

Resolution A.1070(28)

IMO Instruments Implementation Code

(III Code)

Ulf Birgander / Senior Assessor
Department B.2.2 Classification Societies

Lisbon 2016



Agenda

- Part 1 - Common Areas
- Part 2 - Flag States

The Approach

- ☐ **Part 1 – Common Areas**
- ☐ **Part 2 – Flag State**
- ☐ **Part 3 – Coastal State**
- ☐ **Part 4 – Port State**

Part 1, “Common Areas”

- ☐ Objective
- ☐ Strategy
- ☐ General
- ☐ Scope
- ☐ Initial actions
- ☐ Communication of information
- ☐ Records
- ☐ Improvement

Part 1, paragraph 1 and 2, “Objective”

- ❑ To enhance global maritime safety and protection of the marine environment and assist States in the implementation of instruments
- ❑ An Administration is only bound by the instruments to which it is Party
- ❑ By virtue of geography and circumstance, States may have a different role



Part 1, paragraph 3, “Strategy”

- ❑ develop an overall strategy to ensure that its international obligations and responsibilities as a flag, port and coastal State are met;
- ❑ establish a methodology to monitor and assess that the strategy ensures effective implementation and enforcement of relevant international mandatory instruments; and
- ❑ continuously review the strategy to achieve, maintain and improve the overall organizational performance and capability as a flag, port and coastal State.

Part 1, paragraph 4 and 5, “General”

- ❑ States should be responsible for promulgating laws and regulations to ensure safety of life at sea and protections of the marine environment

Part 1, paragraph 6, “Scope”

- ☐ safety of life at sea
- ☐ prevention of pollution from ships
- ☐ load lines
- ☐ tonnage measurement of ships
- ☐ regulations for preventing collisions at sea
- ☐ standards of training, certification and watchkeeping for seafarers



Part 1, paragraph 7, “Scope” – areas that should be considered

- ☐ jurisdiction;
- ☐ organization and authority;
- ☐ legislation, rules and regulations;
- ☐ promulgation of the applicable international mandatory instruments, rules and regulations;
- ☐ enforcement arrangements;
- ☐ control, survey, inspection, audit, verification, approval and certification functions;
- ☐ selection, recognition, authorization, empowerment and monitoring of recognized organizations, as appropriate, and of nominated surveyors;
- ☐ investigations required to be reported to the Organization; and
- ☐ reporting to the Organization and other Administrations.

Part 1, paragraph 8, “Initial actions”-The Government should have:

- ☐ the ability to promulgate laws
- ☐ a legal basis for the enforcement of its national laws and regulations;
- ☐ the availability of sufficient personnel with maritime expertise.

Part 1, paragraph 9, “Communication of information”



- ☐ To IMO as required by the relevant mandatory IMO instruments
- ☐ To all concerned within the Government of the audited State:

responsibilities may be shared between different entities

Part 1, paragraph 10, “Records”

- ☐ Established and maintained;
- ☐ Legible, readily identifiable and retrievable;
- ☐ Document procedures to define the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records



Part 1, paragraph 11 - 13, “Improvements”



- ☐ made through rigorous and effective application and enforcement of national legislation, as appropriate, and monitoring of compliance;
- ☐ Stimulate a culture of improvement of the maritime safety and environmental protection;
- ☐ Take action to identify and eliminate the cause of any non-conformities in order to prevent recurrence

Part 2, “Flag States”

- ☐ Implementation
- ☐ Delegation of authority
- ☐ Enforcement
- ☐ Flag State surveyors
- ☐ Flag State investigations
- ☐ Evaluation and review



Part 2, paragraph 15 - 17, “Implementation”

- ❑ Implement policies and assign responsibilities
- ❑ Established resources and processes capable of administering a safety and environmental protection programme. Such a programme could form part of an internal management system
- ❑ Administrative instructions or interpretative national regulations may be needed to implement applicable international rules and regulations

Part 2, paragraph 15 - 17, “Implementation”

- ❑ “to the satisfaction of the Administration” – Should be addressed in legislation/regulation/policy and procedures
- ❑ Compliance with STCW Convention – i.e. training, certificates and monitoring

Part 2, paragraph 18 - 21, “Delegation of authority”

- ❑ To be regulated in accordance with SOLAS regulation XI-1/1 which makes RO Code mandatory

- ❑ Establish or participate in an oversight programme with adequate resources for monitoring of, and communication with its recognised organisation(s) with adequate resources

Part 2, paragraph 22 - 27, “Enforcement”



- ☐ take all necessary measures to secure observance of international rules and standards by ships entitled to fly its flag and by entities and persons under its jurisdiction
- ☐ develop and implement a control and monitoring programme, as appropriate

Part 2, paragraph 28 - 37, “Flag State surveyors”

- ☐ Minimum qualifications
- ☐ Minimum experience
- ☐ Formal training programme
- ☐ Appropriate practical and theoretical knowledge of ships
- ☐ Other personnel assisting to have appropriate training
- ☐ Documented system for qualifications
- ☐ Identification document



Part 2, paragraph 38 - 41, “Flag State investigations”

- ❑ conducted by impartial and objective investigators, who are suitably qualified and knowledgeable in matters relating to the casualty
- ❑ Recommended to ensure ready access to expertise
- ❑ Should be investigated and reported to IMO:
 - Resolution MSC.255(84) “Casualty Investigation Code”
 - Resolution A.1075(28) “Guidelines to assist investigators in the implementation of the Casualty Investigation Code”

Part 2, paragraph 38 - 41, “Evaluation and review”

- ❑ Evaluate its performance on a periodic basis
- ❑ Measures to evaluate the performance should be in place
- ❑ Several areas recommended for regular review



III Code

