception facilities or capability to handle all waste streams regulated under the instruments.

7.10 Member States should develop and implement a control and monitoring programme as appropriate, in order to:

1. control and record the authorizations of the companies;
2. determine that the company has adequate resources and equipment to accomplish the tasks being authorized to handle; and
3. issue specific instructions to the companies detailing the tasks they are authorized to handle.

Enforcement

7.11 Enforcement is a critical component in ensuring global and uniform implementation of the mandatory IMO instruments. For the maritime authority the removal or revocation certificates from non-compliant ships is often the most effective form of enforcement. The imposition of civil and criminal penalties 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 e.g. Ministry of Justice. 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.

7.12 Penalties of adequate severity to discourage violation of international rules and standards should be established to meet the obligations set out in paragraph 22 of the III Code.

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

- .1 boarding and inspecting a ship or her equipment;
- .2 requiring the production of any book, certificate or document relating to any ship or persons on the ship;
- .3 detaining a ship; and
- .4 conducting investigations and instituting proceedings.

Flag State surveyors

7.14 Paragraphs 28 to 37 of the III Code, contain 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 will 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 ships 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 qualifications of personnel that provides essential knowledge of the 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.

7.15 A documented system for training and qualification of the personnel performing surveys, inspections and audits may encompass:

- .1 procedures for the documented system including definition and handling of all relevant records;
- .2 requirements for the recruitment of the personnel;

- .3 description and requirements regarding the qualifications and authorization of the personnel;
- .4 education, training and mentoring e.g. on-the-job training programmes for the inspectors, auditors, investigators and other technical experts; and
- .5 description and requirements regarding maintenance and continuous updating of knowledge of the personnel.

7.16 The training programmes developed for flag State surveyors should encompass inspectors, auditors, investigators and other technical experts carrying out duties that require certain expertise. The Member State must ensure that other personnel assisting in the performance of such work e.g. appointment of surveyors and auditors, should have relevant training and qualifications.

Flag State investigations

7.17 The issue of investigation of marine casualties and pollution incidents is a mandatory requirement under a number of the mandatory IMO instruments including the Casualty Investigation Code. The threshold for mandatory investigations under the Casualty Investigation Code is particularly high with either death and/or loss of the vessel as a criteria. The Member State must have adequate mechanisms in place to investigate casualty incidents but also, that reports of investigations are provided to interested parties and to the Organization. Although the audit will only verify compliance with the mandatory IMO Instruments and the Casualty Investigation Code, Member States are always encouraged to investigate other casualties not meeting the threshold of the Casualty Investigation Code to gain lessons learned.

7.18 Marine safety investigations must be conducted by impartial and objective investigators, who are suitably qualified and knowledgeable in matters relating to the casualty. The State is recommended to ensure that individual investigators have working knowledge and practical experience in those subject areas pertaining to their normal duties.

7.19 There must 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 a RO is the primary recipient of damage reports, as the damage may meet the casualty reporting thresholds of the flag State.

7.20 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.

7.21 There is a mandatory requirement that investigators are impartial and objective and that results of marine safety investigations are conducted 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. Clear boundaries between investigators and inspectors must be defined and no conflict of interest must exist based on the organizational structure of the 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, the maritime administration should carefully evaluate if casualty investigators are impartial and that they are empowered to recommend corrective actions to, inter alia, inspection processes. Administrations must document that investigation recommendations have been evaluated, addressed and implemented, as appropriate.

Evaluation and review

7.22 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 Member State 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 Part 3 of the III Code. Whilst there are not many, they are crucial, particularly as the Convention of Maritime Search and Rescue (SAR), 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), MSC 81/24/4 (IHO) and MSC 99/21/10 (WMO), as set out in annex 7 of the Manual.

8.2 The government entities responsible for the coastal State activities must ensure that legislation, guidance and procedures are established for the consistent implementation and verification of the State's rights, obligations and responsibilities contained in the relevant mandatory IMO instruments to which it is Party.

8.3 The coastal State activities may include:

- .1 radiocommunication services;
- .2 meteorological services and warnings;
- .3 search and rescue services;
- .4 hydrographic services;
- .5 ships' routing;
- .6 ship reporting systems;
- .7 vessel traffic services; and
- .8 aids to navigation.

8.4 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. In this case, it is not just the resources of the coastal State but also the combined resources, which are available through the Member State's agreements with neighbouring States.

8.5 In cases where a State uses private sector organizations to perform coastal State duties, such as pollution response, SAR, maintenance of aids to navigation, vessel traffic management or charting/hydrography, considerations as presented in paragraphs 7.6 to 7.8 apply.

8.6 Evaluation and review also apply separately to coastal State activities.

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 ships calling at the port of the State 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.

9.2 With regard to PSC programmes, the Member State must focus on the qualification of PSC officers, and that the quality and consistency of PSC inspections are 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 uploaded onto GISIS. For those States that are Party to MARPOL Annex VI, there are requirements for them to provide certain services as port States and these will also be checked during the audit, e.g. issues related to local suppliers of fuel oils.

9.4 In cases where a State uses private sector organizations to perform port State duties, such as waste reception considerations as presented in paragraphs 7.6 to 7.8 apply.

9.5 Evaluation and review apply separately to port State activities.

10 REPORTING ON THE AUDIT

Findings and observations

10.1 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, the audit team is required to issue the appropriate finding irrespective of whatever ongoing action the Member State is taking to address the identified shortcoming. However, where there is an ongoing action by the Member State to address an identified shortcoming, this would be noted in the report.

10.2 Findings should only be issued for failings in the legislation, implementation and enforcement of the provisions of applicable mandatory 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 mandatory IMO instrument and the III Code will be inserted in the Findings Notice.

10.3 Forms 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 Forms A will be kept by the Member State and another handed over to the ATL, for submission to MSA, for record keeping.

The closing meeting

10.4 The closing meeting is the final event and ends the audit. An agenda, which will be prepared earlier by the ATL, will include all the issues listed in paragraph 6.5.4 of the Procedures. The SPC will provide the ATL with a list of attendees.

10.5 The Member State decides who will attend the closing meeting including senior representatives from all the relevant Government entities involved in the audit. In some cases the Member State decides that all representatives indicated in the audit timetable attends the closing meeting. The SPC will notify the ATL in advance about the venue and the attendees participating in the closing meeting.

10.6 The closing meeting is chaired by the ATL.

10.7 As the purpose of the audit is to assure improvement, it will be emphasized during the closing meeting that the corrective action plan (CAP), using Form B (corrective action), must be prepared by the audited State for all findings and should also be prepared for observations, within 90 days after receipt of the agreed audit 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 the corrective action in the audit final report and to provide input to lessons learned to all Member States.

10.8 An orientation presentation related to the development of the CAP, next steps in the reporting from the audit, as well as the audit follow-up will be offered by the ATL, to take place at a mutually agreed time, normally after the closing meeting.

Draft audit interim report

10.9 GISIS will be used by the audit team for drafting the interim report (IR) and the executive summary report (ESR) based on the pre-loaded templates. The SPC is allowed to review the preliminary audit results (draft IR and ESR in GISIS). The draft IR, 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.

10.10 The draft IR will 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 mandatory IMO instruments.

10.11 The draft IR will 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. The contents of the draft IR provides the basis to confirm what and where the audit team actually visited, what was audited and the findings.

10.12 The report should also capture what the audit team found to be areas of positive development, including any best practices, as well as 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.

10.13 The draft IR should contain concise descriptions of the processes through which relevant requirements of the III Code are implemented and enforced, as well as details of the findings and observations. Findings and observations 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 the Auditors Manual, as well as practices reported through consolidated audit summary reports (CASRs), may be used as guidance.

10.14 The draft IR 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 IR. In this regard, the draft audit interim report will not be agreed as the final IR during the closing meeting. The IR should include a succinct description of the findings and observations found under the appropriate section of the report. MSA will assist the ATL, as necessary, to ensure completion of the IR in the standardized format and will conduct a technical review aiming at ensuring consistency across audits.

10.15 Once the IR has been finalized, the ATL is required to formally submit it to the Member State, copied to MSA, as the IR. The 90-day period in which the Member State is required to prepare and submit its CAP begins from the date of receipt of the IR by the Member State.

Executive summary report

10.16 A draft ESR should be prepared by the ATL in accordance with the model set out in appendix 5 to the Procedures and tabled during the closing meeting.

Corrective action plan

10.17 The State is encouraged to prepare the CAP – "Form B" in GISIS. 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 actions 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.

10.18 Examples of how the CAP – Form B should be completed by the audited State are set out in annex 8 of this Manual. Upon verification by the audit team and MSA, Forms B are to be signed by the Member State and the ATL in the appropriate sections. The ATL receives a copy of the signed Forms B by electronic mail from the Member State and forwards them to MSA for inclusion in the final audit report.

10.19 The Member State must consider a realistic target completion date to be inserted in the Form B. Furthermore, the Member State may consider inserting intermediate dates for completion of the corrective action e.g. date of the draft procedure to be approved and the date of full implementation of the procedure including the archiving of relevant records.

10.20 The Member State may consider that the root cause and the corrective action should answer the following questions:

- .1 Is the root cause meaningful?

- .2 Does the proposed corrective action address the identified root cause(s)?
- .3 Who is responsible?
- .4 What is to be done?
- .5 How should it be done?
- .6 Will it prevent recurrence?
- .7 Is the target completion date acceptable?

10.21 The CAP will be reviewed by the audit team and MSA prior to being confirmed as appropriate to address the various findings in the IR.

Audit final report

10.22 The audit final report is the IR previously issued to the Member State, which should now incorporate the State's comments and CAP in the appropriate parts of the report. The ATL will, assisted by MSA, finalize the audit final report.

10.23 A synopsis of the corrective action(s) and root cause will be included in the body of the audit final report after the findings and observations concerned.

10.24 Once the audit final report has been completed, it is submitted to the MSA, for review and consistency check, and then submitted to the Member State concerned, through an official communication by MSA.

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

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

Feedback from the Member State

10.26 Member States are encouraged to provide MSA with 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 AUDIT FOLLOW-UP

11.1 The audit will be concluded by the verification of the effective implementation of the CAP and confirmed by the ATL as being appropriate to address the various findings in the audit final report.

11.2 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 CAP. 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.

11.3 If an on-site audit is necessary in order to verify the effective implementation of the CAP, 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 CAP.

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

11.5 When the effective implementation of the corrective actions has been verified through a document based or an on-site audit, the ATL and MSA 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.

12 CONCLUSION

12.1 This Manual draws on the experience gained from audits under both the Voluntary IMO Member State Audit Scheme and the IMO Member State Audit Scheme and it should be viewed as a dynamic document, which will be updated as necessary.

ANNEX 1

PRE-AUDIT QUESTIONNAIRE

(including comments and guidelines in italic)

The pre-audit questionnaire (PAQ) should be returned, duly completed, by the Member State to be audited, as soon as possible and not later than two months after receipt, and updated, as appropriate, not later than three months before the audit.

The structure of the PAQ is harmonized with the sections and provisions of the IMO Instruments Implementation Code (III Code) and this should be referred to when completing the form.

Any material provided may be used in the final report.

The Member State should keep the descriptions/answers clear and concise and, if more convenient, link the responses to appendices or documents attached to the PAQ containing descriptions, procedures, diagrams, etc., which are relevant for answering the questions in the PAQ and to illustrate the Member State's implementation of the applicable IMO instruments.

GENERAL INFORMATION

1	Name of State:	
2	Full contact details for the designated single point of contact for the audit: <i>Key figure (Preferably: Managerial / Senior level but not Top Management) for Member State (MS). Communication during the audit cycle is between the MSA/ ATL and MS/SPC.</i>	
	Name and Title	
	Address	Telephone No.: Fax No.: E-mail address:

3 **Full contact details of all government body(ies)** covering the following areas of responsibility (when the responsibility is divided between more than one entity please insert details of each of the government bodies):

Insert full and accurate information in all available blocks. Do not forget the Main National laws. Websites needed for easy reference, preparation for the auditors

Under the Safety part, also provide the relevant information regarding STCW, including responsible parties.

Safety						
	Flag State	IMO instruments and main national laws/ regulations the body has responsibility for	Coastal State	IMO instruments and main national laws/ regulations the body has responsibility for	Port State <i>May include for Port authorities</i>	IMO instruments and main national laws/ regulations the body has responsibility for

Name(s) of government body(ies)	<i>Entity 1 Entity 2 Entity 3 Etc....</i>		<i>Entity .. Entity... Etc....</i>		<i>Entity.. Entity.. Etc....</i>	
Address						
Website						
	Environmental Protection					
	Flag State	IMO instruments and main national laws/ regulations the body has responsibility for	Coastal State	IMO instruments and main national laws/ regulations the body has responsibility for	Port State	IMO instruments and main national laws/ regulations the body has responsibility for
Name(s) of government body(ies)						
Address						
Website						

4 Please provide a description, preferable as an organogram and/or a diagram, depicting the area of responsibility of each of the above-mentioned government bodies (responsibilities should be described according to the general obligations emanating from the IMO instruments).

Required information: (English Language)

1. Organogram of the Maritime Administration as a whole, clearly indicating lines / interrelation between all involved entities
2. General Organogram for each involved entity
3. Detailed Organogram for the appointed sections within the entities.
4. Also indicate key functions, including responsibilities and tasks.
5. The legal basis for empowerment to execute their duties, as indicated in the National laws, for these responsible/involved entities / appointed personnel.
6. Include for a supporting short description regarding the setup of your maritime administration and how the involved / responsible entities communicate / interact.

Information under 4 and 5 shall preferably be submitted in a Matrix / Table format

5 Please indicate the number of employees of each relevant government body by category and by location (repeat the table as many times as necessary). Include any additional explanations regarding number and location of employees.

Insert extra rows as applicable and give the complete overview of all involved in your Maritime Administration.

Category	No. of employees	Location
Entity 1...		
Flag State surveyors/inspectors/auditors		

Port State control officers		
Investigators		
Management		
Support Staff		
<i>Entity 2..</i>		
<i>Legal staff</i>		
<i>Policy staff</i>		
<i>Management</i>		
<i>Support Staff</i>		

6 Please indicate the number of ships on your State's register according to the following types **and the nature of the trade** in which they are involved. *Please provide the information separately for each register, where applicable.*

Nature of trade:

Commercial / Pleasure / International / National / Length / Tonnage 69.

If available an extract of the register per identified parameters is acceptable as well.

	Number	Nature of Trade
Passenger		
Cargo		
Fishing		
Other		

7 Please indicate the number and location of ports in your State according to the following types.

	Number	Location(s)
Passenger	 / /
Cargo		
Other		

8 Please provide information on **any relevant organizations and/or entities fulfilling functions required by the mandatory instruments**, their relationship to the maritime administration and details of the functions they provide.

Relevant organizations / and or entities:

Eg: Port Authorities, Agencies (Telecom) institutes (Elevators/escalators/) etc.

*Submit this information preferably in a **Matrix format** including:*

- *Name of Authority/agency/institute.*
- *Location of the above mentioned*
- *Description of their activities*
- *Relation to the relevant entity within the Maritime administration*
- *Reference law regarding the authorization*
- *Valid Agreement or authorization in place?*

Note:

1. *For the Recognized Organizations this information shall be entered under Part.2 Flag State, item. 17 Delegation of Authority.*

(PLEASE USE III CODE AS A GUIDE WHEN COMPLETING THIS PAQ AFTER THIS POINT)

PART 1 – COMMON AREAS

Strategy (paragraphs 3 and 9) All the following references are the relevant paras in the III-Code.

9 Please provide the **overall maritime policies and strategy of your State** to implement the applicable IMO instruments and also how this is communicated to all concerned.

The overall maritime policies and strategy and how to implement it in the Maritime Administration of the Member State. Consequently, this shall require input / output from all involved responsible entities within the Maritime Administration.

It shall be clear how the applicable IMO instruments are implemented (Division of responsibility, authorization by law, etc.);

Lines of communication established between the involved entities (if a platform is available?);

How the policies and the Strategy are communicated: to all concerned.

- Gazette, E-mails, letters, websites etc.;

to all concerned: E.g.

- Shipping Industry/Ship owners
- Recognized Organizations (RO's)
- Organizations including the seafarers
- Other (involved) Government entities
-

General (paragraphs 4 and 5)

10 **Please describe how your State:**

- .1 develops and promulgates legislation and takes all other steps to give the applicable IMO instruments full and complete effect (include a flow chart); and
- .2 incorporates amendments to IMO instruments into national legislation.

Describe as indicated pt. 1 and 2. above taking into account the following additional notes:

How does your legal system function e.g.

For .1 describe the process for monitoring of new amendments to the IMO conventions / instruments > development of new legislation > approval by > Ministry > Parliament > promulgation > implementation > enforcement;

For .2 describe the process for incorporating / transposing the relevant IMO instruments into National Law;

For both .1 and .2 provide a Flow chart / diagram of this process for better understanding.

Include the required time frame for these processes e.g. how long does it take before new conventions and/or amendments to existing conventions are enacted / implemented and transposed into National law);

Provide / submit English translations of the main national laws (Merchant Shipping Code, Port Law, etc.) and sub-law acts developed for implementation of main IMO instruments (SOLAS, MARPOL, STCW, Tonnage, LL) and their latest amendments and instruments made mandatory. (May be links to internet websites of the maritime administration, containing this information);

Provide / submit in Matrix / table format, Information about in which national law the ratified IMO conventions are included and how this was communicated to the IMO.

Scope (paragraphs 6 and 7)

11	<p>Please provide INDIVIDUALLY FOR EACH OF THE INSTRUMENTS:</p> <ul style="list-style-type: none"> .1 the number of equivalents/exemptions issued under this instrument and reported, as appropriate, to the IMO; and .2 .3 whether information on national laws, etc., has been communicated to IMO. <p><i>Pt. 1: Submit in Matrix / Table format for clear overview / understanding.</i></p> <p>III-Code: Pt. 7.8 / 7.9 / 8.3 / 9 / 23.1 >> reporting obligations. Refer to the "non-exhaustive list of obligations under instruments relevant to the IMO Instruments Implementation Code for common, flag State, coastal State and port State areas.</p>
12	<p>Please describe how policies are developed to implement legislation, including administrative procedures and examples thereof.</p> <p>Describe as indicated taking into account the following additional notes.</p> <p><u>What structure</u> is in place to deal with these obligations,</p> <p><u>Which entity(s) / departments</u> is / are appointed / responsible for what,</p> <p><u>Personnel</u> / authorized / tasks assigned, Who is responsible for monitoring /feedback.</p> <p><u>Describe this process</u>, supported by a Flow diagram/ procedures / instructions etc. Submit an overview in Matrix / Table format.</p>

Records (paragraph 10)

13	<p>Please describe which records are retained and for what period.</p> <p><i>Submit National Legislation on record keeping.</i> <i>Describe the process / instructions / guidelines in place.</i></p> <p><i>Overview Matrix / Table for those applicable for the Maritime administration</i></p>
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Improvement (paragraphs 11 to 14)

14	<p>Please describe how your State:</p> <ul style="list-style-type: none"> .1 stimulates a culture which provides for improvement of performance in relevant maritime activities; .2 identifies and eliminate the root causes of any non-conformities; and .3 anticipates potential non-conformities in order to prevent their occurrence. <p><i>For the maritime administration (combined result from each entity) in relation to the overall maritime strategy.</i></p> <p><i>Has the entity developed and implemented a Quality Management system or similar using the PDCA CYCLE?</i></p> <p>PLAN (plan the processes and activities) – DO (implement what was planned) - CHECK (monitor and measure the processes including the results) – ACT (take actions to improve performance)</p>
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Quality system and performance measurement system developed and implemented?

KPI's set?

Regular monitoring of performance etc. (external audits, internal audits, management review etc.)?

Follow up on deviations, non-conformities, near-miss etc.?

What monitoring system have you developed and implemented to monitor compliance of the effective implementation and enforcement of the ratified conventions (this must include all the involved/responsible Government entities)?

Does your State perform regular internal audits to monitor the quality/effectiveness/efficiency of your Maritime Administration?

Objective evidence presenting the outcome of monitoring, evaluation, trend analysis and root cause analyses taken the continuous improvement into account for (Plan-Do-Check-Act, PDCA Cycle).

This can be e.g. Management reports including actions for implementing decisions made for improvement, into the adapted Strategy / Policy / Inspection programs / etc.

PART 2 – FLAG STATE

Implementation (paragraphs 15 and 16)

15 Please **describe how your State assigns responsibilities** for implementing relevant legislation and national policies including how these are periodically reviewed.

Submit regulations in National law attending the authorities as a Flag state, in Matrix/ Table format

How is your flag State unit / department organized?

Submit Organogram, including for the appointed personnel, tasks, responsibilities and authorizations.

Describe processes for:

1. Implementation of the legislation, national policies etc.
2. Surveys and certification.
3. Periodical review for e.g. FSC Inspection program.

16 Please **describe how your State develops or implements:**

- .1 an independent audit and inspection programme for ships entitled to fly the flag; and
- .2 guidance for those requirements in the IMO instruments that are to "the satisfaction of the Administration".

.1 Submit the (Yearly) Inspection Program on basis of which the section FSC performs the inspections.

.2 To the Satisfaction of the Administration:

- How is this attended?
- Which persons are appointed / responsible, in each individual entity?
- Submit Process > procedures / instructions in place.
Example: SOLAS Chapter II-1/29.6.3 Steering Gear.

Delegation of authority (paragraphs 18 to 21)

17	<p>List the recognized organizations (ROs) and/or nominated surveyor(s) that are appointed to act on behalf of your State for conducting surveys, inspections and audits, issuing of certificates and documents, marking of ships and other statutory work required by the IMO instruments.</p> <p><i>Submit a list of RO's, including a copy of the latest version of the agreements for each contracted RO.</i></p> <p><i>If you have uploaded this information in to the GISIS unit please indicate so, and ensure it is the latest version uploaded.</i></p>
18	<p>Please provide a matrix indicating which functions (plan approvals, surveys, certification, exemptions and equivalent arrangements) have been delegated. The formal agreements or equivalent arrangements with ROs should also be attached.</p> <p>Matrix: Overview is normally part of the agreement as an appendix.</p> <p><i>If you have uploaded this information in to the GISIS unit please indicate so, and confirm it is the latest version including the Matrix uploaded.</i></p>
19	<p>Please describe how your State maintains oversight of the functions delegated to ROs and/or nominated surveyors.</p> <p><i>Submit Monitoring & Inspection Program for supervision on the RO's for the last two years.</i></p> <p><i>This shall include for the results on defined KPI's and evaluation and adaptations in the program based on the outcome of the evaluation.</i></p>

Enforcement (paragraphs 22 to 27)

20	<p>What enforcement actions has your State undertaken during the preceding twelve months where breaches of provisions of the IMO instruments have been identified.</p> <p>Submit in Matrix /Table format the Regulations in National law, attending proceedings and penalizing (to ratio of severity) for the relevant IMO instruments.</p> <p>Submit an overview of enforcement actions as per the relevant IMO instruments and National Legislation.</p> <p>Refer to enclosed document "2017 Non-Exhaustive List" for obligations regarding enforcement.</p>
21	<p>Please describe how your State:</p> <ul style="list-style-type: none">.1 follows up on detentions of ships entitled to fly its flag;.2 ensures that international certificates are only issued or endorsed to a ship when it is determined that the ship meets all applicable requirements; and.3 ensures that an international certificate of competency or endorsement is only issued to a person when it is determined that the person meets all applicable requirements. <p>For all the items 21.1. 21.3:</p> <p><i>Submit (In Matrix / Table format) the applicable regulations including authorization, in National Legislation, for the relevant IMO instruments.</i></p> <p><i>Submit the Processes / procedures / Instructions, for the mentioned items.</i></p> <p><i>Indicate appointed and authorized personnel (in the organograms).</i></p> <p><i>Verify the inclusion for this requirement in the agreements with the RO's.</i></p>

Flag State surveyors (paragraphs 29 to 36)

- 22 Please **describe your State's requirements** for the following:
- .1 surveyor/inspector/auditor/investigator recruitment criteria; and
 - .2 the initial and in-service training requirements for surveyors/inspectors/auditors/investigators.

For all the items 22.1 > 22.2:
Submit processes / procedures / instructions.

Submit training Matrices indicating the minimum requirements and training needs, for both new entrants and current personnel.

Submit overview, in Matrix /Table format, of tasks, responsibilities, authorization for FSC / PSC surveyors, Investigators and Auditors.

Flag State investigations (paragraphs 40 and 41)

- 23 Please **describe how** your State:
- .1 maintains records, databases, etc. of the number of accidents involving personal injuries, occupational accidents and casualties to ships, and pollution incidents that are investigated by your State and/or other States during the last two years;
 - .2 ensures that investigations are impartial and objective;
 - .3 ensures reportable personal injuries, accidents and casualties are reported and the criteria for determining what is reportable;
 - .4 ensures that accidents, casualties and injuries are investigated and the criteria for determining what to investigate; and
 - .5 reports accidents and casualties to IMO.

Describe as indicated .1 >> .5 taking into account the following additional notes.

Submit regulations in National Law attending the authority for FSC / PSC surveyors to conduct FSC / PSC investigations (overview in Matrix / Table format)

Confirm if the Accident Investigation Code and Res. A.1075(28) Guidelines Investigation, are used as basis and as part of National law.

Submit overview of Accidents investigated over the last 4 years.

Clarify if and when applicable, the agreements / requirements for the use of non- Government personnel. Are procedures in place to be followed, documents to be signed ?? etc.

Submit an overview with nominated investigators and procedures to be followed.

Confirm whether reports were sent to the IMO or uploaded in GISIS.

Evaluation and review (paragraphs 42 to 44)

- 24 Please **describe** how your State evaluates its performance in meeting the requirements of the IMO instruments. In particular, evaluation of detention rates, inspection results, casualty statistics, communication processes, annual loss statistics and other performance indicators.

Also refer to >> Improvement (Item: 14 paragraphs 11 to 14) > Plan > Do > Check > Act.

*Par. 42 > 44 in the III-Code give examples of the parameters / KPI's that can be utilized.
Submit the Processes / procedures / Instructions. Indicate appointed personnel (in the organograms).
Evaluation reports and action(s) taken based on the evaluation results, to be readily available during the audit.*

PART 3 – COASTAL STATE

Implementation (paragraphs 45 to 48)

- 25 **Please describe how your State fulfils the following:**
- .1 promulgating navigational warnings and dangers to navigation;
 - .2 establishment and maintenance of any navigational aids within waters for which it has responsibility and how information relating to these is promulgated;
 - .3 putting measures in place to encourage the collection of meteorological data and what use is made of this data;
 - .4 establishing arrangements for maritime distress communication monitoring and coordination and rescue within your State;
 - .5 establishing arrangements for investigating reported incidents of pollution;
 - .6 arrangements for the provision of hydrographic services; and
 - .7 any other measures undertaken by your State to evaluate its effectiveness in implementing the above provisions.

Please describe, if applicable:

- .8 any maritime traffic routing schemes or restricted areas enforced within waters for which your State has responsibility and which have not been adopted by IMO, and any ship reporting systems;
- .9 any IMO maritime traffic routing system or restricted area within waters under the jurisdiction of your State and how it is managed; and
- .10 any reporting system or VTS system adopted by IMO that is within your State.

For all the items 25.1 > 25.10:

Support the answers to the questions by:

Submit (In Matrix / Table format) the applicable regulations including authorization, in National Legislation, for the relevant IMO instruments.

Submit the Processes / procedures / Instructions, for the mentioned items.

Indicate appointed and authorized personnel (in the organograms)

Refer to enclosed document "Annex 3: Annexes to documents MSC 81/24/1 and 81/24/4, Annex 3 to document for easy reference

Enforcement (paragraph 50)

- 26 **Please describe how your State fulfils the requirements of the III Code for:**
- .1 considering, developing and implementing a control and monitoring programme;
 - .2 the timely response to pollution incidents; and
 - .3 cooperating with other flag and/or coastal States for the investigation of maritime casualties.

For all items 26.1 > 26.3:

Support the answers to the questions by:

Submit the Processes / procedures / Instructions.

Indicate appointed and authorized personnel (in the organograms).

Provide, if available, the programme in place and evaluation of the results and adjustment.

Provide system in place for cooperating with other states and provide annual reports, evaluation of the enforcement requirements.

Evaluation and review (paragraph 51)

27 **Please explain how your State evaluates** its performance as a coastal State, e.g. exercises to test counter-pollution measures, rescue of distressed persons, etc.

Submit the Processes / procedures / Instructions.

Indicate appointed personnel (in the organograms).

Evaluation reports and action(s) taken based on the evaluation results, to be readily available during the audit.

PART 4 – PORT STATE

Implementation (paragraphs 52 to 56)

28 **If applicable please indicate:**

- .1 what legislation is in place permitting port State control to be undertaken on foreign ships visiting your ports and the procedures for undertaking them;
- .2 the regional port State control regimes your State is affiliated to;
- .3 the recruitment criteria and qualifications for port State control officers engaged in port State duties;
- .4 the arrangements in place to enable port State control interventions to be transmitted "forthwith" to all parties concerned;
- .5 how many port State control inspections have been carried out by your State over the last two years, and how do these relate to national and regional targets;
- .6 whether your State has reception facilities for ship-generated wastes under the MARPOL Convention and provide details of this and the adequacy of these arrangements; and
- .7 whether a register of fuel oil suppliers is maintained and who maintains it.

For all the items 28.1 > 28.7:

Support the answers to the questions by:

- Submit (In Matrix / Table format) the applicable regulations including authorization, in National Legislation, for the relevant IMO instruments.
- Submit the Processes / procedures / Instructions.
- Indicate appointed and authorized personnel (in the organograms).

For 28.6: refer to MEPC.1-CIRC.834. Rev.1 "Consolidated guidance for port reception facility providers and users" and MEPC.Res.83(44).

For. 28.7: Only when MARPOL Annex VI is ratified as relevant instrument.

Evaluation and review (paragraph 63)

- | | |
|----|---|
| 29 | Please explain how your State evaluates its performance as a port State. <ul style="list-style-type: none">• <u>Submit the Processes / procedures / Instructions.</u>• <u>Indicate appointed personnel (in the organograms)</u>• <u>Evaluation reports and action(s) taken based on the evaluation results, to be readily available during the audit.</u> |
|----|---|

ANNEX 2
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. [Member State representatives/bodies]</p> <p>Review of policies for the implementation of MARPOL, tonnage and load lines [Member State representatives/ bodies]</p> <p>Implementation of MARPOL, tonnage and load Lines [Member State representatives/bodies]</p> <p>Review of policies for the implementation of SOLAS [Member State representatives/bodies]</p> <p>Implementation of SOLAS [Member State representatives/bodies]</p> <p>Legislation processes and implementation of STCW [Member State representatives/bodies]</p>	<p>Implementation of MARPOL, including provision of port reception facilities [Member State representatives/bodies]</p> <p>Coastal rescue, aids to navigation SAR coordination [Member State representatives/bodies]</p> <p>RO Monitoring [Member State representatives/bodies]</p> <p>Implementation of survey, policies for PSC, flag State inspections, surveys [Member State representatives/bodies]</p> <p>Surveyor training and recruitment [Member State representatives/bodies]</p>	<p>Implementation of survey, PSC, flag State inspection policies [Member State representatives/bodies]</p> <p>Rescue, aids to navigation, etc. [Member State representatives/bodies]</p> <p>Any outstanding Issues</p>	<p>Casualty investigation [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 [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]	

Day 3			
Time	Activity	Participants	Division and Location
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 	Auditor(s) [to be determined] [Member State representatives/bodies]	

Day 5			
Time	Activity	Participants	Division and Location
	<ul style="list-style-type: none"> incl. training policies for VTS, AIS and remaining navigational issues 		
12.00 – 13.00	<ul style="list-style-type: none"> 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 3

FIRST MEETING OF ATMS AND SPC/DELEGATES FROM THE MEMBER STATE PRIOR TO THE AUDIT

- 1 Introductions in general, ATMs, SPC, delegates of Member State. Get telephone numbers, emails and other relevant information of the key involved personnel.
- 2 Any security matters involving the country, warnings, any climate alert.
- 3 Review and coordination of the provisional timetable and any inland travel or visit to ports and any regional office; coordination in the situation of a split between the audit team, transportation, escorting, any last moment adjustment.
- 4 Opening meeting: review of time, place and date, maximum authority attending the meeting, any request from the authorities, speeches, presentations.
- 5 Confirmation of facilities and administrative arrangements: daily transportation from the hotel to the place(s) of the audit, train, buses, walking; transportation to the airport after closing meeting; working space for the ATMs at the Administration and hotel according to previous coordination; lunch break; dress code for the opening and closing meetings and clothing to be used the rest of the days.
- 6 Audit work methodology (issues related to interviews, small group of people during the interviews, objective evidence, etc).
- 7 Daily meetings with the SPC at the end of the audit day in order to inform any deviation or possible finding/observation; and, coordination of the activities for the next day.
- 8 Issues regarding submission of objective evidence in case they could not be provided on time (a deadline for submission is normally midday of the last auditing day).
- 9 Audit reporting issues and post audit reports and forms (Draft Interim Report, Executive Summary Report, Forms A, B, C and CPICAP).
- 10 Any other issue or activity.

ANNEX 4

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	

ANNEX 5

SAMPLE ROAD MAP FOR THE IMSAS PROCESS IN THE MEMBER STATE (MS)

Date	Activity	Remarks	Responsibility
At least 18 months notice	IMO notify MS about the audit	Letter from the Secretary-General of IMO to the Minister of the MS notifying about the IMSAS audit and year/month of the planned audit	IMO
	SPC to be appointed	MS appoints Single Point of Contact (SPC). IMO to be notified about the SPC including contact details.	MS
	Government entities	MS to identify all relevant government entities to be involved in the IMSAS audit	MS
	Date of IMSAS audit	MS to be informed of the tentative exact date of the IMSAS audit	SG (MSA)
	1 meeting of IMSAS audit MS task force group	MS collects representatives from all relevant government entities (ministries, agencies etc.) in order to establish an IMSAS audit task force group with local contact persons in order to prepare the pre-audit questionnaire (PAQ) and prepare for an internal IMSAS audit.	MS
	IMSAS internal auditor course	Internal IMSAS auditor course to selected personnel in the government entities.	MS
	Date of internal IMSAS audit	Date of internal IMSAS audit to be agreed with all relevant government entities.	MS
	Details of the internal IMSAS audit	Prepare selection of audit team and ATL, prepare the scope and programme for the internal IMSAS audit.	MS
	1 draft of the PAQ.	First draft PAQ to be completed with all the relevant government entities and forwarded to the internal audit team members.	MS
	Internal IMSAS audit	Internal IMSAS audit of the maritime administration to be completed.	MS
	Report from the internal audit	Internal audit report to be completed and presented to all the involved government entities.	MS
	Corrective action plan	Corrective action plan (CAP) to be developed by all the involved government entities.	MS
	CAP to be implemented	Corrective action plan (CAP) to be implemented in all the involved government entities.	MS

Date	Activity	Remarks	Responsibility
	PAQ to be prepared in GISIS	IMO requests the MS to start preparing the pre-audit questionnaire (PAQ) in GISIS.	SG (MSA)
	MS prepare PAQ	MS prepare the revised PAQ with all the relevant government entities.	MS
	Final PAQ in GISIS	Final pre-audit questionnaire to be uploaded in GISIS with relevant appendices and documents (MS confirms to MSA). Relevant websites of all the relevant government entities to be updated and all documents including guidelines, descriptions etc. to be updated.	MS
	MoC to be prepared	Memorandum of Cooperation to be discussed and negotiated between MSA and the MS. Member States must provide their authorization to IMO for release of the audit reports, including executive summary report, corrective action plan and Member State comments on the implementation of the corrective action plan, of their audit to the public or to Member States. In addition, the Member State may make the report public through its own media, including their web pages.	SG + MS
	MoC to be approved	Memorandum of Cooperation to be approved by IMO and the MS. MoC to be uploaded by MSA in GISIS.	MS + SG (MSA)
	IMO appoints ATL and ATM	MSA selects the audit team and the ATL.	SG (MSA)
	MS to be informed about ATL and AT	MS to be informed about proposed ATM and ATL.	SG (MSA)
	MS provides any feedback on the AT and ATL.	MS provides any feedback on the proposed ATM and the ATL to IMO.	MS
	ATM prepares the audit	Audit team members (ATM) prepare for the audit by review of PAQ and appendices, MoC, review of relevant websites, review of GISIS documentation of the MS etc.	ATM
	MS prepare for the audit	MS prepare for the audit. Hotel, transportation and DSA for the ATM to be paid by MSA. MSA request the MS regarding suggestions for the hotel. MS should arrange for pick-up of the ATM in the airport and transport to/from the hotel all week. A working lunch to be organized by the MS (e.g. sandwiches in the meeting room). Coffee, tea and water to be arranged all week.	MS (SPC)

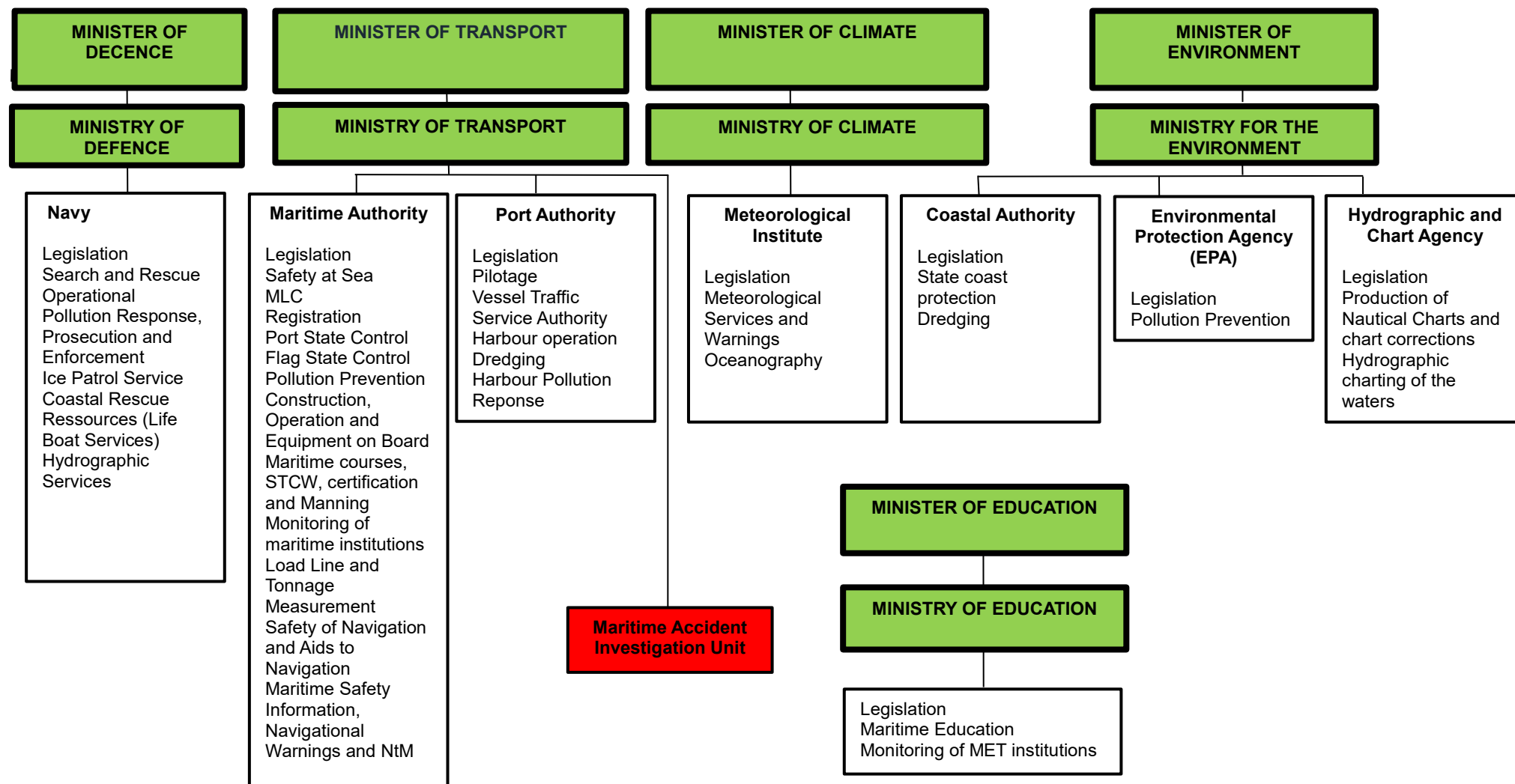
Date	Activity	Remarks	Responsibility
	Draft Audit Time Table	The draft Audit Time Table to be prepared in cooperation between the ATL and the MS (SPC) (all relevant government entities to be involved). Ensure that management key personnel are represented during the audit. Draft Audit Time Table shown in Annex 2. The ATL will request the SPC to complete the detailed Time Table with titles, names, locations of the interviews etc.	ATL + MS (SPC)
	Final Audit Time Table.	The final Audit Time Table to be completed by the MS (with titles, names, locations of the interviews etc.). To be approved and confirmed by the ATL.	MS (SPC) + ATL
	Personnel to be informed about the IMSAS audit	Top Management, management and leaders, and personnel at all the involved government entities to be informed about the IMSAS audit, including the final Audit Time Table with all names and locations of the interviews. Please note that the ATL may decide to amend the Time Table during the audit and ask for additional personnel for interviews. Also prepare for back-up to be ready etc. in case of sickness or other reasons for persons to be absent during the audit.	MS
	IMSAS audit	Audit Team Members arriving in the MS during the weekend before the IMSAS audit.	MS + AT
Day 1 of the IMSAS	IMSAS audit Opening meeting	Opening meeting in the MS presenting the scope of the IMSAS, Audit Time Table and practical details of the audit programme.	MS + AT
Day 1 – 5 of the IMSAS	IMSAS audit	IMSAS audit interviews to be implemented of the MS.	MS + AT
	IMSAS audit	Audit team preparing the draft interim report, including findings and observations.	AT
		If possible, the MS will review a first draft of the interim report before the closing meeting.	
Last day of the IMSAS audit	IMSAS audit closing meeting	Closing meeting in the MS presenting a draft interim report with findings and observations. The forms A with the findings and observations to be signed by the Member state and the ATL. The original forms A will be handed over to the Member State with a copy to the ATL.	ATL + MS

Date	Activity	Remarks	Responsibility
	MS review the draft Interim Report	MS starts to review the draft Interim Report.	MS
	MSA review the draft Interim Report	MSA review the draft Interim Report, revises and amend the draft, as applicable, and prepared the Interim Report. ATL approves the Interim Report and forwards it to the MS, including an Executive Summary Report. Corrective Action Plan (CAP) to be prepared by the MS within 90 days from the date of submission of the Interim Report.	MSA + ATL
	CAP to be prepared within 90 days	CAP to be completed by the MS and forwarded to the ATL and MSA within 90 days.	MS
	Final Audit Report to be prepared	ATL prepares a draft Final Audit Report (CAP to be integrated in the Interim Report), with support from MSA.	ATL + MSA
	Feedback to MSA	Feedback from MS to be forwarded to MSA	MS
	Audit follow-up	Audit follow-up normally to be completed as a document review. MSA request the MS about documents (objective evidence) to be reviewed by the ATL.	MSA + ATL + MS
	IMSAS audit	Next IMSAS audit after approximately 7 years.	SG + MS

MS Member State
SG IMO Secretary-General
MSA IMO Member State Audit
ATL Audit team leader
AT Audit Team

ANNEX 6

SAMPLE DISTRIBUTION OF AREAS OF RESPONSIBILITIES BETWEEN GOVERNMENT ENTITIES
WITHIN THE SCOPE OF THE IMO CONVENTIONS (THE MARITIME ADMINISTRATION OF THE MEMBER STATE)



ANNEX 7

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

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

Organization

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

Resources

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

International recommendations/regulations

- .1 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, ENC's, 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 RNC's? 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 INT¹⁴Charts: []%.
- 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 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 2} RNC = Raster Navigational Chart meeting the standards set out in IHO Publication "Product Specification for Raster Navigational Charts (RNCs)" (S-61).

^{3 3} 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 TO DOCUMENT MSC 99/21/10, WHICH HAS BEEN PROVIDED FOR GUIDANCE TO MEMBER STATES AND AUDITORS

This document outlines the guidelines for Member States and auditors in relation to the implementation of SOLAS regulation V/5.

1 Quality management of service provision

Please complete the following relating to management of Met-Ocean Maritime Safety Information (MSI) service provision:

- (a) Are quality management systems implemented?
- (b) Is the responsibility for providing marine meteorological services officially assigned by your government, by decree or any other legal text, to an organization within your country? If so, please specify.
- (c) Are there regular meetings with relevant government agencies and marine users?
- (d) Is there regular assessment of the quality of marine meteorological services? (Quality may be defined as performance of accuracy, or the extent to which user requirements are met.)

- (e) Is there a process for reviewing and updating the information pertaining to your national marine meteorological service in the documents: Weather Reporting (WMO-No. 9), Volume D – Information for Shipping, and the GMDSS Master Plan? (Auditor to record date of last review.)
- (f) Do you require capacity-building support to help develop your marine meteorological services? If the answer to this question is "yes", please indicate in which aspect that support is required.

Continue to section 2 on Met-Ocean Maritime Safety Information (MSI).

2 Met-Ocean Maritime Safety Information (MSI)

Please complete the following relating to the provision of met-ocean MSI (answer as Yes, No or Partial, and comments should be added where appropriate).

- (a) Do you provide marine forecasts and warnings for ports and coastal waters within your national jurisdiction?
- (b) Do you provide marine forecasts and warnings for a METAREA, as part of your designated responsibility within the IMO/WMO Worldwide Met-Ocean Information and Warning Service (WWMIWS)?

If the answer is "no" to both of the above, please outline reasons for not providing marine forecasts and warnings for your national jurisdiction? [Proceed to section 4 on observations from ships]

If the answer is "yes" to either of the above, proceed with the following questions:

- (a) Do met-ocean MSI forecast products include wind information?
- (b) Do met-ocean MSI forecast products include sea state information?
- (c) Do met-ocean MSI forecast products include information about reduced visibility?
- (d) Are warnings for wind speeds greater than Beaufort 8 (34 knots) issued?
- (e) If you have seasonal occurrence of ships reporting on ice accretion hazards in your area, do you issue ice accretion warnings?
- (f) If annual or seasonal sea-ice (including icebergs) occurs in your area, do the MSI forecast products include information about sea-ice?
- (g) Do you provide specific assistance to authorities responsible for Search and Rescue?
- (h) Do you provide specific assistance to authorities responsible for Marine Environmental Emergency Response (e.g. oil spills, biological hazards)?

Continue to section 3 on general administration of the WWMIWS.

3 General administration information for the IMO/WMO Worldwide Met-Ocean Information and Warning Service (WWMIWS)

- (a) Are you a METAREA Coordinator? If so, for which area? (If you answer "no" to this question go to question c and d.)
- (b) If you are a METAREA Coordinator, who are the Issuing Services and/or Preparation Services within your METAREA for enhanced group call (EGC) broadcasts?
- (c) Are you an Issuing Service?
- (d) Are you a Preparation Service?

Continue to section 4 on facilitating observations from ships.

4 Facilitating observations from ships

- (a) Do you have a process to encourage vessels under your national flag to make and record weather observations, and to share these observations with the relevant meteorological service providers?

ANNEX 8

[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):			
<p>1. There was a lack of awareness on the extent and level of IMO reporting requirements; and</p> <p>2. The responsibility for submitting mandatory reports to IMO was not clearly defined.</p>			
Corrective Action:			
<p>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.</p>			
Proposed target completion date:			
Action Plan Submitted:			
<p>By _____ <i>(Name and signature)</i> On _____</p>			
<p>To: Audit Team</p> <p>Leader: _____</p> <p style="text-align: center;">Name</p>		<p>IMO Secretariat:</p> <p>_____</p> <p style="text-align: center;">Name</p>	
<p>For Review: _____</p> <p style="text-align: center;">Signature</p>		<p>For Information: _____</p> <p style="text-align: center;">Signature</p>	
<p>_____</p> <p style="text-align: center;">Date</p>		<p>_____</p> <p style="text-align: center;">Date</p>	
<p>Copies to:</p>			

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

Leader:

Secretariat:

Name

Name

For Review:

For Information:

Signature

Date

Signature

Date

Copies to: