



COUNCIL
90th session
Agenda item 15

C 90/15/1
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PROPOSED IMO MODEL AUDIT SCHEME

Note by Spain

SUMMARY

- Executive summary:** Spain proposes that the IMO Model Audit Scheme for flag States should be mandatory, and that the results of the audit should be accessible to the public.
- Action to be taken:** Paragraph 8
- Related documents:** C 89/13, C 89/13.Add.1, C 88/13/2, C 89/13/3, C 89/INF.3

1 At its eighty-eighth session, the Council approved the concept of a voluntary IMO Model Audit Scheme on the basis of a proposal made by various countries, including Spain, in document C 88/13/2.

2 At the inaugural meeting of the Council's eighty-ninth session and during the debates at MSC 76 following the accident to the tanker **Prestige**, Spain stressed the need for speedy introduction of an IMO Model Audit Scheme that would be mandatory in character.

3 The accident to the **Prestige** has led us to reflect, *inter alia*, on the effectiveness of a voluntary Audit Scheme for flag States when the results are not made public.

4 If in fact one of the principal objectives of an IMO Model Audit must be to offer recommendations and guidance to flag States in implementing IMO's standards, recommended practices and related procedures, another principal objective must be to determine the degree of compliance of flag States with those standards and recommended practices and their effectiveness in implementing them.

5 Flag States do not always adopt all the measures necessary to ensure compliance with the provisions of Regulation 6(e) of Chapter I of SOLAS 74/78 and its amendments. Thus, while other interests related to the ship and its cargo (the owner, the shipper, the underwriter, the Classification Society, the relevant international compensation regime, etc.) and especially the coastal State of the area where the accident took place, assume heavy responsibilities and economic costs, the flag State remains exempt from any cost or responsibility.

6 In the light of the above, and in the light of the fact that the black lists of the various Memoranda of Understanding on port State control are, with a few minor differences, the same from year to year, Spain considers that flag States whose ships are engaged on international voyages must submit to an IMO audit process in order to determine the extent of their

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implementation of, and compliance with, the requirements of IMO's mandatory instruments; to verify the level of their implementation of the related recommended practices, especially those concerned with questions of maritime safety, marine environment protection and prevention of marine pollution by ships; and, on that basis, adopt appropriate measures.

7 Moreover, the case of ICAO has shown that, in face of the need to increase the security of civil aviation, the voluntary mandate of the audit programme adopted in 1995 was changed, and in its place regular and mandatory audits carried out by ICAO itself were introduced from 1997. Considering IMO's delay in tackling this question, and in the light of ICAO's experience, there are good grounds for considering that the Model Audit Scheme being developed by IMO should be mandatory, allowing for any stages of adjustment that may be considered necessary during which the model can be tried out for a certain period on a voluntary basis.

Action requested of the Council

8 In the light of the above, Spain considers that there is need for the IMO Model Audit Scheme to be developed and introduced as soon as possible, and proposes that the Council approve:

- .1 that the IMO Model Audit Scheme should be developed **on a mandatory basis** for all flag States whose ships are engaged on international voyages, and
- .2 that the results of the audits should be **made public** via IMO or other information systems (e.g. EQUASIS).