

COUNCIL  
113th session  
Agenda item 1

C 113/WP.1/Add.1  
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**DRAFT SUMMARY OF DECISIONS  
(continued)**

**5 IMO MEMBER STATE AUDIT SCHEME (agenda item 5)**

5.1 The Council noted the information set out in documents C 113/5, C 113/5/1, C 113/5/2, C 113/5/3 (submitted by Islamic Republic of Iran) and C 113/5/4 (submitted by United Kingdom and United States), as well as that provided orally by the Secretary-General and the delegation of the United Kingdom, on the IMO Member State Audit Scheme, on the institutionalization of the Scheme and comments and proposals related thereto.

5.2 With respect to document C 113/5, containing an updated report on progress made in the implementation of the Audit Scheme since its 112th session, the Council noted the information provided in this document, in particular:

- (i) that 86 Member States have so far volunteered for audit, representing 50% of the Membership of the Organization and that 71 audits have been conducted, which include 63 Member States, two Associate Members, five dependent territories and a second audit of a Member State; and
- (ii) that no additional audits could be accommodated before the start of mandatory audits in 2016.

5.3 The Council also encouraged Member States to nominate those individuals trained as IMSAS auditors, taking into account the criteria established in the Procedures for the Scheme, which also include demonstrable auditing skills and techniques.

5.4 With regard to document C 113/5/2 containing the eighth consolidated audit summary report, the Council noted the document and requested the Maritime Safety Committee and the Marine Environment Protection Committee to consider the report annexed to the document and advise the Council, in due course, of the outcome of their consideration.

5.5 With respect to documents C 113/5/1, C 113/5/3 and C 113/5/4, setting out policy issues for the implementation of audits, the Council:

- (i) endorsed the postponement of the audits of Guinea Bissau, Bosnia and Herzegovina, Nepal and Somalia; and
- (ii) agreed on the policy that shortfalls in the number of audits in any given year should be compensated for by Member States that are scheduled to be audited in succeeding years, volunteering to be audited, recognizing that the Secretariat will need to manage audit resources and workload accordingly.

5.6 With regard to proposals contained in document C 113/5/4, paragraph 12 on a policy for assessing and addressing a possible shortfall in the audit schedule, the Council:

- (i) agreed that for the purposes of planning and executing audit work, the Secretariat should have a fixed audit schedule for the forthcoming calendar year, finalized a minimum of six months before the calendar year commences or for the biennium;
- (ii) agreed that "audited at short notice" means a minimum of six months between notification by the Secretary-General of the intention to audit and the audit commencing;
- (iii) agreed that the Secretary-General should invite Member States that are scheduled to be audited in succeeding years and that are willing to be audited at short notice to notify IMO and specify the preferred period of time for audit notice;
- (iv) reaffirmed, in accordance with paragraph 4.1.1.3 of the Procedures, that the Secretary-General should bring to the attention of the Council, for its approval, those Member States who have advised the Secretary-General that they are not available for audit due to extraordinary circumstances;

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- (v) agreed that the Secretary-General should also bring to the attention of the Council those Member States that he deems unreasonable to audit due to exceptional circumstances which may arise or that they are not resource justifiable (e.g. have not ratified any of the relevant IMO instruments) for the audit to be undertaken;
  - (vi) agreed that if the Council endorsed the proposal from the Secretary-General to postpone those Member States referred to the Council, the Council should request the Secretary-General to invite Member States who have notified IMO that they are prepared to be audited at short notice, to be audited; and
  - (vii) agreed that Member States should be invited to be audited in the chronological order in which they had notified IMO that they were willing to be audited at short notice, with priority given to those that had previously volunteered but were not audited under VIMSAS.

5.7 The Council did not agree with the proposal contained in document C 113/5/4, paragraph 15, to consider the request for technical assistance by a Member State in the scope of the audit and findings from an audit.

**Reference documents:** C 113/5, C 113/5/1, C 113/5/2, C 113/5/3, C 113/5/4; resolutions A.1067(28) and A.1068(28); C 112/D and C 112/INF.3

**Audio file:** Tuesday, 2 December 2014: p.m.  
Thursday, 4 December 2014: a.m.

## **11 PERIODIC REVIEW OF ADMINISTRATIVE REQUIREMENTS IN MANDATORY IMO INSTRUMENTS (agenda item 11)**

11.1 The Council noted the information set out in documents C 113/11, C 113/INF.2 and C 113/INF.3, as well as that provided orally by the Chairman of the Ad Hoc Steering Group for Reducing Administrative Requirements (SG-RAR) and the Secretary-General containing the final report of SG-RAR and a set of recommendations, a selection of illustrative general comments on reduction of administrative burdens and the general results of the process of the public consultation on the reduction of administrative requirements, respectively.

11.2 With respect to document C 113/11, the Council noted the general results of the public consultation contained in paragraph 3 and appendices 4 to 8 of the annex to the document, and requested the Secretary-General to develop a draft Assembly resolution for further consideration by the Council to reflect the relevant outcomes of the consultation.

11.3 In particular, with respect to recommendations 1, 3, 4, 5 and 7 on e-solutions that could alleviate administrative burdens:

**Recommendation 1:** *the Organization ensures that all the present and future administrative requirements to provide information (both to and from IMO) could be fulfilled by electronic means*

- (i) the Council noted that the Organization had already taken action on this recommendation through resolution A.1074(28) but that the proposed draft resolution could also include a reference to A.1074(28) in order to place emphasis on this recommendation;

**Recommendation 3:** *the Organization – as a matter of priority – sets a clear policy target for universal acceptance of electronic certificates and similar documents as a full alternative to paper versions*

- (ii) the Council supported this recommendation and decided to include this recommendation in the proposed draft resolution, as well as to take into account implementation and enforcement criteria and security protocols;

**Recommendation 4:** *the Organization – as a matter of priority – sets a clear policy target for universal acceptance of electronic recording of information as a full alternative to paper versions*

- (iii) the Council supported this recommendation and decided to include this recommendation in the proposed draft resolution, as well as to take into account implementation and enforcement criteria and security protocols;

**Recommendation 5:** *to encourage the responsible committees to review the pertinent administrative requirements in appendix 7 – and similar requirements in appendices 5 and 6 – with a view to universal acceptance of electronic versions of documents for fulfilling present requirements for the carriage of documents*

- (iv) the Council supported this recommendation and decided to transmit this recommendation to the relevant committees for review and thereafter to report back to a future session of the Council;

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**Recommendation 7:** *to encourage the responsible committees to review the pertinent administrative requirements in appendix 7 – and possible similar requirements in appendices 5 and 6 – with a view to universal acceptance of electronic or software solutions for fulfilling present other types of administrative requirements*

- (v) the Council supported this recommendation and decided to transmit this recommendation to the relevant committees for review and thereafter to report back to a future session of the Council.

11.4 With regard to recommendations 9 to 13 concerning the wider issue of better regulation:

**Recommendation 9:** *take account of the possible impact of an accumulation of administrative requirements, in particular in the consideration of proposals for developing new, or amending existing, mandatory instruments; and to continuously take account of such possible impact in developing new, or amending existing, mandatory instruments*

- (i) the Council supported this recommendation and decided to forward this recommendation to the relevant committees to raise awareness about the issue and also to include this recommendation in the proposed draft resolution;

**Recommendation 10:** *to take account of the possible indirect impact of non-mandatory instruments in the consideration of proposals for developing new, or amending existing, non-mandatory instruments; to continuously take account of such possible indirect impact in developing new, or amending existing, non-mandatory instruments; and to periodically review non-mandatory instruments from a perspective of such possible indirect impact.*

- (ii) the Council supported this recommendation and decided to forward this recommendation to the relevant committees to be adopted as part of their work, except for the recommendation "to periodically review non-mandatory instruments from a perspective of such possible indirect impact", which the Council decided to hold in abeyance for the time being;

**Recommendation 11:** *the Council develops a draft Assembly resolution – for adoption by the twenty-ninth Assembly – establishing a systematic approach to better regulation under the coordination of the Council.*

- (iii) the Council supported this recommendation and decided to include this recommendation in the proposed draft resolution;

**Recommendation 12:** *any review of measures takes account of the following practical principles and criteria:*

- .1 *ensure to avoid traditionalism, by considering (a) alternatives for regulatory instruments; and (b) possibilities for goal/function-driven requirements;*
  - .2 *ensure that existing regulations are not simply converted into new instruments without proper consideration of their purpose, adequacy, effectiveness and relevance;*
  - .3 *ensure that IMO regulations – where possible and appropriate – offer flexibility for fulfilling administrative requirements, with a view to driving change towards the use of modern technology;*
  - .4 *ensure the need for regulatory instruments in view of industry standards or common practices;*
  - .5 *ensure that articles or regulations that by nature expire are not unnecessarily kept alive by the instrument; consider introducing a mechanism for the removal of such expired provisions; and*
  - .6 *ensure the harmonization and alignment and consider possibilities for integration of similarities and commonalities in the regulatory framework, not only within a specific instrument but also across the various instruments (paragraph 5.8)*
- (iv) the Council agreed with this recommendation in general but recognized the need for it to be further developed and looked forward to submissions from Member States for consideration at C 114;

**Recommendation 13:** *The SG-RAR recommends that the Council considers amending the Guidelines on the application of the Strategic Plan and the High-level Action Plan with a view to:*

- .1 *ensure a strict application by the committees of the Checklist for Identifying Administrative Requirements and Burdens before approving proposals for developing new, or amending existing, mandatory instruments, in order to ascertain that administrative requirements resulting from such proposals are minimized to the greatest extent possible;*
- .2 *encourage that the committees, when considering proposals for developing new, or amending existing, mandatory instruments, also evaluate the cumulative impact of administrative requirements resulting from such proposals; and*
- .3 *ensure that proposals for developing new, or amending existing, mandatory instruments include possible electronic solutions for fulfilling resulting administrative requirements.*

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- (v) the Council agreed, with regard to the Steering Group's proposals on the amendments, to take this recommendation under consideration in line with its decision related to document C 113/3/6 on the review of the *Guidelines on the application of the Strategic Plan and the High-level Action Plan*.

**Recommendation 2:** *the Organization – as a matter of priority – establishes and develops a fundamental vision and policy concerning its role and responsibility as host of an internationally trusted web-based information portal, including (a) functional architecture for the entry, storage and retrieval of information and data; (b) practical and efficient use; and (c) development and maintenance of such a portal.*

11.5 With regard to recommendation 2, the Council requested the Secretariat to provide further information in order to better assess the implications of this recommendation.

**Recommendation 6:** *to encourage the responsible committees to review the pertinent administrative requirements in appendix 7 – and similar requirements in appendix 6 – with a view to introduce an electronic and unified "single window approach" for fulfilling present requirements for multiple reporting.*

11.6 With regard to recommendation 6, the Council supported this recommendation and agreed to forward the pertinent administrative requirements to the relevant committees for review.

**Recommendation 8:** *the Council takes due note of the stakeholder's concerns about the regulatory framework for maritime security and takes action as it may deem appropriate; and that the Council considers requesting the relevant committee to ensure that actions are taken to remind users of the reasoning for the introduction of the ISPS Code.*

11.7 With respect to recommendation 8, the Council supported this recommendation and requested MSC to consider it further.

11.8 With regard to the recommendations on future work on reducing administrative burdens (annex, paragraphs 6.2 and 6.3 of the document), the Council:

- (i) agreed to invite the committees to consider the matter of how to proceed with the outcome of the Steering Group's work during their meetings in 2015 with a view to develop appropriate outputs to be included in the High-level Action Plan for 2016-2017; and

- (ii) with respect to the review of Strategic Direction 8 in the Organization's Strategic Plan, the Council invited Member States to put forward proposals in connection with the next Strategic Plan, to C 114 for further consideration.

11.9 The Council noted the SG-RAR's views on critical success factors for future consultations considering them important for any future activities to be undertaken.

11.10 The Council approved the report of the Ad Hoc Steering Group for Reducing Administrative Requirements in general, approved the final report and expressed its sincere appreciation to the Steering Group ably led by Mr. Polderman for their work; and to all those that took part in the public consultation.

**Reference documents:** C 113/11, C 113/INF.2 and C 113/INF.3; resolution A.1043(27), C 108/D; C 109/D; C 110/D; C/ES.27/D; A 28/D and C 112/D

**Audio file:** Wednesday, 3 December 2014: a.m. and p.m.  
Thursday, 4 December 2014: a.m.

### **13 REPORT ON THE STATUS OF THE CONVENTION AND MEMBERSHIP OF THE ORGANIZATION (agenda item 13)**

13.1 The Council noted the information contained in document C 113/13 and that provided orally by the Secretary-General on the status of the IMO Convention and membership of the Organization.

13.2 The Council supported the Secretary-General in his efforts to make IMO more widely known and to ensure that it maintained its deserved position in the global maritime community; and further encouraged him to continue to assist all Member States, particularly developing countries, to participate fully and effectively in the work of the Organization.

**Reference documents:** C 113/13 and C 113/16

**Audio file:** Thursday, 4 December 2014: a.m.



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**14 REPORT ON THE STATUS OF CONVENTIONS AND OTHER MULTILATERAL INSTRUMENTS IN RESPECT OF WHICH THE ORGANIZATION PERFORMS FUNCTIONS (agenda item 14)**

14.1 The Council noted the information contained in documents C 113/14 and its addendum, as well as that provided orally by the Secretary-General on the status of conventions and other multilateral instruments in respect of which the Organization performs functions.

14.2 The Council welcomed the news that the Nairobi Wreck Removal Convention, which has met its entry-into-force requirement, will come into force on 14 April 2015.

14.3 The Council endorsed and supported the Secretary-General's continuing efforts to encourage Governments to consider ratifying those IMO conventions to which they are not yet parties.

14.4 The Council encouraged Governments to ratify, in particular, the 2004 Ballast Water Management Convention, the 2009 Hong Kong Ship Recycling Convention, the 2010 HNS Protocol and the 2012 Cape Town Agreement, to enable them to enter into force as soon as possible.

14.5 The Council further endorsed the Secretary-General's remarks concerning the need for Governments to complement the international legal framework of instruments established by IMO with timely ratification, early entry into force and widespread and effective implementation thereafter and would wish him to communicate with Governments that have not yet ratified IMO treaties, encouraging and assisting them to accept and implement them at their earliest convenience, in accordance with the current World Maritime day theme, "IMO conventions: effective implementation".

**Reference documents:** C 113/14 and addendum

**Audio file:** Thursday, 4 December 2014: a.m.

## **15 CONTRACT OF THE SECRETARY-GENERAL**

15.1 The Council noted the information contained in documents C 113/15 and C 113/15/1, as well as that provided orally by the Chairman and the Secretary-General on the contract of the Secretary-General, and on practices and procedures for the appointment of the next Secretary-General, respectively.

15.2 With regard to document C 113/15, the Council expressed its full support and respect for the Secretary-General's decision not to seek reappointment for a further term owing to personal reasons. The Council also expressed its appreciation for the Secretary-General's contribution to the work of the Organization over many years; looked forward to his continued leadership in 2015; and wished the Secretary-General and his family well.

15.3 With regard to document C 113/15/1, the Council approved the procedures described therein.

**Reference documents:** C 113/15, C 113/15/1; C 88/27(b) and C 89/D, paragraph 29(b).1

**Audio file:** Thursday, 4 December 2014: a.m.

## **16 SUBSTANTIVE ITEMS FOR INCLUSION IN THE PROVISIONAL AGENDAS FOR THE NEXT TWO SESSIONS OF THE COUNCIL**

16.1 The Council noted the information contained in documents C 113/16 and C 113/WP.3, as well as that provided orally by the Chairman and the Secretary-General, proposing substantive items for inclusion in the provisional agendas for the 114th regular and twenty-eighth extraordinary sessions of the Council, including terms of reference for the Working Group on the development of a new Strategic Plan, as well as the re-establishment of the correspondence group on the revision of the Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization.

16.2 With respect to the Working Group on the development of a new Strategic Plan (paragraph 3.2(iii) of this document refers), the Council:

- (i) decided to establish a working group the week before C 114 to advance work on a new Strategic Plan with terms of reference as set out in paragraph 1 of document C113/WP.3;
- (ii) invited Member States to submit comments and proposals to the working group and Council, and requested the Secretary-General to invite all Member States and IGOs and NGOs in consultative status to fully participate in the working group;
- (iii) requested the Secretariat, working with the external consultant, dependant on the necessary financial contributions, to submit relevant information on how to structure the process for a new Strategic Plan for consideration of the working group; and
- (iv) expressed its appreciation to the Government of Australia for its offer to contribute AUS \$30,000 for the continuing support of the external consultant.

16.3 The Council decided to the re-establishment of the correspondence group with the terms of reference set out in paragraphs 2 and 3 of document C 113/WP.3.

16.4 With regard to the agenda item on periodic review of administrative requirements in mandatory IMO instruments, in document C 113/16, the Council agreed to delete the square brackets and include it in the agenda for the next session of the Council.

16.5 The Council agreed to the addition of an agenda item after "Appointment of the Secretary-General" to read "Appreciation of the services to the Organization of Mr. K. Sekimizu" and that the adoption of the agenda would take place at the beginning of each session, as per the usual practice.

16.6 The Council also agreed to five days for the 114th regular session and two days for the twenty-eighth extraordinary session with full interpretation.

**Reference documents:** C 113/16 and C 113/WP.3

**Audio file:** Thursday, 4 December 2014: a.m.

**17 PLACE, DATE AND DURATION OF THE NEXT SESSION OF THE COUNCIL**

17.1 The Council noted the information contained in document C 112/17, and that provided orally by the Secretary-General on the arrangements for its 114th session.

17.2 The Council agreed that its 114th session will be held at IMO Headquarters from 29 June to 3 July 2015.

17.3 With regard to interpretation requirements, the Council decided that budgetary provision be made for ten plenary sessions with full interpretation.

**Reference document:** C 113/17

**Audio file:** Thursday, 4 December 2014: a.m.

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