

COUNCIL  
114th session  
Agenda item 13

C 114/13  
8 April 2015  
Original: ENGLISH

**PERIODIC REVIEW OF ADMINISTRATIVE REQUIREMENTS IN MANDATORY IMO  
INSTRUMENTS**

**Draft Assembly resolution Presenting a Framework for Eliminating Administrative  
Burdens within Present and Future IMO Regulations**

**Note by the Secretary-General**

**SUMMARY**

*Executive summary:* This document presents the draft Assembly resolution requested by Council 113, following the recommendations of the Ad Hoc Steering Group on the Reduction of Administrative Requirements in its final report

*Strategic direction:* 8

*High-level action:* 8.0.4

*Planned output:* No related provisions

*Action to be taken:* Paragraph 10

*Related documents:* C 113/11, C 113/INF.2, C 113/INF.3, C 113/D (par. 11.1 to 11.10), and resolution A.1060(28)

**Introduction**

1 The Council, at its 113th session, considered the final report of the Ad Hoc Steering Group on the Reduction of Administrative Requirements (SG-RAR) which had been established at the request of the twenty-seventh Assembly to undertake a fundamental review of the administrative requirements in mandatory IMO instruments in order to provide recommendations on the reduction of administrative burdens for stakeholders affected by IMO regulations.

2 Upon consideration of the 13 recommendations addressed to the Council, the committees and the Secretariat, the Council requested the Secretariat to draft an Assembly resolution that would reflect the relevant outcomes of the public consultation, including recommendations 1, 3, 4, 9 and 11, for initial discussion at C 114.

**Draft Assembly resolution**

3 The Secretariat has developed a draft Assembly resolution attached in the annex as a response to Recommendation 11 in the annex to C 113/11 regarding a systematic approach to better regulation under the coordination of the Council. As requested the draft resolution contains a reference to resolution A.1074(28) on *Notification and circulation through the Global Integrated Shipping Information System (GISIS)*.

4 The draft resolution acknowledges stakeholder concerns regarding the use of technology to facilitate compliance with requirements that should be reviewed in light of advances in this field, particularly since regulations were originally drafted, and urges all relevant stakeholders to accept electronic equivalents to paper documents etc.

5 It also aims to ensure that all, new and existing, regulations are assessed to reduce or eliminate administrative burdens for stakeholders by proposing a set of agreed principles to support the review process, and to consider those principles when drafting new regulation.

6 The Council also agreed at its 113th session that future work on reducing existing administrative burdens should be considered by committees throughout 2015 and, anticipating the work done in this regard by the committees, the draft resolution proposes that the ongoing process of review and modification remains the responsibility of the committees, and that reports should be made periodically to the Council on their achievements.

7 Furthermore, the Council requested the Secretariat to develop a proposal to consider recommendation 2 on the development of a fundamental vision concerning its role and responsibility as host of an internationally trusted web-based information portal. This matter will be addressed in further detail in Council document C 114/13/1, but provisional text has been provided in the draft Assembly resolution, for the Council's consideration.

8 The Secretariat has developed specific criteria to drafting regulation of the highest quality set out in the annex to the draft resolution. These criteria are based on the recommendations and report of the SG-RAR as well as drawing on material used by national governments and others in their efforts to reduce administrative burdens<sup>1</sup>.

9 It should also be borne in mind that in relation to recommendation 12 (on practical principles and criteria for review of administrative requirements), the Council invited Member States to put forward submissions on this matter, and the Council also requested Member States to put forward submissions to change Strategic Direction 8 in the Organization's Strategic Plan. The draft resolution should be read in conjunction with any decisions that stem from proposals from the Member States in this respect.

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<sup>1</sup> Better Regulation Task Force, (2003) *Principles of Good Regulation*, London: Better Regulation Task Force. European Commission, (2006) *Better regulation – simply explained*, Luxembourg: Office for Official Publications of the European Communities.

Comisión Nacional de la Competencia, (2008) *Trabajo por la Competencia, recomendaciones a las administraciones públicas para una regulación de los mercados más eficiente y favorecedora de la competencia*, Madrid: Comisión Nacional de la Competencia.

Subsecretaría de la Función Pública, Unidad de Políticas de Mejora de la Gestión Pública, (2011) *Guía para Emitir Documentos Normativos Tercera Edición*, Mexico D.F.: Secretaría de la Función Pública.

Agencia de la Defensa de la Competencia de Andalucía, (2013) *Principios de la buena regulación económica*, [online], Available: <http://www.juntadeandalucia.es/defensacompetencia/mejora-de-la-regulacion/principios-de-la-buena-regulacion> (2013) [27 February 2015].

**Action requested of the Council**

10 The Council is invited to consider the information contained in this document on the draft Assembly resolution on the *Framework for Eliminating Administrative Burdens within present and future IMO regulations* and to comment as appropriate to enable the Secretariat to present the final text for approval by the Council at its twenty-eighth extraordinary session and onward transmission to the Assembly for adoption.

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**ANNEX**

**DRAFT ASSEMBLY RESOLUTION**

**Resolution A.[...](29)**

**Adopted on [... ...] 2015**

**FRAMEWORK FOR ELIMINATING ADMINISTRATIVE BURDENS WITHIN PRESENT AND FUTURE IMO REGULATIONS**

THE ASSEMBLY,

RECALLING resolution A.1043(27), by which it decided to establish a framework for the periodic review of administrative requirements in mandatory IMO instruments and its instruction to the Council to set up an Ad Hoc Steering Group for Reducing Administrative Requirements (SG-RAR),

REAFFIRMING its commitment to ensuring the Organization's aims and objectives are met through a systematic approach to reviewing administrative requirements in mandatory instruments to support the efficient use of resources within Administrations and industry by alleviating administrative burdens,

EXPRESSING ITS APPRECIATION to the Council for establishing the SG-RAR and for the submission of the status report[s] to the twenty-eighth [and twenty-ninth] regular sessions of the Assembly updating it on progress made in the review of administrative requirements,

RECALLING its agreement, through resolution A.1043(27), on the definition of an administrative requirement as an obligation to provide or retain information and data, and an administrative burden as an administrative requirement that is, or has become, unnecessary, disproportionate or obsolete,

NOTING WITH APPRECIATION the work carried out by SG-RAR, in particular, its work in identifying administrative burdens within the identified administrative requirements, and its final report containing 13 specific recommendations,

EXPRESSING ITS SINCERE APPRECIATION to all stakeholders from various backgrounds who participated in the consultation process and provided valuable input as a result of their experiences in performing the duties related to the regulatory requirements developed by the Organization,

NOTING that multiple factors may contribute to the perception, by stakeholders, of administrative requirements as burdens, including but not limited to:

- (a) unclear purpose;
- (b) undefined relationship to other administrative requirements; and
- (c) duplication of work in multiple formats to different parties, without making use of existing and emerging technologies,

NOTING FURTHER that it is often the accumulation of administrative requirements that can be perceived by stakeholders as an administrative burden in itself,

RECOGNIZING the continued need to ensure that any work undertaken by the Organization to periodically review existing administrative requirements, or during the creation of new requirements, should not compromise its objectives to safeguard safe and secure shipping and to prevent and control pollution by ships,

RECOGNIZING FURTHER that the Organization should follow a set of agreed principles when developing future requirements to ensure regulation is of the highest standard, and that the same principles are applied when undertaking a review of existing requirements to ensure that they remain relevant and, if not, that these requirements are amended or removed,

NOTING the request by many respondents to the consultation for increased use of electronic solutions for recording information and record-keeping to meet reporting requirements and for the carriage of certificates and other documentation,

OBSERVING the trends and developments external to the Organization, particularly in the fields of information and communication technologies that need to be taken into consideration when drafting new, or reviewing existing administrative requirements and that the Organization's regulatory framework should not restrict the implementation of alternative measures of operating that could help alleviate the administrative burdens within IMO regulations, including the introduction of electronic recording, record-keeping, reporting, and the acceptance of electronic versions for the carriage of certificates and similar documentation as well as the carriage of other documentation on board ships,

RECALLING resolution A.1074(28) on the expanded capabilities of the Global Integrated Shipping Information System (GISIS) that have facilitated reporting from Member States, and the recognition of its potential to play an important role in fulfilling reporting and circulation of information requirements,

[HAVING CONSIDERED the recommendations of the Council at its twenty-eighth extraordinary session...]

1. REQUESTS the Council and the committees to undertake a review of existing administrative requirements to identify which requirements contain requests to record and report information and which certificates and other documentation required to be carried on board, can be fulfilled through the universal acceptance of electronic alternatives;
2. REQUESTS FURTHER the Council to work with the committees to undertake a review of existing requirements to identify duplicate requirements for the same information to be provided in different formats, and identify requirements that may be obsolete or drafted in language that does not take into account available and future methods of working with information technologies;
3. URGES Member States, national maritime administrations, port authorities and relevant stakeholders to commit to the universal acceptance of simplified reporting and recording formats, through the consideration of a single window mechanism for collecting and sharing standardized information;

4. URGES FURTHER that Member States, national administrations, port authorities and relevant stakeholders accept electronic record-keeping as an equal substitute for paper record-keeping, including the carriage of electronic versions of certificates and other documentation for which an electronic equivalent exists;
5. ENCOURAGES the committees, under the coordination of the Council, to apply the principles outlined in the annex to this resolution when conducting a review of their regulation to determine whether existing administrative requirements remain relevant, necessary and proportionate, to remove ambiguous or obsolete language as required, and to apply the principles outlined in the annex when drafting new regulations;
6. ENCOURAGES FURTHER the committees to conduct a review of their full body of regulation in a systematic manner, agreeing on a timeline for the review and modification of existing regulation as necessary and reporting on advances periodically;
7. [SUPPORTS the Organization's ongoing efforts to conduct an assessment on the capabilities of its existing information systems in relation to the provision of a web-based information system that can meet stakeholder requirements, and looks forward to being kept informed on the Secretariat's proposals on how it will manage future work in this field];
8. INVITES Member States and the Secretariat to continue working together to promote the reduction of administrative burdens and to promote the creation of future regulation which is proportionate and without excessive burden.

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## ANNEX

### **Systematic approach to drafting regulation of the highest quality**

The continuous review of the regulatory framework will enable IMO to support the efficient and effective implementation of measures to achieve its objectives of safe and secure shipping, and the prevention and pollution by ships. This will be done by ensuring that any existing regulation, as well as new regulation being drafted, meets the criteria of being necessary, relevant and proportionate.

In an effort to promote the creation of regulation that is fit-for-purpose, and to apply the same understanding to existing regulation, the following principles should be referred to before considering whether new regulation is required, and to guide the periodic review of existing regulation:

.1 Regulation should be **necessary**

.1 Before considering the introduction of new regulation, the need to meet the administrative requirement through regulation, as opposed to through other means, must be established. Although this may, at times, include not taking action, if there is an established need for a requirement and it may be met any other way other than through the creation of additional regulation, this should be considered in advance

.2 Furthermore, before the introduction of new regulation, an analysis of whether the requirement is met, or partially met in existing regulation should be carried out. If the regulation is fully or partially met elsewhere, it should be determined whether the new requirement should be consolidated within the existing regulation through any amendments to avoid duplicating requirements.

.2 Regulation should be **consistent**

New regulation should take into account existing regulation to ensure the new requirement does not contradict requirements included in regulations elsewhere. If new regulation does contradict existing regulation, the proposed and existing regulations need to be assessed on the basis of determining what changes or amendments need to be made to ensure consistency and compatibility amongst the different regulations.

.3 Regulation should be **proportionate**

The introduction of new regulation should be considered as a proportionate solution to the issue it aims to address. The creation of new regulation should be a balanced response to a need, which takes into account the direct and indirect impacts of its creation, for example in the investments in new, or adaptation of existing, systems to meet the requirements, the costs of which may outweigh the perceived benefits.



.4 Regulation should be **resilient**

- (a) When drafting new regulation, factors external to the Organization, such as the developments in communication technologies and the competences of stakeholders with established and emerging technologies, should be taken into account to ensure that the language used does not render the regulation obsolete in light of these changes.
- (b) Additionally, regulation should be developed with a mechanism in place that enables the regular review of its contents in order to determine whether it is still relevant and if not, that the removal or amendment of the regulation can be effectively managed to cause minimal impact elsewhere.

.5 Regulation should be **clear**

Regulation should be written in simple, unambiguous language that facilitates the comprehension of the requirements and facilitates implementation and compliance. It should state the aims clearly and transparently with the objective of reducing the risk of misinterpretation or misinformation and it should be available and easily accessible to interested stakeholders.

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