



# FLAG STATE – RO IMO MODEL AGREEMENT

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Chief Ship surveyor

Torsten Arnt Olsen

[WWW.DMA.DK](http://WWW.DMA.DK)



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DANISH MARITIME AUTHORITY

# FLAG AND RO - BASICS

Flag – class/RO: Fundamental entities in regulation and oversight

Their relation is essential

...and needs governance

# FLAG AND RO - BASICS

- Flag and class – fundamental entities in regulation and oversight
- Class was first
  - Lloyds Register 1764 – Commercial enterprise
  - Construction, maintenance
- Then came Statutory
- Taking offset in Class
- Still today – Class is intertwined into Statutory (Load Line/SOLAS etc.)

# FLAG AND RO - BASICS

## Flag is always right

- UNCLOS – Article 92

Ships shall sail under the jurisdiction of one flag only, and...shall be subject to its exclusive jurisdiction on the high seas

- UNCLOS Article 94

1. Every State shall effectively exercise its jurisdiction and control in administrative, technical and social matters over its ships.

3. Every State shall ensure necessary safety measures for its ships:

- Construction, equipment and seaworthiness
- Manning, labour conditions and training of crews
- Communications and prevention of collisions.

# FLAG AND RO - BASICS

## Class:

- A commercial enterprise
- Approving ships according to own standards (Construction, machinery, electrical etc.)
  - Highly skilled
  - Large organisations
  - Present all over the world

# FLAG AND RO - BASICS

## Class regulations merged into Statutory

- **Building and maintaining ships**
  - **Load Line Convention - Annex I, Reg I/1 Strength of ships**

*Ships designed, constructed and maintained in compliance with Class Rules may be considered to provide an acceptable level of strength.*

- **SOLAS - Chapter II-1/3-1 Structural, mechanical and electrical requirements**

*Ships shall be designed, constructed and maintained in compliance with the structural, mechanical and electrical requirements of a classification society ...recognized by the Administration...*

# FLAG AND RO - BASICS

**Flag tasks may be entrusted/delegated to ROs  
(not overall responsibility – that remains with flag)**

## **Load Line Convention (ILLC) – Art. 13:**

The survey, inspection and marking of ships...shall be carried out by officers of the Administration.

The Administration may, however, entrust the survey, inspection and marking...to organizations recognized by it.

**In every case the Administration concerned fully guarantees the completeness and efficiency of the survey...**

## **SOLAS Convention – Reg I/6:**

The inspection and survey of ships, so far as regards the enforcement of the ... present regulations ... shall be carried out by officers of the Administration.

The Administration may, however, entrust the inspections...to organizations recognized by it.

**In every case, the Administration shall fully guarantee the completeness and efficiency of the inspection and survey, and shall undertake to ensure the necessary arrangements to satisfy this obligation.**

# FLAG AND RO - BASICS

## Flag/RO - An important relationship

- A RO is a Class entrusted to carry out work on behalf of Flag
- Flag needs to specify and deploy its instructions in detail
- RO's often possess more technical and procedural skills than Flags
- Flag depends on RO like RO depend on flag.
- Building a strong relation with clearly defined roles is essential
- It's all about specification, communication and cooperation



# FLAG AND RO - BASICS

- **Delegation of Statutory Authority is a complex, two-way "subcontracting"**
- **Which needs mutually agreed and documented responsibilities and ways of work**
- **These need settlement in written form**
- **Requirement of this**
  - **IMO - RO Code, IMO Res. MSC.349(92) & MEPC.237(65)**
  - **EU Directive 2009/15/EC**

# **FLAG – RO AGREEMENTS**

## **General requirements to agreements on delegation of Authority**

- **Form part of legal basis for Authorization**
- **Specify scope of Authorization**
- **Require RO to possess resources/capacities as necessary**
- **Provide RO access to all relevant national law of the flag State**
- **Provide specific instruction of RO to carry out statutory certification and to stop a vessel if found non-seaworthy**
- **Require RO to maintain records**

# IMO MODEL AGREEMENT

## RO Code, Appendix 3

- 1 Application
- 2 Purpose
- 3 General conditions
- 4 The execution of functions under authorization
- 5 Legal basis of the functions under authorization:
- 6 Reporting to the flag State:
- 7 Development of rules and/or regulations – Information:
- 8 Other conditions:
- 9 Specification of the authorization from the flag State to the organization
- 10 The flag State's supervision of duties delegated to the organization:

# IMO MODEL AGREEMENT

## RO Code, Appendix 3

- IMO Model Agreement
- Currently under revision in IMO – draft to be submitted to MSC 102/MEPC 75

# FLAG – RO AGREEMENTS

**2009/15/EC - Article 5**

**MEMBER STATES SHALL**

Set out working relationship between  
Administration and RO in written  
agreement setting out specific duties  
and functions

# DANISH RO AGREEMENT 2015

- Has been in place since early 00's
- Contains necessary elements as specified in RO Code and EU Directive
- Consist of
  - RO Agreement 2015
    - *General conditions and requirements*
  - Annex to Danish RO Agreement
    - *Specifies scope of Authorization and ways of work*
  - DMA RO Circulars
    - Contains detailed instructions on specific issues
- All are publicly available on [www.dma.dk](http://www.dma.dk)

THANK YOU FOR  
YOUR ATTENTION

