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IMO MEMBER STATE AUDIT SCHEME

Consolidated audit summary report

Note by the Secretary-General

SUMMARY

<i>Executive summary:</i>	In the annex to this document is the eighth consolidated audit summary report containing findings from four further audits
<i>Strategic direction:</i>	2
<i>High-level action:</i>	2.0.2
<i>Planned output:</i>	No related provisions
<i>Action to be taken:</i>	Paragraph 4
<i>Related documents:</i>	C 113/5 and resolution A.1067(28)

1 Pursuant to paragraph 7.4.3 of the Procedures for the Audit Scheme (resolution A.1067(28)), this document contains in the annex a consolidated audit summary report on four further audits.

2 The consolidated audit summary report, which is intended to facilitate the attainment of two of the objectives of the Scheme as contained in paragraphs 5.2.3 and 5.2.4 of the Scheme's Framework, has been developed to reflect the findings identified during audits, which in themselves provide valuable lessons for Member States and would enable the Organization to further consider the effectiveness and appropriateness of its legislation.

3 In respect of the attached report, the Council may wish to request the Maritime Safety Committee and the Marine Environment Protection Committee to consider the report and, in due course, to inform the Council of the outcome of their consideration.

Action requested of the Council

4 The Council is invited to take note of the information provided in this document and decide on the proposal in paragraph 3.

ANNEX

CONSOLIDATED AUDIT SUMMARY REPORT

INTRODUCTION

1 As required by paragraph 7.4.3 of the Procedures for the Audit Scheme (resolution A.1067(28)), this document is the eighth consolidated audit summary report of a further four audits that have been completed.

2 The report reflects the six categories of General (findings relating to strategy, organization and legal system, with the latter dealing mainly with the incorporation of mandatory IMO instruments into national law), flag State activities, port State activities, coastal State activities, areas of positive development and areas for further development, respectively.

3 The findings in this report are the non-conformities and observations identified during the audits carried out in accordance with the former Procedures (resolution A.974(24)), with each finding followed by a summary of the corrective action taken or proposed by the Member State. The root causes identified by the audited States for each finding have also been included.

4 The findings provide valuable lessons on the implementation and enforcement of the 10 mandatory IMO instruments covered by the Scheme at the time when audits were carried out. They also identify areas where States, in exercising their rights, meeting their obligations and discharging their responsibilities attendant to the applicable mandatory IMO instruments, have either fallen short in some areas or have encountered some difficulties in doing so. Areas of positive development reflect the strengths and, in some cases, novel ideas employed by States to effectively meet their obligations and responsibilities, which are presented as best practices.

5 In an effort to disseminate the lessons learned from audits, with a view to assisting Member States to enhance further their implementation and enforcement of mandatory IMO instruments and to inform the associated work of the relevant IMO bodies, the issuance of future consolidated audit summary reports will continue to be submitted either as Council or Assembly documents, as appropriate.

GENERAL

Non-conformities (NC)

6 The State has not reported any dispensations to the Organization (STCW Convention, article VIII(3)), Code, part 1, paragraph 7.3).

Corrective action

7 Procedures have been established for communicating to IMO any dispensation that has been granted. The procedures include a circular with reference to article VIII of the 1978 STCW Convention, defining the rules for issuing dispensations and requires the Administration to report annually to IMO. The deadline for completion is September 2014.

Root Cause

8 Adequate system to ensure verification of communication was not established at the national level.

NC

9 The State had not communicated mandatory reports under the MARPOL Convention to the Organization (MARPOL, articles 8(2)(6) and 4, 11 1(b) and (1)(d) and 12; Annex I, regulation 38; Annex II, regulation 18(5), Annex IV, regulation 12(2), Annex V, regulation 7(2), and Annex VI, regulation 17(3), Code, part 1, paragraph 7.3).

Corrective action

10 The maritime administration will analyse the current situation with regard to requirements of communication to IMO and formulate a method of action to ensure effective dissemination of information as required by the MARPOL, articles 8, 11 and 12; Annex I, regulation 38; Annex II, regulation 18; Annex IV, regulation 12; Annex V, regulation 7 and Annex VI, regulation 17. In addition, information in the relevant GISIS modules have presently been updated and will be kept up to date. The completion date for this action is 31 December 2014.

Root cause

11 There were limited procedures in place for the fulfilment of notification to IMO. **10413**

NC

12 There was no evidence that reports had been submitted to IMO of the text of national legislation that had been promulgated on the various matters within the scope of the mandatory IMO instruments (SOLAS 1974, article III(b); MARPOL, article 11(1)(a); Tonnage 1969, article 15(b); LL 1966, article 26(1)(b); STCW 1978, article IV(1)(a); Code, part 1, paragraph 7.3).

Corrective action

13 Procedures within the quality management system of the responsible government entity will be amended to clarify roles and responsibilities of reporting to IMO, which would include the full text of laws and national regulations that have been promulgated on the various matters within the scope of the mandatory IMO instruments. A dedicated person has been hired as a quality assurance officer who is responsible for drafting new procedures and another is being identified to be fully responsible for reporting requirements to the Organization. The deadline for completion of this corrective action is 15 April 2014.

Root Cause

14 Roles and responsibilities within the entity responsible for the promulgation of laws pertaining to IMO conventions were not clearly defined.

NC

15 There was no evidence that the State had incorporated all instruments to which it is a Party and related amendments into national legislation. This was evidenced by the fact that SOLAS PROT 1978 and LL PROT 1988 had not been incorporated into the State's national

legislation as it had been done with the other relevant mandatory IMO instruments through the enactment of the *International Maritime Organization Conventions Act of 2008*. Also, no evidence was provided for the case of recent amendments to the IMDG Code and to SOLAS 1974. In addition, there were no national regulations to provide a legal framework to conduct marine accident investigations in accordance with the relevant IMO conventions and the Casualty Investigation Code (SOLAS PROT 1978, article I(b); LL PROT 1988, article I(2); resolution MSC.294 (87); resolution MSC.288(87); resolution MSC.255(84); and Code, part 1, paragraphs 7 and 7.1).

Corrective action

16 The State is in the process of reviewing and preparing the necessary procedures and guidelines for the preparation of the required national legislation to incorporate all mandatory IMO instruments and their amendments to which the State is a Party, including a monitoring mechanism to identify future amendments SOLAS Protocol 1978 and LL Protocol 1988, as well as amendments to the IMDG Code and SOLAS 1974 will be included in the process. The State will also proceed to develop the legal framework to conduct marine accident investigations in accordance with the relevant IMO conventions and the Casualty Investigation Code. The deadline for completion of this corrective action is 15 July 2014.

Root cause

17 The State did not amend its *International Maritime Organization Conventions Act of 2008*, to include the latest amendments and protocols to IMO conventions as no oversight or compliance committee was in place to enact the amendments and ensure incorporation of same into the State's national legislation. **13361**

NC

18 It was established that the State had not incorporated into its national legislation the mandatory IMO instruments that it had ratified, including their amendments (SOLAS 1974, article I; STCW 1978, article I; LL 66, article 1; MARPOL, article 1; Code, part 1, paragraph 7).

Corrective Action

19 The maritime administration is currently taking steps to expedite the transposition of IMO instruments into national legislation. The deadline for the implementation of this corrective action is December 2015. As a mechanism for compliance with this requirement in the future, a system will be put in place to ensure systematic follow-up of new mandatory IMO instruments and amendments to existing ones and to monitor the date of their entry into force, in order to ensure their transposition into national legislation in a timely manner.

Root cause

20 A lack of resources in the Administration has delayed the updating of national legislation. Moreover, the frequency with which updates and amendments are made to IMO instruments imposes a heavy burden on the maritime administration, because under the State's legal system the process of ratifying a new convention or an amendment to an existing one takes a very long time.

NC

21 The mandatory requirements to notify the Organization had not been met as set out in several IMO instruments. It was also established that the State had no system in place to ensure that mandatory reports are sent to IMO (SOLAS 74, article III; SOLAS PROT 88, article III; MARPOL, article 11; LL 66, article 26; LL PROT 88, article III; Tonnage 1969, article 15).

Corrective Action

22 The maritime administration will establish a procedure for submitting reports to IMO in accordance with the provisions of the mandatory IMO instruments. Also, the reporting formats for the mandatory reporting system required under MARPOL, as featured in MEPC/Circ.318, will be incorporated into the procedural manual of the maritime administration. These corrective actions should be completed by December 2014.

Root cause

23 The maritime administration does not have a documented procedure for communicating reports to IMO as required by the IMO mandatory instruments. **27386**

Observations (OB)

24 The State did not have a comprehensive strategy for meeting its overall obligations and responsibilities contained in the mandatory IMO instruments to which it is a Party (Code, part 1, paragraph 3 and 9).

Corrective action

25 The State is in the process of developing a maritime policy, which will ultimately include a maritime strategy to give full and complete effect to the mandatory IMO instruments. The strategy will be implemented by 1 May 2015.

Root Cause

26 Insufficient guidance was available in the Code (resolution A.1054(27)).

OB

27 There was no objective evidence to establish that the State transposed and promulgated all amendments to mandatory IMO instruments into national legislation, which would give such amendments the force of law (Code, part 1, paragraph 7).

Corrective action

28 The primary legislation was not transposed or given full effect to the amendments of the mandatory IMO instruments. However, a gap analysis of the current Merchant Shipping Act will be conducted with the view to transpose all amendments to the mandatory IMO instruments into national legislation and their promulgation in an updated Merchant Shipping Act. The legislation to give full and complete effect to the STCW Convention are currently being developed. The deadline for completion of this corrective action is June 2015.

Root Cause

29 The present legislative system in place did not establish a mechanism to ensure that amendments to mandatory IMO instruments are expeditiously transposed into national legislation and promulgated. As a result, there was a lack of trained and experienced in-house maritime lawyers to keep track of changes to relevant IMO instruments and to update the Merchant Shipping Act.

OB

30 The State did not have an adequate number of 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 instruments (Code, part 1, paragraph 7.3).

Corrective action

31 The maritime administration has embarked on a programme of building capacity to provide personnel with adequate maritime expertise in conjunction with the World Maritime University and other maritime universities. The estimated time for completing this corrective action is June 2015.

Root Cause

32 There was a lack of adequate resources for employment of persons with maritime expertise. **10413**

OB

33 The State did not have an overall strategy for meeting its obligations and responsibilities contained in the mandatory IMO instruments to which it is a Party. This was evidenced by the lack of documentation setting out a common strategy for the entities that comprise the maritime administration (Code, part 1, paragraph 3).

Corrective action

34 The establishment of a maritime administration is a priority objective for relevant entities that are presently under separate Ministries and consideration is being given to having all maritime entities under one Ministry subject to the supervision of a maritime administration with respect to compliance with the mandatory IMO instruments. The maritime administration will be committed to and will participate in IMO activities, as well as carry out the review and verification of the implementation and enforcement of the mandatory IMO instruments. An organizational framework will be presented to the Minister of Finance, Minister of National Security and Minister of Transport and Ports for Parliamentary approval at a later date. While the re-organization of the maritime entities is in progress, each entity will delegate a representative to attend general meetings to discuss commitments to, and participation in, IMO activities, as well as discussion on other matters of common interest to the maritime administration of the country. The permanent representative to IMO shall provide regular reporting to the maritime administration, advising on new conventions to be ratified. The deadline for completion of this corrective action is 15 April 2016.

Root cause

35 The entity responsible for flag State activities was privately managed until June 2013. Thereafter, its administration and operations was assumed by the Government of the State, whereby it became a government entity within the Ministry of Finance. There was previously no requirement or means for this entity to become part of the maritime consortium of entities for the country. Since assumption of full control, the involvement of the shipping registry in all port and coastal activities, where required, is mandatory.

OB

36 The maritime administration had insufficient personnel with maritime expertise to assist in the promulgation of national legislation in order to discharge its responsibilities, including reporting, as required by the respective conventions. This was evidenced by the lack of reporting of national legislation to IMO, as well as not having incorporated into national legislation recent amendments to the mandatory IMO instruments. (Code, part 1, paragraph 7.3).

Corrective action

37 The maritime administration has reviewed the current staffing levels and qualifications required for relevant positions and which positions may require a level of maritime expertise to support the State's responsibilities, including reporting and implementation as required by the respective conventions. The position(s) will also assist in the promulgation and reporting of relevant national legislation. The Government is fully committed to investing the necessary resources and considerations to have current staff undertake professional training in maritime administration and policy, maritime law and technical training for selected individuals with the capacity to achieve higher advancement levels. The deadline for completion of this corrective action is 1 September 2015.

Root cause

38 Prior to assuming government control of the entity responsible for flag State activities, the previous managers of the registry relied on outsourcing of maritime and legal professional services from out-of-country technical experts and consultants. **13361**

OB

39 It was established that the State had not adopted any strategy for fulfilling its general obligations and responsibilities under the mandatory IMO instruments to which it is party. This conclusion is based on the lack of documents defining such a strategy, the fact that the success with which the State meets its international obligations had not been studied nor subjected to continuous verification, and that overall organizational performance and capability had not been measured (Code, part 1, paragraph 3).

Corrective Action

40 A study will be launched to put in place an overall maritime strategy. The study will aim for a strategy that will reflect the Administration's support for and participation in, IMO's activities, and will keep under review the verification, application and enforcement of mandatory IMO instruments. These actions will be taken by December 2015 at the latest. To ensure that this requirement is met continually in future, the Government will update the strategy as necessary and its application will be monitored and evaluated through regular meetings among the various departments in accordance with the procedure under the Ministry's general guidelines on performance.

Root cause

41 The obligations and responsibilities stated in the mandatory IMO instruments are shared among several departments. However, their scope does not extend to the effectiveness with which the State meets its obligations and responsibilities under the mandatory IMO instruments in general.

OB

42 Despite the fact that the maritime administration is currently putting in place an electronic records system, no evidence could be found of any document management procedure for retaining, storing, protecting or retrieving its records (Code, part 1, paragraph 10).

Corrective Action

43 A study will be launched with the aim of setting up an efficient documents management system covering all fields of operation and a documented procedure will be established to define the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records. These actions should be completed by December 2015.

Root cause

44 The maritime administration has not established a mechanism to ensure the traceability of records and the related documented procedure was not in place.

OB

45 It was established that the maritime administration did not have sufficient human resources to fulfil certain governmental responsibilities, in particular those relating to accident investigations and reports as required by the mandatory IMO instruments, verification of compliance with obligations deriving from those instruments through an independent audit and inspection programme, relevant interpretation of the requirements in the mandatory IMO instruments that the Administration must deem satisfactory or approve, and record-keeping (Code, part 1, paragraph 7.3).

Corrective Action

46 The ministry responsible for transport will analyse staff requirements. To ensure conformity with the mandatory requirements, the main focus will be on improving the skills of the existing staff. The necessary staff will be identified and individuals' roles and responsibilities will be regularly evaluated. The deadline for the implementation of this corrective action is December 2015. Personnel will regularly undertake training to improve the skills needed to fulfil their mandatory duties and tasks.

Root cause

47 Since the maritime administration does not have funding for a large staff complement, its objective is to strengthen the administrative capacities and efficiency of the various bodies while using the existing staff. However, the tasks and responsibilities of the maritime administration's staff and services, and also of its other bodies, have not been accurately defined. **27386**

FLAG STATE ACTIVITIES

Non-conformities (NC)

48 The Administration's responsibilities were delegated to ROs without providing them with all the necessary national laws, interpretations thereof or instructions giving effect to the provisions of the mandatory IMO instruments (SOLAS 1974, regulation XI-1/1, resolution A.739(18); Code, part 2, paragraph 18.4).

Corrective action

49 The Administration has reviewed and updated its maritime strategy and has communicated such strategy to the authorized ROs and all concerned. The Administration will also provide the ROs with all the appropriate instruments of national law and the interpretations thereof giving effect to the provisions of the conventions, or specify whether the Administration's standards go beyond the convention requirements. Procedures have been written, within the quality management system, to assign responsibility to the respective senior level technical Manager and related staff to ensure compliance with these new directives. Periodic evaluation measures have been detailed within the quality management system to determine full comprehension of the State's objectives and responsibility of all ROs to follow national laws as provided, interpretations thereof, or related instructions. The deadline for completion of this corrective action is 1 April 2014.

Root cause

50 The role of the technical manager in respect of the communication to all ROs was not clearly defined in the job description and, as a result, there were no clear directives on the need to provide the ROs with all the appropriate instruments of national law giving effect to the provisions of the conventions.

NC

51 The results of casualty investigation reports related to ships flying the flag of the State had not been notified to IMO (SOLAS 1974, regulation I/21(b); MARPOL, article 12(2); LL 1966, article 23; MSC.255(84); Code, part 2, paragraph 41).

Corrective action

52 The Administration has established a procedure and process to ensure the results of casualty investigations are reported in accordance with the relevant IMO conventions and the Casualty Investigation Code. This procedure and process includes written instructions for the completion of casualty investigation report forms. The standard operating procedures manual has been revised to include paragraph 4.13 on the matter. When a casualty investigation is completed, the report, when required by MSC-MEPC.3/Circ.4, will be communicated to IMO, within the required deadlines. The responsibility for submitting the report has been delegated to a technical support officer, although the ultimate responsibility will remain with the technical manager.

Root cause

53 The responsibility for communicating reportable casualty investigations to IMO was not clearly delegated to one person/position. **13361**

NC

54 Measures to control NOx emissions from marine diesel engines of greater than 130 kW output are not implemented for fishing vessels (MARPOL, Annex VI, regulation 13).

Corrective Action

55 As part of the modernization of the fishing fleet, every newly built ship is being equipped with a new-generation engine that meets the standards required by MARPOL, Annex VI. Concerning monitoring, the Marine Fisheries Department is working to draft formal procedures that will enable the maritime administration to monitor NOx standards, both in advance, during examination of the ship's technical documentation, as well as retrospectively, during commissioning and annual technical inspections. The deadline for implementation of this corrective action is December 2014.

Root cause

56 The Marine Fisheries Department does not have a documented procedure for monitoring NOx standards in accordance with the provisions in the mandatory instruments.

NC

57 Although ROs act within the framework of agreements undertaken in accordance with relevant IMO provisions, the Administration had not communicated to its ROs specific instructions for requirements deemed "to the satisfaction of the Administration", and have not examined nor verified the content of its ROs internal instructions that their inspectors use in conducting surveys of its ships and issuing them with certificates (SOLAS 1974, regulation XI-1/1; resolution A.739(18); Code, part 2, paragraphs 16.5 and 18.5).

Corrective Action

58 The Administration will take the necessary steps to distribute circulars, on a case-by-case basis, containing guidelines on how to interpret the expression "to the satisfaction of the Administration". The deadline for the implementation of this corrective action is December 2014.

Root cause

59 The absence of any legal basis for interpreting the expression "to the satisfaction of the Administration", as prescribed in various IMO mandatory instruments.

NC

60 The measures that are implemented in casualty investigations did not comply with the Casualty Investigation Code, especially regarding the independence and impartiality of investigators, including the decision to open an investigation, reporting relationship and publication of reports (SOLAS 1974, regulation XI-1/6; resolution MSC.255(84); Code, part 2, paragraphs 38, 39 and 41).

Corrective Action

61 The Administration is working to establish a clear distinction between inspectors conducting flag State inspections and those conducting safety investigations following an accident. Under the new provisions, inspectors conducting flag State inspections and those conducting safety investigations cannot be the same entity. A programme has also been put in place to recruit new inspectors of navigation and to create a dedicated accident investigation unit. The deadline for the implementation of this corrective action is January 2015.

Root cause

62 Some personnel have been authorized to conduct both flag State inspections and accident investigations, which places at risk the impartiality and objectivity of investigations. This situation is due to a lack of inspectors of navigation. **27386**

NC

63 The provisions of the Casualty Investigation Code (resolution MSC.255(84)) are not fully implemented. The provisions that are not met are:

- .1 not all very serious casualties have been investigated;
- .2 flag State inspectors involved in enforcement tasks could also be used for casualty investigation;
- .3 casualty investigation reports were not published; and
- .4 a systematic analysis of casualty investigations was not performed.

(SOLAS 1974, regulation XI-1/6, Casualty Investigation Code (resolution MSC.255(84), part II, paragraphs 6.1 and 6.2, 11.1 and 14.4; Code, part 1, paragraph 7, part 2, paragraphs 40, 41).

Corrective action

64 The authority responsible for investigation will complete its legal, logistics and human resources needs as soon as possible and correct the findings accordingly. There were already two new technical investigators appointed to the entity responsible for conducting casualty investigations. The date for the implementation of this corrective actions is the second quarter of 2015. The implementation of corrective action concerning this finding is already included in the performance targets of the concerned Ministry. The State will use its periodical performance evaluation system for continuous monitoring of the implementation of obligations regarding casualty investigations.

Root cause

65 As the entity for casualty investigation was recently established, its legislative, administrative, logistics and personnel resources needs were not yet fully obtained and realized. The entity was working with limited resources. **61054**

Observations (OBs)

66 The State did not ensure that flag State inspectors had a written minimum qualification requirement and a systematic and documented training programme for updating their knowledge (Code, part 2, paragraphs 27-36).

Corrective action

67 The Administration will ensure that all flag State inspectors are qualified and that they undergo training to continue updating their knowledge, appropriate to the tasks they are authorized to undertake. An internal procedure will be established to enable periodic evaluation of performance and a training programme for all inspectors will be prepared to develop capacity within the Administration. In addition, following the audit results, the Director has established periodic meetings of inspectors for the purpose of continuous professional updating as well as evaluation of training needs. The date for implementation of this corrective action is June 2015.

Root Cause

68 The Administration did not develop a national qualification standard and a systematic and documented training programme for updating the knowledge due to the fact that close attention was not paid to the available and applicable IMO standards.

OB

69 The State had no 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 flag States to issue the required certificates and relevant documentation (Code, part 2, paragraph 16.2).

Corrective action

70 The Administration will implement an independent internal audit and inspection programme with the aim of identifying and initiating actions for continual improvement and eliminate non-conformances. This process will be initiated in accordance with audit procedure manual and procedures for non-conformities, corrective and preventive action, currently used by the State administration. The date for implementation of this corrective action is September 2015.

Root cause

71 There was a lack of knowledge and awareness of available methodologies to promote quality and efficiency in the context of the services offered by an Administration. **10413**

OB

72 There was no evidence that the Administration had developed national guidelines concerning those requirements that are "to the satisfaction of the Administration" as found in relevant mandatory IMO instruments (Code, part 2, paragraph 16.5).

Corrective action

73 The Administration is in the process of developing its own national guidelines concerning those regulations that require the Administration to clearly define what is considered "to the satisfaction of the Administration". The procedures under the quality management system will be amended to utilize the system provided by the Registration of Merchant Ships Act for issuing Merchant Shipping Notices and Circulars, which contents state what is considered satisfactory by the Administration in regard to those areas left "to the satisfaction of Administration" in various mandatory IMO instruments. The deadline for completion of this corrective action is 1 October 2014.

Root cause

74 The State, in accordance with the Merchant Ships (Registration) Act of 2010, issued Merchant Marine Notices giving full effect to the provisions of the international conventions or instruments it is a Party to. However, the Administration accepted the minimum standards as developed by IMO and IACS as guidance, without developing a clear policy on those areas left "to the satisfaction of Administration" and without including related information in Merchant Marine Notices.

OB

75 The Administration did not have documented requirements for the qualification of casualty investigators (Code, part 2, paragraph 39).

Corrective action

76 The Administration has prepared documented qualification requirements for personnel responsible for, or performing surveys, inspections and audits of ships and companies covered by the relevant mandatory IMO instruments, as well as for casualty investigators.

Root cause

77 The Administration had delegated the setting of the requirements for the qualifications of casualty investigators to ROs.

OB

78 The Administration did not have a documented system in place for the continuous updating of flag State surveyors' knowledge (Code, part 2, paragraph 35).

Corrective action

79 The Administration has established a system to ensure the continuous updating of flag State surveyors' knowledge appropriate to the tasks they are authorized to undertake. Flag State surveyors' files are being reviewed and organized at Head Office to be accessible for continuous updating of the inspector's knowledge. The technical department will monitor individual flag State surveyors' files and recommend further training where required. Procedures under the quality management system have been written to address previous shortcomings in communication with flag State surveyors and to include periodical reporting on revised policies and circulars to enhance their knowledge of the activities of the

Administration. The necessary framework for the continuous training and updating is the responsibility of the technical manager and related technical support staff. The deadline for completion of this corrective action is 15 June 2014.

Root cause

80 The criteria and selection of flag State surveyors were in accordance with IMO guidelines and recommendations and surveyors were appointed only after careful evaluation accompanied by documentary evidence of qualifications and training. However, after initial approval, there was no established system to provide authorized flag State inspectors with updated information and training to enhance their knowledge of the policies and new conventions being ratified by the State.

OB

81 The Administration had not developed guidelines or procedures for evaluation, testing and approval of lifesaving appliances and arrangements, as well as for pilot transfer arrangements (Code, part 2, paragraph 15.1).

Corrective action

82 The Administration has developed guidelines and procedures for evaluation, testing and approval of life-saving appliances and arrangements as per SOLAS 1974, regulations III/4 and III/5. The guidelines have been implemented through the issuance of Notices to ROs, flag State surveyors and ship-owners/operators.

83 The Administration has developed guidelines and procedures for pilot transfer arrangements as per SOLAS 1974, regulation V/23 and resolution A.1045(27), which provides further recommendations for pilot transfer arrangements.

Root cause

84 The Administration believed that the responsibility for guidelines and procedures for evaluation, testing and approval of life-saving appliances and arrangements, as well as pilot transfer arrangements, rested with ROs and flag State surveyors. **13361**

OB

85 Although the maritime administration very recently published an implementation order that include among others regulations for the monitoring of ROs, it was not possible to confirm the monitoring in terms of conducting supplementary surveys by the maritime administration to ensure organizations recognized by them are in full compliance with the provisions of the mandatory instruments referred to in the Code (Code, part 2, paragraphs 20.1 and 20.2).

Corrective action

86 Related existing regulations will be amended and new implementation orders to conduct supplementary surveys will be issued, as necessary. In order to achieve a more effective monitoring of ROs, implementation will be closely monitored by the responsible department and records will be kept. The date for implementation of this corrective action is the first quarter of 2015. The implementation of corrective actions concerning this issue is also stated in the performance targets of the concerned Ministry. The State will use its periodical performance evaluation system to continuously monitor the implementation of obligations regarding monitoring of ROs.

Root Cause

87 As the performance of ships entitled to fly the flag of the State are continuously on the rise around the world, and RO performances are within acceptable limits, it was regarded as "pre-departure surveys" and annual RO audits were sufficient for the monitoring of ROs. This issue was identified and the related "Implementation Order" was issued recently before the audit. Implementation has already started for the monitoring of ROs during supplementary surveys. **61054**

PORT STATE ACTIVITIES

Non-conformities (NC)

88 There were no reception facilities available at the State's ports (MARPOL, regulations I/38, II/18, IV/12, V/7 and VI/17).

Corrective action

89 The responsible entity has passed a resolution to initiate the process of addressing the non-conformity with regards to waste reception facilities. The resolution indicated that the recommendation for a decision by the Cabinet regarding the establishment of waste reception facilities shall be derived from extensive consultation through all relevant national and regional entities to arrive at a national and regional solution. The resolution requires the entity responsible for port State activities, to conduct these consultations within the fiscal year April 2014 to March 2015, in order to provide an informed recommendation for the Minister to present his findings to Cabinet on or before 31 March 2015. The deadline for completion of this corrective action is 15 May 2015.

Root cause

90 The necessary consultations have not been conducted to make the appropriate recommendations; therefore, the physical infrastructure has yet to be established. **13361**

Observations (OBs)

91 The maritime administration did not have PSC officers with appropriate qualifications and seagoing experience on ships to which the mandatory IMO instruments are applicable (Code, part 4, paragraph 56; resolution A.1052(27)).

Corrective action

92 The Board of Directors has taken note of the observation and has directed that PSC officers commence the relevant training immediately, and also approved an extended plan to continue the formal training and development of an appropriate level of seagoing experience. Two officers commenced training for the Diploma in marine surveying in January 2014, with a maritime academy. The deadline for completion of this corrective action is 1 December 2015.

Root cause

93 Short-term courses were provided to quickly build capacity, but no long-term certification training was provided.

OB

94 There was no system in place for the State to periodically evaluate its performance in respect of exercising its rights and meeting its obligations under the mandatory IMO instruments (Code, part 4, paragraph 58).

Corrective action

95 The entity responsible for port State activities will establish and document a system to correct this observation and implement the necessary framework within the organization to evaluate its performance in order to determine whether the State meets its obligations as per the mandatory IMO instruments. The deadline for completion of this correction action is 15 September 2014.

Root cause

96 The entity responsible for port State activities, as a regulatory agency, has been in its formative stages, and has not yet developed full technical capacity. A quality management system, staffing and staff competencies are identified as urgent issues which need to be addressed and resolved. **13361**

COASTAL STATE ACTIVITIES

Non-conformities (NCs)

None

Observations (OBs)

97 Despite the fact that the Oil Spill Contingency Plan had been drafted and implemented, it had not been officially approved (Code, part 3, paragraph 48.2).

Corrective action

98 The Oil Spill Contingency Plan had been implemented by agencies responsible for coastal State activities and the maritime administration is committed to the immediate review and official approval of the Plan. The first consultative meeting is scheduled for March 2014. The deadline for completion of this corrective action is 5 September 2014.

Root cause

99 The necessary consultative work was not concluded with all the agencies with direct responsibilities and other stakeholders, in order to pass the necessary legislation by the National Assembly. **13361**

AREAS OF POSITIVE DEVELOPMENT

Best practices

100 The LRIT system is used to track ships entitled to fly the flag of the State for a number of purposes including where to carry-out flag State inspections. (flag State obligations)

101 The State's unique system regarding seafarers can be used by an external third party organization to verify the authenticity of a seafarer certificate issued by the maritime administration. The system can be used anonymously but the person entering the details of

the certificate must be in possession of sufficient information in order to receive a response from the system. The system does not display details of seafarer's certificates if the third party does not possess the minimum amount of correct information, for security reasons. (flag State obligations) **10413**

Other areas of positive development

102 A draft national maritime policy has been developed. This could be used a foundation for an overall maritime strategy. (general obligations)

103 Recordkeeping of seaman's documents are well stored, protected and easily retrieved when required. The personnel assigned to those duties are well versed with the subject matter and the documents are well secured. Furthermore, an electronic database is being developed to maintain records and to comply with the Manila 2010, requirements. (flag State obligations)

104 The State is very active in organizing training in all fields of maritime related activities. The training is not only beneficial for the State but also for the region. (general obligations) **10413**

105 The Administration has implemented a certified quality management system which helps provide a quality customer service, establish a quality culture among its employees and continuously improve its procedures. (general obligations)

106 In addition to hard copy records, the Administration has a paperless record keeping system, which stores relevant documentation in electronic format, improving storing and data retrieval in a timely and secure manner. (flag State obligations)

107 The Coast Guard has a working fleet of high speed vessels and forward operating bases that allows for a maximum one-hour response time at any location in the State's coastal waters where safety or security assistance may be required. (coastal State obligations)

108 The three entities that form the State's maritime administration have improved their communication and coordination in terms of their shared responsibilities for flag, coastal and port State matters. (general obligations) **13361**

109 The entity responsible for ports and public maritime domain is listening to maritime users' opinions and building six new lighthouses in order to provide greater maritime safety for fishermen. (port State obligations)

110 The entity responsible for ports and public maritime demesne is conducting a study, which involves analysing the possibilities for producing a maritime atlas mapping the State's coastline. (coastal State obligations)

111 All flag State inspectors have either the basic deep-sea captain qualification or are certificated class 1 chief engineers. (flag State obligations)

112 The maritime traffic monitoring centre has fully trained staff for the provision of vessel traffic services and also highly effective equipment. (coastal State obligations)

113 Ship operation transit planning, which concerns preparation and planning for peak passenger times during the summer season and which involves several ministerial departments, is well advanced and helps prevent marine accidents. (flag, port and coastal State obligations) **27386**

114 The strategy for the implementation of IMO instruments was developed in consultation and close cooperation among all entities concerned and it was known to various persons that were interviewed on this issue on a random basis. The strategy was also on display in various government offices visited during the audit. (general obligations)

115 It was noted that the State systematically identify and administer its record-keeping system, evaluation and review of performance. The State has established a unique system, which is the central component and a good example for many databases that have been established. (general State obligations)

116 The State approaches proactively to maritime safety issues with demands beyond the requirement of the instruments covered by the Code. It is noted that the State addresses relevant key safety issues and identifies priority areas for the maritime administration. It may be noted that in implementation of the ISM Code, additional requirements for the approval of DPAs can be considered as an example of good practice in this respect. (flag State obligations)

117 The State requires ships entitled to fly its flag to undergo preparatory surveys before leaving its ports. This proactive system proved to be useful as the performance of ships entitled to fly the flag of the State has improved over the last eight years in various PSC regimes. As a flag State it had moved from the black to the grey list of the regional MoU on PSC in 2006 and is now on the white list since 2008. (flag State obligations)

118 The maritime administration implements a systematic, formal and periodical technical training system for all technical personnel of the administration. The system consists of basic and refresher trainings and 385 officers and other personnel are recorded in the system so far. (flag State obligations)

119 The State has in place a unique integrated system for the administration and monitoring of the functioning of the AtoN, which can be considered as an example of good practice. (coastal State obligations)

120 The national emergency response centre with training and research capabilities as well as the risk based distribution of emergency response material are examples of good practice. (coastal State obligations) **61054**

AREAS FOR FURTHER DEVELOPMENT

121 SAR activities lack dedicated resources and have to rely on merchant ships and aid from other neighbouring States. (coastal State obligations)

122 The maritime administration should consider recruiting additional staff in order to effectively discharge their responsibilities and obligations as a flag, port and coastal State. (general State obligations)

123 The maritime administration should consider establishing procedures for a complete oversight programme or audit of ROs. (flag State obligations)

124 The State should consider developing adequate secondary legislations (regulations) in support of the primary legislation (Merchant Shipping Act), so it could give full effect to the mandatory IMO instruments, e.g. COLREG 72, as amended. (general State obligations)

125 The State should consider updating its national legislation for PSC inspections i.e. the Merchant Shipping (Port State Control) Regulations No 34 of 2008, as they were not

found to be in line with the present IMO resolution (A.1052(27)), but with the previous resolution, A.787(19). (general obligations)

126 The State should consider expanding the current quality management system to include port and coastal State activities. (general State obligations)

127 The maritime administration should consider recruiting permanent staff with legal backgrounds to make sure that new and updated instruments are timely incorporated into national legislation. (general obligations)

128 The maritime administration should consider improving the service of waste management in their ports, in particular, the capability of each port reception facility through a systematic assessment process. (port State obligations) **10413**

129 The flag State surveyor's job description should be reviewed in order to ensure that no surveyor performs casualty investigations on ships that have been previously surveyed by them, as this could compromise the impartiality and objectivity of any investigation. (flag State obligations)

130 The ship boarding form currently used by the Coast Guard could be improved by including a checklist covering basic safety aspects required for ships navigating in the State's waters, such as lifesaving and radio communication equipment. (coastal State obligations)

131 LRIT capabilities, which are currently being exclusively used by the Administration, could be shared with entities involved in implementation and enforcement of coastal State responsibilities, for maritime safety and security purposes. (flag and coastal State obligations)

132 The Administration should issue general guidelines and/or criteria, to be included in their quality management system, for the decision-making process of various enforcement actions to be adopted during the periodic performance appraisal of ships. (flag State obligations) **13361**

133 A1 coverage of the State's coast, as well as broadcasting weather forecasts and maritime safety warnings in the national language, should be considered in order to improve safety for fishing vessels using this area. (coastal State obligations)

134 The maritime administration should put in place a quality management system. (general obligations) **27386**

135 It was noted that a large number of guidelines and circulars were adopted only in recent weeks and days before the audit. The maritime administration may also reconsider the way in which new or revised orders and circulars are announced to stakeholders in the maritime community. It was noted also that, so far, all stakeholders, such as ROs, are requested to check the websites of the ministries frequently. It would be worthwhile to consider additional communication options, such as simple email alerts when new or revised regulations, guidelines etc. become available, which may help to inform all stakeholders in a more efficient way. (general obligations)

136 In light of the importance of the State as a major cruise line destination and also considering the large number of passenger ships calling its ports, it would be worthwhile to consider if the SAR exercises with passenger ships other than just communication exercises could be another area for special attention and requirements. (coastal State obligations)

137 Publication of accident reports, which so far is not done, should be considered, as well as the systematic evaluation of accident trends with the help of databases etc. This is specifically related to the human element contribution in maritime accidents that so far is not systematically evaluated. (flag State obligations) **61054**
