

AD HOC COUNCIL WORKING GROUP ON  
THE ORGANIZATION'S STRATEGIC PLAN  
12th session  
Agenda item 7

CWGSP 12/7  
1 September 2011  
ENGLISH ONLY

## EXISTING AND FUTURE ADMINISTRATIVE BURDENS

### Note by the Secretariat

#### SUMMARY

<i>Executive summary:</i>	This document summarizes the status, to date, of discussion on the reduction of administrative burdens within the Council and other IMO organs and fora
<i>Strategic direction:</i>	8
<i>High-level action:</i>	8.0.4
<i>Planned output:</i>	No related provisions
<i>Action to be taken:</i>	Paragraph 11
<i>Related documents:</i>	C 106/D (paragraph 3(a).4); C 106/3(a)/2; C 105/D (paragraph 3(a).5); C 105/3(a)/3; C 105/3(a)/4; C 104/D (paragraph 3.8); C 104/3/2; CWGSP 10/4/2; resolutions A.1011(26) and A.1012(26)

1 It is recalled that, at its tenth session, Sweden proposed (CWGSP 10/4/2) inclusion in the Organization's Strategic Plan of a strategic direction on the reduction of administrative burdens derived from IMO's instruments. Following discussion, the Working Group proposed, and the Council and Assembly subsequently approved and adopted, respectively:

- .1 resolution A.1012(26) on the Strategic Plan for the Organization (for the six-year period 2010 to 2015), with a revised strategic direction 8 which refers to the reduction of administrative burdens; and
- .2 resolution A.1011(26) on the High-level Action Plan of the Organization and priorities for the 2010-2011 biennium, with a new high-level action 8.0.4 requiring IMO to "consider ways of systematically reducing the administrative burden deriving from the legislative process", without, however, specifying a corresponding planned output.

2 As a follow-up to the foregoing, Australia, Denmark and Sweden submitted document C 104/3/2 to the Council's 104th session, proposing ways in which the Organization might carry out its work to reduce administrative burdens in both existing and future IMO regulations. Following discussion, the Council invited Member States to submit, to

its 105th session, concrete proposals on how the matter could be taken forward, bearing in mind, in particular, the administrative burden on developing States (C 104/D, paragraph 3.8).

3 At its 105th session, the Council considered document C 105/3(a)/3 (Denmark) proposing that the CWGSP be entrusted with considering how the reduction of existing administrative burdens might be assured, as well as document C 105/3(a)/4 (Australia, Denmark and Sweden), proposing a check list that might be used to ensure the reduction of administrative burdens in future IMO regulations.

### **Existing burdens**

4 Following discussion, the Council agreed, with respect to the proposals in document C 105/3(a)/3, to add a further task to the standing terms of reference of the CWGSP, namely, to consider the establishment of long-term objectives for the Organization on the reduction of administrative burdens and the methodology to be used for the examination of proposals on such potential reductions. The Council also requested the CWGSP, in carrying out this task, to seek input from other bodies of the Organization, as necessary, and to report back to the Council in due course on both aspects: objectives and methodology (C 105/D, paragraph 3(a).5). In this respect, the Council invited interested Member States to correspond informally during the intersessional period on the foregoing matters, with a view to submitting to the CWGSP substantive input for its consideration.

5 The informal correspondence on the subject matter was led by Denmark and involved a significant number of Member States and organizations in consultative status, which jointly submitted document C 106/3(a)/2 to the Council's 106th session, proposing a framework for how the Organization might achieve the objective of systematically reducing administrative burdens. Following discussion, the Council decided (C 106/D, paragraph 3(a).4) to refer the matter to the Working Group's present session, with the request that it develop specific recommendations on how the proposal in the document may be implemented in practice, taking into account the following:

- .1 in respect of terminology, the Council's agreement that the objective of the proposal was, indeed, to ensure "better regulation" by seeking smarter, more efficient solutions to administrative requirements that are necessary, while abandoning requirements that are unnecessary, disproportionate or obsolete;
- .2 in respect of a methodology, the Council's agreement, in general terms, with the concepts in paragraphs 15 to 30 of document C 106/3(a)/2 illustrating how the periodic review of existing administrative provisions in IMO instruments may be carried out; and
- .3 the Council's approval, in principle, of the draft texts presented in annexes 1 and 2 of the document, which should be finalized by the CWGSP, with a view to their approval by the Council at its twenty-sixth extraordinary session, for adoption by the twenty-seventh regular session of the Assembly.

6 In view of the foregoing, the Working Group may note that:

- .1 delegations attending its present session should please bring their copies of documents C 105/3(a)/3 and C 106/3(a)/2 in order to respond to the Council's request; and

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- .2 regarding the draft texts mentioned in paragraph 5.3 above, these concern:
- .1 proposed amendments to the existing strategic direction 8, which have been incorporated in document CWGSP 12/4;
  - .2 proposed amendments to the existing high-level action 8.0.4, which have been incorporated in document CWGSP 12/5; and
  - .3 a draft Assembly resolution, which has been reproduced at annex.

### **Future burdens**

7 Reverting now to paragraph 3 above, with reference to the proposals for a check list on future administrative burdens contained in document C 105/3(a)/4, the Working Group may note that the Council agreed to invite the Meeting of Chairmen to consider the proposals and, through the Committees, to advise the Council accordingly, with a view to their subsequent finalization by the co-sponsors, as appropriate.

8 In this respect, the Meeting of Chairmen held in the margins of MSC 89 (May 2011), and the MSC itself concluded that, should the Council decide to invite the co-sponsors to continue this process, the effect of measures aimed at reducing administrative burdens should not have the potential counter-effect of adding additional burdens on the IMO bodies. Furthermore, the MSC also noted that other relevant initiatives might be ongoing within the Organization, for example, the FSI Sub-Committee's consideration of matters relating to the fulfilment of reporting requirements through GISIS.

9 The views of the Meeting of Chairmen and MSC 89 were reported orally to the Council, at its 106th session, which reiterated its request to the CWGSP "to consider and advise on the proposals regarding the examination of administrative provisions in future regulations, as contained in document C 105/3(a)/4, taking into account the views and comments of the Meeting of Chairmen, the Committees<sup>1</sup>, the Council and any further submissions on this matter" (C 106/D paragraph 3(a).4).

10 Accordingly, with a view to responding to the Council's request, delegations attending the present session of the Working Group should also please bring their copies of document C 105/3(a)/4.

### **Action requested of the Working Group**

- 11 The Working Group is invited to consider the information provided and to:
- .1 carry out the work requested of it in relation to existing (paragraphs 4 and 5) and future (paragraph 9) administrative burdens; and
  - .2 consider and finalize the draft Assembly resolution at annex with a view to its approval and adoption by C/ES.26 and A 27, respectively.

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<sup>1</sup> MEPC 62 (July 2011) noted the outcome of the Meeting of Chairmen and MSC 89 on this and other matters. No other IMO organ has yet considered the proposals on reducing.



**ANNEX**

**DRAFT ASSEMBLY RESOLUTION**

**THE PERIODIC REVIEW OF ADMINISTRATIVE PROVISIONS  
OF MANDATORY INSTRUMENTS**

The ASSEMBLY,

RECALLING resolutions A.1xxx(27) and A.1xxx(27) by which it approved, respectively, the Strategic Plan for the Organization (for the six-year period 2012 to 2017) and the High-level Action Plan of the Organization and priorities for the 2012-2013 biennium,

BEING COMMITTED to ensuring the fulfilment of the Organization's aims and objectives to ensure better regulation by introducing a process of periodic review of administrative provisions of mandatory instruments,

ACKNOWLEDGING that facilitating better regulation is a necessary step towards releasing resources from administrative tasks for Administrations and industry alike, thus contributing to the Organization's goals of efficient regulation of safety and security of shipping and the prevention and control of pollution by ships,

BEING AWARE that safety, security and environmental protection is the overriding priority and must not be compromised by the work to ensure "better" regulation by introducing a periodic review process of administrative provisions,

EMPHASIZING that due attention should be given to ensuring that the administrative requirements have an added value and are proportionate to the desired outcome for all interested stakeholders; therefore:

- 1       REQUESTS the Council:
  - .1       to establish a High-level Steering Group composed of relevant stakeholders;
  - .2       to instruct the High-level Steering Group in collaboration with [e.g., interested Member States/ the Secretariat/the World Maritime University (as a research project)/IACS] to create an inventory of the administrative requirements in IMO's major Conventions and associated mandatory instruments;
  - .3       to instruct the High-level Steering Group, based on the inventory, to identify which of these requirements are perceived as being a burden and to make recommendations regarding reducing or simplifying the requirements; and
  - .4       to forward the High-level Steering Group's recommendations to the relevant Committees for consideration and adoption,
- 2       FURTHER REQUESTS the Council to monitor the periodic review and its recommendations and to send a progress report to the Assembly at its 28th session.