

SUB-COMMITTEE ON FLAG STATE  
IMPLEMENTATION  
20th session  
Agenda item 19

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**REPORT TO THE MARITIME SAFETY COMMITTEE AND THE  
MARINE ENVIRONMENT PROTECTION COMMITTEE**

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## 1 GENERAL

1.1 The Sub-Committee held its twentieth session from 26 to 30 March 2012 under the chairmanship of Captain D. Hutchinson (Bahamas). The Vice-Chairman, Mrs. J. Gascon (Canada), was also present.

1.2 The session was attended by representatives from the following Member Governments:

ALGERIA	KENYA
ANGOLA	KIRIBATI
ANTIGUA AND BARBUDA	LATVIA
ARGENTINA	LIBERIA
AUSTRALIA	LIBYA
AZERBAIJAN	LITHUANIA
BAHAMAS	LUXEMBOURG
BANGLADESH	MALAYSIA
BELGIUM	MALTA
BELIZE	MARSHALL ISLANDS
BOLIVIA (PLURINATIONAL STATE OF)	MEXICO
BRAZIL	MOROCCO
BULGARIA	NETHERLANDS
CANADA	NEW ZEALAND
CHILE	NICARAGUA
CHINA	NIGERIA
COLOMBIA	NORWAY
CONGO	OMAN
COOK ISLANDS	PANAMA
CYPRUS	PERU
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	PHILIPPINES
DEMOCRATIC REPUBLIC OF THE CONGO	POLAND
DENMARK	PORTUGAL
DOMINICAN REPUBLIC	REPUBLIC OF KOREA
EGYPT	RUSSIAN FEDERATION
ESTONIA	SAINT KITTS AND NEVIS
FINLAND	SAUDI ARABIA
FRANCE	SIERRA LEONE
GEORGIA	SINGAPORE
GERMANY	SOUTH AFRICA
GHANA	SPAIN
GREECE	SWEDEN
HONDURAS	SWITZERLAND
INDONESIA	SYRIAN ARAB REPUBLIC
IRAN (ISLAMIC REPUBLIC OF)	THAILAND
IRAQ	TRINIDAD AND TOBAGO
IRELAND	TUNISIA
ISRAEL	TURKEY
ITALY	TUVALU
JAMAICA	UNITED KINGDOM
JAPAN	UNITED STATES
JORDAN	URUGUAY
	VANUATU
	VENEZUELA (BOLIVARIAN REPUBLIC OF)

representatives from the following Associate Members of IMO:

HONG KONG, CHINA  
MACAO, CHINA

a representative from the following United Nations entity:

THE REGIONAL MARINE POLLUTION EMERGENCY RESPONSE CENTRE FOR  
THE MEDITERRANEAN SEA (REMPEC)

observers from the following intergovernmental organizations:

EUROPEAN COMMISSION (EC)  
MEDITERRANEAN MEMORANDUM OF UNDERSTANDING ON PORT STATE  
CONTROL (MED MoU)  
MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL IN THE  
BLACK SEA REGION (BS MoU)  
PARIS MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL  
(PARIS MoU)  
ACUERDO DE VIÑA DEL MAR (AVDM)  
TOKYO MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL  
(TOKYO MoU)  
INDIAN OCEAN MEMORANDUM OF UNDERSTANDING ON PORT STATE  
CONTROL (IO MoU)  
CARIBBEAN MEMORANDUM OF UNDERSTANDING ON PORT STATE  
CONTROL (C MoU)  
WEST AND CENTRAL AFRICA MEMORANDUM OF UNDERSTANDING ON  
PORT STATE CONTROL (ABUJA MoU)  
MARINE ACCIDENT INVESTIGATORS' INTERNATIONAL FORUM (MAIIF)  
RIYADH MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL  
(RIYADH MoU)

observers from the following non-governmental organizations in consultative status:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)  
INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)  
COMITÉ INTERNATIONAL RADIO-MARITIME (CIRM)  
BIMCO  
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)  
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)  
INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)  
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)  
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS  
(INTERTANKO)  
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS (INTERCARGO)  
WORLD WIDE FUND FOR NATURE (WWF)  
THE INSTITUTE OF MARINE ENGINEERING, SCIENCE AND TECHNOLOGY  
(IMarEST)  
INTERNATIONAL SHIP MANAGERS' ASSOCIATION (InterManager)  
THE INTERNATIONAL MARINE CONTRACTORS ASSOCIATION (IMCA)  
INTERNATIONAL CHRISTIAN MARITIME ASSOCIATION (ICMA)  
THE ROYAL INSTITUTION OF NAVAL ARCHITECTS (RINA)  
INTERNATIONAL TRANSPORT WORKERS' FEDERATION (ITF)  
THE NAUTICAL INSTITUTE (NI)

and representatives from the:

WORLD MARITIME UNIVERSITY (WMU)

1.3 In accordance with rule 45 of the Rules of Procedure, experts, representing the managers of the IMO ship and company/registered owner identification number schemes (Information Handling Services (IHS) Fairplay), and Equasis, and the IMO consultant/observer on the IACS Quality System Certification Scheme (QSCS) attended the meeting.

### **Opening address of the Secretary-General**

1.4 The Secretary-General welcomed participants and delivered his opening address, the full text of which can be downloaded from the IMO website at the following link: <http://www.imo.org/MediaCentre/SecretaryGeneral/Secretary-GeneralSpeechesToMeetings>.

### **Chairman's remarks**

1.5 The Chairman thanked the Secretary-General for his opening address and indicated that his words of encouragement as well as his advice and requests would be given every consideration in the deliberations of the Sub-Committee.

### **Adoption of the agenda**

1.6 The Sub-Committee adopted the agenda (FSI 20/1) and agreed, in general, to be guided in its work by the annotations to the provisional agenda contained in document FSI 20/1/1. The list of documents considered under each agenda item, is set out in document FSI 20/INF.28.

## **2 DECISIONS OF OTHER IMO BODIES**

2.1 The Sub-Committee noted the decisions and comments pertaining to its work made by MEPC 62, MSC 89, COMSAR 15, DE 55, LEG 98, NAV 57, C 106, FP 55, FAL 37, DSC 16, C/ES.26, A 27 and SLF 54 as presented in documents FSI 20/2, FSI 20/2/1 and FSI 20/2/2 (Secretariat), and took them into account in its deliberations when dealing with the relevant agenda items.

2.2 The Sub-Committee also noted the relevant decisions of COMSAR 16, which was held two weeks earlier, and had been reported orally by the Secretariat under agenda item 14 (see paragraphs 14.2 and 14.3).

### **Resolutions adopted by the Assembly**

2.3 The Sub-Committee noted that, as recommended by FSI 19, MSC 89 and MEPC 62, the Assembly, at its twenty-seventh session, had adopted:

- .1 the *Procedures for Port State Control, 2011* by resolution A.1052(27);
- .2 the *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2011* by resolution A.1053(27); and
- .3 the *Code for the Implementation of Mandatory IMO Instruments, 2011* by resolution A.1054(27).

2.4 The Sub-Committee also noted that the Assembly had adopted resolutions A.1045(27) on *Pilot transfer arrangements*, A.1047(27) on *Principles of minimum safe manning* and A.1056(27) on *Promotion as widely as possible of the application of the 2006 Guidelines on fair treatment of seafarers in the event of a maritime accident*.

#### **Resolution and circular adopted and approved by the MEPC**

2.5 The Sub-Committee noted that MEPC 62 had adopted the *2011 Guidelines for inspection of anti-fouling systems on ships* by resolution MEPC.208(62), and had approved MEPC.1/Circ.757 on the revised form of supplement to the International Air Pollution Prevention Certificate.

#### **Circular approved by the MSC**

2.6 The Sub-Committee noted that MSC 89 had approved MSC.1/Circ.1402 on Safety of pilot transfer arrangements.

#### **Format of notes by the Secretariat**

2.7 The Sub-Committee noted the recommendation to the Secretariat to harmonize the presentation of notes on the outcome of IMO bodies so that relevant decisions requiring action by the Sub-Committee be identified per agenda item.

### **3 RESPONSIBILITIES OF GOVERNMENTS AND MEASURES TO ENCOURAGE FLAG STATE COMPLIANCE**

#### **STATUS OF THE 1982 UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS)**

3.1 The Sub-Committee noted the updated information on the IMO Membership and Signatories or Parties to the United Nations Convention on the Law of the Sea (UNCLOS) and/or to the Agreement relating to the implementation of part XI of UNCLOS, as contained in document FSI 20/3 (Secretariat), and that more detailed information can be found on the website of the Division for Ocean Affairs and the Law of the Sea (DOALOS) (<http://www.un.org/depts/los>). The Secretariat was requested to continue providing updated information at each session of the Sub-Committee.

#### **REPORTING REQUIREMENTS IN IMO INSTRUMENTS**

3.2 The Sub-Committee recalled that FSI 18 had requested the Secretariat (FSI 18/20, paragraph 3.11) to update the list of reporting requirements to include the required frequency of reporting, and to continue investigating the potential for validating electronic reporting as a means to achieve compliance with the reporting requirements, whilst also addressing issues related to data storage and other relevant capabilities of the IMO Global Integrated Shipping Information System (GISIS).

3.3 The Sub-Committee was advised that MEPC 62, while considering document MEPC 62/4/1 (Secretariat), which raised the issue of whether notification via GISIS is an effective way to fulfil Contracting Parties' obligations to notify the Organization under MARPOL Annex VI and, once notified via GISIS, whether the requirement under MARPOL Annex VI for the Organization to transmit the information received to all Member States is fulfilled, had noted that the matter of notifications via GISIS would be considered in detail by the Sub-Committee at this session (MEPC 62/24, paragraph 4.39).

3.4 The Sub-Committee had for its consideration on this matter documents FSI 20/3/5 (China), providing an analysis of the difficulties encountered by Member States regarding the communication of information to the Organization and recommending the development of a list of communication items to IMO; FSI 20/3/7 (France), proposing specific measures on the communication and use of information supplied to the Organization, and recommending moving the Compendium of Maritime Training Institutes (CMTI) database from the IMO webpage to GISIS with the establishment of a link between both; FSI 20/3/1 and FSI 20/INF.14 (Secretariat) containing a proposal for the notification and circulation through GISIS of reporting requirements in IMO instruments, a related draft Assembly resolution and an updated list of reporting requirements.

3.5 Following a detailed discussion on the above submissions in support of the identification of difficulties to achieve full compliance with reporting requirements, and proposals contained in the above-mentioned documents, the Sub-Committee:

- .1 agreed to consider, at its next session and in all relevant languages, the draft Assembly resolution on notification and circulation through GISIS of information related to mandatory reporting requirements, as set out in the annex to document FSI 20/3/1, subject to the Committees' endorsement;
- .2 requested the Secretariat to continue to update the list of reporting requirements annexed to document FSI 20/INF.14, while including the data set annexed to document FSI 20/3/7, as appropriate, and to provide FSI 21 with the details of a plan to further develop GISIS reporting modules, with priority given to those reporting requirements and relevant information as indicated in document FSI 20/INF.14, at the first stage, including resource requirements for developing and maintaining a monitoring facility for Member States, preferably through GISIS, in order to enhance the exhaustiveness, timeliness, accessibility and accuracy of Contracting Governments' notifications and reporting;
- .3 invited interested Member States to submit their proposals on draft guidelines on communication of information under IMO instruments to a future session, in particular, on domestic legislation, including the frequency of such a reporting and the language in which information should be provided, subject to the Committees' endorsement; and
- .4 requested the Secretariat to explore the option to move the CMTI database to GISIS with the establishment of a link between the IMO website and GISIS.

3.6 In this context, the Sub-Committee also agreed to seek instruction from the Committees to examine in detail, under this agenda item, the various issues which had been raised and discussed at this session on the difficulties encountered by Member States in complying with the various mandatory reporting requirements. In doing so, the Sub-Committee should take into account the request of A 27 to the Council to establish the Ad Hoc Steering Group for Reducing Administrative Requirements (resolution A.1043(27)), with a view to avoiding any duplication of work.

**LIST OF CERTIFICATES AND DOCUMENTS TO BE CARRIED ON BOARD SHIPS**

3.7 The Sub-Committee recalled that, with regard to future revisions of the list of certificates and documents required to be carried on board ships, MSC 88 and MEPC 63 had agreed with the suggestion of FAL 36 that such revisions should be initiated by the MSC on a regular basis.

3.8 The Sub-Committee considered document FSI 20/3/4 (Saint Kitts and Nevis), containing comments on the differences between appendix 12 of the *Procedures for Port State Control, 2011* (resolution A.1052(27)) and FAL.2/Circ.123-MEPC.1/Circ.769-MSC.1/Circ.1409 on the Revised List of certificates and documents required to be carried on board ships. It also suggested the issuing of a single replacement document by the Sub-Committee, and questioned the number (66) of certificates and documents required to be carried on board ships.

3.9 The Sub-Committee recognized that FAL.2/Circ.123-MEPC.1/Circ.769-MSC.1/Circ.1409, listing the certificates and documents required to be carried on board ships, is of a wider scope than the list contained in appendix 12 to the *Procedures for Port State Control, 2011* (resolution A.1052(27)), as the above-mentioned circular includes certificates and documents from the International Convention on Civil Liability for Oil Pollution Damage (CLC), 1969; the International Convention on Civil Liability for Bunker Oil Pollution Damage (Bunker) Convention and non-mandatory instruments, whilst the appendix in the resolution also contains different documents and certificates such as those required by ILO conventions. Although the Sub-Committee was divided on the development of a single list of certificates and documents – a list that would not address the differences in purpose, types of ships, etc., and one that should not be used in the context of PSC inspections for which convention requirements should be referred to, instead identified the need to further clarify the meaning of "originals" to be carried on board at a future session, as appropriate, subject to the Committees' endorsement.

3.10 With regard to the procedure for updating FAL.2/Circ.123-MEPC.1/Circ.769-MSC.1/Circ.1409 in the future, the Sub-Committee recommended to the Committees that it be instructed to initiate revisions of the circular, as may be necessary, and subject to such instruction being given, requested the Secretariat to prepare a note for future sessions of the Sub-Committee, as appropriate, containing those requirements, which may result in the revision of FAL.2/Circ.123-MEPC.1/Circ.769-MSC.1/Circ.1409 and/or amendment to appendix 12 of the *Procedures for PSC, 2011*.

3.11 On the proposal to reduce the number of documents and certificates required to be carried on board ships, which would imply amending some mandatory IMO instruments, the Sub-Committee invited interested Members States to make relevant proposals for new inputs to the Committees, as appropriate, in accordance with the Committees' Guidelines.

**IMPROVEMENT OF FLAG PERFORMANCE**

3.12 The Sub-Committee recalled that, at previous sessions, it had noted, with appreciation, the information provided by Member Governments on measures taken to enhance maritime safety, security and protection of the environment and had encouraged other Member States to share information on their national measures aimed at improving their performances.

3.13 The Sub-Committee had the following documents for its consideration:

- .1 FSI 20/3/2 (Paris MoU), providing information on the performance of flag States based on PSC inspections, including the black, grey and white lists for 2010 and changes from the preceding years. The document also recommended to those flag Administrations that have significantly improved their performance to share their successful actions and to those flag Administrations with a recurrent position on the black list to enhance their performance. The Paris MoU recommended that the MSC, the MEPC and the Technical Co-operation Committee consider ways to assist those Member States with poor performance;
- .2 FSI 20/3/3 (Saint Kitts and Nevis), outlining measures adopted by the Administration of Saint Kitts and Nevis to strengthen its flag State control, particularly in the light of its standing within the various lists maintained by PSC regimes;
- .3 FSI 20/3/6 (Israel), providing information on recent activities, including participating in the SafeMed project implemented by the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) and funded by the European Union (EU), in preparation for the voluntary IMO Member State audit, including the conduct of a mock-audit and the benefits derived therefrom;
- .4 FSI 20/3/8 (Tunisia), on measures taken by the Tunisian Maritime Administration to prepare for the voluntary audit and an initial evaluation of the difficulties encountered in implementing the mandatory IMO instruments; and
- .5 FSI 20/3/9 (Jordan), on the experience of Jordan as a result of its participation in, and support received through, the SafeMed project implemented by REMPEC.

3.14 The delegation of Georgia informed the Sub-Committee on the national measures recently introduced in order to improve the performance of ships flying its flag and indicated that a more comprehensive submission would be presented at the next session.

3.15 In noting the information and comments from several delegations to the submitting Member States, the Sub-Committee expressed its appreciation to Israel, Jordan, Saint Kitts and Nevis and Tunisia for the detailed information on their national measures and achievements and progress made on flag State implementation, in particular on VIMSAS and the reduction of the PSC detention rates. The Sub-Committee encouraged other Member States to share information on their national measures aimed at improving their performances.

3.16 With respect to the proposals contained in document FSI 20/3/2, the Sub-Committee:

- .1 encouraged other flag States to share relevant information on their experience in improving their performance;
- .2 conveyed, as appropriate, the invitation by the Paris MoU to those States to enhance the safe and environmentally sound operation of ships entitled to fly their flag that are recurrent on the Paris MoU "Black List" and other relevant PSC lists; and

- .3 invited Member States with a recurrent low position on the relevant PSC lists to seek technical assistance from the Organization, as appropriate.

3.17 Several delegations intervened to stress the need, in the context of the harmonization of PSC activities, to promote the use of scientific and consistent statistical methods for assessing and ranking flag State performances. In this context, the Sub-Committee recommended the IMO Workshop for PSC MoU/Agreement Secretaries and Database Managers as a suitable forum.

#### **NON-CONVENTION SHIPS**

3.18 The Sub-Committee recalled that, since the annex to resolution A.1038(27) on the *High-level Action Plan of the Organization and Priorities for the 2012-2013 Biennium* contains a planned output 5.2.1.18 "Non-mandatory instruments: development of a non-mandatory instrument on regulations for non-convention ships" which indicates that the Sub-Committee is the coordinating organ, it would be expected to progress work on this matter, as appropriate, according to the current target completion year of 2013.

3.19 The Sub-Committee noted updated information, provided orally by the Secretariat, on national and regional activities conducted during 2010 and 2011 and those planned for 2012 to test the modular set of standards of harmonized regulations and model national legislation for ships not covered by the 1974 SOLAS Convention (GlobalReg) and the basic Model Course. Furthermore, under the memorandum of understanding signed by the Organization with Interferry, the Partnership for Safety of Domestic Non-convention Ferries, signed in 2006, a ferry safety forum for the East Asia region was held in Bali, Indonesia on 6 and 7 December 2011. The Forum adopted an eight-point plan, which, inter alia, refers to fit-for-purpose regulations, e.g. GlobalReg, as applicable, that Governments should develop. Also, additional Regional Ferry Safety Forum meetings are planned for West and Central Africa and the Pacific Islands during 2012.

3.20 The Sub-Committee considered document FSI 20/3/10 (France) proposing that the development of the GlobalReg should lead to the preparation of a non-mandatory instrument, code or set of guidelines and for the Sub-Committee to request the MSC and the MEPC to give the instruction to coordinate a detailed technical review of GlobalReg by all relevant sub-committees, in order to develop such a non-mandatory instrument and to identify a process for keeping it updated.

3.21 Following discussion, the Sub-Committee gave general support to the proposal by France, whilst also noting some concerns expressed about the complexity of such an undertaking in terms of types, size and variety of non-convention ships. In order to have a full scope of the possible work involved, the Sub-Committee agreed to seek instruction from the Committees to coordinate a detailed technical review as proposed.

#### **REPORT ON THE TONNAGE ASSESSMENT**

3.22 The Sub-Committee noted that Circular letters No.3004 and No.3159 provide, in cooperation with the managers of the IMO number schemes (IHS-Fairplay), for the fleet tonnage information by flag Administrations to update the fleet tonnage figures that are used by the Secretariat in determining Member States annual assessment to the Organization.

3.23 In that context, the Sub-Committee noted, with appreciation, the presentation on the reporting on tonnage assessment information provided by the IHS-Fairplay expert.

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## 4 MANDATORY REPORTS UNDER MARPOL

4.1 The Sub-Committee recalled that MEPC/Circ.318, adopted by MEPC 38, contained Formats for a mandatory reporting system under MARPOL 73/78 to facilitate communication to the Organization of information called for by articles 8, 11, and 12, and by the regulations of Annexes I, II and V of MARPOL. Parties to MARPOL were requested to submit their annual reports in accordance with MEPC/Circ.318 by 30 September each year.

4.2 The Sub-Committee considered document FSI 20/4 (Secretariat) containing a summary on mandatory reports under MARPOL for 2010 submitted by 34 Parties to MARPOL and one Associate Member, in accordance with MEPC/Circ.318, and noted that:

- .1 nine incidents of spillages of 50 tonnes or more were reported. The substances spilled were various hydrocarbon oils ranging from crude oils to light oils;
- .2 626 incidental spillages of less than 50 tonnes were reported. The types of substances spilled were mostly hydrocarbon oils and sewage;
- .3 151 cases of alleged discharge violations were reported. The types of substances spilled were various hydrocarbon oils;
- .4 according to the reports received, the total number of ships boarded in 2010 for port State control was 40,056, while the total number of ships detained in port or denied entry for MARPOL violations was 574, or 1.4 per cent of those boarded; and
- .5 560 ships were reported as having IOPP Certificate discrepancies, 1,642 ships were reported to have Oil Record Book discrepancies, and 1,350 ships were reported as having MARPOL equipment discrepancies.

4.3 The Sub-Committee also recalled that MEPC 58 had endorsed the decision of FSI 16 not to require Members to complete parts 3a and 3b of their MARPOL reports under MEPC/Circ.318 starting from 2008, as the Secretariat would utilize data extracted from the module on port reception facilities of the Global Integrated Shipping Information System (GISIS). Consequently, on the basis of data extracted from GISIS, paragraph 8 of document FSI 20/4, the Sub-Committee noted the following summary report on alleged inadequacies of port reception facilities that arose in 2010:

- .1 five Parties submitted 26 reports of alleged inadequacies of reception facilities (15 reports by Bahamas, one by Belgium, three by Cyprus, six by Liberia and one by United Kingdom). A further eight reports were received from Hong Kong, China;
- .2 as of the date of the report, 14 responses (Australia – 8, Mexico – 1, United States – 5), on the outcome of investigations into alleged inadequacies of reception facilities within their ports were received, which represented all reported cases in 2010 of alleged inadequacies in ports of these three States;
- .3 due to an oversight by a flag State reporting on five cases of alleged inadequacies, the relevant port States were not notified in accordance with the procedures in MEPC.1/Circ.469/Rev.1. To alleviate such problems in

future and to facilitate communications, flag States and port States were encouraged to provide their Contact Details in the Port Reception Facilities module of GISIS; and

- .4 thirty-four reports that were received and posted on GISIS, alleged the following 40 inadequacies: 14 alleged inadequacies on requirements under Annex I (six relating to the discharge of slops, three relating to sludge, two relating to oily bilge water, and three relating to scale and sludge from tank cleaning); five alleged inadequacies on requirements under Annex IV; and 21 alleged inadequacies on requirements under Annex V.

4.4 Document FSI 20/4 also provided the following conclusions on the level of compliance with the provisions of MEPC/Circ.318:

- .1 34 mandatory reports under MARPOL were submitted for the year 2010, representing a rate of reporting of 22.7 per cent, as compared to 39 reports submitted for the year 2009 which represented a rate of reporting of 26 per cent; and
- .2 four out of the 34 mandatory reports submitted for the year 2010 were received after the deadline established by paragraph 5 of MEPC/Circ.318 (30 September each year).

4.5 The Sub-Committee, in noting the analysis provided above, was informed that Denmark had submitted its mandatory report well within the deadline, but because of a technical fault, its report had not been received at IMO. Also, the mandatory reports for 2010 from Chile, Ecuador, Germany, South Africa and Sweden were received after document FSI 20/4 had been compiled. All of the above-mentioned reports would be reflected in the following year's analysis of mandatory reports. Had the above six reports been included in the calculation, the rate of reporting would have been 26.7 per cent.

4.6 France raised a concern regarding the information required to be submitted under part 1 of MEPC/Circ.318, which in the current format of the circular can include information on discharges submitted by a Member State in its role as a coastal and/or as a flag State. This could lead to double counting of spilled quantities. Under part 2 of MEPC/Circ.318, France also identified difficulties in having to report alleged violations to other Administrations for prosecution or other action, within a year of their occurrence, because legal action may not have been completed by the deadline for submission of the mandatory report.

4.7 The Sub-Committee urged all Parties to MARPOL to submit mandatory reports in accordance with MEPC/Circ.318, noting that the closing date for the receipt of mandatory reports for the year 2011 was 30 September 2012. The Sub-Committee also requested the Secretariat to update the data and the list annexed to document FSI 20/4, and to submit these to FSI 21 for consideration.

## **5 CASUALTY STATISTICS AND INVESTIGATIONS**

### **CASUALTY-RELATED DECISIONS OF OTHER IMO BODIES**

5.1 The Sub-Committee took note of the following casualty-related outcomes of other IMO bodies as referenced in documents FSI 20/2/1 and FSI 20/2/2 (Secretariat):

- .1 the comments made by MSC 89 regarding stability and seakeeping characteristics of damaged passenger ships in a seaway when returning to

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- port by own power or under tow and the draft of a unified interpretation related to safe return to port and safe areas (MSC 89/25, paragraphs 9.8 and 9.9);
- .2 that MSC 89 had reiterated that comprehensive and accurate reporting by Administrations in GISIS is essential to support formal safety assessment (FSA) studies, which are recognized as providing an important input to the Organization's decision-making process, and that such reporting should continue (MSC 89/25, paragraph 17.5);
  - .3 the decision by MSC 89 regarding the inclusion, in the post-biennial agenda of the Committee, of an output on "Development of requirements for onboard lifting appliances and winches", assigning the DE Sub-Committee as the coordinator and taking into account incidents identified by FSI 19 (MSC 89/25, paragraph 22.26);
  - .4 the comments made by COMSAR 15 when it considered relevant interpretations to SOLAS regulation II-2/21 and 22, that it needed to review only two interpretations with regard to MSC.1/Circ.1214 on Performance standards for the systems and services to remain operational on passenger ships for safe return to port after a casualty; and the Performance standards for the systems and services to remain operational on passenger ships for orderly evacuation and abandonment after a casualty (COMSAR 15/16, paragraphs 15.13 to 15.16);
  - .5 that LEG 98, in considering aspects regarding the fair treatment of seafarers in the event of a maritime accident, had noted the following comments from the observer delegation of the United Nations Office of Legal Affairs/Division for Ocean Affairs and the Law of the Sea (UN-DOALOS) that in the United Nations General Assembly resolution A/65/37 of 7 December 2010, the General Assembly had emphasized that "safety and security measures should be implemented with minimal negative effects on seafarers and fishers, especially in relation to working conditions", and had called upon States to implement the Casualty Investigation Code (LEG 98/14, section 6);
  - .6 that NAV 57, in considering amendments to the performance standards for voyage data recorders (VDR) and simplified VDRs (S-VDRs), had approved a draft MSC resolution on the revised performance standards for VDR, with a view to adoption by MSC 90 (NAV 57/15, section 4 and annex 4);
  - .7 in considering a document outlining the increasing concerns following a spate of accidents and near misses involving ships whilst under pilotage, NAV 57 also recalled that FSI 19 had agreed to bring safety issues related to the integration of pilots into bridge teams and this had been done through FSI.4/Circ.6 for the attention of Administrations when conducting investigations and preparing investigation reports (NAV 57/15, section 9);
  - .8 the information provided to NAV 57 regarding the grounding of the MV **CMA CGM LIBRA** (IMO number: 9399193) while using an Electronic Navigational Chart (ENC), and particularly the need for updating of ENCs (NAV 57/15 paragraphs 14.49 and 14.50);

- .9 the information provided to FP 55 on the preliminary results of investigations conducted into the fires on two passenger ships, which had occurred in October and November 2010, and that the delegation of Denmark had informed of their intention to submit, in due course, the outcome of their investigations to the MSC (FP 55/23, section 12);
- .10 the information provided in document DSC 16/15, section 5 regarding casualty and incident reports and analysis;
- .11 the information provided by the Italian delegation to SLF 54 regarding the accident of the Italian cruise ship **Costa Concordia**, which occurred on 13 January 2012, and that a casualty investigation was being carried out by the Italian Coast Guard, the outcome of which would be submitted to IMO as soon as it is available (SLF 54/17, paragraph 1.7);
- .12 that, in considering the outcome of FSI 19 regarding the investigation report on the very serious casualty on board the containership **Chicago Express**, SLF 54 had instructed its Intact Stability Correspondence Group to further consider the safety issues relating to this very serious casualty (SLF 54/17, paragraphs 16.1 to 16.3);
- .13 that resolution A.1056(27) on *Promotion as widely as possible of the application of the 2006 Guidelines on fair treatment of seafarers in the event of a maritime accident*, adopted on 30 November 2011, recognized that the Guidelines should be implemented alongside the IMO Code of International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Accident, adopted by resolution MSC.255(84), which entered into force on 1 January 2010, pursuant to resolution MSC.257(84); and
- .14 that BLG 18, in noting the information provided by OCIMF, that over the past six years approximately 85 fire and explosion incidents had occurred on ships carrying bulk liquids and gases, had urged Member Governments and international organizations to submit such important information to the FSI Sub-Committee so that the Organization could take any necessary and appropriate action, bearing in mind the seriousness of such incidents and the lessons to be learned. The Sub-Committee also noted the views expressed that the FSI Working Group on Casualty Analysis should produce analysis, such as the one reported by the observer from OCIMF, so that appropriate action could be taken, where necessary (BLG 16/16, paragraphs 12.1 to 12.4).

## **WORKING GROUP ON CASUALTY ANALYSIS**

### **Establishment of the working group**

5.2 The Sub-Committee established the Working Group on Casualty Analysis and instructed it, taking into account the relevant decisions and comments made in plenary, to:

- .1 confirm or otherwise the findings of the correspondence group based on the analysis of individual casualty investigation reports and GISIS, for the Sub-Committee's approval and authorization of their release to the public on GISIS;

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- .2 confirm or otherwise the draft text of lessons learned for presentation to seafarers, for the Sub-Committee's approval and authorization of its release on the IMO website in accordance with the agreed procedure;
  - .3 consider and advise on the referral to the relevant IMO bodies those reports reviewed by the analysts and considered by the working group and which are of interest to them. In doing so, the working group should submit supporting information derived from the casualty analysis procedure used for the development of recommendations for consideration by the relevant IMO bodies;
  - .4 consider and advise on the revision and update of the text of the Guidelines for the investigation of human factors in marine casualties and incidents (annex to resolution A.884(21)), and the Guidelines to assist investigators in the implementation of the Code (appendix of the annex to resolution A.849(20)), and document FSI 19/INF.15;
  - .5 consider and advise on the revision and update of the text of MSC-MEPC.3/Circ.3, taking into account the Casualty Investigation Code and FSA inputs, and aspects in relation to European Marine Casualty Information Platform (EMCIP)/GISIS data transfers;
  - .6 consider and advise on the possibilities to improve GISIS casualty data (FSI 18/6/3, MSC 87/18, paragraphs 22 and 23 and MSC 87/26, paragraph 18.6), including aspects in relation to EMCIP/GISIS data transfers, and the information contained in document FSI 19/INF.15;
  - .7 consider and advise on the casualty-related outcome of other IMO bodies (FSI 20/2/1 and FSI 20/2/2);
  - .8 consider and advise on comments made by the Secretariat on the report of the Correspondence Group on Casualty Analysis related to modifications of the GISIS Marine Casualties and Incidents module and to MSC-MEPC.3/Circ.3 (FSI 20/5/4);
  - .9 consider the document on data on marine casualties to be submitted by Member States to the Organization (FSI 20/5/2), and advise on actions to be taken;
  - .10 consider the information provided on accident reports on ro-ro ferry vehicle deck fires and the proposal put forward (FSI 20/5/3), and advise on the necessary actions to be taken;
  - .11 consider and advise on information provided by the Secretariat on loss of life from 2006 to date (FSI 20/INF.17);
  - .12 consider and advise on the user guidance-GISIS module on maritime casualties and incidents (FSI 20/INF.19);
  - .13 consider and advise on the information provided in the bulk carrier casualty report (FSI 20/INF.20); and
  - .14 advise on the re-establishment of the Correspondence Group on Casualty Analysis and, if so, prepare draft terms of reference for that group.

## Report of the working group

5.3 Having considered the report of the working group (FSI 20/WP.2 and FSI 20/WP.2/Add.1), the Sub-Committee approved the report in general and, in particular:

- .1 endorsed the group's recommendation to bring the issues identified by the analysts, as detailed in paragraph 3.3 of document FSI 20/5, to the attention of Administrations, by means of an FSI circular to be processed by the Secretariat, with the objective of highlighting the circumstances in future investigation reports;
- .2 approved the proposed feedback mechanism recommended in paragraph 5 of document FSI 20/5 and requested the Secretariat to act accordingly;
- .3 approved the text of casualty analyses for release to the public on the GISIS Marine Casualties and Incidents module;
- .4 approved the draft text of Lessons Learned for Presentation to Seafarers, as set out in annex 1, for release on the IMO website, in accordance with the agreed procedure (FSI 11/23, paragraph 4.19);
- .5 invited flag Administrations to continue disseminating marine casualty issues and information, i.e. Lessons Learned, among their fleets and seafarers;
- .6 agreed that many of the lessons learned relate to issues that would more properly be of interest to actors other than seafarers (shipowners, operators, equipment manufacturers, etc.);
- .7 agreed to forward, subject to endorsement by the MSC, the reports on the incidents of the **BBC Atlantic** (GISIS incident C0007492), **Star Java** (GISIS incident C0007519), **Knud Lauritzen** (GISIS incident C0007251), **Sand Falcon** (GISIS incident C0007978) and **Wellservicer** (GISIS incident C0007608), as well as the analysis and comments made by the correspondence group, to the DE Sub-Committee for its consideration and action as appropriate;
- .8 having noted the group's opinion regarding the investigation report into the incident of the **Oceanic Angel** (GISIS incident C0006365), concluded that sufficient regulations on personnel protection already exist; therefore, there is no need for the report to be forwarded to another sub-committee for consideration;
- .9 agreed on the need to collect more information in order to consider any potential casualty trend concerning fishing vessels and invited Member States to continue providing the Secretariat with information in accordance with MSC/Circ.539/Add.2 and MSC/Circ.753 and to upload casualty information regarding fishing vessels into the GISIS Marine Casualties and Incidents module;
- .10 agreed that a correspondence group, based on annex 3 to document FSI 20/5 and comments made in the correspondence group, if applicable, should complete the revision of the annex to resolution A.884(21) and the

- appendix of the annex to resolution A.849(20), in the form of a consolidated draft for consideration at FSI 21;
- .11 agreed that a correspondence group, based on annex 2 of document FSI 20/5 and comments made in the correspondence group, if applicable, should complete the revision and updating of MSC-MEPC.3/Circ.3 and submit a draft for consideration at FSI 21;
- .12 invited Administrations to address the issue of potential delay in entering of casualty investigation report data or its complete non-entry, owing to concerns that the information gained from safety investigations might be used for the purposes of litigation;
- .13 concluded that:
- .13.1 the GISIS Marine Casualties and Incidents module should be used only for information on marine safety investigations;
- .13.2 the casualty information in the above-mentioned GISIS module should reflect the information required by resolution MSC.255(84), MSC-MEPC.3/Circ.3, and related instruments; and
- .13.3 relevant IMO bodies should be requested to validate the purpose and the extent to which the information requested in annexes 4 to 10 of MSC-MEPC.3/Circ.3 should continue to be supplied;
- .14 agreed on continuing the work of developing a proposed revision of MSC-MEPC.3/Circ.3 in respect of factual data entry and requesting relevant IMO bodies to validate why, and the extent to which the information requested in annexes 4 to 10 of MSC-MEPC.3/Circ.3 should continue to be supplied;
- .15 invited the Secretariat to make available, on the relevant section of the IMO website, MSC-MEPC.3/Circ.3, MSC/Circ.539/Add.2 and MSC/Circ.802-MEPC/Circ.332, and to keep them updated;
- .16 regarding marine safety investigation reports into ro-ro ferry vehicle deck fires, agreed to refer all available reports together with their analysis and comments made by FSI 20 to a correspondence group to be instructed accordingly;
- .17 requested the Secretariat to continue analysing and identifying areas which should be looked into in more detail, taking into consideration delay in data submission to the Organization and including the following non-exclusive factors:
- .17.1 a longer time period, e.g. 10 years;
- .17.2 total number of ships in operation by size;
- .17.3 ratio data;
- .17.4 type of ship;
- .17.5 type of operation;
- .17.6 type of accident; and
- .17.7 identification of accidents with the highest number of fatalities;

- .18 noted the information regarding the very serious marine casualty on **Deep Water Horizon** on the availability, in GISIS, of the marine safety investigation reports completed by the Marshall Islands and the United States;
- .19 approved the draft guide on the process of reporting on marine casualties and incidents and reviewing the analysis of marine safety investigation reports submitted to IMO and its dissemination on the relevant section of the IMO website and invited the Secretariat to keep these guides updated; and
- .20 regarding bulk carrier casualty reports, agreed to refer for analysis all available reports in this regard, including those uploaded into the above-mentioned GISIS module.

### **Correspondence Group on Casualty Analysis**

5.4 The Sub-Committee, taking into account the work completed at this session, agreed to re-establish the Correspondence Group on Casualty Analysis, under the coordination of Canada\*, to continue its work intersessionally under the following terms of reference:

- .1 based on the information received from Administrations on investigations into casualties, to conduct a review of the relevant casualty reports referred to the group by the Secretariat and to prepare draft lessons learned for presentation to seafarers;
- .2 to identify safety issues that need further consideration;
- .3 to consider and advise on the possibility that the Lessons Learned for Presentation to Seafarers be broadened or presented in such a way to make them more useful to the shipping industry as a whole, when such issues are identified by the analysts;
- .4 based on documents FSI 20/5 (annex 3) and FSI 20/WP.2 and comments made in plenary, to complete the revision of the annex to resolution A.884(21) and the appendix of the annex to resolution A.849(20), and to complete a consolidated draft for consideration by FSI 21;
- .5 based on annex 2 of document FSI 20/5, document FSI 20/WP.2 and comments made in plenary, to complete the revision and update of MSC-MEPC.3/Circ.3 and to submit a draft for consideration by FSI 21;

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- .6 to consider the safety issues identified in the marine safety reports by the Marshall Islands and the United States of the explosions, fire and loss of the Mobile Offshore Drilling Unit **Deepwater Horizon** and to advise at the earliest opportunity regarding referral of these reports to the relevant IMO bodies;
  - .7 to explore the possibility to incorporate, in the revised and updated version of MSC-MEPC.3/Circ.3, the information required in accordance with MSC/Circ.539/Add.2 and MSC/Circ.802-MEPC/Circ.332;
  - .8 to consider all available data on accident reports on ro-ro ferry vehicle deck fires and to provide a conclusion and recommendations on actions to be taken; and
  - .9 to submit a report to FSI 21.

### **Working Group on Casualty Analysis at the next session**

5.5 The Sub-Committee agreed that the Working Group on Casualty Analysis should start work on the morning of the first day of the FSI 21, in accordance with paragraph 5.19 of MSC-MEPC.1/Circ.4 on Guidelines on the organization and method of work of the MSC and the MEPC and their subsidiary bodies, under the following provisional terms of reference, subject to further instructions received from plenary:

- .1 confirm or otherwise the findings of the correspondence group based on the analysis of individual casualty investigation reports and GISIS, for the Sub-Committee's approval and authorization of their release to the public on GISIS;
- .2 confirm or otherwise the draft text of Lessons Learned for presentation to seafarers, for the Sub-Committee's approval and authorization of release on the IMO website in accordance with the agreed procedure;
- .3 consider and advise which reports reviewed by the analysts and considered by the working group should be referred to the relevant IMO bodies. In doing so, the working group should submit supporting information derived from the casualty analysis procedure used to develop recommendations for consideration by the Committees and sub-committees;
- .4 consider and advise on the revision and updating of the "Guidelines for the investigation of human factors in marine casualties and incidents" (annex to resolution A.884(21)) and the "Guidelines to assist investigators in the implementation of the Code" (appendix of the annex to resolution A.849(20));
- .5 consider and advise on the revision and update of MSC-MEPC.3/Circ.3, taking into account the Casualty Investigation Code and FSA inputs as well as outputs from MEPC 64 and relevant IMO bodies during the draft review of MSC-MEPC.3/Circ.3, and aspects in relation to EMCIP/GISIS data transfers;
- .6 consider and advise on the possibility of incorporating into the revised and updated version of MSC-MEPC.3/Circ.3 the information required in accordance with MSC/Circ.539/Add.2 and MSC/Circ.802-MEPC/Circ.332; and

- .7 consider all available data on accident reports on ro-ro ferry vehicle deck fires and provide recommendations on actions to be taken.

#### **Reminder for submission of casualty-related data**

5.6 The Sub-Committee agreed to remind Member States:

- .1 that the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code), adopted by resolution MSC.255(84), became mandatory under SOLAS regulation XI-1/6 on 1 January 2010, through resolution MSC.257(84). In this context, Member States are urged to submit reports of investigations, particularly into very serious casualties, in order to fulfil the mandatory requirements of the Code, which could also help a more global analysis process to be made available by investigating parties, and inform the work of the Working Group on Casualty Analysis;
- .2 to continue to develop further the systematic investigation method and investigation report structure in accordance with paragraph 2.12 and chapter 14 of the Casualty Investigation Code;
- .3 to ensure that information on reports on marine casualties and incidents is provided to the Secretariat in accordance with the reporting requirements and the revised format annexed to MSC-MEPC.3/Circ.3, bearing in mind that information can be directly reported by Member States into the GISIS Marine Casualties and Incidents module, which includes the facility to attach the electronic version of full investigation reports;
- .4 to provide the Secretariat with information on numbers of fishing vessels, fishermen, total losses and lives lost, in accordance with MSC/Circ.539/Add.2 and MSC/Circ.753, so that updated information on the matter can be incorporated in the relevant circulars;
- .5 to include precise information on causal factors and details of accidents, especially on the cause of accidents involving general cargo ships, in the final version of a marine safety investigation report;
- .6 to consider any trend when conducting a marine safety investigation or analysis of marine safety investigation reports; and
- .7 to continue updating directly the respective information in order to ensure the accuracy of the information available in the Contact Point module of GISIS, in accordance with MSC-MEPC.6/Circ.9.

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## 6 HARMONIZATION OF PORT STATE CONTROL ACTIVITIES

### PROCEDURES FOR PORT STATE CONTROL (PSC)

#### **Guidelines for the port State control officer on certification of seafarers' rest hours according to the STCW Convention and manning requirements from the flag State**

6.1 The Sub-Committee, having recalled that the 2010 Manila Amendments to the STCW Convention and Code include revised requirements on hours of rest, considered document FSI 20/6/4 (Paris MoU) on Guidelines for the port State control officer on certification of seafarers' rest hours according to the STCW Convention and manning requirements from the flag State.

6.2 The Sub-Committee was advised that A 27 had adopted resolution A.1047(27) on *Principles of Minimum Safe Manning*, consisting of *Guidelines for the application of principles of safe manning; Guidelines for determination of minimum safe manning; Responsibilities in the application of principles of minimum safe manning; Guidance on contents and model form of minimum safe manning document and Framework for determining minimum safe manning*, as set out in annexes 1, 2, 3, 4 and 5, respectively, to the resolution.

6.3 The Sub-Committee, following discussion, referred document FSI 20/6/4 to the Drafting Group on Harmonization of PSC activities, to be established under this agenda item, to draft possible IMO guidelines for its consideration and referral to the STW Sub-Committee and the MSC, as appropriate.

#### **Guidelines for port State control officers on the ISM Code**

6.4 The Sub-Committee, having recalled that FSI 19 had agreed that the guidelines for port State control officers related to the ISM Code should be further developed, using document FSI 19/6/5 (Paris MoU) as a basis, under the existing agenda item on harmonization of port State control activities, in cooperation with the STW Sub-Committee, as appropriate, which was subsequently approved by MSC 89 and MEPC 62, considered document FSI 20/6/9 (IACS) on Development of guidelines for PSCOs related to the ISM Code.

6.5 The Sub-Committee, having noted that the guidelines for PSCOs related to the ISM Code could be developed either to amend appendix 8 of Procedures for port State control, 2011 or to prepare stand-alone PSC guidelines related to the ISM Code and reference them in appendix 18 (list of instruments relevant to PSC procedures) of the Procedures for port State control, 2011, instructed the drafting group to prepare the draft guidelines for port State control officers related to the ISM Code, using document FSI 19/6/5 (Paris MoU) as a basis. With regard to document FSI 20/6/9 (IACS), addressing, in particular, the question of communication between PSCOs and flag States or recognized organizations (ROs), acting on their behalf, the Sub-Committee, having noted that China might provide further input on the checking of safety management systems by port State control, did not refer the document to the drafting group for consideration.

#### **Port State control on ships fitted with ECDIS**

6.6 The Sub-Committee considered document FSI 20/INF.18 (Australia), providing information on guidance for Australian PSCOs when inspecting ships fitted with Electronic Chart Display Information System (ECDIS), as mandatory carriage of ECDIS will be phased in from 1 July 2012.

6.7 The Sub-Committee, having noted the information provided by the delegation of the United States on the training aspects related to ECDIS, which would be raised at STW 43, referred document FSI 20/INF.18 to the NAV Sub-Committee for information, as appropriate, and invited PSC regimes to review the document, with a view to developing a common approach to the inspection of ECDIS installation and operation.

#### **CONCENTRATED INSPECTION CAMPAIGNS**

6.8 Having recalled that FSI 19 had agreed that, at future sessions, the outcome of concentrated inspection campaigns (CICs) would be best reviewed by a working/drafting group, which would be tasked to prepare appropriate material for referral to the relevant sub-committees, the Sub-Committee considered the following documents for referral to the drafting group:

- .1 FSI 20/6/8 (Egypt) on Global concentrated inspection campaigns;
- .2 FSI 20/INF.4 and Add.1 (Paris MoU) on the Results of the 2010 Paris MoU CIC on tanker damage stability and the Preliminary results of the 2011 Paris MoU CIC on Structural Safety and Load Lines; and
- .3 FSI 20/INF.9 (Tokyo MoU) on the Report of the Tokyo MoU CIC on Harmful Substances (Marine Pollutants) Carried in Packaged Form in 2010.

6.9 As the proposal for PSC regimes organizing and holding global CICs (FSI 20/6/8) did not receive the necessary support at this stage, the Sub-Committee briefly considered the information contained in the three other CIC-related submissions and noted that the recommendation contained in paragraph 2.3.1 of section 2 of the annex to document FSI 20/INF.4 had already been addressed by the SLF Sub-Committee. Also, the outcome of the two other CICs had not yet been agreed by the relevant bodies of the PSC regimes, thereby preventing their detailed consideration. The Sub-Committee reaffirmed the need to comply with the Committees' Guidelines should any matter identified through the outcome of CICs need to be considered that would entail amendments to, or new, mandatory provisions.

6.10 On the issue of the format for PSC-related submissions, in particular, on whether they should be issued as information documents, and whether they should be introduced in plenary and considered for action, the Sub-Committee recommended that PSC regimes should submit meeting documents, other than information documents, together with related information documents containing statistical material.

6.11 The Sub-Committee invited PSC regimes to conduct CICs in cooperation with other MoUs and to continue providing the Sub-Committee with information on the outcome of CICs in the agreed reporting format as set out in annex 2 to document FSI 20/6 and recommendations, together with supporting material, which could be referred to the relevant IMO bodies for further consideration.

#### **INTERREGIONAL ACTIVITIES**

##### **Fifth IMO Workshop for PSC MoU/Agreement Secretaries and Database Managers**

6.12 The Sub-Committee considered document FSI 20/6 (Secretariat) containing the outcome of the Fifth Workshop for PSC MoU/Agreement Secretaries and Database Managers and referred it to the drafting group to prepare a clean text of those recommendations on which the Sub-Committee had agreed, including those to be forwarded to other IMO bodies, as appropriate.

### **Agenda of the IMO workshop**

6.13 Having revisited in detail the nature of the workshops as being different from a working group or an official intersessional meeting, the Sub-Committee, without considering in detail document FSI 20/6/3 (Black Sea MoU) on a proposal for standing agenda items on the IMO Workshop for PSC MoU/Agreement Secretaries and Database Managers, agreed that it should not approve the agenda of the workshop.

### **Performance of flag Administrations and recognized organizations**

6.14 The Sub-Committee, having considered the information contained in documents FSI 20/6/5 (Paris and Tokyo MoUs) and FSI 20/INF.5 (United States and Paris and Tokyo MoUs) on flag Administrations targeted by the United States Coast Guard and the Paris and Tokyo MoUs, encouraged all PSC regimes to provide similar information and to contact the relevant flag Administrations and recognized organizations, with a view to addressing the improvement of their performances.

### **ESTABLISHMENT OF THE DRAFTING GROUP**

6.15 The Sub-Committee established the Drafting Group on Harmonization of PSC activities and instructed it, taking into account the relevant decisions and comments made in plenary, to:

- .1 draft guidelines for PSCOs related to the ISM Code, using document FSI 19/6/5 (Paris MoU);
- .2 draft guidelines for PSCOs on certification of seafarers' rest hours based on the relevant provisions of the STCW Convention and manning requirements from the flag State, using document FSI 20/6/4 (Paris MoU) as a basis; and
- .3 consider document FSI 20/6 (Secretariat) on the outcome of the Fifth Workshop for PSC MoU/Agreement Secretaries and Database Managers and provide a clean text of those recommendations as contained in paragraphs 8, 10 and 30 on which the Sub-Committee had agreed, including those to be forwarded to other IMO bodies, as appropriate.

### **REPORT OF THE DRAFTING GROUP**

6.16 Having received the report of the Drafting Group on Harmonization of PSC activities (FSI 20/WP.5), the Sub-Committee took action as indicated in the following paragraphs.

### **Guidelines for port State control officers**

6.17 The Sub-Committee, having considered the editorially reviewed draft Guidelines for port State control officers on certification of seafarers' rest hours according to the STCW Convention and manning requirements from the flag State, as set out in annex 1 to document FSI 20/WP.5, and the draft Guidelines for port State control officers related to the ISM Code, as set out in annex 2 to document FSI 20/WP.5, agreed to conduct a more detailed technical review of both guidelines, other than editorial, at its next session.

**Recommendation by the Fifth IMO Workshop for PSC MoU/Agreement Secretaries and Database Managers**

6.18 The Sub-Committee, having reviewed annex 1 to document FSI 20/6, containing a draft format for submission of annual port State inspection data from PSC regimes, approved the format, as set out in annex 3 to document FSI 20/WP.5, and invited PSC regimes to make use of the format as appropriate.

6.19 The Sub-Committee requested the Secretariat to send regular reminders to flag States to keep information provided in GISIS modules up to date, and invited all PSC MoUs/Agreement to encourage their member Authorities to maintain the information on their contact points.

6.20 Having reviewed annex 2 to document FSI 20/6, containing a draft format to streamline information on the outcome of CICs conducted by PSC regimes, the Sub-Committee agreed to the format, as set out in annex 4 to document FSI 20/WP.5, while inviting PSC regimes to make use of the format as appropriate.

**ANALYSIS OF PSC ACTIVITIES, PRACTICES AND STATISTICS**

6.21 Having recalled that FSI 12 had recommended to carry out in-depth analyses of the annual reports on port State control activities, the Sub-Committee considered the following documents on the activities of the PSC regimes:

- .1 FSI 20/6/2 (Secretariat) on the progress report on regional PSC regimes;
- .2 FSI 20/INF.3 (Paris MoU) on the Paris MoU Annual Report 2010;
- .3 FSI 20/INF.7, FSI 20/INF.8 and FSI 20/INF.10 (Tokyo MoU) on the Tokyo MoU Annual Report 2010, Tokyo MoU PSC Data for 2010 and the Summary of Tokyo MoU activities in 2011;
- .4 FSI 20/INF.11 (Caribbean MoU) on the Caribbean MoU Annual Report 2010 and activities in 2011;
- .5 FSI 20/INF.12 (Viña del Mar Agreement) on the Annual Statistical Report 2010;
- .6 FSI 20/INF.15 (United States) on the United States 2010 and 2011 Port State Control Reports;
- .7 FSI 20/INF.22 (Indian Ocean MoU) on the Indian Ocean MoU PSC activities in 2011;
- .8 FSI 20/INF.24 (Mediterranean MoU) on the Mediterranean MoU Annual Report 2010;
- .9 FSI 20/INF.25 (Riyadh MoU) on the Riyadh MoU Annual Report 2010; and
- .10 FSI 20/INF.26 and FSI 20/INF.27 (Black Sea MoU) on the Black Sea MoU Annual Report 2010 and the Analysis of 2010 Black Sea MoU Statistics.

6.22 The Sub-Committee was informed that three members of the Regional Organization for the Conservation of the Environment of the Red Sea and Gulf of Aden (PERSGA), i.e. Egypt, Jordan and Sudan had signed the PSC MoU in the Red Sea and Gulf of Aden, which will enter into force one month after it has been ratified by three Parties, and that other Member States are in the process of signing the MoU following their legislative requirements.

6.23 The Sub-Committee, having invited representatives of other PSC regimes that did not submit a document to this session to provide any relevant information on recent developments, noted that the 2011 Annual Report of the Abuja MoU had been distributed to the delegations attending the session.

6.24 The Sub-Committee invited the regional PSC agreements and the United States to continue submitting their annual reports to the Sub-Committee, in the agreed above-mentioned format regarding the statistics of the year of reference contained therein and requested the Secretariat to continue providing the Sub-Committee with a progress report on regional PSC agreements.

## **TRANSPARENCY AND HARMONIZATION OF PSC INFORMATION**

### **Equasis information system**

6.25 In the context of its consideration of document FSI 20/6/1 (Secretariat) on the Equasis information system, presenting the relevant outcome of the 18th Equasis Editorial Board Meeting (EB 18), the 23rd Equasis Supervisory Committee Meeting (SC 23) and the 19th Equasis Editorial Board Meeting (EB 19), the Sub-Committee noted the following elements:

- .1 that there had been no change in the criteria to become a data provider to Equasis since FSI 19;
- .2 that, after the issuance of document FSI 20/6/1, the Viña del Mar Agreement signed an agreement with Equasis on 23 November 2011 and became a new data provider to Equasis;
- .3 the version 2.5 of Equasis went live on 7 September 2011 and contains, in particular, the visible features described in paragraphs 5 to 8 of document FSI 20/6/1;
- .4 annual statistics of Equasis for the year 2010 had been published and are available on the Equasis website at [www.equasis.org](http://www.equasis.org);
- .5 Equasis has maintained close contacts with several other PSC regimes, with a view to expanding the geographical coverage of obtained PSC data in the next few years; and
- .6 Equasis will submit to FSI 21 information on the new criteria on the content of the data to be provided by all current and future PSC data providers.

### **Provision of a decision support tool for PSCOs of the Mediterranean MoU**

6.26 The Sub-Committee considered document FSI 20/6/6 (Secretariat) on the provision of a decision support tool for PSCOs of the Mediterranean MoU and requested the Secretariat to investigate whether the system could be provided to other PSC regimes and how it could be kept updated.

## **PSC data exchange protocols**

6.27 In considering document FSI 20/6/7 (Secretariat), the Sub-Committee noted that in addition to five PSC regimes, i.e. the Indian Ocean, Mediterranean, Tokyo and Riyadh MoUs and the Viña del Mar Agreement that had already signed data exchange agreements with IMO, the Abuja, Caribbean and Paris MoUs signed similar data exchange agreements with IMO on the first day of the session.

6.28 The Sub-Committee invited the Black Sea MoU to sign a data exchange agreement in the near future, thereby completing such agreements with all existing regional PSC regimes.

## **7 PSC GUIDELINES ON SEAFARERS' HOURS OF REST AND PSC GUIDELINES IN RELATION TO THE MARITIME LABOUR CONVENTION, 2006**

7.1 The Sub-Committee, having recalled that MSC 85 had endorsed the views of STW 39 that it would not be appropriate for the PSC guidelines on inspection of seafarers' working hours to be issued as an MSC circular, considered the information contained in document FSI 20/7 (Secretariat).

### **IMPLEMENTATION OF THE 2010 MANILA AMENDMENTS**

7.2 The Sub-Committee recalled that FSI 19, having received information that the Manila Amendments to the STCW Convention and Code will enter into force in 2012, which is prior to the Maritime Labour Convention (MLC) 2006, and having identified areas that require further harmonization between the two instruments, had invited delegations to make relevant submissions to the Maritime Safety Committee.

7.3 The Sub-Committee also recalled that MSC 89 had invited Member Governments and international organizations to bring to the notice of the STW Sub-Committee any difficulties encountered in implementing the requirements of the 2010 Manila Amendments, with a view to providing the appropriate guidance.

### **ASSEMBLY RESOLUTION ON PRINCIPLES OF MINIMUM SAFE MANNING AND DRAFT AMENDED TEXT OF SOLAS REGULATION V/14**

7.4 The Sub-Committee recalled that A 27 had adopted resolution A.1047(27) on *Principles of Minimum Safe Manning*, consisting of *Guidelines for the application of principles of safe manning; Guidelines for determination of minimum safe manning; Responsibilities in the application of principles of minimum safe manning; Guidance on contents and model form of minimum safe manning document and Framework for determining minimum safe manning*, as set out in annexes 1, 2, 3, 4 and 5, respectively, to the resolution which contain, inter alia, provisions in relation to a period of rest.

### **MARITIME LABOUR CONVENTION, 2006**

7.5 The Sub-Committee noted that MLC 2006 would come into force 12 months after ratification by at least 30 ILO Member States with a total share of at least 33 per cent of the world's gross tonnage, and as of 28 March 2012, 25 ILO Member States had ratified MLC 2006, namely Antigua and Barbuda; Australia; the Bahamas; Benin; Bosnia and Herzegovina; Bulgaria; Canada; Croatia; Denmark; Gabon; Kiribati; Latvia; Liberia; Luxembourg; the Marshall Islands; the Netherlands; Norway; Panama; Saint Vincent and the Grenadines; Saint Kitts and Nevis; Singapore; Spain; Switzerland, Togo and Tuvalu with a total share of tonnage of over 56 per cent of the world gross tonnage.

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## **8 DEVELOPMENT OF GUIDELINES ON PORT STATE CONTROL UNDER THE 2004 BWM CONVENTION**

8.1 The Sub-Committee noted that, since FSI 19, six more States (Islamic Republic of Iran, Lebanon, Mongolia, Montenegro, Palau, and Trinidad and Tobago) had acceded to the Ballast Water Management (BWM) Convention, which brought the number of Contracting Governments to 33, representing 26.46 per cent of the world merchant fleet tonnage. The Sub-Committee urged other Member States to ratify the Convention at the earliest possible opportunity.

8.2 The Sub-Committee recalled that MEPC 52 had instructed the Sub-Committee to develop Guidelines on port State control under the BWM Convention and, in view of the significant volume of the work required, MEPC 61 had agreed to extend the target completion year for this agenda item to the year 2013.

8.3 The Sub-Committee also recalled that, due to time constraints, the development of Guidelines on port State control under the 2004 BWM Convention and the review of the Guidelines for inspection of anti-fouling systems on ships did not progress at FSI 19.

8.4 The Sub-Committee noted that the BLG Sub-Committee, at its sixteenth session, progressed the work towards developing a BWM circular on ballast water sampling and analysis, which will continue at BLG 17. The Sub-Committee also noted that BLG 16 decided to invite MEPC 64 to endorse the forwarding of documents BLG 16/4 and BLG 16/WP.4 to FSI 21 for consideration, as they contain useful information for further developing the Guidelines on port State control under the 2004 Ballast Water Management Convention. The Sub-Committee agreed to continue the development of these Guidelines at FSI 21.

8.5 The Sub-Committee noted that MEPC 63 endorsed the conclusion of the Ballast Water Review Group that the solution contained in paragraph 9.3 of document MEPC 63/2/20 (IACS et al.) offers the most appropriate way to deal with survey and certification, and invited the proponents of this document to advise the MEPC on the progress made after the conditions for entry into force have been met and prior to the entry into force of the Ballast Water Management Convention. At the request of IACS, MEPC 63 requested the Secretariat to pass this information to the FSI Sub-Committee.

## **9 COMPREHENSIVE ANALYSIS OF DIFFICULTIES ENCOUNTERED IN THE IMPLEMENTATION OF IMO INSTRUMENTS**

### **REVIEW OF THE CONSOLIDATED AUDIT SUMMARY REPORTS**

9.1 The Sub-Committee recalled that MEPC 61 and MSC 88, having noted the views of the Sub-Committee on how it should carry out the analysis of consolidated audit summary reports (CASRs) and for advising the Council accordingly, had endorsed the decisions of FSI 18 proposing the pursuance of the current analysis for future CASRs, as well as that of the root causes of the findings, after a more substantial number of audits had been carried out, in order to make recommendations on all relevant matters and, in particular, for capacity-building or technical assistance.

9.2 The Sub-Committee also recalled that C 105 and A 27 had requested the MSC and the MEPC to consider the fourth (C 105/6/1) and fifth (A 27/8/1) CASRs and to advise the Council, in due course, of the outcome of their consideration.

9.3 The Sub-Committee considered documents FSI 20/9 and FSI 20/INF.16 (Secretariat), containing a study based on the information contained in five CASRs of 45 audits, with 359 findings (138 non-conformities and 221 observations) and 165 root causes, including references to convention requirements, where available.

9.4 The results of the study revealed that audit findings (non-conformities and observations) were predominantly related to common areas and flag State issues. Most of the findings were found in the subgroups on implementation (flag State); communication of information; initial actions (legislation); delegation of authority; and flag State surveyors, while the analysis of the recurring grounds of findings indicates that 49 per cent of the references to mandatory IMO instruments are related to communication of information and reporting requirements in the International Convention for the Safety of Life at Sea (SOLAS), 1974; the International Convention for the Prevention of Pollution from Ships (MARPOL); the International Convention on Load Lines (LL), 1966; the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 and the International Convention on Tonnage Measurement of Ships (Tonnage), 1969.

9.5 The analysis of 19 audits containing root causes reveals that the main underlying causes are related to absence/lack of procedure/process/mechanism; insufficient resources; absence/lack of national provisions; lack of coordination among various entities; and absence/lack of training programmes.

9.6 The Sub-Committee agreed to establish a working/drafting group at its next session to review all relevant findings identified through the analysing process implemented by the Secretariat and to make substantial recommendations to the Committees in particular, on the recurrent areas of findings.

#### **CERTIFIED TRUE COPY OF AMENDMENTS TO CONVENTIONS**

9.7 The Sub-Committee considered document FSI 20/9/1 (China) on the issues related to the certified true copy of amendments to conventions in the process of transposing the amendments into national legislation. In this context, China proposed that the certified true copy of amendments to a convention be published on IMODOCS, in track changes, showing the differences with the text adopted earlier by the Committee. A time limit should be set for the circulation of the certified true copy after the adoption of the amendments so that Member States could better plan and manage the process of formulating national legislation.

9.8 In this context, the Legal Office explained the procedures for the preparation of certified true copies of texts of amendments, while stating that, in principle, there would not be any reason why the text of amendments showing changes made to it could not be placed on IMODOCS, as soon as the work of the Translation Services has been completed, in advance of the circulation of the certified true copies. Setting up a time limit for the circulation of certified true copies would be difficult, bearing in mind that there are several processes involved. However, the Legal Office could liaise with the competent Division as well as the Conference Division in order to achieve a timely circulation of the certified true copies on a case-by-case basis.

9.9 The Sub-Committee recommended to the Committees to consider requesting the Secretariat to release a version of the certified true copy of amendments to a convention on IMODOCS, in track changes, and establishing a time limit for the circulation of the certified true copies, preferably at the time of adoption, taking into account the above-mentioned views expressed by the Legal Office.

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**LACK OF ACCESSION TO KEY INTERNATIONAL MARITIME INSTRUMENTS**

9.10 The Sub-Committee recalled that FSI 18 had stressed that the issue of lack of accession to key international maritime instruments had already been raised on many occasions without clearly indicating the reasons thereof, which could be addressed in the future under the item on "Comprehensive analysis of difficulties encountered in the implementation of IMO instruments".

9.11 In this connection, the Sub-Committee considered document FSI 20/9/2 (Denmark et al.), providing an update of statistics on accession to key IMO conventions and protocols, which had also formed the basis of an analysis in document FSI 18/3/7 (ICS et al.). This information illustrated that the lack of accession continues to be a fundamental problem, along with possible incentives aimed at ensuring early accession and identifying possible obstacles and potential solutions. Similarly, document FSI 20/9/3 (France et al.) proposed a number of actions to be taken with respect to the ratification of, and accession to, IMO instruments.

9.12 Following discussion, the Sub-Committee recommended to the Committees to request the Secretariat to invite States depositing instruments of ratification to submit to the Organization relevant and related domestic documents leading to the ratification that could be accessible to other States, either upon request, through technical co-operation or, subsequently, through a GISIS module.

**10 REVIEW OF THE SURVEY GUIDELINES UNDER THE HSSC AND THE ANNEXES TO THE CODE FOR THE IMPLEMENTATION OF MANDATORY IMO INSTRUMENTS****REPORTING PROCEDURE ON THE RESULTS OF EVALUATION OF EXISTING LIFEBOAT RELEASE AND RETRIEVAL SYSTEM**

10.1 The Sub-Committee was advised that MSC 89, while approving MSC.1/Circ.1392 on Guidelines for evaluation and replacement of lifeboat release and retrieval systems, had noted the concerns expressed by the observer from IACS on actual implementation of the reporting procedure on the results of evaluation of existing systems and a factual statement to be issued by a manufacturer upon satisfactory completion of the overhaul examination contained therein. In this context, the Committee had instructed the DE and FSI Sub-Committees to further consider the matter in detail, for advice, as appropriate.

10.2 Following an intervention from the observer of IACS, the Sub-Committee agreed to forward the reporting procedure on the results of evaluation of existing lifeboat release and retrieval systems to the working group to be established under this item for its further consideration.

**REVIEW OF EXEMPTION AND VERIFICATION PROCEDURE CONTAINED IN A DRAFT MSC CIRCULAR ON GUIDELINES ON EXEMPTIONS FOR CRUDE OIL TANKERS SOLELY ENGAGED IN THE CARRIAGE OF CARGOES AND CARGO HANDLING OPERATIONS NOT CAUSING CORROSION**

10.3 The Sub-Committee was advised that DE 55 had agreed a draft MSC circular on Guidelines on exemptions for crude oil tankers solely engaged in the carriage of cargoes and cargo handling operations not causing corrosion, as set out in annex 14 to document DE 55/22, for submission to MSC 90 for approval; and had requested FSI 20 to consider section 5 (Exemption and verification procedure) and to advise MSC 90 accordingly.

10.4 In this context, the Sub-Committee referred the draft section 5 (Exemption and verification procedure) of the draft MSC circular to the working group to be established under this item for detailed review.

#### **SCOPE OF APPLICATION AND DRAFTING OF AMENDMENTS TO SOLAS AND ITS CODES**

10.5 The Sub-Committee recalled that FSI 19 had considered the issue of application of amendments to SOLAS chapter III and the International Life-Saving Appliances Code (LSA Code) and had decided to task the Correspondence Group on the Review of the Survey Guidelines under the Harmonized System of Survey and Certification (HSSC) and the annexes to the Code for the implementation of mandatory IMO instruments to continue to consider the issue intersessionally and to report to FSI 20.

10.6 The Sub-Committee was advised that FP 55 had recognized the existence of a conflict or a potential inconsistency between the proposed amendments to SOLAS regulation II-2/1 and a number of SOLAS chapter II-2 regulations and had invited the Sub-Committee to consider the matter, within the context of its related work on the application of SOLAS chapter III and the LSA Code.

10.7 The Sub-Committee was also advised that MSC 89 had instructed the above-mentioned correspondence group to consider documents MSC 89/3/2 and MSC 89/3/3 and annex 2 of the annex to document MSC 89/21 and to report the outcome to FSI 20; and had reiterated MSC 87's instruction to the Sub-Committee to consider the issue of the scope of application of amendments to SOLAS and related Codes and Guidelines from a holistic point of view.

10.8 In this context, the Sub-Committee considered the relevant part of document FSI 20/10 (Germany) containing the report of the Correspondence Group on the Review of the Survey Guidelines under the HSSC and the annexes to the Code for the implementation of mandatory IMO instruments. In its report (FSI 20/10), the group:

- .1 based on the draft amendment to the LSA Code contained in annex 2 to document DE 54/6 (Secretariat), developed draft amendments regarding application to the LSA Code, as set out in annex 1 to its report, together with a draft MSC circular on guidance for drafting amendments to the LSA Code, as set out in annex 2 to its report;
- .2 concluded that the annex to document MSC 89/3/2 (Secretariat), except its paragraphs 15 and 16, could be further developed to become the basis for a guidance document for drafting amendments to SOLAS;
- .3 supported, in general, the approach contained in document MSC 89/3/3 (Argentina), emphasizing that it would cover the whole SOLAS Convention; and
- .4 suggested that the Sub-Committee should consider the inclusion of the detailed information provided in annex 2 (issues to be addressed in proposals to amend mandatory instruments) of the annex to document MSC 89/21 in the guidance document for development of amendments to SOLAS.

10.9 Following discussion, the Sub-Committee referred the proposed amendments to the LSA Code, together with the draft MSC circular on Guidance for drafting amendments to that Code, bearing in mind the need for a general applicability framework of amendments as was recognized by the DE and FP Sub-Committees relating to amendments to SOLAS chapters II-2 and III and its Codes, taking into account documents MSC 89/3/2, MSC 89/3/3, MSC 89/21 (annex 2 of the annex), FP 55/23 (paragraphs 22.4 to 22.6) and FSI 20/10 to the working group to be established under this item for detailed consideration.

#### **AMENDMENTS TO RESOLUTION A.1053(27)**

10.10 The Sub-Committee noted that A 27 had adopted resolution A.1053(27) on the *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2011*, which included those amendments to relevant IMO regulations that entered into force up to and including 31 December 2011.

10.11 The Sub-Committee recalled that FSI 19 had established the Correspondence Group on the Review of the Survey Guidelines under the HSSC and the annexes to the Code for the implementation of mandatory IMO instruments, under the coordination of Germany, to continue to update the Survey Guidelines under the HSSC.

10.12 The Sub-Committee considered the relevant part of document FSI 20/10 of the report of the correspondence group, containing proposed amendments to the *Survey Guidelines under the Harmonized System of Survey and Certification (HSSC), 2011* (resolution A.1053(27)), deriving from amendments to the relevant IMO instruments entering into force up to and including 1 July 2012. In its report, the group was of the opinion that some items in the Survey Guidelines are slightly inaccurate in its application to oil tankers and, therefore, recommended to delete "oil" from "oil tanker" and paragraph 3.4 in the "General" part be reviewed. The group suggested that definitions or guidance on the terms "examination" and "test", contained in the Survey Guidelines, should be developed, and requested that the issue of future referencing of mandatory IMO instruments in the Survey Guidelines should be considered.

10.13 The Sub-Committee also considered documents FSI 20/10/1 and FSI 20/INF.6 (Secretariat), containing a list of new and outstanding requirements, which were adopted since the last session of the Sub-Committee. The list has two tables, namely table 1 (mandatory instruments) and table 2 (non-mandatory instruments), as shown in the annex to document FSI 20/INF.6.

10.14 In this context, the Sub-Committee referred the consideration of the relevant part of the report of the correspondence group (FSI 20/10), together with document FSI 20/INF.6, to the working group to be established under this item for review and to further develop amendments to resolution A.1053(27), bearing in mind that the proposed amendments to the Survey Guidelines under the HSSC, 2011 are scheduled to be finalized at the next session.

#### **AMENDMENTS TO RESOLUTION A.1054(27)**

10.15 The Sub-Committee noted that A 27 had adopted resolution A.1054(27) on the *Code for the Implementation of Mandatory IMO Instruments, 2011*, which included amendments to the relevant mandatory IMO instruments entering into force up to and including 1 July 2012.

10.16 The Sub-Committee recalled that FSI 19 had established the Correspondence Group on the Review of the Survey Guidelines under the HSSC and the annexes to the Code for the implementation of mandatory IMO instruments, under the coordination of Germany, to update the latter.

10.17 The Sub-Committee considered the relevant part of the report of the correspondence group (FSI 20/10), containing proposed amendments to the annex to the above-mentioned Code, taking into account the new provisions, the entry into force of which extends until 1 January 2014.

10.18 The Sub-Committee also considered document FSI 20/10/2 (Secretariat), containing a list of amendments to mandatory instruments, adopted since the last session of the Sub-Committee, which might be relevant to the development of amendments to the annex to the Code.

10.19 In this context, the Sub-Committee referred the proposed amendments to the annexes to the Code contained in document FSI 20/10, together with document FSI 20/10/2, to the working group to be established under this item for consideration, bearing in mind that the proposed amendments to the annex to the Code are scheduled to be finalized at the next session.

#### **ESTABLISHMENT OF THE WORKING GROUP**

10.20 The Sub-Committee established the Working Group on the Review of the Survey Guidelines under HSSC and annexes to the Code for the implementation of IMO mandatory instruments, 2011 and instructed it, taking into account the decisions and proposals made in plenary, to:

- .1 consider the reporting procedure on the results of evaluation of existing lifeboat release and retrieval system (MSC.1/Circ.1392);
- .2 review section 5 (Exemption and verification procedure) contained in the draft MSC circular on Guidelines on exemptions for crude oil tankers solely engaged in the carriage of cargoes and cargo handling operations not causing corrosion (DE 55/22, annex 14);
- .3 consider the proposed amendments to the LSA Code (annex 1 to document FSI 20/10), together with the draft MSC circular on guidance for drafting amendments to the LSA Code (annex 2 to document FSI 20/10), bearing in mind the need for a general applicability framework of amendments as was recognized by the DE and FP Sub-Committees relating to amendments to SOLAS chapters II-2 and III and its Codes, taking into account documents MSC 89/3/2, MSC 89/3/3, MSC 89/21 (annex 2 of the annex), FP 55/23 (paragraphs 22.4 to 22.6) and FSI 20/10;
- .4 consider the proposed amendments to the *Survey Guidelines under the HSSC, 2011* (resolution A.1053(27)) (FSI 20/10), particularly on:
  - .1 the draft items for the alternative design and arrangement;
  - .2 the deletion of the word "oil" from the section headers for the cargo ship safety equipment survey and the subsequent review of the related paragraph 3.4 in the "General" part of the Survey Guidelines;
  - .3 the development of definitions or guidance for the terms "examination" and "testing" used in the Survey Guidelines; and

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- .4 the issue of future referencing of mandatory IMO instruments in the Survey Guidelines (paragraph 24);
  - .5 continue to develop draft amendments to the *Survey Guidelines under the HSSC, 2011* (resolution A.1053(27)), as a result of amendments to the relevant IMO instruments entering into force up to and including 31 December 2013 (FSI 20/INF.6), with a view to submission of the finalized draft amendments to the next session;
  - .6 identify, in documents FSI 20/10 and FSI 20/INF.6, those items which have not been dealt with so far and which require the development of further amendments to the Survey Guidelines, with a view to maintaining the status of the items for future amendments;
  - .7 consider the proposed amendments to the annexes to the *Code for the Implementation of Mandatory IMO Instruments, 2011* (resolution A.1054(27)) (FSI 20/10, annex 5);
  - .8 continue to consider those amendments to the relevant IMO instruments which will enter into force up to and including 1 July 2014 (FSI 20/10/2), with a view to revising the annexes to the Code for finalization at the next session;
  - .9 identify, in document FSI 20/10/2, those items which have not been dealt with so far, with a view to maintaining the status of the items for future amendment to the annexes to the Code;
  - .10 advise on the need for any work to be done intersessionally and recommend an appropriate course of action; and
  - .11 items .1, .2, .3, .4, .7 and .10 above are to be treated as priorities at this session.

#### **REPORT OF THE WORKING GROUP**

10.21 Having considered the report of the working group (FSI 20/WP.3), the Sub-Committee took the decisions as reflected in the following paragraphs.

#### **Reporting procedure on the results of evaluation of existing lifeboat release and retrieval systems**

10.22 The Sub-Committee considered the concerns expressed by IACS on the reporting procedure prescribed in MSC.1/Circ.1392 on Guidelines for evaluation and replacement of lifeboat release and retrieval systems. The Sub-Committee was of the view that, in case of the one-time follow-up overhaul examination of lifeboat release and retrieval systems, the factual statement issued by the manufacturer or one of its representatives, which is described in paragraph 17 of the annex to the circular, provides sufficient evidence to interested parties and, therefore, the development of a specific format for this factual statement is not necessary.

**Review of exemption and verification procedure contained in a draft MSC circular on Guidelines on exemptions for crude oil tankers solely engaged in the carriage of cargoes and cargo handling operations not causing corrosion**

10.23 The Sub-Committee reviewed section 5 (Exemption and verification procedure) contained in the draft MSC Circular on Guidelines on exemptions for crude oil tankers solely engaged in the carriage of cargoes and cargo handling operations not causing corrosion (DE 55/22, annex 14).

10.24 In this context, the Sub-Committee agreed to the revised text of the draft section 5 (Exemption procedure), as set out in annex 2, to replace the existing section 5 contained in the above-mentioned draft MSC circular, with a view to approval by MSC 90.

**Scope of application and drafting of amendments to SOLAS and its Codes**

10.25 With respect to the proposed draft amendments to the LSA Code (FSI 20/10, annex 1), the Sub-Committee further amended subparagraph 3 of the proposed draft paragraph 1.2.1.4 to incorporate a provision for the administration to require a shorter time period, if deemed necessary, in the context of this paragraph. In this context, the Sub-Committee was not able to reach consensus on a single wording of this subparagraph and therefore agreed to include some text within square brackets.

10.26 Regarding the comments relating to the application of SOLAS regulation III/1.4.2 to inflatable liferafts, which was made in plenary by an observer from IACS, the Sub-Committee, due to the technical nature of the issue, considered that the DE Sub-Committee would be the right place to consider this matter.

10.27 The Sub-Committee agreed to the text of draft amendments to the LSA Code, as set out in annex 3, and recommended to MSC 91 that the draft amendments and the concerns regarding the application of SOLAS regulation III/1.4.2, together with the proposed draft MSC circular on Guidance for drafting amendments to the International Life-Saving Appliances (LSA) Code (FSI 20/10, annex 2), should be sent to DE 57 for its consideration.

10.28 Regarding the need for a general applicability framework for drafting amendments, the Sub-Committee considered documents MSC 89/3/2, MSC 89/3/3 and MSC 89/21 (annex 2 of the annex) and agreed that all three documents would require further consideration at the next session.

10.29 The Sub-Committee discussed the potential implications that a methodology as proposed in document MSC 89/3/3 would have. The delegate of Argentina provided advice and input in the discussion and offered to submit a document to MSC 91, providing an example on how the proposed methodology could be established for a complete chapter of the SOLAS Convention.

10.30 In view of the significance of this important matter, the Sub-Committee recognized the necessity for additional information in order to fully understand the implications of the proposal (MSC 89/3/3) for further consideration of the scope of application and the drafting of amendments to SOLAS and its Codes.

**Amendments to resolution A.1053(27)**

10.31 The Sub-Committee, while considering the proposed draft amendments to the Survey Guidelines (resolution A.1053(27)), contained in annex 3 to document FSI 20/10, particularly on the items for the alternative design and arrangement, agreed on the deletion of the word "oil" from the section headers for the cargo ship safety equipment survey and revised paragraph 3.4 in the "General" part of the Survey Guidelines.

10.32 The Sub-Committee further developed guidance for the terms "examination" and "testing", and consequently incorporated this guidance by inserting a new paragraph 3.8*bis* in the "General" part of the Survey Guidelines.

10.33 With respect to the issue of future referencing of mandatory IMO instruments in the Survey Guidelines, different views were expressed, but there was insufficient support for amending the current system of referencing IMO instruments.

10.34 The Sub-Committee agreed to the text of draft amendments to the Survey Guidelines, deriving from the amendments to the relevant IMO instruments entering into force up to and including 1 July 2012, as set out in annex 3 to document FSI 20/WP.3.

10.35 The Sub-Committee also agreed that the draft amendments to the Survey Guidelines needed to be further developed to include the requirements deriving from amendments to relevant IMO instruments entering into force up to and including 31 December 2013, with a view to submission of draft amendments, together with a draft resolution, to FSI 21 for consideration and approval by MSC 92 and MEPC 65, prior to submission to A 28 for adoption.

### **Amendments to resolution A.1054(27)**

10.36 The Sub-Committee considered the proposed draft amendments to the annexes to the *Code for the Implementation of Mandatory IMO Instruments, 2011* (resolution A.1054(27)), contained in annex 5 to document FSI 20/10 and agreed to those draft amendments deriving from amendments to the relevant mandatory IMO instruments entering into force up to and including 1 January 2014, as set out in annex 4 to document FSI 20/WP.3.

10.37 The Sub-Committee agreed that the draft amendments to the annexes to the Code for Implementation of Mandatory IMO Instruments needed to be further developed to include the requirements deriving from the amendments to mandatory IMO instruments entering into force up to and including 1 July 2014 for consideration by FSI 21.

### **Establishment of the correspondence group**

10.38 The Sub-Committee agreed to establish the Correspondence Group\* on the Review of the Survey Guidelines under the HSSC and the annexes to the Code for the implementation of mandatory IMO instruments with the following terms of reference:

- .1 continue to develop draft amendments to the *Survey Guidelines under the HSSC, 2011* (resolution A.1053(27)), as a result of amendments to the relevant IMO instruments entering into force up to and including 31 December 2013 (FSI 20/10 (annex 4), FSI 20/INF.6 and the outcome of MEPC 63), with a view to submission of draft amendments, as finalized at the next session, together with draft Assembly resolutions, to MSC 92 and MEPC 65 prior to submission to A 28 for adoption;

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- .2 identify, in documents FSI 20/10 (annex 4) and FSI 20/INF.6 and the outcome of MEPC 63, those items which have not been dealt with so far and which require the development of further amendments to the Survey Guidelines, with a view to maintaining the items for future amendments;
- .3 continue to develop draft amendments to the annexes to the *Code for the Implementation of Mandatory IMO Instruments, 2011* (resolution A.1054(27)), deriving from those amendments to the relevant IMO instruments which will enter into force up to and including 1 July 2014 (FSI 19/WP.5, annex 7; FSI 20/10/2 and the outcome of MEPC 63), taking into account the decisions made by the Committees (FSI 20/10/2), with a view to revising the annexes to the Code for finalization at the next session;
- .4 identify, in documents FSI 19/WP.5 and FSI 20/10/2 and the outcome of MEPC 63, those items which have not been dealt with so far, with a view to maintaining the items for future amendment to the annexes to the Code; and
- .5 submit a report to FSI 21.

## **11 CONSIDERATION OF IACS UNIFIED INTERPRETATIONS**

11.1 The Sub-Committee was advised that no documents were submitted under this agenda item at this session.

## **12 REVIEW OF THE IMO INSTRUMENTS IMPLEMENTATION CODE**

12.1 The Sub-Committee recalled that MSC 89 and MEPC 62 had approved the draft IMO Instruments Implementation Code (III Code), as set out in annex 26 to document MSC 89/25, for submission to the Assembly at a future session for adoption and had requested the Secretariat to provide the Sub-Committee with a comprehensive review of the options available on the process of making the III Code and auditing mandatory and the rationale thereof.

12.2 The Sub-Committee also recalled that the draft amendments to mandatory IMO instruments, as reviewed at this session, would be considered by the Committees, together with a proposed course of action for the adoption of, and future amendments to, the III Code in its mandatory form.

12.3 In this context, the Sub-Committee considered document FSI 20/12 (Secretariat) which provided a comprehensive review of scenarios for adopting the III Code and draft amendments to mandatory IMO instruments together with the course of action for adoption of, and future amendments to, the III Code in its mandatory form as requested by the Committees. Annex 1 to the document contained the reworded version of the III Code in non-mandatory terms and a draft Assembly resolution for consideration by the Sub-Committee with a view to referral to MSC and MEPC for approval and submission to the next session of the Assembly for adoption. Annex 2 to the document contained draft amendments to each relevant mandatory IMO instrument and associated draft Assembly resolution, as appropriate, for consideration by the Sub-Committee for referral to the MSC and the MEPC for action, as appropriate.

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## Nature of the provisions contained in the III Code

12.4 The Sub-Committee agreed, in principle, to the changes made to the III Code, as presented in annex 1 to document FSI 20/12 and forwarded the revised Code to the working group to be established under this agenda item for finalization.

12.5 In instructing the working group, the Sub-Committee noted that the reference, in subparagraph 18.1 of the III Code, to the "Minimum Standards for Recognized Organizations Acting on Behalf of the Administration" (appendix 1 of the *Guidelines for the authorization of organizations acting on behalf of the Administration* (resolution A.739(18))), would be obsolete after the entry into force of the Code for Recognized Organizations (RO Code), and requested the working group to introduce a more generic reference to the required standards.

## Making the III Code and auditing mandatory

12.6 Regarding the various scenarios proposed in document FSI 20/12 for making the III Code mandatory, the Sub-Committee ruled out the first scenario (FSI 20/12, paragraphs 19 and 20), as this procedure would deviate from the standard model currently used in IMO instruments for introducing amendments through the article-based tacit acceptance procedure.

12.7 Having endorsed the feasibility of the second and third scenarios (FSI 20/12, paragraphs 21 to 26), a number of delegations raised concerns about possible budgetary implications, as well as possible new procedures that could be necessary, if the second scenario were to be pursued. Other delegations were of the view that the timing of when the amendments to make the III Code mandatory are to be adopted should be opened for further consideration and not necessarily tied to that provided in scenario three. Following discussions, there was a general agreement that the third scenario, which relies on the normal sequence of events and meetings of the MSC and the MEPC should be pursued.

## Draft amendments to mandatory instruments

12.8 The Sub-Committee agreed, in principle, to the standard model currently used in IMO instruments, and referred the draft text of amendments to the various mandatory instruments to the working group to be established for finalization, including the issue of referencing the III Code and the procedures for its future amendments. The Sub-Committee also agreed that the proposal for unanimous acceptance procedure for amending LL 1966 and Tonnage 1969 should be pursued, as appropriate.

## Establishment of the working group

12.9 The Sub-Committee established the Working Group on the Code for Recognized Organizations and making the Code for the implementation of mandatory IMO instruments and auditing mandatory and instructed it, taking into account the relevant decisions and comments made in plenary and with the first priority being to complete at this session tasks related to the III Code, to:

- .1 finalize the draft III Code with an associated draft Assembly resolution, based on annex 1 to document FSI 20/12 (Secretariat) and the proposed more generic reference to required standards for ROs for submission to the MSC and the MEPC for approval, with a view to submission to the Assembly, at its twenty-eighth session, for adoption;

- .2 consider the most appropriate scenario for the phase-in of making the III Code mandatory and recommend a way forward for submission to the MEPC and the MSC, as appropriate, taking into account the principles contained in the standard model currently used in IMO instruments for introducing amendments through the article-based tacit acceptance procedure;
- .3 consider the issue of the referencing of the III Code and recommend a way forward for submission to the Committees, as appropriate, taking into account the principles contained in the standard model currently used in IMO instruments for introducing amendments through the article-based tacit acceptance procedure;
- .4 consider the issue of procedures for amending LL 1966 and Tonnage 1969 and recommend a way forward for submission to the MSC, as appropriate, taking into account the principles contained in the standard model currently used in IMO instruments for introducing amendments;
- .5 finalize the draft amendments to mandatory instruments, with associated draft Assembly resolutions presented in annex 2 to document FSI 20/12 (Secretariat) for submission to the MEPC and the MSC for approval, as appropriate, taking into account the principles contained in the standard model currently used in IMO instruments for introducing amendments;
- .6 consider the issue of the procedures for future amendments to the III Code and recommend a way forward for submission to the Committees, as appropriate, taking into account the principles contained in the standard model currently used in IMO instruments for introducing amendments; and
- .7 consider the proposed course of action regarding the non-mandatory Code for the implementation of mandatory IMO instruments and its annexes and recommend a way forward for submission to the Committees, as appropriate.

### **Report of the working group**

12.10 Having considered the relevant part of the report of the working group (FSI 20/WP.4), the Sub-Committee took the decisions as reflected in the following paragraphs.

### **Nature of the provisions contained in the III Code**

12.11 The Sub-Committee agreed to the draft III Code, with the associated draft Assembly resolution, as set out in annex 4 for submission to MEPC 64 and MSC 91 for approval, with a view to submission to the Assembly, at its twenty-eighth session, for adoption.

### **Scenario proposed for the phase-in of making the III Code mandatory**

12.12 The Sub-Committee recommended to MEPC 64 and MSC 91 that amendments to the relevant instruments should be adopted after the III Code has been adopted by A 28, and the symbol of the Assembly resolution adopting the III Code should be incorporated into the text of the amendments to the mandatory instruments to be adopted by the Assembly and the Committees.

### **Referencing the III Code**

12.13 Furthermore, on the issue of referencing the III Code, the Sub-Committee recommended to MEPC 64 and MSC 91 that the preferred method of referencing would be to incorporate the symbol of the Assembly resolution adopting the III Code into the text of the amendments to the mandatory instruments, which can be done only after the adoption of the III Code by the Assembly. This reference would neither include the standard words "as amended" nor mention the article of the instrument concerned regarding the use of the tacit acceptance procedure. Using this method, the resolution reference alone could, in future, be replaced and updated using the article-based tacit acceptance procedure.

### **Procedures for amending LL 66 and Tonnage 1969**

12.14 The Sub-Committee, on the issue of procedures for amending LL 66 and Tonnage 1969, recommended to MSC 91 that both the explicit acceptance procedure and the unanimous acceptance procedure might be initiated concurrently for acceptance of amendments to LL 66 and Tonnage 1969 and that both of the above-mentioned procedures should be used for the purpose of amending LL 66 and Tonnage 1969 by the MSC and the Assembly.

### **Draft amendments to mandatory instruments**

12.15 The Sub-Committee agreed to insert a new paragraph in the draft Assembly resolution for making the III Code mandatory under LL 66, the Convention on the International Regulations for Preventing Collisions at Sea (COLREG), 1972; and Tonnage 1969, in order to ensure that all the requirements of the Code are treated as mandatory. With regard to amendments to SOLAS 1974, MARPOL and the 1988 Load Lines Protocol (LL PROT 1988), the same paragraph should be included in the MSC and MEPC resolutions to be drafted for consideration by the Committees, as appropriate.

12.16 Having noted that the 1988 SOLAS Protocol which, under its article I(2), does not need to be amended to make the III Code mandatory thereunder, as the amendment to the parent Convention, SOLAS 1974, as amended, would apply, the Sub-Committee also agreed to the draft amendments to mandatory IMO instruments to make the III Code and auditing mandatory, with the associated draft Assembly resolutions, for submission to MEPC 64 and MSC 91, for approval, as appropriate, as set out in annex 5.

12.17 With respect to future amendments to the III Code and the applicable provisions of the mandatory instruments, the Sub-Committee recommended that, once a new Code is adopted by the Assembly, amendments to the mandatory instruments making the III Code mandatory should be adopted to replace the symbol of the corresponding Assembly resolution number which had adopted the old version of the Code with the symbol of the new Assembly resolution adopting the new version of the Code. The amendments to all relevant mandatory instruments making the Code mandatory should enter into force at the same time, in order to avoid having different versions of the Code in force simultaneously.

### **Course of action regarding the non-mandatory Code for the implementation of mandatory IMO instruments and its annexes**

12.18 The Sub-Committee endorsed the proposed course of action regarding the non-mandatory Code for the implementation of mandatory IMO instruments and its annexes as contained in document FSI 20/12 and agreed to recommend to the Committees that it would develop, at its next session, a new non-mandatory instrument in the form of an Assembly resolution, solely containing the annexes to the current non-mandatory Code,

which would assist and guide Member States and auditors in the easy identification of the relevant obligations and responsibilities contained in the mandatory instruments.

The Sub-Committee noted that the new non-mandatory instrument could be reviewed in the future in the same way as the annexes to the non-mandatory Code have been updated regularly since its initial adoption.

### **13 DEVELOPMENT OF A CODE FOR RECOGNIZED ORGANIZATIONS**

13.1 The Sub-Committee considered document FSI 20/13 (United States) on the report of the Correspondence Group on the Development of a Code for Recognized Organizations (ROs), containing the draft RO Code as reviewed, based on the report of the working group (FSI 19/WP.4) established at FSI 19, taking into account the relevant outcome of MSC 89 and MEPC 62, in accordance with its terms of reference.

13.2 The Sub-Committee also considered the following submissions:

- .1 document FSI 20/13/1 (Secretariat), providing a comprehensive review of options concerning the vehicles to adopt or amend the RO Code, draft amendments to relevant mandatory IMO instruments to make the RO Code mandatory, information on the issue of ISO copyrights, and a draft time frame and schedule of activities in order to assist the Sub-Committee in its consideration of the time period between the adoption of the RO Code and its entry into force in order to allow time for Administrations to complete the assessments of their ROs;
- .2 document FSI 20/13/2 (Austria et al.), containing proposals for amending the draft RO Code, in particular, to make part III of the Code and mutual assistance between flag States mandatory, to ensure that flag States recognize only those organizations which meet the requirements of the RO Code, to establish strong requirements for RO independence, impartiality and liability indemnity, protection of yards and equipment manufacturers intellectual property rights, protection of confidentiality and sustainability of documentation of interest for the flag State;
- .3 document FSI 20/13/3 (IACS), inter alia, proposing that the sections of part III of the RO Code that address the initial authorization of an RO be moved to part II of the Code and the scope of part III of the RO Code should only address the oversight of ROs, that the RO Code should not introduce provisions that require flag States to conduct audits of their ROs, but allow for differing ways in which a flag State can verify that its RO perform statutory certification and services on its behalf that fulfil the requirements of the RO Code;
- .4 document FSI 20/13/4 (Marshall Islands and IACS), which pointed out that the RO Code needs to address the principle of limitation of levels of liability in order to achieve a necessary level of certainty for ROs and authorizing flag States; and
- .5 document FSI 20/13/5 (Canada and United States), proposing the use of multilateral agreements for RO audits to improve their effectiveness, while reducing the duplication of efforts by flag States and their ROs.

13.3 Following discussion of the issues raised in the documents, the Sub-Committee identified the following core elements to be considered prior to referral to the working group, which it had established under agenda item 12:

- .1 use of texts derived from various ISO standards;
- .2 proposals to amend the draft RO Code;
- .3 vehicle to adopt or amend the RO Code;
- .4 amendments to relevant IMO instruments to make the RO Code mandatory; and
- .5 the expected time frame for completing the work.

#### **Use of texts derived from various ISO standards**

13.4 On the issue of the use of ISO standards in parts of the RO Code, and depending on how such standards are cited in the Code, the Sub-Committee requested that further efforts should be made to obtain clarification or approval from ISO for referencing its standards in the Code, which would reduce the need for extensive revision to the Code as drafted.

#### **Proposals to amend the draft RO Code**

13.5 The Sub-Committee considered a proposal relating to the use of exclusive surveyors by an Administration authorizing a single RO to act on its behalf, as well as other situations such as the conduct of surveys for radiocommunication equipment, and agreed to instruct the working group to amend the draft text of paragraph 4.2.4 in part II of the RO Code to address these issues satisfactorily.

13.6 Having considered in detail the various proposals for amendments to the draft RO Code contained in documents FSI 20/13/2, FSI 20/13/3, FSI 20/13/4 and FSI 20/13/5, the Sub-Committee made the following decisions:

- .1 since the proposals for amendments to be retained should not be contrary to previous decisions taken by the MSC and MEPC<sup>1</sup> at the request of FSI 19, the proposed amendments to paragraph 1.4 of part II; and paragraph 5.1.1 of part III were not referred to the group;
- .2 since the proposals for amendments to be retained should not be contrary to previous decisions taken by the Sub-Committee with regard to the nature of the different parts of the Code, the proposed amendments to paragraph 2.2.4 of part I were not referred to the group;
- .3 the proposed amendments to part II, paragraphs 2.1.1, 2.3.1; and 2.4.1, together with an agreement for the full deletion of paragraphs 2.8.3; the end of 3.9.3.1 and 3.9.3.2, as well as new provisions on confidentiality, were not referred to the group; and

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<sup>1</sup> The Sub-Committee noted that several reservations had been entered by some Member States with regard to the decision by MSC 89 (see MSC 89/25, paragraph 12.17) and MEPC 62 (see MEPC 62/24, paragraph 11.32) on two draft instruments (i.e. III Code and RO Code).

- .4 the proposed amendments in part I, to paragraphs 4.3 and 5.2, subject to consistency with language in other IMO instruments; and in part II, paragraphs 3.6.3 and 3.9.3.3, subject to alignment, and beginning of paragraph 3.9.3.1, as contained in document FSI 20/13/2, as well as new provision on liability, based on the proposals contained in documents FSI 20/13/2 or FSI 20/13/4, subject to being non-mandatory and not contradicting domestic legislation, were referred to the group for suitable insertion into the draft RO Code.

13.7 Following discussions on paragraph 2.4.1 of part II, which addressed the impartiality of an RO in carrying out class or statutory work, the Sub-Committee deleted paragraph 2.4.1 as its content was unclear and the remaining paragraphs on impartiality were considered to be sufficient. The delegation of Sweden, with the support of several delegations, raised the concern that the paragraph in question contained specific reference to class-related work, which was not reflected in the succeeding paragraphs, and that the wording of paragraph 2.4.1 had already been agreed by the correspondence group.

#### **Vehicle to adopt or amend the RO Code**

13.8 Having considered the three options presented in document FSI 20/13/1, the Sub-Committee agreed to recommend the adoption of separate MSC and MEPC resolutions as being the most legally sound way forward, for adopting and amending the RO Code.

#### **Amendments to relevant IMO instruments to make the RO Code mandatory**

13.9 The Sub-Committee considered the proposed amendments to those instruments that refer expressly to resolutions A.739(18) and A.789(19), i.e. SOLAS 1974; annexes I and II of MARPOL; and the LL PROT 1988; as well as the potential further amendments to those instruments that refer to recognized organizations without specifically mentioning resolutions A.739(18) and A.789(19), e.g. Annexes IV and VI of MARPOL; Tonnage 1969; LL 1966; the International Convention on the Control of Harmful Anti-fouling Systems on Ships (AFS), 2001; the 2004 BWM Convention; and the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009.

13.10 At this stage, the Sub-Committee agreed to recommend amending only those instruments that refer expressly to resolutions A.739(18) and A.789(19).

#### **Referral to the working group**

13.11 The Sub-Committee referred for the detailed consideration of documents FSI 20/13, FSI 20/13/1, FSI 20/13/2, FSI 20/13/3, FSI 20/13/4 and FSI 20/13/5 to the Working Group on the Development of a Code for Recognized Organizations and making the Code for implementation of mandatory IMO instruments and auditing mandatory, which it had established under agenda item 12 (see paragraph 12.9) with the following additional terms of reference, taking into account the relevant decisions and comments made in plenary, to:

- .1 finalize the draft RO Code, with associated draft resolution(s) for the adoption of the RO Code, on the basis of the report of the correspondence group (FSI 20/13), taking into account documents FSI 20/13/1, FSI 20/13/2, FSI 20/13/3, FSI 20/13/4 and FSI 20/13/5;
- .2 finalize the draft amendments to SOLAS 1974; LL PROT 1988 and MARPOL Annexes I, II, IV and VI to make the RO Code mandatory; and

- .3 consider whether it is necessary to re-establish the correspondence group and, if so, prepare terms of reference.

### **Report of the working group**

13.12 Having considered the relevant part of the report of the working group (FSI 19/WP.4), the Sub-Committee took decisions as reflected in the following paragraphs.

### **ISO standards**

13.13 The Sub-Committee, having agreed to keep the text of the RO Code as contained in the report of the correspondence group (FSI 20/13), noted the advice provided by the Secretariat on the possibility of an inclusion of a statement in the preface or in the resolution through which the RO Code would be adopted, acknowledging that the ISO standards provide a groundbreaking basis in the process of developing this Code, requested the Secretariat to further communicate with the ISO Secretariat to obtain clarification or approval for referencing its standards in the RO Code and, if required, conduct a study with interested delegations for submission to MEPC 64 and MSC 91, to adjust the text of the RO Code.

### **Amendments to the RO Code**

13.14 The Sub-Committee considered the proposals for the replacement of the term "agreement of recognition" with the term "agreement of authorization" under section 1.4 of part II of the RO Code; and the two square-bracketed versions of the proposed new footnote to be added to the entry on "liability" as it appears under paragraph 8.4 of appendix 3 of the RO Code and, previously, under appendix 2 of the annex to resolution A.739(18).

13.15 With regard to the latter proposal and in an attempt to decide whether one version of the above-mentioned proposed footnote could be recommended to the Committees, the Sub-Committee also considered at length further proposals made in plenary, such as the one which was raised by the Islamic Republic of Iran<sup>2</sup> and supported by some delegations that it might not be advisable to insert a legal text, even as a footnote, in a technical instrument and that further legal advice might need to be sought.

13.16 The Sub-Committee agreed to the draft RO Code, with the associated draft MSC and MEPC resolutions, as set out in annex 6, for consideration by MEPC 64 and MSC 91, in particular, of the two square-bracketed versions of the proposed new footnote to be added to the entry on "liability" and taking into account the outcome of the communication between the IMO and ISO Secretariats, as appropriate, with a view to approval.

### **Amendments to relevant IMO instruments**

13.17 The Sub-Committee agreed to the draft amendments to SOLAS 1974; LL PROT 1988 and MARPOL Annexes I and II, as set out in annex 7, to make the RO Code mandatory for submission to MEPC 64 and MSC 91, with a view to approval prior to adoption.

### **Intersessional work**

13.18 The Sub-Committee agreed that there was no need for intersessional work to be carried out with regard to the development of the RO Code.

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<sup>2</sup> The statement by the delegation of the Islamic Republic of Iran is set out in annex 11.

## **14 MEASURES TO PROTECT THE SAFETY OF PERSONS RESCUED AT SEA**

14.1 Having been informed that MSC 89 had noted the Sub-Committee's decision to await the outcome of the consideration of measures to protect the safety of persons rescued at sea by COMSAR 15 and FAL 37, had agreed to extend the target completion year to 2012 and had included this output as an accepted output for the current biennium, the Sub-Committee considered document FSI 20/14 (Secretariat), providing information on the related outcome of COMSAR 15 and FAL 37.

14.2 The Sub-Committee was also informed by the Secretariat of the related outcome of COMSAR 16, which was held from 12 to 16 March 2012, on the progress of the group of interested parties working on the development of a draft regional arrangement, and noted that:

- .1 the first regional meeting was hosted by Italy on 12 October 2011, back-to-back with the World Maritime Day parallel event in Rome, and was attended by countries of the Mediterranean region (Algeria, Cyprus, France, Greece, Italy, Lebanon, Malta, Morocco, Spain, Turkey and United Kingdom) and the Secretariat, which approved in principle the draft terms of reference and partly revised the draft Regional MoU;
- .2 in order to make significant progress towards finalizing the draft Regional MoU, informal consultations among interested parties to agree on some of the more contentious issues and associated draft texts were necessary before organizing the next formal regional meeting. Accordingly, such informal consultations were held at IMO Headquarters on 21 February 2012, and the draft text of the Regional MoU was improved; and
- .3 the second formal regional meeting was planned to be held on 18 April 2012<sup>3</sup> at IMO Headquarters, with a view to reviewing the draft of the instrument on procedures relating to the disembarkation of persons rescued at sea.

14.3 The Sub-Committee also noted that COMSAR 16, taking into account that the work on this matter was still ongoing, had decided to invite the MSC to extend the target completion year to 2013.

14.4 The Sub-Committee agreed to await the outcome of COMSAR 17 before considering the matter further and invited MSC 90 to extend the current target completion year to 2013.

## **15 ILLEGAL UNREGULATED AND UNREPORTED (IUU) FISHING AND RELATED MATTERS**

### **Possible cooperation between FAO and IMO**

15.1 The Sub-Committee recalled that, following the decisions of MEPC 51 and MSC 78, the second meeting of the Joint IMO/FAO Ad Hoc Working Group on IUU Fishing and Related Matters (JWG) was held from 16 to 18 July 2007 at the Headquarters of the Food and Agriculture Organization of the United Nations (FAO) in Rome.

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<sup>3</sup> See Circular letter No.3254/Add.1.

15.2 In this context, the Sub-Committee also recalled that the second JWG had identified areas that were in the common interest of the two Organizations with regard to the fishing sector, in general, and the fight against IUU fishing, and made recommendations for possible future collaboration in relation to:

- .1 port State measures;
- .2 a comprehensive global record of fishing vessels;
- .3 vessel identification, monitoring and tracking, such as vessel monitoring systems (VMS), long-range identification and tracking (LRIT) of ships system and automatic identification systems (AIS);
- .4 criteria for assessing the performance of flag States;
- .5 security for non-convention vessels;
- .6 port State control guidelines for the implementation of the 2007 ILO Work in Fishing Convention (ILO Convention No.188);
- .7 marine debris; and
- .8 the future of the JWG.

#### **Preparation of the third Joint FAO/IMO Working Group on IUU fishing and related matters**

15.3 While considering document FSI 20/15 (Secretariat) reporting on the preparation for the third joint FAO/IMO Ad Hoc Working Group on IUU Fishing and Related Matters, the Sub-Committee was informed that, on the basis of discussion with the FAO Secretariat, the following proposals on the preparation for the third JWG were put forward:

- .1 concerning the possible venue of the meeting, since FAO hosted the previous two JWG meetings at its Headquarters, it might be advisable for IMO to host the third JWG meeting;
- .2 the possible date and duration of the next meeting would be open for further discussion between the two Secretariats;
- .3 in relation to the tentative list of items for discussion, the following elements were preliminarily identified:
  - .3.1 status of the IMO legal framework (e.g. Agreement on the Implementation of the 1993 Protocol relating to the 1977 Torremolinos International Convention for the Safety of Fishing Vessels; the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), 1995; Code of Safety for Fishermen and Fishing Vessels, 2005; Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels, 2005; the Safety standards for small fishing vessels applicable to decked fishing vessels of less than 12 m in length and undecked fishing vessels of any length and MARPOL Annex V) and potential synergies on IUU Fishing-related matters;

- .3.2 FAO's Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (including the use of the unique vessel identification number for identification of fishing vessels);
  - .3.3 consideration of an evaluation mechanism to determine compliance with relevant international standards;
  - .3.4 progress on the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing; and
  - .3.5 other international organization's potential relevant matters, e.g. ILO's Work in Fishing Convention 2007; and
- .4 concerning the participants, it was suggested that the composition of the participants would be based on participation in the second JWG, subject to confirmation of their availability to participate. Greater involvement of other relevant international organizations would be further considered, as appropriate.

15.4 The Sub-Committee requested the Secretariat to continue discussion on the relevant items on the preparation of the third Joint IMO/FAO Working Group on IUU Fishing and Related Matters, taking into account the relevant decisions and comments made by the Sub-Committee, and to provide further information to the next session of the Sub-Committee.

## **16 BIENNIAL AGENDA AND PROVISIONAL AGENDA FOR FSI 21**

### **General**

16.1 The Sub-Committee noted that the Assembly, at its twenty-seventh session, had approved the *High-level Action Plan of the Organization and Priorities for the 2012-2013 Biennium* (resolution A.1038(27)).

16.2 The Sub-Committee also noted that MSC 89 and MEPC 62 had approved the revised Guidelines on the organization and method of work of the MSC and the MEPC and their subsidiary bodies (MSC-MEPC.1/Circ.4) and had urged all those concerned to strictly follow the revised Guidelines.

### **Biennial agenda, post-biennial agenda and provisional agenda for FSI 21**

16.3 Taking into account the progress made during this session, the Sub-Committee prepared its draft revised biennial agenda for the 2012-2013 biennium, and the provisional agenda for FSI 21 (FSI 20/WP.6), based on the biennial agenda approved by MSC 89 and MEPC 63, as set out in annexes 8 and 9, respectively, for approval by MSC 90 and MEPC 64.

### **Arrangements for the next session**

16.4 The Sub-Committee established correspondence groups on the following subjects, due to report to FSI 21:

- casualty statistics and investigations; and
- review of the Survey Guidelines under the HSSC and the annexes to the Code for the Implementation of Mandatory IMO instruments.

16.5 The Sub-Committee agreed to establish at its next session working/drafting groups on subjects selected from the following:

- casualty statistics and investigations;
- review of the Survey Guidelines under the HSSC and the annexes to the Code for the Implementation of Mandatory IMO instruments; and
- harmonization of port State control activities; and
- review of consolidated audit summary reports.

### **Status of planned outputs**

16.6 The Sub-Committee prepared the report on the status of the planned outputs of the High-level Action Plan of the Organization and priorities for the 2012-2013 biennium relevant to the Sub-Committee, which have been aligned with Table 2 of the annex to resolution A.1038(27) entitled "High-level actions and related planned outputs", as set out in annex 10, and invited the Committees to note the status thereof.

### **Date of the next session**

16.7 The Sub-Committee noted that the twenty-first session of the Sub-Committee has been tentatively scheduled to take place from 4 to 8 March 2013.

## **17 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2013**

17.1 The Sub-Committee unanimously re-elected Capt. Dwain Hutchinson (Bahamas) as Chairman, and Ms. Julie Gascon (Canada) as Vice-Chairman, for 2013.

## **18 ANY OTHER BUSINESS**

### **Global Integrated Shipping Information System (GISIS)**

18.1 The Sub-Committee noted the information contained in document FSI 20/18 (Secretariat), as updated, whereby GISIS presently consists of 22 modules, with a further six under development, for the collection, processing and sharing of shipping-related data in order to assist Member States and the Secretariat in carrying out their respective and complementary duties, generate reports and provide information about shipping to the public.

18.2 The Sub-Committee recalled that FSI 19 had requested that the Secretariat should consider the removal of existing restrictions that apply to the number of queries to be made by IMO Members in the module on ship particulars. In this context, the Sub-Committee was advised that, although it would be technically feasible to increase the number of ship searches in any login session, the Secretariat is currently bound to comply with the permitted use set out in the Shipping Information Agreement, signed on 12 May 1997, between IMO and Lloyd's Register-Fairplay (now IHS-Fairplay).

18.3 In noting that the Council, at its 106th session, had endorsed a proposal that a group of Member States conduct a review of the governance of the IMO Ship Identification Number Scheme and the IMO Unique Company and Registered Owner Identification Number Scheme (C 106/D, paragraph 4.5) and had requested the Secretary-General to make the Secretariat resources available to assist in the review, as necessary, the

Sub-Committee was advised that the Secretariat would bring the matter of the number of ship searches in any login session to the attention of the group.

### **Industry campaign to promote maritime treaty ratification**

18.4 The Sub-Committee noted the information provided by ICS and ISF (FSI 20/INF.21) on the latest update of the "Promoting Maritime Treaty Ratification" brochure which contains updated information on the progress of a variety of instruments adopted by the Organization and other United Nations bodies.

### **Expressions of appreciation**

18.5 The Sub-Committee expressed appreciation to the following delegates, members of the Secretariat and expert, who had recently retired or had been transferred to other duties or were about to be, for their invaluable contribution to its work and wished them a long and happy retirement or, as the case might be, every success in their new duties:

- Captain Valentin Ruz Rodriguez (Argentina) (on return home);
- Commander Roberto Annichini (Argentina) (on return home);
- Adm. Aurélio Ribeiro da Silva Filho (Brazil);
- Dipl.-Ing. Jörg Kaufmann (Germany) (transfer to new duties);
- Ms. Petra Bethge (Germany) (on return home);
- Captain Hadi Supriyono (Indonesia) (on return home);
- Admiral Giancarlo Olimbo (Italy) (on transfer);
- Mr. Otto Nyquist (Norway) (on retirement);
- Captain Manuel Nogueira Romero (Spain) (transfer to new duties);
- Captain Jennifer Williams (United States) (transfer to new duties);
- Dr. Nikos Mikelis (Secretariat) (on retirement);
- Ms. Barbara Ivan (Secretariat) (on retirement);
- Mrs. Hermione Kofi-Smith (Secretariat) (on retirement); and
- Mr. Trevor Downing (IHS-Fairplay, managers of the IMO number schemes) (on retirement).

## **19 ACTION REQUESTED OF THE COMMITTEES**

19.1 The Maritime Safety Committee, at its ninetieth session, is invited to:

- .1 approve the revised text of section 5 (Exemption procedure) to replace the existing section 5 contained in the draft MSC circular on Guidelines on exemptions for crude oil tankers solely engaged in the carriage of cargoes and cargo handling operations not causing corrosion, set out in annex 14 to document DE 55/22 (paragraph 10.24 and annex 2);
- .2 approve the Sub-Committee's draft revised biennial agenda for the 2012-2013 biennium and the provisional agenda for FSI 21 and, in doing so, extend the current target completion year of the output on measures to protect the safety of persons rescued at sea to 2013 (paragraphs 14.4 and 16.3 and annexes 8 and 9); and
- .3 note the status of the planned outputs of the High-level Action Plan of the Organization and priorities for the 2012-2013 biennium that are relevant to the Sub-Committee (paragraph 16.6 and annex 10).

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19.2 The Marine Environment Protection Committee, at its sixty-fourth session, is invited to approve the report in general and, in particular, to:

- .1 endorse the Sub-Committee's decision to consider, at its next session, the draft Assembly resolution on notification and circulation through GISIS of information related to mandatory reporting requirements, as set out in the annex to document FSI 20/3/1 (paragraph 3.5.1);
- .2 endorse the Sub-Committee's invitation to interested Member States to submit their proposals on draft guidelines on communication of information under IMO instruments to a future session, in particular on domestic legislation, including the frequency of such a reporting and the language in which information should be provided (paragraph 3.5.3);
- .3 instruct the Sub-Committee to examine in detail the difficulties encountered by Member States in complying with the various mandatory reporting requirements, while taking into account the request of A 27 to the Council to establish the Ad Hoc Steering Group for Reducing Administrative Requirements (resolution A.1043(27)), with a view to avoiding any duplication of work (paragraph 3.6);
- .4 endorse the Sub-Committee's decision to further clarify the meaning of "originals" to be carried on board at a future session (paragraph 3.9);
- .5 instruct the Sub-Committee to initiate revisions to FAL.2/Circ.123-MEPC.1/Circ.769-MSC.1/Circ.1409, as may be necessary, and endorse the request to the Secretariat to prepare a note containing those requirements, which may result in the revision of the above-mentioned circular and/or amendment to appendix 12 of the Procedures for PSC, as appropriate (paragraph 3.10);
- .6 instruct the Sub-Committee to coordinate a detailed technical review of GlobalReg by all relevant sub-committees, in order to develop a non-mandatory instrument on regulations for non-convention ships and to identify a process for keeping it updated (paragraphs 3.20 and 3.21);
- .7 request the Secretariat to release a version of the certified true copy of amendments to a convention on IMODOCS, in track changes, and establishing a time limit for the circulation of the certified true copies, preferably at the time of adoption, taking into account the views expressed by the Legal Office (paragraph 9.9);
- .8 request the Secretariat to invite States depositing instruments of ratification to submit relevant and related domestic documents leading to the ratification that could be made accessible to other States, either upon request, through technical co-operation or, subsequently, through a GISIS module (paragraph 9.12);
- .9 approve the draft IMO Instruments Implementation Code (III Code), with the associated draft Assembly resolution, with a view to submission to the Assembly, at its twenty-eighth session, for adoption (paragraph 12.11 and annex 4);

- .10 endorse the Sub-Committee's recommendation that amendments to the relevant instruments should be adopted after the III Code has been adopted by the Assembly (paragraph 12.12);
- .11 endorse the Sub-Committee's recommendation concerning its preferred method of referencing the III Code into the text of the amendments to the mandatory instruments (paragraph 12.13);
- .12 approve the draft amendments to MARPOL to make the III Code and auditing mandatory (paragraph 12.16 and annex 5);
- .13 endorse the Sub-Committee's recommendation concerning future amendments to the III Code and the applicable provisions of the mandatory instruments (paragraph 12.17);
- .14 instruct the Sub-Committee to develop, at its next session, a new non-mandatory instrument in the form of an Assembly resolution, solely containing the annexes to the current non-mandatory Code for the implementation of mandatory IMO instruments, to be reviewed in the future in the same way as the annexes to the non-mandatory Code have been updated regularly since its initial adoption (paragraph 12.18);
- .15 endorse the Sub-Committee's recommendation concerning the adoption of, and amendment to, the RO Code (paragraph 13.8);
- .16 endorse the Sub-Committee's recommendation to amend only those instruments that refer expressly to resolutions A.739(18) and A.789(19) (paragraphs 13.9 and 13.10) to make the RO Code mandatory;
- .17 endorse the Sub-Committee's request to the Secretariat to further communicate with the ISO Secretariat to obtain clarification or approval for referencing its standards in the RO Code and, if required, conduct a study with interested delegations to adjust the text of the RO Code (paragraph 13.13);
- .18 approve the draft RO Code, with the associated draft MEPC resolution, taking into account the proposed changes and options, subject to the outcome of the communication between IMO and ISO Secretariats, (paragraph 13.14 and annex 6);
- .19 approve the draft amendments to MARPOL Annexes I and II to make the RO Code mandatory (paragraph 13.15 and annex 7);
- .20 approve the Sub-Committee's draft revised biennial agenda for the 2012-2013 biennium and the provisional agenda for FSI 21 and, in doing so, extend the current target completion year of the output on measures to protect the safety of persons rescued at sea to 2013 (paragraphs 14.4 and 16.3 and annexes 8 and 9); and
- .21 note the status of the planned outputs of the High-level Action Plan of the Organization and priorities for the 2012-2013 biennium that are relevant to the Sub-Committee (paragraph 16.6 and annex 10).

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19.3 The Maritime Safety Committee, at its ninety-first session, is invited to approve the report in general and, in particular, to:

- .1 endorse the Sub-Committee's decision to consider, at its next session, the draft Assembly resolution on notification and circulation through GISIS of information related to mandatory reporting requirements, as set out in the annex to document FSI 20/3/1 (paragraph 3.5.1);
- .2 endorse the Sub-Committee's invitation to interested Member States to submit their proposals on draft guidelines on communication of information under IMO instruments to a future session, in particular on domestic legislation, including the frequency of such a reporting and the language in which the information should be provided (paragraph 3.5.3);
- .3 instruct the Sub-Committee to examine in detail the difficulties encountered by Member States in complying with the various mandatory reporting requirements, while taking into account the request of A 27 to the Council to establish the Ad Hoc Steering Group for Reducing Administrative Requirements (resolution A.1043(27)), with a view to avoiding any duplication of work (paragraph 3.6);
- .4 endorse the Sub-Committee's decision to further clarify the meaning of "originals" to be carried on board at a future session (paragraph 3.9);
- .5 instruct the Sub-Committee to initiate revisions to FAL.2/Circ.123-MEPC.1/Circ.769-MSC.1/Circ.1409, as may be necessary, and endorse the request to the Secretariat to prepare a note containing those requirements, which may result in the revision of the above-mentioned circular and/or amendment to appendix 12 of the Procedures for PSC, as appropriate (paragraph 3.10);
- .6 instruct the Sub-Committee to coordinate a detailed technical review of GlobalReg by all relevant sub-committees, in order to develop a non-mandatory instrument on regulations for non-convention ships and to identify a process for keeping it updated (paragraphs 3.20 and 3.21);
- .7 endorse the Sub-Committee's decision to forward the reports on the incidents of the **BBC Atlantic** (GISIS incident C0007492), **Star Java** (GISIS incident C0007519), **Knud Lauritzen** (GISIS incident C0007251), **Sand Falcon** (GISIS incident C0007978) and **Wellservicer** (GISIS incident C0007608), as well as the analysis and comments made by the correspondence group, to the DE Sub-Committee for its consideration and action as appropriate (paragraph 5.3.7);
- .8 request the Secretariat to release a version of the certified true copy of amendments to a convention on IMODOCS, in track changes, and establishing a time limit for the circulation of the certified true copies, preferably at the time of adoption, taking into account the views expressed by the Legal Office (paragraph 9.9);

- .9 request the Secretariat to invite States depositing instruments of ratification to submit relevant and related domestic documents leading to the ratification that could be made accessible to other States, either upon request, through technical co-operation or, subsequently, through a GISIS module (paragraph 9.12);
- .10 refer the draft amendments to the LSA Code and the concerns regarding the application of SOLAS regulation III/1.4.2, together with the proposed draft MSC circular on Guidance for drafting amendments to the International Life-Saving Appliance (LSA) Code to DE 57 for its consideration (paragraph 10.27 and annex 3, and annex 2 to document FSI 20/10);
- .11 approve the draft IMO Instruments Implementation Code (III Code), with the associated draft Assembly resolution, with a view to submission to the Assembly, at its twenty-eighth session, for adoption (paragraph 12.11 and annex 4);
- .12 endorse the Sub-Committee's recommendation that amendments to the relevant instruments should be adopted after the III Code has been adopted by the Assembly (paragraph 12.12);
- .13 endorse the Sub-Committee's recommendation concerning its preferred method of referencing the III Code into the text of the amendments to the mandatory instruments (paragraph 12.13);
- .14 endorse the Sub-Committee's recommendation concerning the procedures for amendments to LL 66 and Tonnage 1969 (paragraph 12.14);
- .15 approve the draft amendments to SOLAS 1974, LL 66, LL PROT 1988, COLREG 1972 and Tonnage 1969 to make the III Code and auditing mandatory, with the associated draft Assembly resolutions, as appropriate (paragraph 12.16 and annex 5);
- .16 endorse the Sub-Committee's recommendation concerning future amendments to the III Code and the applicable provisions of the mandatory instruments (paragraph 12.17);
- .17 instruct the Sub-Committee to develop, at its next session, a new non-mandatory instrument in the form of an Assembly resolution, solely containing the annexes to the current non-mandatory Code for the implementation of mandatory IMO instruments, to be reviewed in the future in the same way as the annexes to the non-mandatory Code have been updated regularly since its initial adoption (paragraph 12.18);
- .18 endorse the Sub-Committee's recommendation concerning the adoption of, and amendment to, the RO Code (paragraph 13.8);
- .19 endorse the Sub-Committee's recommendation to amend only those instruments that refer expressly to resolutions A.739(18) and A.789(19) to make the RO Code mandatory (paragraphs 13.9 and 13.10);

- .20 endorse the Sub-Committee's request to the Secretariat to further communicate with the ISO Secretariat to obtain clarification or approval for referencing its standards in the RO Code and, if required, conduct a study with interested delegations to adjust the text of the RO Code (paragraph 13.13);
- .21 approve the draft RO Code, with the associated draft MSC resolution, taking into account the proposed changes and options, subject to the outcome of the communication between IMO and ISO Secretariats (paragraph 13.14 and annex 6); and
- .22 approve the draft amendments to SOLAS 1974 and LL PROT 1988 to make the RO Code mandatory (paragraph 13.15 and annex 7).

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## ANNEX 1

### LESSONS LEARNED FOR PRESENTATION TO SEAFARERS

#### 1 FATALITY

**Very serious casualty: fire in crew accommodation and death of an oiler**

##### What happened?

On a 17,000 gt cement carrier, while in port, a fire broke out within the crew accommodation and spread very rapidly. An oiler was trapped and disoriented by the intense heat and dense smoke. He was later found unconscious inside his cabin and declared dead by a doctor on arrival in the hospital.

##### Why did it happen?

The vessel's keel was laid in 1967. Being 42 years old, the provisions of SOLAS 60 applied in respect of fire integrity and division. The partitions within the accommodation inside the upper deck were made out of wood and doors to corridors to different decks were also made out of wood. These wooden constructions caused a very rapid spread of fire.

The location of the fire-fighting lockers was near the entrance inside the crew accommodation on the upper deck. There were no emergency escape breathing devices (EEBD) provided on board, and the escape routes were not properly marked with photo luminescent strip indicators.

##### What can we learn?

- Crew members working on board vessels of old construction must be alerted to the associated hazards and risks they may be facing and the need to be prepared for them.

#### 2 FATALITY

**Very serious casualty: fire in crew accommodation and death of crew members following the evacuation of the ship**

##### What happened?

While a 16,500 gt bulk carrier was at sea, crew members sighted a fire inside a crew cabin. They attempted to extinguish the fire by portable fire extinguishers and fire hoses but failed. Sixteen crew members including the master, chief officer and chief engineer evacuated the vessel into a life raft, leaving behind 8 other crew members who refused to abandon ship. No distress signals were sent prior to or upon abandoning ship. The fire spread to all levels of the crew accommodation, but extinguished naturally after about 6 hours. The 8 crew members on board were rescued by another vessel six days after the accident. The 16 crew members evacuated from the vessel were missing. The search and rescue operation was seriously delayed because the master neither informed the company about the fire nor activated distress signals when evacuating the vessel. In addition, the company did not alert any rescue centres immediately after losing contact with the vessel for more than one day.

### **Why did it happen?**

It is probable that the fire started when a fitter used a portable heater/stove for cooking inside his cabin and ignited combustible material nearby. No fire alarm sounded and the fire was sighted by some of the crew members, who attempted to put out the fire using portable extinguishers and fire hoses. But, the extinguishers were not working and water was not available from the hoses. The fire went out of control and spread throughout the crew accommodation.

The master and the chief engineer made no further attempts to contain and fight the fire, and they abandoned the vessel instead of retreating to a safe position in the forward part of the vessel.

The company did not carry out regular internal safety audits of the vessel for identifying inadequacy in the implementation of the shipboard safety management system.

### **What can we learn?**

- Use of appliances that can cause a fire hazard inside crew cabins should be prohibited.
- Education for crew- members in fire safety awareness should be provided.
- Routine maintenance, inspections and testing of fire fighting and life-saving appliances, including drills and exercises for enhancing crew training in their use, should be carried out effectively.
- Communication between management companies and masters of vessels must be effective so that shore support can be rendered to the vessel in an emergency.

## **3 FATALITY**

### **Very serious casualty: crew member fatality during deck maintenance**

#### **What Happened?**

A 6,200 gt general cargo ship was at sea, and the ship's crew were using tools, including an electric angle grinder, to prepare areas of the forecastle prior to painting, when an unexpected wave washed over them. One of the crew members, who was holding the running angle grinder at the time was electrocuted and washed off the forecastle onto the main deck. The ship's crew attempted to resuscitate the injured crew member and tele-medical advice was asked for and provided. However, the crew member died as a result of his injuries.

#### **Why did it happen?**

The crew did not appropriately consider the risks associated with working with electric power tools on the ship's forecastle while at sea.

The ship's SMS did not require the crew to carry out a formal risk assessment before they started work.

### **What can we learn?**

- Formal risk assessments are not a paperwork exercise to appease management but an effective tool to be used on the job to ensure that all risks are considered and that appropriate risk controls are in place before hazardous work is carried out.

## **4 FATALITY**

### **Very serious casualty: man overboard/falling overboard while rigging pilot ladder**

#### **What happened?**

A 25,500 gt containership commenced sailing from berth at a river port. It was still dark in the morning. The weather was cold, drizzle prevailed and froze in places on deck. The ordinary seaman at the forward station heard the master's order over the radio to prepare the pilot ladder for pilot transfer. He told the second officer at the station that he would go to the pilot station and then proceeded to the pilot station alone. Another ordinary seaman from the aft manoeuvring station, who usually deployed the pilot ladder together with him, was occupied at the aft station for securing the towline of the tugboat. When he later arrived at the pilot station from the aft manoeuvring station, he did not see anybody there.

#### **Why did it happen?**

It is suspected that after the first ordinary seaman deployed the pilot ladder and secured it with ropes, he opened the pilot gate to also prepare the stepping platform, which was made of aluminium and weighed about 17kg. The hinged claws of the stepping platform may not have been engaged in the intended retainers. While then lowering the stepping platform it toppled and fell over the shipside. The seaman, using a thin cord wrapped on his hand for lowering the platform, was pulled into the water.

The arrangement of the pilot station posed a risk to the crew members. The arrangement consisted of an electrically operated pilot ladder reel installed beside the narrow passageway on deck and the aluminium stepping platform which needed to be deployed by a thin cord and lowered manually by hand with the pilot gate on the railing opened.

The safety awareness of the seaman was inadequate despite of his qualification and training. He did not wear a personnel floating device nor was he secured with a line, even though mounting the platform and fitting the handrail required a shift in the body's centre of gravity over the side of the vessel. Moreover, he might have considered it as a routine job and hence acted alone.

Working in the dark with poor lighting and a partially slippery deck near the open pilot gate also contributed to the accident.

#### **What can we learn?**

- Standard and routine tasks are prone to being underestimated in terms of the associated risk of injury. It is important that appropriate measures are implemented to break down the routine on board and that it is regularly pointed out work that is in essence potentially hazardous.
- A prior risk assessment of the operating system by the management would enhance the work procedure and result in appropriate safety training for the crew as well as the selection of necessary personal protective equipment during work.

## **5 FATALITY**

**Very serious casualty: man overboard/fall while transferring from pilot ladder to tender**

### **What happened?**

While at anchor a master and a crew member were preparing to disembark from a 42,000 gt container vessel and board a tender to be taken ashore. It was early morning and the seas were relatively calm.

After making his way down the accommodation ladder and descending the pilot ladder, the master boarded the tender with the assistance of a deckhand. The crew member then made his way down, but as he was about to board the tender with the assistance of the deckhand, he fell into the water. After swimming a few strokes he was unable to keep his head above water. He quickly drifted in the current to the stern of the vessel where his body was caught by the crew of the tender; However, attempts to bring him on board the tender were unsuccessful because of the weight of the crew member, the high freeboard of the tender, and the car tires around the tender which were being used as fenders. The crew member died before he was finally recovered from the sea.

### **Why did it happen?**

Neither the master nor the crew member was wearing a flotation device.

Disembarking the vessel using the pilot ladder was not the usual method.

It is probable that the exertion of swimming led to an acute medical condition that preceded the drowning.

### **What can we learn?**

- The importance of wearing a flotation device when using pilot ladders.
- Climbing or descending a pilot ladder involves some risk for which crew members should have appropriate training or instruction.
- The importance of medical fitness for service at sea given that crew members may be exposed to stressful situations demanding high levels of exertion.
- The importance of suitable tenders for crew transfer operations and recovery.

## **6 FATALITY**

**Very serious casualty: falling from height during inspection of water ballast tank**

### **What happened?**

On board a 37,000 gt containership whilst at sea, the chief officer entered into a water ballast tank for a routine inspection. Before the entry, he measured the tank's atmosphere. He descended through the open manhole into the darkened tank, holding the lit torch in one hand. The bosun stood at the tank access monitoring the chief officer's progress and an AB stood behind the bosun. The chief officer stopped at the fifth or sixth rung of the vertical ladder, almost level with a transverse stringer through which the ladder continued. He took

another reading from the gas analyser and informed the bosun that the oxygen level was between 20.8 per cent and 20.9 per cent. The chief officer then stepped to his left onto the stringer. At the same time, the bosun stepped back from the access and started talking to the AB. A few seconds later, there was a loud crashing sound in the tank. The bosun illuminated the tank with his torch and saw the chief officer lying at the bottom of the tank. The officer was recovered and air-lifted to the hospital for medical treatment, but was declared dead before arrival. As the chief officer stepped onto the stringer moments before he fell, it is almost certain that he fell off its un-guarded edge, possibly as a result of slipping on the sludgy coating while holding his torch in one hand and the gas analyser in the other.

### **Why did it happen?**

The precautions taken by the Chief Officer before entry into the tank fell significantly short of the requirements of the vessel's procedures, the expectations of the vessel's managers, and industry best practice.

The chief officer did not follow the permit to work system on board for entering into enclosed spaces.

The danger of falling during tank inspections had not been recognized or considered as no permits to work aloft were issued for tank entries on board.

### **What can we learn?**

- It is important to follow the permit to work system for entering into enclosed spaces on board and that if there is a danger of falling from height, the precautions for working aloft must also be considered.

## **7 FATALITY**

### **Very serious casualty: falling from height after cargo hold cleaning**

#### **What happened?**

While at sea, the crew of a 27,000 gt bulk carrier were carrying out hold cleaning in preparation for the next voyage. After No.2 hold be been cleaned, they had started cleaning of No.3 cargo hold, using hydrochloric acid. At that time, the ladders inside the hold were wet due to passing showers, and the vessel was rolling moderately. As the hatch cover was to be closed for the night, the two crew members working inside the hold came up from hold using the ladders. One crew member used the forward vertical ladder, the other used the aft ladder. The one crew member using the forward ladder fell from the ladder and died.

#### **Why did it happen?**

The vessel was rolling moderately. The top of the vertical ladder was slippery due to the passing showers.

The seaman may have been tired at the end of what had been an arduous day's work in tropical conditions. While climbing, the crew member did not use a safety harness and was wearing gloves that were slippery due to water. He did not wear a full protective face mask. The seaman may have been distracted as a result of a mixture of perspiration and hydrochloric acid and that would have caused irritation to his skin and/or eyes. The personal protective equipment that the seaman was wearing, or carrying, may have increased the difficulty he experienced while climbing the cargo hold ladder.

No thorough safety assessment on cleaning work covering all associated risks, including weather had been conducted before starting work. The ship's crew did not adequately consider all of the risks associated with cleaning the cargo holds with hydrochloric acid. The ship's crew were not aware of the safety information provided by the material safety data sheet. The ship's safety management system was not effective in ensuring that the crew carried out a formal risk analysis for the hazardous task of preparing the cargo holds with hydrochloric acid.

#### **What can we learn?**

- Crew fatigue should be managed in accordance with ILO Convention to prevent fatal accidents on board.
- A formal risk analysis for hazardous tasks must be carried out properly before starting work and personal protective equipment should be worn until the work is completed.
- Essential safety information for dangerous material should be provided on board and the crew must be well-acquainted with it.

## **8 FATALITY**

### **Very serious casualty: falling down the stairs on the main deck**

#### **What happened?**

At about daybreak, a crew member walked through an accessway to descend the exterior stairs to the main deck of a 7,500 gt general cargo ship. The crew member, who was wearing a hard hat, fell down the stairs, hit his head on the studs of a manhole cover and subsequently died. The crew member had in his possession a flashlight, but it was found turned off.

#### **Why did it happen?**

Although it could not be determined what caused the crew member to fall down the stairs, he either tripped over a 5 cm raised lip along the top of the stairs or lost his balance while descending them. The stairs were steep and the handrails were installed only along the top half of the stairs.

The 5 cm raised lip along the top of the stairs was not adequately marked as a hazard.

The top and bottom steps of the stairs were painted yellow but the paint was worn.

There was no lighting installed in the vicinity of the stairs.

#### **What can we learn?**

- The importance of identifying tripping hazards and taking measures to eliminate or minimize them.
- The importance of verifying that measures taken to address a hazard continue to be effective.
- Handrails should be installed along the entire length of the stairs.

## **9 FATALITY**

### **Very serious casualty: fatal accident during hatch cover operation**

#### **What happened?**

After loading of No.1 lower cargo hold was finished, the chief officer of a 5,000 gt general cargo ship was closing the tween deck hatch covers of the hold assisted by a seaman. While the crane driver hoisted the hatch cover, the officer remained standing on it at the forward starboard end. The hatch cover was observed to have moved approximately 0.5 metres aft when the T hooks at the aft side were seen to release, followed very quickly by the T hooks at the fore end. The officer and tween deck hatch cover fell, with the hatch cover finally landing on and fatally injuring the officer.

#### **Why did it happen?**

The planning of the lifting operation was inadequate. The dedicated hatch cover crane had not been used to move the tween deck hatch cover. The outer casting for moving the tween deck hatch cover had not been used to fix the T hooks. The T hook locking arrangement was not satisfactory due to excessive clearance and movement inherent in the design.

The familiarization of the chief officer following a return to duty was not undertaken in a satisfactory manner. He did not recognize the safety risks inherent in remaining on the hatch cover when it was moving, and he did not mitigate the risks of working at height.

Risk assessment techniques and other safety management tools were not conducted properly.

#### **What can we learn?**

- Never ride on a load being lifted unless the lifting appliance used is designed for lifting or lowering personnel.
- Ship equipment should be maintained and used in accordance with manufacturers' instructions.
- A risk assessment for all potentially dangerous work on board must be conducted in advance.
- Newly joining crew members must be given enough time for them to be well acquainted with the ship's systems.
- Manufacturers must ensure that ships' equipment is of a safe design to mitigate potential dangers to the crew.

## **10 FATALITY**

### **Very serious casualty: fatal accident during cargo operation**

#### **What happened?**

The deck crew of a 33,000 gt bulk carrier was securing a gantry crane. Two crew members went up into the crane to start the necessary work there. After preparing the crane for stowage, the four main jibs had to be swung in.

Swinging in of the jibs is done from a manoeuvring panel on a platform below the crane's forward port leg. A third crewmember went to the manoeuvring platform to swing in the jibs.

After confirmation that all crew were in a safe position, the four jibs were set in motion. Subsequently, and without notifying the other crew involved, two crew members on the girders of the gantry crane identified that the end stopper hatches located in the protective walls needed to be open. The two crew then immediately went and opened the end stopper hatches. Following that, one crewmember was found struck and killed by the end stop of the starboard aft jib.

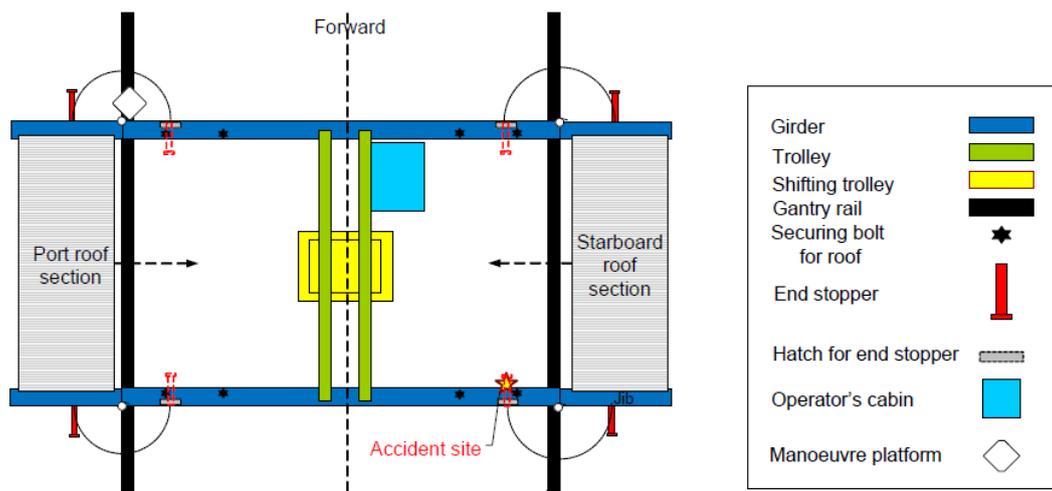


Figure 1: Simplified drawing of the gantry crane seen from above.

### Why did it happen?

The accident occurred while the boatswain was on the walkway as the jibs were swung in. The end stops installed on the jibs to secure the trolley, move in through the crane's forward and aft protective walls and pass the girders, and hence the walkway. It has not been possible to ascertain why the boatswain was in the area.

After having opened the hatch for the end stop, he may have given his attention to checking the chain to be attached to the T-shaped securing bolt in the aft corner of the starboard sliding roof section. This is based on where the boatswain was hit and the position in which he was found.

### What can we learn?

- Risk assessment for all work on board should be carried out beforehand with necessary measures and crew should pay attention including proper communication, observation of safety regulation etc during work.
- Area with moving parts introducing risk of crushing crew members should be closed off, clearly marked with appropriate signs and warning lights/alarms.

## 11 FATALITY

### **Very serious casualty: lifting appliance failed leading to loss of life**

#### **What happened?**

Modifications were being made to the top of a diving bell on a 9,000 gt diving support vessel. The vessel was at sea at the time, undergoing sea trials after a dry docking period. The newly installed winch supporting the diving bell's 4 tonne cursor suddenly rendered, allowing the cursor to drop suddenly over the top of the diving bell. (The cursor is a steel cage which is lowered over the top of the diving bell to protect it while it passes through the moonpool). A rigger, working on top of the bell, was trapped between the cursor and the bell. He was airlifted to hospital within 30 minutes of the accident but was pronounced dead soon after arrival.

#### **Why did it happen?**

The cursor winch was newly installed as part of a modification of the bell arrangement and at the time of the accident the system had not been commissioned or load tested since assembly on board.

The person operating the winch left the operating position after shutting the hydraulic power off. The action of shutting the power off should have left both winch brakes engaged, but a faulty pilot valve caused the winch brakes to malfunction.

The cursor was not positively supported (e.g. by strops or blocks) at the time of the accident. Cursor supports and securing devices, provided to give positive support to the cursor during bell handling operations were not deployed.

#### **What can we learn?**

- It is extremely inadvisable to place any confidence in the safe operation of machinery that has not been fully commissioned and which therefore has not been properly tested.
- Do not use lifting appliances which have not been proof tested and certified fit for purpose.
- Never carry out maintenance or modification work under a suspended load without first ensuring the load has been positively supported by additional means.
- Do not leave winch controls unattended while a load is suspended.

## 12 FATALITY

### **Very serious casualty: explosion while cutting off the top of a steel drum leading to loss of life**

#### **What happened?**

An engine-room rating serving on board a 23,132 gt multipurpose ship was fatally injured when using a pneumatic angle grinder to cut the top off a 200 litre steel drum. The drum exploded, hitting the rating with great force. He later died as a result of his injuries.

### **Why did it happen?**

The drum had contained a flammable oil. It had not been thoroughly washed out and ventilated. The drum sealing caps were left in place during the grinding operation. The angle grinder produced heat and sparks during its use to cut the top off the drum. The vaporized oil/air mixture was ignited by heat from the grinding operation.

An appropriate risk analysis was not undertaken and a hot work permit was not completed for the task.

### **What can we learn?**

- When disposing of, or modifying drums which have, or may have contained, flammable substances, cold cutting techniques should be used. Any techniques likely to generate heat or sparks should only be used after the container has been thoroughly cleaned and gas-freed.
- If occasions occur on board where crew members are found using cutting or burning gear without the prior issuance of a hot work permit, consideration might be given by the Safety Officer to having such equipment maintained in a locked store and requiring issuance of a hot work permit as a pre-requisite of releasing the equipment for use.

## **13 FATALITY**

### **Very serious casualty: falling overboard during preparation for fishing**

#### **What happened?**

A 140 gt trawler departed from port after boarding 4 crew members.

Whilst connecting the bridle on the port side, one crew member fell backwards over the bulwark on the aft quarter main deck.

Rescue was delayed and the casualty died due to cardio respiratory arrest secondary to drowning.

#### **Why did it happen?**

The crew did not wear personnel floating devices, and the casualty, reportedly, looked "distracted" during working.

#### **What can we learn?**

- Crew should pay utmost attention to dangerous work on board.
- Crew should wear personal safety equipment including personnel floating device, etc., whilst working on deck.

## 14 FATALITY

### **Very serious casualty: falling overboard while returning to home port**

#### **What happened?**

A 36 gt gillnetter was en route to its home port, which was about 16 miles away. Weather was good, seas were 2 metres and the water temperature was 7 degrees Celsius. The master was at the wheel, four crew members were forward hauling in the nets and one crew member was aft. The crew member aft exited the compartment for stowing the nets and was climbing down the rungs of the access ladder to the compartment and fell overboard. A few minutes later the crew noticed the crew member was missing and raised the alarm. The vessel was turned around to search for the crew member. About twenty minutes later the crew member was spotted motionless on the sea surface. The crew was unable to retrieve the crew member from the water, and he was never recovered.

#### **Why did it happen?**

It is likely the crew member lost either his footing or his grip while he was climbing down the rungs. The access ladder to the compartment – which is located beside the port bulwark and extends up beyond the height of the bulwark – was draped over with nets. Also, the crew member was seen to be carrying clothing items in one hand.

The crew member was alone in an area that could not be well seen from the wheelhouse and there were no means in place for communications.

The crew member was not wearing a personal flotation device.

There was no adequate means on board the vessel to retrieve a man overboard.

#### **What can we learn?**

- The importance of wearing a personal flotation device or flotation workwear when working in areas where there may be a risk of falling overboard.
- The dangers of climbing or descending ladders while carrying items in one hand.
- The importance of maintaining communications or visual contact with crew members working alone or in isolated areas.
- Ensuring a means of retrieval from the water on board vessels with high freeboard.

## 15 FATALITY

### **Very serious casualty: man overboard/falling overboard while stowing nets**

#### **What happened?**

A crew member on board a 300 gt fishing vessel had fallen overboard while stowing fishing nets on top of the flying bridge. He was unable to reach the various lifesaving devices that the other crew cast to him. The crew then tried launching the rescue boat but it was not connected to its launching device and once it was launched, the engine would not start. The crew member's body was eventually recovered on board about 1.5 hours after he fell overboard. He could not be revived.

### **Why did it happen?**

The crew were not well practiced in techniques for retrieving persons from the water and the rescue attempts were constrained by the fact that the rescue craft was not in a good state of readiness and not in a good state of repair.

### **What can we learn?**

- If crew members fall overboard or end up in the water due to an accident their chances of survival will depend on the speed of the crew response, and how well the response has been planned.
- Survival craft and equipment must be in a state of readiness and in good working order if they are going to be effective in saving lives.

## **16 SERIOUS INJURY**

### **Serious casualty: crew members injured while working on forecastle**

#### **What Happened?**

A 40,000 gt containership was steaming at reduced speed on a westerly heading in south-westerly monsoonal weather. At about noon, the chief engineer reported to the bridge that the bow thruster water ingress alarm had sounded. Half an hour later the chief officer and five crew members went forward to check on water ingress into the bow thruster room. They found no water in the bow thruster room but found water leaking from the port chain locker into the fore peak store. Two crew members were instructed to pump out the chain locker while the chief officer and three crew members went to the forecastle to investigate the water ingress into the chain locker. They found the spurling pipe cover had shifted, so they replaced it, covered it with canvas and cemented it in place. They then started re-tensioning the loose anchor lashings. While the crew were attending to the anchor lashings, a heavy sea was shipped on deck. The chief mate and two crew members were knocked off their feet and injured. However, one crew member escaped injury and returned to the accommodation to raise the alarm. The injured crew members were recovered, returned to the accommodation and provided with first aid. The master sought tele-medical advice and then diverted the ship to the nearest port of call. The injured crew members were landed there for medical treatment.

#### **Why did it happen?**

The crew did not appropriately consider the risks associated with working on the forecastle in the heavy weather conditions. As a result, appropriate risk controls were not put in place.

#### **What can we learn?**

- Risk assessments are an essential tool to be used on the job to ensure that all risks are considered and that appropriate risk controls are in place before hazardous work is carried out.

## 17 SERIOUS INJURY

### **Serious casualty: crush injuries sustained by two crew members in cargo hold**

#### **What Happened?**

A 6,000 gt ro-ro/lo-lo carrier was en-route in poor weather and the sea/wind state had reached force 8. The chief mate inspected the cargo and reported to the master that there were no problems with the stow. A little later the chief mate was in the mess room when he heard a loud noise from the cargo hold. He went to investigate and found that wooden cradles that were supporting a cargo of steel pipes had moved and that three of the four lashing lines were loose at one end of the pipes. Without informing the master, the chief mate returned to the accommodation and rounded up the crew before returning to the hold to re-stow the pipes. The pipes were stable so the crew climbed on top of them to begin work. However, about 5 minutes later, the ship rolled heavily and the pipes began to move. As a result, both the chief mate and an ordinary seaman had their legs pinned between the pipes. The master was alerted to the incident and a rescue party subsequently removed the injured men from the hold. Both men were evacuated ashore by helicopter, which required an extraordinary effort.

#### **Why did it happen?**

No formal risk assessment was carried out before the crew entered the cargo hold to re-secure the lashings, and insufficient risk controls were put in place to ensure the crew members were not injured while they were re-securing the cargo.

The communication between the chief mate and the master was insufficient, not allowing the master to assess the plan to enter the cargo hold with almost all the deck crew and to implement risk controls before the work started.

Among the crew the chief mate, who was of the same nationality as the crew members, was accepted as the authority to give instructions. The master, being the only person of another nationality, was segregated.

#### **What can we learn?**

- Formal risk assessments are not a paperwork exercise to appease management but an effective tool to be used on the job to ensure that all risks are considered and that appropriate risk controls are in place before hazardous work is carried out.
- Proper communication in a well understood language is a basic prerequisite to prevent from hazards and to foster safety.
- Attention has to be paid to the matter of national composition of vessel crews taking into account the cultural and language factor.
- Where the ship has a mixed national crew, emphasis must be given to effective communication taking into account both the culture and language factors. This is particularly important in an emergency situation.

## **18      SERIOUS INJURY**

### **Serious casualty: serious injury while stowing the hook and block of a shipboard crane**

#### **What happened?**

A 14,500 gt, geared container vessel had completed loading refrigerated containers onto its hatch covers, and the crew were attempting to stow the hook and block of one of the ship's cranes whose hoisting system had failed. To achieve this, the hook and block were restrained using slings passed through one of the top lifting eyes of a container on the second tier while the jib was lowered. When the weight had been taken by the slings, and the hook and block were hanging approximately 2m above the deck between two rows of containers, one of the deck officers approached the hook to attach the slings that would be used to drag it forward to its stowage. As the officer approached the hook one of the slings failed allowing the hook to fall on him, injuring him seriously.

#### **Why did it happen?**

Although the slings were strong enough to carry the weight of the hook, one failed because it was under tension across a sharp edge that, effectively, cut it into two pieces.

As the crew did not have the knowledge to repair the crane, they were attempting to secure the hook and block using a novel method that had not been thoroughly considered, specifically that the hook was suspended high enough to create a hazard should it fall, that a member of the crew had to go under the suspended hook to attach another sling and that the weight bearing slings were led over sharp edges.

#### **What can we learn?**

- Time spent critically reviewing a plan to determine what could go wrong is seldom wasted. A thorough risk assessment would likely have identified the weaknesses in this plan, all of which would probably have been mitigated with a little thought.

## **19      GROUNDING**

### **Very serious casualty: grounding and subsequent constructive total loss**

#### **What happened?**

A 100 m long, 4,500 gt modern container feeder ship ran aground on the coast, while trading between a group of islands. The vessel was on her home run serving on a scheduled loop. The grounding occurred at full speed only about 5 nm off her port of call, and in the early morning with an officer on watch standing navigational watch on a six-hour duty turn. Visibility was good, weather and sea rough but with no impact on the casualty. The vessel was salvaged by tug but declared a total loss.

#### **Why did it happen?**

Poor bridge team management was identified as having been the root cause of the grounding. The navigational watch pattern was subject to being changed on demand from a standard three-watch system in sea operation – with the master sharing – into a two-watch system – with one watch officer excluded – while serving ports in the islands' inland waters.

Thus, the master rotated with the other watch officer on a six hour interval while the first watch officer was released for in-port cargo handling and operation.

This watch system together with other functions allocated to the watchkeepers resulted in an excessive workload for the officer on watch. Fatigue with a resultant deterioration of safety awareness appears to have affected the behaviour of the officer on watch. No look out was posted on the bridge, no regular fixes were taken, no course monitoring was conducted and the watch alarm was switched off.

### **What can we learn?**

- Navigational watch routines have to be planned to accommodate all duties allocated to watchkeepers so that they are not impaired by fatigue.
- Navigational watchkeeping arrangements and principles have to be observed and accomplished in accordance with STCW regulations.
- Regular monitoring of the ship's heading and regular position fixing combined with thorough navigation by eye and the utilization of all available technical aids is a standard professional requirement. Do not switch off alarms.
- The COLREGs and STCW are clear and beyond any doubt. A complete navigational watch team is essential if there is any likelihood of the officer on watch developing stress based fatigue.

## **20 GROUNDING**

### **Less Serious Marine Casualty: Grounding**

#### **What happened?**

While on passage on a tidal seaway a 23,000 gt bulk carrier suffered a main engine failure due to fuel starvation.

The order was given to drop both anchors, but they could not be dropped from the housed position without power. The starboard anchor was eventually dropped, but this action was insufficient to prevent the vessel from grounding on the north side of the channel. The vessel suffered no water ingress, there was no pollution, and after de-ballasting 2,000 tonnes of water the vessel was able to refloat with the aid of two tugs.

#### **Why did it happen?**

It was determined that the fuel oil booster pump was drawing fuel (4-6 bar) from the buffer tank to feed the main engine faster than the No.1 fuel oil feed pump was replenishing (2.5 bar) the buffer tank. No.2 fuel oil feed pump did not start, and so the main engine stopped when the fuel oil booster pump was unable to draw suction from the buffer tank. When checked after the accident, No.2 pump also could not produce more than 2.5 bar of pressure.

No.1 fuel oil feed pump was performing poorly due to excessive wear indicating a lack of maintenance. Following the accident it was discovered that there were insufficient spares onboard to repair the pump. No.2 fuel oil pump was on-standby at the time of the accident, but it did not start because the automatic pressure switch was set at 2 bar, and No.1 pump was still producing 2.5 bar of pressure.

Although it did not directly contribute to the accident, the failure of No.2 fuel oil feed pump to build pressure was attributed to incorrect adjustment of the pressure relief valve.

#### **What can we learn?**

- Critical systems need to be monitored. In this case, there was no means of alerting the operators to the reducing level of fuel in the buffer tank.
- Critical systems should be included in the vessel's Planned Maintenance System, which should be periodically checked by shore-side technical staff.
- Ship's staff should inform vessel managers when onboard spares need replacing.
- When transiting confined waters, the forward mooring deck should be manned and both anchors should be immediately ready for letting go.

## **21 COLLISION**

### **Very serious casualty: collision between a fishing vessel and a passenger ship**

#### **What happened?**

At night and with visibility at about three nautical miles, a 28-metre long, 80 gt wooden-hull passenger ship was proceeding south along the lane of a traffic separation scheme. Approaching from the south was a 44-metre long, 370 gt steel-hulled fishing vessel. As the two vessels approached each other, the fishing vessel having crossed into and proceeding against the direction of the traffic of the southbound lane, failed to manoeuvre to keep well clear of the passenger ship. The passenger ship was participating in the traffic separation scheme. The passenger ship altered hard to starboard, but collided with the fishing vessel which was not fishing. The passenger vessel sank about five minutes later with many persons on board.

#### **Why did it happen?**

The fishing vessel did not have on board a chart depicting the traffic separation scheme and failed to keep well clear of the passenger vessel that was participating in the traffic separation scheme.

The passenger vessel did not make the appropriate warning signals with her whistle or light and the evasive action taken was not early enough to avoid the collision.

Both vessels failed to have an effective lookout posted on the bridge.

#### **What can we learn?**

- The importance of maintaining an effective lookout at all times.
- When doubt exists as to the action initiated by the give-way vessel, the stand-on vessel should sound warning signals and take such action as is necessary to avert collision, in accordance with COLREGs.

## 22 COLLISION

### **Very serious casualty: collision between a fishing vessel and a general cargo ship, and subsequent sinking of the fishing vessel**

#### **What happened?**

A 6,000 gt general cargo vessel had collided with a fishing vessel in restricted visibility. The fishing boat sank and only two of its seven crew were able to be rescued. The remaining five crew members are missing, presumed dead.

The crew of the cargo ship launched a lifeboat and were able to pick up two of the fishing boat crew, but the lifeboat propeller then became entangled in fishing nets floating in the water. The crew launched a second lifeboat but the engine would not start so further rescue attempts were not possible.

#### **Why did it happen?**

Both vessels had operational radar but neither crew were using it to keep a proper lookout.

Neither vessel was sounding a fog signal nor did they have a dedicated lookout.

The general cargo vessel was at full speed and did not have its engine ready for immediate manoeuvring.

The crew were not well practiced in techniques for retrieving persons from the water and the rescue attempts were constrained by the fact that some of the rescue craft were not in a good state of readiness and not in a good state of repair.

#### **What can we learn?**

- If crew members end up in the water due to an accident their chances of survival will depend on the speed of the crew response, and how well the response has been planned.
- Survival craft and equipment must be in a state of readiness and in good working order if it is going to be effective in saving lives.
- When a vessel sinks or capsizes flotsam and debris are likely to be floating in the water, particularly when a fishing boat sinks because it almost always has nets and lines on deck that can float free and hinder rescue attempts.

## 23 COLLISION

### **Very Serious Marine Casualty: collision between an oil tanker and a small aggregates carrier, and subsequent sinking of the small vessel**

#### **What happened?**

A 4,000 gt oil/chemical tanker was outbound from a port, travelling at 10 knots in less than 1 mile visibility. It was early morning, and still dark, when the tanker's watchkeeper detected another vessel on radar, 10 degrees on the port bow at a range of 1.5 miles. Three minutes later, the other vessel's mast head and port hand navigation lights were sighted and it was determined that she was on a near reciprocal heading, and would pass port-to-port.

The tanker's master altered his vessel's course 10 degrees to starboard to increase the passing distance, and ordered the Aldis lamp be flashed at the other vessel. When the distance between the two vessels had reduced to 1.5 cables, the other vessel altered course to port and was struck by the tanker's bulbous bow. The other vessel, a small aggregates carrier, sank very quickly but fortunately its four crew members were rescued.

### **Why did it happen?**

The main contributing factors were poor visibility, and that both vessels' bridge teams took inadequate actions in these circumstances. There was no proper lookout in poor visibility and the ships were proceeding at too high a speed, given the prevailing visibility. The action taken to avoid a collision was insufficient as to be readily apparent to the other vessel. A too close passing distance was accepted, that left little time to react to a changing situation. It was assumed that the other vessel would also react appropriately. And, eventually, the action taken to avoid the collision did not comply with COLREGs.

### **What can we learn?**

- Masters should not accept passing distances that are too close, as the risk of collision is high if the other vessel fails to react as anticipated.
- Vessels should always react appropriately to restricted visibility. This includes navigating at a safe speed and keeping a good lookout and, once a close-quarters situation is detected, taking the correct actions such as slowing down or taking all way off, and navigating with caution until the other vessel is past and clear.

## **24 COLLISION**

### **Serious casualty: collision between a Ro-Ro ferry and a sailing yacht**

#### **What happened?**

A ferry of about 15,000 gt, which operates regularly between two ports, was on a north-easterly course after departing from a port at night, while the yacht of about 20 gt was proceeding under sail on a westerly course crossing the ferry route. It was not until just before the collision that the yacht was identified visually by the ferry. The ferry crew heard the yacht asking an east-bound vessel on VHF if she could see the yacht, but there was no answer and the ferry also had no idea where the yacht was. Suddenly, a high red light was detected at a distance of about 200 metres.

The crew of the yacht observed the departure of the ferry. They thought the ferry would give way to the yacht seeing only her green sidelight and did not realize both vessels were on a collision course until a few seconds before the collision.

The fore section of the port side of the yacht was hit by the bow of the ferry with considerable force. The yacht heeled heavily to starboard and took on a large amount of water, but the crew did not suffer any injuries. There was no environmental pollution.

#### **Why did it happen?**

Vessels were coming from both the east and the west. In addition, a drilling platform together with auxiliary vessels was in close proximity to the ferry. The yacht approached the ferry in the shadow of the drilling platform.

It can be assumed that the ferry crew focused primarily on other vessels, and the yacht's tricolour light was apparently overlooked.

The echo of the yacht was hardly distinguishable from radar interference on both the X-band radar and the S-band radar on the ferry, and no attention was paid to the weak echo on the displays. None of the radar settings on the ferry were changed apart from the range.

The yacht gave no information about her own position when asking other vessels on VHF if she could be seen.

### **What can we learn?**

- An effective visual lookout and appropriate radar observations are the best defences against collisions.
- Watchkeeper should never assume they understood another vessels assessment to a possible collision situation.
- Watchkeepers should be aware of the consequential risk of their passing near to large ships.
- The detectability of small vessels would be enhanced by correctly providing information by VHF, AIS or radar reflector.

## **25 COLLISION**

### **Less serious casualty: collision between a general cargo vessel and a chemical tanker in a traffic lane**

#### **What happened?**

A general cargo vessel of about 1,800 gt departed a berth at night. When the cargo vessel was entering the fairway, a chemical tanker of about 12,000 gt was sailing along the traffic lane with tug assistance. The chemical tanker attempted to contact the approaching cargo vessel on her starboard side on VHF, but the master of the cargo vessel could not respond to it because of a technical failure with the VHF device. On finding the chemical tanker about 500 m ahead, he set his engine to full astern, but the engine stopped and could not be restarted until it was too late to avoid the collision.

Both vessels suffered only minor damage of dents and scratches. There was no injury to the crew or pollution.

#### **Why did it happen?**

The master of the cargo vessel was the only person on the bridge without a dedicated lookout while departing from a very busy port at night even though the vessel was properly manned and procedures were in place as to how the bridge should be staffed upon departure. As the situation developed, he became overwhelmed as he remained focused on attempting to gain back propulsion control.

The pre-departure check on board the cargo vessel under the company SMS manuals was not properly carried out. The VHF was not tested and the malfunction was later found at a critical moment.

The cause of the engine failure could not be found despite a thorough examination of the engine components.

#### **What can we learn?**

- Importance of developing a safety culture and raising safety awareness.
- The safety management system must be adhered to at all times.
- The bridge must be properly manned at all times. Arriving or leaving berth is one of several critical operations requiring full safety attention.
- Communication equipment on the bridge should be tested prior to departure.

## **26 CONTACT**

### **Serious casualty: heavy contact with the linkspan of a ferry terminal**

#### **What happened?**

A 85 m long, 3,300 gt short sea ferry – with only a few passengers and vehicles loaded – was in process of berthing at a terminal on a routine run. During the approach to the berth, the master, who was conning the vessel from the bridge wing realized that although he had reduced the setting of the combination lever. The starboard pitch was still at full ahead and the ferry was not slowing down. This malfunction of the starboard pitch could not be solved immediately. The engine stopped too late and the executed emergency manoeuvre did not prevent the vessel from making heavy contact with linkspan. There was no warning announcement prior the crash. Both the ferry's bow and the linkspan sustained heavy damage.

#### **Why did it happen?**

The malfunction of a vital component of the ship's propulsion system had caused the starboard propeller to remain operating on full ahead pitch with no reaction on the lever setting. The vulnerability of the component involved was known to the engineers on the vessel and shoreside management. The repair history was long. Parts replaced and shortly thereafter adjusted and repaired again only some months prior to the incident were not all original and should have prompted permanent monitoring and control. The failure of the starboard pitch was not fully investigated. A defect report was not issued and system function tests were not part of the operational routine. Long lasting seniority within the ferry company and over familiarization with the vessel had fostered complacency and the deterioration of safety awareness.

A not stringent and conclusive communication between the bridge team and the engine control room has impacted the emergency response.

The impact of the contact could have been mitigated with less speed upon approach.

#### **What can we learn?**

- Keep vital operation components under permanent control and function test if their vulnerability is known.

- Review the Safety Management System and make sure that critical defects are assessed, reported and conclusions circulated with the intention to ensure a pre-determined course of action when dealing with these defects.
- If propulsion systems can be controlled and operated from the bridge as well as from the vessel wings make sure that control is properly transferred and command regularly tested.
- Use original and manufacturer's spare parts only.
- Exercise stringent and conclusive language while communicating among each other on command level in general and on emergencies in particular.
- Place particular emphasis on the prevention of complacency during routine and repetitive operations.
- Warning announcements are to be made to alert passengers and crew about forthcoming emergencies.

## **27 FOUNDERING AND SINKING**

### **Very serious casualty: flooding and sinking of a cargo vessel with the loss of 6 lives**

#### **What happened?**

A 3,500 gt general cargo vessel sailed from a port in an apparently overloaded and unseaworthy condition. The lifeboats' engines were in a dismantled condition. The vessel encountered heavy weather soon after sailing. Due to the poor condition of the main deck, hatches, watertight openings and doors, the vessel began to take on water. On the second day after sailing water was found in No.2 hold. The weather deteriorated further the next day, and further spaces were flooded, including the CO<sub>2</sub> room, chain lockers, forecastle store and paint locker. Holes in the deck allowed water to enter the cargo holds and ballast tanks; the tarpaulin was ripped from the hatch cover by the wind allowing further ingress. The master reversed course and diverted the vessel towards a safe port of shelter. This put the weather on the other (starboard) beam which caused flooding of the engine-room by way of water entering the accommodation. On the evening of the 4th day after sailing the vessel blacked out and lost all propulsion, with the vessel drifting south towards an island. However, the vessel continued to flood and then started to list to port and the master ordered the crew to abandon ship at around midnight. The list prevented the launch of lifeboats, so a liferaft was used. The vessel started to capsize during the abandon ship and all crew jumped overboard with 12 making it into the raft and 7 in the sea. The vessel reportedly sank within 3 minutes. The raft (now reportedly containing only 7 of the original 12 occupants), plus 3 survivors and 3 further bodies were washed ashore on the island. The following day, 2 further survivors were washed ashore. The chief officer was washed ashore on a separate part of the island and remained there, living with locals for almost 3 months until rescued. Sadly, 6 of the original crew of 19 were dead or missing.

#### **Why did it happen?**

The watertight integrity of the vessel was compromised. The hull and watertight openings were reported to be in a very poor condition and allowed flooding of the cargo holds and other spaces including the engine-room. The cargo hatch cover tarpaulins failed to remain intact.

The ship was reported overloaded. The master took the vessel to sea in an overloaded and unsafe condition. The combination of overloading and lack of watertight integrity is a recipe for disaster.

The lifeboat engines were reported to be disassembled, although other problems prevented the boats from being launched anyway.

The ship had not been adequately maintained. The Classification Society awarded the vessel certificates of Class implying that the ship was safe to put to sea only one month before the incident. The ship's owners and operator appeared to have no interest in the safety of the vessel or crew.

### **What can we learn?**

- A certificate from a Classification Society is no guarantee of safety of a vessel. The owners must ensure that a vessel is maintained and seaworthy at all times.
- It is essential for the master (as the person on the spot able to take action) to ensure that the vessel is fit and safe to proceed to sea. Once at sea, the safety of life is paramount.
- Life-Saving Appliances is a priority and should be ready for immediate deployment and crew trained in its use.
- Overloading a ship is both illegal and extremely dangerous. The load lines of the vessel are there for the safety of the crew.
- Maintenance of watertight and weathertight closures are critical. They should always be kept in good working condition.

## **28 SINKING**

### **Very Serious Casualty: tug sank while moored alongside bunker barge**

#### **What Happened?**

A bunker barge and its pusher were made fast alongside a tanker. The tug was moored alongside the barge with a bow line, a forward spring and an aft spring. The skipper shut down the tug's engine and then went on board the tanker to prepare for bunker transfer. The tanker, and hence the tug and the barge, was lying with its bow facing into the 3 to 4 knot current of tide.

Half-an-hour after the bunker transfer started, the tug skipper noticed that the tug was inclining to port and that water was entering the main deck. Water continued to enter the main deck and soon started flooding through open port holes. The bunker transfer was stopped and the bunker hoses had been disconnected. 30 minutes later the tug sank.

#### **Why did it happen?**

The force of the 3 to 4 knot tide acted on the bow of the tug, opening the distance to the barge. As the tug's bow moved away from the barge, the tug heeled to port. Eventually, the tug heeled to the point where water entered the main deck. The tug continued to heel to port and water then started entering through open port holes on the vessel's port side. The ingress of water eventually resulted in the tug sinking.

### **What can we learn?**

- A vessel should be moored in such a way that prevents the bow opening, presenting a wedge to an oncoming tidal flow.
- A vessel's watertight integrity should be maintained at all times.

## **29 FIRE AND SINKING**

### **Very serious casualty: fire on board a fishing vessel, leading to sinking**

#### **What happened?**

A 3,500 gt, 90 metre long, 34-year-old steel fishing vessel sailed from port following a post lay-up refit. During the refit various electrical cabling within the vessel and on deck was replaced. However due to time pressure to sail from the repair yard, replacement of cabling to the lighting within the fish storage tanks was not carried out (despite requests from the chief engineer - blackening of the cables was visible). No close-up visual inspection was done due to the height of the cabling from the deck (2.9 metres), however operation and insulation checks were done. Three days after sailing a fire broke out in a fluorescent light in an empty crew cabin; the fire was quickly detected and extinguished using a portable extinguisher. The captain, aware of the hazards posed by the shortcomings of some of the electrical systems, initiated enhanced fire patrols every 2 hours; the fish storage tanks were not included in these rounds. 4 days after the first fire, a fire broke out in fish storage tank 2. At the time the tank contained 20,000 paper fish-boxes and 50,000 paper bags, plus 105 two hundred litre drums of oil. The bags and boxes were stacked to within 20cm of the deckhead. Attempts were made to extinguish the fire using fire hoses, but due to a blocked drain line from the fish hold, water built up in the space causing the vessel to list. The master ordered the crew to try to extinguish the fire by suffocation. However gaps around the main hatch allowed air to enter the hold despite efforts to block the gap with blankets etc. A day later the space was opened and further unsuccessful attempts were made to extinguish the fire with water, so the hatch was closed again. 3 days after the start of the fire another unsuccessful attempt was made to enter the hold and put out the fire. Unfortunately on this occasion the fire spread rapidly out of control and the Master requested a nearby fishing vessel for assistance and the crew abandoned the vessel. The vessel became engulfed in fire and sank on the same day. There was no loss of life, seven crew members suffered the effects of toxic smoke inhalation. All were rescued by the second fishing vessel.

#### **Why did it happen?**

It is strongly suspected that a short circuit in the cabling in the fish hold caused an electrical fire which ignited the combustible contents of the hold. It was noted that the no fuse breaker (NFB) had failed to trip.

The fire was detected after it had already taken hold. Attempts to extinguish the fire with water were frustrated as this affected the stability of the vessel due to blocked drain lines. The hatches to the fish hold could not be sealed in order to suffocate the fire due to inadequate maintenance.

The ship sailed from the repair yard without completing work on the electrical cabling. The cabling was 34 years old. The NFB failed to cut the power to the cabling. Fire rounds did not include the fish hold.

### **What can we learn?**

- Electrical cabling identified by visual inspection and subsequent testing to be below the required performance specification should be replaced at the earliest opportunity; meanwhile the faulty circuit should be isolated.
- When fighting a fire by suffocation, the space should remain sealed until it is sure that the fire is out.
- Fire rounds and fire protection systems must cover all areas of the ship.
- Electrical safety devices, such as NFBs must be maintained and tested regularly.

## **30 FIRE**

### **Serious casualty: engine-room fire**

#### **What happened?**

A 45,000 gt containership's No.4 diesel generator (DG4) suffered a catastrophic failure, disabling the generator and starting a fire. The engine-room was evacuated and the ship's fixed carbon dioxide (CO<sub>2</sub>) fire extinguishing system was operated. The decision to use the CO<sub>2</sub> system was prudent, and together with the prompt use of the ship's fire dampers, remote valves and emergency stops reduced the severity of the damage to the generator room.

#### **Why did it happen?**

It is possible that one or more of the connecting rod palm nuts or counterweight nuts had not been sufficiently tightened (or overtightened) during recent overhauls and that the resultant failure of one of the retaining studs was the initiator of the catastrophic engine failure.

#### **What can we learn?**

- It is important to make reference to the engine manufacturer's recommendations when tightening the nuts for the connecting rods or counterweights, and in using the appropriate and calibrated tools, e.g. torque wrench and/or hydraulic tightening devices.

## **31 FIRE**

### **Serious casualty: fire in the auxiliary engine-room**

#### **What happened?**

On a 32,000 gt ro-ro passenger ferry a fire broke out in the auxiliary engine-room (AER). The seat of the fire was in way of the auxiliary engines' fuel supply module and quickly spread across the compartment. The fire was eventually extinguished by the ship's crew. There were no passengers on board and none of the ship's crew was injured. However, the fire caused the vessel to lose electrical power, which ultimately required her to be towed back into port for repairs.

### **Why did it happen?**

Fuel oil escaped under pressure from the auxiliary engine fuel module pressure regulating valve actuator and came into contact with an exposed high-temperature surface on the adjacent auxiliary engine. The auxiliary engine fuel oil module excess pressure regulating valve actuator diaphragm perished and ruptured because it had been manufactured from a non-oil resistant rubber. The fire could not be contained within the AER because heat from the fire was conducted through an un-insulated section of the fire boundary to electric cables on the deck above. Several spaces above the AER were incorrectly classified at build and were not protected by thermal insulation in accordance with SOLAS requirements.

The performance of the local water-mist system was adversely affected by a delay in activating the system, the inadequate production of water-mist, interruptions to the supply of water-mist, a reduced duration of operation and/or the insufficient water-mist coverage above the seat of the fire. The machinery space high-expansion foam fixed fire-extinguishing system was fully discharged into the AER, but failed to produce any foam because its discharge nozzles were clogged with rust from the internal corrosion of the dry pipe distribution network. The high-expansion foam system distribution pipe network was fabricated from mild steel and was not self-draining, therefore it was extremely susceptible to corrosion.

The fire-fighting effort was impeded by the intermittent loss of fire main pressure due to the emergency pump control cables within the AER being damaged by the fire.

### **What can we learn?**

- The fuel oil changeover procedure must be understood by the ship's engineers in charge of the operation; and the harmful effects of closing any valves in isolating the excess pressure regulating valve or prevent fuel returning to the service tanks must be fully understood by all.
- The exhaust lagging or heat shields must be properly replaced after carrying out any work on the main or auxiliary engines.
- It is important that the dry pipe distribution network and the discharge nozzles for use in high expansion foam fixed fire extinguishing system is properly maintained to avoid blockage or clogged with rust resulting from corrosion of the dry pipe.
- It is essential that crews are aware of the location of the ventilation system fire dampers and be provided with onboard guidance.
- It is essential to maintain an effective fire fighting command and control efforts in an emergency situation with adequate knowledge of the fixed fire-extinguishing system, and having good radiocommunication voice procedures.
- It is essential that excess pressure regulating valves for use with fuel oil systems are fitted with appropriate rubber diaphragm suitable for use with fuel oil and incorporated with leakage glands and rupture indicators.
- It is important to be aware of the potential problems associated with the use of low sulphur fuels, e.g. poor lubricating characteristics; undesirable additives or blend components; cleaning action or searching nature which can lead to clogging and increased leakage.

- It is essential that thermal insulation be provided with due regard to the fire risk of the spaces and adjacent spaces in accordance with SOLAS requirements.
- It is important for the manufacturer/shipowner/ship's engineer/surveyor to ensure the performance and effective functioning of water-mist systems, to ensure prompt activation of the system; adequate production of the water-mist; un-interrupt supply of water-mist; endurance of operation and sufficient water-mist coverage above the seat of fire.
- It is essential that the distribution pipe network of high-expansion foam system is fabricated from corrosion free materials and the pipe layout be provided with self draining features.
- It is important to ensure the continuous supply of power to the emergency fire pump. If there is a possibility that the power supply be cut off or damaged by fire, an independent power should be considered, e.g. driven by an independent diesel engine.
- It is important that crews are aware of the hazards to personnel in compartments containing high-expansion foam.
- It is important that decent surveys and tests are properly carried out on high expansion foam systems in accordance with the manufacturers' instructions and current IMO guidelines, which includes blowing through with compressed air, to guarantee the reliability of these safety critical systems.
- It is important to ensure and verify that foam flooding systems are charged with the appropriate type and quantity of foam concentrate.
- It is important that fixed fire-extinguishing systems be maintained in accordance with the manufacturers' instructions and/or the ship's planned maintenance system schedules.
- It may be useful for ships to have its own operating procedure or policy for its high-expansion foam fire-extinguishing system.

## **32 FIRE**

### **Serious casualty: Electrical fire inside cargo hold**

#### **What happened?**

When a 18 gt cargo ship was sailing in coastal waters, the crew smelled burning plastic. When the crew opened the hatch of the cargo hold to check it, a flame of approximately half a meter appeared and dense smoke came out for approximately 15 seconds. The fire was extinguished in a few minutes by a crew member using two portable dry powder fire extinguishers.

The fire broke out in a fluorescent tube fixture placed on a niche panel in the cargo hold. Six passengers were transferred to another company's vessel. There was only minor damage to the cargo hold after the fire and the ship was able to continue the voyage.

### **Why did it happen?**

The fire was caused by electric arcing in the sockets of the fixture for fluorescent tubes. The fluorescent tube fixtures had poor mechanical/electric connection between socket and tube, and without having open circuit and short circuit protection, presented a potential risk of causing a fire on ships that are moving and vibrating. The fluorescent tubes did not fulfil the requirements for preventing overheating causing damaging of cables and surrounding material.

### **What can we learn?**

- Fluorescent tube fixtures used on board ships should fulfil guidelines and certain standards and be marked accordingly, allowing the user to choose the right equipment and discard the unsuitable.

## **33 EXPLOSION**

### **Serious casualty: explosion within a ballast tank during hot work**

#### **What happened?**

A 28,000 gt geared forest product carrier was undergoing repairs in a repair yard. At the time of the incident (late evening), hot work was ongoing within No.2 port ballast tank. Sections of the shell plating were being replaced. Gas cutting of steel plate was ongoing using liquefied petroleum gas (LPG) (in place of acetylene) and oxygen gas cutting equipment. Welding equipment was also in use. An explosion occurred within the tank, killing 2 shipyard workers and injuring seven others; three shipyard workers ended up in the water and were rescued by a shipyard boat. No members of the ship's crew were within the tank or injured.

#### **Why did it happen?**

Gas cutting equipment had been left in the tank for a prolonged period. Several gas cutters were in the tank and had their gas valves opened up and left on throughout the whole day in question. It is suspected that leakage from the various gas cutters led to an accumulation of LPG in the bottom of the ballast tank. The explosion occurred late in the evening, probably caused by sparks dropping from the hot work to the bottom of the tank.

The ventilation fans fitted to the tank had insufficient power to propel air to the bottom of the tank and therefore did not dispel the gas from the tank.

Gas tests were only made prior to the work starting in the morning – no follow-up gas tests were made during the day at shift change or after breaks, hence the leaking gas was not detected.

#### **What can we learn?**

- Ventilation needs to be sufficiently powerful to circulate fresh air around the entire tank – the use of trunking to take air to the bottom of the tank is essential.
- Gas tests must be made at frequent regular intervals during the day, and after any break. Gas tests should be made at all levels within the tank.
- Any gas equipment, when not in use, should be isolated and removed from the tank.

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## ANNEX 2

### DRAFT MSC CIRCULAR

#### **DRAFT SECTION 5 (EXEMPTION AND VERIFICATION PROCEDURE) CONTAINED IN THE DRAFT MSC CIRCULAR ON GUIDELINES ON EXEMPTIONS FOR CRUDE OIL TANKERS SOLELY ENGAGED IN THE CARRIAGE OF CARGOES AND CARGO HANDLING OPERATIONS NOT CAUSING CORROSION**

#### ANNEX

#### GUIDELINES ON EXEMPTIONS FOR CRUDE OIL TANKERS SOLELY ENGAGED IN THE CARRIAGE OF CARGOES AND CARGO HANDLING OPERATIONS NOT CAUSING CORROSION

### **5 Exemption procedure**

5.1 [An exemption certificate should be issued ONLY to a tanker that will be carrying a crude oil, meeting the above characteristics and associated with particular and concrete long-term trade. The following need to be considered by the Administration prior to the issuance of an exemption certificate:

- .1 a proposal for a crude oil tanker to be built without coated cargo tanks should be approved by the Administration in each particular case;
- .2 the owner should provide evidence to the satisfaction of the Administration that the crude oil tanker is purpose built for the benign crude oil trade for the duration of the tanker's commercial life;
- .3 approval for exemption should be obtained from the Administration prior to signing the building contract with the shipbuilder and presented to the recognized organization;
- .4 the trading limitation and the particular benign crude oil should be stated on the Exemption Certificate which is issued in addition to the Cargo Ship Safety Construction Certificate or Cargo Ship Safety Certificate; and
- .5 in case the crude oil tanker ceases trading in the approved benign crude oil trade, a new approval for exemption should be obtained from the Administration for alternative benign crude oil trade.

5.2 During the surveys required by SOLAS regulation I/10, the conditions under which the exemption was granted have to be verified, and during inspection of the exempted ship's cargo tanks the condition of the tanks should be taken into account when considering the continued validity of the exemption certificate.

5.3 In case the crude oil tanker ceases to trade in benign crude oil, the cargo tanks will need to be brought into compliance with SOLAS regulation II-1/3-11, adopted by resolution MSC.291(87) and, as may be amended, to be able to continue trading in non-benign crude oil transport.]

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## ANNEX 3

### DRAFT AMENDMENT TO THE LSA CODE

#### Chapter I General

1 The existing title of 1.2 "General requirements for life-saving appliances" is replaced with the following text:

"1.2 **Application and General requirements for life-saving appliances**"

2 Paragraph 1.2.1 is replaced by the following text:

"1.2.1 ~~Application Paragraph 1.2.2.7 applies to life-saving appliances on all ship~~

1.2.1.1 This Code is applicable to life-saving appliances as referred to in chapter III of the Convention.

1.2.1.2 Unless expressly provided otherwise, this Code is applicable to life-saving appliances installed on board ships on or after 1 July 1998.

1.2.1.3 However, amendments to the Code adopted after 1 July 1998 shall, unless expressly provided otherwise, only apply to life-saving appliances installed on board ships on or after the date of entry into force of such amendments.

1.2.1.4 In application of paragraph 1.2.1.3, "life-saving appliances installed on board ships" means:

.1 for ships for which the building contract is placed on or after the date of entry into force of the amendment, or in the absence of the building contract, constructed on or after that date, any life-saving appliances replaced or newly installed;

.2 for ships with a completion date of the initial survey as per regulation I/7 or I/8 of the Convention, as applicable, before the date of entry into force of the amendments, any life-saving appliances replaced or newly installed; and

.3 for ships under construction, any life-saving appliances installed 24 or more months after the entry into force of the amendment [or earlier than 24 months, if so required by the Administration].

1.2.1.5 Paragraph 1.2.2.7 applies to life-saving appliances on all ships."

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**ANNEX 4**

**DRAFT IMO INSTRUMENTS IMPLEMENTATION CODE (III CODE) AND  
ASSOCIATED DRAFT ASSEMBLY RESOLUTION**

**DRAFT ASSEMBLY RESOLUTION**

**IMO INSTRUMENTS IMPLEMENTATION CODE (III CODE)**

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO that, through resolution A.1018(26), it approved the time frame and schedule of activities for the consideration and introduction of an institutionalized IMO Member State Audit Scheme,

RECALLING ALSO that, by resolution A.1054(27), it adopted the Code for the Implementation of Mandatory IMO Instruments, 2011, that provides guidance for the implementation and enforcement of IMO instruments and forms the basis of the Voluntary IMO Member State Audit Scheme, in particular concerning the identification of the auditable areas,

BEING AWARE of the request of the seventh session of the UN Commission on Sustainable Development (CSD 7) that measures be developed to ensure that flag States give full and complete effect to the IMO and other relevant conventions to which they are party, so that the ships of all flag States meet international rules and standards,

RECOGNIZING that parties to the relevant international conventions have, as part of the ratification process, accepted to fully meet their responsibilities and to discharge their obligations under the conventions and other instruments to which they are party,

REAFFIRMING that States have the primary responsibility to have in place an adequate and effective system to exercise control over ships entitled to fly their flag, and to ensure that they comply with relevant international rules and regulations in respect of maritime safety, security and protection of the marine environment,

REAFFIRMING ALSO that States, in their capacity as port and coastal States, have other obligations and responsibilities under applicable international law in respect of maritime safety, security and protection of the marine environment,

NOTING that, while States may realize certain benefits by becoming party to instruments aiming at promoting maritime safety, security and the prevention of pollution from ships, these benefits can only be fully realized when all parties carry out their obligations as required by the instruments concerned,

NOTING ALSO that the ultimate effectiveness of any instrument depends, inter alia, upon all States:

- (a) becoming party to all instruments related to maritime safety, security and pollution prevention and control;

- (b) implementing and enforcing such instruments fully and effectively;
- (c) reporting to the Organization, as required,

BEING DESIROUS to further assist Member Governments to improve their capabilities and overall performance in order to be able to comply with the IMO instruments to which they are party,

CONSCIOUS of the difficulties some Member States may face in complying fully with all the provisions of the various IMO instruments to which they are party,

MINDFUL of the need for any such difficulties to be eliminated to the extent possible; and recalling that the Organization has established an Integrated Technical Co-operation Programme for that reason and purpose,

NOTING FURTHER that the Maritime Safety Committee and the Marine Environment Protection Committee have developed requirements for adoption by Contracting Governments to the International Convention for the Safety of Life at Sea (SOLAS), 1974, and the Protocol of 1988 relating to the International Convention on Load Lines, 1966; the International Convention for the Prevention of Pollution of the Sea by Oil, 1973, as modified by the Protocol of 1978 relating thereto and the Protocol of 1997 to amend the International Convention for the Prevention of Pollution of the Sea by Oil, 1973, as modified by the Protocol of 1978 relating thereto, respectively, which will make compliance with the Code referred to in operative paragraph 1 mandatory,

RECALLING FURTHER its consideration of requirements for adoption by Contracting Governments to the International Convention on Load Lines, 1966, the International Convention on Tonnage Measurement of Ships, 1969 and the Convention on the International Regulation for Preventing Collisions at Sea (COLREG), 1972, which will also make compliance with the Code referred to in operative paragraph 1 mandatory,

HAVING CONSIDERED the recommendations made by the Marine Environment Protection Committee [at its sixty-fourth] session and the Maritime Safety Committee, [at its ninety-first] session,

1. ADOPTS the IMO Instruments Implementation Code (III Code), set out in the annex to the present resolution;
2. REQUESTS the Maritime Safety Committee and the Marine Environment Protection Committee to keep the Code under review and, in coordination with the Council, to propose amendments thereto to the Assembly.

ANNEX

DRAFT IMO INSTRUMENTS IMPLEMENTATION CODE (III CODE)

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## **PART 1 – COMMON AREAS**

### **Objective**

1 The objective of this Code is to enhance global maritime safety and protection of the marine environment and assist States in the implementation of instruments of the Organization.

2 Different States will view this Code according to their own circumstances and should be bound only for the implementation of those instruments to which they are Contracting Governments or Parties. By virtue of geography and circumstance, some States may have a greater role as a flag State than as a port State or as a coastal State, whilst others may have a greater role as a coastal State or port State than as a flag State.

### **Strategy**

3 In order to meet the objective of this Code, a State is recommended to:

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

### **General**

4 Under the general provisions of treaty law and of IMO conventions, States should be responsible for promulgating laws and regulations and for taking all other steps which may be necessary to give those instruments full and complete effect so as to ensure safety of life at sea and protection of the marine environment.

5 In taking measures to prevent, reduce and control pollution of the marine environment, States should act so as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another.

### **Scope**

6 The Code seeks to address those aspects necessary for a Contracting Government or Party to give full and complete effect to the provisions of the applicable international instruments to which it is a Contracting Government or Party, pertaining to:

- .1 safety of life at sea;
- .2 prevention of pollution from ships;
- .3 standards of training, certification and watchkeeping for seafarers;
- .4 load lines;
- .5 tonnage measurement of ships; and

- .6 regulations for preventing collisions at sea.

7 The following areas should be considered and addressed in the development of policies, legislation, associated rules and regulations and administrative procedures for the implementation and enforcement of those obligations and responsibilities by the State:

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

#### **Initial actions**

8 When a new or amended instrument of the Organization enters into force for a State, the Government of that State should be in a position to implement and enforce its provisions through appropriate national legislation and to provide the necessary implementation and enforcement infrastructure. This means that the Government of the State should have:

- .1 the ability to promulgate laws, which permit effective jurisdiction and control in administrative, technical and social matters over ships flying its flag and, in particular, provide the legal basis for general requirements for registries, the inspection of ships, safety and pollution-prevention laws applying to such ships and the making of associated regulations;
- .2 a legal basis for the enforcement of its national laws and regulations including the associated investigative and penal processes; and
- .3 the availability of 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 of information**

9 The State should communicate its strategy, as referred to in paragraph 3, including information on its national legislation to all concerned.

## **Records**

10 Records, as appropriate, should be established and maintained to provide evidence of conformity to requirements and of the effective operation of the State. Records should remain legible, readily identifiable and retrievable. A documented procedure should be established to define the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records.

## **Improvement**

11 States should continually improve the adequacy of the measures which are taken to give effect to those conventions and protocols which they have accepted. Improvement should be made through rigorous and effective application and enforcement of national legislation, as appropriate, and monitoring of compliance.

12 The State should stimulate a culture which provides opportunities for improvement of performance in maritime safety and environmental protection activities, which may include, inter alia:

- .1 continual training programmes relating to safety and pollution prevention;
- .2 regional and national drills on safety and pollution prevention, which engage a broad spectrum of maritime related national, regional and international organizations and companies and seafarers; and
- .3 using reward and incentive mechanisms for shipping companies and seafarers, regarding improving safety and pollution prevention.

13 Further, the State should take action to identify and eliminate the cause of any non-conformities in order to prevent recurrence, including:

- .1 review and analysis of non-conformities;
- .2 implementation of necessary corrective action; and
- .3 review of the corrective action taken.

14 The State should determine action needed to eliminate the causes of potential non-conformities in order to prevent their occurrence.

## **PART 2 – FLAG STATES**

### **Implementation**

15 In order to effectively discharge their responsibilities and obligations, flag States should:

- .1 implement policies through the issuance of national legislation and guidance, which will assist in the implementation and enforcement of the

requirements of all safety and pollution prevention conventions and protocols to which they are parties; and

- .2 assign responsibilities within their Administrations to update and revise any relevant policies adopted, as necessary.

16 A flag State should establish resources and processes capable of administering a safety and environmental protection programme, which, as a minimum, should consist of the following:

- .1 administrative instructions to implement applicable international rules and regulations as well as develop and disseminate any interpretative national regulations that may be needed including certificates issued by a classification society, which is recognized by the flag State in accordance with the provisions of SOLAS regulation XI-1/1, and which certificate is required by the flag State to demonstrate compliance with structural, mechanical, electrical, and/or other requirements of an international convention to which the flag State is a party or a requirement of the flag State's national regulations;
- .2 compliance with the requirements of the applicable international instruments, using an audit and inspection programme, independent of any administrative bodies issuing the required certificates and relevant documentation and/or of any entity which has been delegated authority by the State to issue the required certificates and relevant documentation;
- .3 compliance with the requirements related to international standards of training, certification and watchkeeping of seafarers. This includes, inter alia:
  - .1 training, assessment of competence and certification of seafarers;
  - .2 certificates and endorsements that accurately reflect the competencies of the seafarers, using the appropriate terminology as well as terms which are identical to those used in any safe manning document issued to the ship;
  - .3 impartial investigation to be held of any reported failure, whether by act or omission, that may pose a direct threat to safety of life or property at sea or to the marine environment, by the holders of certificates or endorsements issued by the State;
  - .4 that certificates or endorsements issued by the State can be effectively withdrawn, suspended or cancelled when warranted, and when necessary to prevent fraud; and
  - .5 administrative arrangements, including those involving training, assessment and certification activities conducted under the purview of another State, are such that the flag State accepts its responsibility for ensuring the competence of masters, officers and other seafarers serving on ships entitled to fly its flag;
- .4 the conduct of investigations into casualties and adequate and timely handling of cases of ships with identified deficiencies; and

- .5 the development, documentation and provision of guidance concerning those requirements that are to the satisfaction of the Administration, found in the relevant international instruments.

17 A flag State should ensure that ships entitled to fly its flag are sufficiently and efficiently manned, taking into account relevant and existing measures such as the Principles of Safe Manning adopted by the Organization.

### **Delegation of authority**

18 With regard only to ships entitled to fly its flag a flag State authorizing a recognized organization to act on its behalf, in conducting the surveys, inspections and audits, issuing of certificates and documents, marking of ships and other statutory work required under the conventions of the Organization or under their national legislation, should regulate such authorization(s) in accordance with the applicable requirements of the international mandatory instruments to:

- .1 determine that the recognized organization has adequate resources in terms of technical, managerial and research capabilities to accomplish the tasks being assigned, in accordance with the required standards for recognized organizations acting on behalf of the Administration set out in the relevant instruments of the Organization<sup>1</sup>;
- .2 have as its basis a formal written agreement between the Administration and the recognized organization which, as a minimum, includes the elements set out in the relevant instruments of the Organization<sup>2</sup>, or equivalent legal arrangements, and which may be based on the model agreement for the authorization of recognized organizations acting on behalf of the Administration<sup>3</sup>;
- .3 issue specific instructions detailing actions to be followed in the event that a ship is found unfit to proceed to sea without danger to the ship or persons on board, or is found to present an unreasonable threat of harm to the marine environment;
- .4 provide the recognized organization with all appropriate instruments of national law and interpretations thereof giving effect to the provisions of the conventions and specify, only for application to ships entitled to fly its flag, whether any additional Administration's standards go beyond convention requirements in any respect; and
- .5 require that the recognized organization maintain records, which will provide the Administration with data to assist in interpretation of requirements contained in the applicable international instruments.

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<sup>1</sup> Appendix 1 of the *Guidelines for the authorization of organizations acting on behalf of the Administration* (resolution A.739(18)).

<sup>2</sup> Appendix 2 of the *Guidelines for the authorization of organizations acting on behalf of the Administration* (resolution A.739(18)).

<sup>3</sup> MSC/Circ.710-MEPC/Circ.307.

19 No flag State should mandate its recognized organizations to apply to ships, other than those entitled to fly its flag, any requirement pertaining to their classification rules, requirements, procedures or performance of other statutory certification processes, beyond convention requirements and the mandatory instruments of the Organization.

20 The flag State should establish or participate in an oversight programme with adequate resources for monitoring of, and communication with, its recognized organization(s) in order to ensure that its international obligations are fully met, by:

- .1 exercising its authority to conduct supplementary surveys to ensure that ships entitled to fly its flag in fact comply with the requirements of the applicable international instruments;
- .2 conducting supplementary surveys as it deems necessary to ensure that ships entitled to fly its flag comply with national requirements, which supplement the international mandatory requirements; and
- .3 providing staff who have a good knowledge of the rules and regulations of the flag State and the recognized organizations and who are available to carry out effective oversight of the recognized organizations.

21 A flag State nominating surveyor(s) for the purpose of carrying out surveys, audits and inspections on its behalf should regulate such nominations, as appropriate, in accordance with the guidance provided in paragraph 18, in particular subparagraphs .3 and .4.

### **Enforcement**

22 A flag State should take all necessary measures to secure observance of international rules and standards by ships entitled to fly its flag and by entities and persons under their jurisdiction so as to ensure compliance with their international obligations. Such measures should include, inter alia:

- .1 prohibiting ships entitled to fly their flag from sailing until such ships can proceed to sea in compliance with the requirements of international rules and standards;
- .2 the periodic inspection of ships entitled to fly its flag to verify that the actual condition of the ship and its crew is in conformity with the certificates it carries;
- .3 the surveyor ensuring, during the periodic inspection referred to in subparagraph .2, that seafarers assigned to the ships are familiar with:
  - .1 their specific duties; and
  - .2 ship arrangements, installations, equipments and procedures;
- .4 ensuring that the ship's complement, as a whole, can effectively coordinate their activities in an emergency situation and in performing functions vital to safety or to the prevention or mitigation of pollution;
- .5 providing, in national laws and regulations, for penalties of adequate severity to discourage violation of international rules and standards by ships entitled to fly its flag;

- .6 instituting proceedings – after an investigation has been conducted – against ships entitled to fly its flag, which have violated international rules and standards, irrespective of where the violation has occurred;
- .7 providing, in national laws and regulations, for penalties of adequate severity to discourage violations of international rules and standards by individuals issued with certificates or endorsements under their authority; and
- .8 instituting 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 A flag State should develop and implement a control and monitoring programme, as appropriate, in order to:

- .1 provide for prompt and thorough casualty investigations, with reporting to the Organization as appropriate;
- .2 provide for the collection of statistical data, so that trend analyses can be conducted to identify problem areas; and
- .3 provide for a timely response to deficiencies and alleged pollution incidents reported by port or coastal States.

24 Furthermore, the flag State should:

- .1 ensure compliance with the applicable international instruments through national legislation;
- .2 provide an appropriate number of qualified personnel to implement and enforce the national legislation referred to in subparagraph 15.1, including personnel for performing investigations and surveys;
- .3 provide a sufficient number of qualified flag State personnel to investigate incidents where ships entitled to fly its flag have been detained by port States;
- .4 provide a sufficient number of qualified flag State personnel to investigate incidents where the validity of a certificate or endorsement or competence of individuals holding certificates or endorsements issued under its authority are questioned by port States; and
- .5 ensure the training and oversight of the activities of flag State surveyors and investigators.

25 When a State is informed that a ship entitled to fly its flag has been detained by a port State, the flag State should oversee that appropriate corrective measures to bring the ship in question into immediate compliance with the applicable international instruments are taken.

26 A flag State, or a recognized organization acting on its behalf, should only issue or endorse an international certificate to a ship after it has determined that the ship meets all applicable requirements.

27 A flag State should only issue an international certificate of competency or endorsement to a person after it has determined that the person meets all applicable requirements.

### **Flag State surveyors**

28 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.

29 Personnel responsible for, or performing, surveys, inspections and audits on ships and companies covered by the relevant international mandatory instruments should have as a minimum the following:

- .1 appropriate qualifications from a marine or nautical institution and relevant seagoing experience as a certificated ship officer holding or having held a valid management level certificate of competency and have maintained their technical knowledge of ships and their operation since gaining their certificate of competency; or
- .2 a degree or equivalent from a tertiary institution within a relevant field of engineering or science recognized by the State; or
- .3 accreditation as a surveyor through a formalized training programme that leads to the same standard of surveyor's experience and competency as that required in paragraphs 29.1, 29.2 and 32.

30 Personnel qualified under paragraph 29.1 should have served for a period of not less than three years at sea as an officer in the deck or engine department.

31 Personnel qualified under paragraph 29.2 should have worked in a relevant capacity for at least three years.

32 In addition, such personnel should 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 Other personnel assisting in the performance of such work should have education, training and supervision commensurate with the tasks they are authorized to perform.

34 Previous relevant experience in the field of expertise is recommended to be considered an advantage; in case of no previous experience, the Administration should provide appropriate field training.

35 The flag State should implement a documented system for qualification of personnel and continuous updating of their knowledge as appropriate to the tasks they are authorized to undertake.

- 36 Depending on the function(s) to be performed, the qualifications should encompass:
- .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;
  - .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.

37 The flag State should issue an identification document for the surveyor to carry when performing his/her tasks.

### **Flag State investigations**

38 Marine safety investigations should be conducted by impartial and objective investigators, who are suitably qualified and knowledgeable in matters relating to the casualty. Subject to any agreement on which State or States will be the marine safety investigating State(s), the flag State should provide qualified investigators for this purpose, irrespective of the location of the casualty or incident.

39 The flag State is recommended to ensure that individual investigators have working knowledge and practical experience in those subject areas pertaining to their normal duties. Additionally, to assist individual investigators in performing duties outside their normal assignments, the flag State is recommended to ensure ready access to expertise in the following areas, as necessary:

- .1 navigation and the Collision Regulations;
- .2 flag State regulations on certificates of competency;
- .3 causes of marine pollution;
- .4 interviewing techniques;
- .5 evidence gathering; and
- .6 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 to ships of the flag State is recommended to be investigated, and the results of such investigations made public.

41 Ship casualties should be investigated and reported in accordance with the relevant international instruments, taking into account the Casualty Investigation Code, as may be amended, and guidelines developed by the Organization<sup>4</sup>. The report on the investigation should be forwarded to the Organization together with the flag State's observations, in accordance with the guidelines referred to above.

### **Evaluation and review**

42 A flag State should, on a periodic basis, evaluate its performance with respect to the implementation of administrative processes, procedures and resources necessary to meet its obligations as required by the international instruments to which it is a party.

43 Measures to evaluate the performance of flag States should include, inter alia, port State control detention rates, flag State inspection results, casualty statistics, communication and information processes, annual loss statistics (excluding constructive total losses (CTLs)), and other performance indicators as may be appropriate, to determine whether staffing, resources and administrative procedures are adequate to meet its flag State obligations.

44 Areas recommended to be regularly reviewed may include, inter alia:

- .1 fleet loss and accident ratios to identify trends over selected time periods;
- .2 the number of verified cases of detained ships in relation to the size of the fleet;
- .3 the number of verified cases of incompetence or wrongdoing by individuals holding certificates or endorsements issued under its authority;
- .4 responses to port State deficiency reports or interventions;
- .5 investigations into very serious and serious casualties and lessons learned from them;
- .6 technical and other resources committed;
- .7 results of inspections, surveys and controls of the ships in the fleet;
- .8 investigation of occupational accidents;
- .9 the number of incidents and violations that occur under the applicable international maritime pollution prevention regulations; and
- .10 the number of suspensions or withdrawals of certificates, endorsements, approvals, etc.

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<sup>4</sup> Refer to the *Code for the Investigation of Marine Casualties and Incidents*, adopted by the Organization by resolution A.849(20), as amended by resolution A.884(21), and the mandatory *Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code)*, adopted by the Organization by resolution MSC.255(84).

## **PART 3 – COASTAL STATES<sup>5</sup>**

### **Implementation**

45 Coastal States have certain rights and obligations under various international instruments. When exercising their rights under those instruments coastal States incur additional obligations.

46 In order to effectively meet its obligations, a coastal State should:

- .1 implement policies through the issuance of national legislation and guidance, which will assist in the implementation and enforcement of the requirements of all safety and pollution prevention conventions and protocols to which it is a party; and
- .2 assign responsibilities to update and revise any relevant policies adopted, as necessary.

47 A coastal State should ensure that its legislation, guidance and procedures are established for the consistent implementation and verification of its rights, obligations and responsibilities contained in the relevant international instruments to which it is a party.

48 Those rights, obligations and responsibilities may include, inter alia:

- .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.

### **Enforcement**

49 A coastal State should take all necessary measures to ensure their observance of international rules when exercising their rights and fulfilling their obligations.

50 A coastal State should consider, develop and implement a control and monitoring programme, as appropriate, in order to:

- .1 provide for the allocation of statistical data so that trend analyses can be conducted to identify problem areas;

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<sup>5</sup> The requirements contained in this section should apply to the extent that ships, subject to IMO mandatory instruments, can access the ports of the Contracting Government.

- .2 establish mechanisms for timely response to pollution incidents in its waters; and
- .3 cooperate with flag States and/or port States, as appropriate, in investigations of maritime casualties.

### **Evaluation and review**

51 A coastal State should periodically evaluate its performance in respect of exercising its rights and meeting its obligations under the applicable international instruments.

## **PART 4 – PORT STATES<sup>6</sup>**

### **Implementation**

52 Port States have certain rights and obligations under various international instruments. When exercising their rights under those instruments, port States incur additional obligations.

53 Port States can play an integral role in the achievement of maritime safety and environmental protection, including pollution prevention. The role and responsibilities of the port State with respect to maritime safety and environmental protection is derived from a combination of international treaties, conventions, national laws, as well as in some instances, bilateral and multilateral agreements.

54 In order to effectively meet its obligations, a port State should:

- .1 implement policies through the issuance of national legislation and guidance, which will assist in the implementation and enforcement of the requirements of all safety and pollution prevention conventions and protocols to which it is a party; and
- .2 assign responsibilities to update and revise any relevant policies adopted, as necessary.

55 A port State should ensure that its legislation, guidance and procedures are established for the consistent implementation and verification of its rights, obligations and responsibilities contained in the relevant international instruments to which it is a party.

56 Those rights, obligations and responsibilities may include, inter alia:

- .1 provision of appropriate reception facilities or capability to accept all waste streams regulated under the instruments of the Organization;
- .2 port State control<sup>7</sup>; and
- .3 keeping a register of fuel oil suppliers.

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<sup>6</sup> The requirements contained in this section should apply to the extent that ships, subject to IMO mandatory instruments, can access the ports of the Contracting Government.

<sup>7</sup> Refer to the *Procedures for Port State Control, 2011* (resolution A.1052(27)).

## **Enforcement**

57 Port States should take all necessary measures to ensure their observance of international rules when exercising their rights and fulfilling their obligations.

58 Several international maritime instruments on safety and maritime pollution prevention contain specific provisions that permit port State control.

59 Also, a number of those instruments obligate port States to treat non-parties to those conventions no more favourably than those that are parties. This means that port States should impose the conditions of those instruments on parties, as well as on non-parties.

60 When exercising its right to carry out port State control, a port State should establish processes to administer a port State control programme consistent with the relevant resolution adopted by the Organization<sup>7</sup>.

61 Port State control should be 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 should be free from any commercial, financial, and other pressures and have no commercial interest, either in the port of inspection or the ships inspected, in ship repair facilities or any support services in the port or elsewhere nor should the port State control officers be employed by or undertake work on behalf of recognized organizations or classification societies. Further procedures should be implemented to ensure that persons or organizations external to the port State cannot influence the results of port State inspection and control carried out.

## **Evaluation and review**

63 A port State should periodically evaluate its performance in respect of exercising its rights and meeting its obligations under the applicable instruments of the Organization.

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## ANNEX 5

### DRAFT AMENDMENTS TO MANDATORY IMO INSTRUMENTS TO MAKE THE III CODE AND AUDITING MANDATORY, AND ASSOCIATED DRAFT ASSEMBLY RESOLUTIONS

#### DRAFT AMENDMENTS TO BE ADOPTED BY THE MARITIME SAFETY COMMITTEE

#### Draft amendments to the International Convention for the Safety of Life at Sea, 1974, as amended

### ANNEX

A new chapter XIII is added to read as follows:

#### "CHAPTER XIII

#### Verification of compliance with the provisions of the Convention

##### Regulation 1

##### *Definitions*

1 *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.

2 *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization, which is intended to ensure the consistent and effective implementation of instruments of the Organization and to assist States to improve their capabilities and overall performance in this respect.

3 *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.[....](28).

4 *Audit Standard* means the Code for Implementation, which shall be used to determine the extent to which Contracting Governments give full and complete effect to the provisions of the present Convention.

##### Regulation 2

##### *Application*

Contracting Governments shall apply the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in the present Convention. For the purpose of this regulation, the requirements of the Code shall be treated as mandatory and its recommendations shall be treated as non-mandatory.

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\* Refer to the Framework and Procedures for the [IMO] Member State Audit Scheme, adopted by the Organization by resolution [A.....(28)].

### Regulation 3

#### *Verification of compliance*

1 Every Contracting Government shall be subject to periodic audits by the Organization of its compliance with the audit standard and the requirements of the present Convention.

2 The Secretary-General of the Organization shall have responsibility for the implementation of the Audit Scheme, based on the guidelines developed by the Organization\*.

3 Every Contracting Government shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines adopted by the Organization\*.

4 Audit of all Contracting Governments shall be:

- .1 based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization\*; and
- .2 conducted at periodic intervals, taking into account the guidelines developed by the Organization\*."

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\* Refer to the Framework and Procedures for the [IMO] Member State Audit Scheme, adopted by the Organization by resolution [A.....(28)].

**Draft amendments to the Protocol of 1988 relating to  
the International Convention on Load Lines, 1966**

ANNEX B

Annexes to the Convention as modified by the Protocol of 1988 relating thereto

Annex I

Chapter I

1 The following is added at the end of regulation 3:

"(17) *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.

(18) *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization\*, which is intended to ensure the consistent and effective implementation of instruments of the Organization and to assist States to improve their capabilities and overall performance in this respect.

(19) *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.[....](28).

(20) *Audit Standard* means the Code for Implementation, which shall be used to determine the extent to which Contracting Governments give full and complete effect to the provisions of the present Convention."

2 A new annex IV is added to read as follows:

"Annex IV

Verification of compliance with the provisions of the Protocol

Regulation 53

*Application*

Contracting Governments shall apply the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in the present Convention. For the purpose of this regulation, the requirements of the Code shall be treated as mandatory and its recommendations shall be treated as non-mandatory.

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\* Refer to the Framework and Procedures for the [IMO] Member State Audit Scheme, adopted by the Organization by resolution [A.....(28)].

Regulation 54

*Verification of compliance*

- (1) Every Contracting Government shall be subject to periodic audits by the Organization of its compliance with the audit standard and the requirements of the present Convention.
- (2) The Secretary-General of the Organization shall have responsibility for the implementation of the Audit Scheme, based on the guidelines developed by the Organization\*.
- (3) Every Contracting Government shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization\*.
- (4) Audit of all Contracting Governments shall be:
  - .a based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization\*; and
  - .b conducted at periodic intervals, taking into account the guidelines developed by the Organization\*."

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\* Refer to the Framework and Procedures for the [IMO] Member State Audit Scheme, adopted by the Organization by resolution [A.....(28)].

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**DRAFT AMENDMENTS TO BE ADOPTED BY THE MARINE ENVIRONMENT PROTECTION COMMITTEE**

**Draft amendments to the annex of the Protocol of 1978 relating to  
the International Convention for the Prevention of Pollution from Ships, 1973**

ANNEX

AMENDMENTS TO MARPOL ANNEXES I, II, III, IV AND V

AMENDMENTS TO MARPOL ANNEX I

- 1 The following is added at the end of regulation 1:

"35 *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.

36 *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization\*, which is intended to ensure the consistent and effective implementation of instruments of the Organization and to assist States to improve their capabilities and overall performance in this respect.

37 *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.[....](28).

38 *Audit Standard* means the Code for Implementation, which shall be used to determine the extent to which Contracting Governments give full and complete effect to the provisions of the present Convention."

- 2 A new chapter 10 is added to read as follows:

"Chapter 10 – Verification of compliance with the provisions of this Convention

Regulation 44

*Verification of compliance*

1 Contracting Governments shall apply the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in the present Convention. For the purpose of this regulation, the requirements of the Code shall be treated as mandatory and its recommendations shall be treated as non-mandatory.

2 Every Contracting Government shall be subject to periodic audits by the Organization of its compliance with the audit standard and the requirements of the present Convention.

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\* Refer to the Framework and Procedures for the [IMO] Member State Audit Scheme, adopted by the Organization by resolution [A.....(28)].

3 The Secretary-General of the Organization shall have responsibility for the implementation of the Audit Scheme, based on the guidelines developed by the Organization\*.

4 Every Contracting Government shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization\*.

5 Audit of all Contracting Governments shall be:

.1 based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization; and

.2 conducted at periodic intervals, taking into account the guidelines developed by the Organization\*."

#### AMENDMENTS TO MARPOL ANNEX II

1 The following is added at the end of regulation 1:

"18 *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.

19 *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization\*, which is intended to ensure the consistent and effective implementation of instruments of the Organization and to assist States to improve their capabilities and overall performance in this respect.

20 *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.[...](28).

21 *Audit Standard* means the Code for Implementation, which shall be used to determine the extent to which Contracting Governments give full and complete effect to the provisions of the present Convention."

2 A new chapter 9 is added to read as follows:

"Chapter 9 – Verification of compliance with the provisions of this Convention

Regulation 19

*Verification of compliance*

1 Contracting Governments shall apply the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in the present Convention. For the purpose of this regulation, the requirements of the

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\* Refer to the Framework and Procedures for the [IMO] Member State Audit Scheme, adopted by the Organization by resolution [A.....(28)].

Code shall be treated as mandatory and its recommendations shall be treated as non-mandatory.

2 Every Contracting Government shall be subject to periodic audits by the Organization of its compliance with the audit standard and the requirements of the present Convention.

3 The Secretary-General of the Organization shall have responsibility for the implementation of the Audit Scheme, based on the guidelines developed by the Organization\*.

4 Every Contracting Government shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines adopted by the Organization\*.

5 Audit of all Contracting Governments shall be:

.1 based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization; and

.2 conducted at periodic intervals, taking into account the guidelines developed by the Organization\*."

#### AMENDMENTS<sup>†</sup> TO MARPOL ANNEX III

1 A new chapter 1 is added before regulation 1 to read as follows:

*"Chapter 1 – General"*

2 A new regulation 1 is added to read as follows:

"Regulation 1

*Definitions*

For the purposes of this annex:

1 *Harmful substances* are those substances which are identified as marine pollutants in the International Maritime Dangerous Goods Code (IMDG Code) or which meet the criteria in the appendix of this annex.

2 *Packaged form* is defined as the forms of containment specified for harmful substances in the IMDG Code.

3 *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.

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\* Refer to the Framework and Procedures for the [IMO] Member State Audit Scheme, adopted by the Organization by resolution [A.....(28)].

† Numbering is subject to the entry into force of amendments to MARPOL Annex III by resolution MEPC.193(61).

4 *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization\*, which is intended to ensure the consistent and effective implementation of instruments of the Organization and to assist States to improve their capabilities and overall performance in this respect.

5 *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.[....](28).

6 *Audit Standard* means the Code for Implementation, which shall be used to determine the extent to which Contracting Governments give full and complete effect to the provisions of the present Annex."

3 Renumber the subsequent regulations accordingly.

4 In regulation 2, Application, subparagraphs 1.1 and 1.2 are deleted.

5 A new chapter 2 is added to read as follows:

"Chapter 2 – Verification of compliance with the provisions of this Annex

Regulation 10

*Verification of compliance*

1 Contracting Governments shall apply the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in the present Annex. For the purpose of this regulation, the requirements of the Code shall be treated as mandatory and its recommendations shall be treated as non-mandatory.

2 Every Contracting Government shall be subject to periodic audits by the Organization of its compliance with the audit standard and the requirements of the present Annex.

3 The Secretary-General of the Organization shall have responsibility for the implementation of the Audit Scheme, based on the guidelines developed by the Organization\*.

4 Every Contracting Government shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization\*.

5 Audit of all Contracting Governments shall be:

.1 based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization\*; and

.2 conducted at periodic intervals, taking into account the guidelines developed by the Organization\*."

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\* Refer to the Framework and Procedures for the [IMO] Member State Audit Scheme, adopted by the Organization by resolution [A.....(28)].

## AMENDMENTS<sup>†</sup> TO MARPOL ANNEX IV

1 The following is added at the end of regulation 1:

"12 *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.

13 *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization\*, which is intended to ensure the consistent and effective implementation of instruments of the Organization and to assist States to improve their capabilities and overall performance in this respect.

14 *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.[....](28).

15 *Audit Standard* means the Code for Implementation, which shall be used to determine the extent to which Contracting Governments give full and complete effect to the provisions of the present Annex."

2 A new chapter 6 is added to read as follows:

"Chapter 6 – Verification of compliance with the provisions of this Annex

Regulation 15

### *Verification of compliance*

1 Contracting Governments shall apply the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in the present Annex. For the purpose of this regulation, the requirements of the Code shall be treated as mandatory and its recommendations shall be treated as non-mandatory.

2 Every Contracting Government shall be subject to periodic audits by the Organization of its compliance with the audit standard and the requirements of the present Annex.

3 The Secretary-General of the Organization shall have responsibility for the implementation of the Audit Scheme, based on the guidelines developed by the Organization\*.

4 Every Contracting Government shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization\*.

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<sup>†</sup> Numbering is subject to the entry into force of amendments to MARPOL Annex IV by resolution MEPC.200(62).

\* Refer to the Framework and Procedures for the [IMO] Member State Audit Scheme, adopted by the Organization by resolution [A.....](28).

- 5 Audit of all Contracting Governments shall be:
- .1 based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization<sup>\*</sup>; and
  - .2 conducted at periodic intervals, taking into account the guidelines developed by the Organization<sup>\*</sup>.

#### AMENDMENTS<sup>†</sup> TO MARPOL ANNEX V

- 1 A new chapter 1 is added before regulation 1 to read as follows:

*"Chapter 1 – General"*

- 2 The following is added at the end of regulation 1:

[15] *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.

[16] *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization<sup>\*</sup>, which is intended to ensure the consistent and effective implementation of instruments of the Organization and to assist States to improve their capabilities and overall performance in this respect.

[17] *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.[...](28).

[18] *Audit Standard* means the Code for Implementation, which shall be used to determine the extent to which Contracting Governments give full and complete effect to the provisions of the present Annex."

- 3 Add a new chapter 2 to read as follows:

"Chapter 2 – Verification of compliance with the provisions of this Annex

Regulation [11]

*Verification of compliance*

1 Contracting Governments shall apply the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in the present Annex. For the purpose of this regulation, the requirements of the Code shall be treated as mandatory and its recommendations shall be treated as non-mandatory.

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\* Refer to the Framework and Procedures for the [IMO] Member State Audit Scheme, adopted by the Organization by resolution [A.....(28)].

† Numbering is subject to the entry into force of amendments to MARPOL Annex V by resolution MEPC.201(62).

2 Every Contracting Government shall be subject to periodic audits by the Organization of its compliance with the audit standard and the requirements of the present Annex.

3 The Secretary-General of the Organization shall have responsibility for the implementation of the Audit Scheme, based on the guidelines developed by the Organization\*.

4 Every Contracting Government shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization\*.

5 Audit of all Contracting Governments shall be:

.1 based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization\* ; and

.2 conducted at periodic intervals, taking into account the guidelines developed by the Organization\*."

**Draft amendments to the annex of the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto**

AMENDMENTS<sup>†</sup> TO MARPOL ANNEX VI

1 The following is added at the end of regulation 2:

"For the purposes of this annex:

[38] *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.

[39] *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization\*, which is intended to ensure the consistent and effective implementation of instruments of the Organization and to assist States to improve their capabilities and overall performance in this respect.

[40] *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.[....](28).

[41] *Audit Standard* means the Code for Implementation, which shall be used to determine the extent to which Contracting Governments give full and complete effect to the provisions of the present Annex."

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\* Refer to the Framework and Procedures for the [IMO] Member State Audit Scheme, adopted by the Organization by resolution [A.....(28)].

† Numbering is subject to the entry into force of amendments to MARPOL Annex VI by resolution MEPC.203(62).

\* Refer to the Framework and Procedures for the [IMO] Member State Audit Scheme, adopted by the Organization by resolution [A.....(28)].

2 A new chapter [5] is added to read as follows:

"Chapter [5] – Verification of compliance with the provisions of this Annex

Regulation [24]

*Verification of compliance*

(1) Contracting Governments shall apply the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in the present Annex. For the purpose of this regulation, the requirements of the Code shall be treated as mandatory and its recommendations shall be treated as non-mandatory.

(2) Every Contracting Government shall be subject to periodic audits by the Organization of its compliance with the audit standard and the requirements of the present Annex.

(3) The Secretary-General of the Organization shall have responsibility for the implementation of the Audit Scheme, based on the guidelines developed by the Organization\*.

(4) Every Contracting Government shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization\*.

(5) Audit of all Contracting Governments shall be:

.1 based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization\*; and

.2 conducted at periodic intervals, taking into account the guidelines developed by the Organization\*."

**DRAFT AMENDMENTS TO BE ADOPTED BY  
THE MARITIME SAFETY COMMITTEE AND THE ASSEMBLY**

**Draft amendments to the International Convention on Load Lines, 1966**

**DRAFT ASSEMBLY RESOLUTION**

Adopted on [... December 2013]

**ADOPTION OF AMENDMENTS TO  
THE INTERNATIONAL CONVENTION ON LOAD LINES, 1966**

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety,

NOTING proposed amendments to make the IMO Instruments Implementation Code (III Code) mandatory,

NOTING ALSO that the Maritime Safety Committee, at its [ninety-second session], adopted the proposed amendments in accordance with article 29(3)(a) of the International Convention on Load Lines, 1966 (1966 LL Convention),

HAVING CONSIDERED the proposed amendments to the 1966 LL Convention,

1. ADOPTS, in accordance with article 29(3)(b) of the 1966 LL Convention, the amendments, set out in the annex to the present resolution;
2. DETERMINES that, pursuant to new regulation 53 of Annex IV, which provides that "the requirements of the Code shall be treated as mandatory", whenever the word "should" is used in the III Code (annex to resolution A.[...](28)), it is to be read as being "shall";
3. REQUESTS the Secretary-General, in accordance with article 29(3)(b) of the 1966 LL Convention, to transmit certified copies of the present resolution and its annex to all Contracting Governments to the said Convention, for consideration and acceptance, and also to transmit copies to all Members of the Organization;
4. URGES all Governments concerned to accept the amendments at the earliest possible date;
5. RESOLVES that, should entry into force of the aforementioned amendments take place following their unanimous acceptance in accordance with article 29(2) of the 1966 LL Convention, prior to entry into force based on their acceptance as requested by this resolution, this resolution shall become invalid.

ANNEX

AMENDMENTS TO THE INTERNATIONAL CONVENTION ON LOAD LINES, 1966

Annex I

Chapter I

- 1 The following is added at the end of regulation 3:

"(13) *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.

(14) *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization\*, which is intended to ensure the consistent and effective implementation of instruments of the Organization and to assist States to improve their capabilities and overall performance in this respect.

(15) *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.[....](28).

(16) *Audit Standard* means the Code for Implementation, which shall be used to determine the extent to which Contracting Governments give full and complete effect to the provisions of the present Convention."

- 2 A new annex IV is added to read as follows:

"Annex IV

Verification of compliance with the provisions of this Convention

Regulation 53

*Application*

Contracting Governments shall apply the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in the present Convention. For the purpose of this regulation, the requirements of the Code shall be treated as mandatory and its recommendations shall be treated as non-mandatory.

Regulation 54

*Verification of compliance*

(1) Every Contracting Government shall be subject to periodic audits by the Organization of its compliance with the audit standard and the requirements of the present Convention.

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\* Refer to the Framework and Procedures for the [IMO] Member State Audit Scheme, adopted by the Organization by resolution [A.....(28)].

- (2) The Secretary-General of the Organization shall have responsibility for the implementation of the Audit Scheme, based on the guidelines developed by the Organization\*.
- (3) Every Contracting Government shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization\*.
- (4) Audit of all Contracting Governments shall be:
- (a) based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization\* ; and
  - (b) conducted at periodic intervals, taking into account the guidelines developed by the Organization\* ."

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\* Refer to the Framework and Procedures for the [IMO] Member State Audit Scheme, adopted by the Organization by resolution [A.....(28)].

**Draft amendments to the  
International Regulations for Preventing Collisions at Sea, 1972**

DRAFT ASSEMBLY RESOLUTION  
Adopted on [.. December 2013]

ADOPTION OF AMENDMENTS TO THE  
INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

THE ASSEMBLY,

RECALLING article VI of the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (hereinafter referred to as "the Convention"), on amendments to the Regulations,

HAVING CONSIDERED the amendments to the International Regulations for Preventing Collisions at Sea, 1972, adopted by the Maritime Safety Committee at its [ninety-second session], and communicated to all Contracting Parties in accordance with paragraph 2, article VI of the Convention; and also the recommendations of the Maritime Safety Committee concerning the entry into force of these amendments,

1. ADOPTS, in accordance with paragraph 3, article VI of the Convention, the amendments set out in the annex to the present resolution;
2. DECIDES, in accordance with paragraph 4, article VI of the Convention, that the amendments shall enter into force on [...], unless by [...] more than one third of Contracting Parties to the Convention have notified their objection to the amendments;
3. DETERMINES that, pursuant to new regulation 40 of part F, which provides that "the requirements of the Code shall be treated as mandatory", whenever the word "should" is used in the IMO Instruments Implementation Code (III Code) (annex to resolution A.[...](28)), it is to be read as being "shall";
4. REQUESTS the Secretary-General, in conformity with paragraph 3, article VI of the Convention, to communicate these amendments to all Contracting Parties to the Convention for acceptance;
5. INVITES Contracting Parties to the Convention to submit any objections they may have to the amendments not later than [...], whereafter the amendments shall be deemed to have been accepted for entry into force as determined in the present resolution, in accordance with the provisions of paragraph 4 of article VI of the Convention.

ANNEX

AMENDMENTS TO THE INTERNATIONAL REGULATIONS  
FOR PREVENTING COLLISIONS AT SEA, 1972, AS AMENDED

A new part F is added to read as follows:

"PART F

Verification of compliance with the provisions of the Convention

39 Definitions

- (a) *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.
- (b) *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization<sup>\*</sup>, which is intended to ensure the consistent and effective implementation of instruments of the Organization and to assist States to improve their capabilities and overall performance in this respect.
- (c) *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.[...](28).
- (d) *Audit Standard* means the Code for Implementation, which shall be used to determine the extent to which Contracting Governments give full and complete effect to the provisions of the present Convention.

40 Application

Contracting Governments shall apply the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in the present Convention. For the purpose of this regulation, the requirements of the Code shall be treated as mandatory and its recommendations shall be treated as non-mandatory.

41 Verification of compliance

- (a) Every Contracting Government shall be subject to periodic audits by the Organization of its compliance with the audit standard and the requirements of the present Convention.
- (b) The Secretary-General of the Organization shall have responsibility for the implementation of the Audit Scheme, based on the guidelines developed by the Organization<sup>\*</sup>.
- (c) Every Contracting Government shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization<sup>\*</sup>.

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\* Refer to the Framework and Procedures for the [IMO] Member State Audit Scheme, adopted by the Organization by resolution [A.....(28)].

- (d) Audit of all Contracting Governments shall be:
- (i) based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization<sup>\*</sup>; and
  - (ii) conducted at periodic intervals, taking into account the guidelines developed by the Organization<sup>\*</sup>."

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\* Refer to the Framework and Procedures for the [IMO] Member State Audit Scheme, adopted by the Organization by resolution [A.....(28)].

**Draft amendments to the International Convention on Tonnage Measurement, 1969**

DRAFT ASSEMBLY RESOLUTION  
Adopted on [.. December 2013]

ADOPTION OF AMENDMENTS TO THE INTERNATIONAL CONVENTION  
ON TONNAGE MEASUREMENT OF SHIPS, 1969

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety,

NOTING proposed amendments to make the IMO Instruments Implementation Code (III Code) mandatory,

NOTING ALSO that the Maritime Safety Committee, at its [ninety-second session], adopted the proposed amendments in accordance with article 18(3)(a) of the International Convention on Tonnage Measurement of Ships, 1969 (1969 Tonnage Convention),

HAVING CONSIDERED the proposed amendments to the 1969 Tonnage Convention,

1. ADOPTS, in accordance with article 18(3)(b) of the 1969 Tonnage Convention, the amendments, set out in the annex to the present resolution;
2. DETERMINES that, pursuant to new regulation 8 of Annex III, which provides that "the requirements of the Code shall be treated as mandatory", whenever the word "should" is used in the III Code (annex to resolution A.[...](28)), it is to be read as being "shall";
3. REQUESTS the Secretary-General, in accordance with article 18(3)(b) of the 1969 Tonnage Convention, to transmit certified copies of the present resolution and its annex to all Contracting Governments to the said Convention, for consideration and acceptance, and also to transmit copies to all Members of the Organization;
4. URGES all Governments concerned to accept the amendments at the earliest possible date;
5. RESOLVES that, should entry into force of the aforementioned amendments take place following their unanimous acceptance in accordance with article 18(2) of the 1969 Tonnage Convention, prior to entry into force based on their acceptance as requested by this resolution, this resolution shall become invalid.

ANNEX

AMENDMENTS TO THE INTERNATIONAL CONVENTION  
ON TONNAGE MEASUREMENT OF SHIPS, 1969

ANNEX I

1 The following is added at the end of regulation 2:

"(9) *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.

(10) *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization\*, which is intended to ensure the consistent and effective implementation of instruments of the Organization and to assist States to improve their capabilities and overall performance in this respect.

(11) *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.[...](28).

(12) *Audit Standard* means the Code for Implementation, which shall be used to determine the extent to which Contracting Governments give full and complete effect to the provisions of the present Convention."

2 A new annex III is added to read as follows:

"ANNEX III

Verification of compliance with the provisions of this Convention

Regulation 8

*Application*

Contracting Governments shall apply the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in the present Convention. For the purpose of this regulation, the requirements of the Code shall be treated as mandatory and its recommendations shall be treated as non-mandatory.

Regulation 9

*Verification of compliance*

(1) Every Contracting Government shall be subject to periodic audits by the Organization of its compliance with the audit standard and the requirements of the present Convention.

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\* Refer to the Framework and Procedures for the [IMO] Member State Audit Scheme, adopted by the Organization by resolution [A.....(28)].

(2) The Secretary-General of the Organization shall have responsibility for the implementation of the Audit Scheme, based on the guidelines developed by the Organization\*.

(3) Every Contracting Government shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization\*.

(4) Audit of all Contracting Governments shall be:

- .1 based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization; and
- .2 conducted at periodic intervals, taking into account the guidelines developed by the Organization\*."

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\* Refer to the Framework and Procedures for the [IMO] Member State Audit Scheme, adopted by the Organization by resolution [A.....(28)].



**ANNEX 6**

**DRAFT CODE FOR RECOGNIZED ORGANIZATIONS (RO CODE) AND  
ASSOCIATED DRAFT MSC AND MEPC RESOLUTIONS**

**DRAFT MSC RESOLUTION**

**ADOPTION OF THE CODE FOR RECOGNIZED ORGANIZATIONS**

**(RO CODE)**

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING ALSO resolution A.739(18) entitled "Guidelines for the authorization of organizations acting on behalf of the Administration", as amended by resolution MSC.208(81), and resolution A.789(19) entitled "Specifications on the survey and certification functions of recognized organizations acting on behalf of the Administration", which have become mandatory under chapter XI-1 of the International Convention for the Safety of Life at Sea (SOLAS), 1974 (hereinafter referred to as "the 1974 SOLAS Convention"), under chapter I of annex I to annex B of the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (hereinafter referred to as "the 1988 Load Lines Protocol"), and under Annex I and Annex II of the MARPOL Convention,

RECOGNIZING the need to update the aforementioned resolutions, gather all the applicable requirements for recognized organizations in a single IMO mandatory and assist in achieving harmonized and consistent global implementation of requirements established by IMO instruments for the assessment and authorization of recognized organizations,

RECOGNIZING ALSO the need for a code to provide, as far as national laws allow, a standard approach to assist the Administrations in meeting their responsibilities in recognizing, authorizing and monitoring their recognized organizations,

NOTING resolutions MSC[...] and MSC [...], by which it adopted, inter alia, amendments to the 1974 SOLAS Convention and to the 1988 Load Lines Protocol, respectively, to make the provisions of part I and part II of the Code for recognized organizations mandatory under the 1974 SOLAS Convention and the 1988 Load Lines Protocol,

[NOTING ALSO resolution MEPC[...] by which the Marine Environment Protection Committee adopted the Code for recognized organizations to be made mandatory under Annex I and II of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973,]

HAVING CONSIDERED, at its [...] session, the text of the proposed Code for recognized organizations,

CONSIDERING that it is highly desirable for the Code for recognized organizations made mandatory under the MARPOL Convention, the 1974 SOLAS Convention and the 1988 Load Lines Protocol to remain identical,

1. ADOPTS the Code for recognized organizations (RO Code), the text of which is set out in the annex to the present resolution;
2. INVITES Contracting Governments to the 1974 SOLAS Convention and Parties to the 1988 Load Lines Protocol to note that the RO Code will take effect on [...] upon the entry into force of the respective amendments to the 1974 SOLAS Convention and 1988 Load Lines Protocol;
3. REQUESTS the Secretary-General to transmit certified copies of the present resolution and the text of the RO Code contained in the Annex to all Contracting Governments to the 1974 SOLAS Convention and Parties to the 1988 Load Lines Protocol;
4. REQUESTS FURTHER the Secretary-General to transmit copies of this resolution and the Annex to all Members of the Organization which are not Contracting Governments to the 1974 SOLAS Convention or Parties to the 1988 Load Lines Protocol;
5. RECOMMENDS Governments concerned to use the recommendatory provisions contained in part III of the RO Code as a basis for relevant standards, unless their national requirements provide at least an equivalent degree.

ANNEX

**DRAFT MEPC RESOLUTION**

ADOPTION OF THE CODE FOR RECOGNIZED ORGANIZATIONS

(RO CODE)

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee (the Committee) conferred upon it by international conventions for the prevention and control of marine pollution,

RECALLING ALSO resolution A.739(18) entitled "Guidelines for the authorization of organizations acting on behalf of the Administration" and resolution A.789(19) entitled "Specifications on the survey and certification functions of recognized organizations acting on behalf of the Administration", which have become mandatory under both chapter 2 of Annex I and chapter 3 of Annex II of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating hereto (MARPOL 73/78), and under 1974 SOLAS Convention and the 1988 Load Lines Protocol,

RECOGNIZING the need to update the aforementioned resolutions, gather all the applicable requirements for recognized organizations in a single IMO mandatory and assist in achieving harmonized and consistent global implementation of requirements established by IMO instruments for the assessment and authorization of recognized organizations,

RECOGNIZING ALSO the need for a code to provide, as far as national laws allow, a standard approach to assist the Administrations in meeting their responsibilities in recognizing, authorizing and monitoring their recognized organizations,

NOTING resolution MEPC.[..], by which it adopted, inter alia, amendments to Annexes I and II of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (hereafter referred to as the 1978 Protocol) to make the provisions of part I and part II of the Code for recognized organizations (RO Code) mandatory under MARPOL 73/78,

[NOTING ALSO resolution MSC.[..] by which the Maritime Safety Committee adopted the Code for recognized organizations to be made mandatory under the 1974 SOLAS Convention and the 1988 Load Lines Protocol,]

HAVING CONSIDERED, at its [...] session, the text of the proposed Code for recognized organizations,

CONSIDERING that it is highly desirable for the Code for recognized organizations to be made mandatory under the 1974 SOLAS Convention, the 1988 Load Lines Protocol and MARPOL 73/78 to remain identical,

1. ADOPTS the Code for recognized organizations (RO Code), the text of which is set out in the annex to the present resolution;
2. INVITES all Parties to the 1978 Protocol to note that the RO Code will take effect on [...] upon the entry into force of the respective amendments to Annex I and Annex II of MARPOL 73/78;

3. REQUESTS the Secretary-General to transmit certified copies of the present resolution and the text of the RO Code contained in the Annex to all Parties to the 1978 Protocol;
4. FURTHER REQUESTS the Secretary-General to transmit copies of this resolution and the Annex to all Members of the Organization which are not Parties to the 1978 Protocol;
5. RECOMMENDS Governments concerned to use the recommendatory provisions contained in part III of the RO Code as a basis for relevant standards, unless their national requirements provide at least an equivalent degree.

ANNEX

DRAFT CODE FOR RECOGNIZED ORGANIZATIONS

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## **PREAMBLE**

The International Code for Recognized Organizations (RO Code) was adopted by the Organization by resolutions [MSC...] and [MEPC...].

This Code:

- .1 provides flag States with a standard that will assist in achieving harmonized and consistent global implementation of requirements established by the International Maritime Organization's (IMO) instruments for the assessment, and authorization of recognized organizations (ROs);
- .2 provides flag States with harmonized, transparent, and independent mechanisms, which can assist in the consistent oversight of ROs in an efficient and effective manner; and
- .3 clarifies the responsibilities of organizations authorized as ROs for a flag State and overall scope of authorization.

## **PART I GENERAL**

### **1 PURPOSE**

1.1 The Code serves as the international standard and consolidated instrument containing minimum criteria against which organizations are assessed towards recognition and authorization and the guidelines for the oversight by flag States.

### **2 SCOPE**

2.1 The Code applies to:

- .1 all organizations being considered for recognition or that are recognized by a flag State to perform, on its behalf, statutory certification and services under mandatory IMO instruments and national legislation; and
- .2 all flag States that intend to recognize an organization to perform, on their behalf, statutory certification and services under mandatory IMO instruments.

2.2 The Code establishes:

- .1 the mandatory requirements that an organization shall fulfil to be recognized by a flag State (part I);
- .2 the mandatory requirements that an RO shall fulfil when performing statutory certification and services on behalf of its authorizing flag States (part II);
- .3 the mandatory requirements that flag States should adhere to when authorizing an RO (part II); and
- .4 guidelines for flag State oversight of ROs (part III).

2.3 The Code defines the functional, organizational and control requirements that apply to ROs conducting statutory certification and services performed under mandatory IMO instruments, such as, but not limited to SOLAS, MARPOL and the Load Lines Conventions and as specified in resolution A.1054(27), as amended and resolutions A.739(18), as amended and resolution A.789(19) without fully reiterating the requirements of the IMO mandatory instruments.

2.4 All requirements of the Code are generic and are applicable to all ROs, regardless of type, size and statutory certification and services provided.

2.5 ROs subject to this Code need not offer all types of statutory certification and services and may have a limited scope of recognition provided that the requirements of this Code are applied in a manner that is compatible with the limited scope of recognition. Where any requirement of this Code cannot be applied due to the scope of services delivered by an RO, this shall be clearly identified by the flag State and recorded in the RO's quality management system.

### **3 CONTENTS**

3.1 The Code consists of three parts. Part I contains general provisions. Part II contains mandatory provisions for the flag State and RO as already contained in relevant IMO instruments and applicable international standards. Part III contains guidelines for the oversight of ROs by flag States.

### **4 DELEGATION OF AUTHORITY**

4.1 A flag State may delegate authority to an organization recognized as complying with the provisions of this Code to perform, on its behalf, statutory certification and services under mandatory IMO instruments and its national legislation.

4.2 The flag State should not authorize functions beyond the RO's capabilities. In this respect, flag State should take into consideration appendix 2 of this Code for authorization.

4.3 Flag States should cooperate with each other with the objective of ensuring that ROs to whom they delegate authority adhere to the provisions of this Code.

### **5 COMMUNICATION OF INFORMATION**

5.1 The flag State shall communicate to, and deposit with, the Secretary-General of IMO a list of ROs for circulation to the interested parties for information of their officers, and a notification of the specific responsibilities and conditions of the authority delegated to ROs.

### **6 REFERENCES**

6.1 The Code is based on the following referenced documents:

- .1 mandatory IMO instruments and IMO Guidelines and recommendations (i.e. Codes, guidelines and standards recommended by the Organization);
- .2 ISO 9000:2005, Quality Management Systems – Fundamentals and vocabulary;
- .3 ISO 9001:2008, Quality Management Systems – Requirements;

- .4 ISO/IEC 17020:1998, General criteria for the operation of various types of bodies performing inspection;
- .5 ISO 19011:2002, Guidelines for quality and/or environmental management systems auditing;
- .6 International Association of Classification Societies (IACS) Quality Management System Requirements (QMSR); and
- .7 national legislation.

## PART II RECOGNITION AND AUTHORIZATION REQUIREMENTS FOR ORGANIZATIONS

### 1 TERMS AND DEFINITIONS

1.1 *Recognized organization (RO)* means an organization that has been assessed by a flag State, and found to comply with this part of the RO Code.

1.2 *Authorization* means the delegation of authority to an RO to perform statutory certification and services on behalf of a flag State as detailed in an agreement or equivalent legal arrangement taking into account the "Elements to be included in an Agreement" as set out in appendix 3 to this Code.

1.3 *Statutory certification and services* means certificates issued, and services provided, on the authority of laws, rules and regulations set down by the Government of a sovereign State. *This includes* plan review, survey, and/or audit leading to the issuance of, or in support of the issuance of, a certificate by or on behalf of a flag State as evidence of compliance with requirements contained in an international convention or national legislation. This includes certificates issued by an organization recognized by the flag State in accordance with the provisions of SOLAS regulation XI-1/1, and which may incorporate demonstrated compliance with the structural, mechanical and electrical requirements of the RO under the terms of its agreement of recognition with the flag State.

1.4 *Assessment* means any activity to determine that the assessed entity fulfils the requirements of the relevant rules and regulations.

1.5 *Interested parties* means any person or legal entity who can demonstrate a justified interest in the survey and certification process and includes, inter alia, clients of the RO, shipowners, ship operators or shipbuilders, equipment manufacturers, shipping industry interests or associations, marine insurance interests or associations, trade associations, governmental regulatory bodies or other governmental services and non-governmental organizations.

1.6 *Location* is a place from which surveys are carried out and managed, or where plan approval is carried out, or from which processes are managed.

1.7 *Site* is the place at which a surveyor is based to cover a specific contract or a series of contracts including; but not limited to, a port, shipyard, firm, and company. All statutory certification and services at sites are to be controlled by a location.

1.8 A *Vertical Contract Audit (VCA)* is a contract/order specific audit of production processes, including witnessing work during attendance at a survey, audit or plan approval in progress and, as applicable, including relevant sub-processes. A VCA is carried out at a location or a site (Survey Station/Approval Office/Site) to verify the correct application of relevant requirements in service realization for the specific work in that contract/order, and their interactions (relevant sub-processes include e.g. previous part surveys or UTM processes connected to the survey). Plan approval VCA may be carried out for completed tasks.

## **2 GENERAL REQUIREMENTS FOR RECOGNIZED ORGANIZATIONS**

### **2.1 General**

2.1.1 Delegation of authority by a flag State to an organization shall be subject to the confirmation of the capability of that organization to demonstrate that it has the capacity to deliver high standards of service and its compliance with the requirements of this Code and applicable national legislation.

### **2.2 Rules and Regulations**

2.2.1 The RO shall establish, publish and systematically maintain its rules or regulations, a version of which shall be provided in the English language, for the design, construction and certification of ships and their associated essential engineering systems as well as provide for adequate research capability to ensure appropriate updating of the published criteria.

### **2.3 Independence**

2.3.1 The RO and its staff shall not engage in any activities that may conflict with their independence of judgement and integrity in relation to their statutory certification and services. The RO and its staff responsible for carrying out the statutory certification and services shall not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the item subject to the statutory certification and services, nor the authorized representative of any of these parties. The RO shall not be substantially dependent on a single commercial enterprise for its revenue.

### **2.4 Impartiality**

2.4.1 The personnel of ROs shall be free from any pressures, which might affect their judgement in performing statutory certification and services. Procedures shall be implemented to prevent persons or organizations external to the organization from influencing the results of services carried out.

2.4.2 All potential customers shall have access to statutory certification and services provided by the RO without undue financial or other conditions. The procedures under which the RO operates shall be administered in a non-discriminatory manner.

### **2.5 Integrity**

2.5.1 The RO shall be governed by the principles of ethical behaviour, which shall be contained in a Code of Ethics. The Code of Ethics shall recognize the inherent responsibility associated with a delegation of authority to include assurance of adequate performance of services.

## 2.6 Competence

2.6.1 The RO shall perform statutory certification and services by the use of competent surveyors and auditors that are duly qualified, trained and authorized to execute all duties and activities incumbent upon their employer, within their level of work responsibility.

## 2.7 Responsibility

2.7.1 The RO shall define and document the responsibilities, authorities, qualifications and interrelation of personnel whose work affects the quality of its services.

## 2.8 Transparency

2.8.1 Transparency reflects the principle of access to, or disclosure of all information related to the statutory certification and services carried out by the RO on behalf of a flag State.

2.8.2 The ROs shall communicate information to the flag State as described in the section on communication/cooperation with the flag State.

2.8.3 Information concerning the status of ships certified by ROs shall be made available to the public.

# 3 MANAGEMENT AND ORGANIZATION

## 3.1 General

3.1.1 The RO shall, based on the provisions of this Code, develop and implement a quality management system and shall continually improve its effectiveness.

## 3.2 Quality, safety and pollution prevention policy

3.2.1 The RO shall define and document its policy and objectives for, and commitment to, quality, safety and pollution prevention. In particular, the RO's management shall:

- .1 ensure that the policy and objectives are established;
- .2 ensure the policy and objectives are appropriate for the purpose of the organization;
- .3 communicate the policy and objectives; including provisions applicable to the statutory certification and services, to the organization and ensure that it is understood within the organization;
- .4 ensure sufficient availability of resources;
- .5 include a commitment to comply with all applicable requirements and continually improve the effectiveness of the quality management system;
- .6 conduct management reviews; which includes a framework for reviewing quality objectives; and
- .7 review the quality policy, objectives and the quality management system for continuing suitability.

### 3.3 Documentation requirements

#### 3.3.1 The quality management system shall include the following documentation:

- .1 quality policy and quality objectives;
- .2 quality manual (refer to section 3.4);
- .3 procedures and records required by this Code and the national legislation of the recognizing flag State;
- .4 procedures to ensure the effective planning, operation, and control of the RO's processes;
- .5 rules and regulations as applicable to the RO's areas of authorization;
- .6 register of ships for which statutory certification and services are provided;
- .7 other documented process procedures that are considered necessary (these include any circulars or letters, which provide the surveyors and administrative staff with up-to-date information on classification, statutory and related matters);
- .8 specifications and diagrams defining or amplifying service processes; and
- .9 pro-forma reports, checklists and certificates appropriate to the activities covered by this certification.

#### 3.3.2 The quality management system shall also include external documents, such as:

- .1 national and international standards necessary for the activities governed by this instrument;
- .2 IMO Conventions and resolutions;
- .3 national shipping regulations and standards appropriate to the authorization of the RO;
- .4 documents and data submitted to the RO for verification and/or approval; and
- .5 specified correspondence defined by the RO to be of an important nature.

### 3.4 Quality manual

#### 3.4.1 The RO shall establish and maintain a quality manual that includes:

- .1 scope of the quality management system, including details of and justification for any exclusions;
- .2 management statement on its policy and objectives for, and commitment to, quality;
- .3 description of the RO's areas of activity and competence;
- .4 general information about the organization and its head office (name, address, phone number, etc., and legal status);

- .5 information on the RO's relationship to its parent or associated organizations (where applicable);
- .6 charts describing the organization's structure;
- .7 management statement assigning a person designated who is responsible for the organization's quality management system;
- .8 relevant job descriptions;
- .9 policy statement on qualification and training of personnel;
- .10 documented procedures established for the quality management system, or reference to them;
- .11 description of the interaction between processes of the quality management system; and
- .12 description of all other documents required by the quality management system.

### 3.5 Control of documents

3.5.1 Documents required by the quality management system shall be controlled. The provision of document control shall apply to any type of document, including but not limited to; electronic media and IT applications where said electronic media may affect the reliability of the service or of the recorded data.

3.5.2 A documented procedure shall be established to define the controls needed to:

- .1 approve documents for adequacy prior to issue;
- .2 review and update as necessary and re-approve documents;
- .3 ensure that changes and the current revision status of documents are identified;
- .4 ensure that relevant versions of applicable documents are available at points of use;
- .5 ensure that documents remain legible and readily identifiable;
- .6 ensure that documents of external origin are determined by the RO to be necessary for the planning and operation of the quality management system that they are identified and their distribution is controlled; and
- .7 prevent the unintended use of obsolete documents, and to apply suitable identification if they are retained for any purpose.

### 3.6 Control of records

3.6.1 Records shall be established to provide evidence of conformity to requirements of this Code and of the effective operation of the quality management system. The records shall be controlled.

3.6.2 The RO shall establish a documented procedure to define the controls needed for the identification, storage, protection, retrieval, retention, and disposition of records. Records shall remain legible, readily identifiable and retrievable.

3.6.3 The RO shall ensure that records are maintained, demonstrating achievement of the required standards in the terms covered by the statutory certification and services performed as well as the effective operation of the quality management system. Records shall be retained at least for the period for which statutory certification and services are provided by the RO.

3.6.4 Records shall include at least those relevant to:

- .1 rules and regulations development and associated research;
- .2 rules and regulations and statutory requirements through:
  - .1 verification and/or approval of documents and/or drawings relevant to the design;
  - .2 approval and survey of materials and equipment;
  - .3 survey during construction and installation;
  - .4 survey during service; and
  - .5 issuance of certificates;
- .3 the register of ships; and
- .4 all other records required by this quality management system and any additional requirements established by the recognizing flag State.

### 3.7 Planning

3.7.1 The RO shall ensure that quality objectives, including those needed to meet the requirements for statutory certification and services are established at relevant functions and levels within the organization.

3.7.2 The quality objectives shall be measurable and consistent with the quality policy.

3.7.3 The RO shall in its planning consider the elements identified below, and use the result to evaluate the effectiveness of the ROs standards and procedures and their impact on safety of life and property and the marine environment:

- .1 that the planning of the quality management system is carried out in order to meet the requirements of the mandatory IMO Instruments, including but not limited to this Code, the RO's quality management system and the authorizing flag State's national legislation;
- .2 that the integrity of the quality management system is maintained when changes to the quality management system are planned and implemented;
- .3 that the needs and expectations of the customers and other interested parties are taken into account, e.g. feedback from IMO, flag States and industry associations;

- .4 take account of the effectiveness of services based on statistics from port State control, casualties, loss trends and feedback obtained from internal and external users;
- .5 take account of the performance of the QMS processes based on feedback from internal audits, non-conformities and internal comments;
- .6 take account of lessons learned from previous experience; deriving from an examination of survey reports, casualty investigations or external sources; and
- .7 take account of other sources of information which identifies opportunities for improvement.

3.7.4 The RO shall identify and plan the processes required for the quality management system, and determine the sequence and interaction of these processes.

3.7.5 The RO shall determine the requirements to be complied with, the criteria to ensure both the operation and control of these processes, including the criteria for acceptance, and evaluate the resources needed.

3.7.6 The RO shall plan and develop the processes required for statutory certification and services. Planning of the delivery of statutory certification and services shall be consistent with the requirements of the other processes of the quality management system.

3.7.7 In planning the delivery of statutory certification and services, the RO shall determine the following as appropriate:

- .1 quality objectives and requirements for statutory certification and services;
- .2 the need to establish processes and documents, and to provide resources specific to the activity;
- .3 required verification, validation, monitoring, measurement, inspection and test activities and the criteria for acceptance; and
- .4 records needed to provide evidence that statutory certification and services meet the quality management system requirements; the requirements set out in the Code and the national legislation of the recognizing flag State.

3.7.8 The output of this planning shall be in a form suitable for the RO's structure and method of operations. The output of the planning should consider:

- .1 responsibility and authority for developing improvement plans;
- .2 skills and knowledge needed;
- .3 improvement approaches, methodology and tools;
- .4 resource requirements;
- .5 alternative planning needs;
- .6 indicators for performance achievements; and
- .7 the need for documentation and records.

### 3.8 Organization

3.8.1 The relative size, structure, experience, and capability of the RO shall be commensurate with the type and degree of the statutory certification and services authorized by the flag State.

3.8.2 The RO shall demonstrate that it has the technical, administrative, and managerial competence and capacity to ensure the provision of quality services in a timely fashion.

3.8.3 The RO shall appoint a member of the RO's management who, irrespective of other responsibilities, shall have responsibility and authority that includes:

- .1 ensuring that processes needed for the quality management system are established, implemented, and maintained;
- .2 ensuring that processes required for the effective delivery of statutory certification and services are established, implemented and maintained;
- .3 reporting to top management on the performance of the quality management system; the delivery of statutory certification and services and any need for improvement; and
- .4 ensuring the promotion of awareness of all requirements throughout the RO.

3.8.4 The RO shall ensure that the responsibilities and authorities are defined and communicated within the RO.

### 3.9 Communication

#### 3.9.1 Internal communication

3.9.1.1 The RO shall ensure that appropriate communication processes are established within the RO and that communication takes place regarding the effectiveness of the quality management system and statutory certification and services provided.

#### 3.9.2 Communication/cooperation with flag State

3.9.2.1 The RO shall establish appropriate communication processes with the authorizing flag State that, inter alia, address the following:

- .1 information specified by the flag State in terms of authorization;
- .2 classification of ships (assignments of class, changes and withdrawals), as applicable;
- .3 cases where a ship did not in all respects remain fit to proceed to sea without danger to the ship or persons on board or presenting unreasonable threat or harm to the environment;
- .4 information on all overdue surveys, overdue recommendations or overdue conditions of class, operating conditions or operating restrictions issued against their classed ships shall be made available by the flag States by request; and

- .5 other information as so specified by the authorizing flag State.

3.9.2.2 Allow participation in the development of its rules and/or regulations by the flag State.

3.9.2.3 The RO shall determine, propose and, if agreed by the flag State, implement effective arrangements for communicating with a flag State in relation to:

- .1 enquiries, contracts or other handling, including amendments; and
- .2 flag State feedback, including conformity issues pertaining to statutory certification and services.

### 3.9.3 Cooperation between ROs

3.9.3.1 Under the framework established by the flag State, the ROs shall cooperate and share relevant experience with other ROs with the view to standardizing processes concerning statutory certification and services for the flag State, as appropriate.

3.9.3.2 Under the framework established by a flag State or a group of flag States, the organizations recognized by this or these shall establish and maintain appropriate technical and safety-related cooperation processes regarding statutory survey and certification services of ships, which may affect the validity of certificates issued by other ROs either in whole or in part on behalf of the said flag State(s). Flag States shall seek to mutually cooperate in order to ensure, as far as practicable, the compatibility of their respective frameworks.

3.9.3.3 No flag State shall mandate its ROs to apply to ships, other than those entitled to fly its flag, any requirement pertaining to their classification rules, requirements, procedures or performance of other statutory certification processes, beyond convention requirements and the mandatory instruments of the IMO.

3.9.3.4 In cases of transfer of the certification of the ship from one RO to another, the losing organization shall, without undue delay, provide the gaining organization access to the history file of the ship including:

- .1 any overdue surveys;
- .2 any overdue recommendations and overdue conditions of class;
- .3 operating conditions issued against the ship;
- .4 operating restrictions issued against the ship; and
- .5 technical information, drawings, plans and documents taking into account the relevant guidelines developed by the Organization<sup>1</sup>.

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<sup>1</sup> MSC-MEPC.5/Circ.2 – Guidelines for Administrations to ensure the adequacy of transfer of class-related matters between recognized organizations (ROs).

3.9.3.5 New certificates for the ship can be issued by the gaining organization only after all overdue surveys have been satisfactorily completed and all overdue recommendations or overdue conditions of class previously issued in respect of the ship have been completed as specified by the losing organization.

3.9.3.6 Prior to the issuance of the certificates, the gaining organization must advise the losing organization of the date of issue of the certificates and confirm the date, place and action taken to satisfy each overdue survey, overdue recommendation and overdue condition of class.

3.9.3.7 ROs shall establish and implement appropriate common requirements concerning cases of transfer of the certification of a ship where special precautions are necessary. Those cases shall, as a minimum, include the certification of ships of 15 years of age or over and the transfer of a ship from an organization not recognized by the flag of the ship.

### 3.10 Management review

#### 3.10.1 General

3.10.1.1 The management of an RO shall review its quality management system; including a review of the RO's performance of statutory certification and services, at planned intervals, which shall not exceed 13 months, to ensure its continuing suitability, adequacy, and effectiveness. This review shall include assessing opportunities for improvement and the need for changes to the quality management system, including the quality policy and quality objectives.

#### 3.10.2 Review input

3.10.2.1 The input to management review shall include the following information:

- .1 results of audits;
- .2 feedback from interested parties;
- .3 process performance and consistency of compliance with statutory requirements;
- .4 status of preventive and corrective actions;
- .5 follow-up actions from previous management reviews;
- .6 changes that could affect the quality management system;
- .7 recommendations for improvement; and
- .8 any output of management reviews containing information relevant to quality objectives, customer complaints and activity monitoring, throughout the RO, shall be used as input to the top management review.

### 3.10.3 Review output

3.10.3.1 The output from management review shall include any decisions and actions related to:

- .1 improvement of the effectiveness of the quality management system and its processes;
- .2 improvement of services related to the requirements established in the authorization agreement; and
- .3 resource requirements.

3.10.3.2 Top management shall ensure that the results of the top management review of the quality management system, including the derived quality objectives, are documented and communicated throughout the organization, as appropriate.

3.10.3.3 Records from management reviews shall be maintained.

## **4 RESOURCES**

### 4.1 General

4.1.1 The RO shall determine and provide the adequate resources in terms of technical, managerial and survey capabilities to accomplish the tasks being assigned and resources needed to implement the quality management system and to continually improve its effectiveness; and to enhance its performance in the delivery of statutory certification and services.

4.1.2 The RO shall be able to document extensive experience in assessing the design, construction and equipment of ships and the capability to effectively perform statutory certification and services on behalf of a flag State.

4.1.3 The RO shall have the capacity to:

- .1 provide for the publication and systematic maintenance of rules and/or regulations for the design, construction and certification of ships and their associated essential engineering systems as well as the provision of and adequate research capability to ensure appropriate updating of the published criteria. The RO is required to maintain an up-to-date version of these publication in the English language;
- .2 allow participation in the development of its rules and/or regulations by representatives of the flag State and other interested parties.

### 4.2 Personnel

4.2.1 The RO shall be equipped, at all times, with significant managerial, technical, support and research staff commensurate with the size of the fleet in its class, its composition and the organization's involvement in the construction, repair and conversion of ships. The RO must be capable of assigning to every place of work, when and as needed, the means and staff commensurate with the tasks to be carried out in accordance with the requirements of this Code and those of the flag State.

4.2.2 The management of an RO shall have the competence, capability and capacity to organize, manage and control the performance of statutory certification and services in order to verify compliance with requirements relevant to the tasks delegated and shall, inter alia:

- .1 possess an adequate number of competent supervisory, technical appraisal and survey personnel;
- .2 develop and maintain appropriate procedures and instructions;
- .3 maintain up-to-date documentation on interpretation of the relevant instruments;
- .4 give technical and administrative support to field staff; and
- .5 review survey reports and plan approval letters for accuracy, compliance with requirements and to provide experience feedback for continual improvement.

4.2.3 The RO shall be established with a qualified staff to provide the required service representing an adequate geographical coverage and local representation as required.

4.2.4 The RO shall perform statutory certification and services by the use of only exclusive surveyors and auditors, being persons solely employed by the RO, duly qualified, trained and authorized to execute all duties and activities incumbent upon their employer, within their level of work responsibility. While still remaining responsible for the certification on behalf of the flag State, the RO may subcontract radio surveys to non-exclusive surveyors in accordance with section 5.9 of part II of this Code.

4.2.5 The RO's personnel performing and responsible for statutory certification and services shall have, as a minimum, the following formal education:

- .1 qualifications from a tertiary institution within a relevant field of engineering or physical science (minimum two-year programme); or
- .2 qualifications from a marine or nautical institution and relevant seagoing experience as a certificated ship officer, and
- .3 proficiency in the English language commensurate with the scope of statutory certification and services.

4.2.6 Other personnel assisting in the performance of statutory work shall have education, training and supervision commensurate with the tasks they are authorized to perform.

4.2.7 The RO shall have a documented system to track the qualifications of personnel; including continuous updating of their knowledge as appropriate to the tasks they are authorized to undertake. This system shall comprise appropriate training courses, including, inter alia, international instruments and appropriate procedures related to the delivery of statutory certification and services, as well as practical tutored training; it shall provide documented evidence of satisfactory completion of the training. As a minimum, the provisions in appendices 1 and 2 are to be met.

#### 4.3 Infrastructure

4.3.1 The RO shall determine, provide, and maintain the infrastructure required to perform statutory certification and services in accordance with the requirements of the mandatory IMO instruments. Infrastructure includes, as applicable:

- .1 building, workspaces and associated utilities;

- .2 process equipment (both hardware and software); and
- .3 supporting services, including but not limited to transport, communication, training and information systems.

4.3.2 Systems (hardware and software) provided to the surveyor shall be identified and relevant training on their use shall be carried out and documented. Special consideration should be given to the situation where a surveyor is working out of a home-based office.

#### 4.4 Work environment

4.4.1 The RO shall be satisfied that the work environment is safe and effective to perform statutory certification and services. While it is understood that such environmental conditions are not provided by the RO, the environmental conditions under which the survey will be permitted to take place shall be made clear to the customer prior to survey commencing.

4.4.2 The RO shall determine the necessary working procedures required to perform statutory certification and services safely and effectively. Training of staff on personal safety shall be carried out and documented.

4.4.3 Requirements for personal protective equipment to be used while performing statutory certification and services and procedures for personal safety of surveyors at work shall be established and documented.

## 5 STATUTORY CERTIFICATION AND SERVICES PROCESSES

### 5.1 General

5.1.1 It should be recognized that statutory certification and services is a service delivery development process for flag State and RO compliance verification activities rather than the design process for a ship or maritime equipment.

### 5.2 Design and development

5.2.1 The RO shall plan and control the design and development of statutory certification and services processes. During the design and development planning, the organization shall determine:

- .1 the design and development stages;
- .2 the review, verification and validation that are appropriate to each service design and development stage; and
- .3 the responsibilities and authorities for design and development.

5.2.2 The RO shall allow participation in the development and review of its rules, procedures and/or regulations, specifically in the review process prior to finalization, by representatives of the flag State and interested parties.

5.2.3 The RO shall include in its rules and/or procedures:

- .1 requirements specified and communicated to ROs by the flag State, specifically for statutory certification and services<sup>2</sup>;
- .2 requirements not stated by the flag State but necessary for specified or intended use, as determined by the RO.

5.2.4 Implementation of requirements may be in the form of adoption into the RO's internal requirements or by use of the original documents from IMO or flag State.

5.2.5 The RO shall not issue statutory certificates to a ship, irrespective of its flag, which has been declassified or is changing class for safety reasons, before giving the opportunity to the competent Administration of the flag State to give its opinion within a reasonable time as to whether a full inspection is necessary.

5.3 Design and development inputs

5.3.1 Inputs relating to service requirements shall be determined and records maintained.

These inputs shall include:

- .1 applicable statutory and regulatory requirements;
- .2 where applicable, information derived from previous similar designs;
- .3 other requirements essential for design and development, such as functional and performance requirements; and
- .4 in-service experience with ships and mobile offshore installations obtained from within the RO itself and external sources.

5.3.2 The inputs shall be reviewed for adequacy. Requirements shall be complete, unambiguous and not in conflict with each other.

5.4 Design and development outputs

5.4.1 At suitable stages, systematic reviews of design and development of rules and standards shall be performed in accordance with planned arrangements to evaluate the ability of the results to meet requirements; and to identify any problems and propose necessary actions.

5.5 Design and development verification

5.5.1 Verification shall be performed in accordance with planned arrangements to ensure that the design and development outputs have met the design and development input requirements. Records of the results of the verification and any necessary actions shall be maintained.

5.6 Control of design and development changes

5.6.1 Design and development changes shall be identified and records maintained. The changes shall be reviewed, verified and validated, as appropriate, and approved before implementation. The review of the design and development changes shall include evaluation

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<sup>2</sup> Refer to the *Code for the implementation of mandatory IMO instruments, 2011* adopted by resolution A.1054(27), as may be amended.

of the effect of the changes on the constituent parts and product already delivered. Records of the results of the review of changes and any necessary actions shall be maintained.

## 5.7 Control of production and service provisions

5.7.1 The RO shall ensure that all statutory certification and services are carried out under controlled conditions.

5.7.2 Controlled conditions shall include, as applicable:

- .1 the availability of information that describes the status and condition of ships surveyed and certified;
- .2 the availability of rules, regulations, work instructions, and other applicable standards, as necessary;
- .3 the use of suitable equipment;
- .4 the availability and use of monitoring and measuring equipment;
- .5 the implementation of monitoring and measurement;
- .6 the implementation of controls to ensure the accuracy of survey reports and certificates both before and after issuance; and
- .7 a safe work environment.

5.7.3 An RO accepting a ship to be constructed without a known flag State shall conduct the statutory certification and services of the ship in conformity with all relevant international and national requirements and the requirements of this Code.

## 5.8 Property of clients

5.8.1 The RO shall identify, verify, protect and safeguard property provided by the clients for performance of statutory certification and services. If property is lost, damaged or otherwise found to be unsuitable for use, the RO shall report this to the property owner and maintain relevant records.

## 5.9 Subcontracting and service suppliers

5.9.1 Where an RO chooses to outsource any service that affects conformity to requirements or accepts work of a third party approved by the RO, the RO shall ensure that it fully controls the performance of such services. The flag State may increase the scope of control to be applied to these outsourced services. The process for outsourcing shall be defined within the RO's quality management system. For the purpose of accountability to the flag State, the work performed by the sub-contracted organization or service supplier constitutes the work of the RO and shall be subject to the requirements incumbent upon the RO under this Code.

5.9.2 Firms providing services on behalf of the owner of a ship or a mobile offshore unit, the results of which are used by the RO in making decisions affecting the statutory certification and service shall be subject to approval and control by the RO in accordance with the procedures in the quality management system.

## 5.10 Control of monitoring and measuring devices

5.10.1 The RO shall determine the monitoring and measurement to be undertaken and the monitoring and measurement equipment needed to provide evidence of conformity to the applicable requirements.

5.10.2 The RO shall establish processes to ensure that monitoring and measurement can be carried out in a manner that is consistent with the monitoring and measurement requirements.

5.10.3 Where necessary to ensure valid results, measuring equipment shall:

- .1 be calibrated or verified, or both, at specified intervals, or prior to use, against measurement standards traceable to international or national measurement standards; where no such standards exist, the basis used for calibration or verification shall be recorded;
- .2 be adjusted or re-adjusted as necessary;
- .3 have identification in order to determine its calibration status;
- .4 be safeguarded from adjustments that would invalidate the measurement result; and
- .5 be protected from damage and deterioration during handling, maintenance, and storage.

5.10.4 The RO shall assess and record the validity of previous measuring results when the equipment is found not to conform to requirements. The RO shall take appropriate action on the equipment affected. Records of results of calibration and verification shall be maintained.

5.10.5 When used in monitoring and measurement of specific requirements, the ability of computer software to satisfy the intended application shall be confirmed. This shall be undertaken prior to initial use and reconfirmed as necessary.

5.10.6 Where an RO is verifying testing at manufacturers, builders, repairers or owners premises and reporting the same, the RO shall ensure that the measuring devices used in the process are identified and that evidence of calibration is obtained. Where an RO is witnessing testing of service equipment installed or available onboard a ship, a means shall be established so that the RO is satisfied as to the appropriate accuracy of the measuring equipment.

## 5.11 Complaints

5.11.1 The RO shall have a documented process to address complaints related to statutory certification and services.

## 5.12 Appeals

5.12.1 The RO shall have a documented process to address appeals related to statutory certification and services in accordance with the requirements of the flag State.

## **6 PERFORMANCE MEASUREMENT, ANALYSIS AND IMPROVEMENT**

### **6.1 General**

6.1.1 The RO shall plan and implement the monitoring, measurement, analysis and improvement processes needed to demonstrate conformity to statutory certification and services requirements, to ensure conformity of the quality management system, and to continually improve the effectiveness of the quality management system. This shall include the determination of applicable methods, including statistical techniques, and the extent of their use. The measurements employed by the RO should be reviewed periodically, and data should be verified on a continual basis for accuracy and completeness.

6.1.2 The RO shall develop key performance indicators with respect to the performance of statutory certification and services.

### **6.2 Internal audit**

6.2.1 The RO shall implement an audit programme; including the completion of internal audits at planned intervals to determine whether the authorized activity conforms to the planned arrangements and that the quality management system is effectively implemented and maintained, and that a supervisory system is in place, which monitors statutory certification and services.

6.2.2 The audit programme shall take into consideration the status and importance of the processes and areas to be audited, as well as the results of previous audits, flag State feedback, complaints and appeals including port State and flag State inspections. When planning the internal audits, consideration shall be given to complaints received in the past (either related to the location or in general) and to the results of previous internal audits and to the operation of the locations.

6.2.3 The RO shall define the audit criteria, scope, frequency, and methods. Auditors shall be suitably qualified and selected in order to ensure objectivity and impartiality of the audit process. Auditors shall not audit their own work. The audit scope shall cover the processes for the statutory certification and services at various locations with a focus on verification of the efficient and effective implementation of the quality management system and applicable work processes at the individual location. The audit periods, which may be established according to the findings, shall ensure that each location is audited at least once per three years. Audits at locations shall also include visits to selected sites, which operate under the control of the location.

6.2.4 A documented procedure shall be established to define the responsibilities and requirements for planning and conducting audits, establishing records and reporting results. Records of audits and their results shall be maintained.

6.2.5 The management responsible for the area being audited shall ensure that any necessary corrections and corrective actions are taken without undue delay to eliminate detected nonconformities, observations (potential non-conformities) and their root causes.

### **6.3 Vertical Contract Audit**

6.3.1 The RO shall carry out Vertical Contract Audits annually for each of the following processes:

- .1 plan approval;
- .2 new construction survey;

- .3 in-service periodical survey/audit; and
- .4 type approval (where applicable) or survey of other materials and equipment.

6.3.2 Evidence of completion of VCAs and findings thereof, shall be formally recorded.

#### 6.4 Monitoring and measurement of processes

6.4.1 The RO shall apply suitable methods for monitoring, including a supervisory system that monitors the work activities carried out, and where applicable, measurement of the quality management system processes. These methods shall demonstrate the ability of the processes to achieve sustained compliance with the requirements of this Code and the agreement with the flag State, in particular:

- .1 the RO's rules and/or regulations shall be complied with; and
- .2 the requirements of the statutory certification and services are satisfied.

6.4.2 When planned results are not achieved, correction and corrective action shall be taken, as appropriate.

6.4.3 The implemented methods should consider issues such as, but not limited to:

- .1 port State control detentions;
- .2 casualties; and
- .3 rework of plan approval letters and survey reports.

#### 6.5 Control, monitoring and measurement of non-conformities; including statutory deficiencies

6.5.1 The RO shall monitor and measure the service delivery with statutory requirements and the RO's rules to verify that all requirements have been met. This shall be carried out at appropriate stages of the statutory certification and services process in accordance with the planned arrangements. Evidence of conformity with the statutory requirements and RO rules shall be maintained. Records shall indicate the person(s) approving or verifying compliance with the statutory requirements and RO rules.

6.5.2 The RO shall make provisions to ensure that non-conformities are identified and controlled. The controls and related responsibilities and authorities for dealing with non-conformities shall be defined in a documented procedure.

6.5.3 Where applicable, the RO shall deal with a non-conformity by one or more of the following ways:

- .1 by taking action to eliminate the detected non-conformity;
- .2 by authorizing its use, release or acceptance under the terms determined by the flag State;
- .3 when accepting with or without correction by exemption or equivalence, consideration should be given to the non-conformities with rules and regulations or statutory requirements during:
  - .1 drawing approval,

- .2 survey of materials and equipment,
- .3 survey during construction and installation,
- .4 survey during service;
- .4 by taking action to preclude its original intended use or application; and
- .5 by taking action appropriate to the effects, or potential effects, of the non-conformity when a non-conformity is detected.

6.5.4 When a non-conformity is corrected, it shall be subject to reverification to demonstrate conformity to the requirements.

6.5.5 Records of the nature of non-conformities and any subsequent actions taken, including exemption or equivalences obtained, shall be maintained.

6.5.6 The RO shall comply with the instructions of the flag State detailing actions to be followed in the event that a ship is found not fit to proceed to sea without danger to the ship or persons on board, or presenting unreasonable threat of harm to the marine environment.

6.5.7 The ROs shall cooperate with port State control Administrations where a ship to which the RO issued the certificates is concerned, in particular, in order to facilitate the rectification of reported deficiencies or other discrepancies.

6.5.8 The RO responsible for issuing the relevant certificate shall, upon receiving a report of an accident or discovering a defect to a ship which affects the safety of the ship or the efficiency or completeness of its life saving appliances or other equipment, cause investigations to be initiated to determine whether a survey is necessary.

## 6.6 Improvement

### 6.6.1 General

6.6.1.1 The RO shall continually improve the effectiveness of its quality management system through the use of the quality policy, quality objectives, audit results, analysis of data, corrective and preventive actions and management review.

### 6.6.2 Data analysis

6.6.2.1 The objective of data analysis is to determine the cause of problems to guide effective corrective and preventive action. The RO shall:

- .1 analyse data from various sources to assess performance against plans and goals and to identify areas for improvement;
- .2 make use of statistical methodologies for data analysis, which can help in assessing, controlling, and improving performance of processes; and
- .3 analyse the product requirements, as well as analysis of relevant processes, operations and quality records.

6.6.2.2 Information and data from all parts of the RO shall be integrated and analysed to evaluate the overall performance of the quality management system.

6.6.2.3 The results of analysis shall be documented and used to determine:

- .1 trends;
- .2 operational performance;
- .3 customer satisfaction and/or dissatisfaction through complaints or other quality indicators (PSC detentions, flag State non-conformities, etc.);
- .4 effectiveness and/or efficiency of processes; and
- .5 performance of suppliers.

6.6.3 Sources of information

6.6.3.1 The RO shall identify sources of information and establish processes for collection of information for planning continual improvement, corrective and preventive actions. Such information shall include, inter alia:

- .1 customer complaints;
- .2 non-conformance reports;
- .3 outputs from management reviews;
- .4 internal audit reports;
- .5 outputs from data analysis;
- .6 relevant records;
- .7 outputs from customer feedback and satisfaction measurements;
- .8 process measurements;
- .9 results of self assessment; and
- .10 in-service experience.

6.6.4 Corrective action

6.6.4.1 The RO shall without undue delay undertake action to eliminate the causes of non-conformities in order to prevent recurrence. Corrective actions shall be appropriate to the effects of the non-conformities encountered and address all actual or potential effects of these.

6.6.4.2 A documented procedure shall be established to define requirements for:

- .1 reviewing non-conformities (including complaints);
- .2 determining the cause of non-conformities;
- .3 evaluating the need for action to ensure that non-conformities do not recur;
- .4 determining and implementing action needed;

- .5 records of the results of action taken; and
- .6 reviewing the effectiveness of the corrective action taken.

#### 6.6.5 Preventive action

6.6.5.1 The RO shall undertake action to identify and eliminate the causes of potential non-conformities in order to prevent their occurrence. Preventive actions shall be appropriate to the nature and effects of the potential problems.

6.6.5.2 A documented procedure shall be established to define requirements for:

- .1 determining potential non-conformities and their causes;
- .2 evaluating the need for action to prevent occurrence of non-conformities;
- .3 determining and implementing action needed;
- .4 records of results of action taken; and
- .5 reviewing the effectiveness of the preventive action taken.

6.6.5.3 Examples of such methodologies may include risk analyses, trend analyses, statistical process control, fault-tree analyses, failure modes and effects and criticality analyses.

## **7 QUALITY MANAGEMENT SYSTEM CERTIFICATION**

### 7.1 General

7.1.1 The RO shall develop, implement and maintain an effective internal quality management system that complies with the requirements of this Code and is based on appropriate parts of internationally recognized quality standards no less effective than the ISO 9000 series.

7.1.2 The RO's quality management system shall be periodically assessed and certified in accordance with the applicable international quality standards by a qualified body, accredited to comply with ISO/IEC 17021:2006 standard by an accreditation body who is signatory to the International Accreditation Forum (IAF) Multinational Recognition Agreement (MLA), recognized by the flag State as having the necessary governance and competences to act independently of the ROs or their associations and having the necessary means to carry out its duties effectively and to the highest professional standards, safeguarding the independence of the persons performing them.

7.1.3 In pursuance of continually improving RO and flag State services, IMO endeavours to closely monitor the certification and audit process of the RO and its implementation to ensure its continued relevance and validity to the maritime industry in general and to the ROs, in particular. IMO will lay down the working methods and rules of procedure for such monitoring.

## **8 AUTHORIZATION OF RECOGNIZED ORGANIZATIONS**

### **8.1 General**

8.1.1 Under the provisions of regulation I/6 of SOLAS 1974, article 13 of LL 66, regulation 4 of MARPOL Annex I and regulation 10 of MARPOL Annex II and article 6 of TONNAGE 69, a flag State may authorize an RO to act on its behalf in statutory certification and services and determination of tonnages only to ships entitled to fly its flag as required by these conventions. Such authorizations shall not require ROs to perform actions that impinge on the rights of another flag State.

### **8.2 Legal basis of the functions under authorization**

8.2.1 The flag State shall establish the legal basis under which the authorization of statutory certification and services is administered. The following items shall be considered:

- .1 the formal written agreement with the RO;
- .2 acts, regulations and supplementary information;
- .3 interpretations; and
- .4 deviations and equivalent solutions.

### **8.3 Specification of authorization**

8.3.1 The flag State shall specify the scope of authorization granted to an RO. The following specifications shall be considered:

- .1 ship types and sizes;
- .2 conventions and other instruments, including relevant national legislation;
- .3 approval of drawings;
- .4 approval of materials and equipment;
- .5 surveys, audits, inspections;
- .6 issuance, endorsement and/or renewal of certificates;
- .7 corrective actions;
- .8 withdrawal or cancellation of certificates; and
- .9 reporting requirements.

### **8.4 Resources**

8.4.1 The flag State shall ensure that a RO has adequate resources in terms of technical, managerial and research capabilities to accomplish the tasks being assigned, in accordance with the minimum standards for ROs acting on behalf of the flag State set out in part II of this Code.

## 8.5 Instruments

8.5.1 The flag State shall provide the RO with access to all appropriate instruments of national law giving effect to the provisions of the conventions, notify the RO of any additions, deletions or revisions thereto in advance of their effective date and specify whether the flag State's standards go beyond convention requirements in any respect.

## 8.6 Instructions

8.6.1 The flag State shall issue specific instructions detailing the procedures to be followed in carrying out statutory certification and services, and actions to be followed in the event that a ship is found not fit to proceed to sea without danger to the ship or persons on board, or presenting unreasonable threat of harm to the marine environment.

8.6.2 Flag States shall ensure by appropriate means that ROs cooperate with each other in accordance with the provisions of this Code.

## 8.7 Records

8.7.1 The flag State shall specify that the RO maintain records, which can provide the flag State with data to assist in interpretation of convention regulations.

## PART III OVERSIGHT OF RECOGNIZED ORGANIZATIONS

### 1 PURPOSE

1.1 The RO Code, Part III, provides guidance on flag State oversight of ROs authorized to perform statutory certification and services on its behalf. Part III also provides guidance on the principles of oversight that may include ship inspection, auditing, and monitoring activities.

### 2 SCOPE

2.1 The RO Code, Part III, is applicable to all flag States that have authorized ROs to perform statutory certification and services. Part III includes flag State oversight requirements outlined in the IMO resolutions, specifically resolutions A.739(18), as amended, and A.789(19). It also provides additional guidance, which is non-mandatory, to assist flag States in the development and implementation of an effective oversight programme of ROs.

### 3 REFERENCES

3.1 The following documents are referenced:

- .1 mandatory IMO instruments;
- .2 ISO 9000:2005, Quality Management Systems – Fundamentals and vocabulary;
- .3 ISO 9001:2008, Quality Management Systems – Requirements;
- .4 ISO/IEC 17020:1998, General Criteria for the operation of various types of bodies performing inspection;
- .5 ISO 19011:2002, Guidelines for quality and/or environmental management systems auditing; and
- .6 national legislation.

### 4 TERMS AND DEFINITIONS

4.1 *Audit* means a systematic, independent, and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which the audit criteria are fulfilled. Auditing is characterized by reliance on a number of principles. These make the audit an effective and reliable tool in support of management policies and controls, providing information on which an RO can act to improve its performance. Adherence to these principles is a prerequisite for providing audit conclusions that are relevant and sufficient and for enabling auditors working independently from one another to reach similar conclusions in similar circumstances.

4.2 *Audit criteria* means a set of policies, procedures or requirements.

4.3 *Audit evidence* means records, statements of fact, or other information, which are relevant to the audit criteria and verifiable. Audit evidence may be qualitative or quantitative.

4.4 *Audit findings* means results of the evaluation of the collected audit evidence against audit criteria. Audit findings can indicate conformity, observation (potential non-conformity) or non-conformity with audit criteria or opportunities for improvement.

4.5 *Audit conclusion* means an outcome of an audit, provided by the audit team, after consideration of the audit objectives and all audit findings.

4.6 *Audit client* means an organization or person requesting an audit.

4.7 *Auditee* is an organization recognized by a flag State that may be subject to an audit by the authorizing flag State.

4.8 *Auditor* means a person with the competence to conduct an audit.

4.9 *Audit team* means one or more auditors conducting an audit, supported if required by technical experts.

4.10 *Technical expert* means a person who provides specific knowledge or expertise to the audit team.

4.11 *Audit programme* means a set of one or more audits planned for a specific period and directed towards a specific purpose. An audit programme includes all activities necessary for planning, organizing, and conducting the audits.

4.12 *Audit plan* means a description of the activities and arrangements for an audit.

4.13 *Audit scope* means extent and boundaries of an audit. The audit scope generally includes a description of the physical locations, organizational units, activities and processes, as well as the time period covered.

4.14 *Competence* means demonstrated personal attributes and demonstrated ability to apply knowledge and skills.

4.15 *Oversight* means any activity by a flag State carried out to assure an RO's service complies with IMO and national requirements of the recognizing flag State.

4.16 *Monitoring* means any activity by a flag State where a flag State witnesses services by an RO or reviews documentation used by the RO and which is carried out to assure that RO services are in compliance with IMO and national requirements. Monitoring may be considered as a component of oversight.

## **5 ESTABLISHING AN OVERSIGHT PROGRAMME**

### **5.1 Oversight**

5.1.1 The flag State should establish or participate in an oversight programme with adequate resources for monitoring of, and communication with, its RO(s) in order to ensure that its international obligations are fully met, by:

- .1 exercising its authority to conduct supplementary surveys to ensure that ships entitled to fly its flag in fact comply with the requirements of the applicable international instruments;

- .2 conducting supplementary surveys as it deems necessary to ensure that ships entitled to fly its flag comply with national requirements, which supplement the international mandatory requirements; and
- .3 providing staff who have a good knowledge of the rules and regulations of the flag State and the ROs and who are available to carry out effective oversight of the ROs.

## 5.2 The flag State's supervision of duties delegated to an RO

5.2.1 The flag State's supervision of duties delegated to an RO should consider, inter alia, the following:

- .1 documentation of the RO's quality management system;
- .2 access to internal instructions, circulars and guidelines;
- .3 access to the RO's documentation relevant to the flag State's fleet;
- .4 cooperation with the flag State's inspection and verification work; and
- .5 provision of information and statistics; such as but not limited to damage and casualties relevant to the flag State's fleet.

## 5.3 Verification and monitoring

5.3.1 The flag State should establish a system to ensure the adequacy of statutory certification and services provided. Such a system should, inter alia, include the following items:

- .1 procedures for communication with the RO;
- .2 procedures for reporting to the flag State by the RO and the processing of such reports by the flag State. The following reporting requirements should be considered:
  - .1 the RO should notify the flag State immediately upon becoming aware of a situation involving a major deficiency, or serious safety-related issue, that would normally be considered sufficient to detain a ship from proceeding to sea pending correction;
  - .2 the RO should notify the flag State(s) immediately upon becoming aware of a situation aboard ship or within a company involving a major non-conformity, as defined in the Guidelines on the Implementation of the International Safety Management (ISM) Code by Administrations (resolution A.1022(26), as amended);
  - .3 the notification above should contain the name of the company or ship, the IMO number, the official number, if applicable, and a description of the major non-conformity, deficiency or issue;
  - .4 the RO should inform the flag State, as soon as possible, of any dangerous occurrences, accidents, machinery or structural breakdowns, or failures that they are aware of on a ship; and

- .5 the RO shall report to the flag State in writing the names and official numbers, if applicable, of any ships removed from the RO's list of classed/certified ships for which the RO has performed statutory certification and services. The report shall contain a description of the reason(s) for removal from class, and this shall be made within thirty (30) days of the removal becoming effective;
- .3 additional ship's inspections by the flag State;
- .4 appropriate technical and/or safety related consultations between ROs regarding statutory certification and services, which may affect the validity of certificates issued either in whole or in part on behalf of the flag State(s);
- .5 the flag State's evaluation/acceptance of the certification of the RO's quality management system by an independent body of auditors accepted by the flag State;
- .6 monitoring and verification of statutory certification and services, which contribute either in whole or in part to compliance with a mandatory IMO instrument. Flag States should consider the implementation of the following:
  - .1 flag State oversight of RO quality management systems;
  - .2 observation of or systematic review of reports of the quality management system audits conducted by other qualified persons or organizations external to and independent of the RO;
  - .3 verification and inspection of ships that are subject to statutory certification and services; and
  - .4 complaint and feedback system and corrective action follow-up;
- .7 a flag State accepting ships constructed without its involvement should establish that an RO conducting statutory certification and services of the ship conforms to this Code; and
- .8 for ships constructed without an identified flag State, the flag State specific requirements should be verified prior to certification.

## **6 PRINCIPLES OF AUDITING**

6.1 The flag State should be satisfied that the RO has an effective quality management system in place. The flag State may rely upon the audits carried out by an accredited certification body or equivalent organizations. Intergovernmental cooperation in establishing common auditing practices is encouraged.

6.2 A flag State auditor should advance the following principles:

- .1 ethical conduct: the foundation of professionalism. Trust, integrity, confidentiality and discretion are essential to auditing;
- .2 fair presentation: the obligation to report truthfully and accurately. Audit findings, audit conclusions, and audit reports reflect truthfully and

accurately the audit activities. Significant obstacles encountered during the audit and unresolved diverging opinions between the audit team and the auditee are reported; and

- .3 due professional care: the application of diligence and judgment in auditing. Auditors exercise care in accordance with the importance of the task they perform and the confidence placed in them by audit clients and other interested parties. Having the necessary competence is an important factor.

6.3 Further principles relate to the audit, which is by definition independent and systematic.

- .1 independence: the basis for the impartiality of the audit and objectivity of the audit conclusions. Auditors are independent of the activity being audited and are free from bias and conflict of interest. Auditors maintain an objective state of mind throughout the audit process to ensure that the audit findings and conclusions will be based only on the audit evidence;
- .2 evidence-based approach: the rational method for reaching reliable and reproducible audit conclusions in a systematic audit process. Audit evidence is verifiable. It is based on samples of the information available, since an audit is conducted during a finite period of time and with finite resources. The appropriate use of sampling is closely related to the confidence that can be placed in the audit conclusions.

6.4 The guidance given in this Code is based on the principles set out above.

## **7 MANAGING AN OVERSIGHT PROGRAMME**

### **7.1 General**

7.1.1 The flag States are required to verify that the organizations recognized to perform statutory certification and services on its behalf fulfil the requirements of this Code. The purpose of this verification is to ensure that the RO is performing its statutory certification and service in compliance with this Code and its agreement with the flag State.

7.1.2 The flag State should develop, implement, and manage an effective oversight programme of the ROs that act on its behalf.

7.1.3 An oversight programme should include various monitoring activities, which may inter alia consist of audits, inspections and audit observations (potential non-conformities). The flag State's oversight programme of their ROs should be developed after carefully assessing the factors associated with the RO as well as the extent of access to the RO's records of statutory certification and services that are made available to the flag State. The programme should also consider the delivery of statutory certification and services with respect to the provisions of the Conventions and with respect to the national requirements and instructions published by the flag State. Factors should include:

- .1 the scope and frequency of high level audits of the RO carried out by flag States, independent accredited bodies and of internal audits carried out by the RO;
- .2 the extent to which audit findings, observations (potential non-conformities) and corrective actions are made available to the flag State;

- .3 the extent to which remote monitoring of the RO can be undertaken by the flag State which can manifest itself in several different ways depending on the scope of information that is electronically available to the flag State. Remote monitoring can include:
  - .1 review of the contents of survey reports associated with statutory certificates issued by the RO;
  - .2 review of the effectiveness of the control and rectification of deficiencies and outstanding requirements within the deadlines established by the flag State through the RO; and
  - .3 review of the RO's country-specific instructions to determine that the flag State's national requirements are properly and completely addressed by the RO;
- .4 flag State inspections carried out on board ships to check the end-result of the certification process, with a specific interest in their national requirements and/or implementation of instructions issued to the RO; and
- .5 port State control detentions and deficiencies allocated to the responsibility of the RO.

7.1.4 An oversight programme should also include all activities necessary for planning and organizing the types and number of monitoring activities, and for providing resources to conduct them effectively and efficiently within the specified periods.

7.1.5 Those assigned the responsibility for managing the oversight programme should:

- .1 establish, implement, monitor, review and improve the oversight programme; and
- .2 identify the necessary resources and ensure they are available and provided, as required.

7.1.6 An oversight programme should also include planning, the provision of resources and the establishment of procedures to conduct monitoring activities within the programme.

7.2 Oversight programme objectives and extent

7.2.1 Objectives of an oversight programme

7.2.1.1 The flag State should establish objectives for an oversight programme, to direct the planning and conduct of monitoring activities.

7.2.1.2 The following objectives should be considered:

- .1 management priorities;
- .2 flag State intentions;
- .3 flag State system requirements;
- .4 statutory, regulatory and contractual requirements;

- .5 need for ROs to be evaluated;
- .6 flag State, ROs, and other requirements;
- .7 needs of other interested parties; and
- .8 risks to the flag State.

## 7.2.2 Extent of an oversight programme

7.2.2.1 The flag State's oversight programme should reflect the size, nature and complexity of the flag State's authorization programme, as well as the following factors:

- .1 the scope, objective and duration of monitoring activities to be conducted;
- .2 the frequency of monitoring activities to be conducted;
- .3 the number, importance, complexity, similarity, and locations of the ROs;
- .4 standards, statutory, regulatory, and contractual requirements and other monitoring criteria;
- .5 the need for accreditation or registration/certification of ROs;
- .6 conclusions of previous monitoring activities;
- .7 the concerns of interested parties; and
- .8 significant changes to an RO or its operations.

7.2.2.2 A flag State may enter into a written agreement to participate in combined monitoring/oversight activities with another flag State or States that have authorizations with the same RO provided that the level of detail regarding individual flag State requirements and individual flag State performance are addressed at a level equivalent to an oversight programme conducted by each of the individual flag State. Conversely no flag State may be compelled by another flag State or organization to accept oversight of an RO by others in lieu of conducting their own individual flag State oversight unless they so elect by written agreement or is so provided in the law of that State. A copy of all such agreements should be submitted to IMO for the information of the Member States.

## 7.3 Oversight programme responsibilities, resources and procedures

### 7.3.1 Oversight programme responsibilities

7.3.1.1 The flag State is responsible for managing its oversight programme. The flag State should utilize competent individuals that have an understanding of the oversight requirements, audit principles, and the application of audit techniques. They should have management skills as well as technical and business understanding relevant to the activities to be monitored.

7.3.1.2 Those assigned the responsibility for managing the oversight programme should:

- .1 establish the objectives and extent of the oversight programme;
- .2 establish the responsibilities and procedures, and ensure resources are provided;

- .3 ensure the implementation of the oversight programme;
- .4 ensure that appropriate oversight programme records are maintained; and
- .5 monitor, review and improve the oversight programme.

### 7.3.2 Oversight programme resources

7.3.2.1 When identifying resources for the oversight programme, the flag State should consider the following:

- .1 financial resources necessary to develop, implement, manage, and improve oversight activities;
- .2 auditing techniques;
- .3 processes to achieve and maintain the competence of staff, and to improve oversight performance;
- .4 the availability of staff and technical experts having competence appropriate to the particular oversight programme objectives;
- .5 the extent of the oversight programme; and
- .6 travelling time, accommodation and other oversight needs.

### 7.3.3 Oversight programme procedures

7.3.3.1 The flag State's oversight programme procedures should address the following:

- .1 planning and scheduling of oversight activities;
- .2 assuring the competence of assigned personnel;
- .3 selecting appropriate personnel and assigning their roles and responsibilities;
- .4 conducting monitoring activities;
- .5 conducting follow-up, if applicable;
- .6 maintaining oversight programme records;
- .7 monitoring the performance and effectiveness of the oversight programme;  
and
- .8 reporting on the overall achievements of the oversight programme.

7.3.3.2 For flag States with a limited authorization programme, the activities above may be addressed in a single procedure.

#### 7.3.4 Oversight programme implementation

7.3.4.1 The implementation of a flag State oversight programme should include the following factors:

- .1 communicating the objectives of the oversight programme to relevant parties;
- .2 coordinating and scheduling monitoring activities relevant to the oversight programme;
- .3 establishing and maintaining a process for the evaluation of assigned personnel and their continual professional development;
- .4 selecting and appointing assigned personnel;
- .5 providing necessary resources to the oversight programme, specifically the corresponding monitoring activities;
- .6 robust execution of monitoring activities according to the oversight programme;
- .7 ensuring the control of records of the monitoring activities;
- .8 ensuring review and approval of monitoring activity reports, and ensuring their distribution to interested parties; and
- .9 ensuring follow-up, if applicable.

#### 7.3.5 Oversight programme records

7.3.5.1 The flag State's monitoring records should be maintained to demonstrate the implementation of the oversight programme and should include the following:

- .1 all records related to monitoring activities, such as:
  - .1 plans;
  - .2 reports;
  - .3 non-conformity reports;
  - .4 corrective and preventive action reports, and
  - .5 follow-up reports, if applicable;
- .2 results of oversight programme review; and
- .3 records related to personnel covering subjects, such as:
  - .1 assigned personnel competence and performance evaluation;
  - .2 monitoring and/or audit team selection; and
  - .3 maintenance and improvement of competence.

7.3.5.2 Records should be retained and suitably safeguarded.

#### 7.4 Oversight programme monitoring and reviewing

7.4.1 The implementation of a flag State oversight programme should be monitored and, at appropriate intervals, reviewed to assess whether its objectives have been met and to identify opportunities for improvement.

7.4.2 The flag State should develop and use performance indicators to monitor the effectiveness of its oversight programme for ROs. The following factors should be considered:

- .1 the ability of assigned personnel to implement the oversight plan;
- .2 conformity with the requirements of the RO Code, monitoring activities, and schedules; and
- .3 feedback from clients, ROs and assigned personnel.

7.4.3 The flag State should consider the following performance indicators when evaluating the performance of the ROs:

- .1 port State performance of ROs;
- .2 results of RO's internal audits;
- .3 results of quality management system audits performed by third-party organizations (ACBs);
- .4 the results of previous performance monitoring; and
- .5 condition/compliance of ships that receive survey and certification from the ROs.

7.4.4 The flag State should, on a periodic basis, evaluate its overall performance with respect to the implementation of administrative processes, procedures and resources necessary to meet its obligations as required by the conventions to which it is party.

7.4.5 Other measures to evaluate the performance of the flag States may include, inter alia, the following:

- .1 port State control detention rates;
- .2 flag State inspection results;
- .3 casualty statistics;
- .4 communication and information processes;
- .5 annual loss statistics (excluding constructive total losses (CTLs)); and
- .6 other performance indicators as may be appropriate, to determine whether staffing, resources and administrative procedures are adequate to meet their flag State obligations. Other performance measurement indicators may consist of the following:

- .1 fleet loss and accident ratios to identify trends over selected time periods;
- .2 the number of verified cases of detained ships in relation to the size of the fleet;
- .3 the number of verified cases of incompetence or wrongdoing by individuals holding certificates or endorsements issued under its authority;
- .4 responses to port State deficiency reports or interventions;
- .5 investigations into very serious and serious casualties and lessons learned from them;
- .6 technical and other resources committed;
- .7 results of inspections, surveys and controls of the ships in the fleet;
- .8 investigation of occupational accidents;
- .9 the number of incidents and violations under MARPOL 73/78, as amended; and
- .10 the number of suspensions or withdrawals of certificates, endorsements and approvals.

7.4.6 The oversight programme review should also consider:

- .1 results and trends from monitoring;
- .2 conformity with procedures;
- .3 evolving needs and expectations of interested parties;
- .4 oversight programme records;
- .5 alternative or new auditing practices or monitoring activities; and
- .6 consistency in performance between audit teams in similar situations.

7.4.7 Results of oversight programme reviews can lead to corrective and preventive actions and the improvement of the oversight programme.

## APPENDIX 1

### REQUIREMENTS FOR TRAINING AND QUALIFICATION OF RECOGNIZED ORGANIZATION'S TECHNICAL STAFF

#### A1.1 Definitions

A1.1.1 *Survey staff* are personnel authorized to carry out surveys and to conclude whether or not compliance has been achieved.

A1.1.2 *Plan approval staff* are the personnel authorized to carry out design assessment and to conclude whether or not compliance has been achieved.

A1.1.3 *Trainee* is a person receiving theoretical and practical training under the supervision of a trainer/tutor.

A1.1.4 *Trainer* is a designated person having experience within a relevant area or a proficient expert in a special field recognized by the RO to give theoretical training through classroom teaching, special seminars or individual training.

A1.1.5 *Tutor* is a qualified and designated person from among the RO's staff having appropriate experience and capability in the relevant areas of activities in which they assist, consult and supervise the practical training of a trainee until the latter is qualified.

A1.1.6 *Technical staff* are personnel qualified to carry out technical activity as survey staff or plan approval staff or, Marine Management Systems audit staff.

A1.1.7 *Support staff* are personnel assisting survey and/or plan approval staff in connection with classification and statutory work.

#### A1.2 Trainee entry requirements

A1.2.1 RO personnel performing, and responsible for, statutory work should have as a minimum the formal education requirements defined in part II, section 4.2.5.

#### A1.3 Modules

A1.3.1 The RO shall define the required competence criteria for each relevant type of survey and type of plan approval activity to be performed.

A1.3.2 The RO shall define the necessary theoretical and practical training modules required to meet the competence criteria defined for survey, plan approval and marine management systems audit staff. The training modules shall cover as a minimum:

- .1 learning and competence objectives;
- .2 scope of training; and
- .3 evaluation criteria and pass requirements.

A1.3.3 Through studying the training modules, trainees shall acquire and develop general knowledge and understanding applicable to different types of ships and types of work according to the flag State requirements, RO's rules and regulations and international conventions and codes.

A1.4 Theoretical training for survey and plan approval staff

A1.4.1 The objective of theoretical training is to ensure that familiarization with rules, technical standards or statutory regulations and any additional requirement specific to the type of survey or ships is sufficient for the areas of activity.

A1.4.2 Theoretical training shall include:

- .1 general modules for theoretical training; and
- .2 special modules for theoretical training in the particular specialty.

A1.4.3 General modules for theoretical training shall include general subjects with respect to:

- .1 activity and functions of IMO and maritime Administrations;
- .2 activity and functions of classification societies;
- .3 classification of ships and offshore installations;
- .4 types of certificates and reports issued on completion of class and statutory surveys;
- .5 quality management system;
- .6 personal safety regulations; and
- .7 legal and ethical issues.

A1.4.4 The programmes of theoretical training for survey and plan approval staff shall be documented in a training plan and developed according to the areas of activity (types or categories of surveys, types of ships, subjects such as hull, machinery, electrical engineering, etc.).

A1.4.5 In case of an existing gap in the formal educational background in some particular field of activity, theoretical training shall be extended.

A1.4.6 In case survey or plan approval staff have obtained particular qualifications through their previous work experience prior to their joining the RO, the training plan may be reduced.

A1.4.7 Additions or reductions in the individual training plans shall be documented.

A1.4.8 In case of extension of areas of activity the training plan shall be developed and documented accordingly.

A1.4.9 Theoretical training may be received through classroom teaching, special seminars, individual training, self-study or computer-assisted training.

A1.5 Practical training for survey and plan approval staff (see appendix 2 for specific criteria for each certificate).

A1.5.1 General

A1.5.1.1 Practical training shall ensure the trainee is sufficiently proficient to carry out survey or design assessment work independently.

A1.5.2 Plan approval staff

A1.5.2.1 Practical training shall be commensurate with the complexity of design assessment (review of technical design of ships, review of technical documentation on materials and equipment) and shall be carried out under the supervision of a tutor.

A1.5.2.2 Practical training carried out shall be recorded.

A1.5.3 Survey staff

A1.5.3.1 Practical training shall be commensurate with the complexity of the survey (types or categories of surveys, types of ships, specific subjects (hull, machinery, and electrical engineering)) and shall be carried out under the supervision of a tutor.

A1.5.3.2 Selection of particular surveys depends on the specialty/qualification to be granted and shall include classification and statutory types of surveys of the following as appropriate:

- .1 new construction;
- .2 ships and offshore installations in operation; and
- .3 materials and equipment.

A1.5.3.3 Practical training carried out shall be recorded.

A1.5.4 Audit staff

A1.5.4.1 Theoretical training

A1.5.4.1.1 Theoretical training should address the following:

- .1 principles and practice of management systems auditing;
- .2 the requirements of the International Safety Management (ISM) Code and its interpretation and application;
- .3 mandatory rules and regulations and applicable codes, guidelines and standards recommended by the IMO, flag States, classification societies and maritime industry organization; and
- .4 basic shipboard operations including emergency preparedness and response. The time spent on each topic and the level of detail that it is necessary to include will depend on the qualifications and experience of the trainees, their existing competence in each subject, and the number of training audits to be carried out.

A1.5.4.1.2 The training may be modular in structure, in which case the period over which the theoretical training is delivered must not exceed 12 months.

A1.5.4.1.3 A minimum of ten days of theoretical training shall be provided. Where appropriate, some elements may be delivered by means such as distance learning and e-learning. However, at least five days shall be classroom-based in order to allow for discussion and debate and to allow candidates to benefit from the experience of the trainer.

#### A1.5.4.2 Examination

A1.5.4.2.1 Confirmation that the learning objectives have been met shall be demonstrated by written examination at the end of the theoretical training, or at the end of each module if the training is not delivered in a single training course.

A1.5.4.2.2 If the trainee fails the written examination, or any part thereof; a single resist will be permitted. A candidate who fails the resist will be required to undergo the corresponding theoretical training again before being allowed to make another attempt at the examination.

A1.5.4.2.3 A candidate who passes a written examination shall receive a certificate, statement or other record indicating which of the competences have been addressed, and the dates on which the corresponding training took place.

#### A1.5.4.3 Practical training

A1.5.4.3.1 A person authorized to carry out ISM audits must have completed at least 5 training audits under supervision and in accordance with the following criteria:

- .1 at least three of the audits must be shipboard ISM audits;
- .2 at least one of the audits must be a company audit;
- .3 all training audits must be carried out under the supervision of suitably qualified and experienced auditors; and
- .4 all training audits must be completed within 24 months of the end of the theoretical training.

A1.5.4.3.2 For the purpose of calculating the total number of training days, the duration of each shipboard and office ISM audits to include preparation and reporting time but not travel time.

A1.5.4.3.3 The training audits described in paragraph 6.1 constitute the minimum requirement, and each RO should establish procedures for ensuring and demonstrating that the competence required by paragraph 2.2 has been achieved. The final number of training audits should be sufficient not only to demonstrate competence, but also to ensure that the prospective auditor has had sufficient practice to provide the confidence necessary to work alone.

A1.5.4.3.4 Every effort should be made to give trainee auditors the opportunity to participate in audits under the supervision of more than one supervisor in order to provide exposure to different auditing styles and approaches.

A1.5.4.3.5 The training audits may be initial, renewal, annual or intermediate audits. Additional audits may be used, but only where they address all elements of the Code.

#### A1.5.4.4 Training (general)

A1.5.4.4.1 Except in those cases in which theoretical and/or practical training are reduced based on the candidate's previous qualifications and experience, or when the candidate's authorization is to be restricted to ISM only, the total number of training days must not be less than twenty.

A1.5.4.4.2 This total may consist of any combination of theoretical and practical training, subject to the minima specified in A1.5.4.1.3 and A1.5.4.3.1 above.

#### A1.6 Examinations and tests

A1.6.1 Competence gained through the theoretical training shall be demonstrated through written or oral examination or through suitable computer tests.

A1.6.2 Examinations and tests shall cover the sets of modules attended by the trainee, as applicable.

A1.6.3 With respect to competence gained through practical training being demonstrated by:

- .1 a surveyor, this should be accomplished by the surveyor satisfactorily completing the surveys associated with the competence whilst under the supervision of the tutor. The surveyor would be expected to be able to answer associated technical questions raised as thought necessary by the tutor to confirm levels of understanding. The results of the tutor's review are to be annotated on the respective training record; and
- .2 a plan approval staff member, this should be accomplished by the staff member satisfactorily completing the appraisal of drawings against the relevant classification rules and statutory regulations as verified through a review by the tutor of the staff member's work. The results of the tutor's review are to be annotated on the respective training record.

A1.6.4 A competent person shall perform examinations of theoretical training or witnessing practical competence.

A1.6.5 During examinations and tests, use of the relevant working documents (rules, conventions, checklists, etc.) by the trainee is considered allowable.

#### A1.7 Qualification

A1.7.1 After completion of the theoretical and practical training, with positive results, the trainee is granted the appropriate authorizations to work independently. The activities they are qualified to perform (types of surveys, types of ships, types of design approval, etc.) are identified.

A1.7.2 The criteria adopted by the RO for granting qualifications shall be documented in the appropriate QMS documents.

#### A1.8 Assessment of training effectiveness

A1.8.1 The methods of training effectiveness assessment may include monitoring, testing, etc., on the regular basis according to the RO's system.

A1.8.2 The criteria adopted by the RO for training effectiveness assessment shall be documented in the appropriate RO QMS documents.

A1.8.3 Evidence of training effectiveness assessment shall be provided.

#### A1.9 Maintenance of qualification

A1.9.1 The criteria adopted by the RO for maintenance or updating of qualifications shall be in accordance with and documented in the appropriate RO QMS documents.

A1.9.2 Updating of qualifications may be done through the following methods:

- .1 self-study (unassisted study);
- .2 different courses and seminars organized in local offices and/or in the main offices of the RO;
- .3 extraordinary technical seminars in case of significant changes in the RO's rules or international conventions, codes, etc. (with examination if required); and
- .4 special training on specific works or type of survey in some areas of the activity, which are determined by activity monitoring or by a long time absence of practical experience.

A1.9.3 Maintenance of qualifications in accordance with these criteria is to be verified at annual performance review.

#### A1.10 Activity monitoring

##### A1.10.1 Purpose

A1.10.1.1 Activity monitoring has the purpose:

- .1 to assess whether the individuals are competent and capable of carrying out their authorized and assigned work independently, consistent with the RO policies and practices;
- .2 to identify needs for continual improvement in aligning the technical services across the organization; and
- .3 to identify need for improvements in the guidance processes and/or tools provided for the staff.

##### A1.10.2 Monitoring

A1.10.2.1 Headquarters, regional or local offices, may initiate activity monitoring. It shall be carried out by persons who are qualified in the survey or audit being monitored.

A1.10.2.2 It shall be carried out to the extent that the work of each surveyor or auditor engaged in survey or audit work will be monitored at least once every two years. Where a person carries out both survey and audit work, they shall be monitored in both work activities at least once every two years. Only one type of survey for a qualified surveyor and one type

of audit for a qualified auditor need be monitored within the two-year cycle. Persons doing plan approval shall be monitored at least once every two years.

A1.10.2.3 Subsequent to the monitoring, the monitoring surveyor or auditor shall report the activity.

A1.10.2.4 Should any comments be necessary, or findings made, these will be included in the report, for review and corrective action.

#### A1.10.3 Method

A1.10.3.1 Activity monitoring is to be performed by personnel authorized to undertake activity monitoring.

A1.10.3.2 Preparation should include familiarization with the processes, requirements and tools (e.g. software) associated with the activity to be witnessed during the activity monitoring.

A1.10.3.3 The monitoring process should include a review of relevant performance information related to the individual's work. This may include: report and certificate accuracy, meeting objectives, received complaints, PSC detention feedback.

A1.10.3.4 Survey, audit or plan approval activity selected for monitoring shall have an extent such as to cover a maximum possible range of activity and qualifications that can be monitored during the attendance.

A1.10.3.5 Monitoring is to include, but not be limited to, evaluation of the individual's:

- .1 personal safety awareness;
- .2 understanding and application of the relevant requirements;
- .3 technical capabilities;
- .4 understanding of the related requirements; and
- .5 standards of reporting and communication.

#### A1.10.4 Reporting

A1.10.4.1 Subsequent to the monitoring, a report shall be made with conclusions with respect to:

- .1 whether the individuals assessed are capable of carrying out their authorized and assigned work (including particularly positive aspects);
- .2 any areas of improvement; and
- .3 any recommended training requirements.

#### A1.10.5 Evaluation

A1.10.5.1 The monitoring report shall be evaluated by management who will determine the individual's continued authorization or possible training requirements to obtain further authorization. The report shall be completed and reviewed annually.

#### A1.10.6 Implementation

##### A1.10.6.1 The RO is to:

- .1 document the activity monitoring methodology, including how it is reported;
- .2 document how the authorization to undertake activity monitoring is achieved;
- .3 document consequence and actions to undertake if activity-monitoring timing is exceeded;
- .4 maintain records to demonstrate that all relevant staff has been monitored in the prescribed period; and
- .5 maintain records to demonstrate level of technical performance and the effect of possible improvement activities across the organization through the analysis of activity monitoring.

#### A1.11 Training of support staff

A1.11.1 Support staff shall have training and/or supervision commensurate with the tasks they are authorized to perform.

#### A1.12 Records

A1.12.1 Records shall be maintained for each surveyor/plan approval staff member, indicating:

- .1 formal education background;
- .2 professional experience prior to joining the RO;
- .3 evidence of theoretical training completed;
- .4 evidence of practical training completed;
- .5 evidence of examinations and tests;
- .6 professional experience during employment at the RO; and
- .7 periodical updating of knowledge.

## APPENDIX 2

### SPECIFICATIONS ON THE SURVEY AND CERTIFICATION FUNCTIONS OF RECOGNIZED ORGANIZATIONS ACTING ON BEHALF OF THE FLAG STATE

#### A2.1 SCOPE

A2.1.1 This document contains minimum specifications for organizations recognized as capable of performing statutory work on behalf of a flag State in terms of certification and survey functions connected with the issuance of international certificates.

A2.1.2 The principle of the system described below is to divide the specifications required into different elementary modules with a view to selecting the relevant modules for each function of certification and survey.

#### A2.2 AREAS OF INTEREST COVERED BY ELEMENTARY MODULES

- .1 Management
- .2 Technical appraisal
- .3 Surveys
- .4 Qualifications and training.

##### A2.2.1 MANAGEMENT

###### Module 1A: Management functions

The management of the RO should have the competence, capability and capacity to organize, manage and control the performance of survey and certification functions in order to verify compliance with requirements relevant to the tasks delegated and should, inter alia:

- .1 possess an adequate number of competent supervisory, technical appraisal and survey personnel;
- .2 provide for the development and maintenance of appropriate procedures and instructions;
- .3 provide for the maintenance of up-to-date documentation on interpretation of the relevant instruments;
- .4 give technical and administrative support to field staff; and
- .5 provide for the review of survey reports and provision of experience feedback.

## A2.2.2 TECHNICAL APPRAISAL

### Module 2A: Hull structure

The RO should have the appropriate competence, capability and capacity to perform the following technical evaluations and/or calculations pertaining to:

- .1 longitudinal strength;
- .2 local scantlings such as plates and stiffeners;
- .3 structural stress, fatigue and buckling analyses; and
- .4 materials, welding and other pertinent methods of material-joining, for compliance with relevant rules and convention requirements pertaining to design, construction and safety.

### Module 2B: Machinery systems

The RO should have the appropriate competence, capability and capacity to perform technical evaluations and/or calculations pertaining to:

- .1 propulsion, auxiliary machinery and steering gear;
- .2 piping; and
- .3 electrical and automation systems,

for compliance with relevant rules and convention requirements pertaining to design, construction and safety.

### Module 2C: Subdivision and stability

The RO should have the appropriate competence, capability and capacity to perform technical evaluations and/or calculations pertaining to:

- .1 intact and damage stability;
- .2 inclining test assessment;
- .3 grain loading stability; and
- .4 watertight and weathertight integrity.

### Module 2D: Load line

The RO should have the appropriate competence, capability and capacity to perform the following technical evaluations and/or calculations pertaining to:

- .1 freeboard calculation; and
- .2 conditions of assignment of freeboard.

#### Module 2E: Tonnage

The RO should have the appropriate competence, capability and capacity to perform technical evaluations and/or calculations pertaining to tonnage computation.

#### Module 2F: Structural fire protection

The RO should have the appropriate competence, capability, and capacity to perform technical evaluations and/or calculations pertaining to:

- .1 structural fire protection and fire isolation;
- .2 use of combustible materials;
- .3 means of escape; and
- .4 ventilation systems.

#### Module 2G: Safety equipment

The RO should have the appropriate competence, capability and capacity to perform technical evaluations and/or calculations pertaining to:

- .1 life-saving appliances and arrangements;
- .2 navigation equipment;
- .3 fire detection and fire alarm systems and equipment;
- .4 fire-extinguishing system and equipment;
- .5 fire control plans;
- .6 pilot ladders and pilot hoists;
- .7 lights, shapes and sound signals; and
- .8 inert gas systems.

#### Module 2H: Oil pollution prevention

The RO should have the appropriate competence, capability and capacity to perform technical evaluations and/or calculations pertaining to:

- .1 monitoring and control of oil discharge;
- .2 segregation of oil and ballast water;
- .3 crude oil washing;
- .4 protective location of segregated ballast spaces;
- .5 pumping, piping and discharge arrangements; and
- .6 shipboard oil pollution emergency plans (SOPEPs).

#### Module 2I: NLS pollution prevention

The RO should have the appropriate competence, capability and capacity to perform technical evaluations and/or calculations pertaining to:

- .1 list of substances the ship may carry;
- .2 pumping system;
- .3 stripping system;
- .4 tank-washing system and equipment; and
- .5 underwater discharge arrangements.

#### Module 2J: Radio

The RO should have the appropriate competence, capability and capacity to perform technical evaluations pertaining to:

- .1 radiotelephony;
- .2 radiotelegraphy; and
- .3 GMDSS.

Alternatively, a professional radio installation inspection service company approved and monitored by the RO according to an established and documented programme may perform these services. This programme is to include the definition of the specific requirements the company and its radio technicians are to satisfy.

#### Module 2K: Carriage of dangerous chemicals in bulk

The RO should have the appropriate competence, capability and capacity to perform technical evaluations and/or calculations pertaining to:

- .1 ship arrangement and ship survival capacity;
- .2 cargo containment and material of construction;
- .3 cargo temperature control and cargo transfer;
- .4 cargo tank vent systems and environmental control;
- .5 personnel protection; operational requirements; and
- .6 list of chemicals the ship may carry.

#### Module 2L: Carriage of liquefied gases in bulk

The RO should have the appropriate competence, capability and capacity to perform technical evaluations and/or calculations pertaining to:

- .1 ship arrangement and ship survival capacity;
- .2 cargo containment and material of construction;
- .3 process pressure vessels and liquid, vapour and pressure piping systems;
- .4 cargo tank vent systems and environmental control;
- .5 personnel protection;
- .6 use of cargo as fuel; and
- .7 operational requirements.

#### A2.2.3 SURVEYS

##### Module 3A: Survey functions

The RO should have the appropriate competence, capability and capacity to perform the required surveys under controlled conditions as per the RO's internal quality management system and representing an adequate geographical coverage and local representation as required. The work to be covered by the staff is described in the relevant sections of the appropriate survey guidelines developed by the organization.

#### A2.2.4 QUALIFICATIONS AND TRAINING

##### Module 4A: General qualifications

RO personnel performing, and responsible for, statutory work should have as a minimum the requirements defined in part II, section 4.2.5.

##### Module 4B: Radio survey qualifications

A professional radio installation inspection service company approved and monitored by the RO according to an established and documented programme may do surveys. This programme is to include the definition of the specific requirements the company and its radio technicians are to satisfy, including, inter alia, requirements for internal tutored training covering at least:

- .1 radiotelephony;
- .2 radiotelegraphy;
- .3 GMDSS; and
- .4 initial and renewal surveys.

Radio technicians carrying out surveys should have successfully completed, as a minimum, at least one year of relevant technical school training, the internal tutored training programme of his/her employer and at least one year of experience as an assistant radio technician. For exclusive radio surveyors to the RO, equivalent requirements as above apply.

## **A2.3 SPECIFICATIONS PERTAINING TO THE VARIOUS CERTIFICATES**

### **A2.3.1 PASSENGER SHIP SAFETY CERTIFICATE**

Initial certification, renewal survey

A2.3.1.1 Module Nos. 1A, 2A, 2B, 2C, 2D, 2F, 2G, 2J, 3A, 4A and 4B apply.

A2.3.1.2 For this certification the system should cover practical tutored training on the following issues as appropriate for Technical Appraisal and Support staff (TS) and Field Surveyors (FS), respectively:

- .1 TS: SOLAS 74, as amended.
- .2 FS: SOLAS 74, as amended:
  - .1 initial survey, report, and issuance of certificate; and
  - .2 renewal survey, report, and issuance of certificate.

### **A2.3.2 CARGO SHIP SAFETY CONSTRUCTION CERTIFICATE**

Initial certification, annual/intermediate, renewal surveys

A2.3.2.1 Module Nos. 1A, 2A, 2B, 2C, 2F, 3A and 4A apply.

A2.3.2.2 For this certification the system should cover practical tutored training on the following issues as appropriate for Technical Appraisal and Support staff (TS) and Field Surveyors (FS), respectively:

- .1 TS: SOLAS 74 chapters II-1, II-2 and XII with any amendments and appropriate classification rules.
- .2 FS: Pertinent technical surveys (class surveys or similar), newbuilding:
  - .1 hull structure and equipment; and
  - .2 machinery and systems installation and testing.
- .3 FS: Pertinent technical surveys (class surveys or similar), ships in operation:
  - .1 annual/intermediate survey;
  - .2 renewal survey; and
  - .3 bottom survey.
- .4 FS: SOLAS 74 chapters II-1, II-2 and XII, as amended:
  - .1 initial survey, report, issuance of certificate;
  - .2 annual/intermediate survey and report; and
  - .3 renewal survey, report and issuance of certificate.

### A2.3.3 CARGO SHIP SAFETY EQUIPMENT CERTIFICATE

Initial certification, annual, periodical, renewal surveys

A2.3.3.1 Module Nos. 1A, 2G, 3A and 4A apply.

A2.3.3.2 For this certification the system should cover practical tutored training on the following issues as appropriate for Technical Appraisal and Support staff (TS) and Field Surveyors (FS), respectively:

- .1 TS: SOLAS 74 chapters II-1, II-2, III and V, as amended, and applicable aspects of COLREG 72, as amended.
- .2 FS: SOLAS 74 chapters II-1, II-2, III and V, as amended, and applicable aspects of COLREG 72, as amended:
  - .1 initial survey, report and issuance of certificate;
  - .2 annual/periodical survey and report; and
  - .3 renewal survey, report and issuance of certificate.

### A2.3.4 CARGO SHIP SAFETY RADIO CERTIFICATE

Initial certification, periodical, renewal surveys

A2.3.4.1 Module Nos. 1A, 2J, 3A and 4B apply.

A2.3.4.2 For this certification the system should cover practical tutored training on the following issues for Technical Appraisal and Support staff (TS) and Field Surveyors (FS) respectively:

- .1 TS: SOLAS 74 chapter IV, as amended.
- .2 FS: Reference Module 4B.

### A2.3.5 INTERNATIONAL SAFETY MANAGEMENT CODE CERTIFICATION

Initial certification, annual/intermediate verifications, renewal certification

A2.3.5.1 All of the modules, with the exception of 2E (tonnage), apply to the extent that they relate to an RO's ability to identify and evaluate the mandatory rules and regulations with which a company's safety management system and ships must comply.

A2.3.5.2 For this certification, the system should comply with the qualification and training requirements for ISM Code assessors contained in the *Guidelines on Implementation of the International Safety Management (ISM) Code by Administrations*.

### A2.3.6 INTERNATIONAL LOAD LINE CERTIFICATE

Initial certification, annual, renewal surveys

A2.3.6.1 Module Nos. 1A, 2A, 2C, 2D, 3A and 4A apply.

A2.3.6.2 For this certification, the system should cover practical tutored training on the following issues as appropriate for Technical Appraisal and Support staff (TS) and Field Surveyors (FS), respectively:

- .1 TS: Calculation of freeboard and approval of drawings for conditions of assignment according to ILLC 1966.
- .2 FS: Pertinent technical surveys (class surveys or similar), newbuilding:
  - .1 hull structural survey;
  - .2 hull penetrations and closing appliances; and
  - .3 stability/inclining test.
- .3 FS: Pertinent technical surveys (class surveys or similar), ships in operation:
  - .1 annual survey;
  - .2 renewal survey; and
  - .3 bottom survey.
- .4 FS: Measurement for load line/initial survey report.
- .5 FS: Conditions for assignment/initial survey report.
- .6 FS: Load line marking verification/initial survey report.
- .7 FS: Load line annual survey.
- .8 FS: Load line renewal survey, report and issuance of certificate.

#### A2.3.7 INTERNATIONAL OIL POLLUTION PREVENTION CERTIFICATE

Initial certification, annual, intermediate, renewal surveys

A2.3.7.1 Module Nos. 1A, 2A, 2B, 2C, 2H, 3A and 4A apply.

A2.3.7.2 For this certification, the system should cover practical tutored training on the following issues as appropriate for Technical Appraisal and Support staff (TS) and Field Surveyors (FS), respectively:

- .1 TS: Approval of drawings and manuals according to MARPOL 73/78, Annex I.
- .2 FS: MARPOL 73/78, Annex I, as amended:
  - .1 initial survey, report and issuance of certificate;
  - .2 annual/intermediate survey and report; and
  - .3 renewal survey, report and issuance of certificate.

#### A2.3.8 INTERNATIONAL POLLUTION PREVENTION CERTIFICATE FOR THE CARRIAGE OF NOXIOUS LIQUID SUBSTANCES IN BULK

Initial certification, annual, intermediate, renewal surveys

A2.3.8.1 Module Nos. 1A, 2A, 2B, 2C, 2I, 3A and 4A apply.

A2.3.8.2 For this certification the system should cover practical tutored training on the following issues as appropriate for Technical Appraisal and Support staff (TS) and Field Surveyors (FS), respectively:

- .1 TS: Approval of drawings and manuals according to MARPOL 73/78, Annex II and appropriate codes.
- .2 FS: MARPOL 73/78, Annex II and appropriate codes:
  - .1 initial survey, report and issuance of certificate;
  - .2 annual/intermediate survey and report; and
  - .3 renewal survey, report and issuance of certificate.

#### A2.3.9 INTERNATIONAL CERTIFICATE OF FITNESS FOR THE CARRIAGE OF DANGEROUS CHEMICALS IN BULK

Initial certification, annual, intermediate, renewal surveys

A2.3.9.1 Module Nos. 1A, 2A, 2B, 2C, 2K, 3A and 4A apply.

A2.3.9.2 For this certification the system should cover practical tutored training on the following issues as appropriate for Technical Appraisal and Support staff (TS) and Field Surveyors (FS), respectively:

- .1 TS: Approval of drawings and manuals according to International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code).
- .2 FS: IBC Code:
  - .1 initial survey, report and issuance of certificate;
  - .2 annual/intermediate survey and report; and
  - .3 renewal survey, report and issuance of certificate.

#### A2.3.10 INTERNATIONAL CERTIFICATE OF FITNESS FOR THE CARRIAGE OF LIQUEFIED GASES IN BULK

Initial certification, annual, intermediate, renewal surveys

A2.3.10.1 Module Nos. 1A, 2A, 2B, 2C, 2L, 3A and 4A apply.

A2.3.10.2 For this certification the system should cover practical tutored training on the following issues as appropriate for Technical Appraisal and Support staff (TS) and Field Surveyors (FS), respectively:

- .1 TS: Approval of drawings and manuals according to International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (IGC Code).
- .2 FS: IGC Code:
  - .1 initial survey, report and issuance of certificate;
  - .2 annual/intermediate survey and report; and
  - .3 renewal survey, report and issuance of certificate.

#### A2.3.11 INTERNATIONAL AIR POLLUTION PREVENTION CERTIFICATE (IAPP)

Initial certification, annual, intermediate, renewal surveys

A2.3.11.1 Module Nos. 1A, 2B, 3A and 4A apply.

A2.3.11.2 For this certification the system should cover practical tutored training on the following issues as appropriate for Technical Appraisal and Support staff (TS) and Field Surveyors (FS), respectively:

- .1 TS: Approval of drawings and technical files according to the International NO<sub>x</sub> Technical Code.
- .2 FS: NO<sub>x</sub> Technical Code:
  - .1 initial survey, report and issuance of certificate;
  - .2 annual/intermediate survey and report; and
  - .3 renewal survey, report and issuance of certificate.

#### A2.3.12 ENGINE INTERNATIONAL AIR POLLUTION PREVENTION CERTIFICATE (EIAPP)

Initial certification, annual, intermediate, renewal surveys

A2.3.12.1 Module Nos. 1A, 2B, 3A and 4A apply.

A2.3.12.2 For this certification the system should cover practical tutored training on the following issues as appropriate for Technical Appraisal and Support staff (TS) and Field Surveyors (FS), respectively:

- .1 TS: Approval of drawings and technical files according to the International NO<sub>x</sub> Technical Code.

- .2 FS: NO<sub>x</sub> Technical Code:
  - .1 initial survey, report and issuance of certificate;
  - .2 annual/intermediate survey and report; and
  - .3 renewal survey, report and issuance of certificate.

#### A2.3.13 INTERNATIONAL TONNAGE CERTIFICATE (1969)

##### Initial certification

A2.3.13.1 Module Nos. 1A, 2E and 4A apply.

A2.3.13.2 For this certification the system should cover practical tutored training on the following issues as appropriate for Technical Appraisal and Support staff (TS) and Field Surveyors (FS), respectively:

- .1 TS: Measurement and computation of tonnage according to:
  - .1 1969 Tonnage Measurement Convention;
  - .2 Pertinent IMO resolutions.
- .2 FS: Marking survey and report.

### APPENDIX 3

#### ELEMENTS TO BE INCLUDED IN AN AGREEMENT

A formal written agreement or equivalent between the flag State and the RO should as a minimum cover the following items:

- 1 Application
- 2 Purpose
- 3 General conditions
- 4 The execution of functions under authorization:
  - .1 Functions in accordance with the general authorization
  - .2 Functions in accordance with special (additional) authorization
  - .3 Relationship between the organization's statutory and other related activities
  - .4 Functions to cooperate with port States to facilitate the rectification of reported port State control deficiencies or the discrepancies within the organization's purview
- 5 Legal basis of the functions under authorization:
  - .1 Acts, regulations and supplementary provisions
  - .2 Interpretations
  - .3 Deviations and equivalent solutions
- 6 Reporting to the flag State:
  - .1 Procedures for reporting in the case of general authorization
  - .2 Procedures for reporting in the case of special authorization
  - .3 Reporting on classification of ships (assignment of class, alterations and cancellations), as applicable
  - .4 Reporting of cases where a ship did not in all respects remain fit to proceed to sea without danger to the ship or persons on board or presenting unreasonable threat of harm to the environment
  - .5 Other reporting
- 7 Development of rules and/or regulations – Information:
  - .1 Cooperation in connection with development of rules and/or regulations – liaison meetings

- .2 Exchange of rules and/or regulations and information
- .3 Language and form
- 8 Other conditions:
  - .1 Remuneration
  - .2 Rules for administrative proceedings
  - .3 Confidentiality
  - .4 Liability<sup>3</sup>
  - .5 Financial responsibility
  - .6 Entry into force
  - .7 Termination
  - .8 Breach of agreement
  - .9 Settlement of disputes
  - .10 Use of subcontractors
  - .11 Issue of the agreement
  - .12 Amendments
- 9 Specification of the authorization from the flag State to the organization:
  - .1 Ship types and sizes
  - .2 Conventions and other instruments, including relevant national legislation
  - .3 Approval of drawings
  - .4 Approval of material and equipment
  - .5 Surveys
  - .6 Issuance of certificates

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<sup>3</sup> [RO and employees of the RO who are involved in or responsible for delivery of statutory certification and services may be required by the law of the flag State to be covered by professional indemnity insurance or professional liability insurance. In this connection, the flag State may also consider placing a limitation on the level of liability and indemnification to be covered under that insurance or other compensation arrangements.]

Or

[RO's and its employees of the RO who are involved in or responsible for delivery of statutory certification and services may be required by the law of the flag State to be covered by professional indemnity or professional liability insurance in the event that liability is finally and definitively imposed on the flag State for loss or damage which is proved in a court of law to have been caused by any negligent act or omission by its RO. In this connection, the flag State may also consider placing a limitation on the level of liability and indemnification to be covered under that insurance or other compensation arrangements.]

- .7 Corrective actions
- .8 Withdrawal of certificates
- .9 Reporting
- 10 The flag State's supervision of duties delegated to the organization:
  - .1 Documentation of quality assurance system
  - .2 Access to internal instructions, circulars and guidelines
  - .3 Access by the flag State to the organization's documentation relevant to the flag State's fleet
  - .4 Cooperation with the flag State's inspection and verification work
  - .5 Provision of information and statistics on, e.g. damage and casualties relevant to the flag State's fleet.

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**ANNEX 7**

**DRAFT AMENDMENTS TO MANDATORY IMO INSTRUMENTS  
TO MAKE THE RO CODE MANDATORY**

**DRAFT AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR  
THE SAFETY OF LIFE AT SEA, 1974, AS AMENDED**

**CHAPTER XI-1**

**Special measures to enhance maritime safety**

**Regulation 1**

**Authorization of recognized organizations**

The existing text of regulation 1 is replaced by the following:

"Organizations referred to in regulation I/6 shall be authorized by the Administration in accordance with the provisions of the present Convention and with the Code for recognized organizations (RO Code) adopted by the Organization by resolution [MSC...], provided that:

- .1 the provisions of part I and part II of the RO Code are mandatory and shall be fully complied with;
- .2 the related guidance contained in part III of the RO Code should be taken into account to the greatest degree possible in order to achieve a more uniform implementation of the RO Code;
- .3 amendments to part I and part II of the RO Code shall be adopted, brought into force and take effect in accordance with the provisions of article VIII of the present Convention concerning the amendment procedures applicable to the annex other than chapter I; and
- .4 part III of the RO Code is non-mandatory and shall be amended by the Maritime Safety Committee and the Marine Environment Protection Committee in accordance with their rules of procedure provided that any amendments adopted by the MSC and the MEPC will be identical and will come into effect at the same time."

**DRAFT AMENDMENTS TO THE PROTOCOL OF 1988 RELATING TO THE INTERNATIONAL  
CONVENTION ON LOAD LINES, 1966, AS AMENDED**

ANNEX B

ANNEXES TO THE CONVENTION AS MODIFIED BY  
THE PROTOCOL OF 1988 RELATING THERETO

ANNEX I

REGULATIONS FOR DETERMING LOAD LINES

CHAPTER I

GENERAL

Regulation 2-1

Authorization of recognized organizations

The existing text of regulation 2-1 is replaced by the following:

"Organizations, including classification societies, referred to in article 13 of the Convention and regulation 1(2) shall be authorized by the Administration in accordance with the provisions of the present Convention and with the Code for recognized organizations (RO Code) adopted by the Organization by resolution [MSC...], provided that:

- (a) the provisions of part I and part II of the RO Code are mandatory and shall be fully complied with;
- (b) the related guidance contained in part III of the RO Code should be taken into account to the greatest degree possible in order to achieve a more uniform implementation of the RO Code;
- (c) amendments to part I and part II of the RO Code shall be adopted, brought into force and take effect in accordance with the provisions of article VI of the present Protocol; and
- (d) part III of the RO Code is non-mandatory and shall be amended by the Maritime Safety Committee and the Marine Environment Protection Committee in accordance with their rules of procedure provided that any amendments adopted by the MSC and the MEPC will be identical and will come into effect at the same time."

**DRAFT AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING TO THE  
INTERNATIONAL CONVENTION FOR THE PREVENTION  
OF POLLUTION FROM SHIPS, 1973**

**Amendments to MARPOL Annex I**

Regulation 6

The existing text of last sentence of subparagraph 3.1 is replaced by the following:

"Such organizations shall be authorized by the Administration in accordance with the provisions of the present annex and with the Code for recognized organizations (RO Code) adopted by the Organization by resolution [MEPC...], provided that:

- .1 the provisions of part I and part II of the RO Code are mandatory and shall be fully complied with;
- .2 the related guidance contained in part III of the RO Code should be taken into account to the greatest degree possible in order to achieve a more uniform implementation of the RO Code;
- .3 amendments to part I and part II of the RO Code shall be adopted, brought into force and take effect in accordance with the provisions of article 16 of the present Convention concerning the amendment procedures applicable to this annex; and
- .4 part III of the RO Code is non-mandatory and shall be amended by the Marine Environment Protection Committee and the Maritime Safety Committee in accordance with their rules of procedure provided that any amendments adopted by the MSC and the MEPC will be identical and will come into effect at the same time."

## Amendments to MARPOL Annex II

### Regulation 8

The existing text of subparagraph 2.2 is replaced by the following:

"Organizations referred to in paragraph 2.1 of this regulation shall be authorized by the Administration in accordance with the provisions of the present annex and with the Code for recognized organizations (RO Code) adopted by the Organization by resolution [MEPC...], provided that:

- .1 the provisions of part I and part II of the RO Code are mandatory and shall be fully complied with;
- .2 the related guidance contained in part III of the RO Code should be taken into account to the greatest degree possible in order to achieve a more uniform implementation of the RO Code;
- .3 amendments to part I and part II of the RO Code shall be adopted, brought into force and take effect in accordance with the provisions of article 16 of the present Convention concerning the amendment procedures applicable to this annex; and
- .4 part III of the RO Code is non-mandatory and shall be amended by the Marine Environment Protection Committee and the Maritime Safety Committee in accordance with their rules of procedure provided that any amendments adopted by the MSC and the MEPC will be identical and will come into effect at the same time."

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ANNEX 8

DRAFT REVISED BIENNIAL AGENDA FOR THE 2012-2013 BIENNIUM

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI) *					
PLANNED OUTPUTS 2012-2013 (RESOLUTION A.1038(27))		Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Target completion year
Number **	Description				
1.1.2.1	<b>Cooperation with FAO: preparation and holding of the third meeting of the Joint FAO/IMO Working Group on IUU Fishing and related matters, including the adoption of a new treaty to facilitate the implementation of the technical provisions to the 1993 Torremolinos Protocol</b>	MSC/MEPC	FSI/SLF		2013
1.1.2.2	<b>Cooperation with IACS: consideration of unified interpretations</b>	MSC/MEPC	All sub-committees		Continuous
1.1.2.5	<b>Cooperation with ILO: development of PSC guidelines on seafarers' hours of rest taking into account the Maritime Labour Convention, 2006</b>	MSC	FSI		2013
1.1.2.23	<b>Policy input/guidance to ILO: development of PSC guidelines in the context of the Maritime Labour Convention, 2006</b>	MSC	FSI		Continuous
1.1.2.24	<b>Policy input/guidance to ILO/FAO: preparation and holding of the third meeting of the Joint FAO/IMO ad hoc Working Group on IUU Fishing and related matters (JWG)</b>	MSC	FSI	SLF	2013

\* Items printed in bold have been selected for the provisional agenda for FSI 21. Struck-out text indicates proposed deletions and shaded text indicates proposed changes. Deleted outputs will be maintained in the report on the status of planned outputs.

\*\* Numbers refer to planned outputs for the 2012-2013 biennium, as set out in resolution A.1038(27).

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI) *					
PLANNED OUTPUTS 2012-2013 (RESOLUTION A.1038(27))		Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Target completion year
Number	Description				
1.1.2.26	Policy input/guidance to PSC regimes: related to IMO developments	MSC/MEPC	FSI		Continuous
2.0.1.8	<b>Non-mandatory Instruments: additional guidelines for implementation of the BWM Convention, including port State control</b>	MEPC	BLG/FSI		2013
2.0.1.13	Development of a Code for Recognized Organizations	MSC/MEPC	FSI		2012
2.0.1.19	<b>Comprehensive review of issues related to the responsibilities of Governments and development of measures to encourage flag State compliance</b>	MSC/MEPC		FSI	2013
2.0.1.21	<b>Summary reports and analyses of mandatory reports under MARPOL</b>	MEPC	SEC	FSI	Continuous
2.0.2.1	<b>Review of the Code for implementation of mandatory IMO instruments and consolidated audit summary reports, adoption of the new IMO Instruments Implementation (III) Code and making the III Code and auditing mandatory</b>	ASSEMBLY MSC/MEPC		MSC/MEPC/FSI	2013
4.0.2.2	Development and management of mandatory IMO number schemes	MSC		SEC	Continuous

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)*					
PLANNED OUTPUTS 2012-2013 (RESOLUTION A.1038(27))		Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Target completion year
Number	Description				
4.0.2.3	Protocols on data exchange with other international, regional and national data providers	Committees	FSI	SEC	Continuous
5.1.2.1	Mandatory instrument: making the provisions of MSC.1/Circ.1206/Rev.1 mandatory	MSC	DE	FSI/NAV/ STW	2013
5.1.2.2	<b>Development of measures to protect the safety of persons rescued at sea</b>	MSC/FAL	COMSAR	FSI	<del>2012</del> 2013
5.2.1.18	Non-mandatory instruments: development of a non-mandatory instrument on regulations for non-convention ships	MSC	FSI		2013
5.2.1.19	<b>Non-mandatory instruments: review and update of the Survey Guidelines under the Harmonized System of Survey and Certification and the annexes to the Code for the Implementation of Mandatory IMO Instruments</b>	MSC/MEPC	FSI		Continuous
5.3.1.2	Non-mandatory instruments: review of procedures for PSC	MSC/MEPC	FSI		2013
5.3.1.4	<b>Promote the harmonization of port State control activities and collect PSC data</b>	MSC/MEPC	FSI		Continuous
5.3.1.5	Methodology for the in-depth analysis of annual PSC reports	MSC/MEPC	FSI		2013
5.3.1.6	A risk assessment comparison between marine casualties and incidents and PSC inspections	MSC/MEPC	FSI		Continuous

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION (FSI)*					
PLANNED OUTPUTS 2012-2013 (RESOLUTION A.1038(27))		Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Target completion year
Number	Description				
7.1.3.1	Reports on inadequacy of port reception facilities	MEPC	FSI		Annual
7.1.3.2	<b>Follow-up to the implementation of the Action Plan on port reception facilities</b>	MEPC	FSI		2013
12.1.2.1	<b>Collection and analysis of casualty and PSC data to identify trends and develop knowledge and risk-based recommendations</b>	MSC	FSI		Continuous
12.3.1.1	<b>Guidance on the development of GISIS and on access to information</b>	MSC/MEPC	FSI		Continuous
12.3.1.2	<b>PSC data collected and disseminated in cooperation with PSC regimes</b>	MSC	FSI		Annual
13.0.2.1	<b>Guidance for the Secretariat on the development of GISIS and on access of information</b>	MEPC	FSI		Continuous

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## ANNEX 9

### PROVISIONAL AGENDA FOR FSI 21

- Opening of the session
- 1 Adoption of the agenda
- 2 Decisions of other IMO bodies
- 3 Responsibilities of Governments and measures to encourage flag State compliance
- 4 Mandatory reports under MARPOL
- 5 Casualty statistics and investigations
- 6 Harmonization of port State control activities
- 7 PSC Guidelines on seafarers' hours of rest and PSC guidelines in relation to the Maritime Labour Convention, 2006
- 8 Development of guidelines on port State control under the 2004 BWM Convention
- 9 Comprehensive analysis of difficulties encountered in the implementation of IMO instruments
- 10 Review of the Survey Guidelines under the HSSC and the annexes to the Code for the Implementation of Mandatory IMO Instruments
- 11 Consideration of IACS Unified Interpretations
- 12 Measures to protect the safety of persons rescued at sea
- 13 Illegal unregulated and unreported (IUU) fishing and related matters
- 14 Biennial agenda and provisional agenda for FSI 22
- 15 Election of Chairman and Vice-Chairman for 2014
- 16 Any other business
- 17 Report to the Committees

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ANNEX 10

REPORT ON THE STATUS OF PLANNED OUTPUTS OF THE HIGH-LEVEL ACTION PLAN OF THE ORGANIZATION  
AND PRIORITIES FOR THE 2012-2013 BIENNIUM

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION*								
Planned output number in the HLAP for 2012-2013	Description	Target completion year	Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Status of output for Year 1	Status of output for Year 2	References
1.1.2.1	Cooperation with FAO: preparation and holding of the third meeting of the Joint FAO/IMO Working Group on IUU Fishing and related matters, including the adoption of a new treaty to facilitate the implementation of the technical provisions to the 1993 Torremolinos Protocol	2013	MSC/MEPC	FSI/SLF		In progress		FSI 20/19, section 15
1.1.2.2	Cooperation with IACS: consideration of unified interpretations	Continuous	MSC/MEPC	All sub-committees		Ongoing		MSC 78/26, paragraph 22.12; FSI 20/19, section 11
1.1.2.5	Cooperation with ILO: development of PSC guidelines on seafarers' hours of rest taking into account the Maritime Labour Convention, 2006	2013	MSC	FSI		In progress		MSC 87/20, paragraph 8.14; FSI 20/19, section 7

\* Struck-out text indicates proposed deletions and shaded text indicates proposed changes. Deleted outputs will be maintained in the report on the status of planned outputs.

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION								
Planned output number in the HLAP for 2012-2013	Description	Target completion year	Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Status of output for Year 1	Status of output for Year 2	References
1.1.2.23	Policy input/guidance to ILO: development of PSC guidelines in the context of the Maritime Labour Convention, 2006	Continuous	MSC	FSI		Ongoing		MSC 87/20, paragraph 8.14; FSI 20/19, section 7
1.1.2.24	Policy input/guidance to ILO/FAO: preparation and holding of the third meeting of the Joint FAO/IMO ad hoc Working Group on IUU Fishing and related matters (JWG)	2013	MSC	FSI	SLF	In progress		FSI 20/19, section 15
1.1.2.26	Policy input/guidance to PSC regimes: related to IMO developments	Continuous	MSC/MEPC	FSI		Ongoing		MSC 80/24, paragraph 21.16; FSI 20/19, section 6
2.0.1.8	Non-mandatory Instruments: additional guidelines for implementation of the BWM Convention, including port State control	2013	MEPC	BLG/FSI		In progress		MEPC 52/24, paragraph 2.21.2; FSI 20/19, section 8
2.0.1.13	Development of a Code for Recognized Organizations	2012	MSC/MEPC	FSI		Completed		MSC 84/24, paragraph 22.27; FSI 20/19, section 13
2.0.1.19	Comprehensive review of issues related to the responsibilities of Governments and development of measures to encourage flag State compliance	2013	MSC/MEPC		FSI	In progress		FSI 20/19, section 9

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION								
Planned output number in the HLAP for 2012-2013	Description	Target completion year	Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Status of output for Year 1	Status of output for Year 2	References
2.0.1.21	Summary reports and analyses of mandatory reports under MARPOL	Continuous	MEPC	SEC	FSI	Ongoing		MEPC/Circ.318; FSI 20/19, section 4
2.0.2.1	Review of the Code for implementation of mandatory IMO instruments and consolidated audit summary reports, adoption of the new IMO Instruments Implementation (III) Code and making the III Code and auditing mandatory	2013	ASSEMBLY MSC/MEPC		MSC/MEPC/FSI	In progress		MSC 83/28, paragraph 25.27; FSI 20/19, section 12
4.0.2.2	Development and management of mandatory IMO number schemes	Continuous	MSC		SEC	Ongoing		FSI 18/20, section 3
4.0.2.3	Protocols on data exchange with other international, regional and national data providers	Continuous	Committees	FSI	SEC	Ongoing		FSI 20/19, section 6
5.1.2.1	Mandatory instrument: making the provisions of MSC.1/Circ.1206/Rev.1 mandatory	2013	MSC	DE	FSI/NAV/ STW			
5.1.2.2	Development of measures to protect the safety of persons rescued at sea	<del>2012</del> 2013	MSC/FAL COMSAR	COMSAR	FSI	In progress		FSI 20/19, section 14
5.2.1.18	Non-mandatory instruments: development of a non-mandatory instrument on regulations for non-convention ships	2013	MSC	FSI		In progress		FSI 20/19, section 3

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION								
Planned output number in the HLAP for 2012-2013	Description	Target completion year	Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Status of output for Year 1	Status of output for Year 2	References
5.2.1.19	Non-mandatory instruments: review and update of the Survey Guidelines under the Harmonized System of Survey and Certification and the annexes to the Code for the Implementation of Mandatory IMO Instruments	Continuous	MSC/MEPC	FSI		Ongoing		MSC 72/23, paragraph 21.27; FSI 20/19, section 11
5.3.1.2	Non-mandatory instruments: Review of procedures for PSC	2013	MSC/MEPC	FSI		Ongoing		MSC 71/23, paragraph 20.16; MSC 80/24, paragraph 21.16; FSI 20/19, section 6
5.3.1.4	Promote the harmonization of port State control activities and collect PSC data	Continuous	MSC/MEPC	FSI		Ongoing		MSC 71/23, paragraph 20.16; MSC 80/24, paragraph 21.16; FSI 20/19, section 6
5.3.1.5	Methodology for the in-depth analysis of annual PSC reports	2013	MSC/MEPC	FSI		In progress		MSC 71/23, paragraph 20.16; MSC 80/24, paragraph 21.16; FSI 20/19, section 6
5.3.1.6	A risk assessment comparison between marine casualties and incidents and PSC inspections	Continuous	MSC/MEPC	FSI		Postponed		FSI 18/20, section 3

SUB-COMMITTEE ON FLAG STATE IMPLEMENTATION								
Planned output number in the HLAP for 2012-2013	Description	Target completion year	Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Status of output for Year 1	Status of output for Year 2	References
7.1.3.1	Reports on inadequacy of port reception facilities	Annual	MEPC	FSI		Ongoing		FSI 18/20, section 5
7.1.3.2	Follow-up to the implementation of the Action Plan on port reception facilities	2013	MEPC	FSI		Postponed		FSI 18/20, section 5
12.1.2.1	Collection and analysis of casualty and PSC data to identify trends and develop knowledge and risk-based recommendations	Continuous	MSC	FSI		Ongoing		FSI 20/19, sections 5 and 6
12.3.1.1	Guidance on the development of GISIS and on access to information	Continuous	MSC/MEPC	FSI		Ongoing		FSI 20/19, sections 3, 5, 6 and 18
12.3.1.2	PSC data collected and disseminated in cooperation with PSC regimes	Annual	MSC	FSI		Ongoing		FSI 20/19, section 6
13.0.2.1	Guidance for the Secretariat on the development of GISIS and on access of information	Continuous	MEPC	FSI		Ongoing		FSI 20/19, sections 3, 5, 6 and 18

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## ANNEX 11

### STATEMENT BY THE DELEGATION OF IRAN (ISLAMIC REPUBLIC OF) UNDER AGENDA ITEM 13

To our knowledge, the concept of Limitation of Liability in maritime trade sector has been basically to protect carriers from the consequences of "perils at sea" practised over a long period of time and, it was not extended internationally to other sectors of maritime field. Therefore, we don't think that, it would be appropriate to encourage an Administration to seek for any limitation of liability for any maritime service provider for any negligence or fault it had committed, which may cause some other parties to be disadvantaged.

Putting a pure legal footnote in a pure technical code would not only create a precedence but also, encourage other maritime service providers to seek for limiting their liabilities, which can open a Pandora's box, or even take us to an endless discussion, as we all know, there are many service providers active in shipping industry.

One may argue that, it is just a footnote and is not mandatory. That is true. But, this delegation is of the opinion that the implication of putting such reference in an international instrument can be multi-dimensional, for example, it may give an impression that, such things are recognized or at least recommended by an international organization.

We believe that, due to all these concerns, ambiguities and controversial issues, FSI is not an appropriate body to get involved in a very sensitive and purely legal issue and insert a legal text in a technical instrument. The long discussions that took place on first day of the meeting of FSI and further in working group without any consensus on the text proposed, itself brings about such conclusion.

In conclusion, this delegation respectfully requests the Sub-Committee to be cautious about this matter and propose that as a minimum, without taking an specific decision and providing recommendation to the MSC on one of two proposed texts in square-brackets, FSI requests the parent bodies to seek for the Legal Committee's opinion and advice; the Committee that has a great experience on different aspects of limitation of liability with legal experts all coming from different Member States with different legal systems. This matter is not urgent and, there is a well-established procedure for gaining the advice, in accordance with Guidelines on the organization and methods of the work of the Committees.

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