



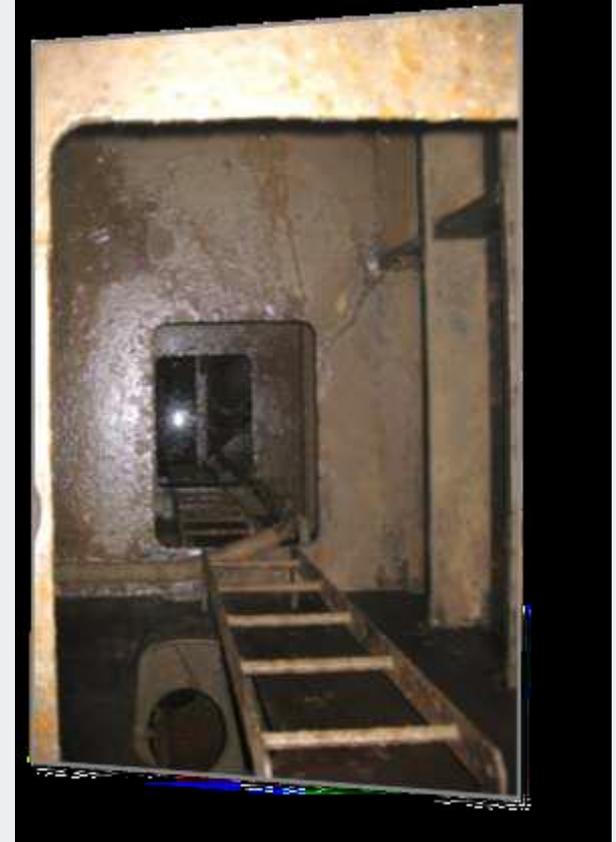
# IMO MEMBER STATE AUDIT SCHEME SAFEMED IV Training on the implementation of the III Code

FLAG STATE ACTIVITIES  
FLAG STATE  
SURVEYORS / FLAG  
STATE INVESTIGATIONS

# Who is a Flag State Surveyor?

Personnel who is responsible for, or performing:

- Surveys
- ISM audits (onboard or company)
- Approval of documents and issuing certificates



# A Flag State Surveyor is ...

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- ✓ A surveyor doing a flag State Inspection on board a ship of that flag
- ✓ A surveyor carrying out a regular statutory survey for a flag State (not for a RO) on board a ship
- ✓ An auditor carrying out an shipboard or company ISM or ISPS audit for a flag State (not for a RO/RSO)
- ✓ A surveyor engaged in an oversight programme
- ✓ A flag State expert approving ship documents
- ✓ A flag State expert granting exemptions
- ✓ The technical manager of a flag State Administration

# Flag State Surveyors

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- **III Code, part 2, para. 28**

- Responsibilities for the Administration**

- The flag State should define and document the responsibilities, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention.

# Flag State Surveyors

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## III Code, part 2, para. 29 - 36

### Qualifications

- Personnel responsible for, or performing, surveys, inspections and audits on ships and companies should have
  - appropriate qualifications from a marine or nautical institution and relevant seagoing experience as a certificated ship officer,
  - With not less than three years experience at sea as an officer in the deck or engine department

or

- a degree or equivalent from a tertiary institution within a relevant field of engineering or science recognized by the State again
- With not less than three years professional experience
- In addition sound knowledge of ship operations and the relevant national and international instruments

# Flag State Surveyors

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## III Code, part 2, para. 33 & 34

- ❖ Technical support and coordination staff
  - Personnel assisting should have education, training and supervision commensurate with the tasks they are authorized to perform.
    - ✓ E.g. lower or other educational degree with specific training
  - Previous relevant experience in the field of expertise should be considered an advantage; in case of no previous experience the Administration should provide appropriate field training.
    - ✓ Working as trainee with experienced staff
    - ✓ Specific internal or external training courses

# Flag State Surveyors

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## III Code, part 2, para. 36

### ❖ Training requirements

- A documented system for qualification
- 1. Knowledge of applicable international and national rules and regulations for ships, their companies, their crew, their cargo and their operation;
- 2. Knowledge of the procedures to be applied in survey, certification, control, investigative and oversight functions;
- 3. Understanding of the goals and objectives of the international and national instruments dealing with maritime safety and protection of the marine environment, and of related programmes;

# Flag State Surveyors

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## III Code, part 2, para. 36

### ❖ Training requirements

4. understanding of the processes both on board and ashore, internal as well as external;
5. possession of professional competency necessary to perform the given tasks effectively and efficiently;
6. full safety awareness in all circumstances, also for one's own safety; and
7. training or experience in the various tasks to be performed and, preferably, also in the functions to be assessed.

# Flag State Surveyors

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## What does that mean?

### ❖ Documentation

- Job descriptions
- Personal qualifications
- Training needs identified
- Records of training received

# Flag State Surveyors

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## What does that mean?

- ❖ Surveyors subcontracted for survey and audit duties other than RO surveyors
  - ✓ Qualification required is the same as for surveyors employed by the Administration: nautical, engineering, naval architecture or similar degree with min. 3 years professional experience
  - ✓ Training required to ensure appropriate knowledge of national procedures and legislation
  - ✓ Continuing education on technical developments and new regulations and standards
  - ✓ Documentation of qualification and continuing education

# Flag State Surveyors

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## Monitoring and Documentation of Staff Qualification

### ❖ III Code requires a “documented system”: **Para 35**

- The flag State should have implemented a documented system for qualification of personnel and continuous updating of their knowledge as appropriate to the tasks they are authorized to undertake.
- Components
  - ✓ Traditional personnel records or/and
  - ✓ Module in a personnel database
  - ✓ **Tool/system** for managing surveyor’s individual qualification and training needs

# Flag State Surveyors

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## Monitoring and Documentation of Staff Qualification

- ❖ Content to be documented
  - ✓ Formal education background
  - ✓ Professional experience before joining the Administration
  - ✓ Theoretical and practical training courses/modules
  - ✓ Professional experience as surveyor
  - ✓ Authorisations
  - ✓ External training/seminars
  - ✓ Periodical updating of knowledge

# Flag State Surveyors

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## Review questions

- ✓ Do you provide surveyors with appropriate identification?
- ✓ Do you have documented job descriptions for Flag State surveyors?
- ✓ Do you have records about each surveyors' job profiles, qualifications and training activities?
- ✓ Do you have a documented training programme for your surveyors?
- ✓ Do you provide for repeated training in regular intervals?
- ✓ Do you employ external flag State surveyors and what training and background checks are you doing?
- ✓ How do you determine the training needs for your surveyors?
- ✓ Do you have a budget for training measures?

# Flag State Surveyors

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Non-compliances under this area would be issued as:

- *findings* (for paragraphs 28, 33, 35, 36 and 37) and
- as *observations* (for paragraphs 29, 30,31, 32 and 34)

## Flag State surveyors / Example of finding

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- The Administration did not define and document the responsibilities, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention, mainly for the flag surveyors. Furthermore, the Administration did not implement a documented system for qualification of personnel and continuous updating of their knowledge as flag State surveyors and it did not issue an identification document for the surveyor to carry when performing his/her tasks (III Code, paragraph 28; III Code, paragraph 35; III Code, paragraph 36; III Code, paragraph 37).

# Flag State Investigations

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## III Code, part 2, para. 38 – 41

### ❖ Overview

- ✓ Ensure that accident investigations are carried out
- ✓ Suitably qualified personnel
- ✓ Ready access to additional expertise
- ✓ Publication of reports
- ✓ Reporting to IMO

# Flag State Investigations

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## III Code, part 2, para. 38

- Investigations should be carried out following a marine casualty or pollution incident
- Conducted by suitably qualified, impartial and objective investigators, competent in matters relating to the casualty
- Irrespective of the location of the casualty or incident

# Flag State Investigations

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## III Code, part 2, para. 39

- ❖ Investigators need to have knowledge and working experience
- ❖ To assist investigators ready access should be available regarding
  - ✓ 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.

# Flag State Investigations

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## III Code, part 2, para. 40

- ❖ Any accidents involving personal injury necessitating absence from duty of three days or more and any deaths resulting from occupational accidents and casualties to ships of the flag State should be investigated
  
- ❖ Results of such investigations made public

# Flag State Investigations

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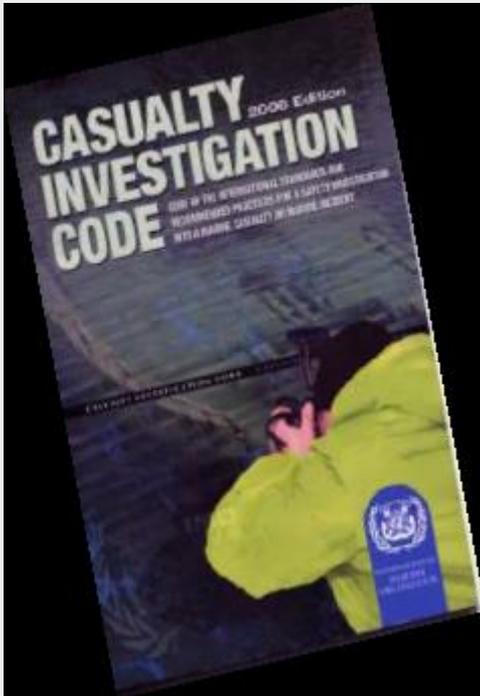
## III Code, part 2, para. 41

- ❖ Ship casualties should be investigated and reported in accordance with the relevant IMO conventions, and the guidelines developed by IMO.
  - ✓ IMO Casualty Investigation Code (Res. MSC. 255(84))
  - ✓ Guidelines for the implementation of the IMO Casualty Investigation Code (IMO Res. A. 1075(28))
  
- ❖ The report on the investigation should be forwarded to IMO together with the flag State's observations, in accordance with the guidelines referred to above.

# Flag State Investigations (cont.)

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



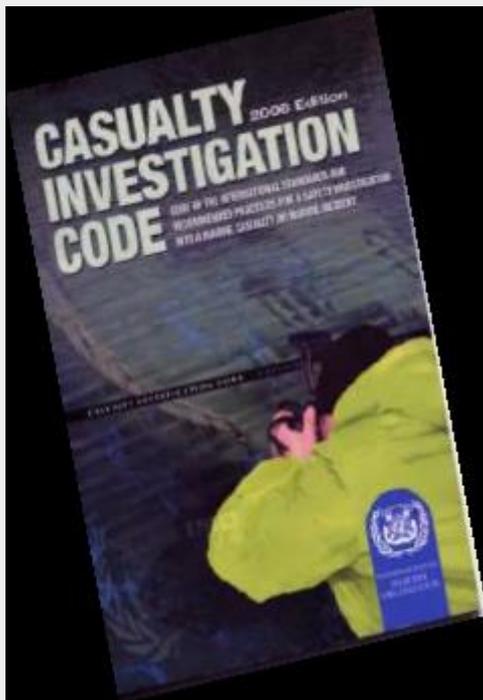
*Part I – General*

*Part II– Mandatory Standards*

*Part III– Recommended practices*

# Casualty Investigation Code

*Casualty Investigation Code – resolution MSC.255(84)*



*...the investigation and proper analysis of marine casualties and incidents can **lead to:***

- *greater awareness of casualty causes and*
  - *result in remedial measures, including better training*
- **IMO Code:**  
*... to provide, as far as national laws allow, a **standard approach** to marine casualty and incident investigation*

# Casualty Investigation Code

## Key points

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In general:

1. Objective of the Code  $\implies$  a common approach
2. Contracting government should:
  - ✓ Apply consistently the **common** methodology and approach
  - ✓ uncovering the **casual factors** and other **safety risks**
  - ✓ Provide **REPORTS**, at least about **very serious** casualty to IMO (GISIS)

# Casualty Investigation Code

## Key points

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In General:

3- Marine safety investigation :

- ✓ DO NOT SEEK to apportion blame
- ✓ DO NOT SEEK to determine liability
- ✓ DO NOT SEEK for responsibilities

IT IS CONDUCTED WITH THE **SOLE OBJECTIVE** OF  
PREVENTING MARINE CASUALTIES AND MARINE INCIDENTS  
IN THE FUTURE

# Casualty Investigation Code

<i>Requirement</i>	<i>Reference within the Code</i>
<i>Qualified person(s) for investigation*</i>	<i>Para. 1.3</i>
<i>Detailed contact information of the marine safety investigation authority(ies) to IMO</i>	<i>Para. 4.1</i>
<i>Notification of a marine casualty</i>	<i>Paras. 5.1 and 5.2</i>
<i>Investigation into a very serious marine casualty*</i>	<i>Para. 6.2</i>
<i>Agreement to conduct a marine safety investigation</i>	<i>Paras. 7.1 and 7.2</i>
<i>Powers provided to investigator(s)</i>	<i>Para. 8.1</i>
<i>Coordination for parallel investigations</i>	<i>Para. 9.2</i>

# Casualty Investigation Code

<i>Requirement</i>	<i>Reference within the Code</i>
<i>Cooperation in investigating</i>	<i>Para. 10.1</i>
<i>Investigation not to be subject to external direction</i>	<i>Para. 11.1</i>
<i>Draft marine safety investigation reports</i>	<i>Paras. 13.1, 13.4 and 13.5</i>
<i>Marine safety investigation reports – communication to IMO</i>	<i>Paras. 14.1 and 14.2</i>
<i>Marine safety investigation reports – available to public and shipping industry</i>	<i>Para. 14.4</i>

# *Qualified person(s) for investigation*

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## Res. A.1075(28) - Qualifications and training of investigators

- ❖ Marine Safety Investigation Authority should develop a **FORMAL TRAINING PROGRAMME**
  
- ❖ The appointed investigators need to have **expertise in:**
  - ✓ evidence collection techniques,
  - ✓ interview techniques,
  - ✓ analysis techniques and
  - ✓ identification of human and organizational factors in marine casualties and incidents

## ***Detailed contact information of the marine safety investigation authority(ies) to IMO***

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The Government of each State shall provide the Organization with detailed contact information of the marine safety investigation Authority(ies) carrying out marine safety investigations within their State.

# Investigation into a very serious marine casualty\*

The flag State of a ship involved in a very serious marine casualty is responsible for ensuring that a marine safety investigation is conducted and completed in accordance with the Casualty Investigation Code.

## Very Serious Casualty:

- ship's total loss
- death
- severe damage to the environment



# Agreement to conduct a marine safety investigation

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- Where a marine casualty occurs **within the territory, including territorial sea**, of a State, **the flag State(s) involved** in the marine casualty and **the coastal State** shall consult to seek agreement on which State or States will be the marine safety investigating State(s) .
- If a marine casualty occurs on the **high seas** or in the **exclusive economic zone** of a State, and **involves more than one flag State**, then **the States shall consult** to seek agreement on which State or States will be the marine safety investigating State(s)

## Powers provided to investigator(s)

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All States shall ensure that their national laws provide investigator(s) carrying out a marine safety investigation with the **ability to board a ship, interview the master and crew** and any other person involved, and **acquire evidential material** for the purposes of a marine safety investigation.

## *Cooperation in investigating*

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- All substantially interested States shall co-operate with the marine safety investigating State(s) to the extent practicable.
- The marine safety investigating State(s) shall provide for the participation of the substantially interested States to the extent practicable.

## *Investigation not to be subject to external direction*

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- Marine safety investigating State(s) shall ensure that investigator(s) carrying out a marine safety investigation are **impartial and objective**.
- The marine safety investigation shall be able to report on the results of a marine safety investigation **without direction or interference** from any persons or organizations who may be affected by its outcome.

# Marine safety investigation reports – communication to IMO

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- The marine safety investigating State(s) shall submit the final version of a marine safety investigation report to the Organization for every marine safety investigation conducted into a very serious marine casualty.
- Where a marine safety investigation is conducted into a marine casualty or marine incident, other than a very serious marine casualty, and a marine safety investigation report is produced which contains information which may prevent or lessen the seriousness of marine casualties or marine incidents in the future, the final version shall be submitted to the Organization.

# Marine safety investigation reports – available to public and shipping industry

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- The final marine safety investigation report shall be made available to the public and the shipping industry by the marine safety investigating State(s), or the marine safety investigating State(s) shall undertake to assist the public and the shipping industry with details, necessary to access the report, where it is published by another State or the Organization.

# GUIDELINES TO ASSIST INVESTIGATORS IN THE IMPLEMENTATION OF THE CASUALTY INVESTIGATION CODE

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**Resolution A.1075(28)**  
*(Adopted 4 Dec 2013)*

## **Superseded:**

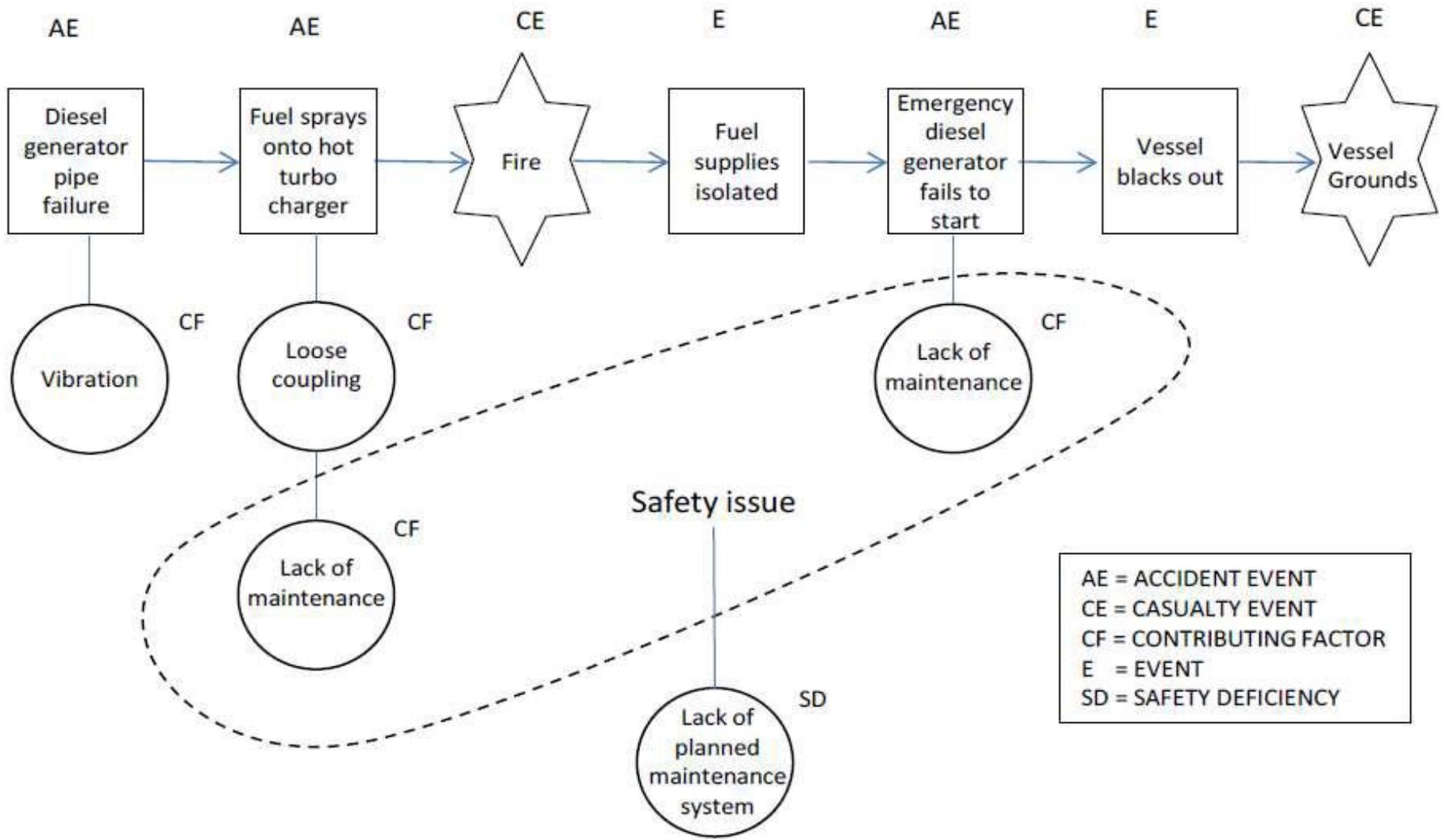
- **Resolution 849(20)**
- **Resolution 884(21)**

*‘The purpose of these Guidelines is to provide practical advice for the systematic investigation of marine casualties and incidents and to allow the development of effective analysis and preventive action.’*

## Res. A.1075(28) - Definitions (2.1)

Event	An action, omission or other happening.
Casualty event	The marine casualty or marine incident, or one of a number of connected marine casualties and/or marine incidents forming the overall occurrence. (e.g. a fire leading to a loss of propulsion leading to a grounding).
Accident event	An event that is assessed to be inappropriate and significant in the sequence of events that led to the marine casualty or marine incident. (e.g. human erroneous action, equipment failure, etc.).
Contributing factor	A condition that may have contributed to an accident event or worsened its consequence. (e.g. man/machine interaction, inadequate illumination, etc.).
Safety issue	An issue that encompasses one or more contributing factors and/or other unsafe conditions.
Safety deficiency	A safety issue with risks for which existing defences aimed at preventing an accident event, and/or those aimed at eliminating or reducing its consequences, are assessed to be either inadequate or missing.

## Res. A.1075(28) - Definitions (2.1)



## Res. A.1075(28) - Notification and cooperation (4)

**Notification** → to all affected parties as soon as reasonably practicable.

The States should quickly reach an agreement on:

- ✓ ensuring that the objectives are in accordance with the IMO Casualty Investigation Code
- ✓ which State will lead the investigation
- ✓ the possibilities to:
  - share casualty information
  - draft safety investigation reports (confidentiality, criminal and civil lawsuits)
- ✓ distribution of costs related to the investigation



## Res. A.1075(28) - Investigation (5)

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### Investigation guidelines on:

- **Extend**
- **Initial response, site management, start-up meeting**
- **Inspection of site and evidence collection**
- **Reviewing documents, procedures and records**
- **Conducting specialized studies**
- **Analysis**

## Res. A.1075(28) - Reporting (6)

- Reporting
  - ✓ GISIS
  - ✓ Final report
  - ✓ Consultation
  - ✓ Publication
  - ✓ Follow-up



### REPORTS ON MARINE CASUALTIES AND INCIDENTS

Revised harmonized reporting procedures Reports

(In relevance with EMCIP)

- **Appendix 1: generic information**
- **Appendix 2: requires factual information (ships involved)**
- **Appendix 3: requires casualty analysis data (accidental events and contributing factors)**
- **Appendix 4: requires supplementary information**

## Res. LEG.3 (91)

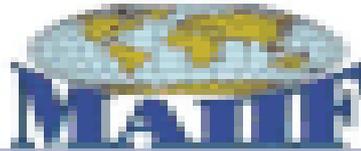
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### **ADOPTION OF GUIDELINES ON THE FAIR TREATMENT OF SEAFARERS:**

For treatment of seafarers in the event of a maritime accident:

- Guidelines for the Coastal State
- Guidelines for the Flag State
- Guidelines for the Seafarer State
- Guidelines for shipowners
- Guidelines for seafarers

## Other documents



Marine Accident Investigators' International Forum

### **MAIIF Investigation Manual**



## Example of finding

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There was no evidence that the State systematically conducted an investigation following a marine casualty or pollution incident that occurred on board ships flying the flag of the State, as well as:

- .1 There was no evidence that the accident investigations were conducted by investigators with appropriate qualifications and knowledge of issues related to casualties;
- .2 Under the current national legal framework, the inspector conducting the statutory surveys was also responsible for investigations, which does not fully guarantee the impartiality of the accident investigations; and
- .3 No accident investigation report was submitted to IMO by the Administration.

## International Maritime Organization

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