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COUNCIL
102nd session
Agenda item 6

C 102/6/3
28 May 2009
Original: ENGLISH

VOLUNTARY IMO MEMBER STATE AUDIT SCHEME

Danish experiences regarding the Voluntary IMO Member State Audit Scheme

Submitted by Denmark

SUMMARY

<i>Executive summary:</i>	This document contains information on the Danish experiences gained from the Voluntary IMO Member State Audit carried out in Denmark in September 2006.
<i>Strategic direction:</i>	2
<i>High-level action:</i>	2.2.2
<i>Planned output:</i>	2.2.1.3 and 2.2.1.4
<i>Action to be taken:</i>	Paragraph 19
<i>Related document:</i>	C 102/6/1

Background

1 At its 101st session in November 2008, the Council considered the future of the Voluntary IMO Member State Audit Scheme (document C 101/6/1). The Council requested the Secretary-General to prepare, for its consideration at C 102, a holistic and detailed proposal on the way forward and it also encouraged Member States which had undergone audits to submit information on their experiences to its next session.

2 Since the discussions of the Member State Audit Scheme were initiated in the IMO, Denmark has supported it wholeheartedly as we believe it is essential in ensuring that global regulation achieves its full potential and effectiveness, thus improving significantly maritime safety and the protection of the environment. In addition, it will help flag, port and coastal States meet their obligations according to IMO instruments. It was therefore also important for Denmark to volunteer to undergo a voluntary IMO Member State audit. Denmark was the first Member State to be audited. The audit was carried out in September 2006.

3 Furthermore, it has been important for Denmark to ensure complete openness and transparency during the whole process so as to enable other Member States to learn from the Danish experiences, and to encourage them to participate in the Voluntary IMO Member State Audit Scheme.

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Preparation for the IMO audit

4 In the beginning of 2006, Denmark established a national working group with representatives from all relevant Danish entities responsible for the implementation of mandatory IMO instruments as a flag, port and coastal State. The working group prepared the pre-audit questionnaire and forwarded it to the IMO Secretariat, confirming that Denmark was ready for the voluntary IMO Member State audit to be carried out in September 2006.

5 It was decided to carry out an internal audit across the responsible Danish entities from 14 to 18 August 2006, as part of the preparation for the IMO audit.

6 It is important for Denmark to stress that such an internal audit is by no means mandatory, but can be used as an effective tool for the preparation for the IMO audit. Further, a VIMSAS auditor course was carried out in Denmark as part of the IMO audit preparation.

7 The internal audit was carried out by an audit team consisting of an external (English speaking) consultant together with two experienced auditors from the Danish Maritime Authority. The internal audit gave rise to a number of “last minute” observations and remarks, especially about some shortcomings in the answers given in the pre-audit questionnaire.

The IMO audit

8 The audit of Denmark was carried out from 18 to 25 September 2006, in accordance with the Voluntary IMO Member State Audit Scheme. The audit team that carried out the audit of Denmark consisted of four auditors from different Member States.

9 The audit, including the interviews of the personnel, was carried out in the English language and, as some Danish regulations and internal procedures are available only in the Danish language, a verbal translation from Danish into English was required now and then during the auditors’ review of the records and the documentation.

10 The audit was completed successfully and the audit team concluded that Denmark met its obligations with regard to the Code for the implementation of mandatory IMO instruments. Moreover, the audit team identified a number of areas characterized as useful legislative and administrative practices of an innovative nature, which were beneficial in terms of safety, health and the environment.

The observations

11 The audit team made a number of observations, which the responsible Danish authorities, i.e. the Danish Maritime Authority, the Danish Ministry of Defence, the Chief of Defence Denmark, the Danish Maritime Safety Administration, the National Survey and Cadastre, the Admiral Danish Fleet, the Danish Meteorological Office, the Danish Coastal Authority, the Danish Environmental Protection Agency and the Danish Directorate of Fisheries, should look further into.

12 The observations fell in the following three groups, where the main issues were:

Strategy

There were no apparent methods for determining the overall organizational performance of ministries with corresponding work, e.g., pollution prevention and follow-up.

Implementation

There was no consistent policy in relation to the issue of explanatory notices when drafting legislation implementing IMO instruments and no central policy within the DMA formally authorizing the issuance of legislation and flag State certification.

Enforcement

In a few examples, it was observed that actions taken against shipping companies following the detention of their Danish ships did not seem to have significantly improved their PSC performance. In addition, the monitoring of the performance of Danish registered ships needed to be reviewed to determine whether more effective methods are desirable, particularly for ships below 3,000 GT.

Corrective action plan and follow-up action

13 In order to increase the transparency of voluntary IMO Member State audits, Denmark decided to publish both the audit report and the action plan for the follow-up on the auditors' observations. A full audit report, including corrective actions taken for the above-mentioned observations, is available from the following link: <http://www.dma.dk/sw15992.asp>.

14 Since 2006, the responsible entities have strived to achieve the goals stipulated in the corrective action plan. This work was completed in 2008, when a bill proposing to amend the Act on the Marine Environment was presented to the Danish Parliament in October, adopted in December and finally came into effect on 1 January 2009.

Danish experiences of the IMO audit

15 The Voluntary IMO Member State Audit Scheme process has taught Denmark a number of lessons. The process began with an internal audit to identify weaknesses and non-conformities regarding the Danish implementation of relevant IMO regulations. This led to a number of corrective actions that were taken before the audit took place.

16 The audit itself involved not only the Danish Maritime Authority, but was rather a coordinated process involving all Danish Government authorities responsible for the implementation of mandatory IMO instruments, e.g., within the fields of environmental protection, navigation, hydrography and search and rescue, in accordance with the flag, port and coastal State duties and responsibilities of Denmark.

17 The audit revealed that, though Denmark, in general, fulfilled its responsibilities in relation to relevant IMO regulations, there was a need for strengthening coordination between various Danish Government authorities. As a consequence, the Directors General of the involved authorities have, *inter alia*, introduced an annual coordination meeting. The strengthened coordination between the various authorities represents only one of many elements in the corrective action plan.

18 The overall Danish impression is that participation in the Voluntary IMO Member State Audit Scheme has been a very positive experience for Denmark. It is our sincere hope that many other Member States will volunteer to undergo the audit and that the Scheme could be made mandatory for the benefit of safety at sea, the life of seafarers and the protection of the marine environment.

Action requested of the Council

19 The Council is invited to take note of the information contained in this document.
