

COUNCIL
108th session
Agenda item 4

C 108/4
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**PERIODIC REVIEW OF ADMINISTRATIVE REQUIREMENTS
IN MANDATORY IMO INSTRUMENTS**

Establishment of a working group

Note by the Secretary-General

SUMMARY

Executive summary: This document sets out draft terms of reference for the Working Group on the periodic review of administrative requirements in mandatory IMO instruments

Strategic direction: 8

High-level action: 8.0.4

Planned output: 8.0.4.1

Action to be taken: Paragraph 20

Related documents: Resolution A.1043(27); C 107/D; C/ES.26/D, C/ES.26/3; CWGSP 12/7/1; C 106/D and C 106/3/(a)/2

Introduction

1 At its 107th session, the Council decided to establish a one-off working group to meet during C 108 on the periodic review of administrative requirements in mandatory IMO instruments. The Council further requested the Secretariat to propose terms of reference for the working group to address issues such as terms of reference for an ad hoc Steering Group for Reducing Administrative Requirements, its work plan and membership. This document recalls the decisions of the Council on this matter, and proposes terms of reference for the working group, set out in the annex.

General Framework

2 It is recalled that the Assembly, at its twenty-seventh regular session, adopted resolution A.1037(27) on the *Strategic plan for the Organization (for the six-year period 2012 to 2017)* of which Strategic Direction 8, inter alia, states:

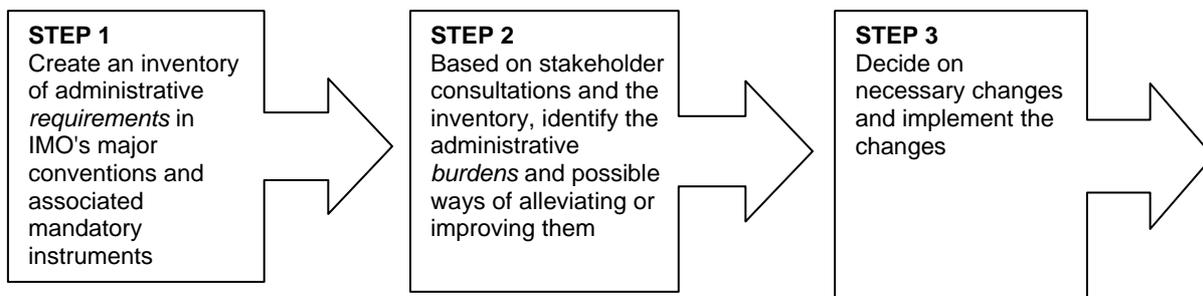
"The Organization will periodically review administrative provisions of existing conventions and mandatory instruments with the aim of finding improved, more efficient solutions for those administrative requirements that are necessary. Those provisions of existing conventions and mandatory instruments that have become unnecessary and/or burdensome will also be reformed and/or eliminated without compromising safety, security and the protection of the environment."

3 The Assembly further adopted resolution A.1043(27) on the *Periodic review of administrative requirements in mandatory IMO instruments*, and also adopted, through resolution A.1038(27) on the *High-level Action Plan of the Organization and priorities for the 2012-2013 biennium*, four specific planned outputs on the reduction of administrative burdens (planned outputs 8.0.4.1-8.0.4.4) to be completed during the 2012-2013 biennium.

The process of periodic review

4 At C 106, a number of countries, as well as organizations in consultative status with the Organization, presented a proposal for the introduction of the periodic review of conventions and other mandatory instruments (document C 106/3(a)/2). The document was the result of informal intersessional correspondence among the submitters and was intended to give guidance to the Ad Hoc Council Working Group on the Organization's Strategic Plan (CWGSP), which had been requested by the Council to consider the matter of reduction of administrative burdens at its twelfth session.

5 The Council agreed to the terminology to be used and also agreed in general terms to a process of periodic review to be carried out in three steps. These three steps were summarized in the document as follows:



6 The establishment of a steering group was proposed to carry out the process in steps 1 and 2, while the third step would take place by decisions of the relevant IMO committees. The steering group should be composed of stakeholders balancing relevant interests, but at the same time sufficiently small to function effectively.

7 The starting point of the review would be the development of an inventory of administrative requirements, which the majority of the proponents found should be developed as a research project by the World Maritime University (WMU).

8 It was further underlined that the steering group should keep the committees informed of the activities of the group, as it would be the committees that would be making decisions regarding any changes to existing regulations.

9 In step 2, consultations should take place with relevant stakeholders in order for the steering group to assess which requirements identified in the inventory were perceived as burdens. The stakeholders would also be requested by the steering group to provide proposals to alleviate the administrative burdens.

10 The steering group would then suggest more efficient and less burdensome ways to fulfil those requirements that are identified as burdens, if feasible.

11 The third step would be forwarding the proposals to the relevant Committees for their evaluation and decision.

12 The Council agreed in principle with the above, and requested the CWGSP to develop specific recommendations on how the periodic review could be implemented in practice.

13 At CWGSP 12, Denmark submitted document CWGSP 12/7/1 proposing ways to implement the periodic review, including a proposal for the composition of the steering group, as well as draft terms of reference for the steering group.

14 The CWGSP had an extensive debate on the issue and concurred that the review process should be undertaken by a steering group, to be established by the Council with a mandate provided by the Assembly, and that its composition would be recommended by the Secretary-General to the Council, guided by the proposals in document CWGSP 12/7/1, as well as the Group's view that SIDS and LDCs, as well as the shipbuilding industry's interests, should be taken into account in the composition of that group, which itself should not be restricted to Council Members.

15 CWGSP 12 further agreed that the review should start with the creation of an inventory of administrative requirements contained within mandatory IMO instruments that are in force and underlined the need for broad participation and, consequently, for the steering group to work closely with all relevant stakeholders; and that the Council and Committees were the appropriate bodies to make final decisions on any recommendations made by the steering group.

16 Further, the majority of the CWGSP participants decided to forward revised terms of reference for the steering group to the Council.

17 When discussing the matter at its twenty-sixth extraordinary session, the Council decided in principle on the periodic review and approved and forwarded, for adoption by the Assembly, a draft resolution on Periodic review of administrative requirements in mandatory IMO instruments. Further, the Council decided to establish a working group at its 108th session to develop the terms of reference for the steering group (to be called Ad Hoc Steering Group for Reducing Administrative Requirements (SG-RAR)). Further, the Council expressed appreciation to the Government of Denmark for the generous offer to finance the development of the inventory.

Other considerations

18 The Council, at its twenty-sixth extraordinary session, decided to update the Guidelines annexed to resolution A.1013(26) with a checklist for identifying administrative burdens in future regulations based on the recommendation of the CWGSP. The working group had briefly discussed whether there was a possibility for the steering group to gain inspiration from the checklists submitted in the course of its work, but no decisions were reached.

19 The Secretary-General will propose to the Council, at its 108th session, the composition of the steering group in order for the Council to decide as appropriate, in accordance with operative paragraph 2 of resolution A.1043(27).

Action requested of the Council

20 The Council is requested to note the background information provided, and decide as appropriate on the terms of reference set out in the annex.

ANNEX

TERMS OF REFERENCE

Working Group on the Reduction of Administrative Burdens

Taking into account any comments, proposals and decisions made in plenary, the working group is instructed to:

- 1 develop terms of reference (ToR) for the Ad Hoc Steering Group for Reducing Administrative Requirements (SG-RAR), taking into account, inter alia, resolution A.1043(27) on the *Periodic review of administrative requirements in mandatory IMO instruments* and relevant decisions of the Council at its previous sessions. The ToR should address at least the following elements:
 - .1 the development of an inventory;
 - .2 consultation with stakeholders;
 - .3 reporting to the Council and the Committees; and
 - .4 methods of work;
- 2 develop a work plan for the process of periodic review to be carried out by the SG-RAR;
- 3 consider the proposed composition of the SG-RAR; and
- 4 submit a written report by Thursday, 14 June 2012.